

WAR

AGGRESSION AND SELF-DEFENCE

THIRD EDITION



YORAM DINSTEIN

War Aggression And Self Defence

Ka Lok Yip



War Aggression And Self Defence:

War, Aggression and Self-Defence Yoram Dinstein, 2001-06-07 Yoram Dinstein's seminal textbook is an essential guide to the legal issues of war and peace armed attack self defence and enforcement measures taken under the aegis of the Security Council This fourth edition incorporates new material on the wars in Afghanistan and Iraq response to armed attacks by terrorists recent resolutions adopted by the Security Council and the latest pronouncements of the International Court of Justice In addition several new sections consider consent by States to the use of force as expressed either ad hoc or by treaty an armed attack by non State actors the various phases in the Gulf War up to the occupation of Iraq in 2003 and beyond and immunities from jurisdiction With many segments being rewritten to reflect recent State practice this book remains a comprehensive and highly readable introduction to the legal issues surrounding war and self defence An indispensable tool for students and practitioners *War, Aggression and Self-Defence, 6th Edition* Yoram Dinstein, 2017 *War Aggression and Self Defence* is an indispensable guide to international legal issues of war and peace the crime of aggression self defence and its trigger armed attack and the different modalities of self defence as well as enforcement measures taken under the aegis of a binding decision of the Security Council This new and fully updated 6th edition focuses on the key issues at the forefront of the contemporary international legal debate as well as analysing the new armed conflicts in Syria Ukraine and Georgia re examining the Kampala amendments on the crime of aggression and considering the phenomenon of robust mandates of a peacekeeping force Suitable for graduate and advanced undergraduate students this market leading book offers a wide ranging and highly readable introduction to the legal issues surrounding war and self defence *War and Self-Defense* David Rodin, 2002-10-17 When is it right to go to war The most persuasive answer to this question has always been in self defence David Rodin shows what's wrong with this answer He proposes a comprehensive new theory of the right of self defence which resolves many of the perplexing questions that have dogged both jurists and philosophers **War** Andrew Clapham, 2021 This book provides an accessible and engaging account of the contemporary laws of war It highlights how even though war has been outlawed and should be finished as an institution states continue to claim that they can wage necessary wars of self defence engage in lawful killings in war and imprison law of war detainees **The war in Afghanistan: A Legal Analysis**, Provides legal examination of the armed conflict in Iraq during the second Gulf War that began in 2003 Discusses legal issues associated with the initial decision to use armed force the manner in which force was employed the legal framework and evolution of military activities from invasion to occupation detention and counterinsurgency operations as well as policy and legal issues associated with the establishment of the rule of law and return of governance to the people of Iraq **The Metamorphosis of War**, 2012-01-01 In the last few decades the practice purpose and the very language of warfare have been radically transformed This volume mobilizes the resources of a range of disciplines across the social sciences and humanities in combination with the insights of military practitioners to understand

the metamorphosis of war *Law, War and the Penumbra of Uncertainty* Sam Selvadurai, 2022-04-07 An exploration into how uncertainty and political and ethical biases affect international law governing the use of force **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 definition and interpretation *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 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 to 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

Parliament's Secret War Veronika Fikfak, Hayley J Hooper, 2018-02-22
The invasion of Iraq in 2003 and the Coalition Government's failure to win parliamentary approval for armed intervention in Syria in 2013 mark a period of increased scrutiny of the process by which the UK engages in armed conflict For much of the media and civil society there now exists a constitutional convention which mandates that the Government consults Parliament before commencing hostilities This is celebrated as representing a redistribution of power from the executive towards a more legitimate democratic institution This book offers a critical inquiry into Parliament's role in the war prerogative since the beginning of the twentieth century evaluating whether the UK's decisions to engage in conflict meet the recognised standards of good governance accountability transparency and participation The analysis reveals a number of persistent problems in the decision making process including Parliament's lack of access to relevant information government legalisation of parliamentary debates which frustrates broader discussions of political legitimacy and the skewing of debates via the partial public disclosure of information based upon secret intelligence The book offers solutions to these problems to reinvigorate parliamentary discourse and to address government withholding of classified information It is essential reading for anyone interested in war powers the relationship between international law and domestic politics and the role of the Westminster Parliament in questions of national security

Terrorism and the US Drone Attacks in Pakistan Imdad Ullah, 2021-03-29 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-à-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 fields of international relations Asian politics South Asian studies and security studies in

