THE IMPACT OF THE PROHIBITION OF THE THREAT OR USE OF FORCE ON WARTIME DIPLOMACY IN INTERNATIONAL LAW

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DOI: https://doi.org/10.61345/1339-7915.2026.1.17

Annotation. This article examines the impact of the principle prohibiting the threat or use of force on the content, limits, and functions of wartime diplomacy in contemporary international law. The relevance of the topic stems from the fact that, in the context of modern armed conflicts, hybrid forms of confrontation, coercive diplomatic signalling, and expansive interpretations of the right of self-defence, the place of diplomacy in situations involving the threat or actual use of force has become increasingly contested. This issue is especially significant against the background of the Russian Federation's armed aggression against Ukraine, as well as within broader trends in contemporary international practice, where diplomatic pressure, demonstrations of force, and legal justifications for the use of force are ever more frequently intertwined.

The choice of topic is also conditioned by the fact that wartime diplomacy remains an underexplored phenomenon in international legal doctrine. Despite the substantial body of scholarship devoted to the prohibition of the use of force, the right of self-defence, *jus ad bellum*, and the mechanisms for maintaining international peace and security, insufficient attention has been paid to the question of how precisely the principle prohibiting the threat or use of force shapes the normative boundaries of wartime diplomacy. The article argues that wartime diplomacy should be regarded not merely as a practical instrument of communication in conditions of armed conflict, but also as a distinct form of diplomatic activity whose lawfulness and functional purpose are determined by the logic of Article 2 and Article 51 of the UN Charter. The study seeks to deepen the doctrinal understanding of wartime diplomacy, clarify its place within the system of international law, and outline promising directions for further research in this field.

Key words: wartime diplomacy, threat of force, use of force, international law, self-defence, peace through strength, jus ad bellum, armed conflict, war, nuclear weapon, international peace and security.

1. Introduction.

Wartime diplomacy in contemporary international law appears to be a complex and underexplored phenomenon that remains at the stage of scholarly conceptualisation. In the context of armed conflicts and the intensification of security challenges, diplomacy is increasingly functioning in close connection with issues of the threat or use of force, self-defence, and the peaceful settlement of disputes. At the same time, contemporary international practice demonstrates a growing number of instances in which states attempt to justify the use of force as preventive or pre-emptive; particularly illustrative in this regard are the examples of the Russian Federation, the United States, and Israel. In this context, it may be assumed that the principle prohibiting the threat or use of force determines the limits of the use of force not in isolation, but in interaction with diplomatic practices that accompany the legal justification of a state's position, shape foreign policy signalling, and influence the permissible forms of conduct in situations of conflict. In such circumstances, it may further be assumed that the principle prohibiting the threat or use of force defines the general boundaries of lawful diplomatic activity during conflict, which makes this issue a promising direction for further development within international legal doctrine.

2. Analysis of scientific publications.

The issues surrounding the use of force, the prohibition of the threat of force, the maintenance of international peace and security, and the related forms of international legal response have received sustained scholarly attention. Important contributions to the study of these questions have been made by Ukrainian scholars, including M. Antonovych, A. Voitsikhovskyi, V. Repetskyi, V. Butkevych, O. Merezhko, Kh. Bekhruz, M. Cherkes, V. Pylypenko, M. Buromenskyi, O. Zadorozhnii, V. Berehuta, I. Bohinska, A. Skoropad, N. Vavilova, I. Sivokha, V. Leonov, and A. Horot. At the same time, the broader doctrinal framework has been shaped by the works of H. Kissinger, I. Brownlie, W. Sharp, R. Ago, D. Bowett, P. Jessup, M. McDougal, J. Kunz, H. Lauterpacht, A. Randelzhofer, J. Stone, H. Waldock, L. Henkin, R. Higgins, O. Schachter, S. Schwebel, and M. Shaw.

