

EVOLUTION OF THE CONFLICT BETWEEN IRAN AND ISRAEL

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Abstract: *Although the UN Charter expressly provides for prohibitions limiting the use of armed force by states, war is far from having disappeared from international life. The principle of non-aggression is still violated for reasons that states invoke to pursue their own interests, taking advantage of certain legislative loopholes. However, this cannot be interpreted in such a way as to deny the legally binding force of the principle.*

The highly centralized system for maintaining international peace and security established by the Charter, the paralysis of the functioning of the Security Council through the exercise of the veto by the major powers, the presumed lack of total adherence by states to the peaceful settlement of disputes, explain why states resort to force to promote their interests and seek, more often than not, to justify their actions by way of the presumed exceptions in international law to the prohibition on the use of force. .

Keywords: *conflicts, pre-emptive strike, individual and collective self-defense, nuclear weapons, measures, UN, Security Council.*

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Root causes of the conflict

The conflicts between Iran and Israel have a long history, dating back to 1979, when the then Western-backed ruler of Iran was removed from power during the Islamic Revolution and the new Islamist regime in Tehran denied Israel's right to exist as an independent state, believing that it should be replaced by a non-confessional state in which Muslims and Jews live as equals. These conflicts have contributed in recent decades to numerous attacks between the two sides, in the air, on land, at sea and in cyber attacks.

The two countries initially had a good working relationship until 1979, with Iran being one of the first countries to recognize the state of Israel in 1948. Iran was home to the second largest Jewish community outside Israel, but after the revolution many of the Jews left Iran and after the victory of the Islamic Revolution and the rise to power of Ayatollah Ruhollah Khomeini, Tehran canceled all treaties with Israel.

Tehran has gradually developed a hardline policy against Israel in order to win the sympathy of the Arab states, or at least the populations of these countries, as the Iranian regime sought to increase its own influence in the region.

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The situation deteriorated further with the Israeli invasion of Lebanon in 1982 with the launch of 'Operation Peace for Galilee'. This operation was triggered by the attempted assassination of Israel's ambassador to the United Kingdom, at the same time as the Lebanese paramilitary group Hezbollah was set up, but backed by Iran, which Israel considers one of the biggest threats on its borders.¹

Iran's relationship with one of the Arab states, Iraq, also deteriorated with the start of the 1980 war. Iraq, led by Saddam Hussein, invaded Iran to prevent Ayatollah Ruhollah Khomeini from exporting Iran's revolutionary ideology to Iraq.

In addition, Iraq was seeking to establish itself as the dominant military and economic power in the Persian Gulf, a goal that seemed attainable after Iran's Islamic revolution weakened its previous ties with the United States and Israel.

The post-revolution turmoil in Iran, the politically motivated purge of the military leadership, the massive flight of Iran's intellectual and ruling elites, provided Saddam Hussein with an opportunity for war. The outbreak of the Islamic Revolution in Iran resulted in a deterioration in relations with both Israel and the US, given that prior to the revolution, the US had supported Iran in strengthening its military capabilities.

With the ouster of the Shah in the wake of the 1979 hostage crisis, US economic and military support ceased, providing new opportunities for Saddam Hussein, who wanted Iran's oil reserves in Khuzestan province to pass into Iraqi possession. This would have deprived Iran of an important source of revenue and prevented it from becoming a hegemonic power in the region.

Although it was Iraq that launched the attacks on Iran, the international community was outraged by the ideologies of Khomeini's regime, which is why the major powers such as the USSR, France, Great Britain and the USA showed their support for Iraq.

Both the USA and the USSR believed that Iranian influence would have jeopardized the balance of power in the region and affected the interests of both countries. The ability of the Americans to defend themselves could have been weakened if other Gulf states also entered the conflict, the Emirates and Saudi Arabia on the Iraqi side and Syria on the Iranian side. An Iranian victory over Iraq would have confirmed Iran's hegemony over the area, and US interests in Arab oil could have been threatened. The Soviet Union also had economic interests in the region as Iraq's main arms supplier.

