

THE POSITION OF INTERNATIONAL LAW AND INTERNATIONAL ORGANIZATIONS ON WARS IN INTERNATIONAL RELATIONS

NADHEER SAMI ABDEL WAHID¹, ASSIST. PROF. ABBAS SADOON REFAT²

^{1,2} College of Political Science, Al-Nahrain University

Email: Dr.abas@nahrainuniv.edu.iq

Abstract

The problem that the research deals with focuses on the fact that war is an act that contradicts the principles of the United Nations, which prohibit aggression and the use of force in international relations.

The research aims to discuss the position of international law on resorting to war, in managing relations between states.

The research concluded that the policies of the major powers tend to try to adapt the policies of war, in a way that does not contradict the position of international law, by developing new generations of wars, which do not entail responsibility on the state.

Keywords: *International law, war, generations of modern warfare, international relations, Western powers, major powers, conflict*

INTRODUCTION

International law is one of the constraints for the development of generations of modern wars. International law, including the charters of international organizations, calls for the prohibition of the use or threat of force, and that law criminalizes cases of aggression or anything that threatens international peace and security. He also bears the responsibility of those who do it, in addition to the fact that international law allows resorting to collective security and the right of legitimate defense in the event of aggression against a country. Hence, the development of states for their military power with its various tools: traditional and non-traditional, is not intended for states in an offensive war, but rather for deterrence or resorting to defensive war when the war is imposed on the concerned state.

To discuss the position of international law and international organizations on the development of generations of wars, the research seeks to know the position of law on the problem of war in traditional and non-traditional generations. The problem associated with this issue is the reasons that prompted international law to prevent the use or resort to wars to manage relations and conflicts in international relations.

This problem raises the following questions: What is the position of international law and international organizations on conventional wars? What is their position on modern wars? The hypothesis that will be adopted is: that the major powers realized that there is a responsibility for the use of conventional war in managing their conflicts with other countries, and for this, they resorted to developing new tools of war in which they are not a direct or visible party, with the same result remaining, which is the effect.

THE RESEARCH ADOPTED THE DESCRIPTIVE METHOD.

As for the structure adopted in the research, it is that the topic has been divided through the following demands:

The first requirement, the position of international law and international organizations on conventional wars

The second requirement, the position of international law and international organizations on new wars

The first requirement is the position of international law and international organizations on conventional wars

Nation-states were established in the wake of the Westphalian Conference in 1648, and states began to establish their authorities and institutions, and they moved away from the religious basis of the king, and moved away from the personal basis of the state in that the king or ruler is the one who determines policies and sovereignty without control or review. Later, it turned into a national state, meaning that there is recognition that the foundation of the state is not based on being monopolized by a specific nationality, but rather that everyone participates in it, and that it accepts immigration and asylum,

Today there are no pure nation-states, but there is ethnic pluralism (national, religious, and linguistic) in every country, with variation in the proportions of that pluralism, and most countries have been able to organize the issue of coexistence between ethnic formations, in favor of national unity and national identity⁽¹⁾

COUNTRIES BASE THEIR INTERNATIONAL RELATIONS ON GENERAL RULES, NAMELY:

1. Sovereignty, which means: “the full right of the governing body and its authority over itself, without any interference from external parties or agencies, and its ability to exercise authority over all that falls under its responsibility⁽²⁾

The right to sovereignty is rooted in international norms, and then it was guaranteed by international organizations, including the United Nations Charter, which was indicated in Article 2 (The Commission and its members work in pursuit of the purposes mentioned in Article 1 in accordance with the following principles: “1- The organization is based on the principle of sovereign equality among all its members.” And paragraph (7): “Nothing in this Charter justifies the United Nations to interfere in matters that are at the core of the internal authority of a state, and there is nothing in it that requires members to submit such matters to be resolved by virtue of this Charter,

However, this principle does not prejudice the application of the measures of repression mentioned in Chapter VII. “⁽³⁾Hence, this text obstructed any tendency to expand the interpretation of the powers and competencies of the United Nations. Or to adapt to the global changes until the year 1991, when it began to raise humanitarian issues, including international humanitarian intervention, and then, after 2001, the issue of the principle of the responsibility to protect was raised.

That is, the right of the international community to intervene when the state does not fulfill its obligations, including its violations toward its citizens⁽⁴⁾

Today, due to the communications revolution, very advanced technology, and dependence between states, sovereignty is understood in a very relative sense⁽⁵⁾

1- Thaer Rahim Kazem, Globalization, Citizenship and Identity (research into the impact of globalization on national and local belonging in societies), Al-Qadisiyah Journal of Arts and Educational Sciences, Volume 8, Issue 1, Al-Qadisiyah University, 2009, p. 268.

2- Harold Lasky, and Muhammad Afifi, Foundations of Sovereignty, Cairo, Arab Press Agency, 2021, p. 8.

3-Article 2, Paragraphs 1 and 7, Charter of the United Nations.

