

***For The Persistent Objector in Current Armed Conflict:
How to Psychologically Activate Economic Success After Devastation***

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Abstract

The possibility for each one of us to enjoy personal growth emotionally, in physical health, as responsible members of society, requires the ability to comprehend this Universe at work, without the need for interpretation through others. This is a difficult task for humans especially in corporate business while earning profit, and therefore, wisdom or guidance must be appreciated. In this paper, the concept of a singular connection to the Universe and Spirit is explored. The notion of power within a connection that is more individual and direct is examined with analysis using Soka Gakkai International written material (N.Daishonin WND Vol.I) and the Entanglement Theory (A.Aczel Entanglement the Greatest Mystery in Physics).

Aczel, in the preface of his book, wrote that in 1935, Einstein and his colleagues, found a system within two distinct particles enabled under what is called Quantum Mechanics (A.Aczel 2003).¹

He stated that the human quest for entanglement is the most bizarre:

‘Entangled entities, particles or photons, are linked

¹ Amir Aczel, Entanglement: The Greatest Mystery in Physics (West Sussex 2003: John Wiley & Sons Ltd) p.xv

together because they were produced by a process that bound them together in a special way. For example, two photons emitted from the same atom as one of its electrons descends downwards, two energy levels are entangled. Energy levels are associated with the orbit of an electron in the atom. While neither flies off in a definite direction, the pair will always be found on opposite sides of the atom. Once one is changed, its twin, wherever it may be in the Universe, will also change instantaneously (A.Aczel 2003).²

Accordingly, ‘nothing is more certain than actual proof’.³ Therefore, if we stop negative thinking and take action to create positive transformation in our lives, by testing our connection to the Universe, then ‘even more valuable than reason and documentary proof, is the proof of *actual fact*’ (N.Daishonin2003).’ If the above is related to regular, ordinary, human life without comprehension that there is a methodology to leading successfully, happier lives, it may be that: ‘when one is deluded, it is as if

² Id.Amir Aczel, p.xv

³ Nichiren Daishonin, Soka Gakkai International, The Quotable Nichiren (Santa Monica:World Tribune Press 2003) p.478

one were dreaming, and when one is enlightened, it is as if one has awakened (N.Daishonin 2003).⁴

In taking this back to the real world, ‘is there one big connection between all the social, economic, environmental, and political problems we are concerned about’ (Ed Finn 2013).⁵ ‘If we were to take a *cause and effect*⁶ approach, could we identify one overriding cause of all the troubles that beset us’ (Ed Finn 2013).

Furthermore to emphasize this point, ‘*Just as flowers open up and bear fruit, just as the moon appears and invariably grows full, just as a lamp becomes brighter when oil is added, and just as plants and trees flourish with rain, so will human beings never fail to prosper when they make good causes* (N.Daishonin 2003).’⁷

⁴ Nichiren Daishonin, The Quotable Nichiren (Santa Monica:World Tribune Press 2003)p.478

⁵ Ed Finn: CCPA Monitor Vol.19 No.9 (2013) p.4

⁶ ‘*Amber draws dust, and a magnet attracts iron particles. Here our evil karma is like the dust or iron, and daimoku of the Lotus Sutra is like the amber or magnet. If we consider these analogies, we can understand why we should consistently do Daimoku: NamMyoHoRengeKyo.*’ Nichiren Daishonin, The Quotable Nichiren (Santa Monica:World Tribune Press 2003)p.23

⁷ Nichiren Daishonin, The Quotable Nichiren (Santa Monica:World Tribune Press 2003)p.103

However, in the current global atmosphere with invasion of sovereign, independent territory, hunger of children, starvation of thousands, suppression of groups such as the Uighur, and defeat with segregation of females in Afghanistan, is it possible to sustain hope that international human rights instruments will be enforced globally and successfully in future. In his lecture at the Hague Academy, Professor Yasuaki, said that ‘current international instruments on human rights, either multilateral treaties or declarations adopted by the United Nations General Assembly ... reflect a process through which nations with diverse national interests, cultures, and religions, laboured to bring forth points of agreement (O.Yasuaki 2010)’.⁸ Also, ‘these instruments stand for a kind of universality that no other form of human rights assertion can claim (O.Yasuaki 2010)’.⁹ Moreover, ‘they embody a global legitimacy that is certain and real, which cannot be found in any theories on human rights ... we must start our argument on the globally legitimate expression of human rights from this recognition (O.Yasuaki 2010)’.¹⁰ Most importantly,

