ISSN: 2450-6869

eISSN: 2719-6763

No. 19, 2024

DEFENCE SCIENCE REVIEW

http://www.journalssystem.com/pno/

DOI: 10.37055/pno/193530

The Institution of the Right to State Self-defence in the State Security systemn

Original article

Received: 2024-05-10

Revised: 2024-07-23

Accepted: 2024-09-20

Final review: 2024-09-05

Peer review:

Double blind

Keywords:

self-defence, security system, right to self-defence

Tomasz Stelmach [1], A, D-F
ORCID 0000-0003-2733-656X

Mirosław Kamiński [2] A-D
ORCID 0000-0001-5185-0097

A – Research concept and design, B – Collection and/or assembly of data, C – Data analysis and interpretation, D – Writing the article, E – Critical revision of the article, F – Final approval of article

[1] The Doctoral School of the Military University of Technology, Poland
[2] Armed Forces Operational Command, Poland

Abstract

Objectives: The aim of the study is to provide an answer as to whether, on the basis of the provisions of the Charter of the UN, the states associated with the UN have sufficient legal provisions to conduct self-defence in the event of an armed attack directed by another state or multiple states.
Methods: Critical analysis and synthesis of legal documents and research literature resulting in conclusions. Key book positions as well as academic articles, domestic and foreign, were analysed.
Results: The result of this study is the thesis that Article 51 of the UN Charter, despite its generality, allows, from a legal point of view, any State to act in self-defence, even in situations not envisaged in the Charter. However, given the current security situation, a discussion and reflection on this institution of law is needed in order to be prepared to apply it in the face of threats such as hybrid, cyber, or conducting operations in the space domain.
Conclusions The right to self-defence should be counted among the pillars of international security that comprise the security system of each state. Due to this institution, the subject of the state is equipped with the legal attribute of being able to use armed force in international relations. However, it is beyond dispute that the legal construction of self-defence has been used in a way that deviates from the noble ideals of the Charter through the declaration of the Russian Federation on acting in self-defence in order to 'legalise' an armed attack on Ukraine

Corresponding author Tomasz Stelmach, the student of the Doctoral School of the Military University of Technology in Warsaw, Poland; Area of interest: state security, including military security and crisis management; email: tomeksh@wp.pl
Mirosław Kamiński – legal adviser, professional soldier; area of interest: operational law, issues of the use of force in international relations as well as in domestic operations; e-mail: kmi@wp.pl.

Introduction

The tragic aftermath of the Second World War (1939-1945), which killed an estimated 62 million people and forced millions more to wander the world as cities and their farms were reduced to rubble, led world leaders to recognise the strong need to create a mechanism to ensure peace and prevent future wars in the future. As it turns out, the leaders knew that this could only be achieved through the cooperation of all nations in an international organisation, which in turn resulted in the creation of the United Nations (UN). The UN is a unique organisation of independent states that have voluntarily joined together to ensure peace and social development in the world. At its inception on 24 October 1945, it comprised 51 states and currently has 193 sovereign states (www.unic.un.org.pl, 21.04.2024), i.e. almost all countries in the world including the Russian Federation and Ukraine, which have been at war for more than two years.

The main objectives addressed by the UN are: to maintain international peace and security through collective and peaceful efforts; to develop friendly relations among nations on the basis of self-determination and sovereign equality; to solve specific international problems (economic, social, cultural, humanitarian or human rights) on the basis of international cooperation and recognition of equality of race, gender, language, and creed; and to provide a centre for concerted action by nations in the name of common goals.

The United Nations functions on the basis of a multilateral international agreement, signed on 26 June 1945 in San Francisco by 50 of the 51 member states (Poland signed on 16 October 1945), which established the and defined the system of the United Nations. The agreement in the form of the Charter of the United Nations, hereinafter referred to as the 'Charter', is also referred to as the UN Constitution, and the countries signing it pledge to abide by its provisions as international law.

The Charter, although it does not itself contain a catalogue of fundamental rights, provides in Article 51 the non-waivable right of individual or collective self-defence in the event of armed aggression against any member of the United Nations.

