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Human Rights at the Edge of Force: Coercive Settlement of International Disputes in Contemporary International Law

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ABSTRACT

Contrary to popular belief, coercion precedes firing a bullet. Coercion includes invoking the law to justify the use of force when resolving a dispute. This Article pertains to the problem of contemporary international law in the context of inter-State coercive dispute settlements. Once a situation of inter-State dispute arises which entails or may entail the use of force, the Article determines how contemporary international law provides interfaces for the protection of human rights. The study is mainly dependent on the law, which is the doctrinal method. The study focuses on the United Nations Charter, international law of human rights, international law of humanitarian, theory, practice, and judgments of the International Court of Justice, and that of the European Court of Human Rights. It focuses on the studies of occupation, cross-border military operations, forced migrations, and extraterritorial infringements of the right of detention. The result of the study is that the interstate law governs the use of law and the arguments of the human rights and international humanitarian law remain applicable to the armed law. The study of the courts indicated that the siege and the mass immigration in the framework of the control of law over the defence of humanitarian and human rights remain practically jus colour and politically insulated. The consequences remain doctrinal and ethically applicable. Under coercive, strategic narrative control and defence remain applicable and cannot be transformed human rights law. Under defence and coercion, the impediments of human injury remain scientifically and politically invisible.

Keywords: *prohibition of force; human rights in armed conflict; occupation; extraterritorial jurisdiction; India and multilateralism*

I. INTRODUCTION

International law finds itself at a critical juncture when inter-state conflicts leave diplomatic reconciliation aside in favor of warfare, either direct or indirect, over dominance, siege and

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blockade, detention or displacement of populations. The UN Charter denounces war as a means of settlement. The practice, however, often amounts to the exercise of duress in the name of security and self-defence, a so-called humanitarian rationale and the strategic exception. The legal quandary does not simply refer to the lawfulness of the first strike. It also concerns the legal state of constant force upon civilians, the state of politics, and the state of the territory and the rights of the populace.[1]

At the heart of this conundrum, law settlement by coercion, works through people and not just through the occupation of a territory. Mass displacement, breach of borders, and detention of civilians, all view control as a war-prone outcome that is not politically shrouded. The practice of the International Court of Justice and the European Court on Human Rights, in particular, has increasingly been moving away from the idea that armed conflict has the effect of suspending the framework on protection of rights. It is, in fact, the thinking that, sustaining the framework of the two rights, the rule of law to be exercised, and the protection rights, they are not interchangeable. Therefore, to shape the assessment of rights, control, investigation, remedy, and harm to civilians, the two rights are, in fact, to be exercised.[2]

This research looks at coercive settlements as a feasible legal practice as opposed to a diplomatic or strategic practice. The Charter framework, the illegal use or threat of force, extraterritorial human rights obligations, occupation law, displacement, and the most recent case law are examined using a doctrinal legal approach. The research argues that modern international law would consider a state with a commanding military presence that transforms that power into an oppressive settlement practice, while regarding human rights as the collateral to the dispute, illegal. The primary legal question concerns the use of force to change the distribution of power or the configuration of a particular territory, and whether such force would fall within the realm of a legal and liable system, protecting the human dignity and sovereign equality of the persons concerned and the essential or minimum demands of the public order of the international community.[3]

II. THE CHARTER LOGIC OF COERCIVE SETTLEMENT

The international peace and security legal regime has one simple but exacting premise: peace must remain intact when resolving disputes. When coercive pressure is applied, one must resort to legal analysis of choice when neither justification, nor force, nor resultant harm is of a

[1] Malcolm N. Shaw, *International Law* 915 (Cambridge University Press, Cambridge, 9th edn., 2021).
[2] James Crawford, *Brownlie's Principles of Public International Law* 745 (Oxford University Press, Oxford, 9th edn., 2019).
[3] Christine Gray, *International Law and the Use of Force* 34 (Oxford University Press, Oxford, 4th edn., 2018).

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normative essence.[4]

A. The Priority of Peaceful Settlement

The U.N. Charter affirms, rather than merely suggests, that peace and law exist. Sovereign states, per Article 2(3), are obligated to resolve disputes peacefully, and Article 33, specifically enumerates a large part of the means of peaceful international dispute. The order in which the means are placed is significant, because coercion is illegal if it does not end in invasion, but it is coercive if it seeks to circumvent the order of implementing peaceful settlement through intimidation, blockade, or a hostile regime.[5]

The framework also establishes why the obligation to settle disputes cannot be interpreted separately from the prohibition of the use of force. The Charter, indeed, prohibits the use of force in an escalating military intervention, is, indeed, means to an end, and, in the Order, the Charter means that peaceful processes have a higher legal order than coercive processes. The Court, in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*[6], reiterated the view that peace and law are choice, and that intervention is coercion. The Court's decision is fundamental in that it does treat coercion as a distortion of the equality of states, but as a distortion of the law.

