

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

'ARMED ATTACK' AND ARTICLE 51 OF THE UN CHARTER

This book examines to what extent the right of self-defence, as laid down in Article 51 of the Charter of the United Nations, permits States to launch military operations against other States. In particular, it focuses on the occurrence of an 'armed attack' – the crucial trigger for the activation of this right. In light of the developments since 9/11, the author analyses relevant physical and verbal customary practice, ranging from the 1974 Definition of Aggression to recent incidents such as the 2001 US intervention in Afghanistan and the 2006 Israeli intervention in Lebanon. The notion of 'armed attack' is examined from a threefold perspective. What acts can be regarded as an 'armed attack'? When can an 'armed attack' be considered to take place? And from whom must an 'armed attack' emanate? By way of conclusion, the different findings are brought together in a draft 'Definition of Armed Attack'.

DR TOM RUYIS is a lawyer with Stibbe, Brussels, and a senior member of the Leuven Centre for Global Governance Studies. He also teaches Public International Law as a substitute lecturer at the Catholic University of Leuven.

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

‘ARMED ATTACK’ AND
ARTICLE 51 OF THE UN
CHARTER: EVOLUTIONS
IN CUSTOMARY LAW
AND PRACTICE

TOM RUYS



Cambridge University Press
978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,
São Paulo, Delhi, Dubai, Tokyo, Mexico City

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521766647

© Tom Ruys 2010

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2010

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Ruys, Tom. "Armed attack" and Article 51 of the UN Charter :
customary law and practice / Tom Ruys.

p. cm.

ISBN 978-0-521-76664-7 (hardback)

1. Self-defense (International law) 2. Aggression (International law)

I. Title.

KZ6374.R89 2010

341.6'2-dc22

2010019534

ISBN 978-0-521-76664-7 Hardback

Cambridge University Press has no responsibility for the persistence or
accuracy of URLs for external or third-party Internet websites referred to
in this publication, and does not guarantee that any content on such
websites is, or will remain, accurate or appropriate.

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

“POWER ALONE CANNOT PROTECT US, NOR DOES IT
ENTITLE US TO DO AS WE PLEASE.”

Barack Obama, 44th President of the United States, Inaugural Speech,
Washington DC, 20 January 2009

Cambridge University Press
 978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
 Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

TABLE OF CONTENTS

| | |
|--|--------|
| <i>Acknowledgment</i> | page x |
| <i>Table of abbreviations and abbreviated citations</i> | xi |
| <i>Selected case law, legislation and related documents</i> | xviii |
| Introduction | 1 |
| 1 The methodological debate and the quest for custom | 6 |
| 1.1 Treaty vs. custom | 7 |
| 1.1.1 The Charter and pre-existing custom | 7 |
| 1.1.2 The role of custom in treaty interpretation and modification | 19 |
| 1.2 State practice vs. <i>opinio iuris</i> | 29 |
| 1.2.1 Introduction: the methodological debate | 29 |
| 1.2.2 The evidentiary weight of words and deeds | 31 |
| 1.2.3 Observations concerning the density of customary practice | 44 |
| 1.2.4 Conclusion | 51 |
| 2 'Armed attack' and other conditions of self-defence | 53 |
| 2.1 The 'armed attack' requirement as an integral part of Article 51 UN Charter | 53 |
| 2.1.1 Self-preservation and self-defence prior to 1945 | 53 |
| 2.1.2 Article 51 UN Charter – primary means of interpretation | 55 |
| 2.1.3 The preparatory works of the UN Charter | 60 |
| 2.2 Other conditions of self-defence | 68 |
| 2.2.1 'Procedural' obligations | 68 |
| 2.2.2 Necessity and proportionality | 91 |

Cambridge University Press
 978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
 Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

| | | |
|----------|--|------------|
| 3 | The 'armed attack' requirement <i>ratione materiae</i> | 126 |
| 3.1 | Armed attack and aggression | 127 |
| 3.1.1 | Two sides of the same coin | 127 |
| 3.1.2 | The negotiations within the Fourth Special Committee on the Question of Defining Aggression (1968–74) | 129 |
| 3.1.3 | Value of the Definition of Aggression | 136 |
| 3.2 | General factors determining the existence of an 'armed attack' | 139 |
| 3.2.1 | The 'most grave' forms of the use of force and the <i>de minimis</i> controversy | 139 |
| 3.2.2 | The ' <i>animus aggressionis</i> ' and accumulation of events | 158 |
| 3.2.3 | Connecting the dots: the panoply of scenarios and the role of context | 175 |
| 3.3 | Small-scale incursions by land, sea or air | 184 |
| 3.4 | Attacks against external manifestations of the State | 199 |
| 3.4.1 | Military units and military installations abroad | 199 |
| 3.4.2 | Embassies and diplomatic envoys | 201 |
| 3.4.3 | Civilian aircraft and merchant vessels | 204 |
| 3.4.4 | Protection of nationals | 213 |
| 4 | The 'armed attack' requirement <i>ratione temporis</i> | 250 |
| 4.1 | Anticipatory self-defence: the never-ending saga (1945–2001) | 255 |
| 4.1.1 | The doctrinal debate – a brief appraisal | 255 |
| 4.1.2 | Customary precedents: evidence <i>in concreto</i> | 267 |
| 4.1.3 | Customary evidence <i>in abstracto</i> | 294 |
| 4.2 | The shockwaves of 9/11 | 305 |
| 4.2.1 | The 2002 US National Security Strategy and the intervention in Iraq in 2003 | 305 |
| 4.2.2 | Shifting positions of States and scholars: a defeat of <i>preventive</i> self-defence at the expense of an embrace of <i>pre-emptive</i> self-defence? | 318 |
| 4.3 | Exceptions and borderline cases | 342 |
| 4.3.1 | The prospective dimension of the necessity standard | 342 |
| 4.3.2 | Possible exceptions? | 343 |
| 4.3.3 | Interceptive self-defence at the tactical level: on-the-spot reaction | 346 |