⁸ Onuma Yasuaki, *Transcivilizational Perspective on International Law*: Martinus Nijhoff (2010)p.447

⁹ Id. Onuma Yasuaki (2010)p.447

¹⁰ Op,Cit. Onuma Yasuaki (2010)p.447 *Also see*: Connie Singh, Oxford Round Table Lecture, 20 July 2022 Excerpt:

<http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.Sub.2.2003.12.Rev.2.En>

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights: “Bearing in mind the principles and obligations under the Charter of the United Nations, in particular the preamble and Articles 1, 2, 55 and 56, inter alia to promote universal respect for, and observance of, human rights and fundamental freedoms; Recalling that the Universal Declaration of Human Rights proclaims a common standard of achievement for all peoples and all nations, to the end that Governments, other organs of society and individuals shall strive, by teaching and education to promote respect for human rights and freedoms, and, by progressive measures, to secure universal and effective recognition and observance, including of equal rights of women and men and the promotion of social progress and better standards of life in larger freedom,

Recognizing that even though States have the primary responsibility to promote, secure the fulfillment of, respect, ensure respect of and protect human rights, transnational corporations and other business enterprises, as organs of society, are also responsible for promoting and securing the human rights set forth in the Universal Declaration of Human Rights;

Realizing that transnational corporations and other business enterprises, their officers and persons working for them, are also obligated to respect generally recognized responsibilities and norms contained in United Nations treaties and other international instruments such as the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the four Geneva Conventions of 12 August 1949 and two Additional Protocols thereto for the protection of victims of war; the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; the Rome Statute of the International Criminal Court; the United Nations Convention against Transnational Organized Crime; the Convention on Biological Diversity; the International Convention on Civil Liability for Oil Pollution Damage; the Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment; the Declaration on the Right to Development; the Rio Declaration on the Environment and Development; the Plan of Implementation of the World Summit on Sustainable Development; the United Nations Millennium Declaration; the Universal Declaration on the Human Genome and Human Rights; the International Code of Marketing of Breast-milk Substitutes adopted by the World Health Assembly; the Ethical Criteria for Medical Drug Promotion and the “Health for All in the Twenty-First Century” policy of the World Health Organization; the Convention against Discrimination in Education of the United Nations Educational, Scientific, and Cultural Organization; conventions and recommendations of the International Labour Organization; the Convention and Protocol relating to the Status of Refugees; the African Charter on Human and Peoples’ Rights; the American Convention on Human Rights; the European Convention for the Protection of Human Rights and Fundamental Freedoms; the Charter of Fundamental Rights of the European Union; the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development; and other instruments;

Taking into account the standards set forth in the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy and the Declaration on Fundamental Principles and Rights at Work of the International Labour Organization; Aware of the Guidelines for Multinational Enterprises and the Committee on International Investment and Multinational Enterprises of the Organization for Economic Cooperation and Development; Aware also of the United Nations Global Compact initiative which challenges business leaders to “embrace and enact” nine basic principles with respect to human rights, including labour rights and the environment; Conscious of the fact that the Governing Body Subcommittee on Multinational Enterprises and Social Policy, the Governing Body, the Committee of Experts on the Application of Standards, as well as the Committee on Freedom of Association of the International Labour Organization have named business enterprises implicated in States’ failure to comply with Conventions No. 87 concerning the Freedom of Association and Protection of the Right to Organize and No. 98 concerning the Application of the Principles of the Right to Organize and Bargain Collectively, and seeking to supplement and assist their efforts to encourage transnational corporations and other business enterprises to protect human rights; Conscious also of the Commentary on the Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, and finding it a useful interpretation and elaboration of the standards contained in the Norms; Taking note of global trends which have increased the influence of transnational corporations and other business enterprises on the economies of most countries and in international economic relations, and of the growing number of other business enterprises which operate across national boundaries in a variety of arrangements resulting in economic activities beyond the actual capacities of any one national system; Noting that transnational corporations and other business enterprises have the capacity to foster economic well-being, development, technological improvement and wealth as well as the capacity to cause harmful impacts on the human rights and lives of individuals through their core business practices and operations, including employment practices, environmental policies, relationships with suppliers and consumers, interactions with Governments and other activities; Noting also that new international human rights issues and concerns are continually emerging and that transnational corporations and other business enterprises often are involved in these issues and concerns, such that further standard-setting and

