ISSN: 2582-6433

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed JournalMulti Disciplinary
Peer Reviewed6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

 ISSN: 2582-6433

DISCLAIMER

 ISSN: 2582-6433

EDITORIAL TEAM

EDITORS

Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board

 ISSN: 2582-6433

Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India.India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020).Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi.Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.

Avinash Kumar

Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship.He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi.Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi.He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

 ISSN: 2582-6433

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANLAYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

 ISSN: 2582-6433

Legal Debate On The Issue Of Unlawful Armed Reprisals And Humanitarian Interventions: US Action In Syria And International Law

Authored By

Dr.S.Krishnan Associate Professor Seedling School of Law and Governance, Jaipur National University, Jaipur	Ms. Nighat Nazir Research Scholar International Islamic University, Islamabad.

Abstract

The nature of warfare is changed: and the old conventional techniques of warfare are replaced with new tactics and tools of warfare. It is common fallacy that armed reprisals comes under the ambit of 'self-help' and this is absolutely erroneous observation. In 19th century, international law presumably regulated the use of force while the resort to war remained outside the scope of legal restraint. In theory permissible self-help was generally identified in three forms, armed reprisals, armed intervention and Pacific blockade, which served as sanctions to enforce obligations where important interests were at stake. Self-defense is permissible for the purpose to protect the security of the state and the essential rights-particular the right of territorial integrity and political independence. In contrast, reprisals are punitive in character-to impose reparation for the harm done, or to compel the settlement of dispute created by the initial illegal act or to compel delinquent state to abide by law in future. In addition, when the harm has already been inflicted, reprisals cannot be characterized as means of protection. If the self-defense is permissible use of force and reprisals are not the distinction between two is vital. According to Hans Kelsen: law/legal mechanism to specify a society, by restricting violence. So the law intends to enforce conditions that foster peace in the community. The difference between the right of self-defense and right of retaliation is quite obvious to legal scholars. Indeed,contemporary international law categorically denies and reject the right of retaliation. But reprisals and self-defense are the forms of same generic remedy of self -help and have same common preconditions.

 ISSN: 2582-6433

The dividing line between protection and retribution become more obscure. The state of antagonism between the state with recurring the act of violence, the act of reprisal may be regarded as in both forms the punishment and best form of deterrent against the further act violence by other state. The argument of 'anticipatory' self-defense is no longer permitted under the UN Charter since required actual "armed attack".

In the same manners, there practices are very common such as in early 2017, the United States (US) President Donald Trump ordered an unprecedented at tack by U.S Navy, fired fifty-nine Tomahawk cruise missiles from ships in the Mediterranean on Syrian airbase.
Trump Administration announced that the attack was response to the alleged use of chemical weapons by Syrian government. Though Syria denied carrying out the chemical attack on its own people while US offered no public justification for its actions. In another episode, on April 14, 2018, the United States and European allies launched airstrikes and fired over 100 missiles on Friday night against Syrian research storage and others military targets. The President Trump pursued to punish President Bashar al-Assad for this suspected chemical attacks.

These retaliatory attacks on Syria clearly prohibited by International Law generally and particularly prohibits use of force except in self-defense with UN Security Council's authorization. Reprisal, retaliation and actual armed conflict do not come under the exception for self-defense and would this need USNC*[1] or an invitation to join a lawfuluse of force in case of Syria. Now question arises, if the Syrian state is responsible for using chemical weapons against own citizen, is the U.S reprisal is justifiable under the international law of force? Therefore, to evaluate the legitimacy of use of force and more particularly, U.S popular unlawful armed reprisal on sovereign Syrian territory.

KEYWORDS:

Reprisals, use of force, JUSTWAR, UNSC. international law.

[1] United Nation Security Council

 ISSN: 2582-6433

Introduction

The nature of warfare is changed: and the old conventional techniques of warfare are replaced with new tactics and tools of warfare. For instance, hybrid warfare. Information warfare, asymmetric warfare and media propaganda filling the gap, blurring the lines between combatant and noncombatant. it also cumulative misperception in the unlawful armed reprisals [2] and humanitarian interventions during armed conflict which highlight the loops whole in international legal mechanism. According to Hans Kelsen: law/legal mechanism to specify a society, by restricting violence. So the law intends to enforce conditions that foster peace in the community. Whereas, the armed reprisals have punitive nature and only allowed when harm have been done and others resolving methods of dispute have been failed to produce the satisfactory end.[3]

. In 19th century, international law presumably regulated the use of force while the resort to war remained outside the scope of legal restraint. In theory permissible self-help was generally identified in three forms, armed reprisals, armed intervention and pacific blockade, which served as sanctions to enforce obligations where important interests were at stake. [4] Self-defense is permissible for the purpose to protect the security of the state and the essential rights-particular the right of territorial integrity and political independence. In contrast, reprisals are punitive in character-to impose reparation for the harm done, or to compel the settlement of dispute created by the initial illegal act or to compel delinquent state to abide by law in future.

In the same manners, there practices are very common such as in early 2017, the United States (US) President Donald Trump ordered an unprecedented attack by U.S Navy, fired fifty-nine Tomahawk cruise missiles from ships in the

[2] BIERZANEK Remigiusz, "Reprisals as a Mean of Enforcing the Laws of Warfare: The Old and the New Law", in CASSESE Antonio (ed.), The New Humanitarian Law of Armed Conflict, Napoli, Editoriale Scientifica, Vol. I, 1979, pp. 232-257.

[3] DARCY Shane, "The Evolution of the Law of Belligerent Reprisals", in Military Law Review, Vol. 175, March2003, pp. 184-251.