The object of the study is precisely to provide an answer as to whether, on the basis of the provisions of the Charter of the United Nations, the states affiliated to the United Nations have sufficient legal provisions for conducting self-defence with the legitimate use of force against an aggressor or aggressors in international relations. The article presents the premises that justify the activation of self-defence, taking into account the broad understanding of this institution, resulting from the complex legal character - mainly arising from its genesis (natural law, customary law, international treaty law, criminal law). In addition, the judgments of international tribunals have been cited, and the views of representatives of the doctrine dealing with this issue have been presented. The legal doubts, as well as the factual aspects of the application of self-defence that have arisen in connection with the ongoing armed conflict between the Russian Federation and Ukraine have been taken into account.

The issue was limited only to the rights under the UN Charter and existing international customs, as similar solutions adopted, for example, in the North Atlantic Treaty (OJ 2000, item 970) and the Treaty on the European Union (OJ 2004, item 864/30) are secondary in

nature, as they explicitly refer to the security and state sovereignty pillar of Article 51 of the UN Charter.

However, due to the widespread reference to the above-mentioned Treaties during political and legal discourse, the relevant provisions will be presented later in the article. In addition, it was the authors' intention to present the discrepancies operating in the doctrine of international law, as well as in the practice of states referring to the institution of self-defence concerning issues describing this right, such as proportionality, necessity, imminence, definition of armed aggression, object of attack.

1. The Institution of the Right of Self-Defence

The basic treaty document establishing self-defence is the aforementioned Article 51 of the Charter, which indicates: *"Nothing in the present Charter shall prejudice the non-derogable right of individual or collective self-defence in the event of armed aggression against any Member of the United Nations until the Security Council has made the necessary arrangements for the maintenance of international peace and security. Measures taken by Members in exercise of this right of self-defence shall be brought immediately to the attention of the Security Council and shall in no way impair the power and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary for the maintenance or restoration of international peace and security'.*

In the above context, the right to individual and collective self-defence is nonderogable, relatively *inherent* (*inherent*), whether natural (fr. *naturel*) or inseparable (rus. nieotdiemlivo) (Skubiszewski, p. 111). It is pointed out that the classification of this right as a "natural right" links this entitlement to the Latin paremma *"Vim vi repellere omnia iura permittunt*" - *"to repel force by force all laws permit*" (Bierzanek, Symonides, 1994, p. 374).

The right of self-defence materialises in a situation of armed aggression against any Member of the United Nations, and is further limited in time and subject matter by the possible response of the Security Council (Weller, Wood, 2018, p. 656). It must be emphasised that the interpretation of Article 51 of the Charter must take into account the provisions of Article 2(4) of the Charter (*All Members shall refrain in their international relations from using the threat or use of force against the territorial integrity or independence of any State*) in the context of a State's response depending on the gradation of forms of use of force.

Importantly, the Charter does not provide a definition of a legal *armed attack*. The International Court of Justice (ICJ), in its ruling of 27 June 1986 on military and paramilitary activity in (i) v. Nicaragua (Nicaragua v. United States of America), undertook an analysis of this issue (https://www.icj-cij.org/en/decisions/all/1986/1987/desc.). First, the ICJ, in attempting to describe armed aggression, referred to the definition of aggression as set out in Article 3(g) of the United Nations General Assembly Resolution 3314 of 14 December 1974, hereinafter referred to as the Resolution. The restriction to only one of the forms of aggression listed in this particular drafting unit was due to the specific facts of the Nicaragua v. United States of America case, and therefore, for the sake of a comprehensive presentation of the

issue, it is desirable to quote the full wording of Article 3 of the Resolution. *Any of the following acts, notwithstanding a declaration of war, subject to and in accordance with the provisions of Article 2, qualifies as an act of aggression:*

a) invasion or attack by the armed forces of a State on the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by force of the territory of another State or part thereof,

b) bombardment by the armed forces of a state on the territory of another state or the use of any weapon by a state on the territory of another State;

c) The blockade of a country's ports or coasts by the armed forces of another country;

d) an attack by the armed forces of a State on the land, sea or air forces or navies of a and air forces of another State;

e) The use of the armed forces of one state located in the territory of another state with the consent of the host state, contrary to the terms of the agreement or any extension of their presence in that territory after the agreement has ended;

f) An action by a state that permits that state to use its territory at the disposal of another state, to commit an act of aggression against a third State; the dispatch by or on behalf of a state of armed bands, groups, irregulars or mercenaries who carry out acts of armed force against another state of grave importance to an extent equal to the acts listed above, or its significant involvement in that state.

