

THE USE OF FORCE AND INTERNATIONAL LAW

Second Edition

Christian Henderson

CAMBRIDGE

International Law And The Use Of Force

Ralph Janik



International Law And The Use Of Force:

International Law and the Use of Force Christine D. Gray, 2008 This book explores the whole of the large and controversial subject of the use of force in international law it examines not only the use of force by states but also the role of the UN in peacekeeping and enforcement action and the growing importance of regional organizations in the maintenance of international peace and security Since the publication of the second edition of *International Law and the Use of Force* the law in this area has continued to undergo a fundamental reappraisal Operation Enduring Freedom carries on against Al Qaida and the Taliban in Afghanistan six years after the terrorist attacks of 11 September 2001 Can this still be justified as self defense in the war on terror Is there now a wide right of pre emptive self defense against armed attacks by non state actors The 2006 Israel Lebanon conflict and the recent intervention of Ethiopia in Somalia raise questions about whether the war on terror has brought major changes in the law on self defense and on regime change The 2003 invasion of Iraq gave rise to serious divisions between states as to the legality of this use of force and to talk of a crisis of collective security for the UN In response the UN initiated major reports on the future of the Charter system these rejected amendment of the Charter provisions on the use of force They also rejected any right of pre emptive self defense They advocated a responsibility to protect in cases of genocide or massive violations of human rights the events in Darfur show the practical difficulties with the implementation of such a duty

International Law and the Use of Force Anthony Clark Arend, Robert J.

Beck, 2014-02-04 When the United Nations Charter was adopted in 1945 states established a legal paradigm for regulating the recourse to armed force In the years since then however significant developments have challenged the paradigm s validity causing a paradigmatic shift *International Law and the Use of Force* traces this shift and explores its implications for contemporary international law and practice

International Law and the Use of Force Christine Gray, 2018-02-08 This book explores the large and controversial subject of the use of force in international law It examines not only the use of force by states but also the role of the UN in peacekeeping and enforcement action and the increasing role of regional organizations in the maintenance of international peace and security The UN Charter framework is under challenge Russia s invasion of Georgia and intervention in Ukraine the USA s military operations in Syria and Saudi Arabia s campaign to restore the government of Yemen by force all raise questions about the law on intervention The war on terror that began after the 9 11 terrorist attacks on the USA has not been won It has spread far beyond Afghanistan it has led to targeted killings in Pakistan Somalia and Yemen and to intervention against ISIS in Iraq and Syria Is there an expanding right of self defence against non state actors Is the use of force effective The development of nuclear weapons by North Korea has reignited discussion about the legality of pre emptive self defence The NATO led operation in Libya increased hopes for the implementation of responsibility to protect but it also provoked criticism for exceeding the Security Council s authorization of force because its outcome was regime change UN peacekeeping faces new challenges especially with regard to the protection of civilians and

UN forces have been given revolutionary mandates in several African states But the 2015 report *Uniting Our Strengths* reaffirmed that UN peacekeeping is not suited to counter terrorism or enforcement operations the UN should turn to regional organizations such as the African Union as first responders in situations of ongoing armed conflict *International Law and the Use of Force* Shirley V. Scott, Anthony John Billingsley, Christopher Michaelsen, 2009-11-25 This book is a discussion of key documents that explain the development current status and relevance of the international law governing the initiation of military hostilities *International Law and the Use of Force A Documentary and Reference Guide* brings to life a crucial body of law explaining its historical origins the core rules and principles of the regime embodied in the Charter of the United Nations and contentious aspects of that law in the contemporary world In light of the intensified interest in the question of justified or unjustified use of force this timely resource introduces and analyzes over 40 documents relating to the legality of the initiation of military hostilities The volume presents competing assessments of the legality of key uses of force and explains mainstream positions on important issues such as national right to self defense anticipatory and preemptive self defense terrorism aggression and the role of the UN Security Council The book concludes by assessing whether the international law that seeks to limit the number of wars has in fact made the world a more peaceful place *International Law and the Use of Force* Ralph Janik, 2019-12-23 This book introduces key issues on the use of force while also providing a detailed analysis of technological developments and recent legal discussions in the field The author examines areas such as support for rebel groups the concept of humanitarian intervention the Responsibility to Protect and recent conversations around the fight against the Islamic State in a clear and accessible manner through a thorough presentation of relevant cases and materials This book is essential reading for students studying force and its intersection with international law

