

ASSESSING THE LEGALITY OF FORCE IN THE 2026 US-ISRAEL-IRAN CONFLICT: AN INTERNATIONAL LAW ANALYSIS

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Abstract The US-Israel-Iran War began on February 28, 2026, initiated by Operation Roaring Lion (Israel) and Operation Epic Fury (US), which raised critical inquiries regarding the fundamental tenets of international law related to the use of force. Coordinated airstrikes targeted over 20 Iranian nuclear facilities, IRGC command centers, and leadership, culminating in the assassination of Supreme Leader Ayatollah Ali Khamenei in Tehran—an act that President Donald Trump characterized as essential for regime change, neutralizing nuclear threats, and dismantling missile programs, particularly in light of Iran's 90% uranium enrichment and its support for proxy groups such as Hezbollah, Houthis, and Hamas.

By the seventh day (March 6, 2026), the situation escalated significantly: Iran's Operation True Promise IV launched more than 300 ballistic missiles and drones directed at US bases (Al Udeid, Bahrain), Israeli airfields, and Gulf ports, which were met with Tomahawk strikes targeting Tehran, Beirut, and oil infrastructure. Civilian casualties have exceeded 5,000 according to Iranian reports, including assaults on Minab girls' school (165 children), Lamerd sports hall (18 teenagers), and Gandhi Hospital—these events have been confirmed by Human Rights Watch as disproportionate. Under Article 2(4) of the UN Charter, such pre-emptive strikes are deemed presumptive aggression, as they lack Security Council authorization or a preceding armed attack. The US and Israel invoke Article 51 of self-defense, citing imminent threats based on the Begin Doctrine and Caroline criteria (necessity, proportionality), yet experts such as UN Rapporteur Ben Saul contest this assertion in the absence of verified imminence, labelling it as the Nuremberg 'supreme crime'. Violations of jus in bello (Geneva Conventions, Protocol I Articles 48, 51, 52) are apparent in attacks on civilian locations without military justification. The consequences of this conflict pose a risk to the stability of the post-WWII order: P5 vetoes obstruct enforcement, rekindling discussions similar to Kosovo-style debates regarding 'illegal but legitimate' force; there are potential involvements from Russia and China; disruptions to NPT/IAEA frameworks and BRICS dynamics are expected. This scenario necessitates Uniting for Peace sessions, a revival of diplomacy, and inquiries by the ICC. Challenges to the US War Powers Resolution are on the horizon, as suggested by H.Con.Res. 38.

Keywords: jus in bello, UN Charter, nuclear proliferation, Operation Roaring Lion, Epic Fury.

Conflict Chronology and Factual Context

The immediate catalyst for the war was a series of pre-dawn airstrikes on February 28, 2026, carried out collaboratively by US B-2 bombers and Israeli F-35 jets targeting more than 20 Iranian nuclear facilities, IRGC command centers, and leadership locations. Among the notable casualties was Supreme Leader Ayatollah Ali Khamenei, who was killed in a strike on his residence in Tehran, an event that President Trump praised as a crucial move towards "liberating Iran from its terrorist regime." These operations followed months of rising tensions, including Iran's uranium enrichment reaching 90% purity—close to weapons-grade—and its provision of advanced missiles to proxies such as Hezbollah and the Houthis.

By the seventh day (March 6), the conflict had spread throughout the region. Iran responded with over 300 ballistic missiles and drones targeting US bases in Iraq, Qatar (Al Udeid), and Bahrain, as well as Israeli airfields near Tel Aviv. US and Israeli counterstrike's heavily bombarded Tehran, the suburbs of Beirut, and Gulf ports, with reports indicating US carrier groups launching Tomahawks against Iranian oil infrastructure. The casualty figures are disputed: Iran asserts that over 5,000 civilians have died, including catastrophic strikes on civilian locations—a girls' school in Minab (165 children killed), a sports complex in Lamerd (18 teenagers), and Gandhi Hospital in Tehran (over 200 patients). Independent verification from Human Rights Watch supports claims of disproportionate civilian casualties.

