

**The 12-Day War and the International Atomic Energy Agency's Aid or Assistance in the Commission of Aggression: An Analysis under Article 14 of the 2011 Draft Articles on the Responsibility of International Organizations
(Original Research)**

Seyed Mohammad Amin Alavi Shahri *
Hoorieh Hosseini Akbarnejad **

Persian Text pp. 95-124

(DOI) : 10.22066/cilamag.2025.2070209.2802

Date Received: 31 Aug.2025

Date Accepted: 15 Nov. 2025

Extended Abstract

Introduction

At dawn on 13 June 2025, the international security landscape witnessed a complex legal-political crisis with the Israeli regime's large-scale military aggression against Iran's nuclear facilities. This act, justified under the doctrine of "existential threat," posed an unprecedented challenge to the nuclear non-proliferation regime. However, the complexity extended beyond the mere use of force; the political instrumentalization of a technical document from the International Atomic Energy Agency (IAEA) made the situation considerably more intricate. Israeli officials leveraged the Board of Governors' Resolution GOV/2025/38, adopted just one day before the attack, as a pretext to provide diplomatic cover and justification for their military action. This enigma assumed a more serious dimension when subsequent statements by the IAEA Director General, denying evidence of a systematic Iranian move towards a nuclear weapon, effectively invalidated Israel's security rationale. This stark contradiction between the political exploitation of the Agency's outputs and the Director General's later remarks places the international body in a highly sensitive legal position.

* Corresponding Author, PhD Candidate in International Trade and Investment Law, Department of International Law, Faculty of Law, Tarbiat Modares University, Tehran, Iran. s.alavishahri@modares.ac.ir

** Assistant Prof., Department of International Law, Faculty of Law, Tarbiat Modares University, Tehran, Iran. hooriehhosseini@modares.ac.ir



This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0/>); which permits unrestricted reuse, distribution, and reproduction in any medium, provided the original work is properly cited.

1. Research Problem

The aforementioned events raise a fundamental question within the framework of international responsibility law: Has the IAEA, through its actions and outputs, effectively aided or assisted the Israeli regime in committing the wrongful act of aggression, thereby incurring international responsibility? This issue is significant as it highlights the perilous intersection of a technical international organization's functions and the political realities of the international arena. Purporting to be, the IAEA acted within its statutory mandate; however, the immediate and direct exploitation of its work—the Board of Governors' resolution and technical reports—to facilitate an internationally wrongful act raises serious ambiguities regarding the organization's responsibility. The present research seeks to resolve these ambiguities. Its importance lies in clarifying the scope of responsibility for international organizations when their actions, even indirectly, contribute to a state's violation of peremptory norms (*jus cogens*). Answering this question is vital not only for this specific case but also for the future of global governance and for preventing institutions established to preserve peace from becoming instruments that facilitate war.

2. Methodology

This research is structured using a qualitative research method with a legal-doctrinal analysis approach. To answer the research questions, it employs a content analysis of international legal instruments, jurisprudence, and the doctrine of international law.

3. Key Findings

Applying the legal framework of Article 14 of the Draft Articles on the Responsibility of International Organizations (DARIO) to the events reveals that all necessary elements for establishing the IAEA's responsibility are met.

A) The Commission of a Principal Wrongful Act: The first condition for complicity is the commission of an "internationally wrongful act" by the principal actor. Israel's military attack on Iran is a manifest violation of Article 2(4) of the UN Charter and constitutes an "act of aggression" under General Assembly Resolution 3314. Potential justifications like "pre-emptive self-defense" lack legal validity, given the restrictive criteria in international practice and ICJ jurisprudence (e.g., *Nicaragua Case*). Thus, the first element—the commission of a wrongful act by Israel—is fully established.

