



## Legality Of The Use Of Force: The USA–Iran Conflict And The United Nations Charter

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### **Abstract**

The legality of the use of force remains one of the most debated issues in contemporary international law. The relationship between the United States of America and the Islamic Republic of Iran has repeatedly raised difficult legal questions concerning the interpretation of the United Nations Charter, particularly Articles 2(4), 39, 42 and 51. Since the Iranian Revolution of 1979, both states have accused each other of unlawful intervention, threats to sovereignty, support for proxy warfare, and violations of international peace and security. The legal controversies intensified after incidents such as the Tanker War in the Persian Gulf, the shooting down of Iran Air Flight 655, cyber operations against Iranian nuclear facilities, attacks on Gulf shipping, the assassination of General Qassem Soleimani in January 2020, and Iranian retaliatory strikes on United States military installations in Iraq.[UN Charter, Art 2(4).]

This research paper critically examines the legality of the use of force in the context of the USA–Iran conflict under the framework of the United Nations Charter and customary international law. It analyses the prohibition on the use of force under Article 2(4), the doctrine of self-defence under Article 51, the role of the United Nations Security Council, and the jurisprudence of the International Court of Justice. The paper evaluates competing legal arguments advanced by the United States and Iran and examines whether the conduct of either state can be justified under existing principles of international law.[Ian Brownlie, *International Law and the Use of Force by States* (Oxford University Press 1963) 112.][Christine Gray, *International Law and the Use of Force* (4th edn, Oxford University Press 2018) 30.]

The paper argues that the USA–Iran conflict illustrates both the strength and the fragility of the collective security system established by the UN Charter. Although the Charter provides a comprehensive prohibition against unilateral force, state practice has increasingly relied on expanded interpretations of self-defence, anticipatory self-defence, and the protection of national security interests. The paper concludes that many actions undertaken by both the United States and Iran raise serious concerns regarding compatibility with the UN Charter.[Yoram Dinstein, *War, Aggression and Self-Defence* (7th edn, Cambridge University Press 2021) 87.]

**Key Words:** United Nations Charter, use of force, self-defence, Article 2(4), Article 51, United States, Iran, international law, Security Council, Soleimani.

### **Introduction**

The prohibition on the use of force is one of the foundational principles of modern international law. Following the devastation of the Second World War, the framers of the United Nations Charter sought to establish a legal order that would prevent states from engaging in unilateral military aggression. The adoption of Article 2(4) of the Charter

represented a revolutionary transformation in international relations, outlawing the threat or use of force against the territorial integrity or political independence of any state.<sup>12</sup>

Despite this legal framework, the post-1945 international order has repeatedly witnessed armed conflicts justified on grounds of self-defence, humanitarian intervention, counterterrorism, and national security. One of the most legally complex and politically sensitive examples is the long-standing hostility between the United States and Iran. The roots of the USA–Iran conflict can be traced to the 1953 CIA-backed coup that removed Iranian Prime Minister Mohammad Mossadegh, restoring the Shah of Iran to power. Relations deteriorated further after the 1979 Islamic Revolution and the seizure of the United States Embassy in Tehran.<sup>3</sup>

The legal dimensions of the USA–Iran conflict became especially acute in the twenty-first century. The United States has repeatedly accused Iran of sponsoring terrorism and destabilising the Middle East through support for Hezbollah, Hamas, and various Shiite militias in Iraq and Syria. Iran, on the other hand, has accused the United States of unlawful intervention, economic coercion, and military aggression.<sup>4</sup>

One of the most controversial incidents occurred on 3 January 2020, when the United States conducted a drone strike near Baghdad International Airport that killed Iranian General Qassem Soleimani, commander of the Islamic Revolutionary Guard Corps' Quds Force. The United States justified the strike as an act of self-defence under Article 51 of the UN Charter, claiming that Soleimani posed an imminent threat to American personnel.<sup>5</sup> Iran rejected this argument and characterised the strike as an unlawful act of aggression, subsequently launching ballistic missile attacks against United States military bases in Iraq.<sup>6</sup>

These incidents raise fundamental legal questions: What constitutes an "armed attack" under Article 51? Can anticipatory or pre-emptive self-defence justify military action? Does support for non-state actors amount to the use of force? How should international law regulate cyber operations and targeted killings? This paper examines these questions through the lens of the UN Charter and international jurisprudence and evaluates the legality of the use of force by both states.

