# The Admissibility of Non-State Entities' Right of Collective Self-Defence

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***The Admissibility of Non-State Entities' Right of Collective Self-Defence***

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# 1. Introduction

A seminal objective of public international law has understandably been to regulate – and if possible, to eliminate – international actors' recourse to violence. Gaining prominence during the *interbellum* with agreements such as the 1928 Kellogg–Briand Pact seeking to outlaw warfare and with the creation of institutions such as the Permanent Court of International Justice, the legislation of the use of force has been the topic of much scholarship. The Charter of the United Nations – as a foundational text of public international law – provides clarity into the permissibility of violence in the conduct of international relations, stipulating that '[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state' (UN Charter art. 2, para. 4). The offspring of an era of state-centric political theory, this article fails to mention its applicability to non-state entities.

Similarly, in a rare exception to the above article 2(4), states are granted the 'inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations' (UN Charter art. 51). Notably, nothing in article 51 of the UN Charter prevents non-state entities from being the instigators of armed attacks worthy of triggering a response contingent on the above exception. This, too, has been an area of intense focus for international legal scholarship. The September 11 attacks are commonly acknowledged as representing a Grotian moment in this field (Scharf, 2011), notably with the UN Security Council's adoption of resolutions 1368 and 1373 (Wood, 2013). Prior to 9/11, debate flourished on whether terrorist organisations could be found responsible of perpetrating armed attacks as required to trigger article 51 of the UN Charter. Following these attacks of unprecedented scale and mediatisation, norms shifted to conceptualise terrorist groups as threats to the international order, rather than merely to individual lives. Thereafter, international legal norms became more permissive of the ability of non-state entities to mount armed attacks, seeing as their direct and indirect reach rivalled that of military interventions.

However, scholarship on the admissibility of non-state entities' right of collective self-defence is much more limited than that concerning their ability to trigger such a response from states. Far from an isolated occurrence, this mechanism recently permeated into mainstream media again. Indeed, this was part of the justification provided by Vladimir Putin upon his launching of the invasion of Ukraine in February 2022. In claiming that the separatist regions of Donetsk and Luhansk were victims of Kyiv's assault, Putin invoked the regions' right to collective self-defence. Although Putin had recognised Donetsk and Luhansk as autonomous

states days before launching the invasion, to the international community these remain non-state entities insofar as they are constituent parts of a recognised state with a significant presence of separatist elements – much like Western Sahara or Palestine. In an apparent extension of their legal personality onto their partner forces, the USA also made use of this mechanism to bypass their stated objectives during their involvement in Syria. Avoiding congressional control, US armed forces targeted Syrian regime positions in retaliation for attacks by the latter against Syrian Defence Forces – a *non-state partner force* of the USA. This circumvention of democratic checks-and-balances prompted a scholar to conclude that, while it is not 'easy to find a single policy that both erodes congressional authority over the use of military force and increases the risk of confrontation with allies and adversaries alike, […] the Defense Department's "collective self-defense" policy appears to do both' (Farabaugh, 2018).

Studied in parallel, these two cases illustrate how international law and societal norms are interpreted differently in relation to the permissibility of states to extend their protection under collective self-defence to non-state entities.

Although both historical and legal precedents surrounding this matter exist, major discrepancies are present within and between them, which leads to ambiguous societal norms on the admissibility of this state practice. Further complicating the normative judgement of these matters, scholarship on the question is exceedingly rare, making it particularly worthy of study.

Far from merely undermining the foundations of public international law, the collective self-defence of non-state entities threatens the further banalisation of warfare and the propagation of authoritarianism. The normalisation of states' right to intervene militarily in order to protect non-state entities would simplify the justification of belligerence. This disparity between normative reasoning and state practice begs the question of: *To what extent is it acceptable for non-state entities to enjoy protection under collective self-defence?* Addressing this question will allow for an exploration into the legitimacy of the encompassment of non-state entities into the doctrine of collective self-defence.

# 2. Literature Review

In approaching this topic, it is crucial to gain an understanding of the existing literature which helps to address this question. Three main components are essential foundations to the tackling of the above research question. Namely, they are states' right of collective self-defence, the use of force against non-state entities, and the collective self-defence of non-state entities.

## 2.1 States' Right of Collective Self-Defence

Alongside intervention by invitation and the authorisation of collective action by the UN Security Council, individual and collective self-defence are among the rare exceptions to the prohibition on the use of force laid down by article 2(4) of the UN Charter (Visser, 2019). This right is enshrined in the UN Charter's article 51, whereby it is stipulated that '[n]othing 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' (UN Charter art. 51).

The use of this article is fairly widespread both in practice, as well as in treaties whereby bilateral and multilateral security arrangements rely on this principle (Gibson, 1957, p. 121). This, however, does not imply the article being uncontentious. A main point of discord concerns the inherence of the right of collective self-defence. A widespread view in the literature is that while individual self-defence is indeed an inherent right which no state would be willing to surrender, collective self-defence is a more activist and belligerent act, due to the recourse to extraterritorial use of force to safeguard another state's territorial integrity (Kelsen, 1946; Kelsen, 1948; Kunz, 1947).

Furthermore, while article 51 of the UN Charter does impose a temporal restriction on the duration of states' use of force, stating that intervention is permitted 'until the Security Council has taken measures necessary to maintain international peace and security' (UN Charter art. 51), the vested interests of this body's members may prevent legal oversight from extending to them. Indeed, if one of the five permanent members of the UNSC were to wish to engage in the collective self-defence of another state, they could veto any coordinated action to perpetuate the authorisation of their use of force. In other words, 'unless there is complete agreement among the permanent members of the Security Council, any action in individual or collective self-defence under Article 51 can go on indefinitely' (Gibson, 1957, p. 129).

## 2.2 The Use of Force against Non-State Entities

More ambivalent than the use of force between states, however, is the use of force against non-state entities. Debate has long revolved around the ability of non-state entities to perpetrate an 'armed attack' necessary to trigger the self-defence principle outlined in article 51 of the UN Charter. While this instinctively appears unambiguous, due to the article's lack of mention of the necessity for the perpetrator to be a recognised state, extensive literature discusses the subject. The International Court of Justice itself requires the attribution of armed attacks to a state for article 51 to be invokable. This is evident in its *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, whereby it simply states that the right of self-defence is contingent on the enactment of an 'armed attack by one State against another State' (ICJ, 2004, para. 139) without providing reasoning for the necessity of the triggering attack being attributed to a state.

