

# Between Principle and Power

## Gaza, Iran, and the Erosion of Legal Norms

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Gaza and Iran are not simply sites of armed conflict; they are legal thresholds—points at which the integrity of the post-1945 legal order is tested and, increasingly, revealed as inefficient. While the language of international law remains seemingly intact—[UN resolutions, ICJ proceedings, prosecutorial declarations](#)—its authority fractures under geopolitical pressure and its application is selective.

This blog post examines the ongoing crises in Gaza and Iran as legal and political fault lines exposing the fragility of the international legal order. Through a dual case analysis, it argues that while violations of international humanitarian law and the law on the use of force are not unprecedented, what distinguishes the current moment is the open and selective instrumentalization of legal norms. The cases of Gaza and Iran reveal that international law—far from being a neutral and universally applied framework—is increasingly shaped by strategic ambiguity, political alignments, and entrenched impunity.

### Gaza: From Occupation to Legal Exceptionalism

The Gaza Strip has long been marked by political stalemate and humanitarian crisis but also obvious violations of international law. Since October 2023, however, the scale of destruction and civilian loss has reached unprecedented levels. According to the United Nations Office for the Coordination of Humanitarian Affairs ([UN OCHA 2025](#)), more than 55,000 Palestinians have been killed, including thousands of children, as of June 18, 2025, though some [reports](#) estimate an even higher death toll. Vital civilian infrastructure—including hospitals, water systems, and schools—has been systematically targeted ([cf. UN OCHA 2025](#)).

Tom Dannenbaum [argued](#) that Israel's initial siege order of October 2023 aimed to “starve civilians as a method of warfare” which he classified as a war crime and a violation of international humanitarian law (cf. [Article 54](#) of Additional Protocol I to the Geneva Conventions). By March 2024, the European Union's High Representative for Foreign Affairs, Josep Borrell [reinforced](#) this critique asserting that the Israel was using starvation as weapon of war. The United Nations High Commissioner for Human Rights, Volker Türk, echoed these concerns, [noting](#) that Israel's ongoing restrictions on humanitarian aid, coupled with its military operations, could constitute a deliberate use of starvation as a method of warfare, prohibited under international law.

Concerning this alarming situation in Gaza, South Africa has brought a genocide case before the International Court of Justice ([ICJ, 2024](#)), which thrust Israel's actions in Gaza into the center of legal scrutiny. Although the ICJ issued binding

provisional measures, the case has simultaneously exposed the institutional limits of international adjudication when faced with non-compliance and entrenched geopolitical shielding. Meanwhile, the International Criminal Court (ICC) made headlines in May 2024 when it issued arrest warrants against [Hamas leaders](#) and senior [Israeli officials](#). Yet the political backlash over the ICC case against Israeli officials, led by powerful Western states, revealed systemic asymmetries in the enforcement and acceptance of international criminal law.

Gaza is not just a case of occupation; it reflects an enduring and painful reality of injustice, marked by territorial fragmentation, statelessness, and the normalization of legal exception. In this context, it represents both a humanitarian catastrophe and a structural test of whether the international legal order can meaningfully constrain violence when power resists law. Despite decades of occupation, Palestinians in Gaza and beyond pursue freedom and self-determination. Yet their lives are treated as if they do not matter, as UN resolutions and international court rulings ([ICJ 2004, 2024](#)) are systematically ignored.

### **Iran: Anticipation, Escalation, and the Crisis of *Jus ad Bellum***

In a matter of days, the Israeli military compass shifted from Gaza to Iran. In June 2025, Israel launched a coordinated series of airstrikes—reportedly under the codename [Operation Rising Lion](#)—targeting Iranian military and nuclear infrastructure, including facilities at Natanz, Isfahan, and Fordow. Israel [justified](#) the operation as an act of anticipatory self-defense, citing perceived existential threats from Iran's nuclear program. The United States supported the operation through intelligence sharing and logistical coordination, and later [participated](#) directly with their own airstrikes involving B-2 bombers and Tomahawk missiles.

Curiously, these attacks occurred during ongoing diplomatic efforts between Iran and the United States, including efforts to restore nuclear transparency. Iran's nuclear activities remained under the International Atomic Energy Agency (IAEA) safeguards. These diplomatic efforts continued despite the United States' unilateral withdrawal from the 2015 Joint Comprehensive Plan of Action ([JCPOA](#)) in May 2018 under President Donald Trump—a multilateral nuclear agreement endorsed by UN Security Council [Resolution 2231](#)—despite IAEA verification confirming Iran's compliance with the JCPOA and, at that time, with the Treaty on the Non-Proliferation of Nuclear Weapons ([NPT](#)). However, the IAEA [reported](#) on June 12 that Iran was in non-compliance with its non-proliferation obligations.

Iran [responded](#) with drones and ballistic missile attacks on Israeli cities, including Tel Aviv and Beersheba, striking Soroka Hospital and injuring over 200 civilians. Iran invoked [Article 51](#) of the UN Charter, claiming the right to self-defense, a legal claim formally [submitted](#) to the UN Security Council on June 16, 2025. In reactions to the U.S. attacks, Iran [launched](#) missile attacks on U.S. military bases in Iraq and Qatar, targeting what it described as “operational centers” supporting the Israeli campaign.

This escalating chain of self-defense claims resembles a kind of legal “ping-pong,” with each actor justifying successive uses of force by invoking the language of self-defense. This dynamic highlights the legal significance of pinpointing the

*initial* breach of the prohibition on the use of force, since it sets the stage for all subsequent claims to self-defense.