4-. Awkil Muhammad Amin, A Critical Reading of the Shifts in the Approach to International Humanitarian Intervention: The Responsibility to Protect as a Model, Legal Studies, Issue 55, House of Wisdom, 2022, p. 46-47.

2. Interests, are the sum of basic values through which the state expresses its existence before the international community, and are linked to its survival, security, prosperity, and international standing. Countries often establish their relations on the basis of mutual interests, which are based on sovereignty, non-interference in internal affairs, and mutual dependence.

3. Mutual dependence and its content is that each country cannot produce all its needs by itself, and as a result of the disparate distribution of resources, the disparity in the efficiency of the labor force, and the disparity in technology and comparative advantages between one state and another, it establishes that states establish their relations on mutual dependence, although they are not based on the basis of a delicate balance (exports equal revenues), however, there is dependence to one degree or another between countries⁽⁶⁾

4. The duality of pragmatism/ideology, and this issue depends on the ruling currents and tendencies in the state,

Some countries adopt pragmatic approaches, that is, submitting to expediency, such as the United States, while other countries adopt ideology, as in the Soviet Union before 1991, and other communist countries, but they followed a pragmatic approach, including China after 1978, when it eased ideological restrictions in its policies. ⁽⁷⁾

5. The presence of the international organizations, and the shift has emerged from the formula of temporary multilateral conferences to deal with international crises, to the formula of organization. That is, the existence of stable institutions that discuss specific issues, since the end of the nineteenth century, and then expanded, to reach the level of establishment: a comprehensive international organization (the United Nations) in 1945, and a non-governmental international organization (Human Rights Watch and others), and the organization became used for different purposes:

Discussing general conditions, enhancing cooperation, finding agreed-upon mechanisms for settling disputes and crises ⁽⁸⁾

He considered international regulation one of the most important fields that intertwine with international law, because the idea of law is a voluntary agreement on agreed-upon rules that are the subject of commitment, and regulation is a charter to which member states are bound by their will. ⁽⁹⁾

6. International law, which is one of the most important foundations regulating relations between states and international obligations. It has shifted from being customary to becoming increasingly written with general rules dealing with various rights. Its purpose is to regulate international life, reduce the level of disputes and find mechanisms for settling disputes. ⁽¹⁰⁾

One of the important topics in international relations is the issue of disputes, conflicts, and wars, and it is a topic that is not excluded from those relations under more than one title, including:

1) Considering that countries may reach intersections in interests and policies, which requires the use of all tools and means, including war, to achieve their interests.

5. Abu al-Majd Ali Dargham, *Sovereignty, Responsibility, and Parity in Treaty Making* And adherence to it within the framework of international law, Cairo, The Egyptian for Publishing and Distribution, 2012, p. 115

6. Muhammad bin Said al-Futaisi, *The Principle of Reciprocity in International Relations and its Impact on the Future of Security Policies and Military Affairs*, Generation Journal of Political Studies and International Relations, Issue 18, Algeria, Generation Scientific Research Center, May 2018, pp. 11-13.

7. Noud Abdul Rahman Al Habashneh, *Chinese Foreign Policy towards the Arab Region - A Future Vision*, Amman, Gulf House for Publishing and Distribution, 2020, p. 54.

8. Jalal Fadl Muhammad Al-Awdi, Abdul-Ghani Gibran Al-Zahr, *International Governmental Organizations*, Amman, House of Culture for Publishing and Distribution, 2012, p. 93

9. Suhail Hussein Al-Fatlawi, *United Nations. The first part, the objectives of the United Nations*, Amman, Al-Hamid House for Publishing and Distribution, 2011, p. 282.

10. Hussein Qadri, *International Conflicts: Study and Analysis*, Irbid, Cultural Book House, 2009, p. 150

(2 Or it may enter into wars as a result of international obligations, within the framework of the requirements of Chapter VII of the Charter of the United Nations or collective security, which obliges states to cooperate with the United Nations to implement the requirements of maintaining international peace and security. ⁽¹¹⁾

(3 Or its desire to expand and influence the policies of the target countries, considering war as a political tool⁽¹²⁾It is possible through it, under the influence of costs and expected results, to push the weaker parties to make concessions that satisfy the ceiling of the aspirations of the war-taker or whoever stands behind him.

