

**JUS AD BELLUM: IN LIGHT OF THE U.S.-IRAN ALTERCATION**

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**ABSTRACT**

*Armed reprisals were banned under the UN Charter right from 1945, yet countries have time and again engaged in military retaliation in complete ignorance of international laws. Reprisals in the form of airstrikes are increasingly becoming a weapon in the hands of the states to exercise the use of force on terrorist organizations and impede on the territorial sovereignty of other states. The recent airstrike killing of Qassem Soleimani, the Iranian Major General of the Islamic Revolutionary Guard Corps (IRCG), on the 3<sup>rd</sup> January 2020, by the U.S. has drawn a significant amount of international criticism.*

*This article deals with the position of international law on the doctrine of ‘jus ad bellum.’ It seeks to highlight the increasing use of retaliatory measures, especially the use of armed drones by the states as a coercive tactic to maintain their dominance in the global order. In light of the growing U.S.-Iran and Iraq tensions, the article, in particular, seeks to engage in a legal analysis of two important principles of international law, i.e. self-defence and duty of non-intervention through the aid of the existing treaty law, customary law and some famous precedents. Lastly, the article concludes that the U.S. airstrike has set a dangerous precedent for both the use of force and attack on territorial sovereignty. The strikes have torpedoed the modern-day international legal order and have profoundly affected the moral character of international relations.*

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## INTRODUCTION

Although states are referred to as international entities, they are ultimately a pawn in the hands of humans, and humans are always at a crossroads with the law. The laws that govern the conduct of states in international affairs is international law. States commitment to international law begins right at their recognition as political entities with a permanent population, well-defined territory, government, and the capacity to enter into relations with other states.<sup>116</sup>

As international actors states engage in legal commitments through treaty obligations or customary international norms; however, states often commit to agreements for sounding politically correct without meaning to work towards realizing those commitments. There exists a contradiction between states verbal commitments and especially their acts of use of force.<sup>117</sup> In response to growing violations of the use of force by states, Thomas Frank in his famous 1970 article titled ‘Who killed Article 2(4)?’ rightly opined that the rules of the UN Charter “had been eroded beyond recognition.”<sup>118</sup>

Article 2 (4) of the UN Charter, 1945 explicitly prohibits the use of force in international law.<sup>119</sup> Many international laws including the UN Charter, International Humanitarian Law (IHL), International Human Rights Law (IHRL) as well as customary international law regulate the laws on the use of force or ‘jus ad bellum.’

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<sup>116</sup> *Montevideo Convention on the Rights and Duties of States* (1933).

<sup>117</sup> See generally Christian Marxsen, *Violation and confirmation of the law: the intricate effects of the invocation of the law in armed conflict*, 5 J. USE FORCE INT. LAW 8 (2018), <https://doi.org/10.1080/20531702.2017.1365488>.

<sup>118</sup> *Id.*

<sup>119</sup> Charter of the United Nations (1945). <https://www.un.org/en/charter-united-nations/> (last visited Jul 28, 2020).

The U.S. boasts itself as a harbinger of change and a revolutionary of human rights throughout the international scholarship. Scholars of linear narratives in history have often conveniently ignored U.S. politics regarding the Middle East region. The U.S. relations with the Middle East are quite crucial because of the east-west competition, that is more intense than that in Europe and the flourishing cultures in the region like “Islamic fundamentalism, the rise of sub-nationalisms, and the stresses of modernization.”<sup>120</sup> Thus, it can be said that the U.S. wants to influence if not control the progress of the Middle East. In light of the interests of the U.S., many scholars had predicted that the U.S. would use force in the Middle East.<sup>121</sup>

Much to the horror of the truth, on 3rd January 2020, the U.S. military conducted airstrikes in Iraq, killing Iran’s most powerful military leader of the Islamic Revolutionary Guard Corps (IRGC) Quassem Soleimani.<sup>122</sup> The justification given by the U.S. for conducting the deadly airstrikes was that the attack was conducted in self-defence.<sup>123</sup>

This article aims to analyze in-depth, the existing law on the use of force, especially airstrikes. In the absence of adequate literature, examining the legality of the airstrike conducted by the U.S. to kill Soleimani, the article attempts to analyze four legal challenges. First, whether airstrikes come under the ambit of ‘use of force.’ Second, the justification of self-defence given by the U.S. Third, the legality of the U.S. airstrikes concerning the principle of non-intervention (since the airstrikes happened in Iraq). Lastly, the killing of several other persons who were with Soleimani, including *Abu Mahdi al-*

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<sup>120</sup> See Robert E. Hunter, *US Interests and the Use of Force in the Middle East*, 50 INT. SPECT. 95 (2015), <https://doi.org/10.1080/03932729.2015.1087195> (last visited Jul 27, 2020).

