

---

# FROM CAROLINE TO CONTEMPORARY CONFLICTS: THE EXPANDING SCOPE OF SELF-DEFENCE UNDER ARTICLE 51 OF THE UN CHARTER IN MODERN INTERNATIONAL LAW

---

Devesh Kumar, Himachal Pradesh National Law University, Shimla

## ABSTRACT

This research paper examines the law of self-defence as exercised by nation-states. It analyses the incorporation of self-defence under Article 51 of the United Nations Charter and traces its development from the Caroline incident to contemporary practice. The study further assesses the role of the International Court of Justice in shaping the effectiveness of self-defence provisions. The objective is to demonstrate that the absence of a precise definition of self-defence has led to varied interpretations by states. A comparative analysis of legal documents is employed to investigate the origins, characteristics, and complexities of self-defence law. The paper reviews the application of self-defence law, including the recent case of Operation Midnight Hammer, and advocates for a more clearly defined legal standard. The conclusion emphasises the increasing frequency of armed attacks justified as self-defence and underscores the necessity for comprehensive legal regulation.

**Keywords:** Self-Defence; Midnight Hammer; Caroline Doctrine; ICJ; U.N Charter; Article 51

## Introduction: The History of Caroline Doctrine

The origins of the Caroline doctrine can be traced back to a letter written in 1837 by U.S. Secretary of State Daniel Webster<sup>1</sup> to British Minister Henry Fox.<sup>2</sup> The letter addressed a British attack on the American steamer *Caroline*, which had taken place on U.S. soil. Britain justified the incident by claiming that the act was of lawful self-defence. In response, Webster responds that the right to self-defence must be limited to situations where the necessity is ‘*Instant, overwhelming, and leaving no choice of means, and no moment for deliberation*’. This statement, along with the principle that any use of force must be proportional, laid the foundation of what is now known as the *Caroline doctrine* in international law.<sup>3</sup>

During the 1837 uprising in Canada, there were supportive disturbances in several parts of the United States, especially near the Canadian border.<sup>4</sup> The U.S. government took firm steps to enforce its neutrality laws. However, the situation became more complicated because the rebels, after being defeated, fled to the U.S. and tried to gather new forces there. The Caroline incident took place during the Canadian Rebellion of 1837.<sup>5</sup> Many Americans along the U.S.-Canadian border supported the Canadian rebels, with some even joining their cause.

Although the U.S. government attempted to stop its citizens from aiding the rebellion, these efforts were mostly ineffective.<sup>6</sup> In December 1837, a group of armed men, most of them U.S. nationals, occupied Navy Island in the Niagara River, on the Canadian side near Buffalo, New York. The island became a base for launching attacks on Canada, with men and weapons being transported to them from New York. On December 29, 1837, the American steamer *Caroline* made several trips between Fort Schlosser, New York, and Navy Island,

---

<sup>1</sup> “Daniel Webster: A Featured Biography.” *U.S. Senate: Daniel Webster: A Featured Biography*, 9 Aug. 2023, [www.senate.gov/senators/FeaturedBios/Featured\\_Bio\\_Webster.htm](http://www.senate.gov/senators/FeaturedBios/Featured_Bio_Webster.htm). Accessed 21 July 2025.

<sup>2</sup> Welford, John. “Henry Fox, 1st Baron Holland.” *Medium*, 7 Apr. 2023, [medium.com/@johnwelford15/henry-fox-1st-baron-holland-f679358e0473](https://medium.com/@johnwelford15/henry-fox-1st-baron-holland-f679358e0473). Accessed 21 July 2025.

<sup>3</sup> Jennings, R. Y. “The Caroline and McLeod Cases.” *American Journal of International Law*, vol. 32, no. 1, Jan. 1938, pp. 82–99, doi:10.2307/2190632.

<sup>4</sup> *Ibid.*

<sup>5</sup> “The Upper Canada Rebellion of 1837-38.” *Ontario Heritage Trust*, [www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38](http://www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38). Accessed 21 July 2025.

<sup>6</sup> *Ibid.*

carrying armed men and military supplies.<sup>7</sup>

Colonel McNab, the commander of British forces in the region, observed the Caroline being used to support the Canadian rebels. He initially planned to destroy the steamer while it was docked at Navy Island, in Canadian territory, to prevent it from reinforcing the rebels or aiding attacks on the Canadian mainland.<sup>8</sup> However, by the evening of 29 December of 1837 the ship named Caroline had returned to U.S. territory at the Fort Schlosser despite this McNab ordered an attack on the steamer, which was carrying its crew and 23 American civilians aboard (unable to find lodging in town), and it was boarded without resistance.<sup>9</sup> Two people were killed during the operation, and the Caroline was clearly set on fire and sent it over to the Niagara Falls. In January 1838, U.S. Secretary of State John Forsyth formally protested the incident to British Minister Henry Fox and he responded by denying any wrongdoing on Britain's part. The matter remained unresolved, further straining relations between the two nations.<sup>10</sup>

In 1840, the issue resurfaced when Alexander McLeod who was a British subject and was arrested in New York and charged with the murder and the arson for his role in the Caroline attack. The July 27 letter from Daniel Webster, as it is published in the diplomatic and Official Papers of Daniel Webster while Secretary of State, appears under the heading Inviolability of National Territory.<sup>11</sup> While Britain defended its actions against the Caroline as necessary for self-preservation and self-defence, Webster emphasised the United States right to territorial integrity. In the letter, Webster firmly stated: *'The act and the use of force in U.S. territory is of itself a wrong, and an offence to the sovereignty and dignity of the United States, being a violation of their soil and territory'*.<sup>12</sup>

In the earlier letter to British Minister Henry Fox, Webster acknowledged the right of self-defence but added an essential qualification: *'But the extent of this right is a question to be judged of by the circumstances of each particular case; and when its alleged exercise has led*

---

<sup>7</sup> "A Digest of International Law.: Moore, John Bassett, 1860-1947: Free Download, Borrow, and Streaming." *Internet Archive*, Washington: Govt. Print. Off., 1 Jan. 1970, archive.org/details/digestofinternat06moorials. Accessed 21 July 2025.

<sup>8</sup> *Supra*, note. *The Upper Canada Rebellion of 1837-38.* Ontario Heritage Trust, www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38. Accessed 21 July 2025.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> "The Diplomatic and Official Papers of Daniel Webster, While Secretary of State: Webster, Daniel, 1782-1852: Free Download, Borrow, and Streaming." *Internet Archive*, New York, Harper & Brothers, 1 Jan. 1970, archive.org/details/diplomaticoffici01webst/page/n7/mode/2up. Accessed 21 July 2025.