In view of the seriousness of the war, international law, along with international organizations, worked to deal with it in all its aspects:

a. In terms of addressing the causes of tensions, conflicts, and wars, and calling for the adoption of a bilateral approach: strengthening cooperation and the peaceful settlement of disputes, as they are complementary to each other in dealing with conflict situations, the former is closer to the peace building process, The second is conflict prevention, which is closer to the preventive approach in dealing with potential conflicts⁽¹³⁾There are, of course, difficulties on both sides. The United Nations, although it stipulated that the international organization be a center for coordinating cooperation between countries,

However, countries have taken more than one path, including: cooperation outside the international organization, and resorting to conflict and perhaps war, despite the opportunities offered by cooperation. As for the approach to preventing conflicts by dismantling their causes, the United Nations calls in Chapter VI for the voluntary and peaceful settlement of conflicts that threaten international peace and security, but in reality, countries may resort to wars out of their desire to achieve greater goals or they do not see that other options are appropriate for them. For example, the US war on Iraq in 2003, and the Russian war on Ukraine in 2022. ⁽¹⁴⁾

B. Establish mechanisms for settling disputes, inside and outside international organizations, and before and during disputes. The Charter of the United Nations, for example, requires all parties, including those involved in disputes, to inform the United Nations of the dispute and initiate procedures for its settlement in the ways permitted by international law, bilaterally and through third parties. This includes asking for the assistance of the United Nations before the latter intervenes in the conflict and begins applying its procedures for settling disputes.

In the event of a dispute, international law calls for mediation and conciliation. In order to reach arbitration in disputes with economic dimensions, and initiate litigation procedures before the International Court of Justice as an optional party to adjudicate disputes, Or even to obtain a non-binding advisory opinion⁽¹⁵⁾In the event of a war breaking out between two parties, international

11. Ahmed Hussein Sweidan, *International Terrorism in Light of International Changes*, Amman, Al-Halabi Human Rights Publications, 2005, p. 154.

12. Rajeh Khoury, *Terrorism Against Terrorism: George Bush's Pre-emptive Wars*, Beirut, Al-Naharhouse, 2009, pg. 452.

13. Ghassan Al-Kahlout, *Humanitarian Action: Reality and Challenges*, Doha, Arab Center for Research and Policy Studies, 2020, p. 54.

For more: Ibrahim Al-Khazendar, *Protection Prevention of Civil and International Conflicts: A theoretical framework*, The Arab Journal of Political Science, Issue 32, Beirut, Center for Arab Unity Studies, 2011, pp. 26-28.

14. -Dimitri MINIC, *Russia's Invasion of Ukraine A Political-Strategic Break?*, *Russie. Nei. Visions*, No. 126, The French Institute of International Relations (Ifri), March 2022, IN: https://www.ifri.org/sites/default/files/atoms/files/d.minic_invasion_russe_ukraine_2022_us.pdf

15. Muftah Omar Darbash, *the mandate of the International Court of Justice in the settlement of disputes*, Tripoli, the Jamahiriya House for Publishing, Distribution and Advertising, 1999, p. 9 For more: Issa Mahmoud Obaid, *The International Court of Justice and its role in developing the rules of international criminal law*, Amman, Amjad House for Publishing and Distribution, 2019, p. 36.

law calls first for a cease-fire, and then negotiating procedures to find a settlement between the concerned parties.

c. Establish controls for the use of war tools and prevent the use of weapons of mass destruction and some weapons with wide rates of destruction and killing, such as land mines (without specifying responsibility for violating this) ⁽¹⁶⁾ Preventing exposure to civilian, medical and heritage objects, and everything that cannot achieve a military objective in the manner of obligation and necessity ⁽¹⁷⁾ In addition to ensuring humane treatment with prisoners of war ⁽¹⁸⁾ And the wounded ⁽¹⁹⁾

D. Establishing controls and responsibilities in cases of military occupation, including not changing regulations and laws, maintaining public order, and accelerating the handing over of powers to the people to choose the system of government and government ⁽²⁰⁾

h- Putting in place mechanisms to end hostilities, end all military operations, and expedite the implementation of the Geneva Conventions of 1949 and their additional protocols for dealing with conflicts. Agreements include:

The most important rules to reduce the barbarity of wars. The Conventions provide protection for persons who are not taking part in hostilities (civilians, health workers, relief workers) and who have ceased to take part in hostilities (wounded, sick, shipwrecked, prisoners of war). ⁽²¹⁾

i. the. Establishing mechanisms to settle the results of wars and assessing responsibility for them, as war in any case leads to different results in terms of: the occupation of some areas requires withdrawal from them, the presence of dead, missing and prisoners, and a political settlement of the causes of war, in addition to assessing the responsibility for the start and continuation of the war and the violations that occur in it ⁽²²⁾

The Charter of the Infallibility of the United Nations of 1919, which remained in force until the beginning of World War II, prohibited resorting to war to settle disputes between states in four cases: ⁽²³⁾

a. Aggressive war waged by one country against another as a result of a breach of mutual obligations without referring the conflict to the League of Nations.

B. Resorting to war before submitting the dispute to arbitration, the judiciary, or the League

c. Declaring war on a country that has accepted the decision of arbitration or the judiciary, or has committed itself to the decision of the League

D. The establishment of a state of war between two states, one or both of which are not members of the League, after one of them refused to follow the procedures called for by the League.

16. Noman Atallah Al-Hiti, *The Law of War or International Humanitarian Law, Part 1*, Damascus, Raslan house for Printing, Publishing and Distribution, 2008, p. 299

17. Amer Ali Samir Al-Dulaimi, *Military Necessity in International and Internal Armed Conflicts: Its Concept, Legal Nature, and its Relationship to Humanitarian Considerations*, a previously mentioned source, p. 67.

