

Olaoluwa Olusanya

Identifying the Aggressor under International Law

A Principles Approach



PETER LANG

Oxford • Bern • Berlin • Bruxelles • Frankfurt am Main • New York • Wien

Contents

Preface	9
Acknowledgements	11
Abbreviations	13
Chapter One	
Introduction	15
Chapter Two	
Factors responsible for unravelling the collective security system in International Law	23
The collapse of the Soviet Union	32
The problem of nuclear proliferation	37
The paralysing effect of veto powers at the Security Council	41
Franchising the use of force	48
Chapter Three	
Current legal approaches for identifying the aggressor under International Law: scope and limitations	51
The first strike rule	56
The Caroline test	105
The just war doctrine	130

Chapter Four	
Solution: a general defence of necessity as a framework for identifying the aggressor under International Law	139
A general defence of necessity as a basis for identifying the aggressor	140
Main differences between necessity and self-defence	148
Applying the necessity principle to disputed cases of aggression	155
Chapter Five	
Conclusion	183
Bibliography	193
Index	209