[4] Dr. Marcus Hedahl, "The Changing Nature of Just War How Our Changing Environment Ought to Change the Foundations of Just War Theory". https://www.academia.edu/45019057/The_Changing_Nature_of_Just_War?email_work_card=reading-history

 ISSN: 2582-6433

Mediterranean on Syrian airbase. Trump Administration announced that the attack was response to the alleged use of chemical weapons by Syrian government. Though Syria denied carrying out the chemical attack on its own people while US offered no public justification for its actions. In another episode, on April 14, 2018, the United States and European allies launched airstrikes and fired over 100 missiles on Friday night against Syrian research storage and others military targets. The President Trump pursued to punish President Bashar al-Assad for this suspected chemical attacks.[5]

Britain and France joined the United States and coordinated operation that was envisioned to show western face of what the leaders of the three nations called persistent violations of international law. Only United Kingdom attempted to allude to a legal basis for the resort to force. Prime Minister Theresa May's office issued a statement the missile attacks were justified as **"*humanitarian intervention*".**[6] Whilethe US representative Nikki Haley said it was "justified, legitimate and proportionate" without legal grounds. These retaliatory attacks on Syria clearly prohibited by International Law generally and particularly prohibits use of force except in self-defense with UN Security Council's authorization. Reprisal, retaliation and actual armed conflict do not come under the exception for self-defense and would this need USNC*[7] or an invitation to join a lawful use of force in case of Syria. Now question arises, if the Syrian state is responsible for using chemical weapons against own citizen, is the U.S reprisal is justifiable under the international law of force? Therefore, to evaluate the legitimacy of use of force and more particularly, U.S popular unlawful armed reprisal on sovereign Syrian territory

[5] John W. Parker "Putin's Syrian Gambit: Sharper Elbows, Bigger Footprint, Stickier Wicket 49 (Denise Natalie ed-2017). https://ndupress.ndu.edu/Portals/68/Documents/stratperspective/inss/Strategic-Perspectives-25.pdf

[6] Dr S Krishnan Mani, "USE OF CHEMICAL WEAPONS ONGOING CIVIL WAR IN SYRIA: A GROSS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW& HUMAN RIGHTS LAW", https://jcil.lsyndicate.com/wp-content/uploads/2019/06/USE-OF-CHEMICAL-WEAPONS-ONGOING-CIVIL-WAR-IN-SYRIA.pdf

[7] United Nation Security Council

 ISSN: 2582-6433

In 21st century, the pattern of wars has been changed now. Wars are not declared or waged in conventional manners instead conflicts are instigated through covert agents by using military, nonmilitary, media, information operations, cyber tools non state actors, intelligence agencies, economic tools, propaganda, terrorism and insurgency or rebel movements. The new strategies of war are opposed to conventional warfare, the lines between peace time and war time and between combatants and civilians are blurred.

This research will explore the legitimate grounds and loopholes of legal justification of armed reprisal and what the law actually requires. The 1st Section provides brief overview the law of warfare and the concept of war and prohibition on the use of force. While the relevant law of warfare in general and armed reprisal particular.

The 2nd Section of this paper will then discuss the legal justification for the use of force under international law. Section 2.1 will examine the use of force under self-defense. Section 2.2 will briefly describe the use of force under the invitation of state and section 2.3 will explain the ambiguity the legal use of force following UNSC authorization. The section 3 of this paper will evaluate other justification forusing force against the sovereign territory in the form of armed reprisal in the context of self-defense exception.

Historical Overview On The Prohibition Of Armed Reprisals

In 21st century, most issues profoundly debated among legal scholars is the legalityof use of force and relevant circumstances in which the use of force is permitted by customary and statutory international law. In this regard, the just war doctrine historically attracted much attention from scholars. just war doctrine address to the question justification of war. For this purpose, it represents the two distinct and mutually exclusive, but intertwined concept of ' *Just ad bellum'* and *'Jus in bello'*. The idea of Jus ad bellum defines the preconditions for engaging in war while the other hand *Jus in bello* provides regulations for the conduct of warring parties and their obligations during war. Legal scholars and intellectual have relied on jus ad bellum and jus in

 ISSN: 2582-6433

bello since 300 BC, starting from Aristotle and further move towards ancient, classic, Roman, Christian and medieval ages to the twenty centuryand the contemporary era for regulating the conduct of war.[8]

For centuries, states have resorted the force in order to achieve particular desired aims. Sates reserved the right to wage war without any internatio nal framework. However, over the time concept of war got changed and the 'just and unjust war' emerged.[9] The basic distinction between can be traced back to ancient Rome and theFetials (fetiales), a group of priests who were accountable for maintaining peaceful internal and external relations and who gave rise to fetial law (ius fetiale) – religious law regarding the process of creation, interpretation and application of treaties and regulations on the declaration of war. With the passage of time, the concept of holy war is to be replaced with just war doctrine.[10] Under the cover ofthis idea, the use of force deemed to be permissible where the just cause was existed.