Professor Yasuaki suggests that we must identify the most legitimate expressions of human rights in global society. That is, we should concentrate on specifically identifying human rights norms that should be respected regardless of nationalities, political regimes, economic systems, religions, cultures, and other factors which separate humanity (O.Yasuaki 2010)’.

Is it possible that individual achievement motivation can extend to the external world where the individual experiences this in daily activities.

McClelland believes that ‘when a person thinks about how to improve their present situation in their daily activities or even how to perform daily tasks in a better way, this shows strong achievement motivation (McClelland in Alvin So 1990)¹¹

implementation are required at this time and in the future; Acknowledging the universality, indivisibility, interdependence and interrelatedness of human rights, including the right to development, which entitles every human person and all peoples to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized; Reaffirming that transnational corporations and other business enterprises, their officers - including managers, members of corporate boards or directors and other executives - and persons working for them have, inter alia, human rights obligations and responsibilities and that these human rights norms will contribute to the making and development of international law as to those responsibilities and obligations; Solemnly proclaims these Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights and urges that every effort be made so that they become generally known and respected.

General Obligations

States have the primary responsibility to promote, secure the fulfillment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including ensuring that transnational corporations and other business enterprises respect human rights. Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfillment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups.”

¹¹David McClelland *Business Drive and National Achievement in Social Change*

A solution provided for the complexity above is a paradigm from SGI Nichiren Buddhism on *Cause and Effect*:

i). *Inherent Cause* as a result of action taken by individual in ten levels of life condition, affected by our earthly lives with earthly desires.

ii). *External Cause* as a result of action taken by individual that results as an effect in the external community, society.

iii). *Latent Effect* is the immediate effect in internal life when action is taken by individual that results in an effect in the external community, society. That is, the internal co-exists with the external.

(iv). *Manifest Effect* is the visible effect in individual life, that appears and can be seen by others, when circumstance and time is right, for this to be seen.¹²

Applying the above to a connection with individual entrepreneurs, it is important to assist this group with investing in ideas for their spiritual growth and not only in their input for economic infrastructures.¹³ The reason for this assertion was made clear by a comparative study which showed that working males from economically developed nations experienced stress, whereby males from less economically developed nations did not.¹⁴ The conclusion achieved was that modernization does not

by Alvin So (Sage Publications:New York 1990) p.39

¹²See:www.SGI-USA.Org

Encouraged by SGI Buddhism to practice Daimoku. Nam MyoHo Renge Kyo!

¹³ Id. David McClelland in So p.39 For example: ‘An engineer who drafts a diagram to build a bridge that withstands stress of high wind’.

¹⁴ Alvin So (Sage Publications:New York 1990) p.43 This was a 1963 Study conducted by Inkleess on Modern Men.

create psychological stress in males from lesser economically developed areas of the world (A.So 1990), until the society reaches a higher level of modernization that creates a higher degree of stress.

Concept of *Three Thousand Realms in a Single Moment of Life*, supports those who are devoted to *living their life* rather than *surviving their life*.

This theoretical paradigm can be applied as provided next.

Three Realms Contain Ten Components of Life:

- I. *Self* > contains 10 realms.
- II. *Society* > contains 10 realms.
- III. *Land* > contains 10 realms.

