

Redefining the Legitimacy of Military Interventions in Contemporary Conflicts: The Role of the ICJ and Global Institutions in the June 2025 Israel's Attack on Iran (Original Research)

Farid Fathi*

(DOI): 10.22066/CILAMAG.2025.2068423.2774

Date Received: 10 Aug.2025

Date Accepted: 19 Sep.2025

Abstract

This study reconsiders the normative boundaries of legitimate military intervention through the lens of the recent twelve-day international armed conflict between Iran and Israel and the controversial involvement of the United States. Or in a more legal sense, the twelve-day armed aggression of Israel and United States of America against Islamic Republic of Iran. The central research questions ask: The central idea of the present research is to find an appropriate answer to the question of whether existing international legal frameworks, including the UN Charter, customary international law, and ICJ jurisprudence, can sustain their regulatory authority over state conduct in asymmetric conflicts. Moreover, can interventions that are justified as anticipatory or collective self-defense be reconciled with the prohibition on the use of force under Article 2(4) of the UN Charter?

The hypothesis posits that existing legal instruments inadequately address the realities of contemporary conflicts, where political expediency often eclipses legal restraints. Adopting a doctrinal and case-based methodology, the present article examines relevant ICJ cases, UN records, and state practice. It finds a growing divergence between legality and legitimacy, revealing an urgent need to redefine intervention standards through enforceable norms and coherent adjudication.

Keywords

Use of force, legitimacy, self-defense, Israel's Armed Aggression against Iran, ICJ, U.S. intervention, anticipatory defense, Article 2(4), UN Charter, Global Legal Order.

* LL.M. Candidate in International Law, Faculty of Law, Farabi Campus, University of Tehran, Tehran, Iran. farid.fathi@ut.ac.ir



Introduction

In the shifting terrain of contemporary armed conflicts, the legal and moral legitimacy of military interventions has come under renewed scrutiny. The twelve-day armed conflict between Iran and Israel in 2025, compounded by the overt military and political engagement of the United States, represents a paradigmatic moment that challenges the foundational assumptions of the international legal order. Despite the normative prohibition on the use of force under Article 2(4) of the United Nations Charter¹, states continue to justify unilateral and multilateral interventions under broad and often contested interpretations of self-defense, anticipatory action, and humanitarian necessity. This growing reliance on politicized justifications has significantly blurred the line between lawful use of force and legitimized violence.

The central inquiry of this research is twofold: First, how do existing legal instruments regulate or fail to regulate interventions in asymmetric, high-stakes conflicts? These instruments include the UN Charter, customary international law, and the jurisprudence of the International Court of Justice (ICJ). Second, can the global legal community meaningfully differentiate between lawful self-defense and strategically framed acts of aggression, particularly when powerful states invoke "collective defense" in support of allies?

The hypothesis underlying this study contends that the legal framework governing the use of force remains normatively compelling however, in practice and operationally is fragile. The ICJ's jurisprudence, most notably in *Nicaragua v. United States*, the *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, and the *Wall Advisory Opinion*, has consistently reinforced a restrictive interpretation of permissible force. Yet enforcement mechanisms remain weak, and given the absence of a robust system of judicial oversight at the international level, key state actors increasingly bypass accountability by invoking evolving doctrines such as "anticipatory self-defense" or "extended deterrence," concepts which lack consistent international endorsement.

This legal fragility was laid bare in the 2025 Iran-Israel confrontation. Israel, citing credible threats from Iran's proxies and missile capabilities, claimed preemptive self-defense under Article 51.² Iran, for its part, invoked both territorial integrity and its right to retaliate proportionally. The United States, while not a direct party to hostilities, provided strategic, cyber, and intelligence support to Israel, raising serious questions regarding the legality

1. United Nations Charter (adopted 26 June 1945, entered into force 24 October 1945), Article 2(4): "All Members shall refrain in their international relations from the threat or use of force..."

2. Israel's public invocation of Article 51 was made in its submission to the UN Security Council (Letter dated 7 October 2023 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, S/2023/742; see UN DigitalLibrary, UN Doc. digitalibrary.un.org/record/4023713)

of third-party assistance in preemptive or preventive military operations.³

Scholars have long debated whether international law's classical framework can accommodate the realities of 21st-century threats, such as hybrid warfare, cyber operations, and non-state actor violence. While some argue for a reinterpretation of legal norms to adapt to these new challenges, others caution that expanding the exceptions to the non-use of force principle risks dismantling the very fabric of the post-1945 international legal order.⁴ The ICJ, as the principal judicial organ of the United Nations, holds a unique position to provide authoritative interpretations, yet its advisory nature and limited jurisdictional reach have constrained its influence in real-time conflicts.

The present article adopts a doctrinal-analytical approach, supported by case study methodology, to examine Israel's Attack on Iran as a critical legal event. By tracing the rhetoric and legal positions of the actors involved, as well as the responses of key global institutions, such as the Security Council, the General Assembly, and the Human Rights Council, it seeks to expose the growing gap between formal legality and perceived legitimacy in the use of force. It also draws attention to the systemic asymmetries in enforcement, where interventions by powerful states often escape legal accountability, while weaker states remain under constant normative scrutiny.