[8] See for the details interpretation and excellent discussion of the legal prospect related to the use of force and the use of force in self-defense and the notions of jus ad bellum and jus in bello. In the present age, the United NationsCharter fundamental entity that regulates states conducts in war. As certain provisions of UN Charter have also added the essentials of jus ad bellum while customary international law integrated the elements of jus in bello.
The author provided an elucidation of the historic development of the notion just war and also offered brief critical and logical in-depth analysis of the contemporary norms and principles related to the permissibility of the use of force in self-defense. Dr. Waseem Ahmad Qureshi, *Just War Theory and Emerging Challenges in an Age of Terrorism* (National Book Foundation:2017). Carsten Stahn, 'Jus ad bellum', 'jus in bello' . . . 'jus post bellum'? – Rethinking the Conception of the Law of Armed Force" (The European Journal of International Law Vol. 17 no.5- EJIL 2007). Online Available at: https://watermark.silverchair.com/chl037.pdf?token=AQECAHi208BE49Ooan9kkhW_Ercy7Dm3ZL_9Cf3qfKAc485y sgAAAp4wggKaBgkqhkiG9w0BBwagggKLMIIChwIBADCCAoAGCSqGSIb3DQEHATAeBglghkgBZQMEAS4wEQQMMsV bqTvv4mfF9lmSAgEQgIICUZK4B0pai4i4uow7Lfb3tBUbXJUKlLPM1jXMXWz8z67iMUZB9XZrVpjQ9Z3Mjy_ZRM99v4M RBGtWZW_GftMsHOoD91zQLjOYM4Q6icRz-_GSuTn-DWH-_KEW2aI67FXV1kRJotAyoULFr2rnLs2RAaLt4F32IDIZ00TfIqzL7IzoUJrPflPqMCPdIQLFKimr9tuWSZbHXkPFlqecC5UFx1 VhITRskfdnSo5FLfgifhXSmYd1SLPI-SkBYiB7RXCQuEN0lknig-IevSdr9ivTd-ip-jSwXyBjXASpkvh3MCgWBfWD3mzS4_9QWN30kmwXejUg9P7-NwfMMaUJ1eML6uJXIyEMMrrMuyClmRgub-GIR4x-36rhz4aO4MDT6yUAcxeYPjj4aGmo3FeVFHuMvg-51MX4ZnUQNiNuSSyrpNSKD9cDeeMFBaR2e4qWFMIGhZD6TzGYpcxQD1f6oA1s3o9YBXf5TBkP7cWOD65FJeEePGFX qstCrioj7IRt493731GRaYglfRMIdb6Uu7MceLvSIjZUqfCf19AfDOHhLJ3U64ibWLt8_s-1zfePar35l4eSaYue2VG5RjPfx2_IGSFfISi-FvabRFzrwps7nGVOQ8DUDA8oYfVjRyFzmTboe8dTQw5eSY0oq8uoUMKBQZT77AvDmppMmMPryDE-Tmxb4ZpMRNC9GrkuooOzpGdC5uki-AjKhSM6nrEdZdkupIbG7iey5XfvxaokY--o8TBWRneSjhefImCrwbO3Wa5gmzAJwgToieqk4V_LGCcB_cw5. (Jun 25,2019).

 ISSN: 2582-6433

While divine sanction was no longer regarded the just cause as the condition sine qua non for the use of force. The development of the concept of just war approach based on three phases which are identified as classic phase, the Christian phase and secular phase. [11]

Over the centuries, it became cleared that Augustine's concept of 'just war' could be understand flexibly. Christian warriors prospered in establishing the Holy Roman Empire lasted crown of Charlemagne in 800 to the end of the thirty years' war with signing the Peace of Westphalia in 1648. [12] During this long period, many scholars formed link with morality and legality of war. The doctrine of 'just war' was further influenced by Christian theologians such as St. Augustine and St. Thomas Aquinas, the latter famously stated in Summa Theologica that the three criteria for just war are: first, it should be waged by a sovereign authority (prohibition of waging a private war). Second, it must have a just cause (punishment of wrongdoers). Third, a just cause must be accompanied by the right intention.

[9] See for details: Historically the political reconstruction of Germany from the western occupation zones was an effort.to plan the restoration of democracy. Meanwhile past 12 years, the old political parties like the Christian Democrats and Social Democrats were quickly reconstituted. For certain reason German case is not good precedentthat is why sometime it is claimed, the United States has recently been trying to do in Iraq and Syria. The significance of military victory and military occupation is called the restoration-by-force, which also raised the question when or whether forcible democratization can be justified or in the language of contemporary debates is 'regime change' a just cause of war? This is the question which is directly addressed in Just and Unjust Wars.
Frederick H. Russell, *"The Just War in Middle Ages"* (4th ed. Cambridge University press: Digital Printing-2003),16-30.

[10] Hans Küng* "*Religion, violence and holy wars*"(2005).<https://www.icrc.org/en/doc/assets/files/other/irrc_858_kung.pdf >

[11] Yannis Stouraitis, *Just War' and 'Holy War' in the Middle Ages. Rethinking Theory through the Byzantine Case-Study* (2013).
<https://www.researchgate.net/publication/285207698_'Just_War'_and_'Holy_War'_in_the_Middle_Ages_Rethinking_Theory_through_the_Byzantine_Case-Study>. See also in the concept of holy war approach, the use of force was considered morally permissible only when it was divinely ordained. However, with the passage of time the concept of holy war is replaced with the just war doctrine proper. According to this new doctrine the use of force is allowed in the case of when there is just cause exist. While divine ordination still remained a reasonable, but it was no longer to deemed to be the *conditio sine qua non* for the use force and all means. The Use of Force in International Law (2017), Evolution of the Use of Force,38-45.

 ISSN: 2582-6433

Since the beginning of humankind the use of force has remained a perpetual feature of global system. With the passage of time, people get organized into political communities and the use of force became the common source of fascination among various communities. In the seventeenth century, the armed conflicts became common around the globe. [13] With the development of modern weapons of warfare and the most incredibly futuristic weapons of warfare have been changed now such as drones, Cyber Security Threats, [14] devastating nuclear bombs and Magneto Hydrodynamic Explosive Munition (MAHEM), the horrors of war have risen to unprecedented levels in modern era. Meanwhile the world war II, the large number of countries have resorted the use of force in different capacities, ranging from minor conflicts to major armed intervention and armed reprisals that have resulted in a large number of deaths and tremendous social upheaval.

The prohibition on the use of force basically belongs to the small set of extraordinary legal norms. Historian of the international law on the use of force commonly trace the prohibition on force. fifth century, the teaching of St. Augustine, required to move his congregation away from the strict pacifism. Which is being practiced by Christian while Greek and Roman philosophy and law justifying resort war for the achievement of peace. As peace was adhering the highest values of Christian therefore Augustine coherent that peace could be a just cause of war for Christians. Towards conclusion using limited war necessary 'a means of preserving or restoring peace' that could be acceptable to Christians to conform their religious belief.

