

The 12-Day War and Destabilizing Actions of the United States and Israel against the Islamic Republic of Iran: A Reflection from the Jurisprudence of the International Court of Justice (Original Research)

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Extended Abstract

The concept of state responsibility remains a cornerstone of international law, providing a structured mechanism to hold states accountable for breaches of peremptory norms, including the prohibition on the use of force, and fundamental principles like the protection of territorial integrity, and the respect for self-determination. Despite the progressive development of these norms, geopolitical realities often limit their effective enforcement, as global power asymmetries influence both compliance and accountability. Over recent decades, a series of actions by the United States and Israel has raised significant questions regarding their impact on the stability of the Islamic Republic of Iran. These measures which can be characterized as systematic and sustained, include unilateral economic sanctions with severe humanitarian consequences, military threats, covert operations, cyberattacks, and targeted assassinations of officials and scientists. Collectively, these actions challenge fundamental principles of international law, human rights, and global political ethics, highlighting persistent gaps between legal norms and political realities.

Destabilizing actions, within the framework of international law, refer to coercive measures—unilateral or otherwise—that undermine political stability, national security, or territorial integrity. They may include economic sanctions,

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direct or indirect military operations, cyberattacks, and other covert actions. International judicial practice, particularly through the International Court of Justice (ICJ) and other tribunals, plays a critical role in interpreting, clarifying, and shaping customary norms in response to such actions. The 12-Day War between Iran and Israel, involving direct and indirect support by the United States, provides a contemporary example of the challenges in enforcing international law against powerful actors. Israel's military operations, conducted through airstrikes and cyber activities targeting Iranian infrastructure, constitute a clear breach of the prohibition on the use of force and raise fundamental questions regarding state responsibility and international accountability.

Despite the existence of judicial mechanisms, there has been limited systematic analysis of their effectiveness in addressing destabilizing actions by dominant powers. Most scholarship tends to focus on general legal principles, leaving an analytical gap in understanding the practical and normative implications of judicial decisions for contemporary conflicts. This study aims to fill that gap by examining ICJ rulings and individual judicial opinions to determine how courts define the limits of coercive measures, evaluate countermeasures, and consider humanitarian consequences. A particular focus is given to separate and dissenting opinions, which provide nuanced insights into sovereignty, proportionality, and the interpretation of defensive actions. These opinions contribute to the evolution of customary law, offer guidance for states in legal compliance, and support efforts to document violations effectively.

The research employs a doctrinal-analytical methodology. Key ICJ cases, including disputes involving state responsibility, the use of force, and economic coercion, are analyzed to identify legal principles and extract lessons on enforcement capacity and normative development. Separate opinions by judges offer an additional analytical lens, revealing ethical and human-centered reasoning that complements majority decisions. By comparing these judicial interpretations with the realities of the 12-Day War, the study evaluates both the capacities and limitations of international courts in holding powerful states accountable. The methodology emphasizes both doctrinal analysis and the practical implications of jurisprudence for contemporary international conflicts, ensuring a comprehensive approach that bridges theory and practice.

The findings demonstrate several critical insights. First, military threats and operations undertaken during the 12-Day War constitute violations of the prohibition on the use of force, highlighting the persistent challenges in enforcing core international norms against dominant actors. Second, unilateral sanctions with significant humanitarian consequences may breach customary international law, emphasizing the ethical and legal responsibility of sanctioning states to minimize civilian harm. Third, although judicial bodies can establish legal responsibility, the enforcement of rulings remains constrained

by political realities, structural limitations, and the dependence on state cooperation. Fourth, individual judicial opinions play an essential role in clarifying legal standards, reinforcing normative principles, and influencing the evolution of customary law. By documenting legal reasoning and identifying gaps in existing norms, these opinions offer a framework for addressing destabilizing actions and shaping the broader discourse on accountability. Fifth, the 12-Day War illustrates structural gaps within the international legal system, including dependence on the political will of major powers, limitations in institutional mechanisms, and the challenges of implementing judicial decisions effectively.

Furthermore, the study underscores the significance of judicial innovation in responding to contemporary challenges. Separate and dissenting opinions, often overlooked, provide detailed reasoning on humanitarian impacts, proportionality of responses, and the ethical obligations of states. For instance, assessments of civilian harm resulting from economic sanctions or military operations illuminate the humanitarian and ethical dimensions of international law, creating a normative foundation for future jurisprudence. Such reasoning not only contributes to the clarification of existing principles but also facilitates the gradual development of customary norms in areas where formal codification remains incomplete.

This study contributes to the field of international law by systematically examining the interplay between judicial practice and state conduct in response to destabilizing actions. It demonstrates the analytical and normative value of individual judicial reasoning, showing how jurisprudence can inform state behavior, guide legal advocacy, and support the development of customary norms. The research also advances understanding of how international courts operate within geopolitical constraints, providing insights for scholars, policymakers, and practitioners seeking to strengthen accountability mechanisms. Additionally, it identifies practical pathways for states to utilize judicial reasoning strategically in both preventive and remedial contexts, including documentation of violations, negotiation, and advocacy within multilateral institutions.

The implications of these findings are manifold. For policymakers, judicial reasoning can inform the design of lawful strategies and mitigate risks of international responsibility. For legal practitioners and advocacy organizations, ICJ jurisprudence and judicial opinions provide authoritative guidance for documenting violations and advancing claims of accountability. For the international community, these insights highlight the importance of integrating judicial interpretation with diplomatic, technological, and multilateral initiatives to enhance compliance and deter destabilizing actions. Furthermore, adopting human-centered, justice-oriented approaches that emphasize reparative mechanisms and specialized tribunals can enhance both the legitimacy and effectiveness of international law. By combining legal analysis with multilateral

diplomacy, technological monitoring, and public accountability, the international system can strengthen compliance and mitigate the impact of destabilizing actions.

In conclusion, international judicial bodies, particularly the ICJ, remain central to documenting violations, interpreting legal principles, and evaluating destabilizing actions, even when practical enforcement is limited. Separate and dissenting opinions provide essential guidance for normative clarification and the progressive development of customary law. The 12-Day War demonstrates that effective accountability requires combining judicial mechanisms with diplomatic, technological, and multilateral strategies. A human-centered approach, emphasizing reparative justice and the establishment of specialized tribunals, can strengthen the rule of law, foster global trust in international institutions, and mitigate the adverse impacts of coercive measures by dominant states. By systematically engaging with judicial practice, states and scholars can systematically document violations, advance the development of customary norms, and contribute to a more resilient, accountable, and justice-oriented international legal order.

Keywords

International Court of Justice, 12-Day War, Coercive Sanctions, Aggression, Threat of Force, State Responsibility, Judicial Opinions, Islamic Republic of Iran.

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