In Nicaragua v. United States of America, the ICJ also presented a consideration of the '*gravity*', the intensity of the attack (*the most grave forms of the use of force*), linking it comparatively to an attack undertaken by regular forces or carried out with their significant participation. In addition, the judgment under review is intriguing because of the introduction of the concept of 'effective control' over non-state actors with regard to the attribution of responsibility to the host state for the actions of such actors.

It must be stressed that the resolution itself stipulates that the enumeration in Article 3 is not exhaustive, as the Security Council may determine that other acts constitute aggression under the provisions of the Charter. In addition, the resolution is not binding, and each occurrence of any of its forms must be assessed through the prism of the intensity and gravity of the use of force.

The definition of an act of aggression in article 3 of the resolution is referred to in article 8 bis (2) of the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (OJ 2003, item 708, as amended): *For the purposes of Section 1, "act of aggression" means the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, irrespective of the fact of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, be considered an act of aggression(...).*

A literal interpretation of the wording of this provision links the act of aggression exclusively to an attack originating from a state, but such an interpretation of this draughting unit of the Act seems unjustified (it would leave out terrorist attacks of the scale and severity of those of 11 September 2001), which would limit the possibility to act in self-defence under Article 51 of the Charter.

In Nicaragua v. United States of America, the ICJ refers to the 'gravity', the intensity of the attack linking it comparatively to an attack undertaken by regular forces or carried out with their significant participation, although this view is contested in the case of a conflict between states.

"It can be taken as agreed and accepted that an armed attack must be understood as including not only and only the actions of regular armed forces following the crossing of a border, but also the act of sending by or on behalf of a State armed bands, groups, irregular formations, or mercenaries who take action with armed force against another State to the extent of '(inter alia) an attack undertaken by regular forces or carried out 'with their significant participation' (...)".

The UN Security Council, referring to the case of Nicaragua v. United States of America, considered the terrorist attack of 11 September 2001, as an armed aggression, due to its severity, which exceeded the threshold set by the ruling in the aforementioned case.

Furthermore, *the* ICJ links armed attack only to *the most grave forms of the use of force*, and does not include the provision of arms, logistical or other support. The latter may at most constitute an unauthorised intervention in the internal or external affairs of another state.

The position that not every act of an Article 3 resolution can be qualified as an armed aggression justifying an action in self-defence under Article 51 of the Charter (e.g. the ICJ, in its 1980 judgment on US diplomatic and consular personnel in Tehran held that a US military action involving helicopters to free hostages held on the premises of the US embassy in Tehran could not be qualified as an act of aggression, but as an *incursion*, i.e. a minor border incident (Barcik J, Srogosz T. 2007, p. 460.).

Nowadays, the right of self-defence is defined broadly through the conditions for its application clarified by the Charter (attack on a UN member, self-defence may be exercised until such time as the UN Security Council has taken the measures necessary to maintain international peace and security, requirement to report to the UN Security Council on the exercise of the right of self-defence), as well as established international custom constructing the institution of self-defence based on the proportionality of the means used, the imminence of the response to the armed attack, and the necessity, the necessity of the use of force to stop the attack. The above-mentioned limitations on the right to self-defence under customary international law are referred to as the Webster Formula. The substrate for the framework of the aforementioned formula was the case of the sinking of the ship Caroline, located on the territory of the United States of America, by a British counter-insurgency unit, opponents of British rule in Canada. Interestingly, the case of the 'Caroline' provides the basis for the right to self-defence (derived from custom) also being exercised against private individuals (Barcik J. 2003, p. 2).