[12] https://en.wikipedia.org/wiki/Peace_of_Westphalia

[13] Anthony Clark Arend & Robert J.Beck. *"International Law & the Use of Force*". (Routledge-2013). Historical overview: the development of the legal norms relating to the recourse to force.

[14] Andrew Futter, '*Cyber' semantics: why we should retire the latest buzzword in security studies'.* (Journal of Cyber Policy-2018). The phrase 'cyber' subsequently went from referring primarily to Computer Network Operations as a component of Information Warfare, to something that also captured the transformation in each of the other aspects and subsets of IW as well, such as psychological operations, intelligence warfare, perception management and particularly electronic forms of exploitation and attacks.< https://www.tandfonline.com/doi/pdf/10.1080/23738871.2018.1514417?needAccess=true >

 ISSN: 2582-6433

15 Armed reprisals were regulated under different principles than the just war doctrine irrespectively, armed reprisals remained the subject to restrictive legal regime throughout the history of international law. Armed reprisals were lawful when response to prior wrong and other restrictions applied as well. The well-known case 'Naulilaa Case' between Portugal and Germany. In 1914, German and Portuguese troops met on the border of their neighboring colonies current names Namibia and Angola. Due to poor translation and misunderstandin g Portuguese killed three German officers. Germany responded with retaliatory attacks against several Portuguese outposts. Portugal claimed these attacks violated the international law. The case of heard by the tribunal which established under the Treaty of Versailles.
The competent tribunal agreed, that Germany failed to meet with the three conditions of lawful reprisals. First, Portugal had committed no prior wrong.
Germany was required to give notice of the wrong and claimed remedy, attempting to resolve the dispute peacefully. Second, if the attempt failed, the Germany response had to be proportional to the wrong. Though, it was not proportional. 16

After the adoption of UN Charter in1945, rules regarding reprisals became applicable to only coercive measures which are known as counter measures today.
In the (Air Services Arbitration of 1978), the arbitrators used the term "countermeasure" which refer to the wrong committed by United States against France. The United States had fulfilled the other features of 'Naulilaa Case' and notified the France that wrong had been committed and need for the remedy. The countermeasures established subsequent to the notice were found proportional to the wrong. By the acceptance of General Assembly, the Air Services tribuna l's analysis in its Articles on State Responsibility the UN International Law Commission confirmed that Lawful measures taken in response to a prior wrong include non - performance of treaty obligations or the imposition of economic sanctions.it not include armed attacks. The articles provide that countermeasures are allowed "against a State which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations.

[15] See Waseem Ahmad Qureshi, *supra note 5*.
[16] Mary Ellen O'Connell, The Popular But Unlawful Armed Reprisal. (

 ISSN: 2582-6433

The Articles make clear, however,that the legal regime of countermeasures does not in any way modify "the
obligation to refrain from the threat or use of force as embodied in the Charter of the United Nations". In 1939, U.S President Franklin Roosevelt commissioned thedrafting the charter, and organized the final negotiating session in the San
Francisco. The records from San Francisco confirmed that intended article:2(4) tobe comprehensive on the use of force.

In 1970, the General Assembly stated clearly in its Declaration on Principlesof International Law Concerning Friendly Relations and Cooperation among
States that among the fundamental rights and duties of states, is the 'duty to refrain from acts of reprisal involving the use of force' against other States. The
International Court of Justice found in its 1994 advisory opinion on the Legality of Threat or Use of Nuclear Weapons that 'armed reprisals in time of peace […] are considered to be unlawful. In the Oil Platforms case, it further held that US attackson Iranian sites were not lawful acts of self-defense because of their retaliatory nature.

Despite the clear position of the Security Council and General Assembly about the illegality of reprisal by 1986, Ronald Reagan ordered an air attack on military sites of Libya's. This reprisal attack is followed after terrorists bombing ofDisco in Berlin. In response as many as forty people died in U.S raids. United
States signified the legal justification that it had clear evidence that Libya planned more acts of terrorism, therefore U.S actions were law ful as self-defense under the Article 51 of UN Charter. This legal justification of United States not come under the requirements of self-defense. To begin with, the Berlin incident did not amount to a significant armed attack per the requirement set out in the Nicaragua case. Theuse of force is legal only to right of self-defense, invitation and UNSC
authorization. While any use of force to be legal must follow the humanitarian lawsof using force, known as jus in bello. It's clearly describe the laws of war, that is how to conduct the use of force. The principle of necessity under IHL entails that military action should only be taken when it is absolutely necessary.

 ISSN: 2582-6433

Whereas evidence for principle of necessity for military action in self-defense owing to future attacks was inadequate. The UN General Assembly condemned the U.S attacks.

The International Court of Justice (ICJ), The judicial organ of United Nations has found armed reprisal unlawful. In 1996, ICJ advisory opinion on the "Legality of Threat or Use of Nuclear Weapons" 17 the court decided that armed reprisal in time of peace are considered to be unlawful. The ICJ consider cases on the question of illegal use of force that featured invitations. However, armed activities on the territory of the Congo (Armed Activities), Military and paramilitary activities and against Nicaragua (Nicaragua v. United States that invitation is lawful basis for the use of force. In this case, when the invitation is issued by government the most in control of most of the state or fighting with a likelihood to maintain control against armed non-state actors. The International Court of Justice ruled on the other aspects of the use of force. In the 'Nicaragua Case' the court found the additional obligations to limit the use of force in the term of "inherent right" (droit natural) of UN Charter Articles 51as a reference to additional restive principles found in international law outside the charter. The general principles of international law are necessity, proportionality and necessity required that any use of force in self-defense be undertaken as a last resort.

