



STUDY PROGRAMME(S) / STUDY TRACK(S)

Master of Arts in European Interdisciplinary Studies (Study Track: European Security and Strategy)
Master of Arts in Transatlantic Affairs (Study Track: European Interdisciplinary Studies - European Security and Strategy)

YEAR

2026-2027

COURSE TITLE

The Use of Force in International Law

SEMESTER

1

PROFESSOR(S)

Ali Antonino

ACADEMIC ASSISTANT(S)

BEN MEFTEH Nour

COURSE TYPE

Contextual Course

MAJOR(S)

Not applicable

ECTS CREDITS

0

TEACHING HOURS

10

INDIVIDUAL & GROUP STUDY TIME

40

TUTORIAL(S)

0

COEFFICIENT

0

LANGUAGE(S)

EN

COURSE OBJECTIVES

This course examines the international legal framework governing the use of force between and within states. It focuses on the rules enshrined in the United Nations Charter - the prohibition of the use of force under Article 2(4), the collective security mechanism of Chapter VII, and the right of self-defence under Article 51 - and on the contemporary challenges that test the resilience of this framework. Students will analyse the law through real cases and state practice, learning to assess whether legal justifications for military action reinforce or erode the credibility of the international legal order. The course takes an interdisciplinary approach, combining doctrinal analysis with a systemic perspective on how power, institutions, and expectations interact in the regulation of armed force.

LEARNING OUTCOMES

At the end of this course, the students will be able to:

- 1) Explain the structure and rationale of the prohibition of the use of force under Article 2(4) of the UN Charter, its customary and *jus cogens* character, and identify its recognised exceptions (A4, MATA 1.1, MATA 1.4);
- 2) Analyse the functioning of the UN collective security system under Chapter VII, including the conditions for Security Council authorization, the "all necessary means" formula, and its practical limits when the Council is blocked (A4, A6, MATA 1.3);
- 3) Apply the legal requirements of self-defence — armed attack, necessity, proportionality, and timing — to concrete factual scenarios, including cases involving non-state actors, the "unwilling or unable" doctrine, and the accumulation-of-events theory (B6, ESSST2, MATA 2.4);

- 4) Critically assess contested doctrines such as anticipatory self-defence, humanitarian intervention, the Responsibility to Protect, and intervention by invitation, distinguishing established law from emerging or disputed claims (B4, ESSST2, MATA 2.2);
- 5) Evaluate how new domains and methods — cyber operations, hybrid conflict, cognitive warfare, and economic coercion — challenge existing legal categories and thresholds for the use of force (ESSST1, MATA 2.4, ESSST3).

RECOMMENDED PREPARATION

C. Gray, *International Law and the Use of Force* (OUP, 4th edn, 2018), Chapters 1–2 (The Prohibition of Force; The Legal Framework).

Students might also like to read (optional):

I. Brownlie, *International Law and the Use of Force by States* (OUP, 1963), Chapter 1 (Historical Foundations) — for the historical background.

A general introduction to public international law (e.g. M.N. Shaw, *International Law*, 9th edn, CUP 2024, Chapter 20) is useful but not indispensable.

TEACHING METHOD(S)

The course consists of five sessions of two hours each, delivered in person. Each session combines a structured lecture with the analysis of real cases drawn from international practice (ICJ decisions, Security Council resolutions, state legal positions, and letters to the Security Council). Students are expected to engage actively with the material through guided discussion and the application of legal rules to factual scenarios. The course makes extensive use of primary source materials — including the UK Attorney General's legal advice on Iraq (2003), letters by states invoking self-defence against ISIL, the UK Government legal position on humanitarian intervention in Syria (2013), and the state positions during the 2026 Israel/US–Iran hostilities — to develop skills of legal reasoning and critical assessment of state practice. The final session includes a comprehensive problem scenario requiring students to integrate all doctrines covered in the course.

ASSESSMENT METHOD(S)

The course will be assessed on a pass/fail basis based on:

1. A digital onsite multiple-choice, closed-book test (80% of the final score) at the end of the final course session - 15 minutes to answer 7 questions, and
2. overall attendance (20% of the final score).

The weighted average of both assessment elements needs to be equal to or greater than 50% for a student to pass the course. Each student is entitled to retake the test once. The retake test will account for 80% of the final score, while overall attendance will account for the remaining 20%.

COURSE CONTENTS

The course (10 hours over five sessions) covers the following topics:

Foundations and the Charter Framework - The decentralised structure of international law and the structural problem of regulating force; the distinction between *jus ad bellum* and *jus in bello*; Article 2(4) as treaty rule, customary law, and *jus cogens*; the doctrinal and systemic

lenses for analysing the use of force; the historical evolution from *bellum justum* to the UN Charter.

Collective Security and the Prohibition - Article 2(4) and the scope of "force"; the Chapter VII pathway (Articles 39, 41, 42); Security Council authorization and the "all necessary means" formula; the 1990–1991 Gulf Crisis as a model case; the Iraq 2003 "revival" theory; limits of authorization, the reverse veto, and the question of regime change.

Self-Defence under Article 51 - Armed attack as trigger; individual and collective self-defence; necessity, proportionality, and timing; the *Caroline* standard; anticipatory self-defence and its narrow scope; force against non-state actors; the response to the 9/11 attacks; the "unwilling or unable" doctrine and state practice in Syria (2014–2016).

Humanitarian Intervention and R2P - The moral case and the legal gap; SC-authorized humanitarian force (Libya 2011); unilateral humanitarian intervention (Kosovo 1999, Syria chemical weapons 2013/2018); the UK three-conditions test; the Responsibility to Protect framework (2005 World Summit Outcome); protection of nationals abroad; intervention by invitation and its limits.

New Domains and Contemporary Challenges (Cyber and Hybrid warfare) - Cyber operations and the use-of-force threshold (Tallinn Manual, GGE/OEWG processes); hybrid conflict, cognitive warfare, and economic coercion at the frontier of Article 2(4); the Houthi/Red Sea strikes (2024); the 2026 Israel/US–Iran hostilities; the role of silence in state practice; a comprehensive problem scenario integrating all doctrines.

COURSE MATERIALS (readings and other learning resources/tools)

Readings include a mix of academic texts, international court decisions, state practice documents, and policy analyses. Required readings draw from C. Gray, *International Law and the Use of Force* (OUP, 4th edn, 2018); O. Corten, *The Law Against War* (Hart, 2010); T. Ruys, "Armed Attack" and Article 51 of the UN Charter (CUP, 2010); Y. Dinstein, *War, Aggression and Self-Defence* (CUP, 6th edn, 2017); M. Weller (ed.), *The Oxford Handbook of the Use of Force in International Law* (OUP, 2015); M. Roscini, *Cyber Operations and the Use of Force in International Law* (OUP, 2014) and F. Delerue, *Cyber Operations and International Law* (CUP, 2020). Each session includes primary source documents - ICJ case excerpts, Security Council resolutions, and state legal positions - and further readings from the *European Journal of International Law* and *EJIL: Talk!*. Complete reading lists are provided in the Course Outline.