

**THE LEGALITY OF UNITED STATES' INTERVENTION IN A HYPOTHETICAL ISRAEL-IRAN CONFLICT:
AN ANALYSIS OF ARTICLE 51 OF THE UNITED NATIONS CHARTER AND THE PRINCIPLES OF SELF-
DEFENCE***

Abstract

This article examines the legality of potential United States of America intervention in a hypothetical conflict between Israel and Iran, with a focus on Article 51 of the United Nations Charter of 1945 and the principles of self-defence. This article analyses relevant provisions of Article 51, and the potential forms of US intervention, it discusses the limitations and constraints on US intervention under Article 51, including the requirements of necessity, proportionality, and immediacy under the international humanitarian law. This article concludes by assessing the implications of US intervention for the development of international law, including the principles of sovereignty, non-interference, and the use of force. This article aims to contribute to a deeper understanding of the complex legal issues surrounding US intervention in international conflicts.

Keywords: Article 51 of UN Charter, Self-Defence, US intervention, Israel-Iran Conflict, International Law

1. Introduction

The United Nations Charter, signed in 1945, established the foundational principles of international law, including the prohibition on the use of force and the inherent right of self-defence. Article 51 of the Charter, in particular, has been a focal point of debate and controversy, as it seeks to balance the need for states to defend themselves against the imperative to maintain international peace and security.¹ The Israel-Iran conflict has been a longstanding source of tension in the Middle East, with both sides engaging in a series of proxy wars, cyberattacks, and diplomatic confrontations. The conflict has also been fueled by Iran's nuclear program, which Israel views as an existential threat.² In recent years, the US has been increasingly involved in the conflict, providing military aid to Israel and imposing economic sanctions on Iran.³ This raises important questions about the legality of potential US intervention, particularly in light of Article 51 of the UN Charter and international humanitarian law (IHL) principles.⁴ This study examines the legality of potential US intervention in a hypothetical conflict between Israel and Iran, with a focus on Article 51 of the UN Charter and the principles of self-defence. The objectives of this study are twofold: i) To examine the provisions of Article 51 of the UN Charter and its application in similar conflicts, including the requirements of necessity, proportionality, and immediacy; ii) To assess the implications of US intervention for the development of international law, including the principles of sovereignty, non-interference, and the use of force. Methodologically, this study employs a qualitative research approach, relying on a critical analysis of existing literature, treaties, case laws and internet source materials. The study finds that US intervention in a hypothetical Israel-Iran conflict would raise complex legal questions, particularly regarding the interpretation and application of Article 51 of the UN Charter. This study concludes that any US intervention i.e, the bombing of the 3 Iranian nuclear facilities at Fordow, Natanz and Isfahan by the US Air troops or further attack would need to be carefully calibrated to meet the requirements of necessity, proportionality, and immediacy, and that the implications of such intervention would need to be carefully considered in the context of the broader international legal framework.

2. Historical Context of the Israel-Iran Conflict and International Humanitarian Law Principles of Warfare Considerations

The Israel-Iran conflict has its roots in the 1979 Iranian Revolution, which led to a significant deterioration in relations between the two countries.⁵ Since then, tensions have escalated, with both sides engaging in a series of proxy wars, cyberattacks, and diplomatic confrontations. The conflict has also been fueled by Iranian nuclear program, which Israel views as existential threat.⁶ International Humanitarian Law (IHL), also known as the laws of war, is a set of rules that regulate the conduct of hostilities during armed conflicts.⁷ The principles of IHL are designed to protect civilians and other non-combatants from the effects of war, while also promoting the humane treatment of combatants. In the context of a hypothetical Israel-Iran conflict, IHL principles would play a crucial role in regulating the conduct of hostilities. Some of the key IHL principles that would be relevant in this context include:

1. Distinction: The principle of distinction requires that parties to the conflict must distinguish between military targets and civilians, and only military targets are legitimate targets for attack.

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¹ United Nations Charter 1945.

² The New Indian Express, 'What to Know about the Conflict between Israel and Iran and US Intervention' updated report 22 June 2025.

³ Y Dinstein, *War of Aggression and Self-Defence* (Cambridge University Press, 2016) 23

⁴ Ibid.

⁵ Y Dinstein, 'Self-Defence in International Law' *Israel Law Review* [2003] 1-16

⁶ Ibid.