¹ Benea I., *How the Israel-Iran conflict came about and what we know about what is happening now in the Middle East*, available at <https://romania.europalibera.org/a/razboi-iran-israel-explainer/32906085.html>, accessed on 18.06.2025.

Subsequent Iranian state investment in Shiite militias, political parties and religious movements in Iraq led to a decline in US influence and Tehran's increasing role in appointing Iraqi politicians, based on loyalty, to high state positions and mass manipulation of the people. In this context, Tehran can be seen as having become the main actor on the Iraqi stage, with Iran exiting its geopolitical influence over the Arab region.²

Consequences of the current war between Iran and Israel

The effects of the 1979 Islamic Revolution have been felt to this day as a result of Iran's intention to become a major regional power by waging proxy wars, through which it has tried to spread its revolutionary ideology and religious doctrine in as many parts of the Middle East as possible, such as Iraq, Syria, Lebanon and Yemen, with the help of combatant groups known as pro-Iranian militias.

To strengthen its own position against Israel, Iran not only finances the terrorist groups Hezbollah in Lebanon and Hamas in Gaza, but has also intervened in the Syrian war on the side of President Bashar al Assad, and more recently in support of the Houthi militias in Yemen and the so-called Islamic resistance movement in Iraq.

The current war between Iran and Israel is also a response to the events that took place in October 2023, when the Palestinian movement Hamas launched a massive military attack against Israeli areas and kidnapped civilians. Following this, Israel responded with a massive military operation against Hamas in the Gaza Strip.

All parts of the Iranian-controlled 'axis of resistance' participated in that conflict. Lebanese Hezbollah, the Houthi group in Yemen, Shiite militias in Iraq and Syria launched rocket and drone attacks against Israel, but the Israeli army managed to counter Hamas' military force.

Since 2024, the attacks between the two warring sides have intensified, one of the most important being the Israeli attack on the Iranian embassy in Damascus that resulted in the killing of several Tehran military commanders, at which point Tehran decided to attack Israel with drones and rockets, as well as the attack that wounded the Iranian ambassador to Lebanon, which actually targeted members of Hezbollah, or the attacks that led to the assassination of several Hezbollah and Hamas military leaders.

The dictatorial regime in Iran has had devastating effects over the years, resulting in financial crises, a depleted economy due to international sanctions, and the ethnic and religious minorities in the region suffering marginalization, exclusion and poverty. At the international level, the Iranian regime has lost much of its strategic tools in the region, which is

² *Major geopolitical changes in the Middle East*, available at <https://www.geopolitic.ro/2025/02/schimbarile-geopolitice-majore-din-orientul-mijlociu/>, accessed on 18.06.2025.

why it is trying to produce nuclear weapons to protect what is left of its ideologies.

Iran has now realized that it is left on its own to defend itself against attacks launched by Israel and the US, as long as it no longer has the militia groups and allies that allowed it to expand its power in the Middle East. In addition, Russia, one of Iran's main allies, has been involved in the unfinished war with Ukraine for the past three years, and its human and material losses make it difficult to provide Iran with military aid.

China has also condemned the US attacks as a violation of international law, but has offered no aid to Iran, which exports much of its oil to Beijing.

Gulf leaders are also keen to see Iran's influence in the region curtailed, as it is seen as the main threat, while at the same time maintaining cooperative relations with Washington.

The 12-day war between Iran and Israel was triggered on June 13, 2025, by a "pre-emptive" Israeli strike, the day after the International Atomic Energy Agency (IAEA) claimed that Iran had violated its nuclear non-proliferation obligations.

