

Evolving Legal Frameworks in International Law: The Prohibition of Use of Force

MANZI Pidalatan Eyana

Zhongnan University of Economics and Law, Department of International Law
Email: [princeiznam\[at\]gmail.com](mailto:princeiznam[at]gmail.com)

Abstract: *This paper explores the historical evolution and current developments in the prohibition of the use of force in international law, with a specific focus on the United Nations role in this context. It delves into the codification attempts post-World Wars, examining the UN Charter's contributions and the ongoing challenges in enforcing this prohibition. The discussion also encompasses the role of customary international law and emerging issues like humanitarian intervention and terrorism, highlighting the dynamic and complex nature of this fundamental principle in maintaining global peace and security.*

Keywords: United Nations, Use of force, Preventive self-defense, collective action

1. Introduction

War and the use of force have long been central issues in international law and relations. The development of rules and norms surrounding the use of force at the international level is a complex and evolving process. War and Armed conflict are as old as humankind itself. Traditionally, war was considered as a right for a sovereign country, so that every powerful state could engage a war against another one without any need to justify its actions. For years, the recourse to war was subject to no legal limitations. In fact, it was considered as a legitimate way of policy and international politics. But with the multiplication of conflicts and cruelty against populations, States have felt the need for a regulation of the practice of war. In fact, there had always been customary practices in war, but still, States needed rules to limit the effects of armed conflict. In treaty practice, since the Westphalia Peace Treaty of 1648, States from continental Europe decided to end a devastating long war waged on religious and boundaries reasons. One of its essentials, the separation of domestic, especially religion and international affairs, has strongly influenced both the drafting and interpretation of the prohibition of the use of force and also affirmed the principle of respect of Sovereignty.

The prohibition of the systematic recourse to force in international relations can be considered as the main achievement of international law in recent years. The challenge of outlawing war as a tool of domestic policy and establishing a collective security mechanism after the first and second world wars led to the creation and the adoption of the UN Charter. As to now, that Charter remains the main instrument regarding the prohibition on the use of force in international relations. However, the United Nations Charter is the result of treaties that settled and organized the principle (1) which governs up to date, the fundamental aspects of international relations on the use of force through the Charter (2), but also, the prohibition, contained in customary international law (3). Finally, we will examine the emerging challenges in the prohibition of use of force in international relations (4).

2. Research Methodology

For the purpose of analyzing the legal evolution of the codification attempts of the prohibition of the use of force, a descriptive doctrinal legal research methodology has been used to examine the primary sources of such codification, treaties and legal instruments that attempted such codification in international law, highlighting the issues and limitations of these instruments. In addition, the extant framework that regulates the use of force has been analyzed to evaluate the strengths and weaknesses of these mechanisms with regard to recent and current evolutions of warfare and conflicts, underlying their failure to prevent armed aggressions against sovereign states. Finally, the prohibition of use of force as provided by customary international law has been examined along with the legal literature regarding the evolution and current dynamics of the principle.

3. Literature Review

The prohibition of the use of force in international law is a foundational principle designed to maintain peace and security among states. It is enshrined in the United Nations (UN) Charter, reflecting a complex interplay between legal, political, and ethical considerations.

Understanding the historical development and evolution of the prohibition of the use of force is crucial to grasping its contemporary significance in international law. The first attempts at regulation can be traced to the doctrine of just war (*bellum justum*) developed by St. Augustine and St. Thomas Aquinas (Guthrie, 2007). For Aquinas, war could be considered as just if it abided, to these conditions: 1) Being waged by legal representatives (*auctoritas principis*), 2) The cause leading to it was just (*justa causa*) and 3) and the intention was correct (*intentio recta*). The doctrine of "just war" aims for a war to be equitable, to have equitable cause (force must be directed against that party which did something wrong) by the legal authorities of the harmed country. People in war must have rightful intention, and preference of good. While the second condition is considerable, the first one expanded wider in time because war was always linked with the concept of sovereignty. Thus,

