

SELF-DEFENCE OR AGGRESSION: A LEGAL ANALYSIS OF THE UNITED STATES AND ISRAEL MILITARY STRIKES ON IRAN

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Abstract

The prohibition of the use of force is a fundamental principle of modern international law under the United Nations Charter, which prohibits states from using force against the sovereignty and territorial integrity of other states. Most recently, the United States and Israel carry out military strikes against Iran which have generated intense legal and political controversy regarding the legality or otherwise of their action in line with international law. The attackers justified their action as measures aimed at preventing Iran's nuclear capability and protecting regional security interests. However, many international law scholars and observers question whether such actions satisfy the requirements of lawful self-defence under Article 51 of the UN Charter, particularly in the absence of clear evidence of an imminent armed attack. The article adopts a doctrinal research method by examining relevant provisions of the United Nations Charter, decisions of the International Court of Justice, and scholarly opinions on the legality of pre-emptive military action. This article examines the legality of the United States and Israel's military strikes on Iran through the framework of international law governing the use of force. It analyses the competing legal arguments surrounding the doctrine of anticipatory self-defence, the principles of necessity and proportionality, and the role of the United Nations Security Council in authorizing military action. The study further evaluates whether the strikes can be justified as lawful self-defence or whether they constitute an act of aggression under international law. The article finds that the military strikes by the United States and Israel lack Security Council's formal authorisation as required under the international legal regime. The article finds further that there is lack of credible evidence of an imminent armed attack(s) by Iranians which seriously casts doubt on the legality of the military strikes by the United States and Israel. The article recommends that there is need for strict adherence to international legal principles to preserve global peace, protect state sovereignty and maintain the authority of the international legal order.

Keywords: *Self-Defence and Aggression, Legality USA- Israel Military Strikes, Iran nuclear weapon, Breach of International Law*

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1.0: Introduction

The military confrontation between the United States, Israel and Iran represents one of the most significant geopolitical crises in the Middle East in recent years. The tensions between Israel and Iran can be traced to the aftermath of the 1979 Iranian Revolution, which transformed Iran into an Islamic Republic that openly opposed both Israel and the United States. Since then, relations among the three states have been characterized by ideological hostility, security rivalry and competing regional interests. Iran's nuclear programme and its alleged support for armed groups in the Middle East have further intensified concerns in Israel and the United States regarding regional security.¹

In February 2026, the conflict escalated when the United States and Israel jointly launched coordinated military strikes on strategic sites in Iran, including military facilities and locations associated with Iran's nuclear programme. The stated objective of the operations was to weaken Iran's nuclear capabilities and neutralize what the attacking states described as an imminent threat to their national security.² The strikes reportedly targeted several military and political structures, which subsequently triggered retaliatory missile and drone attacks by Iran against United States military bases and allied interests in the region. The escalation has heightened fears of a broader regional war and drawn the attention of the international community to the legal implications of the use of force in international relations.

The military strikes by the United States and Israel on Iranian territory have generated intense debate within the international legal community regarding their compatibility with international law. Central to this controversy is the principle contained in Article 2(4) of the Charter of the United Nations, which prohibits the threat or use of force against the territorial integrity or political independence of any state. Under international law, the use of force is only permissible in limited circumstances, particularly when authorized by the United Nations Security Council or when exercised as an act of self-defence under Article 51 of the UN Charter.

Though, the United States and Israel have defended their actions based on pre-emptive or anticipatory self-defence, asserting that the military operations were necessary to prevent Iran from developing capabilities that could pose an existential threat. However, certain conditions precedent under UN Charter must be met before the use of force on another state territory can be legally justify otherwise same would-be term as an act of aggressor. Therefore, this paper is aim to analysis the unprovoked action of the United States and Israel against the Republic of Iran and retaliatory action of Iran under UN Charter.

