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Perception; 4.1 Customary Status?; 5 1970 Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States; 6 1987 Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations; 7 Conclusion; 3. Judicial Interpretation; 1 The Corfu Channel Case; 1.1 October 22, 1946; 1.2 November 12/13, 1946; 2 The Nicaragua Case; 3 Nuclear Weapons Advisory Opinion; 4 Trident Cases; 5 Lord Advocate's Reference No. 1
6 Oil Platforms Case 7 Guyana and Suriname; 8 Conclusion; 4. Un Interpretation; 1 The General Assembly; 1.1 Albania, Bulgaria and Yugoslavia V. Greece; 1.2 Palestine; 1.3 China V. Ussr; 1.4 More General Declarations and References; 2 Nuclear Weapons; 2.1 The Protection of Non-Nuclear Weapon States; 2.2 Follow-Up to the ICJ's Advisory Opinion; 3 The Security Council; 3.1 Legal Status; 3.2 Turkish Invasion of Northern Cyprus; 3.3 South Africa; 3.4 Iraq; 4 Un Secretary General; 4.1 Legal Basis; 4.2 An Agenda for Peace: Preventive Diplomacy Peacemaking and Peace-Keeping
4.3 The High Level Panel Report 5 Conclusion; 5. Threat Theory; 1 Strategy and Deterrence; 1.1 The Credo: Capability, Credibility, Communication and Commitment; 1.2 Deterrence V. Compellence; 2 Hegemonic International Law; 2.1 Definition and Structure; 3 Customary International Law; 3.1 State Practice (Actual Practice); 3.2 Opinio Juris; 4 Just War Theory; 5 Theoretical Perspectives; 6 Conclusion; 6. Nuclear Proliferation - A Threat of Force?; 1 Non-Proliferation Treaty; 2 Iran; 3 North Korea; 4 Conclusion; 7. An Alternative Means of Prohibiting Threats of Force Within Article 2(4)
1 Weaknesses of Article 2(4)

Sommario/riassunto

"Despite recent attempts by scholars to examine the absolute prohibition of threats of force under Article 2(4) of the UN Charter, threats remain a largely un-chartered area in international law when compared with actual uses of force. Adopting an interdisciplinary approach and drawing on the works of strategic literature and international relations theory, this book examines the theoretical nature behind a threat of force in order to inform and explain why and how the normative structure operates in the way it does. The core of the book addresses whether Article 2(4) is adequately suited to the current international climate and, if not, whether an alternative means of rethinking Article 2(4) would provide a better solution. Francis Grimal also addresses two other fundamental issues within the realm of threats of force that remain largely unexplored in present literature. Firstly, the interrelationship between threats of force and self-defence, would a state have to suffer an armed attack before threatening force in self-defence or could it threaten force pre-emptively? Can a state lawfully use a threat of force as a means of self-defence rather than force under the present Charter system? Finally, the book explores the point at which a state pursuing nuclear capabilities may breach Article 2(4) with particular reference to both North Korean and Iranian efforts to pursue nuclear technology. This topical book will be of great interest not only to scholars and postgraduates in international law but also to academics and students across several fields due to its interdisciplinary approach including strategic studies and international relations theories."--
