Codebook (Annex III)

The Use of Force in Practice: 1945-2020

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When using the data, please always cite:

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ANNEX III

The Use of Force in Practice: 1945-2020

Codebook

This codebook sets out the rules of coding for the dataset on "The Use of Force in Practice: 1945-2020". The dataset covers the claims (legal claims and non-legal) of parties to international conflicts, advanced as justifications under the jus contra bellum for their participation therein. It also explores the substance of disputes, as well as international reactions to such conflicts.

A. Case Selection

The dataset encompasses 81 cases from 1945 to 2020 with an international dimension. These cases were identified based on the research of political science conflict data bases. As no existing dataset covers the entire period between 1945-2020 case selection was based on two datasets that employ largely comparable criteria.

First, the Correlates of War database (hereinafter: CoW), which covers the period 1816 to 2007 was used for identifying cases from 1945-2007. We selected conflicts in the category 'war', i.e. a military engagement between two entities resulting in 1,000 or more battled-related deaths per year.[1] From the different categories of wars we analyzed those with international dimensions, namely interstate[2] and extra-State wars.[3]

The Correlates of War database continues only through 2007. For the period of 2008 to 2020, the dataset is supplemented by the UCDP/PRIO Armed Conflict Dataset version 21.1 (2021) (hereinafter: UCDP/PRIO dataset).[4] Only conflicts with more than 1000 battle-related deaths in any year of the conflict were included in the research in order to maintain comparability with the criteria of the Correlates of War dataset.[5] Moreover, the UCDP/PRIO dataset distinguishes between four types of conflict: extrasystemic, interstate, intrastate and internationalized intrastate.[6] This dataset excludes intrastate wars as they are solely fought

[1] MEREDITH REID SARKEES & FRANK WHELON WAYMAN, RESORT TO WAR: A DATA GUIDE TO INTER-STATE, EXTRA-STATE, INTRA-STATE, AND NON-STATE WARS, 1816 - 2007 51 (2010).

[2] Interstate wars are fought between at least two members of the interstate system. Their status is defined by the CoW dataset in dependency of five criteria. To qualify as a member of the interstate system an entity must possess an established territory, a population exceeding 500,000 people, diplomatic recognition, sovereign control over its affairs and independence from other members of the interstate system. *Id.* at 19.

[3] Extra-State Wars are in turn fought between at least one member of the interstate system and at least one entity that is not a member of the state system. The member of the interstate system must be engaged in sustained combat outside its borders (*Id.* at 63.) This later aspect is key for its inclusion in the dataset. Whenever states are engaged in hostilities outside their borders, the prohibition of the use of force can be applicable. Therefore, they are included in the dataset to allow a comprehensive analysis of the prohibition of the use of force.

[4] Nils Petter Gleditsch et al., *Armed Conflict 1946-2001: A New Dataset*, 39 J. PEACE RES. 615 (2002); Therése Pettersson et al., *Organized Violence 1989–2020, with a Special Emphasis on Syria*, 58 J. PEACE RES. 809 (2021).

[5] These were classified by the UCDP as "wars", see Therése Pettersson (2021) UCDP/PRIO Armed Conflict Dataset Codebook v 21.1, (https://ucdp.uu.se/downloads/), 5.

[6] *Ibid*., 5-6.

between a government and a non-state actor on the territory of the government without foreign government involvement.

The UCDP/PRIO dataset codes conflicts annually, whereas the Correlates of War dataset lists wars from their start to end as one war. To maintain compatibility, our dataset aggregates the individual conflict years from the UCDP/PRIO dataset based on their conflict number. Thus, this dataset only evaluates wars comprehensively and does not provide yearly assessments.

B. Data Collection and Coding Process

The research's primary material are state's and non-state actor's justifications for their use of force as well as international reactions hereto. The dataset relies on primary material. The primary source of information are documents submitted to and published by the United Nations. This includes letters by states submitted to the Security Council, Secretary General, or the General Assembly, and the protocols of these UN organs. Alongside these documents, electronic archives of select newspapers were consulted. News reports where, however, only included if verbatim statements of state representatives were reported.

For each conflict a case note was compiled, following the structure outlined below. All case notes are published as Annex IV (see section D). After the completion of all case notes for the individual conflicts, the results from all case notes were combined in a dataset in Microsoft Excel (Annex V, see section E).