The resolution passed by the 19 member states of the institution's observer council states that the IAEA, through the agency's Board of Governors, notes numerous deviations by Iran from its obligations and commitments since 2019 to provide and ensure full and timely cooperation with the IAEA with respect to undeclared nuclear material and activities at multiple locations in Iran, which constitute violations of the Nuclear Safeguards Agreement.³

Following the surprise Israeli attack, Iran declared that it is in a state of war and will take immediate action against Israel. The attack was titled by Israel "Operation Rising Lion" and was aimed at destroying several air bases, damaging nuclear facilities, and killing the military leadership of the Islamic Revolutionary Guards as well as nuclear scientists.⁴ Israel believes the attacks were directed against the Iranian regime and not the people of Iran, aimed at stopping Iran's nuclear program.

The Israeli government claims that the "pre-emptive" attack was intended to counter an imminent attempt to build a nuclear bomb. This attack can be motivated by the Israeli state's will to survive, a situation that prompted an emergency response, essential to justify pre-emptive action under international law.

³ Resolution adopted by the IAEA GOV 2025/38 on June 12, 2025 during the 1769th session, lit. e), p. 1, available at <https://www.iaea.org/sites/default/files/25/06/gov2025-38.pdf>, accessed on 19.06.2025.

⁴ Cornwell A., Hafezi P., Holland S., *Iran strikes back at Israel with missiles over Jerusalem, Tel Aviv*, available at <https://www.reuters.com/world/middle-east/israel-says-it-strikes-iran-amid-nuclear-tensions-2025-06-13/>, accessed on 18.06.2025.

However, the limitations to resort to a pre-emptive strike are multiple: there must be an armed attack prior to the response, the attack must be carried out by a (aggressor) state, the response action must take place until the Security Council adopts the necessary measures to maintain international peace and security, the measures adopted in exercise of the right of self-defense must be immediately brought to the Council's attention, and self-defense must be proportional to the attack, conditions that were not fully respected by Israel.

The State's freedom of action is also limited by its obligation to inform the Council of the measures it has adopted, which shall not affect the right of the Council to take any other measures it deems necessary for the maintenance of international peace and security.

While Israel criticizes Iran's nuclear program, Iran is also believed to possess nuclear warheads, but the International Atomic Energy Agency has no power to inspect Israel or verify its nuclear program, as it is not a signatory to the UN Treaty on the Non-Proliferation of Nuclear Weapons. Israel has never formally acknowledged the existence of a nuclear program on its territory, but it is believed to have nuclear capabilities and is one of five states, along with India, Pakistan, North Korea and South Sudan, that is not a signatory to the treaty.

The UN Treaty on the Non-Proliferation of Nuclear Weapons recognizes only the five permanent members of the Security Council as nuclear-weapon states: the USA, the Russian Federation, the UK, France and China.⁵

On the other hand, there is a diplomatic solution to end the conflict, but it depends on Iran's willingness to negotiate. Iran, which is considered to be an existential threat to Israel and, if it becomes a nuclear power, a danger to the entire region and the world, has the possibility of signing an agreement to abandon the nuclear program to which it is committed.

The agreement should provide for the acceptance of on-site inspections by specialists from international bodies in this field, and following these inspections, with international assistance, the Iranian authorities must remove all facilities for the production of nuclear-armed missiles, but Iran is postponing such a solution.⁶

Another consequence of the conflict between the two countries could have resulted in a blockade of the Strait of Hormuz, which would have caused an economic imbalance for Iran and globally. The strait is an

⁵*Treaty on the Non-Proliferation of Nuclear Weapons*, available at <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1970/infcirc140.pdf>, accessed on 18.06.2025.

⁶Stănescu S., *Why the Israel-Iran war continues*, available at <https://www.bursa.ro/de-ce-continua-razboiul-israel-iran-08100650>, accessed on 18.06.2025.

important trade route, carrying more than 20% of the world's oil, and closing it would limit trade and affect world oil prices.

At the same time, the US decision to attack Iran's nuclear facilities is an international security concern because of the impact the destruction could have on the lives of Iranian citizens, but also on those in neighboring states and the environment.

