



## PREVENTION OR AGGRESSION? THE LEGAL CROSSROADS OF ISRAEL'S STRIKE ON IRAN

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As Israel's aggression on Iranian nuclear and military infrastructure almost completes its first week, the world watches with growing concern, not only over the mounting casualties, and sever damage to infrastructure, but also over the legal and diplomatic implications of the strike. Was Israel's action a case of lawful prevention, or a unilateral act of aggression that defies international law? This is more than a military question; it is a legal litmus test for the rules-based international order established under the United Nations Charter and other multilateral frameworks.

Israel has sought to justify its action as a "protective or preventive measure," citing a recent report by the International Atomic Energy Agency (IAEA). The report noted some noncompliances by Iran with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), specifically, Iran's nuclear activities during the early 2000s. However, the IAEA report contains no new revelations that would suggest Iran is currently weaponizing its nuclear program. The cited information has already been addressed through the 2015 Joint Comprehensive Plan of Action (JCPOA). As such, Israel's assertion that the IAEA report constitutes evidence of an imminent threat lacks legal weight. The report itself did not recommend or support military action, and no formal determination of an emergency or breach requiring the use of force was made by the UN Security Council.

A key question arises as to how NPT violations are addressed, and by whom. Under the NPT, non-nuclear weapon states such as Iran are required to submit all nuclear activities to IAEA safeguards. When a state is found in non-compliance, the IAEA may report the matter to the United Nations Security Council (UNSC), which is then authorized to determine the existence of a threat to international peace and decide on collective measures. Importantly, the treaty does not permit unilateral military action by any state in response to perceived or historical violations.

One must differentiate between the right of self-defense and an act of aggression. Israel argues that its actions fall under the right of self-defense as enshrined in Article 51 of the UN Charter, which allows states to use force in response to an "armed attack". However, Iran has not attacked Israel, and no credible evidence suggests that an attack was imminent. Some legal scholars refer to anticipatory self-defense, a concept rooted in the Caroline doctrine of 1837, which allows preemptive force only when the threat is instant, overwhelming, and leaves no choice of means and no moment for deliberation, and then the response is to be proportional too. This standard was reaffirmed by the International Court of Justice (ICJ) in its 1986 ruling in *Nicaragua v. United States*, which held that the right to selfdefense applies only in response to actual or imminent armed attacks and not speculative threats.



The world must be mindful that this is not Israel's first resort to preemptive strikes against nuclear infrastructure. In 1981, it bombed Iraq's Osirak nuclear reactor, claiming a similar rationale of preventing future nuclear armament. The UN Security Council unanimously condemned that strike through a Resolution, calling it a violation of international law and the UN Charter. A more recent example is the 2003 US-led invasion of Iraq. The lack of UN authorization and the failure to find weapons of mass destruction have been regarded as unlawful under international law. These precedents underscore a consistent international position: preventive strikes, without an immediate threat or UNSC authorization, are illegal.

It is essential to understand the right to use force and the spirit enshrined in Article 2(4) of the UN Charter, which prohibits the "threat or use of force against the territorial integrity or political independence of any state". Only two exceptions exist: one, self-defense against an armed attack (Article 51), and the other, Security Council authorization (Articles 39-42). Neither of these conditions applied in Israel's current operation. Furthermore, UN General Assembly Resolution 3314 (1974) defines aggression as the "use of armed force by a State against the sovereignty, territorial integrity or political independence of another State," including unprovoked strikes on military installations. On this basis, Israel's action would certainly qualify as an act of aggression under international law.

If left unchallenged, Israel's justification could set a dangerous precedent, encouraging other states to pursue unilateral military solutions under the vague pretext of prevention. This could further erode the already fragile norms governing the use of force, destabilizing international security. While Israel has long-standing and serious security concerns regarding Iran's nuclear programs, the international legal system provides structured mechanisms to address such concerns through verification, diplomacy, and multilateral enforcement. By bypassing these mechanisms, Israel risks undermining the very legal framework that safeguards state sovereignty and prevents arbitrary use of force. The real question for the international community is whether it will uphold the rule of law or allow "prevention" to become a cover for aggression.

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