<sup>12</sup> *Ibid.*

*to the commission of hostile acts within the territory of a power at peace, nothing less than a clear and absolute necessity can afford ground of justification.*<sup>13</sup>

This reinforced the principle that any use of force on foreign soil must meet a very high threshold of necessity.<sup>14</sup> Although this principle was first expressed in the 1841 letter, the version most frequently quoted comes from Webster's later correspondence, his letter of July 27, 1842, to Lord Ashburton, which included key excerpts from the earlier letter.<sup>15</sup> Lord Ashburton (Alexander Baring) and Daniel Webster reached a consensus on the legal principles involved but disagreed on the facts surrounding the Caroline incident. Shortly afterwards, broader border disputes between the United States and Britain were settled mainly through the Webster-Ashburton Treaty.<sup>16</sup>

Jennings describes Webster's position as emphasising *'The importance of the principle of non-intervention and the narrow limits of the exceptions.'*<sup>17</sup> It is evident that Webster did not intend to formulate a broad doctrine governing the use of force in self-defence, nor did he seek to establish general rules for a state's use of force within its territory in response to armed attack. Yet, despite this limited intent, the Caroline doctrine has come to be seen as more than a response to a specific incident.<sup>18</sup> Over time, it has significantly shaped the broader legal framework surrounding the right of self-defence in international law, extending beyond the original context of extraterritorial enforcement.<sup>19</sup>

It has now become essential to recognise that anticipatory self-defence is distinct from pre-emptive self-defence.<sup>20</sup> According to Sean Murphy, anticipatory self-defence involves a state using armed force to stop an imminent armed attack by another state or a non-state actor operating from that state.<sup>21</sup> In contrast, preemptive self-defence refers to the use of force by a state to prevent another state or non-state actor from continuing a course of action that is not

---

<sup>13</sup> Bemis, Samuel Flagg, and Hunter Miller. "Treaties and Other International Acts of the United States of America. Volume IV, Documents 80-121; 1836-1846." *The American Historical Review*, vol. 41, no. 4, July 1936, p. 777, doi:10.2307/1842637.

<sup>14</sup> *Id.* at 104-106

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Supra*, note. 13 at page. 110

<sup>18</sup> *Ibid.*

<sup>19</sup> Jennings, R. Y. "The Caroline and McLeod Cases." *American Journal of International Law*, vol. 32, no. 1, Jan. 1938, pp. 82-99, doi:10.2307/2190632.

<sup>20</sup> Garwood-Gowers, Andrew. "Pre-Emptive Self-Defence: A Necessary Development or the Road to International Anarchy." *Australian Year Book of International Law*, vol. 23, 2004, doi:10.22145/aybil.23.3.

<sup>21</sup> *Full Article: Reconceptualising the Right of Self-Defence against 'Imminent' Armed Attacks*, www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618. Accessed 03 Aug. 2025.

currently a direct threat, but which might lead to an armed attack at some point in the future. Essentially, anticipatory self-defence responds to an immediate danger, whereas preemptive self-defence targets a potential future threat that has not yet materialised.<sup>22</sup>

### Legal Framework of Self-Defence under the United Nations Charter

One of the key rules in international law is that countries are not allowed to use force. This is clearly stated in Article 2(4) of the United Nations Charter.<sup>23</sup> According to this article, no UN member country can use or threaten to use force against another country's land, government, or in any manner that contradicts the goals of the UN. While the article doesn't specifically mention *Armed force*, most legal experts agree that it primarily refers to military force, rather than other pressure tactics such as economic sanctions or cyberattacks and such non-military actions may be addressed under different parts of the UN Charter.<sup>24</sup> At the same time, Article 2(4) suggests that the ban on the use of force is not absolute.<sup>25</sup>

A country can likely use force within its borders to maintain control and protect its sovereignty, as nations have broad authority over internal matters while some scholars also argue that a state might use force outside its territory in cases where it does not harm another country's independence or borders, for example, during humanitarian missions or to protect its citizens living abroad, however the UN Charter does not officially recognise these as valid exceptions to the rule. Experts in the international community are sceptical and believe such reasons are sometimes used as a cover for actions driven by other motives.<sup>26</sup>

### Ambiguity Under The Definition

The lack of a clear definition for '*Use of force*' causes serious issues, especially because this concept is key to deciding when international law bans one state from using force against another, *jus contra bellum*.<sup>27</sup> More importantly, how use of force is defined influences the gap between actions that are forbidden under Article 2(4)<sup>28</sup> and those which are considered an

---

<sup>22</sup> *Id*, at page. 704

<sup>23</sup> *Article 2(4) Contents*, [legal.un.org/repertory/art2/english/rep\\_supp7\\_vol1\\_art2\\_4.pdf](https://legal.un.org/repertory/art2/english/rep_supp7_vol1_art2_4.pdf). Accessed 25 July 2025.

<sup>24</sup> *Use of Force under International Law | International Law Center | Justia*, [www.justia.com/international-law/use-of-force-under-international-law/](https://www.justia.com/international-law/use-of-force-under-international-law/). Accessed 25 July 2025.

<sup>25</sup> *Supra*, note.23

<sup>26</sup> *Supra*, note. 24

<sup>27</sup> "Jus Ad Bellum and Jus in Bello." *International Committee of the Red Cross*, 25 June 2024, [www.icrc.org/en/law-and-policy/jus-ad-bellum-and-jus-bello](https://www.icrc.org/en/law-and-policy/jus-ad-bellum-and-jus-bello). Accessed 25 July 2025.

<sup>28</sup> *Article 2(4) Contents*, [legal.un.org/repertory/art2/english/rep\\_supp7\\_vol1\\_art2\\_4.pdf](https://legal.un.org/repertory/art2/english/rep_supp7_vol1_art2_4.pdf). Accessed 25 July 2025.