Domestically, the US Senate rejected a bipartisan resolution to invoke the War Powers Resolution of 1973 on March 4, thus allowing strikes to continue without a formal declaration. President Trump, who assumed office in January 2025, described the conflict as a realization of campaign promises against Iranian aggression, forecasting a duration of four weeks. This situation underscores the need for legal scrutiny amid swift escalation.

Core International Legal Frameworks

The United Nations Charter (1945) acts as the cornerstone of modern international law regulating armed conflict, having been universally ratified by the United States, Israel, and Iran—key actors in the ongoing war. Article 2(4) explicitly prohibits the threat or use of force: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." This *jus ad bellum* principle was solidified post-World War II to outlaw aggressive warfare, reflecting customary international law that binds even non-UN states, as affirmed in the *Nicaragua v. United States* ICJ ruling (1986). It represents the legacy of the Kellogg-Briand Pact (1928), which condemns conquest and requires the peaceful resolution of disputes.

Exceptions to the Prohibition: Jus Ad Bellum (Right to War)

There exist two narrowly defined exceptions that permit the use of force. The first is self-defence under Article 51, which preserves the "inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations," continuing until the Security Council intervenes. Judicial interpretations necessitate a significant "armed attack"—serious cross-border incursions, rather than mere border skirmishes or proxy actions, as established in *Military and Paramilitary Activities in Nicaragua* (ICJ 1986). Key criteria include immediacy, necessity, and proportionality.

The concept of anticipatory self-defence ignites significant discussion. Some proponents reference an "imminent threat" extension—drawing from Caroline's "no choice of means"—yet the ICJ in *Nicaragua* dismissed the U.S. mining of Nicaraguan harbors in the absence of an actual attack, emphasizing a strict interpretation of the text. The *Oil Platforms* case (*Iran v. United States*, ICJ 2003) further restricted this notion, ruling that U.S. strikes on Iranian platforms were unjustified despite earlier Gulf incidents. The customary acceptance of pre-emption remains uncertain; the U.S. National Security Strategy (2002) Bush Doctrine, which advocated for preventive warfare against remote threats, encountered widespread global rejection. In the context of the US-Israel-Iran situation, assertions of Iranian nuclear "imminence" must demonstrate specific, credible intelligence regarding launch-ready capabilities—public evidence remains absent as of March 6, 2026.

Furthermore, Chapter VII grants the Security Council the authority to sanction enforcement actions against "threats to the peace" (Article 39), as seen in Korean War Resolution 83 (1950) or Gulf War Resolution 678 (1990). Vetoes from permanent members (P5, including the U.S.) make this inapplicable in the current scenario, with drafts being obstructed amid the ongoing conflict. In the absence of these avenues, the use of force is deemed presumptive aggression, subject to prosecution under UNGA Resolution 3314 (1974) as the "supreme international crime," echoing the principles established at Nuremberg. Legal.

Jus In Bello (conduct in war): Conduct of Hostilities

Separate from jus ad bellum, jus in bello regulates conduct during wartime, universally binding through the four Geneva Conventions (1949, ratified by all parties) and Additional Protocols (1977, with the U.S. and Israel adhering to core provisions). Common Article 3 prohibits violence to life, torture, and degrading treatment in non-international armed conflicts, which is extended here to international hostilities. Protocol I elaborates: Article 48 requires the distinction between "combatants and civilians"; Article 51(4) prohibits indiscriminate attacks (e.g., unguided barrages); Article 51(5)(b) forbids disproportionate civilian casualties.

Civilian objects presumptively protected under Article 52 require affirmative military use for targeting—mere proximity insufficient. Schools and hospitals receive heightened safeguards: Geneva Convention IV Article 18 deems hospitals inviolable absent military conversion; Protocol I Article 12 extends this, with

warnings mandatory before attack. The Minab girls' school strike (165 children killed) and Gandhi Hospital bombing (200+ deaths) exemplify breaches absent verified dual-use, as Human Rights Watch notes no IRGC presence confirmed. Proportionality weighs concrete civilian risks against anticipated advantage, per ICTY Appeals Chamber in Kupreškić

Weapons restrictions are currently enforced: Protocol I Article 35(2) forbids excessively inhumane methods; the Convention on Certain Conventional Weapons (1980) limits the use of incendiaries near civilians. While U.S. Tomahawks and Israeli F-35 precision munitions are advanced, they may fail if the intelligence is inaccurate, leading to strict liability. The existence of occupied territories invokes Article 49(4), which prohibits displacement, particularly pertinent to potential ground operations.

