1. Record Nr. UNINA9910824493303321 Autore Newton Michael A. <1962-> Titolo Proportionality in international law // Michael Newton, Larry May Pubbl/distr/stampa New York:,: Oxford University Press,, 2014 ©2014 **ISBN** 0-19-935505-3 0-19-935504-5 Descrizione fisica 1 online resource (354 p.) Disciplina 341.01 Soggetti Proportionality in law 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 Cover; Proportionality in International Law; Copyright; Contents; 1 Introduction; I. A Preliminary Understanding of Jus in Bello Proportionality; II. An Example of Friendly Fire between the United States and Pakistan: III. Some Preliminary Directions: 2 What is Proportionality?; I. What is Proportionality at its Most Basic?; II. Comparability and Context; III. Proportionality at the International Criminal Court and Protocol I; IV. Some Additional Examples; V. Proportionality's Paradox: Fixed Standards Assessments Reached Subjectively; 3 Proportionality: A Multiplicity of Meanings I. The Limits of Lawful Governancell. The Limits of Lawful State Punishment; III. The Regulation of Investor-State Interests; IV. Maritime Delimitation; V. The Law of Countermeasures in Trade; VI. State-Imposed Restraints on Human Rights: 4 Proportionality in the Just War Tradition; I. Jus Ad Bellum Proportionality; II. Jus in Bello Proportionality; III. Jus Post Bellum Proportionality; IV. The Three Just War Proportionality Principles: V. Significance for International Law: 5 Proportionality in International Humanitarian Law; I. Framing the Jus in Bello and Jus ad Bellum Legal Debates II. The Origins of Jus in Bello Proportionality III. Proportionality and Professionalization; IV. The Emergence of Proportionality in Treaty Law; V. The Lieber Code and Additional Protocol I; VI. The International

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Sommario/riassunto

Proportionality is intimately linked to the overarching concepts of self-defense, lawful force, and the controlled application of violence. It is one of the most visible facets of humanitarian law designed to reduce unnecessary human suffering and avoid excessive damage to property, and the natural environment. However, its application has come under renewed scrutiny and sustained controversy as a result of wars against non-state actors and from the extensive use of drones, human shields, cyber war techniques, and counterinsurgency tactics. Proportionality in International Law critically asses