Afghanistan, 3, 46, 66–9, 144, 152, 221, 234 African Union Non-Aggression and Common Defence Pact, 151	attribution, requirement of, 87, 198, 200, 202, 207, 211, 212, 213, 224, 232, 249, 253, 257, 275 Augustine of Hippo, 237
aggression, 133 definition, 131–3	Ban Ki-Moon, 191
indirect, 131	Bellinger, John, 226
aiding or abetting, 86	bellum iustum, 22
Al Harithi, Abu Ali, 222	Bernadotte, Count Folke, 205
al-Awlaki, Anwar, 222, 223	Bethlehem, Daniel, 213, 224–6, 250
Albania, 193	Bethlehem's Principles, 40–2, 69, 76, 82,
Algeria, 137	105, 217
Al-Qaeda, 46	Blair, Tony, 250
Aquinas, Thomas, 237–8, 244	Boko Haram, 18
armed attack, 23, 28, 44, 49, 65–6, 72, 81, 84, 87,	Buergenthal, Judge, 69, 157
112–15, 139, 164, 169, 172, 199, 210, 215, 253	Bush Administration (2001), 217, 220, 221
definition, 54–61, 165	
French definition, 182	Cançado Trindade, Judge
ICJ, 195–6	Antônio Augusto, 243
State support for, 162–3, 168	Caroline incident, 22, 44, 53
threshold question, 91	Chad, 147
treaty law, 93	Chatham House Principles, 5, 38, 39, 41, 42,
armed bands, 141	62, 224
armed conflict zones, outside of, 213	civil war, 252, 255
armed reprisals, as justification for	Clinton administration, 220
response, 100	collective security system, 28, 38, 80, 83, 165
Articles on State Responsibility, 149	Colombia, 47, 146, 148, 150
Ashburton, Lord, 23, 45, 53, 240	Conclusion on the Identification of Customary
asymmetrical self-defence, 102-4, 134, 161	International Law, 51
case for recognising right of, 164	condemnations, 4, 67, 69, 150, 154, 193, 205, 275
claims of, 140	Congo, 58–9, 202
harbouring, loss of control, 163	consent, 202–5
number of claims, 147	control of territory, 200
problem of, 97–8	countermeasures, to less than armed attack, 196
recognition of, 170	counter-terrorism
risk of abuse, 169–71	law enforcement measures, 175
state supported attacks, 167	Cuban Missile Crisis, 208

customary international law, 49, 51, 52–4, 106,	necessity and proportionality, 233
274-7	sources relied on for self-defence rulings,
dynamic nature of, 54	204
formation of, 50	Statute, 266
relationship to treaty law, 106	treaty interpretation, 271
right to self-defence, 44, 53	IHL (International Humanitarian Law), 204,
cyber operations, 265	
Dl. C ICIC	imminence, 222
Daesh. See ISIS	indeterminacy, 264–9
de lege ferenda proposals, 5	India, 137, 140, 146
Deeks, Ashley, 225	international law, xii
Definition of Aggression, 135	English language scholarship, xxiv
Denmark, 154 Dispute Settlement Body, 272	sources, 266, 274 universalisation, xx
Draft Conclusions on the Identification of	universalism, xvi
Customary International Law, 50	International Law and the Use of Force by
Customary international Law, 30	_
Egan, Brian, 225, 227, 256	States, 214 International Law Commission, 53, 111, 126,
El Salvador, 196	128, 159–61, 167, 193, 230, 251
Ethiopia, 147, 152	Interpol, 255
2000 (14/, 1)2	inter-State understanding of self-defence, 62,
framework-theory, xxii-xxiii	64, 103, 129–35, 137, 138, 142, 156, 159, 258
France, 124, 130, 137, 140, See also Suez Crisis	UN Charter, 61, 97, 119, 128, 129–33
Friendly Relations Declaration, 131	intervention by invitation, 151, 202–5