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

TABLE OF CONTENTS

ix

| | | |
|----------|--|------------|
| 5 | The 'armed attack' requirement <i>ratione personae</i> | 368 |
| 5.1 | Indirect military aggression in the decolonization era | 369 |
| 5.1.1 | Formulation of the problem | 369 |
| 5.1.2 | The debate on 'indirect aggression' within the Fourth Special Committee on the Question of Defining Aggression | 382 |
| 5.1.3 | State practice | 394 |
| 5.1.4 | Indirect aggression in the wake of the ICJ's <i>Nicaragua</i> case | 406 |
| 5.2 | Self-defence against non-State actors in the age of international terrorism and State failure | 419 |
| 5.2.1 | Prelude to 9/11: shifting context, shifting practice? | 419 |
| 5.2.2 | 9/11: awakening to a new security environment | 433 |
| 5.2.3 | Customary practice after 9/11 | 447 |
| 5.2.4 | The response of the International Court of Justice | 472 |
| 5.2.5 | Conclusion: can non-State actors commit 'armed attacks'? | 485 |
| 6 | What future for the 'armed attack' criterion? | 511 |
| 6.1 | The customary boundaries of self-defence | 511 |
| 6.1.1 | A word of caution | 511 |
| 6.1.2 | The correlation between Article 51 UN Charter and other primary or secondary rules, and the 'pre-existing custom' paradigm | 514 |
| 6.1.3 | Preconditions of individual self-defence other than the 'armed attack' requirement | 517 |
| 6.1.4 | <i>Ratione materiae</i> : the basic ingredients of an 'armed attack' | 520 |
| 6.1.5 | The 'armed attack' <i>ratione temporis</i> | 524 |
| 6.1.6 | <i>Ratione personae</i> : attacks by non-State actors and the right of self-defence | 528 |
| 6.1.7 | The slippery slope of self-defence | 532 |
| 6.2 | Towards a UNGA 'Definition of Armed Attack'? | 535 |
| 6.2.1 | Resuming an ancient project | 535 |
| 6.2.2 | A blueprint | 539 |
| 6.2.3 | Post-scriptum: strengthening the compliance pull of the <i>Ius ad Bellum</i> | 545 |
| | <i>Index</i> | 551 |

Cambridge University Press
978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
Customary Law and Practice
Tom Ruys
Frontmatter
[More information](#)

ACKNOWLEDGMENT

The present volume is the product of several years of research at the Institute for International Law of the Catholic University of Leuven, culminating in the defence of a doctoral thesis in October 2009.

It has been made possible through the valued financial support of the Fund for Scientific Research Flanders (Fonds voor Wetenschappelijk Onderzoek Vlaanderen) as well as the even more valued moral support of my ever-energetic supervisor, Professor Jan Wouters. I thank my colleagues at the Institute for International Law and the Leuven Centre for Global Governance Studies for a very fruitful and most gratifying cooperation, in particular the former occupants of the 'International House' Dominic, Bruno, and Maarten, as well as Bart, Sten, Cedric, Fred and Viviane.

I also wish to specifically thank several persons, who, in various ways, supported or inspired me during the task ahead, notably Ambassador Johan Verbeke and his former team at the Belgian Permanent Representation at the United Nations in New York, Professor Michael Reisman of Yale Law School, Professors Christine Gray (Cambridge), Olivier Corten (Université Libre de Bruxelles) and Dino Kritsiotis (University of Nottingham), as well as the Leuven faculty members who, with Professor Wouters, granted me the honour of serving on my doctoral jury, Stephan Parmentier and Luc Reyhler.

My warmest thanks to my parents for their unremitting support and for instilling in me sufficient perseverance to cope with prolonged sojourns in the dusty catacombs of the Leuven university library.

Last but not least, I express my gratitude to my wife, Isabelle, who was the first to read the present work in its entirety, and whose invaluable logistical and moral support always kept the ship on course. It is to her and our two wonderful boys, Mathias and Laurens, that I dedicate this work.

Cambridge University Press
 978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
 Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

TABLE OF ABBREVIATIONS AND ABBREVIATED CITATIONS

1. Abbreviations

| | |
|----------|---|
| ADF | Allied Democratic Forces |
| ASIL | American Society of International Law |
| AU | African Union |
| CNA | Computer Network Attack |
| DASR | International Law Commission Draft Articles on State Responsibility (2001) |
| DRC | Democratic Republic of the Congo |
| ECtHR | European Court of Human Rights |
| ESS | European Security Strategy |
| ETA | Euskadi Ta Askatasuna |
| EU | European Union |
| (ex-)FAR | Forces armées rwandaises |
| FARC | Revolutionary Armed Forces of Colombia |
| G8 | Group of Eight |
| IAEA | International Atomic Energy Agency |
| ICAO | International Civil Aviation Organization |
| ICC | International Criminal Court |
| ICJ | International Court of Justice |
| ICTY | International Criminal Tribunal for the former Yugoslavia |
| IDF | Israeli Defence Forces |
| IDI | Institut de Droit International |
| IGAD | Intergovernmental Authority on Development |
| IHL | International Humanitarian Law |
| ILA | International Law Association |
| ILC | International Law Commission |
| IO | International Organization |
| IRA | Irish Republican Army |
| ITLOS | International Tribunal for the Law of the Sea |
| KRG | Kurdistan Regional Government |

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xii

ABBREVIATIONS AND ABBREVIATED CITATIONS

| | |
|---------|---|
| LRA | Lord's Resistance Army |
| LTTE | Liberation Tigers of Tamil Eelam |
| MONUC | United Nations Organization Mission in the Democratic Republic of the Congo |
| NAFTA | North American Free Trade Agreement |
| NATO | North Atlantic Treaty Organization |
| NEO | Non-Combatant Evacuation Operation |
| NSS | National Security Strategy of the United States |
| OAS | Organization of American States |
| OAU | Organization of African Unity (now African Union) |
| ODA | Official Development Assistance |
| OECS | Organization of Eastern Caribbean States |
| OPT | Occupied Palestinian Territories |
| OSCE | Organization for Security and Cooperation in Europe |
| P-5 | Permanent Members of the United Nations Security Council |
| PCA | Permanent Court of Arbitration |
| PCIJ | Permanent Court of International Justice |
| PKK | Kurdistan Workers' Party |
| PLO | Palestine Liberation Organization |
| ROE | Rules of Engagement |
| SOFA | Status of Forces Agreement |
| SWAPO | South West Africa People's Organization |
| TFG | Transitional Federal Government (Somalia) |
| UAR | United Arab Republic |
| UIC | Union of Islamic Courts |
| UN | United Nations |
| UNCIO | United Nations Conference on International Organization (San Francisco Conference) |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNEF | United Nations Emergency Force |
| UNGA | United Nations General Assembly |
| UNMOVIC | United Nations Monitoring, Verification and Inspections Commission |
| UNSC | United Nations Security Council |
| UNSG | United Nations Secretary-General |
| UNTSO | United Nations Truce Supervision Organization |
| VCLT | Vienna Convention on the Law of Treaties (1969) |
| WMD | Weapons of Mass Destruction |
| WTO | World Trade Organization |

