

When can preparations for an act of aggression be considered a threat of use of force under Article 2(4) of the UN Charter?

## **Section 1: Defining an Act of Aggression under International Law**

### 1.1 Introduction: The Legal Relevance of Aggression in the Use of Force Framework

In assessing whether preparations for an act of aggression can constitute a threat of force under Article 2(4) of the United Nations Charter, a foundational question arises: what precisely is meant by an *act of aggression*? Since preparatory conduct must be understood in relation to the final act it anticipates, identifying the legal boundaries and content of aggression is essential. The Charter itself is silent on the definition of aggression, leading to reliance on subsequent developments within the United Nations, particularly General Assembly Resolution 3314 (1974), and on evolving patterns of state practice and *opinio juris*.

This section traces the development of the legal concept of aggression within the UN system, beginning with the work of the Special Committee on the Question of Defining Aggression, culminating in Resolution 3314, and then considers how states have interpreted and applied the concept in concrete settings. The analysis demonstrates that, although the resolution stops short of codifying preparatory acts as aggression, its *travaux* and the conduct of states reveal a growing recognition of the legal and strategic significance of such conduct. This forms the essential backdrop against which the legality of preparatory acts under Article 2(4) can be evaluated.

### 1.2 The Definition of Aggression in UNGA Resolution 3314

The most widely cited definition of aggression is found in UN General Assembly Resolution 3314 (1974), which was adopted by consensus after over two decades of debate and negotiation. Though the resolution is non-binding, it carries substantial authority in shaping the understanding of aggression in international law and has been described by scholars as forming part of "customary international law or at least a subsidiary means for its determination" (Gray, *International Law and the Use of Force*, 2018, p. 252).

Article 1 of the resolution defines aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations." This formulation aligns closely with the language of Article 2(4) of the Charter, emphasizing the unlawful nature of the force used rather than any requirement of declared intent or formal hostility. The focus is on the effect of the act the injury to sovereignty or territorial integrity rather than its formal trappings.

Article 3 supplements this general definition with an illustrative list of acts that constitute aggression, including invasion, military occupation, bombardment, and blockades, among others. While these examples are clearly kinetic and overt uses of force, the list is non-exhaustive, and the resolution allows for the inclusion of other acts under the authority of the Security Council (Art. 4). This openness reflects a deliberate attempt to future-proof the

resolution, acknowledging the possibility of emerging forms of aggression that may not conform to traditional models of armed conflict.

Notably, Resolution 3314 also addresses the issue of indirect aggression. Article 3(g) includes as aggression "the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State". This provision has proven particularly influential in conflicts involving proxy actors and covert operations, and has been cited in Security Council debates relating to conflicts in Afghanistan, Nicaragua, and Ukraine. As discussed by Ruys, this provision reflects a shift in state practice toward recognising that *the form of force is less relevant than the coercive effect and attribution to a state* (Ruys, *Armed Attack and Article 51 of the UN Charter*, 2010, p. 137).

### 1.3 The UN Special Committee on the Question of Defining Aggression

The drafting history of Resolution 3314, particularly the work of the Special Committee on the Question of Defining Aggression (1952–1974), sheds valuable light on how states understood the legal boundaries of aggression and what kinds of conduct should be included within it. While preparatory acts were not ultimately codified in the resolution, the debates reveal a consistent tension between legal certainty and strategic flexibility.

Early Soviet proposals in the 1950s and 1960s sought to establish a strict, formalistic definition, focused solely on armed attack by state forces, and strongly resisted the inclusion of political, economic, or indirect coercion. In contrast, many non-aligned and Western states advocated for a more flexible definition that could include forms of indirect use of force or subversive action, including preparations for the use of force when they were clearly intended to coerce or intimidate another state (Cassese, *International Law*, 2005, p. 356).