Volume 12 Issue 11, November 2023

www.ijsr.net

Licensed Under Creative Commons Attribution CC BY

the right to wage war became an integral part of sovereignty. Considering that sovereignty was at that time understood to be somehow unlimited thus, the right to wage a war could not be legally limited. In that sense, and because of the vastness of the concept of sovereignty, Rutgers (1931) considered that the concept of absolute sovereignty had caused the end of the doctrine of “just war”. Furthermore, the concept had been transformed into a doctrine on legal war for as long as it can be declared by the legal authorities. After St. Thomas Aquinas, Hugo Grotius (1583-1645) has been the first to make a differentiation between *jus ad bellum* and *jus in bello* claiming for a balance between them as for example the one existing between war and peace replacing and mutually excluding each other (*inter bellum et pacem nihil est medium*).

Brownlie's (1963) work provides a historical overview of the development of the use of force prohibition, from its inception in customary international law to its codification in the UN Charter. It provides a retrace of the evolution of the norm and the ongoing developments behind this principle. Almost as a continuation of this work, Cassese (1987) critically assesses the UN Charter's provisions regarding the use of force. It particularly explores the legal and political dynamics underpinning the prohibition, as well as the role of the Security Council in its enforcement. These two works provide an important insight on the inception of the prohibition and the developments of the concept from the Hague peace conferences and in international customary laws until the development and enshrinement in the UN Charter. The legal foundations and key concepts associated with the prohibition of the use of force have been another area of great interest for the scholarship. In this aspect, comprehensive work delves into the legal dimensions of the prohibition in (Dinstein, 2005). Dinstein describes the very notions of self-defense, humanitarian intervention, and anticipatory self-defense which have been a major point of contention and debate in recent years in the light of some States military interventions against other sovereign States. Dinstein's analysis sheds light on the nuances in the interpretation of the different norms which are pivotal in the exceptions provided under the UN Charter.

Because of the evolving nature of international relations, the prohibition of the use of force faces contemporary challenges and debates that reflect the shortcomings of the principle in current era. For instance, Chesterman (2008) critically examines the concept of humanitarian intervention and its compatibility with the use of force prohibition. From different perspectives, it provides an insight from the legal, ethical, and political dilemmas associated with the concept of humanitarian intervention and the use of the concept in justification of warfare. Likewise, Bellamy (2002) deeply reflects on the legitimacy of humanitarian intervention especially in consideration of the principle of sovereignty. From the perspective of the Responsibility to Protect (R2P), recognized at the 2005 UN World Summit, the author provides an interesting analysis of the concept and the responsibility of states to protect citizens worldwide from atrocities, genocide and their intervention in sovereign countries when the state or the acting government fails to protect or uphold their responsibilities. Hence, the book explores the interplay between the Responsibility to Protect

(R2P) and the prohibition of the use of force. On the same topic, Lea-Henry (2018) provides an important discussion on the application and legitimacy of the R2P principle which was established to overcome the legal and normative barrier that represented state sovereignty in humanitarian action. Lastly, Thakur (2016) analyses the implementation of the R2P principle and interventions in East Timor, Sri Lanka or Sudan, the legal debates before and after the adoption of the principle in 2005 and the contrasting state attitudes towards international military intervention

Finally, another important aspect of the prohibition of use of force is the one of repression and legal responsibility. In this regard, efforts to enforce the prohibition of the use of force have led to numerous discussions about accountability and mechanisms for addressing violations. Hence, Sliedregt (2012) examines the development and the potential for individual criminal responsibility for violations of the UN Charter, particularly in the context of the International Criminal Court (ICC). This mechanism, despite several limitations, offers a way to enforce the responsibility of leaders against potential breaches of the prohibition.

Hence, as we can see, the prohibition of the use of force in international law stands as a central pillar of global peace and security. As evident from the literature reviewed and mentioned above, it is a multifaceted norm with historical roots, complex legal foundations, contemporary challenges, and ongoing debates about the extent, the implication, the exceptions and interpretation of its correlated notions. Scholars continue to explore the evolving nature of the prohibition and its implications for the international legal order, making it a subject of enduring academic interest and importance.