particular global security law new wars and emerging technologies of warfare The 'War on Terror' and the Framework of International Law Helen Duffy, 2015-04-09 Helen Duffy's analysis of international law and practice in relation to terrorism and counter terrorism provides a framework for analysing the lawfulness of the many legislative policy and judicial developments which have proliferated since 9 11 Among the many specific issues she addresses are targeted killings and the death of Osama bin Laden detentions including Guantanamo Bay sanctions regimes surveillance extraordinary renditions the prohibition on association or support for terrorism and the evolving preventive role of criminal law She also considers the unfolding responses to political and judicial wrongs committed in the war on terror such as the impact of the courts on human rights protection While exploring areas of controversy uncertainty and flux she questions post 9 11 allegations of gaping holes inadequacies or transformation in the international legal order and concludes by highlighting characteristics of the war on terror and questioning its longer term implications Terrorism, War and International Law Myra Williamson, 2016-04-01 This book analyzes the legality of the use of force by the US the UK and their NATO allies against Afghanistan in 2001 The work challenges the main ground for resorting to force namely self defence under Article 51 of the United Nations Charter by examining each element of Article 51 that ought to have been satisfied in order to legitimise the use of force It also examines the wider context including comparable Security Council resolutions in historic situations as well as modern instances where force has been used such as against Iraq in 2003 and against Lebanon in 2006 As well as making the case against the legality of the use of force the book addresses wider questions such as the meaning of terrorism in international law the changing nature of conflict in the twentieth and twenty first centuries including the impact of non state actors and an overview of terrorism trends as well as the evolution of limitations on the resort to force from the League of Nations through to 2001 The book concludes with some insight into the possible future implications for the use of force by states particularly when force is purportedly justified on the grounds of self defence Cosmopolitan War Cécile Fabre, 2012-09-27 War is about individuals maiming and killing each other and yet it seems that it is also irreducibly collective as it is fought by groups of people and more often than not for the sake of communal values such as territorial integrity and national self determination Cécile Fabre articulates and defends an ethical account of war in which the individual as a moral and rational agent is the fundamental focus for concern and respect both as a combatant whose acts of killing need justifying and as a non combatant whose suffering also needs justifying She takes as her starting point a political morality to which the individual rather than the nation state is central namely cosmopolitanism According to cosmopolitanism individuals all matter equally irrespective of their membership in this or that political community Traditional war ethics already accepts this principle since it holds that unarmed civilians are illegitimate targets even though they belong to the enemy community However although the traditional account of whom we may kill in wars is broadly faithful to that principle the traditional account of why we may kill and of who may kill is not Cosmopolitan theorists for their part do not address the

ethical issues raised by war in any depth Fabre's *Cosmopolitan War* seeks to fill this gap and defends its account of just and unjust wars by addressing the ethics of different kinds of war wars of national defence wars over scarce resources civil wars humanitarian intervention wars involving private military forces and asymmetrical wars

The Use of Force against Individuals in War under International Law Ka Lok Yip, 2022-03-24 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 War Report Annyssa Bellal, 2015-12-10 This War Report provides detailed information on every armed conflict which took place during 2014 offering an unprecedented overview of the nature range and impact of these conflicts and the legal issues they created In Part I the Report describes its criteria for the identification and classification of armed conflicts under international law and the legal consequences that flow from this classification It sets out a list of armed conflicts in 2014 categorising each as international non international or a military occupation with estimates of civilian and military casualties In Part II each of these conflicts are examined in more detail with an overview of the belligerents means and methods of warfare the applicable treaties and rules and any prosecutions for investigations into or robust allegations of war crimes Part III of the Report provides detailed thematic analysis of key legal developments which arose in the context of these conflicts allowing for a more in depth reflection on cross cutting questions and controversies The Report gives a full and accessible overview of armed conflicts in 2014 It should be the first port of call for everyone working in the field

Democracy Goes to War Nigel White, 2009-06-18 British troops are increasingly deployed around the world This book considers the different constitutional frameworks that operate at national and international levels within which troop deployments are made by the British government and assesses whether mechanisms of democratic accountability can contribute to upholding international law

The Handbook of Humanitarian Law in Armed Conflicts Dieter Fleck, Michael Bothe, 1999 This book offers the most

authoritative commentary and analysis of international humanitarian law applicable in armed conflict available It is based upon the Joint Service Regulation for the German Ministry of Defence augmented with extensive international references and accompanied by commentary by a team of distinguished and internationally renowned experts Whilst the past decades have seen consistent development of international law applicable in armed conflict culminating in a series of International Covenants and Protocols world events in recent years have made reassessment of the law both a timely and topical concern This Handbook available for the first time in paperback will serve as an indispensable reference source for practising lawyers and academics working in the field of international humanitarian law and for military personnel worldwide

International Law and the War with Islamic State Saeed Bagheri, 2021-07-15 Armed non state actors ANSAs often have economic aims that international law needs to respond to This book looks at the aim of Islamic State to create an effective government with an economically independent regime which focused on key oilfields in Syria and Iraq Having addressed Islamic State's quest for energy resources in Iraq and Syria the book explores the lawfulness of the war with Islamic State from a variety of legal aspects It has been attempted to make inroads into the most controversial aspects of contradictions in the application of jus ad bellum and jus in bello particularly when discussing the use of extraterritorial armed force against ANSAs and the obligation to protect civilian objects including the natural environment The question is whether the targeting of energy resources should be regarded as a violation of the laws of armed conflict even though the war with Islamic State being classified as a non international armed conflict Ambitious in scope the study argues that legal theory and state practice are still problematic as to how and under what conditions states can justify resorting to military force in foreign territory and to what extent they can target natural resources as being part of state property Furthermore it goes on to examine the differences between international and non international armed conflicts to establish whether there is any difference in the targeting of energy resources as part of the war sustaining capabilities of either party Through an examination of the Islamic State case the book offers a comprehensive study to close the gaps in jus in bello by contextualising the questions of civilian protection victimisation and state responsibility by evaluating the US's war sustaining theory as a justification for the destruction of a territorial state's natural resources that are occupied by ANSAs

The Handbook of International Humanitarian Law Dieter Fleck, 2008-01-24 This fully updated second edition the work previously known as The Handbook of Humanitarian Law in Armed Conflicts sets out an international manual of humanitarian law in armed conflicts accompanied by case analysis and extensive explanatory commentary by a team of distinguished and internationally renowned experts Topics examined include the historical development legal basis and scope of application of international humanitarian law methods and means of combat protection of the civilian population and of the wounded sick or shipwrecked and of prisoners of war the protection of cultural property the law of neutrality and the enforcement of international humanitarian law This edition also incorporates new chapters covering the law of non international armed conflicts and

international peace operations Highly topical issues including the role of the UN security council the relevance of International Humanitarian Law in peacetime and post conflict military operations and enforcement through trials for war crimes in national and international courts are also discussed

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