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Introduction

WHAT THIS BOOK IS ABOUT

Russia's attack on Ukraine in February 2022 may well prove to be the last-ever war for territorial gain. This book discusses uses of force between states since the end of World War II and suggests – and the title of the book asserts – that 'wars' in the traditional sense comprising the seizing of land and the changing of borders by force are on the way out. It further argues that there is a trend to shroud, downplay or eliminate the element of physical force in interventions that are still undertaken. Hard-ball competition between states is increasingly played through economic and financial pressures rather than through kinetic force.

How can these significant developments be asserted when there are the painful experience of Russian-fomented rebellion in and secession of large areas adjacent to Russia, full-scale armed Russian invasion of Ukraine, and Russian occupation and purported annexation of large parts of Ukraine's territory?

Some, claiming to be realists, may tell us that the Russian actions in Ukraine are world business as usual. Yet there are features in this catastrophe and the reactions to it that set it apart and suggest that it should be seen as breaches of the world order rather than harbingers of a collapse of that order. Russia, the aggressor, has shown awareness of breaching the existing order by claiming to pursue a 'special military operation' – not war. Indeed, it has even forbidden anyone in Russia to use the terms 'war' and 'invasion'. Denial of its instigation of rebellion and secession in Ukraine shows a similar Russian awareness of violating the current order.

Even more striking is that an overwhelming majority of the UN General Assembly, confirming the fundamental norms of the UN Charter, deplored the Russian actions.¹ Many in the world were also amazed and found it hard

¹ UN General Assembly, A/RES/ES-11/1, adopted 2 March 2022. The vote was 141–5 (with 35 abstentions).

to comprehend the rationality of the use of force to tie Ukraine to its big neighbour. The actions have seemed out of tune with the twenty-first century. As the prime minister of India, Narendra Modi, was reported to have poignantly told President Putin in front of journalists and cameras at the summit of the Shanghai Cooperation Organization in September 2022 in Samarkand: ‘Today’s era is not of war.’² A G20 leaders’ declaration on 16 November 2022 similarly stated that ‘Today’s era must not be of war.’³

The United States and the West have harshly criticized the Russian actions and supported Ukraine with a vast amount of weapons and resources. They have shown a special disapproval of Russia’s flaunting of its nuclear capacity and shown determination to restrain their own reactions so as to avoid direct confrontation with Russia and risk of escalation to a nuclear war. Instead, they have resorted to and relied on economic and financial sanctions of an unprecedented breadth and gravity. In a speech at Warsaw on 26 March 2022, US president Biden said that ‘together, these economic sanctions are a new kind of economic statecraft with the power to inflict damage that rivals military might’.⁴

The Russian actions have thus been viewed by most – but not all – of the world as shocking, incomprehensible and conscious breaches of fundamental binding international norms – but not as disrupting these norms. As shown by the Nuremberg Tribunal, gross violations of legal rules do not rescind the rules.⁵ We can proceed to examine how these rules and restraints against the interstate use of force have evolved and what they now are.

NORMS AND RESTRAINTS ON THE USE OF FORCE BETWEEN STATES

Wars and battles have been glorified throughout the history of mankind and organization for defence and war has often led to the development of states’ infrastructure.⁶ Although evidence of the horrors of war has been stark since the dawn of mankind, it was only in the nineteenth century that governments – prompted by public opinion – began to make agreements aimed at somewhat alleviating the brutality and suffering linked to war. In the following century, with public revulsion against warfare following the World War I, they created the League of Nations, a major pioneering but unsuccessful

² Quoted in ‘Today’s era is not of war’. *New York Times*, 16 September 2022.

³ G20 Bali Leaders’ Declaration, paragraph 4, 16 November 2022. www.whitehouse.gov/briefing-room/statements-releases/2022/11/16/g20-bali-leaders-declaration/.

⁴ President Joseph Biden, speech in Warsaw, 26 March 2022, www.washingtonpost.com/national-security/2022/03/27/transcript-president-bidens-remarks-warsaw-march-26/. Also see Chapter 18, p. 289.

