SECOND EDITION

INTERNATIONAL LAW AND THE USE OF FORCE

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A COUNCIL ON POREIGN RELATIONS BOOK

Right V Might International Law And The Use Of Force

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The Use of Force and the International Legal System Terry D. Gill, Kinga Right V. Might Louis Henkin, 1991 Tibori-Szabó, 2023-12-21 This book provides accessible in depth coverage and analysis of how international law regulates the use of force through an intra disciplinary perspective Using a modernized legal positivist approach it offers a unique focus on the relationship and functions of jus ad bellum within the wider legal landscape *Self-Defense Against the Use of Force in International Law* Stanimir A. Alexandrov, 2023-07-24 This book by Stanimir A Alexandrov provides a comprehensive analysis of the right to self defense under international law particularly in the context of the United Nations Charter It explores the historical evolution of self defense from the Just War Doctrine to its modern interpretation under Article 51 of the UN Charter The author examines various cases and practices of self defense including individual and collective self defense and the role of regional organizations and the United Nations in enforcing international peace and security The book is intended for legal scholars practitioners and students interested in international law and the mechanisms for conflict resolution and Customary International Law on the Use of Force Enzo Cannizzaro, Paolo Palchetti, 2005-11-01 This collective security book comes out at a time of grave uncertainty about the content and the very existence of international legal restraints on the use of force in the international community as well as among legal scholars. The time is therefore ripe for an in depth analysis on the methodological issues which constitute the basic bricks on which the legal discourse about the state of the law must be built By offering the result of an open and frank discussion about the methodology of determining the law on the use of force at a time of perplexity this timely book constitutes an invaluable contribution to legal analysis Necessity. Proportionality and the Use of Force by States Judith Gardam, 2004-11-18 There has been considerable debate in the international community as to the legality of the forceful actions in Kosovo in 1999 Afghanistan in 2002 and Iraq in 2003 under the United Nations Charter There has been consensus however that the use of force in all these situations had to be both proportional and necessary Against the background of these recent armed conflicts this 2004 book offers the first comprehensive assessment of the twin requirements of proportionality and necessity as legal restraints on the forceful actions of States It also provides a much needed examination of the relationship between proportionality in the law on the use of force and international humanitarian law The Kosovo Conflict and International Law Heike Krieger, 2001-07-12 This book was first published in 2001 The Kosovo Conflict and International Law provides international lawyers scholars and students with access to material on the conflict in Kosovo As well as the basic material relating to Kosovo s status in Yugoslavia before 1999 this volume reproduces the significant documentation on the following issues the development of the human rights situation the diplomatic efforts for the settlement of the crisis the military action against Yugoslavia and the international community s response court action with regard to the conflict and the implementation of the principles for a political solution with an international civil and security presence in Kosovo Dr Krieger's analytical