The ICJ's position is further made obvious in its judgement on *Democratic Republic of the Congo v. Uganda*, whereby it concludes that 'the Court has no need to respond to the contentions of the Parties as to whether and under what conditions contemporary international law provides for a right of self-defence against large-scale attacks by irregular forces' (*DRC v. Uganda*, 2005, para. 147), arguing that 'there is no satisfactory proof of the involvement in these attacks, direct or indirect, of the Government of the DRC' (*DRC v. Uganda*, 2005, para. 146). The ICJ's refusal to consider Uganda's right to self-defence in this case is significant, as it entrenches the need for attribution of armed attacks to a state in order for Article 51 of the UN Charter to be applicable.

Through illustrious precedents such as the *Carolina Case*, it appears evident that non-state entities have historically been recognised as capable of mounting armed attacks sufficient for states to invoke their right of self-defence. In breaking with this established precedent, the ICJ is making a deliberate attempt to further delegitimise non-state entities, thereby effectively excluding them from the jurisdiction of *jus in bello*.

Due to their illegitimacy stemming from their inherently anti-government ideologies, governments also favour the consideration of insurgent groups as lacking legal personality. This consequentially leads to the inapplicability of international humanitarian law to extend to non-state armed groups. Ryngaerts (2011) argues that domestic legal regimes are not adequate for the binding of non-state armed groups, as these are unlikely to find such laws legitimate as a creation of governments which they perceive to be illegitimate actors.

Non-state armed groups could become bound by International Humanitarian Law by lowering the threshold of the criteria for statehood, as discussed by Ryngaert (2011). The reasoning goes that, since certain non-state entities control territory and behave like states by governing over a population, granting them welfare gains, and engaging in international relations, they should be considered as states without the contingence of international recognition. In being recognised as states, these non-state entities would not only enjoy the rights associated to statehood, but also the conjoined responsibilities, thereby resulting in an improvement of civilians' living conditions on the ground.

Despite controlling territory in certain cases, intrinsic to their characterisation as such, non-state entities cannot enjoy a monopoly on the legitimate use of force over a delimited territory. As such, the territory they claim – if any – is disputed by another local hegemon – most often a UN member-state. Thus, in retaliating or defending themselves against a non-state entity, UN member-states inevitably encroach into the jurisdiction of another member-state, who may not be complicit in the triggering armed attack. Traditionally, the criterion for the permission of use of force against another state in response to an armed attack conducted by non-state entities was if the host state had either actively welcomed the non-state armed group's existence, or if it had failed in its duty to prevent them from conducting armed attacks (Tsagourias, 2011, p. 330).

Jurisprudence now relies on *the effective control test* to attribute armed attacks conducted by a non-state armed group onto a state. In essence, armed can be attributed to a state if this one controls or supports the perpetrating non-state entity responsible for the attack (Ohlin, 2014). This came about with the *Military and Paramilitary Activities in and against Nicaragua* case, whereby the ICJ recognised irregular forces' ability to carry out armed attack worthy of triggering article 51 of the UN Charter in response (de Beer, 2019, p. 214). This reasoning created a legal precedent which was transformative of international law. Notably invoked by the United States of America in their declaration of a *war on terror*, the impact of the recognition of non-state entities' ability to trigger article 51 of the UN Charter has truly shaped the international legal arena. In that case, the United Nations – admittedly at the behest of the United States of America – recognised the nature of the attacks as sufficient to warrant the triggering of the Charter's article 51 for the USA, and consequently for its NATO allies as well (Greenwood, 2003, p. 17).

Here, however, one must keep in mind the crucial importance of perspective and framing. Indeed, the common adage which recognises that 'one man's terrorist is another man's

freedom fighter' holds tangible and potentially lethal implications. Indeed, as argued by Ryngaert (2011) and discussed above, insurgent groups will tend to be categorised as terrorist by the government they are rebelling against, which is rationally motivated to polarise public norms in its support. The same is true for foreign non-state armed groups who represent the manifestation of – or a threat to – certain states' interests.

Certain historical precedents where non-state entities have been under the prohibition on the use of force exist. These generally are related specifically to nationalist aspirations, be it in the case of national liberation movements or of unrecognised states. Indeed, it was 'opined that the prohibition on the use of force extended to South Osetia' (Tsagourias, 2011, p. 328), while the interventions during the Korean war of both North Korea and the People's Republic of China – which were widely unrecognised at the time – were conceptualised as armed attacks (Tsagourias, 2011, p. 328).

If, then, non-state entities are understood as being capable of triggering states' right to self-defence, do they benefit from the same protection themselves?

## 2.3 Collective Self-Defence of Non-State Entities

A final aspect of the literature remains to be discussed to gain an overview of scholarship which will prove useful to answer this study's research question. As we have already seen, states can legally use force in collective self-defence of their allies, and this right can also be exercised against non-state entities. But what of these entities' right to benefit from allied states' military support?

Historical and legal precedents on this issue diverge. Addressing the heart of the matter, the ICJ clearly and decidedly ruled against the admissibility of the collective self-defence of non-state entities as a justification for the use of force:

> '[T]he principle of non-intervention derives from customary international law. It would certainly lose its effectiveness as a principle of law if intervention were to be justified by a mere request for assistance made by an opposition group in another State […]. Indeed. it is difficult to see what would remain of the principle of non-intervention in international law if intervention, which is already allowable at the request of the government of a State, were also to be allowed at the request of the opposition. This would permit any State to intervene at any

> moment in the internal affairs of another State, whether at the request of the government or at the request of its opposition. Such a situation does not in the Court's view correspond to the present state of international law.' (*Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America),* 1986)

Historical state practice, however, seems to recognise non-state entities' right of collective self-defence. As argued by Gibson (1957), in discussing the wording of Article 51 of the UN Charter, the right to collective self-defence can only truly be considered 'inherent' – as per the article – if this right extends further than simply to member-states of the UN (p. 127). From a semantics perspective, the term 'inherent' characterises something as 'existing as a natural or basic part of something' (*Inherent | Meaning in the Cambridge English Dictionary, n.d.*) else. Thus, the choice of this term for the construction of Article 51 supposes the pre-existence of nations' right to collective self-defence prior to their accession to UN membership – when they were still non-state entities. Defending this position, Ferrer (1947) claims that 'since collective self-defence is inherent, then the right must attach itself to non-members as well as members in Article 51' (as quoted in Gibson, 1957, p. 127).