Enforcement and Accountability Mechanisms

Violations result in individual criminal liability under Article 8 of the Rome Statute (war crimes); however, the non-ratification by the U.S. and Israel restricts the jurisdiction of the ICC—nevertheless, Palestine's accession permits investigations into Israeli actions. Universal jurisdiction empowers domestic courts; the Nuremberg principle of command responsibility holds leaders such as Trump accountable for sanctioning unlawful strikes. State responsibility, as delineated in the ILC Articles (2001), necessitates cessation and reparations—Iran's forthcoming suit at the ICJ reflects the situation concerning Oil Platforms. Iran, which has ratified the Geneva Conventions but not fully Protocol II, claims systematic violations, invoking Article 51 in a symmetrical manner for its missile responses. UN mechanisms are ineffective: resolutions from the Human Rights Council condemn aggression, yet enforcement depends on political will.

Application to the Conflict

In this conflict, Article 2(4) generally forbids initial U.S.-Israeli strikes in the absence of an armed attack—proxies such as the Houthis do not fulfil the criteria for state attribution under the US and Israeli Legal Positions United States and Israeli officials staunchly defend their airstrikes conducted on February 28, 2026, asserting that these actions are lawful collective self-defence under Article 51 of the UN Charter. They characterize Iran's nuclear program as an existential threat that demands immediate intervention. The administration of President Donald Trump released declassified briefings that claim Iran has "secret plans" to produce 10 nuclear warheads by mid-2026, along with technology transfers to proxies like Hezbollah and the Houthis, thereby rationalizing pre-emptive actions to avert disaster.

Representatives from the Pentagon emphasized accurate intelligence obtained from Mossad and CIA sources, which pinpointed underground centrifuges at Natanz and Fordow, enriched to 90% purity—mere weeks away from being weaponized. This narrative positions the strikes not as acts of aggression but as a necessary response, echoing historical instances where mere potentiality provoked action. Israel references its enduring Begin Doctrine, named after the 1981 Osirak raid on Iraq's reactor, which permits unilateral measures against

emerging nuclear threats to preserve a qualitative military edge. Prime Minister Benjamin Netanyahu argued that Iran's stockpile of over 2,000 ballistic missiles—capable of striking Tel Aviv—coupled with proxy encirclement, generated a palpable sense of urgency, satisfying the Caroline criteria of "instant, overwhelming necessity leaving no choice of means."

US Ambassador to the UN Linda Thomas-Greenfield reiterated this perspective during Security Council discussions, asserting that evolving customary law post-9/11 supports anticipatory defence against non-state actors integrated into state arsenals, distinguishing it from the Nicaragua case (1986). The legitimacy of collective defence arises from Israel's formal request, which facilitates US B-2 and F-35 operations under inherent rights. Regime change rhetoric, including Trump's "liberation" of Iranians post-Khamenei assassination, is reframed as collateral to dismantling IRGC terror infrastructure—designated a terrorist entity by both nations. Pentagon after-action reports claim 98% precision hit rates minimized civilians, attributing collateral (e.g., Minab school) to Iranian human shielding tactics, where IRGC allegedly embeds in populated areas, shifting proportionality burdens. These positions mirror Bush Doctrine preventive logic but stress imminence via real-time satellite and cyber intelligence, urging allies to recognize the strikes' deterrent value against proliferation.