In addition, US and Israeli-led attacks on nuclear sites cannot be considered effective as long as Iran retains its uranium reserves, although the US and Israel have lobbied extensively for the surrender of the natural resource. In this situation, research to develop nuclear weapons can continue, given that the nuclear program is spread across numerous locations and Iran may have moved some of its pre-attack facilities some distance from the nuclear sites.

Security Council intervention in conflict resolution. Sanctions

As a permanent member of the Security Council, the US cannot ignore Iran's methods of acting against Israel with the help of Hamas and Hezbollah, nor its decision to develop its nuclear program. By intervening in Iran, the US is also seeking to protect its troops deployed in the Middle East and to maintain relations with other Arab states. However, its involvement in the Iran-Israel war does not comply with all the provisions of the UN Charter for direct action against threats to international peace and security.

Article 27 of the Charter lays down the conditions to be observed for the adoption of decisions in the Council and stipulates that *"Decisions of the Security Council in all other matters (except procedural matters) shall be adopted by the affirmative vote of nine members, including the concurring votes of all the permanent members, provided that, in the case of decisions to be adopted under Chapter VI and Article 52, paragraph 3, a party to a dispute shall abstain from voting."*⁷

The Security Council performs both conflict prevention and peacekeeping functions, under which it has the power to call a ceasefire and to send UN forces into conflict territory, but only with the consent of the states involved.⁸

Although the Council's powers are recognized worldwide to deal with international security issues, they are limited by political disagreements between the permanent members caused by the abuse of the veto and the way the right to individual and collective self-defence is interpreted.

The involvement of the United States in the current conflict between the two states by providing aid to Israel, using the destruction of Iran's

⁷ UN Charter, Art. 27 para. 3, available at <https://legislatie.just.ro/Public/DetaliiDocument-Afis/19362>, accessed on 22.06.2025.

⁸ Lungu M. D., *Rolul organizațiilor internaționale în soluționarea pașnică a diferendelor internaționale*, Universul Juridic Publishing House, Bucharest, 2010, p. 213.

nuclear program as a pretext, casts doubt on the effectiveness and legitimacy of the attack, since it can be seen that the procedures for the peaceful settlement of the dispute, as stipulated in Article 33 para. (1) of the Charter, without the approval of the other members of the Council.

Bearing in mind that some of the permanent members represent some of the world's major economic powers, their decisions influence the settlement of disputes and hamper the process of excluding from the organization states guilty of violating the rules of international law.

The US as a permanent member will not vote against Israel, and Russia will not vote against Iran, while states in the General Assembly will find it difficult to achieve a two-thirds majority because of conflicting or contradictory interests reflecting their political, economic and ideological differences.

The General Assembly gives all member states the opportunity to participate in decision-making, but their diverging interests can complicate the decision-making process and lead to deadlocks or divisions within the organization.

In terms of sanctions that may be applied to the two warring states following the deployment of the mission in Iran, the UN found that Israel failed to issue a prior warning to evacuate the civilian population, which affected the ability of citizens to reach safe haven, resulting in death and injury, and violated the principles of proportionality, distinction and precaution under international humanitarian law.⁹

At the same time, Iran is not concerned to respect the rules of international humanitarian law. It has taken measures to restrict the means of communication, including the internet, which prevents citizens from obtaining or distributing certain information or keeping in touch with family members.

At the same time, UN experts believe that Iran has carried out arbitrary arrests of activists, journalists and social media users on charges of spying for Israel, as well as the execution of certain individuals accused of spying, which further raises questions about the respect of the right to a fair trial. In addition, the UN has called on the Iranian authorities to take the necessary measures to relocate prisoners of war away from locations at risk of air strikes.¹⁰

In the context of a violation of international humanitarian law, the UN may impose sanctions on Iran with major diplomatic and economic effects. They may include limiting exports and imports, restricting the state's

⁹ *Iran: UN Fact-Finding Mission, Special Rapporteur call for civilian protection and respect for human rights as Israeli attacks cause extensive suffering*, available at <https://www.ohchr.org/en/press-releases/2025/06/iran-un-fact-finding-mission-special-rapporteur-call-civilian-protection-and>, accessed on 22.06.2025.