	Iran, 146, 152
Georgia, 47, 73	Iraq, 47, 70–1, 73, 152, 153, 189, 234
German Federal Constitutional Court	ISIS, 73–7, 150–1, 279
on self-defence against ISIS, 150–1	German Federal Constitutional Court on
Germany, 186, 230	self-defence against, 150–1
Goldsmith, Attorney General (UK), 215	Islamic State. See ISIS
Greece, 130	Israel, 47, 130, 138, 144, 153-4, 156, 157, 200, 216,
Greenwood, Judge, 212	See also Suez Crisis
Grotius, Hugo, 238–9, 243	ius cogens, 229–32
Guatemala, 141	doctrine of, 246
	ICJ, 230, 231
Hague Lectures, 55	prohibition on the use of force, 25–7, 48,
harbouring of non-State actors, 138, 141,	178
147–8, 168	
Hezbollah, 153–4	Japan, 186
Higgins, Judge, 55, 114, 157, 200	Jennings, Judge, 133
hot pursuit	Just War Doctrine, 236–40
as justification for response, 100	rejection of, 241
asymmetry as part of, 102	justifications for use of force against non-State
Hussain, Junaid, 175, 199, 256	actors, 245
ICI (International Count of Instice)	Vashania
ICJ (International Court of Justice), 24, 25, 52,	Kashmir, 137
67, 68, 70, 81, 84, 85, 86, 109, 133, 135,	Kellogg–Briand Pact, 183–4
156–8, 161, 166, 192–205, 255, 276 attacks attributable to States, 1	Kelsen, Hans, 241–2 Khan, Reyaad, 174–5, 199, 227, 255
consent, 203	Knan, Keyaad, 174–5, 199, 227, 255 Kooijmans, Judge, 58, 67, 157, 201
ius cogens, 230, 231	Korea, 205–6
140 0050110, 230, 231	10104, 205-0

Koroma, Judge, 60 Kurdistan Workers Party, 47 Kuwait, 234	positive law, 237, 240–1 post truth age, xviii proportionality, principle of, 198–9
Larger Freedom, In, 65, 121, 155 Lauterpacht, Hersch, 243 law enforcement, 255 Law Enforcement Officials, 204 law, source of, 254 Lebanon, 47, 71–2, 153–4 Leiden Recommendations, 5, 6, 38, 39–40, 41, 42 Liberia, 147	Reagan administration, 219 requirement to report, 36 responsibility, 149 right to respond to armed attacks that could be attributed to another State, 134 Rio Treaty Organization, 185 Russia, 47, 72, 73, 74, 75, 146, 148 Rwanda, 146, 150
Libya, 218–19, 235	Scelle, George, xix
loss of effective control, 148–9, 168	Schwebel, Judge, 55, 59, 68
Luban, David, 242	self-defence
	alternative justifications, 99
mercenaries, 141	as exception, 100–1
Morocco, 138, 140	conditions of, 101
national coourity 245 6	legitimacy, 100
national security, 245–6 nationals, rescue of, 225	source of, 105 UN Charter, 62
natural law, 12, 228, 236, 237, 238, 240,	Self-Defence in International Law, 214
243, 244	Senegal, 146, 152
necessity	Shultz doctrine, 138
as justification for response, 99	Simma, Judge, 58, 67, 157, 201
asymmetry as part of, 102	Sofaer, Judge Abraham, 219–20
principle of, 198–9	Somalia, 152
necessity and proportionality, 233	sources, for self-defence, 165
Nicaragua, 55, 194–7	South Africa, 100, 137, 139, 140, 175
Nigeria, 18	South Korea, 236
9/11, 3, 46, 220–1	Soviet Union, 124, 205–6
effect of, 159	State attack, 104, 115, 120, 122, 124, 142, 154, 156,
Non-Aligned Movement, 154, 155, 162 non-consenting third States, 5, 10, 21, 42, 43, 46,	157, 161, 164, 185, 278 definition, 103
47, 48, 49, 54, 57, 63, 69, 74, 79, 81, 258,	State nexus, 104, 113, 115, 142, 156