This understanding of the inherence of nations' right of collective self-defence predating their recognition by the UN is not merely an academic abstraction. Indeed, its materialisation into practice is not a rare occurrence. For example, both Portugal and Italy were founding members of the North Atlantic Treaty Organisation, while neither were UN member-states for another six years. One of the seminal pillars of the NATO alliance is the promise of each member-states to exercise their right to collective self-defence in support of any attacked member-state (North Atlantic Treaty Organisation, 1949, art. 5). Thus, in welcoming Italy and Portugal within NATO before their accession to the UN, the other founding member-states of the organisation implicitly recognise the inherence of the right to collective self-defence as pre-existing non-state entities' universal recognition by the international community. This logic was used similarly during the same era to allow American troops to be stationed in Japan following the ratification of the Security Treaty between the United States and Japan (*Security Treaty between the United States and Japan*, 1951). There, once again, Japan allied with the USA which vowed to appeal to their right of collective self-defence to assist Japan in case of an armed attack (*Security Treaty between the United States and Japan*, 1951, art. 5), despite its accession to the UN taking another five years. Simplifying this situation, Gibson (1957) writes

that '[c]ollective self-defence is inherent to all nations, Japan is a nation, and therefore American troops are stationed in Japan to help Japan defend itself' (pp. 127-128).

More recently, the case of Syria and extraterritorial military intervention on its sovereign territory is a particularly enlightening one. Not only does this recent case illustrate the incoherence of states in labelling non-state armed groups as terrorists or freedom fighters, but it also exemplifies the crucial – yet understudied – concept of collective self-defence between states and non-state entities. Studying the varying attitudes of the USA and Turkey with respect to Kurdish non-state armed groups highlights the importance of perspective on the categorisation of terrorist groups as such. While Turkey considers these groups as terrorist organisations and invokes its right to self-defence against the attacks it claims to have suffered, the USA – short of recognising the validity of their claims – considers them valuable allies in the fight against the Islamic State of Iraq and the Levant, consequentially providing them with pecuniary and material support. The USA, however, does recognise ISIS as a terrorist organisation and a threat to international peace, thereby justifying their military action against them. Interestingly, moving away from a traditional realist lens, the USA appears to place equal importance in the security of non-state entities as that of states, in invoking collective self-defence of insurgent groups against the Assad regime (Pothelet, 2018).

This marks a crucial turning point in the international legal case law regarding the extraterritorial use of force, as it is a clear and deliberate invocation of the right of collective self-defence against another state, triggered by its perpetuation of armed attacks against a non-state entity.

Here lies an interesting gap in the existing literature. While the USA's military intervention in defence of the SDF against the Assad regime was widely accepted as legal and legitimate, Putin's invasion of Ukraine – allegedly as collective self-defence of the autonomous regions of Donetsk and Luhansk which it recognises as independent – finds little legal support among external scholarship. Thus, this raises the question of the legitimacy of the extraterritorial use of force by invoking the right to collective self-defence on behalf of certain non-state entities against the states where these actors exist. This question is further complicated by the consideration of what exactly constitutes a non-state entity. While the USA at no point recognised the SDF as a state in its own right, Russia considers the Donetsk and Luhansk regions as independent entities. Does the characterisation of organisations by the state invoking its right to military intervention matter in the legitimisation of its actions? Why then has the USA's support for the SDF not been contested, while Russia's of Donetsk and Luhansk is

heavily criticised – as the former is admittedly fighting governmental forces in support of a non-state armed group, while the latter claims to be doing so in favour of supposedly independent states? Due to the contemporality of these questions – in addition to their vital implications – scholarly literature exceedingly fails to convincingly address them.

Stemming from the ambivalence of legal and historical precedents surrounding the admissibility of states' extension of their right of collective self-defence to non-state entities, much discrepancy between the responses to such recurring state practice subsides. Despite a clear ICJ ruling, the recourse to this justification is still commonplace in international law. Furthermore, while legal commentary sometimes condemns this practice, it fails to do so universally, and even more rarely does the international judicial system react to such a blatant violation of international common law.

The following sections will thus seek to elucidate what – if anything – makes it permissible for non-state entities to enjoy protection under collective self-defence. Further, if it is found that no universal answer exists to the above question, this paper will aim to understand why such discrepancies arise.

# 3. Normative Framework

Before tackling the exploration of this paper's research question, certain norms and theories must be outlined. These concern the use of force in International Law and its theoretical understandings.

## 3.1 The Use of Force in International Law

Central to international law is the concept of the use of force and its legality. In a recent ruling of the International Court of Justice, this was said to be one of 'the most fundamental principles and rules of international law' (*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda*), 2022, para. 65.). Embracing a Clausewitzian framing of warfare as the ultimate realm of diplomacy, the use of force must be understood as a mere component in states' diplomatic toolboxes. However, when attacked, few states would hesitate to defend themselves and prevent future harm to their citizens and regime. This is notably reflected in the United Nations' Charter, whereby an exception is made to the principle in article 2(4) that '[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state' (UN Charter art. 2, para. 4), with article 51 affirming that '[n]othing 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' (UN Charter art. 51).

The use of force as self-defence against another state's aggression enjoys relatively settled customary law. Scholars and practitioners alike concur that the mechanisms for states to invoke their right to reactive self-defence against another state are clear, with the necessity to prove the existence of a demonstrable armed attack the major hurdle in so doing. Some debate nonetheless persists on the legality of use of force pre-empting armed attacks upon which the authorisation of the use of force by the UN Charter is contingent.

## 3.2 Theories on the Use of Force in International Law

A prominent perspective, legal realism often acts as the natural starting point for the discussion of legal theories – not least of all because it 'makes a nice conceptual contrast – a null hypothesis backdrop – for arguments about how international law does matter' (Steinberg, 2002, p. 261). Its antithetical position to most other theories of law stems from the belief of

realist legal scholars that law reflects societal norms, rather than existing independently of these (*Legal Realism*, n.d.).

