

Israel's Strikes on Iran

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Israel's Strikes on Iran: A Legal Assessment under International Law

Context:

Israel's recent military strikes on Iran have raised serious legal concerns. The central question is whether such use of force is permissible under **international law**, especially under the framework of the **United Nations Charter**. This issue involves interpreting **Article 2(4)** (prohibition of force) and **Article 51** (self-defence), as well as evolving doctrines of **anticipatory self-defence**.

Legal Framework Governing the Use of Force

1. **Article 2(4)** of the UN Charter strictly **prohibits the use of force** in international relations.
 2. **Article 51** allows an exception—**self-defence in response to an armed attack**, provided it meets the criteria of **necessity and proportionality**.
 3. According to international law expert **Marko Milanovic**, the right to self-defence is triggered **only when an actual armed attack occurs**.
 4. As there has been **no direct armed attack by Iran** or its proxies attributable to Iran, Israel's strikes lack **clear legal justification**.
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Pre-emptive and Anticipatory Self-Defence

1. Israel claims the right to **pre-emptive self-defence**, citing Iran's nuclear advancement as a potential existential threat.
2. This form of self-defence is **not supported** under **Article 51**, which requires an **ongoing or imminent attack**.

3. The **Caroline Doctrine (1837)** provides the legal benchmark for anticipatory self-defence:

- The **necessity must be instant and overwhelming**, leaving **no choice of means**, and **no moment for deliberation**.
 - The response must be **proportionate** to the threat.
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Interpreting 'Imminent' in International Law

1. Two main interpretations exist:

- **Narrow view**: Imminence means an attack is **about to occur**, with clear and present danger.
- **Broad view**: Includes **potential or future threats**, even if not immediate.

2. The **narrow interpretation** is legally preferred to prevent **abuse by powerful states** acting on assumptions.
3. The **Caroline standard** supports the **narrow definition of imminence**, emphasizing urgency and absence of alternatives.
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Application to Israel's Strikes

1. Israel's justification is based on a **broad interpretation of threat**, linked to Iran's nuclear programme.
2. There is **no concrete evidence of an imminent Iranian attack**.
3. Therefore, Israel's actions **do not meet the conditions** for lawful anticipatory self-defence under international law.
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Importance of Upholding International Legal Norms

1. **International law**, despite enforcement challenges, remains the **primary framework** for evaluating state actions.
 2. Violations weaken **global accountability** and encourage **unilateral use of force**.
 3. Legal norms are essential for maintaining the **credibility of the international system** and deterring violations.
 4. Continuous legal engagement ensures **states remain accountable**, and **impunity is prevented**.
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Conclusion

Israel's strikes on Iran, in the absence of evidence of an imminent armed attack, **fail to meet the strict conditions** required under **international law for self-defence**.

Such actions risk being interpreted as **acts of aggression**, undermining the principles of the **UN Charter**.

Upholding **established legal standards** is crucial to maintaining **global order** and preventing the erosion of international norms.

