Министерство спорта Российской Федерации

НАЦИОНАЛЬНЫЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
ФИЗИЧЕСКОЙ КУЛЬТУРЫ, СПОРТА и ЗДОРОВЬЯ
имени П. Ф. ЛЕСГАФТА, САНКТ-ПЕТЕРБУРГ

С. В. Коростелев В. В. Пыж

МЕЖДУНАРОДНАЯ БЕЗОПАСНОСТЬ: РОЛЬ ФАКТОРОВ СИЛЫ И НАСИЛИЯ В МИРОВОЙ ПОЛИТИКЕ

Монография

ПОЛИТЕХ-ПРЕСС
Санкт-Петербургский
политехнический университет
Петра Великого

Санкт-Петербург
2022

УДК 327
К68

Р е ц е н з е н т ы:
Заслуженный работник Высшей школы РФ, доктор философских наук, профессор, директор центра геополитической экспертизы Северо-Западного института управления – филиала РАНХиГС при Президенте Российской Федерации *И. Ф. Кефели*
Кандидат юридических наук, советник отдела правовой экспертизы Секретариата Совета Межпарламентской Ассамблеи государств-участников Содружества Независимых Государств *О. В. Подкорытова*
Доктор филологических наук, профессор, заведующий кафедрой иностранных языков НГУ им. П. Ф. Лесгафта, Санкт-Петербург, *А. Н. Яковлюк*

Коростелев С. В. **Международная безопасность: роль факторов силы и насилия в мировой политике** : монография / С. В. Коростелев, В. В. Пыж. – СПб. : ПОЛИТЕХ-ПРЕСС, 2022. – 196 с.

В представленной монографии проводится теоретико-методологическое исследование факторов силы и насилия в мировой политике, этапы и исторический опыт политики государств в области политической легитимации актов применения силы в международных отношениях.

Необходимость обращения к угрозе применения силы оценивается государствами в контексте международной обстановки и собственных внешнеполитических целей. При неэффективно работающих международных институтах, при поиске способов защиты национальных интересов государства вынуждены самостоятельно оценивать ситуацию, искать доступные средства принуждения и понуждения, принимать решение о готовности нести международную ответственность за тяжесть последствий своего поведения.

Авторами проведен анализ современных тенденций, влияющих на действие механизма политико-правового обоснования необходимости применения силы в международных отношениях.

При написании монографии использованы материалы собственных диссертаций, а также учебных пособий и монографий, изданных ранее, статистические материалы и современные нормативные документы.

Рекомендовано к печати учебно-методическим советом ФГБО ВО «НГУ им. П. Ф. Лесгафта, Санкт-Петербург». Протокол № 02 от 11 ноября 2021 г.

© Коростелев С. В., Пыж В. В., 2022
© Национальный государственный университет физической культуры, спорта и здоровья имени П. Ф. Лесгафта, Санкт-Петербург, 2022
© Санкт-Петербургский политехнический университет Петра Великого, 2022

ISBN 978-5-7422-7608-1

Ministry of Sport of the Russian Federation

LESGAFT NATIONAL STATE UNIVERSITY
OF PHYSICAL EDUCATION, SPORT AND HEALTH,
ST. PETERSBURG

S. V. Korostelev V. V. Pyzh

INTERNATIONAL SECURITY: THE ROLE OF FACTORS OF FORCE AND VIOLENCE IN WORLD POLITICS

Monograph

POLYTECH-PRESS
Peter the Great
St.Petersburg Polytechnic
University

Saint Petersburg
2022

Peer Reviewed by:
Honored Worker of the Higher School of the Russian Federation, Doctor of Philosophy,
Professor, Director of the Center for Geopolitical Expertise
of the North-Western Institute of Management – branch of RANEPA
under the President of the Russian Federation *I. F. Kefeli*
Candidate of Law, Advisor to the Legal Expertise Department
of the Secretariat of the Council of the Interparliamentary Assembly
of the Commonwealth of Independent States *O. V. Podkorytova*
Doctor of Philology, Professor, Head of the Department of Foreign Languages
of the P. F. Lesgaft National University, St. Petersburg *A. N. Yakovlyuk*

Korostelev S. V. **International Security: the Role of Factors of Force and Violence in World Politics** : monograph / S. V. Korostelev, V. V. Pyzh. – St. Petersburg : POLYTECH-PRESS, 2022. – 196 p.

The presented monograph provides a theoretical and methodological study of the factors of force and violence in world politics, stages and historical experience of state policy in the field of political legitimization of acts of use of force in international relations.

The need to address the threat of the use of force is assessed by States in the context of the international situation and their own foreign policy goals. With international institutions operating inefficiently, while searching for ways to protect national interests, States are forced to independently assess the situation, look for available means of coercion and compulsion, and decide on their readiness to bear international responsibility for the severity of the consequences of their behavior.

The authors analyzed the current trends affecting the mechanism of political and legal justification of the need for the use of force in international relations.

When writing the manual, the materials of their own dissertations, as well as textbooks and monographs published earlier, statistical materials and modern regulatory documents were used.

© Korostelev S. V., Pyzh V. V., 2022
© Lesgaft National State University
of Physical Education, Sport and Health,
St. Petersburg, 2022
© Peter the Great St. Petersburg Polytechnic
University, 2022

ISBN 978-5-7422-7608-1

Preface

The functioning of the political mechanism for legitimizing acts of the use of force serves as a kind of indicator of the theory and practice of implementing decisions on the use of force in international relations. The problems of turning to force to resolve conflicts of social groups, including nascent states, were reflected in the writings of ancient authors, for example Thucydides,[1] Aristotle,[2] Cicero;[3] ideologists of early Christianity Origen,[4] Tertullian;[5] Middle Ages Blessed Augustine,[6] Thomas Aquinas[7], etc.

The heyday of the so-called "doctrine of just war" came to the Renaissance, as it progressed at the same time as the formation of the principles of building a system of modern states. The next most significant stage of the doctrine's development came in the 20th century, when the developed nations, which nearly destroyed each other in the course of the two world wars and the nuclear confrontation of the cold war, began to establish institutions for international security.

The political weight of the State, as a factor in international relations, is determined by the degree and intensity of the impact of all the elements of the combined power of a given state on the system of international relations or its persons.[8]

All notable developments in world politics and international relations are assessed through the prism of the criterion of legitimacy, which is based on the language of legal norms, which are formed in sync with the development of civilization and are defined by the values relative to the epoch. In any era, the

---

[1] Thycydides. History of the Peloponnesian War. Chapter XVII. The Milan Dialogue.
URL: http://www.mtholyoke.edu/acad/intrel/melian.htm.
[2] Аристотель. Политика. Книга седьмая. URL: http://www.gumer.info/bibliotek_Buks/Polit/aristot/index.php.
[3] Цицерон Марк Туллий. Диалоги: О государстве; О законах. – М., 1994.
URL: http://grachev62.narod.ru/ciceron/Ogl.html.
[4] Ориген. Против Цельса. Книга третья. VIII. URL: http://azbyka.ru/otechnik/Origen/protiv_celsa/3.
[5] Тертуллиан. Апологетик. URL: http://azbyka.ru/otechnik/Tertullian/apologetik/.
[6] Блаженный Августин. Творения. Том 3–4. – СПб.: Алетейя, 1998.
[7] Фома Аквинский. Сумма теологии. Том VII. Вопрос 40 «О войне». Раздел 1. Всегда ли греховно вести войну? URL: http://azbyka.ru/otechnik/konfessii/summa-teologii-tom-7/40.
[8] For more details see: Пыж В.В., Фролов А.Е. Политическая безопасность государства и политическая стабильность общества как объект политологического анализа// Вопросы политологии. 2018. Т. 8. № 3 (31). С. 16-27.

problems of the regulation of the use of force to protect group interests (in the new time - state) addressed a significant number of specialists in various fields of activity - theologians, legal scholars, sociologists, political scientists, in fact experts in the fields of military affairs and international relations.

For example, F. Gizo stated: "Political legitimacy is obviously a right based on antiquity, on duration; to be a primacy in time is referred to as a source of law, proof of the legitimacy of power.[9]

The main findings of researchers in this area are, in fact, attempts to create a universal model of justification for the decision taken by the state authorities to use force, designed to ensure that the main international actors recognize such an act as a fair, necessary and proportionate to repulse the threat.

It should be noted that representatives of the modern domestic political school in their research often touched on the issues of rationale for political decisions in the outside world, including those related to the use of armed force. In a large part of the works of domestic and foreign philosophers, historians, sociologists, political scientists are affected by rather narrow special aspects, which we refer to when considering individual fragments of the thesis theme.

Analysis of modern theoretic and methodological approaches suggests that the problem of the correct use of a special apparatus to ensure political interactions in justifying acts of force in international relations is key to ensuring both international security in general and national security in particular. Currently, the phenomenon of state security is the subject of research not only by the military elite - military scientists, as it was, for example, in the early 19th century, but also explored within the framework of political science, law, sociology, philosophy, economics, etc., i.e. has become interdisciplinary.

For example, the sociological approach allows us to consider the specifics of security in the context of changing the socio-political content of the war, its modern

[9] См.: Гизо Ф. История цивилизации в Европе / Пер. с франц. Изд. 3-е без перемен. СПб. 1905. URL: http://az.lib.ru/g/gizo_f/text_1828_histoire_de_la_civilisation_en_europe.shtml. (accessed: 19.12.2020).

military-technical appearance and the impact of these and many other, for example, demographic factors.

Security, as a legal category, is viewed through the prism of the constitutional and legal responsibilities of national security persons. In this approach, the basis of security is, first of all, high-quality national legislation and its effective implementation in international relations by the authorities - the state authorities.

In a philosophical approach, the specifics of national and global security are seen in the context of the struggle of ideologies and spiritual and ideological priorities of the modern world.

The specificity of philosophical understanding of the security problem of the modern world is connected with the inclusion in the study of the system of measures to ensure the stability of the world order factor taking into account the ratio of objective reality and subjective world. Awareness of the content of such a factor by a rather narrow category of decision-makers on the use of force is largely capable of creating conditions for the safe coexistence of States and peoples. This approach seems valid enough to investigate the problems of turning to power in the new information reality.

Within the framework of the political approach, the specifics of the military security of the state are considered in the context of new challenges of the modern world and the emergence of new means and methods of armed struggle.

In the complex of interconnected political, diplomatic, military, economic, financial, information and other measures, which are sought by states to protect national interests, a special role is given to the political and legal means of justifying the statements of states to recognize the act of use of force as fair.

This paper does not examine the nature and patterns of the development of international legal norms, the sources in which they are recorded, the causes of their occurrence, their purpose, features, effectiveness, the nature of the relationship with other international norms, with domestic law, which is undoubtedly the subject of the science of international law. At the same time, due to the relationship in the international community in the field of the use of force, the norms of international

law are considered in the work, but as a "ready" holistic tool available to the public authorities and used by decision-makers to ensure the legitimization of acts of force.

The content of the process of legitimizing acts of force is determined by the historical process of the emergence and institutionalization of the modern international community, the main units of which are still secular nation-States, as well as the institutions they have created, with all their inherent attributes and essential characteristics.

In general, the assessment of the legitimacy of any act of force must be based on determining whether it meets the expectations of the main actors, i.e., whether it violates the international obligations of the State, whether or not it is an unjust/unlawful use of force, or the threat of its use. Recognition of a specific act of use of force as legitimate is most often carried out in the course of the political process formalized in the discussions within the UN Security Council.

INTRODUCTION

Serious transformations are under way in the forms and methods of rivalry used by various political actors to change the status quo in the international system.

The international community is not homogeneous, it consists of conflicting actors with different authority and powers, who pursue different goals and have diverging interests. Correspondingly, the international community is an abstract category and cannot rule as an object of governance because of its anarchic nature; but it has a hierarchical structure in which the place of the state is determined by its combined national power. In the struggle for a place in such a hierarchy, States cannot but feel the need for mechanisms to legitimize their actions, the essence of which is to justify and justify the right to use force, including armed violence, on the road to their national goals.

A number of problems of political mobilization,[10] both national and international communities, are caused by the uncertainty of a number of basic concepts that formalize the interaction of States. Even the existing integration of States within international institutions does not, in some cases, provide them with sufficient resources to move towards national objectives, for example, in the absence of unified will. Definition and statement, for example, of common interest, allows the resources of other actors to be involved in the international security process. From this point of view, this interpretation of the fundamental concepts and categories of political science, which most corresponds to modern social and historical realities, becomes important. For example, the content of the term "just use of force" should be acceptable to a variety of political regimes and be consistent with the national cultural, religious and other traditions of different peoples.

The modern properties of the security environment have filled the problem of the use of force with new content, and, accordingly, one of the most difficult to interpret and apply Article 51 of the UN Charter on the inherent right of states to

[10] "Political mobilization can be defined as the gradual concentration and use by a state or non-state actor of the policies of various material and human resources in order to achieve its goal. The goal is achieved, first of all, by creating mass support from citizens, establishing control over financial and other sources, creating a new profitable information discourse." See: Кремень Т. В. Политическая мобилизация: объекты и субъекты // Историческая и социально-образовательная мысль. 2013. № 5 (21). С. 146-149.

self-defense began to cause much more serious disagreements about the possibility of resorting to it. The main aspect of the problem is still the defining of the moment when the state acquires the right to self-defense, but this time in relation to the actors - "not states".

The historical experience of international relations shows that any State, when resorting to armed force, always declares that it has a just cause for doing so, which is reflected in the provisions of the so-called "doctrine of just war".

The study examines the historical aspects of shaping approaches to the issue of legitimizing acts of force to resolve international conflicts and attempts to develop the most effective ways to justify the forceful actions of states in the modern foreign policy context.

In today's imperfectly organized world, states do not object to the fair use of force - they only object to excessive use of force. Also, with particular caution, they assess statements about the lawfulness of the use of force in cases other than the reflection of direct armed attacks on the attributes of sovereignty. For example, the "Strategy of the National Security of the Russian Federation" conditions: "In the arena of international security, Russia remains committed to the use, first of all, of political and legal instruments, mechanisms of diplomacy and peacekeeping. The use of military force to protect national interests is possible only if all the non-violent measures taken were ineffective".[11]

The cornerstone of the UN Charter's system of principles is the provision that any threat or use of force to ensure justice is eviler to the international system than the coexistence of States in the case of particular injustice. That is, the use of force against the existing political and territorial order, despite its seeming injustice, is defined as illegal: if it is necessary to choose between peace and justice in the case of ineffectiveness of peaceful means, preference should be given to peace.

This paradigm of the UN Charter means that in the dispute of values, preference should always be given in favor of maintaining international peace and,

[11] The Decree of the President of the Russian Federation of December 31, 2015 N 683 "On the National Security Strategy of the Russian Federation." URL: https://rg.ru/2015/12/31/nac-bezopasnost-site-dok.html.

despite the desire for "justice", which is clearly always understood by States in different ways. But very often the assertion that justice should take precedence over the state of the world in spite of the prohibitions on the use of force established by the UN Charter is supported by states in view of the apparent inconsistency of the norm of paragraph 4 of Article 2 of the UN Charter on the prohibition of the threat of the use of force, or its use, to the modern needs of protecting the national interests of the states (especially in the understanding of super-Powers) in the context of a changing organization of the world community.

As a result, there is no consensus in the expert community on the content of the mechanism for determining the legitimacy of the appeal to force and on what measures should be taken not only to avoid "double standards" but also, on the basis of a similar interpretation of the facts of international life, to radically reverse the situation in favor of peaceful means of resolving international disputes.

Understanding the problem of legitimizing political solutions to the use of force in international relations in the context of the current geopolitical paradigm in scientific discourse is inextricably linked with the problem of recognition by the main international actors of the act of the state's appeal to force a just, necessary and proportionate threat. Solving the problem of finding and declaring an acceptable justification for the act of appeal to force is almost the highest priority of the activities of state authorities in the outside world. How is it solved? What is the mechanism for justifying the need to address armed violence in interstate relations and its place in ensuring the defense capability of the state, especially in the context of the formation of a new geopolitical model of the world?

Statements by States about the just nature of unilateral recourse to force (a statement on the need to follow a certain concept of the use of force) are made in the process of political and legal justification of this act before the participants of international communication, namely, it is proved necessary and proportionate:

– self-defense, including one interpreted broadly;
– struggles for self-determination and decolonization;
– humanitarian intervention;

– military intervention to replace elites in another state;

– military interventions in spheres of influence and critical areas for defense;

– military intervention on the territory of another state to fulfil treaty obligations;

– military intervention to ensure evidence-gathering in international investigations;

– military interventions to enforce the decisions of international courts;

– retaliation: retorsions and reprisals.[12]

Armed formations can also be used, for example, for:

– maintaining the political balance of power in inter-State relations by demonstrating the intentions and opportunities to protect national interests;

– countering drug trafficking and terrorism and violent extremism;

– protection of citizens and their evacuation from emergency zones in foreign countries, etc.

The problem of recognizing the right of States to take action outside national territory to counter cross-border terrorism and violent extremism has necessitated the development of new interpretations of self-defense norms, since it had previously been assumed that self-defense was only possible with the aggression of another State.

Every act of state action to force is accompanied by discussion of the issue at the UN Security Council meeting, and the criteria of "necessity" and "proportionality" of such an act are necessarily discussed during the discussions. We believe that this modern duty of States originates in the resolution of the *Caroline Incident*[13] in the first half of the 19th century, as will be discussed below.

[12] This classification of the main ways to address power unilaterally is: Reisman, W. Michael. "Criteria for the Lawful Use of Force in International Law" (1985). Faculty Scholarship Series. Paper 739. URL: http://digitalcommons.law.yale.edu/fss_papers/739 (accessed: 21.01.2016).

[13] Letter from Daniel Webster to Lord Ashburton (Aug. 6, 1842). Treaties and Other International Acts of the United States of America. Edited by Hunter Miller. Volume 4. Documents 80-121: 1836-1846. Washington: Government Printing Office, 1934.

In contrast to the criterion of "proportionality" currently well-regulated in international humanitarian law, the "necessity" of the use of force is inherently political, i. e. an extra-legal assessment based mainly on the moral and ethical reasoning characteristic of a particular era, although it is also detailed in terms of law.

We also consider it necessary to note that in this work the power means in the arsenal of international actors are delineated to the *"use of force"(coercion* by using means and methods of warfare) and *"compellence"*- the influence on actors using economic, diplomatic and other "non-military" means.

The need to address the threat of the use of force, or its use, is assessed by states in the context of the international situation and their own foreign policy goals. In inefficient international institutions, in the search for ways to protect national interests, States are forced to independently assess the situation, look for available means of coercion and compulsion, decide on the readiness to bear international responsibility for the consequences of their behavior.

The issue of national interest is closely related to the issue of the sources of national power and the limitations for their application in independent policy, i.e. by their recognition of the legitimacy of the system of international relations itself; secondly, by agreeing with the possibility of assigning them international responsibility for violations of the present status quo. K.S. Hajiyev proposes a rather broad definition of the process: "Ensuring the legitimacy, or legitimization,[14]-is a form of justification that is designed to integrate disparate institutions, relationships, processes, subsystems, etc. thus giving meaning to the whole social order."[15] Of course, this process cannot change the anarchic nature of the international system. By legitimizing actions, we are merely defining our behavior strategy within the current state of the international system, building on the elements of national power available to us and their quality.

[14] There are two close terms "legitimization" and "legitimization" in use in the scientific literature to describe the same phenomenon.

[15] Гаджиев К. С. Политология. Глава «Легитимность». М.: Логос, 2001. URL: http://bibliotekar.ru/politologia-2/29.htm (дата обращения: 12.11.2014).

It can also be defined, based on the idea of A. I. Solovyov,[16] that the process of legitimizing acts of force is a functional[17] normative[18] political technology, which involves rationalization and algorithmicizing of decisions to protect national interests in the military and diplomatic spheres, which are weakly exposed to any technologization, for example, in the process of informal coordination of explicit and implicit actions of international actors.

Each political mechanism can be broadly defined as "a combination of different activities of social actors to achieve their political goals, as well as ways of realizing their relationships, formal and informal rules and procedures limited by the rule of law, reflecting the common values of society."[19] The existence of such restrictions is primarily due to the fact that interactions are carried out in a system of States, which in itself is the result of a centuries-old political process.

As a result, the technology of political legitimization of acts of force must inevitably include international norms, including legal ones, as specific knowledge, and the approaches and methods of interpreting them and making claims by international actors, who are solving the problems of achieving their political goals and influencing the behavior of challengers.

Improving the "language" in which major international actors discourse on international security is an objective necessity due to the fact that the system of interactions of actors of the modern, inhomogeneous international community - a strategic continuum - can be described by several models of the organization (multipolarity, multilateralism, fragmentation and network

16 Соловьев А. И. Политология: Политическая теория, политические технологии: Учебник для студентов вузов /А. И. Соловьев. — М.: Аспект Пресс, 2006. — 559 с. Раздел VII. Политические технологии. Глава 20. Роль технологий в политическом процессе. С. 414-429.

[17] Соловьев А. И. Политология. С. 423.

[18] Normative technologies are methods of activity that are rigidly conditioned by laws, norms, traditions or customs existing in a society (organization). Deviant technologies are the opposite of them; they are ways of activity that deviate from such requirements and standards. See: Соловьев А. И. Политология. С. 425-426.

[19] Малинина С А. Правовые ограничения средств массовой информации и характеристика методов агитации в избирательном процессе // Диалог. Международный научно-аналитический журнал Межпарламентской Ассамблеи государств — участников СНГ №1 (12) 2018.

organization[20] - depending on the distribution of the balance of power and the state of governance).

In this context, the use of force as a last resort and, consequently, the need to legitimize acts of use of force in international conflicts, are always preeminent.

These circumstances explain the relevance of the study of the problem of legitimizing political solutions to the use of force to ensure the security of the state.

[20] See: Global Strategic Trends. The Future Starts Today. Sixth Edition. Commonwealth of Australia. Vice Chief of Defence Force (15 November 2016), Future Operating Environment: 2035. P. 20.

CHAPTER 1. THE CONCEPT OF FORCE IN INTERNATIONAL RELATIONS

The category of "force" is one of the most important in the discourse of the theory and practice of international relations, in the reflections of philosophers and political scientists. The classical definition of the category “power” in political science is the definition given by R. Dahl, according to which “power is the ability of one actor to force another actor to act in the same way as in any other case he would not act”.[21]

Competition for power in the outside world is carried out using various forms of power, the role of which is largely determined by changes in the technological order and the development of globalization processes. In this regard, for example, they talk about the existence in the modern system of international relations of "hard power" and "soft power".[22] In the general case, such manifestations of force can be divided into “use of force” (coercion using the means and methods of conducting military operations) and “compelling” (impression on actors using economic, diplomatic and other “non-military” means.[23] It is also possible to assume that both "military" and all other means of achieving national goals, in a broad sense, can be called means of waging a "political war".

Practitioners and theorists in foreign policy began to study the essence of the phenomenon of power much more often in the course of studying the experience of the first international organization in the field of security, the League of Nations, and after the emergence of the United Nations and its first steps in ensuring and maintaining peace. Also, one of the impetus for the expansion of the discourse was the introduction into political circulation of the term "national security" by the adoption in 1947 by the United States of America of the law "On national security".

---

[21] См.: Dahl Robert A. The Concept of Power // Behavioral Science, 2:3, July, 1957. P.201

[22] According to Y. Davydov, “soft” and “hard” options are complex-structured forms of impact through various sets of tools, resources and technologies. In practice, they can complement each other or be a consequence of each other. See: Давыдов Ю. Н. Понятие «жесткой» и «мягкой» силы в теории международных отношений. - Международные процессы. 2004. N1(4), Т.2. с. 69-80.

[23] See: U.S. Army War College Guide to National Security Policy and Strategy. 2nd Edition. Ed. J. Boone Bartholomees, Jr. June 2006. ISBN 1-58487-244-6.

For our state, this term, of course, is relatively new.[24]

The regulatory legal acts currently adopted in the Russian Federation regulating activities in the field of ensuring national security (including the regularly updated Military Doctrine), in our opinion, contain a number of gaps in the interpretation of the modern essence of armed conflicts, the choice of their objects and subjects, which, respectively , leads to discrepancies in the interpretation of the problems of ensuring national and international security with the main international actors. The discourse uses a "traditional" terminological apparatus, the understanding of war is still reduced only to an armed conflict, which excludes from the analysis the strategic problems of ensuring national security, as the emphasis is made on military methods of force to ensure security.[25]

In our opinion, this is precisely why the problem of legitimizing political decisions on the use of force in the interests of ensuring national security deserves serious scientific research.

This is primarily due to the fact that in the process of moving towards national goals, the state affects the system of international relations (including international institutions, individual states and other actors) with its combined power. At the same time, the degree and intensity of the use of combined power depend not only on the scale of contradictions and readiness to act decisively in achieving the goal, but also on the provision of the process with effective political science tools.

It is in this area that it is extremely important for the parties to skillfully apply adaptive political strategies to prevent conflict situations from entering a “hot” phase.

The modern political process predetermines the existence of special requirements for the quality of government of the national security system. This requires a revision of the policy of ensuring national security, improving the quality

[24]See: Пыж В.В. Геополитическая обусловленность военной политики России…дис. д. полит.наук.-СПб, 2004.

[25] The author agrees with the conclusions of A.A. Kovalev. that “despite the fact that the 2014 Military Doctrine (as opposed to the 2010 Military Doctrine) takes into account the peculiarities of modern wars, as well as the strategies of NATO member states and other military-political organizations in relation to Russia, nevertheless , it retains all the methodological shortcomings inherent in its predecessor." See: Ковалев А.А. Властные механизмы обеспечения военной безопасности Российской Федерации…дис. канд. полит. наук.- СПб. 2014. с.6.

of measures taken in the field of organizing national defense, creating a mechanism for preventing military threats, and preserving the state's sovereignty.

In our opinion, decision-makers in the field of ensuring national security need to realize the special role of the political mechanism to legitimize acts of the use of force in international relations. In this regard, the study sets itself the task of identifying and analyzing the mechanism of political and legal support of forceful actions in the field of international relations with the necessary and sufficient political science tools.

1.1. Force and National Security in International Relations

For millennia, the main way social groups influence the outside world has been hard power. The appeal to it was inevitably due to the fact that it was, firstly, the most accessible and effective (radical and fast) tool for achieving goals outside the group, and secondly, the objective state of the outer world itself, that is, the content of intergroup relations. This state of intergroup interactions found theoretical justification in the writings of up-to-date ideologists. Sometimes force was declared to be almost the only means ensuring the development of states, the basis of the international legal order. It was considered quite acceptable to ensure their interests at the expense of other peoples. As a result, world history was not so much the history of nations as the history of wars.

Later, humanity came to the realization that the use of "non-violent" methods of resolving contradictions, including in the struggle for power, contributes not only to the achievement of goals, but can even guarantee the group's self-preservation. The experience of mankind has shown that relying exclusively on armed confrontation in the struggle for resources inevitably leads to a strategic overstress of the state, reduction of the people, and, as a result, to a defeat. So, for example, J. Stossinger noted regarding the wars of the 20th century: "... those nations (or leaders) that start a war are unlikely to ever appear as victors."[26] This confirms the

[26] Stoessinger, John G. Why Nations Go To War. Wadsworth Cengage Learning, Boston, USA. 11th edition, 2011, 432 pp.

effectiveness of the constructivist paradigm - there was an awareness of the need for institutions for conflict resolution.

In modern politics, "force" is a multi-vector, coalescing category that manifests itself in all spheres of human interaction. For example, one of the founders of the school of "political realism", an American researcher and foreign policy practitioner H. Morgenthau, defined force as a lever of world regulation, power over the minds and actions of people;[27] and another famous American theoretician and politician H. Kissinger as a means of influence.[28] More or less other authors are based on the same positions.[29]

Another influential representative of the school of political realism, A. Wolfers, distinguished between force (power) and influence of international actors. His dichotomy suggested that "force" is the ability of an actor to change the behavior of other international actors through coercion. And "influence" is his ability to change the specified behavior through persuasion.[30]

The famous French philosopher, political scientist, sociologist and publicist, one of the founders of the critical philosophy of history R. Aron, in his analysis, distinguished not only between force and influence, but also between force and power, power and authority, the balance of force and authoritative relations.[31]

What he sees in common between them is that force and power in international relations, like power in intrasocial relations, depend on the resources available to the state and are associated with violence. In his opinion, power is closely related to the power and force of the state. However, they cannot be mixed. Power is an internal political concept, while force refers to the foreign policy characteristics of the state.

R. Aron identifies three main elements in the structure of the power of the state:

---

[27] See: Morgenthau, H. Politics among Nations. 4-d ed. N.-Y. : Knopf, 1967. P. 97.
[28] See: Kissinger, H. American Foreign Policy. 3-d ed. N.-Y. : Norton, 1977. P 57.
[29] See: Давыдов, Ю. П. «Жёсткая» и «мягкая» сила в международных отношениях // США-Канада. Экономика, политика, культура. 2007. № 1. С. 7.
[30] Wolfers, Arnold. Discord and Collaboration: Essays on International Politics. Baltimore: The Johns Hopkins Press, 1962, Chapter Seven. "Power and Influence: The Means of Foreign Policy". pp. 108-116. URL: https://archive.org/details/discordandcollab012923mbp.
31 Aron R. Paix et Guerre entre les nations. — Paris, 1984, p. 82—87.

1) environment (space occupied by political units);

2) resources and knowledge at their disposal (obviously, this is how he defined the mobilization potential of the nation);

3) the ability for collective action (the organization of the military structure of the state, the quality of civil and military management in wartime and in peacetime, solidarity of society).

A similar approach was promoted by proponents of the theory of interdependence, which became widespread in the 1970s, R. Keohane[32] and other representatives of this theory linked the appeal to force with the character and nature of the complex of connections and interactions between states. Such structuralists view international regimes as mechanisms that foster decentralized cooperation between self-interested actors.

Based on this, we can conclude that the manifestation of the "force" of the state in the external world is, first of all, the ability of its influence on the behavior of other international actors in the desired direction for it, as well as the establishment of desirable forms of interdependence of political subjects. Accordingly, the foreign policy strength of a state can be defined as a derivative of its total power, which manifests itself through the scale and intensity of impact on the system of international relations as a whole or its individual elements; and, accordingly, a positive or negative assessment of such impact by other political actors.[33]

In our opinion, the armed conflicts of the late 20th and early 21st centuries that accompanied the end of the confrontation between the two systems in the Cold War, including conflicts on the territory of the former Soviet Union, show that one cannot ignore changes in the international organization, largely due to a change in

[32] Keohane, Robert O. After Hegemony: Cooperation and Discord in World Political Economy. International Affairs 61(2), January 1984. DOI: 10.2307/2617490.

[33] Political power in a broad sense, according to G. Morgenthau, “is the psychological relationship between those who possess it and those in relation to whom it is applied. This gives the former the opportunity to control the actions of the latter with the help of the influence that they have on their minds. This influence comes from three sources: expectation of gain, fear of failure, respect or inclination for people and institutions. Political power can be realized by orders, threat, persuasion, charisma of a person or institution, or a combination of any of these factors ... International politics, like any politics, is a struggle for power (influence)." See: Morgenthau, H. Politics among Nations. 4-d ed. N.-Y.: Knopf, 1967. P. 95.

technological order and globalization, in the analysis of the content of the norms of the institution of force. Following a single isolated model for studying interstate interactions, for example, political realism and structuralism, is not possible for political analysis and development of recommendations for government bodies. Currently, there is not a single international actor who would have sufficient power and influence to independently ensure national security. And even more so for domination in international relations. In such a situation, turning to international institutions is inevitable. And it is for this reason that the coordination of the wills of the main international actors regarding acts of use of force or the threat of force to protect national interests has been and remains one of the most difficult and debatable problems of the political practice of resolving international conflicts, formalized in the norms of international law.

Conditions or circumstances, the achievement of which greatly contributes to the maintenance of the well-being of the people, and for the achievement of which, in fact, this state was created, can be generally defined as "national interests".

So, for example, "The National Security Strategy of the Russian Federation until 2020" defined national interests as "... the totality of internal and external needs of the state in ensuring the rule of law and sustainable development of the individual, society and the state."[34]

Obviously, some interests are common to all states, namely: security from outside invasion and economic security, preservation of state institutions and national identity.[35]

Other interests may be temporary in nature, determined by both the internal

[34] Clause 6 of Section I "General Provisions". Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020". Российская газета №88 (4912) от 19 мая 2009, с. 15-16.

[35] Earlier, the Decree of the President of the Russian Federation of January 10, 2000 No. 24 "On the Concept of National Security" defined national interests as "... a set of balanced interests of the individual, society and the state in the economic, domestic political, social, international, informational, military, border, environmental and other spheres ... Russia's national interests in the international sphere are to ensure sovereignty ... Russia's national interests in the military sphere are to protect its independence, sovereignty, state and territorial integrity, to prevent military aggression against Russia and its allies, to ensure conditions for peaceful, democratic development of the state ". See: Decree of the President of the Russian Federation of December 17, 1997 N 1300 (as amended on January 10, 2000) "On the Approval of the Concept of National Security of the Russian Federation". Российская газета, N 247, 26.12.1997.

capabilities of the state and the pressure of the circumstances of the outside world.

That is, national interests, as a category and a qualitative characteristic, are an abstraction, which is determined by the totality of values of any given community of people at a certain historical period. And, therefore, there is always disagreement in the definition of what constitutes a "national interest".

National goals are fundamental quantitative benchmarks to which government policies and efforts are directed, and to which the resources of the people are directed as a priority. If the efforts of all branches of government are focused on achieving such goals, then it is likely that in this way national interests will be kept-up.[36]

In essence, national goals represent what the people want to achieve. National interests, inferred from constantly determined goals in the context of a volatile global environment, are the answer to the question "why do states behave like this?" And, then, the national security strategy is a plan for the implementation of the state's plans to achieve national goals.

In accordance with the official definition, "Russia's National Security Strategy" is "an officially recognized system of strategic priorities, goals and measures in the field of domestic and foreign policy that determine the state of national security and the level of sustainable development of the state in the long term."[37]

Achieving national goals in accordance with the "National Security Strategy of the Russian Federation until 2020" is ensured by adherence to the "strategic national priorities" of the most important directions of "ensuring national security, according to which the constitutional rights and freedoms of citizens of the Russian

[36] We consider it necessary to draw attention to the position of M.A. Gareev regarding the proportionality of the proclamation of national goals and the interests of the state: "... Russia needs a certain moderation in defining and defending national interests in order to firmly defend only the really vital ones. National interests should not be belittled, otherwise the possibilities for economic development are limited. At the same time, the experience of the 1930s and post-war years showed that excessive maximalism and unreality of the proclaimed goals and interests, the desire to implement them strictly and at any cost gave rise to a confrontational foreign policy, military doctrine, leading to the undermining and collapse of falsely understood national ideas and goals ..." See: Гареев М.А. Отвлеченные призывы и декларации не нужны. Опубликовано в НГ-НВО от 25.01.2008. URL: http://nvo.ng.ru/concepts/2008-01-25/5_prizyvy.html (accessed: 31.01.2008).

[37] Clause 3 of Section I "General Provisions". Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020". Российская газета №88 (4912) от 19 мая 2009, с.15-16.

Federation are realized, sustainable socio-economic development and the protection of the country's sovereignty, its independence and territorial integrity ..."[38]

Promotion of national interests in being always forms the basis of international relations, since each state seeks to ensure the physical, social and economic security of its own people. But in view of the unequal distribution of natural resources and the objective growth of human needs, the advancement of national interests always takes the form of either peaceful competition or conflict. Competition as a form is recognized and regulated by the world community.

However, when competition goes beyond effective regulation, it turns into a state of conflict and the use of force. Therefore, the state of peace, as a state of international relations, is, obviously, a relative concept, and never constant, since it can be argued that at any moment in time on Earth there is always a place where states or other actors of international communication use force to achieve their goals.

It should be noted that among the vast arsenal of means of ensuring national security, priority should be given to political means that allow the use of the aggregate power of the state to achieve peace and tranquility. However, the political toolbox is not limitless. National security is ensured not only by warning and, if necessary, by repelling threats, and by the state's place in the world hierarchy of military power, but also by the competitive advantages of a developed economy.

The views of states on the possibility of using the armed forces, their goals and objectives are determined in doctrinal documents, which, in turn, are based on assessing the effectiveness of the functioning of all elements of the national security system.

For example, earlier the 2000 National Security Concept of the Russian Federation determined that: “Russia's national interests in the military sphere are to protect its independence, sovereignty, state and territorial integrity, to prevent military aggression against Russia and its allies, to provide conditions for peaceful,

[38] Clause 6 of Section I "General Provisions". Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020". Российская газета №88 (4912) от 19 мая 2009, с. 15-16.

democratic development of the state".[39]

This stated interpretation of national interests was determined by the limited resources available at that historical period to ensure the involvement of Russia in events of a global scale, and, accordingly, limited the tasks of the armed forces, mainly to ensure the prevention of aggression.

After a number of years, when Russia began to emerge from the systemic political and socio-economic crisis of the late 20th century, preserve its sovereignty and territorial integrity, when the priority tasks in the economic sphere were solved, the country's leadership formulated other, broader tasks in the sphere of the national defense:

- prevention of global and regional conflicts;
- implementation of strategic deterrence in the interests of ensuring the country's military security.[40]

Strategic deterrence, in turn, "involves the development and systemic implementation of a complex of interrelated political, diplomatic, military, economic, informational and other measures aimed at preemptive (highlighted by the author) or reducing the threat of destructive actions by the aggressor state."[41]

The legislation of the Russian Federation on defense currently contains a provision providing for the possibility of the operational use of the formations of the armed forces "... for solving the following tasks:

1) repelling an armed attack on formations of the Armed Forces of the Russian Federation, other troops or bodies stationed outside the territory of the Russian Federation;

2) repulsing or *preventing* (highlighted by the author) an armed attack on another state that has made a request to the Russian Federation;

3) protection of citizens of the Russian Federation outside the territory of the

[39] Section II "National interests of Russia". Decree of the President of the Russian Federation No. 24 of January 10, 2000 "On the concept of national security of the Russian Federation."
[40] See paragraph 26 of Section IV "Ensuring National Security". Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020." Российская газета №88 (4912) от 19 мая 2009, с.15-16.
[41] Ibid.

Russian Federation from an armed attack on them;

4) combating piracy and ensuring the safety of navigation"...[42]

The modern "Concept of the Foreign Policy of the Russian Federation"[43] determines that in order to ensure national interests and implement strategic national priorities, the foreign policy of the state should be aimed at fulfilling a number of main tasks, including:

"(a) ensuring the country's security, its sovereignty and territorial integrity, strengthening the rule of law and democratic institutions; ...

(д) further advancing the course towards strengthening international peace, ensuring general security and stability in order to establish a just democratic international system based on collective principles in solving international problems, based on the rule of international law, above all, on the provisions of the Charter of the United Nations, as well as on equal and partnership relations between states with the central coordinating role of the United Nations as the main organization governing international relations; ...

(е) forming good-neighborly relations with neighboring states, helping to eliminate existing hotbeds of tension and conflicts in their territories and preventing the emergence of such hotbeds and conflicts;

(ж) development of bilateral and multilateral relations ... with foreign states ... on the basis of ... non-confrontational defense of national priorities; … assistance in the formation of net alliances, active participation of Russia in them;

(з) comprehensive effective protection of the rights and legitimate interests of Russian citizens and compatriots living abroad…. ".[44]

It seems obvious that the clarification of the interests of states and the regulation of the conflict of their interests occurs in the political process, which has both national and international dimensions, when state authorities at each moment

[42] Clause 1 of the Federal Law of November 9, 2009 No. 252-FZ "On Amendments to the Federal Law" On Defense ".www.garant.ru/hotlaw/federal/211046/.

[43] Foreign Policy Concept of the Russian Federation. Decree of the President of the Russian Federation of November 30, 2016 No. 640. URL: http://publication.pravo.gov.ru/Document/View/0001201612010045 (accessed: 01.12.2016).

[44] Ibid, Section I "General Provisions".

of time need to look for answers to the questions: “who”, “where”, “what ”,“when” and “ by what means ”, in relation to the actions of their opponents, who are also striving to achieve their national goals; find means and methods of counteraction, provide them with resources, as well as assess the scale of possible losses and the risks of assigning international responsibility for their actions.

It is obvious that one of the means of achieving national goals (the question "by what means") can be the use of military force.

In the search for answers to these questions, the following has to be carried out:

1. revealing of the nature of relations with rival states;

2. elaboration of national goals, methods and ways of achieving these goals;

3. calculation of the amount of resources that can be used to achieve national goals and their distribution, assessment of permissible losses;

4. allotment of responsibility, including moral responsibility, between individuals, governments, non-governmental groups.

Similarly, as a process, the Russian Federation defines "military policy": "the activity of the state in organizing and implementing defense and ensuring the security of the Russian Federation, as well as the interests of its allies ...".[45]

Whenever states use armed violence, the question arises of how just[46] or legitimate was the appeal of the conflicting parties to this form of resolving conflicts.

It should be noted that only in the sphere of politics and international relations

[45] Decree of the President of the Russian Federation "On the Military Doctrine of the Russian Federation" dated February 5, 2010 No. 146. Российская газета, N 27, 10.02.2010. Section I. General Provisions, clause 6 subclause «И».

[46] For example, clause 2 of Section II "Military-strategic foundations" of one of the previous versions of the Russian Military Doctrine established that: "The nature of modern wars (armed conflicts) is determined by their military-political goals, means of achieving these goals and the scale of military operations. In accordance with this, a modern war (armed conflict) can be: for military-political purposes - fair (not contrary to the UN Charter, fundamental norms and principles of international law, conducted in self-defense by the party subjected to aggression); unfair (contrary to the UN Charter, fundamental norms and principles of international law, falling under the definition of aggression and being led by the party that has undertaken an armed attack) ... "See Decree of the President of the Russian Federation of April 21, 2000 No. 706" On the approval of the military doctrine of the Russian Federation " ...Собрание законодательства Российской Федерации от 24 апреля 2000 г., N 17, ст. 1852. In the Military Doctrine of the Russian Federation (approved by the President of the Russian Federation on December 25, 2014, No. Pr-2976 (see: URL: http://www.scrf.gov.ru/documents/18/129.html)), *just character of an act of resorting to force through the establishment of compliance with the norms of the UN Charter is no longer defined.*

can an answer be found to the question “why was force used?”; the answer to the question "how was force used?" is in the field of military arts; and the answer to the question "was force used lawfully?" is in the subject area of the science of international law.

In an effort to maximize its interests, a nation enhances the impact of its combined power on the system of international relations or individual elements and ties that comprise it. The degree and intensity of this impact is determined, on the one hand, by national interests, and on the other, by the objective condition of the system of international relations.

Within the framework of the implementation of national strategies, the use of force in interstate relations is a kind of inevitable "management cycle"[47] since in a sufficiently large number of situations the only effective means of protecting national interests can only be the national military power, despite the fact that in the process of preventing wars and armed conflicts states in general should give preference to political, diplomatic, economic and other non-military means.[48] However, the need to protect national interests in most situations may require sufficient military power.

The power of the state (or the influence of the state) in the external world is determined both by its own capabilities and by the aggregate characteristics of the alliances that a given state arranges with those states with which it has coinciding interests.

The capabilities of the state depend on its geographical features (size of the territory, its configuration and characteristics, location); population size and characteristics; the availability of natural resources and agricultural potential; the efficiency and flexibility of the industry; the state of transport and

[47] По справедливому замечанию В.Н. Хонина: «Система международных отношений регулируется посредством множества контуров, отличающихся друг от друга по составу субъектов и составляющих их основу нормам права, их управленческим циклам. Все частные управленческие циклы представляют лишь части всеобщего целостного цикла – правового регулирования международных отношений…». См.: Хонин, В.Н. Об определении международно-правового регулирования / Вестник Киевского университета. Международные отношения и международное право. Выпуск 15. «Вища школа», 1982, стр. 17.

