

1. Record Nr.	UNINA9910463358503321
Autore	Proulx Vincent-Joel
Titolo	Transnational terrorism and state accountability : a new theory of prevention / / Vincent-Joel Proulx ; with a foreword by Bruno Simma
Pubbl/distr/stampa	Oxford, United Kingdom ; ; Portland, Oregon : , : Hart Publishing, , 2012
ISBN	1-4725-6619-X 1-78225-037-9
Edizione	[1st ed.]
Descrizione fisica	1 online resource (379 p.)
Collana	Hart monographs in transnational and international law ; ; v. 9
Disciplina	344.05325
Soggetti	Government liability Terrorism - Prevention - Law and legislation Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	; Introduction -- State responsibility, terrorism and international law -- The impact of 9/11 on international law and beyond -- Unity through vagueness : the challenges of devising general rules of responsibility -- Rethinking the rationale underlying state responsibility for terrorism : trans-substantive rules, domestic analogies and the rationalist agenda -- Implementing a two-tiered strict liability-infused model.
Sommario/riassunto	"Every State has an obligation to prevent terrorist attacks emanating from its territory. This proposition stems from various multilateral agreements and UN Security Council resolutions. This study exhaustively addresses the scope of this obligation of prevention and the legal consequences flowing from its violation, so as to provide greater clarity on governments' counterterrorism duties and to enhance State accountability for preventable wrongs. It defines the contents and contours of the obligation while placing critical emphasis on the mechanics of State responsibility. Whether obscured by new technologies like the Internet, the sophisticated cellular structure of some terrorist organisations or convoluted political realities, the level of governmental involvement in terrorist activities is no longer readily discernible in every instance. Furthermore, the prospect of governments waging surrogate warfare through proxies also poses

intractable challenges to the mechanism of attribution in the context of State responsibility. This monograph sets out the shortcomings of the extant scheme of State responsibility while identifying a paradigm shift towards more indirect modes of accountability under international law, a trend corroborated by recent State and institutional practice. Drawing on varied legal and theoretical influences, the study devises and prescriptively argues for the implementation of a strict liability-inspired model grounded in the logic of indirect responsibility with a view to enhancing State compliance with counterterrorism obligations. This shifts the policy focus squarely to prevention, while promoting multilateralism and transnational cooperation. Ultimately, the legal and policy sensibilities underlying the book converge into a new theory of prevention in counterterrorism contexts."--Bloomsbury Publishing.