⁷ C Greenwood, *Essays on War in International Law* (Cameron May Publishing, 2009) 12

2. Proportionality: The principle of proportionality requires that parties to the conflict must ensure that the harm caused to civilians and the civilian object during the conduct of hostility is not excessive in relation to the military advantage anticipated.
3. Precaution: The principle of precaution requires that parties to the conflict must take all feasible precautions to avoid or minimize harm to civilians and civilian objects.
4. Humanity: The principle of humanity requires that parties to the conflict must treat combatants and non-combatants with respect and dignity, and refrain from causing unnecessary suffering or harm.

3. Avoiding International Criminal Court Scrutiny: US Compliance with International Law in Iran

The United States, in its intervention in Iran, must observe and comply with the above requisite legal requirements to avoid triggering an investigation by the International Criminal Court under the Rome Statute.⁸ The International Criminal Court has wide authority under the Statute to supervise matters at the investigation stage. By virtue of Article 53 of the Rome Statute⁹ to supervise matters at the investigation stage. The prosecutor shall initiate investigation having evaluated the information. Article 53 of the Rome Statute makes provisions for investigation and prosecution. It is the duty of the prosecutor to investigate any matter that is brought to him or her after carefully evaluating the information made available. It is after the investigation has properly conducted that the prosecution can start. The duties and powers of the prosecutor with respect to investigation are carefully balanced against the rights of person during the investigation.¹⁰ The Statute maintains the minimum protection afforded defendant in the legal system of most civilized nations. The pre-Trial Chambers may at the request of the prosecutor, take such measure as may be necessary to ensure the efficiency and integrity of investigative proceeding it may also issue such orders and warrants as may be required for the purpose of an investigation.¹¹ By the provision of Article 53 for the prosecutor to commence investigation, the following factors must be considered:¹²

- (a) The information available to the prosecutor has to provide reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed.
- (b) The case is or would be admissible under article 17. Article 17 deals with the issues of admissibility. By a way of summary, the court shall determine that a case is inadmissible where:
 - (i) The case is being investigated or prosecuted by a state which has jurisdiction over it, unless the state is unwilling or unable genuinely to carry out the investigation or prosecution.
 - (ii) The case has been investigated by a state which has jurisdiction over it and the state has decided not to prosecute the person concerned, unless the¹⁴² decision resulted from the unwillingness or inability of the genuinely to prosecute.
 - (iii) The person concerned has already been tried for conduct which is the subject of the complaint and a trial by the court is not permitted under Article 20 paragraph3.¹³
 - (iv) The case is not of sufficient gravity to justify further action by the Court.
 - (v) Taking in to account the guilt of the Criminal and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interest of Justice.

Well, having enumerated these basic factors that must be considered by the prosecutor before he or she initiates investigation, it is imperative to mention that the prosecutor does not on his or her own, proceed to initiate investigation rather there is an important condition that must be fulfilled before he or she initiates investigation. The prosecutor's decision to undertake investigation of a case is subject to endorsement by the pre-trial chamber which is composed of three judges, and the prosecutor indicates that there is a 'reasonable basis'¹⁴ for proceeding with an investigation, the prosecutor must submit requests for authorization of an investigation to the pre-trial chamber¹⁵ In my humble opinion, the purpose of this provision is to provide a mechanism that will checkmate the prosecutor's powers in the aspect of investigation in order to curb arbitrariness or exercising of power limitlessly, in conducting the investigation.

In fact, International Criminal Court in its statute provides room that the prosecutor is required to make available supporting material to the pre-Trial Judges at the stage of submitting his or her request for authorization of an investigation. At this stage also, victims are specifically entitled to make representation, during this proceeding presumably in support of a request for authorization to investigate. The pre-Trial chamber must confirm that a reasonable basis for investigation exists in addition to making a preliminary determination that the case falls within the jurisdiction of the Court.¹⁶ However, the statute invites the prosecutor to seek information from States, it does not specify intergovernmental or non-governmental organizational and other reliable sources that he or she deems appropriate that is the provision of Article 15 (2) of the statute.¹⁷ The prosecutor may well determine whether the information provided does not justify proceedings, but in such a case he or she is required to inform

⁹ 2002.

¹⁰ The Situation in the Republic of Kenya, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya [31 March 2010] ICC-01/09.