Against this background, the present article does not merely describe the inadequacies of the existing *jus ad bellum* framework but seeks to advance a redefinition of legitimacy tailored to twenty-first-century conflicts. Legitimacy, as investigated and discussed here, must be reconceptualized beyond the narrow criterion of formal compliance with Article 2(4) of the Charter. It should instead be understood as a multidimensional standard encompassing three elements: first, adherence to the classical tests of necessity and proportionality; second, institutional accountability, measured by the responsiveness and transparency of global and regional mechanisms such as the Security Council and the ICJ, and third, consistency with broader human security concerns, ensuring that interventions claiming legality also uphold humanitarian imperatives. This reconceptualization provides the analytical lens through which the Israel's Attack on Iran of 2025 will be examined, allowing the study not only to expose existing gaps but also to propose a constructive legal framework for assessing legitimacy in contemporary international armed conflicts.

In the end, the study aims to contribute to the ongoing debate on reforming the global use-of-force regime. Without stronger adjudicative mechanisms and a shared commitment to legal consistency with legal norms, the risk remains that international law will continue to yield to geopolitical calculations. The

3. On the legality of third-party military assistance under collective self-defense, see: Olivier Corten, *The Law Against War* (Oxford: Hart, 2021), 319–341.

4. Christine Gray, *International Law and the Use of Force*, 4th . (Oxford: Oxford University Press, 2018), 35–46.

Iran-Israel conflict, far from being a regional anomaly, thus reflects a broader and more pressing crisis in today's international legal architecture.

1. The Classical Framework of International Law Governing the Use of Force (*Jus ad Bellum*)

Under the classical framework of international law governing the use of force (*jus ad bellum*), the point of departure has always been the categorical prohibition enshrined in Article 2(4) of the United Nations Charter, which forbids the threat or use of force against the territorial integrity or political independence of any state.⁵

This principle, elevated by the International Court of Justice (ICJ) in the *Nicaragua v. United States* judgment (1986) to the level of customary international law and even recognized as a peremptory norm, was intended to establish a normative firewall against unilateral recourse to military action.⁶

Yet, this seemingly rigid prohibition has always coexisted with narrowly tailored exceptions, most notably the inherent right of self-defense codified in Article 51 of the Charter and the collective security mechanisms entrusted to the Security Council under Chapter VII.⁷

In its classical formulation, therefore, *jus ad bellum* sought to establish a delicate balance between the sovereign equality of states and the collective interest in maintaining international peace and security.

Nonetheless, the legal architecture of this regime reveals deep fissures when subjected to the complexities of contemporary armed conflicts. The prohibition of force, while absolute in language, has been repeatedly tested by shifting doctrines such as anticipatory self-defense, humanitarian intervention, and more recently, the discourse of cross-border counterterrorism operations.⁸

The jurisprudence of the ICJ, from *Oil Platforms* (2003) to *Armed Activities on the Territory of the Congo* (2005), reflects the Court's cautious insistence on textual fidelity to Article 51, reaffirming that self-defense is strictly conditioned by the existence of an armed attack, the requirements of necessity and proportionality, and the immediacy of response.⁹

Yet state practice often reveals an unsettling dissonance between judicial orthodoxy and political reality, with powerful states invoking expansive

5. United Nations Charter (adopted 26 June 1945, entered into force 24 October 1945).

6. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, *Merits, Judgment*, para. 190.

7. *Ibid.*, see also Gray, *International Law and the Use of Force*, 7–12.

8. Yoram Dinstein, *War, Aggression and Self-Defence*, 7th (Cambridge University Press, 2022), 223-230.

9. *Oil Platforms (Islamic Republic of Iran v. United States of America)*, *Judgment*, I.C.J. Reports 2003, para. 51; *Armed Activities on the Territory of the Congo (DRC v. Uganda)*, *Judgment*, I.C.J. Reports 2005, paras. 143–147.

interpretations of self-defense to justify unilateral interventions.¹⁰

In the context of the Iran–Israel conflict—or, more precisely, Israel’s unlawful armed aggression against Iran—the dissonance between the normative framework and its operational fragility becomes particularly acute. From Iran’s perspective, Israel’s initiation of hostilities and its orchestration of repeated strikes constitute a clear violation of the prohibition on the use of force under Article 2(4) of the UN Charter. Iran’s responses, in turn, are framed within the language of defensive necessity, underscoring its right to self-defense under Article 51. Yet, both states’ justifications reflect the erosion of consensus on the classical limits of *jus ad bellum* in contemporary practice.¹¹

The tension is not only doctrinal but also structural. A framework conceived in 1945 to regulate wars between states now struggles to respond to asymmetric threats and transnational actors. These developments have blurred what counts as an “armed attack.” Consequently, debates about the legitimacy of military action are shaped not only by the text of the UN Charter but also by competing claims of security and survival presented before international bodies. This evolution raises a central question: can the traditional rules of *jus ad bellum* still serve as a practical guide in conflicts as unpredictable as the one between Iran and Israel.