18 . Abd Ali Muhammad Sawadi, *Protection of Prisoners of War in International Law*, Cairo, Al-Abi Center for Publishing and Distribution, 2017, p. 127

19 . Rida Shams al-Din et al., *War and its Moral Constraints: Comparisons between Islamic Jurisprudence and International Humanitarian Law*, Beirut, Civilization Center for the Development of Islamic Thought, 2018, p. 164

20 . Hussein Al-Azzawi, *The Position of International Law on Terrorism and Armed Resistance: The Iraqi Resistance as a Model*, Amman, Al-Hamid house for Publishing and Distribution, 2013, p. 175.

21. Geneva Conventions of 1949 and their Additional Protocols, International Committee of the Red Cross, on January 29, 2022, at the link <https://www.icrc.org/ar/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>

22. - Muhammad Ibrahim Abdullah Al-Hamdani, *War Crimes in International Law and the Courts Competent to Consider Them*, Beirut, Al-Kutub house Al-Alami, 2013, p. 249.

. For more: Khalil Hussein, *the Israeli war on Lebanon; Diaries and Documents July 12 - August 14*, Beirut, Al-Manhal Lebanese House for Printing and Publishing, 2006, pg. 222.

23. Talaat Jiyad IJi Al-Hadidi, *Studies in Public International Law*, Amman, Al-Hamid house for Publishing and Distribution, 2012, p. 160.

Whereas, the Briand-Kellogg Charter in 1928 condemned the idea of the legality of war, and called for its prohibition, denouncing its use as a means to resolve international disputes, provided that it does not limit the right of legitimate self-defense. ⁽²⁴⁾

The right of legitimate self-defense was considered a right that permits the resort to war, and this trend continued during the era of the United Nations, which allowed this right. In addition to the commitment of states to cooperate with the United Nations to prevent aggression within the framework of collective security (peremptory rules calling on states to place their forces in a collective framework to stop aggression against an aggressor country) ⁽²⁵⁾

THE SECOND REQUIREMENT IS THE POSITION OF INTERNATIONAL LAW AND INTERNATIONAL ORGANIZATIONS ON NEW WARS

It has already been pointed out that today's world has reached a level ranging from applications of the fifth and sixth generation, and that there are theories that have reached the level of the ninth generation for generations of modern wars, and war here takes a hypothetical or metaphorical meaning, and not the traditional literal meaning that sees war as battles between two or more armies in a specific battlefield. Wars, including traditional wars, have exceeded that because geography no longer has a presence in conventional wars. Aircraft, including strategic bombers, drones, and ballistic missiles, cross borders, and damages are inflicted that exceed the damages caused by conventional wars. They are very expensive weapons, and they are weapons that load heavy ammunition. The explosion and accuracy it, to hit its target with maximum efficiency, causing effective destruction.

Noting that these weapons are far from being described as conventional weapons in the literal sense of the word because they are based on a large investment in knowledge and technology and even artificial intelligence. The cost of renewing ballistic missiles in the United States that were introduced in 2020 amounted to about \$95.8 billion, by replacing the arsenal of (Mutantman) missiles. which is classified under the designation (ICBM), The number is about 400 missiles, within the framework of a total cost exceeding 1.2 trillion dollars to modernize all US military capabilities, and the advantage of missiles in the new arsenal is that the missile cannot be shot down, while the cost of the intercontinental Trident 1 missile is about 65 million dollars per missile. ⁽²⁶⁾ While the cost of the new American stealth strategic bomber B-21 (Raider) is about \$ 700 million per plane, while the cost of the new American aircraft carrier: USS Gerald Ford, its value is estimated at about \$ 13 billion. ⁽²⁷⁾ Most of the techniques of these weapons are owned only by a number of major powers. The position of international law on wars, with its different generations, is different. International law first criminalizes the state of aggression, tends to hold responsibility for cases of war that occur due to specific conflicts, and regulates formulas for the right of individual and collective defense within the framework of the principle of collective security by the Charter of the United Nations. But in the case of new generations of wars, when many of the pillars of traditional warfare are fading away: the military forces and the field, the declaration of war and the losses on both sides and the implementation of international treaties, And the declaration of international responsibility, .. and the main planner of that war, and who is in charge of managing the war, fades from the fore, and the goals may not be apparent, .. and all of this is hidden behind

. For more: Khalil Hussein, the Israeli war on Lebanon; Diaries and Documents July 12 - August 14, Beirut, Al-Manhal Lebanese House for Printing and Publishing, 2006, pg. 222.

24. Abu Abd al-Malik Saud bin Khalaf al-Nuwaimis, Public International Law, Riyadh, Library of Law and Economics, 2014, pg. 372.

25. Mustafa Abu Al-Khair, Legal Support for Resistance Movements in International Law, Amman, Al-Jinan house for Publishing and Distribution, 2017, p. 148.