¹ United Nations Office at Geneva, Bombing of Iran and Retaliatory Strikes a Grave Threat to International Peace and Security (28 February 2026)

² *ibid*

2.0: Historical Background of the United States–Israel–Iran Conflicts

The tensions between the United States, Israel and Iran have deep historical roots shaped by ideological rivalry, geopolitical competition and security concerns in the Middle East. Prior to 1979, Iran and Israel maintained relatively cordial relations, with Iran being one of the few Muslim-majority countries to recognize the State of Israel. However, this relationship dramatically changed following the 1979 Iranian Revolution, which established an Islamic Republic under Ayatollah Ruhollah Khomeini. The new Iranian government adopted a strongly anti-Western and anti-Israeli foreign policy, frequently describing Israel as an illegitimate state and opposing the influence of the United States in the Middle East.³

Since then, relations among the three states have been characterized by hostility and strategic rivalry. Iran has supported various armed groups and political movements in the Middle East that oppose Israeli and Western interests, while Israel and the United States have viewed Iran's regional activities as a threat to stability and security. Over the decades, this rivalry developed into a proxy conflict in which Iran and its allies confronted Israeli and American interests across different parts of the Middle East, thereby intensifying the geopolitical tension in the region.⁴

The rivalry further escalated in the early 2000s following revelations concerning Iran's nuclear programme. Western governments, particularly the United States and Israel, suspected that Iran was secretly pursuing nuclear weapons capability under the guise of civilian nuclear development. Iran, however, maintained that its nuclear activities were intended solely for peaceful purposes such as electricity generation and scientific research.⁵

To address international concerns, Iran entered into a landmark agreement in 2015 known as the Joint Comprehensive Plan of Action (JCPOA) with several world powers, including the United States, the United Kingdom, France, Russia, China and Germany. The agreement imposed strict limitations on Iran's nuclear activities in exchange for the lifting of economic sanctions. However, the withdrawal of the United States from the agreement in 2018 led to renewed tensions and a gradual resumption of uranium enrichment activities by Iran.

As Iran expanded its nuclear enrichment capabilities and increased its influence across the Middle East, Israel and the United States continued to perceive Iran's actions as a major threat to regional security. These tensions culminated in a series of military confrontations, including airstrikes on Iranian nuclear facilities and retaliatory missile attacks, which eventually escalated into open hostilities between the parties. The ongoing conflict therefore reflects decades of geopolitical

³ Joint Comprehensive Plan of Action (JCPOA) in United Nations Security Council Resolution 2231 available at: <https://en.wikipedia.org> accessed 9 March 2026

⁴ *ibid*

⁵ M Susan, et al. Kristian Coates Ulrichsen The US-Israel War on Iran: Analyses and Perspectives, <https://arabcenterdc.org/resource/the-us-israel-war-on-iran-analyses-and-perspectives> accessed on 10th day of March, 2026

rivalry, security concerns and competing strategic interests in the Middle East. It is therefore apposite here to highlight the position of United Nation on the use of force in line with Article of UN Charter.

3.0: The Prohibition of the Use of Force under International Law

The prohibition of the use of force is a fundamental principle of contemporary international law and forms the cornerstone of the international legal order established after the Second World War. Prior to the creation of the United Nations, states frequently resorted to war as a legitimate instrument of foreign policy. However, the devastating consequences of global conflicts led the international community to adopt legal mechanisms aimed at preventing unilateral military actions by states. The establishment of the United Nations in 1945 marked a significant turning point in the regulation of interstate relations, particularly through the introduction of rules designed to maintain international peace and security.⁶

Central to this framework is the principle that states must refrain from using force in their international relations except in limited circumstances permitted under international law. The prohibition seeks to preserve global peace, prevent aggression and ensure respect for the sovereignty and territorial integrity of states. Consequently, the use of force is generally regarded as unlawful unless it is authorized by the United Nations Security Council or exercised as a legitimate act of self-defence.⁷

The primary legal basis for the prohibition of the use of force is contained in Article 2(4) of the Charter of the United Nations, which provides that all member states shall refrain in their international relations 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.⁸ This provision establishes a general rule that forbids states from engaging in military aggression or coercive actions that undermine the sovereignty of another state.

Article 2(4) is widely regarded as one of the most important provisions of the United Nations Charter because it codifies a customary rule of international law against aggression. The International Court of Justice has repeatedly affirmed the centrality of this principle in maintaining international peace and security. In *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, the Court held that the prohibition of the use of force constitutes a fundamental principle of customary international law binding on all states.⁹

Nevertheless, the Charter recognizes limited exceptions to this prohibition. The first exception arises where the United Nations Security Council, acting under Chapter VII of the Charter,

⁶ M.N Shaw, *International Law* (8th ed, Cambridge University Press 2017) 805

⁷ I Brownlie, *Principles of Public International Law* (7th ed, Oxford University Press 2008) 732.