2. The Iran–Israel War (2025) and the Test of the Classical Legal Framework

Israel’s initiation of hostilities against Iran in 2025 marks a critical moment to examine the resilience and adequacy of the classical *jus ad bellum* regime. From Iran’s perspective, Israel’s strikes constituted an unlawful act of aggression in violation of Article 2(4) of the UN Charter, prompting Iran to frame its subsequent response within the parameters of self-defense under Article 51. Both parties advanced competing narratives of legality: Israel invoked the doctrine of anticipatory self-defense, portraying Iranian missile capabilities and the mobilization of proxy groups such as Hezbollah and allied militias as an “imminent threat”, thereby echoing the logic of the Caroline correspondence of 1837, which framed necessity and immediacy as preconditions for lawful anticipatory action.¹² Iran, in contrast, framed Israeli strikes as violations of its sovereignty and territorial integrity, underscoring the absolute prohibition on the use of force under Article 2(4) of the UN Charter, a prohibition repeatedly reaffirmed by the International Court of

10. Oscar Schachter, “The Right of States to Use Armed Force,” *Michigan Law Review* 82, No. 5, (1984): 1620–1646.

11. Thomas M. Franck, *Recourse to Force: State Action Against Threats and Armed Attacks*, (Cambridge: Cambridge University Press, 2002), 95–110.

12. Webster, D., & Ashburton, L. (1842). The Caroline case: Correspondence between Webster and Ashburton. *British and Foreign State Papers*, Vol. 30 (1841–42). Retrieved from https://avalon.law.yale.edu/19th_century/br-1842d.asp

Justice in cases such as *Nicaragua v. United States* (1986) and the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons (1996).¹³

The conflict was triggered in the early hours of April 6, 2025, when Israel launched a series of coordinated air and missile strikes against strategic sites deep inside Iranian territory, including military bases in Isfahan, command-and-control centers in Tehran, and suspected missile storage facilities near Shiraz. The Israeli government claims that these attacks are justified as preemptive measures, recalling arguments that had been controversially advanced by the United States and the United Kingdom during the 2003 Iraq invasion, but never accepted by the ICJ. Iran immediately denounced the operation as an act of aggression, invoking its inherent right of self-defense under Article 51 and appealing to the United Nations Security Council, much in line with its arguments in the *Oil Platforms* case (2003). It further condemned the attacks for deliberately targeting civilian areas and resulting in the deaths of non-combatants—including women, children, and Iranian scientists—arguing that such actions amount to grave breaches of international humanitarian law and reinforce the characterization of Israel’s conduct as unlawful armed aggression.

Within hours of Israel’s large-scale strikes, Iranian forces launched a calibrated response under what Tehran described as the exercise of its inherent right of self-defense pursuant to Article 51 of the UN Charter. Ballistic missiles and drones targeted Israeli military installations and strategic infrastructure, with temporary disruptions reported in Tel Aviv, Haifa, and Ashdod despite Israel’s multi-layered missile defense systems. Hezbollah’s limited rocket fire from southern Lebanon and actions by allied groups in Iraq—reportedly acting in solidarity with Iran—added a regional dimension to the confrontation. While parallels have been drawn with the *Nicaragua* judgment, particularly regarding indirect support for armed groups, Iran rejects any characterization of its actions as unlawful, emphasizing that its conduct remained confined to lawful self-defense against prior Israeli aggression. Israel retaliated by expanding its campaign to include strikes in southern Lebanon and near Damascus, thereby transforming the bilateral conflict into a regional confrontation.

Cyber warfare soon emerged as a defining dimension. The United States, while abstaining from overt kinetic action, engaged in extensive cyber intrusions into Iranian defense networks, disrupting radar systems and reportedly disabling missile platforms. Following Israel’s extensive strikes on Iran’s energy facilities, fuel depots, and data networks, Iran attempted to retaliate by targeting Israel’s energy grid and banking infrastructure. Both sides accused each other of conducting cyber and kinetic operations against critical infrastructure, signaling a dangerous expansion of hostilities beyond

13. *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, para. 226.

traditional battlefields. From Iran's perspective, these retaliatory actions formed part of its lawful self-defense under Article 51 of the UN Charter, undertaken in response to Israel's prior armed aggression. The legal status of such cyber operations remains unsettled; the Tallinn Manual framework suggests that cyber measures causing physical damage. Within the Tallinn Manual framework, cyber operations that result in significant physical damage have been discussed as potentially amounting to a "use of force." However, this interpretation remains unsettled and highly context-dependent. In Iran's case, such cyber measures were undertaken in direct response to prior Israeli attacks and are therefore framed within its inherent right of self-defense under Article 51 of the UN Charter, rather than constituting an independent use of force.

By the ninth day, the conflict had reached its peak. Iran launched a massive missile barrage that penetrated Israel's Iron Dome and Arrow systems, striking an air force base in the Negev. Israel retaliated with long-range strikes against Iranian energy infrastructure and naval assets in the Persian Gulf, raising fears of regional escalation. Civilian casualties mounted on both sides, and Tehran emphasized that Washington's cyber and intelligence assistance rendered the United States a *de facto* co-belligerent, an argument reminiscent of the Court's attribution analysis in *Bosnian Genocide (2007)*.¹⁴ Israel, however, persisted in invoking a broadened conception of self-defense, blurring the line between anticipatory and preventive war. This doctrinal shift—prioritizing strategic discretion over legal restraint—represents a departure from the principle of necessity and proportionality that Grotius and Gentili considered central to *jus ad bellum*. Contemporary international organs have similarly refrained from endorsing such expansive interpretations: the ICJ, in cases such as *Nicaragua* and the *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, emphasized the restrictive nature of lawful force, while both the Security Council and General Assembly have consistently reaffirmed the primacy of Article 2(4) of the UN Charter as the cornerstone of the prohibition of force.¹⁵

On the twelfth day, Israel's armed aggression against Iran ceased, leaving extensive destruction of infrastructure and heavy civilian casualties, but no resolution to the fundamental legal issues arising from this unlawful use of force. The paralysis of the Security Council, blocked by competing vetoes, mirrored earlier failures during the Cold War and further eroded faith in collective security.

14. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, p. 43.

15. Grotius, Hugo (1625/2005). *De Jure Belli ac Pacis (On the Law of War and Peace)*. Translation Richard Tuck. Cambridge: Cambridge University Press. Gentili, Alberico (1598/2011). *De Jure Belli Libri Tres*. Trans. John C. Rolfe. Oxford: Clarendon Press.

This twelve-day conflict not only destabilized regional security but also illuminated the fragility of the legal order governing the use of force. The anticipatory rationale advanced by Israel, the regional dynamics involving non-state actors acting in parallel with Iran's declared exercise of collective self-defense, the ambiguous legal status of cyber operations, and the failure of institutional mechanisms collectively exposed the limitations and inadequacies of the *jus ad bellum* regime. What emerged was not simply a clash of arms, but a profound challenge to the coherence of international law itself—demonstrating that the principles articulated in the UN Charter, and elaborated by the ICJ, Grotius, Gentili, and later jurists, are increasingly strained under twenty-first-century conditions of asymmetric warfare, technological disruption, and geopolitical paralysis.

The United States, in addition to providing extensive cyber and intelligence assistance, was reported to have directly participated in Israel's missile and airborne strikes against Iranian nuclear sites. Such involvement raises serious legal questions concerning the threshold of direct use of force, the scope of unlawful collective aggression, and the erosion of the prohibition enshrined in Article 2(4) of the UN Charter.

Israel's invocation of anticipatory self-defense lacks any convincing legal foundation. This notion does not even adequately satisfy the so-called Caroline test—which, although often cited as a historical benchmark for assessing claims of preemptive self-defense, has never been formally endorsed by the Security Council, the General Assembly, or the International Court of Justice. Israel's reliance on this contested doctrine thus stands at odds with the restrictive interpretation of self-defense under Article 51 of the UN Charter.¹⁶

This section appears to understate Israel's own breach of the prohibition on the use of force. By framing Iran's conduct as "contested" while not equally scrutinizing Israel's resort to preemptive strikes, the author implicitly normalizes what, in legal terms, may constitute an act of aggression. Under Article 2(4) of the UN Charter and the customary Caroline criteria, anticipatory self-defense is permissible only where the threat is instant, overwhelming, and leaving no choice of means. No credible evidence has been presented that Iran's missile forces or affiliated groups were preparing an imminent attack meeting those standards. Consequently, Israel's operations cannot be reasonably characterized as lawful self-defense but rather amount to an unlawful use of force — i.e., aggression. The text should reflect this asymmetry and acknowledge that, on the available record, Israel's actions more plausibly satisfy the definition of the aggressor under international

16. The Caroline correspondence (1837), reprinted in J. Moore, *Digest of International Law*, Vol. II, 1906, p. 412. <https://gallica.bnf.fr/ark:/12148/bpt6k936366/f1.item>

law.¹⁷ The phrasing could be strengthened. The ICJ has not merely “resisted endorsing” but has consistently disapproved of doctrines of preventive or anticipatory self-defense lacking evidence of imminence (e.g., Nicaragua, Oil Platforms). Using a firmer verb would more accurately reflect the Court’s jurisprudence and underscore that Israel’s invocation of anticipatory self-defense departs from established jus ad bellum norms.¹⁸

The role of cyber operations further destabilizes the classical paradigm. U.S. involvement, consisting of coordinated cyber intrusions against Iranian command-and-control systems, intelligence sharing, and the disabling of missile platforms, presents an urgent question: Such operations arguably constitute a prohibited “use of force” under Article 2(4) but fall short of an “armed attack” under Article 51, meaning that Israel’s reliance on self-defense lacks a valid legal basis under the Charter framework. Scholarly opinion and state practice increasingly suggest that cyber measures producing physical damage or disabling essential infrastructure can qualify as force.¹⁹

If such a threshold is accepted, Washington’s conduct could amount not only to direct participation in hostilities but potentially to an independent use of force against Iran. In that case, U.S. actions would require their own legal justification under Article 51—beyond any claim of collective defense at Israel’s request or Security Council authorization. The Nicaragua judgment makes clear that collective self-defense demands an explicit and prior request from the victim state, not mere coordination or intelligence sharing.²⁰

Evidence that Israel formally requested U.S. intervention remains absent; if such a request was never made, American involvement may constitute an unlawful use of force rather than lawful assistance. Even if such a request existed, the scope and extraterritorial reach of U.S. cyber operations clearly exceed what could be justified under the principles of necessity and proportionality, rendering them inconsistent with Article 51 of the UN Charter.

The Iranian position, emphasizing sovereignty and the illegality of preemptive strikes, finds support in the textual rigidity of Article 2(4) and the ICJ’s restrictive interpretation of self-defense. While Tehran’s political alignment with certain non-state actors is often portrayed as evidence of regional orchestration, there remains no conclusive proof of the degree of “effective control” necessary for legal attribution under international law. In the absence of such attribution, cross-border hostilities by these groups cannot automatically be imputed to Iran, nor can they meet the Article 51

17. Yoram Dinstein, *War, Aggression and Self-Defence*, 7th (Cambridge: Cambridge University Press, 2022), 223-230.

18. *Oil Platforms (Islamic Republic of Iran v. United States of America)*, Judgment, paras. 51–76.