⁵ See Chapter 11, p. 180, regarding arguments at the Nuremberg trials; and see Chapter 11, p. 181.

⁶ The point has been made by many historians. See, for instance, Tilly (1992) and Morris (2014).

effort to curtail war through norms, a system of collective security and disarmament. Then, after the end of the World War II, the United Nations was established with greater designed competences for collective action and an expanded global mission.

The very first lines of the Preamble of the UN Charter proclaimed the determination of the members to ‘save succeeding generations from the scourge of war’. In the basic principles that follow, the Charter elaborates in detail its primary aim to prevent the interstate use of force. Not only are traditional ‘wars’ of the kind experienced in World War II to seize land and change borders outlawed. By obliging member states to refrain from ‘the threat or use of force against the territorial integrity or political independence of any state’, the prohibition also covered many ‘measures short of war’, measures that are commonly referred to as ‘interventions’. What is the record?

THE RECORD OF WAR PREVENTION

Preventing *nuclear war* was placed at the top of the first UN agenda. There it is. The fear that human civilization may be moving toward a slow suicide through global warming is rousing peoples and governments to action, but the risk of nuclear war threatening a quick suicide has remained without any solution. A list at the end of this chapter of cases where conventional arms have been used in the post–World War II period shows that despite some progress the world has a long way to go in effective conflict prevention.

On the positive side, we note that – with two exceptions⁷ – the main great powers have not been in direct armed conflict, whether with nuclear or conventional weapons, since the end of World War II. We also note that while the League of Nations lasted only two decades and collapsed with World War II, the United Nations has been in operation four times that long and remains the most important meeting place for all states and an instrument for peace and global cooperation.

We note further that peace research has found trends of some reduction in the number of wars and the number of dead in recent times.⁸ It is not, of course, that competition between states has vanished, nor has the risk disappeared of nuclear war by error, mistake or madness. It would be rash, moreover, to conclude that fewer armed conflicts are a result of the entry into operation of the UN and the Charter. Nevertheless, the Charter rules and UN machinery may be important elements among many changed conditions that

⁷ During the Korean armed conflict that began in 1950 – a Chinese ‘volunteer’ army and US troops under the UN flag fought a bloody war. See Chapter 3. In 1969, there was an armed clash between China and the Soviet Union on the Ussuri river border. See Chapter 4.

⁸ See Petterson (2021); Lacina and Gleditsch (2005); Leitenberg (2003); and Dower (2017).

restrain the use of armed force. It is a main aim of this book to identify such changes and examine their effects. In a widely discussed book published in 2011, Stephen Pinker presented a conclusion that has seemed provocatively optimistic to many, namely that we may today be ‘living in the most peaceable era in our species’ existence’ and that ‘the decline in violence may be the most significant and least appreciated development in the history of our species’.⁹

A REDUCTION OF VIOLENCE OVER TIME

Pinker reinforced his comments about wars by noting that violence more broadly has reduced over time. Even though we are fully aware of the genocides and ethnic cleansings that have taken place in our time, we note that brutalities that were commonly accepted as normal in the past are found barbaric by nearly all in today’s world: impaling, crucifixion, torture or enslavement. Also, violence through the caning of children, duels and the death penalty are offensive to an increasing number of people. The **global public mind** – if we dare to speak about this as a nascent part of globalization – is one that has been mostly moving in a humane and more tolerant direction. Democracy has not gained ground in the second decade of the new millennium, but human rights precepts are cited in all corners of the modern world as arguments and as ‘global ethics’. The attitude to the use of force between states – except in self-defence – is mostly sceptical, and while ignoring and violating the UN Charter is not infrequent, the supremacy of its rules is universally recognized.

CHANGING WORLD CONDITIONS

With several conflicts going on in the world, it was not surprising that Pinker’s judgements were criticized. After the Russian invasion of Ukraine in February 2022, many will brush away any optimism as naïve and be convinced that ‘just as there have always been wars, there always will be wars...’.