Cambridge University Press
978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

2. Journals and related materials

| | |
|--------------------------|--|
| AASL | Annals of Air and Space Law |
| ABNYC Rec | Record of the Association of the Bar of the City of New York |
| ADI | Anuario de Derecho Internacional |
| AdV | Archiv des Völkerrechts |
| AFDI | Annuaire français de Droit International |
| AFP | Agence France Press |
| AFRelI | Annuaire Français de Relations Internationales |
| African YBIL | African Yearbook of International Law |
| Air Force L Rev | Air Force Law Review |
| AJIL | American Journal of International Law |
| Alberta L Rev | Alberta Law Review |
| American Un IL Rev | American University International Law Review |
| American Un JILP | American University Journal of International Law and Policy |
| American Un L Rev | American University Law Review |
| Ann IDI | Annuaire de L'Institut de Droit International |
| ARIEL | Austrian Review of International and European Law |
| Arizona JICL | Arizona Journal of International and Comparative Law |
| ASDI | Annuaire Suisse de Droit International |
| ASIL Proc | Proceedings of the American Society of International Law |
| Australian YBIL | Australian Yearbook of International Law |
| Baltic YBIL | Baltic Yearbook of International Law |
| Berkeley JIL | Berkeley Journal of International Law |
| BFSP | British and Foreign State Papers |
| Boston College ICL Rev | Boston College International and Comparative Law Review |
| Brooklyn JIL | Brooklyn Journal of International Law |
| BYBIL | British Yearbook of International Law |
| California Western ILJ | California Western International Law Journal |
| California Western L Rev | California Western Law Review |
| Cal L Rev | California Law Review |
| Cambridge LJ | Cambridge Law Journal |
| Cambridge Student L Rev | Cambridge Student Law Review |
| Can YBIL | Canadian Yearbook of International Law |
| Case Western JIL | Case Western Journal of International Law |

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xiv

ABBREVIATIONS AND ABBREVIATED CITATIONS

| | |
|-------------------|---|
| Chinese JIL | Chinese Journal of International Law |
| Columbia JTL | Columbia Journal of Transnational Law |
| Col L Rev | Columbia Law Review |
| Cornell ILJ | Cornell International Law Journal |
| Cornell L Rev | Cornell Law Review |
| Denver JILP | Denver Journal of International Law and Policy |
| Denver LJ | Denver Law Journal |
| Dickinson L Rev | Dickinson Law Review |
| Duke JCIL | Duke Journal of Comparative and International Law |
| EJIL | European Journal of International Law |
| EJIRel | European Journal of International Relations |
| EPIL | Max Planck Encyclopaedia of Public International Law |
| EuGRZ | Europäische Grundrechte-Zeitschrift |
| Finnish YBIL | Finnish Yearbook of International Law |
| Georgia JICL | Georgia Journal of International and Comparative Law |
| Georgetown LJ | Georgetown Law Journal |
| German LJ | German Law Journal |
| GYBIL | German Yearbook of International Law |
| Hastings ICL Rev | Hastings International and Comparative Law Review |
| HJL Public Policy | Harvard Journal of Law and Public Policy |
| HILJ | Harvard International Law Journal |
| HL Rev | Harvard Law Review |
| ICJ Rep | ICJ Reports |
| ICLQ | International and Comparative Law Quarterly |
| ICL Rev | International Community Law Review |
| IHT | International Herald Tribune |
| ILF | International Law Forum |
| ILM | International Legal Materials |
| ILR | International Law Reports |
| ILSA JICL | ILSA Journal of International and Comparative Law |
| Indian JIL | Indian Journal of International Law |
| Indiana ICL Rev | Indiana International and Comparative Law Review |
| IO | International Organization |
| Iowa L Rev | Iowa Law Review |

Cambridge University Press
 978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
 Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

ABBREVIATIONS AND ABBREVIATED CITATIONS

XV

| | |
|------------------------------|--|
| IRRC | International Review of the Red Cross |
| Israeli L Rev | Israeli Law Review |
| Israeli YBHR | Israeli Yearbook of Human Rights |
| Italian YBIL | Italian Yearbook of International Law |
| JACL | Journal of Armed Conflict Law |
| JALC | Journal of Air Law and Commerce |
| Japanese Annual IL | Japanese Annual of International Law |
| JCSL | Journal of Conflict and Security Law |
| JICJ | Journal of International Criminal Justice |
| J Int'l L & Economics | Journal of International Law and Economics |
| JTLP | Journal of Transnational Law and Policy |
| Keesing's | Keesing's Contemporary Archives/Keesing's Record of World Events |
| LNTS | League of Nations Treaty series |
| Leiden JIL | Leiden Journal of International Law |
| Melbourne JIL | Melbourne Journal of International Law |
| Mercer L Rev | Mercer Law Review |
| Michigan JIL | Michigan Journal of International Law |
| Michigan L Rev | Michigan Law Review |
| Modern L Rev | Modern Law Review |
| MPYBUNL | Max Planck Yearbook of United Nations Law |
| Naval L Rev | Naval Law Review |
| NILR | Netherlands International Law Review |
| North Carolina JIL Comm Reg. | North Carolina Journal of International Law and Commercial Regulation |
| Northwestern UNL Rev | Northwestern University Law Review |
| NYBIL | Netherlands Yearbook of International Law |
| NYL School JICL | New York Law School Journal of International and Comparative Law |
| NY Times | New York Times |
| NYUJILP | New York University Journal of International Law and Politics |
| OJ | Official Journal of the European Union |
| Ottawa L Rev | Ottawa Law Review |
| Pace IL Rev | Pace International Law Review |
| Penn State IL Rev | Penn State International Law Review |
| RBDI | Revue Belge de Droit International |
| RdC | Recueil des Cours |
| RDMDG | Revue de Droit Militaire et de Droit de la Guerre |
| REDI | Revista Española de Derecho Internacional |
| Regent JIL | Regent Journal of International Law |