26 The Pentagon reveals an "astronomical cost" for new nuclear missiles, on February 12, 2022, at the link: <https://www.skynewsarabia.com/world/1385484>.

27 . At a cost of \$13 billion.. The US aircraft carrier "Gerald Ford" enters service, on May 6, 2022, at the link: <https://www.alhurra.com/tech/2022/10/05>

individuals or organizations whose nationality is not clear. In many cases, the direct parties may be groups for rent, or disaffected local groups against the policies of the ruling regime, and then imposing responsibility on the real involved parties is a difficult matter in international law. In addition to the difficulty in criminalizing and holding the main parties responsible responsible⁽²⁸⁾ Analyzing this leads us to the following:

1- The main parties

The parties to any war are two or more parties, who are within the framework of two opposing, fighting groups, regardless of the size of the strength of any of them. What is important is that there is no war without the presence of two parties, until there is a situation:

- a. An offense or negligence for which responsibility is attributed to one of them.⁽²⁹⁾
- b. International law supports the aggrieved party by supporting his right to legitimate self-defense or support through the collective security system.⁽³⁰⁾

In the year 2001, the Security Council approved an important change in the course of what is considered a threat to international peace and security, after it strived after 1991 to include humanitarian cases within the description of what threatens international peace and security.⁽³¹⁾

While the original in Charter is to consider the threat emanating from a state as a threat to international peace and security, in the year 2001 a new shift emerged when terrorism was considered a source of threat to international peace and security and in light of it a multilateral coalition could be formed to confront it. That is, the party that carries out the threat and aggression here is not a specific party, and it is one of the issues that international law finds difficult to adapt since the decisions of the Security Council do not necessarily establish an international legal basis and specifically if they violate the Charter of the United Nations, The adaptation established by the Security Council is not related to the premises, and this is what the text of the Charter followed.⁽³²⁾ Some went on the issue of responsibility for supporting terrorist activities to say: "Organized collective terrorism, which is represented by terrorist groups that are managed and supervised by invisible countries or various institutions or bodies, That the state is responsible for any breach of its obligations to maintain security and international obligations to protect foreign interests on its territory"⁽³³⁾

In the case of new generations of wars, the party that carries out the aggression or starts the war may be unknown, and it is often so, because it does not come in the form of a state, but rather appears hidden behind: Violent organizations, and mostly these organizations are local organizations in the target country that are linked with the major powers in relationships that serve interests, and the support is always invisible. And the party carrying out the attack may be a default of unknown identity and location, as in cyber attacks, and therefore it is very difficult for international law to adapt its rules at the present time. To put in place an accurate text to define

28 . Mustafa Shafiq Allam, The Dilemma of Regular Armies in Managing "Asymmetric" Wars, January 8, 2022, Future Center for Research and Advanced Studies, available at: <https://futureuae.com/ar/Release/ReleaseArticle/948>

29 . Hakim Syab, Individual International Criminal Responsibility for the Crime of Aggression, Journal of Law and Society, Issue 1, Volume 9, Algeria, 2021, p. 129.

30 ., Samaan Boutros Faragallah, The Dialectic of Power and Law in Contemporary International Relations, Cairo, Al-Shorouk International Library, 2008, p. 168.

31 Anas Akram Al-Azzawi, International Humanitarian Intervention between the Charter of the United Nations and Practical Application: A Comparative Study, Amman, Al-Jinanhouse for Publishing and Distribution, 2009, p. 135 For more information: Muhammad Abdul Hafeez Al-Sheikh, Humanitarian Intervention of the United Nations, Journal of Middle Eastern Studies No. 83, Amman, Center for Middle East Studies • 2018, p. 18.

32, Abd Ali Muhammad Sawadi, International Responsibility for Violating the Rules of International Humanitarian Law, Cairo, The Arab Center for Publishing and Distribution, 2017, p. 168.

33. Muhammad Ahmed Ali Kasib, International Criminal Responsibility, Cairo, Egyptian for Publishing and Distribution, 2020, pg. 42

the party behind cyber attacks, in which concepts such as: deterrence and collective security, .. would be impractical. ⁽³⁴⁾The same may be the case with epidemics.

2 -Weapons used in wars of modern generations

The tools of modern warfare do not include the use of infantry, shields, missiles, or aircraft, as these are weapons that are not used, even if they are traditional in terms of weapon standards.

Rather, it uses other means or tools, including thought, ideology, incitement, media, some individuals who are indignant at the political system or the policies adopted in their countries, money, and the skills of professional individuals in cyberspace and some epidemics, It is difficult for international law to adopt these weapons or tools in light of the prevailing international legal agreements and rules because international law tended to prohibit the use of specific tools: Weapons of mass destruction and weapons that cause significant unrestricted damage to individuals from conventional weapons, including cluster bombs (which fragment after falling on the ground) and landmines, and prevent directing military tools to target civilian, medical, media, religious, and cultural objects as long as there is no military benefit from targeting them, and the tools that fall Under the category: violent groups, money, and cyber specialists.

