

## International Relations

Mizuno Mitsuaki

### 1. Basic features of International Law

There are no legislative bodies or organs. But all the countries accept respect, and support them.

International Court of Justice can make decisions or make advisory opinions only on the legal issues / problems. It cannot deal with political or historical issues.

### 2. Difference between International Law and Domestic / National Law

	International Law	Domestic Law
Who can make?	depend on cases (The United Nations General Assembly does not and cannot make international law.)	Parliament (usually National Diet, or Congress)
What can make effective?	depend on cases (The United Nations does not and cannot make it effective.)	Usually administrative organs make it effective.
Is there any compelling power?	Yes. All states have to accept and obey it.	Yes.
Is there any jurisdiction organ?	depend on cases. International Court of Justice makes decisions only on the legal matters.	Usually there are domestic Courts.
the separation of (the three) powers (of administration, legislation, and judicature)	No.	In most states, there is the separation of powers.

### 3. Treaty

In international society, treaties can be concluded between or among states. In many cases, international organizations can conclude treaties with states or other international organizations.



### Nation State and international community/society: the Foundation of the United Nations

#### 1)Thirty Years' War(三十年戦争) May 23, 1618-May 15, 1648

Initially a war between various Protestant and Catholic states in the fragmented Holy Roman Empire, it gradually developed into a more general conflict involving most of the great powers in Europe. This war spread almost entire Europe. It was the last major religious war in mainland Europe, ending the large-scale religious bloodshed accompanying the Reformation, which had begun over a century before.

#### 2)Peace of Westphalia(ウエストファリア講和条約) May 15, 1648

the legal foundations of the modern sovereign nation-state.

The peace of Westphalia ended attempts at the imposition of any supranational authority on European states.

The major European powers agreed to abide by the principle of territorial integrity.

The Peace of Westphalia changed the relationship of subjects to their rulers. Previously, many people had borne overlapping, sometimes conflicting political and religious allegiances. Henceforth, the inhabitants of a given state were understood to be subject first and foremost to the laws and edicts of their respective state authority, not to the claims of any other entity, be it religious or secular.

#### 3)World War I July 28, 1914-November 11, 1918

Originally World War I was fought between Allied Powers(連合国) and Central Powers(中央同盟国). Over nine million(900 万) combatants (soldiers) and seven million(700 万) civilians dies as a result of the war.

#### 4)Foundation of the League of Nations(国際連盟) January 10, 1920-April 20, 1946

In order to prevent large scale war such as World War I, the League of Nations was founded.

The main reasons why the League of Nations could not prevent large scale war, World War II:

i)The United States did not join it as it did not hope to commit global armed conflicts beside it (Monroe Doctrine).

ii)Withdrawing of major powers. Japan withdraw it in 1933, and Italy withdraw it in 1937. The Soviet Union joined it in 1934, but was expelled in 1939 as it invaded Finland.

5)Twenty Years of Crisis(危機の二十年) 1919-1939

6)World War II September 1, 1939-September 2, 1945

Originally World War II was fought between Allied countries(連合国) and Axis countries (枢軸国) . Allied countries were called the United Nations (連合国) from January 1, 1942 Declaration (連合国共同宣言) . Twenty five million(2500 万) combatants (soldiers) and Thirty seven million(3700 万) civilians were killed during this war.

7)Foundation of the United Nations October 24, 1945

In order to prevent large scale wars such as World War I and World War II, the United Nations was founded. Its main and key issue is: how to prevent war or armed conflicts. There are many organs in the United Nations, but the core institution is the Security Council.

For further reading,

E.H. Carr, *The Twenty Years' Crisis: 1919-1939: An Introduction to the Study of International Relations*, New York: Perennial, 1939.