269, 274	State-centric view of self-defence, 96, 97,
non-intervention, principle of, 197, 198, 202	98, 111, 114, 116, 119, 120, 122, 125, 129,
North Korea, 236	131, 156
	changes, 161–4, 165
Obama administration, 216, 217, 222–3	States
occupation law, 201	definition of state attack, 103
Occupied Palestinian Territories, 57	duty of toleration, 103
opinio iuris, 51	responsibility, 134
Oppenheim, Lassa, 240	unable/unwilling, 212, 224–8, 250, 252, 254,
Osirak, Iraq, 209	256, 257 Sudan 47, 53, 147, 153
Pakistan 127	Sudan, 47, 73, 147, 152 Suez Crisis, 206–8, 214, 250
Pakistan, 137 perspectivism, xv	Syria, 7–8, 73–7
pirates, 1	system of collective security
Portugal, 137, 141	effectiveness and unilateral use of force, 34
<i>5 / 7//</i> 1	T, (*****)

Tajikistan, 146, 148, 152	United Nations Security Council, 30, 32, 33,
Tanaka, Judge, 243	34, 69, 74, 84–5, 87, 141, 162, 205–12, 215,
targeted killing, 174–7, 213, 218, 234–5	235, 247
terrorism, 18, 215, 217, 218–24, 246, 247, 250	international terrorism, 85
as criminal act, 205	ISIS, 150
terrorist organizations, 1	non-State actors, 118
terrorism, 246	on 9/11 self-defence, 46
Thailand, 146, 152	on attacks by non-State actors, 140
threshold question, 94	political restraints, 85
Tomka, Judge, 158	right to self-defence, 4
treaty interpretation, 261	Syria, 7
triggering attack, 101, 182, 199, 256	United States, 124, 138, 144, 175, 176–7, 183–5,
Tunisia, 137	194–7, 205–6, 218–24, 234–5, 250, 275,
Turkey, 70–1, 138, 144, 148, 152	See also Suez Crisis
TI 1 0 ()	Iraq, 189, 234
Uganda, 57, 58–9, 146, 156, 157	Syria, 76
unable or unwilling test, 9, 90, 149, 212, 224–8,	war in Afghanistan, 66–9, 152, 163
250, 252, 253, 254, 256, 257	universality
unilateralism, 88, 89	as mode of power, xxi
United Kingdom, 124, 174, 175–6, 177–8, 234–5,	use of force
250, See also Suez Crisis	collective, 15
United Nations, 155	customary international law, 11, 18, 25, 43, 44,
Article 51, 280	52–4, 72, 95, 100, 107, 193, 197, 199, 202,
collective security system, 125	214, 231, 233
United Nations Charter, 2, 4, 14, 22, 23–4,	in self defence, 54
165–6, 179–80, 190–1	less grave forms, 24
Article 2(4), 64, 65, 95, 115–16, 181, 184–5,	prohibition of, 22–8
188	UN Charter, 20
Article 2(4), as <i>ius cogens</i> norm, 249	unilateral, 15
Article 3(g), 159	USS Cole, 220
Article 39, 64	055 Colc, 220
Article 42, 64	Vattel, Emer de, 239
Article 51, 36, 48–9, 52, 76–8, 84, 104, 105,	VCLT (Vienna Convention on the Law of
106, 124, 128, 129, 166, 168, 182–3, 185, 186,	Treaties), 49, 51–2, 61–6, 77, 81, 108, 125,
266–7	126, 231, 262, 264, 273, 279
Article 51, context, 109–12	Articles 31–33, 110
Article 51, reliance on, 146	ius cogens, 229
Chapter VII, 119	
inter-State reading of, 61, 62, 64, 97, 119, 128,	war, elimination of, 247
129-33	World Trade Center 1993, 220
purpose of, 120–5	Wright, Attorney General Jeremy (UK), 212,
self defence, 30–6	216, 217
travaux préparatoires, 123–4	,
use of force, 20	Yemen, 220, 221, 222
United Nations General Assembly, 31–4, 131,	
135, 166, 187–92, 205	Zaire, 141
United Nations Secretary General, 189–91	Zimbabwe, 137, 139
1 , ") , "	') ') /