⁸ Charter of the United Nations art 2(4).

⁹ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits) [1986] ICJ Rep 14.

authorizes the use of force to maintain or restore international peace and security. The second exception is the inherent right of individual or collective self-defence recognized under Article 51 of the United Nations Charter when an armed attack occurs against a member state.¹⁰ Outside these recognized circumstances, the unilateral use of force by a state is generally considered unlawful under international law.

Closely connected to the prohibition of the use of force is the principle of state sovereignty, which represents one of the foundational doctrines of international law. Sovereignty refers to the supreme authority of a state over its territory, population and internal affairs without interference from external actors. The principle implies that every state possesses equal legal status in the international system and has the exclusive right to determine its political, economic and social systems.¹¹

The protection of sovereignty is one of the key objectives of Article 2(4) of the United Nations Charter. By prohibiting the threat or use of force against the territorial integrity or political independence of states, the Charter seeks to prevent powerful states from coercing or dominating weaker states through military means. The International Court of Justice has also emphasized the importance of sovereignty in international relations. In the Corfu Channel Case, the Court affirmed that respect for territorial sovereignty is an essential foundation of international relations among states.¹²

Accordingly, the prohibition of the use of force and the principle of state sovereignty operate together to maintain stability within the international system. They ensure that disputes between states are resolved through peaceful means such as negotiation, mediation, arbitration or judicial settlement rather than through armed conflict.

4.0: The Right of Self-Defence under International Law

The right of self-defence is one of the most important exceptions to the general prohibition of the use of force under international law. While the international legal system discourages the use of military force in interstate relations, it recognizes that states possess an inherent right to defend themselves when they are subjected to armed attack. This principle is codified in Article 51 of the Charter of the United Nations, which affirms that nothing in the Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member state of the United Nations.¹³

Article 51 therefore preserves the natural right of states to protect their territorial integrity and political independence when confronted with aggression. However, the exercise of this right is subject to certain conditions. The state invoking self-defence must report the measures taken to the

¹⁰ United Nations Charter, art 51

¹¹ J Crawford, *Brownlie's Principles of Public International Law* (9th ed, Oxford University Press 2019) 447.

¹² Corfu Channel Case (United Kingdom v Albania) [1949] ICJ Rep 4.

¹³ United Nations Charter, art 51

United Nations Security Council, and such measures must not exceed what is necessary to repel the armed attack.¹⁴ The International Court of Justice has repeatedly emphasized that the right of self-defence must be interpreted within the broader framework of international law regulating the use of force.

Self-defence under international law may be exercised either individually or collectively. Individual self-defence arises where a state independently responds to an armed attack directed against its territory, population, or armed forces. In such circumstances, the victim state is legally entitled to employ necessary and proportionate force to repel the attack and restore its security.¹⁵ Collective self-defence, on the other hand, involves the participation of other states in assisting a victim state that has been subjected to an armed attack. Under Article 51 of the Charter of the United Nations, a state may request assistance from its allies or other states to defend itself against aggression. This principle has often been invoked in international relations where military alliances or security agreements exist.

The International Court of Justice clarified the scope of collective self-defence in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, where the Court held that the exercise of collective self-defence requires that the victim state must declare itself to have been attacked and must expressly request assistance from other states before they can lawfully intervene.¹⁶

Although Article 51 recognizes the right of self-defence, international law imposes strict conditions to ensure that the right is not abused. The most widely recognized requirements are necessity, proportionality and imminence, which have developed through customary international law and judicial interpretation.¹⁷

The requirement of necessity implies that the use of force in self-defence must be a last resort and must be strictly required to repel an armed attack. A state cannot lawfully resort to force if the threat can reasonably be addressed through peaceful means such as diplomacy or negotiation.¹⁸

The principle of proportionality requires that the scale, duration and intensity of the defensive response must not exceed what is reasonably necessary to repel the armed attack. Excessive or punitive military action that goes beyond defensive objectives would constitute a violation of international law. This principle was reaffirmed by the International Court of Justice in *Oil Platforms (Islamic Republic of Iran v United States of America)*, where the Court emphasized that any exercise of self-defence must be proportionate to the armed attack suffered.¹⁹

¹⁴ Shaw, (n 6) 820.