One of the central points of contention was whether preparatory actions such as military mobilisations, provocative exercises, or strategic deployments could be considered elements of aggression. Many delegations, including those from India and Egypt, expressed concern that overly expansive definitions could be abused to criminalise legitimate military readiness. Nevertheless, there was broad agreement that patterns of conduct, including threats and posturing, should be legally relevant when assessing the overall character of state action (UN Doc. A/AC.134/SR.71, 1971).

Ultimately, Resolution 3314 avoids making any explicit mention of preparatory acts. However, the *travaux préparatoires* reveal that states recognized the relevance of preparations as part of a contextual analysis of unlawful use of force, particularly where they are accompanied by explicit threats or where the military posture makes actual attack appear imminent and coercive. This provides the foundation for evaluating whether such acts might instead be addressed under the concept of "threat of force", discussed in the next section.

### 1.4 State Practice and Opinio Juris: Applying the Definition in Context

While Resolution 3314 provides a useful normative framework, its legal value depends on how it has been applied and interpreted in practice. The conduct of states and their legal justifications — as expressed in Security Council debates, General Assembly resolutions, and

diplomatic correspondence — form an essential part of establishing customary international law. As the ICJ has consistently held, particularly in the *North Sea Continental Shelf* cases and later in *Nicaragua v. United States*, customary norms arise from general practice accepted as law.

A paradigmatic example is the reaction to Iraq's invasion of Kuwait in August 1990. The Security Council, in Resolution 660, unanimously characterised the invasion as a "breach of international peace and security" and implicitly as an act of aggression. Importantly, the resolution and accompanying state statements focused not only on the use of force but also on the build-up of Iraqi troops near the border, which was viewed as part of the hostile operation. States such as the United States, the United Kingdom, and France cited these deployments as early indicators of an unlawful intention to use force, showing how preparatory military movements can contribute to the legal characterisation of aggression.

Similarly, in the case of Russia's annexation of Crimea in 2014, the international response illustrates the role of context and perception. Russia initially engaged in covert military action, deploying unmarked troops and using irregular forces to occupy strategic sites. These activities were preceded by a significant and unexplained military build-up, alongside political rhetoric emphasizing the need to "protect Russian speakers." While Russia denied any aggressive intent, numerous states — including Germany, the United States, and Japan — characterised the operation as an act of aggression, citing the clear pattern of preparation and implementation (UN Doc. A/68/PV.80, 2014). The fact that early-stage preparations were so heavily scrutinised demonstrates a willingness among states to infer aggression from preparatory postures, particularly when combined with a prior history of unlawful uses of force or coercive rhetoric.

Other examples reinforce this interpretive tendency. For instance, in response to North Korea's missile testing programmes, states such as South Korea and Japan have consistently argued that such tests — especially when accompanied by threatening language — constitute forms of aggression or at least unlawful threats. While many states have not endorsed this interpretation in full, the ongoing diplomatic debates reflect a broader trend in state practice toward viewing intent-laden preparations as not legally neutral.

### 1.5 Conclusion: A Contextual, Effect-Based Approach to Aggression

Although the definition of aggression remains contested in certain respects, UNGA Resolution 3314 provides a robust baseline for understanding the concept as an unlawful and serious use of armed force by one state against another. While the resolution does not include preparatory acts within the definition per se, both the drafting history and subsequent state practice indicate that such acts are legally relevant, particularly when they form part of a clear pattern of coercive behaviour.

The legal and political significance of preparation thus lies not in its formal inclusion as aggression, but in its contributory role in determining the intent, imminence, and unlawfulness of a potential use of force. This evolving and contextual understanding of aggression sets the stage for the next part of the analysis: when, if ever, do such preparatory

acts cross the threshold into a threat of force, thereby engaging the legal obligations of Article 2(4)?