[17] *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, 1996 ICJ Rep.66. < https://www.icj-cij.org/public/files/case-related/95/095-19960708-ADV-01-00-EN.pdf >

 ISSN: 2582-6433

THE CONCEPT OF WAR AND PROHIBITION ON THE USE OF FORCE & ARMED REPRISALS

HOW DID THE CONCEPT OF WAR DEVELOP?

CONSEQUENCES OF WAR?

WHAT ARE THE THING TO BE LOOKED INTO WAR IN TERMS OF CIVILIANS? ONE HAS TO LOOK INTO BOTH SIDES (1) FOREIGN INTERVENTION (2) AND THE HOST COUNTRY

If we analyze the laws of war in general, it is clear that prohibition on the use of force and its only exception in self-defense. Jus ad bellum does not allow any sort of use of force against other states while it does allow the right to use reciprocal force to all states in self-defense if they are victim to an armed attack. The main purpose for the creation of U.N was to prohibit the use of force so that the international peace and security of the world could be maintained. In the armed activities on the terror of Congo, the international court of justice (ICJ) recognized and stated that "the prohibition against the use of force is cornerstone of the United Nation Charter. Article 2(4) of U.N Charter clearly explain that

"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 [p]urposes of the United Nation."[18]

There are some specific aspects which are notable in this article. The first one is international force which means that domestic use of force does not come under the ambit of Article 2(4). While the article 2(4) does not explicitly use the word "war". The essence of this article prohibits all uses of force even those that fall sort of war. Therefore, war is also covered under the same banning.[19] The third distinctive part of this article 2(4) is that it prohibits the threat of force as well as the use of force. The International Court of justice clearly elaborate this point that only unlawful threats to use of force are prohibited by Charter. Grotius describes the notion of jus ad bellum and jus in bello.

[18] U. N. Charter art.2, 4.

 ISSN: 2582-6433

As jus ad bellum explains the requirement to judge the justification of war and jus in bello is about the conduct of war, which regularizes military action with regard to humanitarian rules. Since laws of nationshave improved drastically to incorporate both jus ad bellum and jus in bello.[20]

In 21st century, sovereigns are regularized by the super sovereign. The concept jus ad bellum enshrined in UN Charter which regulates who can use the force in which conditions. The Geneva Conventions, Huge Conventions and humanitarian laws of wars encoded to prescribe the ways in which force cannot be used. The UNSC, the International Criminal Court (ICC) and the International Court of Justice (ICJ) seek to enforce these international laws. In jus ad bellum under the UN Charter prohibits all forms of use of force by sovereign states with the exception of the use of force in self-defense and with the authorization of UNSC in certain cases where the peace and security of the international community is threatened.

In jus in bello the principles of proportionality, precaution and distinction protect the non-combatants from excesses of violence. However, recently the war on terror and armed attack by NSAs transformed the dynamic of modern international law.
The line that marks difference between aggression and self-defense has been blurred. This transformation is making difficult for the international community to efficiently regularize war to restrict warfare violence. The Hobbesian theory of lawless war though refuted in the theory still holds ground in practice By definition, reprisals are injurious act that ordinarily would be illegal but which become legal acts of enforcement by dint of the target state's prior illegal act.
According to the Vattel: "Reprisals are used between nation and nation to do themselves justice when they cannot otherwise obtain it." Legal scholars divided into two main campuses. The first one argued from the community interest

perspective and another one argued from statist perspective.

[19] Waseem Ahmad Qureshi, *The Use of Force in Islam* 22-23 (2017)
[20] Waseem Ahmad Qureshi, "*The Nexus of Law and Warfare in the Twenty-First Century,53 UIC Marshall L.Rev.513 (2021)*. Page 518-520. Online available: https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2824&context=lawreview (Last access 13.10.2021).

 ISSN: 2582-6433

The community interest proponents assumed that closely circumscribing the circumstances which justified a legitimate use of force constituted the best way to minimize the use of force. The community interest in containing the use of violence superseded individual state interests in redressing particular wrongs. According to Derek Bowett:

"Not surprisingly, as states have grown increasingly disillusioned about the capacity of the Security Council to afford them protection against what they would regard as illegal and highly injurious conduct directed against them. They have resorted to self-help in the form of reprisals and have acquired the confidence that, in so doing, they will not incur anything more than a formal censure from the security Council. The law reprisal's is because of its divorce from actual practice, rapidly degenerating to a stage where its normative character is in question."

In the 19th Century, international law presumably regulated the use of force while the resort of war remained outside the scope of legal restraint. Commentators have debate that short of war is the category of self-help which is regulated by twin principles of necessity and proportionality. Further, permissible self-help was generally identified in separate forms: (i) armed reprisals (ii) armed intervention (iii) pacific blockade. In theory, these three forms of self –help served as sanctions to enforce obligations where important interests were at stake. Though these interests did not usually involve the security of state but state felt the need to preserve though not at the cost of war. In practi ce, pacific blockade and armed intervention constituted doctrines without clear parameters which distinguished them from other measures of self-help not enjoy the legal status.

The 'Naulilaa Case' decision made definitive statement that under which condit ions acts of reprisal may be taken limitations upon such acts. Firstly, to exercise the customary right of reprisal required the establishment of target state liability for prior illegal act. 21 Conventionally, only states could be the subject of an international claim .

 ISSN: 2582-6433

In result of an act, it was not sufficient that injury or damage which violated the international law. Its cleared that target state is responsible for the violation. Imputability,[22] established the connection between act and damage.

Secondly, to exercise the lawful reprisal was the incapability of injured state to secure reparation from the offending state through peaceful means. To exercise the reprisal assumed that peaceful solution of the dispute would be sought first until effort at peaceful solution proven unfruitful and the necessity for forcible enforcement did not arise. While interestingly in 'Naulilaa Case' there was no precedents that claimant states must first seek peaceful redress. These two conditions supposedly define necessity.[23]

The pre-world war II era gives the additional guide.