As a ground rule, all observations for which the researchers found no answer or which did not apply to a particular conflict party were coded with a 0.

C. Variables – Definitions and Coding Instructions

This section defines the variables used in the case notes and the dataset and describes the coding rules for each observation.

Number of Conflict (war_numb)

A specific conflict number is assigned to each conflict. This number is taken from the CoW or UCDP/PRIO datasets.

Name of Conflict (conflict_name)

The conflict name is taken from the CoW and UCDP/PRIO datasets.

Conflict Years (year_start, year_end)

The year in which the conflict started. The information was taken form CoW and UCDP/PRIO datasets.

The year in which the conflict ended. The information was taken form CoW and UCDP/PRIO datasets. Some conflicts from CoW dataset ended in the period between 2008 and today. As the CoW dataset was not updated since, we added that information on the basis of our conflict analysis. If the conflicts continue until 2024, we left the observation for year_end open.

Parties (conflict_party)

The conflict party is determined either by the CoW or UCDP/PRIO dataset. We included all of the parties listed by the respective datasets.

Number of Actor (cow_party_number)

In congruence with the conflict party, we coded the party number the CoW dataset assigned to each party. This was continued for the cases incorporated under the UCDP/PRIO dataset, using the CoW party numbers. If CoW did not assign a party number to the actor, we coded (###).

Initiator (initiator)

The initiator is the party to the conflict that initiated hostilities. The respective information was taken from CoW and UCDP/PRIO datasets that both code which party initiated the conflict.

Coding:

The conflict party has not initiated the conflict (0)

The conflict party is the initiator of the conflict (1)

Law invoked (law_invoked)

A conflict party invoked the law, if it either advanced a legal justificatory claim for its use of force (see below Section 1.1, 2.1, and 3.1) or invoked the law as a victim state (see below Section 4.).

Coding:

The conflict party neither raised a legal justificatory claim nor did it invoke the law as victim state (0)

The conflict party either raised a legal justificatory claim or invoked the law as a victim state (1)

1.1 First Justificatory Claim (first_just_claim)

We code up to three legal justificatory claims under international law, which each party to the conflict puts forward to justify the use of force. If a party advances more than one claim, these are coded under the variables second justificatory and third justificatory claim (see below).

Coding:

No Justificatory Claim (0)
The conflict party does not advance any justification in legal terms for its use of force.

Self-defense (1)
The conflict party claims to act in self-defense against an attack.

Chapter VII (2)
The conflict party claims to act under a Chapter VII resolution of the UN Security Council which has explicitly authorized the use of force.

Invitation (3)
The conflict party claims that it acts upon the invitation or upon request of the state in whose territory it operates.

Rescue of Nationals (4)
The conflict party claims to act to rescue its nationals out of an emergency situation.

Humanitarian (5)
The conflict party claims to act in order to protect foreign nationals from humanitarian emergency situations, such as gross violations of human rights (on foreign territory).

Pro-democratic (6)
The conflict party claims to act in order to protect a democratic political order, e.g. to restore democratic order after a coup d'état.

Self-determination (7)
The conflict party claims that it is using force to realize the right to self-determination under international law (its own rights or the rights of another group).

Recovery of Territory (8)
The conflict party argues that it is permitted by international law to use force in order to regain territory lost in a prior conflict. This argument is separate from the claim of self-defense because the state does not claim to defend against an ongoing or imminent armed attack. This claim presupposes a longer interruption between hostilities in which the state had lost its territory.

Non-applicability of the Use of Force (9)
The conflict party claims the prohibition of the use of force is not applicable to its own conduct (e. g. because the conflict is of domestic character only).

Denial of Involvement (10)
The conflict party claims that it is factually not involved in the conflict, either because its own military forces are not present on the battlefield or because the actions of a conflict party are not attributable to it.

Intervention below the Threshold of Force (11)
The conflict party claims that its military measures do not amount to a use of force in terms of international law.

Other (12)
The conflict party claims any further right to use force not included in the previous variables.

1.2 Source of Law for the First Justificatory Claim (first_source_law)

We specify which legal source the state invokes.

Coding:

Treaty Law (1)
The conflict party references an international treaty as the legal foundation for its justificatory claim, e.g. the UN Charter.