Cambridge University Press
 978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
 Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xvi

ABBREVIATIONS AND ABBREVIATED CITATIONS

| | |
|-----------------------|---|
| RGDIP | Revue Générale de Droit International Public |
| RHDI | Revue Hellénique de Droit International |
| RIAA | Reports of International Arbitral Awards |
| RQDI | Revue québécoise de Droit International |
| RSDI | Revue Suisse de Droit International |
| San Diego ILJ | San Diego International Law Journal |
| San Diego L Rev | San Diego Law Review |
| Singapore YBIL | Singapore Yearbook of International Law |
| South African LJ | South African Law Journal |
| South African YBIL | South African Yearbook of International Law |
| Stanford JIL | Stanford Journal of International Law |
| Stanford L Rev | Stanford Law Review |
| Stat | United States Statutes at Large |
| Syracuse L Rev | Syracuse Law Review |
| SZIER | Schweizerisches Zeitschrift für internationales und europäisches Recht |
| Temple ICLJ | Temple International and Comparative Law Journal |
| Texas JIL | Texas Journal of International Law |
| Texas L Rev | Texas Law Review |
| Tilburg Foreign L Rev | Tilburg Foreign Law Review |
| UCLA JILFA | UCLA Journal of International Law and Foreign Affairs |
| Un Chicago L Rev | University of Chicago Law Review |
| UNCIO | United Nations Conference on International Organization |
| Un Pittsburgh L Rev | University of Pittsburgh Law Review |
| UNTS | United Nations Treaty Series |
| UNYB | United Nations Yearbook |
| UST | United States Treaties and Other International Agreements |
| Valparaiso Un L Rev | Valparaiso University Law Review |
| Vanderbilt L Rev | Vanderbilt Law Review |
| Vanderbilt JTL | Vanderbilt Journal of Transnational Law |
| Villanova L Rev | Villanova Law Review |
| Virginia JIL | Virginia Journal of International Law |
| Washington L Rev | Washington Law Review |
| West Virginia L Rev | West Virginia Law Review |
| Whittier L Rev | Whittier Law Review |
| Yale HRDev LJ | Yale Human Rights and Development Law Journal |
| Yale LJ | Yale Law Journal |

Cambridge University Press
978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in
Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

ABBREVIATIONS AND ABBREVIATED CITATIONS

xvii

| | |
|-------|---|
| YBIHC | Yearbook of International Human Rights Law |
| YBILC | Yearbook of the International Law Commission |
| YJIL | Yale Journal of International Law |
| ZaöRV | Zeitschrift für ausländisches öffentliches Recht und Völkerrecht |
| ZöR | Zeitschrift für öffentliches Recht |

SELECTED CASE LAW, LEGISLATION AND
 RELATED DOCUMENTS

1. International Case Law (ordered chronologically)

ICJ

ICJ, *Corfu Channel (United Kingdom v. Albania)*, Judgment of 9 April 1949, (1949) ICJ Rep 4–38

ICJ, *Case concerning United States diplomatic and consular staff in Tehran (United States of America v. Islamic Republic of Iran)*, Judgment of 24 May 1980, (1980) ICJ Rep 3–46

ICJ, *Case concerning military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America) (Admissibility)*, Judgment of 26 November 1984 on the jurisdiction of the Court, (1984) ICJ Rep 392

ICJ, *Case concerning military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America) (Merits)*, Judgment of 27 June 1986, (1986) ICJ Rep 14–150

ICJ, *Legality of the threat or use of nuclear weapons*, Advisory opinion of 8 July 1996, (1996) ICJ Rep 226–67

ICJ, *Case concerning the aerial incident of 10 August 1999 (Pakistan v. India)*, Judgment of 21 June 2000, (2000) ICJ Rep 12–35

ICJ, *Case concerning the land and maritime boundary between Cameroon and Nigeria (Cameroon v. Nigeria; Equatorial Guinea intervening)*, Judgment of 10 October 2002, (2002) ICJ Rep 303–458

ICJ, *Case concerning oil platforms (Islamic Republic of Iran v. United States of America)*, Judgment of 6 November 2003, (2003) ICJ Rep 161–219

ICJ, *Legal consequences of the construction of a wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, (2004) ICJ Rep 163

ICJ, *Case concerning armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 19 December 2005, (2005) ICJ Rep 116–220

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS xix

ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment of 26 February 2007, reprinted in (2007) 46 ILM 188–310

Arbitration (ordered chronologically)

I'm Alone case (*Canada v. United States of America*), (1935) 3 RIAA 1609

Red Crusader case (Commission of Enquiry, *Denmark v. United Kingdom*), (1962) 35 ICR 485

Ethiopia–Eritrea Claims Commission, Partial Award *Jus ad Bellum*, Ethiopia Claims 1–8, 19 December 2005, reprinted in (2006) 45 ILM 430

Guyana v. Suriname, Arbitral award of 17 September 2007, available at www.pca-cpa.org/upload/files/Guyana-Suriname%20Award.pdf

Other (ordered chronologically)

Judgment of the International Military Tribunal at Nuremberg, (1946) 1 *Trial of German Major War Criminals before the International Military Tribunal*, 208 (1947)

ICTY Appeals Chamber, *Prosecutor v. Dusko Tadić*, Decision on the defence motion for interlocutory appeal on jurisdiction, 2 October 1995, reprinted in (1996) 35 ILM 32

ICTY Appeals Chamber, *Prosecutor v. Dusko Tadić*, Case No. IT-94-1-A, Judgment of 15 July 1999

ICTY Trial Chamber, *Prosecutor v. Furundžija*, Judgment of 10 December 1998, reprinted in (1999) 38 ILM 349

ITLOS, *The M/V 'Saiga' Case (No.2) (Saint Vincent and the Grenadines v. Guinea)*, Judgment of 1 July 1999, (1999) 38 ILM 1323–64

2. Selected practice of the UN bodies

Security Council (ordered chronologically)

SC Res. 38 (1948) of 17 January 1948 (India–Pakistan)

SC Res. 39 (1948) of 20 January 1948 (India–Pakistan)

SC Res. 47 (1948) of 21 April 1948 (India–Pakistan)

SC Res. 51 (1948) of 3 June 1948 (India–Pakistan)