## **Section 2: The Threat of Use of Force under Article 2(4) of the UN Charter**

### 2.1 Introduction: The Legal Status of Threats in the Jus ad Bellum Framework

Article 2(4) of the United Nations Charter prohibits not only the *use* of force by states but also the *threat* of such force, stipulating that "[a]ll 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." While the prohibition of the use of force has been extensively analysed in both legal doctrine and case law, the legal parameters of a *threat* remain significantly less well-defined. Nevertheless, threats constitute a discrete and autonomous category of prohibited conduct under the Charter, rather than being merely derivative of the actual use of force (Dinstein, *War, Aggression and Self-Defence*, 2021, p. 88).

This section explores the legal contours of the concept of a *threat of force*, drawing upon the text of the Charter, judicial interpretations, commentary, and state practice, particularly as reflected in Security Council and General Assembly debates. It shows that the concept of a threat under Article 2(4) is both elastic and context-sensitive, often determined by the perceived intent behind a state's actions and the accompanying factual circumstances. This legal indeterminacy is what enables preparatory conduct to acquire heightened legal significance, particularly when it signals imminent or conditional force.

### 2.2 Interpreting "Threat" under Article 2(4): Charter Text and Structure

The inclusion of threats in Article 2(4) reflects a deliberate decision by the drafters to address not only acts of violence, but also conduct intended to intimidate or coerce states by signalling the potential for violence. As Brownlie noted early on, threats represent "a serious breach of the legal order," insofar as they aim to alter another state's conduct under the shadow of unlawful force (Brownlie, *International Law and the Use of Force by States*, 1963, p. 364). This understanding is grounded in the Charter's overall purpose of maintaining international peace and security and promoting sovereign equality.

Importantly, the prohibition on threats is absolute in form, admitting of no exceptions except where the threatened use of force would itself be lawful under Article 51 (self-defence) or authorised by the Security Council. The International Court of Justice (ICJ) affirmed this approach in its *Legality of the Threat or Use of Nuclear Weapons* advisory opinion, where it stated:

"If the use of force in a given case is unlawful—say, because it does not meet the requirements of self-defence—the threat to use such force will likewise be unlawful." (*Nuclear Weapons*, ICJ Rep 1996, para. 47).

This test ties the legality of a threat to the legality of the contemplated use of force. If a state threatens to act in a manner that would breach Article 2(4), the threat itself constitutes an independent violation. However, as Judge Guillaume noted in his separate opinion, this

leaves open the crucial question of what constitutes a threat, especially in circumstances where no formal declaration or ultimatum is issued.

### 2.3 Threats as Communicative Acts: Express and Implied Forms

Threats may be explicit or implicit, verbal or behavioural, and conveyed through a range of diplomatic, military, or technological means. The ICJ's reasoning suggests that a threat is fundamentally a communicative act: it must signal the possibility of future unlawful force in a manner intended to coerce or intimidate (Gray, 2018, pp. 98–99).

In practice, threats often take the form of:

- Diplomatic ultimatums;
- Military demonstrations or exercises, especially near disputed borders;
- Public declarations of intent, particularly when tied to deterrent policies;
- Positioning of troops or strategic assets in ways that reduce reaction times;
- Cyber intrusions accompanied by warnings or demonstrative intent.

It is not necessary for a threat to be accompanied by a precise timeline or detailed plan. As Ruys argues, the legal threshold is crossed when the threatening state *creates a reasonable apprehension* in the target state that force will be used unless compliance is achieved (Ruys, 2010, p. 150). This introduces a subjective element—the perception of the threatened state—and highlights the importance of contextual interpretation.

### 2.4 The ICJ in *Nicaragua v. United States*: Inferred Threats from Conduct

In *Military and Paramilitary Activities in and against Nicaragua*, the ICJ had the opportunity to address implicit threats. While it ultimately found the United States in breach of the prohibition on the use of force, it also noted that the U.S.'s conduct—including naval manoeuvres and military exercises near Nicaraguan waters—could be interpreted as an attempt to intimidate and coerce (ICJ Rep 1986, para. 228).