[48] См. Раздел IV «Обеспечение национальной безопасности Российской Федерации». Указ Президента РФ от 1 0 января 2000 г. №24 «О концепции национальной безопасности Российской Федерации».

telecommunications infrastructures; overall economic potential and economic viability; national characteristics of the population and its religion, involvement in world events, the presence of the population's will to jointly advance towards common goals, trust in the government; efficiency of government, etc.

These sources of state power work indirectly - they are only a mobilization potential. The main sources of state power in a world full of uncertainties are favorable geographic conditions, a productive and creative population, a strong and flexible economy, skillful government, and the will of the people.[49]

The concept of national power includes both its sources and instruments for the realization of national interests.

The instruments of national power complement each other; they can never be considered, let alone applied independently. As is often the case under the influence of the media, setting the fashion for terms, the combined use of tools of national power is currently defined as a "hybrid" action:[50] in any conflict situation, the behavior of states in moving towards their national goals can be explained through how they do *combine* and *synchronously* use the means available to them (sources of national power). In general, this paradigm is described by the abbreviation "MIDFIELD":

military (military);

informational (informational);

diplomatic (diplomatic);

financial (financial);

intelligence (intelligence);

economic (economic);

legal (law);

[49] The Concept of the Foreign Policy of the Russian Federation as the main factors of influence on international politics, along with military power, puts forward economic, scientific and technical, environmental, demographic and informational. See: "The Concept of the Foreign Policy of the Russian Federation", Section II "The Modern World and Foreign Policy".

[50] Conceptually, "hybrid warfare" can be described as "the synchronized use of multiple instruments of [national] power, specially selected to produce mutually reinforcing effects on specific vulnerabilities across the entire spectrum of social processes". See: Patrick J. Cullen, Erik Reichborn-Kjennerud. MCDC Countering Hybrid Warfare Project: Understanding Hybrid Warfare. A Multinational Capability Development Campaign project. Norwegian Institute of International Affairs. January 2017.

providing support (development).[51]

In core, these sources of national power are the structural elements of the foreign policy force of a state, and together they constitute the basis of national power.

The relative novelty of the discourse on the hybrid nature of war lies in the transformations in the organization of public life, which accordingly led to a change in the content of the concept of "object of the use of force." The new objects of use of force, in turn, must correspond to the means and methods that can be used by actors competing for power.

Also, the need for actors to use "hybridity" in the struggle for power (states - to achieve national goals) came in connection with the increasing complexity of the organization of the security environment. With the development of globalization and the strengthening of economic interdependence, competing actors gained access to information about the real power of the enemy and they realized that the existence of an enemy with a strong military organization of vulnerabilities in "non-military" spheres, when a wide range of non-violent means are used against him simultaneously, can change the status quo even without resorting to armed violence. Moreover, one of the vulnerabilities of strong powers is that they are bound by the regime of international law established after World War II. This regime imposes on states the obligation to exercise restraint and conduct political dialogue in the area of limiting the address to use of force. Actors - “not states” are not bound by such obligations.

As an example, we can cite the well-known approach to assessing the military power of states using the Global Firepower Index (GFP), which is based on assessing the national military land, naval and aviation potentials, and is based on an analysis of more than 50 different indicators. In addition to the number of personnel, the number of armored vehicles, ships, aircraft, etc., it also takes into account the level of defense funding, the country's transport infrastructure, access to petroleum

[51] Joint Doctrine Note 1-18. Strategy. II-8. 25 April 2018. URL: https://www.jcs.mil/Portals/36/Documents/Doctrine/jdn_jg/jdn1_18.pdf?ver=2018-04-25-150439-540.

products and other factors that may affect the combat effectiveness of the state's military organization. At the same time, the index does not take into account the factor of nuclear weapons.[52]

Depending on the international situation and national goals, more resources are allocated to the very instrument that gives the greatest gain for the chosen national security strategy. But, in any situation of protecting national interests, it is not possible to draw clear boundaries between the areas of application of these tools.

Military power has an important feature, which consists in the need for constant large-scale qualitative renewal of the means of warfare, military doctrine, development of state infrastructure, and improvement of the preparation of a unified system for ensuring national security.

In order to strengthen military power, the state turns to all available opportunities that can be provided by all spheres of public life, without exception, and not only by the exclusively military organization of the state: the search for the most effective mechanisms in the economy, breakthrough scientific research is being carried out, ways are being sought to strengthen the moral potential of the nation.

The adaptation of the military organization of the state to a dynamic change in the state of the security environment and its provision with effective military-political solutions in the international arena are necessary actions to effectively counter both existing and potential threats.

The plan for the implementation of plans to achieve national goals is formalized in a national security strategy, which can be defined as the science and art of developing and using tools of national power, both in peace and during war, in order to secure achieving national goals, based on their signification and taking advantage of the sources of national power available to the state.

From this point of view, international relations should be viewed as a process of interaction between the national strategies of different states, which manifests itself either in the form of a conflict or in a state of coincidence of interests. This

[52]URL https://nonews.co/directory/lists/countries/global-firepower (accessed: 20.01.2021).

interaction is carried out through the use by states and other actors in international communication of tools available and effective at each specific moment of their power.

If, for example, economic and diplomatic measures show their inadequacy and ineffectiveness, then there may be recourse to military force or the threat of its use, both unilaterally and in alliance with someone. But, military, diplomatic, economic, and other actions lead to success only if they are provided with resources and coordinated to achieve a single political goal.

The use of armed violence (or the threat of its use) is one of the means used by states in interstate relations, and the possibility of resorting to them is always taken into account at the highest level of national strategy and policy.

The purpose of modern acts of the use of military force in the UN paradigm is to restore the state of peace. This statement is, of course, generalizing in nature, since the specific reasons for turning to force for each nation are determined by the combination of its inherent characteristics, its national character, the conditions of its existence, history, religion, demography, international obligations, etc.

For these conditions, as, indeed, for those that have not been listed, there are no universally agreed definitions at the interstate level for their content.

In general, for example, the term "war" can be defined as a large-scale and organized use of military force by states or by some groups in order to obtain political advantages.[53]

This definition is most widespread both in the military environment and in the public consciousness, since the classical understanding of the difference between war and other cases of resorting to armed violence, for example, internal armed conflicts or other situations of violence, consists only in its special design in the norms of international and national law.

Since the inception of the modern system of states, wars have been waged

[53] For example, in the guidance documents of the US Armed Forces, the following definition is given: "War is violence sanctioned by society in order to achieve a political goal." See: Joint Publication 1, Doctrine for the Armed Forces of the United States. 25 March 2013. Chapter I “FOUNDATIONS”, I-1 (b).
URL: http://www.dtic.mil/doctrine/new_pubs/jp1.pdf.

primarily by states, and their conduct was regulated by custom, and then described rather than regulated by customary and treaty international law.

Civil wars and insurgencies are now also to some extent "regulated" by international agreements, but only to the extent that it is in the interests of the warring parties: if the belligerent strives to gain recognition in the future as a full-fledged subject of international relations, he makes declarations of commitment to norms of international law and is responsible for their implementation by personnel of their armed formations. But, at the level of everyday perception, as well as by military professionals, any use of force, significant in scale and consequences, is most often regarded as a "war", for which one must be prepared, regardless of what the strategic purpose is at the national level.

In a number of cases, "war" was defined as "total (absolute)", when the volume of resources, both human and material, attracted to achieve victory is such that it must ensure victory at any cost, or when, to achieve even limited tasks, means are "absolute" in their properties (for example, nuclear). However, the term "victory at any cost" should not be equated with the term "absolute victory", which in some cases may define the complete destruction of the enemy's statehood.

In most cases of conducting hostilities, states fully mobilize their resources only when they face the goal of "victory at any cost", and sometimes even to achieve limited goals, but which have a fateful semantic, ideological significance for the nation, for example, for the final border settlement.

From the point of view of military professionals, the possibility of turning to military means of resolving conflicts, war is defined as the core and the meaning of being; from the point of view of politicians - one of the means of deterring the enemy; and in case of impossibility of deterrence - means of acquiring quantitatively and qualitatively different political advantages.

Regardless of the political context, the content of the art of waging war is determined by the basic principles of warfare[54] developed by the practice of states,

[54] «The general, stable principles of the art of war, operating in all wars, include: the conformity of the methods of military action to political goals, economic and military capabilities of states; the massing of forces and means, the

which are not a frozen structure - they respond flexibly to changes in technology, the state of international relations, strategic intentions of states and other social groups.

To provide the context necessary for the development of the doctrine of the use of armed force, and, therefore, to determine the direction of development and training of the armed forces, military planners, in the general case, structure the likely military actions in accordance with the tasks assigned to them and the resources available, for example, separating conflicts on:

- large-scale war, local, regional conflicts;
- conflicts of low or high intensity;
- protracted or short-term hostilities;
- conflicts with the use of nuclear (or other types of weapons of mass destruction) (hereinafter - WMD)), or only conventional weapons;
- or they are to be classified on some other basis.[55]

---

decisive concentration of the main efforts in the most important areas, and at the decisive moment, the creation of an overwhelming superiority over the enemy in the selected directions of strikes; suddenness of actions; flexible maneuver of troops, forces and equipment; timely increase of efforts to build on the achieved success and its consolidation; skillful use of reserves; thorough preparation and all-round support of military operations; firm and continuous command and control of troops and forces. War and Peace in Terms and Definitions." See: Военно-политический словарь. Ред. Д. О. Рогозин. Вече 2011. 640 С.; «War historically involves nine principles, collectively and classically known as the principles of war (objective, offensive, mass, economy of force, maneuver, unity of command, security, surprise, and simplicity)». Joint Publication 1, Doctrine for the Armed Forces of the United States. 25 March 2013. Chapter I "FOUNDATIONS", I-1 (b).
URL: http://www.dtic.mil/doctrine/new_pubs/jp1.pdf (accessed: 21.01.2016).

[55] In particular, the modern edition of the Russian Military Doctrine defines:
"… A) the military security of the Russian Federation… the state of protection of the vital interests of the individual, society and the state from external and internal military threats associated with the use of military force or the threat of its use, characterized by the absence of a military threat or the ability to resist it;
b) military danger - a state of interstate or intrastate relations characterized by a combination of factors that, under certain conditions, can lead to the emergence of a military threat;
c) military threat - a state of interstate or intrastate relations characterized by a real possibility of a military conflict between the opposing sides, a high degree of readiness of any state (group of states), separatist (terrorist) organizations to use military force (armed violence);
d) military conflict - a form of resolving interstate or intrastate contradictions with the use of military force ...;
e) armed conflict - a limited-scale armed clash between states (international armed conflict) or opposing parties within the territory of one state (internal armed conflict);
f) local war - a war between two or more states pursuing limited military-political goals, in which military operations are conducted within the borders of opposing states and which mainly affects the interests of only these states (territorial, economic, political, and others);
g) regional war - a war involving several states of the same region, waged by national or coalition armed forces, during which the parties pursue important military-political goals;
h) large-scale war - a war between coalitions of states or major states of the world community, in which the parties pursue radical military-political goals. A large-scale war ... will require the mobilization of all available material resources and spiritual forces of the participating states ...". See the order of the President of the Russian Federation "On the Military Doctrine of the Russian Federation", see above.

In the context of domestic political and international relations, all actions with the use of armed violence can most often be divided into two groups: actually “war” and “not war” (or “armed actions of a non-military nature” (hereinafter AANME)).

There is no definition for the phenomenon of "war" in international treaty law. In the classical doctrine of international law, it is assumed that war is a dispute between two or more states with the use of armed forces in order to defeat the enemy and establish such peace conditions that satisfy the winner.[56]

In this definition given by L. Oppenheim, four essential elements can be notable:

1. existence of a dispute between two or more states; during which:

2. the armed forces are used;

3. the purpose of the war is to achieve victory over the enemy;

4. it is assumed that both sides have symmetrical, but possibly completely opposite goals.

However, can a conflict involving states be called a war if the adversary is not a state? Modern international law "regulates" the conduct of two types of armed struggle without giving them a normative definition: interstate conflicts (waged by two or more opposing sides) and intrastate (civil wars waged by two or more opposing sides within a state).

In a formal legal sense, a war begins with a declaration of war and ends with a peace treaty, or some other action that shows that the war is over. Thus, in classical international law, there was the possibility of separating the peacetime and wartime regimes.

In a de facto sense, war can exist in the absence of any formal legal arrangements. It is associated with the actual conduct of hostilities, and not a legal procedure compared with a declaration of war. Moreover, hostilities do not have to be continuous throughout the course of a war; they can, for example, be interrupted by periods when the parties conclude ceasefire agreements.

[56] Oppenheim, L. International Law: A Treatise. Vol. II. War and Neutrality. Second edition. Longmans, Green and Co. 1912. §58, pp. 67-68.

Previously, the legal regime of war was characterized by the intention to create a state of war with a chosen specific enemy (animus belligerendi), which was usually stated in a declaration of war, but at present this condition is not considered by states to determine whether they are in a state of war.

For example, if a state invaded the territory of another to solve limited problems, and the victim of the attack regarded this invasion not as AANME, but as a war, then the aggressor state will be forced to accept the state of war. Likewise, if both states conduct prolonged and large-scale hostilities, but at the same time deny a state of war, it, nevertheless, will exist in relations between them in fact.

In some circumstances, even in the case of large-scale hostilities with a significant number of casualties and over a long period of time, there may be situations where the parties behave in such a way that nothing happens. For example, this situation existed in 1939, when the USSR and Japan maintained normal diplomatic and trade relations against the background of the conflict in the Khalkhin-Gol River region. The hostilities took place in the absence of a legal state of war.

At present, in the paradigm of the UN Charter, it is possible to speak of only about the existence of the so-called status mixtus, which is a state intermediate between war and peace, when both the laws and customs of war and the norms of peacetime are applied simultaneously for different purposes.

In peacetime, the status mixtus exists when the state, on a limited scale, uses force to conduct AANME. Since the state of peace is predominant, the relations between the parties to the conflict continue to be governed by the norms of peacetime, the norms of neutrality are not enforced for third parties to the conflict. At the same time, the conduct of hostilities is governed by international humanitarian (hereinafter IHL) and customary law, the norms of which are mainly embodied in the two Additional Protocols of 1977 to the Geneva Conventions of 1949. Regardless of whether states recognize a state of war between them, they are obliged to apply these norms.

It is obvious that quite often there are conflicts between states with the participation of armed formations, which do not develop into a war. Collisions of

formations on the borders of states,[57] incidents with weapons, for example, torpedoing a ship under the flag of another state,[58] shooting down an aircraft belonging to another state.[59] Incidents of this kind occur quite often by chance, or as a consequence of the existence of tension between states for some reason.

The AANME category can include various kinds of coercive actions, as well as actions carried out by third parties with the consent of the conflicting parties (actions to maintain or restore international peace and security in accordance with the mandates of international organizations), carried out by states, both within the national territory and outside it, when, in accordance with the existing norms of national and international law and practice, the states do not follow the formal procedures for declaring war. The difference between these two categories is significant, since the political, economic and legal relations between the belligerent and states, neutral to that conflict, are subject to change in a completely different bulk in form and content.

In addition, these categories reflect the degree of social cohesion and demonstrate its readiness to use national resources to resolve the conflict by military means. Also, the use of armed force can be called a war, or AANME, depending on the definition at a given moment of the content of national interests and political circumstances - for example, whether the people are facing the problem of ensuring their survival, or simply maintaining the existing level of well-being.

Thus, the qualification of military operations as a "war" or AANME depends only on how the opponents assess the situation. Until the moment when the parties envision the incident as AANME, which should soon end, then until that moment there is no mobilization of all elements of the national power of the state. But at the moment when one of the parties makes a formal statement about the transition to

[57] A bug in Google Maps almost led to the outbreak of war in Central America.
URL: http://www.gazeta.ru/news/lastnews/2010/11/05/n_1567954.shtml# (accessed: 05.11.2010).
[58] S. Korea: "Obvious" North Torpedoed Our Ship: Foreign Minister Says Investigators Have Enough Evidence to Prove North Korean Attack Killed 46 Sailors.
URL: http://www.cbsnews.com/stories/2010/05/19/world/main6498333.shtml;
URL: http://www.nytimes.com/2010/05/20/world/asia/20korea.html?_r=1 (accessed: 01.03.2011).
[59] Timothy W. Maier. KAL 007 Mystery.
URL: http://web.archive.org/web/20010919141246/www.insightmag.com/archive/200104171.shtml. (accessed: 01.03.2011).

"war", thus giving rise to the war in the formal legal sense, the enemy will no longer be able to alternate the course of events. Also, the state can increase the level of the use of armed violence so that the actual war being waged is formalized, but by the enemy.

This is precisely the main difference between war and peace: to conclude and maintain peace, the will of two states is needed, and to unleash a war, only the will of one state is needed.

For example, when a state is waging actual hostilities against another, it cannot make claims against it for what it perceives to be inadequate in scale, duration and intensity of response. Even when the victim state of the attack does not offer any resistance, war actually takes place in connection with armed violence by the perpetrator state.

For example, the Gulf War actually began in August 1990, when Iraq occupied Kuwait for several hours with little or no resistance, and not in 1991 when coalition forces began active hostilities to liberate Kuwait.

Similarly, Georgia's attack on South Ossetia in August 2008 is not an independent act of hostilities - it is a continuation of the events of the early 1990s, but in this case, the national interests of the Russian Federation were seriously affected, and therefore the formations of South Ossetia were assisted in repelling attacks.

Since the fact of war can be inferred not from formal legal, but from tangible actions, the position of third states in relation to determining the moment of the beginning of a given war is established by them individually.

Military leadership must understand the political underpinnings of warfare, and the political leadership responsible for creating and developing the military capabilities of a state must understand the quintessence of war.

This condition is one of the main paradigms of the military-strategic process:

– war is an instrument of politics. Political leadership can most effectively manage the conduct of a war if it clearly defines the objectives of its conduct;
– war is one of the means of ensuring the freedom of action of the nation. Also, the

necessary conditions for its conduct are the presence of the support of the population, a strong and flexible economy and, an effective and flexible military organization, an effective intelligence system, and the presence of strategically capable leaders;

– war, as a competition, has a special dynamics inherent only in it. The duration of the war is always an uncertain factor, as is the outcome of the war. Uncertainties, disagreements, chaos - all these are also phenomena that necessarily accompany warfare;
– war brings destruction, the cost of waging war is always unpredictable. As a political means, war can be a tool that decides the outcome of a conflict of states, but very often it is a very imprecise tool and its outcome is almost always different from the intended result.

Endeavoring to ensure the quality of life of the population and a stable peace is the essence of the national security strategy, both in time of peace and in wartime. When, due to the current situation, the people have to turn to war, or AANME, it is the responsibility of the government of the state to ensure that it allocates resources wisely to achieve a politically acceptable resolution of the conflict.

Government should always look one step ahead beyond the horizons of hostilities - the ultimate goals of national security policy should grant conditions of the desired peace after the end of hostilities. Among other aspects, they must assess the global and regional balances of power that must be restored or must be re-created to ensure a stable and lasting peace. This, in turn, should take into account the nature of post-war alliances, the delimitation of national borders, the social and economic policies that need to be pursued to eliminate the problems that led to the conflict on the one hand, and the need to provide political, economic and social support to states experiencing the consequences of the conflict with the other side.

As part of the implementation of the national strategy, military power can be used both directly to suppress the enemy, and indirectly, as an instrument of political

pressure.[60]

The analysis of each act of the use of military force - including direct act of warfare - should be carried out in the context of national goals, ways of achieving them (methods of action), and means (available resources). Both the strong and the weak have to rely on what it will cost to violate someone else's or protect their sovereignty in the event of a conflict situation.[61]

The use of force can be a very expensive way of solving the problems of the state, not only in the sense of spending resources, but also in terms of the loss of international reputation and a decrease in the ability to influence international processes. It is because of this that force should be used in discriminate manner, for a short time, and at the same time must prove its effectiveness, including economic.

Any act of use of force must be tolerable (that is, the consequences must not conflict with the expectations of the international community), pragmatic (that is, lead to the state of international relations desired for the state), and effective (in terms of resource costs).

The appeal to force is possible only if the state has sufficient power. This relative characteristic is determined by the difference in the potential and actual, or perceived and tangible, power of opponents. This difference does not necessarily characterize a quantitative or qualitative advantage; most likely, it most fully characterizes the state's ability to generate opportunities to achieve the desired effect.

The ability of the state to create a decisive advantage in any element of national power can be called "the ability to concentrate efforts," and this property is most important both for the art of war and all other spheres of the state's activities to ensure national security.

It seems obvious that "concentration of efforts" in certain element of national

[60] The main tasks of the Armed Forces, other troops and bodies of the Russian Federation to ensure military security are defined in paragraph 32 (in peacetime), paragraph 33 (in the period of an imminent threat of aggression), paragraph 34 (in wartime) of the section "Use of the Armed Forces , other troops and bodies, their main tasks in peacetime, in the period of an imminent threat of aggression and in wartime ”of the RF Military Doctrine. See: URL: http://www.rg.ru/2014/12/30/doktrina-dok.html (accessed: 20.01.2015).

[61] As noted, in the previously valid version of the Military Doctrine of Russia: "The military security of the Russian Federation is ensured by the entire totality of forces, means and resources at its disposal ..." See clause 8 of the Decree of the President of the Russian Federation of April 21, 2000 No. 706 "On approval of the military doctrine of the Russian Federation”.

power, especially in modern geopolitical conditions, should not go beyond the framework established by the proven paradigm of strategic art: "Combat operations have three main purposes:

a) overpower and destroy the enemy's armed force;

b) take possession of his material and other sources of power, and

c) *win public opinion*" [62] (emphasis added).

1.2. Evolution of Views on the Justification of the Just Nature of the Use of Force before the Formation of a Modern System of International Security

Already in ancient religious writings, some normative restrictions on the use of force can be distinguished, most often reflecting the definition of "holy war": the only element that determined the justice of resorting to armed violence was the receipt of the necessary blessing of spiritual power, and even wars of conquest were considered sacred if they were conducted with such "sanction" of the Almighty.

Over time, the concept of holy wars was replaced by the concept of just wars. In this case, the use of military force by the authorities was considered permissible if there was a generally recognized just reason, and the sanctions of the ecclesiastical authorities were no longer considered a prerequisite for legitimizing acts of the use of force.

The first significant and documented attempt in European history to develop the doctrine of just war was undertaken during the development of ancient classical

[62] Principles of War by Carl von Clausewitz. "III. Strategy. 1. General Principles". Translated and edited by Hans W. Gatzke. September 1942. The Military Service Publishing Company.
URL: http://www.clausewitz.com/readings/Principles/index.htm (accessed: 12.04.2014).

thought in Greece and Rome. One of the first authors to argue that the use of force must necessarily be fairly justified was Aristotle.

In his Politics,[63] he criticized Lacedaemon and Crete for their focus on war as the foundation of the state. For Aristotle, war was not an end in itself, but only a means of achieving a "good life" for citizens of the political community and as a way to achieve peace. Based on this general conclusion, Aristotle believed that combat training should focus on three goals, which in turn explain the fairness of war.

The first goal of turning to war was "to prevent enslavement." In comparison with modern times, this can be correlated with the inalienable right of the state to self-defense. The second legitimate goal of preparing for war, according to Aristotle, was to achieve hegemony "for the benefit of the subjects," and here he assumed the possibility of using force to establish political rule over people in the interests of these same people. And finally, as a third goal of preparing for war, they were supposed to be able to allow humans to become masters of those who deserve the fate of slaves, and, being slaves by nature, could only realize their full potential as human beings in a state of slaves. Therefore, to achieve this goal, the use of force was assumed to be fair. But for others who are not naturally slaves, the use of force by the state to enslave them is assumed to be unfair.

Aristotle's theory, in fact, not legal but moral, and he sought to determine not the legality of war, but its moral justice, and, as he rightly noted, "the ultimate goal of war is myth."[64]

Another classical thinker who worked to substantiate the fairness of turning to war was the Roman statesman and philosopher Cicero, for whom, as well as for Aristotle, the ultimate goal of war is to establish peace. In his work DE LEGIBUS,[65] he claims that there are two just reasons for starting a war: “(XXII, 35) ... Those wars that were started without reason are unjust. For if there is no reason in the form

[63] Аристотель. Политика. Книга седьмая. URL: http://www.gumer.info/bibliotek_Buks/Polit/aristot/index.php (accessed: 02.02.2015).
[64] Ibid, XII (15).
[65]Цицерон Марк Туллий. Диалоги: О государстве; О законах. – М., 1994.
URL: http://grachev62.narod.ru/ciceron/Ogl.html (accessed: 14.09.2014).

of revenge or by virtue of the need to repel the attack of enemies, then it is not possible to wage a just war ... No war is considered just if it is not announced, declared, not started because of an unfulfilled demand to compensate for the damage done ..."[66] . He also agrees that "any war that was not announced and declared, was recognized as unjust and impious" (XVII, 31).[67] Moreover, Cicero determined that "(XXIII, 34) that the best state never starts a war on its own, except when it is done by virtue of the word given by it or in defense of its well-being."[68]

Thus, Cicero, in contrast to Aristotle, emphasized the argumentation of legitimacy, according to which war can be considered lawful if there is a just cause and when the necessary procedural conditions are met.

In the initial period of the development of the Christian Church, most of its followers were in essence absolute pacifists.[69] However, external pressure on the Roman Empire and the participation of an increasing number of Christians in state and military administration, led to the fact that early Christian pacifism began to erode. It was then that Christians began to turn to the doctrine of just war created by the leading classical philosophers and to interpret it to create the ideological foundations for the functioning of the military security system of the Christian state.

Blessed Augustine was the first of the famous Christian thinkers to begin to formulate the postulates of the theory of just war, which defines the circumstances under which the appeal to force must be recognized as just.[70] His idea was not

---

[66] Ibid. Книга Третья.
[67] Ibid. Книга Вторая.
[68] Ibid. Книга Третья.
[69] For example, Tertullian: "... we are once and for all prohibited from homicide ...".See: Тертуллиан. Апологетик. Глава 9 (8). URL: http://azbyka.ru/otechnik/Tertullian/apologetik/ (accessed: 01.02.2015);
Origen: “As for the Christians, they received the commandment not to take revenge on their enemies, and, guided by (this) moderate and humane legal provision, they really do not commit revenge, even if they have the opportunity to fight and if they have the necessary means for this ... They received this (statute) from God, who himself always fights for them and at the right moments pacifies those who rebel against Christians and wish to destroy them. " See: Ориген. Против Цельса. Книга третья. VIII. URL: http://azbyka.ru/otechnik/Origen/protiv_celsa/3 (accessed: 01.02.2015).
[70] See, for example: “On the killing of people, which does not belong to the crime of homicide”: “… the same divine authority allows some exceptions from the prohibition to kill a person. But this applies to those cases when God himself commands to kill, either through the law, or by a special order concerning a particular person. In this case, it is not the one who kills who is obliged to serve the commander, just as the sword serves as a tool for the one who uses it. And therefore, the commandments "do not kill" are by no means violated by those who wage wars at the behest of God ... ".Блаженный Августин. Творения. Глава 21. – Том 3–4. – СПб.: Алетейя, 1998; О Граде Божием. URL: http://azbyka.ru/otechnik/?Avrelij_Avgustin/o-grade-bozhem=1_2 (accessed: 12.07.2010).

expressed in the form of a complete doctrine of just wars, since from a religious point of view, true justice is possible only under God's reign, that is, the "justice" he defined did not have a high divine meaning, but was such in relation to earthly existence.

The first known systematization of the principles of shaping the just nature of the use of force was the work of Thomas Aquinas "Summa Theologiae".[71] Developing the teachings of Augustine, Thomas Aquinas developed a general framework for the Christian doctrine of just war, in broad terms representing what would later be called "the theory of just war." He considers not only the questions of the fairness of the appeal to force, but also the permissible ways of using it, that is, he defines the principles of *ius in bello*.

Steering a kind of dialogue with Blessed Augustine, T. Aquinas defined three conditions for the use of force in order for a war to be recognized as just. First, the authority of the ruler, on whose orders the war is being waged[72] ... Secondly, there must be a just reason, namely that the attacked should be attacked because they deserve it for some of their wrongdoing.[73] Thirdly, it is necessary that the belligerent side had a just intention, that is, that its intention was to establish good or prevent evil, since "true religion considers peaceful those wars that are waged not for the sake of exaltation or cruelty, but for the sake of strengthening peace, punishing villains and affirmations of the good.[74]

These three conditions for determining the just nature of a war were widely recognized and became the starting point in inquiry on the nature of war for scholars-theologians and lawyers of later times, such as: Francisco de Vitoria,[75] Francisco

[71] Фома Аквинский. Сумма теологии. Том VII. Вопрос 40 «О войне». Раздел 1. Всегда ли греховно вести войну? URL: http://azbyka.ru/otechnik/konfessii/summa-teologii-tom-7/40 (accessed: 12.12.2015).
[72] "... according to the natural order that maintains the peace among mortals, it is necessary that the right to conceive and declare war should belong to those with the highest authority." Ibid.
[73] "... a war appears to be just when it is a retribution for injustice, when a people or a state must be punished for refusing to compensate for the evil inflicted or to return what has been unjustly captured." Ibid.
[74] "… Sometimes it happens that a war is declared by a legitimate government and for a just reason, but nevertheless it is unjust due to evil intention, in connection with which we read in Augustine:" Passion for harm, a cruel thirst for revenge, ruthless disgust, lust for power and the like - all of this is rightfully considered the curse of war. " Ibid.
[75] Franciscus De Victoria. De Indis Et De Ivre Belli Being Parts of Relectiones Theologicae XII. In the Classics of International Law (Edited by James Brown Scott), Reprinted 1964. Oceana Publications Inc., Wildy & Sons Ltd. New York, U. S. A., London.

Suarez,[76] John Locke[77], Hugo Grotius[78], Jean Boden[79], Thomas Hobbes[80], Samuel Pufendorf[81], Emerick de Wattel[82] and others.

To the previously formulated basic criterion for a just war - the need to resort to force, these thinkers added the idea of proportionality, explaining that not every reason is sufficient to justify a war, but only those that are really serious and commensurate with the losses from the war itself. In other words, the evolving right to wage war took as its basis the unlawful principle of reciprocity lex talionis: to justify the reasons for resorting to force, the losses of the state should be approximately comparable to the losses from not turning to war in the absence of resistance to the enemy. When such moral and religious restrictions were not met, war was assumed not only immoral, but was also considered legally prohibited. That is, already at that time, it was assumed that the object of the use of force should not be the innocent.[83]

As the Russian diplomat Professor F. Martens later noted: "War in antiquity was declared not only to the hostile state and its armed defenders, but in general to all persons who were in the hostile territory ... In any case, religion softened the cruelties common in the wars of ancient peoples."[84]

---

[76] Francisco Suárez. De Legibus. URL: http://www.sydneypenner.ca/su/DL_1_13.pdf (accessed: 30.08.2012).
[77] John Locke. Two Treatises of Government, ed. Thomas Hollis (London: A. Millar et al., 1764). The Online Library of Liberty. Classics in the History of Liberty. URL: http://oll.libertyfund.org/titles/locke-the-two-treatises-of-civil-government-hollis-ed (accessed: 27.10.2015); Локк Дж. Сочинения: В 3 т. М., 1988. Т. 3. С. 262–405; пер. Ю. В. Семенова.
[78] Гроций Г. О праве войны и мира. М.: Ладомир, 1994. – 868 с.
[79] Jean Bodin. Six Books of the Commonwealth. Abridged and translated by M. J. Tooley, Basil Blackwell Oxford. Printed in Great Britain in the City of Oxford at the Alden Press Bound by the Kemp Hall Bindery, Oxford. URL: http://www.constitution.org/bodin/bodin_htm (accessed: 11.12.2011).
[80] Гоббс, Томас. Левиафан, или Материя, форма и власть государства церковного и гражданского. URL: http://www.philosophy.ru/library/hobbes/ogl.html (accessed: 16.09.2012).
[81] On the Law of Nations. Eight Books. Written in Latin by the Baron Pufendorf, Counsellor to His Late Swedish Majesty, and to the Present King of Prussia. Translated into English, from the best edition. Oxford. Printed by Lithfeld, et al. MDCC III.
[82] Emer de Vattel. The Law of Nations, or, Principles of the Law of Nature, applied to the Conduct and Affairs of Nations and Sovereigns, With Three Early Essays on the Origin and Nature of Natural Law and on Luxury/edited and with an introduction by Bela Kapossy and Richard Whatmore; translated by Thomas Nugent. Liberty Fund, Inc. 2008. URL: http://lf-oll.s3.amazonaws.com/titles/2246/Vattel_1519_LFeBk.pdf (accessed: 12.12.2015).
[83] "The contest in courage with arms in hand is not always prohibited, but only when it is disordered, involves a risk [for life] and ends in murder or robbery." T. Aquinas. Ibid.
[84] Мартенсъ Ф. Современное международное право цивилизованныхъ народовъ. Томъ II. Санктъ-Петербургъ. 1883. С. 463.

By the beginning of the Renaissance, less emphasis was placed on the religious justification of the reasonableness of the appeal to force, but, as before, for the thinkers of that time, the war was still assumed to be just only if a set of theological restrictions were followed.

But already in the 16th and 17th centuries, theorists began to link the development of the *ius ad bellum* with human nature, and not with the divine realm. As noted by the already mentioned F. Martens: “In the Middle Ages, for the first time, a public order is being developed, based on respect for a man and his rights. From this time on, the war begins to obey certain rules and order, which develops more and more, as in new states the law and properly organized state power gradually set obstacles to the unbridled will of a person."[85]

One of the most eminent publicists of that time was Hugo Grotius, who formulated in new secular terms the norms of natural law in matters of resort to war, which distanced it from the divine will.

In his work "De Jure Belli ac Pacts" (On the Law of War and Peace),[86] H. Grotius defined the just nature of war. First, he supported the early Christian position on the legitimacy of war when waged by lawful authority. Second, he determined that the protection of people and property could be a just reason for waging war.

Also, H. Grotius stated that the use of force is legal in response to an unrealized intention of the enemy, containing a danger to life or property, that is, he formulated the beginnings of the concept of preemptive self-defense, for situations where “the danger should be immediate and imminent in time”. Another just reason for starting the war was the punishment of the state that caused the damage, that is, the beginning of the formulation of the concept of reprisals was laid.

In the same work, H. Grotius identified several characteristics of the "unjust" use of force, including the desire to seize the better lands, the provision of freedom

[85] Мартенсъ Ф. Там же.
[86] Гроций. Книга I. Глава II. Может ли война когда-либо быть справедливой? URL: http://grachev62.narod.ru/huig_de_groot/chapt102.html (accessed: 30.08.2014).

to any people, as well as the establishment of government to a people against their will under the pretext that this is done for their own benefit, etc. [87]

And another theorist of that era, Thomas Hobbes, expanded the criterion of justice by the possibility of waging war to provide the population with goods.[88]

John Locke also made a significant contribution to the definition of a just reason for referring to war regarding the Christian interpretation of the essence of ius ad bellum, that is, the formation of a secularized version of the doctrine of just war. He suggested that "... and the right to war, the freedom to kill the aggressor, [arises] because the aggressor does not give time to turn either to our general judge or to a court decision ..."[89]; and Emeric de Vattel, who determined that "... unlike the case when there is no question of punishing the enemy, everything can be summed up in the following rule: every damage inflicted on the enemy unnecessarily, every act of military action that is not aimed at achieving victory and bringing the war to an end are immoral and, as such, are condemned by natural law."[90]

The regulation of the use of force in the positivist period (mid-17th century - the turn of the 19th / 20th centuries) is characterized, first of all, by the fact that a larger number of actors have become involved in foreign affairs, the number of areas of interaction has increased, primarily at the interstate level. As a result, this led to a redistribution of authorities for the use of armed violence between participants in interstate and, later, international relations, and, accordingly, to a change in the roles of the traditional elements of state power in achieving military success and political victory.

Understanding what factors determined the process of such a redistribution of roles within the social structure of participants in international relations is a key moment in understanding the mechanism of legitimizing acts of the use of force in this historical period: the feudal system of power organization was replaced, and the territorial state finally became the dominant political part of European society.

---

[87] Гроций. Книга II. Глава XXII. О несправедливых причинах войн.
URL: http://grachev62.narod.ru/huig_de_groot/chapt222.html (accessed: 30.08.2014).
[88] Т. Гоббс. См. выше. Глава XXIV «О питании государства и о произведении им потомства». Там же.
[89] John Locke. Book II. Chapter III. Of the State of War. § 19.
[90] Emer de Vattel. Book III. Chapter IX, § 172, P. 573.

In contrast to the religious-hierarchical system of values that prevailed in the era of feudalism, the new international system was concentrated around distinct, relatively autonomous states under the rule, mainly of monarchs, who were formally under the control of religious authorities, but in fact were no longer subordinate to them. This development was influenced by many factors, not the least of which was the development of foreign trade and the accompanying growth of new professional communities, and, accordingly, the decline in the role of the clerical authorities in the allocation of resources.

With the emergence of the state system, the theory of state status, i.e. doctrine of sovereignty emerged, the development of which is associated with such names as Jean Boden[91] and T. Hobbes,[92] who formulated the fundamental principles underlying the system of states, which were not recognized by the rulers of the world until the 17th century, until the complete exhaustion of their resources in wars and forced truces, that were formalized in the system of the so-called Treaty of Westphalia in 1648.[93]

These principles served as the basis for understanding the necessary organization of the modern system of states, and created the initial conditions for the implementation of the then not yet formulated provisions of modern international law and international relations. In the agreements to end the wars, the signatories committed themselves not to interfere with the designation of the dominant religion by local rulers in their territories.

Thus, the principle *cuius regio eius religio* was confirmed: he who rules chooses the religion. And the right of the ruler to institute a religion (i.e., the system of values) clearly proved his independence and substantial freedom. Basically, sovereignty implied the presence of three basic provisions: first, it meant that the rulers of a particular state, sovereigns, reigned supreme over their territory. Neither the church nor any other the sovereign could, even for a short period of time, exercise

[91] Jean Bodin. Book I. Chapter VIII. URL: http://www.constitution.org/bodin/bodin_.htm (accessed: 11.12.2011).
[92] Ibid.
[93] Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies. http://avalon.law.yale.edu/17th_century/westphal.asp (accessed: 29.11.2014).

any control over them, even with a declared adherence to the same denomination; secondly, states were considered as legally equal in relation to each other; thirdly, proceeding from the two previous provisions, sovereignty meant that a priori there is no legal supremacy over sovereigns without their consent.

These essential characteristics of a state arose as a result of the need to concentrate resources through the formation of the unity of the population living on the territory of that state and the authority reining it as a condition for ensuring economic activity, population growth and its protection. The Westphalian system not only concentrated power within the states themselves, it also extended it into the external sphere, since states became subjects of international responsibility.

The Muenster Treaty[94] settled between the rulers of the Netherlands and Spain, as part of the Westphalian treaty system, obliged the conflicting parties to resort to arbitration and mediation as forms of peaceful settlement of conflicts, and established a period of three years for "cooling off" before resorting to military action. The possibility of resorting to sanctions in case of non-fulfillment of these conditions was also established.

These changes were the forerunners of modern practice in the field of international security. Generally speaking, all modern established procedures for resolving conflicts stem from the conditions of the Peace of Westphalia, which also marked the end of the hierarchy of international relations that was based on the authority of the Catholic Church and the obligation to follow its precepts.

The Westphalian treaties also determined the responsibility of the victorious states, France and Sweden for ensuring the privileges and immunities granted to the princes and free cities of Germany. This decision was a significant contribution to the development of the doctrines of international responsibility and the recognition of states that determine the possibility of legitimate participation in international

[94] The Treaty of Münster, 1648. URL: http://www1.umassd.edu/euro/resources/dutchrep/14.pdf (accessed: 28.10.2015).

relations only for those states that are not they only want to have rights, but they are also have the ability to carry on duties.[95]

The institutional properties of the system of coexistence of politically equal communities in the Westphalian system of states were necessarily associated with the territory, regardless of the form of government and state structure, or adherence to any kind of religion. The norms of interaction of legitimate actors, later defined as "international law", began to focus on the development of values common to all states.

This system also contributed to the development of the principle of freedom of behavior of states based on the coordination of their wills, and the development of the principle of maintaining a balance of power, which ensured their self-preservation. Legal norms began to act as a regulator in relations between states, but they no longer dominated them, as religion had earlier.

The practice of this period also testifies to the forced changes in the behavior of states: significant losses during religious wars forced them to formally declare their adherence to the principles of voluntary obedience to common values, since formalized norms governing the behavior of the parties and guaranteeing their sovereign immunities, regulating the procedures for concluding and securing treaties, served their self-preservation.[96]

The reason for voluntary adherence to the norms limiting arbitrary recourse to force may also be the fact that states had a limited potential to change the status quo - they were at the same level of development of means and methods of warfare and the main source of military power was the population, and with significant feudal fragmentation Europe to achieve a decisive superiority over the enemy by the massive use of manpower was not possible.

That is, the state, as an institution, did not have the capabilities of both independent maintenance of legal order and order and the destruction of it, since the

[95] См.: Ku, Charlotte, “Catholicism, the Peace of Westphalia, and the Origins of Modern International law,” 1 The European Legacy (1996), pp. 734-9.
[96] См.: Коростелев С.В. Эволюция взглядов на обоснование актов применения силы до начала становления современных институтов. Управленческое консультирование. 2016. № 10 (94).

industrial revolution in this period did not fully meet the needs of states in the use of armed violence. And, of course, these norms did not imply that sovereign states had technological capabilities for the complete destruction of adversary states with their populations and institutions, since, in the event of a victory, it was the population of the defeated state that complemented the main sources of the victor's national power.

And only in the 20th century states got the opportunity to completely destroy their competitors. The realization of such opportunities within the international system was limited, first of all, only by the potentials to destroy the actual military power of the state - a prospective victim of the attack, and, only secondarily, by the concept of sovereignty, that is, by moral and legal restrictions.

Moreover, the very concept of sovereignty was created to determine the degree of autonomy of states and assumed the need for procedures to coordinate their wills to ensure the survival of the international system, but, as a result, it contributed to the creation of the myth that the nation state is capable of independently solving all security problems.

The concept of sovereignty, as the basis for the existence of the modern international system, was formalized in the doctrine of positivism, according to which states cannot be limited by any higher law, and the single applicable law can only be that is created with their consent and can have the form, both treaty and custom and general principles, including those governing the use of force.

The main consequence of the development of the doctrine of positivism was the final suppression of the religious concept of just war as a fundamental approach to the ius ad bellum: in the absence of a supreme limiting law or authority states received the "sovereign" right to enter the war to defend their rights at any time, even if there were any moral restrictions.

The only severely limiting moral limitation on the transition to war, adopted at that time by the ruling elites, was the requirement to declare war: the state simply declared war, and this was considered legitimate.[97]

[97] Article 1 of the III Convention "On the Opening of Hostilities" (The Hague, October 18, 1907) determined that: "The Contracting Powers recognize that hostilities between them should not begin without prior and unequivocal

As noted in 1926 by E.A. Korovin: “The problem of justifying war ... does not fall within the framework of international law, for which the historical and social causes and consequences of war do not in themselves have normative significance. Evaluation of war ("just" and unjust wars), like any other phenomenon of a social order, depends solely on the ideology of the status class."[98]

Although states were virtually unrestricted in their entry into war, they recognized the existence of a conditional distinction between full-scale war and the just use of force, "not war." This “permitted” use of force on a limited scale was recognized as a fleeting operation that did not involve the main military forces of the state. Everything that happened without a declaration of war was regulated by the "international law" of peacetime. Typical uses of force on a limited scale have included reprisals,[99] actions in self-defense, actions to ensure freedom of navigation, etc.