4. Historical evolution of international law and the first steps in the codification of the use of force

International law concerning the use of force has evolved significantly over centuries. In the early stages of international relations, there were few restrictions on the use of force. Powerful States often engaged in wars of conquests without significant legal constraints. However, several key historical developments marked the beginning of international efforts to regulate and limit the use of force. At first, the Treaty of Westphalia, which ended the Thirty Years' War, is often seen as a foundational moment in modern international relations. Indeed, it introduced the principle of State sovereignty, recognizing the authority of States over their territory and internal affairs. This principle established the notion that States have a right to non-interference in their domestic affairs and set the path for new developments in international codification of war and the use of force against other sovereign States.

4.1 The Hague peace conferences

The ancient conception of a “just war” (*bellum justum*) advanced by theologians tried to set rules and obstacles to war but in fact its success was not really affective. States could not agree on what they considered as being a just war.

And at that time, the right to wage a war was considered as part of an attribute of sovereignty. In the 19th century, due to the increasing devastating effect of wars, more and more states agreed to a codification on warfare. This new engagement on legalization and limitation of warfare resulted in a 1899 Hague Conference I where, states adopted the Convention on Peaceful Settlement of Disputes, and engaged pledging to do their extreme efforts, "if circumstances permit", to offer pacific settlement of disputes to "as much as possible to avoid resorting to force" in their mutual relations (Article 1-2). Then in 1907, the second Hague Convention regarding to the opening of hostilities sketched up some basic principles to the engagement of wars. Concerning the collection of contractual debts, the second Hague Convention even settled a substantive prohibition on use of armed force on the prerequisite that the debtors' State must agree and submit to an international peaceful settlement.

4.2 The League of Nations covenant

Considering the disastrous effects experienced by many states during the First World War, the Covenant of the League of Nations in 1919 was the first convention that tried to implement a system of collective action by states in order to react together to whenever a potential breach of peace could appear. Article 11 of that covenant reads that "the Members of the League undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled". For this purpose, States in the League of Nations had the obligation under the covenant to submit at first, to the council of the league, any dispute that could arise among them. Therefore, no state could recourse to war until the award was rendered by the council. This prohibition was contained in article 15 of the covenant. The non-respect of this prohibition could lead to collective sanctions by all the members' states since it was stated that an attack against one-member state was considered as an attack against the whole league (article 16). Although its ambitious project, the league never rose to the expectations partly due to the absence of the United States in its membership and some other countries such as Japan and Russia being members just for a short period.

4.3 The Briand-Kellogg Pact

The General Treaty for the Renunciation of War or Kellogg Briand Pact came into force on July 24, 1929 and is still in force and widely accepted. That treaty, concluded in 1928 forbid the entire notion of right to wage war. The states under that treaty, condemned remedy of war as a method to solve international disputes and rejected it as a mean of national policy in their relation with one another (Article 1). The fact that many countries of the world joined the pact, some other, mostly in Southern America joined a likely limitation in the Saavedra Lamas Treaty of 1933, for the first time, a worldwide ban on war was achieved, subject only on the right of self-defense by tacit agreement of the contracting parties. But unfortunately, Germany based

unlawfully their action on this exception to justify its aggression in 1939 and start a Second World War.

4.4 Other International Instruments Prohibiting the Use of Force

In addition to the aforementioned treaties to limit the recourse to force, use of force was also forbidden under several regional or international agreements, especially concerning territorial disputes. The most notable among them at the European level are the Locarno Agreements under which use of force in relations among member states was clearly forbidden. In America, the main agreements were the Treaty for the Suppression and Elimination of Disputes among American States ("Gondra Treaty") of 3 May, 1923. They were followed by a number of international organizations agreements. The draft agreement on mutual help (made within the League of Nations in 1923) sets that "offensive war is international crime" (Article 1). A similar provision also laid in the Geneva Protocol on Peaceful Settlement of International Disputes Preamble (1924). The Resolution adopted by the Assembly of the League of Nations on 25 September, 1925, also set the prohibition of offensive war. Thus, existence of the conscience of the complete prohibition of war was approved under a good number of international agreements but all these instruments unfortunately failed to prevent a second world war.