Extended to the realm of Public International Law, legal realist scholars contend that law merely reflects the norms and desires of powerful nations, and that it therefore serves merely as an instrument for hegemons' assertion of their dominance over other states. In other words, '[l]aw reflects the preferences of the powerful: When the distribution of power changes, so would the law' (Krasner, 2002, p. 266). The author then proceeds to make a Hobbesian argument reinforcing the above assertion:

> 'When international law is violated there are no neutral or authoritative enforcement mechanisms to make the offending party pay. A state that transgresses international legal rules will be punished only if other more powerful states want to do it. What matters is not the rules but the power.' (Krasner, 2002, p. 266)

The implications of this theory are multiple. For one, international policymakers must be calculating in their judgements and rulings. Rather than strictly relying on codified texts to reach verdicts, they must analyse the situation and ensure that the resolution promotes the aims of the legal doctrine – which a direct application of the texts may not necessarily do (Krasner, 2002, pp. 267-268).

Realists typically lament the lack of empirically observable norms and rules in the international system, making international law malleable and, thus, corruptible. According to Morgenthau (1940), 'social forces' (p. 270) – comprised of different normative spheres – permeate international law, thereby constantly modifying the reach and concerns of the law (Jütersonke, 2016, p. 340).

Extending this logic of the conceptualisation of law as a reflection of societal norms, the core argument of legal realism becomes apparent. If international law is indeed merely ever a snapshot of prevailing public mores at a given instant, whichever nation or system serves as the normative hegemon will also invariably become the most favoured by international law, as this latter will adapt to suit the former's preferences.

Summarising the realist view, Lauterpacht declared that '[a]nyone who […] chooses to speak of "The Reality of the Law of Nations" lays himself open to the charge of untimely simplicity or even audacity' (Lauterpacht, 1978, p. 22).

In direct contradiction to such Western conceptualisations of international law – and particularly realist ones – a movement of scholars emerged from the post-war decolonisation era, promoting Third World Approaches to International Law (TWAIL). These approaches' postulate contends that international law 'is a predatory system that legitimizes, reproduces and sustains the plunder and subordination of the Third World by the West' (Mutua, 2000, p. 31). From the perspective of scholars subscribing to this theory, international law is a tool constructed by Western powers to enshrine and perpetuate their imperialistic control over the Third World.

The antithesis to its vocation of neutrality and equality between nations, TWAIL suggests that 'international law is premised on Europe as the center, Christianity as the basis for civilization, capitalism as innate in humans, and imperialism as a necessity' (Mutua, 2000, p. 33). To do so, international law was constructed in such a way as to grant legal personality for political communities only to nation states. This realist and state-centric construction advantages Western powers who have been arranged as states since the advent of the Peace of Westphalia (Croxton, 1999), but manages to forego the rights of much of the rest of the world whose structures of political and social organisation can take on different manifestations.

Similarly, the United Nations is understood as yet another instrument in the institutionalisation of the subordination of the Third World to the West. As the organisation largely responsible for the creation and dissemination of norms surrounding the international order – as well as the policing of these – the UN perpetuates the imperialistic policies of Western powers under the guise of universality, thereby normalising and legitimising these endeavours.

By its very design, the UN subordinates the decision-making power of the Third World to that of the West. Indeed, as argued by TWAIL scholars, '[t]he primacy of the Security Council over the UN General Assembly, which would be dominated by Third World states, made a mockery of the notion of sovereign equality among states.' (Mutua, 2000, p. 35).

# 4. Methodology

This paper will focus on conducting an exploratory normative analysis into the practice of states engaging in collective self-defence with non-state entities. Two case studies will be conducted to understand the normative framework surrounding the legitimacy of states defending the interests of non-state entities. The objective of this study is to understand when – if ever – it is legitimate for states to protect non-state entities within other states, in light of recent state practice, since this justification is increasingly being used as a scapegoat for states to bypass the prohibition on the use of force codified in the UN Charter (article 2(4)).

Embracing a Most Similar Systems Design case selection, two separate case studies will be conducted. Russian collective self-defence of the Luhansk and Donetsk 'people's republics' and American collective self-defence of Syrian Democratic Forces in northern Syria will be discussed in parallel, allowing for conclusions to be drawn from these contemporary and impactful cases. Similar in their context and legal mechanisms employed to justify recourse to the use of force, Russia's intervention in Ukraine caused intense international condemnation, while the USA's was met with indifference. Comparing these cases will foreseeably result in a significant step toward understanding the norms surrounding the use of force and why these are mobilised in certain cases and not in others.

# 5. Analysis

In order to gain insight towards answering the research question, this section will consist of two cases studies illustrating state practice of collective self-defence of non-state entities.

## 5.1 Russian Collective Self-Defence of the Luhansk and Donetsk 'People's Republics'

Recurringly prominent, the principle of collective self-defence most recently gained public attention following Russia's invasion of Ukraine. In preparation for the announcement of the invasion, Putin unilaterally recognised the independence of the two states which compose the Donbas region – the Luhansk and Donetsk people's republics. These breakaway regions – where separatist ideology is salient – have been the backdrop for longstanding confrontations with Ukrainian governmental forces continuously ongoing since the 2014 Crimean crisis. To the international community, these ostensibly separatist states are – under a most favourable light – merely non-state entities. To Putin's regime, however, Russia's recognition of these states as independent from Ukraine grants them an entirely different legal status under *jus ad bellum*.

The definition of statehood under International Law is a highly contentious subject in the literature. Two main opposing schools of thought exist in this debate. On one hand, International Law scholars tend to contend that precise criteria for statehood exist – notably institutionalised by the Montevideo Convention – and that short of demonstrating these, non-state entities cannot accede to the rights and obligations concomitant with statehood (Erman, 2013, pp. 131-132). To supporters of this declaratory theory for the recognition of states, international declarations acknowledging an entity's statehood are merely a restatement of a *fait accompli*, rather than a mechanism to bestow statehood upon a non-state entity. Adopting a more constructivist approach, on the other hand, scholars of international relations generally argue that 'a political entity comes into existence as a state in international law only if it is recognized by other sovereign states in the international community' (Erman, 2013, p. 132). Thereby, the recognition of non-state entities as states serves a normative purpose, as states are willed into existence by the words of existing states.