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<sup>2</sup>Malcolm Shaw, *International Law* (9th edn, Cambridge University Press 2021) 897.

<sup>5</sup>Letter dated 8 January 2020 from the Permanent Representative of the United States to the President of the Security Council, UN Doc S/2020/20.

<sup>6</sup>Letter dated 8 January 2020 from the Permanent Representative of Iran to the Secretary-General, UN Doc S/2020/19.

## **ii. Historical Development Of The Prohibition On The Use Of Force**

### **A. War in Classical International Law**

Under classical international law, sovereign states possessed an almost unrestricted right to resort to war. Prior to the twentieth century, war was regarded as a legitimate and lawful method of resolving disputes, protecting national interests, and acquiring territory. Influential jurists such as Hugo Grotius, Emer de Vattel, and Francisco de Vitoria accepted that sovereign states retained the authority to wage war under certain conditions. The doctrine of the "just war" sought to regulate warfare through moral and theological principles, but these moral limitations did not create binding international legal obligations.<sup>78</sup>

By the nineteenth century, positivist approaches increasingly emphasised state sovereignty and consent. The Hague Peace Conferences of 1899 and 1907 represented early attempts to codify rules relating to warfare and dispute settlement, concentrating on limiting the methods and means of warfare rather than prohibiting the resort to war itself.

### **B. The League of Nations and the Inter-War Period**

The unprecedented destruction of the First World War fundamentally altered international attitudes toward war. The establishment of the League of Nations in 1919 represented the first major institutional effort to regulate the use of force through collective security mechanisms. Article 10 of the Covenant obligated members to respect and preserve the territorial integrity and political independence of all member states, while Articles 12 to 15 established procedures for peaceful dispute resolution and imposed waiting periods before states could lawfully resort to force.<sup>9</sup>

Despite these innovations, the League system suffered from significant weaknesses: the Covenant did not completely prohibit war, enforcement mechanisms were weak, and the League lacked the military capability to deter aggression. The inability of the League to prevent Japanese aggression in Manchuria in 1931, the Italian invasion of Ethiopia in 1935, and German expansion under Adolf Hitler demonstrated the inadequacy of interwar collective security.

### **C. The Kellogg–Briand Pact (1928)**

One of the most significant normative developments was the General Treaty for Renunciation of War as an Instrument of National Policy. Article I of the Pact declared that the signatories "condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy."<sup>10</sup> Although the Pact lacked effective enforcement mechanisms, it contributed significantly to the delegitimation of aggressive warfare and laid the normative groundwork for the subsequent Charter framework.

### **D. The Nuremberg Trials and the Criminalisation of Aggression**

The Nuremberg Trials, conducted under the Charter of the International Military Tribunal, established that individuals — not only states — could be held criminally responsible for

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<sup>9</sup>Covenant of the League of Nations (1919) Arts 10, 12–15.

<sup>10</sup>General Treaty for Renunciation of War as an Instrument of National Policy (Kellogg–Briand Pact) (27 August 1928) 94 LNTS 57.

<sup>11</sup>Ibid, Art I.

violations of international law, including aggressive war. The Tribunal famously declared that "to initiate a war of aggression... is the supreme international crime," containing within itself the accumulated evil of war.<sup>12</sup> This development established aggression as the gravest international offence and directly influenced the development of international criminal law, including the Rome Statute and the 2010 Kampala Amendments defining the crime of aggression.

### III. THE UNITED NATIONS CHARTER FRAMEWORK

#### A. Article 2(4): The General Prohibition

The cornerstone of the modern legal order is Article 2(4) of the UN Charter, which provides:

*"All Members 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."*

This provision has achieved the status of *jus cogens*, constituting a peremptory norm from which no derogation is permitted. The International Court of Justice (ICJ) has repeatedly affirmed the customary status of Article 2(4). In the landmark *Nicaragua* case, the Court held that the prohibition on the use of force forms part of customary international law independent of treaty obligations.<sup>13</sup>

#### B. Creation of the Charter: Key Diplomatic Milestones

The foundations of the UN Charter emerged through a series of diplomatic developments during World War II. The Atlantic Charter (1941) articulated principles for a postwar international order, including collective security and peaceful settlement of disputes. The Dumbarton Oaks Conference (1944) drafted the basic institutional framework of the UN, and the San Francisco Conference (1945) resulted in the Charter being signed on 26 June 1945, entering into force on 24 October 1945.