SC Res. 82 (1950) of 25 June 1950 (Korean War)

SC Res. 83 (1950) of 27 June 1950 (Korean War)

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

XX SELECTED CASE LAW, LEGISLATION AND DOCUMENTS

- SC Res. 84 (1950) of 7 July 1950 (Korean War)
 SC Res. 95 (1951) of 1 September 1951 (Israel–Egypt)
 SC Res. 101 (1953) of 24 November 1953 (Middle East)
 SC Res. 111 (1956) of 19 January 1956 (Lake Tiberias incident)
 SC Res. 128 (1958) of 11 June 1958 (Lebanon)
 SC Res. 129 (1958) of 7 August 1958 (Middle East)
 SC Res. 143 (1960) of 13 July 1960 (Congo)
 SC Res. 145 (1960) of 22 July 1960 (Congo)
 SC Res. 178 (1963) of 24 April 1963 (Portugal)
 SC Res. 188 (1964) of 9 April 1964 (Harib Fort; UK–Yemen)
 SC Res. 204 (1965) of 19 May 1965 (Portugal)
 SC Res. 233 (1967) of 6 June 1967 (Six Day War)
 SC Res. 234 (1967) of 7 June 1967 (Six Day War)
 SC Res. 235 (1967) of 9 June 1967 (Six Day War)
 SC Res. 236 (1967) of 11 June 1967 (Six Day War)
 SC Res. 239 (1967) of 10 July 1967 (Democratic Republic of the Congo)
 SC Res. 241 (1967) of 15 November 1967 (Democratic Republic of the Congo)
 SC Res. 242 (1967) of 22 November 1967 (Middle East)
 SC Res. 248 (1968) of 23 March 1968 (Israel)
 SC Res. 252 (1968) of 21 May 1968 (Middle East)
 SC Res. 256 (1968) of 16 August 1968 (Israel)
 SC Res. 262 (1968) of 31 December 1968 (Israel)
 SC Res. 267 (1969) of 3 July 1969 (Middle East)
 SC Res. 268 (1969) of 28 July 1969 (Portugal)
 SC Res. 273 (1969) of 9 December 1969 (Portugal)
 SC Res. 275 (1969) of 22 December 1969 (Portugal)
 SC Res. 280 (1970) of 12 May 1970 (Israel)
 SC Res. 316 (1972) of 26 June 1972 (Israel)
 SC Res. 332 (1973) of 19 April 1973 (Israel)
 SC Res. 360 (1974) of 16 August 1974 (Turkey–Cyprus)
 SC Res. 393 (1976) of 30 July 1976 (South Africa–Zambia)
 SC Res. 403 (1977) of 14 January 1977 (Botswana–Southern Rhodesia)
 SC Res. 405 (1977) of 14 April 1977 (Mercenary attacks against Benin)
 SC Res. 418 (1977) of 4 November 1977 (South Africa–neighbouring States)
 SC Res. 419 (1977) of 24 November 1977 (Benin)
 SC Res. 447 (1979) of 28 March 1979 (Angola–South Africa)
 SC Res. 450 (1979) of 14 June 1979 (Israel)
 SC Res. 454 (1979) of 2 November 1979 (Angola–South Africa)

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS xxi

- SC Res. 455 (1979) of 23 November 1979 (Southern Rhodesia–Zambia)
 SC Res. 466 (1980) of 11 April 1980 (South Africa–Zambia)
 SC Res. 467 (1980) of 24 April 1980 (Israel)
 SC Res. 475 (1980) of 27 June 1980 (Angola–South Africa)
 SC Res. 479 (1980) of 28 September 1980 (Iran–Iraq War)
 SC Res. 487(1981) of 19 June 1981 (Osiraq raid)
 SC Res. 496 (1981) of 15 December 1981 (Seychelles)
 SC Res. 502 (1982) of 3 April 1982 (Falklands War)
 SC Res. 507 (1982) of 28 May 1982 (Seychelles)
 SC Res. 508 (1982) of 5 June 1982 (Israel–Lebanon)
 SC Res. 509 (1982) of 6 June 1982 (Israel–Lebanon)
 SC Res. 527 (1982) of 15 December 1982 (Lesotho–South Africa)
 SC Res. 545 (1983) of 20 December 1983 (Angola–South Africa)
 SC Res. 546 (1984) of 6 January 1984 (Angola–South Africa)
 SC Res. 567 (1985) of 20 June 1985 (Angola–South Africa)
 SC Res. 568 (1985) of 21 June 1985 (South Africa–neighbouring States)
 SC Res. 571 (1985) of 20 September 1985 (Angola–South Africa)
 SC Res. 572 (1985) of 30 September 1985 (Botswana–South Africa)
 SC Res. 573 (1985) of 4 October 1985 (Israel)
 SC Res. 574 (1985) of 7 October 1985 (Angola–South Africa)
 SC Res. 577 (1985) of 6 December 1985 (Angola–South Africa)
 SC Res. 580 (1985) of 30 December 1985 (Lesotho–South Africa)
 SC Res. 581 (1986) of 13 February 1986 (South Africa)
 SC Res. 598 (1987) of 20 July 1987 (Iran–Iraq War)
 SC Res. 602 (1987) of 25 November 1987 (Angola–South Africa)
 SC Res. 606 (1987) of 22 December 1987 (Angola–South Africa)
 SC Res. 660 (1990) of 2 August 1990 (Iraq–Kuwait)
 SC Res. 661 (1990) of 6 August 1990 (Iraq–Kuwait)
 SC Res. 662 (1990) of 9 August 1990 (Iraq–Kuwait)
 SC Res. 664 (1990) of 18 August 1990 (Iraq–Kuwait)
 SC Res. 665 (1990) of 25 August 1990 (Iraq–Kuwait)
 SC Res. 670 (1990) of 25 September 1990 (Iraq–Kuwait)
 SC Res. 678 (1990) of 29 November 1990 (Iraq–Kuwait)
 SC Res. 1177 (1998) of 26 June 1998 (Ethiopia–Eritrea)
 SC Res. 1189 (1998) of 13 August 1998 (International terrorism)
 SC Res. 1193 (1998) of 28 August 1998 (Afghanistan)
 SC Res. 1214 (1998) of 8 December 1998 (Afghanistan)
 SC Res. 1226 (1999) of 29 January 1999 (Ethiopia–Eritrea)
 SC Res. 1234 (1999) of 9 April 1999 (DRC)
 SC Res. 1267 (1999) of 15 October 1999 (Afghanistan)
 SC Res. 1304 (2000) of 16 June 2000 (DRC)
 SC Res. 1333 (2000) of 19 December 2000 (Afghanistan)

