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INTERNATIONAL LAW
AND THE USE OF FORCE

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Right V Might International Law And The Use Of Force

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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 Use of Force and the International Legal System Terry D. Gill, Kinga 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 collective security

Customary International Law on the Use of Force Enzo Cannizzaro, Paolo Palchetti, 2005-11-01 This 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

Right V. Might Louis Henkin, 1991

Oppenheim's 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

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

Akehurst's Modern Introduction to International Law Peter Malanczuk,2002-04-12 First published in 2002 Routledge is an imprint of Taylor Francis an informa company

International Law and the Principle of Non-Intervention Professor of International Law Marco Roscini,2024-09-06 This book provides a systematic analysis of the principle of non intervention from a historical theoretical and systematic perspective Roscini argues that the principle is strictly linked to some fundamental notions of international law such as sovereignty use of force self determination and human rights protection

The Power and Purpose of International Law Mary Ellen O'Connell,2011-05-10 The world is poised for another important transition The United States is dealing with the impact of the Afghan and Iraq wars the use of torture and secret detention Guantanamo climate change nuclear proliferation weakened international institutions and other issues related directly or indirectly to international law The world needs an accurate account of the important role of international law and The Power and Purpose of International Law seeks to provide it Mary Ellen O Connell explains the purpose of international law and the power it has to achieve that purpose International law supports order in the world and the attainment of humanity s fundamental goals of peace prosperity respect for human rights and protection of the natural environment These goals can best be realized through international law which uniquely has the capacity to bind even a superpower of the world By exploring the roots and history of international law and by

looking at specific events in the history of international law this book demonstrates the why and the how of international law and its enforcement It directly confronts the notion that international law is powerless and that working within the framework of international law is useless or counter productive As the world moves forward it is critical that both leaders and their citizens understand the true power and purpose of international law and this book creates a valuable resource for them to aid their understanding It uses a clear compelling style to convey topical informative and cutting edge information to the reader *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

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 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 **International Law And Armed Conflict, Exploring the Faultlines** Michael N. Schmitt,Jelena Pejic,2007 International law and armed conflict exist in a symbiotic relationship In some cases law shapes conflict proactively by

imposing normative limits in advance of the appearance of proscribed conduct Much more commonly armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday's wars falls short when applied to contemporary conflict When that happens international law reacts by allowing provisions to fall into desuetude embracing new interpretations of existing prescriptions or generating new norms through practice or codification In the 21st Century both international security and armed conflict are the subject of arguably unprecedented sea changes As a result claims that both the jus ad bellum and jus in bello are unwieldy and ill fitting in the context of modern hostilities have surfaced prominently Whether one agrees with such dire assessments what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force The intent of this collection of essays in honour of Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines first by identifying them and then by assessing their consequences In a sense then the essays contributed by the top minds in the field will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and to the extent possible react accordingly Paralleling Professor Dinstein's classic works War Aggression and Self Defence and The Conduct of Hostilities Under the Law of International Armed Conflict the book addresses both ius ad bellum and ius in bello topics International Law and Civil Wars Eliav Lieblich, 2013-03-05 This book examines the international law of forcible intervention in civil wars in particular the role of party consent in affecting the legality of such intervention In modern international law it is a near consensus that no state can use force against another the main exceptions being self defence and actions mandated by a UN Security Council resolution However one more potential exception exists forcible intervention undertaken upon the invitation or consent of a government seeking assistance in confronting armed opposition groups within its territory Although the latter exception is of increasing importance the numerous questions it raises have received scant attention in the current body of literature This volume fills this gap by analyzing the consent exception in a wide context and attempting to delineate its limits including cases in which government consent power is not only negated but might be transferred to opposition groups The book also discusses the concept of consensual intervention in contemporary international law in juxtaposition to traditional legal doctrines It traces the development of law in this context by drawing from historical examples such as the Spanish Civil War as well as recent cases such as those of the Democratic Republic of the Congo Somalia Libya and Syria This book will be of much interest to students of international law civil wars the Responsibility to Protect war and conflict studies and IR in general The Evolution of the Doctrine and Practice of Humanitarian Intervention Francis Kofi Abiew, 2024-02-12 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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