Over time, the doctrine has formulated some limitations for assessing the fairness of reprisals. The Naulilaa arbitration award[100] can be considered a classic listing of these criteria.

It refers to reprisals by Germany in 1914 against Portugal, which was not at war with her. According to the court's conclusion, the legality of the reprisals was determined under three conditions.

First, there must have been a violation of international law since reprisals can be used in response to a violation of the law.

---

warning, which will either take the form of a reasoned declaration of war , or the form of an ultimatum with a conditional declaration of war. URL: http://zakon5.rada.gov.ua/laws/show/995_b85 (accessed: 25.01.2012).
At the same time, the doctrine assumed that: "... by the time of the Hague Conference, neither the written law, nor the unanimous conviction (communis opinio) of scholars knew such legal norm as a preliminary announcement." See: Коровин Е. А. Современное международное публичное право. Государственное издательство. Москва. 1926. Ленинград. Глава XIII. «Право войны». С. 144.

[98] Коровин Е. А. Ibid, С. 142.

[99] It was commonly to consider reprisals to be the state's retaliatory actions aimed at revenge for the damage caused. They were held, most often, in peacetime. But during the war, reprisals were also carried out in response to significant violations of the state's rights protected by international law, in the course of any specific episodes of hostilities. Repression is almost always a violation of international law, but was not seen as such when it was undertaken in response to misconduct.

[100] See: Коломбос, Д. Международное морское право. – Москва: Прогресс, 1975, §492; Bishop, William W., Jr. International Law: Cases and Materials. Third edition. Little, Brown and Company. Boston. 1971, pp. 56, 903-904.

Secondly, reprisals should follow the requirement to prevent such illegal actions, and only if these requirements are not met. In other words, the injured party is obliged to seek a remedy by peaceful means before using force.

Third, retaliation must be proportionate to the damage suffered. This does not mean that the scale of the appropriate response and the damage inflicted on the enemy must be correlated with utmost precision to the damage initially incurred.

Also, in the positivist period, the appeal to force for self-defense was recognized as just, which has always been respected as an acceptable form of appeal to force, different from reprisals in that it is not intended for retaliation.

At the same time, in interstate relations, it received recognition of the existence of restrictions on the appeal of states to force for the return of debts on the obligations of citizens of other states. In the Second Hague Convention of 1907, the parties announced "the non-use of armed force with the aim of returning debts on obligations demanded from the government of one state by the government of another state as a debt to its citizens."[101]

The Convention determined that such a restriction for recourse to force did not apply to those cases when “the debtor state refuses or neglects the offer to consider the case in the arbitral tribunal or, after the adoption of such a proposal, does not make it possible to reach a mutually acceptable compromise, or does not comply with the arbitral tribunal's decision on the payment of the debt ". Thus, the prohibition included in the Hague Convention was imperfect, since it nevertheless allowed the use of force, but within the framework of procedures standard for that time.

In general, during the positivist period there were not too many rules restricting the freedom of states to resort to force if the state simply declared war.

The subsequent development of technologies that increased the capabilities of states to destroy the enemy's potential, the advancement of imperial interests in the

[101] II Convention on the Limitation of the Use of Force in the Recovery of Contractual Debts (The Hague, October 18, 1907).
URL: http://zakon5.rada.gov.ua/laws/show/995_444?test=4/UMfPEGznhh8RF.ZivokrLwHI4lMs80msh8Ie6 (accessed: 25.01.2012).

19th - 20th centuries showed both the inability of a single territorially organized state to independently protect the needs of its population, and the necessity to develop interstate cooperation in the field of security. And the then existing moral and legal restrictions enshrined in international treaties could no longer serve the international system as a regulator of relations in the sphere of the use of force. As E. A. Korovin noted: "The entire complex of the current law of war took shape in an era with a completely different state and economic system."[102]

The unprejudiced condition for the need to create a new system for ensuring international security was the increase in the number of subjects of international relations and the appearance of weapons of mass destruction among states. The subjective basis for the creation of such a system was a common understanding of the increasing complexity of the emerging problems, both in the field of ensuring national security and the need to mobilize resources to protect common values.

All this led to the emergence of a system for safeguarding international security, which was originally embodied after the First World War in 1919 in the League of Nations, and later in 1945 in the United Nations. These organizations were not intended to become a traditional interstate alliance focused on maintaining the balance of power and achieving a military advantage over adversaries: they were created to concentrate the political, military, economic and other resources of the member states to protect common values, provide mechanisms for preventing conflicts and their peaceful resolution.

Participation in the Statute of the League of Nations[103] limited the freedom of states to resort to force at their sole discretion; and besides, for the first time in history, interstate institution, already as an independent subject of international relations, was empowered to address states with claims.

The Statute of the League of Nations established a detailed set of procedures for limiting the use of force.

---

[102] Коровин Е. А. Ibid, С. 143.

[103] Peace Treaty between the Allied and Associated Powers and Germany (Treaty of Versailles) (with the "Statute of the League of Nations", "Statute of the International Labor Organization" and "Protocol"). Версальский мирный договор. - М.: Литиздат НКИД, 1925.

First, in accordance with Art. 12 in the event of any dispute that could seriously complicate international relations, the signatories have undertaken to seek arbitration, seek a legal resolution of the dispute, or submit the case to the Council of the League of Nations. A dispute that could seriously complicate international relations was considered a threat to international peace and leading to war.

Then according to Art. 15 when a dispute is considered by the League Council and when the report is unanimously adopted by members of the Council who are not parties to the dispute, the states parties to the dispute should not go to war in accordance with the recommendations of the report. Article 13 imposed the same obligations in the event of an arbitration or court decision. In addition, a state could not start a war against another state if this state complies with the decisions of the dispute settlement body.

And finally, according to Art. 12 ehe parties agreed not to go to war for three months after the decision of the arbitration, the court or the report of the League Council.

This meant that even if one side did not comply with the report of the League Council or the decision of an arbitral tribunal or court, the other side should not go to war in less than three months. In other words, a period of "calming" the parties was established.

This procedure, which imposes significant restrictions compared to the period before the creation of the League of Nations, nevertheless left a considerable scope for recourse to force for the parties.

In the absence of a decision by an arbitral tribunal, court or the Council of the League of Nations, states were not obligated to refrain from using force. Article 15 clearly establishes such a possibility: "if the Council cannot work out a report with which all members of the Council would agree, except representatives of one or several parties to the dispute, the members of the League reserve the right to take such actions that they deem necessary to ensure law and justice."

And when the Council worked out a decision, states could start a war against a state that did not comply with the decisions of the body responsible for resolving

of the situation. If one party did not comply with the decision, the other party had the right to start a war in three months.

Procedural control over the legitimacy of recourse to force in accordance with the Statute of the League by its governing body, the Council, was the only deterrent to the outbreak of war.[104] At the same time, these requirements of the Statute were regarded by states as a significant restriction on their choice of ways and means of using force to protect their sovereign rights.

Article 10 of the Statute reads: "The members of the League undertake to respect the territorial integrity and the existing political independence of all members of the League and refrain from external aggression. In the event of such aggression or the threat or danger of such aggression, the Council will issue recommendations on how to fulfill such obligations."

This meant that the League of Nations had to defend the territorial integrity and political independence of states from aggression. It is obvious that at the same time this provision prohibited aggression. However, if Art. 10 outlawed aggression, it looked like a contradiction to the above provisions of the Statute, which allow starting a war under certain circumstances: Art. 10 were dependent on paragraph 7 of Art. 15, allowing war if the Council is unable to work out a solution.

In this interpretation, it appears that the architects of the Statute had in mind the authorization for such use of force, which, in accordance with other provisions of the Statute (Arts. 12 and 15), would not constitute an act of aggression. Upon further consideration, one can come to confirmation of this conclusion, but the very existence of Art. 10 in the Statute and the absence of a definition of the content of aggression, indicates some uncertainty in the approach of the League of Nations to the issue of assessing the legality of starting a war.

Article 16 of the Statute stipulated that the conduct of war not in accordance with the procedures of the League of Nations would be regarded as the conduct of war against all members of the League. And any state that started a war was to be

[104] See: Arend, Anthony Clark and Robert J. Beck. International Law and the Use of Force: Beyond the UN Charter Paradigm. New York: Routledge, 1993. Figure 2.1.

subject to economic sanctions, and the Council of the League was empowered to decide on the implementation of military measures against the violator of the law.

It was assumed that all members of the League of Nations must agree with the idea of collective security, since each state that signed the treaty had the right of veto, and thus agreed with Art. 16. However, since this issue was not regulated in practice by any clear prescription, each of these states independently decided how, when and what sanctions to apply to the perpetrator.

It should be noted that the restrictions established by the Statute of the League of Nations were related exclusively to the assessment of the legality of starting a war, and any restrictions on the use of force after the outbreak of hostilities were no longer regulated by the Statute.

It can be argued that even after the creation of the League of Nations, the use of force, not for waging war, but for solving limited problems, was determined by the same procedure as in the times of the positivist period, when the decision to use force was made by sovereigns.

The Statute of the League of Nations was not the only document of this period defining the conditions for the outbreak of war: several other attempts were made to define and supplement the content of the ius ad bellum. They included the 1924 Geneva Protocol for the Peaceful Settlement of International Disputes,[105] the 1925 Locarno Pact of Peace.[106] These agreements defined aggression as an "international

[105] One of the problems with the application of the Statute of the League of Nations for the prevention of war was that it did not define the content of the term “act of aggression”. As a result, the Assembly of the League, or the Council of the League, had to consider every incident between states and then decide on the existence or absence of such an "act". And only after that, recommend to the members of the League any actions with respect to such states. Such uncertainties led to the adoption of the 1924 Protocol, according to which each state was obliged to submit all contradictions to arbitration and not to start a war until the dispute was pending before the arbitrators. According to the act, any state that refused to arbitrate the dispute or did not agree with the arbitration verdict was considered an aggressor. Also, each member of the League of Nations pledged to take part in the conference on arms limitation. The protocol offered a simple definition of an aggressor, but did not receive international recognition. First, because states did not believe in the existence of just arbitration procedures. Secondly, states did not at all want to be drawn into a war even against an aggressor determined by the League of Nations in order to protect any state if there was no threat to their own national interests. States were not yet ready to embody the idea of collective / regional security based on shared responsibility for peace.

[106] This peace treaty concerned a specific region of Europe. France, Germany, Italy, Great Britain were its guarantors. States recognized the inviolability of borders, and pledged to refer all disputes to arbitrators, and not start a war until the terms of the treaty were flagrantly violated, or there was no indication of the League of Nations to act against the aggressor. In contrast to the Treaty of Versailles, Germany was allowed to sign the Locarno Treaty, and for the first time after the First World War it was recognized by European states as an equal party in negotiations.

crime", but they did not go beyond the paradigm of the League of Nations Statute in limiting the use of force.

At the same time, consideration of the provisions of Art. 2 of the 1924 Geneva Protocol shows that the parties committed themselves not to go to war "except in cases of resistance to acts of aggression or in cases of action with the permission of the Council or Assembly of the League of Nations in accordance with the provisions of the Statute and this protocol." In other words, the Protocol for the first time in history manifested a desire to limit the conditions for starting a war by cases of resistance to aggression or with the permission of the competent body of the League. However, the ratification of the protocol failed to get the required number of votes.

In the period between the First and Second World Wars, an important step was taken to restrict the right of states to start a war: The Treaty of Renunciation of War as an Instrument of National Policy was concluded, known as the Paris Pact or the Briand-Kellogg Pact.[107]

The parties to the treaty announced, "on behalf of their own peoples that they condemn the resolution of international conflicts through war and war as an instrument of national policy in relations between states." They also agreed that "the resolution of all disputes or conflicts of any nature and any origin that may arise will be resolved exclusively by peaceful means."

Thus, in contrast to the Statute of the League of Nations that permits war in some circumstances, the Briand-Kellogg Pact placed war completely outside the framework of international law. The text of the treaty does not contain any exceptions to this common rule. It was fully recognized by the signatory parties, and the war was resolved in the case of self-defense.

In addition, a group of states submitted diplomatic notes prior to the ratification of the Covenant, stating their position regarding wars started in self-defense as legitimate. It would also be correct to believe that the regime of regulation

[107] Treaty on the Renunciation of War as a Weapon of National Policy. The agreement entered into force on 07.24.1929. Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. V.- M., 1930. С. 5 - 8. Technically, the Treaty is still in force for its participants.

of the use of force that was formed at that time was allowed only with the consent of the Council of the League in accordance with the Statute of the League of Nations, except in cases of self-defense.

The Briand-Kellogg Pact was a rather significant stage in the evolution of regimes for justifying acts of use of force. As in the Geneva Protocol of 1924, the Covenant established a distinction between aggression on the one hand, and self-defense and the use of force permitted by a universal international organization on the other. In contrast to the Geneva Protocol of 1924, the Briand-Kellogg Pact immediately entered into force and was widely recognized by states.

Despite the positive contribution of the Briand-Kellogg Pact, its application was accompanied by a number of significant problems. The Pact outlawed war in general but did not impose any restrictions on the use of force for solving other tasks of ensuring the national security. Thus, the customary regime for regulating the use of force that existed before the creation of the League of Nations was reaffirmed. Also, since the Briand-Kellogg Pact did not define self-defense as an exception to the obligation not to use force, the understanding of what means and methods of self-defense were acceptable was unclear. States needed detailed clarifications of what constituted the essence of the enemy's actions, which could serve as the basis for resorting to self-defense. Also, the use of the “state policy” construction in the Pact left the possibility of interpretations to legalize the transition to war, for example, to protect confessional values.

The Briand-Kellogg Pact did not play a substantial role in limiting the destructive behavior of the powers that led the world to World War II; however, in subsequent normative acts, attempts were made to clarify the content of the obligations of states in relation to the freedom to resort to force, and new assessments were made regarding the “starting point” established by the Covenant to refer to war as a “instrument of national policy”.

Thus, in the period between the world wars, a number of treaties were concluded, which again and again reaffirmed the duty of states to refrain from

aggressive wars. Such agreements were several treaties on non-aggression[108] and neutrality[109] and a sum of the 1933 Conventions "On the Definition of Aggression"[110].

These conventions determined that the signatory parties undertake to be guided in their relations by an agreed definition of aggression, according to which the State that is the first to take one of the following actions will be recognized as an attacker in an international conflict (Article II of the Conventions):

1. Declaration of war on another state;

2. The invasion of its armed forces, at least without declaring war, into the territory of another State;

3. Attack by own land naval or air forces, even without declaring war, on the territory, ships, or aircraft of another State;

4. Naval blockade of the coasts or ports of another State;

5. Support rendered to armed gangs, which, being formed on its territory, will invade the territory of another State, or refusal, despite the demand of the invaded State to take on its own territory all measures in its power to deprive the named gangs of all assistance or patronage.

The parties to the convention also determined that no consideration of a political, military, economic or other order serve as an excuse or justification for aggression and cannot be justified either by the internal situation of the State[111] or by its international behavior.[112]

---

[108] For example, the Non-Aggression Pact between Germany and the Soviet Union. URL: http://xn--d1aml.xn--h1aaridg8g.xn--p1ai/20/dogovor-o-nenapadenii-mezhdu-germaniey-i-sovetskim-soyuzom/ (accessed: 13.11.2015).
[109]For example, the Neutrality Pact between the USSR and Japan**.** URL: http://www.ru.emb-japan.go.jp/RELATIONSHIP/MAINDOCS/1941.html (accessed: 13.11.2015).
[110] Convention on the Definition of Aggression (Together with the "Protocol of Signature"). Concluded in London between the USSR, Yugoslavia, Turkey, Czechoslovakia, Romania, Persia, Afghanistan, Latvia, Poland, Estonia 07/03/1933. Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. VIII.- М., 1935. С. 27 - 31.
[111] The “internal situation” of the 1933 Convention includes, “for example,” a political, economic or social system; shortcomings attributed to his management; riots resulting from strikes, revolutions, counterrevolutions or civil war.
[112] The "international behavior" of the 1933 Convention includes, "for example," a violation or danger of violation of the material or moral rights or interests of a foreign State or its citizens; severing diplomatic or economic relations; measures of economic or financial boycott; disputes related to economic, financial or other obligations to foreign states; border incidents not eligible for any of the cases of aggression referred to in Article II of the Conventions.

The political leadership of states began to view the Briand-Kellogg Pact as a source of legal obligations. Even after the outbreak of World War II, Germany, Italy and Japan were accused of violating the Covenant. Despite the fact that the Pact could not prevent the war, the idea of prohibiting aggressive war was engrained after the war in paragraph 4 Art. 2 of the UN Charter.

The events that led up to the Second World War showed the inability of the League of Nations to counter the aggressive intentions of states, including those who left the organization or were expelled from it. Reliance on law as a means of preventing conflicts turned out to be far from reality and extremely utopian - law does not have such a power and cannot act as an absolute regulator of international relations.

The fact is that national law is supported by state institutions, therefore the application of methodologies that are typical to national systems for ensuring justice to international relations has always ended in failure - none of the proposed edifices for the peaceful resolution of contradictions can work in the system of states, some of which rely on the use of military force to ensure their interests.

The core of the security system created by the League of Nations, as shown above, was Art. 10 of the Statute of the League of Nations. As follows from the test of this Article, the Council of the League had the right, but was not obliged to take appropriate measures against the threat. Threat-deterring mechanism of the article was to be realized in automatically implemented collective measures in response to violation of the law. However, as the subsequent course of history has shown, the idealistic assumption that states will voluntarily follow the prescriptions of international law has been replaced by an institutional approach to the legal regulation of international relations.

Apart from the provisions of the Statute of the League of Nations that bound them, states wanted to behave exactly as their national interests demanded, regardless of the general interests of the international community; therefore, the League of Nations was unable to act as an entire. Moreover, strict adherence to the principles of the Statute deliberately put states at a disadvantage relative to actors

who were politically determined to independently ensure their interests and were militarily strong - Italy, Japan, Germany and the Soviet Union.

After the German attack in September 1939, Poland tried to find escape in a military alliance with France and Great Britain, but not in resorting to the procedures for resolving disputes by arbitration prescribed by the Statute, including referring the case to the Permanent Court of International Justice, or consideration by the Council League of Nations.

The statute assumed the use of sanctions against the aggressor who refused to follow the procedures, however, it was precisely that this provision of international law was not provided with mechanisms for the implementation of sanctions, discredited both the very idea of using the institution of international law, as a regulator of international relations, and the League of Nations, as an international institution unable to provide security assurances to its members.

The champions of the primacy of international law tried to formalize the belief in the just structure of the world community in the content of Art. 19 of the Statute, which stated that: "The Assembly may from time to time invite the members of the League to begin a new examination of treaties that have become inapplicable, as well as international provisions, the preservation of which could endanger world peace." This content of the article assumed that the participants of the collective security system had good will to admit their mistakes and consent to change those provisions of treaties that did not ensure the maintenance of peace in changing conditions.

However, the pre-war political circumstances and the existing balance of forces did not allow the realization of such an idealistic condition. It is well known that the implementation of an international norm requires, first of all, compliance with three conditions:

- the text of the norm should exclude double interpretation;
- there must be institutions to ensure the implementation of the norm;
- there must be a political consensus on the need to resolve the conflict and the political will to implement this norm, even by means of armed violence.

The main advantage of the League of Nations, despite the fact that it was unable to stop the outbreak of world war, is that it was the first and quite successful model experience of cooperation between states to ensure international security within the framework of international institutions.

This experience was subsequently rethought in the design of the United Nations, which, in order to avoid repeating the weak features of the League of Nations,[113] in the mechanisms of international security management, in fact disregarded (without a declarative announcement) the principle of sovereign equality of states: the UN Charter assigned special responsibility for maintaining peace to the leading world the powers of that time, which formed the permanent core of the UN Security Council (hereinafter the UN SC).

Thus, the international treaty recognized the real model of organizing the world community, when, in contrast to the idealistic Westphalian model of the world based on the sovereign parity of states, the UN Charter determined that the real balance of interests and the relative establishment of peaceful coexistence are ensured by the confrontation of the interests of only leading powers.

The difficult experience of the two world wars, accompanied by the appearance of weapons of mass destruction, showed that the rule of law, based on the principle of independent and voluntary deduction by states of the share of their sovereignty, should be replaced by a legal order based on the transfer of a significant part of its sovereign rights to interstate institutions, the main of which was the UN, built on the postulate that the use of force in interstate relations should be allowed only if the interests of the main powers coincide, but at the same time it could not limit them.

Idealistic attempts to create norms of law and apply them within the League of Nations, regardless of the interests of states and taking into account their relative power, testified to the prevailing utopian idea of the organization of interactions in the world community at that time. This error was eliminated in the UN Charter,

[113] For some time, the League of Nations and the UN jointly coordinated the processes of post-war peacebuilding, and the Permanent Court of International Justice was replaced by the International Court of Justice.

which recognized the existence of inequality of states, and endowed the permanent members of the Security Council with special rights and responsibilities for maintaining peace.

But even at the very beginning of its existence, the UN has faced with the fact that while it was building a security system built on the lessons learned from the Second World War, the system of international relations have changed significantly: the balance of power in the world community became significantly different not only from the pre-war world order, but even from the situation that had developed by the time the war ended. However, the system continued to work (and it is still in effect) due to the fact that the states consciously agreed with the limitation of their relative power to implement the institutional transformations of the world community in the common interests.

At the time of the convening of the First Peace Conference in The Hague in 1899, the "civilized nations" were represented by only 26 states. At the second peace conference in 1907, the number of nations allowed to participate in determining the rules of conduct for states was already 44.

Today, almost 200 states are already do perform discussions within the framework of the UN General Assembly, expressing in them the "dictates of public conscience", thus influencing the development of general international norms. Apart from the UN Security Council, another body that plays the most essential role in shaping the law of the use of force is the International Court of Justice.

All these multinational forums serve as a place and a means of formalizing the content of international law in the sphere of the use of force, which the League of Nations, whose authority was not supported by either the combined power or the common interests of the great powers, was not able to perform.

1.3. Analysis of the Exercise of Use of Force by the United Nations to Maintain and Restore International Peace and Security and Counter Transnational Threats

The use of force has always been and remains one of the most difficult and debatable problems in international relations and the norms of international law that formalize them. On the one hand, it is clear that force has been used and continues to be used to solve a wide range of tasks; on the other hand, the entire UN system is aimed at making it possible to reduce the number of cases of recourse to force in international relations.

The commitment to justify acts of recourse to force in the UN's own activities to maintain and restore international peace, individual acts of states while resorting to force to solve humanitarian problems and in other international and domestic armed conflicts, remains despite the dynamic changes taking place in the international system. The problems of the process of bringing political expediency, opportunity, and, most importantly, necessity and proportionality of acts of use of force to the participants of international communication do not go away from the international agenda.

In the UN paradigm, the normative assessment of any act of armed violence in the international community is based on the definition, first, whether or not the act is the use of force, or the threat of its use in violation of the provisions of modern international law; secondly, whether this action is "unjust" from the point of view of the permanent members of the UN Security Council.

The existence of a just cause for resorting to armed violence is the first and perhaps most important condition of the system of rules of reference to the force "ius ad bellum" which determine the legality or illegality of such treatment, regulate the institutions of collective, cooperative and regional security. And, since modern ethical views on the possibility of the use of force are enshrined in the UN Charter, the regulatory analysis of each case of the use of force must necessarily be based on the regulation set up by the document.

In today's imperfect world, States do not object to the just use of force - they object only to its excessive use. They also, with particular attention and caution, assess any allegation of the legality of the use of force in cases other than the reflection of direct armed encroachments on their attributes of sovereignty.

The Charter-led collective coercion mechanism under the leadership of the UN Security Council has not been able to make full use since the establishment of the organization, as it is ineffective and slow due to the complexity of ensuring the unanimity of the Permanent Members of the UN Security Council. In most situations, UN conflict resolution mechanisms have come to be perceived as virtual, especially when relying on a literal restrictive interpretation of the Charter.

The main reason for this is that the security regime established by the UN Charter, if taken literally, permits only collective measures in response to an armed attack, or self-defense in response to a fait accompli. The inflexible interpretation and application of the norms of the UN Charter led very often to the fact that without receiving from the UN Security Council an acceptable solution to the next conflict, the world community simply turned its back on its resolution.

Thus, the situation has emerged that, to date, the Security Council has not yet had its own practice of quickly and effectively resolving the situations that have indeed constituted and constituted a threat to peace in a changed geopolitical environment. Although the legal grounds for actions to maintain and restore international peace and security, as well as the forms of their implementation, are determined by the UN Charter and documents "Agenda for Peace"[114] and "Supplement to the Agenda for Peace"[115].

The most important provision of the UN Charter on the use of force is contained in Paragraph 4 of Article 2, contained in Chapter I of the UN Charter, this defines the purpose of the organization and the principles of its operation. The core

[114] An Agenda for Peace Preventive diplomacy, peacemaking and peacekeeping. UN Document A/47/277 - S/24111 https://www.un.org/ruleoflaw/files/A_47_277.pdf.

[115] Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations. UN Document A/50/60, S/1995/1.
URL: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNRO%20S1995%201.pdf.

of the modern ius ad bellum comprises paragraphs 4 and 7 of Article 2, Articles 39, 42 and 51 of the UN Charter.[116]

Prior to the Article 2, ius ad bellum justified the right of states to recourse to war as a tool to solve their political problems.

The modern methodological apparatus of the theory of the use of force within the framework of the UN Charter was formed when the world was just coming out of a war that destroyed the existing political and territorial status quo. The losses incurred by civilization showed the consequences of resorting to armed violence for the seizure of territories and the change of government of any other state, or for correcting the existing "mistakes" of the past.

Such use of force by the authors of the UN was defined as aggression or the use of force to "promote values" and was considered illegal.

Such restrictive frameworks of the UN Charter mean that in the dispute of values preference should always be given in favor of maintaining international peace and in spite of the desire for "justice", which is always understood by States in different ways. It is clear that the problem of "justice" is always linked to the protection of human rights, support for the right to self-determination, the resolution of economic problems, the correction of past mistakes and the need to resolve other

---

[116]Article 2 para. 4:
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.
[116]Article 2 para. 7:
Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.
Article 39:
he Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.
Article 51:
Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

problems, that is, all that should be sought for, but not at the expense of the violation of peace.

That is, the cornerstone of the UN Charter's system of principles is the provision that the use of force for justice is more evil to the international system than the coexistence of States in the case of particular injustice; and, if peaceful means of achieving justice are not valid and that the choice between peace and justice is inevitable, peace should be preferred. Any threat or use of force against the existing political and territorial order, despite all the justice of such an order, must be considered illegal.

For many years, it seemed that the international community was in line with the UN Charter's provisions on the terms of use of force. The UN Security Council has dealt with potential and real armed conflicts and has rarely adopted resolutions based on the principles of Article 2 of the UN Charter. Many UN GA resolutions also contain the text of this article. One of the most well-known documents is the 1970 Declaration on the Principles of International Law on Friendly Relations and Cooperation between States in accordance with the Charter of the United Nations (UN GA Resolution 2625).[117] The first principle of this declaration is the almost verbatim citation of Article 2 para. 4 of the UN Charter. The declaration goes on to say that: "Every State in international relations must refrain from threatening or using force against the territorial integrity or political independence of any State, and in any other way incompatible with the objectives of the United Nations. Such a threat by force or its use is a violation of international law and the Charter of the United Nations; they should never be used as a means of resolving international disputes." The declaration then refers to specific actions that may constitute such an illegal threat or use of force.

The International Court of Justice has also repeatedly affirmed the authority of the prohibition provisions contained in Article 2 para. 4 of the UN Charter. However, serious differences in the positions of States in their interpretation still

[117] URL: https://www.un.org/ruleoflaw/files/3dda1f104.pdf.

exist. The most important of these is an understanding of the meaning of Article 2 of the UN Charter. For all its seeming clarity, it raises many specific questions.

For example, what does exactly the term "threat or use of force" mean? Should force be understood as a demonstration of military force (military capabilities of the State) or a valid reference to armed violence, or does this apply to a wider range of actions? If, for example, one State imposed severe economic sanctions on another to subjugate that country, would that be considered a "use of force"?

Then, what is the use of force against the "territorial integrity" or "political independence" of another State, or a force incompatible with the objectives of the United Nations? Is the expression "any use of force" a strict restrictive obligation, or do those words allow for a different interpretation? It is clear that in some situations States can use force on the territory of another State in a way that does not affect the territorial integrity or political independence of that State without violating the objectives of the United Nations.

Another aspect of assessing the legality of force is also interesting. Since the right of peoples under occupation or colonial bent to fight and receive support in the struggle for self-determination has been affirmed not only in the practice of States, but also in sources of law such as the UN GA Resolutions, the margin separating fighters for national liberation and terrorists is very blur.[118]

This convention is consistent with changes in the essence of the UN: the organization was created by strong states, coalition members who won World War II, but later included developing, mostly poor states, who wanted international law to meet their expectations.

The UN General Assembly began the process of redefining the "illegal use of force" in such a way that those identified by the UN GA as "freedom and independence" fighters could "legitimately" attack their own government, and other states could "legitimately" provide bases for attack. In such a legal regime, if the

[118] See, for example: Resolution adopted by the UN General Assembly “Activities of foreign economic and other circles that hinder the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Dominance. Документ ООН A/RES/49/40.

victim State of the attack carried out action against such bases, its actions were classified as "unlawful".

As R. Bork rightly pointed out: "The Assembly began to act on the assumption that everything that is pronounced there is international law, or a testament to its existence."[119] "As a result ... we have an inversion of many well-established rules regarding the use of force...".[120]

Similar problems arise regarding the interpretation of Article 51 of the UN Charter.

First, what can be defined as an armed attack? Is an armed attack different from the "act of aggression" mentioned in Chapter VII of the Charter?

It is obvious that, except in cases of obvious and significant physical harm to a State or its citizens, it is those who claim the just nature of the war that the burden of finding legal justifications for appropriate and proportionate actions is taken.

At present, there is only a relative consensus in determining what is a just cause: it is the use of physical force against the territorial integrity of the State first. All other uses of force have so far not received an international legal assessment as aggression, as will be shown below, and thus are not a fair form of forceful retaliation. Therefore, self-defense against physical aggression is supposed to be the only sufficient reason for a just war. However, States always try to extrapolate the principle of self-defense to all possible aggressive actions, as well as to provide assistance to other states from external threat, or to the population against the repressive government, etc.

In international forums, statements are often made that war is justly permissible and not aggressive, as its purpose is to retaliate against an act that has already been committed (e. g. to prosecute and punish the aggressor) or to pre-empt an expected attack.

[119] Bork, Robert H. A Time to Speak: Selected Writings and Arguments – 1st ed.-Wilmington, Del: ISI Books, p 554.
[120] Ibid.

The creators of the UN Charter deliberately failed to provide clear legal definitions for the terms "war," "peace," "threat to peace," "violation of peace," "act of aggression," although the use of these terms in the practice of the UN Security Council is very important.

Therefore, their material can only be derived from the very practice of the UN Security Council (See, as an example: Annex 1, p. 361).

Nor is there a general definition for the content of the term "breach of peace." For example, Iraq's invasion of Kuwait in August 1990 was considered by the UN Security Council as a violation of peace.[121]

And a much rarer event is the decision of the UN Security Council on the fact of aggression. Most often such decisions were taken in relation to conflicts on the periphery of the interests of the great powers: for example, unanimously adopted UN Security Council resolutions 567 of 20 June and 574 of 7 October 1985 condemned the acts of aggression of South Africa against Angola.[122] The exception is, for example, UN Security Council Resolution 573 of 4 October 1985, which condemned the "act of aggression" by Israel in Tunisia against the headquarters of the Palestine Liberation Organization (PLO), as will be shown below, when the actions took place in the special interests of the great powers in the Middle East.

Similarly, UN GA Resolution 41/12[123] of October 29, 1986, defined Israel's bombing of nuclear facilities in Iraq on June 7, 1981 as "armed aggression" and Resolution 41/38[124] of November 20, 1986, condemned the "armed attack" of the United States on Libya on April 15 and urged states to refrain from providing any assistance to those carrying out acts of aggression against Libya.

In assessing the importance of a number of issues, concepts such as "threat to peace" and "violation of peace" appear to be less acute than the notion of "act of aggression" which seems to be the most dangerous. In 1974, the UN General

---

[121] UN Document S/RES/0660.
[122] See: Official Records of the Security Council, Fortieth Year. 2617 and 2597 meetings. URL: http://www.un.org/ru/sc/repertoire/85-88/85-88_c.pdf (accessed: 12.10.2008).
[123] Документ ООН A/RES/41/12.
[124] Документ ООН A/RES/41/38.

Assembly adopted a resolution “Definition of Aggression”[125] which, of course, is not binding on both the Council and the States.[126] For example, the UN Security Council, with the exception of rare situations, has not declared an "act of aggression", even in the case of Iraq's apparent invasion of Kuwait in 1990. This practice of the UN Security Council indicates that this Resolution is not at all a proclamation of the principles of customary law, which were not explicitly included in the UN Charter; it is merely an interpretation of the UN GA's provisions of the Charter on the use of force; and is an interpretation that is not consistent with modern State practice and does not lead States to a practical solution to their security problems within a universal system of collective security.

The materials of the preparatory commission for the International Criminal Court[127] demonstrate quite clearly the- difference in the approaches of States to the characterization of the crime of aggression. For example, the proposal submitted by Russia contains the definition of a crime of aggression as any "... of the following acts: planning, preparing, starting and waging an aggressive war",[128] subject to the preliminary determination by the UN Security Council of an act of aggression by the state concerned.

It is particularly interesting to study the position of Germany as a state that twice unleashed world wars in the 20th century, which suggests that "... an aggressive, large-scale armed attack, in clear violation of the Charter of the United Nations against the territorial integrity of another State and clearly unjustified under international law, is the very essence of this crime... First of all, it is necessary to consider cases where one State is literally trying to "capture" or destroy another state, or at least part of it, with the concentrated and well-trained power of its entire military apparatus. ... It is reported that such cases of aggressive, large-scale armed

[125] Резолюция Генеральной Ассамблеи ООН «Определение агрессии» (Принята 14.12.1974 на 29-ой сессии Генеральной Ассамблеи ООН). Действующее международное право. Т. 2.- М.: Московский независимый институт международного права, 1997. С. 199 - 202.
[126] Based on paragraph 2 of Art. 18 of the UN Charter, the General Assembly can only make recommendations to the UN Security Council regarding the maintenance of international peace and security.
[127] Acts of aggression are committed by states; crimes of aggression are committed by persons who exercise control or have the ability to direct the political or military actions of a state. See: UN Document PCNICC / 1999 / L.5 / Rev.1 (Annex IV. Consolidated text of proposals for the definition of aggression).
[128] UN Document PCNICC/1999//DP.12.

attacks against the territorial integrity of another State and clearly unjustified under international law have the following common characteristics:

- such attacks have a certain scope and of certain scope and are horrific in their gravity and intensity;
- such attacks usually have the most serious consequences, such as heavy loss of life, extensive destruction, enslavement and exploitation of the population over an extended period of time;
- such attacks usually have objectives that are unacceptable to the international community as a whole, such as annexation, mass destruction, destruction, deportation or forced displacement of the population of the State under attack or parts-of it, or the looting of the State under attack, including the looting of its natural resources (these objectives must not necessarily be openly recognized as an attacking state, but may be derived from relevant facts and circumstances).”[129]

A number of violent acts, in accordance with the official opinion of Germany stated in this case, should, in principle, remain beyond the crime of aggression: "... in many regions of the world, there are still numerous conflict situations, territorial disputes or other dangerous situations that threaten military action between different States. Very often, these unresolved conflicts and the full tensions, animosities and constant danger of the situation are characterized by a number of violent actions and counter-actions.

In such situations, provoked or unprovoked fighting continues from time to time to erupt here and there. Unfortunately, many of these situations continue to involve the threat or use of armed force, sometimes quite often.

This can take the form of border skirmishes, artillery exchanges and air raids across the border, armed incursions, blockades and other similar actions resulting in the use of armed force... The use of armed force, even if it is highly reprehensible and should be condemned with the strongest condemnation, does not have the very serious characteristics of the genuine aggressive wars referred to above. In addition,

[129] UN Document PCNICC/2000/WGCA/DP.4, P. 3.

in many of these conflicts it can be difficult, if not impossible, to determine exactly who is right and who is to blame for a particular situation."[130]

It is clear to demonstrate the feasibility of this position by the following precedent. The emergence of new means and methods of influencing the infrastructure elements of the enemy cannot be properly qualified by the classical apparatus of international law.

For example, the statement of Estonian representatives about the act of military aggression in connection with the hacking attacks provoked by the scandal with the transfer of the monument to Soviet soldiers, to the servers of the President of Estonia, the Parliament, the State Office, the Ministry of Defense, the largest banks and newspapers - linked the attack with Russian government resources,[131] and this in a number of other reasons led to the fact that NATO opened a cyber-defense center in Estonia.

Information actions using cybernetic means have so far rarely led to the physical destruction of objects, especially if they have been carried out to mislead, camouflage, for psychological impact, and to carry out any special informational influences. Information actions can be a part of a meaningful phase of any kind of warfare.[132]

Historically, the term "attack" has continued to be associated with many, with primarily kinetic effects on objects. Therefore, the use of the terms "information attack", "cyberattack" in situations that are not armed conflict in the ordinary sense, looks rather non-dangerous, and therefore politically attractive means of warfare.

Conventional international law gives many examples of how States interpret the notions of "armed attack" when they use traditional methods and methods of warfare characterized by scale, intensity and duration. Normal international law "sets" restrictions for States to overstep the inalienable right of States to self-defense.

---

[130] Ibid, P. 4.
[131] Солдатов А. Кибер-сюрприз // Новая газета №40 (1260) 31.05-03.06.2007, С.12.
[132] See: Коростелев С.В. Проблема классификации объектов применения силы в информационных конфликтах // Управленческое консультирование. 2020. № 8(140). С.55-56.

There is no such practice for cyber-warfare information warfare, and it is therefore difficult to determine how much such restrictions are exceeded in the use of information warfare methods; it is equally difficult to avoid the possibility of referring the response of the victim state to a computer attack as "aggressive," "excessive," "unjustified" etc.

Will the state, for example, consider the psychological pressure that led to the fall in stock prices and the decline, respectively, of economic growth, intrusion into the traffic management system, disruption of information (non-military) channels, obstruction of payment system, electricity system, etc., equivalent in the consequences of an armed attack and will make a "fair" decision to conduct a response?

The uncertainty in getting an answer to this question lies in the fact that information warfare so far has so far been virtually non-large-scale and has not accompanied real sustained fighting. Although, some aspects of information operations (information actions) can already be assessed from a legal point of view on the results of actions against Iraq and Yugoslavia in the 1990s, against Russia during the repelling of the Georgian attack on South Ossetia in August 2008.

This was first because States were very cautious about interfering in the internal affairs of other States, since any interference in the critical infrastructure of the Target State could be equated with a physical attack and provoke a retaliatory response. That is, if cyber-warfare attacks have been carried out, so far they have almost never been identified as attacks by States, and for propaganda purposes are linked to individuals. And, secondly, the main difficulty of ingesting information actions in the paradigm of UN principles as an attack by the state is the difficulty of linking the participants of such an attack with the official structures of the opposing state.

It seems necessary to note here that, for the first time, the inevitability of such an assessment has been recognized since the Indonesian Government organized, in January 1999, a private hack from Ireland,[133] to disrupt East Timor's infrastructure.

All this makes information methods of warfare an essential weapon in the confrontation of the economically and militarily strong states and weak states. The stronger the state is, and the more developed its infrastructure is, the more convenient the state is for computer attacks.

It should be noted that the notion of a "legitimate" military target also changes its content in the case of cyber warfare. In addition, targets planned for an attack in a situation where the attacker does not seek to translate the conflict into large-scale action will be different than those intended for action in conventional warfare.

That is, the choice of targets for the attack will be determined by the level of development of the information infrastructure of the state. The paradox of the situation of modern warfare is that the more developed the information infrastructure of the state, the more it is at risk of destruction, and the enemy does not necessarily have to have a comparable level of technological development, as was required when assessing the effectiveness of combat operations, for example, with the exchange of nuclear strikes.

It is the use of cyber warfare tools that becomes the unorthodox tool that can give advantage to the weaker parties to conflict over a more technologically advanced adversary. Moreover, even the number of individuals capable of carrying out such attacks on their own, without attracting any means of state institutions, is constantly growing.

It is obvious that the initiation of aggressive actions is an unfair act, which gives the victim of an attack a fair basis for protective measures. But since an acceptable definition of "aggression" for a modern peace organization has not yet been created, such a provision can be interpreted very broadly. For example, States

[133] Sharp, W.G. Cyber Space and the Use of Force. Aegis Research Corporation. Falls Church, Virginia. 1999. P. 87.

may *individually* establish fair reasons for the use of force in response to acts of "aggression" such as:

- physical damage (e. g. violation of territorial integrity);
- insult (aggression against national honor);
- trade embargo (aggression against economic independence); or
- growth of the neighbor's economy ("social unfairness").

For example, Article 3 of the Federal Constitutional Law of the Russian Federation "The War Emergency Act"[134] runs that "... in accordance with generally accepted principles and norms of international law, the use of armed force by a foreign state (group of states) against the sovereignty, political independence and territorial integrity of the Russian Federation or otherwise incompatible with the UN Charter is recognized as aggression against the Russian Federation."

This article almost completely repeats the provisions of the above-mentioned UN GA Resolution, as it comprehends acts of aggression against the Russian Federation:

"1) the invasion or attack by the armed forces of a foreign State (group of States) on the territory of the Russian Federation, any military occupation of the territory of the Russian Federation, resulting in such an invasion or attack, or any annexation of the territory of the Russian Federation or part of it by armed force;

2) the bombing by the armed forces of a foreign state (groups of states) of the territory of the Russian Federation or the use of any weapon by a foreign state (group of states) against the Russian Federation;

3) blockade of ports or shores of the Russian Federation by the armed forces of a foreign state (groups of states);

4) attack by the armed forces of a foreign state (group of states) on the Armed Forces of the Russian Federation or other troops regardless of their location;

[134] Федеральный конституционный закон от 30.01.2002 N 1-ФКЗ "О военном положении" (одобрен СФ ФС РФ 16.01.2002). Собрание законодательства РФ", 04.02.2002, N 5, ст. 375.

5) the actions of a foreign state (group of states) allowing (allowing) to use its territory to another state (group of states) to commit an act of aggression against the Russian Federation;

6) the sending by a foreign state (group of states) or on behalf of a foreign State (group of States) of armed gangs, groups, irregular forces or mercenaries who carry out acts of armed force against the Russian Federation, equivalent to the acts of aggression mentioned in this paragraph."

Acts of aggression against the Russian Federation may also be recognized as other acts of use of armed force by a foreign state (group of states) against the sovereignty, political independence and territorial integrity of the Russian Federation, or otherwise incompatible with the UN Charter, equivalent to the acts of aggression specified in this paragraph".[135]

Also, this article of the law refers to the definition of "threat of aggression": "... the direct threat of aggression against the Russian Federation may be recognized as the actions of a foreign state (groups of states) committed in violation of the UN Charter, generally accepted principles and norms of international law, and directly indicate preparations for committing an act of aggression against the Russian Federation, including the declaration of war on the Russian Federation."[136] Thus, Russian law links aggression only with acts of military force.

The UN Charter in Article 51 contains an exception to the restrictive rule of Article 2 para. 4, which should be read as follows: if a State has been subjected to an armed attack, a State uses an "inherent" right to defend itself by using force against an attacking State until the Security Council is able to take action. This right can be used independently or collectively. A State that has been attacked may receive assistance from another State to repel the aggressor. Member States that take such actions for self-defense purposes should also report to the Security Council immediately.