<sup>121</sup> *Id.*

<sup>122</sup> *Qasem Soleimani: US kills top Iranian general in Baghdad air strike*, BBC News, Jan. 3, 2020 <https://www.bbc.com/news/world-middle-east-50979463> (last visited Jul 28, 2020).

<sup>123</sup> Michelle Nichols, *At U.N., U.S. justifies killing Iranian commander as self-defense*, REUTERS, Jan. 9, 2020, <https://www.reuters.com/article/us-iraq-security-usa-un-idUSKBN1Z809Q> (last visited Jul 28, 2020).

*Muhandis, an important Shia leader.*<sup>124</sup> The article also attempts to lay down the impact of the U.S. airstrike on international relations and most importantly, on the international legal order.

#### USE OF FORCE (OR JUS AD BELLUM)

The law governing the right to resort to war or use force, i.e. Jus ad bellum is a foundation of the international legal system. Many rationalist thinkers like Jeffrey L. Dunoff and Kal Raustiala, Jack Goldsmith, Andrew Guzman and Eric Poser, have all opined that international law is inevitably linked to politics. They believe that nations are ‘rational actors,’ that resort to use of force by acting in their ‘self-interest,’ which is, in turn, a tactic of self-preservation.<sup>125</sup>

The jurisprudence on jus ad bellum started with the deplorable suffering of the international community in witnessing deadly world wars that lead to the ban on the right to use force in 1945. But it is deeply disheartening to see that even in today's day and age, some states and non-state actors are pre-occupied with the idea of the use of force to establish their hegemony in the world.

The evolution of international law on the use of force started with Article 2 (4) of the UN Charter that explicitly bans the use of force “against the territorial integrity or political independence of any state” by the member countries of United Nations. However, there are two exceptions to the same. The first one is stated under Chapter VII of the UN Charter, which allows the use of force by countries if authorized by the UN itself. The second one is

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<sup>124</sup> Peter Beaumont, *Abu Mahdi al-Muhandis: Iraqi killed in US strike was key militia figure*, The Guardian, Jan. 3, 2020 <https://www.theguardian.com/world/2020/jan/03/abu-mahdi-al-muhandis-iraq-iran-militias-suleimani> (last visited Jul 28, 2020).

<sup>125</sup> See William C Wohlforth, ‘Realism’ in Christian Reus-Smit and Duncan Snidal, *The Oxford Handbook of International Relations* (Oxford University Press 2008) 134. <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199219322.001.0001/oxfordhb-9780199219322> (last visited Jul 28, 2020).

stated in Article 51 of the UN Charter, that deals with self-defence. *Article 51* is a temporary but ‘inherent right’ of the member countries to act in self-defense “if an armed attack occurs against a member of the United Nations.”<sup>126</sup> Aside, from the law laid down in treaties, the use of force is also regulated through customary international law.

### LEGAL CHALLENGES

The legality of the U.S. airstrikes has drawn a considerable amount of international attention. This section critically analyzes each of the legal challenges in detail to ascertain the use of force by the U.S.

#### I. WHETHER AIRSTRIKES CONSTITUTE ‘USE OF FORCE.’

Airstrikes are the cyber-age use of force tactic, increasingly being adopted by the states. It is a well-known fact that every U.S. president after Ronald Reagan, has conducted airstrikes; be it in Libya, Sudan or Afghanistan. While the United States is primarily known for resorting to drone strikes post the 9/11 attacks, countries like Israel, France, Great Britain, Pakistan and recently, India too are increasingly using force through Airstrikes.<sup>127</sup> In 2019, Indian forces used airstrike to target militants in Pakistan’s Balakot.<sup>128</sup>

The law on armed drones is stated in the *Joint Declaration for the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles (UAVs)*<sup>129</sup> which was signed by the U.S. and 44 other countries in the year 2016. While the agreement was formulated to ensure the ‘responsible use’ of drones, the text of the agreement does not state what such responsible use

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<sup>126</sup> Charter of the United Nations, *supra* note 4.

<sup>127</sup> See Daniel Brunstetter, *Introduction: The Ethical, Legal, and Strategic Implications of Limited Strikes*, 34 ETHICS INT. AFF. 157 (2020).