Accepting recognitions of statehood as an essential component in non-state entities' accession to this status, an aspect of this process remains unclear. If states can only exist when others say they do, exactly how many states must recognise an entity before it exists? An initial response to this conundrum would be the necessity for a consensus. Yet, several major international actors – a notable one of which being the People's Republic of China – lack universal recognition due to political or ideological conflicts. While arguments rationalising why certain separatist regions do not enjoy independence due to their lacking universal international recognition can be admissible, transposing this rationale to the economic, political, and normative powerhouse that China is appears unimaginable. Seeing as no obvious threshold for the number of declarations of recognition are necessary for a state to exist (Fabry, 2012), it could be argued that Putin's recognition of the Donbas people's republics' autonomy may be sufficient to grant these regions statehood. In so doing, Putin consciously laid the foundations for argumentation permitting his military enterprise.

Supporting the claims to legitimacy of Putin's justification, the UN's General Assembly recognised the extension of the rights and obligations of statehood 'without prejudice to questions of recognition or to whether a State is a member of the United Nations' (Hillgruber, 1998, p. 497). However, Janik (2022) argues that this recognition is void, seeing as '[r]ecognition is unlawful if granted *durante bello*, when the outcome of the struggle is altogether uncertain' (Lauterpacht, 1944, p. 392).

Irrespective of the international community's opinion on the legitimacy of the statehood of the Donbas people's republics, Putin's administration proceeded to mount a legal justification for their invasion of Ukraine.

In the words of Putin, in his declaration of the invasion, the incursion into Ukrainian soil was conducted 'in accordance with Article 51 (Chapter VII) of the UN Charter' (Putin, 2022). While the legality of this military enterprise is certainly questionable, the mere fact that Putin himself justified his forces' assault in these terms is significant. Putin ostensibly aims to legitimise the invasion of Ukraine in the eyes of the Russian population, as well as that of the international community. By using such argumentation, it can also be inferred that Putin is attempting to delegitimise – or at least to expose the duality of – the Western powers which have recourse to similar mechanisms yet whose actions aren't decried to the same extent as Russia's. Despite the dubious logic behind Putin's conclusion, his argumentation towards adherence to international law is a testament to his will to earn external legitimacy, as well as a resounding endorsement of public international law.

This attempt, however, was met with much criticism in the international legal literature. Hathaway and Shapiro (2022) – for example – call Putin's legal justifications 'flimsy' and 'clearly meritless', while Steinbeis (2022) says that these 'cannot convince anyone'. More incisively, Kirchmair (2022) considers Russia's arguments 'abstruse and lack[ing] any basis in reality'. Similarly, the European Society of International Law declared that Russia's arguments used 'to justify its aggression have no basis whatsoever, whether in fact or in law', thereby clearly rebuking Putin's attempt at a legal defence of his belligerence (*Statement by the President and the Board of the European Society of International Law on the Russian Aggression against Ukraine,* 2022). This statement is also echoed by the German Society of International Law which insists that 'the language of public international law is being deliberately misused by Russia in order to advance legal allegations which are juridically untenable' (*Statement on the Russian Attack on Ukraine,* 2022), referring to Putin's justification as 'sham arguments' (*Statement on the Russian Attack on Ukraine,* 2022). By clearly exposing Putin's fabricated legal arguments, these individuals and organisations are attempting to delegitimise Russia's invasion of Ukraine, thereby creating turmoil in the domestic and international political spheres, in an attempt to bring about a change of policy – through both persuasion and coercion.

Rebukes leveraged in political arenas, however, have been tamer – likely out of fear that too harsh of a response would trigger dramatic escalation and propagation of the conflict. Nonetheless, several international bodies and other actors concur with these scholarly critiques. The EU – adopting a notably partisan role – declared that Russia's military aggression was 'unprovoked and unjustified' (*EU Response to Russia's Invasion of Ukraine,* 2022), while President Biden presented the invasion as being 'without provocation, without justification, without necessity' (Biden, 2022). Seconding these declarations, the G7 foreign ministers portrayed Putin's incursion into Ukraine as an 'unjustifiable, unprovoked and illegal war of aggression' (*G7 Foreign Ministers' Statement on Russia's War against Ukraine,* 2022). In large part due to Russia's veto power in the Security Council, the United Nations has remained deafeningly silent on the issue.

Even if Putin's justification of the invasion of Ukraine as self-defence of the self-proclaimedly independent Donbas people's republics were to be accepted, the scale and means of the military response would not be legal, considering they blatantly violate both principles of necessity and proportionality. If Putin's aim is indeed such as he evokes, an invasion of the

entirety of Ukraine and large-scale offensives on Kyiv remain outside the scope of an alleged act of collective self-defence for the two eastern Ukrainian states.

## 5.2 American Collective Self-Defence of Syrian Democratic Forces in Northern Syria

Far from a complicated legal construction defending the self-interested aspirations of authoritarian rulers, the collective self-defence of non-state entities is a mechanism regularly employed by states to justify their military enterprises – a notable such example being that of the USA defending their partner Syrian Democratic Forces (SDF) against al-Assad's troops.

This practice rose to public notoriety in October 2018 through Virginian Senator Tim Kaine's letter to the Secretary of Defense. Referencing previous correspondence, he writes:

> 'I asked […] whether collective self-defense could be invoked to support foreign partner forces engaged in hostilities against enemies that are not covered by a congressional authorization for use of military force (AUMF).
>
> The Department's reply stated that "collective self-defense in this context means extension of U.S. unit self-defense to foreign or irregular partner forces or persons." Further that, "The collective self-defense supplemental rule of engagement, when approved, permits U.S. forces to defend partner forces from attack or an imminent threat of attack with necessary and appropriate force, and typically the authority applies irrespective of the group or individual committing the hostile act, or demonstrating hostile intent. For example, U.S. forces responded in collective self-defense when Syrian pro-regime forces attacked a Syrian Democratic Forces base in Syria on February 7, 2018."' (Kaine, 2018)

The events being thereby decried are a series of incident whereby the USA targeted Syrian governmental assets in an attempt to protect SDF troops. For example, on 18 June 2017, the American air force was patrolling Syrian skies and shot down a Syrian fighter aircraft which they accused of having dropped bombs on SDF fighters (Wintour & Borger, 2017).

