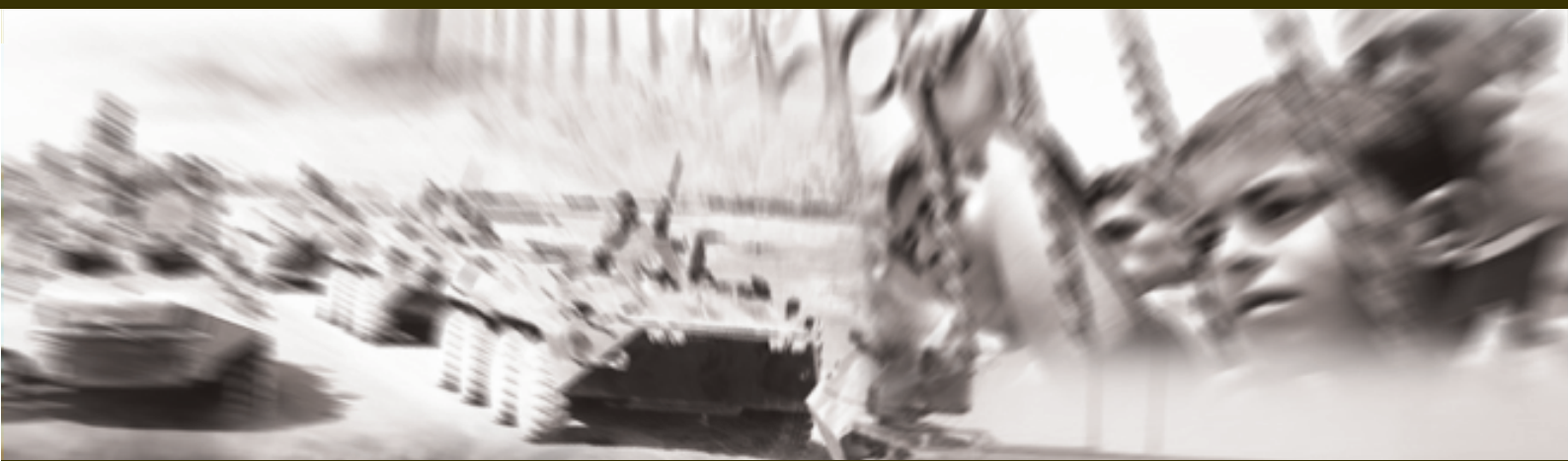


# USE OF FORCE IN INTERNATIONAL LAW

MOHAMMAD NAQIB ISHAN JAN



This book, consisting of ten chapters, provides succinctly the essential aspects of the 'Use of Force in International Law'. It analyses the history of the UN Charter, its conception and role in today's world. Their member States and the provisions on the concept of the use of force are also scrutinised. The UN was established on a simple ambition to bring about world peace, cooperation and coexistence among sovereign nations. The defence of justice does not correlate with an absence of aggressive use of armed force at times. The book proceeds to discuss the protection of human rights and the difficulties some States may face in abiding with the rules of international law, whilst at the same time trying to protect the rights of their citizens, which includes protection of women and foreigners.

The term 'anticipatory self-defence' is generally understood to mean 'the use of force in self-defence against an imminent attack'. This well-established term is used to describe the *Caroline doctrine* of self-defence and is maintained as such for a very long period of time. The United State's invasion of Iraq, Israel's occupation of Palestine, Iraq's occupation of Kuwait and the Six Day War of 1967 amongst others are discussed under this topic, including whether the said invasions were justified or not.

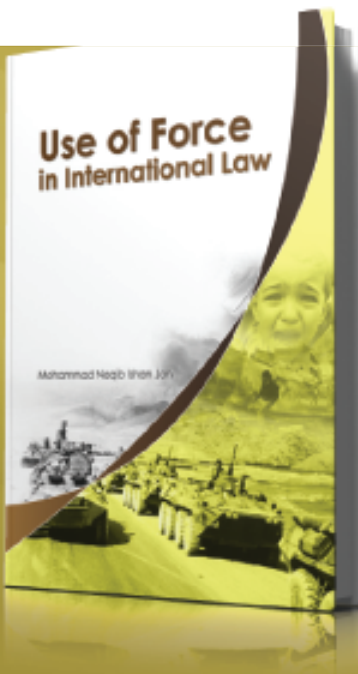
A violation of Article 2(4) of the UN Charter is an act of 'aggression' which entitles the aggrieved State to invoke its individual as well as collective self-defence under Article 51 of the Charter. These two Articles are discussed at length throughout the book as they give rise to a collective use of force via the UN collective security system under Chapter VII of the UN Charter.

The most unique in this book is Chapter 9, which delves into the similarity of the *Shari'ah* provisions relating to the use of force and

those of the UN Charter, which many readers will find interesting as well as an eye-opener at the very least. Although the *Shari'ah* and contemporary international law stand firmly for world peace and security, the two legal systems do not completely rule out the use of armed force for some 'legally justifiable reasons'. This book discusses both the *Shari'ah* and contemporary international law wherein they prohibit an unjustifiable use of armed force.

International law on the use of armed force, which was traditionally referred to as '*jus ad bellum*', is mainly contained in the UN Charter. The questions discussed in the book include: What was the legal situation before the UN Charter was adopted? Was the use of armed force permitted and if so under what circumstances? The author has researched the Greek and Roman philosophers who developed a concept known as 'just war' that allowed the use of armed force only for a 'just cause' (*justa causa*). The idea of prohibiting aggressive use of armed force was conceived by the League of Nations as is apparent from its Covenant of 28 of June 1919, and the 'Kellogg-Briand Pact' which was adopted in August 27 1928. However, did these two legal instruments prohibit the use of armed force in international relations and if so to what extent? Was the prohibition effective? These are some of the questions that are posed whilst explaining the use of armed force from the historical perspective.

This book is immensely beneficial to students, practitioners and academics in the field of international law, especially relating to the initiation of armed conflict (*jus ad bellum*). The author has researched extensively into the historical and practical aspects of the use of force in international law, and has managed to arrange the knowledge acquired into a comprehensive and useful book for the reader.



## Key Features:

- Comprehensive guide to the history and inception of the United Nations
- Detailed discussion of Articles 2(4) and 51 of the UN Charter
- Detailed discussion on the use of armed force through the UN collective security system
- Aggression as a crime explained where its contemporary perpetrators are yet to be brought to justice
- Comparisons and similarities of the *Shari'ah* provisions relating to the use of force and those of the UN Charter
- Presentation of the arguments set out for the invasion of Iraq and the occupation of Palestine
- Discusses the State's basic responsibilities to protect human rights and the pitfalls of trying to protect the same.

## CONTACT DETAILS

Name : \_\_\_\_\_  
Designation : \_\_\_\_\_  
Firm/Co. : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_

Tel : \_\_\_\_\_ Fax : \_\_\_\_\_  
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