



*Dedicated to my mentor, Professor Dr Eladio Arroyo Lara (†), Professor of Public International Law and International Relations at the University of La Laguna, who foresaw the times in which we now live.*

## Introduction

In 1945, the devastation wrought by World War II—the bloodiest conflict in human history to date—made it imperative to establish a global security regime whose fundamental principles included a general prohibition on the use of force.

Thus, the new international order established by the Charter of the United Nations (UN) enshrined this principle in Article 2.4, stipulating that Member States “shall refrain 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.”

As this declaration alone was not sufficient, an institutional system was established based on the powers of the Security Council, comprising the five victorious powers of the war (the United States, France, the United Kingdom, the Soviet Union and China). Thus, it is solely for the UN Security Council, acting as the world directory, to declare which situation, event or circumstance constitutes a threat to international peace and security<sup>1</sup>, a declaration it makes formally through a resolution to which the five permanent members must give their express or tacit (abstention) consent. A vote against by any one of them amounts to a veto; that is to say, the measure under discussion in the Council will not be adopted<sup>2</sup>.

To complete this institutional framework, the UN Charter obliges all Member States to “accept and carry out the decisions of the Security Council”<sup>3</sup>. In other words, the Council itself is all-powerful and, through its resolutions, sets the course to be followed, whether a resolution is adopted or not. Consequently, the UN Charter permits the use of force in only two circumstances: when ordered by the Security Council itself within the scope of its powers regarding peace and security, or in the case of self-defence against an act of

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<sup>1</sup> See Article 24 of the UN Charter.

<sup>2</sup> See Article 27 of the UN Charter.

<sup>3</sup> In Article 25.

aggression<sup>4</sup>. Any other use of force, as well as the threat thereof, in international relations constituted a violation of International Law, thereby acquiring the status of a constitutional norm of international society.

### **The creation of the rule prohibiting the use of force**

The solution adopted in the UN Charter was not novel. In the interwar period, there were attempts to establish a prohibition of this kind, either through international treaties such as the Briand-Kellogg Pact of August 1928 or through specific clauses in national constitutions, as was the case with the Spanish Constitution of December 1931<sup>5</sup>. But, as we know, the wave of authoritarianism that swept across Europe during that period—and which was masterfully described by the German historian Ernst Nolte in his work *The European Civil War, 1917–1945*<sup>6</sup>—destroyed any semblance of institutional pacifism in international relations. Indeed, the League of Nations itself succumbed to the wave of local wars that ravaged the world in the 1930s and led to the Second World War<sup>7</sup>.

Thus, although the United Nations was established under the political and moral leadership of the United States, other major powers of that time and of today were involved in its creation, and two of them sit on the Security Council: the Soviet Union, which later became Russia, and China, in its communist form since the 1970s, which remains to this day<sup>8</sup>. This security regime and its constituent parts functioned throughout the long period of the Cold War (1947–1989), not because it prevented all wars—which it did not—but because it prevented wars between major powers, in contrast to what had occurred in all previous periods from the Thirty Years' War to the Second World War.

It should be recalled that in 1945 the nuclear weapon emerged, demonstrating its full destructive power when it was used against the Japanese cities of Hiroshima and

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<sup>4</sup> As recognised in Article 51 of the Charter itself.

<sup>5</sup> As discussed in PÉREZ GIL, L. 'Análisis de los principios constitucionales y las competencias en las relaciones exteriores en la Constitución española de diciembre de 1931'. *Revista Española de Derecho Constitucional*, 63. 2001, pp. 129–165. Available at: <https://dialnet.unirioja.es/descarga/articulo/79708.pdf>

Note: All hyperlinks in this article are active as of 12 March 2026.

<sup>6</sup> NOLTE, E. *Der europäische Bürgerkrieg 1917–1945. Nationalsozialismus und Bolschewismus*. Verlag Ullstein. Frankfurt am Main, 1987.

<sup>7</sup> See WHITE, N. 'El legado de la Sociedad de Naciones', *Revista Española de Derecho Internacional*, 2. 2019, pp. 277–293.

<sup>8</sup> From its foundation until 1971, China was represented by the Government of the Republic of China (Taiwan).

Nagasaki (between them, approximately 120,000 deaths from the action of just two bombs)<sup>9</sup>.

