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Prohibited Force

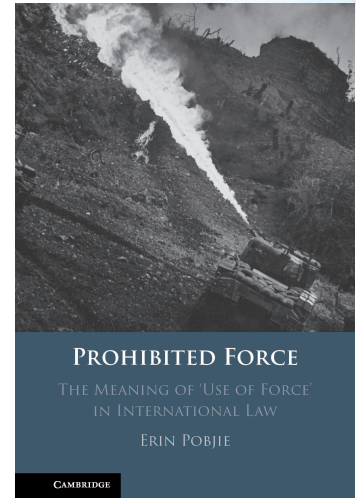
The Meaning of 'Use of Force' in International Law

Erin Pobjie

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Prohibited 'use of force' under article 2(4) of the UN Charter and customary international law has until now not been clearly defined, despite its central importance in the international legal order and for international peace and security. This book accordingly offers an original framework to identify prohibited uses of force in areas that are usually less studied, such as those that use emerging technology or take place in newer military domains like outer space. In doing so, Erin Pobjie explains the emergence of the customary prohibition and its relationship with article 2(4) and identifies the elements of a prohibited 'use of force'. In a major contribution to the scholarship, the book proposes a framework that defines a 'use of force' in international law and applies this framework to illustrative case studies to demonstrate its usefulness as a tool for students, legal scholars, and practitioners.

Introduction; Part I. Treaty vs Custom: Introduction 1. How and when did the customary prohibition of the use of force emerge? The status of the customary norm pre-1945; 2. Baxter's paradox and the customary prohibition of the use of force; 3. The relationship between the customary prohibition of the use of force and article 2(4) of the UN Charter; Part II. Elements of Prohibited Force: Introduction 4. Contextual elements of a prohibited 'use of force' – international relations; 5. Elements of 'use of force' – Means; 6. Elements of 'use of force' – Effects, gravity and intention; Part III. Defining Prohibited Force: 7. Anomalous examples of 'use of force' and non-'use of force' under article 2(4) of the UN Charter; 8. The meaning of prohibited 'use of force' in international law; Conclusion: a definition of prohibited 'use of force'; Bibliography; Index.



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