***Self* encompasses:**

- (i) Appearance
- (ii) Nature
- (iii) Entity
- (iv) Power
- (v) Influence
- (vi) Inherent Cause
- (vii) External Cause
- (viii) Latent Effect
- (ix) Manifest Effect
- (x) Consistency from Beginning to Conclusion-Transformation

***Society* encompasses:**

- (i) Appearance
- (ii) Nature
- (iii) Entity
- (iv) Power
- (v) Influence

- (vi) **Inherent Cause**
- (vii) **External Cause**
- (viii) **Latent Effect**
- (ix) **Manifest Effect**
- (x) **Consistency from Beginning to Conclusion-Transformation**

Land encompasses:

- (i) **Appearance**
- (ii) **Nature**
- (iii) **Entity**
- (iv) **Power**
- (v) **Influence**
- (vi) **Inherent Cause**
- (vii) **External Cause**
- (viii) **Latent Effect**
- (ix) **Manifest Effect**
- (x) **Consistency from Beginning to Conclusion-Transformation**

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 $10 \times 100 = 1000 \quad x3 = 3000$

These three realms are encompassed within 10 conditions of life, or ten ‘worlds’ composed of psyche and physiology:

- (10) **Buddhahood;**
- (9) **Bodhisattva;**
- (8) **Progressive Enlightenment through practice;**
- (7) **Semi Enlightenment through study;**
- (6) **Rapture via ‘actual proof’;**
- (5) **Tranquillity via internal calmness;**
- (4) **Anger due to lack of study and knowledge;**
- (3) **Animality from seeking material gain only;**
- (2) **Hunger from need to believe by seeking answers;**
- (1) **Hell from complete lack of spiritual power.**

That all our knowledge begins with experience, there can be no doubt. For how is it possible that the faculty of cognition should be awakened into exercise otherwise than by means of objects which affect our senses, and partly of themselves produce representations, partly rouse our powers of understanding, into activity, to compare, to connect, or to separate these, and so convert the raw material of our sensuous impressions into a knowledge of objects, which is called experience. In respect of time, therefore, no knowledge of ours is antecedent to experience, but begins with it.(I.Kant 1899)¹⁵

Although, all of our knowledge begins with experience, it by no means follows that all arises out of experience. For, on the contrary, it is quite possible that our empirical knowledge is a compound of that which we receive through impressions, and that which is the faculty of cognition supplies from itself. Knowledge of this kind is called ‘a priori’, in contradistinction to empirical knowledge, which has its sources ‘a posteriori’, that is in experience .(I.Kant 1899)¹⁶

Another study conducted on Japan in achieving an unique form of industrialization (A.So 1990)¹⁷ was developed by a Samurai society, who formed an energetic group of entrepreneurs, that promulgated modernization. The prominent theoretical query that arose during the course of this study, was whether {spiritual} ‘religious factors may be a part of the energy which promulgated the transformation’.¹⁸ Here, it is crucial to recognize, distinguish and acknowledge, that the term ‘religion’ refers to ‘the individual and his or her work with respect to ‘values’ (A.So

¹⁵ Immanuel Kant, Critique of Pure Reason (New York: Colonial Press,1899)p.1

¹⁶ Id. Immanuel Kant, Critique of Pure Reason (New York: Colonial Press,1899)p.1

¹⁷Op.Cit. Alvin So p.43 Regarding at the turn of the Twentieth Century.

¹⁸ Id. Alvin So p.44.

1990).¹⁹ *Soka Gakkai*, refers to *creating value in society*. ‘Just as a commoner can become a King, in this present life, so can an ordinary person become a Buddha instantly. This is the heart of the doctrine of *three thousand realms in a single moment of life* (N.Daishonin WND p.324).’

Furthermore, ‘*a woman who takes this efficacious medicine will be surrounded and protected by these four Bodhisattvas at all times. When she rises to her feet, so too will the Bodhisattvas, and when she walks along the road, they will also do the same. She and they will be as inseparable as a body and its shadow, fish and water, as voice and its echo or, as the Moon and its light. Should these four great Bodhisattvas desert the woman who does daimoku, Nam MyoHo Renge Kyo! they will incur the wrath of Shakayamuni, Buddha of Many Treasures, and the Buddhas of the Ten Directions* (N.Daishonin WND Vol.I p.415).’