3. The purpose of this study

3. The purpose of this study is to examine the impact of the principle prohibiting the threat or use of force on the content, limits, and functions of wartime diplomacy in international law, as well as to clarify the extent to which this principle may determine lawful forms of diplomatic activity in situations of armed conflict.

4. Presentation of the main material.

In V. Butkevych's view, international law is a system of rules governing international relations with the aim of ensuring peace, human rights, and co-operation [2, p. 25]. The essential content and distinctive features of international law are expressed through its fundamental, historically conditioned foundations, which possess the highest imperative and legal value. The fundamental principles of international law constitute a normative reflection of the most important regularities and foundations of the contemporary system of international relations.

In contemporary academic discourse, the concept of security diplomacy is used to denote the diplomatic management of international relations in the field of security with the aim of preventing conflicts, reducing tensions, and maintaining stability through negotiations, multilateral mechanisms, and institutional forms of co-operation [8]. Within this broader category, wartime diplomacy appears as a special type of diplomatic activity that becomes relevant in the context of armed conflict, the use of force, or the threat of force, and is characterised by changes in objectives, instruments, and the range of subjects involved in diplomatic interaction [16, p.115].

The nature of contemporary diplomacy, including security diplomacy, is complex and multidimensional, which requires a comprehensive approach to explaining the mechanisms through which different interests, needs, and values of the actors in international politics are reconciled at the national, regional, and global levels. The particular depth and complexity of security diplomacy are determined by at least three factors. First, the function of ensuring security is among the key functions of the state. Secondly, the categories of international security, threat, challenge, and risk lie at the heart of various theories of security, as well as concepts of regional and continental integration. Thirdly, unlike participation in trade or political frameworks of co-operation, interaction in the sphere of security reflects a special, often crisis-driven and even extreme character of international relations, in which negotiations and compromise are frequently conducted under the pressure of the potential use of force [9]. It is precisely in this context that wartime diplomacy acquires significance as a separate subject of international legal research.

As regards the principles of international law, they acquired normative consolidation after the end of the Second World War, during the period of the establishment and development of the United Nations (hereinafter – the UN). The UN Charter is regarded as the foundational international legal instrument that legally закрепiв the fundamental principles of international law, in particular the principle of the peaceful settlement of international disputes and the principle prohibiting the use of force or the threat of force [14].

It should be noted that no universal international treaty, including the UN Charter, contains unified definitions of the concepts of "peace", "war", "threat", "use of force", and "armed attack" [14]. This normative uncertainty gives rise to a variety of doctrinal and practical approaches to the interpretation of the relevant

rules of international law. In such circumstances, wartime diplomacy acts as an instrument of legal, institutional, and communicative support for the positions of states in situations connected with the threat of force or its use.

The unrestricted right of states to wage (declare) war was first called into question during the Hague Peace Conferences of 1899 and 1907. At the same time, the first international legal instrument that fully prohibited war as a means of pursuing national policy was the 1928 Paris Pact (the Kellogg–Briand Pact). It was the first multilateral treaty aimed at renouncing aggressive war, and the overwhelming majority of states became parties to it. In particular, Article 1 of the Paris Pact provided that its parties "condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another", while Article 2 established the obligation to settle international disputes and conflicts exclusively by peaceful means [1 p.11].

At the same time, the prohibition on recourse to war applied only to violations of the Covenant of the League of Nations and did not extend to the right of self-defence, which in practice remained almost unrestricted. In this connection, the League of Nations' attempts to create an effective mechanism of collective security by more precisely defining the concept of aggression and strengthening obligations concerning measures against the aggressor proved unsuccessful [4, p. 103].

The further development and normative entrenchment of this approach took place in the UN Charter. Pursuant to Article 2 of the UN Charter: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" [14]. The principle prohibiting the threat or use of force is one of the central elements of contemporary *jus ad bellum*, within which the lawfulness of recourse to force, exceptions to that prohibition, and permissible forms of international legal response by states are determined.