Customary Law (2)
The conflict party refers to customary international law.

Both (3)
The conflict party resorts to both sources.

No Specification (4)
The conflict party has made a legal claim but did not specify the source.

1.3 Contestation of Facts for the First Justificatory Claim (first_cont_facts)

We code whether the facts underlying the conflict were disputed among the parties.

Coding:

Yes (1)

No (2)

1.4 Contestation of Interpretation for the First Justificatory Claim (first_cont_interpretation)

We code whether the conflict party's interpretation of the relevant legal rule was contested among the parties. This could, for instance, be a contestation concerning the limits of the right to self-defense in the specific case, e.g. whether the use of force is necessary and proportionate in the specific situation.

Coding:

Yes (1)

No (2)

1.5 Exceptional Circumstances for the First Justificatory Claim (first_cont_ex_circ)

We code whether a conflict party argued for a situational exception to the norm in view of the specific circumstances of the case. The arguments are tied to the individual case and do not attempt to change the law.

Coding:

Yes (1)

No (2)

1.6 Contestation on the Abstract-general Level of a Norm for the First Justificatory Claim (first_cont_general)

We code whether the abstract-general content of a norm is subject to contestation. A conflict party not only contests the application of the law to the specific case but the dispute extends more generally to the scope of the relevant rule. Relevant cases are for example those in which states rely on an interpretation of a rule, which lies outside of its established meaning. We traced this level of contestation under reference to other states' reactions to the particular use of force.

Coding:

Yes (1)

No (2)

1.7 Contestation of the Validity of the Prohibition of the Use of Force for the First Justificatory Claim (first_cont_validity)

We code whether the state using force contests the validity of the prohibition of the use of force.

Coding:

Yes (1)

No (2)

Letter sent in accordance with Art. 51 of the UN Charter (first_letter_Art51)

We code whether a state sent a letter to the UN Security Council in accordance with Art. 51 UNCh or invoked the right to self-defence in a Security Council debate.

Coding:

Yes (1)

No (2)

The conflict party did not invoke self-defense (0)

2.1 Second Justificatory Claim (second_just_claim)

If states raised a second legal justificatory claim we followed the same rules established for the first justificatory claim and coded the eight observations set out for the first justificatory claim. If the state did not advance a second claim, this observation and the eight subsequent observations were coded 0.

3.1 Third Justificatory Claim (third_just_claim)

If states raised a third legal justificatory claim we followed the same rules established for the first justificatory claim and coded the eight observations set out for the first justificatory claim. If the state did not advance a third claim, this observation and the eight subsequent observations were coded 0.

4. Invocation of the Law as a Victim State (invocation_victim)

We coded claims by states that did not justify their own use of force but argued that they were victims of an illegal use of force.

Coding:

No invocation of use of force as a victim state (0)

Invocation of the use of force as a victim state (1)

4.1 Source of Law invoked by the Victim State (victim_source_law)

We specify the legal source of the violated norm that the victim state invoked.

Coding:

Treaty Law (1)
The state references an international treaty.

Customary Law (2)
The state refers to customary international law.

Both (3)
The state resorts to both sources.

No Specification (4)
The state has made a legal claim but did not specify the source.

5.1 First Legitimacy Claim (first_legit_claim)

We coded statements that employ non-legal arguments as justifications for the use of force. This means that justificatory arguments were raised, but not under reference to legal concepts or legal language.

Coding:

No Legitimacy Claim for the Use of Force (0)
The conflict party did not advance a legitimacy claim.

Enable self-determination (1)
The conflict party argued that its use of force advanced self-determination. This was either the case if a non-state actor struggled for its own independence or when another state assisted the armed struggle of a non-state actor.

Maintenance of Law and Order (2)
Conflict parties argued that their use of force served the broader purpose of restoring political order within a state.

Maintenance of Regional Stability (3)
Conflict parties argued that their use of force served the broader purpose of maintaining or restoring order in a specific region. The focus was thus broader than just on one specific state.

Defense against Terrorism (4)
Conflict parties argued that their actions were in defense against terrorism, but did not make a legal claim to self-defense. We do not define terrorism in this context and only based our coding on the terminology used by states.