introduction provides the historical and political context as well as an overview of the various legal aspects of the conflict A chronology and detailed index make the documents more accessible **International Law and the Principle of** Non-Intervention Marco Roscini, 2024-05-22 The principle of non intervention is one of the most venerable principles of international law Although not expressly mentioned in the Charter of the United Nations at least as an inter state prohibition the principle currently appears in a plethora of treaties and UN General Assembly resolutions and has been invoked by states of all geographical and political denominations Despite this the determination of its exact content has remained an enigma International Law and the Principle of Non Intervention History Theory and Interactions with Other Principlessolves this enigma by exploring what constitutes an intervention in international law and when interventions are unlawful These questions are approached from three different perspectives which are reflected in the book s structure historical theoretical and systemic Through a comprehensive survey of primary documents and of over 200 cases of intervention from the mid 18th century to the present day as well as an extensive literature search this work provides an in depth analysis of the principle of non intervention which links it to fundamental notions of international law including sovereignty use of force self determination and human rights protection The ^APower and Purpose of International Law Mary Ellen O'Connell,2011-05-10 The Power and Purpose of International Law provides a well conceived explanation of the role of international law in today s world and how there are no acceptable arguments to justify the use of torture and secret prisons or to support the notion of a global battlefield By analyzing the history of ideas about international law and its actual operation O Connell has provided an important and timely work for citizens students and scholars The Current Status of Humanitarian Intervention in Need of Legal Clarification. Analysis of the Legal and Humanitarian **Justifications for Intervening In Libya and the Inaction in Syria** Yewande Abiodun, 2020-06-24 Master's Thesis from the year 2014 in the subject Law European and International Law Intellectual Properties grade DISTINCTION University of Hertfordshire Faculty of Law course International Law language English abstract In this thesis the concepts of Sovereignty non intervention and Humanitarian Intervention will gradually be unveiled especially in subsequent chapters The cases of Syria and Libya will serve as watershed for the theoretically unveiled concepts The principle of State Sovereignty plays a great role in the formation of international law as it sets a basic foundation on which the international society is built The natural supposition is that international order is best maintained if states respect one another s sovereignty by adhering to the norms of non intervention in the internal affairs of other states The modern idea of Sovereignty dates back to Ancient Rome in which all sovereign powers were bestowed on the Emperor It was deemed an absolute unified inalienable power **Akehurst's Modern Introduction to International Law Peter** based upon a voluntary but irrevocable contract Malanczuk, 2002-04-12 First published in 2002 Routledge is an imprint of Taylor Francis an informa company The UN. **Peace and Force** Michael Pugh, 2013-11-05 Restoring and maintaining peace within war torn societies is a relatively new

task for the United Nations This book examines the options for the UN in the use of force to secure peace and the extent to which peacekeeping can be effectively extended to coerce warring factions A combination of internationally distinguished academics and new scholars at the forefront of research are represented making an important contribution to the debate about the role of international military operations in the maintenance of international peace and security International Law: United Nations Rosalyn Higgins, Philippa Webb, Dapo Akande, Sandesh Sivakumaran, James Sloan, 2018-12-13 The United Nations whose specialized agencies were the subject of an Appendix to the 1958 edition of Oppenheim's International Law Peace has expanded beyond all recognition since its founding in 1945 This volume represents a study that is entirely new but prepared in the way that has become so familiar over succeeding editions of Oppenheim An authoritative and comprehensive study of the United Nations legal practice this volume covers the formal structures of the UN as it has expanded over the years and all that this complex organization does All substantive issues are addressed in separate sections including among others the responsibilities of the UN financing immunities human rights preventing armed conflicts and peacekeeping and judicial matters In examining the evolving structures and ever expanding work of the United Nations this volume follows the long held tradition of Oppenheim by presenting facts uncoloured by personal opinion in a succinct text that also offers in the footnotes a wealth of information and ideas to be explored It is book that while making all necessary reference to the Charter the Statute of the International Court of Justice and other legal instruments tells of the realities of the legal issues as they arise in the day to day practice of the United Nations Missions to the UN Ministries of Foreign Affairs practitioners of international law academics and students will all find this book to be vital in their understanding of the workings of the legal practice of the UN Research for this publication was made possible by The Balzan Prize which was awarded to Rosalyn Higgins in 2007 by the International Balzan Foundation **Self-Defence against** Non-State Actors Mary Ellen O'Connell, Christian J. Tams, Dire Tladi, 2019-08 Provides a multi perspective study of the international law on self defence against non State actors Essays on Religion and Human Rights David Little, 2015-03-26 This collection of essays by David Little addresses human rights in relation to the historical settings in which its language was drafted and adopted Featuring five original essays Little articulates his view that fascist practices before and during World War II vivified the wrongfulness of deliberately inflicting severe pain injury and destruction for self serving purposes and that the human rights corpus developed in response was designed to outlaw all practices of arbitrary force He contends that while there must be an accountable human rights standard it should guarantee latitude for the expression and practice of beliefs consistent with outlawing arbitrary force Little details the theoretical grounds of the relationship between religion and human rights and concludes with essays on US policy and the restraint of force in regard to terrorism With a foreword by John Kelsay this book is a capstone of the work of this influential writer on religion philosophy and law The Workings of Human Rights, Law and Justice Surva Subedi, QC,2022-04-21 Drawing on the