¹¹ Art 13 Rome Statute 2002

¹² Art 53 Rome Statute 2002

¹³ Art 20 Rome Statute 2002

¹⁴ Mark Ventura, 'The reasonable basis' to proceed threshold in Kenya and Cote d'Ivoire Proprio motu investigation decisions: the ICC's lowest evidentiary standard' [2013] JLP ICT 12,49-80

¹⁵ Ibid

¹⁶ Art 53 Rome Statute 2002

¹⁷ Ibid

those who provided the information.¹⁸ An unsatisfied informant without any further recourse may challenge or appeal the prosecutor's decision although the statute explicitly contemplates the possibility of new facts being submitted by virtue of the provision of Article 15 (6).¹⁹

Similarly, if the prosecutor determines that there is reasonable basis for proceeding with an investigation, the prosecutor must submit a request for authorization of an investigation to the pre-Trial chamber¹⁴⁷. In the same vein, if upon investigation the prosecutor concludes that there is no sufficient basis for a prosecution due to the following reasons: whether there is sufficient legal or factual basis to seek a warrant or summons under Article 58 of the statute. The case is inadmissible under Article 17 or because it is not in the interest of justice taking in to account all the circumstances including the gravity of the interests of victims and the age or infirmity of the alleged perpetrator and his or her role in the alleged crime²⁰

On the last reason, it is pertinent to cite a practical example as a way of reference. The trial of the former Chilean President General *Augustus Pinochet* who was arrested for the offence of crime against humanity; his prosecution started but at a point could not continue for the third reason contained in Article 53 (2) of the Rome statute due to age and infirmity of Augustus Pinochet at that time, the prosecution withdrew the charges against him.²¹ Another important issue that the article finds relevant to mention is that in a situation that the prosecution is initiated by referral of a State party or at the request of the Security Council depending on the originator of the case, may apply to the pre-trial chamber, for review of the prosecutor's decision not to proceed.²² The Statute says that the pre-Trial chamber may request the prosecutor to reconsider the decision. Here the language is even though not emphatic by implication it means that the ultimate discretion to investigate or, not to investigate resides with the prosecutor.²³ Additionally, it is significant to note also that the prosecutor may at any time reconsider a decision whether to initiate an investigation or prosecution but on new facts or information.²⁴

As a way of conclusion on the process of investigation, it is paramount we look at the duties and power of the prosecutor with respect to investigations as provided under Article 54 of the Rome statute. The prosecutor shall in order to establish the truth extend the investigation to cover all facts and evidence relevant for assessment where there is criminal responsibility under the statute and in doing so investigate incriminating and exonerating circumstances equally.²⁵ The prosecutor can take appropriate measures effective investigation and prosecution of crimes within the jurisdiction of the court and in doing so, put into consideration the interests and personal circumstances of victims and witnesses including age, gender as defined in Article 7 paragraph 3, and he also take in to account the nature of the crime in particular where it involves sexual violence, gender violence or violence against children and fully respect the rights of person arising under the statute.²⁶

Furthermore, the prosecutor may conduct investigations on a territory of a state either in accordance with the provision of part 9 of the statute or as authorized by the pre-trial chamber under article 57, paragraph 3 (d).²⁷ The prosecutor equally has powers and duties of collecting and examining evidence, request the presence of and question persons being investigated, victims and witnesses he or she can seek the cooperation of any state or intergovernmental organization or arrangement in accordance with its respective competence and or mandate.¹⁵³ The prosecutor in the same vein can enter into such arrangement or agreements not inconsistent with the Rome statute of International Criminal Court as may be necessary to facilitate the cooperation of state, intergovernmental organization or person agreed not to disclose at any stage of the proceedings documents or information that he or she obtains on the condition of confidentiality and solely for the purpose of generating new evidence unless the provider of the information consents and take necessary measures or request that necessary measures be taken to ensure the confidentiality of information, the protection of any person or the preservation of evidence.²⁸

4. Factors to be Considered in Determining the Prosecutor's Request for Authorization of Investigation before the ICC

In determining the Prosecutor's contention that the PTC erred by seeking to make a positive determination of the interests of justice, the Appeal Chamber of the ICC made a distinction between Article 15 and Article 53 (1) of the Statute.²⁹ The Appeal Chamber held that Article 53 (1) regulates instances where a situation is referred to the Prosecutor by a state or state or the UNSC. The chamber held that where a situation is referred to the Prosecutor by a state or the UNSC, Article 53 (1) obliges the Prosecutor to open an investigation unless he determines that there is no reasonable basis to proceed, taking into account the factors contained in Article 53 (1) (a)-(c).³⁰ In contrast, the Appeal Chamber held that Article 15, which builds on Article 13, applies to situations where the prosecutor initiates investigations *proprio motu*. Unlike Article 53 (1), the Appeals Chamber held that Article 15 recognizes the discretionary nature of the Prosecutor's power to open investigations *proprio motu*.

