

Negotiation for peace or cover for assault?

Was US attack on southern Iran legitimate self-defense?



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**OPINION
EXCLUSIVE**

If the objective of a military attack is solely to repel an assault that is imminent, international law might, under exceedingly exceptional circumstances, afford latitude for discourse concerning preemptive self-defense. However, if the true objective is to weaken the strategic capacity of a state, to disrupt its energy resources and port infrastructures, to alter that state's political calculations, and to coerce it into accepting a desired security order, then we are no longer confronting a simple defensive matter. This distinction assumes particular significance with respect to the United States' attacks on southern Iran in 2026. The attacks, executed in late June and subsequently in early July against targets along Iran's southern littoral, appear, from a military perspective, to constitute part of a broader strategy for constraining Iran's naval, missile, and logistical capabilities and for augmenting pressure upon Tehran. Nevertheless, this very circumstance poses a fundamental legal question: Was America's objective genuinely the repulsion of an impending assault, or was Washington seeking to alter the balance of power in the Persian Gulf and to reduce Iran's strategic capacities?

This is not merely a political question. It is a legal one: Exactly which attack was the US repelling? The answer matters because it determines whether the operation can be understood as an act of self-defense or as an unjustifiable use of force.

Herein, one must distinguish among three levels: first, the military description of the operation; second, its political objective; and third, its legal basis. An operation might be entirely comprehensible from a military standpoint, yet that fact does not render it lawful. An attack might be effective for deterrence, but deterrence does not per se constitute an exception to the prohibition against the use of force. Likewise, a state might defend an action on grounds of safeguarding energy security and freedom of navigation, but such interests, absent the conditions for self-defense, do not authorize an incursion into the territory of another state. Hence, the legal point of departure is



A patient is being evacuated from the Shahid Baqaei Hospital in Ahvaz, southwestern Iran, in the early hours of July 15, 2026, to another medical facility following US air strikes on surrounding areas.
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unequivocal. The governing principle is the "prohibition against the use of force," and self-defense constitutes an exception. Consequently, a state invoking self-defense must demonstrate the existence of the requisite conditions for applying this exception.

In international law, self-defense is classically connected to the occurrence of an armed attack. Moreover, the defensive action must be necessary and proportionate. These two conditions bear substantial importance. A state cannot, merely because it perceives itself as threatened, employ any level of military force against another state.

The International Court of Justice, in the case of *Nicaragua v. United States*, likewise emphasized that the exercise of the right of self-defense is linked to the concept of armed attack and to the requirements of necessity and proportionality. In the case concerning *Oil Platforms (Iran v. United States)*, these same criteria were considered in evaluating the American attacks on Iranian oil facilities. The legal outcome of these cases clarifies a critical principle: a state's security claim does not substitute for the

demonstration of the legal necessity for using force.

Therefore, the principal difficulty with America's claim of "preemptive self-defense" resides precisely here.

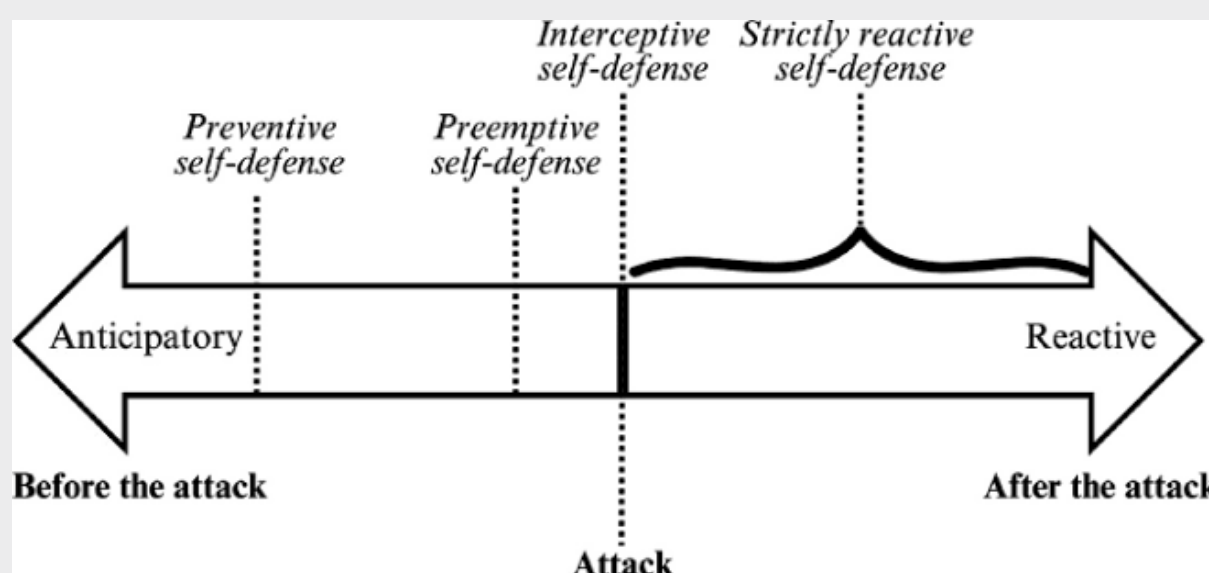
Preemptive self-defense, in its narrow meaning, refers to a situation wherein the enemy's assault has not yet commenced, but its occurrence is so imminent that awaiting the assault would effectively eliminate the opportunity for defense. In contrast, preventive defense pertains to an action undertaken to forestall a potential future threat.