5. The prohibition of use of force after the second world war and the emergence of the United Nations

After the Second World War and the creation of the United Nations (UN), States made a new tentative to prevent use of force by means of collective action and to avoid old deficiencies showed for instance in the League of Nations. Therefore, new approaches included not only war itself but also measures linked to war and has been confirmed by several international and multilateral treaties since. Almost all States becoming members of the UN, the prohibition on the recourse and use of force is now recognized as a General Principle of International Law. One of the primary purposes of the United Nations is maintaining international peace and security. From its inception, the United Nations services have many times been relied to in order to prevent disputes from escalating into war or in order to assist in peace restoring when an armed conflict or conflict in general does occur.

According to Article 1(1) of its Charter, the main objective of the UN is to: assist States in the maintenance of peace and security at the global level. To accomplish that ambitious design, it must: take effective collective measures for the prevention and also the removal of eventual threats to peace. Also, the UN must take measures to ensure the suppression of acts of aggression and other potential breaches of peace and finally, find peaceful ways for the settlement of international disputes or situations which might lead to breach of peace. Beside the charter, the UN has been for a long time working on the implementation of a very wide legal framework adopted by its General Assembly like the

“Manilla Declaration on the Peaceful Settlement” of Disputes, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, the “Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the U.N. in this Field” or the 1974 Definition of Aggression. These resolutions even though according to legal doctrine and UN Charter are not binding, still have a normative role in international law.

5.1 Content and scope of the Prohibition of the Use of Force under the UN Charter

The prohibition is enshrined in different lines of the Charter. However, article 2.4 sets the general principle surrounding the prohibition of the use of force stating: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations”. Hence, the Charter prohibits not only the use of force but also the threat of using force.

At first, the recourse to force regarding the territorial integrity or the political independence of a sovereign state was forbidden in previous instruments (for instance article 10 of the League of Nations Covenant). The wording “force” under the charter clearly indicates that war in both the classical and modern notions and every armed action of states are concerned by the prohibition. In this consideration, the UN Charter scope is broader than all the previous international instruments prohibiting the recourse to force. Another step forward is the illegality under the Charter of the “threat” of use of force. In fact, threat was not expressly forbidden under the League of Nations, but instead it was concerned with “threat or danger from aggression” which was considered as a reason for the action of the League of Nations Council. It can be argued that the current prohibition of threat is fundamental in regard of today’s international relations for the UN to achieve its goals. The principle of prohibition of threats and use of force as contained in article 2.4 of the Charter has become a fundamental principle of modern international law and must be respected by all states even when they are not members of the United Nations (art 2.6). Therefore, the rule of prohibition of force and threat of force has become an absolute norm of international law (*jus cogens*) which must be respected any time by all countries.

The second point of discussion triggered by this article is about the proper notion of “force”. What acts or to what extent an activity can be regarded as a use of force? The prevailing view tends to restrict the concept to the usage by a state of military personnel or armed force. But nowadays, in comparison to the provisions of preexisting instruments, the scope of force has been considerably widened. The scope includes also the usage of any sort of weapons by a state directed against the territory of another state. The charter does not give any guidance or consideration on the level of force, thus even minor violations of boundaries are forbidden. The same ambiguity has opened discussion especially from developing nations and the group of former

socialist states to expand the notion of force to political and economic coercion, advancing that the effects of such coercion are easily equal to a use of military force. But even though the article could be opened to such an interpretation, this attempt has never succeeded.

5.2 Exceptions to the Prohibition under the Charter

The obligation made to states to not recourse to threat or force in their relations is protected under the charter by a system of collective action and protected by a set of mechanisms under articles 39-51 of the Charter. However, the Charter provides two derogations to the principle of non-use of force.