The nuclear arms race that followed gave rise to a so-called bipolar system, comprising two superpowers that based all their power on a regime of terror previously unknown: the possibility of wiping out the entire human race from the face of the Earth, and doing so by their own means. To grasp the scale of this reality, at its peak in 1986 there were more than 60,000 nuclear weapons in the world, almost all of them in the hands of the United States and the Soviet Union<sup>10</sup>.

Therefore, the fact that there was no direct confrontation between them during the Cold War demonstrates not only the functioning of the global security regime established in the United Nations Charter, but also the validity of the principle prohibiting the use of force, because its use, when it occurred, was authorised, controlled or permitted by the Security Council, so that war became an exception, and this was accepted and not disputed by all actors in the international system<sup>11</sup>. Thus, when one of the parties to the bipolar system, the Soviet Union, disappeared in December 1991, it was not necessary to reform the UN system because its fundamental norms remained in force and were accepted by all.

It should be understood that, when reference is made to “all”, this denotes States, which are the principal actors of international society and which, owing to its decentralised structure, are at one and the same time the creators and the appliers of International Law, which in turn constitutes the guarantee of the survival of the weakest. This is another fundamental issue for understanding not only the functioning of that society but also the application and enforcement of its rules.

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<sup>9</sup> See WELLERSTEIN, A. ‘Counting the dead at Hiroshima and Nagasaki’, *Bulletin of the Atomic Scientists*. 4 August 2020. Available at: <https://thebulletin.org/2020/08/counting-the-dead-at-hiroshima-and-nagasaki/>

<sup>10</sup> For this period, see FREEDMAN, L. *The evolution of nuclear strategy*. The International Institute for Strategic Studies. Oxford, 1983.

<sup>11</sup> See DÍAZ BARRADO, C. ‘La prohibición del uso de la fuerza y sus excepciones: balance de los cincuenta años de Naciones Unidas’, *Balances y perspectivas de las Naciones Unidas en el cincuentenario de su creación* (Mariño Menéndez ed.), Madrid, 1996, pp. 141–164.

## From Bipolarity to Imperfect Hegemony: Continued Validity

By 1992, the United States remained the sole superpower or as the great world power, alongside a diminished and severely weakened Russia and a China that was beginning to take off economically, but without any pretensions of exercising global power as it does today. The Security Council remained in force and exercised its powers, but the United States began to act as a *primus inter pares* (first among equals), employing the Roman aphorism. It was a new phase in international relations characterised by hegemony, although there is no consensus among specialists and academics regarding its designation or its duration<sup>12</sup>.

For our part, in various papers, we have referred to US 'imperfect hegemony' because, although it possessed the greatest power, it was never able to exercise it everywhere at the same time<sup>13</sup>. As for the duration of this hegemony, it is difficult to determine. Whilst its beginning is relatively straightforward—between 1989 and 1992, the period spanning the end of the Cold War, the disintegration of the Soviet Union and the birth of the “new international order” proclaimed by President George Bush Senior in September 1990<sup>14</sup> — its end would lie between the attacks of 11 September 2001 and the events surrounding Russia’s return as a challenging or revanchist power in January 2007 (President Vladimir Putin’s speech at the Munich Security Conference<sup>15</sup>) or in 2008 (the war in Georgia), until the outbreak of the war in Ukraine in February 2022.

For our part, we consider that the era of US hegemony lasted from 1992 to 2001 and no further, but what is interesting is that, viewed in perspective, it was a moment of transition, even though it is now also considered that we are in a transitional period towards a new international order<sup>16</sup>. Why is this so? The end of the bipolar confrontation allowed for a dramatic reduction in nuclear arsenals through a series of disarmament agreements

<sup>12</sup> See COOLEY, A. and NEXON, D. 'How hegemony ends. The unravelling of American Power', *Foreign Affairs* 4. 2020, pp. 143–156. Available at: <https://www.foreignaffairs.com/united-states/how-hegemony-ends>