Interestingly, it may be held that the concept of Nichiren’s *actual proof* can be placed to the test in a hypothesis (K.Jayawardena 1986)²⁰ that explores situations such as:

¹⁹ Op.Cit. Alvin So p.43

²⁰ Kumari Jayawardena, *Feminism and Nationalism in the Third World* (London: Zed Books 1986)p.9

- (i). when women are pressured to remain in a position of subordination in this century;**
- (ii). where basic inherent freedoms such as the ‘right to not wear hijab’ is viewed as criminal by a government;**
- (iii). when government officials, at present, cannot comprehend that participation of all genders will serve to strengthen economic activity;**
- (iv). as it becomes clear that women are the cheapest source of labour for domestic industry, hence why not embrace this as truth, then gradually embrace transformation with application of international labour laws;**
- (v). then finally, become cognizant of the fact that enforced seclusion of women is detrimental to economic growth.**

Effect of Current Global Conflicts on Modern Development

In the past two decades loss of industrial employment, confirmed that capitalism and capital investment has been insufficient to maintain basic levels of industry and unable to mitigate abandonment of population sectors leading to a larger service sector. Here, the result is individuals working at two retail positions to reach the earnings lost in one manufacturing position. (A.So 1990 p.229)

‘From their conduct we learn how to attend to the tasks of justice and responsibility in the aftermath of disaster by being responsive to the suffering and by recognising the disastrous effects of our action. We also learn how attending to the tasks of inheritance is vital for this.’²¹

(George Abi-Saab September 2016)

Furthermore, after armed conflict situations or natural disasters that result in international labour migration, ‘wisdom holds that the migration-development and migration-security couplings co-exist in discord.

The migration-development-security relationship is perceived to swing like a pendulum.’²² (George Abi-Saab September 2016) ‘In this article I reject the simple pendulum formulation which suggests security stands at odds with development. I examine the ways in which migration controls occur through and reproduce racialised global capitalism. Capitalist development and security work together to undermine the resistance struggles of those designated migrant labour. Students of labour migration must refuse the game of balance and instead entrench our analytical efforts within the

²¹ George Abi-Saab: **International lawyers in the aftermath of disasters** Published online: 22 Sep 2016, <https://doi.org/10.1080/01436597.2016.1191940>

²² Id.

creative self-activities of ordinary working people'.²³ (George Abi Saab 2016). This statement by Abi Saab, redefines traditional concepts of socio-economics to promote positive aspects of migration and immigration. It encapsulates the power of the individual in society. When the individual is a Head of State such as a Premier, a Prime Minister, they can engage rules of international law such as *opino juris sive necessitatis*. This concept is discussed next.

International Law as Strategy: *Opino Juris Sive Necessitatis*

*'Although, all of our knowledge begins with experience, it by no means follows that all arises out of experience. For on the contrary, it is quite possible that our empirical knowledge is a compound of that which we receive through impressions, and that which the faculty of cognition supplies from itself ... knowledge of this kind is called a priori, in contradistinction to empirical knowledge, which has its sources a posteriori, that is, in experience.'*²⁴ (Immanuel Kant 1899) States in their relations with each other engage in behaviour other than that which is required of them legally. If certain rules are to evolve into law, it is necessary to distinguish

²³ George Abi-Saab: International lawyers in the aftermath of disasters Published online: 22 Sep 2016, <https://doi.org/10.1080/01436597.2016.1191940>

²⁴ Kant, Immanuel, Critique of Pure Reason (NewYork:Colonial Press 1899) p.1

rules that are regarded as legally obligatory from those which are not. State behaviour on the international plane may be prompted by reasons of mere courtesy, convenience or tradition rather than by legal obligation.

Similarly, humanitarian considerations are insufficient in themselves to generate legal rights and obligations, and the International Court of Justice as a 'court of law' is competent to take account of moral principles only in so far as these are given sufficient expression in legal form.'²⁵(ICJ Reports 1966)

Opinio juris was introduced as a legal formula in an attempt to distinguish legal rules from mere social usage. It refers to the subjective belief maintained by States, that a particular practice is legally required of them. A practice which is generally followed but which States feel they are legally free to disregard at any time cannot be characterized as law '... not only must the acts concerned amount to a settled practice, but they must also be accompanied by the *opinio juris sive necessitatis*. Either the States taking such action or other States in a position to react to it must have behaved so that their conduct is evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it. The need for such

²⁵ South West Africa Cases, Second Phase, (ICJ Reports 1966) para.6 at p.34.

a belief, the subjective element, is implicit in the very notion of the opinio juris sive necessitatis.'