#### C. Security Council Authorisation Under Chapter VII

Under Chapter VII of the Charter, the Security Council may determine the existence of a threat to peace, breach of peace, or act of aggression and authorise collective military measures.<sup>14</sup> Examples include the authorisation of force during the Korean War, the Gulf War of 1991, and interventions in Libya in 2011. However, the effectiveness of the Council is critically limited by the veto power of the five permanent members, which in disputes involving major powers frequently prevents collective action.

#### D. Self-Defence Under Article 51

Article 51 recognises the "inherent right of individual or collective self-defence if an armed attack occurs."<sup>15</sup> The *Caroline* Incident of 1837 established customary principles requiring that self-defence be necessary, instant, overwhelming, and leaving no choice of means.<sup>16</sup> The ICJ

<sup>12</sup>Charter of the International Military Tribunal, annexed to the London Agreement (8 August 1945) 82 UNTS 279, Art 6.

<sup>13</sup>*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 14, para 190.

<sup>14</sup>UN Charter, Arts 39, 42.

<sup>15</sup>UN Charter, Art 51.

<sup>16</sup>The *Caroline* Incident (1837), cited in correspondence of Daniel Webster and Lord Ashburton (1842) 29 British and

reaffirmed the requirements of necessity and proportionality in *Oil Platforms* and *Armed Activities on the Territory of the Congo*, emphasising that these constitute binding legal obligations, not merely aspirational standards.<sup>1718</sup>

#### IV. USA–IRAN RELATIONS: HISTORICAL AND LEGAL BACKGROUND

##### A. Origins of the Conflict: 1953 to 1979

The 1953 coup orchestrated by the CIA and British intelligence removed Prime Minister Mohammad Mossadegh after he nationalised Iranian oil resources, restoring Shah Mohammad Reza Pahlavi to power. Many Iranians regarded the coup as unlawful foreign interference, and the event continues to shape Iranian perceptions of the United States. The 1979 Islamic Revolution fundamentally altered the regional balance of power: following the overthrow of the Shah, Iran adopted an anti-American foreign policy, and the seizure of the United States Embassy in Tehran led to the complete severance of diplomatic relations.

##### B. The Iran–Iraq War and the Tanker War

During the Iran–Iraq War (1980–1988), the United States provided support to Iraq while engaging in direct military activities in the Persian Gulf. The "Tanker War" phase involved attacks on oil tankers and naval confrontations. The United States launched Operation Praying Mantis in April 1988 after the USS *Samuel B. Roberts* struck an Iranian naval mine. The legality of these operations became controversial, particularly after the United States accidentally shot down Iran Air Flight 655, killing all 290 civilians aboard.

##### C. The Nuclear Dispute and the JCPOA

The Iranian nuclear programme became a major source of tension in the early twenty-first century. The Security Council imposed comprehensive sanctions under Chapter VII resolutions. The Joint Comprehensive Plan of Action (JCPOA) of 2015 temporarily reduced tensions by limiting Iran's nuclear activities in exchange for sanctions relief. However, the United States withdrew from the JCPOA in 2018 under the Trump administration and reimposed extensive sanctions. Iran responded by gradually reducing compliance with the agreement, intensifying the legal and geopolitical dimensions of the conflict.

##### D. Proxy Warfare and Regional Conflict

The USA–Iran conflict increasingly evolved into a regional proxy struggle involving Syria, Iraq, Lebanon, Yemen, and the Persian Gulf. The United States accused Iran of supporting armed militias responsible for attacks on American forces and allies, while Iran argued that it was assisting legitimate resistance movements and defending regional sovereignty. These proxy conflicts complicated the legal analysis of self-defence because they involved non-state actors and indirect uses of force, raising difficult questions of state responsibility and attribution.<sup>1920</sup>

#### V. The Legality of American Use of Force Against Iran

##### A. Operation Praying Mantis (1988)

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Foreign State Papers 1137.

<sup>17</sup>*Oil Platforms (Islamic Republic of Iran v United States of America)* [2003] ICJ Rep 161, paras 43, 51, 73–76.

<sup>18</sup>*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)* [2005] ICJ Rep 168, para 147.