Humanitarian (5)
Conflict parties argued that their use of force served humanitarian purposes, i.e. the improvement of humanitarian conditions in the area where force was used. However, they did not claim the legality of their use of force because of a legal right of humanitarian interventions.

Defense against Ideology (6)
Conflict parties argued that their use of force served as a defense against the ideology of an opposing conflict party.

Enforcing a Specific Political System (7)
States argued that their use of force served the spread or establishment of a particular ideology.

Liberation of Occupied Territory (8)
Conflict parties argued that they used force to liberate territory occupied in a previous conflict. In contrast to the justificatory claim "recover territory", states argued that this was a legitimizing factor but did not rely on this rationale to justify the use of force in legal terms.

Protection of Nationals abroad (9)
Conflict parties argued that their force aimed to protect nationals in another state's territory.

Protection against Weapons of Mass Destruction (10)
Conflict parties argued that their use of force aimed to reduce the threat associated with Weapons of Mass Destruction.

Support by Local Authorities (11)
Conflict parties argued that they based their use of force on the support of local authorities. In contrast to the justification of invitation, states did not claim that such invitation *per se* made their use of force lawful.

Other (12)
The conflict party raised any further legitimacy argument.

5.2 Second Legitimacy Claim (second_legit_claim)

We included up to four different legitimacy claims. The coding is equivalent to the first legitimacy claim.

5.3 Third Legitimacy Claim (third_legit_claim)

See Second Legitimacy Claim

5.4 Fourth Legitimacy Claim (fourth_legit_claim)

See Second Legitimacy Claim

6. Reaction of the UN Security Council (unsc_react)

We identify the reactions by the UN Security Council to the actions and, if applicable, justifications of each conflict party. We coded the reaction by the UNSC even if the state neither advanced justificatory nor legitimacy claims.

Coding:

Approves (1)
The UNSC adopted a resolution or presidential statement that welcomes the actions of the conflict party and/or qualifies its actions or justifications as lawful.

Disapproves (2)
The UNSC adopts a resolution or presidential statement which condemns the actions of the conflict party and/or qualifies them as illegal.

Unclear (3)
The UNSC debated the situation, but did not adopt a resolution or agree on a presidential statement for the situation. The reaction was also unclear, if a resolution or presidential statement was adopted but did not offer a clear evaluation of the conflict parties' actions or justifications.

Unclear + Veto (4)
A resolution on the situation was not adopted due to a veto.

No Reaction (5)
The UNSC did not address the situation and there was no debate in the UNSC on the use of force in question.

7. Reaction of the UN General Assembly (unga_react)

We identified the reactions by the UN General Assembly in its resolutions with regard to the actions and claims put forward by each conflict party.

Coding:

Approves (1)
The UNGA adopted a resolution that welcomes the actions of the conflict party and/or qualifies its actions or justifications as lawful.

Disapproves (2)
The UNGA adopted a resolution which condemns the actions of the conflict party and/or qualifies them as illegal.

Unclear (3)
The UNGA debated the situation, but did not adopt, or could not agree on a resolution. The reaction was also unclear, if a resolution was adopted but does not offer a clear evaluation of the conflict parties' actions or justifications.

No Reaction (4)
The UNGA did not address the situation in a resolution or during its debates.

8. Reaction of the International Court of Justice (icj_react)

We identify reactions by the International Court of Justice in its judgments and advisory opinions with regard to actions and claims by conflict parties.

Coding:

Lawful (1)
The ICJ adopted a decision in a judgment or advisory opinion which declares the use of force of the conflict party lawful.

Unlawful (2)
The ICJ adopted a decision in a judgment or advisory opinion which declares the use of force of the conflict party unlawful.

Unclear (3)
The ICJ did not adopt a decision regarding the use of force by the conflict party in question. However, another aspect of the respective conflict was at issue in a case submitted to the ICJ.

No Reaction (4)
The ICJ did not address the actions or justifications of the conflict party.

9. State Reactions (state_react)

We identify reactions by states who were not actively involved in the conflict to the actions and justifications of each conflict party.

Coding:

Approves (1)
A majority of states taking a position on the issue welcomed the respective actions and/or agreed with the justifications advanced by the conflict party. There is no significant group of states, apart from another conflict party, that condemns the actions and/or justifications by the conflict party.

