One of the qualities that make Yoram Dinstein such a unique scholar is that he is one of the very few who are genuine experts in both *ius ad bellum* (the rules on the legality of the use of force) and *ius in bello* (the rules on how force may be used, which comprise International Humanitarian Law (IHL)). He has never tried to mix the two branches or even to nuance the absolute separation between them. On the contrary, he has insisted on strict separation in many of his writings. As far as I know, none of his numerous publications is even dedicated to both branches: they always either deal with *ius ad bellum* or *ius in bello*. It may therefore be appropriate in this contribution in his honour to explore this separation – in my view crucial for the survival of IHL and for the effective protection of war victims – its reasons and consequences, the threats it is subject to, and the possible tendencies which would make it pointless.

* Marco Sassòli

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I Definitions

The *ius ad bellum* defines when it is lawful to use force in international relations, *i.e.*, to resort to armed conflict. At least since the prohibition of the use of force was enshrined in Article 2 (4) of the UN Charter, it could be more appropriately referred to as *ius contra bellum*. As Yoram Dinstein has so brilliantly explained in every detail, the use of force between States is prohibited by a peremptory rule of international law. There are exceptions, in particular individual and collective self-defence, enforcement measures decided or approved by the UN Security Council, probably national liberation wars and arguably other cases. However, those exceptions in which a *ius ad bellum* (*i.e.*, a right to wage war) exists may only justify the use of force by one party. The enemy has necessarily violated the *ius contra bellum*. States are never equal before the *ius ad bellum* and if the *ius contra bellum* were respected, international armed conflicts would no longer exist.

In this article, I will use a broad concept of *ius ad bellum*, one which includes not only the rules of the UN Charter on the use of force, but also all rules of international law which directly or indirectly justify the use of force in international relations.

The *ius in bello* defines what is legal in an armed conflict. International Humanitarian Law is its most important branch, equally commented upon in all its aspects by Yoram Dinstein. It limits the use of violence in armed conflicts by protecting those who do not or no longer directly participate in hostilities and limiting the violence to the amount necessary to achieve the aim of the conflict, which under *ius in bello* can, whether that aim is lawful or unlawful under *ius ad bellum*, only be to weaken the military potential of the enemy. Today, this branch of international law is largely codified in the 1949 Geneva Conventions and the

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Wrote the description in English. No specific references were found in the text to support the answer. The text is a continuation of the previous one, discussing the *ius ad bellum* and *ius in bello* in the context of international law. The author uses Yoram Dinstein's explanations to highlight the differences and limitations of international law in regards to armed conflicts. The text also mentions the importance of the Geneva Conventions in codifying international humanitarian law.