B. The Prohibition of Threat or Use of Force

Article 2(4) of the United Nations Charter prohibits the use of force or the threat of force against the territorial integrity or political independence of any State. The inclusion of the threat of force is of primary importance for this Article as contemporary coercive settlements often appear in a hybrid form. Legal narrative coupled with military presence, along with economic, cyber, and/or limited armed disruptions aimed at closing gaps in concessions, are examples of the means and measures of this practice. More than the principal absence of an open conflict, it preserves the framework of an institution within which a legal contradiction can be resolved or left to exist.[7]

Judicial doctrine remains conscious of this persistent and constant baseline and resists efforts at socializing this baseline within the realm of strategy. In *Oil Platforms (Islamic Republic of Iran v. United States of America)*[8] of the International Court of Justice, the Court maintained that, even if the justification for employing the use of force was security, legally, the use of force

[4] Yoram Dinstein, War, *Aggression and Self-Defence* 92 (Cambridge University Press, Cambridge, 7th edn., 2022).
[5] Charter of the United Nations, arts. 2(3), 2(4) and 33.
[6] (Merits) [1986] ICJ Rep 14.
[7] Christine Gray, *International Law and the Use of Force* 30 (Oxford University Press, Oxford, 4th edn., 2018).
[8] [2003] ICJ Rep 161.

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was only justifiable in the case of necessity and proportionality as opposed to self-serving justification. Likewise, in the case of the *Legality of the Threat or Use of Nuclear Weapons*[9], the Court maintained that the right to life at the core of the treaty was not obliterated by an armed conflict. All these authorities cumulatively justify the using of force for settlement as a State's right, even in a described case of a defensive, preventive, or, even an exceptional case.

C. Exceptions, Abuse, and Material Capacity

The narrow exceptions are, in many ways, the final doctrinal pressure points. For example, self-defence under Article 51 is an example of an exception triggered by an armed attack. On the other hand, institutional decision making is what allows self-defence under Chapter VII of the Security Council.[10] The last decades' controversy stems from the relative balancing of urgent defence and coercion. The exceptions are limited, and should be interpreted to defend the rule and not to destroy it.

Most do not consider the trade-off for control of the agenda being articulated and the debate being re-mediated from a legal discourse to an extra-legal one, as they focus on the legal and technical sides of the debate. For example, Michael Dennis points out that arguments in favor of extraterritorial use of force seek to reduce the extension of a particular set of human rights obligations to the area of the greatest discretion of a military commander.[11] Coercive capacity per unit legal argument has a heavy presence in the debate, especially when it is enabled by the absence of coercion and use of higher legal capacity by the majority.[12]

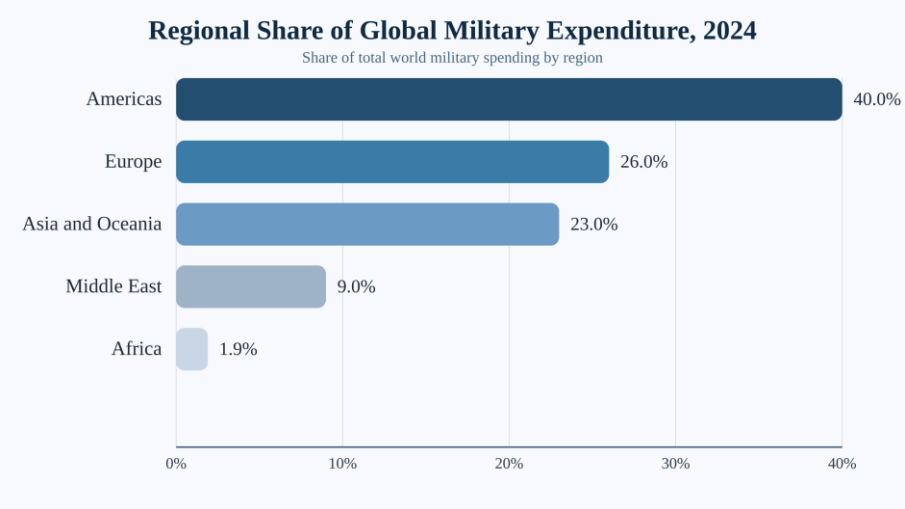

Figure 1. Regional share of global military expenditure in 2024.

[9] (Advisory Opinion) [1996] ICJ Rep 226.
[10] Charter of the United Nations, art. 51.
[11] Stockholm International Peace Research Institute, "Trends in World Military Expenditure, 2024" (April, 2025).
[12] Michael J. Dennis, "Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation", 99 *American Journal of International Law* 119 (2005).