日本語訳もあります。

E.H.カー著、井上茂訳、『危機の二十年 — 1919-1939』岩波書店、1996年。

それほど難しい英文ではないので、ぜひ英語の原書にチャレンジを！

Further reading:

余力があれば、ぜひ読んでください。国連の理念が凝縮されています。

Declaration by the United Nations(連合国共同宣言), January 1, 1942

A Joint Declaration By The United States Of America, The United Kingdom Of Great Britain And Northern Ireland, The Union Of Soviet Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, South Africa, Yugoslavia

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of Great Britain dated August 14, 1941, known as the Atlantic Charter (大西洋憲章) ,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

Declare:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact(日独伊三国同盟) and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice(単独講和) or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism (ヒトラー主義; ナチスドイツ) .

**International Relations**  
**the case in which there is a different understanding between domestic /**  
**national approach and international approach:**  
**2015 Japanese military legislation**

Mizuno Mitsuaki

1)

2015 Japanese military legislation case

The controversial issue is: whether collective self defence is legal or illegal

Many experts of (Japanese) constitution say it is unconstitutional and illegal, as the Constitution bans the right of collective self defence.

From the viewpoint of international law, the article 51 of the Charter of the United Nations says ``Nothing in the present Charter shall impair the inherent right of individual or collective self-defence.....”.

2)

The procedures of the United Nations Security Council maintaining or restoring international peace and security

1.Determination of the existence of any threat to peace (Article 39)

2.Decision of provisional measures (Article 40)

3.Decision of measures not involving the use of armed force (Article 41)

4.Taking actions by air, sea, or land forces (Article 42)

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council. (Article 49)

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Defence and defense are different spellings of the same word. Defense is preferred in American English, and defence is preferred in all other main varieties of English, including Australian, British, and Canadian English.

For references

1.

Charter of the United Nations

国際連合憲章

CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE,  
BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

第 7 章 平和に対する脅威、平和の破壊及び侵略行為に関する行動

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

第 39 条

安全保障理事会は、平和に対する脅威、平和の破壊又は侵略行為の存在を決定し、並びに、国際の平和及び安全を維持し又は回復するために、勧告をし、又は第 41 条及び第 42 条に従っていかなる措置をとるかを決定する。

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

第 40 条

事態の悪化を防ぐため、第 39 条の規定により勧告をし、又は措置を決定する前に、安全保障理事会は、必要又は望ましいと認める暫定措置に従うように関係当事者に要請することができる。この暫定措置は、関係当事者の権利、請求権又は地位を害するものではない。安全保障理事会は、関係当事者がこの暫定措置に従わなかったときは、そのことに妥当な考慮を払わなければならない。

Article 41

The Security Council may decide what measures not involving the use of

armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### 第 41 条

安全保障理事会は、その決定を実施するために、兵力の使用を伴わないいかなる措置を使用すべきかを決定することができ、且つ、この措置を適用するように国際連合加盟国に要請することができる。この措置は、経済関係及び鉄道、航海、航空、郵便、電信、無線通信その他の運輸通信の手段の全部又は一部の中断並びに外交関係の断絶を含むことができる。

#### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### 第 42 条

安全保障理事会は、第 41 条に定める措置では不十分であろうと認め、又は不十分なことが判明したと認めるときは、国際の平和及び安全の維持又は回復に必要な空軍、海軍または陸軍の行動をとることができる。この行動は、国際連合加盟国の空軍、海軍又は陸軍による示威、封鎖その他の行動を含むことができる。

#### Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### 第 49 条

国際連合加盟国は、安全保障理事会が決定した措置を履行するに当って、共同して相互援助を与えなければならない。

#### Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

#### 第 51 条

この憲章のいかなる規定も、国際連合加盟国に対して武力攻撃が発生した場合には、安全保障理事会が国際の平和及び安全の維持に必要な措置をとるまでの間、個別的又は集団的自衛の固有の権利を害するものではない。この自衛権の行使に当って加盟国がとった措置は、直ちに安全保障理事会に報告しなければならない。また、この措置は、安全保障理事会が国際の平和及び安全の維持または回復のために必要と認める行動をいつでもこの憲章に基く権能及び責任に対しては、いかなる影響も及ぼすものではない。

### CHAPTER VIII: REGIONAL ARRANGEMENTS

#### 第 8 章 地域的取極

##### Article 52

Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

#### 第 52 条

この憲章のいかなる規定も、国際の平和及び安全の維持に関する事項で地域的行動に適当なものを処理するための地域的取極又は地域的機関が存在することを妨げるものではない。但し、この取極又は機関及びその行動が国際連合の目的及び原則と一致することを条件とする。

2.