‘Armed attack’ which can justify self-defence under, Article 51 of the UN Charter<sup>29</sup> and the customary international law looks into which action is to be considered as an attack or not, is the whole issue on which global security and international rule based order is formed.<sup>30</sup>

Actions that cross the line into prohibited use of force cannot be justified as lawful countermeasures.<sup>31</sup> They are only considered legal if they fall under the right of self-defence outlined in Article 51 of the UN Charter<sup>32</sup> and customary international law, or if the United Nations Security Council approves them under Chapter VII<sup>33</sup> because the ban on the use of force is seen as a fundamental rule of international law, i.e. *jus cogens*,<sup>34</sup> these are those actions that cannot be excused by reasons like necessity, distress, or unexpected emergencies, and even force majeure can’t be used as an excuse. Any breach of this rule results in international legal responsibility for the states involved.<sup>35</sup> In cases of serious violation of the rule, there are additional legal consequences which make it essential and ipso facto to determine whether a specific act qualifies as a use of force or should be dealt under other areas of international law, such as law enforcement.<sup>36</sup>

### Article 51: For Self-Preservation, Not for Revenge

Article 51<sup>37</sup> is the only clear and authoritative legal source which protect against the attack through the right of self-defence. The definition of self-defence under this article is carefully defined in 102 words, and it affirms that the right to defend oneself either individually or collectively against an armed attack is an inherent right of every state.<sup>38</sup> The first paragraph of Article 51<sup>39</sup> establishes the inherent right of individual or collective self-defence in the event

---

<sup>29</sup> Art. 51, *Repertory, Suppl. 3, Vol. II (1959-1966)*,

legal.un.org/repertory/art51/english/rep\_supp3\_vol2\_art51.pdf. Accessed 25 July 2025.

<sup>30</sup> Pobjie, Erin. “Regulating Military Force Series – the Meaning of Prohibited ‘Use of Force’ in Article 2(4) of the UN Charter.” *Lieber Institute West Point*, 6 Sept. 2024, [lieber.westpoint.edu/meaning-prohibited-use-force-article-24-un-charter/](http://lieber.westpoint.edu/meaning-prohibited-use-force-article-24-un-charter/). Accessed 25 July 2025.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Supra*, note. 29

<sup>33</sup> “Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51).” *United Nations*, [www.un.org/en/about-us/un-charter/chapter-7](http://www.un.org/en/about-us/un-charter/chapter-7). Accessed 25 July 2025.

<sup>34</sup> UN, [legal.un.org/ilc/reports/2019/english/chp5.pdf](http://legal.un.org/ilc/reports/2019/english/chp5.pdf). Accessed 25 July 2025.

<sup>35</sup> *Supra*, note. 30

<sup>36</sup> *Ibid.*

<sup>37</sup> Art. 51, *Repertory, Suppl. 3, Vol. II (1959-1966)*,

legal.un.org/repertory/art51/english/rep\_supp3\_vol2\_art51.pdf. Accessed 25 July 2025.

<sup>38</sup> Steenhoven, Nick Van. “Conduct and Subsequent Practice by States in the Application of the Requirement to Report under UN Charter Article 51.” *Journal on the Use of Force and International Law*, vol. 6, no. 2, 3 July 2019, pp. 242–272, doi:10.1080/20531702.2019.1690333.

<sup>39</sup> *Id.* at page. 246

of an armed attack and the second paragraph emphasises the obligation to report any such action to the United Nations Security Council (UNSC),<sup>40</sup> so that proper oversight and scrutiny can be carried out.<sup>41</sup> This structure reflects a deliberate and positive effort to balance the sovereign right of a state to defend itself with the collective responsibility of UN member states to maintain international peace and security and this reporting requirement to UNSC was introduced following discussions at the San Francisco Conference, highlighting the intent to ensure accountability and facilitate the restoration of the status quo through collective efforts and mechanisms.<sup>42</sup>

From the wording of Article 51 of the UN Charter,<sup>43</sup> it can be inferred that any action taken in self-defence must be reported to the United Nations Security Council (UNSC)<sup>44</sup> without delay. This enables the UNSC to assess the situation and determine whether the force used is justified and when such action should be terminated because this raises a key question, i.e. whether the obligation to report is *mandatory, binding* or merely *directory and advisory*?<sup>45</sup> Before addressing this, it is important to remember that the right to self-defence under Article 51<sup>46</sup> should not be misused as a tool for retaliation or revenge. To understand the legitimate boundaries of self-defence, we must refer to the *Caroline Doctrine*,<sup>47</sup> which laid down essential criteria for lawful self-defence.<sup>48</sup>

According to this doctrine, self-defence is only justified when the threat is immediate, overwhelming, and leaves no choice of means or moment for deliberation along with this, it emphasises two key principles, which are *necessity* and *proportionality*, and they are very crucial in evaluating whether the actions taken under the pretext of self-defence are lawful or unlawful under international law.<sup>49</sup> Since 1945, Article 51 of the UN Charter has been regarded as one of its most crucial provisions. The Charter itself was created in response to the failure of the League of Nations<sup>50</sup> to prevent global conflict through diplomacy. To ensure stronger

---

<sup>40</sup> “Homepage | Security Council.” *United Nations*, main.un.org/securitycouncil/en. Accessed 26 July 2025.

<sup>41</sup> *Supra*, note. 38

<sup>42</sup> *Id.*, at page. 247

<sup>43</sup> *Supra*, note. 29

<sup>44</sup> *Supra*, note. 40

<sup>45</sup> Garwood-Gowers, Andrew. “Pre-Emptive Self-Defence: A Necessary Development or the Road to International Anarchy.” *Australian Year Book of International Law*, vol. 23, 2004, doi:10.22145/aybil.23.3.

<sup>46</sup> *Supra*, note. 29

<sup>47</sup> *Supra*, note. 45

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> “The League of Nations.” *The United Nations Office at Geneva*, www.ungeneva.org/en/about/league-of-nations/overview. Accessed 01 Aug. 2025.

mechanisms for maintaining international peace and security, the UN Security Council was granted wide-ranging powers under Chapter VII.<sup>51</sup>

Among these, Article 51 stands out as a cornerstone for many member states, serving as a key legal basis for the right to self-defence and the overall framework of collective security.<sup>52</sup> Article 51<sup>53</sup> also serves as the legal foundation for collective defence in seven multilateral security arrangements involving 67 countries.<sup>54</sup> It allows one or more states to assist another state if it becomes the target of an armed attack. Although this principle was formally included in the UN Charter after 1945, the idea of mutual assistance during conflict existed even before World War I. States had already entered into treaties and agreements to support one another in situations involving armed attacks, aggression, or other threats.<sup>55</sup>

### When ICJ Comes To The Rescue

The International Court of Justice (ICJ) has played a significant role in interpreting and enforcing the second paragraph of Article 51 of the United Nations Charter,<sup>56</sup> which deals with the obligation to report to the Security Council after invoking the right of self-defence.<sup>57</sup> In the landmark *Nicaragua v. United States* case,<sup>58</sup> however, the ICJ clarified that while Article 51 of the UN Charter requires such reporting, there is no corresponding obligation under customary international law to report the use of force or the use of force in self-defence and this distinction highlights the Charter's stricter procedural requirements compared to customary norms.<sup>59</sup>

The *Nicaragua* judgment became controversial because it introduced ambiguity regarding the reporting requirement under Article 51.<sup>60</sup> While the text of Article 51 of the UN Charter establishes reporting to the Security Council as an essential component of invoking self-defence, the ICJ held that under customary international law, there is no such obligation that

---

<sup>51</sup> "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51)." *United Nations*, [www.un.org/en/about-us/un-charter/chapter-7](http://www.un.org/en/about-us/un-charter/chapter-7). Accessed 25 July 2025.