<sup>128</sup> *Indian strikes target militants in Pakistan*, BBC NEWS, Feb. 26, 2019, <https://www.bbc.com/news/world-asia-47366718> (last visited Jul 28, 2020).

<sup>129</sup> *Joint Declaration for the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles (UAVs)* (2016).

means or should be.<sup>130</sup> Ideally, the states that are parties to the declaration should seek to amend the declaration to include measures that align with international law obligations such as the prohibition on the use of force and non-intervention in the territorial sovereignty of the states. Else, in the absence of any guidance whatsoever on the idea of responsible usage of drones, the declaration is merely a dead letter law.

Airstrikes are often referred to as *limited strikes or force short of war or jus ad vim*.<sup>131</sup> They are generally of shorter durations with minimal target lists which makes them stand different from prolonged air campaigns or ground invasions.<sup>132</sup> While limited airstrikes seem less substantial in terms of deployment of armed troops, they serve as serious deterrents, and their coercive value in terms of sanctions is high too. In lieu of the same reasons, airstrikes and drone attacks are being preferred by nations as a politically correct ground to avoid being in breach of international laws.

International legal scholarship is quite recently witnessing a trend of labelling acts involving the use of force as grave or minimal. Many international operations carried out by means of drone strikes have slipped past the legal scrutiny of Article 2 (4) by being argued as ‘minimal use of force.’<sup>133</sup>

While some scholars have fallen for the arguments regarding the threshold of the use of force, any such line of argumentation is fallacious not only on legal grounds (customary practice and treaty law) but also on the grounds of policymaking. Scholars Corten and O’Connell have presented evidence in

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<sup>130</sup> See Christian Enemark, *On the responsible use of armed drones: the prospective moral responsibilities of states*, 24 INT. J. HUM. RIGHTS 868 (2020), <https://doi.org/10.1080/13642987.2019.1690464> (last visited Jul 27, 2020).

<sup>131</sup> Brunstetter, *supra* note 12.

<sup>132</sup> *Id.*

<sup>133</sup> See Tom Ruys, *The Meaning of “Force” and the Boundaries of the jus ad bellum: Are “Minimal” Uses of Force Excluded from UN Charter Article 2(4)?*, 108 AM. J. INT. LAW 159 (2014).

favour of there being a threshold for jus ad bellum under customary practices.<sup>134</sup> However, *Ruys* argues that the existing evidence for the threshold of use of force under customary law is only on “targeted killing of single individuals, to forcible abductions of individual persons, or the interception of a single aircraft.”<sup>135</sup> Therefore, in the absence of relevant customary practice, no evidence exists that attaches a de minimis threshold requirement for armed attacks such as airstrikes.

Additionally, the text of Article 2 (4) of the UN Charter does not mention the gravity or threshold of the ‘armed attack.’ Thus, any armed attack on a state by the other would come under the scope of jus ad bellum irrespective of the gravity of the force.

On policymaking grounds, ascribing threshold to armed attacks could lead to unfortunate results because it would give an unbridled interpretative power in the hands of the states to argue for minimal use of force and thereby erode the law.

Therefore, it can be said that as per both, customary practice and treaty law, airstrikes constitute use of force. The U.S. airstrike that killed Soleimani prima facie invites the application of Article 2 (4) of the UN Charter for the use of force and seems to violate the same.

## II. U.S. JUSTIFICATION OF SELF-DEFENCE

To be acting within the ambit of the law, the airstrike conducted by the U.S., that killed Soleimani has to be an act of self-defence under Article 51 which

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<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

is an exception to Article 2 (4) of the UN Charter. The U.S. justified the attack as self-defense to the United Nations Security Council (UNSC).<sup>136</sup>

Article 51 states that to claim an act as self-defense, there has to be an ‘armed attack’ on the State invoking the exception. Interestingly, in its statement, through the U.S. Ambassador to the United Nations Kelly Craft, the U.S. said that the airstrikes in Iraq were “in response to an escalating series of armed attacks in recent months by the Islamic Republic of Iran and Iran-supported militias on U.S. forces.”<sup>137</sup> Craft also said that the idea behind the strike was to deter Iran and other Iranian militant groups from attacking.<sup>138</sup> The statements given by the U.S. seem very general and do not specify the details of the ‘armed attacks by Iran’ thereby making its assessment under international laws very difficult.

