

INTRODUCTION

The book which you have in your hands has been a long time in the making, for which the Editors make no apology! The topic of self-defence in both national and international law is notoriously difficult to define and to circumscribe. Historians, philosophers, military officers, diplomats, lawyers and theologians, as well as legislators, judges and the executive arm of government, are among the many who have wrestled with the concept from the earliest days of recorded history until today. A subject-matter which includes the right of a householder to repel or discourage intruders, the right of a woman to resist an abusive partner, the right of a State to deal with actual or planned attacks by other States, by armed groups or even by individuals, cannot fail to be a subject-matter worthy of deep study and analysis. Add to this the fact that the contemporary debate on self-defence is interwoven with debates on environmental damage, energy (in)dependence, water-resources, terrorism, self-determination and human rights, and it becomes crystal clear that self-defence is a topic that cries out for discussion and research-based writing.

The Editors decided to respond to this challenge soon after the first Hague Prize for International Law was awarded to Professor Shabtai Rosenne in the year 2004. We had three objectives in view: to honour the Hague Prize Laureate; to inaugurate a new periodic forum for scholarly discussion in The Hague, and to organise a symposium on self-defence. We are delighted to say that all three objectives have been fulfilled.

The Hague Prize Foundation willingly and cooperatively adopted our suggestion that its Laureates should be associated with the new periodic forum, which we have called the Hague Colloquium on Fundamental Principles of Law, and which is already a fixture in the Hague calendar. The structural link which has been established is that the Laureate is a full participant in choosing the topic and speakers for each Colloquium, so that Professor Rosenne was our partner on self-defence, while the second

Hague Laureate, Professor Cherif M. Bassiouni, worked with the T.M.C. Asser Instituut and the Hague Institute for the Internationalisation of Law (HiiL), the current organisers of the Hague Colloquium, to accomplish the 2008 session on ‘Jihad and the challenges of international and domestic law.’

Our hope is that this volume will contribute constructively to stimulating scholarship and research in the field of self-defence, that it will provide food for thought, and that it will inspire more colloquia and publications on the topic. The volume does not contain the proceedings of the Colloquium, though all the presentations were indeed recorded and transcribed by HiiL. Rather, we have chosen to publish four* brilliant essays on self-defence written by participants in the Colloquium subsequent to its having taken place. The essays are accompanied by a remarkably full and useful bibliography and by documentary materials, many of which are difficult to obtain elsewhere. We have throughout seen this project as ‘work in progress,’ and look forward eagerly to further developments.

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THE EDITORS

* *Modesty compels Arthur Eyffinger to disassociate himself from the number ‘four.’*