<sup>52</sup> Mehdi, Aga Syed Muntazir. "Assessing Article 51 of the United Nations Charter." *Rising Kashmir*, 4 Oct. 2024, [risingkashmir.com/assessing-article-51-of-the-united-nations-charter/](http://risingkashmir.com/assessing-article-51-of-the-united-nations-charter/). Accessed 25 July 2025.

<sup>53</sup> *Supra*, note. 29

<sup>54</sup> *Supra*, note. 52

<sup>55</sup> *Supra*, note. 38 at page 250-251

<sup>56</sup> Mehdi, Aga Syed Muntazir. "Assessing Article 51 of the United Nations Charter." *Rising Kashmir*, 4 Oct. 2024, [risingkashmir.com/assessing-article-51-of-the-united-nations-charter/](http://risingkashmir.com/assessing-article-51-of-the-united-nations-charter/). Accessed 25 July 2025.

<sup>57</sup> *Ibid.*

<sup>58</sup> "ICJ, *Nicaragua v. United States of America, Military and Paramilitary Activities*, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)]."

<sup>59</sup> ICJ, *Nicaragua v. United States of America* – Paras 78-9.

<sup>60</sup> *Supra*, note. 58



creates a conflict between treaty law and customary law however there was a strong dissent by Judge Stephen Schwebel,<sup>61</sup> who argued that reporting should be considered a mandatory requirement under Article 51.<sup>62</sup>

Judge Stephen Schwebel<sup>63</sup> emphasised that states invoking self-defence are bound to inform the Security Council, as this ensures transparency and enables proper oversight of the use of force within the UN framework.<sup>64</sup> However, despite the ambiguity raised in the *Nicaragua* case, the International Court of Justice (ICJ) has, in several later judgments and advisory opinions, reaffirmed the importance of the reporting requirement under Article 51 of the UN Charter.<sup>65</sup> In its 1996 advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*,<sup>66</sup> the ICJ reiterated that states invoking the right of self-defence are obliged to report such actions to the United Nations Security Council.<sup>67</sup>

Similarly, in the *Oil Platforms* case (2003),<sup>68</sup> the ICJ took into account the reports submitted by the United States as part of its justification for the use of force.<sup>69</sup> Furthermore, in the *Armed Activities on the Territory of the Congo* case (2005),<sup>70</sup> the Court criticised Uganda for failing to report its claim of self-defence to the Security Council. These instances demonstrate that the ICJ recognises the reporting requirement as a procedural obligation under Article 51, reinforcing the need for accountability and oversight when states resort to force in international relations.<sup>71</sup>

### Some Deep Insights Into The Cases

- **Military and Paramilitary Activities in and against Nicaragua, Nicaragua v.**

---

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> UN, [legal.un.org/avl/pdf/ls/Schwebel\\_bio.pdf](http://legal.un.org/avl/pdf/ls/Schwebel_bio.pdf). Accessed 26 July 2025.

<sup>64</sup> “ICJ, *Nicaragua v. United States of America, Military and Paramilitary Activities*, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)].”

<sup>65</sup> *Ibid.*

<sup>66</sup> *Legality of the Threat or Use of Nuclear Weapons*, [iilj.org/wp-content/uploads/2016/08/Legality-of-the-Threat-or-Use-of-Nuclear-Weapons-1996.pdf](http://iilj.org/wp-content/uploads/2016/08/Legality-of-the-Threat-or-Use-of-Nuclear-Weapons-1996.pdf). Accessed 26 July 2025.

<sup>67</sup> *Ibid.*, at para. 44

<sup>68</sup> Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America, -, International Court of Justice (ICJ), 6 November 2003, <https://www.refworld.org/jurisprudence/caselaw/icj/2003/en/19652> [accessed 26 July 2025]

<sup>69</sup> *Ibid.*, at para. 48 and 67

<sup>70</sup> ICJ, *Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo | How Does Law Protect in War? - Online Casebook*, [casebook.icrc.org/case-study/icj-democratic-republic-congouganda-armed-activities-territory-congo](http://casebook.icrc.org/case-study/icj-democratic-republic-congouganda-armed-activities-territory-congo). Accessed 26 July 2025.

<sup>71</sup> *Ibid.*, at para. 145

### United States (1984, ICJ) -

The *Nicaragua v. United States*<sup>72</sup> case holds significant importance in the context of the right of self-defence under international law. The case was filed before the International Court of Justice (ICJ) on April 9, 1984. Nicaragua accused the United States of unlawfully supporting paramilitary groups, particularly the Contras, who were acting against the Nicaraguan government and Nicaragua claimed that this support, which included funding, training, and military assistance, constituted a violation of international law and an infringement on its sovereignty.<sup>73</sup> The situation was further complicated by the fact that Nicaragua was undergoing a period of internal revolution, making external interference even more destabilising. The U.S. also conducted acts such as aerial incursions and naval blockades, which added to the gravity of Nicaragua's allegations.<sup>74</sup>

The proceedings in the *Nicaragua v. United States*<sup>75</sup> case became more complex due to a jurisdictional reservation made by the United States when it accepted the ICJ's compulsory jurisdiction in 1946 under Article 36(2) of the ICJ Statute.<sup>76</sup> The U.S. had included a reservation that excluded disputes arising under a multilateral treaty such as the UN Charter, unless all parties affected by the dispute were included in the proceedings. This reservation became a critical issue in the case, as the ICJ recognised that the dispute potentially involved El Salvador.<sup>77</sup> Any ruling would necessarily touch upon the legality of El Salvador's claim of self-defence against Nicaragua. As a result, the Court held that it could not apply multilateral treaty law, including the UN Charter, since El Salvador was not a party to the case. Instead, the ICJ limited its legal reasoning to the principles of customary international law.<sup>78</sup>

After the ICJ ruled that it had jurisdiction over the case, the United States withdrew from participating in the proceedings it nevertheless argued that its actions, particularly its support

---

<sup>72</sup> "ICJ, *Nicaragua v. United States of America, Military and Paramilitary Activities*, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)]."

<sup>73</sup> U, Gayathri. "A Critical Analysis of the Contemporary State Practice of Self Defence in International Law." *International Journal of Research Publication and Reviews*, vol. 6, no. 5, May 2025, pp. 5682–5691, doi:10.55248/gengpi.. 6.0525.1764.