B) The Element of "Aid or Assistance": The IAEA facilitated the aggression through two distinct but complementary means:

1. Political Assistance: The adoption of Resolution GOV/2025/38 by the Board of Governors, just one day before the attack, provided Israel with a powerful political tool to lend a veneer of international legitimacy to its military action. Regardless of its technical content, the resolution was interpreted and exploited as a diplomatic "green light" in a tense political

context, significantly impacting the decision to attack.

2. Operational Assistance: The IAEA's detailed technical reports on the location and activities of Iran's nuclear facilities, though prepared under its safeguards duties, were used as a precise source of intelligence for military targeting. This assistance was not marginal and directly contributed to the operational effectiveness of the aggression.

C) Knowledge of the Circumstances: The IAEA cannot claim ignorance of the likely consequences of its actions. Repeated public threats by Israeli officials, the historical precedent of the 1981 Osirak attack, and the highly militarized regional environment provided sufficient evidence for the Agency's "knowledge," or at least "constructive knowledge," that its outputs would be misused for military purposes. The principle of *due diligence* required the Agency to consider this foreseeable risk.

D) The Wrongfulness of the Aid for the Organization Itself: The final condition of Article 14 is that the assistance would be wrongful if committed by the organization itself. The IAEA's facilitation of aggression violates its own fundamental obligations. According to the IAEA Statute's preamble, the organization must promote "peace, health and prosperity" and ensure its assistance is not used "to further any military purpose." Facilitating an act of aggression directly contradicts and violates these commitments, fulfilling this final element.

4. Contribution to the Field

This research contributes to the existing body of knowledge in international law in several ways. First, it is one of the first legal analyses to apply the theoretical framework of "responsibility of international organizations for aid or assistance" (Article 14 of the 2011 DARIO) to a complex, real-world scenario in international security. Second, by analyzing the concept of "dual assistance" (political and operational), it enriches the legal doctrine regarding the forms and threshold of "significant" aid. Third, by highlighting the role of *due diligence* in assessing the responsibility of technical organizations, this research argues that such bodies cannot evade the foreseeable political and security consequences of their actions by invoking the technical nature of their duties. This contributes to the development of responsibility in global governance. Fourth, this article exposes a gap in the international accountability regime and underscores the necessity of establishing effective mechanisms to address claims by states against international organizations.

5. Implications and Applications

The findings have significant theoretical and practical implications. Theoretically, this study emphasizes the need for a teleological interpretation of the obligations of international organizations, meaning technical duties must always be implemented in light of the ultimate goals of the international community,

particularly the maintenance of peace and security. Practically, this article serves as a serious warning to international organizations and their member states to act with greater caution and responsibility in crisis situations. These findings could form the basis for developing operational guidelines within international organizations to prevent the misuse of their technical outputs for military purposes. Furthermore, injured states can use this legal analysis as a basis for formulating claims of responsibility against international organizations in diplomatic or legal forums.

Conclusion

This research has demonstrated that with all four constituent elements of Article 14 of DARIO being met, the international responsibility of the IAEA for facilitating Israel's military aggression against Iran is established. This conclusion, extending beyond a specific case, reveals a structural dilemma in global governance: the dangerous intersection of technical functions and political realities. If the international legal system cannot provide a clear and effective response to this dilemma, there is a risk that organizations established to preserve peace may unwittingly become instruments for facilitating war. By highlighting this lacuna, this article underscores the necessity of revising procedures and strengthening accountability mechanisms to preserve the credibility and efficacy of the international legal system in the 21st century.

Keywords

Responsibility of International Organizations, Aid or Assistance in the Commission of a Wrongful Act, International Atomic Energy Agency (IAEA), Act of Aggression, Article 14 of the DARIO, Due Diligence.