<sup>19</sup>ILC, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001, UNGA Res 56/83, Arts 8–11.

<sup>20</sup>Noam Lubell, *Extraterritorial Use of Force against Non-State Actors* (Oxford University Press 2010) 39.

Operation Praying Mantis was one of the largest American naval engagements since World War II, conducted on 18 April 1988. Launched after the USS *Samuel B. Roberts* struck an Iranian naval mine, the United States claimed that Iran had unlawfully mined international waters and that the attack on the vessel constituted an armed attack justifying self-defence under Article 51.

Iran challenged the legality of American actions before the ICJ in the *Oil Platforms* case. The Court acknowledged that mining a military vessel may in principle constitute an armed attack and that attacks on shipping may trigger self-defence rights. However, the Court found that the United States had not sufficiently proven that Iran was legally responsible for the specific attacks relied upon. The Court further concluded that the American response did not satisfy the requirements of necessity and proportionality, rejecting the American justification of self-defence.<sup>21</sup>

### **B. Cyber Operations Against Iran: The Stuxnet Question**

Reports concerning the Stuxnet cyberattack against Iranian nuclear facilities raised fundamental legal questions regarding cyber warfare. Although the United States never officially acknowledged responsibility, expert analysis widely attributed the operation to the United States and Israel. The central legal issue is whether cyber operations causing physical destruction constitute a "use of force" under Article 2(4).<sup>22</sup> Many scholars argue that cyber operations producing effects comparable to kinetic attacks should be treated as uses of force, requiring Security Council authorisation or satisfaction of the requirements of self-defence.

### **C. The Killing of General Qassem Soleimani (2020)**

The drone strike against General Soleimani in January 2020 represented one of the most controversial uses of force in recent years. The United States claimed that Soleimani was planning imminent attacks against American personnel and submitted a letter to the Security Council invoking Article 51. Multiple international law scholars challenged the legality of the strike on several grounds.

First, the concept of imminence is central to anticipatory self-defence: traditional interpretations require an immediate, concrete, and specific threat. Critics argued that the United States failed to provide evidence demonstrating that Soleimani posed a threat satisfying this standard.<sup>23</sup> The UN Special Rapporteur on extrajudicial killings concluded that the strike was unlawful because the United States did not establish an imminent armed attack and because the targeted killing of a senior government official on foreign territory without the consent of the territorial state violates both *jus ad bellum* and international human rights law.<sup>24</sup> Second, the strike raised serious questions regarding Iraqi sovereignty, occurring on Iraqi territory without clear authorisation from the Iraqi government. Under international law, military action within another state generally requires consent, Security Council authorisation, or lawful self-defence. Iraq formally condemned the strike as a violation of its sovereignty, and the Iraqi parliament voted to expel American troops.<sup>25</sup>

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<sup>21</sup>*Oil Platforms* (n 15) para 76.

<sup>22</sup>Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (Cambridge University Press 2017) r 69.

<sup>23</sup>Dapo Akande and Thomas Liefländer, 'Clarifying Necessity, Imminence and Proportionality in the Law of Self-Defence' (2013) 107 *AJIL* 563, 568.

<sup>24</sup>Agnes Callamard, Report of the Special Rapporteur on Extrajudicial Killings, UN Doc A/HRC/44/38 (2020) paras 54–59.

<sup>25</sup>Ruys and Ferro (n 24) 18.

## VI. THE LEGALITY OF IRANIAN USE OF FORCE AGAINST THE UNITED STATES

### A. Iranian Support for Armed Groups

The United States has consistently accused Iran of supporting armed groups such as Hezbollah, Hamas, and Iraqi militias. The legality of such support depends on whether assistance to non-state actors amounts to an unlawful use of force. In the *Nicaragua* case, the ICJ distinguished between mere assistance and an armed attack, holding that financing and arming rebels may violate the principle of non-intervention but does not necessarily constitute an armed attack sufficient to trigger the right of self-defence.<sup>2627</sup> However, substantial involvement in military operations — including the provision of weapons, intelligence, and operational direction — could amount to unlawful force attributable to the supporting state.