¹⁵ I Brownlie, *Principles of Public International Law* (7th ed, Oxford University Press 2008) 733.

¹⁶ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 14.

¹⁷ United Nations Charter, art 51

¹⁸ J Crawford, Brownie's *Principles of Public International Law* (9th ed, Oxford University Press 2019) 760.

¹⁹ *Oil Platforms (Islamic Republic of Iran v United States of America)* [2003] ICJ Rep 161.

The condition of imminence relates to the requirement that the threat of armed attack must be immediate or impending before a state can lawfully invoke self-defence. This requirement seeks to prevent states from engaging in preventive or speculative uses of force based on uncertain future threats. The concept of imminence has been widely discussed in international law debates concerning anticipatory self-defence and pre-emptive military action.²⁰

In summary, although the right of self-defence is firmly recognized under international law, its exercise is carefully regulated to maintain international peace and security and to prevent states from using self-defence as a justification for unlawful aggression just as in the case of United States and Israel under consideration. Iran has neither attacked the United States nor threatened to do so without being attacked first. The United States cannot therefore use self-defence as a legal justification for starting the war.

5.0: The Doctrine of Pre-emptive or Anticipatory Self-Defence

The doctrine of pre-emptive or anticipatory self-defence is one of the most controversial issues in international law relating to the use of force. While the general prohibition of force is clearly stated under Article 2(4) of the Charter of the United Nations, the interpretation of the right of self-defence under Article 51 has generated significant debate among scholars and states. The central question concerns whether a state may lawfully use force in anticipation of an imminent armed attack before such an attack has occurred.²¹

Anticipatory self-defence refers to a situation where a state uses military force to prevent an imminent attack that is believed to be unavoidable. This concept has its roots in customary international law, particularly in the famous Caroline incident of 1837, which established the classical test that the necessity of self-defence must be “instant, overwhelming, leaving no choice of means, and no moment for deliberation.”²² Although this doctrine predates the United Nations Charter, it continues to influence modern interpretations of self-defence in international law.

The legality of anticipatory or pre-emptive self-defence remains a subject of intense debate in international law. A strict interpretation of Article 51 of the Charter of the United Nations suggests that the right of self-defence arises only “if an armed attack occurs.” This wording has led many scholars and states to argue that self-defence may only be exercised after an armed attack has already taken place.²³

The International Court of Justice has also adopted a cautious approach to the expansion of the right of self-defence. In *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, the Court emphasized that the right of self-defence is triggered by the

²⁰ Y Dinstein, *War, Aggression and Self-Defence* (6th ed, Cambridge University Press 2017) 187.

²¹ Charter of the United Nations art 51.

²² R Jennings, ‘The Caroline and McLeod Cases’ (1938) 32 *American Journal of International Law* 82.

²³ M N Shaw, *International Law* (8th ed, Cambridge University Press 2017) 828.

occurrence of an armed attack and must satisfy the requirements of necessity and proportionality.²⁴ Similarly, in *Oil Platforms (Islamic Republic of Iran v United States of America)*, the Court stressed that any invocation of self-defence must be justified by clear evidence of an armed attack.²⁵

However, some states, particularly those facing immediate security threats, have argued that the concept of self-defence should include the right to prevent imminent attacks before they materialize. This interpretation seeks to adapt the law of self-defence to modern security realities such as missile technology, terrorism and weapons of mass destruction, which may cause catastrophic damage if states are forced to wait until an attack has occurred.²⁶

The doctrine of pre-emptive self-defence has generated extensive scholarly debate within international legal scholarship. Scholars who support a restrictive interpretation argue that allowing anticipatory attacks would undermine the prohibition of the use of force and could easily be abused by powerful states as a justification for aggression. They contend that expanding the right of self-defence beyond the limits set by Article 51 would weaken the collective security system established by the United Nations.²⁷

On the other hand, proponents of a broader interpretation argue that the rigid requirement of an actual armed attack is unrealistic in the modern era, particularly where states face threats from nuclear weapons, ballistic missiles or non-state actors. These scholars maintain that international law should permit limited anticipatory self-defence where there is credible evidence of an imminent attack and where the requirements of necessity and proportionality are satisfied.²⁸

The debate therefore reflects a fundamental tension between two competing objectives of international law: the need to preserve international peace by restricting the use of force, and the need to allow states to effectively protect themselves against emerging security threats. Consequently, the legality of pre-emptive self-defence remains unsettled, and its application continues to depend largely on the specific circumstances of each case. It therefore clears beyond reasonable doubt that purported self-defence or anticipatory defence/attack by United States and Israel against Iran has failed the requirement for the execution of self-defence under UN Charter particularly when the parties are still under negotiation with each other.