19. Michael N. Schmitt (ed.), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations* (Cambridge University Press, 2017), Rule 69, p. 292–296.

20. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, paras. 195–200.

threshold of an “armed attack.” Accordingly, Iran’s claim to victim status in the face of foreign uses of force retains legal validity.

The crucial legal issue remains one of attribution. Under the standards articulated in the Bosnian Genocide and Armed Activities judgments, a state may only invoke self-defense against attacks that are legally attributable to another state. Whether the conduct of non-state groups allegedly linked to Iran meets this stringent threshold is a matter of legal assessment, not presumption.²¹

The absence of conclusive evidence of effective control undermines Israel’s sweeping attribution claims.

Finally, the paralysis of the Security Council in addressing the conflict illustrates the structural limits of collective security. Yet the phenomenon often described as “strategic silence”, the deliberate choice of global powers and institutions to withhold condemnation or legal characterization, cannot serve as proof of legality by default. A sound legal analysis must first establish the unlawfulness of particular uses of force, and only thereafter assess how institutional inaction contributes to a crisis of legitimacy. In the Iran–Israel war, the Council’s deadlock did not erase the legal constraints of *jus ad bellum*; rather, it emphasized the normative gap between the law as interpreted by judicial bodies and the realities tolerated by political institutions. The failure to censure either Israel’s anticipatory rationale or the United States’ broader operational support—including reported direct military and cyber actions against Iranian assets—does not amount to their legal validation. Rather, it underscores the growing erosion of confidence in the existing *jus ad bellum* framework’s ability to constrain powerful states in practice.

The Iran–Israel conflict thus exposes the fragility of the classical *jus ad bellum* architecture. The invocation of anticipatory self-defense without demonstrable imminence, the deployment of cyber operations that blur the boundary between assistance and direct intervention, and the contested role of proxy groups all reveal doctrinal uncertainties that demand renewed legal clarification. It is precisely through such crises that the legitimacy of military interventions, and of the international order itself, comes under scrutiny underscoring the necessity of rethinking the adequacy of a framework conceived in 1945 for a vastly different strategic environment.

3. The Crisis in the Functioning of International Institutions: Strategic Silence as a Driver of Normative Erosion

The Iran–Israel conflict of 2025 provides a vivid illustration of how institutional inertia and calculated inaction can contribute to the erosion of

²¹. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, paras. 396-407; *Armed Activities on the Territory of the Congo (DRC v. Uganda)*, Judgment, paras. 146-150.

the normative structure governing the use of force. International institutions, most prominently the United Nations Security Council, failed to articulate a binding response to either Israel's invocation of anticipatory self-defense or the United States' direct and cyber operations against Iranian interests—actions that, taken together, raise serious questions under Article 2(4) of the UN Charter. This absence of condemnation, however, cannot be taken as tacit legitimization of state conduct; rather, it signals the emergence of what may be termed “strategic silence,” a deliberate choice by powerful actors to withhold institutional reaction in order to preserve political space for contested actions.

To assess the implications of such silence, one must first establish the unlawfulness of the conduct at hand. As argued earlier, Israel's anticipatory rationale did not meet the Caroline standard of imminence, nor did the U.S. provision of offensive cyber assistance satisfy the conditions for lawful collective defense under Article 51, alongside reported direct missile and airborne strikes against what Iran characterizes as its peaceful nuclear facilities.²² Once the illegality is demonstrated and it is established by legal reasoning, as put forward through the investigations and arguments presented in the present study, the absence of institutional censure assumes its true analytical weight: it is not neutral, but corrosive.

The Security Council's paralysis in this episode was predictable, given the entrenched veto politics of the permanent members. With the United States shielding Israel from any resolution condemning its preemptive strikes, and Russia and China exploiting the stalemate to advance their own geopolitical narratives, the Council effectively abdicated its Chapter VII mandate.²³ This divergence between China's and Russia's positions is not merely political; it bears direct legal relevance as it reflects differing interpretations of customary norms on the use of force and collective defense under Article 51 of the UN Charter.

The General Assembly, which in the past has resorted to the “Uniting for Peace” resolution to overcome Council deadlock, did little more than issue non-binding statements that refrained from legal qualification of the use of force.²⁴

Even the Secretary-General, who had in prior crises invoked the Charter's principles explicitly, resorted to cautious calls for de-escalation without

22. Moore, J. B. (1906). The Caroline correspondence (1837). In *A digest of international law* (Vol. 2, p. 412). U.S. Government Printing Office. Retrieved from https://avalon.law.yale.edu/19th_century/br-1842d.asp; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, *Merits, Judgment*, paras. 195–200.

23. Vaughan Lowe, et al., *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, (Oxford: Oxford University Press, 2010), 340–352.

24. G.A. Res. 377(V), “Uniting for Peace,” 3 November 1950. See also Niels Blokker, “Is the Authorisation Authorized? Powers and Practice of the UN General Assembly to Authorize the Use of Force by 'coalitions of the able and willing',” *European Journal of International Law* 11 3 (2000), 541–568.

assessing the legality of the strikes or the offensive cyber operations. The cumulative effect was a conspicuous silence in the face of clear Charter violations.