<sup>13</sup> In PÉREZ GIL, L. 'Los fines y objetivos de la política exterior, reflexiones teóricas para la etapa de la hegemonía imperfecta', *Política y Estrategia* 113. 2009, pp. 44–60. Available at: [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=es&user=USMz\\_wMAAAAJ&citation\\_for\\_view=USMz\\_wMAAAAJ:Se3iqnhoufWC](https://scholar.google.com/citations?view_op=view_citation&hl=es&user=USMz_wMAAAAJ&citation_for_view=USMz_wMAAAAJ:Se3iqnhoufWC)

<sup>14</sup> See his speech of 11 September 1990 at a joint session of the US Congress. Available at: [https://www.imdleo.gr/diaf/2019/1990-09-11\\_New\\_World\\_Order.pdf](https://www.imdleo.gr/diaf/2019/1990-09-11_New_World_Order.pdf)

<sup>15</sup> Speech available at: <http://www.kremlin.ru/events/president/news/37166>

<sup>16</sup> A topic we have explored in PÉREZ GIL, L. *La transición de una hegemonía imperfecta a un sistema multipolar inestable*. Cuaderno de Trabajo ANEPE 1, 2024. Available at: <https://unofar.cl/wp-content/uploads/2024/03/Cuaderno-de-trabajo-N%C2%B01-2024-ANEPE.pdf>

between the United States and Russia, virtually eliminating the possibility of that mutually assured destruction which had been a permanent threat. Furthermore, confidence-building measures were agreed upon, bringing transparency and predictability to their relations. In short, the possibility of a catastrophic conflict receded. Indeed, the most deluded even proclaimed the end of history<sup>17</sup>.

Thus, the energies and capabilities that had been devoted for decades to arms development and confrontation were redirected towards the economy, finance, transport and communications, in a new era of globalisation<sup>18</sup> characterised by computing, unlimited access to the internet and immersion in social media –phenomena described by Castells as the information society<sup>19</sup>. During this period, the level of military conflict fell significantly, which is not to say that there were none; and, more importantly, both the general prohibition on the use of force and the exercise of powers by the Security Council remained in force.

### **The period of permanent wars**

The problem arose when the country bearing the greatest responsibility for upholding the international order – the United States – decided to act contrary to the principles on which that order was founded. Thus, in April 1999, NATO supplanted the Security Council and decided to use force against Yugoslavia, invoking a non-existent right of humanitarian intervention, in a flagrant violation of the foundations of the UN Charter and the global security regime.<sup>20</sup> This marked the beginning of a catastrophe in legal and institutional terms, giving way to a period of permanent wars which served only to undermine American power<sup>21</sup>.

Afghanistan, Iraq, Libya, Somalia and Syria were successive episodes of attempts by the United States to apply its power through the indiscriminate use of force, but without establishing clearly defined and achievable objectives, culminating in the “failure of the

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<sup>17</sup> See FUKUYAMA, F. *The End of History and the Last Man*. Free Press, New York, 1992.

<sup>18</sup> See WALTZ, K. 'Globalization and American Power', *National Interest*, 59. 2000, pp. 46–56.

<sup>19</sup> CASTELLS, M. *The Information Age: Economy, Society and Culture*, 1996.

<sup>20</sup> In PÉREZ GIL, L. 'Socavando el principio de no injerencia en los asuntos internos de los Estados: la intervención de la Alianza Atlántica en el conflicto de Kosovo', *Ius Publicum* 4, 2000, pp. 111–119.

<sup>21</sup> Essential reading: MEARSHEIMER, J. *The Great Delusion: Liberal Dreams and International Realities*. Yale University Press, New Haven, 2018.

Western geostrategic illusion”, as José Pardo de Santayana has recently written in a thesis soon to be published<sup>22</sup>.

In parallel, Russia and China transformed themselves into emerging powers, which began to contest spheres of influence wherever American power did not reach, initially in a tentative manner, but later ever more assertively, each with its own objectives. Russia does so with an opportunistic foreign policy and short-term interests, whilst China seeks to present itself as a benevolent power with very long-term objectives that include global domination<sup>23</sup>. Furthermore, both began to coordinate their efforts, as they have complementary interests and a common goal: to balance a system created and directed, until a few years ago, exclusively by the West. To this end, they are creating their own international forums and organisations such as the BRICS group, the Shanghai Cooperation Organisation (SCO) and the Association of Southeast Asian Nations (ASEAN), which are acquiring ever greater international weight and influence.