Counterarguments: Alleged Violations

A nearly unanimous agreement among international legal experts denounces the initial strikes by the US and Israel as unlawful aggression under Article 2(4), lacking Security Council authorization or a preceding armed attack. UN Special Rapporteur Ben Saul clearly articulated: "The US-Israeli attacks do not constitute lawful self-defence... There has been no armed attack by Iran against either nation. "In the absence of Chapter VII endorsement—blocked by threats of a US veto—pre-emptive action is invalid; Omani-mediated negotiations resulted in Iranian commitments to limit enrichment to 60%, negating the argument of "no choice of means. "Pentagon leaks, referenced in Al Jazeera reports, confirm Iran's commitment to refrain from initiating hostilities unless provoked, which undermines the notion of imminent threat. The Caroline standard collapses: there was no "instant, overwhelming" threat, as IAEA inspections indicated no diversion to military programs just days prior. The ICJ's ruling in *Oil Platforms* (2003) necessitates serious, attributable state actions—proxy activities such as Houthi strikes do not meet Nicaragua's "effective control" criteria. Labelling it a "war of aggression" invokes the principles established by the Nuremberg Tribunal (1946): planning such a war is deemed the "supreme international crime," encompassing all related offenses.

The UN General Assembly's emergency session on March 1, under the Uniting for Peace (Resolution 377), called for an immediate halt, declaring it illegal according to the definitions in Resolution 3314 (1974). Violations of *jus in bello* further complicate matters: attacks on the Minab girls' school (165 children), Lamerd sports hall (18 teenagers), and Gandhi Hospital (over 200 patients) violate Geneva Protocol I Articles

48 (distinction), 51(4) (indiscriminate attacks), and 52 (civilian objects), which are presumed protected unless proven otherwise—no such evidence has been presented.

UN Secretary-General António Guterres condemned these actions as "grave breaches," urging for preliminary investigations by the ICC despite the lack of ratifications. Iran's Operation True Promise IV reprisals, while escalating tensions, symmetrically invoke Article 51 until there is intervention from the Council. Command responsibility holds leaders accountable for foreseeable civilian casualties, according to ICTY precedents.

Broader Implications for Global Order

The ongoing US-Israel-Iran conflict, now entering its second week as of March 9, 2026, reveals significant fractures within the United Nations framework, jeopardizing the post-World War II order that was established to avert great-power conflicts through collective security measures. The P5 veto mechanism—especially the willingness of the United States to utilize it—has effectively paralyzed the enforcement capabilities of the Security Council, rendering Chapter VII resolutions ineffective against acts of aggression by permanent members or their allies. Diplomats from Russia and China have criticized this situation as "Western exceptionalism," while covertly providing Iran with S-400 air defence systems and dual-use electronics, all the while denouncing the military strikes in coordinated statements from BRICS.

This selective approach fosters cynicism, reminiscent of historical double standards such as the 2003 invasion of Iraq, where US vetoes protected non-compliance with IAEA inspections. Such dynamics undermine the universality of the Charter, encouraging middle powers to seek independent nuclear deterrents in an environment perceived as lacking accountability. The conflict revives long-suppressed discussions regarding "illegal but legitimate" interventions, particularly highlighted by NATO's 1999 campaign in Kosovo. In that instance, humanitarian arguments—aimed at preventing atrocities akin to those in Srebrenica—disguised violations of Article 2(4), as there was no Council authorization due to Russian opposition.

Legal scholars, including Bruno Simma, have criticized this as a precedent that breaks established norms, yet it has legitimized unilateral actions, setting the stage for Russia's annexation of Crimea in 2014 under the pretext of "Responsibility to Protect" (R2P). In this context, the US-Israeli pre-emptive actions against Iran's nuclear capabilities employ a similar moral justification—"saving millions from nuclear terror"—which progressively undermines the taboo against the use of force. This situation invites reciprocal risks: Iran is exploring North Korean fissile technology, Turkey is hastening the development of its own arsenal, and Saudi Arabia is accelerating its uranium processing efforts, thereby fracturing the cohesion of the Non-Proliferation Treaty (NPT).