2. The Need for Self-Defence

The interstate dispute resulted in a rich correspondence between Secretary of State Daniel Webster and British Representative Alexander Baring (and his predecessor Henry Steven Fox), which shaped the so-called *Caroline Doctrine*, defining the permissibility of self-defence in international custom. Webster alleged that the actions of the British lacked a prerequisite of necessity, as American citizens supporting the rebellion were breaking domestic law and their conduct was subject to severe penalties. In these factual and legal circumstances, the destruction of the Caroline ship was not defensible under international law. Such action could have been justified if the British government had demonstrated the premise of the necessity of self-defence. The necessity of self-defence is defined and interpreted as immediate, overwhelming, leaving no choice of means or time for reflection. Already at the time of the incident, the doctrine described was criticised as not conforming to customary international law, as it limited the broad power of the state to use all necessary measures in a situation of any threat, and it was pointed out that it was tailored to the internal situation of the country. Nowadays, due to the threat of terrorism, the strict definition of the 'necessity of self-defence' is being abandoned, pointing out that the rationale of lack of reflection time, would leave too narrow a window for an effective state response to an attack, thus making the power illogical.

3. Proportionality

Proportionality, on the other hand, refers to the scale of a state's response (the means employed - the type of weapons and their methods of use) in repelling an armed attack. In the literature, one encounters a comprehensive assessment of proportionality through the prism of such factoids as the scale, nature, methods and means of the defending and attacking action, the '*timing of self-defence*', geography, the effects of the action in self-defence on the attacked and attacking state, the impact on the interests of third states, the impact on the environment. As can be seen, this is a complementary approach and confirms the complexity of acting in self-defence, in line with the principle of proportionality. It can be pointed out that proportionality 'governs' the use of force in self-defence, as it decides what use of force is acceptable to achieve the goal of defence. It protects the state from excesses and limits the possibilities of escalation of the conflict to third states. On the other hand, however, proportionality should not be interpreted narrowly, that a land attack prevents the attacked state (exercising self-defence) from counteracting in another domain, e.g. maritime or space (the same is true of the with a geographical view of the phenomenon - a counter-strike may involve legitimate military facilities located several hundred kilometres from the borders of the attacked state).

Proportionality is used by states to identify abuse or illegality of the right of self-defence and should be taken into account in the conduct of the entire defence operation (O'Meara, 2018, p. 118-207).

It should be emphasised that the ICJ in its advisory opinion on Nuclear Weapons (Legality Of The Threat Or Use Of Nuclear Weapons Advisory Opinion of 8 July 1996) - did not precisely define proportionality, but indicated only and up to now that the principle of proportionality cannot therefore per se exclude the use of nuclear weapons in self-defence in

all circumstances. At the same time, however, the use of force is proportionate in accordance with the right of self-defence, in order to meet the premise of legality, must also meet the requirements of the law applicable in armed conflicts, which consist in particular of the principles and rules of humanitarian law.

4. Imminence

The modern weaponry and logistical supply systems of the military, juxtaposed with the growing threat of terrorism, have highlighted the complexity of the 'timing elements' of the right to self-defence. The so-called *timing* is crucial in determining whether a defence response meets the criterion of necessity (O'Meara, 2018, p. 78). A state may take action in self-defence not only *post factum* (*completed armed attacks*), in response to an armed attack (*ongoing armed attacks),* but also when an armed attack is *imminent* (*imminent armed attacks)*. In practice, it would be unrealistic to assume that self-defence in all cases started in response to an ongoing attack. The use of force may occur when further delay could lead to an inability to effectively defend or repel the attack. In assessing the imminence of an attack, parameters such as the strength of the attack, the capabilities of the attacker, as well as the nature of the threat (e.g. the possibility of an attack without warning, the geographical situation, the history of previous attacks) should be taken into account. For the legitimacy of the use of force, it is essential that the facts are correctly established, followed by a sound, bona fide assessment of those facts (hence the need to have proper internal intelligence assessment procedures and possible control mechanisms).

In the scientific community (a position supported by countries such as the US, UK, and Australia), Bethlehem's 'Principle 8' doctrine has emerged, which identifies factors that should be taken into account when defining inevitability. These factors (circumstances) include:

(a) the nature and immediacy of the threat,

(b) probability of attack,

(c) whether the anticipated attack is part of an agreed pattern of progressive military activity,

(d) the likely scale of the attack and the injury, loss or damage that may result if preventive action is not taken,

(e) The likelihood that there will be other opportunities to take effective action in self-defence that would reasonably be expected to cause less serious collateral injury, loss, or damage.