¹⁸ Art 73 Rome Statute 2002

¹⁹ Rule 50 ICC Rules of Procedure and Evidence UN Document PCJ ICC/209/IWF/Add 3 2017.

²⁰ Art 15 (1) Rome Statute 2002

²¹ Art 53 (2) Rome Statute 2002

²² Ibid

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

²⁹ Decision Pursuant to Article 15 of the Rome Statute 2002, on the Investigation into the Situation in the Republic of Burundi [9 November 2017] ICC-01/17-X-9-USExp

³⁰ Ibid

Therefore, the content and placement of Article 15 and 53 (1) of the Statute make it clear that these are separate provisions addressing the initiation of an investigation by the Prosecutor in two distinct contexts. This means that when the PTC is determining the Prosecutor's request under Article 15 (4), it cannot consider the factors contained in Article 53 (1).³¹

The Meaning of 'a Reasonable Basis to Proceed'

In determining whether the PTC should take into account the interests of justice when it determines the Prosecutor's request for authorization, the Appeal Chamber held that Article 15 (4) neither refers to the interests of justice or Article 53.³² Instead, it only requires the PTC to consider two requirements namely, whether there is a reasonable basis to proceed with the investigation, and whether the case appears to fall within the jurisdiction of the Court.³³ In contrast, the Appeals Chambers held that Rule 48 of the ICC Rules and Procedure requires the Prosecutor to consider factors contained in Article 53 (1). However, there is no equivalent rule that requires the PTC to take into account similar factors when it determines the Prosecutor's request. This therefore, means that while the Prosecutor can rely on the factors contained in Article 53 (1) (a)-(c) when determining whether to request the PTC's authorization, the PTC's determination of the request will be always based on the factors contained in Article 15 (4) of the Rome Statute.³⁴

Nature of Evidence Admissible before the Court

Before we proceed with the nature of evidence admissible under the Statute, it is important to note that the prosecution at all time is aimed at securing conviction against the accused but conviction can only be given in favor of the prosecution if in the mind of the Court the prosecution had presented admissible, relevant convincing and cogent evidence in proving its case. Also, the defense had failed woefully to demolish the evidence of the prosecution. Unlike the common law system which is complex and with technical rules of evidence, the Rome Statute follows the relevant and necessary evidence.³⁵ We may probably put it this way the biggest surprise to lawyers trained in common law system is that there is no general rule excluding hearsay or indirect evidence.³⁶ It is important to note that although it seems likely that in ruling on the admissibility of such evidence the future court may be guided by hearsay exceptions generally recognized by some national legal systems as well as the truthfulness, voluntariness and trustworthiness of the evidence as appropriate³⁷ as required under Article 69 of the Statute before testifying each witness shall in accordance with the rule of procedure and evidence give an undertaking as to the truthfulness of the evidence to be given by that witness.³⁸ Now on the issue of admissibility which is our primary concern here, for evidence to be admissible it has to be relevant and necessary³⁹ this general rule is similar to a provision in the rule of procedure and evidence adopted by the international criminal tribunal for the former Yugoslavia.⁴⁰

However, in interpreting the provision of the ad hoc tribunal there was consideration as to so whether or not to read to the text or requirement of reliability. National practice on this varies considerably. The trial chamber described reliability as the invisible soldier thread wheels which runs through all the components of admissibility but stopped short of adding it as a requirement to the extent that it was not specifically set out in the provision.⁴¹ The position is that Article 69 does not actually refer to reliability as a condition of admissibility of evidence. It would seem that reliability is an implicit component of relevance and probative value. Any assessment of relevance and probative value must involve some consideration of the reliability of evidence. It must be prima facie credible, evidence which does not have sufficient indices of reliability cannot be said to be either relevant or probative to the issues which is to be decided. Evidence obtained in violation of the statute or in manner contrary to internationally recognized human rights shall be inadmissible if it will cause substantial doubt on the reliability of the evidence or its admission would be authenticable to and would seriously damage the integrity of the proceedings.⁴²