The distinction between these two is also exceedingly important. If a state asserts that the opposing state might, in the future, acquire the capacity to threaten it, that argument possesses a preventive nature. But if it asserts that the enemy's attack was imminent and that no alternative existed except immediate action to repel it, then it enters the domain of preemptive argumentation. International law does not treat these two situations identically.

Concerning the operation in southern Iran, the principal question is whether the available evidence indicates that America confronted an imminent attack that could not have been repelled except by striking Iranian facilities, or whether Washington was targeting Iran's military and economic capacity, which it sought to reduce in advance.

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This query acquires greater significance when one considers the nature of the operation's targets. If the targets include coastal systems, missile and drone centers, port infrastructures, logistical hubs, and energy-related facilities, one can comprehend the military logic of such an operation. Reducing Iran's capacity to control or threaten maritime routes, diminishing its coastal missile capability, and constraining its logistical capacity are, from a strategic perspective, intelligible objectives. However, precisely this point can, from a legal perspective, work against the claim of self-defense. Self-defense is for repelling an attack, not for redesigning the strategic capacity of the opposing state. If a military operation transforms from "repelling an attack" to "reducing the enemy's future capabilities," the self-defense argument weakens. For then, the principal query is no longer whether the attack was necessary to repel an immediate threat, but whether the attacking state was employing force to alter the strategic situation of the opposing party.

This is the boundary between defense and preventive war.

Of course, one must fairly reconstruct America's argument as well. Washington could argue that attacks against commercial vessels in the Strait of Hormuz constituted a genuine and ongoing threat, and that Iran's coastal and missile facilities constituted part of the operational capacity employed for such attacks. If such a connection is proven, attacking certain specified military targets could be discussed within the framework of defensive necessity.

Yet even under this hypothesis, necessity and proportionality must be objectively examined.

A state cannot simply assert, "I determined that this attack was necessary for my security, therefore it was necessary." It must demonstrate that the specific attack, against the specific target, at the specific time, was necessary for repelling that same threat. Herein, the timing of the operation acquires importance. The American attacks occurred when political dialogues between Tehran and Washington were still ongoing, and both sides had endeavored to establish a consensual mechanism for ending the war and managing their disputed issues. This fact elevates the matter from a purely military level to a higher legal and political level.

In international law, good faith is not a simple moral recommendation. Good faith is one of the fundamental principles governing the legal relations of states and the execution of international obligations. States cannot interpret and execute their obligations in a manner that effectively renders their object and purpose worthless.

Of course, the initiation of negotiation does not per se signify the extinguishment of the right to self-defense. If a state, during the course of negotiations, genuinely becomes the object of an armed attack, negotiation cannot automatically nullify that state's right to defense. However, negotiation is significant for discerning state behavior and for assessing its good faith.

If a state, while negotiating about ending the war, maritime security, nuclear issues, sanctions, and the future of political relations, simultaneously initiates