Bibliography

- Books

1. Boutin, Berenice. "The Potential Role of Due Diligence in Achieving Increased Institutional Accountability and Responsibility in Disaster Management Contexts." In *International Conflict and Security Law: Essays in Honour of Hélène Lambert*, edited by Vincent Chetail, Noelle De Smet, and Sarah Heathcote, 336-358. Leiden: Brill | Nijhoff, 2018. https://doi.org/10.1163/9789004383401_018.
2. Crawford, James. *State Responsibility: The General Part*. Cambridge: Cambridge University Press, 2013. <https://doi.org/10.1017/CBO9781139033060>.
3. Crawford, James. *State Responsibility: The General Part*. Translated by Alireza Ebrahim Gol. Tehran: Sangalaj Publication, 2016. [in Persian]
4. Daugirdas, Kristina. "Member States' Due Diligence Obligations to Supervise International Organizations." In *Due Diligence in International Law*, edited by Heike Krieger, Anne Peters, and Leonhard Kreuzer,

248-266. Oxford: Oxford University Press, 2020. <https://doi.org/10.1093/oso/9780198859942.003.0011>.

5. Dörr, Oliver, and Albrecht Randelzhofer. "Article 2(4)." In *The Charter of the United Nations: A Commentary*, edited by Bruno Simma et al., 3rd ed., 200–234. Oxford: Oxford University Press, 2012. <https://doi.org/10.1093/acref/9780199580156.001.0001>.
6. Sarooshi, Dan. "Legal Capacity and Powers." In *The Oxford Handbook of International Organizations*, edited by Jacob Katz Cogan, Ian Hurd, and Ian Johnstone, 985–1005. Oxford: Oxford University Press, 2017. <https://doi.org/10.1093/law/9780199672369.003.0041>.
7. United Nations International Law Commission. *The Law of Responsibility of International Organizations: Translation and Commentary on the Draft Articles of the UN International Law Commission*. Translated by Abdullah Abedini and Khalil Roozegari. 2nd ed. Tehran: Khorsandi Publications, 2019. [in Persian]
8. Webster, Daniel. "Letter to Lord Ashburton", August 6, 1842. In *British and Foreign State Papers*, vol. 30, 195–196. London: James Ridgway and Sons, 1857.
9. Zamani, Seyed Qasem. *The Law of International Organizations (Volume Two)*. 4th ed. Tehran: Shahr-e Danesh Institute for Legal Research and Study, 2022. [in Persian]

- Articles

1. Alhooii Nazari, Hamid, and Aqil Mohammadi. "A Critical Look at the Draft Articles on the Responsibility of International Organizations." *Shiraz University Law Review* 9, no. 4 (2013): <https://doi.org/10.22099/jls.2018.23421.2205>. [in Persian]
2. Almakky, Rawa. "The Role of International Organizations in the Development of International Law: An Analytical Assessment of the United Nations." *International Journal of Law: "Law and World"* 9, no. 4 (2023). <https://doi.org/10.36475/9.4.4>.
3. Al-Rawashdeh, Mohammad Salim. "The Role of International Organizations in Promoting Peace and Security in the Middle East." *Journal of Political Studies* 31, no. 2 (2024).
4. Campbell, Ellen, Alice Delemare, and Scarlett M. Evans. "Due Diligence Obligations of International Organizations Under International Law." *New York University Journal of International Law and Politics* 50, no. 2 (2018).
5. Deeks, Ashley S. "The Legality of Preventive Self-Defense in International Law." *Virginia Journal of International Law* 40, no. 2 (2000).
6. Haddadi, Mehdi, and Bahram Moradian. "The Concept of Due Diligence in International Law and FATF Regulations." *International Law Review* 36, no. 61 (2019). <https://doi.org/10.22066/cilamag.2019.87924.1532>. [in Persian]

