



ELDH European Association of Lawyers for Democracy & World Human Rights

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EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Democracy
Human Rights Rights of Migrants

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STATEMENT ON THE UNLAWFUL USE OF FORCE AGAINST IRAN AND ON THE DEFENCE OF THE INTERNATIONAL LEGAL ORDER

The European Association of Lawyers for Democracy and Human Rights in the World (ELDH) unequivocally condemns the recent air strikes carried out by the United States and Israel against the territory of Iran. In the current context of escalating regional tensions and repeated unilateral uses of force, these actions constitute a new grave breach of international law and further accelerate the erosion of the multilateral legal order established under the Charter of the United Nations.

1. The Absolute Prohibition of the Use of Force

Article 2(4) of the UN Charter enshrines the prohibition of the threat or use of force as a foundational norm of the international legal system. This rule is widely recognized as possessing peremptory (*jus cogens*) character and admits of only narrow exceptions.

Absent authorization by the Security Council, the sole exception is the inherent right of self-defence under Article 51, triggered only “if an armed attack occurs.” The jurisprudence of the International Court of Justice has consistently interpreted this exception restrictively, requiring the existence of an actual armed attack or, at most, an attack that is imminent in a strict and demonstrable sense, subject to the conditions of necessity and proportionality. No such threshold appears to have been met.

2. Uranium Enrichment and the Illegality of “Preventive” Force

References to Iran’s alleged uranium enrichment programme—even if assumed to raise compliance concerns under non-proliferation regimes—do not constitute an armed attack, nor do they automatically amount to an imminent armed attack within the meaning of Article 51.

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Disputes regarding nuclear activities are governed by specific treaty regimes, including the framework of the International Atomic Energy Agency, inspection mechanisms, and diplomatic processes. Alleged non-compliance with nuclear obligations, however serious, does not create an open-ended legal entitlement to unilateral military force.

The doctrine of “preventive self-defence,” premised on neutralizing potential future capabilities, has no clear basis in positive international law. To accept that the mere development or possession of technological capacity—without the occurrence of an armed attack—justifies bombing sovereign territory would radically dilute Article 2(4) and transform the exception of self-defence into a discretionary instrument of power.

The invocation of an “existential threat” cannot displace legal standards with political rhetoric. International law does not recognize subjective threat perception as a substitute for the objective criteria of armed attack, necessity, and proportionality.

3. A Dangerous Pattern in the Conduct of Aggressive Military States

These strikes cannot be viewed in isolation. They reflect a broader and deeply troubling pattern in which aggressive military states increasingly rely on expansive interpretations of self-defence, unilateral threat assessments, and force-first approaches that bypass or marginalize multilateral institutions.

In the present context, the conduct of the United States and Israel illustrates a continued willingness to resort to unilateral military action in circumstances where the legal threshold for self-defence has not been demonstrably met. Such practices aim to destroy the collective security architecture established in 1945.

If powerful states assert the authority to determine unilaterally when preventive force is lawful, the prohibition of the use of force becomes contingent rather than binding. The result is not enhanced security, but systemic instability and the weakening of the rule of law at the international level.

International law cannot survive as a selective instrument invoked when convenient and disregarded when constraining.

4. A Call to the International Legal Community

In these grave circumstances, silence is not a neutral position. The integrity of the international legal order depends not only on formal institutions but on the principled engagement of jurists, scholars, judges, practitioners, and civil society.

We call upon the international legal community to:

- Reaffirm unequivocally the binding nature of Article 2(4) of the UN Charter;
- Reject the legal validity of preventive or pre-emptive uses of force absent an armed attack in the strict sense required by international law;

- Defend the authority of multilateral mechanisms for dispute settlement and non-proliferation compliance;
- Insist on accountability consistent with the law of State responsibility.

These are difficult and dangerous times. Precisely for that reason, fidelity to international law is imperative. The erosion of foundational norms through silence or acquiescence would carry consequences far beyond any single crisis. The defence of the Charter system is not optional; it is a collective legal responsibility.