The Court did not formally declare this conduct to be an unlawful threat, but the implication is clear: military posturing may constitute a threat where it is deliberately intended to create fear or compliance. Academic commentary has picked up on this ambiguity. Dinstein interprets the *Nicaragua* case as recognising a class of “coercive threats by conduct,” even if they fall short of express verbal threats (Dinstein, 2021, p. 92). Similarly, Kreß has suggested that “threats by posture” must be assessed based on whether they express *conditionality*, i.e., “if you do not comply, we will act” (Kreß, in *The Charter of the United Nations: A Commentary*, eds. Simma et al., 2012, p. 212).

### 2.5 Security Council and State Practice: Evolving Interpretations of Threat

Security Council debates and General Assembly resolutions offer insight into how states interpret and respond to threats, particularly those conveyed through conduct rather than declaration. For example, in the lead-up to the 2003 Iraq War, multiple states—including

France, Germany, and Russia—argued that the U.S. military build-up in the Persian Gulf constituted an unlawful threat of force under Article 2(4). While no resolution to that effect was adopted, the legal arguments advanced by these states clearly reflect an emerging *opinio juris* that threats need not be verbal and may be inferred from patterns of military behaviour and declared intent (UN Doc. S/PV.4701, 2003).

Similarly, in the context of North Korea's missile tests and nuclear posturing, the Security Council has repeatedly condemned such conduct as constituting threats to international peace and security, even when no actual use of force occurred. Resolution 1874 (2009), for instance, expressed concern at the "provocative nature" of missile launches and military demonstrations. Though these resolutions stop short of explicitly invoking Article 2(4), the language and structure clearly reflect a concern with conduct that intimidates or coerces.

The case of Russia's military exercises prior to its 2022 invasion of Ukraine offers another salient example. In late 2021, multiple states condemned Russia's build-up of over 100,000 troops near Ukraine's borders as a threat to peace and a violation of the Charter, even before any actual hostilities commenced. Ukraine, in particular, called on the Security Council to treat these actions as a threat of aggression, arguing that the mobilisation, when combined with diplomatic pressure and hostile rhetoric, constituted an unlawful threat under Article 2(4) (UN Doc. S/PV.8953, 2022).

## 2.6 Conclusion: A Contextual and Functional Interpretation of Threat

The concept of a threat of force under Article 2(4) is deliberately broad and adaptable, designed to prevent states from undermining the Charter's purposes through intimidation or coercion short of actual violence. The weight of judicial authority, state practice, and scholarly commentary supports a contextual approach, where threats can be constituted not only by words but also by military deployments, exercises, and strategic signalling, especially when they convey conditional intent to use unlawful force.

This elasticity is essential for addressing contemporary challenges, where preparatory conduct, such as cyber probing, force mobilisation, and hybrid warfare tactics, often blur the line between posturing and provocation. It is in this grey area that preparatory acts must be situated. The next section builds upon this foundation to assess when such preparatory acts, undertaken in anticipation of aggression, can themselves qualify as unlawful threats under Article 2(4).

## **Section 3: Preparatory Acts and the Threat of Use of Force**

### 3.1 Introduction: The Legal Ambiguity of Preparatory Acts

Preparatory acts occupy a legally fraught space within the framework of the prohibition on the threat or use of force under Article 2(4) of the UN Charter. Unlike outright uses of force or explicit threats, preparatory acts are not clearly defined or directly addressed by the Charter or its principal interpretative instruments. Yet, these acts often constitute the earliest manifestations of aggressive intent, and their legal significance is increasingly debated in contemporary scholarship and state practice.

From a doctrinal standpoint, preparatory acts can include a wide array of conduct: mobilization of troops, positioning of military assets, military exercises near borders, logistical movements, covert support for irregular armed groups, cyber reconnaissance operations, and even inflammatory diplomatic communications that presage use of force. The challenge lies in determining when such acts, in and of themselves or in aggregate, meet the threshold of constituting a “threat of force” as prohibited under Article 2(4).