There is no description of them in the established rules of international law because international law deals with literal texts, and many of the facilities and cases that have developed in the international community have not been expanded with exceptions, including: expanding the interpretation of cases of threat to international peace and security, as well as criminalizing the financing of terrorist groups (not violent) ⁽³⁵⁾

And some went on to say: "If the electronic attacks occurred as part of deliberate, indiscriminate and disproportionate attacks, but they harm civilians, then when they are committed with criminal intent, they are considered war crimes, given the size of the losses they cause, which aim to endanger the interests of the state. Less dangerous than launching Military operations for: Aggression⁽³⁶⁾As for the case of epidemics, international law went to criminalize the production and use of biological weapons to cause disease or to cause serious harm and death to humans. ⁽³⁷⁾However, international law speaks of a well-known party that manufactures and uses it, but in the case of generations of modern wars, who uses these tools is not known, and therefore criminalization remains incomplete, as is the case of cyber attacks for which no clear source is known.

3- The battlefield in generations of modern warfare

International law talks about the weapons that are used in the field, that is, the traditional war fields, and it prohibits some practices and sets some rules. However, the new generations do not have a theater, their arena is open, and they may reach the level of targeting samples of the target society, and they may be comprehensive, as it is a qualitative war, the victims are sometimes very few, but the victims are qualitative and the impact is qualitative, and harmful to the state and its interests.

This requires a new rooting of international rules for managing wars and hostilities, to be commensurate with the transformations in the global environment.

4-The results of the wars of modern generations

34. Shadi Abd al-Wahhab Mansour, Fifth Generation Wars: Methods of "exploding from within" on the international arena, a previously mentioned source, p. 100. Also: David S. Gumpert, Hans Benendik, The Power to Coerce, Confronting Enemies Without War, RAND Corporation, on August 17, 2022, available at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR1000/RR1000/RAND_RR1000z1.arabic.pdf

35 . Jassim Muhammad Hussein Shankali, Combating the Financing of Terrorism in International Law and National Legislation, Cairo, Al-Masria for Publishing and Distribution, 2020, p. 13.

36 ., Adel Abdel Sadiq, Cyberspace Weapons in Light of International Humanitarian Law, 2nd Edition, Cairo, Arab Center for Cyberspace Research, 2016, pg. 51.

37 . Issa Mahmoud Obaid, The International Court of Justice and its role in developing the rules of international criminal law, a previously mentioned source, p. 88.

Resorting to wars in international relations leads to the outbreak of hostilities and incurs material, financial, human, political, economic, social, and international costs and losses, and the emergence of political, geographical, security and international results. International law prevents major changes from occurring due to hostilities that lead to the dismemberment of states or the occupation of part of their territory, and it also prevents the change of national laws. .⁽³⁸⁾

However, in the case of wars with new generations, their results deviate from the foregoing, to be linked, from our point of view, to one of the following possibilities:

- a. The fall of the political system, that is, a change in the system and the emergence of a new government, whether stable or unstable
- B. The dissolution of the state or the secession of some of its lands by rebel ethnic groups
- c. Changing the political system of the state's policies, and it benefits its response to the policies it was exposed to
- D .Fall into fragility, instability
- H. Exposing the interests of the state to significant damage, as in the case of major terrorist attacks and cyber-attacks to the state's information infrastructure, and the state's exposure to epidemics

Here, international law first supports the sovereignty of the state, noting: "The idea of the international criminal responsibility of individuals, which was established in the Nuremberg and Tokyo courts after the First World War, ... has been codified and breached the barrier of national sovereignty to recognize individuals with independent rights from states."⁽³⁹⁾

And it prevents cases of interference in internal affairs⁽⁴⁰⁾, and it prevents aggression⁽⁴¹⁾, and after the year 2001 it calls for adopting the approach of the responsibility to protect, that is, for the state to abide by its obligations⁽⁴²⁾. All of this indicates that the state is protected by international law, in general, but in detail, there is a void in legal description and adaptation, which can be dealt with through the views of international jurisprudence⁽⁴³⁾, and judgment in accordance with the general principles of international law⁽⁴⁴⁾.

CONCLUSION

At the end of this research, the position of international law and international organizations towards the tendency to develop this type of war, it is noted that the law has organized several issues, the most prominent of which are:

-)1Organizing the rules of engagement in conventional wars
-)2The prohibition of the use or threat of force
-)3Preventing everything that threatens international peace and security
-)4Prevent aggression
-)5Adopting the right of legitimate defense, including the individual, or applying collective security in the event of aggression against a country
-)6In addition to preventing the use of weapons of mass destruction

38 . Talaat Giyad by Ji Al-Hadidi, Studies in Public International Law, a previously mentioned source, p. 49.

39 . Anas Akram Al-Azzawi, International Humanitarian Intervention between the Charter of the United Nations and Practical Application: A Comparative Study, a previously mentioned source, pg. 249.