At the same time, modern international legal doctrine increasingly raises the question of the permissibility of using force in order to forestall international threats, which makes the discussion concerning the limits of self-defence particularly relevant. In such circumstances, the right of self-defence is linked only to a situation in which an armed attack has become imminent and other means of protection are exhausted or manifestly ineffective.

The problem of the use of force is connected with the need to identify the extreme states of inter-state relations and to establish normative boundaries within the relevant spectrum, which constitutes the subject matter of international legal regulation. At the same time, the spectrum of inter-state relations is conceived as lying between two extreme states – peace and war, neither of which has an entirely unambiguous legal meaning. Within this "grey zone" between peace and war, wartime diplomacy performs the functions of communication, deterrence, de-escalation, legal support, and the preparation of conditions for the subsequent settlement of conflict.

In its 1996 Advisory Opinion on the legality of nuclear weapons, the International Court of Justice stated that the mere possession of nuclear weapons does not in itself constitute a prohibited threat. The Court indicated that a threat of force violates the UN Charter only where the subsequent possible use of that force would itself be unlawful under international law. Accordingly, the assessment of the lawfulness of a threat of force depends on whether the possible act of force itself would be compatible with international law [17].

In turn, Article 51 of the UN Charter provides for the possibility of using force in cases of self-defence: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security..." [14]. Thus, the right of self-defence is recognised as inherent, but it is not absolute and may be exercised only where the grounds established by international law are present.

Nevertheless, the right of self-defence is also subject to certain limitations, traditionally reduced to the requirements of necessity and proportionality. In the case of an "imminent attack", doctrine permits the possibility of using force in response to an "imminent threat" [15]. This approach is based on the

understanding that a state cannot be required to passively await the actual delivery of the first strike if the attack is directly anticipated and other means of averting it have already been exhausted. Given the nature of modern means of warfare, the opposite approach would substantially narrow the practical content of the right of self-defence.

In this regard, contemporary doctrine increasingly employs the terms "preventive self-defence" and "preemptive self-defence". In this context, *preemptive self-defence* is associated with neutralising an immediate or proximate threat, whereas *preventive self-defence* concerns responding to a threat that is neither immediate nor obvious. Accordingly, preventive and preemptive measures should be treated as two distinct types of action, the lawfulness of which is assessed differently in international law. Analysing the practice of preemptive uses of force, N. Vavilova, I. Sivokha, and V. Leonov propose dividing such actions into three categories: "anticipation of actions", "prevention" (that is, preventive or prophylactic measures), and "anticipation of intentions" [15]. In such circumstances, the role of wartime diplomacy increases, since it accompanies the legal justification of the state's position, communicates its intentions externally, and may at the same time function as a mechanism of deterrence against escalation.

This raises the question of whether a state may invoke self-defence in order to justify a threat of force. Within the corresponding narrative, it is argued that the expansion of a defence alliance creates a threat and therefore justifies a forceful response. However, the mere fact of a state's membership in a defence alliance does not in itself constitute either an act of aggression or, all the more so, an armed attack that could justify self-defence. Accordingly, a state has no right to use military force against another state and, by the same token, may not threaten it with such force unless there is a proper basis in international law for doing so.

A separate issue is whether the stationing of troops by other states or the supply of arms by them violates the prohibition on threats of military force. If a state is subjected to military intervention, it has the right to self-defence and may also seek assistance from other states. Military action within the framework of collective self-defence is lawful provided that additional requirements are met, above all the requirement of proportionality. In that case as well, wartime diplomacy performs the function of co-ordinating the common position of states, providing legal explanation for their actions, and facilitating institutional interaction with international organisations.

Finally, it should be noted that a state cannot always be brought before an international court for violating the UN Charter. In essence, the fundamental principles of international law are secured primarily through negotiations, diplomatic pressure, the mechanisms of international organisations, and, at times, in conjunction with economic sanctions. This once again underscores the importance of diplomatic mechanisms in ensuring the effectiveness of the principle prohibiting the threat or use of force.

