

VI THE JUST WAR DOCTRINE AND THE UN CHARTER

- (i) The just war doctrine as evolved in the Middle Ages was a marriage between political realism and idealism. While it laid obligations on sovereign states to keep the world's peace by using force if necessary (just war), it hedged this obligation with a number of conditions which helped to root it in political reality. The UN Charter was a similar marriage between political realism and idealism, and in many ways codifies and updates the original theses of just war.

	Just War	UN
Legitimate Authority	The decision to resort to war can only be made by a legitimate authority.	Collective sovereign authority to wage war institutionalised by granting the UN the ability to apply military sanctions against transgressor states
Just Cause	For reasons of self defence in response to aggression, for the purpose of righting a wrong or rectifying an injustice	Inherent right of self-defence was enshrined in Article 51 and the ability to rectify an injustice contained in provisions on military sanctions in Chapter VII
Last Resort	War only to be countenanced as a measure of last resort, all other remedies having been tried and found wanting.	Trinity of sanctions: diplomatic, economic, military. The latter generally regarded as to follow if the former two failed to achieve desired result
Probability of Success	There must be a reasonable chance of success in the pursuit of the desired goal. Without that possibility war might be futile and lead to unnecessary suffering.	The prospect or success and the need for proportionality are considerations that it is reasonable to suppose are conditions to be weighed and decided upon by the Security Council in their deliberations prior to agreeing a mandate for the use of military force under Chapter VII
Proportionality	The principle of proportionality must be applied in order that the good to be achieved is estimated to exceed the harm that will be done in waging war	
Just Means (<i>jus in bello</i>)	War must be waged in accordance with the rules of combat (<i>or jus in bello</i>) in order that its conduct is not itself deemed to be immoral or inhumane	War to be conducted in accordance with the law of armed conflict.