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xxii SELECTED CASE LAW, LEGISLATION AND DOCUMENTS

- SC Res. 1368 (2001) of 12 September 2001 (9/11 attacks)
 SC Res. 1373 (2001) of 28 September 2001 (9/11 attacks and international terrorism)
 SC Res. 1438 (2002) of 14 October 2002 (terrorist attacks)
 SC Res. 1440 (2002) of 24 October 2002 (terrorist attacks)
 SC Res. 1441 (2002) of 8 November 2002 (Iraq)
 SC Res. 1450 (2002) of 13 December 2002 (Terrorist attacks)
 SC Res. 1465 (2003) of 13 February 2003 (Terrorist attacks)
 SC Res. 1516 (2003) of 20 November 2003 (Terrorist attacks)
 SC Res. 1530 (2004) of 11 March 2004 (Terrorist attacks)
 SC Res. 1540 (2004) of 28 April 2004 (WMD proliferation)
 SC Res. 1566 (2004) of 8 October 2004 (Terrorist attacks)
 SC Res. 1559 (2004) of 2 September 2004 (Lebanon)
 SC Res. 1583 (2005) of 28 January 2005 (Lebanon)
 SC Res. 1614 (2005) of 29 July 2005 (Lebanon)
 SC Res. 1655 (2006) of 31 January 2006 (Lebanon)
 SC Res. 1674 (2006) of 28 April 2006 (Referring to R2P)
 SC Res. 1680 (2006) of 17 May 2006 (Lebanon)
 SC Res. 1701 (2006) of 11 August 2006 (Israel–Lebanon)
 SC Res. 1706 (2006) of 31 August 2006 (Darfur)
 SC Res. 1737 (2006) of 23 December 2006 (Iran)
 SC Res. 1747 (2007) of 24 March 2007 (Iran)
 SC Res. 1776 (2007) of 19 September 2007 (Afghanistan)
 SC Res. 1803 (2008) of 3 March 2008 (Iran)
 SC Res. 1874 (2009) of 12 June 2009 (North Korea)
 SC Res. 1887 (2009) of 24 September 2009 (Nuclear non-proliferation)

General Assembly (ordered chronologically)

- GA Res. 377 (V) of 3 November 1950 (Uniting for Peace)
 GA Res. 498 (V) of 1 February 1951 (Korean War)
 GA Res. 500 (V) of 18 May 1951 (Korean War)
 GA Res. 1125 (XI) of 2 February 1957 (UNEF I)
 GA Res. 1237 (ES-III) of 21 August 1958 (Middle East)
 GA Res. 1514 (XV) of 14 December 1960 (Declaration on the Granting of Independence to Colonial Countries and Peoples)
 GA Res. 2131 (XX) of 21 December 1965 (Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty)
 GA Res. 2625 (XXV) of 24 October 1970 (Friendly Relations Declaration)
 GA Res. 2734 (XXV) of 16 December 1970 (Declaration on the Strengthening of International Security)

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS xxiii

- GA Res. 3070 (XXVIII) of 30 November 1973 (Self-determination)
 GA Res. 3246 (XXIX) of 29 November 1974 (Self-determination)
 GA Res. 3314 (XXIX) of 14 December 1974 (Definition of Aggression)
 GA Res. 3382 (XXX) of 10 November 1975 (Self-determination)
 GA Res. 31/34 of 30 November 1976 (Self-determination)
 GA Res. 36/27 of 13 November 1981 (Osiraq raid)
 GA Res. 36/103 of 9 December 1981 (Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States)
 GA Res. 36/172 of 17 December 1981 (South Africa)
 GA Res. 37/101 of 14 December 1982 (South Africa–Lesotho)
 GA Res. 37/233 of 20 December 1982 (Question of Namibia)
 GA Res. 38/7 of 2 November 1983 (US–Grenada)
 GA Res. 41/38 of 20 November 1986 (US–Libya)
 GA Res. 42/22 of 18 November 1987 (Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations)
 GA Res. 44/240 of 29 December 1989 (US–Panama)
 GA Res. 46/87 of 16 December 1991 (Self-determination)
 GA Res. 47/82 of 16 December 1992 (Self-determination)
 GA Res. 48/94 of 20 December 1993 (Self-determination)
 GA Res. 49/60 of 9 December 1994 (Declaration on Measures to Eliminate Terrorism)
 GA Res. 49/151 of 23 December 1994 (Self-determination)
 GA Res. A/RES/ES-10/14 of 8 December 2003 (Palestinian Wall)
 GA Res. 60/1 of 16 September 2005 (World Summit Outcome)
 GA Res. 60/147 of 16 December 2005 (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law)

International Law Commission (ordered chronologically)

ILC, 'Draft Articles on the Law of Treaties with Commentaries', (1966-II) YBILC

ILC, 'Draft Code of Crimes against the Peace and Security of Mankind 1996', (1996-II) YBILC, part two, 26–74.

ILC, 'Commentary on the Draft Articles on the Responsibility of States for Internationally Wrongful Acts', (2001-II) YBILC

ILC, 'Draft Articles on Diplomatic Protection with Commentaries 2006', at http://untreaty.un.org/ilc/texts/instruments/english/commentaries/9_8_2006.pdf

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

XXIV SELECTED CASE LAW, LEGISLATION AND DOCUMENTS

3. Treaties (ordered chronologically)

Hague Convention (I) for the Pacific Settlement of International Disputes, 29 July 1899, 91 BFSP 970; revised 18 October 1907, (1971) UKTS No. 6 (Cmnd. 4575)

Hague Convention (II) Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts, 18 October 1907, (1910) UKTS No. 7 (Cmnd. 5028)

Covenant of the League of Nations, (1919) UKTS No. 4 (Cmnd. 153)

General Treaty for the Renunciation of War, 27 August 1928, 94 LNTS 57

Inter-American Reciprocal Assistance and Solidarity (Act of Chapultepec), Mexico, 6 March 1945, 60 Stat 1831

United Nations Charter and Statute of the International Court of Justice, San Francisco, 26 June 1945, 1 UNTS xvi