Taking into account the temporal element of Webster's formula, *an armed attack* will be considered *inevitable* if "an attack is *about to happen*" (an *armed attack must be just about to happen*) or it must be an impending attack over which there is a reasonable degree of certainty that it will occur in the foreseeable future (*an impending attack over which there is a reasonable level of certainty that it will occur in the foreseeable future*). This threshold of impendingness shapes the boundary between potentially legal *pre-emptive* self-defence and almost certainly illegal *preventive self-defence* (O'Meara, 2018, p. 82-83). It is worth citing the position of the National Security Law Department, which, citing Daniel Bethlehem's

opinion in *Self-Defense Against an Imminent or Actual Armed Attack by Non-State Actors*, points out that even the lack of concrete evidence of where an attack will take place or the exact nature of the attack does not preclude the conclusion that an attack is imminent for the purposes of exercising the right of self-defence, provided that there is a reasonable, objective basis for concluding that an attack is imminent (Operational law handbook 2022, p. 7). In the literature one also encounters the concept of interceptive self-defence Agata Kleczkowska citing Y. Dinstein, provided a vivid example by referring to the Japanese attack on the US naval base at Pearl Harbor in Hawaii - if the US shot down fighters flying towards the base (taking off from aircraft carriers), then it can be said that in self-defence there was an 'interception' of enemy aircraft, whereas there would be no question of interceptive self-defence if the US, having learned of Japan's plans, bombed the fleet when it had not yet set sail out of port, but was merely preparing for a mission (Kleczkowska, 2020, p. 139).

5. Object of the Attack

For the purposes of interpreting Article 51 of the Charter, the state will be defined not only by its territory, but also by its emanations such as embassies, armed forces. A debatable situation in the international forum (due to, inter alia, the actions of the Russian Federation, which indiscriminately naturalised Georgian citizens) is the recognition of the legality of self-defence in the situation of an armed attack on citizens of a particular state (Kress, 2019). As a rule, however, an attack on the citizens of a particular state, due to their nationality, for the purpose of exerting pressure on the state, is recognised as grounds for self-defence.

It is pointed out that with regard to this particular basis for activating self-defence, which is the protection of citizens, this must be done in accordance with the principles of necessity, proportionality, as well as the absence of other means to solve the problem. Furthermore, the intervention must meet the conditions outlined:

- must not constitute retaliation, reprisals,
- local authorities must be incapable of providing the required protection,
- action must be limited to a specific time and area,
- violence against citizens must be arbitrary this is contrary to the standards for the treatment of foreigners,
- there is no possibility of rescuing citizens by less aggressive means (e.g. peaceful negotiations),
- a state may not resort to military action while awaiting an international judicial procedure for the peaceful settlement of a dispute.

The key condition mentioned, from an operational point of view, is the one concerning the temporal and spatial limitation of a state acting in self-defence. The pattern of such action should follow the principle of '*get it and get out*' otherwise, if the forces used start to operate on a '*get in, but stay*' basis, then we are dealing with aggression.

In addition, the institution of self-defence implies not only in the necessity to repel an armed attack, but also has a preventive dimension, as it entitles the state to possess the armaments that enable it to exercise this natural right to self-defence.

6. Collective Self-Defence

The Charter in Article 51 allows for collective self-defence. Collective self-defence is understood to be the armed action of states against an aggressor, even if these states include some that are not victims of aggression. Put differently, the Charter understands by the right of collective self-defence the right not so much to act in self-defence as in defence of the aggressed state. The institution of collective self-defence allows - in the light of this interpretation - UN members who are not involved in the conflict and not even threatened by the aggressor - to take up arms against the latter. What comes into play here, therefore, is not self-defence, but collective defence, or the defence of another state. The ICJ, in its decision Nicaragua v. United States of America, clarified the right to collective self-defence by pointing to three paradigms shaping the legality of action under it, viz:

- there must be a state empowered to act in individual self-defence,
- the attacked state must notify an action in self-defence before allied states use force as assistance,
- the third country must specifically and deliberately request assistance from the third country (The Unwilling or Unable Doctrine - The Right to Use Extraterritorial Self-Defence Against Non-State Actors, Madeline Holmqvist Skantz, p. 21).