### B. Iranian Missile Strikes Following the Soleimani Assassination

Following the killing of Soleimani, Iran launched ballistic missile attacks against American bases in Iraq on 8 January 2020. Iran claimed that the strikes constituted lawful self-defence under Article 51 and notified the Security Council accordingly. If the Soleimani strike is characterised as an armed attack against Iran, Iran would in principle possess a right of self-defence. However, commentators argued that retaliatory strikes occurring after the immediate danger had passed constitute unlawful reprisals rather than lawful self-defence, as the *Caroline* doctrine requires necessity to be instant and overwhelming, leaving no choice of means.

Iran asserted that its missile attacks were carefully calibrated to avoid escalation. The attacks caused injuries to American personnel but did not produce large-scale casualties. Some commentators argued the response was proportionate because Iran targeted military installations rather than civilians. Others maintained that the time elapsed between the Soleimani strike and Iran's response defeated the necessity requirement.<sup>28</sup>

### C. Maritime Incidents and Drone Warfare

Iran has been accused of attacks on commercial shipping in the Persian Gulf, including alleged mining operations, seizure of oil tankers, and harassment of naval vessels. Such incidents may constitute unlawful uses of force under international law. In June 2019, Iran shot down an American surveillance drone, claiming it violated Iranian airspace. The legality of Iran's action depended on contested questions of territorial sovereignty and whether the drone represented an imminent threat, illustrating how disputed facts perpetually complicate the application of international law.<sup>29</sup>

## VII. Self-Defence and the Expansion of Article 51

### A. The Traditional Interpretation

Traditional interpretations of Article 51 require the occurrence of an armed attack before force may lawfully be used in self-defence. This restrictive approach reflects the Charter's objective of minimising unilateral force. The ICJ reinforced this interpretation in *Nicaragua* by

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<sup>27</sup>*Nicaragua* (n 9) paras 191–195.

<sup>28</sup>Ruys (n 24) 8; Murphy (n 25) 243.

<sup>29</sup>Michael Schmitt, 'Drone Attacks under the Jus ad Bellum and Jus in Bello' (2011) 13 *Yearbook of International Humanitarian Law* 311, 318.

distinguishing between less grave uses of force and armed attacks, emphasising that not every use of force triggers the right of self-defence.<sup>30</sup>

### **B. Anticipatory and Preventive Self-Defence**

The doctrine of anticipatory self-defence permits states to use force before an armed attack occurs if the threat is imminent. Supporters argue that modern threats such as terrorism and weapons of mass destruction require a flexible interpretation of Article 51.<sup>31</sup> Opponents maintain that anticipatory self-defence undermines the Charter system and enables abuse by powerful states. The United States has frequently relied on anticipatory self-defence, including during the 2003 invasion of Iraq and the Soleimani strike. Preventive war — addressing distant or speculative threats — is considered unlawful by the overwhelming majority of international lawyers.

### **C. Self-Defence Against Non-State Actors**

One of the most significant developments concerns self-defence against non-state actors. Following 11 September 2001, many states accepted that large-scale terrorist attacks may trigger Article 51. The "unable or unwilling" doctrine advanced by the United States allows force against non-state actors operating from states unwilling or unable to suppress them.<sup>32</sup> This doctrine remains highly controversial because it lacks explicit Charter authorisation and may erode sovereignty protections enjoyed by smaller states.

### **D. Collective Self-Defence**

Collective self-defence permits states to assist other states responding to an armed attack. The legality of collective self-defence depends on the consent of the attacked state and the existence of an armed attack, as clarified by the ICJ in *Nicaragua*. The United States has invoked collective self-defence in support of Israel, Saudi Arabia, and Iraq, while Iran claims to support regional allies resisting unlawful aggression.<sup>33</sup>

## **VIII. THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE**

### **A. Nicaragua (1986)**

The *Nicaragua* judgment remains one of the most influential decisions concerning the use of force. The ICJ held that the United States violated international law by supporting Contra rebels and mining Nicaraguan harbours. The Court emphasised that self-defence requires an armed attack and rejected broad justifications based on collective security concerns. The case also clarified that indirect support for rebels may violate non-intervention principles without amounting to an armed attack.

### **B. Oil Platforms (2003)**

The *Oil Platforms* judgment reinforced the restrictive interpretation of self-defence in the specific context of the USA–Iran conflict. The Court concluded that the United States failed to demonstrate that its attacks on Iranian oil platforms satisfied the requirements of necessity

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<sup>31</sup>Derek Bowett, *Self-Defence in International Law* (Manchester University Press 1958) 188.