<sup>74</sup> *Id*, at page. 5684

<sup>75</sup> *Supra*, note. 72

<sup>76</sup> *Statute of the International Court of Justice*, [legal.un.org/avl/pdf/ha/sicj/icj\\_statute\\_e.pdf](http://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf). Accessed 28 July 2025.

<sup>77</sup> *Supra*, note. 73 at page. 5688

<sup>78</sup> "Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*) - Judgment of the Court." *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) - Judgment of the Court* | INTERNATIONAL COURT OF JUSTICE, [www.icj-cij.org/node/100900](http://www.icj-cij.org/node/100900). Accessed 28 July 2025.

for the Contra rebels, were part of collective self-defence, claiming that Nicaragua had committed acts of aggression against its neighbouring countries, namely El Salvador, Honduras, and Costa Rica.<sup>79</sup> The U.S. alleged that Nicaragua had supplied material support to insurgent groups operating within those states. Therefore, the U.S. was acting in defence of these states as part of a collective response to Nicaraguan aggression.<sup>80</sup> The ICJ affirmed that, regardless of whether a state is claiming individual or collective self-defence, the right to use force under this doctrine arises only in response to an armed attack and the Court clarified that merely providing support to rebel groups, such as financial aid, training, or supplies, does not amount to an armed attack under customary international law.<sup>81</sup>

In this context, the ICJ examined the U.S. support to the rebel forces in El Salvador and concluded that the scale and effects of the assistance were insufficient to qualify as an armed attack. Consequently, the Court held that the United States could not lawfully invoke the doctrine of collective self-defence to justify its actions against Nicaragua.<sup>82</sup> The support extended to the rebels did not meet the necessary threshold, and thus, the U.S. actions were found to be a violation of international law.<sup>83</sup>

- **Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion (1996 ICJ) -**

The International Court of Justice (ICJ) delivered its Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons* on 8th July 1996.<sup>84</sup> This opinion followed a request made by the United Nations General Assembly in December 1994, seeking clarification on whether the use or threat of nuclear weapons could ever be considered lawful under international law.<sup>85</sup> The case represented a key development in the legal interpretation of norms surrounding weapons of mass destruction and the rules governing armed conflict.<sup>86</sup> The ICJ first addressed the issue of jurisdiction and confirmed its competence to give an advisory opinion. It held that the request was valid under Article 96(1) of the UN Charter,<sup>87</sup> which empowers the General

---

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> *International Court of Justice Advisory Opinion on the Legality ...*, [www.w-o-o.nl/wob/archive/documentcloud/dc-3101731.pdf](http://www.w-o-o.nl/wob/archive/documentcloud/dc-3101731.pdf). Accessed 29 July 2025.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> "Chapter XIV: The International Court of Justice (Articles 92-96)." *United Nations*, [www.un.org/en/about-us/un-charter/chapter-14](http://www.un.org/en/about-us/un-charter/chapter-14). Accessed 29 July 2025.

Assembly to request the Court's opinion on legal questions of international significance.

This established that the matter was within the Court's scope, paving the way for a detailed examination of the legality of nuclear weapons under both international humanitarian law and the UN Charter.<sup>88</sup> And along with the nuclear threat question the ICJ in this case also dealt with the question on use of armed attack as self-defence and held that whenever a country uses its right to self-defence, it must inform the United Nations Security Council without delay which means that as soon as a state takes any military or defensive action in response to an armed attack, it is required to report those actions to the Security Council officially.<sup>89</sup> The purpose of this rule is to ensure transparency, allow international oversight, and give the Security Council the opportunity to assess the situation and take appropriate steps to maintain peace and security.<sup>90</sup>

- **Oil Platforms, Islamic Republic of Iran v. United States (2003, ICJ) –**

The *Oil Platforms* case, officially titled *Oil Platforms (Islamic Republic of Iran v. United States of America)*,<sup>91</sup> was brought before the International Court of Justice (ICJ) with the United States as the respondent and the case arose from a series of military actions carried out by the U.S. Navy in the Persian Gulf, during which American forces attacked and destroyed Iranian oil production facilities, including the Reshadat oil platform as these attacks were part of a larger military operation known as *Operation Praying Mantis*.<sup>92</sup> In response to these actions, Iran filed a case against the United States at the ICJ in November 1992, alleging that the U.S. had violated the 1955 Treaty of Amity, Economic Relations, and Consular Rights, which was an agreement aimed at promoting peaceful economic and diplomatic ties between the two countries.<sup>93</sup>

---

<sup>88</sup> *Supra*, note. 84

<sup>89</sup> Cormier, Monique, and Anna Hood. "Breaking the Impasse: The Case for Establishing a No First Nuclear Threat Norm." *Journal on the Use of Force and International Law*, vol. 11, no. 1–2, 2 July 2024, pp. 142–166, doi:10.1080/20531702.2024.2414686.

<sup>90</sup> *Id.*, at page. 160

<sup>91</sup> *Oil Platforms (Islamic Republic of Iran v. United States of America)*, [www.icj-cij.org/case/90](http://www.icj-cij.org/case/90). Accessed 01 Aug. 2025.

<sup>92</sup> *Oil Platforms (Islamic Republic of Iran v. United States of America)*, *Judgment of 6 November 2003*, I.C.J. Reports 2003, p. 161.

<sup>93</sup> *Treaty-of-Amity-Economic-Relations-and-Consular-Rights-...*, [www.state.gov/wp-content/uploads/2019/05/Treaty-of-Amity-Economic-Relations-and-Consular-Rights-between-the-United-States-of-America-and-Iran-Aug.-15-1955.pdf](http://www.state.gov/wp-content/uploads/2019/05/Treaty-of-Amity-Economic-Relations-and-Consular-Rights-between-the-United-States-of-America-and-Iran-Aug.-15-1955.pdf). Accessed 01 Aug. 2025.