The USA's consideration of the reported bombing of SDF troops by the Syrian government as sufficient justification for the downing of the accused aircraft is particularly relevant for this thesis. While the status and legitimacy of the SDF is contentious, no state – including the USA – recognises it as being autonomous (van Wilgenburg, 2020). Thus, recourse

to article 51 right to collective self-defence as an exception to article 2(4) prohibition of use of force of the UN Charter is immediately excludable. Rather, the USA frames the SDF and their defence of the latter as 'collective self-defense of partner forces' (Mattis, 2018 as quoted by Kaine, 2018), thereby inherently recognising the status of the supported organisation as that of irregular fighters.

Aside from the obvious undermining implications for domestic law – with Presidential powers being expanded to erode those of Congress – this case lies in total disagreement with the prohibition on the unilateral use of force. Indeed, if the designation of any non-state entity as 'partner forces' is sufficient for American armed forces to enter in conflict with another actor, then warfare regains its status of 'policy by other means', rather than a last recourse to prevent atrocities.

Extending these dynamics further, pondering hypothetical scenarios leads to perplexing conundrums. For example, were Kurdish troops to come under attack by Turkey – who considers several such groups as terrorist organisations and as such regularly conducts raids against their positions – the USA could theoretically decide to intervene in defence of their attacked partner forces. However, Turkey is a NATO ally of the USA which would place American soldiers and high command in a particularly uncomfortable and precarious position.

Not least of all because of the lack of media attention for the USA's collective self-defence of its SDF allies, little critical evaluation of this practice exists. In scholarly commentary, much of the criticism is hinged around this event's violation of domestic law rather than its disregard for international legal provisions (e.g. Farabaugh, 2018; Pothelet, 2018). In the rare instances where they are discussed, the USA's strikes against Syrian governmental assets are depicted in an ambivalent light, with the justification usually being accepted as legitimate. Political figures – such as Senator Cotton – publicly support the use of force in this context, arguing that it is 'an essential foundation for effective diplomacy' (Cotton, 2017). Although backlash does exist, its foundations typically rest in domestic law rather than public international law – an example of which being Senator Murphy's warning that 'Trump is quietly starting a new war that Congress has not declared' (Murphy, 2017).

In the international political arena, commentary is similarly elusive. Interested actors – such as Russia – understandably decry the USA's collective self-defence of non-state entities, stating that '[t]he destruction of a Syrian Air Force aircraft by American aircraft in Syrian airspace is a cynical violation' (Ministry of Defence of the Russian Federation, 2017) of

international law. The difficulty in locating other international responses to this incident is revelatory of the international community's acceptation of the USA's use of force in defence of Syrian Democratic Forces personnel. By failing to decry this blatant violation of international law, scholars and practitioners alike are enabling the erosion of *jus ad bellum*, all the while normalising the easing of the conditions allowing states – and particularly powerful Western ones – to have recourse to the use of force in their international relations.

# 6. Discussion

Normative assessments of military intervention remain highly contentious. Due to states' obvious vested interests to use force while no one else does so, the shaping of norms to accept this *status quo* is an essential endeavour for states to perpetuate their survival. In doing so, states attempt to legitimate their recourse to violent intervention, all the while projecting a framing of others imitating them as outlaws.

This is notably evident when the case of Russia's defence of the Luhansk and Donetsk 'people's republics' is studied in parallel to that of the American defence of Syrian Democratic Forces in northern Syria. Having analysed these two similar cases, the differing commentary concerning them gains salience. While criticism on Russia's invasion of its neighbour based on the pretention to a right to defend separatist regions appears justified, the lack of such response to American belligerence is deafening. Using a similar legal mechanism, the USA justifies attacks against Syrian government troops as an enforcement of the security of their non-state allies in the country. An erosion of democratic checks-and-balances, as well as principles of non-intervention, the tolerance of states' ability to wage war upon request of both governments and opposition forces sets a perilous precedent.

In considering the rationale behind the differing international responses to these two studied cases, one of the theories previously discussed above appears to hold more explanatory power than others. The contention of scholars of Third World Approaches to International Law that International Law is a tool Western states dispose of as they will to legitimate their actions seems to find empirical support through this investigation. Reflecting upon this injustice, Mutua (2000) writes:

> 'The West, led by the United States, polices every corner of the world, ready to pounce on those it deems a threat to its interests. Often, the United States does not even bother to enlist the United Nations in its military campaigns against member states.' (p. 37)

While legal realism could be understood to support the findings of this research, the understanding that powerful states – rather than simply Western ones – shape International Law does not find empirical support when two hegemons are treated differently, as in the present cases. Promoting American exceptionalism, certain realist scholars could support the present findings. Morgenthau, for example, argues that 'American globalism assumes the existence of one valid legal order whose content is defined by the US and which reflects the content of

American foreign policy' (Jütersonke, 2016, pp. 341-342). However, this explanation fails to recognise the waning hegemony of the USA on the shaping of international norms and the rising influence of other states, as well as non-state entities.

Certain limitations in the present study must however be kept in mind when assessing the findings hereby discussed. Significantly, this research was conducted in a Western environment, within a field which remains dominated by Western scholarship. Furthermore, due to the research being conducted in English and a reliance on Western sources, it is to be expected that these conclusions have been more affected by American – and otherwise Western – normative output than had it been conducted in another context. While this certainly does not go to say that the findings are irrelevant, it is important to remember that criticism of Western attitudes could have been increasingly vehement had this research been conducted in a non-Western language or with a more TWAIL-oriented approach.

# 7. Conclusion

Despite the existence of case law banning the use of force under the guise of engaging in the collective self-defence of non-state entities, this practice remains commonplace. Not least of all because other legal and historical precedents point towards the admissibility of non-state entities' right of collective self-defence, the admissibility of this practice was shown to vary between cases. This is likely largely due to the normative environment being shaped to tolerate greater deviation from international law when committed by Western states.