7. Hadadi, Mahdi, and Mohammad Setayeshpour. "The Scope of Application of Derivative International Responsibility: A Comparative Study of the Responsibility System of States and International Organizations." *Journal of Comparative Law* 8, no. 1 (2021). <https://doi.org/10.22096/law.2019.78660.1205>. [in Persian]
8. Klabbers, Jan. "Reflections on Role Responsibility: The Responsibility of International Organizations for Failing to Act." *European Journal of International Law* 28, no. 4 (2017). <https://doi.org/10.1093/ejil/chx069>.
9. Momeni Rad, Ahmad, and Mohammad Setayeshpour. "The Conceptual Scope of Derivative Responsibility of International Organizations in International Law." *Public Law Studies Quarterly* 49, no. 3 (2019). <https://doi.org/10.22059/jplsq.2018.242627.1589>. [in Persian]
10. Mohay, Ágoston, Bence Kis Kelemen, Attila Pánovics, and Norbert Tóth. "The Articles on the Responsibility of International Organisations – Still Up in the Air after More Than a Decade?" *Pécs Journal of International and European Law*, no. 1 (2023). <https://doi.org/10.15170/PJIEL.2023.1.3>.
11. Möldner, Mirka. "Responsibility of International Organizations – Introducing the ILC's DARIO." *Max Planck Yearbook of United Nations Law* 16 (2012). https://doi.org/10.1163/1875-7413_mpyun_16_011.
12. Morgun, Valerii. "The Role of International Organizations in The Regulation and Management of The World Economy and Security." *Journal of Information Systems Engineering & Management* 10, no. 9 (2025). <https://doi.org/10.61093/jisem.10.9.e202509>.
13. Okada, Yohei. "Effective Control Test at the Interface Between the Law of International Responsibility and the Law of International Organizations: Managing Concerns Over the Attribution of UN Peacekeepers' Conduct to Troop-Contributing Nations." *Leiden Journal of International Law* 32, no. 2 (2019). <https://doi.org/10.1017/S092215651900015X>.
14. Seyfi, Jamal, and Nasim Zargari Nejad. "Critical Remarks on the Unification of the Elements of International Responsibility of States and International Organizations." *Legal Research Quarterly* 25, no. 98 (2022). <https://doi.org/10.29252/jlr.2022.221850.1910>. [in Persian]
15. Seyfi, Jamal, and Nasim Zargari Nejad. "Critical Remarks on the Responsibility of a State and an International Organization in Connection with the Act of Another State or International Organization." *Public Law Studies Quarterly* 55, no. 2 (2025). <https://doi.org/10.22059/jplsq.2023.355884.3275>. [in Persian]

- Instruments

1. Charter of the United Nations. (1945).
2. International Atomic Energy Agency. *Statute of the International Atomic Energy Agency* 1956." <https://www.iaea.org/about/statute>

- Documents

1. “Consequences of the Israeli Military Attack on the Iraqi Nuclear Research Reactor and the Standing Threat to Repeat This Attack. (September 2, 1983) GC(XXVII)/692.” https://www.iaea.org/sites/default/files/gc/gc27-692_en.pdf.
2. “International Law Commission. “Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries.” In *Report of the International Law Commission on the Work of its Fifty-third Session, 2001*.” UN Doc. A/56/10. https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.
3. “Draft Articles on the Responsibility of International Organizations, with commentaries.” In *Report of the International Law Commission on the work of its Sixty-third session, 2011*. UN Doc. A/66/10. https://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011.pdf.
4. Sarooshi, Dan. “Conferral by States of Powers on International Organizations: The Agency Relationship.” Jean Monnet Working Paper 4/03. NYU School of Law, 2003. <https://jeanmonnetprogram.org/archive/papers/03/030401.pdf>.
5. Ahlborn, Christiane. “The Rules of International Organizations and the Law of International Responsibility.” *Amsterdam Center for International Law Research Paper* No. 2011-03. University of Amsterdam, 2011. <https://ssrn.com/abstract=1825182>.
6. “United Nations General Assembly. Resolution 66/100, Responsibility of international organizations. UN Doc. A/RES/66/100.” (December 9, 2011).
7. “United Nations Security Council. Resolution 487 (June 19, 1981).” UN Doc. S/RES/487. <https://digitallibrary.un.org/record/22225>.
8. “United Nations General Assembly. Resolution 3314 (XXIX), Definition of Aggression.” (December 14, 1974) UN Doc. A/RES/3314(XXIX). <https://digitallibrary.un.org/record/219655>.