Most critics asserted that not every breach of international obligation justifies aresort to armed reprisal but failed to postulate the nature of conduct that would permit the use of force in response. According to Oppenheim's " to permit a forcible response to any delinquency that involved willfully malicious behavior."[24]

Self-defense, like reprisal is the form of self-help governed by necessity and proportionality. It is common assumption that UN Charter made forcible reprisals illegal while permit the self-defense. Its assumption that charter made forcible reprisals illegal while permit the self-defense. In theoretical analysis, we can distinguish both in terms of purpose and time frame. The purpose of self-defense isto protect and prevent damage to the essential rights of territorial integrity and political independence necessary to the existence of the state. In contrast reprisals have a punitive purpose, only allowed after the harm has been done and the othersmethods of resolving the dispute have failed to produce the satisfactory end.

[21] James Larry Taulbee, John Anderson "Reprisal Redux", (Case Western Reserve of International Law-1984),volume 16 /issue 3. Online available:
[22] The principle that **internationally illegal acts or** omissions contributing to the damage to foreign property, and caused in some way by organs of the state apparatus, are attributable to the state and therefore incur that state's responsibility.
[23] Ibid.
[24] Ibid.

 ISSN: 2582-6433

In response, the action entails immediately prior or immediate response to the action directed against the most vital interest of the state.

Legal Use Of Force & Use Of Force In Self-Defense Expand And Explain In Deep The Legality Of The Use Of Force

Whenever an armed conflict or warfare starts, the media and the international community begin to assess its legitimacy under the law. One side argues that the use of force is legal under international law, while the other side contends that it isillegitimate under the same rules because political understandings and interpretations of law vary. Likewise, in a similar way to the legitimacy of commencing a war, the lawfulness of individual incidents during it is also scrutinized and documented to regularize and humanize warfare, while protecting the innocent people caught up in violence. For instance, in the discussion on the legality of airstrikes in Syria, the aggressor alliance of U.K, U.S., and France argued that due to the presence of persistent veto obstruction at the Security Council, the airstrikes are justified to force Syria into compliance with international obligation to not use chemical weapons.[25]

The current legal framework regulating the use of force in international law is enshrined in the UN Charter. The maintenance of international peace and security isthe primary purpose of the UN (Article 1(1) UN Charter). Although states have resorted to the use of force in international relations on multiple occasions, therehave been only two cases in which the International Court of Justice (ICJ) has found that there had been a violation of the prohibition of the use of force: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v The United Statesof America) ICJ Rep 1986 and Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda) ICJ Rep 2005.

[25] John Quigley, "The Afghanistan War and Self-Defense", Valparaiso University Law Review. (Publish-The Berkeley Electronic Press, 2003). Online available: https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1287&context=vulr

 ISSN: 2582-6433

Legal justification to right to the use of force under UN Charter include the use of force in self -defense and the authorization of UNSC authorization. According to UN Charter and the ICJ, it is the essential right of every state to use force to defend itself for its survival. Therefore, under the right to self-defense, a victim state can legally use the defensive force to counter unlawful force by aggression. Under the right to collective self-defense, there allies may also employthe use of force. The UN Charter, is the one of governing laws on the use of force which clearly defines the right to self-defense in Article 51. According to UN Charter article-51, self-defense means a lawful reaction to the 'armed attack' against the territorial integrity of the state which weakens the political independence. By executing the right to use force in self-defense, states are conducting a unilateral act.

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 UnitedNations, until he Security Council has taken the measures necessary to maintain
international peace and security. Measures taken by members in the exercise of the right of self-defense shall be immediately reported to the security council and shallnot in any way affect the authority and responsibility of the Security Council and shall under the present charter to take at any time such action as it deems necessaryin order to maintain or restore international peace and security.

The meaning of self-defense is derived from the Caroline case (29 Brit & For St Papers). All principles accepted by the British Government and formed the part of customary international law. It originated from the dispute between the British Government and the US Secretary of State regarding the demolition of an American vessel in an American port by British subjects. The reason behind this act was the use of the vessel to transport munitions and groups of Americans, who were conducting attacks on the Canadian territory. The US Government declared that the attack on the vessel constituted an attack against the American territory. While The British Government responded by claiming the right to self-defense. The subsequent diplomatic correspondence between the parties contained an outline of the key elements for legitimate self-defense.

 ISSN: 2582-6433

The customary nature of the right to use forcein self-defence was further confirmed by the International Court of Justice (ICJ) in the Nicaragua Case (Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America ICJ Rep 1986).

In order to exercise the right to self-defense, a state must be able to determine that it has been a victim of an armed attack. However, all attacks will not be constituted an armed attack while the only most gave nature of attack will qualify (Nicaragua Case, para.191). Additionally, the International Court of Justice held in the Nicaragua Case (Merits) that self-defense would warrant only measures which are proportional to the armed attack and necessary to respond to it' (para. 176). This statement set out two important principles concerning use of force in internationallaw. The principle of proportionality and the principle of necessity.

The right to self-defense legally allows the use of force prohibited under Article2(4), as an exception being attacked by an aggressor. It is pertinent to note that theuse of force in self-defense must be counterattack in response to an aggressive act against state sovereignty. There must be a situation where both parties to a conflictare legally using force in self-defense. There must be always be an aggressor state using unlawful force and victim state acting in self-defense. The court upheld the same reasoning in the 'Ministries Case of the Nuremburg Trials'.

Under U.N Charter, Article 51, the defensive use of force is required to be in response to an actual armed attack. The ICJ in Armed Activities on the Territory of Congo, upheld this requirement, deciding that: "Article 51 may justify a use of force in self-defense only within the strict confines there laid down.it does not allow use of force by a state to protect perceived security interests beyond these parameters". Similarly, in the 'Oil Platforms Case', the ICJ decided that the state using force in self-defense owes a duty to justify that it was being attack. Furthermore, it is remarkable note that the right to self-dense is only entrusted to member of states of the U.N. This means that NSAs and organized groups do not have the right to self-defense. Therefore, only States may legally use force in self-dense.