However, such comments fail to recognize fundamentally important new conditions. Mutual Economic Dependence (MED) – accelerated interdependence of states – is one. In his book *The Great Illusion* that appeared in 1910, Norman Angell pronounced his conviction that the interdependence of states had become so great that the day for progress by war had passed.¹⁰ Sadly,

⁹ Pinker (2011), pp. xxi, 298 and 692.

¹⁰ Angell (1910). Morris has asked if Angell was the ‘worst’ or perhaps the ‘best’ prophet of the future of war, given the growth of interdependence in the twentieth century and the widespread public revulsion to the devastation of the two World Wars. Morris (2014). Also see Pinker, p. 246.

his statement was premature. Yet a hundred years later, the impact of the technological evolution has been momentous and the interdependence of states is one important factor in a new reality. Nuclear weapons, intercontinental missiles and the possible military use of cyber technology, artificial intelligence and outer space are other new realities that face peoples, governments and the commanding generals today. In this new and continuously changing world, the incentives to and restraints against resorting to war and other uses of force are complex. As we shall see in the present study, this presents both new grave risks and some hopeful new signs.

THE MEANING OF KEY TERMS

‘Wars’ are commonly seen to be armed conflicts between states, mostly but not necessarily of significant scale and duration and combined with the seizure of land and/or change of borders. Despite the Covenant of the League and the Kellogg–Briand Pact, this ‘traditional’ kind of war was waged by Italy, Japan, Germany and the Soviet Union before and during World War II. A border skirmish – like the Soviet/Chinese hostilities at the Ussuri river in 1969 – is not termed ‘war’, while engagements that did not aim at acquiring land but were large-scale and long-lasting – like those of the United States in Korea in 1950, Vietnam 1955–73 and Afghanistan from 2001 to 2021, and Iraq in 2003 – are commonly referred to as ‘war’.

‘Civil wars’ now deploy a major part of the armed force used in the world. They are regarded as internal matters in which the outside world is not to meddle. They have other roots than conflicts between states, and preventing and stopping them requires other measures than those needed for international conflicts. They are not taken up in this study except where they are internationalized through participation by foreign states – as in Syria and Libya.

The term ‘intervention’ is commonly used for coercive – mostly but not necessarily armed – adversarial actions of limited scope with the aim to secure specific objectives, not including the acquisition of land. The term is sometimes even used to describe a verbal attack by one government on another.

Although there is no authoritative definition of ‘intervention’, the subject is nevertheless dealt with at length in the UN General Assembly ‘Declaration on legal principles of friendly relations’ from 1970 and the ‘Declaration of

the inadmissibility of intervention and interference in the internal affairs of states' from 1981.¹¹

In a very informative study, Martha Finnemore seeks to distinguish between 'war' and 'intervention' and submits that interventions are 'smaller in scale' and have 'more limited objectives than wars'. In particular, 'they do not include territorial conquest or absorption'.¹²

In the nineteenth century, the 'European Concert' and Holy Alliance intervened with arms – and without intent to acquire land – to prevent revolutionary change in several states. Consistent with this basic principle, armed interventions in this period often had regard to the protection of nationals and their property. In the interwar period, there were many interventions by states, notably in China and in the Civil War in Spain. Since World War II, despite the broad UN Charter prohibition of all interstate use of force, states have undertaken armed interventions for a variety of aims – often to bring about 'regime changes'. The UN, different from member states, is enabled by Charter Art. 2:7 and by the doctrine 'responsibility to protect' (R2P) to intervene – even by force – in states in exceptional cases, for instance to stop genocide.

The term 'measures short of war' comprises interventions but also actions or statements that are unfriendly but may not be inadmissible.

THREE AUTHORITIES EXPLAINING STATES' USE OF FORCE

The present study seeks to identify and assess incentives and restraints both to 'traditional war' and 'interventions'. I begin my discussion by citing three respected voices from the 'realist school' to which I feel affinity and which claim to explain the root causes of states' use of force. Hans Morgenthau is perhaps the foremost representative of realist school of international relations. With great knowledge of diplomatic history and international relations, he identifies a 'quest for power' as the universal driving force in the international relations of states.¹³ We may note that the US national security strategy presented by the Trump administration in 2017 read like an essay based on Morgenthau: 'The strategy is guided by principled realism. It is realist because

¹¹ UNGA, A/RES/2625 (XXV) of 24 October 1970 and A/RES/36/103 of 9 December 1981.