International Law and the Use of Force against Terrorism Shadi Adnan Alshdaifat, 2017-01-06 As shown in the case of Attila the Hun and his thirst for power property and personal prestige nation states throughout the world particularly in Asia and Europe have since ancient times been vulnerable to invasion by other nation states and bands of looters from outside their borders Terrorism s progress into the modern day has caused extreme concern among members of the international community who now accept that it is like a cancer that refuses to localize itself within any single organ of the body but seeks to spread its lethality throughout even if that means destroying itself along with the host The fight against terrorism is long and complex but the end is known in advance Terrorists are defending a lost cause and their defeat is inevitable and democracy freedom and diplomacy will triumph Self-Defense Against the Use of Force in International Law Stanimir A. Alexandrov, 1996-07-29 Iz vsebine 1 Samoobramba v obdobju pred Ligo narodov 2 Dogovor Lige narodov 3 Pari ka pogodba 4 51 len Listine Zdru enih narodov 5 Individualna samoobramba 6 Praksa kolektivne samoobrambe s strani tretje dr ave regionalne organizacije skupine dr av s popolno odobritvijo Zdru enih narodov sklepi samoobramba kot poglavitna sestavina kolektivnega varnostnega sistema in kot oblika dela za pospe evanje mednarodnega miru **Police Use of Force under**

International Law Stuart Casey-Maslen, Sean Connolly, 2017-08-10 Policing is commonly thought to be governed by domestic legal systems and not international law. However, various international legal standards are shown to have an impact in situations where police use force. *Police Use of Force under International Law* explores this tension in detail for the first time. It critically reviews the use of force by law enforcement agencies in a range of scenarios against detainees during protests and in the context of counterterrorism and counterpiracy operations. Key trends such as the growing use of private security services are also considered. This book provides a human rights framework for police weaponry and protection of at risk groups based on critical jurisprudence from the last twenty years. With pertinent case law and case studies to illustrate the key principles of the use of force, this book is essential reading for anyone interested in policing human rights, state use of force or criminology.

The Oxford Handbook of the Use of Force in International Law Marc Weller, 2015-01-15 The prohibition of the use of force in international law is one of the major achievements of international law in the past century. The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter, which remains a principal point of reference for the law on the use of force to this day. There have, however, been considerable challenges to the law on the prohibition of the use of force in international law. This is one of the major achievements of international law in the past century. The attempt to outlaw war as a means of national policy and to establish a system of collective security after both World Wars resulted in the creation of the United Nations Charter, which remains a principal point of reference for the law on the use of force to this day. There have, however, been considerable challenges to the law on the prohibition of the use of force over the past two decades. This *Oxford Handbook* is a comprehensive and authoritative study of the modern law on the use of force. Over seventy experts in the field offer a detailed analysis and, to an extent, a restatement of the law in this area. The *Handbook* reviews the status of the law on the use of force and assesses what changes, if any, have occurred in consequence of recent developments. It offers cutting edge and up to date scholarship on all major aspects of the prohibition of the use of force. The work is set in context by an extensive introductory section reviewing the history of the subject, recent challenges and addressing major conceptual approaches. Its second part addresses collective security in particular, the law and practice of the United Nations organs and of regional organizations and arrangements. It then considers the substance of the prohibition of the use of force and of the right to self defence and associated doctrines. The next section is devoted to armed action undertaken on behalf of peoples and populations. This includes self determination, conflicts, resistance to armed occupation and forcible humanitarian and pro democratic action. The possibility of the revival of classical expansive justifications for the use of force is then addressed. This is matched by a final section considering new security challenges and the emerging law in relation to them. Finally, the key arguments developed in the book are tied together in a substantive conclusion. The *Handbook* will be essential reading for scholars and students of international law and the use of force and legal advisers to both government and NGOs. *Iraq and*