[135] Ibid, part 2 of Article 3.
[136] Ibid.

Thus, in the formal interpretation of the provisions of the UN Charter, elements of the right to self-defense begin to act if the recourse to force:

1) was an armed attack;

2) took place and continuing;

3) is under consideration by the UN Security Council,

4) does not conflict with the customary practice.

The second exception to the prohibition of the use of force from Article 2 para. 4 is contained in Chapter VII of the UN Charter, which communicates to actions that threaten peace, violations of peace and acts of aggression. Under Article 39 of the Charter, the UN Security Council has the power to determine whether there is any threat to peace, a violation of peace or an act of aggression. In determining such violations, Article 42 gave him the power to instruct UN member states to use force against the infringing state.

In addition to the two main exceptions to the principle of non-use of force and the threat of force, there are two other exceptions to the UN Charter. One of them is contained in Article 106 of the UN Charter, which states that "... from now until it takes effect ... Article 43 of the special agreements, which the Security Council considers enabling it to begin its responsibilities under Article 42, ... The five permanent members of the Security Council will consult with each other and, if necessary, with other Members of the Organization for the purpose of joint action on behalf of the Organization that may be necessary to maintain international peace and security."

Article 43, in turn, requires members of the Organization to "... to make available to the Security Council at its request and in accordance with special agreements the necessary armed forces, assistance and appropriate means, including the right of way, to maintain international peace and security." But, under Article 43, no special agreements have been concluded to date.

Thus, Article 106 of the UN Charter allows the five permanent members of the UN Security Council to take joint military action in the event that a formal procedure for the UN SC's actions has not yet been established. However, as in the

case of Article 43, the UN has never taken combined action in accordance with Article 106.

Consequently, the UN Charter allows only two situations where UN member states are allowed to use force - actions authorized by the Security Council under Chapter VII of the Charter and self-defense under Article 51 of the UN Charter. Article 51, which excludes Article 2 para. 4 from the system of rules, is one of the most difficult to interpret elements of the UN Charter.

The concept of the just use of force, which emerged in the era of ancient thinkers and developed in the writings of the theorists of a later time, was embodied in Article 1 of the UN Charter, which defined that "the maintenance of international peace and security and, for this purpose, the adoption of effective collective measures ... must be held in accordance with the principles of justice and international law."

The greatest debate in this perspective is the problem of justifying the legitimate (or fair) use of force, since the use of armed forces directly by the UN, or by a group of states or individual states outside the framework defined by the UN - all this, in one way or another, is the use of armed force by some states against other states.

CHAPTER 1 FINDINGS

A common feature of the early doctrines of justifying the use of force was that they declared permissible everything that was not prohibited, for example, by the supreme will, or by law. For example, they proclaimed some wars to be just based on religious categories, and later, with the development of the system of states and, accordingly, international law, they excused them with some special stereotyped legal justification, that is, they found that waging a “just war” corresponds to “the law ".

However, no war has yet been prevented or ended by determining that it is unjust. Also, for a number of reasons, it cannot be concluded that if the doctrine

makes it possible to recognize any use of force between states as lawful, then armed clashes between other "illegitimate" actors for another, any different reason should be defined as illegal.

First, discussions about the possible "just" nature of war should not lead to the recognition of the rationality of any act of armed violence - any case of the use of force is unique (sui generis).

Secondly, all discussions about the "just" nature of war are based on equally tendentious and difficult to verify arguments of the conflicting parties, therefore, the assessment of the fairness of resorting to force should be given by third parties.

CHAPTER 2. RATIONALE FOR ACTS OF USE OF FORCE IN THE FOREIGN POLICY OF STATES

The transformations of the modern system of international relations, resulting from the overcoming of some polarizing global conflicts and the emergence of other, the advent of new influential actors, as well as changes in the technological order, and other challenges and threats, indicate that the world community is not a single space of equal and just security. Along with the manifestations of old, often inherently archaic, conflicts, "new generation" conflicts arise in which states face "non-state" actors who use non-traditional means and methods of warfare to change the status quo.

Any of these actors, not possessing the potential of states, but using modern technologies, is able to impose their will on other participants in international communication, and thereby affect the state of international security. How should states respond to such violations of their sovereign rights? Doesn't the reaction of states to the actions of non-state actors in itself destroy the status quo? What can limit the force interactions of actors that have different properties? How is the responsibility of actors expressed?

These and other similar questions are still the subject of controversy in theory and the source of many misunderstandings in the practice of international relations. The variability of the security environment, the uncertainty and complexity of the processes taking place in it, the ambiguity of the outcomes of confrontations between actors in the external world rapidly changing under the influence of globalization and the information revolution, lead to the need to develop a flexible methodological apparatus for justifying acts of resorting to force.

2.1. Origins and Essential Transformations of the Definitions of the Process of Legitimizing Political Decisions on the Use of Force in the Interests of National Security

The current geopolitical situation imposes special requirements on the system of public administration for ensuring national security, in part because during international interactions the state is inevitably assigned international responsibility.

The terms "legitimacy" and "legitimization" in relation to political decisions are now widely used in politics. Although these terms have long been known in political science, their use is complex enough to define a phenomenon in an extremely sensitive area of maintaining national interests by force.

States appeal to various international institutions, including international law, in advancing their interests. And, interestingly, the parties to the conflict always find legal arguments in their support, citing the same sources of law.

This phenomenon is defined as "strategic legalism": the use of the rule of law or legal reasoning to ensure the achievement of large-scale political objectives, regardless of the actual circumstances, or the content of the law.[137] (More detail on the application of the method of strategic legalism in international relations is outlined by the author in scientific publications.)[138]

Here we consider it necessary to note that in the discussions on the legality of any action of States two close terms - "legitimacy" and "legality" - denote two different phenomena.

Legality is a strict compliance with the official law. If we compare a particular political or legal case with the norms of the law - we can decide whether it is legal, or illegally. The legal assessment is fully related to the corps of the formalized law.

---

[137] See, for example: Maguire, P. Law and War: an American Story. New York: Columbia University Press, 2000, p. 9. It also notes that: "Forcing the observance of moral norms is not a function of law."

[138] See: Коростелев С.В. Действие метода стратегического легализма в международных отношениях / Глобальный экономический кризис: реалии и пути преодоления. Сборник научных статей, Вып. 7 / Под общей редакцией проф. В.В. Тумалёва. – СПб.: НОУ ВПО Институт бизнеса и права, 2009.; Коростелев С.В. О некоторых особенностях правового режима «новых» средств и методов ведения вооруженной борьбы. Управленческое консультирование. 2015. № 6 (78). С. 50-57.; Коростелев С.В. Гуманитарная необходимость: проблема политической легитимации актов применения силы. Управленческое консультирование. 2015. № 3 (87). С. 24-35.

The term "legitimacy" refers to a completely different, much less unambiguous and framed political reality. That is, the concept of "legitimacy" is defined by the conformity of a certain day to the expectations of society as a whole: "Legitimacy, unlike legality, is not a formal law, not a clearly defined legal norm. It is a coincidence of the figure of the ruler or any of his actions with what society, history, tradition, sometimes extraordinary circumstances require him to do."[139]

Obviously, the legitimacy of any political phenomenon does not mean that it is fully formalized in legal norms.

Because of the acts of the French Revolution, most notably the Déclaration des Droits de l'Homme et du Citoyen of 1789, U.S. Declaration of Independence 1776, etc., the concept of "legitimacy" received political and legal content, and later acquired international legal significance.[140] The term was also widely usedin theearly 19th century to characterize the political movement in France, which aimed to restore the king's power as the only legitimate one, unlike the power of the usurper Napoleon. And inthe time of the July monarchy (1830-1847) "Legitimists" called supporters of the restoration of the Bourbons - "legitimate (legitimate) monarchy"who were in opposition to King Louis-Philippe, who was considered a "usurper."[141]

Accordingly, the theoretical analysis of such a concept as "legitimization of decisions on the use of force" makes it possible to define the essence of political mechanisms that fight threats to national security more effectively, which is especially important in the context of the transformation of the modern security environment.

So, according to Y. Ivanchenko: "... legitimization involves the process of assessing power by the community..." "Legitimation is, first, a socio-psychological phenomenon. Legitimacy exists in the minds of citizens in the form of a positive

[139] Дугин, А. Изъяны формальной демократии // Московские новости. http://mn.ru/print.php?2006-46-22.
[140] See: Тарасова Л.Н. О легитимности в международном праве // Современное право №11 2012. С. 119-124.
[141] Маркс К. Восемнадцатое брюмера Луи Бонапарта // Маркс К., Энгельс Ф. Сочинения. Т. 21. М., 1957. С. 188.

attitude to the political institutions of this government."[142]

This political understanding of legitimacy is close to the notion of "general social legitimacy" that V.S. Nersesianz gives: "This principle requires that the state's legal activity be based on a broad base of social expectation, consent and support for the legal-constitutive transformations and decisions, on the active participation of members of society and various public associations in the discussion, preparation and adoption of such decisions, on liberal-democratic forms and procedures of polling, identification and consideration of public opinion on the issues of law, on the transparent, free public nature of the entire process of creation of law.

The social legitimization of legal decisions is one of the essential requirements of the sovereignty of the people and at the same time a necessary condition for socio-political and legal harmony and unity in society, an essential prerequisite and an important factor in the effectiveness of established legal novels and all the existing law."[143]

Also, V.S. Nersesianz draws a distinction between "general social" and "legal" legitimacy: "... legal activity must comply with the basic requirements of the law, proceed in appropriate legal forms and procedures, in strict accordance with the statutory powers (competence) of the subjects of legal activity."[144]

Analysis of different approaches to the relationship of the concept of legality and legitimacy allows us to conclude that legality acts as a measure of objective (positive) law, it is the conformity of the behavior of the subject of law to the rule of law. And legitimacy, a measure of subjective law, derives from legal relations between the subjects of law.[145]

The political characteristics of the state in the external world that are important for this study, in contrast to internal legitimacy based on a social contract - most

---

[142] Иванченко Ю. А. Интерпретация понятия правовой легитимации в юридической теории / История государства и права №4 2010, С. 26.

[143] Нерсесянц В. С. Общая теория права и государства: Учебник для юридических вузов и факультетов. – М.: Издательская группа НОРМА—ИНФРА. – М., 1999. – С. 420.

144 Ibid.

[145] See: Лукашук И.И. Современное право международных договоров: в 2 т. — М., 2004. Т. I: Заключение международных договоров; Лившиц Р.З. О легитимности закона // Теория права: новые идеи. — М., 1995.; Тарасова Л.Н. О легитимности в международном праве. // Современное право. 2012, №11. С. 119-124.

often these are national constitutional norms, are known - they are established in international law. The subjectivity of the state in terms of the ability to enter into relations with other actors is defined in the 1933 Montevideo Convention[146] as follows: the state is legitimate if it has a permanent population; a certain territory; its own government; the ability to enter into relations with other states. And the ability to enter into a relationship is nothing more than its international recognition. Article 2 of the Montevideo Convention states that: "The political existence of a state does not depend on the recognition of other states. Even before recognition, the State has the right to defend its integrity and independence to ensure its preservation and prosperity, and therefore to shape itself, in the way it sees fit, to legislate in accordance with its interests, to manage its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights has no other limitations than the exercise of the rights of other States in accordance with international law."

Article 6 of the same Convention establishes: "Recognition of a State merely means that the State that recognizes it accepts the legal personality of another State with all the rights and responsibilities established by international law. Recognition is unconditional and irrevocable."

Thus, the political decision to enter relations with a State, even by force against it, is an acknowledgement of its legitimacy.

In our view, this notion of legitimacy demonstrates quite convincingly why in international relations States declare their inefficiency in international law - it is its norms that set the general criteria for their legitimacy in the international system.

Accordingly, the recognition of States and other types of interactions in international relations is carried out through the existing political mechanisms.

The term "political mechanisms" is often used in journalistic, political, and scientific literature, and it cannot be said that its scientific development remains insufficient. The term has a certain meaning and is widely applied to many political activities. But the concept can be filled with different meanings that can only be

[146] Montevideo Convention on the Rights and Responsibilities of States. https://docplayer.ru/151742324-Konvenciya-montevideo-o-pravah-i-obyazannostyah-gosudarstv.html.

understood in the context of its application.[147]

It is the context of the appeal to the political mechanism that makes it possible to formulate its structure, and the conceptual apparatus, the possibility of using to "legitimize" the actions of actors in a certain political environment, as well as to determine the necessary requirements for its effective functioning of methodological tools.

Therefore, to study the problems of legitimizing political decisions on the use of force in modern conditions, it is necessary to clarify the meaning of such categories as "political mechanisms" and "legitimization".

Thus, the dictionary-reference "Political Science"[148] defines the following: "The political mechanism is a system of activities of political institutions and organizations, designed to transform the properties, characteristics, other parameters of social (social, economic, actually political) development in the required direction." S. Malinina expands on this concept: "The political mechanisms in a broad sense can be defined as a set of different engagements of social actors to achieve their political goals, as well as ways of realizing their relationships, formal and informal rules and procedures, limited by the norms of law, reflecting the common values of society."[149]

Based on this definition, the political mechanism can function based on both state power and other institutions of society. That is, it can be determined that the structural elements of the political mechanism are various political actors, their values and procedures for harmonizing values. It is also clear that the main political institution that ensures the realization of the goals of social actors is the way of social organization as a state.

Among the functions of the state, both internal and external, the most important is the provision of national security, i.e., the protection of the people, territory, and social and power institutions from external threats. This function

[147] See: Козлова А.В. Политические механизмы обеспечения безопасности государства в экономической сфере…дис. д-ра полит. наук.-М, 2009. 357 с.
[148] See: Политическая наука: Словарь-справочник. сост. проф д. пол наук Санжаревский И.И. 2010.
[149] See: Малинина С.А. Правовые ограничения средств массовой информации и характеристика методов агитации в избирательном процессе // Диалог: политика, право, экономика» № 1. (12)'19. С. 23-34.

includes measures, firstly, to ensure sufficient defense of the State and, secondly, to establish a state of international relations that contributes to the task of defense.

Thus, considering the political mechanism in relation to national security, we note that the most effective means are those that are under the control of the state, although it is impossible not to take into account the economic, social and other components of the political sphere, including existing outside, and which affect the defense capability of the nation. That is, national security mechanisms inevitably include the use of non-state actors.

It is assumed that a sovereign State independently decides to ensure its security by choosing its own ways of dealing with them, by verifying them with those of other actors in international relations within international institutions, including international law, i.e., implementing all necessary measures aimed at protecting national interests from existing and potential challenges and threats.

By implementing a national security strategy, the State is forced to agree on the desired ways of resolving contradictions with other members of the international community on the basis of similar concepts for the main categories of security analysis - the definition of content for the terms "war" and "peace" for each unique situation.

The challenges and threats associated with the contradictory nature of the globalization of the modern world transfer to a new plane the question of the content of the concept of "sovereignty" of the state, of the methodology and methods of counteracting attempts to interfere from outside in any of the competencies of the state. The political situation and the peculiarities of the functioning of public administration often put the decision-maker in a specific environment: it is important to act within the framework of the planned strategy, the individual steps of which are not always positively perceived by both the nation itself and the main international actors.

In the process of moving towards national goals, the state strengthens the impact of its combined power on the system of international relations, on individual international actors. At the same time, the degree and intensity of the use of

cumulative power depends on the level of contradictions and willingness to act decisively in achieving the goal. It is in this area that it is essential that the parties adapt their political strategies to achieve their objectives while preventing the conflict from moving into a "hot" phase.

States often form international political, economic and military alliances and agreements global or regional. This is because they are looking for ways to ensure their own security, to create conditions for the prosperity of their peoples, and they do so through agreements with States with similar interests at the moment.

The result of interest alignment is the creation and maintenance of a state of international security and a balance of power in international relations that enables States with the least losses to ensure national interests.

States benefit if their efforts are aimed at maintaining stability in the world's political and economic systems (even if this stability perpetuates an unjust status quo) rather than achieving superiority in a military conflict, which is apparently always more costly if measured in human suffering. Both States and non-State actors, actors in international relations, in general, never benefit from the large-scale destruction of the existing world order.

Sovereign States are the main, but not the only, actors in the world political system. Transnational political, commercial, ideological organizations pursue their own interests, and exert considerable influence on the international law and order, shape public opinion in nation-states, influence the escalation of conflicts, thereby expanding or limiting the arsenal of means available to States to protect interests by military means.

The media coverage of events in real time has a serious impact on domestic and external support for government policies. The media's reflection on actions that are not perceived as "values" by the population of major international actors in this historical period may also limit the ability of States to achieve national goals. As you know, the agreed "values" are currently enshrined in the main sources of international law: the UN Charter, the Human Rights Covenants of 1966, etc.

Consequently, the conduct of States in the protection of national interests is

assessed as to the content of a number of international legal norms, thereby confirming the existence of a system of international legal restrictions to make a political decision to appeal to force.

With regard to the process of regulating international relations and the role of international legal means in it, S. Marochkin notes that they "... are mainly governed by political or legal means. Political regulation is fundamental... Each state, based on its own policies and interests, determines the attitude to the world community and its rules. All things being equal, the effectiveness of international law is higher if it meets the political will and trust between states. Of course, despite the formal and legal equality of all, the "share" of the political will of different states, its influence on the functioning of international law is different."[150]

International law, in its application, is only the basis for subjective definition of criteria for "fair" behavior by States that are inherently political. With few exceptions, these criteria are not defined in the strict regulatory framework of international treaties. The epiphenomena as commonly defined as "international law" is derived from political activity and is more often than not interpretive of the outcome of such activity, i.e., retroactive, but almost never predetermines it.

Therefore, in order to make such an interpretation more effective, it is necessary to define general principles for analyzing political reality in order to justify acts of force. Otherwise, any attempt to use different methodologies to analyze a single incident may result in or condemn the results but will not lead to a rule that can be used in an unlimited number of cases to investigate State practices. That is why the international community, on the basis of its own practice, is constantly searching for norms of some kind of commonality and, by defining such a rule, defines it as the "norm of international law".

Assuming that international relations are governed not by the political process (as is the case in reality) based on the balance of power of States, but by international law (an idealistic statement on the primacy of international law), then it can be

[150] Марочкин С. Ю. Международное право: 60 лет после создания ООН // Журнал российского права, № 3, март 2006 г. Система ГАРАНТ Платформа F1.

determined that international legal regulation (the impact on international relations through law and other legal means to streamline them) is directly directed towards achieving the international goals set by the actors of international communication. existing in the form of any abstract models.

In the course of interaction within the framework of the universal model, the subjects of the relationship are obliged to be guided by prohibitions, permissive, including positive bindings, concluded in legal norms, the totality of which, in essence, represents this model.

An example of the use of such a model for pre-emptive (preventive) actions is cited by Cr. Brown: "Let's imagine that we live in a world with a well-developed legal framework for the legal regulation of the use of force in international relations that prohibits its use as a foreign policy instrument, and which has an international body with a responsibility to maintain peace and security, which has a legitimate and effective decision-making procedure and the ability to enforce these decisions. In such a world, the distinction between pre-emption and prevention will be clear and critical. Preventive war will be completely illegal ..."[151]

But why are such wars going on? Is it even possible to speak of the primacy of law in international relations and the possibility of following the position of a literal and idealistic interpretation of the law, if this is not confirmed by the practice of States?

The behavior models enshrined in the international norms we know have been removed from pre-existing international practices. Usually, states are compelled not by military force, but by less resource-expenditure, to observe the pattern of behavior described in any rule of law: [152]

1. natural or calculated willingness to recognize the rights of other actors;
2. threat to recourse to force:

a. *by means of* procedures and compensation provided in other (non-

[151] See: Brown, Cris. Self-Defense in Imperfect World. Ethics & International Affairs. Annual Journal of the Carnegie Council on Ethics and International Affairs, Volume 17, No. 1, 2003.
[152]See: Коростелев С.В. «Ответственность по защите» как политико-правовое обоснование актов применения силы в международных отношениях. Управленческое консультирование. 2015. № 8 (80). С. 26-31.

military") spheres of interstate communication (e.g., implementation of political, diplomatic, trade sanctions, ...);

b. and only in situations where other "non-military" means are ineffective, states turn to *coercion* with the use of armed violence.

The rules created by states, after some time, cease to correspond to their needs - lose regulatory and authoritative properties, as relations become wider, more diverse, the composition and properties of the subjects themselves change.

The widening contradictions between the normative system of international relations and the needs of States have led States to use force more often as a means of regulating relations, but they are nevertheless forced to correlate their behavior with the "old" and the "ineffective" norm, since the methodology for assessing the fair/unfair treatment of States to armed violence is formulated in international legal norms as a special form in which ideas about the common values of the international community are expressed.[153]

It seems clear that states are committed to "... ensure that principles are adopted and methods are put in place so that the armed forces are used in no other way than in the common interest, and to unite ... forces to maintain international peace and security ..." must coordinate with other members of the world community the use of their armed forces.[154]

The "common interests" of the world community are then defined and realized through the goals also defined by the UN Charter: "To maintain international peace and security and to that end to take effective collective measures to prevent and eliminate threats to peace and to suppress acts of aggression or other violations of peace, and to pursue peacefully, in accordance with the principles of justice and international law, to resolve or resolve international disputes. that could disrupt the world..."[155]

Thus, the UN Charter's "prevention," "removal," "suppression" order may

[153]On international legal consciousness See: Гаврилов В. В. Понятие национальной и международной правовых систем // Журнал российского права, № 11, ноябрь 2004 г. Гарант Платформа F1.
[154]Charter of the United Nations, Preamble. URL: http://www.un.org/russian/documen/basicdoc/charter.htm#intro (accessed: 11.03.2011).
[155] Ibid, Article 1.

obviously require the use of force, and therefore the implementation of planning, training, organizing and conducting military activities.

Since national interests are always paramount, it is often observed that international law, like the epiphenomena as, does not alter the behavior of participants in international relations and does not solve any private problems, but it does create a basis for interaction between participants in international relations.

Ultimately, cooperation leads to political consensus (though does not guarantee it) and to a practical solution, since international law (compulsory in national legal systems) is a kind of context for the justification for acts of force, and therefore has an impact on the use of instruments of national power because "... embodies the will of the state, determined by its interests."[156]

Epiphenomena[157] of "international law" allows states to "translate" the resolution of various kinds of conflicts from the political sphere, for example, to law enforcement, thus reducing political tensions.[158]

There is considerable formal uncertainty in establishing what is considered to be the essential (or vital) interests of States at any given moment. States resort to resolving conflicts of their own inconsequential interests under international law, for example by transferring conflicts that may in some cases be declared political and complicating inter-State relations into the area of regulation of private law.

For example, the case of the Swiss firm Noga; separate violations of the rules of seafood fishing (the case of the trawler "Electron"); violation of the rights of tourists; non-compliance with copyright, etc. is clearly not a significant threat to national interests. At the same time, due to the scale of such violations, or the place, the time of their commission, they may be considered threatening to the national interest, and, accordingly, removed from the regulation of international private law

---

[156] Кашинская Л. Ф., Саидов А. Х. Национальная безопасность и национальные интересы: взаимосвязь и взаимодействие (опыт политико-правового анализа) // Журнал российского права №12, декабрь 2005 г. ГАРАНТ Платформа F1.

157 Epiphenomenon - from the Greek. epi - on, above, over, at, after; and phainome - appearing. A side effect that accompanies other more significant phenomena but does not have any significant effect on them.

[158] See: Коростелев С.В. Об эпифеноменальном характере международного права // Управленческое консультирование. 2013. № 12 (60). С. 29-34.

into the sphere of public law, and then into the sphere of use of force.[159][160]

That is why States are interested in both the recognition of the epiphenomena of international law and of international organizations and agreements established on its basis to ensure international security, in which dialogue is conducted to identify the claims of participants in international communication, and a conceptual definition of common obligations is being implemented.

As noted by V.N. Honin: "The general objective goals for the entire system of international legal regulation are to maintain the normal, and therefore expedient functioning and progressive development of the system of international relations."[161]

This is particularly evident in the political and legal justification for acts of force. First, a study of The Practice of States in Armed Confrontation clarifies the range of tasks that the armed forces can be involved in; secondly, it has an impact on the way they are used, the means of defeat, the training of personnel, etc.

Thus, in the role of instrumentation of interstate and international dialogue, international law has two different functions.

The first is to provide the foundations for interstate interaction, which are shaped like the rule of law; the second is to clarify the goals and values that are provided by such interactions - that is, to improve the regulatory system of international relations.

And, this regulatory system, in turn, is developing in the process of clarifying the positions of the actors of international relations regarding the assessment of the fairness of the application of coercive measures and coercion, i.e., legitimizing political decisions on the use of force in the interests of their security.

On this basis, it can be concluded that modern international policy is not only a struggle for physical superiority over the enemy, but also a struggle for recognition of the legitimacy of actions. The power of the State and the international recognition of the legitimacy of its actions are complementary concepts.

---

[159]Trials on the claim of the Swiss firm "Noga" to Russia. Help. URL: http://ria.ru/spravka/20051116/42107336.html (accessed: 14.10.2015).

[160] Scandal with the Russian trawler "Electron." URL: http://www.rg.ru/sujet/2227/ (accessed: 14.10.2015).

[161] Хонин В.Н. Об определении международно-правового регулирования / Вестник киевского университета. Международные отношения и международное право. Выпуск 15. «Вища школа», 1982, стр. 20.

It is a political fact that the belief in the right/wrong cause helps to engage peoples, and thus legitimacy becomes a source of national power. If the actions of the State are considered illegitimate, its costs of implementing its policies to ensure national interests increase.

In our opinion, legitimacy is the result that political power and political governance can achieve in the process of legitimization. The degree of legitimacy is the result of a complex multifaceted process of legitimization.[162]

In modern political science, there is still no universally agreed understanding of what the process of legitimization is, especially in the field of the use of force in international relations. This is determined by the fact that the international community is in a process of continuous transformation, and the changing environment naturally requires the development of both well-known approaches and the development of new technologies.

The process of legitimization is multi-level: it is defined by political, legal, organizational, institutional, technological and cultural and other aspects. It involves the use of adequate mechanisms for regulating public relations in the relevant areas of public life.

In its most general form, the decision-making and legitimization processes are illustrated by D. Easton's cybernetic model. It is a system where internal communication is marked by "introduction" - the requirements of society or a form of support for power, and "withdrawal" - decisions or actions of the government. That is, the requests of citizens are reflected in the real steps of the authorities.[163]

States appeal to international law and organizations to legitimize their own policies or delegitimize the policies of other States, and this determines their behavior and impacts the outcome of actions.[164]

---

[162] In a broad sense under "legitimization" (from Lat. lex, legis, legitimus, legitima, legitimum - the law, lawful, lawful, proper, decent, correct, valid) should be understood as a recognition or confirmation of the legality - any law or authority, as well as an instrument confirming that law or authority. See: Словарь русского языка: В 4-х т. / РАН, Ин-т лингвистич. исследований; Под ред. А. П. Евгеньевой. — 4-е изд., стер. — М.: Рус. яз.; Полиграфресурсы, 1999.

[163] See: Истон Д. Категории системного анализа политики // Антология мировой политической мысли: В 5 т. Т. II: Зарубежная политическая мысль. XX в. / Рук. проекта Г.Ю. Семигин и др. М.: Мысль, 1997. С. 629-642.

[164] See: Joseph S. Nye, Jr. Understanding International Conflicts: An Introduction to Theory and History (3rd edition), Longman, 2000.

As R. Kagan noted: "Legitimacy is an intangible factor in foreign policy, but like many intangible things, it can have a huge practical significance... A sense of illegitimacy may limit the opportunities for cooperation with states that they could offer..."[165]

International relations have always been characterized by the dualism of the divergence between rhetoric and actual foreign policy. The global community is always offered two sets of rules - more flexible for itself and more restrictive - for the outside world.

Human rights issues, issues of war and peace, become a problem of public international relations only when they correspond to the states' own essential political objectives, i. e. when they can be used for political justification for national interests.[166]

Theoretical understanding of legitimacy takes place in conjunction with the development of the theory of decision-making. Many of the work of domestic and foreign researchers are devoted to the search for a universal scheme of development and political decision-making. However, most authors agree that this is almost impossible.[167]

In our opinion, none of the schemes will be able to accurately describe the communication, psychological and managerial characteristics of the participants in this process: in each case they are individual, as well as the changing conditions of the external environment. In addition, any problem is complex, multi-layered and

[165] Kagan, R. Looking for Legitimacy in All the Wrong Places. Foreign Policy & Carnegie Endowment Special Report. URL: https://www.ceip.org/files/about/Staff.asp?r=16.

[166] The main works of the author on the subject of the content of the process of legitimization of acts of force, performed independently and in co-authorship: Коростелев С. В. Гуманитарная необходимость: проблема политической легитимации актов применения силы. Управленческое консультирование. 2015. № 3 (87) ; Коростелев С. В. Действие метода стратегического легализма в международных отношениях / Глобальный экономический кризис: реалии и пути преодоления. Сборник научных статей, Вып. 7 / Под общей редакцией проф. В.В. Тумалёва. – СПб.: НОУ ВПО Институт бизнеса и права, 2009; Коростелев С. В., Качук В. Н. Проблема легитимации применения силы резолюциями Совета безопасности ООН / Проблемы права в современной России : сборник статей международной межвузовской научно-практической конференции. Т.2. – СПб.: Изд-во Политехн. ун-та.

[167] See, for example: Трохинова О.И. Легитимация непопулярных политических решений: коммуникационный аспект…дис. кан. полит. наук.- СПб, 2019; Быков И. А. Коммуникативная агрессия в политическом дискурсе современной России // Журнал политических исследований. 2018. Т. 2. № 3. С. 33-40; Косов Ю. В., Трохинова О. И. Политическая мобилизация: перспективы развития теории принятия политических решений //Управленческое консультирование. №11. 2017. С. 170 – 173.

has many dimensions, including legitimacy.[168]

In our view, the raging conflicts in different parts of the globe once again confirm the words of K. Schmitt that "political peace is a pluriversum, not a university." In his view, the political world was a set of States, each with a sovereign right to define friends and enemies, to political relations. And no matter how small the state, it values its sovereignty, its political independence.

The main principle of the philosophy of law K. Schmitt was the idea of unconditional primacy of political principles should be all criteria of social existence. It was politics that organized and predetermined the strategy of internal and increasing pressure of economic factors in the modern world.[169]

At present, K. Schmitt's "pluriversum" exists both in the system of states embodied in the UN, which is the "perfect" institutional shell, allowing only in some non-essential cases for the national interest to legitimize the appropriation of international responsibility, and outside the system.[170]

In real life, the system of interactions between actors of the modern, inhomogeneous international community is a combination of multipolarity, multilateralism, fragmentation and network organization, depending on the balance of power and the state of government.[171]

The first two paradigms of interaction are more characteristic of the behavior of strong States, while the latter two are characteristic of territories with weak governance.

Relationships in such a system are by definition competitive and actors in power struggle to ensure their safety use the following mod interactions:

---

[168] The author's position in this matter is in solidarity with L. Brock's conclusions. See: Брок Л. Легитимация и критика насилия в международном праве. Политологическая перспектива. Кантовский сборник. 2013 Выпуск №4(46). URL: https://journals.kantiana.ru/upload/iblock/2c1/Brock_30-41.pdf.; Коростелев С.В. Гуманитарная необходимость: проблема политической легитимации актов применения силы. Управленческое консультирование. 2015. № 3 (87). С. 24-35.

[169] Шмитт К. Понятие политического // Вопросы социологии. 1992. № 1. С. 37-67.

[170] For more information, see: Коростелев С.В., Качук В.Н. Проблема легитимации применения силы резолюциями Совета безопасности ООН / Проблемы права в современной России: сб. статей междунар. межвузов. научно-практ. конф. СПб.: Изд-во Политехн. ун-та, 2009. Т.2. С.73-81.

[171] See: Global Strategic Trends. The Future Starts Today. Sixth Edition. Commonwealth of Australia. Vice Chief of Defence Force (15 November 2016), Future Operating Environment: 2035. P. 20.

Peaceful cooperation;[172]

Competition that does not cross the threshold of armed conflict;[173]

The use of force (armed conflict).[174]

In the paradigm of multipolarity, the main international actors are the most powerful powers, which form blocs with other states, either on the basis of recognition of common values or on the principle of geographical proximity.

In the paradigm of multilateralism, States continue to be among the most influential actors in the world order.

In the paradigm of the network organization, power is divided between different states and unrelated actors. The main non-state actors are corporations and mega-city managers, but these actors are expected to work together to respond effectively to global challenges and to ensure good governance in the common interest.

In a paradigm of fragmented States, corporations, mega-cities and non-state actors, including opposition movements and organized crime groups, compete for power.

Cooperation in this paradigm is rare and is addressed only when it provides the actor with advantages to advance only his own, but not common, interests.[175]

There are three key factors that explain the emergence of such a security environment:[176]

---

[172] Cooperation includes mutually beneficial relationships between strategic players with similar or compatible interests. While the interests of actors in cooperation are rarely fully agreed upon, cooperative relations maintain the international order, strengthen collective security and contain conflict.

[173] Not crossing the threshold of armed conflict competition exists when strategic players see each other as competitors, but not as opponents with incompatible interests. Competitors can cooperate with each other or behave in a way that harms the interests of other strategic players.

[174] Armed conflict involves the use of violence as the primary means by which a strategic actor seeks to satisfy its interests or respond to provocation.

[175] The author's position on this aspect andmalicious in a number of publications. See, for example: Коростелев С.В. «Ответственность по защите» как политико-правовое обоснование актов применения силы в международных отношениях. Управленческое консультирование. 2015. № 8 (80). С. 26-31.; Коростелев С.В. О некоторых особенностях правового режима «новых» средств и методов ведения вооруженной борьбы. Управленческое консультирование. 2015. № 6 (78). С. 50-57.; Коростелев С.В. Внешнее вмешательство путем информационного воздействия: проблема нормативной оценки // Пути к миру и безопасности. 2019. Т. 57. № 2. С. 88-103. и др.

[176]See: Sean Monaghan. Countering Hybrid Warfare: So What for the Joint Force? PRISM Vol. 8, No. 2, Oct. 4, 2019.URL: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/1979787/countering-hybrid-warfare-so-what-for-the-joint-force/ (date of access: 13.12.2020).

- the balance between global and regional power has changed, meaning that more and more actors can challenge the status quo;

- complex interdependences have emerged within the global political economy, which means that States are more vulnerable;

- technological convergence has led to the fact that бòльшего the number of actors have the means to cause significant damage to the enemy.

In this reality, balancing and dominating superpowers, similar to what existed in the bipolar world of the USSR-USA during the Cold War, is now becoming impossible. Not only in connection with the emergence of a new superpower, China, but also with the emergence of global "non-state" actors, whose capabilities are often commensurate with the power of nation states and their associations. And the behavior of such actors can no longer be prescribed by the victorious powers of the war.

On the contrary, they can set their own goals and find their place in the world organization, using and combining the tools available to them, including the very environment of the system of nation-states, global institutions, and global infrastructure. At any given point in time, participants in interactions may be actors who exist and act at once in both one and several of the above paradigms.

At the same time, the behavior of States is well predictable because of the institutional constraints that they have formed during several centuries of the development of the modern system of States.

States recognize such restrictions as binding and compel those participants in international interactions who allow excessive deviations from expected standards of conduct. And since the political objective of a responsible Government should in any case be to ensure continuous security, while maintaining a high standard of living for its citizens and supporting the core values of society in the face of competition for resources with other actors, the treatment of armed violence is, while an undesirable but inevitable, element of ensuring the stability of the international system and maintaining the quo status.

In any conflict situation, the behavior of States when moving towards their

national objectives can be explained through how they are combined and synchronized (as is often defined now as "hybrid") apply the means available to them to achieve national goals.[177]

The relative novelty of the discourse on the hybrid nature of war lies in the transformation of the organization of public life, which accordingly led to a change in the content of the concept of "object of the use of force."

The new objects of use of force, in turn, must be matched by means and methods that can be used by actors competing for power in the four above-mentioned paradigms of interaction.

This regime imposes on States the obligation to exercise restraint and engage in political dialogue in the area of limiting the use of force. Non-state actors are not bound by such obligations.

In political discourse, it must be taken into account that the use of the term "war" is inherently a historical tradition and can only be applied to situations of armed violence of the past, when the parties to the conflict were States that were governed by the rule of law of war and neutrality.[178]

With the adoption of the Brian-Kellogg Pact in 1928, the UN Charter in 1945, the Geneva Conventions in 1949, wars were outlawed, and the concepts of "use of force" and "armed conflict" came into use, although the state may be in a state of "war", a transition that requires special legalization in national law and political justification in the outside world. If there are no problems with legal security at the national level- - procedures for the transition of the State to a state of war are developed and appropriate regulations on martial law are adopted, then the state's activities in the outside world face the difficult problem of recognizing such actions as fair and in the common interest.

---

[177] Conceptually “hybrid" can be described as her synchronized use of multiple [national] power tools specifically selected to produce mutually beneficial effects on specific vulnerabilities across the spectrum of social processes». See: Patrick J. Cullen, Erik Reichborn-Kjennerud. MCDC Countering Hybrid Warfare Project: Understanding Hybrid Warfare. A Multinational Capability Development Campaign project. Norwegian Institute of International Affairs. January 2017.

[178] See: Коростелев С.В., Кириленко В.П. К вопросу правовой квалификации силовых действий государств в практике Совета Безопасности ООН // Ученые записки юридического факультета. Вып. 19 (29) / Под ред. А. А. Ливеровского. – Санкт-Петербург: Издательство Санкт-Петербургского государственного университета экономики и финансов, 2010.

In this regard, Professor I.V. Radikov's position set out in the scientific article "Chameleon Wars": Changing the Nature of Armed Struggle in the 21st Century" sufficiently argues political approaches to modern wars and military conflicts.[179]

In our view, the war has not disappeared, but the forms and methods of use of force have been modified accordingly by new uses of force. But in any case, the study of the policy of states on the appeal to force should begin with a study of how this practice is described in terms of the so-called "triad" of the war theorist K. von Clausewitz.

K. von Clausewitz defined "war" as a chameleon, in each case changing its nature.[180]

- violence as its original element, hatred and enmity, which should be seen as a blind natural instinct (properties inherent in the very nature of man);

- playing probabilities and cases that turn it into an arena of free spiritual activity (the scope of the application of military talents and military qualities);

- subordination to politics, so that it is subject to pure reason (the sphere of government).

Since each of these interdependent and constituent elements of the triad has a variable nature associated with the properties of the organization of public life, the properties of the object of war are obviously also dynamic. Therefore, the search for an answer to the question "what kind of war we are waging" is one of the most important actions of the state authorities in the process of choosing and following any model of behavior.

The modern international community is not homogeneous, it consists of conflicting actors with different weight and influence, who set different goals and have diverging interests.

Similarly, the international community is an abstract category and cannot rule as an object of governance because of its anarchic nature; but it has a hierarchical

[179] See: Радиков В.И. Войны-«хамелеоны»: изменение характера вооруженной борьбы в XXI веке // «Гибридные войны» в хаотизирующемся мире XXI века / Под. ред. П.А. Цыганкова, А.Ю. Шутова. М.: Издательство Московского университета. 2015.С.33-50.

[180] Клаузевиц К. О войне. — М.: Госвоениздат, 1934. Часть первая «Природа войны». Глава первая «Что такое война?» §28 «Вывод для теории».

structure in which the place of the state is determined by its combined national power.

Therefore, in the struggle for a place in such a hierarchy, States cannot but feel the need for mechanisms to legitimize their actions, the essence of which is to justify and justify the right to use force in the way of moving towards its national objectives.

In these circumstances, the military policy of the countries of the world community remains based on the desire to strengthen their security in response to the emergence of a wide range of new challenges and threats that have become a clear consequence of social development.

It is clear that the change in the nature of the security environment entails the need to rethink the principles and mechanisms of ensuring the security of states by military means, awareness of the need to create a system of rules - a strategy - a system of priorities, goals, measures to organize and coordinate the activities of public authorities to achieve national goals.[181]

It seems clear that any confrontation strategy is predetermined by existing and probable conditions, is the product of the goals of the actor, the strengths and weaknesses of his opponents and the nature of the environment of strategic interactions. It should be aimed at those specific components of the enemy's power where victory is most likely.[182]

For state actors, fighting in today's world is strongly influenced by two main factors: information transparency and previously inaccessible to opponents of the variety of means and methods of warfare. In terms of transparency, network technologies, communication tools and social networks have significantly increased the flow of information and limited the ability of the state apparatus to control it. Reports of conflicts are reported in real time by various parties.

In the recent past, achievements on the battlefield formed, first, a strategic

[181] For more details See: Коростелев С.В., Кириленко В.П. К вопросу о праве государств на упреждающее применение военной силы. Ч. I, II // Военная мысль. №8-9 2011.
[182] For more information see: Котляр В.С. Международное право и современные стратегические концепции США и НАТО. Автореферат диссертации на соискание учёной степени доктора юридических наук. – М., - Дипломатическая академия МИД РФ: 2007.

advantage, and secondly, information about this naturally influenced initially on the state authorities of the warring parties and only then on the population.

Since non-State actors tend to be militarily inferior to States with their regular armed forces, they try to benefit from the information transparency of modern society, which can both reinforce the weaker side of the conflict, and vice versa, weaken it. However, it should be noted that cognitive space in military art has always been taken into account, and the information confrontation itself is not something new.

For example, Sun Tzu noted that "the best war is to break the enemy's designs; In the next place - to break his alliances; in the next place - to break his troops. The worst thing is to besiege the fortresses."[183]

If the confrontation between the State and the "non-State" actor is not in the common interest of the system of States, and especially if the conflict is not resolved militarily quickly and with minimal resources, it will inevitably receive a negative political assessment in two dimensions: international, in which success is measured by legitimacy, and "home", where it is measured by the state of social sustainability.

The use of force to be legitimate must be in the common interest of the system of States (based on the need for an act of force) and, while strictly following the principle of distinguishing between combatants and civilians (the proportionality of the force used is shown). And social stability, or the ability of society to function effectively in times of crisis and maintain its core values, supports the morale of the population and its confidence in the authorities, and, accordingly, allows the state to direct additional resources to armed confrontation. And, as can be assumed, the political goal of the "non-state" actors is to destroy the social stability of the enemy.[184]

In the language of the paradigm K. von Clausewitz, the modern "hybridity" of the actions of the actors-"non-states" is mainly aimed at suppressing the will of the

[183] Сунь-Цзы. Искусство войны. Глава III «Стратегическое нападение», п. 2.
[184] On the status of the combatant see: Коростелев С.В., Солодченко В.С. Проблемы установления статуса комбатанта в современных боевых действиях/ Российский ежегодник международного права 2004. Специальный выпуск. – СПб.: Россия-Нева, 2005.

people and, accordingly, the ability of his government to make timely and adequate political decisions either before resorting to military confrontation, or without any transition to a serious military escalation.

That is, for example, interference in the internal affairs of the state with the use of informational means is aimed not at those objects, the protection of which is effectively regulated by the norms of international humanitarian law (hereinafter - IHL), -but social stability, which in turn is based on the values of the people. In such a situation, it can be assumed that the "non-state" actor will follow the IHL restrictions only if it has the political purpose of gaining recognition in the system of States.

The adoption of this new paradigm requires a change in the way towards political leadership by the use of force and, crucially, the legitimization of acts of force, since there are no criteria for assessing the effects of combat in the cognitive component of the information environment to date.

In today's environment, the most important factor for the effective functioning of society and ensuring the stability of its development are the technologies used by the political leadership, the main components of which are the preparation, adoption and implementation of political decisions.

A study of the history of acts of military force by States shows that international law has never in history restricted governments from seeking military force to safeguard the interests of the State because of strategic necessity; and the legal arguments in favor of war only made rational grounds.