The Constitution of Japan

## 日本国憲法

### Article 9.

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

### 第9条

日本国民は、正義と秩序を基調とする国際平和を誠実に希求し、国権の発動たる戦争と、武力による威嚇又は武力の行使は、国際紛争を解決する手段としては、永久にこれを放棄する。

前項の目的を達するため、陸海空軍その他の戦力は、これを保持しない。国の交戦権は、これを認めない。

### Article 98.

This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

### 第98条

この憲法は、国の最高法規であつて、その条規に反する法律、命令、詔勅及び国務に関するその他の行為の全部又は一部は、その効力を有しない。

日本国が締結した条約及び確立された国際法規は、これを誠実に遵守することを必要とする。

日本国憲法には、英語の公定訳（日本政府の公式訳）があります。

[http://japan.kantei.go.jp/constitution\\_and\\_government\\_of\\_japan/constitution\\_e.html](http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html)

難しい英語ではないので、一度読んでみるとよいでしょう。

**International Relations**  
**Main organs of the United Nations**  
**United Nations Security Council**

Mizuno Mitsuaki

**1. The United Nations Security Council**

The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations and is charged with the maintenance of international peace and security as well as accepting new members to the United Nations and approving any changes to its United Nations Charter.

**2. Principle Organs of the UN**

a) The United Nations General Assembly: Deliberative assembly of all UN member states  
main functions:

May resolve non-compulsory recommendations to states or suggestions to the Security Council (UNSC);

Decides on the admission of new members, following proposal by the UNSC;

Adopts the budget

b) UN Secretariat: Administrative organ of the UN

main functions:

Supports the other UN bodies administratively (for example, in the organization of conferences, the writing of reports and studies and the preparation of the budget);

Its chairperson - the UN Secretary General - is elected by the General Assembly for a five-year mandate and is the UN's foremost representative.

c) International Court of Justice: Universal court for international law

main functions:

Decides disputes between states that recognize its jurisdiction;

Issues legal opinions (called Advisory Opinion)

Renders judgement by relative majority. Its fifteen judges are elected by the UN General Assembly for nine-year terms.

d) UN Security Council: For international security issues

main functions:

Responsible for the maintenance of international peace and security;

May adopt compulsory resolutions;

Has fifteen members: five permanent members with veto power and ten elected members.

e) UN Economic and Social Council: For global economical and social affairs  
main functions:

Responsible for co-operation between states as regards economic and social matters;

Co-ordinates co-operation between the UN's numerous specialized agencies;

Has 54 members, elected by the General Assembly to serve staggered three-year mandates.

f) UN Trusteeship Council: For administering trust territories

main function:

Was originally designed to manage colonial possessions that were former League of Nations mandates.

### 3. Two categories of members of the UNSC

There are two categories of the member of the UNSC. One is Permanent member, and the other is non-Permanent member. The United States, Russia, France, Great Britain, China are Permanent members. They were members of the United Nations during World War II. Axis powers, for example, Japan and Germany is not and can not be permanent members. Non-Permanent members are elected by the General Assembly for two-year terms starting on 1 January, with five replaced each year.

Non-permanent members (with end of term date): Bolivia (2018), Egypt (2017), Ethiopia (2018), Italy (2017), Japan (2017), Kazakhstan (2018), Senegal (2017), Sweden (2018), Ukraine (2017) and Uruguay (2017)

The charter of the UN:

Article 27

Each member of the Security Council shall have one vote.

Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members

### 4. Responsibility or Duty of the member states

The charter of the UN

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

As a member of the UN, especially a Non-permanent member of the UNSC, Japan has to accept and carry out the decisions of the UNSC.

## 5. Issue

If the decision of the UNSC is against the (domestic or national) Constitution, what should we do? Can or should we ignore it?

## 6. Peace Keeping activities or operations of the UN

Peacekeepers monitor and observe peace processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they may have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. In some cases, there are dangerous activities during their operations.

## 7. UNDOF and Japan

The United Nations Disengagement Observer Force (UNDOF) was established by United Nations Security Council Resolution 350 on 31 May 1974. Japan has joined it since 1996, but withdrew in 2013 because of the deteriorating security situation in its operational area. Only Japan has withdrawn from it due to the security situation. Besides Japan, Austria withdrew from it in 2013. But international society or any nations did not criticize Japan and Austria.

## 8. Responsibility and a member of UNSC

As a responsible member of the UN, we have to carry out the decisions by the UNSC and have to join its peace keeping activities. In some cases, there are dangerous operations due to their security environments. If we feel there are dangerous elements, we can withdraw from it. UNDOF case is one of them.

## 9. UNMISS and Japan

The United Nations Mission in South Sudan (UNMISS; 国際連合南スーダン派遣団) is the newest United Nations peacekeeping mission for the recently independent Republic of South Sudan, which became independent on 9 July 2011. UNMISS was established on 8 July 2011 by United Nations Security Council Resolution 1996 (2011).

The stated UNMISS Mandate includes:

- a) Support for peace consolidation and thereby fostering longer-term state building and economic development
- b) Support the Government of the Republic of South Sudan in exercising its

responsibilities for conflict prevention, mitigation and resolution and protect civilians

c) Support the government of the Republic of South Sudan in developing its capacity to provide security, to establish rule of law, and to strengthen the security and justice sectors

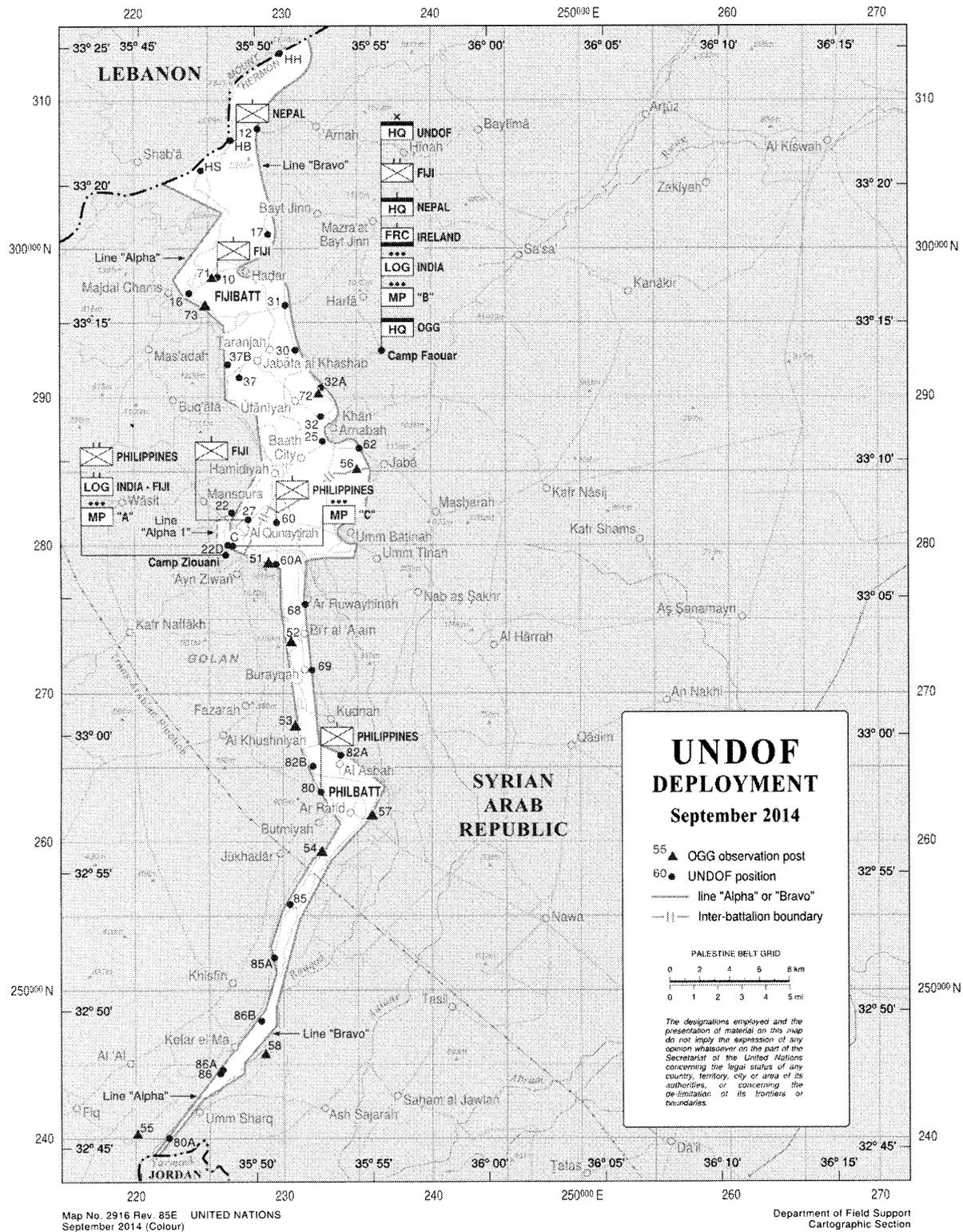
As per Chapter VII of the United Nations Charter, the peacekeeping mission is concerned with the protection of civilians, and thus is not mandated to engage in protection of South Sudan's territory or the sovereignty of that territory.