6.0: Legal Justifications Advanced by the United States and Israel

The military actions undertaken by the United States and Israel against Iranian targets have been justified by both states based on security concerns and the need to prevent emerging threats to

²⁴ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 14.

²⁵ *Oil Platforms (Islamic Republic of Iran v United States of America)* [2003] ICJ Rep 161.

²⁶ Y Dinstein, *War, Aggression and Self-Defence* (6th ed, Cambridge University Press 2017) 204.

²⁷ I Brownlie, *Principles of Public International Law* (7th ed, Oxford University Press 2008) 742

²⁸ D Bethlehem, 'Principles Relevant to the Scope of a State's Right of Self-Defence' (2012) 106 *American Journal of International Law* 770.

international peace and regional stability. In defending their actions, the United States and Israel have argued that the strikes were necessary to neutralize perceived threats arising from Iran's expanding military capabilities and its alleged pursuit of nuclear weapons technology. These justifications have been presented within the framework of the right of self-defence recognized under Article 51 of the Charter of the United Nations.²⁹ Both states maintain that Iran's military posture and regional activities constitute a significant security threat not only to Israel but also to the stability of the Middle East. Consequently, they argue that the use of force was a defensive measure aimed at preventing further escalation of hostilities and protecting their national security interests.

One of the main reasons for the attack advanced by the United States and Israel is the need to prevent Iran from acquiring nuclear weapons capability. Israel in particular has consistently maintained that a nuclear-armed Iran would pose an existential threat to its national security. As a result, Israeli authorities have repeatedly expressed the view that military action may be necessary to prevent Iran from developing nuclear weapons infrastructure.³⁰

Similarly, the United States has expressed concerns regarding Iran's nuclear enrichment activities and the possibility that such activities could lead to the development of nuclear weapons. These concerns were previously addressed through diplomatic arrangements such as the Joint Comprehensive Plan of Action (JCPOA), which was intended to limit Iran's nuclear programme in exchange for the lifting of economic sanctions.³¹ However, following the deterioration of that agreement and renewed nuclear enrichment activities by Iran, both the United States and Israel have argued that stronger measures, including military intervention, may be necessary to prevent nuclear proliferation and protect regional security.

Another justification frequently advanced by the United States is the concept of collective self-defence, which permits a state to assist another state that has been subjected to an armed attack. Under Article 51 of the Charter of the United Nations, a state may lawfully support an ally in defending itself against external aggression. The United States has therefore argued that its military support for Israel forms part of a broader collective defence arrangement aimed at protecting Israel from threats posed by Iran and its regional allies.³²

Israel has also relied on national security arguments to justify its actions, asserting that Iran's military activities, missile development programmes and support for armed groups in the Middle East constitute an ongoing threat to Israeli sovereignty and territorial integrity. According to this position, the use of force may be justified where it is necessary to deter or prevent attacks that could endanger the security and survival of the state.

²⁹ Ibid

³⁰ J Crawford, Brownlie's Principles of Public International Law (9th ed, Oxford University Press 2019) 765.

³¹ Ibid

³² Y Dinstein, War, Aggression and Self-Defence (6th ed, Cambridge University Press 2017) 210.

Nevertheless, these legal justifications remain controversial within the international community. Since both United States and Israel possesses nuclear weapons and no state including Iran has never challenge or oppose procuring/developing it same. Critics argue that the use of force must strictly comply with the requirements of necessity and proportionality under international law, and that the right of self-defence cannot be invoked in the absence of an actual or imminent armed attack.