<sup>32</sup>Ashley Deeks, 'Unwilling or Unable: Toward a Normative Framework for Extraterritorial Self-Defence' (2012) 52 *Virginia Journal of International Law* 483, 490.

<sup>33</sup>*Nicaragua* (n 9) paras 227–228.

and proportionality, highlighting the stringent evidentiary burden that states bear when invoking Article 51.<sup>34</sup>

### **C. Armed Activities on the Territory of the Congo (2005)**

In *Armed Activities on the Territory of the Congo*, the ICJ rejected Uganda's claim of self-defence against armed groups operating from Congo, stressing that self-defence requires proof of an armed attack attributable to a state. This restrictive approach remains controversial in the context of counterterrorism operations and has been criticised by states advocating a broader reading of Article 51 in response to non-state actor threats.

### **D. Corfu Channel and the Nuclear Weapons Advisory Opinion**

The *Corfu Channel* case established foundational principles regarding state responsibility for allowing territory to be used in ways injurious to other states.<sup>35</sup> The Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons* confirmed that the principles of necessity and proportionality are customary international law applicable in all circumstances of armed conflict.<sup>36</sup>

## **IX. Human Rights, Humanitarian Law, and the Use of Force**

### **A. The Relationship Between Jus ad Bellum and Jus in Bello**

International law governing armed conflict divides into two interconnected but distinct branches: *jus ad bellum* — the law governing the legality of the use of force — and *jus in bello* — the law regulating conduct during armed conflict. While *jus ad bellum* determines whether a state may lawfully resort to force, *jus in bello* governs how force must be used once armed conflict exists, regardless of whether the war itself is lawful or unlawful. Both are directly implicated in the USA–Iran conflict.<sup>37</sup>

### **B. International Humanitarian Law**

Once armed conflict exists, the Geneva Conventions and customary international humanitarian law regulate targeting, treatment of prisoners, and protection of civilians. Military necessity must be balanced against the principles of humanity and proportionality; targeting civilians is strictly prohibited.<sup>38</sup> In the USA–Iran context, the classification of the conflict is legally ambiguous: certain incidents may constitute international armed conflicts subject to the full application of the Geneva Conventions, while others may fall below the threshold of armed conflict altogether.

### **C. Human Rights Law and Extraterritorial Force**

International human rights law continues to apply during armed conflict, including in the extraterritorial context. Targeted killings raise serious concerns regarding the right to life and

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<sup>35</sup>*Corfu Channel Case (United Kingdom v Albania)* [1949] ICJ Rep 4, 22.

<sup>36</sup>*Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion* [1996] ICJ Rep 226, para 41.

<sup>37</sup>Antonio Cassese, *International Law* (2nd edn, Oxford University Press 2005) 355.

due process.<sup>39</sup> The UN Special Rapporteur concluded that the Soleimani strike failed to satisfy the strict conditions under which lethal force may be employed outside an active theatre of hostilities, underscoring the need for states to demonstrate legal justification for extraterritorial targeted killings.

#### **D. Economic Sanctions and Humanitarian Consequences**

Although comprehensive unilateral economic sanctions do not necessarily constitute force under Article 2(4), they may produce severe humanitarian consequences. Iran has repeatedly argued that unilateral American sanctions violate international law and human rights. The legality of secondary sanctions — which seek to penalise third-country entities for engaging in trade with Iran — remains highly contested under international law.<sup>40</sup>

### **X. Critical Analysis and Contemporary Challenges**

#### **A. Weakening of the Collective Security System**

The collective security system established under the UN Charter was designed to prevent unilateral uses of force and maintain international peace through collective institutional mechanisms. The Charter envisioned that the Security Council would act as the primary authority for maintaining international peace and security under Chapter VII.<sup>41</sup> However, the five permanent members' veto powers allow them to block resolutions regardless of majority support, frequently paralysing the Council on major geopolitical issues. In the USA–Iran conflict, geopolitical division has prevented consistent collective responses: the United States resisted measures critical of its military actions, while Russia and China opposed several American initiatives concerning Iran.

