

Contents

1. Law and force	1
Identification of the law	
Effectiveness of the prohibition of the use of force	
2. The prohibition of the use of force	24
Humanitarian intervention	
Kosovo: a new role for NATO	
<i>Legality of Use of Force</i> : the case before the International Court of Justice	
A right of pro-democratic intervention	
Force and self-determination	
3. Invitation and intervention: civil wars and the use of force	51
Recent application of the law on intervention in civil wars:	
Africa after the Cold War	
The <i>Nicaragua</i> case	
The right of a government to invite outside intervention	
Classification of conflicts	
Invitation by governments in practice	
Intervention and protection of nationals	
Intervention in response to prior foreign intervention	
Chad	
Forcible intervention to assist the opposition	
Intervention and counter-intervention in Angola and Mozambique	
The end of the Cold War	
4. Self-defence	84
Introduction	
The academic debate	
The role of the Security Council	
The duty to report to the Security Council	
Self-defence as a temporary right	
Security Council measures and self-defence	
The scope of self-defence	
Armed attack	
Necessity and proportionality	
Protection of nationals	
Anticipatory self-defence	
Further extensions of self-defence: the use of force against terrorism	
Conclusion	

5. Collective self-defence	120
The <i>Nicaragua</i> case	
The meaning of armed attack	
The actions of armed bands and irregular forces	
The supply of arms	
Frontier incidents	
The distinction between armed attack and frontier incident in the <i>Nicaragua</i> case	
Criticism of the distinction between armed attack and frontier incident	
Arguments for the distinction between armed attack and frontier incident	
The distinction and the <i>Definition of Aggression</i>	
Other limits on the right of collective self-defence	
Third state interest?	
The duty to report to the Security Council under Article 51	
Conclusion	
 6. The UN and the use of force	144
The UN in the Cold War	
Chapter VII action	
The division of powers between the Security Council and the General Assembly	
Peacekeeping during the Cold War	
A new legal order? Chapter VII after the Cold War	
Article 41: transformation?	
Peacekeeping after the Cold War: expansion and retreat	
The end of Cold War conflicts	
The start of new conflicts	
Peacekeeping and enforcement action in Yugoslavia and Somalia: the blurring of traditional distinctions	
The extension of peacekeeping	
Yugoslavia	
Somalia	
Contemporaneous peacekeeping and enforcement operations	
Lessons from Yugoslavia and Somalia: a return to traditional peacekeeping?	
Rwanda: lessons learned?	
The relation of peacekeeping and Chapter VII	
The use of force by peacekeeping operations	
Sierra Leone and the DRC	
Consent to peacekeeping	
Developments in peacekeeping and enforcement	

Authorization of member states to use force

Implied authorization to use force

Iraq

Kosovo

UN-authorized force to restore democracy

Preventive peacekeeping forces

Standby forces

Cooperation with regional forces

Conclusion

7. Regional peacekeeping and enforcement action

200

Introduction

'Regional arrangements and agencies'

The constitutional bases for regional peacekeeping

The legality of regional action in terms of the UN Charter
and general international law

Liberia

The former USSR

Sierra Leone

Security Council authorization of the use of force by regional
organizations

Conclusion

Index

239