the Use of Force in International Law Marc Weller, 2010-09-02 The prohibition of the use of force is one of the most crucial elements of the international legal order Our understanding of that rule was both advanced and challenged during the period commencing with the termination of the Iran Iraq war and the invasion of Kuwait and concluding with the invasion and occupation of Iraq The initial phase was characterized by hopes for a functioning collective security system administered by the United Nations as part of a New World Order The liberation of Kuwait in particular was seen by some as a powerful vindication of the prohibition of the use of force and of the UN Security Council However the operation was not really conducted in accordance with the requirements for collective security established in the UN Charter In a second phase an international coalition launched a humanitarian intervention operation first in the north of Iraq and subsequently in the south That episode is often seen as the fountainhead of the post Cold War claim to a new legal justification for the use of force in circumstances of grave humanitarian emergency a claim subsequent challenged during the armed action concerning Kosovo There then followed repeated uses of force against Iraq in the context of the international campaign to remove its present or future weapons of mass destruction potential Finally the episode reached its controversial zenith with the full scale invasion of Iraq led by the US and the UK in 2003 This book analyzes these developments and their impact on the rule prohibiting force in international relations in a comprehensive and accessible way It is the first to draw upon classified materials released by the UK Chilcot inquiry shedding light on the decision to go to war in 2003 and the role played by international law in that context **The Use of Force and the International Legal System** Terry D. Gill, Kinga

Tibori-Szabó, 2023-12-21 This book provides in depth coverage and analysis of the international law rules and principles that govern the use of force Through a unique intra disciplinary perspective it examines how the law on the use of force functions within the international legal system and how it interacts with other relevant areas of the law This includes arms control law the law governing the use of the international commons the law of armed conflict and human rights law and the law of international responsibility It offers an accessible guide to the law on the use of force to students and practitioners alongside providing a unique perspective on the place and function of the law on the use of force within the wider legal landscape which will appeal to both academic professionals and others interested in how law regulates the use of force Cyber

Operations and the Use of Force in International Law Marco Roscini, 2014-03-14 The internet has changed the rules of many industries and war is no exception But can a computer virus be classed as an act of war Does a Denial of Service attack count as an armed attack And does a state have a right to self defence when cyber attacked With the range and sophistication of cyber attacks against states showing a dramatic increase in recent times this book investigates the traditional concepts of use of force armed attack and armed conflict and asks whether existing laws created for analogue technologies can be applied to new digital developments The book provides a comprehensive analysis of primary documents and surrounding literature to investigate whether and how existing rules on the use of force in international law apply to a relatively new

phenomenon such as cyberspace operations. It assesses the rules of *jus ad bellum* and *jus in bello* whether based on treaty or custom and analyses why each rule applies or does not apply to cyber operations. Those rules which can be seen to apply are then discussed in the context of each specific type of cyber operation. The book addresses the key questions of whether a cyber operation amounts to the use of force and if so whether the victim state can exercise its right of self defence whether cyber operations trigger the application of international humanitarian law when they are not accompanied by traditional hostilities what rules must be followed in the conduct of cyber hostilities how neutrality is affected by cyber operations whether those conducting cyber operations are combatants civilians or civilians taking direct part in hostilities. The book is essential reading for everyone wanting a better understanding of how international law regulates cyber combat. **The Use**

of Force and International Law Christian Henderson, 2018-05-10. The Use of Force and International Law offers an authoritative overview of international law governing the resort to force. Looking through the prism of the contemporary challenges that this area of international law faces including technology sovereignty actors compliance and enforcement this book addresses key aspects of international law in this area the general breadth and scope of the prohibition of force what is meant by force the use of force through the UN and regional organisations the use of force in peacekeeping operations the right of self defence and the customary limitations upon this right forcible intervention in civil conflicts and the controversial doctrine of humanitarian intervention. Suitable for advanced undergraduate and postgraduate students academics and practitioners. The Use of Force and International Law offers a contemporary comprehensive and accessible treatment of the subject. Cyber Attacks and International Law on the Use of Force Samuli Haataja, 2018-12-07. Examining the thematic