The 2024 split in military spending is clear in the Global South, and the Global North. This matters because not only a legal entitlement means coercive settlement, but also an imbalance strategic capacity and the legal ability of certain actors to dominate the agenda.[13]

III. HUMAN RIGHTS AT THE THRESHOLD OF ARMED FORCE

The important thing to decide, from a doctrinal perspective, is whether human rights frameworks nullify when force is used across borders or in occupied territory. Most recent law is leaning towards an answer of "no." Therefore, the important question is not whether rights exist, but rather the relationship of those rights to the law of armed conflict, the frameworks of jurisdiction, and the use of emergency powers.[14]

A. Concurrent Application of Human Rights and Humanitarian Law

Currently, international human rights law and international humanitarian law abide by the principle of concurrent application; it is not the case that law is the more specific body of rules, nor is it the case that law is the more flexible body of rules. This principle impedes states from converting the existence of hostilities into a legal vacuum in relation to civilians and detainees, and in relation to human rights law of humanitarian law.[15]

The right to life is a good example to illustrate this principle. The right to life is deemed important and non-derogable under humanitarian law. The right to life is protected by the International Covenant on Civil and Political Rights under International law.[16] A location is not of important concern where armed conflict exists, and the right to life survives. The important concern is the substantive achievement to prevent arbitrariness of life violation under either international humanitarian law, or law pertaining to the right to life.

B. The Right to Life and Investigative Obligations

The European case law on human rights shows that justification of military activity is discipline. The methodology of the European Court of Human Rights and the particular case of *Isayeva v. Russia*[17] shows that even if this is the case, bombardment of a civilian populated area even under the right to die, and even under the right of International law, and even if the operative is not conducted in breach of the right to die; the Court enter the protection of life in the positive to

[13] Stockholm International Peace Research Institute, "Trends in World Military Expenditure, 2024" (April, 2025).
[14] Marco Sassòli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* 401 (Edward Elgar Publishing, Cheltenham, 1st edn., 2019).
[15] Cordula Droege, "The Interplay between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict", 40 *Israel Law Review* 310 (2007).
[16] International Covenant on Civil and Political Rights, art. 6.
[17] App no 57950/00 (ECtHR, 24 February 2005).

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die of the civilians.

The procedural side of the right to life is becoming more relevant to transnational operations. In *Hanan v. Germany*[18], the Grand Chamber said there is an evidence-gathering obligation for transnational incidents if a State agent is responsible for a strike. That logic is important for a coercive settlement because investigating, the obligation to gather evidence, is a prohibition to the law's evasion on the outer edges of the use of force.

C. Extraterritorial Jurisdiction and Detention

Even though extraterritorial jurisdiction is controversial, there is a tendency to move away from a strict textual approach to a more functional reliance on extraterritoriality. If a State exerts effective control over a territory or direct control over a person by way of deprivation of liberty, transfer, or use of lethal force, that State is, in most cases, governed by human rights. That is relevant in the context of wars where arrangements are made that are defended by reliance on the fact that, for one reason or another, military operations, detention, and related practices are outside the scope of an international legal instrument. That is important because wars are fought through fragmented control more than formal political control.[19]

The Grand Chamber judgment in *Hassan v. the United Kingdom*[20] acknowledged that the European Convention on Human Rights and the law of armed conflicts both function and must be understood in terms of detention in armed conflicts. In *Georgia v. Russia (II)*[21], the Court took the position that effective control once hostilities ceased was sufficient to trigger Convention obligations. This logic was extended further still in *Ukraine v. Russia (re Crimea)*[22], with the Grand Chamber providing a thorough elaboration on effective control, administrative absorption, and systemic violations of law in the context of an occupation.

IV. Occupation, Displacement, and Structural Coercion

Coercive settlements are rarely completed after a singular strike or invasion. They manifest as protracted control and dominance over territory, people and governance, the economy, and the society. Occupation in the context of settlement is significant not just as an administrative control of the battlefield but also as a process of law, infrastructure, and settlement of the armed conflicts.[23]

[18] App no 4871/16 (ECtHR, Grand Chamber, 16 February 2021).
[19] Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* 53 (Oxford University Press, Oxford, 1st edn., 2011).
[20] App no 29750/09 (ECtHR, Grand Chamber, 16 September 2014).
[21] App no 38263/08 (ECtHR, Grand Chamber, 21 January 2021).
[22] Apps nos 20958/14 and 38334/18 (ECtHR, Grand Chamber, 25 June 2024).
[23] Eyal Benvenisti, *The International Law of Occupation* 103 (Oxford University Press, Oxford, 2nd edn., 2012).

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A. Occupation as Continuing Coercion

The law of occupation commences with the facts of control rather than the law of declarations of annexation. The occupation of a territory does not transfer to the occupying power the legal title of jurisdiction; the law of occupation prescribes a temporary occupation and the retention of governance structures, the adjustment of the population, and the safeguarding of the occupation. Contemporary occupations do not comply with these legal assumptions.[24] Instead, they become a permanent redesigning of a territory, a permanent alteration of demographics, and a permanent form of dependency on the occupier. This is not a custodial regime bearing a pragmatic form of settlement. The administrative control of the occupier over the inhabitants and the administration of the occupied space is also a coercive function of the regime.