The analysis of preparatory acts thus requires a dynamic and contextual approach. As Ruys observes, “preparations for war have traditionally been viewed with suspicion in international law but have not been universally categorised as unlawful threats” (Ruys, 2010, p. 146). However, recent developments in state practice and academic discourse suggest a gradual norm crystallisation whereby certain preparatory acts, particularly those that are overt, targeted, and coercive, may be legally tantamount to threats of force.

This section explores this doctrinal tension by examining the normative basis for treating preparatory acts as threats, the evidentiary role of state practice and *opinio juris*, and the contextual criteria that influence the threshold between lawful preparation and unlawful threat.

### 3.2 Normative Foundations: Preparatory Acts Within the Prohibition of Threats

During the drafting of the Charter, the drafters acknowledged that the international peace and security system must address not only overt hostilities but also acts that generate legitimate apprehension of imminent force (UNCIO Vol. VI, pp. 330–335). The concern was that failure to regulate preparatory acts could allow states to maintain continuous “warmaking posture” without triggering legal consequences, thereby undermining peace.

Moreover, GA resolutions such as 2625 (XXV) on the “Principle of Non-Intervention” and 2131 (XX) on the “Inadmissibility of Intervention” condemn coercive actions and “threats thereof” that interfere with sovereignty. The repeated use of language condemning “threats” that may not be explicit or immediate suggests an evolving norm that encompasses preparatory steps, especially those that create coercive pressure short of open hostilities.

Leading scholars argue that the prohibition of threats must be interpreted dynamically to preserve the Charter’s object and purpose—preventing not only actual war but the buildup to war. Gray contends that “preparatory acts must be assessed based on their context, effects, and the intent behind them, with particular attention to whether they serve as coercive tools aimed at compulsion or intimidation” (Gray, 2018, pp. 95–102).

### 3.3 Security Council Discourse and Resolutions

The Security Council’s reactions to various crises demonstrate an increasing sensitivity to preparatory acts as potential threats. For example, during the lead-up to the 1990–91 Gulf War, the deployment of Iraqi troops along the Kuwaiti border and the subsequent invasion were widely condemned as acts of aggression. The Council’s Resolution 660 (1990) specifically deplored the “breach of the peace,” implicitly recognising the coercive threat posed by troop concentrations and mobilisations (UNSC Res. 660 (1990)).

Similarly, during debates over the 2003 U.S.-led invasion of Iraq, several states criticised the massive pre-invasion military buildup as a threat of force, particularly due to the absence of explicit Security Council authorisation (UN Doc. S/PV.4701, 2003). This demonstrates the political and legal sensitivity to preparations that presage force.

More recently, the Council's discussions on the Russian military presence near Ukraine prior to 2022 illustrate the blurred lines between lawful military preparations and threats. Several member states articulated that the scale and positioning of Russian forces, coupled with aggressive rhetoric, constituted a threat of use of force, despite Russia's denials (UN Doc. S/PV.8953, 2022). The failure to formally label the conduct as a threat in Council resolutions reflects political realities, but the legal arguments presented constitute important evidence of evolving *opinio juris*.

### 3.4 State Statements and Diplomatic Communications

Beyond formal Security Council settings, state statements and diplomatic notes provide valuable insights. For instance, NATO's warnings about Russian "military build-ups" and threats of sanctions were often accompanied by warnings about the consequences of crossing "red lines" (NATO Statements, 2021–22). These public and private communications indicate that states perceive large-scale preparations as credible threats.

Conversely, states often justify their own military preparations as defensive or routine exercises, seeking to avoid crossing the threshold into unlawful threat. The interaction between these competing narratives contributes to the formation of customary international law, by clarifying which acts provoke genuine apprehension and which do not.