7.0: Legal Justifications that the attack Constitute an Act of Aggression

The military strikes carried out by the United States and Israel against Iranian targets have generated significant criticism within the international community. Many international law scholars and commentators argue that the attacks may constitute an act of aggression contrary to the fundamental principles governing the use of force in international relations. Under contemporary international law, the use of force by one state against another is generally prohibited unless it falls within recognized exceptions, such as authorization by the United Nations Security Council or the exercise of the inherent right of self-defence under Article 51 of the Charter of the United Nations.³³

Critics of the strikes contend that the actions undertaken by the United States and Israel do not clearly fall within these recognized exceptions and therefore risk violating the prohibition of the use of force under international law. In this regard, two principal arguments have been advanced: the lack of authorization from the United Nations Security Council and the absence of credible evidence of an imminent armed attack by Iran.³⁴

One of the strongest legal criticisms of the strikes is that they were carried out without authorization from the United Nations Security Council. Under Chapter VII of the Charter of the United Nations, the Security Council possesses the primary responsibility for maintaining international peace and security and has the authority to authorize the use of force where necessary to address threats to international peace.

Where the Security Council has not granted such authorization, unilateral military action by states may be considered unlawful unless it is clearly justified as an act of self-defence. The absence of Security Council approval for the strikes has therefore led many commentators to argue that the actions of the United States and Israel undermine the collective security framework established by the United Nations.

Furthermore, the concept of aggression under international law is defined in the Definition of Aggression adopted by the United Nations General Assembly in 1974, which describes aggression as the use of armed force by a state against the sovereignty, territorial integrity or political

³³ Article 2 (4) and Article 51 of the United Nations Charter

³⁴ Marko M, The American-Israeli Strikes on Iran are (Again) Manifestly Illegal, <https://www.ejiltalk.org/the-american-israeli-strikes-on-iran-are-again-manifestly-illegal/> accessed on 1st day of march, 2026

independence of another state.³⁵ Based on this definition, critics maintain that unilateral military attacks carried out without international authorization may fall within the scope of unlawful aggression.

Secondly, another major argument advanced by critics is that there was no clear evidence of an imminent armed attack by Iran that could justify the invocation of self-defence under Article 51 of the Charter of the United Nations. International law generally requires that the right of self-defence be exercised only in response to an actual or imminent armed attack.³⁶

In the absence of clear proof of an imminent threat from Iran, several scholars argue that the strikes may amount to preventive or retaliatory military action rather than lawful self-defence. Such actions, if not justified under the recognized exceptions in international law, may constitute a violation of the prohibition of the use of force and potentially qualify as an act of aggression under international law.³⁷

8.0: Compliance with International Humanitarian Law

International Humanitarian Law (IHL) regulates the conduct of parties during armed conflict and seeks to limit the effects of war by protecting persons who are not participating in hostilities and restricting the means and methods of warfare. The main sources of IHL include the Geneva Conventions and their Additional Protocols, as well as customary international law. These rules apply to both international and non-international armed conflicts and bind all parties to the conflict, including states and non-state armed groups. Under IHL, parties to a conflict must conduct military operations in a manner that minimizes harm to civilians and civilian objects. Compliance requires adherence to fundamental principles such as distinction, proportionality, and military necessity. Violations of these rules may amount to war crimes under international criminal law and can attract individual criminal responsibility.³⁸

Again, one of the central objectives of IHL is the protection of civilians and civilian infrastructure during armed conflict. Civilians are defined as persons who are not members of the armed forces or participants in hostilities. Civilian objects include homes, schools, hospitals, water systems, and other infrastructure necessary for civilian survival. The Geneva Convention (IV) specifically provides for the protection of civilians in times of war. Parties to a conflict are prohibited from intentionally directing attacks against civilians or civilian objects. Essential infrastructure such as hospitals, cultural sites, and humanitarian facilities enjoy special protection unless they are being

³⁵ United Nations General Assembly Resolution 3314 (Definition of Aggression).

³⁶ I Brownlie, *Principles of Public International Law* (7th ed, Oxford University Press 2008) 739.

³⁷ Marko M, *The American-Israeli Strikes on Iran are (Again) Manifestly Illegal*, <https://www.ejiltalk.org/the-american-israeli-strikes-on-iran-are-again-manifestly-illegal/> accessed on 1st day of march, 2026

³⁸ Henckaerts, J. & Doswald-Beck, L. *Customary International Humanitarian Law*. Cambridge: Cambridge University Press. (2005).

used for military purposes. The protection of civilians is reinforced by the obligation to take all feasible precautions to avoid or minimize incidental harm during military operations.

