Recourse to Force

State Action Against Threats and Armed Attacks

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Recourse To Force State Action Against Threats And Armed Attacks

Kinga Tibori Szabó

Recourse To Force State Action Against Threats And Armed Attacks:

Recourse to Force Thomas M. Franck, 2002-10-24 The nations that drafted the UN Charter in 1945 clearly were more concerned about peace than about justice As a result the Charter prohibits all use of force by states except in the event of an armed attack or when authorised by the Security Council This arrangement has only very imperfectly withstood the test of time and changing world conditions In requiring states not to use force in self defence until after they had become the object of an actual armed attack the Charter failed to address a growing phenomenon of clandestine subversion and of instantaneous nuclear threats Fortunately although the Charter is very hard to amend the drafters did agree that it should be interpreted flexibly by the United Nations principal political institutions In this way the norms governing use of force in international affairs have been adapted to meet changing circumstances and new challenges The book also relates these changes in law and practice to changing public values pertaining to the balance between maintaining peace and promoting iustice The Handbook of the International Law of Military Operations Terry D. Gill, Dieter Fleck, 2015-12-10 The second edition of this well received handbook provides a comprehensive overview and annotated commentary of those areas of international law most relevant to the planning and conduct of military operations It covers a wide scope of military operations ranging from operations conducted under UN Security Council mandate to collective self defence and consensual and humanitarian operations and identifies the relevant legal bases and applicable legal regimes governing the application of force and treatment of persons during such operations It also devotes attention to the law governing the status of forces military use of the sea and airspace and questions of international criminal responsibility for breaches of international law New developments such as cyber warfare and controversial aspects of law in relation to contemporary operations such as targeted killing of specific individuals are discussed and analysed alongside recent developments in more traditional types of operations such as peacekeeping and naval operations. The book is aimed at policy officials commanders and their military legal advisors who are involved with the planning and conduct of any type of military operation and is intended to complement national and international policy and legal guidelines and assist in identifying and applying the law to ensure legitimacy and contribute to mission accomplishment It likewise fulfils a need in pertinent international organizations such as the UN NATO Regional Organizations and NGOs It also serves as a comprehensive work of reference to academics and is suitable for courses at military staff colleges academies and universities which devote attention to one or more aspects of international law treated in the book This mix of intended users is reflected in the contributors who include senior former policy officials and military legal advisors alongside academics engaged in teaching and research in these areas of international law Risk and the Regulation of Uncertainty in International Law Monika Ambrus, Rosemary Rayfuse, Wouter Werner, 2017-08-25 Increasingly international legal arrangements imagine future worlds or create space for experts to articulate how the future can be conceptualized and managed With the increased specialization of international law a series

of functional regimes and sub regimes has emerged each with their own imageries vocabularies expert knowledge and rules to translate our hopes and fears for the future into action in the present At issue in the development of these regimes are not just competing predictions of the future based on what we know about what has happened in the past and what we know is happening in the present Rather these regimes seek to deal with futures about which we know very little or nothing at all futures that are inherently uncertain and even potentially catastrophic futures for which we need to find ways to identify conceptualise manage and regulate risks the existence of which we can possibly only speculate about This book explores how the future is imagined articulated and managed across the various fields of international law including the use of force maritime security international economic and environmental law and human rights It investigates how the future is construed in these various areas how the costs of risk risk regulation risk assessment and risk management are distributed in international law the effect of uncertain futures on the subjects of international law and the way in which international law operates when faced with catastrophic or existential risk The Law Against War Olivier Corten, 2021-07-29 Praise for previous edition a comprehensive meticulously researched study of contemporary international law governing the use of armed force in international relations Andrew Garwood Gowers Queensland University of Technology Law Review Volume 12 2 When this first English language edition of The Law Against War published it quickly established itself as a classic Detailed analytically rigorous and comprehensive it provided an indispensable guide to the legal framework regulating the use of force Now a decade on the much anticipated new edition brings the work up to date It looks at new precedents arising from the Arab Spring the struggle against the Islamic State in Iraq and Syria and the conflicts in Ukraine and Yemen It also reflects the new doctrinal debates surrounding recent state practice Previous positions are reconsidered and in some cases revised notably the question of consensual intervention and the very definition of force particularly to accommodate targeted extrajudicial executions and cyber operations Finally the new edition provides detailed coverage of the concept of self defense reflecting recent interpretations of the International Court of Justice and the ongoing controversies surrounding its Self-Defence in International and Criminal Law Onder Bakircioglu, 2011-05-11 Drawing from definition and interpretation scholarship across law history politics and philosophy Self Defence in International and Criminal Law provides a broad and interdisciplinary approach to the doctrine of self defence in both domestic criminal and international law It focuses on the requirement of imminence which deals with the question of when individuals or States may legitimately resort to defensive force against a serious danger or harm In both national and international law the imminence requirement if strictly applied renders any defensive measure taken in anticipation of a would be attack illegal Recently however attempts have been made to relax the temporal requirement of the self defence doctrine imminence with a view to allowing individuals or States to employ deadly force to arrest an anticipated threat when they believe that using pre emptive lethal force would be the only way to thwart an expected harm In domestic criminal law it has been argued that it is necessary to relax the rule of