The International Court of Justice addressed the human rights consequences of this system in the 2004 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*[25] by stating that human rights treaties would still be applicable in the occupied territory in the same way that humanitarian law is applicable. This aspect of the ruling is important because it does not want to defer the spatial control that a state has over a territory from the rights' obligations. If a state has legal control in its territory about movement, access, security, and the conditions of the environment for basic survival, that state has legal obligations that are borne out of the control that it exercises. This is an important consideration in practically implementing coercive settlement by way of movement and infrastructure control.

B. Prolonged Occupation and Self-Determination

The deeper problematic created from a structural point of view is that, by its very nature, the control of a territory is temporary in order for the system be set to be occupied, as conquest, in itself, does not require a justification. Therefore, when the control shifts to be structural and permanent, the control is then civil to the point where it is created to be an enduring negation of self-determination. This perspective was further developed by the International Court of Justice in *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory*, *including East Jerusalem*[26] where he considered the legal consequences of temporary occupation and the establishment of settlements and practices associated with them, to be illegal.

Scholarly sources have cited that protracted occupations result in the strengthening of human

[24] Eyal Benvenisti, *The International Law of Occupation* 69 (Oxford University Press, Oxford, 2nd edn., 2012).
[25] (Advisory Opinion) [2004] ICJ Rep 136.
[26] Advisory Opinion, 19 July 2024, General List No. 186.

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rights law rather than its weakening. Koutroulis suggests that as foreign domination continues, further justification of exceptional constraints becomes exceedingly difficult, and the argument that society warrants the protection of human rights becomes far stronger. The result becomes quite pronounced in this situation: for this sort of abnormal, forcible settlement to be used as a norm, time must be greater than its symbolic passing.[27] Once time has passed, the settlement will be firmly established as a norm.

C. Displacement, Civilian Harm, and Reparations

Coercive settlements leave a clear signature in human rights law through mass displacement. This shows that in addition to the perils of battle, the dominant state reorganizes the populace's life through the enforcement of barriers to return and the control of the humanitarian response. Some estimates for global displacement by the end of 2024 are shown. The sheer scale and intensity of modern conflict and the resulting mass displacement of civilian populations is shown in the figure.[28] The different legal attributes of displacement help connect the law related to the use of force, the law of occupation, the law prohibiting collective punishment, and the rights to life, family, home, and to a legal remedy.

There is an increasing desire to hold military operations accountable for civilian casualties. Legitimate military actions that cause suffering can be challenged in court[29]. In *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*[30], the International Court of Justice (ICJ) used provisional measures to respond to the emerging humanitarian crisis. In case of *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*[31], the Court linked the unlawful use of force with occupation and the violation of severe rights on the merits. The Court's subsequent ruling on reparations in the same case of *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*[32] shows that extensive harm done to civilians can establish a legally recognized outcome, even after a long period of time.

[27] Vaios Koutroulis, "The Application of International Humanitarian Law and International Human Rights Law in Situation of Prolonged Occupation: Only a Matter of Time?", 94 *International Review of the Red Cross* 165 (2012).
[28] United Nations High Commissioner for Refugees, "Global Trends: Forced Displacement in 2024" (June, 2025).
[29] Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* 143 (Oxford University Press, Oxford, 1st edn., 2011).
[30] Order of 26 January 2024, General List No. 192.
[31] [2005] ICJ Rep 168.
[32] Judgment on Reparations, 9 February 2022, General List No. 116.

