

Israel's Lawful Self-Defence Against Iran – Implications for Belgian Policy

Factsheet No 1

The
Israel Clarity Initiative
Verifiable Facts for Policymakers

Claims that Israel and its allies have launched an “illegal war of aggression” against Iran misrepresent both the facts and international law. Israel's strikes constitute **lawful self-defence** in an ongoing armed conflict. Belgium's strong commitment to the rules-based order is an asset, but recent ministerial statements risk misapplying core legal principles.

Legal Basis for Israel's Actions

1. Ongoing International Armed Conflict

- Iran has conducted a decades-long campaign against Israel through **direct ballistic missile and drone attacks** on civilians and via its proxies (Hamas, Hezbollah, and the Houthis).
- Iran supported and directed the 7 October 2023 massacre and continues to supply weapons and operational guidance to its **proxies**.

2. Inherent Right of Self-Defence (UN Charter Article 51)

- Article 51 of the UN Charter recognises the inherent right of individual or collective self-defence **following an armed attack**.
- No prior UN Security Council authorisation is required. The United States is acting in **collective self-defence** of Israel and in its own right. Both nations have notified the UNSC.

3. Anticipatory Self-Defence Against Imminent Threat

- Iran's nuclear programme @ 60% enriched uranium in underground facilities & **explicit threats to annihilate Israel**, satisfies the customary Caroline test for anticipatory self-defence.
- Intel indicates Iran's breakout time to **weapons-grade fissile material** is only 1–2 weeks. States are not required to wait for a nuclear first strike before acting.

4. Iran's Unlawful Use of Indiscriminate Weapons & Israel's Lawful Response

- Iran has repeatedly used prohibited cluster munitions fired **indiscriminately at civilian targets**. Israel's targeted strikes on IRGC bases, missile facilities, and nuclear sites are therefore lawful.
- They meet *jus in bello* requirements of necessity, **proportionality**, precaution, & distinction, including prior evacuation warnings to minimise civilian harm.

Belgium's Position and Risks

The position taken by Minister Prévot **deliberately ignores** the starting point of this war on 7/10/2023. Iran has repeatedly attacked Israel with long-distance **ballistic missiles**, stated its intention to eliminate the State of Israel, and linked this goal to the **development of nuclear weapons**. Iran also funded, armed, and directed Hamas in carrying out the **violence, rape, torture and murder** of Israelis on 7 October 2023. This equivocal stance strips Israel's self-defence operations of their legality under the UN Charter and risks weakening European security, encouraging **terrorism**, and exacerbating **extremism**.

Recommendations for Belgian Leaders

Belgian policymakers need to:

- Affirm** Israel's right to neutralise existential threats;
- Prioritise** sanctions against Iran, Hezbollah, and the Houthis;
- Implement** measures to curb Iranian influence and strengthen the fight against extremism.