

CONTENTS

| | |
|----------------------------|------|
| Foreword | ix |
| Acknowledgments | xi |
| Abbreviations | xiii |
| List of Contributors | xv |

INTRODUCTION

| | |
|--|---|
| Customary International Law on the Use of Force . . . at a Time of Perplexity | 1 |
| <i>Enzo Cannizzaro and Paolo Palchetti</i> | |

PART ONE

ASCERTAINING CUSTOMARY INTERNATIONAL LAW ON THE USE OF FORCE: THE ROLE OF STATES

| | |
|--|-----|
| 1 Taking <i>Opinio Juris Seriously</i> , A Classical Approach to International Law on the Use of Force | 9 |
| <i>Mary Ellen O'Connell</i> | |
| 2 Consistency, Universality, and the Customary Law of Interstate Force | 31 |
| <i>Arthur Mark Weisburd</i> | |
| 3 Les comportements passifs des Etats et leur incidence sur la réglementation de l'emploi de la force en droit international général | 79 |
| <i>Gionata Piero Buzzini</i> | |
| 4 Breach and Evolution of Customary International Law on the Use of Force | 119 |
| <i>Olivier Corten</i> | |

PART TWO**ASCERTAINING CUSTOMARY INTERNATIONAL LAW ON THE USE OF FORCE:
THE ROLE OF NON-STATE ACTORS**

- | | | |
|---|--|-----|
| 1 | Le rôle des organes politiques des Nations Unies | 147 |
| | <i>Gérard Cahin</i> | |
| 2 | International Organizations in the Formation of Customary International Law | 179 |
| | <i>Jan Klabbers</i> | |
| 3 | Determining the Law on the Use of Force: The ICJ and Customary Rules on the Use of Force | 197 |
| | <i>Giuseppe Palmisano</i> | |
| 4 | The Role of Public Opinion and Non-Governmental Organisations in the Reconstruction of General International Norms on the Use of Force | 219 |
| | <i>Massimo Iovane</i> | |
| 5 | Customary Rules on the Use of Force in the Work of Codification of the International Law Commission | 223 |
| | <i>Paolo Palchetti</i> | |

PART THREE**USE OF FORCE AND THE PROTECTION OF FUNDAMENTAL VALUES
OF THE INTERNATIONAL COMMUNITY**

- | | | |
|---|--|-----|
| 1 | Customary International Law on the Use of Force: Inductive Approach vs. Value-Oriented Approach | 245 |
| | <i>Enzo Cannizzaro</i> | |
| 2 | Balancing the Prohibition of Force with the Need to Protect Human Rights: A Methodological Approach | 269 |
| | <i>Francesco Francioni</i> | |

3 Coordination entre la prohibition de l'emploi de la force et les exigences de la lutte contre le terrorisme 293
Philippe Weckel

4 L'évolution du droit international coutumier sur l'emploi de la force entre obligations « *erga omnes* » et autorisations du Conseil de sécurité 305
Paolo Picone

CONCLUSIONS

Conclusion générale : quelques remarques peu . . . concluantes 321
Luigi Condorelli

Appendix 333

List of Cases 338

Index 343