The central legal issue before the Court was whether the U.S. military actions, particularly the attack on the Iranian oil platforms, violated Article X(1) of the Treaty<sup>94</sup>. This article guaranteed the freedom of commerce and navigation between Iran and the United States, at ICJ Iran argued that the destruction of the oil platforms hindered its commercial interests and therefore breached the treaty's provisions.<sup>95</sup> The case provided the ICJ an opportunity to examine the legality of the use of force, the scope of self-defence under international law, and how bilateral treaties interact with military actions carried out during times of tension.<sup>96</sup>

The United States sought to justify its military actions against Iranian offshore oil platforms in the Persian Gulf by invoking Article XX(1)(d) of the 1955 Treaty of Amity, which permits either party to take necessary measures to protect its essential security interests.<sup>97</sup> The U.S. argued that its use of force fell within the scope of this provision and constituted a lawful act of self-defence under international law. However, the International Court of Justice (ICJ) adopted a strict legal and evidentiary approach in assessing this claim.<sup>98</sup>

The Court held that for a self-defence argument to be valid, there must be clear and convincing evidence that the acts prompting the response were both attributable to the opposing state in this case furthermore, the Court stressed that the use of force in self-defence must also meet the key requirements of immediacy, necessity, and proportionality.<sup>99</sup> Immediacy demands that the response occur without unreasonable delay, necessity means that the use of force must be the only available means to counter the attack, and proportionality requires that the response not exceed what is appropriate to address the threat.<sup>100</sup> Since the United States failed to satisfy these conditions, the ICJ concluded that its actions could not be legally justified as self-defence.<sup>101</sup>

### **Recent United States Military Operations Directed Towards Iran Under The Pretence Of A Self-Defence Framework.**

---

<sup>94</sup> Article X(1) - Between the territories of the two High Contracting Parties There shall be freedom of commerce and navigation.

<sup>95</sup> *Supra*, note. 92

<sup>96</sup> *Ibid.*

<sup>97</sup> "ICJ and the Alleged Violations of Treaty of Amity: Anything Unexpected in the Judgement on Jurisdiction?" *Opinio Juris*, 24 Mar. 2021, [opiniojuris.org/2021/03/24/icj-and-the-alleged-violations-of-treaty-of-amity-anything-unexpected-in-the-judgement-on-jurisdiction/](https://opiniojuris.org/2021/03/24/icj-and-the-alleged-violations-of-treaty-of-amity-anything-unexpected-in-the-judgement-on-jurisdiction/). Accessed 01 Aug. 2025.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Supra*, note. 92

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

The United States carried out a targeted bombing operation against Iranian nuclear facilities and this use of force is widely considered illegal and a clear violation of the prohibition on the use of force as outlined in Article 2(4) of the UN Charter.<sup>102</sup> The illegality stems from the fact that the U.S. justification for its actions is closely tied to Israel's reasoning under the doctrine of anticipatory self-defence. The U.S. argued that its military response was necessary based on intelligence suggesting that Iran had decided to develop nuclear weapons, that its leadership intended to proceed with this plan, and that once the weapons were developed, Iran aimed to use them against Israel.<sup>103</sup> However, under international law, anticipatory self-defence remains a highly contested and restricted concept, requiring a clear and imminent threat of an armed attack as in this case, the justification provided by the U.S. does not meet the strict criteria of necessity and immediacy, making the use of force not only premature but also unlawful under the existing legal framework.<sup>104</sup>

The chain of events began with Israel's military campaign named *Operation Rising Lion*,<sup>105</sup> during which Israel launched airstrikes targeting Iran's nuclear facilities, military installations, and senior officials and these strikes resulted in the deaths of several high-ranking Iranian military commanders and scientists associated with Iran's nuclear program.<sup>106</sup> Israel later justified its actions as a pre-emptive measure, claiming that it acted on credible intelligence suggesting an imminent threat from Iran's nuclear capabilities.<sup>107</sup> The situation escalated significantly when the United States initiated *Operation Midnight Hammer*, a large-scale military operation involving advanced weaponry and precision-guided airstrikes.<sup>108</sup> The U.S. targeted some of Iran's most fortified nuclear sites, including those at Fordow, Natanz, and Isfahan.<sup>109</sup>

The White House publicly described the operation as an act of self-defence, as well as a demonstration of support for Israel, a key strategic ally.<sup>110</sup> In defending its actions, the U.S.

---

<sup>102</sup> *Supra*, note. 23

<sup>103</sup> Milanovic, Written by Marko, and Marko Milanovic. "The Illegal Israeli-American Use of Force against Iran: A Follow-Up." *EJIL*, 23 June 2025, [www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/](http://www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/). Accessed 02 Aug. 2025.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Operation Rising Lion - Update Ministry of Foreign Affairs*, [www.gov.il/en/pages/operation-rising-lion-update](http://www.gov.il/en/pages/operation-rising-lion-update). Accessed 03 Aug. 2025.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Supra*, note. 103

<sup>108</sup> *United Nations Resource Management System (UNRMS) | Unece*, [unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms](http://unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms). Accessed 21 Aug. 2025.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

invoked the concept of anticipatory self-defence, arguing that Iran was on the brink of completing a nuclear weapon.<sup>111</sup> U.S. officials claimed that Iran had entered the final stage of assembling a nuclear device, and that immediate military action was necessary to prevent an irreversible shift in the balance of regional security. According to Washington, this moment represented the last available opportunity to stop Iran before it became a nuclear-armed state however, this rationale rests on the highly controversial doctrine of preventive self-defence which lacks clear legal acceptance under international law and raises serious questions about the legality and proportionality of using force in this context.<sup>112</sup>

In reality, the strikes carried out by Israel and the United States amount to a blatant act of aggression and a serious violation of *jus cogens norms*,<sup>113</sup> fundamental, non-derogable principles of international law from which no deviation is permitted.<sup>114</sup> Under the United Nations Charter, the use of force is strictly prohibited, except in minimal and clearly defined circumstances and in this case there was no credible evidence indicating that Iran was on the verge of launching an immediate armed attack against either the United States or Israel with nuclear weapons.<sup>115</sup> According to the International Commission of Jurists, the legality of the Israeli and U.S. strikes hinges on the interpretation and application of Article 2(4)<sup>116</sup> and Article 51<sup>117</sup> of the UN Charter. Article 2(4) prohibits the use of force against the territorial integrity or political independence of any state, while Article 51 allows for self-defence only in response to an actual armed attack.<sup>118</sup>

The invocation of anticipatory self-defence in this context is widely regarded as a clear breach of the *jus ad bellum* principles, which regulate the conditions under which states may lawfully resort to force moreover, the operations lacked a UN Security Council mandate and failed to meet the legal standards for self-defence under international law and the absence of an immediate threat, combined with the lack of proportionality and necessity, further undermines their legal justification.<sup>119</sup> In addition, the strikes posed significant humanitarian and environmental risks, raising concerns about the protection of civilian lives and ecological

---

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> UN, [legal.un.org/ilc/reports/2019/english/chp5.pdf](https://legal.un.org/ilc/reports/2019/english/chp5.pdf). Accessed 03 Aug. 2025.

<sup>114</sup> *Ibid.*

<sup>115</sup> “Airstrikes on Iran: Necessity or Choice?” *International Bar Association*, [www.ibanet.org/airstrikes-on-iran-necessity-or-choice](https://www.ibanet.org/airstrikes-on-iran-necessity-or-choice). Accessed 03 Aug. 2025.

