

Abstract

The Right of Self-Defense in Current International Law

The dissertation thesis is devoted to one of the key issues of current international law – the right to self-defense. The work is divided into six chapters including introduction and conclusion. After an introductory chapter describing the historical development of the use of force in international relations, it deals with classical self-defense in the context of customary law and contractual setting in the U.N. Charter.

The main attention is devoted to the analysis of particularly controversial concepts, such as for example armed attack, with the explanation based on the International Court of Justice case law and doctrinal interpretation. In this context, substantial part of this chapter is devoted to the issue of indirect use of force. In this respect, the judgment of the International Court of Justice in case of *Nicaragua* is discussed in detail. The thesis also explores the relatively new concept in international law – the cyber-attack.

The next chapter deals with preventive self-defense. The thesis analyzes in detail the doctrinal approaches to prevention, focusing on their main arguments. The two main theories – traditional and restrictive – are subject to thorough analysis. This chapter is also devoted in detail on the historical *Caroline* case where the development of conditions of self-defense emanates from. Brief analysis is devoted to the Six-Day War of 1967, which is by part of the doctrine considered as a typical example of application of prevention.

The final chapter focuses on exploring the modalities of the use of force in preemptive self-defense, concept that was introduced by the United States in 2002 and again in 2006. It examines in detail the current position of this concept in international law, in particular with reference to doctrine and practice of the states. Special part of this chapter devoted to two cases from recent history, which are considered as an application of preemption – air strike on Iraqi nuclear reactor at Osirak in 1981 and the invasion of Iraq in 2003.