intersection of law technology and violence this book explores cyber attacks against states and current international law on the use of force. The theory of information ethics is used to critique the law's conception of violence and to develop an informational approach as an alternative way to think about cyber attacks. Cyber attacks against states constitute a new form of violence in the information age and international law on the use of force is limited in its capacity to regulate them. This book draws on Luciano Floridi's theory of information ethics to critique the narrow conception of violence embodied in the law and to develop an alternative way to think about cyber attacks violence and the state. The author uses three case studies the 2007 cyber attacks against Estonia the Stuxnet incident involving Iran that was discovered in 2010 and the cyber attacks used as part of the Russian interference in the 2016 US presidential election to demonstrate that an informational approach offers a means to reimagine the state as an entity and cyber attacks as a form of violence against it. This interdisciplinary approach will appeal to an international audience of scholars in international law international relations security studies cyber security and anyone interested in the issues surrounding emerging technologies. The Use of Force against Individuals in War under International Law Ka Lok Yip, 2022-03-21. Is it legal to kill or capture and confine someone in war? Is this relevant or wise to ask in the reality of war? What does legal actually mean in the labyrinth of overlapping international

laws This volume explores the meaning relevance and wisdom of questioning the legality of the use of force against individuals in war by reconnecting legal thought with the social world Weaving together law social theories and actual practices the book presents an interdisciplinary study of the laws regulating warfare The Use of Force against Individuals in War under International Law uncovers different conceptions of legality that generate tensions among different international laws regulating warfare and highlights the limits of legal techniques in addressing these tensions Accepting these tensions serves not to denigrate the law itself but to invite a deeper level of engagement with it through the lens of social theories Drawing on the insight that every social action results from an interaction between human agency and social structures this publication argues that in regulating warfare one distinct body of international law the law of armed conflicts accommodates the diminished agency of human beings operating in highly structured conditions while other bodies of international law harbour the potential to transform these very structured conditions Thus assimilating these laws whether in court or real world practices fundamentally conflates their underlying social ontologies

The Legitimacy of Use of Force in Public and Islamic International Law Mohammad Z. Sabuj, 2021-06-22 This book investigates the legitimacy deficits of two potentially conflicting legal systems namely Public and Islamic international law It discusses the challenges that Public international law is being presented within the context of its relationship with Islamic international law It explores how best to overcome these challenges through a comparative examination of state practices on the use of force It highlights the legal political legacies that evolved surrounding the claims of the legitimacy of use of force by armed non state actors states and regional organizations This book offers a critical analysis of these legacies in line with the Islamic Shari a law United Nations Charter state practices and customs It concludes that the legitimacy question has reached a vantage point where it cannot be answered either by Islamic or Public international law as a mutually exclusive legal system Instead Public international law must take a coherent approach within the existing legal framework

International Law and Institutions Aaron Schwabach, Arthur John Cockfield, 2009-08-30 International Law and Institutions is a component of Encyclopedia of Institutional and Infrastructural Resources in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The main role of international law is to promote global peace and prosperity Ideally international law and its accompanying institutions act as a balm to smoothen and rationalize opposing interests that nations may have This theme on International Law and Institutions addresses International Legal and Economic Issues Globalization and the Struggle for Local Control and International Environmental Law which are then expanded into multiple subtopics each as a chapter This volume is aimed at the following five major target audiences University and College students Educators Professional practitioners Research personnel and Policy analysts managers and decision makers and NGOs

International Law and the Use of Force Beomchul Shin, 2008

International Law and the Use of Force by States Ian Brownlie, 1963 The author pursues on historic lines an estimation of the extent of legal prohibition of the use of

force by states He includes the deliberations and findings of political organs of the League of Nations and the United Nations as well as a study of the quality of prohibition of force

Regulating the Use of Force in International Law Russell Buchan, Nicholas Tsagourias, 2021-06-25 This book provides a comprehensive and detailed analysis of the nature content and scope of the rules regulating the use of force in international law as they are contained in the United Nations Charter customary international law and international jurisprudence It examines these rules as they apply to developing and challenging circumstances such as the emergence of non State actors security risks new technologies and moral considerations

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