

Preface

The present book is an English version of my *Jus Contra Bellum, Précis de droit international relatif au maintien de la paix* (2nd edition, published by Helbing & Lichtenhahn in 2009), and very aptly translated by my friend Alan Perry, whom I wish to warmly thank for this renewed *tour de force*. The original French version was the offspring of a course on the law relating to the use of force in international relations I had given at the Catholic University of Milan in 2002. This now remote course in the old abbey University building is now a cheerful remembrance of things past.

Contrary to most of the existing English-language monographs on this branch of the law, I shall not try to give a ‘factual’ account of the law: i.e. I shall not analyse the many treaties, instances of practice, documents and declarations, debates at the Security Council and the like. This is not because of any indifference to such sources, but simply because that has already been done, for example by Christine Gray or by Olivier Corten (see the final bibliography). My focus shall be on the ‘normative’ aspects of the law: the ideological surroundings of this branch of the law, its evolution, its aims and mainly the analysis of the positive law norms shaping it, through the lens of the system as a whole, in which they are embedded. This concertation on the normative side may help the reader to more clearly remain focused on the main legal edifice relating to the use of force. Another and final remark must be made in this preface. The publication date of the French second edition explains that most of the material considered flowed from the situation in the first decade of the 21st century, namely around the interventions in Afghanistan (2001) and Iraq (2003). Things have evolved in the meantime, and it was therefore impossible to leave the text as it stood in 2009 (in fact in 2008, the time of writing). I therefore undertook a revision and updating of the text, discussing many newer cases and taking account of the abundant newer literature on the subject matter. In particular, various instances of the ‘war on terror’ have now been added.

The law on the use of force, and concomitantly the maintenance of international peace, is certainly not in its best shape under current

conditions (if it has ever been);¹ but it remains one of the most important areas of international law and international relations, since without some constraints on the use of force we might usher in an age darker than we should wish. The keeping of some degree of peace is the precondition for civilisation and cooperation towards the solution of the many pressing problems of international concern. Conversely, the return to eruptions of violence keeps humanity under the sway of deprivation, mistrust and suffering, and hampers any true progress in any other area of human endeavour. It is therefore useful to devote some keen attention to this fateful branch of international law.

A formal remark shall close these preliminary considerations. I have added many footnotes to the, from this perspective, rather sketchy French version, and I have also updated the literature, inserting many newer publications. At the same time, in accordance with the wishes of the commercial editor, I did not wish to excessively inflate the apparatus of footnotes. I have thus tried to steer a middle course. The reader will judge for him- or herself if I have succeeded in arriving at what the English-speaking observer would probably call a 'reasonable' compromise.

¹ S. Hoffmann, 'International Law and the Control of Force', in: K. W. Deutsch and S. Hoffmann (eds), *The Relevance of International Law (Essays in Honor of L. Gross)*, Cambridge (Mass.), 1968, pp. 21 et seq.