Moreover, feeling strong and sensing that US power has been progressively eroding, they do not hesitate to resort to the use of force to achieve their objectives, cloaking themselves in a rhetoric of legality that has not characterised the actions of those responsible for US foreign policy during the period of perpetual wars.

### **Strategic competition and predatory hegemony**

Russia’s invasion of Ukraine in February 2022 demonstrates not only the failure of deterrence on the part of the United States, because had it worked the Kremlin would not have taken that course of action, but also that, at present, American, Russian and Chinese leaders no longer regard themselves as bound by the fundamental principles of the international order relating to the non-use of force, respect for territorial integrity and the sovereignty of other States<sup>24</sup>.

Thus, they see no legal or moral obstacles to waging a proxy war in Ukraine, instigating coups d’état favourable to their interests in distant countries where parallel covert wars

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<sup>22</sup> PARDO DE SANTAYANA, J. *El fracaso de la ilusión geoestratégica occidental en la Posguerra Fría* [doctoral thesis]. Salamanca, November 2025 (defended on 20 February 2026).

<sup>23</sup> See BADOS NIETO, V. *Neither enemy nor vassal: reflections on Spain’s strategic outlook in the context of U.S.–China rivalry. Theoretical frameworks for its understanding*. IEEE Analysis Paper 79/2025. Available at: [https://www.defensa.gob.es/documents/2073105/3041071/ni\\_enemigo\\_ni\\_vasallo\\_2025\\_dieeee79\\_eng.pdf/](https://www.defensa.gob.es/documents/2073105/3041071/ni_enemigo_ni_vasallo_2025_dieeee79_eng.pdf/)

<sup>24</sup> See again Article 2 of the UN Charter.

are being fought, intervening in others by kidnapping their leaders, or negotiating and bombing at the same time, with the simple argument that the other party does not submit to all their demands within a very short period of time which, moreover, is established unilaterally in an arbitrary manner, contrary to the basic principle of good faith.

It is therefore evident that the main players in the system, that is, the great powers, consider that the rules of the international order no longer serve their interests and, consequently, may violate them as often as necessary, because they have no equal in the use of power and because they believe themselves immune thanks to their immense nuclear arsenals (they possess more than 90% of the world's nuclear weapons)<sup>25</sup>. One could apply Stephen Walt's recent definition of 'predatory hegemonic powers', although in his study he analyses only the case of the United States today<sup>26</sup>.

However, he is mistaken when he states that they operate under the rule that "what is mine is mine and what is yours is negotiable," which is more characteristic of mature powers. At present, they wield their power under the maxim that "what is mine is mine and what is yours is also mine, if I so decide", and the other party has only the options of yielding or suffering the consequences. The that leads one to consider that we are in a phase of international relations characterised by the use of absolute violence by the major powers, but also by those who show themselves to be more determined and take risks in the game of the struggle for power and peace<sup>27</sup>.

## Conclusions

The three major powers that form the global leadership comprising the Security Council (the other two, France and the United Kingdom, are insignificant) no longer respect the existing rules; they possess the greatest military power and see no limit to their external actions other than avoiding a direct confrontation between themselves, as that would mean their destruction.

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<sup>25</sup> See the data in the *Nuclear Notebook* of the Bulletin of the Atomic Scientists, compiled by Hans KRISTENSEN and his team. Available at: <https://thebulletin.org/nuclear-notebook/>

<sup>26</sup> WALT, S. 'The Predatory Hegemon: How Trump Wields American Power', *Foreign Affairs*. 3 February 2026. Available at: <https://www.foreignaffairs.com/united-states/predatory-hegemon-walt>

<sup>27</sup> As Professor Arroyo Lara used to say, one must read the classics. See therefore MORGENTHAU, H. *Politics among Nations. The Struggle for Power and Peace*. A. Knopf. New York, 1st ed., 1948.

In a transitional period characterised by the exercise of unlimited violence by the great powers, the remaining actors find themselves driven into a situation of permanent insecurity as a consequence of the definitive abolition of the prohibition on the use of force.

It is necessary to be clear on this point: rules are made by those who possess power, and no one below them will compel them to say or do otherwise. This is the scenario of strategic competition that defines contemporary international relations.

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