

Israel's Lawful Self-Defence Against Iran – Implications for EU 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. The EU'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.
- Israel meets *jus in bello* requirements of necessity, **proportionality**, precaution, & distinction, including prior evacuation warnings to minimise civilian harm.

The EU's Position and Risks

The positions taken by some EU leaders and officials **deliberately ignore** 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 EU lawmakers

EU 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.