### 3.5 Academic Perspectives on State Practice

Academics such as Randelzhofer and Dörr have underscored the critical importance of context and intent. They argue that "military preparations become unlawful threats if they are directed at compelling a state to act against its will through the credible prospect of force" (Randelzhofer and Dörr, *The Charter of the United Nations: A Commentary*, 2012, p. 210). This aligns with Gray's position that the "perception of the target state, combined with the totality of circumstances, governs the legal classification" (Gray, 2018, p. 101).

Ruys also notes the role of "conditionality" preparations coupled with explicit or implicit ultimatums in raising the legal stakes of preparatory acts (Ruys, 2010, pp. 150–152). Without such contextualising elements, military preparations remain within the grey zone of lawful sovereignty.

### 3.6 Criteria for Determining When Preparations Constitute Threats of Use of Force

Synthesising the foregoing, several cumulative criteria emerge to assess when preparatory acts become unlawful threats under Article 2(4):

- **Objective Capability:** Preparatory acts must demonstrably enhance a state's ability to inflict armed force imminently. This includes troop deployments, weapon positioning, or logistical readiness.

Preparatory acts first acquire legal significance when they render the use of force materially possible in the short term. The Charter does not prohibit military capacity, but the transition from generic capability to operational readiness has been treated by states as a meaningful shift. Security Council debates across the Korean War, the 1967 Arab–Israeli crisis, and the 2002–03 Iraq build-up show consistent concern with the point at which force becomes imminently deployable. During the Korean crisis, representatives repeatedly emphasised that the massing of North Korean forces at the 38th parallel enabled an immediate advance, and this operational readiness was invoked to justify collective response even before large-scale hostilities erupted. Academic commentary supports the doctrinal significance of this move from capacity to readiness: Gray notes that a threat “cannot exist where force is merely hypothetical; it must be actionable in the real world” (Gray, 2018, p. 94). Ruys similarly identifies the “translation of material capability into forward-deployed readiness” as the functional indicator that a state has crossed from neutral preparation into conduct that can sustain a threat (Ruys, 2010, p. 47). Objective capability therefore matters because without it, there is nothing credible to threaten.

- **Intent to Coerce:** There must be evidence of an intention to use the preparations to compel or intimidate another state. This intent may be explicit (through public statements, ultimatums) or implicit (through strategic signalling).

Capability alone is insufficient. Preparatory acts constitute threats only when they are coupled with a purpose to compel or intimidate another state. This intent may be explicit, as with ultimatums, military warnings, or public declarations linking force to compliance. It may, however, be implicit, inferred from strategic behaviour. The Cuban Missile Crisis offers a classic example: although the USSR issued no formal ultimatum to the United States, the emplacement of nuclear-capable missiles in Cuba was universally understood as an attempt to exert strategic pressure. The communicative effect of the missiles transformed mere capability into coercive posture. The ICJ’s reasoning in *Legality of the Threat or Use of Nuclear Weapons* supports this interpretation. By holding that the illegality of a threat depends on whether the force threatened would itself be unlawful (ICJ Rep. 1996, para. 47), the Court recognised that a threat may be implied through conduct rather than articulated through words. States have repeatedly adopted this view in practice, objecting not only to explicit threats, but to military preparations intended to coerce political choices, whether over territorial claims, alliance decisions, or compliance with demands.

- **Specific Targeting:** The acts must be directed at a particular state or states, rather than general military readiness or exercises.

Preparations directed at no particular state do not normally constitute threats. States routinely conduct training exercises, modernise arsenals, and reposition forces without legal objection. It is only when preparations are specifically oriented towards another state, geographically, diplomatically, or operationally, that they become juridically relevant. The Russian build-up around Ukraine in 2021–22 exemplifies how targeting transforms meaning. While Russia insisted its deployments were internal exercises, the proximity of forces to the Ukrainian border and the concurrent diplomatic demands made against Kyiv allowed states to

characterise the build-up as targeted coercion. In Security Council debates, several members argued that the forces were positioned in ways “possible only for offensive purposes,” signalling a directed threat rather than general readiness. Scholarly writing echoes this distinction: Ruys notes that the legality of military posture “cannot be assessed in a vacuum, but only in relation to the anticipated object of force” (Ruys, 2010, p. 49). Specific targeting therefore distinguishes permissible preparation from a threat that engages Article 2(4).