- Cases

1. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. Judgment. I.C.J. Reports 2007.
2. *Corfu Channel Case (United Kingdom of Great Britain and Northern Ireland v. Albania)*. Merits, Judgment. I.C.J. Reports 1949.
3. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*. Advisory Opinion. I.C.J. Reports 1996.
4. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*. Merits, Judgment. I.C.J. Reports 1986.

- Online Sources

1. Beres, Louis René. “Limited Nuclear War and Israel’s National Strategy.”

- BESA Center Perspectives Paper No. 2,309. Ramat Gan: BESA Center for Strategic Studies, October 1, 2024. <https://besacenter.org/limited-nuclear-war-and-israels-national-strategy/>.
2. “Did not have any proof of Iran’s effort to move into a nuclear weapon: IAEA Chief.” *The Economic Times*, June 18, 2025. <https://economictimes.indiatimes.com/news/defence/did-not-have-any-proof-of-irans-effort-to-move-into-a-nuclear-weapon-iaea-chief/articleshow/121921748.cms>.
 3. Freiberg, Nava. “Israel Calls for Increased International Pressure on Iran Following IAEA Resolution.” *The Times of Israel*, June 12, 2025. https://www.timesofisrael.com/liveblog_entry/israel-calls-for-increased-international-pressure-on-iran-following-iaea-resolution/.
 4. Grossi, Rafael Mariano. “Introductory Statement to the Board of Governors.” IAEA.org, November 20, 2024. <https://www.iaea.org/newscenter/statements/iaea-director-generals-introductory-statement-to-the-board-of-governors-20-november-2024>.
 5. “Statement on the Situation in Iran.” IAEA.org, June 13, 2025. <https://www.iaea.org/newscenter/statements/statement-on-the-situation-in-iran-13-june-2025>.
 6. “IAEA Head Calls for Diplomacy with Iran as Nuclear Activities Advance.” Arms Control Association, January 25, 2024. <https://www.armscontrol.org/blog/2024-01-25/iaea-head-calls-diplomacy-iran-nuclear-activities-advance>.
 7. International Commission of Jurists. “Israel’s Attack on Iran Violates International Law, Threatening Peace and Security.” ICJ.org, April 21, 2025. <https://www.icj.org/israel-iran-israels-attack-on-iran-violates-international-law-threatening-peace-and-security/>.
 8. “Israel Confirms Bombing ‘Syria Nuclear Reactor’ in 2007.” Al Jazeera, March 21, 2018. <https://www.aljazeera.com/news/2018/3/21/israel-confirms-bombing-syria-nuclear-reactor-in-2007>.
 9. Melman, Yossi, and Dan Raviv. “Three Minutes Over Syria: How Israel Destroyed Assad’s Nuclear Reactor.” *The Times of Israel*, March 21, 2018. <https://www.timesofisrael.com/three-minutes-over-syria-how-israel-destroyed-assads-nuclear-reactor/>.
 10. Milanovic, Marko. “Is Israel’s Use of Force Against Iran Justified by Self-Defence?” *EJIL: Talk!* (blog), April 19, 2025. <https://www.ejiltalk.org/israels-use-of-force-against-iran-justified-by-self-defence/>.
 11. Netanyahu, Benjamin. “Netanyahu claims historic victory, says ‘we sent Iran’s nuclear program down the drain’.” *The Times of Israel*, June 24, 2025. https://www.timesofisrael.com/liveblog_entry/netanyahu-claims-historic-victory-says-we-sent-irans-nuclear-program-down-the-drain/.
 12. Zamani, Masoud, and Amir Abbas Kiani. “Missiles and Messages: Characterizing the Use of Force between Iran and Israel.” *Opinio Juris* (blog), July 25, 2025. <https://opiniojuris.org/2025/07/25/missiles-and-messages-characterizing-the-use-of-force-between-iran-and-israel/>.