Importantly, the allied state is entitled to assistance on the scale and within the limits (e.g. in the type of weaponry used, targeting) set by the request for assistance or the consent of the state under attack (Tallinn Manual 2.0 2017, pp. 354-356).

It should be noted that the exercise of a State's right of self-defence can take the form of a right, or an obligation. If the (assisting) State or States are bound by a regional or bilateral agreement, they are legally obliged to act. The situation is different for states that are not bound by treaties with the attacked state - in which case collective self-defence is merely an entitlement and not a binding order (Individual and collective self-defence in Article 51 of the Charter of the United Nations, p. 875).

In order to fully illustrate how important self-defence, as typified by Article 51 of the Charter, is for the existence of the state and international security as a whole, it should be emphasised, that both the North Atlantic Treaty (Art. 5) and the Treaty on European Union (Art. 42(7) TEU) have their defence policy-building mechanisms based on this legal formula, with the proviso that the TEU, for North Atlantic Treaty member states, is complementary in nature:

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the

Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 42 (7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

It is well established that Charter obligations enjoy primacy over provisions under other treaties (The North Atlantic Alliance and Collective Defense at. 70: Confession and Resonse Revisited Michael N. Schmitt, p. 113).

Conclusions

Summing up the issue of the functioning of individual and collective self-defence - an institution which was enshrined in the Charter in 1945 and constituted a reminiscence of the experience of the Second World War, it should be acknowledged that despite the passage of time, this institution meets the requirements of the modern world and does not require any changes adjusting it to the present-day challenges. It should be noted, however, that while, on the one hand, the generality of the provisions of Article 51 of the Charter

References

Barcik, J., Srogosz T. (2007). Public international law. Warsaw: C.H. Beck Publishers.

Barcik, J. (2003). The concept of self-defence in international law in the era of the war with terrorism. *Public Law Quarterly*. UKSW Publishing House. No. 1.

Bierzanek, R., Symonides, J. (1994). International Public Law. Warsaw: Wydawnictwo Naukowe PWN.

Deeks, Ashley S. (2015). The Oxford Handbook of the use of force in international law.

Dunlap, J. (2008). Lawfare Today: A Perspective By Major General Charles, Jr.

Holmqvist, Skantz M. (2017). The Unwilling or Unable Doctrine - The Right to Use Extraterritorial Self-Defense Against Non-State Actors. Stockholm University.

Kleczkowska, A. (2020). Use of armed force between States in the light of customary international law. Warsaw: Scientific Publishing House Scholar.

Kress, C. (2019). On the Principle of Non-Use of Force in Current International Law. Available at: https://www.justsecurity.org/66372/on-the-principle-of-non-use-of-force-in-current-international-law/.

Occelli, M. B. (2003). Sinking the Carolinet: Why the Caroline Doctrine's Restrictions on Self-Defense Should Not Be Regarded as Customary International Law". San Diego Int'l L.J.

O'Meara, C. (2018). Necessity and Proportionality and the Right of Self-Defence in International Law. London: University College.

Skubiszewski, K. Entitlement of States to Self-Defence A United Nations Charter, p. 111, Available at: https://repozytorium.amu.edu.pl/server/api/core/bitstreams/48192f45-4474-4988-9ae3-4767ed9fa27a/content, accessed on 22.04.2024.

Weller, M., Wood, M. (2018). The Oxford Handbook of the use of force in international law. Oxford Handbooks.

Operational law handbook. (2022). National Security Law Department The Judge Advocate General's Legal Center and School Charlottesvile. Virginia.

Schmitt, M. (2019). The North Atlantic Alliance and Collective Defense at 70: Confession and Response Revisited. 34 Emory Int'l L. Rev. 85,

Tallinn Manual 2.0, 2017. The International Law Applicable to Cyber Operations.

Other sources

Treaty on European Union (OJ 2004.90.864/30),

North Atlantic Treaty, done at Washington on 4 April 1949 (OJ 2000.87.970),

The Right of Armed Self-Defense in International Law and Self-Defense Arguments Used in the Second Lebanon War Yaroslav Shiryaev, ACTA SOCIETATIS MARTENSIS 2007/2008.