In the case of the former, it hardly seems necessary to make a special rule dealing with unreliable evidence as it should not be admitted in any case. The Court shall have the authority to request the submission of all evidence that it considers necessary for the determination of the truth it may rule also on the relevance or admissibility of any evidence taking into account inter alia the probative value of the evidence that may cause a fair trial or to a fair evaluation of the testimony of a witness in accordance with the rules of procedure and evidence.⁴³ Before we conclude, it is pertinent that we look at the testimony of a witness at trial which shall be given in person except to the extent provided by the measures set forth in Article 68 or in the rule of procedure and evidence. The court may also permit the giving of voice (oral) or recorded testimony of a witness by means of video or audio technology as well as the Introduction of documents or written transcripts, subject to this statute and in

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Rule 64 ICC Rules of Procedure and Evidence 2017

³⁶ *Prosecutor v Tadiac* [2001] LCTR 96-4T

³⁷ Art 69 Rome Statute 2002

³⁸ Ibid

³⁹ Ibid

⁴⁰ Rule 89 (c) ICC Rule of Procedure and Evidence UN Document 172/32 2013

⁴¹ Ibid

⁴² *Prosecutor v Delalic Decision on Admissibility of Exhibit 155 Case No 17-198* [9 January 1998]

⁴³ Art 69 Rome Statute 2002

accordance with the rules of procedure and evidence.⁴⁴ These measures shall not be prejudicial to or inconsistent with the rights of the accused.⁴⁵

5. United States Intervention in a Hypothetical Israel-Iran Conflict

In the event of a hypothetical conflict between Israel and Iran, the US may consider intervening on behalf of its ally, Israel.⁴⁶ However, any such intervention would need to be carefully calibrated to meet the requirements of necessity, proportionality, and immediacy, as outlined in Article 51 of the UN Charter.⁴⁷ Furthermore, US intervention would also need to comply with IHL principles, as mentioned above, which are the principles of distinction, proportionality, precaution and humanity.⁴⁸ This would require the US troops carrying out the operation to take feasible precautions to avoid or minimize harm to civilians and civilian objects, and to ensure that the harm caused to civilians and civilian objects is not excessive in relation to the military advantage anticipated.⁴⁹ The use of force by the United States in its intervention in Iran raises significant concerns regarding compliance with International Humanitarian Law (IHL) principles. It is our submission that the US intervention in Iran violated key IHL principles, including distinction, proportionality, and precaution. Firstly, the US intervention in Iran failed to distinguish between military targets and civilians. The use of airstrikes and drone attacks in populated areas inevitably resulted in civilian casualties and damage to civilian infrastructure. This failure to distinguish between military targets and civilian is a clear violation of IHL principles. Secondly, the US intervention in Iran was disproportionate to the military advantage anticipated. The use of force was excessive and resulted in significant harm to civilians and civilian infrastructure. This disproportionate use of force is a violation of IHL principles and demonstrates a lack of respect for human life and dignity. Thirdly, the US intervention in Iran failed to take feasible precautions to avoid or minimize harm to civilians and civilian infrastructure. The use of force in populated areas without adequate precautions to protect civilians is a clear violation of IHL principles. It is therefore essential that the US takes steps to ensure compliance with IHL principles in its future military interventions. Before deployment of its troops, the US should conduct thorough risk assessments to identify potential civilian casualties and take all feasible precautions to avoid or minimize harm. The US should also ensure that the use of force is proportionate to the military advantage anticipated and that excessive force is not used. Then, the troop should also respect the distinction between military targets and civilians and take all feasible precautions to avoid or minimize harm to civilians and civilian infrastructure. By taking these steps, the US can ensure compliance with IHL principles and demonstrate its commitment to respecting human life and dignity.

Implications for International Law

The US intervention in a hypothetical Israel-Iran conflict would have significant implications for international law. On the one hand, it could be seen as a legitimate exercise of collective self-defence, as recognized in Article 51 of the UN Charter. On the other hand, it could be viewed as a violation of Iran's sovereignty and the territorial integrity, as well as a threat to regional and global security.⁵⁰ The implications of US intervention would also depend on the specific circumstances of the conflict, including the nature of the Iranian threat, the level of Israel involvement, and the response of the international community.⁵¹ The US intervention in Iran raises significant concerns regarding compliance with International Humanitarian Law (IHL) principles. Despite the US's assertions that the military operations were carefully planned and executed to minimize harm to civilians, the reality on the ground suggests a more complex and nuanced picture. The US's reliance on drone strikes and ballistic missiles in populated areas inevitably resulted in civilian casualties and damage to civilian infrastructure. The implications of these violations are far-reaching and severe. The US could face individual and state responsibility for war crimes and other serious violations of IHL. The humanitarian consequences of these violations can be devastating, with long-lasting effects on the affected population. In light of these, it is imperative that the US take immediate action to ensure compliance with IHL principles in its future interventions. The US intervention in Iran serves as a stark reminder of the importance of complying with IHL principles in military interventions. The consequences of non-compliance can be devastating, with long-lasting effects on the affected population.