5.2.1 Collective security system as a mean to prevent unilateral use of force

The first exception to article 2.4 is provided by article 42, allowing the Security Council to take necessary action by air, sea, or land in order to maintain or restore international peace and security. These actions may take several forms including demonstrations or blockade. In recent history, the recourse to collective action has been made by the UNSC in several cases including the 1990, invasion of Kuwait by Iraqi forces urging the resolution 678, authorizing the use of force to remove Iraqi forces.

However, an important point of discussion is related to article 53 and to another extent to article 107 of the Charter and their exception referring to the notion of “enemy state”. These articles provide the right to regional organizations and their members to take some measures against aggressive policy originating from enemy states. Even though this concept of enemy states can be qualified as vintage, the provision still remains and was mainly considered as a provision regarding the states against the allies.

5.2.2 The right to Self Defense

A second derogation provided to the prohibition of use of force resides in article 51 providing the right for states to recourse to force in case of self-defense. Therefore, a state under attack can respond individually or collectively against the invading state for until necessary course of action has been decided by the Security Council. However, when a state engages in such defensive action, it still has the duty under this provision to notify its actions to the Security Council and make sure that these do not infringe the actions of the council itself in order to maintain peace. Therefore, the right to self defense is often regarded as an exception to article 42, and hence, the exception to the exception, considering that this right is recognized just until the UNSC itself decides of the measures necessary to ensure the peace.

In practice today, the right of states to self-defense even though not challenged in its substance, is still controversial. The main points of arguments among scholars refer mainly to the scope of this principle and the lack of clarity and definition provided by article 51. And what cases can be considered as self-defense? Moreover, some states have extended its application to different issues such as protecting one’s nationals or preemptive self-defense. Therefore, it seems that the principle is no more limited to retaliation by a state to territorial aggression but has considerably developed

over the years. Over the years and through the jurisprudence, the doctrine of “imminent threat” has been considered as a basis of self-defense. In the *Caroline* Case, Daniel Webster asserted the notion of imminence, insisting that the threat must be overwhelming, leaving no choice and no moment for deliberation for the state under attack.

Considering the plain provisions of article 51, self-defense is linked with aggression. Therefore, pre-emptive or preventive self-defense should not be permitted under the charter. But in practice, most of the countries agree for the legitimacy of a pre-emptive self-defense. Also, this concept is used nowadays in the fight against terrorism even if its scope is not really well defined. However, the right to self-defense has been stretched as far as many states argue that this should apply in the protection of nationals abroad. In the past, many states have used this argument for instance, in 1956 in Suez by the UK, by Israel in 1976 in Uganda, and the USA at multiple times in Panama, Grenada, and the Dominican Republic.

6. The prohibition of the use of force as a customary international rule

As discussed in the previous sections, the obligation for states to not recourse to force is mainly provided in treaties and conventions. Nevertheless, this principle is also a fundamental rule of customary international law, and has led to several controversies over the years. These debates are related mainly to the scope of the prohibition under customary law opposing two approaches or visions. A first approach, which can be considered as “the extensive” one, favors an interpretation of the principle in the most elastic way possible. As such, theories such as ‘preventive self-defense’, ‘implicit authorization’ of the Security Council, or the right to ‘humanitarian intervention’, for instance, can be considered as acceptable and justifiable exceptions to the prohibition under customary international law (Sofaer 2003). Conversely, another more “restrictive” approach defends a plain and strict interpretation of the prohibition.

The issue is particularly relevant in the light of recent situations regarding particularly humanitarian intervention in the context of international law which collapses inevitably with another core rule of state sovereignty. The extent of such an exception could open the door to various misinterpretations and geopolitical considerations. In any event, those who defend the progressive vision make the argument that the texts are meant to evolve and that in practice, the situation has already evolved. Furthermore, the scholars supporting this extensive approach argue that the fact that the SC has not expressly denounced some interventions made in the name of humanitarian assistance over the past is a proof of the legality of this type of interventions. Equally, it is advanced that it would be illogic in today’s context for a state to wait for an attack to occur before using force, especially in the context of preventing or combatting terrorism. The restrictive theory on the other hand, rejects the previous approach claiming that the provisions as laid down in art 2.4 of the charter and arts 31 and 32 of the Vienna Conventions provide for a sufficient and good faith application of the prohibition (Bothe, 2003). Furthermore, it is asserted that the prohibitions as laid in the

treaties and existing in customs should be considered on the same level and neither one should be given priority.