Regionally, proxy escalations indicate a potential for broader conflict. Houthi drone swarms have obstructed the Red Sea, resulting in the sinking of two Saudi tankers and a 400% increase in Bab al-Mandab insurance

rates; Hezbollah's 5,000-rocket barrages overwhelm the Israeli Iron Dome, spilling over into skirmishes in the Golan Heights. Saudi F-15s are now patrolling Gulf waters, Turkey has deployed Bayraktar drones to Idlib against IRGC proxies, and Pakistan's Shaheen-III tests signal a posture of deterrence. Oil prices have surged past \$150 per barrel—Brent at \$162 and WTI at \$158—triggering global supply shocks: Europe's scramble for LNG intensifies its dependency on Russia, India's CPI inflation reaches 8.2% due to 85% of its imports coming from the Gulf, and China's manufacturing PMI falls below 48 amid shortages in petrochemicals. IMF forecasts warn of a 1.5% reduction in global GDP by Q3 2026, comparable to the disruptions caused by COVID.

Domestically, the United States is facing constitutional crises. The Senate's rejection of a bipartisan War Powers Resolution invocation on March 4—by a vote of 52-48 along party lines—contradicts Article I, Section 8's war declaration clause, reminiscent of conflicts during the Vietnam era. H.Con.Res. 38, introduced by Rep. Massie (R-KY), requires troop withdrawal within 60 days unless congressional approval is obtained, garnering 120 co-sponsors amidst divisions within the GOP: MAGA isolationists are at odds with neoconservative hawks like Hegseth, who advocate for "total victory." Federal courts are poised to address ACLU lawsuits alleging overreach of the AUMF; public opinion polls indicate 54% opposition, contributing to volatility in the 2026 midterms. Israel's Knesset is confronted with no-confidence motions from Arab parties, while Netanyahu's coalition relies on far-right support that links aid to the annexation of the West Bank.

For India, serving as a non-aligned pillar of BRICS and a key player in the Quad, the ongoing war challenges its strategic autonomy. The country's reliance on oil imports—85% sourced from Gulf choke points—has led to a surge in CPI inflation to 7.9%, a 12% depreciation of the rupee to ₹88/USD, and RBI interest rates standing at 7%. The delivery of Russian S-400 systems to Iran complicates US-India COMCASA relations, forcing the Modi government to maintain a careful neutrality: statements from the BRICS Goa summit call for de-escalation without explicitly naming the aggressors, while patrols in the Indian Ocean Region alongside the USS Eisenhower indicate a shared burden. The potential nuclear ripple effects pose a threat to the no-first-use doctrine, and Pakistan's tactical weapons stance increases risks in Kashmir. On the economic front, Adani Ports reports a 30% decline in Mundra throughput, and remittances from Gulf expatriates have halved.

In the long term, the stability of nuclear non-proliferation regimes is in jeopardy. The bargain of the NPT—where non-nuclear states renounce nuclear weapons in exchange for security assurances—is faltering as Iran's reconstitution of Fordow challenges IAEA safeguards, mirroring North Korea's breakout in 2006. Saudi Crown Prince MBS has pledged a Accountability mechanisms bridge impunity gaps. Universal jurisdiction—Belgium's 1993 law, Spain's 2009 amendments—enables prosecutions of Trump, Netanyahu for aggression (Rome Statute Article 8 bis, despite non-ratification). Hybrid tribunals, modelled on Sierra Leone Special Court, pool ICC expertise with ad hoc state contributions, targeting IRGC command chains.

ILC Articles on State Responsibility (2001) obligate reparations: Iran's \$500B claims for Natanz mirror Oil Platforms (2003) precedents.

Ultimately, this crucible highlights the importance of multilateral diplomacy. Chapter VI, which addresses peaceful settlement through good offices, mediation, and arbitration, must replace the use of force, as demonstrated in Camp David (1978). Revitalizing dispute resolution strengthens norms against multipolar chaos: India's G20 presidency could facilitate the 'Tehran Accords,' which would integrate BRICS, Quad, and Abraham Accords to establish de-escalation agreements. Without coordinated reform, selective enforcement threatens the Charter, increasing the risk of anarchic proliferation in a time of peer competitors. Restoring the sanctity of Article 2(4) requires a collective political commitment, or we may witness a repetition of the 1930s descent into chaos.