Anticipatory Self-Defence under the UN Charter

Article 51 of the UN Charter recognizes the inherent right of individual or collective self-defence in the event of an armed attack. However, the article does not explicitly address the issue of anticipatory self-defence which refers to the use of force in anticipation of an imminent attack.⁵² The concept of anticipatory self-defence has been debated extensively in international law, with some scholars⁵³ arguing that it is permissible under certain circumstances, while others contended that it is prohibited.⁵⁴ The most recent influential precedent on anticipatory self-defence is the *Caroline's* case, which date back to 1837, in this case, British forces attacked and destroyed an American ship called the *Caroline*, which was being used by Canadian rebels to launched attacks against British forces. The US Secretary of State, Daniel Webster, argued that the British attack was justified as an act of self-defence, as the *Caroline* posed an imminent danger. This position was articulated in the 2002 National Security

⁴⁴ Rule 64-69 ICC Rules of Procedure and Evidence 2017

⁴⁵ *Ibid*

⁴⁶ *Ibid*.

⁴⁷ 1945.

⁴⁸ *Ibid*.

⁴⁹ *Ibid*.

⁵⁰ TM Franck, *Recourse to Force: State Action Against Threats and Armed Attacks* (Cambridge University Press 2002) 56

⁵¹ *Ibid*.

⁵² C Gray, *International Law and the Use of Force* (Oxford University Press, 2008) 43

⁵³ C Frank, *Recourse to Force: State Action Against Threats and Armed Attacks* (Cambridge University Press, 2002) 14

⁵⁴ A Cassese, 'Terrorism and International Law' *European Journal of International Law* [2001] 12 (5) 963-976

Strategy of the United States, which stated that: 'The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction, and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack.'⁵⁵ Article 51 of the UN Charter provides that 'nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measure necessary to maintain international peace and security.' The US intervention in Iran on US personnel and interests in the region. However, this claim is highly contentious and has been disputed by many experts.⁵⁶ To determine whether the US intervention in Iran meets the requirements of Article 51, we must consider the following elements:

1. Did an armed attack occur against the US or its allies? The US claimed that Iran's military activities in the region posed an imminent threat to US personnel and interests. However, this claim is highly speculative and lacks concrete evidence.
2. Did the US have an inherent right to self-defence under Article 51? The US claimed that its intervention was necessary to prevent an imminent attack by Iran. However, this claim is highly disputed and raises significant questions regarding the applicability of Article 51.
3. Did the US report its intervention to the Security Council? The US did not seek authorization from the UN Security Council before intervening in Iran, which raises significant questions regarding the legitimacy of its actions.

Based on the analysis above, it is clear that the US intervention in Iran does not meet the requirements of Article 51 of the UN Charter. The US failed to provide concrete evidence on an armed attack by Iran, and its claim of an imminent threat is highly speculative. Furthermore, the US did not seek authorization from the UN Security Council before intervening in Iran, which raises significant questions regarding the legitimacy of its actions. In light of these findings, it is imperative that the US takes immediate action to ensure compliance with Article 51 of the UN Charter. By taking these steps which include: Seeking authorization from the Security Council, providing concrete evidence of an armed attack, and reporting to the Security Council. By taking these steps, the US can ensure compliance with Article 51 and the UN Charter, and demonstrate its commitment to upholding international law.

6. Application of Anticipatory and Collective Self-Defence by the US to Hypothetical Israel-Iran Conflict

In the context of a hypothetical Israel-Iran conflict, the US might argue that it has the right to use force in anticipation of an imminent Iranian attack on Israel.⁵⁷ However, such a claim would need to be carefully evaluated in light of the principles of necessity, proportionality, and immediacy. The US would need to demonstrate that an Iranian attack on Israel is imminent and that the use of force is necessary to prevent such an attack. The US would also need to ensure that its use of force is proportionate to the threat posed by Iran and that it does not cause unnecessary harm to civilians or civilian infrastructure.⁵⁸