 ISSN: 2582-6433

In conclusion, the Article 51 must be carried out as counterattack to defend the State's sovereignty against an aggressor. The use of force in self-defense can be either in separately or collectively applied by the allies of the victim state. A state cannot be apprehended legally responsible for the actions of an NSAs because under Article 51, "an armed attack is limited to acts attributable to a state" NSAs have no right to self-defense under Article 51 of the U.N Charter.

The Discrepancy Between Reprisal And Self-Defense

The core essence of this debate to distinguish and elaborate these legal terminologies separately and rightfully. The United Nation Charter noticeably defined the use of force by the way of reprisal is unlawful. Indeed, the words 'reprisal' and 'retaliation' are not to be found in the charter. The U.N Declaration on Principles of International Law Concerning Friendly Relations and Co -operation among states, adopted by General Assembly Resolution 2625 (XXV), contains the following statements: "Sates have a duty to refrain from act of reprisal involving the use of force." The rules and regulations governing the use of force and the maintenance of the peace during an act of aggression in international context are defined in the United Nation Charter. The main article of the charter that deals withthe use of force is Article 2 (4) which is contained in chapter I. Moreover, Chapter VII governs the actions of nation-states with regards to threats, breaches of peace, as well as acts of aggression. Article 2(4) explicitly talk about the use of force and it is binding on all countries members or non-members. It states 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 purpose of the United Nations. The difference between two forms of self-help is essentially lies in their aim orpurpose. If self-defense is permissible use of force and reprisal is not the distinction between two is vigorous. The difference between the right of self-defense and the right of retaliation is quite obvious. Indeed, contemporary international law categorically denies and reject the right of retaliation.

 ISSN: 2582-6433

The recognition of the right of self-defense in Article 51 of the United Nation Charter ipso iure precludes the right of
retaliation. Self-defense is permissible, particular the rights of territorial integrity and political independence in contrast reprisal are punitive in nature which impose to reparation for the harm done or compel the settlement of the dispute

Use of force is permitted under self-defense but permissible in reprisal. Self- defense and reprisal are the forms of same generic remedy self-help. Both have same common preconditions:

I. The target state must be guilty of prior international d elinquency against the claimant state.

ii. Any act by the claimant state to obtain redress or protection by other means must be known to have been made and failed, or to be inappropriate or impossible in the circumstances.

iii. The claimant's state use of force must be limited to the necessities of the case and proportionate to the wrong done by the target state.

The remarkable distinction between the two forms of self-help essentially lies on aims and purpose. Self-defense is permissible for the purpose to protect the security of the state while security comes under the right of territorial integrity and political independence. In contrast reprisals are punitive and impose the reparation for the damage or to compel the delinquent state to abide by the law in future. This distinction clearly elaborates the general theory that punishment is a matter for society as whole whereas self-defense comes an interim measure of protection.

The dividing line between protection and retribution became more obscure. In t he situation of antagonism between states with 'recurring the acts of violence' and 'an act of reprisal which may be regarded as being at the same time in the form of punishment and the best form of deterrence against the future acts of violence by the other party. For the analysis of classic case that guerrilla activity from sate A directed against state B, eventually leads to a military action within the state A's territory by which state B hopes to destroy the guerrilla bases from which the previous attacks have come and purpose

 ISSN: 2582-6433

to discourage furthers attacks. At this pointmilitary action cannot be regarded as self-defense in the context of previous
guerrilla activities. While in the broadens context the entire situation between thesetwo states cannot be said the destruction of the guerilla bases which represents a proportionate means defense for the security of state is involved.

The argument of "anticipatory self-defense" which was no longer allowed under the charter since the Article (51) is required an actual "armed attack:" is scarcely sufficient. While it was never the attention of charter to prohibit anticipatory self-defense and traditional right existed to an imminent attack. Moreover, the rejection of anticipatory right is totally impractical and inconsistent with general state
practice.

In historical context Security Council replete cases where states appealed self-defense in broader sense while majority of the council have rejected this
classification and regarded their actions as unlawful reprisals.

For instance, reprisal actions in Arab-Israel conflict have relevant background tothe Armistice Agreements of 1949, which are not precisely forbid reprisals.
However, it was Mediators firm recommendation that reprisals and retaliation should not be permitted. This recommendation was accepted by the Security Council: No party is permitted to violate the Truce on the ground that it is
undertaking reprisals or retaliation against the other party. While the reservation to the self-defense does not permit acts of retaliation which have been repeatedly condemned by Security Council. In argument on the Israel's complaint of Egyptian restriction on the passage of ships through the Suez Canal in 1951. Mr.Eban the representative of Israel countered the Egyptian plea of self-defense by arguments that as self-defense presupposed two conditions: first, an armed attack and second the absence of assumption of responsibility by the Security Council. No attempt was made by the Egypt to justify the action of reprisal becau se the argument was deemed bad in law and SC condemned the Egyptian action on the permanent
character of Armistice Agreements precluded any claim to belligerent rights or to a right of search and seizure of vessels in self-defense.