Another pivotal point is the principle of distinction which requires parties to a conflict to always distinguish between civilians and combatants, and between civilian objects and military objectives. Attacks may only be directed against lawful military targets.³⁹

It is pertinent to note the principle of proportionality which prohibits attacks that may cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated. Even when a target is a legitimate military objective, commanders must assess whether the expected civilian damage would be disproportionate.⁴⁰

The principle of military necessity allows the use of force that is necessary to achieve a legitimate military objective, provided such force is not otherwise prohibited by IHL. It recognizes that certain military actions may be lawful if they are indispensable for securing the enemy's defeat, but such actions must still respect humanitarian limits.⁴¹

Together, these principles guide lawful military conduct and are essential in assessing whether military operations comply with international humanitarian law. The question to ask at this stage is whether the sudden and unprovoked combined attack/strikes by United States and Israel against the Republic of Iran which claimed life of about 175 students of girl elementary school in Tehran fall within the military necessity which allows the use of force that is necessary to achieve a legitimate military objective.⁴² Likewise an extrajudicial assassination of the country's leader who, as a civilian, is not a legitimate target in warfare. International humanitarian law would characterize these acts as war crimes. If the conflict continues, the United States and Israel are very likely to commit more war crimes unless Congress acts in its constitutional capacity to halt President Trump's aggression against Iran.

9.0: State Responsibility and International Accountability

Under international law, the doctrine of state responsibility provides that a state is internationally responsible when it commits an act that violates an international legal obligation. The rules governing state responsibility are largely codified in the Articles on Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission. According to these rules, a state incurs responsibility where conduct attributable to it constitutes a breach of an

³⁹ This principle is codified in the Additional Protocol I to the Geneva Conventions and is considered a cornerstone of IHL.

⁴⁰ International Committee of the Red Cross (ICRC) Customary International Humanitarian Law Study. Geneva: ICRC (2005).

⁴¹ Ibid

⁴² Susan M. Akram, Charles W. Dunne, Amy Hawthorne, Patricia Karam, Khalil E. Jahshan, Annette Sheline, Kristian Coates Ulrichsen The US-Israel War on Iran: Analyses and Perspectives, <https://arabcenterdc.org/resource/the-us-israel-war-on-iran-analyses-and-perspectives> accessed on 10th day of March, 2026

international obligation. Consequences of such responsibility include cessation of the wrongful act, assurances of non-repetition, and reparation for injury caused.⁴³

International accountability mechanisms are designed to ensure that states comply with international law and are held answerable for violations. In situations involving the use of force, violations may include breaches of the prohibition on aggression, unlawful use of force, or violations of international humanitarian law.⁴⁴

Where military actions by states allegedly violate international legal norms, questions of responsibility may arise. If actions such as airstrikes or military operations violate the prohibition on the use of force under the Charter of the United Nations particularly Article 2(4) the responsible state may be held internationally accountable unless the actions are justified under recognized exceptions such as self-defence under Article 51 or authorization by the United Nations Security Council.⁴⁵

In addition, if military operations result in violations of International Humanitarian Law, including unlawful targeting of civilians or disproportionate attacks, the responsible state may incur liability for internationally wrongful acts. Such violations may also give rise to individual criminal responsibility for war crimes under international criminal law, depending on the circumstances.

International institutions play a crucial role in maintaining accountability in the international legal system. The International Court of Justice serves as the primary judicial body for resolving disputes between states concerning violations of international law. States may bring claims before the Court alleging breaches of international obligations, including unlawful use of force or violations of humanitarian law. The Court may issue binding judgments and advisory opinions that clarify the legal responsibilities of states.⁴⁶

The United Nations Security Council also has authority to address threats to international peace and security under Chapter VII of the UN Charter. It may adopt resolutions condemning unlawful conduct, impose sanctions, establish investigative mechanisms, or authorize collective measures to restore peace. However, political dynamics and the veto power of permanent members can influence the Council's ability to act. These institutions form key components of the international legal framework for ensuring state responsibility and promoting accountability for violations of international law.