This silence operates at two levels. At the operational level, it enables states to pursue contested military strategies without incurring reputational or material costs. Israel and the United States could present their actions as falling within an accepted zone of discretion, precisely because no authoritative body contested either their legal claims or the underlying unlawful conduct. At the normative level, the silence destroys the clarity of *jus ad bellum* rules. When preemptive self-defense, unsupported by demonstrable imminence, proceeds without censure, the boundary between lawful and unlawful force becomes blurred; when cyber operations that disable critical infrastructure are not classified as unlawful uses of force, the norm itself weakens. The erosion is thus incremental but profound: law no longer governs the conduct of states however, conduct of powerful states reshape law through tolerated violations.²⁵

It is tempting to dismiss such silence as mere political compromise. Yet its legal significance is more destructive. As the ICJ underscored in Nicaragua, the absence of condemnation cannot be equated with *opinio juris* validating unlawful conduct.²⁶

Still, repeated institutional silence in the face of contested interventions fosters ambiguity in customary law formation, especially where powerful states seek to entrench permissive interpretations. The Iran–Israel case illustrates how strategic silence becomes a tool for great powers: not merely the product of institutional weakness, but a deliberate mode of governance that permits selective erosion of constraints on the use of force.

This dynamic exposes a crisis of legitimacy in the international legal order. The Charter framework was designed to provide clarity and centralized enforcement through the Security Council. Yet when the Council's silence is strategically orchestrated, the very system intended to safeguard peace becomes complicit in undermining its normative foundations. The erosion is not a sudden collapse but a gradual attrition, where each instance of unaddressed illegality weakens the integrity of *jus ad bellum*. To confront this trend, a re-examination of the institutional mechanisms for legal characterization of state conduct is essential. Otherwise, the system risks devolving into one where silence speaks louder than law.

Beyond the Security Council, other international institutions equally demonstrated their limitations during the Iran–Israel confrontation. The General Assembly, although historically empowered through the Uniting for

25. Gray, *International Law and the Use of Force*, p. 112-117.

26. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, para. 207.

Peace mechanism, confined its response to non-binding resolutions that carefully avoided legal characterization of the conflict. The Human Rights Council convened emergency debates but ultimately issued only politically fragmented statements, illustrating how humanitarian concerns were subordinated to geopolitical alignments. Regional organizations, including the European Union and the African Union, expressed rhetorical support for de-escalation but refrained from engaging with the legality of anticipatory self-defense, the ensuing cyber operations, or the armed missile and airborne attacks reportedly carried out by Israel and the United States against what Iran characterizes as its peaceful nuclear facilities. Similarly, the International Atomic Energy Agency (IAEA), despite its mandate concerning the protection and verification of nuclear sites, remained largely silent regarding these attacks, reflecting a broader institutional reluctance to confront major powers over potential violations of the Charter and international nuclear norms.

The International Court of Justice, for its part, remained absent as neither state consented to contentious proceedings, and no advisory request from the General Assembly or specialized agencies were requested in time to influence or deescalate the conflict. This silence underscores the structural weakness of international adjudication in real-time crises. Collectively, these institutional responses—characterized by inaction, fragmentation, or delay highlight that legitimacy cannot be grounded solely in state practice or judicial doctrine. Rather, it must be reconceptualized as a function of institutional accountability across multiple fora, where the failure of each body to provide authoritative guidance contributes to the erosion of normative clarity.

From a scholarly perspective, the Iran–Israel conflict illustrates not only institutional paralysis but also the deeper structural deficiencies of the international legal order. The Security Council’s deadlock, the General Assembly’s reluctance to exercise its Uniting for Peace powers, and the Human Rights Council’s inability to move beyond rhetorical condemnations collectively demonstrate a systemic failure of institutional accountability. This failure cannot be explained merely as a matter of political compromise; rather, it reflects a persistent normative gap between the law as codified in the UN Charter and the practices tolerated by international organs.

More critically, the absence of any timely judicial forum—given that the ICJ can only exercise jurisdiction with the consent of states—illustrates a broader institutional gap: questions of legitimacy in the use of force cannot realistically depend on post hoc judicial clarification alone. A legal order that responds only after the cessation of hostilities effectively concedes the formative stage of legitimacy to states themselves, allowing power politics to define the boundaries of legality. In this sense, international institutions have not simply failed to enforce the law, they have, through inaction, allowed competing narratives of legitimacy to proliferate unchecked.

This analysis suggests that legitimacy in contemporary international conflicts should be redefined through a multi-tiered evaluative framework: one that requires institutions to provide real-time guidance, imposes transparency obligations on their deliberations, and ensures that their decisions reflect not only geopolitical consensus but also principled adherence to humanitarian and security norms. Without such recalibration, the erosion of normative clarity witnessed in the Iran–Israel Conflict with Israel and USA unlawful armed aggressions against Iran, risks becoming the default trajectory of international law on the use of force.

4. The Way Forward: Redefining Legitimacy through Institutional Reform and Enhanced Accountability

The cumulative crises surrounding the law on the use of force, together with the phenomenon of strategic silence on the part of international institutions, underline the urgent need for a redefinition of legitimacy in contemporary conflicts. The classical *jus ad bellum* framework, while normatively robust, has revealed structural deficiencies when confronted with asymmetric wars, cyber operations, and protracted conflicts such as the Iran–Israel confrontation. As a result, legitimacy must be re-conceptualized not merely as conformity with the letter of the Charter, but as a broader process of institutional responsiveness, procedural transparency, and substantive accountability.