40 . - Adel Abdel Sadiq, Cyber weapons in the light of international humanitarian law, a previously mentioned source, p. 14..

41 . - Sameh Khalil Al-Wadiyya, International Responsibility for Israeli War Crimes, Beirut, Zaytouna Center for Studies and Consultations, 2009, p. 192.

42 . - James Crawford (Editor), Principles of Public International Law by Brownlee, translated by Mahmoud Muhammad Al Harthani, Doha, Arab Center for Research and Policy Studies, 2022, p. 1141..

43 . Mustafa Abu Al-Khair, Contemporary International Law, a previously mentioned source, p. 138.

44 . The same source, pg. 137



)7Holds the responsibility of whoever uses force illegally, threatens international peace and security, or commits an act of aggression.

International law does not prevent the state from developing its combat and security tools: traditional and non-traditional, with the aim of deterrence or resorting to defensive war when war is imposed on the concerned state. Thus, international law is one of the constraints for the development of generations of modern wars. International law, including charters of international organizations, calls for the spread of peace and cooperation among states, and that recourse to international organizations or resorting to international law is to settle disputes between states.

One of the most controversial topics in international law regarding new generations of wars is dealing with the parties to the war, as there is difficulty in proving who is doing it and holding him to international responsibility.

In this case, it is possible to resort to the application of general rules that prevent aggression, call for the adoption of cooperative relations, and prevent interference in the internal affairs of other countries. In general, it is noted that the variables affecting the generations of new wars are many, including those associated with the costs that resulted from the employment of technology in the tools of war.

In addition to the attempt of the major powers to avoid holding them internationally responsible for waging a war away from what is permitted by international law, not to mention, of course, that those powers have many tools of influence and they do not resort to the formula of force except in limited cases, and war is a costly formula in any case. Therefore, it is difficult for the major powers to resort to conventional wars, but they are working to employ proxy wars or to resort to other multiple influence tools, or to resort to developing other types of wars, including the employment of violent groups.. ,

In addition to the foregoing, there are repercussions for the development of the major powers for the new generations of wars, which will not stop at the parties that get involved in the existence of a war on their lands among one of the new generations.

Rather, there is work by many countries around the world to develop these generations, and to enter into them and through them in dealing with other competing countries or with which they have some kind of tension, conflict or conflict.

The possibilities of raising responsibility in this kind, according to international law, are limited, given that the major powers are mostly invisible, but wars are conducted through several tools, including violent groups, ..

SOURCE LIST

Documents:

- 1) Charter of the United Nations.

ARABIC BOOKS

1. Ibrahim Al-Khazendar, Preventive Prevention of Civil and International Conflicts: A Theoretical Framework, The Arab Journal of Political Science, Issue 32, Beirut, Center for Arab Unity Studies, 2011
2. Abu Al-Majd Ali Dergham, Sovereignty, Responsibility, and Equivalence in Concluding and Abiding by Treaties in the Framework of International Law, Cairo, Egyptian for Publishing and Distribution, 2012
3. Abu Abd al-Malik Saud bin Khalaf al-Nuwaimis, Public International Law, Riyadh, Library of Law and Economics, 2014
4. Ahmed Hussein Sweidan, International Terrorism in Light of International Changes, Amman, Al-Halabi Human Rights Publications, 2005