In comparing the cases of Russian collective self-defence of the Luhansk and Donetsk 'people's republics' and American collective self-defence of Syrian Democratic Forces in northern Syria, this paper has demonstrated the dichotomous responses to comparable situations. While Russia was publicly decried in scholarly and political arenas for unilaterally invading Ukraine in defence of non-state entities it recognises as autonomous, the USA's violation of international law through the targeting of Syrian assets in defence of SDF troops remained largely uncommented.

As such, reflecting the ambivalence of existing precedents, admissibility of breaches to peremptory norms continue to depend on both the perpetrator and the interpreter. As this normative environment remains dominated by powerful, Western states – with the USA at the helm of these – scholars and practitioners alike are discrepantly tolerant of violations committed by such states rather than by others. Thus, the answer proposed to this study's research question is that – lacking unequivocal legislation – it is acceptable for non-state entities to enjoy protection under collective self-defence insofar as the normative environment promotes the tolerance of this practice. Contemporarily, this environment is dominated by the USA and other Western states, resulting in a greater admissibility of this practice stemming from the USA rather than non-Western states.

Based on these conclusions, further scholarly contributions and clearer international legislation is required to properly address states' practice of engaging in the collective self-defence of non-state entities. Strong arguments abound for both sides of the debate, but the current ambiguity serves only to abet the perpetration of crimes against peace. If, indeed, further scholarship concludes that it is undesirable for non-state entities to enjoy the right of collective self-defence, the inherence of this right must be reconsidered within article 51 of the UN Charter to prevent the kind of aggression which the world is witnessing at the time of this research.

Having identified a gap in the literature which considers non-state entities as capable of mounting armed attacks worthy of triggering states' right of collective self-defence yet not benefitting from this right themselves, this thesis has shown the ambivalence of attitudes towards this problem. It has been argued that this existing state practice simultaneously can and cannot be justified in legal terms. However, the admissibility of these justifications has been shown to depend on the identity of the claimant, with societal norms favouring Western states over others. This discrepancy originates from the very wording of the UN Charter article which permits such behaviour between states, and has been echoed in both legal and political arenas ever since. The implications of these conflicting signals are of utmost importance, and it is only by the international community clarifying its position that further injustices between states can be prevented – and conflicts can be avoided.

# 8. References

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), (International Court of Justice February 9, 2022). https://www.icj-cij.org/public/files/case-related/116/116-20220209-JUD-01-00-EN.pdf

Biden, J. R. (2022, February 24). *Remarks by President Biden on Russia's Unprovoked and Unjustified Attack on Ukraine*. The White House. https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/24/remarks-by-president-biden-on-russias-unprovoked-and-unjustified-attack-on-ukraine/

Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), (International Court of Justice December 19, 2005). https://www.icj-cij.org/public/files/case-related/116/116-20051219-JUD-01-00-EN.pdf

Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), (International Court of Justice June 27, 1986). https://www.icj-cij.org/public/files/case-related/70/070-19860627-JUD-01-00-EN.pdf

Cotton, T. (2017, April 8). Opinion | A Strike in Syria Restores Our Credibility in the World. *The New York Times*. https://www.nytimes.com/2017/04/08/opinion/a-strike-in-syria-restores-our-credibility-in-the-world.html

Croxton, D. (1999). The Peace of Westphalia of 1648 and the Origins of Sovereignty. *The International History Review*, *21*(3), 569–591. https://doi.org/10.1080/07075332.1999.9640869

de Beer, A. C. (2019). *Peremptory norms of general international law (jus cogens) and the prohibition of terrorism*. Brill Nijhoff.

Erman, E. (2013). The recognitive practices of declaring and constituting statehood. *International Theory*, *5*(1), 129–150. https://doi.org/10.1017/s1752971913000031

*EU response to Russia's invasion of Ukraine*. (2022). Consilium.europa.eu; Council of the European Union. https://www.consilium.europa.eu/en/policies/eu-response-ukraine-invasion/

Fabry, M. (2012). The contemporary practice of state recognition: Kosovo, South Ossetia, Abkhazia, and their aftermath. *Nationalities Papers*, *40*(5), 661–676. https://doi.org/10.1080/00905992.2012.705266

Farabaugh, B. (2018, October 19). *How the Pentagon's new policy of "collective self-defense" could lead to more war*. Salon. https://www.salon.com/2018/10/19/how-the-pentagons-new-policy-of-collective-self-defense-could-lead-to-more-war/

*G7 Foreign Ministers' Statement on Russia's War Against Ukraine*. (2022, May 14). United States Department of State. https://www.state.gov/g7-foreign-ministers-statement-on-russias-war-against-ukraine/

Gibson, J. S. (1957). Article 51 of the Charter of the United Nations. *India Quarterly: A Journal of International Affairs*, *13*(2), 121–138. https://doi.org/10.1177/097492845701300202

Greenwood, C. (2003). International Law and the Pre-emptive Use of Force: Afghanistan, Al-Qaida, and Iraq. *SAN DIEGO INTERNATIONAL LAW JOURNAL*, *4*(7).

Hathaway, O. A., & Shapiro, S. J. (2022, February 24). *Putin Can't Destroy the International Order by Himself*. Lawfare. https://www.lawfareblog.com/putin-cant-destroy-international-order-himself

Hillgruber, C. (1998). The Admission of New States to the International Community. *European Journal of International Law*, *9*(3), 491–509. https://doi.org/10.1093/ejil/9.3.491

*Inherent | meaning in the Cambridge English Dictionary*. (n.d.). Dictionary.cambridge.org. https://dictionary.cambridge.org/dictionary/english/inherent

International Law Commission. (2001). *Draft articles on Responsibility of States for Internationally Wrongful Acts*. https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

Janik, R. (2022, February 28). *Putin's War against Ukraine: Mocking International Law*. EJIL: Talk! https://www.ejiltalk.org/putins-war-against-ukraine-mocking-international-law/

Jütersonke, O. (2016). Part II Approaches, Ch.16 Realist Approaches to International Law. In *The Oxford Handbook of the Theory of International Law*. Oxford University Press. https://doi.org/10.1093/law/9780198701958.003.0017