As the Court noted in the Nicaragua Case, opinio juris may be deduced from inter alia, the attitude of States towards General Assembly Resolutions. For example, UN Resolution 2625 XXV entitled 'Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations', may be understood as a m acceptance of the validity of the rule of set of rules declared by the Resolution.²⁶(ICJ Reports 1966).

The issue with opinio juris is one of proof. It is difficult to determine when transformation of the norm into law, has taken place. The conviction of a State must be proven by norms of acceptance, recognition of a rule, or acquiescence in the binding character of the rule in question. The onus of proof is based on reliance upon the customary norm. This is because, it is the State alleging existence of a customary norm, and formation of a customary rule, must demonstrate such: that the customary rule exists and is so firmly

²⁶ South West Africa Cases, Second Phase, (ICJ Reports 1966) p.98-109

established that other States are bound to it.²⁷ For example, in the North Sea Continental Shelf cases, the International Court of Justice maintained that, although the principle of equidistance was employed in the delimitation of the Continental Shelf between adjacent States, there was no evidence: *'that they so acted because they felt legally compelled to draw them in this way by reason of a rule of customary law obliging them to do so, especially considering that they might have been motivated by other factors'*.²⁸(PCIJ 1927)

Opinio Juris and State Practice are complementary in the creation of customary international law. From this relation, we can examine how customary international law may accommodate change if opinio juris demands behaviour in accordance with rules of international treaty law. Moreover, would new rules emerge and evolve if State activity contrary to established rules of international law is in some manner prohibited. Of course, if too rigid a view was taken of opinio juris then obviously the legal

²⁷ In the Lotus Case, France has identified instances where in practice the victims flag State had refrained from criminal prosecution. However, France, in the view of the Court, failed to demonstrate that States refrained from prosecuting because they had been conscious of a duty requiring them to do so. Similarly, in the North Sea Continental Shelf Cases, the ICJ maintained that although the principle of equidistance was applied in the delimitation of the Continental Shelf between adjacent States, there was no evidence: 'that they so acted because they felt legally compelled to draw them in this way by reason of a rule of customary law obliging them to do so, especially considering that they might have been motivated by other factors'.(PCIJ Reports 1927 Series A, No.10 pp.44-45

²⁸ PCIJ Reports Series A No.10 (1927) pp.44-45

rule in question would become stunted, deficient. Interestingly, States do act contrary to established rules and do so, in the belief that the new behavior of other States members of the international community, is an international law or about to become an international law. What determines the future of a particular behavior of States, and whether it becomes an international legal rule solely depends on the response of other States. That is, their reaction determines whether the new practice, the new behavior, gains the necessary elements of *opinio juris*.

Instant Custom is a fascinating concept, founded by Dr. Rosalyn Higgins.²⁹

This category of Customary International Law, defies classification as the traditional definition of custom. It does not refer to behavior which is: constant, uniform, and frequently engaged in. Rather, to spontaneous activity practiced by a great number of States, acting as they wish to act. Two examples are, the Doctrine of the Continental Shelf originating from President Truman's Proclamation 1945 and unilateral seaward extension, throughout the 1970s by coastal States.

²⁹ The General Assembly can contribute to the formation of customary law. The resolutions of the General Assembly and State Member votes, express the *opinio juris* of States. When such an *opinio juris* reaches the required standard of virtual uniformity paired with appropriate State practice, a customary law norm results.

The doctrine of the Continental Shelf, became established as customary international law on the basis of asserted claims of exclusive territorial rights. Coastal States concerned with controlling exploitation and conservation of fishery resources did not wait for a Treaty. Instead, they took unilateral action to extend their sovereignty over territorial waters beyond their delimitation to a maximum of 200 nautical miles, this in many cases included a Continental Shelf.

Surprisingly, instant custom satisfies a culture of cooperation which harmonizes the desire of many States. This desire for cooperation between all peoples, is in the Preamble of the United Nations Constitution.

The Conclusion rendered here, would be that in this century, international human rights law and cooperation between countries had reached a level where it was limiting state sovereignty. Human rights law restricted how governments may treat their own citizens living within their territorial borders. The explosive growth of international human rights law and transnational media communication, left very little space to shield state sovereignty from international human rights norms which had enforcement mechanisms through the International Criminal Court. The rogue in present

day will have to make a decision whether to remain the persistent objector within the international community.

