Summary
The legality of pre-emptive self-defence

The Master’s thesis deals with one of the key issues of current international law, the right to pre-emptive self-defence. The work is divided into six parts, including introduction, four chapters and conclusion. After an introductory part the first chapter deals with the sources of international laws regulating the right to self-defence, their system and the way in which they interact with each other. This chapter seeks to analyse the impact of those sources on the development of right to pre-emptive self-defence. The main attention is devoted to the primary and secondary sources of international law regulating the right to self-defence, such as the U.N. Charter, customary international law, the judicial decisions of the International Court of Justice and the teachings of the most highly qualified publicists. The second chapter first focuses on the concept of classical self-defence. It then goes on to examine the two traditional doctrinal approaches to the interpretation of the scope of the right to self-defence, the restrictive school of thoughts and the extensive school of thoughts. The next chapter relates to the prohibition of the use of force under international law. The last chapter first analyses the concept of pre-emptive self-defence from the historical perspective. The first part of this chapter examines Caroline case, where the development of conditions of pre-emptive self-defence comes from, and the historical development of the use of force and the right to self-defence in international relations. This chapter also includes a short analysis of judicial decisions given by the International Court of Justice dealing with the concept of pre-emptive self-defence. Significant part of the last chapter explores the development of state practice since 1945. Finally, a brief overview of the latest doctrinal opinions on the current status of pre-emptive self-defence under current international law is provided.