<sup>116</sup> *Supra*, note. 23

<sup>117</sup> *Supra*, note. 29

<sup>118</sup> *Supra*, note. 115

<sup>119</sup> *Ibid.*

damage. As a result, these actions have drawn widespread international criticism and condemnation, reinforcing the view that they stand in clear violation of the foundational rules of the international legal order.<sup>120</sup>

## **Conclusion**

State practice reveals a significant disparity between the theoretical framework of international law and its practical application. States frequently prioritise national interests, resulting in violations of international law and the United Nations Charter. Claims of self-defence are often invoked to justify the use of force, frequently disregarding established legal constraints and the Caroline incident established a foundational standard for self-defence however, recent developments indicate a substantial weakening of this principle the paper have addressed this trend is essential, as advancements in military technology, cyber operations, and the increasing influence of non-state actors risk transforming the concept of self-defence in ways that could fundamentally threaten international peace. The analysis traces the development from the Caroline incident to Article 51 of the United Nations Charter, emphasising attempts to align moral legitimacy with legal permissibility in the use of force. Although these developments have influenced the legal framework for self-defence, significant challenges persist in practical implementation. Continued oversight is required to maintain the balance between moral justification and compliance with established international law.

---

<sup>120</sup> Ibid.



## References

- “Daniel Webster: A Featured Biography.” *U.S. Senate: Daniel Webster: A Featured Biography*, 9 Aug. 2023, [www.senate.gov/senators/FeaturedBios/Featured\\_Bio\\_Webster.htm](http://www.senate.gov/senators/FeaturedBios/Featured_Bio_Webster.htm). Accessed 21 July 2025.
- Welford, John. “Henry Fox, 1st Baron Holland.” *Medium*, 7 Apr. 2023, [medium.com/@johnwelford15/henry-fox-1st-baron-holland-f679358e0473](https://medium.com/@johnwelford15/henry-fox-1st-baron-holland-f679358e0473). Accessed 21 July 2025.
- Jennings, R. Y. “The Caroline and McLeod Cases.” *American Journal of International Law*, vol. 32, no. 1, Jan. 1938, pp. 82–99, doi:10.2307/2190632.
- “The Upper Canada Rebellion of 1837-38.” *Ontario Heritage Trust*, [www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38](http://www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38). Accessed 21 July 2025.
- “A Digest of International Law.. : Moore, John Bassett, 1860-1947 : Free Download, Borrow, and Streaming.” *Internet Archive*, Washington : Govt. Print. Off., 1 Jan. 1970, [archive.org/details/digestofinternat06mooriala](http://archive.org/details/digestofinternat06mooriala). Accessed 21 July 2025.
- *Supra, note. The Upper Canada Rebellion of 1837-38.* Ontario Heritage Trust, [www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38](http://www.heritagetrust.on.ca/pages/our-stories/ontarios-military-heritage/rebellions-and-incursions/the-upper-canada-rebellion-of-1837-38). Accessed 21 July 2025.
- “The Diplomatic and Official Papers of Daniel Webster, While Secretary of State : Webster, Daniel, 1782-1852 : Free Download, Borrow, and Streaming.” *Internet Archive*, New York, Harper & Brothers, 1 Jan. 1970, [archive.org/details/diplomaticoffici01webst/page/n7/mode/2up](http://archive.org/details/diplomaticoffici01webst/page/n7/mode/2up). Accessed 21 July 2025.
- Bemis, Samuel Flagg, and Hunter Miller. “Treaties and Other International Acts of the United States of America. Volume IV, Documents 80-121; 1836-1846.” *The American Historical Review*, vol. 41, no. 4, July 1936, p. 777, doi:10.2307/1842637.
- Garwood-Gowers, Andrew. “Pre-Emptive Self-Defence: A Necessary Development or the Road to International Anarchy.” *Australian Year Book of International Law*, vol. 23, 2004, doi:10.22145/aybil.23.3.
- *Full Article: Reconceptualising the Right of Self-Defence against ‘Imminent’ Armed Attacks*, [www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618](http://www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618). Accessed 03 Aug. 2025.

- *Article 2(4) Contents*, legal.un.org/repertory/art2/english/rep\_supp7\_vol1\_art2\_4.pdf. Accessed 25 July 2025.
- *Use of Force under International Law* | *International Law Center* | *Justia*, www.justia.com/international-law/use-of-force-under-international-law/. Accessed 25 July 2025.
- “Jus Ad Bellum and Jus in Bello.” *International Committee of the Red Cross*, 25 June 2024, www.icrc.org/en/law-and-policy/jus-ad-bellum-and-jus-bello. Accessed 25 July 2025.
- *Article 2(4) Contents*, legal.un.org/repertory/art2/english/rep\_supp7\_vol1\_art2\_4.pdf. Accessed 25 July 2025.
- *Art. 51, Repertory, Suppl. 3, Vol. II (1959-1966)*, legal.un.org/repertory/art51/english/rep\_supp3\_vol2\_art51.pdf. Accessed 25 July 2025.
- Pobjie, Erin. “Regulating Military Force Series – the Meaning of Prohibited ‘Use of Force’ in Article 2(4) of the UN Charter.” *Lieber Institute West Point*, 6 Sept. 2024, lieber.westpoint.edu/meaning-prohibited-use-force-article-24-un-charter/. Accessed 25 July 2025.
- “Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51).” *United Nations*, www.un.org/en/about-us/un-charter/chapter-7. Accessed 25 July 2025.
- *UN*, legal.un.org/ilc/reports/2019/english/chp5.pdf. Accessed 25 July 2025.
- *Art. 51, Repertory, Suppl. 3, Vol. II (1959-1966)*, legal.un.org/repertory/art51/english/rep\_supp3\_vol2\_art51.pdf. Accessed 25 July 2025.
- Steenhoven, Nick Van. “Conduct and Subsequent Practice by States in the Application of the Requirement to Report under UN Charter Article 51.” *Journal on the Use of Force and International Law*, vol. 6, no. 2, 3 July 2019, pp. 242–272, doi:10.1080/20531702.2019.1690333.
- “Homepage | Security Council.” *United Nations*, main.un.org/securitycouncil/en. Accessed 26 July 2025.
- Garwood-Gowers, Andrew. “Pre-Emptive Self-Defence: A Necessary Development or the Road to International Anarchy.” *Australian Year Book of International Law*, vol. 23, 2004, doi:10.22145/aybil.23.3.