Various aspects of the use of armed force (e.g., the use of armed forces outside the territory of the state to fight anti-government forces, terrorist groups, to rescue their own citizens, as a humanitarian intervention, the use of armed forces as pre-emptive or preventive self-defense, etc.) have been repeatedly discussed since the adoption of the UN Charter at various levels.[185]

[185] See, for example: Israel turned to the right of self-defense to carry out an operation at Entebbe airport in Uganda precisely at the time of the discussion of the situation in the UN Security Council; The International Court of Justice considered the possibility of referring the United States to the right to collective self-defense in the case of military and paramilitary actions in the territory and against Nicaragua (Nicaragua v. USA)1 to justify its own actions, etc.

Under Chapter VII of its Charter, the UN has a developed enforcement mechanism for international law and human rights, from economic interventions to the use of military force. The system of principles of the UN Charter governing the appeal to force is based on the assumption that the "state of peace" is more important than justice. This assumption is supported by modern State practice, which shows that members of the international system reject the philosophy of literal interpretation of the provisions of the UN Charter.

In a wide variety of areas of the international system, the question is raised that the use of force against the existing political and territorial structure may in some cases be justified; that, at certain points, it is more beneficial to break the world in the name of justice than to live in injustice, and this will do the world community far less harm than when force is used to ensure the preservation of the existing world order.[186]

States limited in their behavior by the paradigm of the United Nations and the pressure of the great powers are obliged to achieve their goals and to meet the objectives solely within the framework and means of the existing rule of law, i. e. to recognize the right as the main but not the only source of motivation for action. But at the same time, they are obliged to follow the formal but narrowly normative representation of the law, since regulatory restrictions are set by the agreement of the will of the great powers. This is the essence of the phenomenon defined as legalization.

At the same time, States are obliged to move towards certain goals, defined as a result of internal public consensus, by interacting with other actors. External influence naturally influences the trajectory of the nation to its goals, the resources it expends, which in turn requires correlate of the chosen course and means of achieving goals with risks and inevitable losses (this process, in fact, is the core of the national security strategy).

[186] See: Коростелев С.В., Кириленко В.П. Правовые аспекты правомерной деятельности государств по использованию по использованию вооружённых сил для защиты своих граждан на территории зарубежных государств // Время и право: Научно-практический журнал Северо-Западного (г. Санкт-Петербург) филиала ГОУ ВПО «Российская правовая академия Министерства юстиции Российской Федерации» №2/2011.

Reducing risks and reducing losses can be achieved in the process of explaining their objectives to other participants in international communication on the basis that the actions of the state do not go beyond the paradigm of the UN Charter and are carried out in the common interest of the international system.

Thus, explaining to the main international actors the rationality of their actions to advance national interests (implementation of the national security strategy) in terms of the UN paradigm is the essence of the process defined in this work as *"strategic legalism"***.**

Any appeal to force entails the use of a method of strategic legalism to bring to the world community its strategy of achieving national goals. Any recourse to force entails the use of the method of strategic legalism to communicate to the world community its strategy for achieving national goals. The person making the decision to use force should be aware that the international community will assess such a decision by raising the following non-legal questions:

1. are statements of legitimacy merely a morality of the post-facto decision to use force?
2. are statements about the need for justice a reaffirmation of the validity of the principles of international law?
3. are the principles of international law a material basis for confirming the fairness of the use of force?
4. were there any methods of legal assessment of the morality of States' conduct in ensuring their interests?

At its core, the method is not legal: only legal arguments are used in political debate; the legal consequences are directly assessed in a different method, the method of political and legal justification for the use of force.[187]

The object of the method of strategic legalism, as one of the methods of international law, in the course of the political and legal justification of the actions

[187] See: Коростелев С.В., Качук В.Н. Характеристика метода правового обоснования применения силы в международных отношениях и его использование для обоснования упреждающих действий // Журнал правовых и экономических исследований № 1 2010; Коростелев С.В. Особенности политико-правового обоснования применения силы во внутренних вооруженных конфликтах при противодействии терроризму и иным насильственным проявлениям экстремизма // Управленческое консультирование. 2018. № 4 (112).

of states, is the process of providing the state authorities with a legal argument for the political justification for the fairness of the appeal of their state to force, and proof that the enemy has neither legal nor moral grounds for the use of force. In this case, international law is primarily in the interest of ensuring the communication of States.

In our view, the phenomenon of legitimizing political decisions on the use of force for national security is a process that recognizes the fair (legitimate) nature of action to ensure national interests.

2.2. Political Mechanism of Legitimation of Acts of Use of Force in International Relations

The history of the political-legal justification for the use of force in modern international relations demonstrates that States have never denied the possibility of circumventing the procedures of the UN Charter, such as pre-emptive and preventive actions.

However, every such use of force is always doomed to be labelled "unlawful" and the State will always bear the burden of proving that its actions are being carried out for the benefit of the world community. At the same time, States continue to use the literal interpretation of Article 2 of the UN Charter in their official argument, thus stating that they do not recognize anyone's right to resort to force outside the charter paradigm. That is, the justification for resorting to military power within the limits set by international law is a political obligation of any state. And the military objectives of such an act are established during the political process to prepare the state to defend its interests.

As A.A. Svechin noted: "The first duty of political art in relation to strategy is to advance the political goal of war. Every goal must be strictly aligned with the means available to achieve it. The political objective must be in line with the possibilities of warfare."[188] Restrictions set in international norms for the use of armed forces should be taken into account in the process of justifying the military strategy of the state. Without consideration of international legal restrictions, there can be no full-fledged military strategy, and as a result, a higher-level strategy - a national security strategy.

We believe that it is possible to assume that the above-mentioned measures to ensure the military success of the State, applied together, can ensure the implementation of the national security strategy only if the leadership of the state is successfully identified and taken into account as far as possible all existing restrictions for the application of all components of the military strategy of the state.

[188] Свечин А.А. Стратегия. — М.: Военный вестник, 1927. С. 37.

The fact is that the use of military force is the most resource-consuming way to ensure national security, and the recourse to military means must be justified, and, in some ways, even "agreed" with other participants in international communication.

The paradigm of communication, as shown above, has already been formulated in the norms of the UN Charter. Consequently, the study of the mutual influence of military art and international legal restrictions in the task of national security can be carried out within the framework of the object of justifying the need for the use of force, which must necessarily be a fundamental part of the national military strategy.

Creating such a justification should be one of the main priorities of the development of the military organization of the state, as it can become one of those means that will allow to define more clearly the contours of the regulatory framework of its construction, development and application.

We consider it necessary to note that in none of the States has a general definition established in any constitutional rule, neither for the national security strategy nor for its military component.

In private cases, in government policy documents, the strategy is defined as an "officially recognized system of strategic priorities, goals and measures"[189] or as "officially adopted–main areas of public policy that determine the measures, organization and coordination of the activities of the federal government authorities..."[190]

Each researcher uses a convenient definition, based on the tasks before him, and available to him to analyze the sources of information.

For example, A.A. Svechin defined the strategy as "... the art of combining preparation for war and grouping of operations to achieve the goal set by war for the armed forces. The strategy addresses both the use of the armed forces and all the resources of the country to achieve the ultimate military objective."[191]

---

[189] Section I, clause 3 "General Provisions" of the Decree of the President of the Russian Federation of May 12, 2009 No. 537 "On the National Security Strategy of the Russian Federation until 2020".
[190] Section II "General Provisions" Clause 7. Decree of the President of the Russian Federation of 09.06.2010 N 690 "On Approval of the Strategy of the State Anti-Drug Policy of the Russian Federation until 2020".
[191] Свечин А. А., С. 15.

The Military Encyclopedic Dictionary defines military strategy as follows: "... an integral part of military art, its highest area, encompassing the theory and practice of preparing the country and the armed forces for war, planning and conducting strategic operations and war in general.

The theory of military strategy examines the patterns and nature of war, how it is conducted; develops the theoretical framework for planning, preparing and conducting strategic operations and warfare in general.

As an area of practice, the military strategy is working to define the strategic objectives of the armed forces and the capabilities necessary to carry them out; the development and implementation of measures to prepare the armed forces, theatre of war, economy and the population of the country for war; Planning for strategic operations organizing the deployment and leadership of the armed forces during the war, as well as exploring the capabilities of the likely adversary in warfare and strategic operations.

Military strategy stems from and serves politics. In turn, the military strategy has the opposite effect on politics... The military strategy is closely linked to the military doctrine of the state and is guided by its provisions in solving practical problems. The theory of military strategy is based on the data of military science, as well as on the conclusions and provisions of the military issues of social, natural and technical sciences ..."[192]

For example, S.N. Mikhalev provides an extensive compilation of definitions of military strategy proposed by military thinkers,[193] but the number of definitions does not provide a clue as to how this strategy can be implemented.

It should be noted that all the definitions put forward are determined by the conditions of the era concerned: the existing means of armed struggle, the political and economic organization of the world community, etc.

[192] Военный энциклопедический словарь / Пред. Гл. ред. комиссии С.Ф. Ахромеев. - М.: Воениздат, 1986.- 863 с.

[193] Михалев С. Н. Военная стратегия: Подготовка и ведение войн нового и новейшего времени / Вступ. ст. и ред. В. А. Золотарева. М.; Жуковский: Кучково поле, 2003. С. 22-23.

In our opinion, the "justification for the use of force by the state" should be understood as a system of rules justifying the use of the armed forces of the state, ensuring the realization of its intentions in the protection of its national interests.

In general, the National Security Strategy of the State, which includes as a necessary component, necessary and sufficient thresholds for the use of force, is guided by a model of ensuring its interaction with other participants in international communication.

Such a model should be in any position on the following extreme views on the way of ensuring the existence of a State in the community of other States: first, a collective security strategy that requires the existence of permanent international organizations with recognized legitimacy, both nationally and internationally; second, a strategy of the supremacy that negates the possibility of subordinating national interests to any international body.[194]

All other strategies are variants of the combinations of the provisions of the two extreme strategies. The practice of conflict resolution, that is, the implementation by States of their strategies, shows that the world order, based on the voluntary subordination of nations to their interests to the common interests of the world community, can only be achieved within the framework of an ideal academic model.

For example, the history of arms control agreements and the WMD non-proliferation agreement shows that humanity has never achieved a positive result - these agreements have not been implemented.[195]

The strategies of the USSR and the United States during the Cold War relied on the mechanism of deterrence - focused on their existing opportunities to provide

[194] The most striking works, in our opinion, are in the field of explaining the behavior of states in the international arena during the Cold War: Barry R. Posen and Andrew L. Ross, “Competing Visions for U.S. Grand Strategy,” International Security, Vol. 21, No. 3, Winter 1996/1997, p. 5-53; Gaddis, John Lewis. Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy. Oxford University Press. 1982. 432 P.

[195] For example: The Treaty on Conventional Armed Forces in Europe, signed in 1990, has not yet been ratified by the NATO states, and subsequently, it was generally terminated. See: Сокор В. Никаких скидок на безопасность в Прибалтике ("The Wall Street Journal", США). Опубликовано на сайте ИноСМИ.Ru 27 февраля 2004. URL: http://www.inosmi.ru/translation/208129.html (accessed: 16.06.2006).; Трубников В. Россия не уступит никому свое место в СНГ. Время Новостей, N°44, 17 марта 2004. URL: http://vremya.ru/2004/44/5/94017.html (accessed: 16.06.2006).

resources for a long competition, using, depending on the circumstances, some means that could lead to strategic overloading of the enemy and its exhaustion. Their international policy was aimed at maintaining a balance between the aspirations of nations and their national power, to maintain the adequacy of reserves to ensure the components of national power.

At the same time, military activities were limited by strict regulatory frameworks that limited the autonomy of military commanders to decide on the use of force, since the occurrence of any incidents in the course of legitimate military activities should not have led to the spread of the conflict, and unbalanced relations of the warring States.

We consider it necessary to provide a summary of the views on the main behaviors of the states that ensured the implementation of deterrence, namely, strategies: supremacy, cooperative security (security in cooperation), selective participation (either selective fulfillment of obligations, or selective entry into the struggle), collective security, and neo-isolationism.[196]

The rule strategy sees the emergence of an equal rival as the greatest threat to international security, and thus as a significant threat to the involvement of the state in the war. Consequently, only the supremacy of one nation ensures the maintenance of a state of peace.

The theory of the rule is quite critical of the capacity of international conflict-resolution institutions, as according to this theory the capabilities of international institutions can be used solely to protect their inconsequential interests.

Following the strategy of non-isolationism implies that a State with an advantageous geographical location, significant economic potential and nuclear deterrents is substantially protected.

The system of principles of the neo-isolation strategy includes a premise that states that the promotion of any values in the territories of other participants in international communication may cause their discontent, which in turn will lead to

[196] For more details see: Коростелев С.В. Стратегии регулирования коллективной безопасности в нормативных рамках устава ООН. ООН // Личность. Культура. Общество. 2011. Т. 13. Вып. 1(61-62).

a corresponding increase in the risks of the use of weapons of mass destruction against the state. Similarly, participation in international organizations and agreements makes the state hostage to conflicts of all parties to these organizations and agreements.

Thus, the state must withdraw from the burdensome alliances and limit its participation in conflicts, except those that threaten its vital interests. Also, states should not use military force to establish a world order, spread democracy, or even universal values, or advance national economic interests.

There are two main objectives in the electoral participation strategy. The first is the prevention of war between the great powers. The second is to prevent the spread of WMD, with particular emphasis on preventing it from falling into the hands of failed states and non-state groups.

According to the proponents of the electoral participation strategy, States must be prepared to act on their own to resolve the conflict, and take the lead in any ad hoc alliance, when the great powers cannot agree among themselves on ways to overcome the crisis, and only if its vital interests are at risk. The participation of traditional alliances, such as NATO, in such joint actions is considered possible if threats are common to members of the alliance, and secondly do not go beyond the system of the objectives of the UN Charter.

The collective security strategy[197] prescribed by Chapter VIII of the UN Charter ("Regional Agreements") is based on the premise that international organizations, such as NATO and the UN itself, can take military action against the aggressor, maintain arms control, implement confidence measures, and prevent the proliferation of WMD, or send a multinational force to ensure UN sanctions to

[197] According to its institutionalization, this concept can be divided into two models, which are called "Grotian" and "Kantian". The first corresponds to the institutions formalized in international agreements (organizations in the field of collective defense and security), the second corresponds to the organization of actors around their common values and interests without creating permanent operating structures.
The Grotian concept more appeals to international institutions and legal norms, while the “Kantian” one insists on the universality of moral norms and the observance of individual rights as the main criterion of security. The differences between these concepts are so great that they can be regarded as two independent concepts. The Kantian concept of cooperative security, the main provisions of which are reflected by Richard Koehane, differs from the Grotian one in that the supporters of this concept are of the opinion that the UN is ineffective and are convinced that in a changed security environment it is necessary to act not on the basis of existing international legal norms and principles. but proceeding from the protection of humanitarian values and ideals.

maintain or enforce peace. At the same time, the UN does not have its own armed forces to meet its statutory objectives.

However, the need to constantly take into account the foreign policy differences of the states participating in the multinational formations, and the obligatory receipt of their unanimous approval for each act of use of force, have led to the fact that States have become more likely to turn to the concept of cooperative security,[198] the legal justification for which is also within the framework of the above-mentioned Chapter of the UN Charter.

According to P.A. Tsygankov, the concept of "cooperative security" that appeared relatively recently reflected the attempts of science and practice to answer questions raised before participants in international relations after the Cold War. Most of these problems are related to the increasing interdependence of States that develop into globalization, as well as the number and diversity of actors vying for inclusion in world affairs, and the new threats and challenges to international security that have a result.[199]

The idea of cooperative security differs from the traditional idea of collective security in that the strategy of collective security is carried out by participating in the multinational ad hoc coalitions created to defeat the aggressor, who uses force to violate the sovereign rights of a State.

States implement the tasks of ensuring their security within the framework of agreements without creating permanent structures: "a new task - new partners - new agreements."

The proponents of cooperative security do not see a likely conflict between the great Powers, using conventional armed forces, as the dominant problem of international security, which requires a concentration of resources and which can only be achieved within the framework of permanent international organizations.

---

[198] So, for example, S. Lavrov said regarding interaction with transit countries of Russian energy resources: "... Russia does not divide countries into friends and enemies ... I ... for acting through a system of flexible alliances, the configuration of which will be determined depending on in which specific situation our interests dictate this or that campaign." See: Россия будет наказывать. // Взгляд. Деловая газета.
URL: http://www.vz.ru/politics/2007/2/5/67213.html (accessed: 06.06.2007).

[199] See: Цыганков П.А. Безопасность: кооперативная или корпоративная. Критический анализ международно-политической концепции. - ПОЛИС. Политические исследования. 2000, N3. с. 128-139.

In their view, the efforts of States should focus on preventing a situation where weaker States could accumulate the means to carry out WMD aggression. The essential premise of the theory is that peacekeeping commitments are the same for all States and their supreme interest is to preserve global peace.

Versions of variants of the idea of cooperative security are given by R. Keohane. It presents cooperative security in the form of a synthesis of collective security, collective defense and a new approach associated with cooperation in resolving new generation conflicts.[200]

Any national security strategy is always based on one of the above models. In each particular historical period, states, based on an analysis of the state of national power sources and the instruments of national power generated on their basis, assess restrictions on the possibility of the use of armed forces.

This assessment produces a national military strategy and its respective components. It is clear that the actions of the military components of the national power of States to implement any of the above-mentioned behaviors - strategies - must be enforced by the legal doctrine governing the use of armed forces.

The provisions of the current "Russian National Security Strategy 2020" quite clearly demonstrate the commitment of our state in the current geopolitical environment of the concept of cooperative security.[201] Similarly, for example, from Sections II - "Strategic Approach", and III - "Promoting Our Interests" of the new US National Security Strategy,[202] it follows that this state is also focusing on adherence to the concept of cooperative security, the US is clearly moving away from the concept of supremacy.

---

[200] Keohane, Robert O. After Hegemony: Cooperation and Discord in the World Political Economy. Princeton; New Jersey: Princeton University Press, 1984. doi:10.2307/j.ctt7sq9s. (accessed: 19.01. 2021).

[201] See, for example, Section II, clause 18 of the Decree of the President of the Russian Federation of May 12, 2009 No. 537 "On the National Security Strategy of the Russian Federation until 2020": "Russia will strive to build an equal and full-fledged strategic partnership with the United States of America. BASIS OF CONCURRING INTERESTS (highlighted by the author) and taking into account the key influence of Russian-American relations on the state of the international situation as a whole ..."

[202] National Security Strategy of the United States of America. May 2010.
URL: http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf. (accessed: 01.04.2010).

Our states are forced to change their strategies based on an assessment of their relative strength in the community of nations. It follows that, based on an understanding of the need to join states' efforts to address common international security problems, Russia and the United States are much more likely than before to agree on a more tolerant attitude towards each other if armed forces are used to protect their national interests in their traditional spheres of influence without obstructing each other in discussions at the UN Security Council.

It is clear that such content of concerted military activity was predetermined by the direction of foreign policy, military doctrines, the economic capabilities of States and their attitude to the mechanism of dispute resolution, conflict (political, economic, ideological and legal) that arose between them.

The bipolar world of the Cold War, based on deterrence, has collapsed, and a multipolar world, with excessive reliance on the factor of military force in international affairs, has created a very different environment for the use of armed forces. The ideological grounds for the nuclear clash between the United States and Russia were also pushed aside, but other threats common to all states; in particular terrorism and the proliferation of WMD, the possibility of its use by non-state groups, were raised.

Former rivals are working together in the world's oceans through various agreements, such as the so-called PSI, initiatives to prevent the spread of WMD, maritime protection, peacekeeping and humanitarian action. It is obvious that States are following the cooperative security strategy model.

The new international environment does not deny the validity of previous activities relating to understanding the challenges facing the armed forces of States.

However, the changed list of tasks requires a revision of some provisions of the basics of the theory of the use of force, its expansion, first, as mentioned above, in view of the reduction of the ideological component of the state foreign policy and the statement in doctrines and national regulations about the existence of not abstract class, but certain national interests. Secondly, due to changes in the nature of the global division of labor, the formation of a new world economy, the very nature of

the use of armed forces is changing - there are new objects of use of force, there are new restrictions on its use.

A report published in December 2004 to the UN Secretary General by the High-Level Panel on Threats, Challenges and Changes[203] identified five criteria of legitimacy that the Security Council must take into account when considering authorizing the use of military force.

In the first place among the criteria that would allow speaking about the lawful use of force is the seriousness, the severity of the situation. It is generally agreed, for example, that an internal threat will be recognized as serious and infringing on international security if there are "gross, serious, large-scale and long-term" violations of "fundamental and fundamental" human rights that have caused "massive and systematic suffering" of the population and committed "through brutal, barbaric acts" that constitute crimes against humanity (e.g., genocide, so-called ethnic cleansing).

The next important criterion for the legitimacy of the use of military force is the purpose of the military operation. The main purpose of the use of force should be to stop the threat to peace and prevent large-scale serious human rights violations (e.g., the killing of civilians).

Further, given the fact that in practice any military action is fraught with the most devastating consequences, human casualties, the use of force can only be justified if attempts to resort to peaceful means of influencing a State that violates human rights are unsuccessful.

Traditionally, the proportionality of military action and the scale of the threat used in a force operation have been considered as a condition for the legitimacy of the use of armed force in international relations.

It is clear that only simultaneous adherence to the conditions of legitimacy and legitimacy will ensure maximum international support for the decision to use force in international relations.

[203] Доклад Группы высокого уровня по угрозам, вызовам и переменам «Более безопасный мир: наша общая ответственность». UN Document A/59/565.

It is clear that the principles of the highest order for the development and justification of the use of armed forces by States should be recognized and used, as before, the basic principles of international law.[204]

These principles, implemented in various international agreements, in some cases - in the practice of states, decisions of international judicial bodies, determine the legal regime of the use of armed groups of states.

And as special principles of the legal substantiation of military strategy could be determined principles of the necessity and proportionality of the use of force. Currently, international law prohibits the use of force for retaliation and punishment. Actions are justified as necessary and, at the same time, proportionate if the objectives of the use of force are consistent with the concepts of legality.

Often the principle of proportionality is misunderstood as limiting the use of force, which can be used to destroy a military target by means of defeating the necessarily commensurate firepower of the object - or in any other way limiting the use of force between the warring.

In fact, we are not talking about any parity of power. Proportionality is the only limitation of the use of force against a military target on a scale where its use causes collateral damage to civilian property and causes unnecessary suffering to civilians.

The principle of proportionality establishes a balance between the need to strike military installations with collateral damage and human suffering that can be caused to civilian property and civilians. Proportionality in no way imposes any restrictions on the use of force between combatants in the absence of the possibility of affecting civilian objects and persons.

---

[204] Basic principles of international law: I. Sovereign equality, respect for the rights inherent in sovereignty; II. Non-use of force or threat of force; III. The inviolability of borders; IV. Territorial integrity of states; V. Peaceful settlement of disputes; Vi. Non-interference in internal affairs; Vii. Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief; VIII. Equality and the right of peoples to dispose of their own destiny; IX. Cooperation between states; X. Compliance with obligations under international law in good faith. See: Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation between States in accordance with the Charter of the United Nations. UN General Assembly Resolution 2625 (XXV). URL: https://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml.
Also, the Final Act of the Conference on Security and Cooperation in Europe (Signed in Helsinki on 08/01/1975). Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. XXXI.- M., 1977. С. 544 - 589.

The justification for the use of force should be used as baseline provisions: first, existing international legal restrictions on the use of armed forces as a theoretical basis for investigating the use of armed violence; secondly, the modern practice of states.

The justification for the use of force should also be designed to ensure the implementation of higher-order strategies, the relationship that develops in the use of armed forces to ensure national security: any process of assessing the possibility of solving national security problems in the paradigm of the UN Charter should begin with the definition of the object of the use of force, and therefore with the search for possible application of principles and norms.

In order to substantiate the object of the political and legal justification for the use of force, it is necessary to determine the purpose of the use of force:[205]

the object of the law (the subject of legal regulation) is public relations, their willful, and, ultimately, the objective side;

the object of legal relations is the actual actions of its participants, but not the measure of their possible behavior. The object answers the question of why this relationship has developed and operates (e.g., as a result of the use of weapons and means);

the object of subjective law is a benefit as a result of engagements. Objective category - "... benefit "cover" a wide range of interests - from individual to class (group), general social,-interstate, civilizational..."[206]

In our case, it is the national interest. It should be taken into account that the clarification of the content of the category of "national interests" occurs when they are violated by the opposing subjects of the law.

Determining the object of legal regulation is an extremely complex process, as the definition of applicable law is always the main stage of any law enforcement

[205] As a basic theory of identifying the object of a legal relationship, it seems expedient to apply an analysis scheme that combines the positions of two outstanding legal theorists - S.S. Alekseev and O.S. Ioffe, set forth in a review of a collection of articles: «Вопросы общей теории советского права» под ред. С. Н. Братуся. М., Госюриздат, 1960, 405 с.

[206] Лапач, В.А. Система объектов гражданских прав: теория и судебная практика (§2. Объекты прав и объекты правоотношений), 2004г., С. 2. URL: http://allpravo.ru/library/doc99p0/instrum2232/print2235.html (accessed: 14.02.2006).

actor's activity, including when a link must be established between the use of force and the legal relations that develop during the use of force against such sites in order to determine the object of the use of force.

The following findings of the International Law Commission are useful to draw attention to:

"Before you start applying the law, you need to identify the object of application. This includes, among other things, an initial assessment of possible applicable rules and principles. As a result of this assessment, it often turns out that a number of standards can be *prima facie* legally significant. You need a choice, as well as a justification for using one instead of the other. Moving from the initial assessment to the conclusion, the legal justification would either attempt to harmonize conflicting standards through interpretation or, if that seemed impossible, to establish certain priority relationships between them. In this case, interpretive maxims and conflict resolution tools, such as *lex specialis, lex posterior* or *lex superior,* become useful.

However, they do not do so mechanically, but rather as a presentation of "guidelines" that suggest an appropriate relationship between the relevant norms, given the need for consistency between withdrawal and the intended objectives or functions of the legal system as a whole. The fact that all this takes place in an uncertain environment does not detract from its significance. Through it, jurisprudence clearly expresses, gives shape and points direction to the law. Instead of randomly collecting directives, the law begins to take the form of a targeted (legal) system."[207]

Thus, in our view, the main objectives of justifying the use of force by the State can be achieved in the following tasks:

- identification of the existing legal regime of use of force in interstate relations (identification of legal uncertainties);

[207] Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of the Scope of International Law. Report of the Study Group of the International Law Commission. 13 April 2006. A / CN.4 / L.682, para. 36.

- providing recommendations for a policy-legal justification for the decision to use the armed forces; And
- creating a favorable political and legal regime for the use of armed forces.

The way to implement the political and legal justification for the use of force - a combination of its methods[208] - can be:

- the actual method of political and legal justification for the use of force in interstate relations;
- the method of claiming the legal validity of the use of force (justification for the necessity and proportionality of the act of use of armed violence in response to a threat) is a method of strategic legalism;
- direct use of the armed force.

These methods of justifying the use of force are also part of the instrumentation of the external and domestic policy of the State setting priorities for its activities, including determining its conduct in the international arena, and creating the necessary conditions for the effective use of the element of national power - the armed forces.

The justification for the use of armed forces, stated in the military doctrine of the State as a private and public element of the military strategy, "transmits" to politics as a tool agreed in terms of international law model of conduct for the state in the existing legal regime (publicly stated strategy).[209] The content of this model is communicated to other participants of international communication, discussed in international forums such as the UN Security Council, UN General Assembly, studied during hearings in the International Court of Justice, and in special tribunals.

[208] A method is a set of interrelated operations leading to an intended goal; in this case - to the comprehension of legal reality. The types and number of methods, as well as the way they are applied, depend on the subject being studied. Moreover, the way the problem is formed determines the way to solve it, i.e. selection of specific methods and techniques of resolution. The method provides an answer to the question "how, for example, political and legal impact occurs."

[209] The concept of "strategy" has a narrower but more fundamental character than the concept of "politics". The fact is that politics, in its part that is public in nature, and is much more often communicated to other members of the international community, including through the publication of doctrinal documents, does not disclose the true intentions of the state, does not disclose the amount of resources in its order to ensure the achievement of national goals.

In general, strategies can be planned (pre-planned) and implemented because of necessity (the latter consists of two components - publicly declared and implemented).

The strategy, at a publicly stated level, should ensure, first, the conviction of the enemy in the high price of his actions against the state declaring the strategy, and, secondly, the support of the Allies; and at the feasible level, to ensure the defeat of the enemy's forces and political victory in the event of an armed conflict. It is also clear that both goals are very difficult to achieve at the same time as the probability of success in both components.

Clearly, the problem of the political and legal justification for the use of force depends to a large extent on the political support of other States on the existence of unified approaches to understanding the fairness of the use of force.

In a practical appeal to force without first bringing the issue to the UN Security Council, the state equally receives a legal assessment of its conduct, as well as in the pre-public bringing to the world community its desired model of behavior. But in this case, the probability of assigning him international responsibility inevitably increases due to the violation of the obligation to resolve the dispute through negotiations, surveys, mediation, reconciliation, arbitration, litigation, recourse to regional bodies or agreements or other peaceful means, as well as bringing a dispute or situation to the UN Security Council, as prescribed by the UN Charter.

It is clear that, in following collective security and cooperative security strategies, States are more connected in their publicly stated strategies and consistent statements about following generally accepted principles and norms of international law, as well as their unconditional commitment to international treaties in defense, arms control and disarmament,[210] than in following the rule of law.

The political leadership of the State has an obligation to create a favorable international political environment to ensure the use of its armed forces.

[210] See: Decree of the President of the Russian Federation "Military Doctrine of the Russian Federation" dated February 5, 2010 No. 146 . Российская газета, N 27, 10.02.2010. Раздел I. Общие положения, п. 3.

This is ensured, first, by a foreign policy that should demonstrate to the world community that the use of force is carried out solely to protect essential national interests (to ensure the survival of the nation) through procedures established by international law, and to preserve peace and international security, i.e. in the common interest of the world community.

The military and political objectives of the use of armed forces, which are brought to the world community, including through the adoption of regulations, should be understood by the world community and not cause rejection. Secondly, the armed forces, realizing these military and political objectives, should use their means and methods of warfare commensurate with their political objectives, selectively, and without violating the rules of conduct of military personnel established by IHL.

One way to create a favorable international political environment is for the state's participation in the international law-making process. The main means of establishing and developing international law in the use of military force is the practice of States, which can be expressed in two main forms: first, the actual use of armed forces and, secondly, the declaration of military doctrines.

In turn, the "statement of military doctrine" cannot be reduced only to the procedure of bringing to the world community the views of the state leadership on the use of armed violence in the form of regulations. The identification of the state military doctrine can also be carried out through the participation of the state in discussions on the use of military force by other states within the framework of UN bodies and conferences of the UN, regional organizations, in statements of public figures and scholars. Therefore, any military doctrine, in turn, is enforced by legal doctrine.

The process of declaring the strategy, and, moreover, its implementation, requires the state to establish the relative power of participants in international communication. The methods of assessing of the adversary[211] to decide on the use

[211] An example of such a technique can be found in: А.Судаков. Диссертация на соискание учёной степени канд. юрид. наук. «Применение группировок вооруженных сил зарубежных государств в локальных и

of force to implement the provisions of the strategy in the current geopolitical environment are quite complex, as they require consideration of a significant number of factors, including international legal constraints.[212]

These legal restrictions, which are included in the concept of justifying the use of armed forces, can serve as a means of strengthening and weakening some elements of the power of the state. Legal restrictions may even make it difficult for the State to implement a strategy to safeguard its national interests if it does not take into account changes in the organization of the world community and the tendency to change existing legal mechanisms to resolve the contradictions of participants in international communication.

In the new geopolitical environment, it seems necessary to establish a modern system of rules governing the use of armed violence at a higher level, when public authorities and military administrations are much more likely to be faced with the need to use armed violence to protect national interests.

The existence of such a system of rules could make it easier for the international legal establishment of the use of a military organization at the lower levels of military administration, since the formations of the armed forces would be given more specific tasks, and it would be possible to supplement existing methods with "wartime" rules, for example, on objects that must be identified for defeat.

The identification of objectives will, in turn, reveal the totality of legal relations that will arise between States in the task of defeating them, determine legal restrictions on the use of force, and, as a result, identify the contours of the justification for the use of force.

Thus, the legal regulation of the use of force in international relations is the object of justifying the use of force; the object of legal relationship is the act of use of force; the object of the subjective right of the state that has applied force is the national interest.

региональных конфликтах на закрытых морских театрах военных действий (международно-правовые аспекты). – СПб.: ВМА им. Н.Г. Кузнецова, 2002 г. – 229 с.

[212] An example of such a technique can be found in: В.С. Солодченко, А.С. Скаридов. Методика оценки международно-правовой обстановки в операционной зоне флота. Учебное пособие - СПб.: ВМА им. Кузнецова, 1993, 140 с.

It is clear that the choice of targets to be defeated by their armed forces is determined by the real balance of power in international relations. It is because of this that the object of justification for the use of force cannot be a constant.

A study of the history of acts of military force by States shows that international law has never in history restricted Government governments from turning to military force to ensure national interests by strategic necessity; and the legal arguments in defense of the use of force served only as a "decoration" for a political solution.

As M. Reisman rightly pointed out: "... even in effectively organized legal systems, which are characterized by a general convergence of authority and control, key parts of "book law" may fail to approximate the actual normative expectations of elites. This may occur for two major reasons, inherent in the very character of law: discrepancies between myth system and operational code and the differential rates of decay of text and context."[213]

Any appeal to war is based on moral arguments, even if these moral arguments are in fact arguments not of the state, but only arguments of the apparatus of state power. The moral justification for the actions of the State is the need to ensure the interests of its citizens in the outside world.

The justification for resorting to war, declared by the State, can only be a matter of debate as to why Governments are starting wars, but cannot serve as a basis for explaining the reasons for the State's actual conversion to violence, since such justification relates to the decision-making process for the use of force only at a brief time interval, when it allows the State to gain moral advantage while the international community recognizes its compliance with international law (the UN Charter paradigm).

Moral grounds are used in making actual decisions, but they are stated publicly only if they can serve as an ideological accompaniment to strategic

[213] Reisman, W. Michael, "International Incidents: Introduction to a New Genre in the Study of International Law" (1984). Faculty Scholarship Series. Paper 740.

decisions. In this case, the interpretation of international law in this area is carried out in accordance with moral guidelines.

Thus, the question is always how accurately these justifications, moral and legal, correspond to the real strategic interests of the state, and not how beautifully they are stated at international conferences, concepts and doctrines.

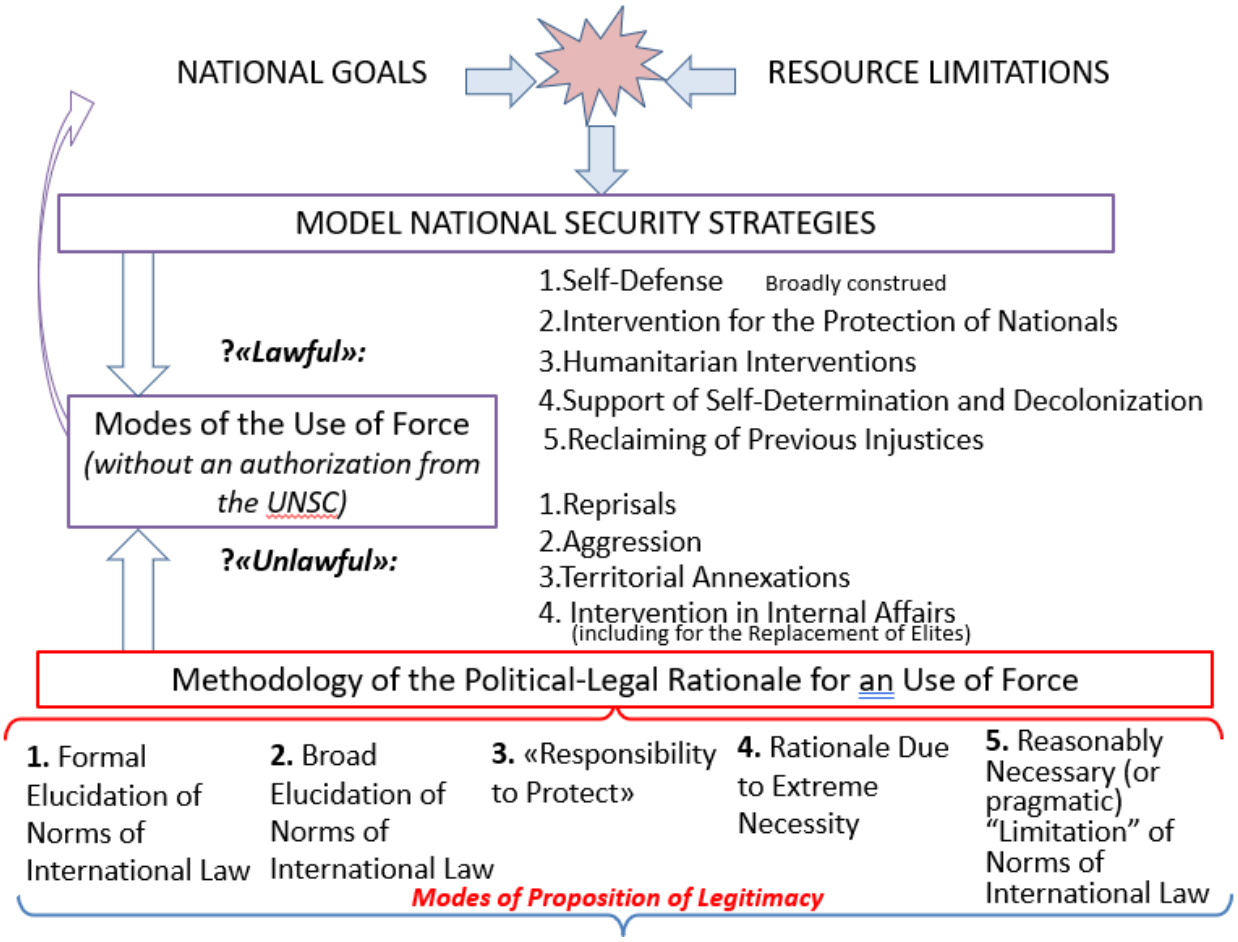
For example, in 2008, Russian President D. Medvedev said about the possibility of Russia joining OPEC: "... it is a question of the income base of our country, a question of its development, and we should not be guided here by any abstract criteria, recommendations of international organizations of other order, etc. We will do what we see necessary."[214]

In the process of legitimizing their foreign policy or delegitimizing the conduct of other actors in international cooperation, especially in assessing the fairness and legality of acts of force, States are inevitably appealing to international law, which is the language of international communication, and precisely the only means by which States can communicate to the world community their vision of ways of dealing with the challenges of protecting national interests.

In general, the model of the process of political and legal justification for the actions of states in the application of claims to the legitimacy of the act of use of force is shown in Figure 1.

Figure 1.

[214] URL: http://news.mail.ru/politics/2236121/print/ (accessed: 11.12.2008).



In the process of clashing national interests, the state authorities are obliged to demonstrate to the world community that they are linking their decisions to the preferences and expectations of the world community formalized in international law, and to receive an appropriate response from the international system - a political assessment of their conduct, which in turn will also be formulated in terms of international law.

The State's claim to recognize its appeal to force, communicated to other participants in international communication in terms of international law, can be defined as "justification (or political and legal justification) of acts of force." That is, at the heart of the system of rules of political and legal justification for the use of force by states in the implementation of their intentions to protect national interests is a public interpretation of the norms of international law by the state authorities. And, accordingly, under the "political and legal justification" of the use of force by the state should be understood the political obligation of states to explain their appeal

to the force of other participants of international communication in terms of international law. In other words, *the political assessment of the conduct of States when national interests clashed is based solely on the terminology and methodological apparatus of international law.*

The obligation to interpret international law by the state authorities, which underpins the system of rules of political and legal justification for the use of force by States in the protection of their national interests, seriously determines their conduct and affects the outcome of their policies, since it is in itself necessary to follow international legal procedures at least at a time of time.

Legal restrictions may even make it more difficult for the State to implement a strategy to safeguard its national interests if it does not take into account trends in the organization of the world community, and as a result, the ever-evolving mechanisms for resolving the contradictions of participants in international communication.

Moreover, for the most part, international law in the field of use of force is customary, and therefore the planned or already established act of use of force must be qualified in relation to a known customary practice: any action by a State receiving political evaluation by the world community must either conform to established practice or be assessed as a mandatory conduct in the interest of the need, but only in the interest of the entire community.[215]

In the process of political and legal justification for the use of force in the discussion of the situation in the UN Security Council,[216] the state is obliged to prove in terms of international law not only the necessity of its appeal to force, but also the proportionality[217] of its use in relation to the threat to national-interests.[218]

---

[215] This is how the subjective element of the norms of customary international law opinio juris sive necessitatis is formed.

[216] The duty of the UN Security Council to investigate any dispute or any situation that may lead to international friction or cause a dispute, in order to determine whether the continuation of this dispute or situation may threaten the maintenance of international peace and security is established by Chapter VI "Peaceful Settlement of Disputes" of the UN Charter.

[217] The proportionality requirement is additional to the necessity.

[218] Коростелев, С. В. Проблемы обоснования актов применения силы во внешней политике государства. Управленческое консультирование. 2015. № 10 (82). С.15-20.

The need for the use of force is the circumstances to which the state authorities are obliged to invoke, claiming to recognize the act of use of force legitimate during the discussions in the UN Security Council, and on how logical and fully defined they are, in the future depends on whether the state will be assigned international responsibility. Events and actions, both legitimate and wrongful, may be the subject of the process of justification, both legitimate and unlawful: the facts of harm and default, as well as the facts underlying the objections to the stated necessity, both positive and negative.[219]

In general, the model of conduct of each state in its interactions with other participants in international communication - the national security strategy includes, as a mandatory component, the necessary and sufficient[220] thresholds for the use of force.

The existence of a state of "necessity" is the most important condition, a precondition for the declaration and recognition of the validity of the act of use of force. Its initial definition is carried out, for example, by the target State on the basis of an analysis of the totality of illegal in nature, but important in terms of assessing the readiness of the military organization of the state to defend, factors, for example:

- the nature of the expected coercion/coercion on the part of the aggressor State;
- the relative power of the aggressor state;
- the objectives of the aggressor state;
- the consequences of the aggressor State's objectives.

At the same time, the usual practice of States recognizes the possibility of referring to the state of necessity only in situations where "act: a) is the only way for

[219] UN Document A / 56/10 and Corr.1 “Responsibility of States for internationally wrongful acts.” Article 2: An internationally wrongful act of a State occurs when any conduct consisting of an act or omission:
a) is attributed to a state under international law; and
b) constitutes a violation of an international obligation of that State. See URL: http://www.un.org/ru/documents/decl_conv/conventions/pdf/responsibility.pdf (accessed: 15.08.2015).

[220] The criterion of "sufficiency" for the possibility of using armed forces is to be determined in the process of establishing the relative power of the opponents in international communication. Obviously, the problem of political and legal substantiation of acts of the use of force largely depends, first, on the political support of other states, which is possible only if there are common approaches to understanding the just nature of the use of force; and, secondly, from the support of the population of the state, which serves as a determining factor in determining the amount of resources that the state can allocate for foreign policy using armed force.

the state to protect substantial interest from a large and imminent danger; and (b) does not seriously prejudice the substantial interest of the State or the States for which this obligation exists, or the international community as a whole."[221]

Therefore, in the process of political and legal justification of acts of use of force, the state authorities should turn to the precise formulation and bringing to the world community the permissible thresholds of damage to the essential national interests, the excess of which will inevitably lead to the appeal of the state to force.

