**THE INTERFACE BETWEEN JUS AD BELLUM AND JUS IN BELLO: THE NEED TO STRICTLY STICK TO THE LAWS GOVERNING ARMED CONFLICTS WHEN ONE ENGAGES IN INTERNATIONAL ARMED CONFLICT.**

 **ABSTRACT**

Jus gentium, otherwise known as the law of nations or public international law constitutes of different branches which govern the various aspects of international relations. Some of the branches of this jus gentium regulate very related areas of relationship amidst comity of nations which see them converge/interface and diverge at different circumstances. Of these areas of international law that witness this interface and at times conflict or divergence are *Jus ad bellum*, which regulates the use of force in international relations and *Jus in bello,* which regulates the conducts of parties or belligerents in an international armed conflict, this is also called the International Humanitarian Law. These two bodies of laws play very crucial roles in determining the principles of necessity and proportionality in the use of force, the various rights of various groups or persons partaking in international armed conflicts, the rights of different countries of the world to their territory integrity and defence of same, et al. Jus ad bellum and jus in bello as legal concepts have received attentions from various early and contemporary philosophers, lawyers, apologists, among whom were: Saint Augustine, Saint Thomas Aquinas, Hugo Grotius (the acclaimed father of jus gentium), Emmanuel Kant, Haryomataram “The terms Jus ad bellum and jus in bello appeared, among others, in a book entitled De Jure Belli Pacis, by Grotius, who is known as the father of international law (1300-1900). Grotius divides between a state of war (jus in bello) and peace (jus ad bellum). In addition, Vitoria and Vattel also used the same terms. Kant, however, was the first to explicitly distinguish between the right to go to war and the right to war. In Indonesia, Haryomataram distinguishes jus ad bellum, which regulates the justification of a state for the use of force; and jus in bello, which is the law that regulates behaviour in war. Jus in bello, according to Haryomataram, is further divided into the Hague Laws (the conduct of war) and The Geneva Laws (the law on the protection of war victims). This jus in bello is currently known as international humanitarian law (IHL)”¹. The horror of war has struck humanity and shook our foundation on a number of cases, it is not surprising therefore that man has always been in constant search of the best methods to adopt in order to either eliminate war entirely or regulate it if one occurs. It was this drive to nip the monster called war in the bud that both Philosophers, theorists, lawyers, accomplished writers, scholars, cosmopolitical leaders, et al have come up with legal regimes that will govern peaceful relations amongst the earth’s inhabitants and regulate war. It was sequel to the forgoing that jus ad bellum was developed, which is the legal framework that governs peaceful relations and regulates the resort to or use of force as well as the proportion of force to be used in international relations. Then, jus in bello also came on board which is a legal regime that regulates the conducts of combatants in an armed conflict, ensuring that the forces applied by the warring parties are on a pro rata basis. It is on this note that this presentation explores the interface between jus ad bellum and jus in Bello. The presentation covers the historical background of both jus ad bellum and jus in bello, the meanings of both legal regimes together with the statutes that were responsible for their emergence and significance. The paper also looks into the point of divergence or conflict between the two legal frameworks while reviewing how the two legal regimes have faired in terms of applicabilities in some conflicts around the world. This paper also acts as wake up call for all nations currently experiencing one international conflict or the other to ensure strict compliance with jus in bello.