The current state of the principle of non-use of force and non-threat of force is characterised by increasingly complex methods of its violation, interpretation, and justification. The most striking example remains the russian's full-scale war against Ukraine, which has been characterised not only by the large-scale and continuous use of force, but also by a sustained practice of legal and political justification, systematic threats, including nuclear threats, and attempts to legitimise aggression through the rhetoric of "self-defence" and "prevention" [6]. In doctrine, the Russian case is viewed as one of the most illustrative examples of a concealed or denied threat of force that preceded the full-scale invasion and exposed the insufficient effectiveness of international legal guarantees prohibitinag the threat of force.

No less revealing is the contemporary American formula of "peace through strength", which in the strategic documents of the United States is interpreted as a combination of deterrence, military superiority, economic pressure, and diplomatic initiative. The United States National Security Strategy expressly emphasises that strength is the best means of deterrence and also creates the conditions for peace, since actors who respect US power are more receptive to its efforts to resolve conflicts and maintain peace [7, p. 11-12]. Similarly, the 2026 National Defense Strategy refers to the creation of conditions for *restoring peace through strength* [12, p. 5]. From the standpoint of international law, such a doctrine does not in itself constitute an automatic violation of Article 2 of the UN Charter; however, it reduces the practical distance between diplomatic pressure, the demonstration of force, and the threat of force, where the negotiating process begins to rely upon overt military superiority as an instrument of coercion. For that reason, the analysis of the doctrine of

"peace through strength" is important for the study of wartime diplomacy as a form of interaction between legal regulation, political pressure, and force signalling.

In this context, the examples of US uses of force in Venezuela and strikes against Iran assume additional significance. According to Reuters, the capture of Nicolás Maduro by US forces in January 2026 was criticised as a possible violation of international law [5], while the subsequent joint US and Israeli strikes against Iran on 28th of February 2026 were officially justified by reference to self-defence, although the international reaction revealed deep disagreements as to their lawfulness [13]. Such cases indicate that contemporary practice increasingly combines the actual use of force with its subsequent legal justification by reference to Article 51 of the UN Charter.

Particular attention should also be paid to the rhetoric concerning Greenland [3] and Cuba. In January 2026, Reuters reported that the US administration had discussed options for acquiring control over Greenland, including the possible use of military force [10]; in March 2026, Reuters also recorded public statements by the US President about the possibility of "taking" Cuba [11]. Recent doctrine emphasises that international law prohibits not only the use of force as such, but also a credible threat thereof where the contemplated act (for example, the annexation of territory) would itself be unlawful. Thus, even in the absence of an immediate attack, such statements may constitute an independently relevant problem within the meaning of Article 2 of the UN Charter. In this sense, wartime diplomacy in contemporary conditions encompasses not only activity during the active phase of war, but also the diplomatic management of crises arising against the background of public threats, force signalling, and demonstrative coercion.

5. Conclusions.

The analysis presented in this article suggests that the principle prohibiting the threat or use of force serves as a basic international legal foundation through which the content, limits, and permissible forms of wartime diplomacy should be assessed. In the light of contemporary international legal doctrine and practice, wartime diplomacy does not lose its relevance in conditions of armed conflict; on the contrary, it acquires a special functional purpose as a means of legally supporting the state's position, crisis communication, deterrence, de-escalation, and participation in the settlement of conflict situations. At the same time, given the underexplored character of wartime diplomacy as an independent phenomenon, it would appear premature to formulate its final and exhaustive definition. Rather, it may be assumed that in contemporary international law it emerges as a particular form of diplomatic activity whose lawfulness and functional purpose are determined primarily by the logic of Articles 2 and 51 of the UN Charter. Contemporary practice, including russia's full-scale war against Ukraine, the struggle for geopolitical power, and the ambiguous interpretation of the rules on self-defence and the use of force signalling in diplomacy, only reinforces the need for further doctrinal reflection on this phenomenon.

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