10.0: Implications for International Peace and Security

Armed conflicts involving major powers or strategic allies have significant implications for international peace and security. The international legal order, largely built around the prohibition

⁴³ Crawford, J. *State Responsibility: The General Part*. Cambridge: Cambridge University Press. (2013).

⁴⁴ Shaw, M. N. *International Law*. 8th ed. Cambridge: Cambridge University Press. (2017).

⁴⁵ International Law Commission Articles on Responsibility of States for Internationally Wrongful Acts. United Nations. (2001).

⁴⁶ Ibid

of the use of force contained in Article 2(4) of the Charter of the United Nations, aims to maintain global stability by restricting unilateral military actions. When states engage in military operations without clear legal justification or without authorization from the United Nations Security Council, concerns arise regarding the erosion of the rule-based international system.⁴⁷

Such actions may undermine collective security mechanisms established under the United Nations framework. If powerful states are perceived to act outside established legal norms, it may weaken compliance with international law and encourage similar actions by other states, thereby threatening the stability of the global order.

An armed conflicts involving states such as the United States and Israel have broader consequences for the credibility and effectiveness of international law. The rule of international law depends largely on the willingness of states to comply with legal norms governing the use of force, sovereignty, and humanitarian conduct during armed conflict.⁴⁸

Where disputes arise concerning the legality of military actions, international institutions such as the International Court of Justice may be called upon to clarify legal obligations and determine whether violations have occurred. However, enforcement mechanisms in international law remain limited and often depend on political consensus among states, which can affect the effectiveness of legal accountability.

Military confrontations involving strategically important regions may increase the risk of escalation and wider regional instability. For example, tensions involving states such as Iran and Israel may trigger broader geopolitical tensions across the Middle East, drawing in regional actors and international allies. Escalation can lead to expanded hostilities, disruptions to international trade and energy supplies, refugee crises, and humanitarian emergencies. In such circumstances, the United Nations and other international organizations may attempt diplomatic interventions, conflict mediation, or peacekeeping efforts to prevent further deterioration of international peace and security.

11.0: Conclusion and Recommendations

From the above, the paper finds that under international law, the legality of military strikes largely depends on whether they fall within the permissible scope of self-defence recognized under Article 51 of the Charter of the United Nations. Self-defence is lawful only where a state responds to an actual or imminent armed attack and the response satisfies the conditions of necessity and proportionality. If a state can demonstrate credible evidence of an imminent threat and the measures taken are limited to preventing or repelling that attack, the action may be regarded as lawful self-defence.

⁴⁷ Brownlie, I. *Principles of Public International Law*. 7th ed. Oxford: Oxford University Press. (2008).

⁴⁸ Charter of the United Nations. New York: United Nation (1945).

However, where military strikes are carried out without evidence of an imminent armed attack, without authorization from the United Nations Security Council, or in a manner inconsistent with international humanitarian law, such actions may be characterized as unlawful use of force or aggression. When such sudden/unprovoked strike occurred as in the case of United States of America and Israel against Iran even when parties are in the middle of negotiation to settle their respective differences, the only option left for the Islamic Republic of Iran is to retaliate the strikes and defend themselves. The UN therefore needs to impose the necessary sanctions because the attack violates the prohibition on the use of force recognised as a cornerstone of modern international law, and violations shall also attract state responsibility and international condemnation.

To maintain international peace and security, disputes arising from military confrontations should be addressed through diplomatic and legal mechanisms provided under the United Nations system. First, parties to the conflict should prioritize diplomatic negotiations and mediation, possibly facilitated by the United Nations or neutral states, to de-escalate tensions and prevent further hostilities.

Secondly, legal accountability mechanisms should be utilized where appropriate. States may submit disputes to the International Court of Justice for adjudication concerning the legality of the use of force or alleged violations of international law. Advisory opinions and judgments of the Court can help clarify legal responsibilities and contribute to the development of international legal norms.

likewise, the United Nations should establish investigative bodies or fact-finding missions to examine alleged violations of international law. The United Nations Security Council may also adopt measures such as sanctions, peacekeeping operations, or diplomatic initiatives aimed at restoring peace and stability.

In conclusion, the determination of whether military strikes constitute lawful self-defence or unlawful aggression depends on the specific facts, evidence of threat, and compliance with international legal standards. Strengthening adherence to international law and promoting diplomatic engagement remain essential for preventing escalation and maintaining global peace and security.