



Litteraturlista

Kursens kurskod och benämning	2OJ004 Jus ad Bellum
Kurslitteratur	<p>Main texts (selected chapters will be assigned per lecture in the course description)</p> <ul style="list-style-type: none">• Christian Henderson, <i>The Use of Force and International Law</i> (Cambridge UP, 2018)• Christine Gray, International Law and the Use of Force (4ed, Oxford University Press, 2018)• The Charter of The United Nations <p>Recommended and further readings</p> <p>Tom Ruys, Olivier Corten & Alexandra Hofer, <i>The Use of Force in International Law: A Case-based Approach</i> (OUP, 2018), selected Chapters</p> <p>In addition to the chapters assigned from the above....</p> <p>Lecture 1: Course introduction, the prohibition on the use of force, history and scope</p> <ul style="list-style-type: none">• Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment (Merits), (1968) ICJ reports 14. [Concentrate on paras 175-178, 183-268.]• Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (GA Res 2625 (XXV) 24 October 1970)(Declaration on Friendly Relations)• James Green, 'Questioning the peremptory status of the prohibition of the use of force' (2011) 32 Michigan Journal of International Law 215.' <p>Recommended and further readings</p> <ul style="list-style-type: none">• Russell Buchan, 'Historical development of the jus ad bellum' in Russell Buchan & Nicholas Tsagourias Regulating the Use of Force in International Law : Stability and Change (Edward Elgar, 2021) available ALB.• Gina Heathcote, 'Feminist perspectives on the use of force', in Marc Weller (ed) The Oxford Handbook of the Use of Force in International Law (OUP, 2015) <p>Lecture 2: Force (...cont), threats and minor uses of force. Invitation.</p> <p>Compulsory readings</p> <ul style="list-style-type: none">• Marco Roscini, 'Threats of Armed Force and Contemporary International Law', (2007) <i>Netherlands International Law Review</i>, LIV (2), August, 229–77.



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- Tom Ruys, "The meaning of Force and the boundaries of the Jus ad Bellum: Are 'minimal' uses of force excluded from UN Charter article 2(4)?" (2014) 108 *American Journal of International Law* 159.

Recommended and Further Reading

- [Case concerning Armed Activities on the Territory of the Congo \(Democratic Republic of the Congo v. Uganda\)](#) Judgment (Merits), (2005) ICJ Reports 168 (Armed Activities Case)
- Olivier Corten, *The Law against War*, (Hart Publishing, 2010) Chpt 2.

Lecture 3: Self-defence

Compulsory readings

[Oil Platforms \(Islamic Republic of Iran v. United States of America\)](#), Judgment, ICJ Reports 2003, 161.

Recommended and Further Reading

- Tom Ruys, "Armed attack" and Article 51 of the UN Charter: evolutions in customary law and practice, (Cambridge: Cambridge University Press, 2010). Chapt 3.
- Elizabeth Wilmshurst (2006), ["The Chatham House Principles of International Law on the Use of Force in Self-Defence"](#), *International and Comparative Law Quarterly*, 55 (4), October, 963–72.
- US Government (2002) [The National Security Strategy of the United States of America](#) [Online].
- Webster, D. and Fox, H. S. (1857) 'Correspondence between Great Britain and the United States, respecting the Arrest and Imprisonment of Mr. McLeod, for the Destruction of the steamboat Caroline – March, April 1841' *British and Foreign State Papers 1840–1841*, vol. 29, pp. 1126–1142 [Online]. Available through ALB (accessed 20 May 2020)

Lecture 4: Self-defence against non-state actors

Compulsory readings

- [Advisory Opinion on the Legal Consequences of the construction of a Wall in the Occupied Palestinian territory](#), paras 138-139.

Recommended and Further Reading

- Daniel Bethlehem (2012), 'Self-Defense against an Imminent or Actual Armed Attack by Nonstate Actors', *American Journal of International Law*, 106 (4), October, 770–77.



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- Michael Byers (2002), 'Terrorism, The Use of Force and International Law after 11 September', *International and Comparative Law Quarterly*, 51 (2), April, 401–14
- Kimberley N. Trapp (2007), 'Back to Basics: Necessity, Proportionality, and the Right of Self-Defence against Non-State Terrorist Actors', *International and Comparative Law Quarterly*, 56 (1), January, 141–56
- Christian J. Tams (2009), 'The Use of Force against Terrorists', *European Journal of International Law*, 20 (2), 359–97

Lecture 5: The collective security system – use of force by the United Nations

Compulsory readings

- Andrew J. Carswell, 'Unblocking the UN Security Council: The Uniting for Peace Resolution', (2013) *Journal of Conflict and Security Law*, 18 (3), Winter, 453–80.

Lecture 6: Authorisation to use force and regional peacekeeping

Compulsory readings

- UNSC Res 678 (1990), 687 (1991), 1441 (2002) (on Iraq)
- UNSC 1970 (2011), 1973 (2011) (on Libya)

Lecture 7: other debated exceptions, humanitarian intervention, legitimacy and legality

Compulsory readings

- Thomas M. Franck, '[What, eat the cabin boy? Uses of force that are illegal but justifiable](#)' in *Recourse to Force : State Action Against Threats and Armed Attacks*. (Cambridge UP, 2002), chpt 10.
- Anthea Roberts '[Legality versus Legitimacy: Can uses of force be illegal but justified?](#)' in Philip Alston and Euan McDonald (eds), *Human Rights, Intervention and the Use of Force* (OUP, 2008)

Recommended and Further Reading

- Tesón, F. (2003) 'The liberal case for humanitarian intervention' in Holzgrefe, J.L. and Keohane, R. O. (eds) *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, Cambridge, Cambridge University Press.
- Olivier Corten, *The Law against War*, (Hart Publishing, 2010) Chpt 8.



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Beslut	Bilaga som fastställts av ämnesrådet i Ange text Klicka och välj datum med pilen
Gäller från och med termin Observera att litteraturen kan ändras inför varje nytt kurstillfälle	HT2022