Disapproves (2)
A majority of states taking a position on the issue condemns the respective actions and/or does not agree with the arguments with the arguments put forward. There is

no significant group of states, apart from the conflict parties, that approves the actions and/or justifications by the conflict party.

Unclear (3)

There is no clear positioning by states for either approving or disapproving the actions and/or justifications of the conflict party or states are divided in their assessments.

No Reaction (4)

There are no traceable reactions by state parties that are not directly involved as conflict parties in the conflict.

D. Content of Case Notes

We have analyzed the variables contained in section C for all parties to the 81 conflicts. The results have been put together in case notes, which have been compiled in one consolidated document (Annex IV).

E. Dataset

All results have been transferred into a database in MS EXCEL format which contains two datasets.

1) Table 1: Actor-centered

Table 1 mirrors the case notes and arranges the data in respect to the individual conflict parties. The coded variables for every party to the 81 conflicts is contained in one row. The table accordingly has 320 rows which is equivalent to the total number of 320 conflict parties.

2) Table 2: Conflict-centered

Table 2 aggregates the data focused on the level conflicts. It has 81 rows which is equivalent to the 81 analyzed conflicts. This table aggregates the information related to the actors of a conflict (contained in table 1) with view to the conflicts. It covers the following variables (as columns) for each conflict:

Involvement of a non-state Actor (involvement_nsa)

We stated whether a non-state actor was party to the conflict.

Coding:

Yes (1)

No (0)

Number of conflict parties (number_parties)

We stated the total number of conflict parties in a conflict in numerical values.

Law Invoked in the conflict as a whole (law_invoked)

We stated whether at least one of the parties to the conflict raised at least one legal justification or invoked the law as a victim state.

Coding:

None of the conflict parties presented a legal justificatory claim or invoked the law as a victim state (0)

At least one conflict party presented a legal justificatory claim or invoked the law as a victim state (1)

Self-defense (1_self_defense)

We stated whether at least one of the parties to the conflict justified their actions as self-defense.

Coding:

None of the conflict parties invoked self-defense (0)

At least one conflict party invoked self-defense (1)

Chapter VII (2_chp_VII)

We stated whether at least one of the parties to the conflict justified their actions under reference to an authorization of the UN Security Council under Chapter VII of the UN Charter.

Coding:

None of the conflict parties invoked an authorization of the UN Security Council (0)

At least one conflict party invoked an authorization of the UN Security Council (1)

Invitation (3_invitation)

We stated whether at least one of the parties to the conflict justified their actions as compliant with an invitation by the territorial state where it employed force.

Coding:

None of the conflict parties invoked an invitation by the territorial state (0)

At least one conflict party invoked an invitation by the territorial state (1)

Rescue of Nationals abroad (4_rescue_nationals)

We stated whether at least one of the parties to the conflict justified their actions as a measure to rescue nationals from a foreign territory.

Coding:

None of the conflict parties invoked the rescue of their nationals as a legal ground to use force (0)

At least one conflict party invoked the rescue of its nationals as a legal ground to use force (1)

Humanitarian (5_humanitarian)

We stated whether at least one of the parties to the conflict justified their actions in legal terms by invoking humanitarian grounds.

Coding:

None of the conflict parties justified their actions by invoking humanitarian grounds (0)

At least one conflict party justified its actions by invoking humanitarian grounds (1)

Pro-democratic (6_pro-democratic)

We stated whether at least one of the parties to the conflict justified their actions in legal terms under reference to the pro-democratic purpose of the use of force.

Coding:

None of the conflict parties justified their actions in legal terms under reference to the pro-democratic purpose of the use of force (0)

At least one conflict party justified its actions in legal terms under reference to the pro-democratic purpose of the use of force (1)

Self-determination (7_self_determination)

We stated whether at least one of the parties to the conflict justified their actions under reference to the right to self-determination.

Coding:

None of the conflict parties justified their actions under reference to the right to self-determination (0)

At least one conflict party justified its actions under reference to the right to self-determination (1)

Recovery of Territory (8_recover_territory)

We stated whether at least one of the parties to the conflict argued that they had a legal right to recover their territory lost in a prior conflict.