Treaty of Friendship and Mutual Assistance between Yugoslavia and Albania, Tirana, 9 July 1946, 1 UNTS No. 15

Inter-American Treaty of Reciprocal Assistance, Rio de Janeiro, 1947, 21 UNTS 77

Charter of the Organization of American States, Bogotá, 30 April 1948 2 UST 2394

North Atlantic Treaty, Washington DC, 4 April 1949, 34 UNTS 243

Australia, New Zealand, United States Security Treaty 1951 (ANZUS), 131 UNTS 83

Treaty of Peace with Japan, San Francisco, 8 September 1951, 136 UNTS No. 1832

Mutual Defence Treaty between the United States and the Republic of China 1954, 248 UNTS 213

Warsaw Security Pact, Warsaw, 14 May 1955, 219 UNTS 25

Treaty of Guarantee, signed between Cyprus, Greece, Turkey and the UK (1960) 382 LNTS 5475

International Covenant on Civil and Political Rights (1966) 999 UNTS 171

International Covenant on Economic, Social and Cultural Rights (1966) 993 UNTS 3

Treaty on the Non-Proliferation of Nuclear Weapons, New York, 1 July 1968, 729 UNTS 161

Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, 1155 UNTS 331

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS XXV

Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons, New York, 14 December 1973, (1977) UNTS No. 15410

Conference on Security and Cooperation in Europe, Helsinki Final Act, Helsinki, 1 August 1975 (1975) 14 ILM 1292

International Convention against the Taking of Hostages, 17 December 1979, GA Res. 34/146 (adopted by consensus), 1316 UNTS 205

UN Convention on the Law of the Sea, Montego Bay, 10 December 1982, 1833 UNTS 31363

Treaty on Conventional Armed Forces in Europe, Paris 19 November 1990, (1991) 30 ILM 1

Rome Statute of the International Criminal Court, Rome, 17 July 1998, UN Doc. A/CONF.183/9, reprinted in (1998) 37 ILM 1002–69

Constitutive Act of the African Union, Lome, 11 July 2000, 2158 UNTS I-37733

4. National case-law (ordered chronologically)

Germany

- Judgment of the Bundesverfassungsgericht of 12 July 1994, translated in (1994) 106 ILR, 320.
- Judgment of the Bundesverwaltungsgericht of 21 June 2005, BVerwG, 2 WD 12.04.

Israel

- Israeli Supreme Court, sitting as High Court of Justice, *Beit Sourik Village Council v. Israel*, Judgment of 30 June 2004, HCJ 2056/04
- Israeli Supreme Court, sitting as High Court of Justice, *Mara'abe v. Prime Minister of Israel*, Judgment of 15 September 2005, HCJ 7957/04
- Israeli Supreme Court, sitting as High Court of Justice, *Bassiouni v. Prime Minister*, Judgment of 30 January 2008, HCJ 9132/07

United Kingdom

- UK Court of Appeal, *Jones, Milling, Olditch, Pritchard and Richards v. Gloucester Crown Prosecution Service*, (2004) EWCA 1981
- UK House of Lords, *R v. Jones*, Judgment of 29 March 2006, (2006) UKHL 16

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xxvi SELECTED CASE LAW, LEGISLATION AND DOCUMENTS

United States

- US Court of Appeals, District of Columbia Circuit, *El-Shifa Pharmaceutical Industries Co. v. United States of America*, 27 March 2009, 559 F.3d 578

5. Selected regional and national materials (ordered chronologically)

African Union

- Solemn Declaration on a Common African Defence and Security Policy, 2nd Extraordinary Session of the African Union, Sirte, 28 February 2004
- African Union Non-Aggression and Common Defence Pact, Abuja, 31 January 2005

Australia

- *Australian Defence Doctrine Publication ADDP 3.10, Evacuation Operations*, April 2004

Canada

- *Canadian Joint Doctrine Manual on Non-Combatant Evacuation Operations*, B-GJ-005-307/FP-050, 16 October 2003

European Union

- European Security Strategy, 'A Secure Europe in a Better World', approved by the European Council on 12 December 2003
- EU General Affairs and External Relations Council, 'Paper for the Submission to the High-Level Panel on Threats, Challenges and Change', 17–18 May 2004

France

- French Ministry of Defence, 'Loi de Programmation militaire 2003–2008', September 2002, Annex, Chapter 3
- Secrétariat Général de la Défense Nationale, *La France face au terrorisme: Livre Blanc du Gouvernement sur la sécurité intérieure face au terrorisme* (Paris: La Documentation française, 2006)

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS xxvii

- French Ministry of Defense, Secrétariat Général pour l'administration, *Manuel de droit des conflits armés* (undated), available at www.defense.gouv.fr/defense/enjeux_defense/defense_et_droit/droit_des_conflits_ames/manuel_de_droit_des_conflits_armes,%20at%2045.

Germany

- German Bundestag, 'Gesetz über die parlamentarische Beteiligung bei der Entscheidung bewaffneter Streitkräfte im Ausland', (2005) 1 *Bundesgesetzblatt* 775

Italy

- *Chief of the Italian Defence Staff Strategic Concept*, April 2005

Japan

- Japanese Ministry of Defense, *Defense of Japan 2008*

The Netherlands

- Dutch Ministry of Defence, *Netherlands Defence Doctrine*, 1 September 2005

North Atlantic Treaty Organization

- Statement by the North Atlantic Council, 12 September 2001, NATO Press Release No. 124
- Secretary-General Lord Robertson, Statement of 2 October 2001, reprinted in (2001) 41 ILM 1267
- North Atlantic Council, Prague Summit Declaration, Prague, 21 November 2002, NATO Press Release (2002) 127

Organization of American States

- OAS Council, Adoption of Necessary Measures to Prevent Cuba from Threatening the Peace and Security of the Continent, Resolution of 23 October 1962, Annex A, Doc. OEA/Ser.G/V/C-d-1024 Rev.2
- OAS Meeting of Consultation of Ministers of Foreign Affairs, Terrorist Threat to the Americas, Resolution of 21 September 2001, Doc. OEA/Ser.F/II.24 RC.24/Res.1/01

