

TABLE OF CONTENTS

<i>List of Abbreviations</i>	ix
1. Law and force	1
Identification of the Law	9
Effectiveness of the Prohibition of the Use of Force	26
2. The prohibition of the use of force	32
Humanitarian Intervention	40
Kosovo: A New Role for NATO	45
<i>Legality of Use of Force</i> : the case before the International Court of Justice	49
The subsequent debate	52
Responsibility to Protect?	58
Darfur	61
Libya	62
Côte d'Ivoire (2011)	63
Right of Pro-Democratic Intervention	64
Force and Self-Determination	68
Other Claims Under Article 2(4)	73
3. Invitation and intervention	75
The <i>Nicaragua</i> Case	77
<i>Armed Activities on the Territory of the Congo (DRC v Uganda)</i>	79
The Right of a Government to Invite Outside Intervention	84
Classification of conflicts	85
Invitation by governments in practice	86
Intervention in Response to Prior Foreign Intervention	95
The Identification of the Government Entitled to Invite Intervention	100
Forcible Intervention to Assist the Opposition	108
Syria	113
Conclusion	118

4. Self-defence: the framework	120
Introduction	120
The Academic Debate	124
The Role of the Security Council	126
The duty to report to the Security Council	128
Self-defence as a temporary right	131
Security Council measures and self-defence	132
The Scope of Self-Defence	134
Armed attack	134
Criticism of the distinction between armed attack and frontier incident	155
Arguments for the distinction between armed attack and frontier incident	156
Necessity and proportionality	157
Protection of nationals	165
Anticipatory self-defence before the 'Bush doctrine'	170
Conclusion	175
Collective Self-Defence	176
The <i>Nicaragua</i> Case	180
State practice on collective self-defence	182
The requirement of a request	185
Third state interest?	188
The duty to report to the Security Council under Article 51	189
Iraq and the Complexities of Collective Self-Defence	190
Conclusion	196
 5. The use of force against terrorism: a new war for a new century?	 200
Pre-9/11 Practice	202
The Impact of 9/11	206
The concept of armed attack after 9/11	207
Subsequent Practice	209
Israel, Syria, and Lebanon 2001–6	210
Israel/Lebanon 2006	213
Gaza (2008–9, 2012, 2014)	216
Other conflicts	218
Necessity and Proportionality	227
Israel in Lebanon and Gaza	227
Operation Enduring Freedom	231
Targeted Killing	233
Syria	237
The Bush Doctrine of Pre-Emptive Self-Defence	248

Iraq and Pre-Emptive Self-Defence	253
The Next Steps: Iran and North Korea	257
North Korea	257
Iran	259
6. The UN and the use of force	262
The UN in the Cold War	263
Chapter VII action	263
The division of powers between the Security Council and the General Assembly	267
Peacekeeping during the Cold War	270
A New Legal Order? Chapter VII After the Cold War	272
Article 41: Transformation	274
Peacekeeping After the Cold War	280
The end of Cold War conflicts	282
The start of new conflicts	286
Peacekeeping in Africa	287
Peacekeeping and Enforcement Action	289
Yugoslavia	290
Somalia	293
Contemporaneous peacekeeping and enforcement operations	295
Rwanda	298
Reform of UN Peacekeeping	300
The Relation of UN Peacekeeping and Chapter VII	312
Consent to peacekeeping	315
The use of force by peacekeeping operations: self-defence	321
The use of force by peacekeeping operations: beyond self-defence	322
Protection of civilians	324
A Transformation in Peacekeeping?	331
DRC	331
Mali	335
Conclusion	339
7. Security Council authorization of member states to use force	341
Express Authorization	341
Haiti	343
Rwanda	345
Albania	346
The CAR and Chad	346
East Timor	349
The need for control of member state operations	349
Member state operations in Africa: Côte d'Ivoire, Liberia, and the DRC	351

Kosovo	356
Afghanistan	358
The multinational force in Iraq (2003)	359
Implied (or Revived) Authorization to Use Force	361
Iraq 1991–2002	361
The 1999 Kosovo operation	364
Operation Iraqi Freedom (2003)	367
Libya (2011)	377
Mali	380
Conclusion	381
8. Regional peacekeeping and enforcement action	387
Introduction	387
Cooperation Between the UN and Regional Organizations	389
Cooperation between the UN and the AU	392
AU Operations	397
<i>The AU in Somalia: AMISOM</i>	397
<i>The AU in Darfur: AMIS and UNAMID</i>	401
<i>The AU in Mali: AFISMA</i>	404
<i>The AU in the CAR: MISCA</i>	408
‘Regional Arrangements and Agencies’	411
The Constitutional Bases for Regional Peacekeeping	416
The Legality of Regional Action in Terms of the UN Charter and	
General International Law	425
ECOWAS action in Liberia (1990–7)	428
The former USSR	435
ECOWAS action in Sierra Leone	439
A Reinterpretation of Article 53 of the UN Charter?	444
A regional right to use force to restore democratic government?	446
Conclusion	451
<i>Index</i>	455