The contributors of troops are Australia, Bangladesh, Belarus, Benin, Bolivia, Brazil, Cambodia, Canada, China, Denmark, Egypt, El Salvador, Fiji, Germany, Ghana, Guatemala, Guinea, India, Indonesia, Japan, Jordan, Kenya, Kyrgyzstan, Mali, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Sri Lanka, Sweden, Switzerland, Timor-Leste, Togo, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Vietnam, Yemen, Zambia and Zimbabwe. Police have been contributed by Albania, Argentina, Bangladesh, Bosnia and Herzegovina, Brazil, Canada, China, El Salvador, Ethiopia, Fiji, Finland, Gambia, Germany, Ghana, India, Kenya, Kyrgyzstan, Malaysia, Namibia, Nepal, Netherlands, Nigeria, Norway, Philippines, Russian Federation, Rwanda, Samoa, Senegal, Sierra Leone, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Uganda, Ukraine, United States, Zambia and Zimbabwe.

## 10. Issue

Some newspapers in Japan have reported that under the new laws relating to collective self-defense passed last year, the troops of Japan's Self-Defense Forces joining UNMISS will may help and rescue other countries' troops if they are attacked (rush and rescue mission; 駆けつけ警護). If Japan will do so, is this against the Japan's Constitution, especially Article 9? Or should Japan ignore them and escape from the land where other countries' troops are attacked and even seeking support from Japan?

