

**The right of legitimate defense of states in the light of the  
Charter of the United Nations and the provisions of  
international law**

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**Abstract**

This study dealt with the states' legitimate right of defense, which is considered as exceptional on the ban of use of force in international relations rule, as provided in the fourth paragraph of the second article of UN Charter for the year 1945. This right was, prior to the issuance of UN Charter, a natural right enjoyed by all states and practice of which is regulated by the international norms. However, article (51) of the UN Charter has set out an integrated legal system to practice this right which included precise and accurate conditions, some of which is related to the aggression act and some is related to defense actions.

The UN Charter vested to the United Nations Security Council, being the entity in charge of peace and international security keeping, the task of monitoring the practice of the legitimate right of defense where the state which is subject to aggression has to notify the United Nations Security Council of such aggression

and the defense measures taken by it, so that the Council would undertake the measures and actions necessary for reassuming the international peace and security.

The significance of this study emerges out from the fact that it clarifies the concept of legitimate right of defense in the General International Law and the conditions of practicing such right and the role of the United Nations Security Council in monitoring, such practicing which guarantees not to misuse such right and not to make it as pretext for aggression.

This study found that the legitimate right of defense in the General International Law is limited to the states only and not applied to other International Law bodies; the state, subject to aggression, should cease of practicing this right when the United Nations Security Council undertakes the measures and actions guaranteeing reassuming international peace and security; and in the event that the conditions for practicing legitimate right of defense have not been met, the action taken by the state, subject to aggression, is deemed an aggression entitling the state subject to such action to practice the legitimate right of defense.

This study concluded to the necessity of amending the UN Charter so that it would include an express provision clarifying the meaning of aggression in a manner removing every misunderstanding might be included in this concept as

well as the necessity to reconsider the voting method used in the International Security Council, how its resolutions are issued and giving the member states in it the opportunity to overcome the use of the "Veto" right by one of the permanent members of the United Nations Security Council, because this veto right resulted in the disability of the United Nations Security Council for performing the mission assigned to it in keeping international peace and security.