Moreover, the legal framing used to justify the attacks on Iran—rooted in the language of preemption—raises serious questions about the elasticity of *jus ad bellum* and the thresholds required for [lawful self-defense](#). The UN Charter prohibits the use of force (Article 2(4)) except in response to an armed attack (Article 51) or with Security Council authorization. Anticipatory self-defense is not only absent from the Charter; its wording—limiting self-defense to cases where “an armed attack occurs”—arguably excludes it. Proponents often invoke the 1837 [Caroline standard](#), which requires necessity be “instant, overwhelming, leaving no choice of means, and no moment for deliberation”. Yet *Caroline* did not concern the use of force under the modern *jus ad bellum* regime and remains an ambiguous precedent. More importantly, there is [no consistent state practice or opinio juris](#) sufficient to establish anticipatory self-defense as a permissible exception under the Charter.

Also the ICJ has consistently upheld a restrictive reading of Article 51, including in [Nicaragua v. United States](#) (1986, para. 194) and [Oil Platforms](#) (2003, para. 72). In both cases, the Court emphasized that the right to self-defense arises only in response to a grave use of force and that any response in self-defense must meet the criteria of necessity and proportionality. While the Court has not directly addressed anticipatory self-defense, its jurisprudence underscores the exceptional nature of Article 51 and the high evidentiary threshold required to justify the use of force. Against this backdrop, the absence of independently verified evidence of an imminent Iranian attack or a significant shift in Iran’s nuclear program makes it difficult to justify recent uses of force as lawful under existing legal standards. Even if the claim of anticipatory self-defense were to be accepted—a position that remains highly contested—the attack would arguably still be unlawful under *jus ad bellum* due to its disproportionate nature. Reports from [UN](#) agencies and [NGOs](#) indicate that Israeli airstrikes caused extensive civilian harm in Iran, including damage to energy infrastructure, medical facilities, and residential areas. These effects raise serious concerns under international humanitarian law, suggesting potential violations of the principles of distinction and proportionality under *jus in bello*.

Anticipatory self-defense has emerged as a dangerous precedent, used to [justify](#) the war in Iraq, which was marked by devastating [civilian casualties](#), as well as [Russia’s invasion](#) of Ukraine and now the attacks on Iran. Invoked without transparency or oversight, it risks becoming a doctrine of strategic convenience, undermining global stability and eroding international legal norms. The failure of international legal institutions to respond to the Israel–Iran escalation underscores a broader paralysis. To date, the ICC has not initiated any formal proceedings, and the Security Council remains gridlocked. In this context, legal silence becomes a form of political complicity.

## **Structural Double Standards**

The crises in Gaza and Iran reveal a deeper pattern: the fragmentation and instrumentalization of international law. Legal norms are cited and legal arguments are advanced, but their application is contingent on geopolitical context.

Gaza illustrates this inconsistency starkly. For instance, the ICC moved swiftly against [Russian officials](#) for crimes in Ukraine. By contrast, efforts to investigate comparable actions against Israeli officials have sparked political backlash and [amicus curiae](#) briefs challenged the Court's jurisdiction, arguably aimed at [delaying](#) or weakening the investigation. Similarly, Russia's aggression was widely condemned under Article 2(4) of the UN Charter, whereas Israel's strikes in Iran elicited far more muted responses, with few states openly [criticizing or condemning](#) the action.

Germany exemplifies this [double standard](#) in practice: While condemning Russia's invasion of Ukraine and supporting sanctions, it continues to supply arms to Israel (accounting for roughly 30% of Israeli weapons [imports](#)). German leaders have abstained on UN ceasefire resolutions concerning Gaza and declined to use their leverage in international forums, even as NGOs and lawyers call out legal inconsistency. Notably, Germany has publicly [supported](#) the International Criminal Court's arrest warrant against Vladimir Putin, but has [failed](#) to back the Court's warrant against Israeli Prime Minister Benjamin Netanyahu.

This dynamic reflects a deeper structural bias in the international legal system: Legal norms are not [applied universally](#), but often shaped by the interests of powerful states and rooted in [historical hierarchies](#). Law frequently functions as "[legal work](#)"—a rhetorical tool used to justify state behavior, while remaining largely ineffective in constraining the actions of dominant actors. The so-called "[rules-based order](#)" thus conceals a system in which legality is invoked selectively, depending on who is acting and whose interests are at stake. This is not merely hypocrisy—it is a structural feature of a political system embedded in unequal power relations. International legal institutions lack effective enforcement mechanisms; their reach is limited by and dependent on political will. In such a system, legal norms risk becoming symbolic tropes—rhetorically potent but devoid of enforceable consequences—serving more as instruments of legitimacy than mechanisms of justice.

## **Conclusion: Between Law and Power**

The Gaza conflict highlights the limits of international law and its dependence on an asymmetrical global political system. Gaza demands more from the international community than it appears willing—or able—to provide. This is not an exceptional failure; it is symptomatic. It reveals a legal order that speaks the language of universality but functions through selective enforcement and structural silence, especially where powerful actors are involved.

The Iran case illustrates how quickly regional tensions can escalate into full-scale war, especially when international law is disregarded or, worse, when its foundational norms—such as the right to self-defense—are misused to pursue political interests. When this happens, the legitimacy of the legal order itself is at risk. It is crucial to unequivocally condemn such violence rather than relativizing it. What may seem like an isolated case today could, over time, harden into a norm of customary international law through inaction, silence, or implicit acceptance.

Rebuilding the credibility of international law requires more than doctrinal precision. It demands moral courage—the courage to acknowledge that the law is failing those it claims to protect.

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