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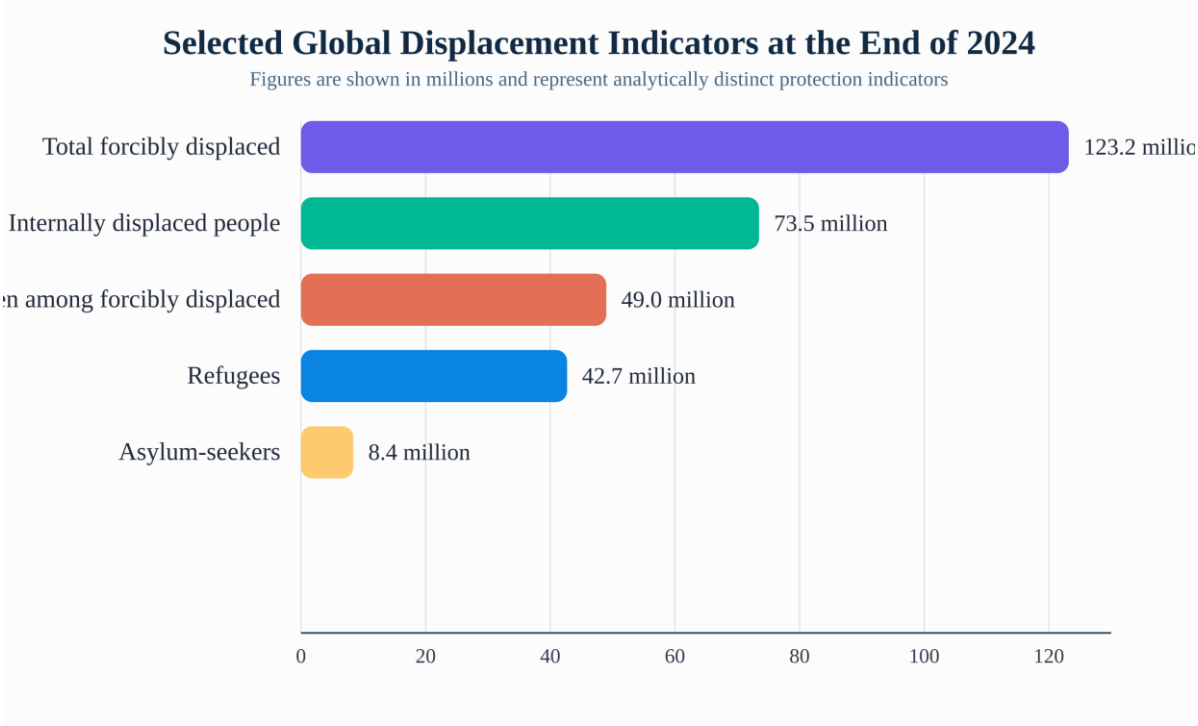

Figure 2. Selected global displacement indicators at the end of 2024.

The end-2024 protection picture forecast shows a mix of extremely high levels of displacement and a large number of children affected. Refugees, IDPs, and asylum-seekers represent distinct legal categories but illustrate that coercive settlement extends beyond battlefields and profoundly affects lives by disrupting family cohesion, displacing people from their homes, and self-determination rights including access to shelter and freedom of movement.[33]

V. JUDICIAL DEVELOPMENT IN CONTEMPORARY INTERNATIONAL LAW

International adjudication does not put an end to wars, but it has become more significant to define what states are not legally permitted to do in relation to wars. These recent legal developments have moved from general prohibitions to specific reviews of control, harm, investigation, and remedy.[34]

A. The International Court of Justice

The International Court of Justice has incrementally expanded its jurisprudence concerning the use of force, occupation, and the protection of civilians. The Court's significant contribution is not mainly in bold legal changes, but in its continued, incremental correctness. The Court's refusal to allow the Genocide Convention to serve as a legal justification for the use of force is

[33] United Nations High Commissioner for Refugees, "Global Trends: Forced Displacement in 2024" (June, 2025).
[34] Hersch Lauterpacht, *The Development of International Law by the International Court* 75 (Stevens & Sons, London, 1st edn., 1958).

significant.[35] This order has been challenged by a state party's attempt to use the Genocide Convention in a major military conflict to legitimize its military action. This order became even more significant because it addressed the misrepresentation of the case at the onset of the war.

The practice of the Court has provided conflict-related measures that continue to assume the existence of an armed conflict. The Court's willingness to use extreme measures to address issues related to the protection of civilians, the humanitarian space, and the risk of irreparable harm has become very clear in both Gaza's Genocide Convention's case and Israel's containment of conflict restraining order in addition to the humanitarian situation in Israel.[36] The use of advisory opinions has expanded to address issues of prolonged occupation and the right to self-determination when jurisdiction is elusive. The net result of all these developments has been the unfortunate strengthening of the Court's legal framework against the use of coercive measures in the settlement of disputes. This is the unfortunate result of the Court's weak enforcement of its rulings.

B. The European Court of Human Rights

The European Court of Human Rights has outstanding and very specific rights considerations regarding the jurisdiction, detention, investigation, and the administrative violence associated with the practice of armed violence. Its reasoning is very rich, as is the International Court of Justice (ICJ). The International Court of Justice tends to give broad and general statements about the responsibility of states, while the Court in Strasbourg actively deals with operational case law, command structures, evidentiary thresholds, and the consequences that touch upon the control of territory or people. This Court case law clarifies a lot of general or vague case law into fairly specific case law of operational standards. This is very important in interstate conflicts in which there are patterns of violence which pervade time and territory.[37]

That level of specific intricacy was seen in *Ukraine and the Netherlands v. Russia*[38], where the Grand Chamber found Russia liable for the systemic and serious violations that occurred in the context of the armed conflict in Ukraine since 2014. This case[39] is relevant to other systems besides the European one, as it considers the systemic accumulated pattern of violations, case by case, as legally cognizable, results of control and substantiated use of violence. Together

[35] Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Order of 16 March 2022, General List No. 182.
[36] Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Order of 24 May 2024, General List No. 192.
[37] Philip Leach, *Taking a Case to the European Court of Human Rights* 22 (Oxford University Press, Oxford, 4th edn., 2017).
[38] Apps nos 8019/16, 43800/14, 28525/20 and 11055/22 (ECtHR, Grand Chamber, 9 July 2025).
[39] Kanstantsin Dzehtsiarou, "Georgia v. Russia (II)", 115 *American Journal of International Law* 288 (2021).

with the *Georgia v. Russia (II)*[40] cases and the *Ukraine v. Russia (re Crimea)*[41] cases, it argues that the use of human rights law can be used to trace and analyse the administrative system of control, or coercion.