The problem with assessing the "proportionality" of the force used by the State to meet the challenges of its defense is that the security state desired by it is always commensurate with the available and used means and methods of warfare.

At the same time, the political and legal content of the criterion of "proportionality" of armed coercion limits the use of force by scale, intensity and targets to a framework that ensures only the immediate achievement of self-defense objectives and prohibits the use of means and methods of armed combat for retribution and punishment.[222]

In general, armed actions are justified as necessary and, at the same time, as proportionate, if the objectives of the use of force are consistent with the concepts of justice, i.e., the international community is assessed as "non-aggressive" of the State's appeal to force on the political criteria of necessity and proportionality for ius ad bellum, and compliance by combatants of the principles and norms of IHL on the legal criterion of proportionality for ius in bello.

Thus, in a practical annex, the political and legal justification for the use of force is to provide the decision-maker with the necessary means (information resources) to make decisions on the preparation, planning and direct use of force, including armed forces, with minimal international implications, mainly to mitigate the negative impact of the destruction of the current state of international security on the achievement of their strategic objectives.

---

[221] See above: Responsibility of States for internationally wrongful acts. Article 25.

[222] Коростелев С.В. О некоторых особенностях правового режима «новых» средств и методов ведения вооруженной борьбы. Управленческое консультирование. 2015. № 6 (78).

Therefore, it can be determined that the main purpose of the political and legal justification for acts of force is to legitimize acts of use of force by the state (in the sphere of ius ad bellum),especially armed forces, and another important objective of the political and legal justification for the use of force is to provide a holistic view of the interconnectedness of the State's international obligations and their rights and responsibilities to reduce the likelihood of adverse international consequences for the State as a result of the almost inevitable violation of the state's international obligations in the field of ius in bello in the use of means and methods of armed confrontation.[223]

In our view, the process of political and legal justification for the use of force should, at a minimum, include the following necessary steps:[224]

- finding the necessary legal justification for the use of force to fend off the identified threat (definition of the legal regime of use of force, identification of legal loopholes);
- making the timely statement of the found legal justification and permissible thresholds of damage to its essential national interests, the excess of which will inevitably lead to the state's appeal to force, to other participants in international communication;
- determining restrictions for a use of force (planning for the "reasonable" use) and providing the public authorities with recommendations and proposals for the planning, training, organization and direct use of the armed forces, as well as to respond to violations of international obligations by individuals from the armed forces:

(a) justification of the component of the need for use (establishing the scale, duration, intensity of use of means and methods of warfare commensurate with the existing threat);

[223] Obligations in this area are defined as “serious”, as arising from peremptory norms of general international law. See above: Responsibility of States for Internationally Wrongful Acts, above, Art. Art. 40-41. Also, the behavior of persons from the Armed Forces is considered as an act of a state under international law if this person or group of persons actually acts on the instructions or under the direction or control of this state in the implementation of such behavior. Ibid, Art. 8.

[224] Коростелев С.В. Проблемы обоснования актов применения силы во внешней политике государства // Управленческое консультирование. 2015. № 10 (82).

(b) justification of the component of proportionality of use (setting limits on the use of means and methods of armed struggle in accordance with IHL);

(c) assessment of the consequences of the use of force by the State (exploring the possibility of assigning and implementing (implementation) of international responsibility to the state by other participants in international communication).

The obligation to establish a political and legal justification for acts of use of force is an integral part of the State's participation in the international legal process, since the main means of establishing and developing international law in the use of military force are the practice of States, which can be expressed in two main forms: first, the actual use of armed forces, and, accordingly, the reaction of other States to it, and secondly, the declaration of military doctrines.

In turn, the "statement of military doctrine" cannot be reduced only to the procedure of bringing to the world community the views of the state authorities on the use of armed violence in the issued regulations. Identification of the real content of the state military doctrine can also be carried out through the state's participation in discussions on the legality of the use of military force by other states, in its assessment of the functioning of global, regional organizations and agreements, in the statements of public figures and scholars.[225]

In matters of the use of force, States are largely limited by their publicly stated military doctrines and relevant statements of duty to follow generally accepted principles and norms of international law and unconditional commitment to international treaties in the areas of defense, arms control and disarmament.[226]

As a result, the justification for the use of armed forces, stated in the military doctrine of the state as a private and public element of military strategy, "transmits" foreign policy as an instrument limited by international law model of behavior in the existing paradigm of the UN Charter (publicly stated strategy), which should be

[225] That is, we can conclude that any military doctrine is inevitably be provided with the political and legal doctrine.
[226] Decree of the President of the Russian Federation "Military Doctrine of the Russian Federation" dated February 5, 2010 No. 146. Российская газета, N 27, 10.02.2010. Раздел I. Общие положения, п.3.

brought, preferably to the direct use of force, to other participants in international communication.

The stated political objectives of the use of armed forces in the implementation of the foreign policy of the state should be clear to the world community and should not cause its rejection.

The accompanying political and legal justification for acts of force must demonstrate to the world community that the use of force is not only to protect essential national interests (to ensure the survival of the nation) within the framework of international law procedures, but also to preserve peace and ensure international security, i.e., in the common interest of the world community. Because of the nature of international law, the political statements of the State on the fair (i.e. legitimate) nature of the act of use of force are assessed by a third party that is not directly involved in the conflict.

It is the third parties (including international institutions), not the parties to the conflict, who have the right to assess the statements of the conflicting parties about the legality or wrongness of fact, to interpret the norms of international law, and to conclude that the rule of customary law should be applied to the qualifications of the conflict, as well as the emergence of a new rule of international customary law. Ideally, the parties to the conflict must accept such a decision by third parties.

The state's stated political and legal justification for the use of force is only a necessary but insufficient basis for starting the process of agreeing on the freedoms of international communication in international forums such as the UN Security Council, the UN General Assembly, the UN International Court of Justice, special tribunals, and its result is most often embodied in the recognition or non-recognition of the results of the State's attempts to amend the existing state of international security.

It would also be appropriate to comment on this provision as a historical example. In "The Stories of the Peloponnese War" written more than 2,500 years ago and is still the most prominent work in the field of international relations theory, the warlord Thucydides states: "The standard of justice depends on the equality of

the contested force; is the fact that the strong do what their power allows them to do, and the weak accept what they should accept."[227]

[227] Thycydides. History of the Peloponnesian War. Chapter XVII. The Milan Dialogue. URL: http://www.mtholyoke.edu/acad/intrel/melian.htm (accessed: 16.06.2008)/

2.3. The Impact of International Legal Restrictions on the Justification of States' Force Response Measures to Use Military Power to Protect National Interests

Prior to the creation of the UN Charter, in accordance with customary international law, the State could resort to force not only in the event of a real armed attack, but also in the event of an imminent armed attack.

The founder of modern science of international law Hugo Grotius in 1625 in his work recognized that states have the right to respond to "imminent danger." Self-defense is permitted not only after the attack, but to pre-empt such an attack, or, as he said, "the murder of someone who is prepared to kill you..."[228]

This position was adopted and confirmed by later-time scholars, such as E. de Wattel, who noted in 1758 that: "The safest plan is to prevent disasters where possible. The state has the right to resist the damage that another state seeks to cause it, and to use force ... against the aggressor. It may even pre-empt other people's intentions, but, while being careful, not to act on the basis of fuzzy and dubious assumptions, or, in this case, it itself risks becoming the aggressor."[229]

The American lawyer-international E. Root argued in 1914 that international law does not require the state, whose interests are encroached upon, to postpone the use of force for self-defense until "it is too late to defend itself."[230]

Indeed, does the state's right to retaliate in self-defense "in the event of an armed attack" be associated with waiting for the other side to strike first, and only then to retaliate? And what if the troops of one state concentrate on the border and make bellicose statements in the apparent preparation for a massive attack? Can the state, which will soon be the target of an attack, retaliate before enemy troops cross the border and start dropping bombs?

The UN Charter explicitly recognizes the right to individual and collective self-defense under Article 51. However, the text of Article 51 does not answer the

[228] Hugo Grotius, see above. Книга II. URL: http://humanities.edu.ru/db/msg/17110 (accessed: 14.06.2012).
[229] Vattel, E. de. The Law of Nations IV, in Classics of International Law Vol. 3. James Brown Scott ed. 1916.
[230] Root, Elihu, The Real Monroe Doctrine, 35 American Journal of International Law: 427 (1914).

question of whether this right can be exercised until the moment of an actual armed attack. Article 51 states that "This Charter in no way affects the inalienable right to individual or collective self-defense in the event of an armed attack on a Member of the Organization..."

It is clear that this text allows for two different interpretations. On the one hand, it may mean that, under the Charter, States can only turn to force when a real attack is committed. In the case of such an interpretation, Article 51 would be intended to limit the right to self-defense under international custom law. The State had to wait for the first strike, after which it was entitled to retaliate.

On the other hand, if we focus on the word "inalienable," Article 51 could be interpreted in a very different way. Since the word "inalienable" was used to describe self-defense, it could be understood in such a way that the drafters of the Charter had no intention of restricting the existing custom law but wanted to clearly define the only situation in which a State could exercise its right to self-defense.

Thus, a literal interpretation of the provisions of the UN Charter on the right of self-defense is limited to the response to the violation of peace, or the response to the misconduct of some States against others. In this case, however, the conclusion that the actions are illegal should come from the UN Security Council. At the same time, the long process of harmonization of the will of the great powers in the UN Security Council cannot be accepted by the victim states (or potential victims) of aggression, and this state of the mandatory mechanism of the UN Charter is not recognized by states as fair, because: "... international law is not a suicide treaty at all.[231]

A study of the positions of scientists and politicians shows that they can be divided into two currents: the supporters of "restrictive" and, accordingly, the "extensive" (or "broad") interpretation of the concept of self-defense.[232]

---

[231] Roberts, Guy B. The Counter proliferation Self-Help Paradigm: A Legal Regime for Enforcing the Norm Prohibiting the Proliferation of Weapons of Mass Destruction, 27 Denver Journal of International Law and Policy, Summer, 1999: 483-485.

[232] In this work, the task was not set to study the differences in the points of view of interpreters of international law of these two main trends. A fairly complete study of this problem can be found in: Загайнов Е. Т. Упреждающая самооборона в западной доктрине международного права //Московский журнал международного права. 2006. –№2. С. 29-45.

"Supporters of limitation" take the above-mentioned first point of view. They argue that Article 51 is the only modern source of the right of self-defense and that the correct interpretation of Article 51 prohibits pre-emptive self-defense. "Opponents of restriction" are based on a flexible interpretation of Article 51 and insist on joint consideration of the flexible interpretation of the Charter and the practices of states after 1945, which demonstrates the inefficiency of the model of the concept of collective security established by the UN Charter.

The practice of States shows that they adhere to the position of "expanding" interpretation of the provisions of the UN Charter, that is, support the view that in certain circumstances, if necessary, the independent use of force is lawful even before the event of an armed attack.

Furthermore, was the event of an armed attack really the only condition for exercising the State's right to self-defense? It can be assumed that if Article 51 defines self-defense as an "inalienable right", its purpose cannot be to restrict the pre-existing customary law and to reduce such a rule only to the event of an apparent armed attack.

It is clear that Article 51 explains that this normal rule is clearly applicable in the case of an armed attack. Thus, proponents of an "expanding" interpretation suggest that an armed attack can be only one of several circumstances in which self-defense can be legitimately taken.

Here it seems appropriate to draw attention to the statement of E.T. Zagainov that the UN Charter has been implemented "... setting limits on self-defense not for all cases, but only for situations where there is a need to delineate the rights and powers of member countries ... and UN bodies (primarily the UN Security Council)"[233] when the act of use of force, first, is in line with the UN's objectives; secondly, the Security Council is not involved for any reason- that States retain the ability to resort to self-defense in this situation.

[233] Загайнов Е. Т., see above, С. 32.

Individual practice of states shows that the international community has not stopped adopting the UN Charter to resort to measures of self-protection, both individual and collective. The study of the appeal to force in these situations allows to determine the rules of conduct, the following of which ensures the observance of common interests. And such rules, which apply to States whose capabilities, both military and political (or even exclusively political), allow for the self-interest of national interests, are proclaimed by them as legitimate.

However, almost any of such unilateral appeals to armed violence as:[234]

– self-defense, including one interpreted broadly;[235]

– struggles for self-determination and decolonization;

– humanitarian intervention;[236]

– military intervention to replace elites in another state;

– military interventions in spheres of influence and critical areas for defense;

– military intervention on the territory of another state to accomplish treaty obligations;

– military intervention to ensure evidence-gathering in international investigations;

– military interventions to enforce the decisions of international courts;

– retaliation: retorsions and reprisals, - can hardly be justified from the position of a verbatim (restrictive) interpretation of the UN Charter.

For the first time, the current basic provisions of the doctrine of pre-emptive self-defense were formulated in correspondence between the foreign affairs bodies of the United States and Great Britain in the 1930s and 1940s on the conflict on the border between these states. The U.S.-owned ship, the *Caroline,* was used to support the rebels in Canada. On December 29, 1837, The United Kingdom retaliated by landing in the United States and destroying the vessel, preventing the supply of

[234] Reisman, W.. Michael, "Criteria for the Lawful Use of Force in International Law" (1985). Faculty Scholarship Series. Paper 739. URL: http://digitalcommons.law.yale.edu/fss_papers/739.
[235] We consider it is possible to assume that this could include acts of self-defense to counter trans-border terrorism.
[236] We consider it is possible to assume that this could include a "responsibility to protect".

ammunition and equipment into Canada. In response to the U.S. protest, the United Kingdom reported that its forces were acting lawfully and used the right to self-defense.

The need for action was justified by the threat of harm to the security of the state so severe that the use of military force was justified by "urgency, by force of circumstances, lack of other means and a moment of premeditation" and was not "unreasonable and excessive."[237]

During diplomatic correspondence, the victim state of the attack, i.e., the American side, confirmed the existence of the right of pre-emption on the British side, and stated that “necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment for deliberation."[238]

The standard of duty to prove the existence of an "inevitability of an attack" since the incident is quite complex in determining its content. It is obvious that this requirement defines the time interval during which defensive measures must be carried out in such a way as to pre-empt the direct execution of the attack.

It is obvious that the joint consideration of this requirement with the principle of non-use of force establishes extremely strict requirements for the "width" of such an interval. If the width of the interval is not sufficient to use the entire arsenal of peaceful means of resolving interstate contradictions, then, obviously, only then can the mechanism of pre-emption be launched.

This principle balances the desire to avoid hostilities on its territory (in the operational zone) with the desire to avoid a clash between states. That is, "inevitability" is a relative concept. It is obvious that each victim State of attack has only its inherent defensive capabilities, determined by its geographical, resource, demographic, economic and political characteristics.

For example, if the state's defensive capabilities are insufficient, then pre-emptive action should be preferred. The weaker the state, the preferable it is for it,

[237] Letter from Daniel Webster to Lord Ashburton (Aug. 6, 1842). Treaties and Other International Acts of the United States of America. Edited by Hunter Miller. Volume 4. Documents 80-121: 1836-1846. Washington: Government Printing Office, 1934.
[238] Ibid.

the stronger state, which has met the same threat, to start actions earlier than to wait. The greater the relative threat the more likely it is that pre-emptive action will be more effective, and the greater the justification for pre-emptive action until the enemy has implemented all the preparatory activities and implemented an aggressive intention.

For example, the state's inability to build a deep level defense, or the lack of mobilization resources, the lack of time to deploy them, or the transfer from other parts of the country, may be grounds for pre-emptive action.

Thus, the rationale for justifying the need for pre-emptive self-defense is based on a political assessment of the time to decide and conduct action, rather than the inevitability of an enemy attack itself. The fact is that, since a literal interpretation of the provisions of international treaty law requires that the victim state take a hit before retaliation, an acceptable decision to take pre-emptive action must be based on a study of the inadequacy of each of the above features.

However, the characteristics of the victim state of the anticipated attack and the characteristics of the way it was carried out, as well as the set of commensurate threats and responses, are outside the subject of international law. Consequently, the characteristic of the "necessity" of recourse to pre-emptive self-defense has no legal content.

The United Nations International Court of Justice stated in the Nicaragua case with regard to the interpretation of customary law of self-defense and Article 51 of the UN Charter that: "It does not contain any specific rule that self-defense can justify only measures that are proportionate to and necessary to respond to an armed attack, and this rule is well defined in international customary law."[239]

In the Advisory Opinion "Regarding the legality of the threat or use of nuclear weapons," the International Court of Justice reiterated its position, stating that: "The

[239] Case Concerning Military and Paramilitary Activities in and against Nicaragua (Merits), [1986] ICJ Rep. 14, p. 94, para. 176. URL: http://www.icj-cij.org/docket/files/70/6503.pdf.

right to resort to self-defense under Article 51 is conditioned by certain limitations *(necessity and proportionality* - author) ... regardless of the force used."[240]

The International Court of Justice also addressed the issue of the study of self-defense criteria - necessity and proportionality - in the Oil Platforms case.[241]

The complexity of the criteria for the necessity and proportionality of the self-defense response increases many times if there is a need to combine the defensive capabilities of several States to repel the expected attack. Could "collective pre-emptive self-defense" be carried out in such an uncertain legal framework? Can the State provide this kind of assistance to another state? Should the request be made public? Should this be done only if there is a collective self-defense treaty?

The main provisions of the UN Charter on the collective use of force are contained in Chapter VII of the Charter "Actions on the threat to peace, violations of peace and acts of aggression." In broad terms, this Chapter provides only two aspects of the collective use of force: the authority of the Security Council and the mechanism for imposing collective sanctions.

The basic provisions of the Charter on the powers of the Security Council in the event of armed conflict are contained in Article 39 of the UN Charter: "The Security Council defines the existence of a threat to peace, any violation of peace or an act of aggression, and makes recommendations or decides what measures should be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."

Article 39 of the UN Charter thus gives the Security Council two functions.

First, it gives the right to determine whether there is a threat to peace, a violation of peace or an act of aggression.

Secondly, it authorizes the Security Council to make "recommendations" or to decide what "measures" should be taken to remedy the situation.

---

[240] Advisory Opinion of the International Court of Justice of the United Nations "Concerning the Legality of Nuclear Weapons or Their Use. UN Document A / 51/218, p. 21, para. 40-41.

[241] International Court of Justice. Reports of Judgments, Advisory Opinions and Orders. Case Concerning Oil Platforms (Islamic Republic of Iran V. United States of America). Judgment of 6 November 2003. I.C.J. Reports 2003.

It is obvious that, except in cases of apparent physical harm to a State or its citizens, the theorists of a just war bear the burden of finding justifications for necessary and proportionate actions that can be defined as a fair reason for the outbreak of hostilities.

At present, there is only a relative consensus in determining what is a just cause: the use of physical force against the territorial integrity of the State first. All other uses of force have so far not been assessed as aggression and thus are not a fair reason for a forceful response. Self-defense against physical aggression is therefore supposed to be the only sufficient reason for a just war.

Nevertheless, the practice of States shows that the principle of self-defense can be extrapolated to all possible aggressive actions, or even to the provision of assistance to the peoples of other States against their own Government or from other external threats. It is therefore possible to assume that an aggressive war is justly permissible if its purpose is to retaliate against an unlawful and already committed action (e.g., the persecution and punishment of the aggressor) or to pre-empt the expected attack.

Another authority of the Security Council, in accordance with Article 39, is to issue recommendations or to determine what is necessary. The charter's creators apparently assumed that the Security Council could make recommendations under Chapter VI (Peaceful Dispute Resolution) to the parties to the dispute for its peaceful resolution. Such recommendations are not binding and do not entail any other action by the Security Council against a State that fails to implement these recommendations.

The authority of the Security Council regarding the threat to peace, the violation of peace or acts of aggression is defined in Chapter VII of the Charter, Article 41 and 42. Article 41: "The Security Council is empowered to decide what non-military measures should be used to implement its decisions, and it may require members of the Organization to apply these measures.

These measures may include a complete or partial interruption of economic relations, rail, maritime, air, postal, telegraph, radio or other means of communication, as well as the severance of diplomatic relations."

This article allows the UN Security Council to impose non-military sanctions on the offending state. Possible sanctions are not limited to the measures listed in the article.

The sanctions imposed by the UN Security Council are binding on all members of the United Nations or some of them by the Security Council. These actions are carried out in accordance with Article 48, which requires the implementation of "decisions ... to maintain international peace and security."

If the sanctions adopted under Article 41 prove ineffective, Article 42 provides for the imposition of sanctions with the use of military force: "... which may include demonstrations, blockades, and other operations by the member members' air sea or ground forces."

Such actions, under Article 42, are generally regarded as "coercive measures" and are taken against a State that poses a threat to peace, has violated the peace, or committed an act of aggression. As with the measures under Article 41, the acts stipulated in Article 42 are binding on UN Member States under Article 48. These provisions differ from those of the League of Nations Statute, under which the League Council could only recommend that States take military action against the Treaty's violator.[242]

In addition to such powers, which are based on Articles 41 and 42, the Security Council may also take "temporary measures" under Article 40, "which it will find necessary and desirable."

In other words, the Security Council can take "temporary measures" before a decision is taken to implement long-term measures. Such measures are not listed in the Charter and are determined by a unique decision of the UN Security Council.

[242] Коростелев С.В. Правовое регулирование применения силы в международных отношениях в период действия Статута Лиги Наций // Управленческое консультирование: Актуальные проблемы государственного и муниципального управления. Научно-практический журнал Северо-Западной академии государственной службы. 2010. № 3.

The provision that such measures should not "... to damage the rights, claims or position of the parties concerned ... perhaps shows that they are not intended to finally resolve all issues of a particular dispute, but only for the current phase of the conflict. A rough comparison can be given to national legislation, where the court decides that one of the parties refrains from taking concrete action until a decision is taken in the whole case and without infringing on the rights of the parties to the conflict.

The legal status of action taken by the Council under Article 40 is uncertain, since the situation where specific parties will be obliged to comply with decisions taken under Article 40 (and) that other members will be obliged to assist in the implementation of these decisions would be a significant achievement, but there is little agreement in the world community to comply with these obligations, especially if the Security Council does not refer to Article 40 and (or) does not cite Article 39 that is, it does not indicate the existence of a threat to peace, a violation of peace or an act of aggression."

In addition to the authority granted to the Security Council for the application of military sanctions, Chapter VII also establishes a mechanism for the Council to impose such sanctions. To this end, Chapter VII addresses two main conditions: the presence of the armed forces and the ways in which they are managed.

Since the Security Council does not have its own "police force", if it is necessary to meet the challenges of ensuring or maintaining peace, it needs to obtain the necessary capabilities from States. To that end, Article 43 requires all Members of the United Nations to enter into special agreements with the Security Council under which they are obliged to provide contingents of their armed forces. During the conflict, the UN Security Council will be able to call on these troops without the need to conclude any additional agreements with the states.

The agreements should be sufficiently detailed and "determine the number and types of troops, the degree of their readiness and the general location." They must also contain provisions for providing states with other types of support and funds at the disposal of the UN Security Council.

The normative assessment of any act of use of armed violence must be based on whether the act is unlawful or unjust or threatened to use force in violation of modern international law.

Since the wording of Article 2 p. 4 was widely interpreted, it was therefore necessary, first, to explore the scope of the article in order to declare any use of force illegal.

To do this, it is necessary to determine whether there are any uses of force that do not fall within the definition of Article 2 p. 4, if they do not violate the territorial integrity or political independence of the State, but at the same time violate any other provision of the UN Charter?

Since the literal interpretation of the article generates many discrepancies, many international experts agree that the phrase "in another ..." extends to all forms of recourse to force not explicitly mentioned by the Charter. That is, this current approach of literal interpretation, if necessary, to condemn the actions of a geopolitical rival, comes from the premise that the right to appeal to power can only be derived from the provisions of the UN Charter, and in no case from the premise that the appeal to force is permissible if there is no prohibition on a particular action in the Charter.

In the case of, for example, a terrorist attack, such an interpretation might limit even the scope of the study to determine whether a terrorist attack could be equated with the use of force.

Therefore, since the very content of the concept of "use of force" is controversial and uncertain, as well as the provisions of the Charter on the UN's forceful response, then if a terrorist attack is defined as the use of force, then, with the use of literal interpretation, countering terrorism will be a unlawful use of force.

As a result, the appeal to self-help measures is not an anomaly in a system of collective security, when States participating in the UN Charter have committed themselves to resolving all disputes only in peaceful ways.

It is clear that the literal interpretation does not reflect the realities of realizing the inalienable right of States to use force. It shows, first, that the UN Charter is still

incapable of resolving contemporary contradictions and states are unilaterally turning to force, and not only in the undisputed case of necessary self-defense.

However, despite this, States in their official argument continue to adhere to the literal interpretation of Article 2 para. 4, thus not confirming their right to appeal to force outside the system of rules of the UN Charter.

Thus, the global community has developed a special legal environment that seeks to ensure that actions that bypass UN procedures will still be conducted in accordance with the goals and principles of the United Nations. However, every such use of force is always doomed to be labelled "unlawful" and the State will always bear the burden of proving (a binding statement of the legitimate nature of the use of force) that its actions are being carried out for the benefit of the world community.

The sequence of actions in the method of proving the legitimacy of the act of use of force is determined by Article 38 of the Statute of the International Court of Justice.

The process of proof should apply: "a) international conventions, both general and special, setting rules that are clearly recognized by the disputed States; (b) International custom as evidence of universal practice recognized as a legal norm; (c) The general principles of law recognized by civilized nations; d) ... judicial decisions and the doctrines of the most qualified public law professionals of different nations as an auxiliary tool for determining legal norms."

Anything associated with the military power of the state (large numbers of armed forces, the presence of large stockpiles of various and modern means of defeat, the possibility of fighting for a long time and in remote areas, etc.) cannot ensure the military success: these quantitative and qualitative characteristics do not have any value, unless they are used in conjunction with all other possible measures. to be carried out by the state and military authorities in the field of military security.

Such measures include, mainly:

– understand the objectives of the use of military force in the national security system;

- analyze of the enemy's intentions and his ability to violate the plans of the state authorities and military administration;
- destroy the enemy's ability to influence the achievement of national goals as much as possible, and then using all elements of national power to weaken the enemy as well as possible;
- use of military force in peacetime, including the threat of military action, to create a favorable international environment;
- create a truly capable military organization of the state;
- organize the human component of military power, including the mobilization of the will of the people;
- estimate the spatial limit of military force;
- estimate the possible duration of the use of military force;
- estimate the possibility of using force in specific settings;
- estimate a time frame for the use of force;
- establishing public control over military decision-making processes;
- determine the consequences associated with the use of military force;
- take into account international legal restrictions, including restrictions on decision-making on power, arms control measures, etc.

To understand the mechanisms of political decision-making, let's look at the use of the military power of the state in a brief way.

Understanding the objectives of the war. Public awareness of the purpose of specific military actions in the general system of ensuring the national security of the state, i.e. in the combination of actions of state authorities and military administration, other troops, military formations and bodies that form the basis of the military organization and carry out its activities by military methods, as well as parts of the country's production and scientific complexes, the joint activities of which are aimed at preparing for armed protection and armed protection of the state;

Dissecting the enemy's plans and his ability to violate his ability to violate the plans of the state authorities and military administration. The enemy's actions are always based on his own set of national goals and the means available to him.

Therefore, it is necessary to be especially careful in assessing what the enemy considers especially important for himself at any given moment. It is obvious that it is always necessary to have the best possible understanding of the means available to the enemy to destroy our plans.

Destroying the enemy's ability to influence our national goals, and then to use the concerted action of all elements of national power to weaken the enemy. The best way to avoid pressure from the means available to the enemy is to evade them; or taking action where the enemy cannot fully apply them. An attack on an enemy must be carried out where he is least powerful. It is necessary to use its inherent strengths, weaknesses, wont, and inertia. It is necessary to identify or create and then develop internal contradictions of the enemy, exacerbate internal and external competition and conflict situations.

Efforts should be aimed at destroying the enemy's forces, its security system, strategy, political processes, obstructing the management apparatus, breaking alliances, and depriving the government of public support.

Destruction of the enemy's intentions can be achieved by physical destruction, camouflage, disinformation, introduction into the system of control of enemy forces of excess information, regrouping of forces, surprise of actions, directly fire and electronic suppression, psychological operations, precise coordination of actions in time, maneuvering forces, etc.

It is the use of the ratio "achieved level of destruction of the capabilities of the enemy /use of the achieved results" is the essence of the application of the military component of the national power of the state through military strategy, operational skill and tactics.

The number of combinations of different modes of action can be endless, but it should always be excessive, sufficient, because the excessive complexity of the plan always creates (even with the successful use of military force) additional

difficulties in achieving the goals. First, it is necessary to use those processes where the enemy is most vulnerable and has the least ability to counteract. Since the destruction of the enemy's intentions is effective in a small-time interval, i.e., success can quickly turn into failure, it is time that is a critical element for any action.

Therefore, the possession of sufficient intelligence and the existence of an effective equipment for assessing enemy capabilities are the keys to success in achieving the ultimate goals in time. In a strategic sense, this is the point of the timely conformity of the military tasks to the political objectives of the state.

The use of military force in peacetime to create a favorable international environment. States often turn to the use of military force to achieve their national goals in various ways, including without its direct use against their opponents, and even without threatening to use it.

Examples of such actions include the provision of humanitarian assistance and support in the formation of civil institutions (i.e., assistance in the establishment of state institutions destroyed by conflict), assistance in the creation, training and arming of national armed forces and police forces, exchanges of military delegations, etc.

Such actions may also include placing their forces on or near any foreign country's territory; the entry of warships, the display of the flag, the purpose of which is to demonstrate intentions, or to declare the presence of strategic interests in the region, or the contribution of the state to its stability by maintaining the necessary balance of power in the interests of the entire world community.

In addition, as members of the UN and regional organizations and agreements, states provide their formations and individual troops to ensure the implementation of the relevant mandates of the UN Security Council. Measures that contribute to a favorable international environment for national security may also include the methods of using the state's military resources, such as intelligence and military exercises on its territory and in international spaces, which are not prohibited by international law.

The threatening use of military force can range from military cunning and demonstration of intent in military activities to the deployment and deliberate display of the capabilities of the armed forces during the development of any crisis to deter the perceived enemy from actions that threaten the national interest.

It is known that "Readiness for war is one of the most effective means of preserving peace." Deterrence can be defined as preventing any enemy action by creating fears of unintended consequences. In this context, the military capabilities of the State, only because of the likelihood of use, impede the implementation of undesirable policies and activities of other States and their alliances.

The aim of creating and maintaining the necessary and sufficient level of military capabilities of the state may be, for example, in an effort to avoid war, or, already during the war (armed conflict), to keep the enemy from using certain means and methods of warfare.

Deterrence is an extremely specific means of action, as it can only be applied to Those States that are within reach of deterrence forces and only if those events are identified as thresholds where the deterrence mechanism itself should be applied. Moreover, the armed forces must be capable of causing damage that should be regarded by the enemy's leadership as unacceptable. Accordingly, deterrence can be assessed as a combination of military capabilities and the will of the leadership to use these capabilities.

To determine the reliability of deterrence, it is necessary not to proceed from the results of the assessment of the enemy's value system, capabilities, and vulnerability. Deterrence is also achieved in some cases by limited in scope, duration, and intensity of warning actions.

For example, you can declare a mobilization of forces, or conduct exercises in a certain area - the purpose of such actions will be to prevent the expected hostile action on the part of another state. However, the strong response of the enemy to these actions may lead to the transition of the conflict into an undesirable military phase.

The possibility of such a transition should always be considered both at the strategy stage and in the actions themselves. The developer of the conflict resolution strategy should always remember that not all deterrence involves the use or threat of the use of military force.

Some means of armed struggle, recognized as an effective deterrent in peacetime, cannot and should not be used during armed conflict, as international morality and/or international obligations will then be violated.

Creation of a capable military organization of the state. The main means of forming military power are:

1) the presence of a valid military force (combat-ready forces and operational stocks);

2) reserves (reserve components of the armed forces, voluntary formations and military assets);

3) the state of potential power (the number of persons who can be put in ranks, the state of industry, the level of development of technology and infrastructure, available mobilization material resources);

4) the strength of military and political alliances (when assessing the military capabilities of the state must consider the capabilities of its allies).

All these means must be judged on the presence of weaknesses and strengths. Each state in the process of developing its military capabilities is faced with the fact of determining a reasonable amount and combination of the above means, depending on its geographical characteristics, the level of economic development, national characteristics, and preferences; and the perceived needs for a military build-up for warfare or any other conflict situations.[243]

[243] Aristotle argued about the need to take into account the elements of national power in determining the strategy of military operations. For example, in his work "Politics" he noted: “It is necessary, therefore, that the state system takes into account military power ... as well as the material resources [of the state]. Meanwhile, it is necessary that these latter be sufficient not only for the internal needs of the state, but also in case of danger from outside. Therefore, the material resources of the state should not be such that they arouse greed on the part of more powerful neighbors, and the owners of the funds were not able to repel invading enemies; on the other hand, these funds should not be so small that it would be impossible to withstand a war with states possessing equal in quantity and quality means .... [M] Meanwhile, one should not lose sight of the amount of possession of property is useful. Perhaps the best limit would be one at which the stronger would not find benefit in fighting for the sake of acquiring a surplus, but would lose as much from the war as if they had not acquired such means. For example, Eubulus asked Autofradat, when the latter was about to besiege Atarney, to consider how long he would be able to take this

The organization of the human component of military power, including the mobilization of the will of the people. This category is also relative, as its state is always determined by comparing it with the opponent's military capabilities.

It has many facets: the physical, intellectual, organizational, and moral aspects are just some of the many factors to be evaluated when it comes to military strength or the weakness of a state. Generally speaking, the human component of the military power of the state is its inalienable property, almost permanent.

When it comes to the need to ensure the survival of the State in extraordinary circumstances, this component of national power can be changed, increased by mobilizing the population, redirecting human resources to other tasks, and using the resources of military and political alliances.

It may be valid (i.e., existing in reality) or assessed (i.e., planned for deployment, intended; in doing so, it is secondary to the actual resources of the State).

The human component of military power has a number of very important properties.

First, it becomes less accessible depending on the removal from its source, i.e., the territory of the State, thus determining the spatial limit of the reach of military force.

Secondly, it is depleted by losses, thus determining the possible duration of the achievement of national goals by military means.

Finally, this component cannot be used in all possible situations of military confrontation, which indicates its next characteristic - the possibility of application.

Thus, there can only be a relative and probable advantage in the human component of military force. Even the absence of such a component alone cannot be a sign of imminent defeat; for example, it can only speak of a different strategy - there are strategies for the weak, and there are strategies for the strong.

---

fortification, and in accordance with this calculate the costs associated with the siege and agree to leave Atarney for a lesser amount. This proposal prompted Avtofradat to abandon the siege after thinking. See: Аристотель. Политика. // Аристотель. Сочинения: В 4 т. Т. 4. – М.: Мысль, 1983. – С. 376–644. Разбор проектов Фалея и Гипподама. Книга Вторая, IV 9, 10. URL: http://www.gumer.info/bibliotek_Buks/Polit/aristot/02.php (accessed: 15.02.2012).

The will of the people is the very means at the heart of every military action/inaction. The will of the people is the collective perception or rejection by the people of any State of the formulated and proposed by the State apparatus of the national policy, expressed in the willingness of the people to accept restrictions and deprivations to achieve such goals.

The responsibility for informing the people about the condition of the State, its capabilities, and the consequences of its policies rests with the Government of that State. If the state has free access to information, the press is also responsible for informing the population. The resources of the people to pay a high price for the political tasks of the State by military means, and the will to do so, are two quite different aspects of the manifestation of this element of power of the State.

Determining the spatial limit of military force reach. The spatial limit at which military power can be concentrated and resolutely applied can be defined as the limit of military force.

Depending on the scale, duration and intensity of the conflict, tactical, operational, and strategic limits of reach may be determined.

The ability to attack at any distance does not determine reach at all; on the contrary, reach is characterized by the ability to concentrate (massaging) forces and inflict not so much decisive as decisive, blows at any distance. Reach directly depends on the geographical features of the region, which can, as close and divide opponents.

Reach can be increased by echeloning forces, reserves, establishing bases, advanced support points, increasing the range of weapons and capabilities of vehicles, improving the efficiency of communication and control systems.

Since this component is also relative, increased reach can be achieved by taking action to reduce the enemy's similar capabilities. But it must be remembered that there is always such a spatial limit, beyond which forces will never act effectively and as planned for them.

Determining the possible duration of the use of military force. The ability to hold out longer than the enemy, to retain forces that can take advantage of the

damage done to the enemy, can be defined as the duration of the use of the human component of military force.

In strategic understanding, the duration of the use of military force is a function from the joint consideration of the forces, reserves, the technological nature of the conflict, its intensity, survivability, and the ability of national capabilities to generate military capabilities to absorb blows, the will to win. The duration should be assessed not only in relation to the adversary, but also in relation to other States that may benefit from the bleeding of the warring parties.

For each State, there is a threshold after which further investment of resources in war can cause it much more harm than good.

Determining the possibility of using force in specific conditions. The training of forces, the ability of decision-making officials and the executors of these decisions, orientation to certain types of actions, the readiness of industry for war, the general state of the defensive capabilities of the state, must be compared to certain real threats.

For example, forces may not be prepared to fight in certain geographical conditions, or with another adversary. All this is the basis of the vulnerability of military force. For all other equal conditions, the winner is the one who adapts most quickly to the changing situation.

This provision requires flexible strategic reserves and an industrial base. It also takes time and the ability to generate new opportunities to adapt to the changed situation, or to adapt to the newly discovered circumstances during the war.

Determining a time frame for the use of force. In view of the constant changes in the balance of power in the world, the use of force should always be timely, only when its use is politically justified. States are therefore always limited in time for assessments, decision-making, and direct military action.

Establishing public control over military decision-making processes. The existence of a developed and effective system for identifying the means available to States for warfare is one of the main factors influencing the use of force by States. For example, real-time media coverage of events, and their impact on domestic and

external support for Government policies, is also an equally significant factor that can limit the ability of States to conduct strategically unexpected actions, concentration of forces, and rational allocation of resources on tasks to be solved.

Identify the effects associated with the use of military force. In a global network of political and economic relationships and interdependences, military action can seriously hurt the interests of even non-military states. Every effort must be made to clarify such dependencies and links before hostilities begin.

One of the considerations to be assessed is the need to finance military operations, and to identify the impact of such a reallocation of resources on the national economy, as well as to assess public opinion on this redistribution. The impact of the world's public opinion, and its impact on the world economic processes, and the influence of the latter on the development of international relations, on the escalation of the conflict must also be considered.

Taking into account international legal restrictions, including arms control measures. International law and state practice govern the rights and responsibilities of States, including trade, navigation, air and space use, telecommunications, etc.

Agreements regulating the use of seas and airspace, protecting human rights, preserving the environment, etc., have a significant impact on public opinion on the assessment of the use of military force in peacetime, and thus may make it difficult to exercise internal and external political mobilization of elements of the national power of the State.

The use of force in inter-State relations is governed by the norms of two interconnected institutions of law: the right to recourse to force "ius ad bellum" (sometimes called after 1945 ius contra bellum)[244] and the laws of armed conflicts ("ius in bello"[245]).

[244] With the creation of the UN Charter, jus ad bellum entered a new phase of its development - jus contra bellum, that is, it became a law prohibiting the aggressive use of force. Aggressive use of force is currently a criminal offense - a crime against peace. Accordingly, international law establishes individual criminal responsibility for those who decide to use aggressive force.

[245] To denote jus in bello in UN terminology, the term “Law of Armed Conflict” is used. The International Committee of the Red Cross prefers to use the term “International Humanitarian Law”.

The UN Charter imposes severe restrictions on the use of the right of states to use force and threaten its use in interstate relations. In a long historical process, States have come to a consensus that the use of force is fair if acts of reference to armed violence do not conflict with the purposes of the UN Charter, the fundamental norms, and principles of international law.[246]

Also, within the framework of international law (ius in bello) have developed a rule defining that the murder of non-combatants, genocide, torture, and some other forms of conduct during hostilities that violate human dignity are unacceptable and totally forbidden to members of the world community. Ius in bello requires that combatants, regardless of the just or unjust nature of the war, be held accountable for their actions. Such provisions constitute a serious ethical constraint on the choice of means and methods of warfare.

At present, it is inconceivable that a State would completely deny the existence of legal restrictions on the use of force, even in the face of military danger. These restrictions exist and are enshrined in both international treaties and state practices, but their application cannot be deterministic, as States approach differently in assessing what constitutes just / lawful / illegal.

It is because Russia recognizes the existence of such international restrictions that the legal basis for its new Military Doctrine is laid, in addition to the Constitution of the Russian Federation and federal constitutional laws, federal laws, as well as the regulations of the President of the Russian Federation and the Government of the Russian Federation, "... universally accepted principles and norms of international law and international treaties of the Russian Federation in the arena of defense, arms control and disarmament ..."[247] There is also no doubt that the

[246] For example, clause 2 of Section II "Military-strategic foundations" of the previously existing Military Doctrine of Russia established that: "The nature of modern wars (armed conflicts) is determined by their military-political goals, means of achieving these goals and the scale of military operations. In accordance with this, a modern war (armed conflict) can be: for military-political purposes - just (not contrary to the UN Charter, fundamental norms and principles of international law, conducted in self-defense by the party subjected to aggression); unjust (contrary to the UN Charter, fundamental norms and principles of international law, falling under the definition of aggression and being led by the party that has undertaken an armed attack) ... " See: Decree of the President of the Russian Federation of April 21, 2000 No. 706 "On the approval of the military doctrine of the Russian Federation."

[247] See, for example, clause 6 of Section I "General Provisions" of the Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020": "...

security of States must be ensured not only by military might, but also by the rule of law.[248]

There is no contradiction in the international community that States recognize the existence of an inalienable right to self-defense, provided that the fairness of independent or collective action by States should be judged in terms of international law by a third-party legal structure.

States claim that their own security cannot be limited by any right, while at the same time having to accept that other States have the right to assess the necessity and proportionality of their conversion to force.

In turn, the requirements of "proportionality" and "necessity" should be based on the full consideration of all possible application of principles and norms of law in these specific circumstances of the use of military force.

"Proportionality" is that obtaining a politically accepted result of resorting to the use of military force will always be proportionate to the means and methods of warfare used. First, the requirement of "proportionality" from the point of view of national security (political content) imposed on armed coercion establishes that the use of force must be limited in scope and intensity to a framework within which the objectives of self-defense are achieved within the permissible "international law" limits.

From the point of view of military art, force is used commensurate with the threat, if it happens:

- on the necessary spatial scale;
- over the required period of time;
- with the required number of applied forces and means of destruction;
- with the necessary quality of defeat of the enemy.

Secondly, the current requirement of "proportionality" also has legal content, defined by the obligations of States in the field of IHL. In this case, the notion of

means of ensuring national security" - technologies, and also technical, software, linguistic, legal, organizational means ... ".

[248] Decree of the President of the Russian Federation "On the Military Doctrine of the Russian Federation" dated February 5, 2010 No. 146. Российская газета, N 27, 10.02.2010. Раздел I. Общие положения, п.3.

proportionality is revealed through the effects of the use of means and methods of warfare against military installations, where their use has inadvertently resulted in collateral damage to civilians and property.[249]

Thus, the development and clarification of the contents of regulations governing the necessary and proportionate use of armed violence, taking into account the existing international legal restrictions, is a necessary measure of political and legal support for the implementation of public policy in the field of national security.

CHAPTER 2 FINDINGS

For the actors-states, the conduct of hostilities in the modern world is strongly influenced by two main factors: information transparency and a variety of means and methods of confrontation previously inaccessible to opponents. Network technologies, communications and social media have significantly increased the flow of information and limited the ability of the government to control it.