# 11. UNDOF deployment map (2014)



Source: Department of Field Support Cartographic Section, United Nations - <http://www.un.org>

## 12. Map of South Sudan



Map No. 4490 Rev. 1 UNITED NATIONS  
October 2011

Department of Field Support  
Geographic Section

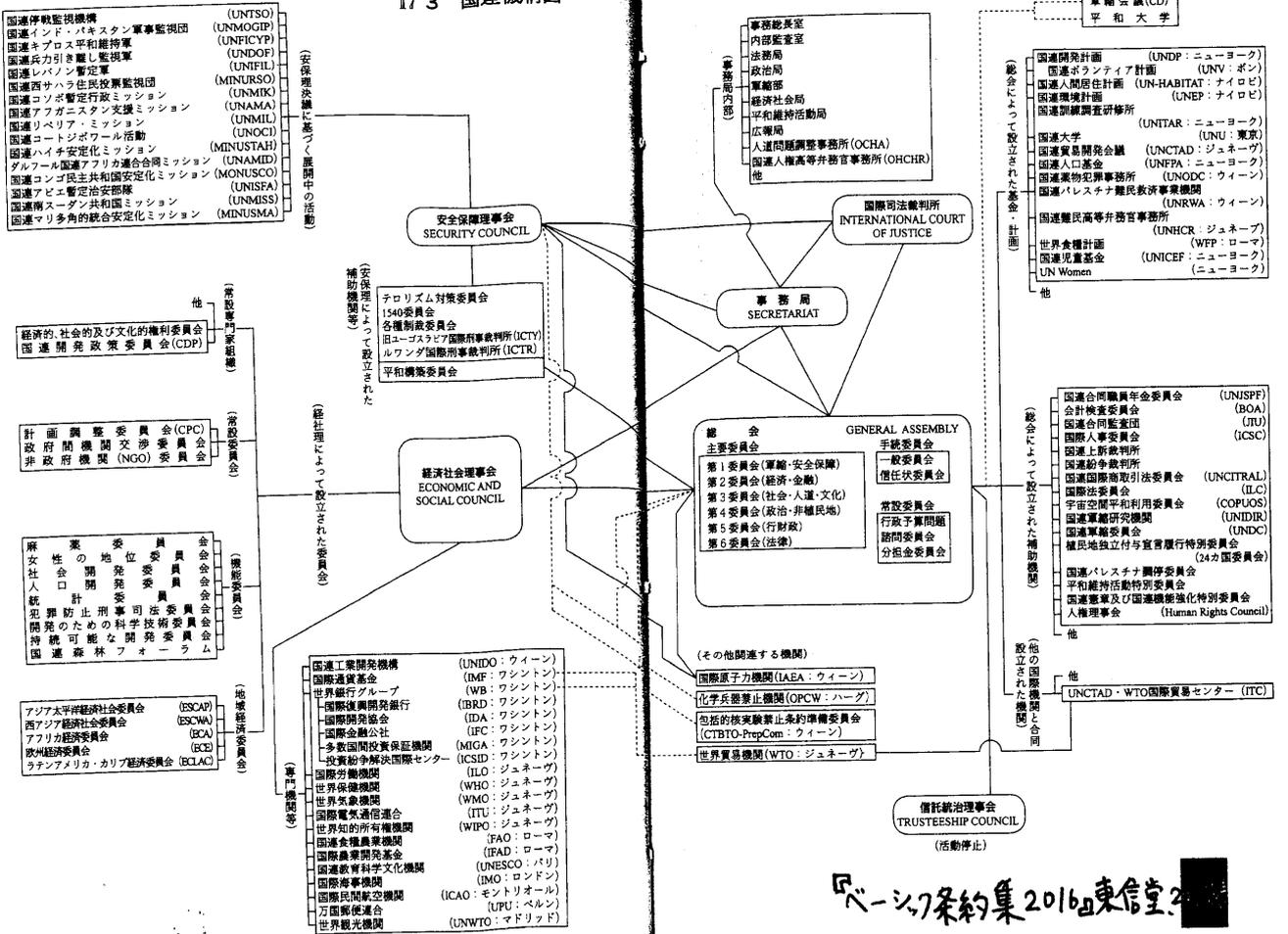
Source: UN Decoded: UN Mission in South Sudan (UNMISS)

<http://www.un.org/apps/news/infocus/UNdecoded/UNdecoded.asp?NewsID=1337&sID=48>

# 13. Main organs/bodies of the United Nations

1299 (22)

## 17 3 国連機構図



ベシク条約集2016 東信堂

## International Relations International Court of Justice

Mizuno Mitsuaki

The United Nations has its own jurisdictional organizations, such as International Courts of Justice, ICJ.