- 
5. Anas Akram Al-Azzawi, *International Humanitarian Intervention between the Charter of the United Nations and Practical Application: A Comparative Study*, Amman, Dar Al-Jinan for Publishing and Distribution, 2009
 6. Jassem Muhammad Hussein Shankali, *Combating the Financing of Terrorism in International Law and National Legislation*, Cairo, Egyptian for Publishing and Distribution, 2020
 7. Jalal Fadl Muhammad Al-Awdi, Abdul-Ghani Gibran Al-Zahr, *Intergovernmental Organizations*, Amman, Dar Al-Thaqafa for Publishing and Distribution, 2012
 8. James Crawford (Editor), *Brownlee's Principles of Public International Law*, translated by Mahmoud Mohammed Al Harthani, Doha, Arab Center for Research and Policy Studies, 2022
 9. Hussein Al-Azzawi, *The Position of International Law on Terrorism and Armed Resistance: The Iraqi Resistance as a Model*, Amman, Dar Al-Hamid for Publishing and Distribution, 2013
 10. Hussein Qadri, *International Conflicts: Study and Analysis*, Irbid, Dar Al-Kitab Al-Thaqafia, 2009
 11. Khalil Hussein, *The Israeli War on Lebanon; Diaries and Documents July 12 - August 14*, Beirut, Al-Manhal Lebanese House for Printing and Publishing, 2006
 12. Rajeh Khoury, *Terrorism Against Terrorism: George Bush's Pre-emptive Wars*, Beirut, Dar Al-Nahar, 2009
 13. Rida Shamseddine et al., *War and its Moral Constraints: Comparisons between Islamic Jurisprudence and International Humanitarian Law*, Beirut, Civilization Center for the Development of Islamic Thought, 2018
 14. Sameh Khalil Al-Wadiyya, *International Responsibility for Israeli War Crimes*, Beirut, Zaytouna Center for Studies and Consultations, 2009
 15. Semaan Boutros Faragallah, *The Dialectic of Power and Law in Contemporary International Relations*, Cairo, Al Shorouk International Library, 2008
 16. Suhail Hussein Al-Fatlawi, *United Nations. The first part, the objectives of the United Nations*, Amman, Dar Al-Hamid for publication and distribution, 2011
 17. Talaat Jiyad Luji Al-Hadidi, *Studies in Public International Law*, Amman, Dar Al-Hamid for Publishing and Distribution, 2012
 18. Adel Abdel Sadiq, *Cyber weapons in the light of international humanitarian law*, 2nd Edition, Cairo, Arab Center for Cyberspace Research, 2016
 19. Abd Ali Muhammad Sawadi, *Protection of Prisoners of War in International Law*, Cairo, Al-Abi Center for Publishing and Distribution, 2017
 20. Abd Ali Muhammad Sawadi, *International Responsibility for Violating the Rules of International Humanitarian Law*, Cairo, The Arab Center for Publishing and Distribution, 2017
 21. Anoud Abdul Rahman Al Habashneh, *Chinese Foreign Policy towards the Arab Region - A Future Vision*, Oman, Gulf House for Publishing and Distribution, 2020
 22. Issa Mahmoud Obaid, *The International Court of Justice and its role in developing the rules of international criminal law*, Amman, Dar Amjad for Publishing and Distribution, 2019
 23. Ghassan Al-Kahlout, *Humanitarian Action: Reality and Challenges*, Doha, Arab Center for Research and Policy Studies, 2020.
 24. Muhammad Ibrahim Abdullah Al-Hamdani, *War Crimes in International Law and the Courts Competent to Consider Them*, Beirut, Dar Al-Kutub Al-Alami, 2013
 25. Muhammad Ahmed Ali Kasib, *International Criminal Responsibility*, Cairo, Egyptian for Publishing and Distribution, 2020
 26. Mustafa Abu Al-Khair, *Legal Evidence for Resistance Movements in International Law*, Amman, Dar Al-Jinan for Publishing and Distribution, 2017
 27. Moftah Omar Darbash, *The jurisdiction of the International Court of Justice in the settlement of disputes*, Tripoli, the Jamahiriya House for Publishing, Distribution and Advertising, 1999
 28. Noman Atallah Al-Hiti, *The Law of War or International Humanitarian Law, Part 1*, Damascus, Dar Raslan for Printing, Publishing and Distribution, 2008
 29. Harold Lasky, and Mohamed Afifi, *Foundations of Sovereignty*, Cairo, Arab Press Agency, 2021

ARABIC MAGAZINES:

- 1) Awkil Muhammad Amin, A Critical Reading of the Shifts in the Approach to International Humanitarian Intervention: The Responsibility to Protect as a Model, *Legal Studies*, Issue 55, House of Wisdom, 2022
- 2) Thaer Rahim Kazem, Globalization, Citizenship and Identity (a research into the impact of globalization on national and local belonging in societies), *Al-Qadisiyah Journal of Arts and Educational Sciences*, Volume 8, Issue 1, University of Al-Qadisiyah, 2009
- 3) Hakim Syab, Individual International Criminal Responsibility for the Crime of Aggression, *Journal of Law and Society*, Issue 1, Volume 9, Algeria, 2021
- 4) Muhammad bin Said al-Futaisi, The Principle of Reciprocity in International Relations and its Impact on the Future of Security Policies and Military Affairs, *Generation Journal of Political Studies and International Relations* Issue 18, Algeria, Generation Scientific Research Center, May 2018
- 5) Muhammad Abdul Hafeez Al-Sheikh, United Nations Humanitarian Intervention, *Middle Eastern Studies Journal* No. 83, Amman, Center for Middle East Studies • 2018

INTERNET:

1. Geneva Conventions of 1949 and their Additional Protocols, International Committee of the Red Cross, January 29, 2022, at the link: <https://www.icrc.org/ar/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>
2. David S. Gumpert, Hans Benendik, The Power to Coerce, Confronting Enemies Without War, RAND Corporation, on August 17, 2022, available at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR1000/RR1000/RAND_RR1000z1.arabic.pdf
3. Mustafa Shafiq Allam, The Dilemma of Regular Armies in Managing “Asymmetric” Wars, January 8, 2022, Future Center for Research and Advanced Studies, available at: <https://futureuae.com/ar/Release/ReleaseArticle/948>

English sources:

- 1) Dimitri MINIC, Russia's Invasion of Ukraine A Political-Strategic Break?, *Russie. Nei. Visions*, No. 126, The French Institute of International Relations (Ifri), March 2022, IN: https://www.ifri.org/sites/default/files/atoms/files/d.minic_invasion_russe_ukraine_2022_us.pdf