¹² Finnemore (2003).

¹³ Morgenthau (2006), p. 285.

it acknowledges the central role of power in international politics, affirms that sovereign states are the best hope for a peaceful world....¹⁴

Through power, material advantages can be sought, but also other gains like status. Morgenthau does not deny that a major part of the international legal rules function well even without courts and enforcement systems and that states' quests for power may be inhibited by various factors, including ethical and international legal norms. However, like St Augustine (354–430) and Hobbes (1588–1679) before him,¹⁵ he believes that the root cause of the use of armed force is that man is aggressive and evil. He is concerned about the dangerous dimension brought into state relations by nuclear weapons and does not place much faith in the UN as a mechanism for peace. He sees no other plausible remedy to the risk of war and violence than balance of power and skilful diplomacy – by which he means statesmanship.

The distinguished American political scientist, Francis Fukuyama, is like Morgenthau allergic to high-sounding claims that international mechanisms can cope with the interstate use of force. He sympathizes with the realist school and its emphasis on balance of power and military strength but thinks it is not aware enough of the demand for 'recognition' – pride, prestige, wish to dominate – that he sees as the main driving force for war in a world of states competing with each other.¹⁶ Although this stressing of self-assertion highlights a highly relevant psychological dimension, in practical terms Fukuyama's explanation of war may not be very different from the 'quest for power' that Morgenthau identifies as the source of conflict and war.

A third prominent voice is that of Azar Gat, a military historian who examines war and peace through Darwinist lenses and argues that we must go beyond Morgenthau's focus and ask why there are 'quests for power'. If we do so, we find the answers in the world of evolution. Egoistic competition and conflict occur in all human groups – from hunting and food-gathering groups to states – and they are all basically explained by men's striving for survival and ascendancy.¹⁷

¹⁴ *National Security Strategy of the United States* (Washington, DC: White House, December 2017), p. 55, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.

¹⁵ See Chapter 5.

¹⁶ Fukuyama (1992), pp. xxi, 145.

¹⁷ Gat (2006), pp. 667–671.

Darwinist writers tell us that through evolution, modern man became biologically programmed with a readiness to compete and fight for scarce resources to survive. The genetic program was developed many tens of thousands of years ago, and although the world and the resources and conditions surrounding man have changed very much, the genetic program remains. It emerged at a time – long before agriculture – when access to resources for sustenance was insecure and only those survived and multiplied who were able to fight – alone or in a kinship group – successfully for them or defend what they had. However, Darwinists tell us that what is embedded in our genes is a potential to compete and fight – not an automatic reflex. The fittest – meaning not just the strongest but the smartest – will survive. David wins over Goliath.

It may be concluded from the above that neither ‘realists’ nor ‘evolutionists’ deny that a variety of factors can have an impact on the will of states to use force against other states. They guard themselves against naïveté and any exaggerated hope that international institutions and norms, like the UN and the Charter, will eliminate the ‘scourge of war’.

STARTING POINTS OF THIS STUDY

This study will start by recognizing that force continues to be used in interstate relations and the reality that the volume as well as the character of state relations have changed much over time. The incentives to, restraints against, as well as the means of war have evolved over the years. Quests for power or recognition or for riches and resources may be innate and constant, as assumed by Morgenthau, Fukuyama and Gat. However, while they may help to explain the root causes of uses of force that have occurred, these quests do not constantly translate into incentives to use force.

It is normal for states to be ready to use force, if so needed, to defend their territories and independence, but most states have come to co-exist with their fellow states – most of the time – without incentives to use force against them.

A few simple illustrations: there are no plausible incentives for the interstate use of force in North and South America in the twenty-first century, although there was such use in the nineteenth century. Another example: while the history of Europe is replete with wars, incentives for an interstate use of force within the European Union have been all but excluded since its creation. The African continent, despite many arbitrary borders and arbitrary divisions into states, has so far seen few incentives to the interstate use of force, while there has been much internal use of force in African states. By contrast, it is not difficult to see incentives – and restraints – to the use of force in the Middle East and in the relations between competing major powers.

