

CONTENTS

.....

<i>Table of Cases</i>	xvii
<i>Table of Legislation</i>	xxvii
<i>List of Abbreviations</i>	lxvii
<i>Notes on the Contributors</i>	lxxiii

PART I INTRODUCTION

Introduction: International Law and the Problem of War	3
MARC WELLER	
1. Too Much History: From War as Sanction to the Sanctioning of War	35
RANDALL LESAFFER	
2. Law of Nations or Perpetual Peace? Two Early International Theories on the Use of Force	56
DANIELE ARCHIBUGI, MARIANO CROCE, AND ANDREA SALVATORE	
3. The Limitations of Traditional Rules and Institutions Relating to the Use of Force	79
MICHAEL J. GLENNON	
4. The Continued Relevance of Established Rules and Institutions Relating to the Use of Force	96
JAMES CRAWFORD AND ROWAN NICHOLSON	
5. Feminist Perspectives on the Law on the Use of Force	114
GINA HEATHCOTE	

6. The Collective Security System and the Enforcement of International Law 129
JEAN D'ASPREMONT
7. Changing *Jus Cogens* through State Practice? The Case of the Prohibition of the Use of Force and its Exceptions 157
ALEXANDER ORAKHELASHVILI

PART II COLLECTIVE SECURITY AND THE NON-USE OF FORCE

8. Reconfiguring the UN System of Collective Security 179
RAMESH THAKUR
9. Outsourcing the Use of Force: Towards More Security Council Control of Authorized Operations? 202
NIELS BLOKKER
10. When the Security Council is Divided: Imprecise Authorizations, Implied Mandates, and the 'Unreasonable Veto' 227
IAN JOHNSTONE
11. United Nations Security Council Practice in Relation to Use of Force in No-Fly Zones and Maritime Exclusion Zones 251
ROB McLAUGHLIN
12. Military Sanctions Enforcement in the Absence of Express Authorization? 272
PENELOPE NEVILL
13. The Relationship between the UN Security Council and General Assembly in Matters of International Peace and Security 293
NIGEL D. WHITE
14. Regional Organizations and Arrangements: Authorization, Ratification, or Independent Action 314
ERIKA DE WET

15. Use of Force: Justiciability and Admissibility	329
A. MARK WEISBURD	
16. The Use of Force in United Nations Peacekeeping Operations	347
SCOTT SHEERAN	
17. Mandated to Protect: Security Council Practice on the Protection of Civilians	375
HAIDI WILLMOT AND RALPH MAMIYA	
18. Self-Defence, Protection of Humanitarian Values, and the Doctrine of Impartiality and Neutrality in Enforcement Mandates	398
NICHOLAS TSAGOURIAS	
19. Transparency, Accountability, and Responsibility for Internationally Mandated Operations	416
CHARLOTTE KU	
20. 'Failures to Protect' in International Law	437
ANDRÉ NOLLKAEMPER	

PART III THE PROHIBITION OF THE USE OF FORCE, SELF-DEFENCE, AND OTHER CONCEPTS

21. The Ban on the Use of Force in the UN Charter	465
NICO SCHRIJVER	
22. Intervention, Armed Intervention, Armed Attack, Threat to Peace, Act of Aggression, and Threat or Use of Force: What's the Difference?	488
JAN KLABBERS	
23. The Prohibition of the Use of Force and Non-Intervention: Ambition and Practice in the OAS Region	507
JEAN MICHEL ARRIGHI	

24. The Crime of Aggression at the International Criminal Court	533
SEAN D. MURPHY	
25. The International Court of Justice and the 'Principle of Non-Use of Force'	561
CLAUS KREß	
26. The Prohibition of the Use of Force in Arbitrations and Fact-Finding Reports	605
VAIOS KOUTROULIS	
27. The Resilience of the Restrictive Rules on Self-Defence	627
JÖRG KAMMERHOFER	
28. Self-Defence and Collective Security: Key Distinctions	649
SIR MICHAEL WOOD	
29. Taming the Doctrine of Pre-Emption	661
ASHLEY S. DEEKS	
30. Can Non-State Actors Mount an Armed Attack?	679
KIMBERLEY N. TRAPP	
31. The Problem of Imminence in an Uncertain World	697
NOAM LUBELL	
32. Action Against Host States of Terrorist Groups	720
LINDSAY MOIR	
33. When Does Self-Defence End?	737
T. D. GILL	
34. Theatre of Operations	752
JEAN-CHRISTOPHE MARTIN	

PART IV ACTION ON BEHALF OF PEOPLES AND POPULATIONS

35. 'Humanitarian Intervention' 775
SIR NIGEL RODLEY
36. Pro-Democratic Intervention 797
DAVID WIPPMAN
37. Intervention by Invitation 816
GREGORY H. FOX
38. National Liberation in the Context of Post- and Non-Colonial
Struggles for Self-Determination 841
ELIZABETH CHADWICK

PART V REVIVAL OF CLASSICAL CONCEPTS?

39. Necessity 861
OLIVIER CORTEN
40. Retaliation and Reprisal 879
SHANE DARCY
41. Hot Pursuit 897
WILLIAM C. GILMORE
42. The Threat of the Use of Force and Ultimata 910
FRANÇOIS DUBUISSON AND ANNE LAGERWALL
43. Blockades and Interdictions 925
WOLFF HEINTSCHEL VON HEINEGG
44. Rescuing Nationals Abroad 947
MATHIAS FORTEAU

45. Peace Settlements and the Prohibition of the Use of Force 962
MARTIN WÄHLISCH
46. The Effects of a State of War or Armed Conflict 988
MARINA MANCINI

PART VI EMERGING AREAS?

47. Proliferation of Weapons of Mass Destruction and Shipping Interdiction 1017
VASCO BECKER-WEINBERG AND GUGLIELMO VERDIRAME
48. The Implications of the Proliferation of Weapons of Mass Destruction for the Prohibition of the Use of Force 1034
DANIEL H. JOYNER
49. The Use of Force Against Pirates 1057
DOUGLAS GUILFOYLE
50. The Changing Environment and Emerging Resource Conflicts 1077
MARCO PERTILE
51. Remotely Piloted Warfare as a Challenge to the *Jus ad Bellum* 1095
JORDAN J. PAUST
52. The Use of Cyber Force and International Law 1110
MICHAEL N. SCHMITT
53. Private Military Companies and the *Jus ad Bellum* 1131
IAN M. RALBY

PART VII GENERAL PROBLEMS

54. *Jus Cogens* and the Use of Armed Force 1161
ANDRÉ DE HOOGH

55. The Principle of Proportionality from a *Jus ad Bellum* Perspective 1187
THEODORA CHRISTODOULIDOU AND KALLIOPI CHAINOGLOU
56. The Relationship Between *Jus ad Bellum* and *Jus in Bello* 1209
KEIICHIRO OKIMOTO
57. Consequences for Third States as a Result of an Unlawful Use of Force 1224
PAOLO PALCHETTI

Index 1239