Two famous cases of the International Court of Justice (ICJ) dealing with the issue of ‘Armed attack’ are- *Nicaragua v. U.S.*<sup>139</sup> and the *Oil Platforms case*.<sup>140</sup> In *Nicaragua v. U.S.*, the court held that the difference between a “frontier incident” and an armed attack was that an armed attack has a distinct “scale and effect” and entails a certain “gravity” of attack.<sup>141</sup> The ICJ also held that armed attacks do not include weaponry, logistical or other support by a state to rebels. Considering the findings of ICJ in *Nicaragua v. U.S.*, it can be said that the attacks by Iranian militants against the U.S. forces would not amount to armed attacks.

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<sup>136</sup> At U.N., U.S. justifies killing Iranian commander as self-defense, *supra* note 8.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> See *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*, Merits Judgment, I.C.J. 14 (1986).

<sup>140</sup> See *Oil Platforms (Islamic Republic of Iran v. United States of America)*, Merits Judgment, I.C.J. 161 (2003).

<sup>141</sup> *Id.* at 17.

In the case concerning *Oil Platforms*, the ICJ again ascribed a certain “gravity” to the use of force in cases of armed attacks.<sup>142</sup> The U.S. president Mr. Trump and the U.S. Secretary of State Mr. Mike Pompeo have only stated through interviews that Iran tried to threaten the U.S. by hovering a drone around the warship *USS Boxer*<sup>143</sup> and by shooting down the unmanned *US RQ-4 surveillance drone*.<sup>144</sup> The U.S. failed to comment on the gravity of the so-called armed attacks by Iran in its report to the UN Security Council (UNSC). Thus, Iran’s attacks cannot be categorized as armed attacks in violation of Article 51.

In customary international law, the state practice of anticipatory self-defence requires the threat of armed attacks to the states invoking the exception to be of an ‘imminent’ nature.<sup>145</sup> The *Caroline* case laid down five conditions for a state to use force as anticipatory self-defence under Article 51, namely- the *necessity of self-defence* because of the *instant and the overwhelming* threat of armed attack, such that *leaves no choice of means and moment of deliberation*.<sup>146</sup> The U.S. statements justifying anticipatory self-defence are rife with contradictions. The U.S. has repeatedly stated that it conducted airstrikes to deter Iran from threatening the U.S.<sup>147</sup> Additionally, the U.S. Secretary of State Mr. Mike Pompeo went on record to say that “we don’t

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<sup>142</sup> *Id.* at 18.

<sup>143</sup> US says it destroyed Iranian drone near warship, BBC NEWS, July 19, 2019, <https://www.bbc.com/news/world-us-canada-49040415> (last visited Jul 29, 2020).

<sup>144</sup> *Iran shoots down US RQ-4 Global Hawk surveillance drone*, THE DEFENSE POST (2019), <https://www.thedefensepost.com/2019/06/20/iran-shoots-down-us-drone-strait-of-hormuz/> (last visited Jul 29, 2020).

<sup>145</sup> See Niaz A. Shah, *Self-defence, Anticipatory Self-defence and Pre-emption: International Law’s Response to Terrorism*, 12 J. CONFL. SECUR. LAW 95 (2007), <https://www.jstor.org/stable/26294740> (last visited Jul 29, 2020).

<sup>146</sup> See David Kretzmer, *The Inherent Right to Self-Defence and Proportionality in Jus Ad Bellum*, 24 EUR. J. INT. LAW 235 (2013), <http://academic.oup.com/ejil/article/24/1/235/438278> (last visited Jul 29, 2020).

<sup>147</sup> At U.N., U.S. justifies killing Iranian commander as self-defense, *supra* note 8.

know precisely when and we don't know precisely where.”<sup>148</sup> These statements do not just show the absence of an ‘imminent’ attack from Iran but also indicates that the sole reason for the airstrike was to deter and threaten Iran. Armed attacks in the deterrence of potential attacks are referred to as ‘pre-emptive’ self-defence which is prohibited under international law.<sup>149</sup> Thus, U.S. airstrikes would not come under the ambit of anticipatory self-defence in the absence of any ‘imminent’ threat of an armed attack from Iran. In light of the arguments above, it can be said that the airstrike by the U.S. on Iran was neither an act of self-defence and nor an act of anticipatory self-defence.