First, institutional reform of the United Nations Security Council remains an indispensable step. The paralysis generated by the veto power of permanent members has systematically eroded the credibility of collective security. Scholars such as Fassbender have long argued that the democratic deficit within the Council directly undermines its legitimacy as a guardian of international peace and security.²⁷

Expanding membership, limiting veto use in cases of mass atrocity, and creating binding obligations for timely decision-making would represent necessary reforms to restore normative trust.

Second, strengthening the adjudicatory and advisory role of the International Court of Justice offers a complementary pathway. While the ICJ has traditionally refrained from direct adjudication of highly politicized conflicts, its advisory opinions, such as on the legality of the threat or use of nuclear weapons (1996) illustrates its potential to clarify, and even progressively develop, the law on the use of force.²⁸

Embedding compliance mechanisms, including state reporting obligations or Security Council follow-ups on ICJ pronouncements, could mitigate the

27. Bardo Fassbender, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective* (Kluwer Law International, 1998), 221.

28. *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, 1996; *Advisory Proceedings on Obligations of States in Respect of Climate Change* (2025).

current disconnect between judicial determination and political enforcement.

Third, legitimacy in the twenty-first century must be linked to enhanced accountability of both states and international institutions. The rise of doctrines such as the “responsibility to protect” (R2P) reflected a broader recognition that sovereignty cannot shield impunity for mass atrocities. However, inconsistent application of R2P, particularly in conflicts involving geopolitical rivalries, has delegitimized its normative force. As Chesterman notes, accountability requires not only mechanisms to review the legality of interventions but also independent forums to assess their proportionality and humanitarian consequences.²⁹

This entails empowering regional organizations, civil society actors, and even independent commissions of inquiry to act as accountability multipliers.

Finally, redefining legitimacy in the Iran–Israel conflict with direct missile and airborne strikes against Iranian peaceful nuclear sites by Israel and USA and similar conflicts requires embracing a pluralist vision of international law, one that does not view legitimacy as a static binary (legal/illegal), but as a dynamic continuum shaped by institutional integrity, normative coherence, and responsiveness to human security. The future of *jus ad bellum* lies not in abandoning its classical prohibitions, but in supplementing them with procedural safeguards and institutional reforms that transform legality into lived legitimacy. Only through such recalibration can the international community avoid further normative erosion and rebuild trust in a system that aspires to regulate the most consequential of human actions: the resort to force.

5. A Normative Framework for Redefining Legitimacy

In order to move beyond a descriptive account of institutional failures, this article advances a normative framework for redefining legitimacy in the use of force. Building on ICJ jurisprudence, scholarly debates, and recent institutional practice, legitimacy is here conceptualized as a tripartite standard composed of legal, institutional, and substantive elements.

First, legality must remain anchored in the classical tests of necessity and proportionality, as elaborated by the ICJ in *Nicaragua v. United States* (1986), *Oil Platforms* (2003), and *Armed Activities on the Territory of the Congo* (2005). These cases reaffirm that self-defense is lawful only where an armed attack has occurred and where responses are strictly necessary and proportionate. A redefinition of legitimacy must preserve this restrictive baseline, rejecting expansive doctrines such as preventive and preemptive self-defense that undermine the Charter’s integrity.³⁰

29. Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001), 212-215.

30. Gray, *International Law and the Use of Force*, p. 150-155.

Second, legitimacy must incorporate institutional accountability. The failures of the Security Council, General Assembly, and Human Rights Council in the Iran–Israel conflict demonstrate that legality without institutional responsiveness yields normative erosion. As Fassbender (1998) argues, the democratic deficit of the Security Council directly weakens its legitimacy, while Chesterman (2001) underscores that selective enforcement delegitimizes even otherwise lawful interventions. A new standard of legitimacy must therefore include criteria for transparency, timely decision-making, and adherence to consistent principles across institutional fora.

Third, legitimacy in the twenty-first century requires substantive alignment with human security imperatives. As the Responsibility to Protect (R2P) doctrine and UNDP’s human security framework suggest, legality cannot be divorced from humanitarian outcomes. Interventions that formally comply with Article 51 but generate disproportionate civilian harm, or that ignore broader humanitarian obligations, cannot be deemed legitimate. Franck (2002) correctly observed that legitimacy in international law derives not only from rule-compliance but also from fairness and acceptance by the international community. Taken together, this tripartite model, necessity and proportionality, institutional accountability, and human security, provides a coherent framework for assessing legitimacy beyond the formal dichotomy of lawful/unlawful use of force. It offers a constructive pathway for reconciling the normative aspirations of the UN Charter with the empirical realities of contemporary conflicts, ensuring that the prohibition of force retains both legal and moral authority in the twenty-first century.

Conclusion

Israel’s attack on Iran has once again laid bare the inadequacy of the classical *jus ad bellum* framework when confronted with asymmetric threats, hybrid strategies, and the paralysis of international institutions. While Article 2(4) of the UN Charter and its narrow exceptions of self-defense and Security Council authorization remain the normative bedrock of the prohibition of force, their application in practice reveals a deep crisis of legitimacy. Israel and United States’ resort to expansive interpretations of self-defense, coupled with Iran’s reference to the notion of collective defense within its regional discourse, illustrates how States increasingly manipulate the textual ambiguities of international law to justify military actions that test the limits of legality of the use of force paradigm. The International Court of Justice, despite its potential to clarify and constrain these practices, has too often remained cautious or silent, thereby contributing to the erosion of normative certainty. Similarly, the “strategic silence” of global institutions such as the Security Council has transformed inaction into a form of complicity, further deepening the legitimacy deficit of the collective security

regime.