States are united in international institutions on the basis of adherence to common values (for example, a common interest in ensuring international security - the UN; OSCE; a common interest in the rule of human rights - the Council of Europe, etc.), and actors not related to states can be united around values that are significant to them, religious postulates, etc.

Therefore, a distinctive feature of modern armed conflicts is that actors who are “not states” are organized and act not in accordance with a single plan of warfare, which is typical for states, but relying only on ideological attitudes, values and norms; and, accordingly, have governance structures that are strikingly different from those that exist in the centralized structures of nation states.

Thus, the possibilities of using the military power of the state to protect national interests are currently becoming limited if they are not provided with a

[249] It should be noted that often in the scientific literature there is a confusion of two understandings of "proportionality": "used", since the force in the definition of the UN Charter "is used"; and “applied ", since the means and methods of warfare (weapons and technical means) are "applied". For an example of such a mixture, see: Синицына Ю. В. Критерии необходимости и соразмерности (пропорциональности) при реализации права на самооборону // Журнал международного права и международных отношений. 2010. N 1. С. 10-15.

modern and flexible military-political doctrine, and the corresponding up-to-date scientifically grounded foreign policy argumentation.

GENERAL CONCLUSIONS

International politics is not only a struggle for superiority over the enemy measured in any quantitative criteria, but also a struggle for recognition of the legitimacy of action. The power of the State and the international recognition of the legitimacy of its actions are complementary concepts. It is a political fact that the belief in the right/wrong cause helps to engage peoples, and thus legitimacy becomes a source of national power. If the actions of the State are considered illegitimate, its costs of implementing its policies to ensure national interests increase.

States appeal to international law and other institutions to legitimize their own policies or delegitimize the policies of their geopolitical adversaries, and this duty largely determines their behaviour and affects the outcome of actions.

The actions of participants in international relations are coordinated through acts of understanding based on similar definitions of the situation. International law is precisely the means of political mobilization by which States can communicate to the world community their ways of dealing with the protection of national interests, i.e., the language of international communication.

The criteria for assessing the fairness of the act of use of force, which were developed mainly in the 16th and 17th centuries, when the norms of nascent international law began to replace the religious, in core, the doctrine of just war, now require a different understanding, since the world is now organized in a different way and modern forms of policy, implementation of economic objectives, the achievement of technology, and the "democratization" of religious institutions make it difficult to apply the original criteria.[250]

First, the concept of legitimate power has now significantly changed its

[250] See, for example: Mark Douglas. Changing the Rules: Just War Theory in the Twenty-First Century. Theology Today. Princeton: Jan 2003. Vol. 59, Iss. 4; Pg. 529. Chapter «Historical Change and Its Impact on Just War Criteria».

content. States are required to apply for permission to apply to their citizens and to the international organizations of which they are members. Secondly, the use of force, disproportionate to the threat in scope and use of means of defeat, may also result in the State's resorting to force in public opinion to ensure its military security no longer meet the criteria for the fairness of the use of force. The proportionality of the use of force can be achieved by the use of non-military means of combat - economic or information pressure, through the use of the resources of regional organizations, etc.

To assess the fairness of the act of addressing force, the international community has full access to information on the causes of conflict, available resources to resolve it, means and methods, etc. that was completely impossible, both in the era of the establishment of the sovereign state system and in the initial period of development of universal organizations in the field of international security.

The rules of modern international law, which States invoke when making statements about the legitimacy of their appeal to force, ensure that force is used in accordance with the requirements of necessity and proportionality and prohibits the use of force for retribution and punishment. The explanation of the necessity must be proved by the states in the UN Security Council in any appeal to force.

Also, the current situation around the criteria of a just war is determined by the existing obligations of the “victor states” and the international system as a whole in relation to the “defeated” actors: the relations between the parties to conflicts do not end after the end of the act of using force. The “winners” are obliged to create conditions that exclude the resumption of new hostilities, as well as to create decent living conditions for the population of actors who are “not states”. It is about confirming the new content of the system of norms for organizing international interactions in the field of security - the ius post bellum that best describes the state of the modern security environment.

These norms are formed mainly as a result of the collective peacekeeping practice of both the UN as a whole and groups of states that unite around common

interests. Such activities, it seems, should be aimed largely at creating civil institutions in states destroyed in the course of civil conflicts and other situations of violence, in order to assert in them the values that are important for the main international actors.

INFERENCES

The use of armed force by one State against another state is prohibited and constitutes an international crime of aggression unless it is a self-defense measure in response to an armed attack or participation in sanctions under the UN Security Council.

Meanwhile, modern international relations certainly show that the strongest States often resort to armed force for the sake of their own but not common interests.

All this undoubtedly necessitates greater cooperation in international security.

As a result of the dissertation study, the following conclusions were drawn:

1. The UN Charter not only defines the conditions under which the right to self-defense arises, but also sets limits within which the right is permitted. Moreover, the Charter puts the very exercise of the right to self-defense under international control by the Security Council.

2. Despite the prohibition of war and the enshrining of the principle of prohibition of the use of force and the threat of its use, it is now possible to report situations where use of force in international relations recognizes fair, though wrongful.

3. The UN Security Council is the body responsible for maintaining international peace and security. In the event of a threat to peace, the Security Council may apply non-military and military measures (Article 41-42 of the UN Charter).

4. Chapter VII of the UN Charter regulates the category of lawful use of force by States as an exception to the general rule on the non-use of force in international relations, as an extreme measure that is used only when all peaceful means are

exhausted to maintain or restore international peace and security.

5. With the emergence of new threats to peace, the doctrines of the legality of a "pre-emptive strike" against States and "non-State" actors, which, in the view of a State or group of States, may in the future pose a potential threat.

The emergence of new threats requires the search for new approaches to the conditions and methods of cross-border use of force. But no State can claim the monopoly right to use force against other sovereign States at its discretion. The search for new approaches must be carried out collectively, and above all within the framework of the United Nations, which, in its very idea, is designed to eliminate the unilateral use of force in international relations.

7. Self-defense is a legitimate response to an act of aggression. The UN Charter recognizes the right of a state to individual or collective self-defense in the event of an armed attack.

8. The right to self-defense of the State from external aggression is enshrined both in international law (in universal and regional agreements) and in national laws of States.

In modern international relations, there are several concepts of self-defense:

- self-defense as defense against an actual attack;

- self-defense as an exception to the general prohibition on the use of force or threat of force;

- self-defense as a circumstance that excludes the assignment of international responsibility.

10. In addition to repelling an act of aggression, the use of armed force is possible in any threat to peace and any violation of peace (if peaceful means of resolving international disputes are insufficient). At the same time, it is possible to apply collective measures within the framework of the UN or regional organizations, as well as within the framework of interim agreements. However, such measures can also be applied only with the approval of the UN Security Council.

Thus, based on the general definitions of the political mechanism given in the study, we can describe the technology of political legitimation of acts of the use of

force in international relations as an appeal to a set of political mechanisms that ensure the coordination of the wills of the subjects of international relations in the process of protecting national interests, which includes the following elements:

the goal: to maintain international peace and security by taking effective collective and individual measures to prevent and eliminate the threat to peace and to suppress acts of aggression or other violations of peace;

ways: use of force (threat of use of force);

procedures: Statement (challenging) the political and legal justification for the act of use of force within the UN paradigm;

harmonizing the content of the common values of the international community: assigning international responsibility.

The current content of the process of justifying the fairness of resorting to military means of conflict resolution can be expressed by a number of principles that determine that the use of force is fair if:

- it is used as a last resort. All non-violent means of resolving the conflict must be used before access to force can be deemed justified;

- it is used by the recognized government. Even just reasons cannot be grounds for the actions of individuals or groups that do not exercise authority authorized by the power that the people of the State as a whole and/or the world community considers legitimate;

- purposed to correct wrongful harm. For example, an armed attack on a State is always seen as a just reason to turn to force (in self-defense) (in this case, the legality of the enemy's reason for resorting to force is not essential, since the appeal to force must be authorized by the UN Security Council);

-there is a significant chance of success. The loss of human and damage suffered in a knowingly hopeless attempt to change the status quo by military means cannot be morally justified in modern moral paradigm;

- the ultimate goal of the just use of force is to restore peace. And, most importantly, the peace established after the war must be more perfect than the world that would exist if there were no resort to war. The benefits of resorting to war should

outweigh the possible losses;[251]

- violence used in the reciprocal use of force must be proportionate to the damage caused. States are prohibited from using the force disproportionately of the purpose of military action, which should be limited only to altering injustice, which in turn, while not revised, could cause a new conflict;

- the used means and methods of warfare enable States to conduct discriminatory military action. Protected persons (in the definition of IHL) may not be a legitimate military target.

-the international community, and the adversary in the first place, are notified of the reasons for turning to force and the impossibility of using other "non-military" means of conflict resolution.[252]

It is obvious that these principles can be interpreted very broadly. The study of each of them, in turn, requires the study of geopolitical conditions, both related to the use of force and the resulting[253] ones.

In accordance with the UN Charter's system of principles, any use of force authorized by the Security Council is permissible. All other cases of states turning to force, in accordance with the "restrictive theory of the use of force," are supposed to be unlawful.

The latter may include, for example, the use of force for territorial acquisitions, to correct injustices, and in support of self-determination movements. At the same time, the definition of "injustice" is always subjective. And if states are allowed to turn to force to promote their own (not universal) notions of justice, then almost any appeal to force can be legalized.

The analysis of the practice of states shows that in real international life the system of principles of the UN Charter does not impose insurmountable restrictions

[251] See: Leaning, Jennifer. Was the Afghan conflict a just war? British Medical Journal (International edition). London: Feb. 9, 2002. Vol. 324, Iss. 7333; Pg. 353.
[252] ibid.
[253] See, for example: Коростелев С.В., Пыж В.В. Современная парадигма безопасности для государств Балтийского региона // Вопросы национальных и федеративных отношений. Выпуск 12(69). 2020. С. 2872-2882; Коростелев С.В., Пыж В.В. Учет геополитических факторов в процессе выбора способов разграничения морских пространств в Арктике // Вопросы национальных и федеративных отношений. Выпуск 2(41). 2018.

on the conversion of states to force and allows them to use it to restore justice in their own understanding, to carry out reprisals, to pre-empt threats to national security and even to shared common interests of world community.

In the course of the government's efforts to legitimize acts (political and legal justification) of acts of force, it is necessary not only to investigate the conceptual apparatus proposed in the UN GA Resolutions, the materials of the UN International Law Commission, and other bodies, but also to find out:

- whether the dispute has been brought before the UN Security Council or the international judiciary in similar factual circumstances;

- what arguments were made by the parties to the dispute during the discussion of the situation in the UN Security Council, in the international judicial body, and what decisions were taken;

- what content has been identified by an international organization or international judicial authority for such categories as "breach of peace," "threat to peace," "aggression," "armed attack;

- whether the criteria for "imminence" of a threat had been investigated, as the criteria for "necessity" and "proportionality" of the use of force had been claimed;

- how the vote took place (for, against, abstained);

- whether the decision of an international organization or an international judicial body had been implemented and implemented;

- which sanctions were imposed by international organizations, or individual States, on the basis of decisions of international organizations or an international judicial body, and how they were implemented;

- has the status quo been restored after the conflict has been resolved?

On the basis of the practice studied, we have identified "political and legal restrictions", i.e., identified those "thresholds" whose excess was defined by States as non-legitimate use of force, i.e., when the use of force was declared "un necessitate" and "disproportionate".

States most often claim the legitimacy of resorting to force in the circumstances of an "armed attack" and an "imminent attack."

In the event of an "armed attack" States are allowed to use force in response under Article 51 of the UN Charter. The only limitation to this right would be the traditional requirements of necessity and proportionality.

In the event of an "imminent attack", States are expected to be allowed to use force in response to "imminent danger". It is clear that States are not required to wait for the military to be used against it before they can legitimately take defensive action.

Based on the capabilities of modern means and methods of warfare, the right of self-defense loses any importance at all if the State is required to take the first strike before it can retaliate. By accepting pre-emptive self-defense as a valid basis for resorting to force, we believe that the burden of proof falls on the State that exercised the right. The State must show that an armed attack (aggression against it) was indeed "imminent" and that its pre-emptive actions were necessary.

The "threshold of armed attack" for each State, which gives it the right to use force, is determined by it independently on the basis of a study of a number of interconnected factors, of which the most significant is the severity of the damage (in the case of pre-emption - presumably) caused to it by the internationally opposed acts of other actors.

It must be assumed that the recourse to self-defense, including pre-emptive action against "non-States" may be considered permissible in the existence of several circumstances.

First, the State may take forceful action against the perpetrator of an attack under the jurisdiction of another State if the "host State" is unable or unwilling to take any steps to suppress that perpetrator, especially in situations of humanitarian necessity. In the absence of evidence of support or sponsorship of the perpetrator of the attack by the "host State", the victim State may not use force against the objects of the "host State". The actions of the victim State of the attack may be directed solely against the perpetrator of the attack.

Secondly, the victim State has the right to use force directly against the State that provides support or sponsors the activities of the perpetrators of terrorist acts.

For an "armed attack" to be linked to a State sponsoring or supporting attackers, it is necessary that the victim State prove that the consequences of action against it have a direct link to state support.

For example, if it is proven that the State provided armament and logistical support to the perpetrators of the attack, and that these terrorists used this assistance in carrying out actions that reached the "threshold of an armed attack", then the sponsoring or supporting State may be considered to be actually involved in an "armed attack". Under the circumstances, the victim State may use force to defend against a State linked to terrorism.

The use of anticipatory mechanisms is an integral part of the national security system, since it is not possible to wage war against terrorist organizations without the active use of this doctrine of restrictive interpretation of the provisions of the UN Charter, which has been challenged by proponents.

Pre-emptive and preventive action, defined in similar terms of international law but differing in object, is evidently within the scope of international law, which requires particularly fine interpretation and application in the course of the formulation and protection of national interests.

The modern content of the legal component of the doctrine of pre-emptive self-defense contributes to the complexity of the application of pre-emptive mechanisms. The formulas used, such as: "countering an imminent and inevitable threat", "impact on potential and projected sources", "the presence of an immediate and serious danger threatening the vital interests of the State, leaving no choice of other means and time to react", do not provide with grounds any political justification for the international legitimization of acts of force.

Military planners target force against specific objects - enemy forces and facilities, infrastructure, and not against “vital interests” of the state, as well as its values.

The right, as just one of the instruments of the state's foreign policy, cannot define any element of the national power of the state as posing an "imminent and obvious threat" is not even a military skill, but rather a theory of national security.

It is clear that there is a need to establish a link between the use of force, the legal relations that result in the use of force against such a target (determining the nature of international responsibility) and the State's actions to legitimize the use of force.

The paper proposes a gradation of pre-emptive action with the comparison of objects of use of force and the relevant political justification for the actions of states:

- *pre-emptive action* - force is used against the formations of the armed forces of the State, all or who pose a direct threat to elements of military infrastructure;
- *actions to pre-empt*- intentions force is used against certain elements of the state's infrastructure, as well as non-state structures that pose a threat to other members of the international community: possible means of production, delivery of WMD; terrorist organizations, etc.;
- *preventive action*- force is used against the state as a whole.

The definition of objects of use of force, in turn, allows to identify the totality of legal relations that will arise between states in the tasks of protecting national interests, to determine legal restrictions on the use of force, and as a result, to identify the contours of the strategy of legitimization of acts of use of force and its political-legal methods, considered in the work - the method of political and legal justification of the use of force, and the method of statement of the strategy - the method of strategic legalization.

The existence of such a system of rules makes it easier to legitimize acts of force with the least "reputational" losses to States.

BIBLIOGRAPHIC LIST

Normative legal acts of the Russian Federation

1. Federal Constitutional Law of 30.01.2002 N 1-FKZ "On Military Emergency Law" // Собрание законодательства РФ, 04.02.2002, N 5, ст. 375.
2. Federal Law "On Defense" of 05/31/1996 N 61-FZ. - Access mode: URL: http://www.consultant.ru/document/cons_doc_LAW_10591/
3. The concept of foreign policy of the Russian Federation. Approved by the Decree of the President of the Russian Federation dated November 30, 2016 No. 640. - Access mode: URL: http://publication.pravo.gov.ru/Document/View/0001201612010045.
4. 4. Decree of the President of the Russian Federation "On the Military Doctrine of the Russian Federation" dated February 5, 2010 No. 146 // Российская газета, N 27, 10.02.2010.
5. 5. Decree of the President of the Russian Federation of 17.12.1997 N 1300 (revised from 10.01.2000) "On the approval of the concept of national security of the Russian Federation." Российская газета, N 247, 26.12.1997.
6. 6. Decree of the President of the Russian Federation of April 21, 2000 No. 706 "On the approval of the military doctrine of the Russian Federation." Собрание законодательства Российской Федерации от 24 апреля 2000 г., N 17, ст. 1852.
7. Decree of the President of the Russian Federation No. 537 of May 12, 2009 "On the National Security Strategy of the Russian Federation until 2020" // Российская газета №88 (4912) от 19 мая 2009.
8. Decree of the President of the Russian Federation of December 31, 2015 N 683 "On the National Security Strategy of the Russian Federation." - Access mode: URL: https://rg.ru/2015/12/31/nac-bezopasnost-site-dok.html.
9. Resolution of the Federation Council of the Federal Assembly of the Russian Federation of July 7, 2006 N 219-SF "On the use of formations of the Armed Forces of the Russian Federation and special forces outside the territory of the Russian Federation in order to suppress international terrorist activities." Собрание законодательства Российской Федерации от 17 июля 2006 г. N 29 ст. 3144.

International Legal and Regulatory Acts

10. Treaty on the renunciation of war as an instrument of national policy. Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. V.- М., 1930. С. 5-8.

11. Protocol Additional to the Geneva Conventions of August 12 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (Together with the "Rules concerning identification", "Identity card of a journalist on a dangerous business trip")). Geneva, June 8, 1977. Сборник международных договоров СССР. Вып. XLVI. М., 1993. С. 134–182.

12. Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Geneva, June 8, 1977. - Access mode: URL: https://www.icrc.org/rus/resources/documents/misc/6lkb3l.htm.

13. Geneva Conventions of August 12, 1949 and Additional Protocols thereto. ICRC, Moscow, 2005, 4th ed., 344 p.

14. Final Act of the Conference on Security and Cooperation in Europe. Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. XXXI.- М., 1977. С. 544 – 589.

15. Convention on the Definition of Aggression (Together with the "Protocol of Signature"). Сборник действующих договоров, соглашений и конвенций, заключенных СССР с иностранными государствами. Вып. VIII.- М., 1935. С. 27 - 31.

16. Peace Treaty between the Allied and Associated Powers and Germany (Treaty of Versailles) (Together with the "Statute of the League of Nations", "Statute of the International Labor Organization" and "Protocol"). Версальский мирный договор. - М.: Литиздат НКИД, 1925.

United Nations Documents

17. Declaration on the principles of international law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations. General Assembly resolution 2625 (XXV). - Access mode: URL: https://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml.

18. General Assembly resolution 3314 (XXIX) “Definition of Aggression”. - Access mode: URL: https://undocs.org/pdf?symbol=ru/A/RES/3314(XXIX).

19. A / 47/277 S / 24111. Report of the UN Secretary General "Preventive Diplomacy, Peacemaking and Peacekeeping" dated 2 July 1992.

20. A / 50/60, S / 1995/1. Supplement to an Agenda for Peace. Position Paper of the Secretary General on the occasion of the fiftieth anniversary of the United Nations

21. A / 51/218. Advisory Opinion of the International Court of Justice of the United Nations “Concerning the Legality of Nuclear Weapons or Their Use”.

22. A / 53 / PV.19. Transcript of the 19th plenary meeting of the 53-1 session of the UNGA

23. A / 55 / PV.23. Verbatim Record of the 23rd Plenary Meeting of the 55th Session of the UN General Assembly dated September 19, 2000.

24. A / 56/10 and Corr.1 Resolution 56/83 adopted by the UN General Assembly [on the report of the Sixth Committee] “Responsibility of States for

internationally wrongful acts" 12 December 2001.

25. A / 58/47. Report of the Open-ended Working Group on Equitable Representation and Expansion of the Security Council and Other Security Council-Related Matters

26. A / 59/565. Report of the High Level Panel on Threats, Challenges and Change. A Safer World: Our Shared Responsibility.

27. A / 63/10. Report of the International Law Commission (53rd session). General Assembly. Official records. Sixty-third session. Supplement No. 10 (Texts of the draft articles on responsibility of States for internationally wrongful acts).

28. A / 63/677. Report of the UN Secretary General "Fulfilling the Responsibility to Protect"

29. A / 64/881 Advisory Opinion of the International Court of Justice on the Compliance of the Unilateral Declaration of Independence of Kosovo with International Law.

30. A / 67/997 – S / 2013/553. Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic regarding the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013.

31. A / 68/37. UN General Assembly. Official records. Sixty-eighth session. Supplement No. 37. Annex I "Preamble and Articles 1, 2 and 4-27 of the draft comprehensive convention on international terrorism" (Report of the Ad Hoc Committee established by resolution 51/210 of the UN General Assembly of December 17, 1996 Sixteenth session (8-12 April 2013)).

32. A / C.6 / 72 / L.14. Draft resolution "Measures to eliminate international terrorism". Seventy-second session. Sixth Committee of the UN General Assembly.

33. A / CN.4 / L.682. Report of the Study Group of the International Law Commission Fragmentation of International Law: Challenges due to the Diversification and Expansion of International Law.

34. A / CONF.213 / 5. Provide technical assistance to facilitate the ratification and implementation of international instruments related to the prevention and suppression of terrorism. Twelfth United Nations Congress on Crime Prevention and Criminal Justice. El Salvador, Brazil, April 12-19, 2010.

35. A / RES / 41/12. UN General Assembly Resolution - Forty-first Session "Israeli Armed Aggression"

36. A / RES / 41/38. Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on military attack.

37. A / RES / 49/40. Resolution "Activities of foreign economic and other circles that impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Dominance".

38. A / RES / 60/1. 2005 World Summit Outcome Document. Resolution adopted by the General Assembly on September 16, 2005

39. GA / 9827 Press Release GA / 9827 67th Meeting.
40. PCNICC / 1999 // DP.12. Proposal of the Russian Federation submitted to the Preparatory Commission for the International Criminal Court
41. PCNICC / 1999 / L.5 / Rev.1 Annex IV. Consolidated text of proposals for the definition of aggression.
42. PCNICC / 2000 / WGCA / DP.4 Proposal from Germany submitted to the Preparatory Commission for the International Criminal Court
43. S / 17509. Letter from the Permanent Representative of Tunisia to the UN dated October 1, 1985 addressed to the President of the Security Council.
44. S / 17535. Results of voting on a draft resolution condemning Israeli aggression on October 4, 1985.
45. S / 17659 / Rev.1 Official Records of the Security Council, Fortieth Year, Supplement October-December 1985 (annexes).
46. S / 17659 / Rev.1, Official Records of the Security Council, Fortieth Year, Supplement for October-December 1985 (annexes)
47. S / 1998/780. Letter from the Permanent Representative of the United States to the UN dated August 20, 1998 addressed to the President of the Security Council.
48. S / 1998/786. Letter dated 21 August 1998 from the Permanent Representative of the Sudan to the UN addressed to the President of the Council.
49. / 1999/328. Draft resolution on the immediate cessation of the use of force against the Federal Republic of Yugoslavia of 26 March 1999
50. S / 1999/682. Military-technical agreement between the international security forces (KFOR) and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia on the procedures and regime for the withdrawal of the security forces of the Federal Republic of Yugoslavia from Kosovo dated June 9, 1999.
51. S / PRST / 2010/4. Statement by the UN Security Council President on Threats to International Peace and Security.
52. S / PRST / 2010/6. Statement by the President of the UN Security Council on the supply of arms to Africa.
53. S / PV.2108. Verbatim Record of the UN Security Council Meeting of January 11, 1979
54. S / PV.2610. Preliminary verbatim record of the UN Security Council meeting of October 2, 1985
55. S / PV.2611. Preliminary verbatim record of the UN Security Council meeting of October 2, 1985.
56. S / PV.2613: Preliminary Verbatim Record of the UN Security Council Meeting of 3 October 1985
57. S / PV.2615. Preliminary verbatim record of the UN Security Council meeting of October 4, 1985
58. S / PV.2615. Preliminary verbatim record of the UN Security Council meeting of October 4, 1985
59. S / PV.2673. Preliminary verbatim record of the UN Security Council

meeting of April 14, 1986.
60. S / PV.2674. Preliminary verbatim record of the UN Security Council meeting dated April 15, 1986.
61. S / PV.2675. Preliminary verbatim record of the UN Security Council meeting dated April 15, 1986.
62. S / PV.2676. Preliminary verbatim record of the UN Security Council meeting of April 16, 1986.
63. S / PV.2677. Preliminary verbatim record of the UN Security Council meeting of April 16, 1986.
64. S / PV.2678. Preliminary verbatim record of the UN Security Council meeting of April 17, 1986.
65. S / PV.2679. Preliminary verbatim record of the UN Security Council meeting of April 17, 1986.
66. S / PV.2680. Preliminary verbatim record of the UN Security Council meeting dated April 18, 1986.
67. S / PV.2750. Preliminary verbatim record of the UN Security Council meeting of July 20, 1987.
68. S / PV.3988. Preliminary verbatim record of the UN Security Council meeting of March 24, 1999
69. S / PV.3989. Preliminary verbatim record of the UN Security Council meeting of March 26, 1999
70. S / PV.4011. Preliminary verbatim record of the UN Security Council meeting of June 10, 1999
71. S / PV.5839. Preliminary verbatim record of the UN Security Council meeting dated February 18, 2008.
72. S / PV.5961. Preliminary verbatim record of the UN Security Council meeting of August 19, 2008
73. S / PV.5969. Preliminary verbatim record of the UN Security Council meeting dated August 28, 2008.
74. S / PV.7038 Preliminary verbatim record of the UNSC meeting of 27 September 2013
75. S / RES / 0660. UN Security Council Resolution adopted on August 2, 1990.
76. S / RES / 1199. UN Security Council Resolution adopted on September 23, 1998.
77. S / RES / 1244. UN Security Council Resolution adopted on June 10, 1999.
78. S / RES / 1368. UN Security Council Resolution adopted on September 12, 2001.
79. S / RES / 1566. UN Security Council Resolution adopted on October 8, 2004.
80. S / RES / 1624. UN Security Council Resolution adopted on September 14, 2005.
81. S / RES / 1695. UN Security Council Resolution adopted on July 15,

2006.
82. S / RES / 1894. UN Security Council Resolution adopted on November 11, 2009.
83. S / RES / 1917. UN Security Council Resolution adopted on March 22, 2010.
84. S / RES / 1973. UNSC resolution adopted on March 22, 2010.
85. S / RES / 2118. UN Security Council Resolution adopted on September 27, 2013.
86. S / RES / 2166. UNSC resolution adopted on July 21, 2014.
87. S / RES / 487. UN Security Council Resolution adopted on June 19, 1981.
88. S / RES / 573. UN Security Council Resolution adopted on October 4, 1985.
89. S / RES / 612. UNSC resolution adopted on May 09, 1988.
90. S / RES / 620. UN Security Council Resolution adopted on August 26, 1988.
91. SC / 6628 3967th Meeting Press Release (Night) 19 January 1999.
92. UN General Assembly Resolution 375 (IV) "Draft Declaration of the Rights and Duties of States" of December 6, 1949

Materials of International Judicial and Arbitration Bodies

93. Case Concerning right of passage through Indian territory (Preliminary Objections) (Portugal v. India). I.C.J. Reports 1957.
94. Advisory Opinion No. 20 (PCIJ, Ser. A./B., No. 41, 1931.) Individual Opinion by M. Anzilotti pp. 16-31. - Режим доступа:
URL: http://www.worldcourts.com/pcij/eng/decisions/1931.09.05_customs.
95. Armed Activities on the Territory of the Congo (Democratic Republic of Congo v. Uganda) (Judgment) [19 December 2005] ICJ. - Режим доступа:
URL: http://www.icj-cij.org.
96. Case Concerning Military and Paramilitary Activities in and against Nicaragua (Merits), [1986] ICJ Rep. 14, p. 94, para. 176. - Режим доступа:
URL: http://www.icj-cij.org/docket/files/70/6503.pdf.
97. International Court of Justice. Reports of Judgments, Advisory Opinions and Orders. Case Concerning Oil Platforms (Islamic Republic of Iran V. United States of America). Judgment of 6 November 2003. I.C.J. Reports 2003.
98. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Case No.: IT-94-1-A. 15 July 1999.
99. Military and Paramilitary activities in and against Nicaragua (Nicaragua v. United States of America), Merits, ICS Reports 1986, pp. 64–65 (para. 115).
100. Permanent Court of International Just ice, Series A/Judgments, no. 9, The Case of the S.S. Lotus (September 7, 1927).
101. Prosecutor v. Dusko Tadic, Judgment, Case No. IT-94-1-A.A.Ch., 15

July 1999· - Режим доступа: URL: http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf

102. Reparation for Injuries Suffered in the Service of the United Nations, 1949 I.C.J. 174, 178 (Opinion of Apr. 11).

103. The S.S. Lotus, Permanent Court of International Justice (1927), P.C.I.J. Ser. A, no.10, reprinted in Damrosch et al., International Law: Cases and Materials (2001).

Dissertations

104. Ковалев А.А. Властные механизмы обеспечения военной безопасности Российской Федерации…дис. канд. полит. наук.- СПб. 2014.

105. Козлова А.В. Политические механизмы обеспечения безопасности государства в экономической сфере…дис. д-ра полит. наук.-М, 2009. 357 с.

106. Козлова А.В. Политические механизмы обеспечения безопасности государства в экономической сфере…дис. д-ра полит. наук.-М, 2009. 357 с.

107. Нехай Р.Ш. Система обеспечения военной безопасности региона Российской Федерации: проблема функционирования и совершенствования: дис. ...канд. полит. наук: 23.00.01. СПб., 2006. 202 с.

108. Пыж В.В. Геополитическая обусловленность военной политики России…дис. д. полит.наук.-СПб, 2004.

109. Радиков И.В. Военная безопасность общества и государства: Политологический анализ: дис ...д-ра полит. наук: 23.00.01. СПб., 2000. 408 с.

110. Рыбалкин Н.Н. Природа безопасности: дис. ...д-ра филос. наук: 09.00.11. М., 2003. 407 с.

111. Судаков Г.А. Применение группировок вооруженных сил зарубежных государств в локальных и региональных конфликтах на закрытых морских театрах военных действий (международно-правовые аспекты). Диссертация на соискание учёной степени канд. юрид. наук. «. – СПб.: ВМА им. Н. Г. Кузнецова, 2002 г. – 229 с.

112. Butler, Michael J. Just Causes or False Premises? Just War Theory and Western Military Intervention, 1945-1995. A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy at the University of Connecticut. UMI Number: 3144572. University of Connecticut, 2004.

Summaries of Dissertations

113. Гольцов С.Д. Международно-правовые вопросы применения вооруженной силы государствами в порядке индивидуальной самопомощи: Автореф. дисс. … канд. юрид. наук. Специальность 12.00.10 - Международное право; Европейское право /С. Д. Гольцов; Науч. рук. Ю. Н. Малеев. М., 2005. 23 с.

114. Котляр В.С. Международное право и современные стратегические концепции США и НАТО. Автореферат диссертации на соискание учёной степени доктора юридических наук. – М., - Дипломатическая академия МИД РФ: 2007.

115. Мищенко В.А. Международно-правовые аспекты принятия упреждающих индивидуальных внешних вооруженных акций государствами: Автореф. дисс. … канд. юрид. наук. Специальность 12.00.10 - Международное право; Европейское право /В. А. Мищенко; Науч. рук. Н. А. Чичулин. -М.,2007. -24 с.

116. Пашина А. Д. Применение силы в международном праве: Автореф. дисс. … канд. юрид. наук. - Казань,2008;

117. Трохинова О.И. Легитимация непопулярных политических решений: коммуникационный аспект…дис. кан. полит. наук.-СПб, 2019.

118. Чиков П.В. Военные санкции в международном праве: Автореф. дисс. … канд. юрид. наук. Специальность 12.00.10 - Международное право; Европейское право. - Казань, 2003. – 27 с.

Monographs

119. Коростелев С.В. Определение стратегии международно-правового обеспечения применения вооружённых сил и её методов / С.В. Коростелев. - СПб.: Изд-во Политехн. ун-та, 2009.

120. Котляр В.С. Международное право и современные стратегические концепции США и НАТО. – 2-е изд. – Казань: Центр инновационных технологий, 2008. - 480 с.

121. Пыж В.В. Геополитическая обусловленность военной политики России: Монография. М.: Можайск – Терра, 2003. 420 с.

122. Пыж В.В., Нурышев Г.Н., Фролов А.Е. Геополитика и национальная безопасность России: Монография. – Череповец: Порт-апрель, – 2007. – 450 с.

123. Пыж В.В., Фролов А.Е., Козлов С.В., Кононович И.А. Национальная безопасность и военная политика государства: Монография. – Чебоксары: Новое время, – 2010. 470 с.

124. Радиков В.И. Войны - «хамелеоны»: изменение характера вооруженной борьбы в XXI веке / «Гибридные войны» в хаотизирующемся мире XXI века / Под. ред. П.А. Цыганкова, А.Ю.

125. Ушаков Н.А. Правовое регулирование использования силы в международных отношениях / Ин-т государства и права РАН. - М., 1997. – 96 с.

Chapters in monographs, reports, collections

126. Коростелев С.В. Влияние свойств современной среды безопасности на определение содержания феномена «победа» и возможность применения норм международного гуманитарного права. Юридические

формы переживания истории: практики и пределы : коллективная монография / Под ред. С.В. Бочкарева. – СПб.: Астерион, 2020. – 694 с. §3. С. 467-474.

127. Коростелев С.В., Солодченко В.С. Проблемы установления статуса комбатанта в современных боевых действиях/ Российский ежегодник международного права 2004. Специальный выпуск. – СПб.: Россия-Нева, 2005.

128. Лукашук И.И. Проблема метода международно-правового регулирования / Вестник Киевского университета. Международные отношения и международное право. Выпуск 15. «Вища школа», 1982.

129. Сборник статей «Вопросы общей теории советского права» под ред. С.Н. Братуся. М., Госюриздат, 1960, 405 с.

130. Хонин В.Н. Об определении международно-правового регулирования / Вестник Киевского университета. Международные отношения и международное право. Выпуск 15. «Вища школа», 1982.

131. Letter from Daniel Webster to Lord Ashburton (Aug. 6, 1842). Treaties and Other International Acts of the United States of America. Edited by Hunter Miller. Volume 4. Documents 80-121: 1836-1846. Washington : Government Printing Office, 1934.

Books

132. Алексеев С.С. Теория права. - М.: Издательство БЕК, 1995.

133. Амин С. Вирус либерализма: перманентная война и глобализация мира / пер. Ш.Нагиб, С.Костальский. М.: изд-во «Европа», 2007. 161 с.

134. Аристотель. Политика. / Аристотель. Сочинения: В 4 т. – М.: Мысль, 1983.

135. Военный энциклопедический словарь / Пред. Гл. ред. комиссии С.Ф. Ахромеев. - М.: Воениздат, 1986.-863с.

136. Гоббс Т. Левиафан / Сочинения в 2 томах. Мысль. Т.2. 1991. 703 с.

137. Гроций Г. О праве войны и мира. М.: Ладомир, 1994. – 868 с.

138. Действующее международное право. Т. 2. - М.: Московский независимый институт международного права, 1997.

139. Действующее международное право. Т. 3. - М.: Московский независимый институт международного права, 1997.

140. Истон Д. Категории системного анализа политики // Антология мировой политической мысли: В 5 т. Т. II: Зарубежная политическая мысль. XX в. / Рук. проекта Г.Ю. Семигин и др. М.: Мысль, 1997. С.

141. Клаузевиц К. О войне. — М.: Госвоениздат, 1934.

142. Коломбос, Д. Международное морское право. – Москва: Прогресс, 1975.

143. Коровин Е. А. Современное международное публичное право. Государственное издательство. Москва. 1926. Ленинград.

144. Котляр В. С. Международное право и современные

стратегические концепции США и НАТО. – 2-е изд. – Казань: Центр инновационных технологий, 2008.- 480 с.

145. Ларичев О.И. Теория и методы принятия решений, а также Хроника событий в Волшебных Странах: Учебник. - М.: Логос, 2000. - 296 с: ил.

146. Ларичев О.И., Мошкович Е.М. Качественные методы принятия решений. Вербальный анализ решений. М.: Наука. Физматлит, 1996, -208 с.

147. Ленин В.И. Партизанская война. Полное собрание сочинений. Издание пятое, Государственное издательство политической литературы, М.: 1960, Т. 14.

148. Локк Дж. Сочинения: В 3 т. М., 1988. пер. Ю. В. Семенова.

149. Лукашук И.И. Право международной ответственности. – М.: Волтерс Клувер, 2004. – 432 с

150. Лукашук И.И. Современное право международных договоров: в 2 т. — М., 2004.

151. Маркс К. Восемнадцатое брюмера Луи Бонапарта // Маркс К., Энгельс Ф. Сочинения. Т. 21. М., 1957.

152. Мартенс Ф. Современное международное право цивилизованных народов. Том II. Санкт-Петербург, 1883.

153. Международное право. Учебник для вузов. Ответственные редакторы — проф. Г. В. Игнатенко и проф. О. И. Тиунов. — М.: Издательская группа НОРМА—ИНФРА : М, 1999. — 584 с

154. Михалев С. Н. Военная стратегия: Подготовка и ведение войн нового и новейшего времени / Вступ. ст. и ред. В. А. Золотарева. М.; Жуковский: Кучково поле, 2003.

155. Нерсесянц В.С. Общая теория права и государства: Учебник для юридических вузов и факультетов. – М.: Издательская группа НОРМА—ИНФРА - М, 1999. – 552 с.

156. Нюрнбергский процесс. Сборник материалов (под редакцией К. П. Горшенина (главный редактор), Р. А. Руденко и И. Т. Никитченко). Том I. Издание второе, исправленное и дополненное. Государственное издательство юридической литературы. Москва. 1954.

157. Политическая наука: Словарь-справочник. сост. проф пол наук Санжаревский И.И.. 2010.

158. Пыж В.В. Безопасность России в условиях реализации доктрины «управляемого хаоса». - Вопросы политологии. – 2019. – Т. 9, № 1 (41). – С. 95–110.

159. Пыж В.В., Долбунов Н.Н. Право как фактор обеспечения национальной безопасности в современных геополитических реалиях. - Вопросы политологии. – 2019. – № 7 (47). – С. 1516–1533.

160. Пыж В.В., Коростелев С.В. Концепция силы в международных отношениях.// Социально-гуманитарные технологии в управлении человеческими ресурсами в сфере физической культуры, спорта и здоровья. Потенциал спорта в системе международных отношений : сборник научных

статей и докладов Всероссийской научно-практической конференции с международным участием. 2 апреля 2021 г. – Санкт-Петербург : Политех-Пресс, 2021. – С. 324–343.

161. Пыж В.В., Коростелев С.В. Современная парадигма безопасности для государств Балтийского региона.- Вопросы национальных и федеративных отношений. – 2020. – № 12 (69). – С. 2872–2882.

162. Радиков В.И. Войны-«хамелеоны»: изменение характера вооруженной борьбы в XXI веке // «Гибридные войны» в хаотизирующемся мире XXI века / Под. ред. П.А. Цыганкова, А.Ю. Шутова. М.: Издательство Московского университета. 2015.

163. Свечин А. А. Стратегия. — М.: Военный вестник, 1927.

164. Словарь русского языка: В 4-х т. / РАН, Ин-т лингвистич. исследований; Под ред. А. П. Евгеньевой. — 4-е изд., стер. — М.: Рус. яз.; Полиграфресурсы, 1999.

165. Соловьев А.И. Политология: Политическая теория, политические технологии: Учебник для студентов вузов /А. И. Соловьев. — М.: Аспект Пресс, 2006. — 559 с.

166. Солодченко В.С., Скаридов А.С. Методика оценки международно-правовой обстановки в операционной зоне флота. Учебное пособие - СПб.: ВМА им. Кузнецова, 1993, 140 с.

167. Справочник по уголовно-правовым мерам противодействия терроризму. Управление Организации Объединенных Наций по наркотикам и преступности. Нью-Йорк, 2009. ISBN 978-92-1-430008-3.

168. Уэсселер Р. Война как услуга / пер. с нем. Г.Сахацкого. М.: Столица-принт, 2007. 320 с

169. Alvin and Heidi Toeffler. War and Anti-War: Survival at the Dawn of the 21st Century. Little Brown & Co; 1993. 302 P.

170. Arend, Anthony Clark and Robert J. Beck. International Law and the Use of Force: Beyond the UN Charter Paradigm. New York: Routledge, 1993.

171. Aspremont, Jean d'. Formalism and the Sources of International Law: A Theory of the Ascertainment of Legal Rules. OUP Oxford, 15 September 2011. 266 pgs.

172. Bishop, William W., Jr. International Law: Cases and Materials. Third edition. Little, Brown and Company. Boston. 1971.

173. Bork, Robert H. A Time to Speak: Selected Writings and Arguments – 1st ed.-Wilmington, Del: ISI Books, p 554.

174. Bowett D.W. Self-defense in International Law / Derek W. Bowett. NY: Praeger, 1958. -xv, 294 p.

175. Dinstein, Yoram. War, Aggression and Self-Defense. Cambridge University Press, Fourth edition. 2005. 349 pp.

176. Franciscus De Victoria. De Indis Et De Ivre Belli Being Parts of Relectiones Theologicae XII. In the Classics of International Law (Edited by James Brown Scott), Reprinted 1964. Oceana Publications Inc., Wildy & Sons Ltd. New York, U. S. A., London.

177. Gaddis, John Lewis. Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy. Oxford University Press. 1982. 432 P.

178. Global Strategic Trends. The Future Starts Today. Sixth Edition. Commonwealth of Australia. Vice Chief of Defence Force (15 November 2016), Future Operating Environment: 2035.

179. Herman, A. To Rule the Waves: How the British Navy Shaped the Modern World. Harper Collins Publishers. 2004. P. 366.

180. Kant, Immanuel. PERPETUAL PEACE: A PHILOSOPHICAL ESSAY. 1795. Third impression, 1917, LONDON, NEW YORK : THE MACMILLAN COMPANY.

181. Keohane, Robert O. After Hegemony: Cooperation and Discord in the World Political Economy. Princeton; New Jersey: Princeton University Press, 1984. doi:10.2307/j.ctt7sq9s.

182. Kissinger, H. American Foreign Policy. 3-d ed. N.-Y. : Norton, 1977.

183. Maguire, P. Law and War: an American Story. New York: Columbia University Press, 2000.

184. Morgenthau, Hans J. Politics Among Nations: The Struggle for Power and Peace. Fourth Edition. Alfred A. Knopf Inc., New York. Forth Printing, May 1968.

185. Nye, Joseph S. Jr. Understanding International Conflicts: An Introduction to Theory and History (3rd edition), Longman, 2000.

186. Oppenheim, L. International Law: A Treatise. Vol. 1. Peace. Longmans, Green and Co. 39 Paternoster Row, London, NY and Bombay, 1905.

187. Patrick J. Cullen, Erik Reichborn-Kjennerud. MCDC Countering Hybrid Warfare Project: Understanding Hybrid Warfare. A Multinational Capability Development Campaign project. Norwegian Institute of International Affairs. January 2017.