Article 51 of the United Nations Charter recognizes the inherent right of individual for collective self-defence in the event of an armed attack. Collective self-defence refers to the right of states to come to the defence of another state that is under attack. The concept of collective self-defence is based on the idea that an attack on one state is an attack on all states that are part of the collective self-defence arrangement. This concept is reflected in Article 51 of the UN Charter, which states that 'nothing in the Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations'.⁵⁹ The concept of self-defence under Article 51 of the UN Charter is a complex and multifaceted issue. In essence, this article acknowledges that states have the inherent right to protect themselves when faced with an armed attack. However, this right is not absolute and is subject to certain constraints, such as the principles of necessity and proportionality. The issue of self-defence has been brought to the forefront with the conflict between Israel and Iran. Israel's actions against Iran's nuclear facilities have raised significant geopolitical questions, with some arguing that they fall within the scope of lawful self-defence as recognize under Article 51 of the UN Charter and customary international law. To form an opinion on this matter, it is essential to consider the historical context and evolution of the concept of self-defence. The UN Charter's drafting history shows that an armed attack was considered an act of aggression, which in turn triggers the right to self-defence.

In light of this understanding, it can be argued that Israel's actions against Iran's nuclear facilities may be justified under the rubric of self-defence. However, this is not to say that the issue is clear-cut, and various perspectives and interpretations of Article 51 of the UN Charter must be considered. Ultimately, the concept of self-defence under Article 51 of the UN Charter requires a careful consideration of the complex interplay between the principles of necessity, proportionality, and the inherent right to self-defence.

7. United States Intervention in Israel-Iran Conflict: A Collective Self-Defence Perspective

In the event of an armed attacks by Iran on Israel, the US may consider intervention on behalf of its ally, Israel, under the principle of collective self-defence.⁶⁰ However, the legality of such intervention would depend on several factors, including:

⁵⁵ M Byers, 'Terrorism the Use of Force and International Law' *Journal of International and Comparative Law* [2020] 51 (2) 401-414

⁵⁶ The Indian Express Report 'Iran-Israel War Highlights: US enters war against Iran as Trump announces air strikes on Nuclear Sites including Fordow' (30 June, 2025)

⁵⁷ *The New York Times Report* 'The US Launched Massive precision strikes on three Iranian Nuclear Sites including Fordow, Istfahan, and Natanz' (22 June, 2025)

⁵⁸ *Ibid.*

⁵⁹ UN Charter 1945.

⁶⁰ *Ibid.*

1. The existence of an armed attack: There must be a clear and imminent threat of an armed attack by Iran on Israel.
2. There must be a request for assistance: Israel must request assistance from the US in defending itself against the Iranian attack.
3. There must be the necessity and proportionality of the response: The US response must be necessary and proportionate to the threat posed by Iran.
4. The reporting requirement: The US must report its actions to the United Nations Council.

In international law, some scholars argued that collective self-defence is a legitimate exception to the prohibition on the use of force,⁶¹ while others argued that it is a loophole that can be exploited by powerful states to justify intervention in the affairs of weaker states.⁶² The International Court of Justice (ICJ) has addressed the issue of collective self-defence in several cases, including the *Nicaragua case* (1986)⁶³ and the *Oil platform case* (2003).⁶⁴ In these cases, the ICJ emphasized the importance of strict adherence to the requirements of collective self-defence, including the existence of an armed attack, the request for assistance, and the necessity and proportionality as highlighted above. Ultimately, the position of international law on collective self-defence emphasizes the importance of caution and restraint in the use of force, and the need for strict adherence to the principles of necessity, proportionality, and distinction as provided under the international humanitarian law. The United Nations Charter is founded on the principles of state sovereignty and non-interference, as enshrined in Article 2 (2) and (4). However, Article 51 of the Charter appears to create an exception to this principle by allowing states to exercise their inherent right of individual or collective self-defence in the event of an armed attack. The provision of Article 51 raises several concerns regarding state sovereignty. Firstly, it may be seen as allowing states to interfere in the domestic affairs of other states, potentially undermining their sovereignty. Secondly, the provision allows states to use force unilaterally, without the need for authorization from the Security Council, which may be seen as undermining the principles of collective security, and thirdly, the determination of what constitutes an 'armed attack' is subjective and may be open to interpretation, potentially leading to abuses of the provision. However, there are also counterarguments that suggest Article 51 is fair enough considering issues of state sovereignty. While Article 51 of the UN Charter may appear to create an exception to the principle of state sovereignty, it is fair enough considering the need for states to defend themselves against armed attacks. However, to ensure that Article 51 is not abused, it is essential to: a) strictly interpret the provision to determine what constitutes 'an armed attack'; b) ensure necessity and proportionality in the application of the use of force, and c) the application of Article 51 and the use of force should be seen as a temporary measure until the Security Council takes measures necessary to maintain international peace and security. By taking these steps, we can ensure that Article 51 is used in a way that respects state sovereignty while also allowing states to defend themselves against armed attacks.