personal experience of a leading international jurist this book provides insights into the workings of international law and human rights from a global perspective that transcends the traditional divide between the West and the East and the Global South and Global North The work follows the author's remarkable journey from a simple village in Nepal to becoming an international jurist acclaimed for his innovative academic and influential practical legal work and nomination for the Nobel Peace Prize It offers insights into the powers bearing on international policymaking the dynamics of human rights negotiations with governments and the effects of their outcomes on the lives of their citizens While much has been written on international human rights law this inspirational memoir casts a new light on the working of human rights law and justice through the eyes of a leading actor It provides a valuable contribution to the study of justice and human rights and the importance of individual action As such the book presents an accessible source for current debates around the development and effectiveness of international law and human rights and practices for decolonising these debates The book will provide inspiration and practical guidance for students academics international lawyers jurists and human rights advocates The Doctrines of US Security Policy Heiko Meiertöns, 2010-06-10 The practise of outlining principles for the conduct of US security policy in so called doctrines is a characteristic feature of US foreign policy From an international lawyer's point of view two aspects of these doctrines are of particular interest First to what degree are the criteria for the use of force as laid down in these doctrines consistent with the limitations for the use of force in international law Second which law creating effects do these doctrines have Furthermore the legal nature of these doctrines remains uncertain These matters are examined beginning with the Monroe Doctrine of 1823 and taking into account the Stimson Doctrine of 1932 the doctrines of the Cold War period and the Bush Doctrine of 2002 The Bush Doctrine in particular has generated controversies concerning its compatibility with Article 51 of the UN Charter due to its principle of preventive self defence The Evolution of the **Doctrine and Practice of Humanitarian Intervention** Francis Kofi Abiew, 1999-03-25 The topic of humanitarian intervention has become increasingly significant since the end of the Cold War Despite a substantial body of literature on the subject in the past recent developments justify a contemporary study of the subject This book is not only timely given the crises which have occasioned United Nations interventions over the past several years but enduring as international political structures undergo stress and reform and as international law and international relations theorists grapple with the sovereignty intervention problem It defends the emergence of a right of humanitarian intervention and argues that state sovereignty is not incompatible with humanitarian intervention After a thorough review of historical precedents the book concludes by assessing contemporary developments in terms of sources of support for intervention on humanitarian grounds

Power, Politics, Law: International Law and State Behaviour During International Crises Radhika Withana,2008-07-31 This volume addresses the question as to where international law fits into the making and implementation of foreign policy during an international crisis in which a State is considering and or may actually use force

Empirical literature on the law State behaviour relationship during international crises has not been able to answer this question adequately The limitations of existing empirical literature are identified as stemming from the limitations of existing positivist realist and functionalist theoretical explanations of the law State behaviour relationship These theoretical approaches which underpin existing empirical literature on international crises assume that international law matches what is referred to in this book as its rule book image. This is the notion of international law as a finite set of objective politically neutral rules that can be applied so as to distinguish objectively between legal and illegal action The rule book image of international law does not match reality but the assumption that it is true underpins both theoretical literature and references to international law in political rhetoric The rule book image and the reality of international law have been reconciled within the theory of International law as Ideology ILI as developed by Shirley Scott This book hypothesises that an ILI perspective offers a better explanation of the law State behaviour relationship during international crises than rival explanations grounded in positivism realism or functionalism Four case studies of State behaviour of the US the Soviet Union and the PRC during the Korean War 1950 1953 of the US and UK during the Suez crisis 1956 of the US and the Soviet Union during the Cuban Missile Crisis 1962 and of the US and an alliance of Latin American States during the Dominican Republic crisis 1965 are used to test the hypothesis The findings confirm the greater explanatory efficacy of ILI and demonstrate that the significance of international law to foreign policy decision making during international crises is more than that of deterring the use of force as is assumed by rival theoretical approaches grounded in a rule book image of international law International law is shown to serve as a vehicle for inter State competition during international crises The Army Lawyer .1993 **Emory International Law Review**, 1993

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