- **Communication and Perception:** The acts must be communicated or perceptible in a manner that generates a credible apprehension of force in the target state.

For preparatory acts to constitute a threat, they must be communicated or perceptible in a way that generates a credible apprehension of force. This communication need not be verbal. In practice, states rely on force posture, mobilisation, forward deployment, and strategic signalling to convey coercive intent. The 2002–03 Iraq case is illustrative: the United States justified its build-up as necessary to enforce Security Council resolutions, but several states argued that the deployment functioned as a warning to Iraq that failure to comply would result in an attack. The build-up, rather than any explicit statement, was the vehicle of the threat. The legal relevance of perception is supported by the ICJ in *Corfu Channel*, where the Court treated the conduct of naval forces as capable of communicating intentions and altering legal relations. Perception, however, is not purely subjective. It is evaluated against what a reasonable state would infer from the acts in context. Where preparations cause widespread apprehension of force, as evidenced by emergency Council sessions, collective security responses, or diplomatic protests, the communicative threshold is typically satisfied.

- **Contextual Factors:** The broader political and diplomatic environment is crucial. Preparations conducted during a peaceful, stable period are less likely to constitute threats than those amid rising tensions or unresolved disputes.

Finally, preparatory conduct cannot be evaluated in isolation from its wider political and diplomatic context. Identical military movements may be lawful in peacetime but threatening during a crisis. This contextual approach reflects both the logic of state practice and the inherent ambiguity of military activity. Preparations occurring amid territorial disputes, failed negotiations, rising hostility, or historical patterns of aggression are far more likely to qualify as threats than identical acts undertaken in stable circumstances. In debates on South African incursions into Angola and Israeli deployments in Lebanon, Council members repeatedly stressed that past patterns of unlawful force sharpened the meaning of current movements, making them intelligible as preparation for renewed aggression. Academic commentary widely adopts this contextual method: Dinstein warns that “force cannot be abstracted from history or politics; a movement that is neutral on one day can acquire an entirely different significance the next” (Dinstein, 2017, p. 111). Context thus operates as the lens through which capability, intent, targeting and communication are interpreted.

## **Conclusion**

Article 2(4) of the UN Charter prohibits not only the use of force, but also the threat of force. Yet international law has long struggled to articulate when preparatory military acts—which

fall short of kinetic hostilities—constitute such a threat. This paper has argued that the answer lies in a cumulative, contextual analysis grounded in the contemporary interpretation of aggression, the evolving doctrine on threats, and both historical and modern patterns of state practice. Preparations for an act of aggression can constitute a threat of force when they manifest a credible and directed readiness to resort to armed force for coercive purposes. The law does not require a shot to be fired, nor a formal ultimatum. The shift from neutral preparation to unlawful threat occurs when military readiness becomes an instrument of pressure.

Modern conflict, cyber operations, hybrid tactics, the mobilisation of proxies, makes this conclusion even more urgent. Preparations today often unfold across multiple domains, intentionally calibrated to create fear, uncertainty, and political concession without triggering traditional definitions of force. If Article 2(4) is to retain its authority, international law must continue recognising that coercion can occur before the first missile is launched.

The Charter's prohibition on the threat of force was designed to prevent war, not merely punish those who begin it. Treating coercive preparatory acts as potential threats therefore reflects both the logic and the purpose of the post-1945 security order. In a world where war increasingly begins long before the fighting does, the boundary between preparation and threat is not just doctrinal, it is the legal line on which international peace often rests.

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