Operation Praying Mantis was conducted without Security Council authorisation. Following the killing of General Soleimani, the Council failed to adopt decisive unified action. This institutional paralysis illustrated the inability of collective institutions to manage conflicts involving powerful states and exemplified the growing gap between the Charter's ideals and political practice.<sup>42</sup>

#### **B. The Rise of Unilateralism**

As collective mechanisms weaken, states increasingly resort to unilateral military measures justified through broad interpretations of self-defence. This directly undermines the Charter's core objective of replacing unilateral force with collective decision-making. Instead of seeking Security Council authorisation, states increasingly conduct targeted strikes, invoke preventive security rationales, use force against non-state actors, and expand claims of self-defence beyond the limits contemplated by the Charter's drafters.<sup>43</sup>

#### **C. Challenges of Attribution in Proxy Conflicts**

Modern conflicts often involve proxy groups and covert operations, making the determination of state responsibility increasingly difficult. The ICJ's effective control test in *Nicaragua* and

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<sup>39</sup>UN Human Rights Committee, General Comment No 36 on Article 6 (Right to Life), CCPR/C/GC/36 (2018) para 63.

<sup>40</sup>Olivier Corten, *The Law Against War* (2nd edn, Hart Publishing 2021) 403.

<sup>42</sup>James Crawford, *Brownlie's Principles of Public International Law* (9th edn, Oxford University Press 2019) 742.

the overall control test in *Tadić* set different thresholds for attributing the conduct of non-state actors to states. The USA–Iran conflict illustrates how this ambiguity enables states to engage in indirect uses of force through proxies while denying legal responsibility, thereby eroding accountability under the international legal framework.

#### **D. Cyber Warfare and Emerging Technologies**

Cyber operations and drone warfare challenge traditional legal categories. The Tallinn Manual 2.0 represents the most comprehensive expert effort to apply existing international law to cyber operations, though it lacks binding authority. Future conflicts may increasingly rely on methods falling below the threshold of conventional warfare, creating a "grey zone" that is difficult to regulate under existing *jus ad bellum* frameworks. Greater international consensus on applicable rules is urgently required.

#### **E. Political Reality Versus Legal Idealism**

International law operates within a political environment dominated by power disparities. Major powers frequently interpret legal norms in ways that support strategic interests. The USA–Iran conflict reveals deep tensions between legal principles and geopolitical realities. The risk of selective enforcement — whereby powerful states avoid accountability while smaller states face stricter scrutiny — threatens to undermine the universality and legitimacy of international law.<sup>44</sup>

### **XI. Conclusion**

The prohibition on the use of force under the United Nations Charter remains one of the most important achievements of modern international law. Article 2(4) established a legal order intended to prevent unilateral military aggression and preserve international peace. However, the prolonged conflict between the United States and Iran demonstrates the continuing challenges facing the Charter system, exposing both the strength and the fragility of international legal norms in an era of power politics and strategic self-interest.

Both states have relied on broad and contested interpretations of self-defence to justify military actions, covert operations, and regional interventions. The United States has invoked anticipatory self-defence, counterterrorism rationales, and the protection of national security interests to justify actions such as the Soleimani strike and operations against Iranian-backed groups. Iran, meanwhile, has justified missile strikes, support for regional militias, and maritime operations as responses to foreign aggression and unlawful intervention.

International jurisprudence, particularly from the ICJ, consistently supports a restrictive interpretation of Article 51. The Court has emphasised the importance of an armed attack, necessity, and proportionality as cumulative requirements for lawful self-defence. Many American and Iranian actions therefore raise serious doubts regarding compatibility with international law. The Soleimani assassination, cyber operations, attacks on shipping, and proxy warfare all occupy legally uncertain territory that challenges the coherence of the existing framework.

The USA–Iran conflict also exposes structural weaknesses within the United Nations system. Political divisions within the Security Council frequently prevent collective responses to crises,

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<sup>44</sup>Antonio Cassese, 'Terrorism is Also Disrupting Some Crucial Legal Categories of International Law' (2001) 12 *EJIL* 993.

encouraging unilateral action and eroding the normative authority of the Charter. To preserve the integrity of the Charter framework, states must resist efforts to expand self-defence beyond clear legal limits. Greater international consensus is urgently needed regarding cyber warfare, targeted killings, and operations against non-state actors.

Ultimately, the continued erosion of restrictions on force threatens international stability. If states increasingly interpret self-defence according to strategic convenience rather than legal principle, Article 2(4) risks losing its normative authority. The USA–Iran conflict therefore serves as a critical case study in understanding the evolving — and deeply contested — challenges confronting international law in the twenty-first century.

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