The response of the jurisprudence to that issue, especially concerning preemptive self-defense is quite ambiguous. In the *Nicaragua* case, the ICJ’s position stated that an “armed attack” was necessary before a State could recourse to its customary right to self-defense. In the *Congo* case, concerning Armed Activities on the Territory of the Congo where force was used against the DRC by Uganda, such a response was held to be unlawful as it was in retaliation to paramilitary attacks, and not an “armed attack” from the DRC itself. However, some commentators have argued that in the *Nicaragua* case, the ICJ did not explicitly limit the lawfulness of self-defense to the events of an armed attack. Instead, they argued that in international law, self-defense could be extended to anticipatory or pre-emptive self-defense, as was the position of customary international law in the pre-Charter period. In fact, such contention can be considered as having its source in the wording of Article 51 that suggests that self-defense under the terms of the UN Charter is simply a preservation and expresses re-affirmation of the existing position of customary international law, which therefore survives the Charter’s transposition of it into treaty. Furthermore, this argument became popular since the 2001 attacks in the United States. In the aftermaths of the attacks, the US administration launched a global “war on terror” and invasions of both Afghanistan and Iraq arguing of a pre-emptive self-defense right and the necessity to protect the US from potential terrorist attacks. Actually, in the historical position of customary international law, this form of pre-emptive self-defense seemed accepted and acceptable, on the condition that it was both necessary, and the level of force used was proportionate according to the above mentioned “Caroline formula” (Greenet *Al*, 2011).

As we can see, the position of the ICJ is in itself confusing and somehow contradictory. It is possible that after 9/11, States are more inclined to accept preemptive self-defense as permissible under customary international law. However, such a position could become a threat to the traditional usage of article 2.4 of the UN Charter and cause hazardous precedents putting in question the viability of this important article. But until a clearer opinion of the Court on this question, we should always refer to the limits provided by the Charter.

7. Overview of emerging challenges to the prohibition of use of force

7.1 Illegal and unilateral recourse to force against sovereign countries

According to former UN Secretary General Kofi Annan, “No principle of the Charter is more important than the principle of the non-use of force as embodied in Article 2.4”. However, in reality, unilateral use of force has been used multiple times in recent years by some of the world’s most powerful States, sometimes raising or arguing an ‘invitation’ from the other State (USSR in Hungary; USSR in Afghanistan); the protection of nationals (USA in Suez; USA in the Dominican Republic; USA in Grenada), etc. One of the relatively recent limits shown by the UN regarding the

enforcement of the Principle of non-use of force was put forward in the United States deliberate and unilateral invasion of Iraq with no mandate and no the support of the United Nations Security Council as provided by article 42. The failure of the UN to react and to sanction this unilateral use of force is very revealing of the difficulties to apply this principle in a consistent manner and proved its limits to prevent such kind of use of force against another sovereign country. More recently, the legality of the use of force by Russia against Ukraine has been a subject of significant international debate to assess the legality of Russia's actions in the context of international treaties and the United Nations Charter. Indeed, many commentators claimed that the recourse to force in the context of Russia could be regarded as an act of pre-emptive self-defense, since the contours of such a notion are still relatively wide and controversial. In addition, Russia claimed to be protecting the Russian-speaking population in Crimea and Eastern Ukraine as a justification for its actions waving once again, the ramifications of a "just war" as discussed above and a "responsibility to protect" in humanitarian action.

7.2 The emergence of new threats

Furthermore, the question of terrorism, violent extremism and other asymmetric warfare, given the rise of non-State actors, engaged in acts of terrorism and brutal insurrection has challenged traditional concepts of warfare. Addressing terrorism within the framework of international law remains a contentious issue, especially concerning questions like targeted killings and drone strikes. In addition, the emergence of cyber warfare as a new domain of conflict has exposed gaps in existing international law. Determining the appropriate legal framework for cyber-attacks and responses is an ongoing challenge. Indeed, modern warfare is becoming less kinetic and materialized with attacks carried from unknown locations, on controversial non-military, but still essential targets. These developments in technologies and warfare will undoubtedly be crucial in the development of present and future architectures of international responses to the legality of the use of force.

