

The U.S./Israeli Bombing of Iran: A Case Study in Contempt for International Law

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Operation “Epic Fury” manifests an epic tantrum by President Donald Trump, supported by his sycophantic minions, with dire consequences for the people in the region, peace and security worldwide, the global economy, and the post-World War II international legal order.

The United States/Israeli bombing of Iran clearly violates fundamental rules of international law. It violates the sovereignty of Iran, contrary to Article 2(4) of the UN Charter which prohibits the threat or use of force against the territorial integrity or political independence of any state. There is no plausible case that the U.S. and Israel are acting in self-defense against an imminent attack. Nor is regime change an acceptable justification for use of force, as it runs directly counter to the injunction to respect the political independence of states.

It is striking that the Trump administration has made no real effort to use multilateral mechanisms or to invoke international law. Both by its action and by its contempt for international law, the administration is accelerating the erosion of basic rules relating to use of force that has been underway for nearly three decades following the end of the Cold War.

The erosion of the legal framework formally limiting the use of armed force has been a long process, punctuated in the 21st century by increasingly frequent shocks of large-scale wars launched by major powers with less and less regard for international law and institutions. The first of these was the U.S. invasion of Iraq in 2003, the stage set by the long, massive U.S. presence in and around Iraq in the 1990s and the invasion and occupation of Afghanistan in 2001. Unlike the Trump administration, the George W. Bush administration at least gestured toward providing an international law rationale for the invasion—but built its justifications for war on a foundation of lies. Then came the Russian annexation of Crimea in 2014 and its full-scale invasion of Ukraine in 2022, which both lacked any serious international law justification. There have been other instances of aggression in this century, such as the recent U.S. invasion of Venezuela to abduct its president. But U.S. actions in relation to Iraq, those of Russia in Ukraine, and the U.S./Israel bombing of Iran stand out as major developments in the erosion of rules on use of force.

Concerning Iran’s nuclear program, prior to the bombing it was not at a stage of development that provided any basis for a claim of self-defense. In general, it has appeared for many years that Iran had a uranium enrichment capability, in part in order to preserve the option of acquiring nuclear weapons at some point in the future, but had not made the acquisition decision. And it was the United States, during the first Trump administration, that unilaterally withdrew from the painstakingly negotiated 2015 Joint Comprehensive Plan of Action, an international agreement that placed effective and verifiable restraints on Iran’s nuclear program.

Discussions of Iran's program generally do not address the fact that Israel has a robust nuclear arsenal. In the long run it is not practical to allow some states to have nuclear weapons and to deny them to others. The most straightforward way to deal with problems posed by the actual proliferation of nuclear weapons, as in the case of North Korea, or their potential proliferation, as in the case of Iran, is to move expeditiously toward the global abolition of nuclear arms. Another at least partial way is to build new regional nuclear weapons free zones. That approach has indeed been tried in the case of the Middle East. Both in the context of the Nuclear Non-Proliferation Treaty, and in the United Nations, there have been serious efforts to get negotiation of a Middle East zone underway, with Iran's willing participation. However, Israel and the United States have boycotted these efforts. This severely undercuts the legitimacy of their position as they claim to act to stop a menacing Iranian nuclear program.

What should be the response to these developments? First, the invasion of Iran should be condemned as unlawful aggression, and the basic UN Charter rules should be defended, with the aim of at least preserving them for the future. Second, it should be recognized that the world is undergoing a major transformation marked by the resurgence of authoritarian nationalism, with authoritarian ethno-nationalist factions in power or constituting significant political forces in many countries, including all of the nuclear-armed states. There is a need for realism about the nature of the challenge, and for new thinking and innovative forms of advocacy and politics for a more fair, democratic, peaceful, and post-nationalist world.