VOLATILITY OF '*JUS AD BELLUM*' IN INTERNATIONAL LAW – IS THE UNITED NATIONS NO LONGER THE SOLE AUTHORITY ON WHEN STATES MAY RESORT TO THE USE OF FORCE?

Amandee Perera, [*] ***Aadhes Thureraja*** [**]

ABSTRACT

The use of force by states in the resolution of conflicts has been an ever-present feature throughout the course of history. However, the impact of resorting to military force or military occupation and the ramifications of the actions of states were made all too apparent at the conclusion of the World Wars in the early Twentieth century. The resultant formation of the United Nations led to the parameters within which military force may be used being clearly defined. Nevertheless, despite the UN acting in the capacity of an overarching body governing the use of force in interstate conflicts, the historical evolution of the customary law governing the use of force remains as fluid as ever. This article seeks to detail the evolution of the boundaries within which the use of force amongst state parties operates and whether the UN remains the sole authority governing the use of force under international law, or whether state actions have created customary laws at the expense of nullifying the authority of the UN.

Keywords - Use of force, Military intervention, Right to self-defence, Humanitarian intervention.

[*] Attorney-at-Law, LL. B (Hons) (London).

[**] Attorney-at-Law, CGMA ACMA, LL. B (Hons) (London), LLM (Cardiff).