Basic features of the ICJ:

### 1.Membership (当事者適格)

Only states may be parties in cases before the Court. (Article 34, Statute of ICJ)

Any persons or organizations, such as Non-Governmental Organizations, or Non-Profitable Organizations, can not be parties of the ICJ.

All Members of the United Nations are parties of the ICJ. (Article 93, the Charter of the United Nations) The members of the UN can not leave the ICJ.

### 2.Jurisdiction (管轄権)

Compulsory Jurisdiction (強制管轄権) , Reservation (留保) , Jurisdiction by Appearance (応訴管轄)

Each Member of the United Nations undertakes to comply with the decision of the ICJ (Article 94, the Charter of the United Nations). In some cases, some member countries have reservations whether the ICJ has jurisdiction on the cases or not. Cf. Domestic court

Once the member accepts and recognizes the jurisdiction of the ICJ, it has to accept any decisions of the ICJ.

In Takeshima case, Japan has proposed to Korea that the Takeshima case should to be judged by the ICJ at least 3 times (1954, 1962 and 2012). Korea does not accept the Japan's proposal. The ICJ can not make decision on this case. In Takeshima case, Japan has accepted the jurisdiction of ICJ, but Korea has not accepted it.

### 3.Decision (判決)

Once the parties concerned accept the jurisdiction of the ICJ, they shall obey the decision of the ICJ, even if the decision is against its national interest.

The decision of the Court has no binding force except between the parties and in respect of that particular case. (Article 59, Statute of ICJ)

#### 4. Appeal (上訴)

There is no appeal system. The judgment is final and without appeal. (Article 60, Statute of ICJ)

#### 5. Advisory Opinion (勸告的意見)

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question. (Article 96, the Charter of the United Nations)

As for historical questions or issues, the ICJ can not give advisory opinions.

#### 6. Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, 1996 (核兵器の威嚇または使用の合法性についての勸告的意見)

An advisory opinion on this issue was originally requested by the World Health Organization (WHO) on 3 September 1993:

In view of the health and environmental effects, would the use of nuclear weapons by a state in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?

On 15 December 1994 the UN General Assembly adopted resolution A/RES/49/75K. This asked the ICJ urgently to render its advisory opinion on the following question:

Is the threat or use of nuclear weapons in any circumstances permitted under international law?

In 1996, the ICJ gives its advisory opinion as follows:

a) There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons.

核兵器の威嚇または使用を特段認可する国際慣習法や条約法は存在しない。

b) There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such.

核兵器の威嚇または使用を包括的かつ普遍的に禁止する国際慣習法や条約法も

存在しない。

- c) A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful.

国連憲章第2条4項に違反し、かつ同第51条の要件を満たさない、核兵器を用いた武力による威嚇・武力の行使は違法である。

- d) A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons.

核兵器の威嚇または使用は武力紛争に適用される国際法の要件、特に国際人道法上の原則・規則や、明示的に核兵器を取り扱う条約、その他の国際約束の下での義務に適合するものでなければならない。

- e) The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law; However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.

核兵器の威嚇または使用は武力紛争に適用される国際法の規則、特に国際人道法上の原則・規則に一般的には違反するであろう。しかし、国際法の現状や裁判所が確認した事実に照らすと、国家の存亡そのものが危険にさらされるような、自衛の極端な状況（*extreme circumstance of self-defence*）における、核兵器の威嚇または使用が合法であるか違法であるかについて裁判所は最終的な結論を下すことができない。

- f) There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

厳格かつ実効的な国際管理のもとで、全面的な核軍縮に向けた交渉を誠実に行

い、その交渉を完結させる義務がある。

Issue to be discussed:

What is 'extreme circumstance of self-defence'?