 ISSN: 2582-6433

Humanitarian Interventions

There is one additional although controversial exception to the general prohibition against military force that is a so-called humanitarian intervention26 to stop widespread attacks on a civilian population, including acts of genocide, other crimes against humanity, and war crimes. The norm of humanitarian intervention is contested because it is not clear in the UN Charter. Although man y scholars and activists would claim it is supported by the Charter's central objective to protect human rights and fundamental freedoms. 27Over the last two decades, legal jurists have debated and upraised question whether there are others exceptions to the prohibition on the use of force without aforementioned UNSC authorization apart from self-defense. On this argument some jurists suggest the acceptance of an exception of 'humanitarian intervention' which justifies unilateral or multilateral use of force against the state in extreme cases to prevent a humanitarian catastrophe or to prevent widespread human rights abuses. 28

Theresa May justified the air strikes on Syria last week in humanitarian terms. She is right, of course, to draw our attention to the h umanitarian dilemma of Syrian citizens at the hands of the Syrian regime. 29 But the justification of the strikes under international law is highly questionable and it is very difficult to identify what humanitarian benefits, if any, have been achieved by the strikes.30 In his legalopinion, the Attorney General invoked something called the 'doctrine of humanitarian intervention'. He argued that the government is 'permitted under international law, on an exceptional basis, to take measures in order to devastat ing humanitarian suffering. However the most fundamental objection on the doctrine ofhumanitarian intervention under current international law is legitimacy of any such intervention to identify true "humanitarian" crises necessitating the use of force. Notably, it's difficult to identify the just cause, one state's "humanitarian" intervention is often another state's aggression falsely justified under a humanitarian pretext.

[26] Alexis Heraclides and Ada Dialla, *"Humanitarian Intervention in the Long Nineteenth Century"*, (Manchester University Press-2015). Intervention in Lebanon and Syria, 1860–61, P.135-143.

[27] Jennifer Moore, "Punitive military strikes on Syria risk an inhumane intervention". Online available at: http://blogs.lse.ac.uk/usappblog/2013/09/04/syria-punitive-intervention/

 ISSN: 2582-6433

31 As a substitute, vague quantitative approach to determine legitimate interventions, the Syria strikes represent an opportunity to consider
developing in the UN system qualitative thresholds for authorizing unilateral humanitarian intervention in cases of Security Council paralysis. Under such a

framework, unilateral intervention in response to CBW attacks on civilians could be authorized even without approval by the full Security Council. Further, this framework for R2P 32 intervention against CBW use could require approval by super majority of permanent Security Council members. Such a framework would ensure that a single vetoing state could not paralyze UN members' actions against CBW engaging regimes. Responsibility to protect (R2P) is severely limited by the mechanism of representation in the UNSC. Due to the international politics and vetopower invested to the permanent members, the UNSC resolution effecting power politics is hardly passed. The right to humanitarian intervention bypasses this handicap. Although humanitarian intervention should be authorized by the UN anddone multilaterally, the UN failure to take action has resulted (not permissible) in unilateral humanitarian intervention in the past. In present case, humanitarian intervention is a gray area of international law and its legitimacy lies in statepractice and not codified in international law.

[28] Ahmad M. Ajaj, "Humanitarian Intervention: Second Reading of the Charter of the United Nations", (Brill-1993). Arab Law Quarterly, Vol. 7, No. 4 (1993), pp. 215-236.

[29] MARY KALDOR and CHRISTINE CHINKIN, "The 'Doctrine of Humanitarian Intervention': and how it exposes the absence of any serious intention to help Syrians". Online available at: https://www.opendemocracy.net/mary-kaldor-christine-chinkin/doctrine-of-humanitarian-intervention-and-how-it- exposes-absence-of-an

[30] Istvan Pogany, "Humanitarian Intervention in International Law: The French Intervention in Syria Re-examined" (Cambridge University Press-1986), the International and Comparative Law Quarterly, Vol. 35, No. 1, pp. 182-190. Online available at: http://www.jstor.org/stable/759100 (Last Visited June6, 2018).

[31] Kelly Kate Pease and David P. Forsythe, "Human Rights, Humanitarian Intervention, and World Politics", (The Johns Hopkins University Press-1993). Human Rights Quarterly, Vol. 15, No. 2, pp. 290-314. OnlineAvailable at: http://www.jstor.org/stable/762540 (Last Visited July13, 2018).

 ISSN: 2582-6433

Conclusion

Military forces are used in armed reprisals, which are follow an incident usually to punish or retaliation or revenge, which not comes under the exception to prohibitionon the use of force for self-defense. Security Council authorization made to be lawful while Security Council has never authorized a reprisal and will not in the case of Syria. Trump administration threatened Syria with a "Big price to pay" for an alleged chemical attack. In response Trump authorized an attack 59 Tomahawk missiles. Only the French and German government responded with this statement it a 'just and proportionate response' that response was not justifiable. A unilateral use of force by the president, without congressional authorization would be premised on an astonishingly broad conception of the president's Article II powers.

The main issue is that places no limit at all on the president ability to use significant military force unilaterally. The act of air strikes is the violation of international law. International laws have three exceptions in this regard, which are not implicated in present situation.

Firstly, strikes are not allowed without the consent of sate. Secondly, U.N. Security Council has not authorized the strikes and thirdly, United States is not acting in self-defense. The United Nations Charter prohibits "the threat or use of force against the territorial integrity or political independence of any state." Indeed, in case of Syria neither unlawful armed reprisal nor such humanitarian intervention provide the solution of present situation unless there is no guarantee that life will be better for Syrian people in future. The most recent NATO humanitarian intervention in Libya in 2011in which the U.S participated while could not achieved desire result as what many hope. Though NATO intervened, even country leader Muammar Gaddafi killed and his government fell to pieces. The outcome was chaos and disorder. although the action was approved by United Nation Security Council.

[32] Graham Cronogue, "Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian InterventionPost-Libya", (International Humanitarian Legal Studies-2012). Duke University

ISSN: 2582-6433

Last but not least, contemporary and upcoming air strikes elevate the foreseeable possibility of sparking more dangerous conflict with Russia or Iran or both. In February, U.S strike killed the number of Russian mercenaries in Syria. In reprisal Russia did little but there is no guarantee the identical response in future if the same occurrence observes. Recently, Israeli strike in Syria reportedly killed four Iranian militaries personal. These strikes and unlawful armed reprisals by United States on Syria could bring the U.S to war with no one but possibly with three foreign states: Syria, Russia and Iran.