Kaine, T. (2018, October 2). *Kaine Presses Trump Administration On The Expansive Use Of "Collective Self-Defense" To Justify Military Action That Bypasses Congress | U.S. Senator Tim Kaine of Virginia*. https://www.kaine.senate.gov/press-releases/kaine-presses-trump-administration-on-the-expansive-use-of-collective-self-defense-to-justify-military-action-that-bypasses-congress

Kelsen, H. (1946). Limitations on the Functions of the United Nations. *The Yale Law Journal*, *55*(5), 997. https://doi.org/10.2307/792750

Kelsen, H. (1948). Collective Security and Collective Self-Defense Under the Charter of the United Nations. *The American Journal of International Law*, *42*(4), 783. https://doi.org/10.2307/2193350

Kirchmair, L. (2022, March 2). *It's Not Propaganda If It's True*. Verfassungsblog. https://verfassungsblog.de/its-not-propaganda-if-its-true/

Krasner, S. D. (2002). Realist Views of International Law. *Proceedings of the ASIL Annual Meeting*, *96*, 265–268. https://doi.org/10.1017/s0272503700063515

Kunz, J. L. (1947). Individual and Collective Self-Defense in Article 51 of the Charter of the United Nations. *The American Journal of International Law*, *41*(4), 872. https://doi.org/10.2307/2193095

Lauterpacht, H. (1944). Recognition of States in International Law. *The Yale Law Journal*, *53*(3), 385–458. https://doi.org/10.2307/792830

Lauterpacht, H. (1978). *International Law: Being the collected papers of Hersch Lauterpacht: Vols. 2 The Law of Peace*. Cambridge Univ. Press.

Legal Consequence of the Construction of a Wall in the Occupied Palestinian Territory, (International Court of Justice July 9, 2004).

*Legal realism*. (n.d.). Legal Information Institute; Cornell Law School. https://www.law.cornell.edu/wex/legal_realism

Lubell, N. (2010). *Extraterritorial Use of Force Against Non-State Actors*. Oxford University Press.

Ministry of Defence of the Russian Federation. (2017, June 19). *Statement of the Russian Ministry of Defense on the fact of the downing of a Su-22 aircraft of the Syrian Air Force in the region of the Syrian settlement of er-Rasafe*. Facebook. https://www.facebook.com/1492252324350852/photos/a.1492313031011448.1073741828.1492252324350852/1943173689258711/?type=3&theater

Morgenthau, H. J. (1940). Positivism, Functionalism, and International Law. *The American Journal of International Law*, *34*(2), 260–284. https://doi.org/10.2307/2192998

Murphy, C. (2017, June 19). Twitter. https://twitter.com/ChrisMurphyCT/status/876807096213401600

Mutua, M. (2000). What is TWAIL? *Proceedings of the ASIL Annual Meeting*, *94*, 31–40. https://doi.org/10.1017/s0272503700054896

North Atlantic Treaty Organisation. (1949, April 4). *The North Atlantic Treaty*. NATO. https://www.nato.int/cps/en/natolive/official_texts_17120.htm

Ohlin, J. D. (2014, July 23). *Control Matters: Ukraine & Russia and the Downing of Flight 17*. Opinio Juris. http://opiniojuris.org/2014/07/23/control-matters-ukraine-russia-downing-flight-17

Pothelet, E. (2018, October 26). *U.S. Military's "Collective Self-Defense" of Non-State Partner Forces: What Does International Law Say?* Just Security. https://www.justsecurity.org/61232/collective-self-defense-partner-forces-international-law-say/#:~:text=For%20international%20lawyers%20the%20phrase

Putin, V. V. (2022, February 24). *Address by the President of the Russian Federation*. Presidential Executive Office. http://en.kremlin.ru/events/president/news/67843

Ryngaert, C. (2011). Non-state actors in international humanitarian law. In J. d'Aspremont (Ed.), *Participants in the International Legal System*. Routledge.

Scharf, M. P. (2011). The "Grotian Moment" Concept. *ILSA Quarterly*, *19*(3), 16–23.

*Security Treaty between the United States and Japan*. (1951, September 8). Ministry of Foreign Affairs of Japan. https://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html

*Statement by the President and the Board of the European Society of International Law on the Russian Aggression against Ukraine*. (2022, February 24). European Society of International Law. https://esil-sedi.eu/wp-content/uploads/2022/02/20220224_Statement-ESIL-Board.pdf

*Statement on the Russian attack on Ukraine*. (2022, February 24). Dgfir.de; German Society of International Law. https://dgfir.de/society/

Steinbeis, M. (2022, February 25). *A Terrible Crime*. Verfassungsblog. https://verfassungsblog.de/a-terrible-crime/

Steinberg, R. H. (2002). Overview: Realism in International Law. *Proceedings of the ASIL Annual Meeting*, *96*, 260–262. https://doi.org/10.1017/s0272503700063497

Trapp, K. (2016). Can Non-State Actors Mount an Armed Attack? In M. Weller (Ed.), *Oxford Handbooks Online*. Oxford University Press. https://doi.org/10.1093/law/9780199673049.003.0031

Trapp, K. N. (2007). Back to Basics: Necessity, Proportionality, and the Right of Self-Defence Against Non-State Terrorist Actors. *International and Comparative Law Quarterly*, *56*(1), 141–156. https://doi.org/10.1093/iclq/lei153

United Nations. (1945). *Charter of the United Nations and Statute of the International Court of Justice*. New York: United Nations, Office of Public Information.

van Wilgenburg, W. (2020, November 10). *Syrian Democratic Forces (Syria) – Guns and governance: How Europe should talk with non-state armed groups in the Middle East – European Council on Foreign Relations*. ECFR. https://ecfr.eu/special/mena-armed-groups/syrian-democratic-forces-syria/

Visser, L. (2019). May the Force Be with You: The Legal Classification of Intervention by Invitation. *Netherlands International Law Review*, *66*(1), 21–45. https://doi.org/10.1007/s40802-019-00133-7

Wintour, P., & Borger, J. (2017, June 19). *Russia warns US its fighter jets are now potential target in Syria*. The Guardian. https://www.theguardian.com/world/2017/jun/19/russia-target-us-led-coalition-warplanes-over-syria

Wood, M. (2013). *International Law and the Use of Force: What happens in practice?* United Nations Office of Legal Affairs. https://legal.un.org/avl/pdf/ls/Wood_article.pdf