8. Conclusion

The evolution of international law regarding the use of force showcases the dynamic interplay between legal norms and global politics. Despite the foundational role of the UN Charter and customary international law in shaping these norms, contemporary challenges such as terrorism and cyber warfare necessitate ongoing adaptation and enforcement of extant legal mechanisms. This article underscores the critical role of international law in upholding global peace and security amidst these evolving threats.

References

- [1] Bellamy, A.J. (2009). *Responsibility to protect*. London; Polity; 1st edition. ISBN 978-0745643489.
- [2] Bothe (2003). *Terrorism and the legality of pre-emptive force*, 14 EJIL, p229.
- [3] Brownlie, Ian. (1963). *International Law and the Use of Force by States*. New York and London: Oxford University Press pp.xxviii, 592.

- [4] Cassese, A. (2000). *International Law*; Oxford: Oxford University Press.
- [5] Chesterman. S. *et Al*(2008). *Law and Practice of the United Nations: Documents and Commentary*. Oxford; Oxford University Press.
- [6] Dinstein, Y. (2005). *War, Aggression and Self-Defence*, (4th ed.) Cambridge; Cambridge University Press.
- [7] Green, J and Grimal, F (2011). *The Threat of Force as an Action in Self-Defense Under International Law*. 44 Vanderbilt Journal of Transnational Law p285-300.
- [8] Guthrie, C; Quinln, M (2007). *The structure of the tradition. Just war: The Just War Tradition; Ethics in modern warfare* pp11-15. ISBN 978-0747595571.
- [9] ICJ Rep 14 (1986). *The Republic of Nicaragua v The United States*.
- [10] ICJ Rep 226 (1996). *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*.
- [11] ICJ Rep 126 (2006). *Armed Activities on the Territory of the Congo. Uganda v Democratic Republic of Congo*.
- [12] Lea-Henry, J (2018). *The responsibility to Protect (R2P) and the Problem of Political Will*. Polish Political Science Yearbook, (3(47)), 553-570.
- [13] Sliedregt, E.V. (2012). *Individual Criminal Responsibility in International Law*. Oxford; Oxford online edition.
- [14] Sofaer (2003). *On the necessity of pre-emption*. EJIL 209, p212.
- [15] Stephen C. (2008). *War and the law of nations, a general history*, University of Edinburgh Paperback ISBN: 9780521729628.
- [16] Thakur, R and Sampford C. (2016). *Responsibility to protect and Sovereignty*. London; Routledge ISBN 9781138245921.
- [17] Rutgers, V.H (1931). *La mise enharmonie du Pacte de la Société des Nations avec le Pacte de Paris*. Paris; Recueil des cours de l'Académie de droit international de La Haye", t. 38, p. 19.
- [18] Ruwanthika G. (2018). *International law and the use of force: what happens in practice?* available at http://legal.un.org/avl/pdf/ls/Wood_article.pdf. (Accessed on 05 September 2023).
- [19] https://en.wikipedia.org/wiki/United_Nations#Peacekeeping_and_security. (Accessed on 26 June 2023).
- [20] https://en.wikipedia.org/wiki/United_Nations_Security_Council_and_the_Iraq_War#cite_note-ABC1-14. (Accessed on 20 June 2023).
- [21] https://en.wikipedia.org/wiki/Use_of_force_by_states. (Accessed on 10 July 2023).

Author Profile

Pidalatan Eyana MANZI received a Bachelor degree in Political and juridical sciences, with an option in Business Law from University Saint Thomas d'Aquin in Burkina-Faso in 2012 and later on, a Master Degree in International Law from Zhongnan University of Economics and Law in China. His areas of expertise include public international law and data protection law. He is currently a PhD candidate at Zhongnan University of Economics and Law focusing on public international issues.