### III. THE LEGALITY OF THE U.S. AIRSTRIKES WITH RESPECT TO THE PRINCIPLE OF NON-INTERVENTION

Out of the many legal questions, that the airstrike led by the U.S. poses, another prominent question is regarding the location of the airstrike. The U.S. airstrike was conducted when Soleimani’s vehicle was at the Baghdad airport. Therefore, the strike raises questions on the territorial sovereignty of Iraq even though the attack was not aimed at the “political independence” of Iraq. Under Article 2 (7) of the UN Charter, requires states to exercise their independence and sovereignty in the matters that fall within the ‘domestic’ purview of the states. According to this article, for allowing any foreign military operation to take place, states would have to give their due consent to the states conducting the military operations. Article 20 (consent) of the International Law Commission, Articles on State Responsibility, solidify the text of Article 2 (7) of the UN Charter. Article 20 states that if an act of

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<sup>148</sup> See Kevin Breuninger, *MIKE POMPEO: “WE DON’T KNOW PRECISELY” WHEN OR WHERE SOLEIMANI PLANNED TO ATTACK*, CNBC, Jan. 10, 2020 <https://www.cnn.com/2020/01/10/pompeo-we-dont-know-precisely-when-or-where-soleimani-planned-to-attack.html> (last visited Jul 29, 2020).

<sup>149</sup> Kretzmer, *supra* note 31.

another state is done with the consent of the State, then it would not amount to wrongful conduct if “the act remains within the limits of that consent.”<sup>150</sup> Article 2 (4) of the UN Charter guards the “territorial integrity of any state.”<sup>151</sup> In the famous precedent of *Corfu Channel*,<sup>152</sup> the ICJ held that irrespective of the motive of the armed attack, use of force would be illegal in any case. In simple terms, military operations in the territory of a third state, even if not directed against that state would amount to the violation of the territorial sovereignty of that State. This reasoning shall hold, irrespective of the type and the gravity of the force used on the third state.

Therefore, the airstrikes conducted by the U.S. would have been legal had they been conducted with the due consent of Iraq. But the U.S. did not take consent from Iraq, and this is very evident from Iraq’s caretaker prime minister’s comments in the Parliament soon after the attack. Adel Abdul Mahdi urged the government to schedule the departure of foreign troops from the country to protect their national sovereignty.<sup>153</sup>

An argument can be made that because U.S. troops were already deployed in Iraq; hence, there was an implied consent that extended to the airstrikes too. This line of argument was rejected by the ICJ in the case of the *Democratic Republic of Congo v. Uganda*.<sup>154</sup> In this case, the court found that even

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<sup>150</sup> See Article 20, Articles on State Responsibility, International Law Commission Report, A/56/10 (2001). <https://casebook.icrc.org/case-study/international-law-commission-articles-state-responsibility> (last visited Jul 29, 2020).

<sup>151</sup> Charter of the United Nations, *supra* note 4.

<sup>152</sup> See *Corfu Channel* (United Kingdom of Great Britain and Northern Ireland v. Albania), Merits Judgement, I.C.J. 4 (1949).

<sup>153</sup> Erin Cunningham, *Iran announces it is suspending its commitments to the 2015 nuclear deal*, WASHINGTON POST, Jan. 6, 2020 [https://www.washingtonpost.com/world/body-of-commander-slain-by-us-strike-arrives-in-iran-to-crowds-of-mourners/2020/01/05/4ca3281a-2f17-11ea-bffe-020c88b3f120\\_story.html](https://www.washingtonpost.com/world/body-of-commander-slain-by-us-strike-arrives-in-iran-to-crowds-of-mourners/2020/01/05/4ca3281a-2f17-11ea-bffe-020c88b3f120_story.html) (last visited Jul 29, 2020).

<sup>154</sup> *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda), Merits Judgment, I.C.J. 168 (2005).

though Ugandan forces were deployed in DRC, Uganda used force within the territory of DRC because of a claimed sense of entitlement rather than the consent of DRC. The ICJ also emphasized that consent should not be presumed or implied and should instead be expressly stated.

Hence, it can be said that in the absence of any express consent from Iraq, the U.S. airstrikes were attacks on the sovereignty of Iraq. The airstrikes were in clear violation of Article 2 (4) of the UN Charter and the customary international law principle of non-intervention for violating the territorial sovereignty of Iraq.

IV. THE TARGETED KILLING OF SEVERAL OTHER PEOPLE WHO WERE WITH SOLEIMANI DURING THE AIRSTRIKE.

The Soleimani killing is different from other targeted airstrikes because eight other people were killed along with Soleimani, including *Abu Mahdi al-Muhandis, a key Shia military leader*.<sup>155</sup> While mainstream media only focused on the killing of Soleimani, the airstrike on eight other people was largely ignored in the scholarly opinions too. The killing of these eight persons is extremely deplorable and is a gross violation of human rights. Article 6 of the International Covenant on Civil and Political Rights (ICCPR), states that every individual has an inherent right to life that should not be arbitrarily interfered with. Hence, the U.S. committed grave human rights violations in killing the eight other people in the airstrikes targeted to kill Soleimani.