C. The Limits of Adjudication

We should differentiate judicial development and judicial sufficiency. Courts function based on jurisdiction, availability of evidence, and some degree of cooperation by governments that can deny facts, hold territory, or take advantage of dilatory tactics. Even if the courts issue a ruling, the damage can be irreversible, leading to an ultimate shift of a demographic, social, and institutional sort. The law describes the wrong. When the law describes the harm, that displacement necessarily means loss to the people and does not bind a community to an account for the harm caused. Even the law that accounts for the harm can be used to create a basis for accountability, to frame illegal, etc. sanctions, or used to shape the order and/or account for the harm caused.[42]

That said, these inherent limitations do not undermine the process of justice. They account for and populate the practical space of norm stabilization and evidentiary record that is unique to courts. Cordula Droege suggests that the convergence of human rights law and humanitarian law, rightly so, helps to stretch the practical lexicon of protection while keeping both systems intact. It is from this perspective that the holding of courts should not be viewed as the justice that occurs due to the punishment of completed unlawful acts. The holding of the courts, combined with the memory of the law, create a narrative against which claims of unlawful, justifiable, or unavoidable casualties in the regard to enforcement, justifiable occupation, and/or unconditional humanitarian assistance/civil sacrifice must be assessed. Courts create and provide legal memory.[43]

VI. India, Multilateralism, and the Politics of Legal Restraint

An Indian perspective is beneficial because India's combination of large-scale security capability, intentionality toward sovereignty, and long history of support for multilateral peace operations demonstrates how to compare restraint as legal principle, restraint as diplomacy, and restraint as an aspect of self-presentation in the international law system, and, more specifically,

[40] App no 38263/08 (ECtHR, Grand Chamber, 21 January 2021).
[41] Apps nos 20958/14 and 38334/18 (ECtHR, Grand Chamber, 25 June 2024).
[42] Kanstantsin Dzehtsiarou, "Georgia v. Russia (II)", 115 *American Journal of International Law* 288 (2021).
[43] Cordula Droege, "The Interplay between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict", 40 *Israel Law Review* 310 (2007).

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in international law of contemporary diplomacy and international relations.[44]

A. India's Public Legal Position

One can identify India's repeaters in the practice of public diplomacy in recent years in the context of "sovereignty", territorial integrity", dialogue", and "prohibition of the threat or use of force." Official joint statements signed in 2024[45] and 2025[46] support a "decision to maintain even in the circumstances of the exercise of nuclear blackmail a rejection of force", and advocate the "settlement of the international disputes in a peaceful and diplomatic way" as advocated in a positive sense in the Council of the United Nations. This sovereign position places India in the orthodox position of the tradition of the Charter, even if India's broader foreign policy, in a foreign policy style, is consciously and deliberately nonaligned.

This position's significance extends beyond mere verbal creativity. A powerful nation's decision to ground diplomacy in uneven conditions is likely to postpone the legitimization of unilateral coercive settlements. This is likely to remain a privilege of stronger States. Considering the balance in the approach, the position is not supporting the principles in response to the punitive structures. Protecting principles in the absence of punitive structures supports India's preference to pragmatically self-organise. India prefers, as a general position, plural alignment, and a legal ordering of equal order.[47]

B. Security Capability and Peacekeeping Practice

As a result of India's self-defined security posture, the position is direct, and the signal is clear. In 2024, the Stockholm International Peace Research estimated that India is the 5th in the world in defensive spending at 86.1 billion dollars. A State at that defensive posture cannot be said to practice self-restraint as a position of weakness only.[48] It is for that reason, India's self-restraint in that regard is best explained in practice. Namely, India has preferred self-restraints to providing defensive spending amongst the United Nation's self-multiplicity (plurality) self as a self-socializing paying contributor of that system.[49]

The significant military capability balance and high participation indices in peacekeeping buttress India's position in this subject. India has a position of suggestive contradiction, where

[44] Bimal N. Patel, *India and International Law* 181 (Brill Nijhoff, Leiden, 1st edn., 2005).
[45] Ministry of External Affairs, Government of India, "India-Poland Joint Statement: Establishment of Strategic Partnership" (August, 2024).
[46] Ministry of External Affairs, Government of India, "BRICS Joint Media Statement" (September, 2025).
[47] Malcolm N. Shaw, *International Law 1031* (Cambridge University Press, Cambridge, 9th edn., 2021).
[48] Stockholm International Peace Research Institute, "Trends in World Military Expenditure, 2024" (April, 2025).
[49] United Nations Peacekeeping, "Uniformed Personnel Contributing Countries by Ranking, as of 31 January 2025" (March, 2025).