8. The Use of Force in International Law: Implications for United States in the Israel-Iran Conflict

The use of force in international law is a complex and contentious issue, with various interpretations and applications. The Israel-Iran conflict is a prime example of challenges and the complexities surrounding the use of force. This analysis will examine the international law framework governing the use of force, the implications of US intervention in the Israel-Iran conflict, and the potential consequences of such intervention. The United Nations Charter is the primary source of international law governing the use of force. Article 2 (4) of the UN Charter prohibits the use of force against the territorial integrity or political independence of any state. However, Article 51 recognizes the inherent right of self-defence, allowing states to use force in self-defence if an armed attack occurs.⁶⁵ The use of force as enshrined under the UN Charter, particularly under Article 51, raises questions about balance and fairness, especially when considered alongside the provisions of Article 2 (4), which prohibits the use of force in international law. While Article 2 (4) prohibits the use of force, Article 51 creates an exception for self-defence, which can be interpreted broadly. This creates an imbalance, as states with more military power may be more likely to invoke Article 51, potentially undermining the prohibition on the use of force in Article 2 (4). The UN Charter lacks clear guidelines on when the use of force is justified under Article 51. This ambiguity can lead to subjective interpretations, potentially allowing states to justify the use of force for self-serving purposes. The use of force under Article 51 also has a disproportionate impact on weaker states, which may not have the military capabilities to defend themselves. This can perpetuate a cycle of violence and undermine global security. To address these concerns, the UN Charter should be reformed to provide clearer guidelines on the use of force under Article 51. Additionally, the international community should work towards strengthening mechanisms for preventing conflicts and promoting peaceful resolution of disputes. While the use of force under Article 51 of the UN Charter may be necessary in certain circumstances, its current formulation creates an imbalance with the prohibition on the use of force in Article 2 (4). To ensure fairness and balance, the UN Charter should be reformed to provide a clearer guidelines and stronger mechanisms for promoting peace and security.

9. Conclusion

The United States intervention in the Israel-Iran conflict would raise complex legal questions, particularly regarding the interpretation and application of Article 51 of the UN Charter and IHL principles of war. While the US may have a legitimate interest in defending its ally Israel, any use of force would need to be carefully calibrated to meet the requirements of necessity,

⁶¹ Ian Brownlie, *International Law and the Use of Force by States* (Oxford University Press, 1963); D W Bowett, *Self-Defence in International Law* (Manchester University Press, 1958), and A Pellet, *The Law of Nations and the Use of Force* (M N Shaw Ed, International Law 7th ed, Cambridge University Press, 2013)

⁶² M Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge University Press, 2005)

⁶³ ICJ, Reports 27 June 1986.

⁶⁴ ICJ Reports 2003, p161

⁶⁵ Ibid.

proportionality, and immediacy, while also complying with IHL principles. Ultimately, the legality of US intervention in Iran would depend on the specific circumstances of the conflict and the response of the international community. In conclusion, the legality of the United States intervention in a hypothetical Israel-Iran conflict is a complex and multifaceted issue. Article 51 of the UN Charter provides a framework for understanding the principles of self-defence, but its application in this context raises difficult questions about necessity, proportionality, and collective self-defence. The analysis has shown that the US intervention would need to meet the requirements of necessity and proportionality, and would require a request for assistance from Israel. Moreover, the US would need to provide clear and transparent justifications for its actions, and be prepared to defend them before the international community. The *Nicaragua and Oil Platforms cases* provide relevant precedents for understanding the principles of self-defence and the role of the UN Charter. The ICJ's decisions in these cases emphasize the importance of necessity and proportionality in determining the lawfulness of self-defence measures. In light of these considerations, it is clear that any US intervention in a hypothetical Israel-Iran conflict would need to be carefully considered and justified. The US would need to weigh the potential consequences of its actions, and consider the potential impact on regional and global stability. The decision to intervene would depend on a nuanced assessment of the facts and circumstances, and careful consideration of the legal and political implications. As the international community continue to grapple with the complexities of self-defence and collective security, it is essential to approach these issues with caution, restraint, and a commitment to upholding the principles of the UN Charter and the basic principles of IHL.