188. PLUTARCH, Marcus Cato. LIVES. John Dryden Trans., J.M. Dent & Sons 1962. (1683).

189. Sharp, W.G. Cyber Space and the Use of Force. Aegis Research Corporation (Falls Church, Virginia). 1999. 234 PP.

190. Sharp, W.G. Ius Paciarii: Emergent Legal Paradigms for U.N. Peace Operations in the 21st Century. Paciarii International, LLC, 1999. 392 PP.

191. Sir Robert Jennings and Sir Arthur Watts (eds.). Oppenheim's International Law. London: Longman, 1992. 9th ed.

192. Stoessinger, John G. Why Nations Go to War. Wadsworth Cengage Learning, Boston, USA. 11th edition, 2011, 432 pp.

193. The Operation in Gaza. 27 December 2008 – 18 January 2009. Factual and Legal Aspects. The State of Israel. July 2009. 164 pp.

194. The Political Works of Marcus Tullius Cicero: Comprising his Treatise on the Commonwealth; and his Treatise on the Laws. Translated from the original, with Dissertations and Notes in Two Volumes. By Francis Barham, Esq. (London: Edmund Spettigue, 1841-42). Vol. 2.

195. U.S. Army War College Guide to National Security Policy and Strategy. 2nd Edition. Ed. J. Boone Bartholomees, Jr. June 2006. ISBN 1-58487-244-6.

196. Vattel, E. de. The Law of Nations IV, in Classics of International Law Vol. 3. James Brown Scott ed. 1916.

197. Vattel, Emer de. The Law of Nations, or, Principles of the Law of Nature, applied to the Conduct and Affairs of Nations and Sovereigns, With Three Early Essays on the Origin and Nature of Natural Law and on Luxury/edited and with an introduction by Bela Kapossy and Richard Whatmore; translated by Thomas Nugent. Liberty Fund, Inc. 2008.

198. Walzer, Michael. Just and Unjust Wars: A Moral Argument with Historical Illustrations, second edition, New York, NY: Basic Books, 1992.

199. On the Law of Nations. Eight Books. Written in Latin by the Baron Pufendorf, Counsellor to His Late Swedish Majesty, and to the Present King of Prussia. Translated into English, from the best edition. Oxford. Printed by Lithfeld, et al. MDCC III.

Research articles

200. Гольцов С.Д. Вооруженная самопомощь государств и современное международное право // Сборник научных трудов Южного отделения Российской Академии Образования. Ростов-на-Дону, 2004.

201. Гольцов С.Д. Превентивная дипломатия как упреждающее средство самозащиты государства от вооруженного нападения // Вестник Московского Государственного Открытого Университета. № 2 (15). Кропоткин. 2004.

202. Гольцов С.Д., Малеев Ю.Н. Применение вооруженной силы государствами как мера превентивной самозащиты ad hoc от внешней угрозы // Московский журнал международного права. 2004. № 4.

203. Горбунов Ю.С. Упреждающие меры в свете современного международного права // Журнал российского права, №3, март 2008 г.

204. Гуторов В.А., Ширинянц А.А. Терроризм как теоретическая и историческая проблема: некоторые аспекты интерпретации // Полис. Политические исследования. 2017. № 3. DOI: 10.17976/jpps/2017.03.03.

205. Давыдов, Ю. П. «Жёсткая» и «мягкая» сила в международных отношениях // США-Канада. Экономика, политика, культура. 2007. № 1.

206. Загайнов Е. Т. Упреждающая самооборона в западной доктрине международного права //Московский журнал международного права. 2006. – №2.

207. Иванченко Ю. А. Интерпретация понятия правовой легитимации в юридической теории // История государства и права №4 2010.

208. Коростелев С.В. «Ответственность по защите» как политико-правовое обоснование актов применения силы в международных отношениях. Управленческое консультирование. 2015. № 8 (80).

209. Коростелев С.В. Гуманитарная необходимость: проблема

политической легитимации актов применения силы. Управленческое консультирование. 2015. № 3 (87).

210. Коростелев С.В. К вопросу о соотношении международной морали и международного права в процессе правового обоснования упреждающих действий // Вестник Чувашского государственного университета 2011. №2. Серия: Гуманитарные науки.

211. Коростелев С.В. К определению феномена терроризма: влияние наследия Нюрнбергского трибунала // Управленческое консультирование. 2018. № 5 (113).

212. Коростелев С.В. О некоторых особенностях правового режима «новых» средств и методов ведения вооруженной борьбы. // Управленческое консультирование. 2015. № 6 (78).

213. Коростелев С.В. О проблеме терминологической несогласованности процесса легитимации действий по противодействию террористической угрозе // Управленческое консультирование. 2017. № 7 (103).

214. Коростелев С.В. Проблема классификации объектов применения силы в информационных конфликтах // Управленческое консультирование. 2020. № 8(140).

215. Коростелев С.В. Проблема определения объема суверенных полномочий государства в цифровую эпоху // Управленческое консультирование. 2020. № 6(138).

216. Коростелев С.В. Упреждающие действия государств с позиций права, морали и политики // Исторические, философские, политические и юридические науки, культурология и искусствоведение. Вопросы теории и практики. - Тамбов: Грамота, 2011. № 4(10). Часть 1. ISSN 1997-292X.

217. Коростелев С.В. Эволюция взглядов на обоснование актов применения силы до начала становления современных институтов. Управленческое консультирование. 2016. № 10 (94).

218. Коростелев С.В., Качук В.Н. Характеристика метода правового обоснования применения силы в международных отношениях и его использование для обоснования упреждающих действий // Журнал правовых и экономических исследований № 1 2010.

219. Коростелев С.В., Кириленко В.П. К вопросу о праве государств на упреждающее применение военной силы. Ч. I, II // Военная мысль. №8-9 2011.

220. Коростелев С.В., Кириленко В.П. К вопросу правовой квалификации силовых действий государств в практике СБ ООН // Ученые записки юридического факультета. Вып. 19 (29) / Под ред. А. А. Ливеровского. – Санкт-Петербург: Издательство Санкт-Петербургского государственного университета экономики и финансов, 2010.

221. Коростелев С.В., Пыж В.В. Современная парадигма безопасности для государств Балтийского региона // Вопросы национальных и федеративных отношений. Выпуск 12(69). 2020. С. 2872-2882.

222. Коростелев С.В., Пыж В.В. Учет геополитических факторов в процессе выбора способов разграничения морских пространств в Арктике // Вопросы национальных и федеративных отношений. Выпуск 2(41). 2018.

223. Коростелев С.В., Шипилов Ю.Г. Международно-правовые механизмы урегулирования статуса Каспийского моря // Время и право: Научно-практический журнал Северо-Западного (г. Санкт-Петербург) филиала ГОУ ВПО «Российская правовая академия Министерства юстиции Российской Федерации» №1/2013.

224. Коростелев С.В., Шипилов Ю.Г. Правовые средства предупреждения ущерба инфраструктуре морской торговли / Ежегодник морского права 2008. Юбилейное издание к 40-летию Ассоциации международного морского права / Отв. ред. А.Л. Колодкин. – М.: Линкор, 2009. -494 с.

225. Коростелев С.В. Варианты реализации принципа универсальной юрисдикции в отношении бывших глав государств и правительств // Время и право : Научно-практический журнал Северо-Западного (г. Санкт-Петербург) филиала ГОУ ВПО «Российская правовая академия Министерства юстиции Российской Федерации» №3/2011.

226. Коростелев С.В. Внешнее вмешательство путем информационного воздействия: проблема нормативной оценки // Пути к миру и безопасности. 2019. Т. 57. № 2.

227. Коростелев С.В. Действие метода стратегического легализма в международных отношениях / Глобальный экономический кризис: реалии и пути преодоления. Сборник научных статей, Вып. 7 / Под общей редакцией проф. В.В. Тумалёва. – СПб.: НОУ ВПО Институт бизнеса и права, 2009.

228. Коростелев С.В. Международно-правовое регулирование деятельности государств по противодействию проявлениям международного терроризма и пиратства на морском транспорте в рамках международных организаций и соглашений / Проблемы правового обеспечения экономической безопасности предпринимательской деятельности: сб. науч. тр. / редкол.: С.В. Коростелев (отв. ред [и др.]–СПб.: Изд-во Политехн. ун-та, 2008.

229. Коростелев С.В. Методологические проблемы преподавания современного международного права при объяснении феномена международного терроризма / Сборник материалов научно-практической конференции. /Международный университет (в Москве), СПб филиал. – СПб.: СПбГУЭФ, 2004.

230. Коростелев С.В. Методологические проблемы присвоения статуса комбатанта в современных боевых действиях / Прокуратура и институты гражданского общества в противодействии экстремизму и ксенофобии. Международная научно-практическая конференция, 1-2 февраля 2005 г.: Тезисы выступлений. - СПб.: Санкт-Петербургский юридический институт Генеральной прокуратуры РФ, 2005.

231. Коростелев С.В. Об эпифеноменальном характере

международного права. Управленческое консультирование. 2013. № 12 (60).

232. Коростелев С.В. Определение частной стратегии международно-правового обеспечения применения Вооруженных Сил Российской Федерации // Морской Сборник. Том 1969. №4. Апрель 2011.

233. Коростелев С.В. Особенности политико-правового обоснования применения силы во внутренних вооруженных конфликтах при противодействии терроризму и иным насильственным проявлениям экстремизма // Управленческое консультирование. 2018. № 4 (112).

234. Коростелев С.В. Политическая обусловленность «разумно-необходимого» толкования международных норм в сфере обеспечения международной безопасности // Управленческое консультирование. 2016. № 9 (93).

235. Коростелев С.В. Правовое регулирование применения силы в международных отношениях в период действия Статута Лиги Наций // Управленческое консультирование: Актуальные проблемы государственного и муниципального управления. Научно-практический журнал Северо-Западной академии государственной службы. 2010. №3.

236. Коростелев С.В. Проблема установления содержания объекта терроризма для целей правоприменения // Вестник ИНЖЭКОНА 2006. Серия: Гуманитарные науки. Выпуск 1(10). –СПб.: ИзПК СПбГИЭУ, 2006.

237. Коростелев С.В. Проблемы обоснования актов применения силы во внешней политике государства // Управленческое консультирование. 2015. № 10 (82).

238. Коростелев С.В. Рынок миротворческих услуг / Сборник материалов VIII Всероссийской научно-технической конференции «Фундаментальные исследования в технических университетах». Секция «Национальная безопасность» / Санкт-Петербургский государственный технический университет, Санкт-Петербург, 26–27 мая 2004 г.

239. Коростелев С.В. Современное содержание института блокады // Вестник ИНЖЭКОНА 2011. Серия: Гуманитарные науки. №4(10). –СПб.: ИзПК СПбГИЭУ, 2011.

240. Коростелев С.В. Стратегии регулирования коллективной безопасности в нормативных рамках Устава ООН // Личность. Культура. Общество. 2011. Т. 13. Вып. 1 (61-62).

241. Коростелев С.В., Качук В.Н. Некоторые аспекты влияния статуса нейтральности на торговые отношения государств // Вестник ИНЖЭКОНА 2011. Серия: Экономика. №3(46). –СПб.: ИзПК СПбГИЭУ, 2011.

242. Коростелев С.В., Качук В.Н. Политико-правовые аспекты регламентации свободы судоходства в российском секторе Арктики. Труды научно-исследовательского отдела Института военной истории Военной академии Генерального штаба Вооруженных сил Российской Федерации. Т. 9. Кн. 2. Обеспечение национальных интересов России в Арктике. Санкт-Петербург. 2014.

243. Коростелев С.В., Качук В.Н. Проблема легитимации применения

силы резолюциями СБ ООН / Проблемы права в современной России: сб. статей междунар. межвузов. научно-практ. конф. СПб.: Изд-во Политехн. ун-та, 2009. Т.2.

244. Коростелев С.В., Кириленко В.П. Правовые аспекты правомерной деятельности государств по использованию по использованию вооружённых сил для защиты своих граждан на территории зарубежных государств // Время и право: Научно-практический журнал Северо-Западного (г. Санкт-Петербург) филиала ГОУ ВПО «Российская правовая академия Министерства юстиции Российской Федерации» №2/2011.

245. Коростелев С.В., Кириленко В.П. Проблема метода заявления правомерности обращения государств к силе в нормативных рамках Устава ООН / Проблемы права в современной России: сборник статей международной межвузовской научно-практической конференции. Т.2. – СПб.: Изд-во Политехн. ун-та. 2009.

246. Кремень Т. В. Политическая мобилизация: объекты и субъекты // Историческая и социально-образовательная мысль. 2013. № 5 (21).

247. Малеев Ю.Н. Превентивная самооборона в современном формате // Россия и международное право. – М.: МГИМО-Университет, 2006.

248. Малеев Ю.Н. Силовая составляющая международного права // Российский ежегодник международного права, 2005. – СПб, 2006.

249. Малинина С.А. Правовые ограничения средств массовой информации и характеристика методов агитации в избирательном процессе // Диалог: политика, право, экономика» № 1. (12) 2019.

250. Пашина А.Д. Доктрина «самообороны» в современном международном праве // Научные итоги 2011 года: достижения, проекты, гипотезы.- Новосибирск.- 2011 г.

251. Тарасова Л.Н. О легитимности в международном праве // Современное право №11 2012.

252. Тузмухамедов Б. Упреждение силой и современность // Россия в глобальной политике №2, Март-Апрель 2006.

253. Цыганков П.А. «Гибридная война»: политический дискурс и международная практика. // Вестник Московского университета. Серия 18. Социология и политология. 2015;(4):253-258.

254. Цыганков П.А. Безопасность: кооперативная или корпоративная. Критический анализ международно-политической концепции. - ПОЛИС. Политические исследования. 2000, N 3.

255. Цыганков П.А. Безопасность: кооперативная или корпоративная. Критический анализ международно-политической концепции. // ПОЛИС. Политические исследования. 2000, N3.

256. Шмитт К. Понятие политического // Вопросы социологии. 1992. № 1.

257. Alexander, Yonah and Swetnam; Michael S. Usama bin Laden’s al-Qaida: Profile of a Terrorist Network, Ardsley, NY: Transnational Publishers, 2001.

258. Art, Robert J. “To What Ends Military Power?” International Security, Vol. 4, No. 4, Spring 1980.

259. Bjola, Corneliu. Legitimating the Use of Force in International Politics: A Communicative Action Perspective. European Journal of International Relations; June 2005; 11, 2; ABI/INFORM Global, pg. 266-303.

260. Brown, Cris. Self-Defense in Imperfect World. Ethics & International Affairs. Annual Journal of the Carnegie Council on Ethics and International Affairs, Volume 17, No. 1, 2003.Лившиц Р.З. О легитимности закона // Теория права: новые идеи. — М., 1995.

261. Barry R. Posen and Andrew L. Ross, “Competing Visions for U.S. Grand Strategy,” International Security, Vol. 21, No. 3, Winter 1996/1997.

262. Bunn, Elaine M. Preemptive Action: When, How, and to What Effect? Institute for National Strategic Studies. National Defense University. Strategic Forum No. 200, July 2003.

263. Chandrakala Padia. Terrorism: An Analysis. The Indian Journal of Political Science. Vol. 49, No. 3. (July - Sept. 1988).

264. Deeks, Ashley S. “Unwilling or Unable”: Toward a Normative Framework for Extraterritorial Self-Defense. Virginia Journal of International Law. Volume 52 — Number 3 — Page 483.

265. Douglas, Mark. Changing the Rules: Just War Theory in the Twenty-First Century. Theology Today. Princeton: Jan 2003. Vol. 59, Iss. 4; pg. 529. Глава «Historical Change and Its Impact on Just War Criteria».

266. Franck and Lockwood, ‘Preliminary Thoughts Towards an International Convention on Terrorism,’ Am. J. Int’l L. 68: 69, 73.

267. Humanitarian Intervention. Legal and Political Aspects. Danish Institute of International Affairs 1999. 2nd impression 2000. 135 pgs.

268. Kantareva, Silva D. The Responsibility to Protect: Issues of Legal Formulation and Practical Application. Interdisciplinary Journal of Human Rights Law. Vol. 6:1 2011–2012.

269. Keohane, Robert O. After Hegemony: Cooperation and Discord in World Political Economy. International Affairs 61(2), January 1984. DOI: 10.2307/2617490.

270. Ku, Charlotte, “Catholicism, the Peace of Westphalia, and the Origins of Modern International law,” 1 The European Legacy (1996).

271. Leaning, Jennifer. Was the Afghan Conflict a Just War? British Medical Journal. (International edition). London: Feb 9, 2002. Vol. 324, Iss. 7333.

272. Legro, Jeffrey W. Which Norms Matter? Revisiting the 'Failure' of Internationalism. International Organization, Winter 1997, V. 51, iss. 1.

273. Levy, Jack S. “Declining Power and the Preventive Motivation for War,” World Politics, Vol. 40, No. 1, October 1987.

274. Lobel, J., Ratner, M. “Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease-Fires and the Iraqi Inspection Regime,” American Journal of International Law, Vol. 93, No. 1, January 1999.

275. Maogoto, Jackson Nyamuya. New Frontiers, Old Problems: The War

on Terror and the Notion of Anticipating the Enemy. Netherlands International Law Review. Cambridge: Apr 2004. Vol. 51, Iss. 1.

276. Michael McGinty. That Was the War That Was: International Law, Pre-emption and the Invasion of Iraq. RUSI Journal. London: Jun 2003. Vol. 148, Iss. 3; pg. 20.

277. Murphy, Sean, 'Self-Defense and the Israeli Wall Advisory opinion: An Ipse Dixit from the ICJ?' (2005) 99 American Journal of International Law 62, 64-5.

278. Posner, Eric A. Fear and the Regulatory Model of Counterterrorism. Harvard Journal of Law and Public Policy. Cambridge: Spring 2002. Vol. 25, Iss. 2; pg. 681.

279. Rice, Condoleezza. "Campaign 2000: Promoting the National Interest," Foreign Affairs, Vol. 79, No. 1, January/February 2000, pp. 45-62.

280. Risse, Thomas. '"Let's Argue!" Communicative Action in World Politics', International Organization 54 (1).

281. Rivkiv, David B. Jr. The Virtues of Preemptive Deterrence. Harvard Journal of Law and Public Policy; Fall 2005; 29, 1; Research Library, pg.85.

282. Roberts, Guy B. The Counterproliferation Self-Help Paradigm: A Legal Regime for Enforcing the Norm Prohibiting the Proliferation of Weapons of Mass Destruction, 27 Denver Journal of International Law and Policy, Summer, 1999.

283. Root, Elihu, The Real Monroe Doctrine, 35 American Journal of International Law: 427 (1914).

284. Sederberg, Peter C. "Conciliation as Counter-Terrorist Strategy," Journal of Peace Research, Vol. 32, No. 3, August 1995.

285. Sinclair, G. F. Don't Mention the War (On Terror): Framing the Issues and Ignoring the Obvious in The ICJ'2005 Armed Activities Decision. Melbourne Journal of International Law. Volume 8, 2007.

286. Stromseth, Jane E. New Paradigms for the Ius ad bellum? The George Washington International Law Review; 2006; 38, 3 ABI/INFORM Global.

287. Travalio, Greg, Altenburg, John. Terrorism, state responsibility, and the use of military force. Chicago Journal of International Law. Chicago: Spring 2003. Vol. 4, Issue 1.

288. Vaclav Havel, Desmond M. Tutu. Threat to the Peace: A Call for the UN Security Council to Act in Burma. DLA Piper Rudnik Gray Cary US LLP, September 20, 2005.

Electronic resources

289. Блаженный Августин. Творения. – Том 3–4. О Граде Божием. – СПб.: Алетейя, 1998. Подготовка текста к печати С. И. Еремеева (оцифровка с издания: Мн.: Харвест, М.: АСТ, 2000). - Режим доступа: URL: http://azbyka.ru/otechnik/?Avrelij_Avgustin/o-grade-bozhem=1_2.

290. Брок Л. Легитимация и критика насилия в международном праве. Политологическая перспектива. Кантовский сборник. 2013 Выпуск №4(46).

- Режим доступа: URL: https://journals.kantiana.ru/upload/iblock/2c1/Brock_30-41.pdf.

291. Военная стратегия. Под редакцией Маршала Советского Союза Соколовского В.Д. Издание второе, исправленное и дополненное. Военное издательство Министерства обороны СССР. М., 1963. - Режим доступа: URL: http://www.ipmb.ru/publik/learning/Military_strategy/strateg.htm.

292. Гаврилов В. В. Понятие национальной и международной правовых систем // Журнал российского права, № 11, ноябрь 2004 г. - Режим доступа: Гарант Платформа F1.

293. Гаджиев К. С. Политология. М.: Логос, 2001. - Режим доступа: URL: http://bibliotekar.ru/politologia-2/29.htm.

294. Гизо Ф. История цивилизации в Европе / Пер. с франц. Изд. 3-е без перемен. СПб., 1905. - Режим доступа: URL: http://az.lib.ru/g/gizo_f/text_1828_histoire_de_la_civilisation_en_europe.shtml.

295. Гоббс, Томас. Левиафан, или Материя, форма и власть государства церковного и гражданского. - Режим доступа: URL: http://www.philosophy.ru/library/hobbes/ogl.html.

296. Договор о ненападении между Германией и Советским Союзом. - Режим доступа: URL: http://xn--d1aml.xn--h1aaridg8g.xn--p1ai/20/dogovor-o-nenapadenii-mezhdu-germaniey-i-sovetskim-soyuzom/.

297. Дугин, А. Изъяны формальной демократии // Московские новости. http://mn.ru/print.php?2006-46-22.

298. Капитанец И. М. Война на море. Актуальные проблемы развития военно-морской науки. Глава II. Классификация поколений войн. - Режим доступа: URL: http://militera.lib.ru/science/kapitanetz/02.html.

299. Кашинская Л. Ф., Саидов А. Х. Национальная безопасность и национальные интересы: взаимосвязь и взаимодействие (опыт политико-правового анализа) // Журнал российского права №12, декабрь 2005 г. - Режим доступа: ГАРАНТ Платформа F1.

300. Конвенция (II) об ограничении в применении силы при взыскании по договорным долговым обязательствам (Гаага, 18 октября 1907 года). - Режим доступа: URL: http://zakon5.rada.gov.ua/laws/show/995_444?test=4/UMfPEGznhh8RF.ZivokrLwHI4lMs80msh8Ie6.

301. Конвенция (III) «Об открытии военных действий» (Гаага, 18 октября 1907 г.). - Режим доступа: URL: http://zakon5.rada.gov.ua/laws/show/995_b85.

302. Конвенция Монтевидео о правах и обязанностях государств. - Режим доступа: URL: https://docplayer.ru/151742324-Konvenciya-montevideo-o-pravah-i-obyazannostyah-gosudarstv.html.

303. Лапач, В.А. Система объектов гражданских прав: теория и судебная практика, 2004 г. - Режим доступа: URL: http://allpravo.ru/library/doc99p0/instrum2232/print2235.html.

304. Марочкин С. Ю. Международное право: 60 лет после создания

ООН // Журнал российского права, № 3, март 2006 г. - Режим доступа: Система ГАРАНТ Платформа F1.

305. Материалы Берлинской (Потсдамской) конференции руководителей трех союзных держав – СССР, США и Великобритании. Протокол Берлинской конференции трех великих держав 1 августа 1945 г. - Режим доступа:
URL: http://www.hist.msu.ru/ER/Etext/War_Conf/berlin_main.htm.

306. Ориген. Против Цельса. Книга третья. VIII. - Режим доступа: URL: http://azbyka.ru/otechnik/Origen/protiv_celsa/3.

307. Пакт о нейтралитете между СССР и Японией. - Режим доступа: URL: http://www.ru.emb-japan.go.jp/RELATIONSHIP/MAINDOCS/1941.html.

308. Пастухова Н. Б. Государственный суверенитет в эпоху глобализации //Журнал российского права. №5, май 2006 г. - Режим доступа: ГАРАНТ Платформа F1.

309. Проект Кодекса об ответственности за преступления против мира и безопасности человечества. - Режим доступа:
URL: http://www.un.org/ru/documents/decl_conv/conventions/pdf/code_of_offences.pdf.

310. Проект Конвенции о предотвращении и наказании за преступление терроризма. - Режим доступа:
URL: https://dl.wdl.org/11579/service/11579.pdf.

311. Сандоз, Ив. Конвенция от 10 октября 1980 года о запрещении или ограничении применения конкретных видов обычного оружия, которые могут считаться наносящими чрезмерные повреждения или имеющими неизбирательное действие (Конвенция от 10 октября 1980 года). United Nations Audiovisual Library of International Law. - Режим доступа:
URL: http://legal.un.org/avl/pdf/ha/cprccc/cprccc_r.pdf.

312. Синицына Ю.В. Критерии необходимости и соразмерности (пропорциональности) при реализации права на самооборону // Журнал международного права и международных отношений. 2010. N 1. - Режим доступа: URL: http://www.globalaffairs.ru/numbers/19/5550.html.

313. Тертуллиан. Апологетик. Глава 9 (8). - Режим доступа:
URL: http://azbyka.ru/otechnik/Tertullian/apologetik/.

314. Фома Аквинский. Сумма теологии. Том VII. Вопрос 40 «О войне». Раздел 1. Всегда ли греховно вести войну? - Режим доступа:
URL: http://azbyka.ru/otechnik/konfessii/summa-teologii-tom-7/40.

315. Хойер В. Реформировать международное право, чтобы его сохранить // Журнал «Международная политика», 2003, № 6. - Режим доступа: URL: http://www.deutschebotschaft-moskau.ru/ru/bibliothek/internationale-politik/2004-01/article08_p.html.

316. Цицерон Марк Туллий. Диалоги: О государстве; О законах. – М., 1994. - Режим доступа: URL: http://grachev62.narod.ru/ciceron/Ogl.html

317. Че Гевара. Партизанская война. - Режим доступа:
URL: http://www.akm1917.org/teo/gevara/guerillawar.htm.

318. Anderson, Kenneth. Five Fundamental International Law Approaches to the Legality of a Syria Intervention- Режим доступа:
URL: www.lawfareblog.com/2013/09/five-fundamental-international-law-approaches-to-the-legality-of-a-syria-intervention.

319. British-American Diplomacy. The Caroline Case. - Режим доступа:
URL: http://avalon.law.yale.edu/19th_century/br-1842d.asp (дата обращения: 12.01.2015

320. Carr, Craig L., Kinsella, David. Preemption, Prevention, and Ius ad bellum. Hatfield School of Government, Portland State University. Paper prepared for presentation at the annual meeting of the International Studies Association, March 2006, San Diego. - Режим доступа:
URL: http://web.pdx.edu/~kinsella/papers.html.

321. Cohen, Richard. Cooperative Security: From Individual Security to International Stability. - Режим доступа:
URL: https://www.marshallcenter.org/en/publications/marshall-center-papers/cooperative-security-new-horizons-international-order/cooperative-security-individual-security-international.

322. Pictet, Jean S. Commentary on the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. - Режим доступа:
URL: https://www.loc.gov/rr/frd/Military_Law/pdf/GC_1949-IV.pdf.

323. Emer de Vattel. The Law of Nations, or, Principles of the Law of Nature, applied to the Conduct and Affairs of Nations and Sovereigns, With Three Early Essays on the Origin and Nature of Natural Law and on Luxury/edited and with an introduction by Bela Kapossy and Richard Whatmore; translated by Thomas Nugent. Liberty Fund, Inc. 2008. - Режим доступа: URL: http://lf-oll.s3.amazonaws.com/titles/2246/Vattel_1519_LFeBk.pdf.

324. Francisco Suárez. DE LEGIBUS. - Режим доступа:
URL: http://www.sydneypenner.ca/su/DL_1_13.pdf

325. Hamdi v. Rumsfeld, 542 U.S. 507 (2004). - Режим доступа:
URL: https://www.lawfareblog.com/hamdi-v-rumsfeld-542-us-507-2004.

326. Helmuth von Moltke (the elder). On the Nature of War. - Режим доступа: URL: http://www.bellum.nu/wp/hvm/hvmotnow.html.

327. Henry A. Kissinger. A World Restored: Metternich; Castlereagh, and the Problems of Peace 1812–22 (London: Weidenfeld and Nicolson, 1957). Цитируется по: Rostow, Nicholas. Grand Strategy and International Law. Strategic Forum No. 277. April 2012. - Режим доступа:
URL: http://ndupress.ndu.edu/Portals/68/Documents/stratforum/SF-277.pdf

328. Humanitarian Intervention. Legal and Political Aspects. Danish Institute for International Studies, 2nd impression 2000, 135 PP. - Режим доступа:
URL: http://www.diis.dk/graphics/Publications/Andet/Humanitarian_Intervention_1999.pdf.

329. Independent International Commission on Kosovo: The Kosovo Report. - Режим доступа:
URL: http://www.reliefweb.int/library/documents/thekosovoreport.htm.

330. Jean Bodin. Six Books of the Commonwealth. Abridged and translated by M. J. Tooley, Basil Blackwell Oxford. Printed in Great Britain in the City of Oxford at the Alden Press Bound by the Kemp Hall Bindery, Oxford. - Режим доступа: URL: http://www.constitution.org/bodin/bodin_.htm.

331. Joint Doctrine Note 1-18. Strategy. II-8. 25 April 2018. - Режим доступа: URL: https://www.jcs.mil/Portals/36/Documents/Doctrine/jdn_jg/jdn1_18.pdf?ver=2018-04-25-150439-540.

332. Joint Publication 1, Doctrine for the Armed Forces of the United States. 25 March 2013. - Режим доступа:
URL: http://www.dtic.mil/doctrine/new_pubs/jp1.pdf.

333. Kagan, R. Looking for Legitimacy in All the Wrong Places. Foreign Policy & Carnegie Endowment Special Report. - Режим доступа:
URL: http://www.ciaonet.org.ezproxy6.ndu.edu/olj/fp/fp_julaug03ab.html.

334. Treaty between the Holy Roman Emperor and the King of France and their respective Allies. - Режим доступа:
URL: http://avalon.law.yale.edu/17th_century/westphal.asp.

335. Kukathas, Chandran. A Definition of the State. Presented at a conference on 'Dominations and Powers: The Nature of the State', University of Wisconsin, Madison, March 29, 2008. - Режим доступа:
URL: http://philosophy.wisc.edu/hunt/A%20Definition%20of%20the%20State.htm.

336. Leitenberg, Milton. Deaths in Wars and Conflicts in the 20th Century, 3rd ed. Cornell University Peace Studies Program Occasional Paper #29. - Режим доступа:
URL: http://www.cissm.umd.edu/papers/files/deathswarsconflictsjune52006.pdf.

337. Locke, John. Two Treatises of Government, ed. Thomas Hollis (London: A. Millar et al., 1764). The Online Library of Liberty. Classics in the History of Liberty. - Режим доступа:
URL: http://oll.libertyfund.org/texts/Locke0154/TwoTreateses/0057_Bk.html

338. Mao Tse-Tung. On Protracted War. The Basis of The Problem, at. 9. Transcription by the Maoist Documentation Project. HTML revised 2004 by Marxists.org. - Режим доступа:
URL: http://www.marxists.org/reference/archive/mao/selected-works/index.htm.

339. Monaghan, Sean. Countering Hybrid Warfare: So, What for the Joint Force? PRISM Vol. 8, No. 2, Oct. 4, 2019. - Режим доступа:
URL: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/1979787/countering-hybrid-warfare-so-what-for-the-joint-force/.

340. National Security Council. The National Security Strategy of the United States of America. Washington, DC: US Government Printing Office, 2002. - Режим доступа: URL: http://merln.ndu.edu/whitepapers/USNSS-Russian.pdf.

341. National Security Strategy of the United States of America. May 2010. - Режим доступа:
URL: http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_

strategy.pdf.

342. Principles of War by Carl von Clausewitz. “Translated and edited by Hans W. Gatzke. September 1942. The Military Service Publishing Company. - Режим доступа:
URL: http://www.clausewitz.com/readings/Principles/index.htm.

343. Reisman, W. Michael, "International Incidents: Introduction to a New Genre in the Study of International Law" (1984). Faculty Scholarship Series. Paper 740. . - Режим доступа:
URL: http://digitalcommons.law.yale.edu/fss_papers/740.

344. Reisman, W. Michael, “Criteria for the Lawful Use of Force in International Law” (1985). Faculty Scholarship Series. Paper 739. - Режим доступа: URL: http://digitalcommons.law.yale.edu/fss_papers/739.

345. Rostow, Nicholas. Grand Strategy and International Law. Strategic Forum No. 277. April 2012. - Режим доступа:
URL: http://ndupress.ndu.edu/Portals/68/Documents/stratforum/SF-277.pdf.

346. Schmid, Alex. Terrorism - The Definitional Problem, 36 Case Western Reserve Journal of International Law. 375 (2004). - Режим доступа:
URL: http://scholarlycommons.law.case.edu/jil/vol36/iss2/8.

347. Spahn, Martin. The Thirty Years War (Transcribed by Douglas J. Potter). The Catholic Encyclopedia, Volume XIV. Online Edition. - Режим доступа: URL: http://www.newadvent.org/cathen/The Thirty Years War.htm

348. The Treaty of Münster, 1648. - Режим доступа:
URL: http://www1.umassd.edu/euro/resources/dutchrep/14.pdf.

349. Thycydides. History of the Peloponnesian War. Chapter XVII. The Milan Dialogue. - Режим доступа:
URL: http://www.mtholyoke.edu/acad/intrel/melian.htm/

350. Wolfers, Arnold. Discord and Collaboration: Essays on International Politics. Baltimore: The Johns Hopkins Press, 1962. - Режим доступа:
URL: https://archive.org/details/discordandcollab012923mbp.

Internet publications

351. «Террористическая угроза: власть и общество». Актуальные новости (29-30 сентября 2004 г.) URL: http:/1566/2004/09/30.php?printv=1.

352. Alien, M., Gellman, B. Preemptive Strikes Part of U.S. Strategic Doctrine; 'All Options' Open for Countering Unconventional Amis, Wash. Post Al (Dec 11, 2002).
URL: http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf.

353. Betts, Richard K. The Osirak Fallacy. The National Interest: Spring 2006, Posted On: 3/17/2006.
URL: http://www.ciao.ezproxy6.ndu.edu/olj/ni/ni_sp06/ni_sp06c.html.

354. Bobbitt, Philip. In This New Age of Warfare, We Need Clearer Rules on When to Cross Borders. The Guardian. Monday 16 June 2008.
URL: http://www.guardian.co.uk/commentisfree/2008/jun/16/terrorism.terrorism/print.

355. Cohen, William S. and Shelton, Henry H. Defense Link: DoD News Briefing of August 20, 1998.
URL: http://www.defenselink.mil/news/Aug1998/t08201998 t820brfg.html.
356. Hurdaug, Ian. Bomb Syria, even if It Is Illegal. The New York Times. August 27, 2013. URL: http://www.nytimes.com/2013/08/28/opinion/bomb-syria-even-if-it-is-illegal.html?_r=1.
357. Israelis ‘blew apart Syrian nuclear cache’: Secret raid on Korean shipment. The Sunday Times. 17 September 2007.
URL: http://www.timesonline.co.uk/tol/news/world/middle_east/article2461421.ece.DoctineOrkaby, Asher. Syria’s Chemical Weapons Might Start a New Six Day War. The Wall Street Journal. June 4, 2017.
URL: https://www.wsj.com/articles/syrias-chemical-weapons-might-start-a-new-six-day-war-1496605055.
358. S. Korea: "Obvious" North Torpedoed Our Ship: Foreign Minister Says Investigators Have Enough Evidence to Prove North Korean Attack Killed 46 Sailors.
URL: http://www.cbsnews.com/stories/2010/05/19/world/main6498333.shtml;
URL: http://www.nytimes.com/2010/05/20/world/asia/20korea.html?_r=1.
359. Timothy W. Maier. KAL 007 Mystery.
URL: http://web.archive.org/web/20010919141246/www.insightmag.com/archive/200104171.shtml.
360. URL: http://lenta.ru/russia/2004/09/08/baluevski/_Printed.htm.
361. URL: http://www.un.org/russian/news/story.asp?NewsID=4698.
362. URL: http://news.mail.ru/politics/2236121/print/.
363. URL: http://president.kremlin.ru/withflash/varPriorityPTemplPriorId5748.shtml(11 сентября 2002 г.).
364. URL: http://www.lenta.ru/terror/2004/09/09/ivanov/_Printed.htm.
365. Арас, Дж. Терроризм: вчера, сегодня, и навеки. - Баку: SADA, 2003. URL: http://www.worldwarfour.org/blok1_6.shtml.
366. Бабакин А., Ямшанов Б., Дымарский В. “Белая книга” министра обороны // Российская газета – Федеральный выпуск №3335 от 31 октября 2003 г. URL: http://www.rg.ru/2003/10/31/doktrina.html.
367. Балуевский Ю. Доклад на ежегодной конференции Академии военных наук. Опубликовано в Независимой газете от 21.01.2008. http://www.ng.ru/editorial/2008-01-21/2_red.html.
368. Балуевский Ю. Доклад на ежегодной конференции Академии военных наук. Опубликовано в Независимой газете от 21.01.2008.
URL: http://www.ng.ru/editorial/2008-01-21/2_red.html; U
369. Боббит Ф. Войны новой эпохи требуют более четких норм, определяющих право на вторжение ("The Guardian", Великобритания). Опубликовано на сайте ИноСМИ.Ru 16 июня 2008.
URL: http://www.inosmi.ru/translation/241986.html.
370. Брок Л. Легитимация и критика насилия в международном праве. Политологическая перспектива. Кантовский сборник. 2013 Выпуск №4(46).

URL: https://journals.kantiana.ru/upload/iblock/2c1/Brock_30-41.pdf.

371. Выступление Президента России В.В. Путина на расширенном заседании Правительства с участием глав субъектов Российской Федерации 13 сентября 2004 г., Москва, Дом Правительства России.
URL: http://www.kremlin.ru/text/appears/2004/09/76651.shtml.

372. Гареев М.А. Отвлеченные призывы и декларации не нужны. Опубликовано в НГ-НВО от 25.01.2008. URL: http://nvo.ng.ru/concepts/2008-01-5/5_prizyvy.html.

373. Иванов В. Ответы на вызовы “мира растущей жестокости”. Опубликовано в НВО-НГ от 01.02.2008. URL: http://nvo.ng.ru/wars/2008-02-01/2_cruelty.html.

374. Котляр В. «Активная» оборона России и международное право. Опубликовано в НГ-НВО от 04.09.2009. http://nvo.ng.ru/concepts/2009-09-04/1_oborona.html.

375. Мусатов, В. О "Пражской весне" 1968 г.
URL: http://www.pseudology.org/chtivo/Prazhskaya_vesna1968.htm

376. Ошибка в Google Maps чуть не привела к началу войны в Центральной Америке.
URL: http://www.gazeta.ru/news/lastnews/2010/11/05/n_1567954.shtml#.

377. Публикация в газете Правда. 22 августа 1968 г.
URL: http://www.svoboda.org/content/transcript/24203533.html.

378. Рейтинг военной мощи стран мира.
URL: https://nonews.co/directory/lists/countries/global-firepower.

379. Ривкин, Дэвид Б., Кейси, Ли Эй. Юридическая сторона иранского вопроса. www.zip.org.ua, 2006—6-10.

380. Россия будет наказывать. // Взгляд. Деловая газета.
URL: http://www.vz.ru/politics/2007/2/5/67213.html.

381. Румянцев Ф. Лавров терроризирует ООН. Газета.Ru.
URL: http:/www.gazeta.ru/print/2004/09/28/oa_134829.shtml.

382. Саможнев А. Оплата «кровавого» счета. Опубликовано в Российской Газете (Федеральный выпуск) N4789 от 11 ноября 2008 г. http://www.rg.ru/2008/11/11/usa-livia.html.

383. Скандал с российским траулером "Электрон".
URL: http://www.rg.ru/sujet/2227/.

384. Скотников Л.А. «Право на самооборону и новые императивы безопасности. Международная жизнь», №9, сентябрь 2004 г. Приводиться по «министерство иностранных дел Российской Федерации. Департамент информации и печати. Статья Постоянного представителя Российской Федерации при Отделении ООН в Женеве и при Конференции по разоружению, опубликованная в журнале», www.mid.ru, 28-09-2004.

385. Сокор В. Никаких скидок на безопасность в Прибалтике ("The Wall Street Journal", США). Опубликовано на сайте ИноСМИ.Ru 27 февраля 2004. URL: http://www.inosmi.ru/translation/208129.html.

386. Судебные процессы по иску швейцарской фирмы "Нога" к

России. Справка. URL: http://ria.ru/spravka/20051116/42107336.html.

387. Террористическая угроза: власть и общество. Актуальные новости (29-30 сентября 2004 г.)
URL: http:/www.hro.org/editions/demos/2004/09/30.php?printv=1.

388. Трубников В. Россия не уступит никому свое место в СНГ. Время Новостей, N°44, 17 марта 2004. URL: http://vremya.ru/2004/44/5/94017.html.

389. Тузмухамедов Б. От политических деклараций – к правовым доводам: В споре с Грузией возрастает значение юридических аргументов // Независимая газета. URL: http://www.pankisi.info/media/?page=ru&id=14187.

390. Тузмухамедов Б. Право на силу: Международное право эволюционирует в том, что касается вооружённой борьбы //Гуляй-поле | Российско-Украинское обозрение. 3 July 2007.
URL: http://www.politia.ru/concept/204.html?mode=print.

391. Тузмухамедов Б. Право на силу: Международное право эволюционирует в том, что касается вооружённой борьбы //Гуляй-поле | Российско-Украинское обозрение. 3 July 2007.
URL: http://www.politia.ru/concept/204.html?mode=print.

392. Тузмухамедов Б. Упреждение силой и современность / Россия в глобальной политике №2, Март-Апрель 2006.
URL: http://www.globalaffairs.ru/numbers/19/5550.html.

393. Удары по семье, удары по «Аль-Каиде». Жизнь Билла Клинтона: публичная и "параллельная". НГ EXLIBRIS, # 23 (324) 30 июня 2005 г.
URL: http://exlibris.ng.ru/kafedra/2005-06-30/3_klinton.html.

394. Хойер Вернер. Реформировать международное право, чтобы его сохранить // Журнал «Международная политика», 2003, № 6.
URL: http://www.deutschebotschaft-moskau.ru/ru/bibliothek/internationale-politik/2004-01/article08_p.html.

395. Ярёменко В. Шестидневный разгром: К 40-летию начала Арабо-израильской войны 1967 г.
URL: http://www.polit.ru/analytics/2007/06/05/shestdney.html.

Articles in periodicals

396. Солдатов А. Кибер-сюрприз // Новая газета №40 (1260) 31.05-03.06.2007, С. 12.

397. “Analysts: New Strategy Courts Unseen Dangers; First Strike Could Be Precedent for Other Nations,” Washington Post, September 22, 2002, final edition, p. A01.

398. “Six Degrees of Preemption,” Washington Post, September 29, 2002, final edition, p. B2.

Arkin, W. Not Just A Last Resort? A Global Strike Plan, With a Nuclear Option. (Sunday, May 15, 2005; B01).

Коростелев Станислав Валентинович
Пыж Владимир Владимирович

МЕЖДУНАРОДНАЯ БЕЗОПАСНОСТЬ: РОЛЬ ФАКТОРОВ СИЛЫ И НАСИЛИЯ В МИРОВОЙ ПОЛИТИКЕ

Монография

Налоговая льгота – Общероссийский классификатор продукции
ОК 005-93, т. 2; 95 3004 – научная и производственная литература

Подписано в печать 16.02.2022. Формат 60×84/16. Печать цифровая.
Усл. печ. л. 12,25. Тираж 30. Заказ 0591.

Отпечатано с готового оригинал-макета, предоставленного авторами,
в Издательско-полиграфическом центре Политехнического университета.
195251, Санкт-Петербург, Политехническая ул., 29.
Тел.: (812) 552-77-17; 550-40-14.