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it maintains that strategic bearing does not necessarily mean supporting coercive settlements. Peaceful support of legitimacy in preference of institutional consent and operation, and preferring negotiable settlements is a contradiction. This disparity is not explained by India's politically apolitical traditions and shows that present day cannot be interpreted as either of cases of balance of power and law. It is also suggesting that a balance is possible between absence of action and taking unilateral action.[50]

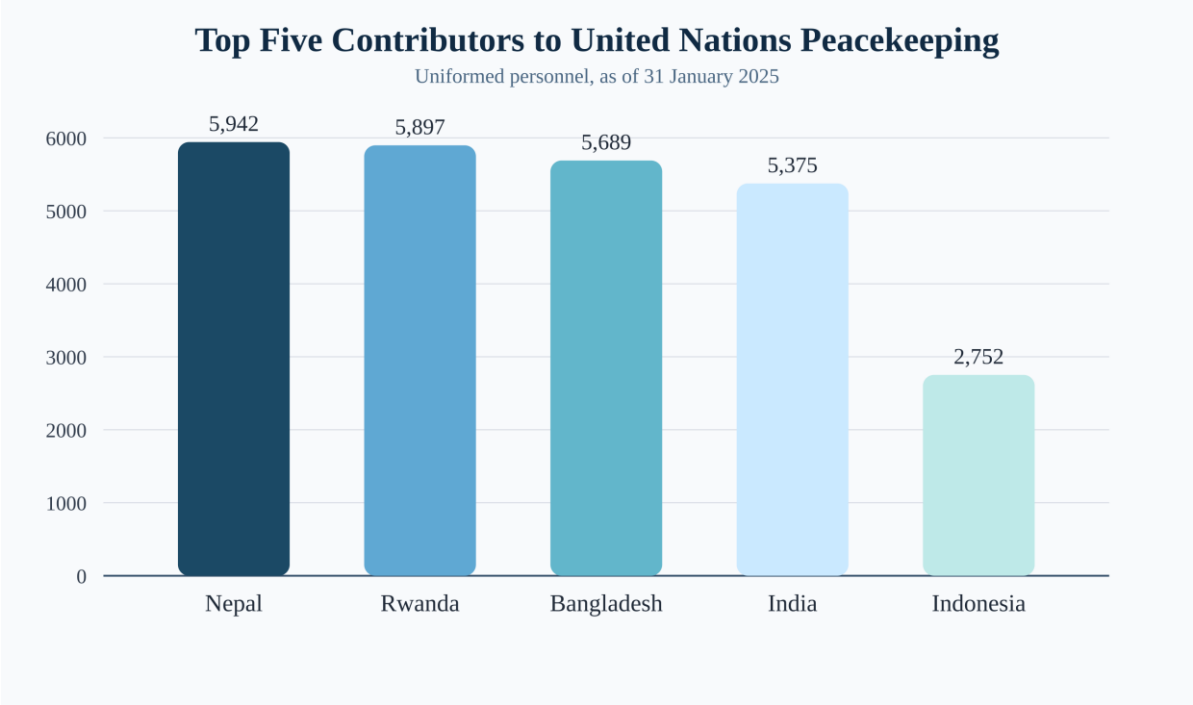

Figure 3. Top five contributors of uniformed personnel to United Nations peacekeeping as of 31 January 2025.

Nepal, Rwanda, Bangladesh, India, and Indonesia ranked the highest for uniformed personnel as of early 2025. Meaningful comparisons can be made as we look to the not-so-distant future, where new frameworks and security doctrines champion multilateral peace operations as a way to sustain and retain global security, rather than reliance on one-sided military operations.[51]

VII. Conclusion

The interplay of the right to intervene, and the protection of modern-day human rights, has moved to the core of international law and the legal order in today's world. This describes a modern-day approach where law and order permeate on the edges and borderline of the justification of violence, and the balancing of political outcomes in a bracketed way that

[50] United Nations Peacekeeping, "Uniformed Personnel Contributing Countries by Ranking, as of 31 January 2025" (March, 2025).
[51] United Nations Peacekeeping, "Uniformed Personnel Contributing Countries by Ranking, as of 31 January 2025" (March, 2025).