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<sup>155</sup> Abu Mahdi al-Muhandis: Iraqi killed in US strike was key militia figure, *The Guardian*, *supra* note 9.

### LEGAL IMPLICATIONS

International legal order has always been an incredibly dynamic field, but in recent times this dynamism is costing the international community its safety, security, and stability. States are engaging in gross violations of the laws on jus ad bellum in the garb of acting in self-defence. The increasing violations of the prohibition of the use of force and the attacks on state sovereignty are affecting the international order deeply not just legally but also politically.

The aim of the U.S. airstrikes was primarily to threaten Iran and coerce it into believing that the U.S. is the hegemon in the world order. It is interesting to note that the U.S. did not engage in a blatant disregard or ignorance of the international laws, in fact, it very well-pleaded its case in the United Nations on the defences available within the ambit of international laws. This behavior can be understood in broader terms to mean that states, in today's era, are invoking international laws only to justify their use of force.<sup>156</sup>

The invocation of international laws as a constant practice only to the extent of justification for the use of force reduces the law to only one of its many aspects. The gradual reductionism of international laws overtime could gravely endanger the field of law and scholarship, thereby, further widening the gap between the existence of international laws and their effective compliance.

Some scholars have argued that even if some states are invoking international laws for their self-interests, it will not reflect poorly on international laws because the invocation of laws would anyway contribute to opinion juris and state practice.<sup>157</sup> It is worth understanding that invoking international laws only for namesake purposes is highly problematic on many grounds. Firstly,

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<sup>156</sup> Marxsen, *supra* note 2.

<sup>157</sup> *Id.*

using international laws to justify the use of force would be an apt example of states like the U.S.A. to continue pursuing their interests of being the world super-power. Second, pursuing selfish interests in violation of jus ad bellum, using the law would rather be a means to *evolve force* rather than contain it. Third, continued violations within jus ad bellum, despite invoking the law could lead to a backward shift in the pre-existing norms of legal conduct of the state. And lastly, with the world edging towards exceedingly nationalist and protectionist ideologies along with the growing right-wing populism, the effects of sidelining substantive legal commitments of state conduct in international laws could be lethal. They might turn the world back to the era of world wars.

### CONCLUSION

The modern-day use of force tactics has evolved to include airstrikes that are getting a free pass because of their perception of being a ‘limited strike’ in terms of the involvement of military persons and arms. The recent U.S. airstrikes were a blatant use of force on Iran and flagrant abuse of the principle of non-intervention (as the airstrikes were conducted within the territorial sovereignty of Iraq, without its consent). While the U.S. kept justifying its stance on international law, through self-defence and anticipatory self-defence, its actions were in clear violation of the rules of jus ad bellum.

Airstrikes like these set a dangerous precedent for international law and erode the trust in international relations. While U.S. President, Donald Trump speaks of wishing a great future and peace for Iran, his actions seldom run parallel to what he says.<sup>158</sup> It does not take a genius to gauge that Trump’s

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<sup>158</sup> Full Transcript: President Trump’s Address on Iran - The New York Times, Jan. 8, 2020 <https://www.nytimes.com/2020/01/08/us/politics/trump-address.html> (last visited Jul 30, 2020).

protectionist and America first-nationalist agendas have now started interfering with his foreign policy too. Hence, it is vital to consider the flowery words of the states with a pinch of salt until their concrete actions can prove their compliance with international law obligations.

Armed altercations like the U.S.-Iran ones have brought to the forefront, the lack of interventions from international bodies, especially the United Nations Security Council (UNSC). The UNSC has lately been missing in action, and it has not been able to play a coordinating effort amongst the countries. The UNSC should bear some, if not all, responsibility for the reason why countries are resorting to self-help in the form of armed attacks in gross violation of the international laws.

International attacks have the potential to change the dynamics of self-defense and use of force in legal discourses, mainly because the consequences of armed attacks run through generations. Armed attacks do not just attack the nation-state but also the dignity of all the people targeted. In today's time when the world is witnessing severe intolerance and right-wing populism, armed attacks need to be curbed at the earliest to defend the human rights of people. Therefore, the need of the hour is to emphasize humanitarian assistance and international relations more than the hegemonic, nationalist, protectionist and military interests of international actors.