INCENTIVES AND RESTRAINTS TO STATES' USE OF FORCE

Where interstate force has, in fact, come to be used, there has evidently been an incentive, and it has prevailed over possible restraints. In Chapter 4, I shall survey post–World War II cases of conflicts where interstate force was used to try to discern which traditional incentives may still exist (for instance, aspiration to global or regional hegemony), which may have disappeared or become less frequent (for instance, the spread of religion or faith, dynastic claims or the acquisition of land), and which new incentives may have emerged (for instance, environmental degradation or preventing the emergence of new nuclear weapon capacity).

Where incentives arise for states to use force against other states, the actual use will occur if no restraining factor – such as fear of a nuclear or other forbidding response, concern for the costs of lives and resources, respect for an international or constitutional norm or concern for public condemnation – prevails. I shall discuss a range of possible restraint factors but devote most attention to three:

- What role does military deterrence, including nuclear deterrence, have today?
- What role is played by mediation, judicial institutions, disarmament and diplomacy to prevent the use of force by preventing conflicts?
- How have the norms of the international community developed and what restraining power do the legal norms and institutions have?

President Obama assessed accurately where we were when he pronounced the following hopeful lines in a speech at Hiroshima on 27 May 2016: 'Our early ancestors, having learned to make blades from flint and spears from wood, used these tools not just for hunting but against their own kind. On every continent, the history of civilization is filled with war, whether driven by scarcity of grain or hunger for gold compelled by nationalist fervor or religious zeal.' And: 'We are not bound by genetic code to repeat the mistakes of the past. We can learn. We can choose. We can tell our children a different story – one that describes a human community; one that makes war less likely and cruelty less easily accepted.'¹⁸

President Obama recognized that while the genetic program that was engrained in humans tens of thousands of years ago remains, it does not condemn us to a blind constant quest for power or recognition or for scarce

¹⁸ Obama (2016).

resources through the use of force. Rather than mercilessly and blindly catapulting us to the risk of death and disaster in such quests, our genes are smart enough to allow us to be deflected by a variety of factors to hold us back from force, or to use means other than force.

Indeed, this is what has come to pass when human societies have progressed. At the highest level of development – the territorial state – many different kinds of restraints hold us back from using physical force, fraud or many other unacceptable ways of exercising our quest for power, asserting ourselves or acquiring assets. Whether our natures are basically ‘evil’ as St Augustine, Hobbes and Morgenthau have held, or merely DNA directed as Gat may suggest, we evidently can be – and need be – restrained through social and legal norms. It is not that our quests for survival, opulence or self-assertion need to be erased. It is rather that our societies – the publicly organized and the civic communities – through rules and other means and sanctions, create a framework for acceptable forms of competition between individuals.

In a similar manner, there is a framework for competition among the states of the international community. The community tolerates many forms and means of competition and seeks to steer its members to use those by deflecting them from forms – notably the use of force – found unacceptable.

In its development of a system of competition for states, the international community has obvious and well-known handicaps, such as the absence of a common legislature and the paucity of means of enforcement. On the positive side, the number of states is less than 200. What they do and how they compete is mostly visible and open to general scrutiny, criticism or reaction. In state societies of millions, or hundreds of millions, the competing individuals may hide more easily and escape society’s reaction.

Before going into a systematic discussion of forces and factors that may be relevant as incentives to and restraints on the use and non-use of force in interstate relations today, I will first present a broad panorama of cases of post–World War II interstate uses of force and of tensions that might lead to the use of force. Short surveys might suffice to give us an overview of the real world and the relevant forces and conditions that we must study to be able to identify the factors that are at play and to assess their roles.

Accordingly, this and the following two chapters are devoted to surveys of actions involving the interstate use of force and tensions that we have seen after World War II. A box containing a long chronological list – that does not pretend to be complete – of actions includes not only ‘wars’ but also some interventions and some other items of relevance. In Chapters 2 and 3, I shall examine how the cases of conflict and uses of force have been spread over the