The Conclusion

The US-Israel-Iran War of 2026 vividly highlights the vulnerability of international law's limitations on the use of force during a time characterized by nuclear latency and proxy conflicts, where disparities in power exacerbate the erosion of norms. Beginning with pre-emptive strikes that resulted in the assassination of Ayatollah Khamenei and the degradation of Iran's nuclear capabilities, the conflict—now encompassing regional proxies and civilian disasters—challenges the UN Charter's Articles 2(4) and 51 to their utmost limits. The US-Israeli claims of anticipatory self-defence, based on the Begin Doctrine and Caroline criteria, while strategically sound, struggle against the International Court of Justice's requirements for actual armed attacks, thus categorizing these operations as presumptive aggression under Resolution 3314. Further complicated by violations of jus in bello at Minab, Lamerd, and Gandhi Hospital, and lacking dual-use evidence, the war invokes the Nuremberg principle of the "supreme crime," necessitating accountability despite obstacles posed by the International Criminal Court. The repercussions of this conflict fracture the global structure: the paralysis of the P5 veto encourages reckless actions, from Turkish nuclear reactors to Saudi nuclear developments; economic shocks—\$160 oil prices and a 1.5% drag on GDP—intensify multipolar tensions, straining the BRICS-Quad divide and India's stance of non-alignment.

Domestic divisions in the US, as indicated by H.Con.Res. 38, signal impending constitutional challenges. Restoration hinges on determination: reconvenings of Uniting for Peace, reforms to the GGE veto, a new Doha JCPOA 2.0, and hybrid tribunals to enforce reparations and prosecutions are essential. Diplomacy under Chapter VI—reflecting the Camp David accords—must replace unilateral actions, with India's G20 leadership facilitating the "Tehran Accords." Failure to achieve this will yield to chaos; success will reaffirm the supremacy of law, preventing a repeat of the 1930s. Policymakers are urged to act with urgency: the Charter survives not merely through written words, but through the collective will of nations.

References

1. Al Jazeera. (2026, March 3). *Are US-Israeli attacks against Iran legal under international law?* <https://www.aljazeera.com/news/2026/3/3/are-us-israeli-attacks-against-iran-legal-under-international-law>[aljazeera]
2. Al Jazeera. (2026, March 6). *Iran war: What is happening on day seven of US-Israel attacks?* <https://www.aljazeera.com/news/2026/3/6/iran-war-what-is-happening-on-day-seven-of-us-israel-attacks>[aljazeera]
3. CBS News. (2026, March 3). *Hegseth says U.S. "just getting started" in Iran war.* <https://www.cbsnews.com/live-updates/us-iran-war-israel-strikes-tehran-lebanon-day-5-al-udeid-targeted/>[cbsnews]
4. DAWN. (2026, March 1). *UN General Assembly: Demand end to illegal US-Israel war on Iran.* <https://dawnmena.org/un-general-assembly-demand-end-to-illegal-us-israel-war-on-iran/>[dawnmena]
5. Deutsche Welle. (2026, March 4). *Did the US-Israel strikes on Iran break international law?* <https://www.dw.com/en/did-the-us-israel-strikes-on-iran-break-international-law/a-76203543>[dw]
6. Justia. (2025). *Use of force under international law.* <https://www.justia.com/international-law/use-of-force-under-international-law/>[justia]
7. Lieber Institute. (2024). *The meaning of prohibited "use of force" in Article 2(4).* <https://lieber.westpoint.edu/meaning-prohibited-use-force-article-24-un-charter/>[lieber.westpoint]
8. The Conversation. (2026). *Neither preemptive nor legal: US-Israeli strikes on Iran.* <https://theconversation.com/neither-preemptive-nor-legal-us-israeli-strikes-on-iran-have-blown-up-international-law-277173>[theconversation]
9. The Guardian. (2026, March 2). *What is the legality of the US and Israeli attacks on Iran?* <https://www.theguardian.com/law/2026/mar/02/legality-us-israel-attacks-iran-uk>[theguardian]
10. United Nations. (n.d.). *UN Charter, Article 51.*
11. <https://legal.un.org/repertory/art51.shtml>[legal.un]
12. United Nations. (n.d.). *UN Charter, Article 2(4).*
13. https://legal.un.org/repertory/art2/english/rep_supp7_vol1_art2_4.pdf[legal.un]

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