- “The League of Nations.” *The United Nations Office at Geneva*, [www.ungeneva.org/en/about/league-of-nations/overview](http://www.ungeneva.org/en/about/league-of-nations/overview). Accessed 01 Aug. 2025.
- “Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51).” *United Nations*, [www.un.org/en/about-us/un-charter/chapter-7](http://www.un.org/en/about-us/un-charter/chapter-7). Accessed 25 July 2025.
- Mehdi, Aga Syed Muntazir. “Assessing Article 51 of the United Nations Charter.” *Rising Kashmir*, 4 Oct. 2024, [risingkashmir.com/assessing-article-51-of-the-united-nations-charter/](http://risingkashmir.com/assessing-article-51-of-the-united-nations-charter/). Accessed 25 July 2025.
- Mehdi, Aga Syed Muntazir. “Assessing Article 51 of the United Nations Charter.” *Rising Kashmir*, 4 Oct. 2024, [risingkashmir.com/assessing-article-51-of-the-united-nations-charter/](http://risingkashmir.com/assessing-article-51-of-the-united-nations-charter/). Accessed 25 July 2025.
- “ICJ, Nicaragua v. United States of America, Military and Paramilitary Activities, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)].”
- ICJ, Nicaragua v. United States of America – Paras 78-9.
- UN, [legal.un.org/avl/pdf/ls/Schwebel\\_bio.pdf](http://legal.un.org/avl/pdf/ls/Schwebel_bio.pdf). Accessed 26 July 2025.
- “ICJ, Nicaragua v. United States of America, Military and Paramilitary Activities, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)].”
- *Legality of the Threat or Use of Nuclear Weapons*, [iilj.org/wp-content/uploads/2016/08/Legality-of-the-Threat-or-Use-of-Nuclear-Weapons-1996.pdf](http://iilj.org/wp-content/uploads/2016/08/Legality-of-the-Threat-or-Use-of-Nuclear-Weapons-1996.pdf). Accessed 26 July 2025.
- Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America, -, International Court of Justice (ICJ), 6 November 2003, <https://www.refworld.org/jurisprudence/caselaw/icj/2003/en/19652> [accessed 26 July 2025]
- *ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo | How Does Law Protect in War? - Online Casebook*, [casebook.icrc.org/case-study/icj-democratic-republic-congouganda-armed-activities-territory-congo](http://casebook.icrc.org/case-study/icj-democratic-republic-congouganda-armed-activities-territory-congo). Accessed 26 July 2025.
- “ICJ, Nicaragua v. United States of America, Military and Paramilitary Activities, Judgement of 27 June 1986, Merits; Online: [Http://Www.Icj-Cij.Org](http://www.icj-cij.org)].”

- U, Gayathri. “A Critical Analysis of the Contemporary State Practice of Self Defence in International Law.” *International Journal of Research Publication and Reviews*, vol. 6, no. 5, May 2025, pp. 5682–5691, doi:10.55248/gengpi.. 6.0525.1764.
- *Statute of the International Court of Justice*, [legal.un.org/avl/pdf/ha/sicj/icj\\_statute\\_e.pdf](https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf). Accessed 28 July 2025.
- “Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) - Judgment of the Court.” *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) - Judgment of the Court* | *INTERNATIONAL COURT OF JUSTICE*, [www.icj-cij.org/node/100900](http://www.icj-cij.org/node/100900). Accessed 28 July 2025.
- *International Court of Justice Advisory Opinion on the Legality ...*, [www.w-o-o.nl/wob/archive/documentcloud/dc-3101731.pdf](http://www.w-o-o.nl/wob/archive/documentcloud/dc-3101731.pdf). Accessed 29 July 2025.
- “Chapter XIV: The International Court of Justice (Articles 92-96).” *United Nations*, [www.un.org/en/about-us/un-charter/chapter-14](http://www.un.org/en/about-us/un-charter/chapter-14). Accessed 29 July 2025.
- Cormier, Monique, and Anna Hood. “Breaking the Impasse: The Case for Establishing a No First Nuclear Threat Norm.” *Journal on the Use of Force and International Law*, vol.. 11, no. 1–2, 2 July 2024, pp. 142–166, doi:10.1080/20531702.2024.2414686.
- *Oil Platforms (Islamic Republic of Iran v. United States of America)*, [www.icj-cij.org/case/90](http://www.icj-cij.org/case/90). Accessed 01 Aug. 2025.
- *Oil Platforms (Islamic Republic of Iran v. United States of America)*, *Judgment of 6 November 2003, I.C.J. Reports 2003, p. 161*.
- *Treaty-of-Amity-Economic-Relations-and-Consular-Rights- ...*, [www.state.gov/wp-content/uploads/2019/05/Treaty-of-Amity-Economic-Relations-and-Consular-Rights-between-the-United-States-of-America-and-Iran-Aug.-15-1955.pdf](http://www.state.gov/wp-content/uploads/2019/05/Treaty-of-Amity-Economic-Relations-and-Consular-Rights-between-the-United-States-of-America-and-Iran-Aug.-15-1955.pdf). Accessed 01 Aug. 2025.
- Article X(1) - Between the territories of the two High Contracting Parties There shall be freedom of commerce and navigation.
- “ICJ and the Alleged Violations of Treaty of Amity: Anything Unexpected in the Judgement on Jurisdiction?” *Opinio Juris*, 24 Mar. 2021, [opiniojuris.org/2021/03/24/icj-and-the-alleged-violations-of-treaty-of-amity-anything-unexpected-in-the-judgement-on-jurisdiction/](http://opiniojuris.org/2021/03/24/icj-and-the-alleged-violations-of-treaty-of-amity-anything-unexpected-in-the-judgement-on-jurisdiction/). Accessed 01 Aug. 2025.

- Milanovic, Written by Marko, and Marko Milanovic. “The Illegal Israeli-American Use of Force against Iran: A Follow-Up.” *EJIL*, 23 June 2025, [www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/](http://www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/). Accessed 02 Aug. 2025.
- *Operation Rising Lion - Update Ministry of Foreign Affairs*, [www.gov.il/en/pages/operation-rising-lion-update](http://www.gov.il/en/pages/operation-rising-lion-update). Accessed 03 Aug. 2025.
- *United Nations Resource Management System (UNRMS) | Unece*, [unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms](http://unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms). Accessed 21 Aug. 2025.
- *UN*, [legal.un.org/ilc/reports/2019/english/chp5.pdf](http://legal.un.org/ilc/reports/2019/english/chp5.pdf). Accessed 03 Aug. 2025.
- “Airstrikes on Iran: Necessity or Choice?” *International Bar Association*, [www.ibanet.org/airstrikes-on-iran-necessity-or-choice](http://www.ibanet.org/airstrikes-on-iran-necessity-or-choice). Accessed 03 Aug. 2025.