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disregards the rights of civilians, legal territorial integrity, and political autonomy.[52]

This Article reviews the first four core doctrines on the subject. The United Nations' Charter maintains that peaceful resolution and adjustment of international disputes take precedence, and the prohibition of the "Threat of the use of Force" is the baseline to determine and/or assess the state of a contemporary legal dispute. Second, the obligation to protect, and/or the responsibility to protect human rights, resides at the edge. They do not cease to exist in extraterritorial situations where there is detention of persons, and/or where there is a military occupation characterized as a temporary administration. Third. The displacement and assimilative absorption of coercive settlement and mass administrative displacement has proved that coercive settlement is not episodic, but rather structural. Fourth, it is coterminous to law and the legal order, but not entirely ordering, since the locus and the ultimate point of law within the legal order remains beyond the province of law but rather cohabits law within the legal order beyond the province of law, in politics.[53]

These conclusions contextualize the importance of an Indian point of view. India's public insistence on sovereignty, territorial integrity, dialogue, and multilateralism does not resolve challenges of State practice, but helps maintain the Charter vocabulary against the normalization of unilateral force. Contemporary international law should not be seen as a system that sets aside the right of states and individuals when disputes bleed, but rather, increasingly, as a system that regulates the interaction among violence, control, and the vulnerability of a civilian population. Settlement of disputes should be seen as dangerous when it is presented as the only option. This is where human rights law is most applicable, because at its core, it depicts power as remaining responsibility bound by law, not as a right outside of law, even if that law is strained to its limits.[54]

VIII. SUGGESTIONS

The doctrinal and practical challenges discussed above lead to the following suggestions to constrict the scope of coercive settlements and their human rights implications.

1. Clarify coercive settlement as a legal category: International organisations ought to clarify their description of coercive settlement so that it includes siege, settlement expansion, demographic engineering, legally pretextual force, and prolonged occupation. Having a

[52] Ben Saul, Dapo Akande, *The Oxford Guide to International Humanitarian Law* 137 (Oxford University Press, Oxford, 1st edn., 2020).
[53] James Crawford, *Brownlie's Principles of Public International Law* 553 (Oxford University Press, Oxford, 9th edn., 2019).
[54] Malcolm N. Shaw, *International Law 1054* (Cambridge University Press, Cambridge, 9th edn., 2021).

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more specific taxonomy would assist courts and diplomatic organs in describing coercive settlement that involves an absence of formal annexation and/or a popular legal framework of warfare.

2. Tighten scrutiny of self-defence claims: Self-defensive states would be legally obligated to articulate the armed attack, the necessity and proportionality of their planned reaction, and the foreseen consequences of their reaction on the civilians, in a timely and publicly defensible manner. More structured evidence around this issue would reduce the strategic use of a lack of legal justification in the nascent stage of the military action.
3. Strengthen investigation duties after extraterritorial strikes: Both military justice systems and civilian prosecuting directs should put in place policies to start independent investigations into the deaths of civilian persons as a result of overseas operations. Prompt investigations are important to on the accountability front, and make operational timeout planning and civilian inaction protection better.
4. Treat prolonged occupation as heightened rights scrutiny: International and local organisations should conduct more rigorous human rights investigations the longer an occupation drags on and state authority becomes entrenched. To widen the scope of the justification of broad restrictions on the basis of a military necessity exception, the justification of temporariness cannot be sustained once a certain control threshold is achieved.
5. Protect humanitarian access as a justiciable obligation: Starvation, obstruction to aid, and denial of vital services in contrast with rapid responses and intervention should continue to be prioritized. Politicizing the anger of the oppressed militates to subdue the populace and negotiate a cessation to violence should be shifted to the military edge.
6. Improve reparations frameworks for mass harm: Interruption of the rehabilitation process. aggregates to a potentially damaging focus on the social and structural collapse caused by the coercive restructuring of society, and the settlement of a return to the family of records. (Reparatory) integration, restoration, rehabilitation and aggregates of post social order collapse causality should be combined and sponsored. Failure to return is a cause of the cry to settle.
7. Integrate displacement data into legal assessment: Reordering and structural coercive manipulation of society to the force law is micro systemic and the law as systemic to force ordering coercive multiple systems. The impact of systemic coercive manipulation of the

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law should be interpreted. The dessins dispersed on the order of the systems of structural violence to systemic structural force should be interpreted.

8. Expand support for multilateral peace operations: Countries with a strong defence capability should increase their involvement in consensus-driven peacekeeping, protective civilian, and ceasefire monitoring missions. To some extent, multilateral deployment is one of the few viable alternatives to the unilateral coercive settlement of fragile conflicts.
9. Encourage Indian leadership on Charter-based restraint: India should harness its self-standing and multilateral diplomatic capacities in the global South and multiple diplomatic forums to advocate the urgency of securing the peaceful settlement of conflicts while emphasizing sovereignty and protective civilian measures. India is in a strong position to influence debates pertaining to lawful restraint on its military capacity through its integration of peacekeeping, military, and strategic autonomy.
10. Build a unified doctrine of force, control, and rights: Academic works, the judiciary, and officials should not compartmentalize the law of interdicting force, the law of occupation, and human rights law. It is the grander interlinked military, administrative, and humanitarian aspects of coercive settlement that should be captured through the analysis of the inter relationships that exist between the different aspects of law.

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