¹⁰ *Ibidem*.

access to global financial systems, freezing the assets of officials involved in the nuclear program, travel bans on certain individuals and isolating Iran internationally, which will affect the population by generating inflation and unemployment.

The limits within which the right to resort to pre-emptive strike for individual and collective self-defense can be invoked

Article 51 of the Charter allows any UN Member State to react immediately in the event of an attack against it, on the basis of the right of self-defense, without waiting for a decision by the Security Council.

This Article must be interpreted in conjunction with Article 2 para. (4) of the Charter, which prohibits both the use of force and the threat of force in international relations.

The use of force may be accepted internationally only against those who have violated fundamental international values, for the protection of all members of the community, and the right of self-defense may not be exercised in an arbitrary or abusive manner.

According to Article 39 of the Charter, the Council has the power to determine whether or not there is an attack on or threat to international security, but it must not extend this right without limit by categorizing a crisis situation existing on the territory of a State as a threat to international peace.

In such situations, the concept of the "right to individual or collective self-defense" needs to be defined in much clearer terms as to when a State may take preventive action to protect itself against a violation of its sovereignty as a result of an imminent or perceived armed attack.

To avoid such a legislative gap in the future, an express provision should be introduced in an international treaty to determine whether the right of self-defence can be invoked on the basis of an anticipated attack before the aggressor State has actually carried out the act of aggression. The treaty must also lay down the penalties to be imposed on States if they resort to such attacks without complying with the rules laid down.

In any event, in order to be able to resort to a pre-emptive attack, the principles of necessity and proportionality in international humanitarian law must be taken into account, and a State's pre-emptive attack in self-defence is justified only if there is an imminent threat of an attack by another State against that State.¹¹

The distinction between a pre-emptive and anticipatory attack should be expressly stipulated in international law so that States can no longer abuse the right of self-defense. An attack can therefore be considered to be

¹¹ *Case concerning military and paramilitary activities in and against Nicaragua*, June 27, 1986, ICJ Reports 1986, para. 176, pp. 94-95, available at <https://www.icj-cij.org/public/files/case-related/70/070-19860627-JUD-01-00-EN.pdf>, accessed on 23.06.2025.

pre-emptive if there is evidence of a plan containing specific acts of aggression by another State, whereas a pre-emptive attack is an attack against a potential, abstract danger for which there is no concrete evidence of preparation of an attack and which can be categorized as unlawful.¹²

Conclusions

The solution to eliminate the random use of pre-emptive strikes by states is to codify the practice of pre-emptive strikes, but none of the major powers seems to be interested in regulating them so far, as long as it creates certain political advantages for them to gain control over other states' territories and resources.

In the absence of an international order based on clear and respected rules, the spaces between the great powers become zones of confrontation. Iran and Israel, like Syria, Libya or Ukraine, thus become not just actors but war zones, and the citizens who live there become captives in conflicts they did not initiate and in which they have no say.

Through the Security Council, which was designed to be an operational body, the UN has sought to adopt coercive measures that may involve the use of armed force through its five permanent members.

The lack of agreement among the permanent members in adopting decisions of a political nature or those on military intervention has led the UN, and by extension the Council, to refocus its attention on peace operations.

Peacekeeping operations have allowed it to intervene in a non-coercive way in various areas, such as good governance, humanitarian law and the reconstruction of crisis-affected states.

But UN intervention has often not been a permanent success. Events such as the war in Afghanistan, the Iran-Iraq war or the current Iran-Israel war and the war in Ukraine, as well as the nuclear weapons issue and the prosecution of war criminals, are further proof of how states can deviate from the rules of international law without being held accountable.



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¹² Lascu A.L., *Crima de agresiune-Un updating sau un upgrading necesar*, Universul Juridic Magazine no. 2, February 2016, p. 129.

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