This article has argued that the challenge is not merely descriptive but structural: the failure lies in both the legal framework and its institutional guardians. The classical regime of *jus ad bellum*, designed for an era of inter-State wars, appears increasingly ill-equipped to respond to contemporary conflicts characterized by proxy warfare, cyber operations, and blurred thresholds of aggression. Without a reinvigoration of interpretative authority by the ICJ, and without reforms enhancing the accountability and responsiveness of global institutions, the legitimacy of international law itself risks collapse into mere rhetoric.

Therefore, the way forward must be a critical redefinition of legitimacy, one that transcends rigid textualism and embraces contextual responsiveness while safeguarding the core prohibition on the use of force. Such redefinition must involve both normative innovation—through the ICJ’s jurisprudence and scholarly engagement, and institutional reform, aimed at overcoming paralysis and ensuring accountability in global governance. Only through this dual strategy can the international legal order preserve its claim to universality and authority in the face of twenty-first century conflicts. The Iran–Israel conflict, rather than being an exceptional crisis, should be understood as a warning signal: if the international community fails to address the systemic cracks it has revealed, the normative foundations of the prohibition of force may soon erode beyond repair.

This article has therefore proposed a redefinition of legitimacy that transcends mere formal compliance with Article 2(4) of the UN Charter. Legitimacy must instead be assessed through a tripartite framework: adherence to the classical legal tests of necessity and proportionality, the accountability and responsiveness of international institutions such as the Security Council, the General Assembly, and the ICJ, and substantive alignment with human security imperatives. By embedding foregoing criteria, legitimacy can be understood not as a static binary of legality versus illegality, but as a dynamic standard that integrates legal rigor with institutional integrity and humanitarian outcomes. Only through such recalibration can the international legal order reclaim both the authority and the credibility necessary to govern the use of force in contemporary international conflicts.

References

- Books

1. Chesterman, Simon. *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press, 2001.
2. Corten, Olivier. *The Law Against War*. Oxford: Hart Publishing, 2021.
3. Dinstein, Yoram. *War, Aggression and Self-Defence*. 7th ed. Cambridge: Cambridge University Press, 2022.
4. Fassbender, Bardo. *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*. The Hague: Kluwer Law International, 1998.
5. Franck, Thomas M. *Recourse to Force: State Action Against Threats and Armed Attacks*. Cambridge: Cambridge University Press, 2002.
6. Gray, Christine. *International Law and the Use of Force*. 4th ed. Oxford: Oxford University Press, 2018.
7. Lowe, Vaughan, Adam Roberts, Jennifer Welsh, and Dominik Zaum. *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Press, 2010.
8. Schmitt, Michael N. *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*. Cambridge: Cambridge University Press, 2017.
9. Tams, Christian J. "The Continued Relevance of Inter-State Cases." In *Fifty Years of the ICJ Statute*, edited by Andreas Zimmermann et al., 235–250. The Hague: Springer, 2006.

- Articles

1. Schachter, Oscar, "The Right of States to Use Armed Force," *Michigan Law Review* 82, No. 5, (1984).
2. Blokker, Niels, "Is the Authorisation Authorized? Powers and Practice of the UN General Assembly to Authorize the Use of Force by 'coalitions of the able and willing'," *European Journal of International Law* 11, No. 3 (2000).

- Cases

1. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, ICJ Reports 2005.
2. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, ICJ Reports 2004.
3. *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, ICJ Reports 1996.
4. *Legality of Use of Force Cases (Yugoslavia v. NATO States), Jurisdiction*, ICJ Reports 1999.
5. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, ICJ Reports 1986.

6. *Oil Platforms (Islamic Republic of Iran v. United States of America)*, ICJ Reports 2003.

- Documents

1. Caroline Correspondence (1837), British and American Diplomatic Exchange.
2. International Crisis Group. Iran's Missile Capabilities and Regional Influence. March 2025.
3. Islamic Republic of Iran. "Rejection of Preemptive Attacks and Call for Sovereign Rights." Statement to the UN General Assembly, July 2025.
4. Israel. Letter to the UN Security Council, May 3, 2025.
5. Israel. Submission to the UN Security Council Invoking Article 51, May 3, 2025.
6. Ministry of Foreign Affairs, Iran. Tehran Statement on the Legality of Israeli Strikes, May 10, 2025.
7. The Caroline Correspondence." British and Foreign State Papers, Vol. 29 (1839–1840): 1137–1138.
8. UN Security Council. Meeting Records on the Iran-Israel War, July 2025. UN SC Meetings & Outcomes (2025).
9. UN Security Council. Resolutions and Vetoes on Middle East Conflicts, July 2025. UN SC Meetings & Outcomes Tables – Vetoes.
10. United Nations General Assembly. Resolution 377 (V): Uniting for Peace. Adopted November 3, 1950.
11. United Nations General Assembly. Resolution 68/262: Territorial Integrity of Ukraine. A/RES/68/262, March 27, 2014.
12. United Nations. Security Council Meeting Records on the Iran-Israel Conflict, July 2025.