imminence in domestic violence cases where women employ lethal force against their abusive partners when there is no imminent threat to justify defensive force At the international level while there has long been controversy as to the justifiability of pre emptive force in non confrontational settings following the September 11 attacks the Bush Administration s war on terror policy radically shifted the focus from the notion of anticipation to that of prevention making it clear that if necessary it would invoke unilateral force against emerging threats before they are fully formed. The book surveys the roots role rationale and objectives of self defence and questions whether the requirement of imminence should be removed from **Extraterritorial Use of Force** the traditional contours of the self defence doctrine in national and international law **Against Non-State Actors** Noam Lubell, 2010-05-27 This book examines the legality of the use of force by states against individuals and non state groups located beyond its borders in light of applicable international law The issues discussed include force used in the war on terror pre emptive self defence and targeted killings of individuals **US Drone Attacks in Pakistan** Imdad Ullah, 2021-03-30 This book analyses the US drone attacks against terrorists in Pakistan to assess whether the pre emptive use of combat drones to kill terrorists is ever legally justified Exploring the doctrinal discourse of pre emption vis vis the US drone attacks against terrorists in Pakistan the book shows that the debate surrounding this discourse encapsulates crucial tensions between the permission and limits of the right of self defence Drawing from the long history of God given and man made laws of war this book employs positivism as a legal frame to explore and explain the doctrine of pre emption and analyses the doctrine of the state s rights to self defence as it stretches into pre emptive or preventive use of force The book investigates why the US chose the recourse to pre emption through the use of combat drones in the war on terror and whether there is a potential future for the pre emption of terrorism through combat drones The author argues that the policy to kill first is easy to adopt however any disregard for the web of legal requirements surrounding the policy has the potential to undercut the legal claims of an armed act The book enables the framing and analysis of such controversies in legal terms as opposed to a choice between law and policy An examination of the legal dilemma concerning drone warfare this book will be of interest to academics in the field International Relations Asian Politics South Asian Studies and Security Studies in particular global security law new wars and emerging technologies **Anticipatory Action in Self-Defence** Kinga Tibori Szabó,2011-08-22 The legality of preemptive strikes is of warfare one of the most controversial questions of contemporary international law At the core of this controversy stands the temporal dimension of self defence when and for how long can a state defend itself against an armed attack Can it resort to armed force before such an attack occurs Is anticipatory action covered by the rules of self defence or should it be treated as a different concept This book examines whether anticipatory action in self defence is part of customary international law and if so under what conditions The pre Charter concept of anticipatory action is demarcated and then assessed against post Charter state practice Several instances of self defence both anticipatory and remedial are examined to elucidate the rules

governing the temporal dimension of the right The Six Day War 1967 the Israeli bombing of an Iraqi reactor 1981 the US invasion of Iraq 2003 and other instances of state practice are given thorough attention The Oxford Handbook of the Use of Force in International Law Marc Weller, Alexia Solomou, Jake William Rylatt, 2015 This Oxford Handbook provides an authoritative and comprehensive analysis of one of the most controversial areas of international law Over seventy contributors assess the current state of the international law prohibiting the use of force assessing its development and analysing the many recent controversies that have arisen in this field Humanitarian Countermeasures Cathrine Crämer, 2024-08-01 I f humanitarian intervention is indeed an unacceptable assault on sovereignty how should we respond to a Rwanda to a Srebrenica to gross and systematic violations of human rights that offend every precept of our common humanity Kofi Annan This question asked by Kofi Annan over twenty years ago has not lost its relevance since as for instance demonstrated by the paralysis of the Security Council in the face of the continued use of chemical weapons by the Syrian regime against its own population The present work addresses the question of whether the unilateral use of force by states for humanitarian purposes hence without a Security Council authorization could be justified via the concept of humanitarian countermeasures In this context humanitarian countermeasures are derived from the notion of countermeasures which stems from the law of state responsibility as conceived in Art 49 et seq DARS and traditionally only refers to peaceful bilateral measures The core of the study is to open up countermeasures to humanitarian military action discuss the legal feasibility of such an approach while effectively containing the potential for abuse by establishing a legal framework In a final step concrete conditions for humanitarian countermeasures are defined which can guide a reinterpretation of countermeasures and the further development of customary law About the author Cathrine Cr mer studied law at the Humboldt European Law School at the HU Berlin the Universit Paris II Panth on Assas Ma trise en Droit in Private International Law and at King s College London LL M in Transnational Law She obtained her doctorate at the LMU Munich where she worked as a research assistant and taught public international law Cathrine Cr mer is currently a legal trainee at the Permanent Mission of Germany to the United Nations in New York

Enjoying the Tune of Phrase: An Psychological Symphony within Recourse To Force State Action Against Threats And Armed Attacks

In a global consumed by displays and the ceaseless chatter of fast transmission, the melodic splendor and mental symphony produced by the prepared term frequently fade in to the background, eclipsed by the relentless noise and disturbances that permeate our lives. However, located within the pages of **Recourse To Force State Action Against Threats And Armed Attacks** a wonderful fictional prize overflowing with raw feelings, lies an immersive symphony waiting to be embraced. Crafted by a masterful musician of language, that captivating masterpiece conducts readers on a psychological journey, skillfully unraveling the hidden songs and profound affect resonating within each carefully constructed phrase. Within the depths with this poignant review, we will discover the book is central harmonies, analyze its enthralling writing model, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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