Coding:

None of the conflict parties argued that they had a legal right to recover their territory lost in a prior conflict (0)

At least one conflict party argued that it had a legal right to recover their territory lost in a prior conflict (1)

Non-applicability of the Prohibition of the Use of Force (9_non_applicability)

We stated whether at least one of the parties to the conflict argued that its actions did not fall within the scope of the prohibition of the use of force.

Coding:

None of the conflict parties argued that their actions did not fall within the scope of the prohibition of the use of force (0)

At least one conflict party argued that its actions did not fall within the scope of the prohibition of the use of force (1)

Denial of factual Involvement in the conflict (10_denial_of_involvement)

We stated whether at least one of the parties to the conflict denied its involvement in the conflict.

Coding:

None of the conflict parties denied their involvement in the conflict (0)

At least one conflict party denied its involvement in the conflict (1)

Military Actions below the Threshold of the Use of Force (11_below_force)

We stated whether at least one of the parties to the conflict argued that its military actions were below the threshold of prohibited force.

Coding:

None of the conflict parties argued that their military actions were below the threshold of force (0)

At least one conflict party argued that its military actions were below the threshold of force (1)

Other (12_other)

We stated whether at least one of the parties to the conflict invoked another legal justification for using force.

Coding:

None of the conflict parties invoked other justifications (0)

At least one conflict party invoked a justification that was qualified as "other" (1)

Absence of any contestation in the conflict (no_contestation)

We stated whether there was no contestation of any claim raised in a particular case at all.

Coding:

At least one of the justifications raised by a party was contested on at least one level (0)

None of the justifications in the conflict were contested on any level (1)

Contestation of facts in the conflict (contestation_facts)

We stated whether the facts underlying any claim raised in regard to a conflict were contested.

Coding:

None of the justifications in the conflict were contested at the factual level (0)

At least one of the justifications raised by a party was contested at the factual level (1)

Contestation of Interpretation in conflict (contestation_interpretation)

We stated whether the interpretation of a norm in the individual case was subject to contestation in any claim raised within a particular conflict.

Coding:

None of the justifications in the conflict were contested for their interpretation of the relevant norm (0)

At least one of the justifications raised by a party was contested for its interpretation of the relevant norm (1)

Exceptionality contestation in conflict as a whole (contestation_exceptional_circumstances)

We stated whether at least one conflict party argued that the established legal interpretation of a norm should not apply in the in the individual case.

Coding:

None of the justifications were qualified as an exceptional diversion from an established norm (0)

At least one of the justifications raised by a party was qualified as an exceptional diversion from an established rule (1)

Contestation of the Abstract-general Content of a Norm in conflict (contestation_interpretation)

We stated whether any legal claim raised in a particular conflict contested the abstract-general content of a relevant norm.

Coding:

None of the justifications were contested regarding their abstract-general understanding of the relevant norm (0)

At least one of the justifications raised by a party was contested regarding its abstract-general understanding of the relevant norm (1)

Reaction of the UN Security Council to the conflict as a whole (unsc_reaction)

We stated whether the UN Security Council issued a clear assessment in regard to a claim or the actions by a party to the conflict.

Coding:

The UN Security Council neither approved nor disapproved of the actions or justifications of any of the conflict parties through a resolution or presidential statement (0)

The UN Security Council approved or disapproved of at least one of the actions or justifications of one of the conflict parties through a resolution or presidential statement (1)

Reaction of the UN General Assembly to the conflict as a whole (unga_reaction)

We stated whether the UN General Assembly issued a clear evaluation in regard to at least one party's claim or actions.

Coding:

The UN General Assembly neither approved nor disapproved of the actions or justifications of any of the conflict parties through a resolution (0)

The UN General Assembly approved or disapproved of at least one of the actions or justifications of one of the conflict parties through a resolution (1)

Reaction by States to the conflict as a whole (state_reaction)

We stated whether states issued a clear evaluation regarding the legality of the use of force in regard to any of the parties' claims or actions.

Coding:

The majority of states neither approved nor disapproved of the actions or justifications of any of the conflict parties (0)

The majority of states approved or disapproved of at least one of the actions or justifications of one of the conflict parties (1)

Geography of the Conflict (geography)

This variable indicates on which continent the conflict occurred.

Coding:

Africa (1)

America (2)

Asia (3)

Europe (4)

Oceania (5)