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

xxviii SELECTED CASE LAW, LEGISLATION AND DOCUMENTS

- OAS Meeting of Consultation of Ministers of Foreign Affairs, Support for the Measures of Individual and Collective Self-defense Established in Resolution RC.24/Res.1/01, 16 October 2001, Doc. OEA/Ser.F/II.24 – CS/TIAR/Res.1/01
- OAS Permanent Council, Convocation of the Meeting of Consultation of Ministers of Foreign Affairs and Appointment of a Commission, 5 March 2008, Doc. OEA/Ser.G, CP.RES.930 (1632/08)
- OAS Meeting of Consultation of Ministers of Foreign Affairs, 'Report of the OAS Commission that visited Ecuador and Colombia', 16 March 2008, Doc. OEA/Ser.F/II.25, RC.25/doc.7/08
- OAS Meeting of Consultation of Ministers of Foreign Affairs, Resolution of 17 March 2008, Doc. OEA/Ser.F/II.25, RC.25/RES.1/08 rev.1

Organization for Security and Cooperation in Europe

- OSCE Ministerial Council, OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, Maastricht, 1–2 December 2003

Russia

- Russian Foreign Ministry, 'Information and press department commentary regarding a Russian media question concerning possible preventive strikes at terrorists' bases', 3 February 2005

Turkey

- Note verbale from the Permanent Mission of Turkey to the Human Rights Council, 26 March 2008, UN Doc. A/HRC/7/G/15

United Kingdom

- UK Ministry of Defence, *Joint Warfare Publication 3–51*, August 2000
- UK Press Release, Office of the Prime Minister, 'Responsibility for the terrorist atrocities in the United States, 11 September 2001', 4 October 2001

United States

- US State Department, 'The legality of United States participation in the defense of Viet-Nam', 4 March 1966, reprinted in (1966) 60 AJIL 564–85

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

SELECTED CASE LAW, LEGISLATION AND DOCUMENTS xxix

- US Senate and House of Representatives, Joint Resolution concerning the War Powers of Congress and the President, 93rd Congress, 7 November 1973, H.J. Res. 542, Public Law 93–148, 87 Stat 555 (1973)
- US Department of Defence, *Report of the Commission on Beirut International Airport Terrorist Act*, 20 December 1983
- White House, National Security Decision Directive 138, 3 April 1984
- US State Department, 'Statement on the US withdrawal from the ICJ proceedings in *Nicaragua*', 18 January 1985, reprinted in (1985) 24 ILM 246
- White House, National Security Decision Directive 207, 'The National Program for Combatting Terrorism', 20 January 1986
- US Department of the Army, *Field Manual FM 90–29*, 17 October 1994, available at www.globalsecurity.org/military/library/policy/army/fr/90–29/index.html
- US Senate and House of Representatives, Joint Resolution to Authorize the Use of United States Armed Forces against those Responsible for the Recent Attacks launched against the United States, 18 September 2001, reprinted in (2002) 40 ILM 1282
- White House, *National Security Strategy of the United States of America*, Washington DC, 17 September 2002 <http://georgewbush-whitehouse.archives.gov/nsc/nss/2002/index.html>
- US Senate and House of Representatives, Joint Resolution to Authorize the Use of Military Force against Iraq, 16 October 2002, H.J. Res. 542, Public Law 107–243, 116 Stat 1497–502
- US, National Commission on terrorist attacks upon the United States of America, *The 9/11 Commission Report*, 22 July 2004
- White House, *National Security Strategy of the United States of America*, Washington DC March 2006
- US Joint Chiefs of Staff, *Joint Publication JP 3–68 on Noncombatant Evacuation Operations*, 22 January 2007 www.fas.org/irp/doddir/dod/jp3–68.pdf
- US Department of the Navy and US Department of Homeland Security, *The Commander's Handbook of the Law of Naval Operations*, July 2007, NWP 1–14M
- US Senate, Resolution Condemning Hezbollah and Hamas and their State Sponsors and Supporting Israel's Exercise of its Right to Self-defense, 18 July 2006, 109th Congress, 2nd Session, S. Res. 534
- US House of Representatives, Draft Resolution expressing the Unequivocal Support of the House of Representatives for Israel's Right to Self-defense in the Face of an Imminent Nuclear or Military Threat from Syria, introduced by Mr Wexler and referred to the

Cambridge University Press

978-0-521-76664-7 - 'Armed Attack' and Article 51 of the UN Charter: Evolutions in Customary Law and Practice

Tom Ruys

Frontmatter

[More information](#)

Committee on Foreign Affairs, 24 September 2007, 110th Congress, 1st Session, H. Res. 674

6. Other materials (ordered chronologically)

- Adviesraad International Vraagstukken/Advisory Council on International Affairs (AIV), *Pre-emptive action*, Advisory Report No. 36, July 2004, 33 pages
- *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, 12 June 1994, reproduced in A. Roberts and R. Guelff (eds.), *Documents on the laws of war*, 3rd edn (Oxford University Press, 2000), pp. 573–606
- International Law Association, '*Final Report of the Committee. Statement of Principles applicable to the Formation of General Customary International Law*', Report of the 69th Conference. London (London: ILA, 2000), pp. 712–77
- Report of the International Commission on Intervention and State Sovereignty, '*The Responsibility to Protect*', December 2001, 91 p.
- Institut de Droit International, 'Declaration on the Use of Force', Bruges, 2 September 2003
- Report of the UN Secretary-General's High-level Panel on Threats, Challenges and Change, '*A More Secure World: Our Shared Responsibility*', 2 December 2004, UN Doc. A/59/565
- UN Secretary-General Kofi Annan, 'In Larger Freedom: Towards Development, Security and Human Rights for All', 21 March 2005, UN Doc. A/59/2005
- Institut de Droit International, Tenth Commission – present problems of the use of armed force in international law – self-defence, Provisional Draft of Rapporteur Emmanuel Roucouas and comments', (2007) Ana IDI 67–165
- Institut de Droit International, Tenth Commission – present problems of the use of force in international law – intervention by invitation, Preliminary Draft of Rapporteur Gerhard Hafner and comments, (2007) Ann IDI 227–67
- Institut de Droit International, Tenth Commission – Present Problems of the Use of Armed Force in International Law – Self-Defence, Resolution of 27 October 2007, Santiago available at www.idi-iil.org/idiE/resolutionsE/2007_san02_en.pdf
- *Report of the Independent International Fact-Finding Commission on the Conflict in Georgia*, September 2009