

An Attack on Iran Would Violate US and International Law

By [Prof. Marjorie Cohn](#)

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As President Donald Trump, National Security Advisor John Bolton and Secretary of State Mike Pompeo rattle their sabers, there is no evidence that Iran poses a threat to the United States. It was Trump who threatened genocide, [tweeting](#), “If Iran wants to fight, that will be the official end of Iran.” The Pentagon is now considering sending [10,000 additional troops](#) to the Gulf region for “defensive” purposes and not in response to a new threat by Iran. Threats to use military force — like the use of force itself — violate U.S. and international law.

Last week, [Pompeo said](#) U.S. intelligence had determined that Iranian-sponsored attacks on U.S. forces “were imminent.” The Trump administration asserted, “without evidence,” [according](#) to *The New York Times*, that new intelligence revealed Iran was sponsoring proxy groups to attack U.S. forces in Iraq and Syria.

The Pentagon announced its intention to deploy a Patriot antimissile battery to the Middle East. Three days later, Acting Defense Secretary Patrick Shanahan [said](#) the United States would send up to 120,000 troops to the region if Iran attacks U.S. forces or speeds up work on nuclear weapons.

But on May 14, Maj. Gen. Chris Ghika, a senior British military official and deputy commander of the U.S.-led coalition fighting ISIS, [told](#) reporters at the Pentagon that “there has been no increased threat from Iranian-backed forces in Iraq or Syria.”

The U.S. and Israel Plan Regime Change in Iran

The Trump administration and its close ally Israel have long had their sights on regime change in Iran.

One year ago, Trump withdrew the United States from the Iran nuclear deal. Under the 2015 Joint Comprehensive Plan of Action (JCPOA), Iran agreed to curb its nuclear program. In return, Iran received billions of dollars of relief from punishing sanctions.

Despite the fact that the International Atomic Energy Agency repeatedly confirmed that Iran was complying with its obligations under the agreement, Trump capitulated to pressure from Israel. The United States pulled out of the historic deal and [re-imposed](#) the harsh sanctions against Iran.

Israeli Prime Minister Benjamin Netanyahu took credit for convincing Trump to withdraw from the deal.

“I asked him to leave the JCPOA,” Netanyahu [claimed](#). “It was me who made him to depart from the deal.”

Now Israel is fanning the flames of war. Prominent Israeli journalist Barak Ravid, national security reporter for Channel 13 in Israel, [wrote](#) at *Axios* that senior Israeli officials met with Bolton and his team in late April and gave them “information about possible Iranian plots against the U.S. or its allies in the Gulf.”

U.S. regime change in Iran would reprise the covert 1953 [CIA coup](#) that overthrew the democratically elected Mohammad Mosaddegh, who had nationalized British oil interests. The United States replaced Mosaddegh with the vicious Mohammad Reza Shah Pahlavi, who ruled Iran with an iron fist until he was overthrown in the 1979 Revolution and replaced with the Ayatollah Khomeini’s theocracy. But U.S. regime change in Iran would be overt this time.

The U.S., Not Iran, Is Acting Aggressively

The New York Times [cites](#) military and intelligence officials in the U.S. and Europe who maintain that during the past year, “most aggressive moves have originated not in Tehran, but in Washington” where Bolton “has prodded President Trump into backing Iran into a corner.” Bolton “has repeatedly called for American military strikes against Tehran,” *The New York Times* reported.

Pompeo listed [12 demands](#) Iran must meet to secure a new nuclear agreement. “Taken together, the demands would require a complete transformation by Iran’s government, and they hardened the perception that the administration is really seeking regime change,” [according to *The Associated Press*](#).

The Pentagon [has prepared plans for an air attack on Iran](#), veteran Middle East war correspondent Eric Margolis reported in July 2018. He wrote:

The Pentagon has planned a high-intensity air war against Iran that Israel and the Saudis might very well join. The plan calls for over 2,300 air strikes against Iranian strategic targets: airfields and naval bases, arms and petroleum, oil and lubricant depots, telecommunication nodes, radar, factories, military headquarters, ports, water works, airports, missile bases and units of the Revolutionary Guards.

Trump’s reckless withdrawal from the nuclear deal actually increases the chances Iran will develop a nuclear program. After complying with the JCPOA for a year after Trump pulled out of it, Iran is now [threatening](#) to resume high enrichment of uranium, which it had agreed to halt under the deal.

Trump’s threats to use military force in Iran and the use of force itself are illegal under the United Nations Charter and the War Powers Resolution.

The U.S. Violates the United Nations Charter

Ratified treaties are “the supreme law of the land” under the [Supremacy Clause](#) of the Constitution. That means their provisions constitute U.S. law. The United Nations Charter, which the U.S. [ratified](#) in 1945, is therefore binding domestic law.

In [Article 2](#), the Charter provides,

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

The only exception to the Charter’s prohibition on the threat or use of force is when a country acts in self-defense or [with the approval](#) of the U.N. Security Council.

Countries may engage in individual or collective self-defense only in the face of an armed attack, under [Article 51](#) of the Charter. Iran has not mounted an armed attack against the United States. Under the well-established [Caroline case](#), there must exist “a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation.”

Pompeo’s claim that Iranian-sponsored attacks will “imminently” occur against U.S. forces remains unsubstantiated. Nothing in the Charter allows a U.N. member country to unilaterally decide to use military force unless it does so in self-defense. If the United States were to attack and/or invade Iran, it would be acting unlawfully and not in self-defense.

Violation of the War Powers Resolution

A U.S. attack on Iran would also violate the [War Powers Resolution](#). Congress enacted that law to reclaim its constitutional authority to send U.S. troops into combat after the disastrous Vietnam War. The resolution allows the president to introduce U.S. Armed Forces into hostilities or imminent hostilities in only three situations:

First, when Congress has declared war, which it has not done since World War II. Second, in the event of “a national emergency created by attack upon the United States, its territories or possessions, or its armed forces,” which has not occurred. Third, when Congress has enacted “specific statutory authorization,” such as an Authorization for the Use of Military Force (AUMF). There is no AUMF or other congressional statute authorizing the use of military force in Iran.

After the September 11 attacks, Congress [passed an AUMF](#), authorizing the president “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.”

Although the 2001 AUMF was tied to the 9/11 attacks, it has been misused to [justify](#) multiple military operations in several countries, many of them unrelated to 9/11.

The government of Iran has no ties to al-Qaeda, which engineered the 9/11 attacks. On May 21, a senior U.S. government official [told](#) Congress that the U.S. intelligence community has no evidence that al-Qaeda is allied with Iran in the Persian Gulf area. Thus, the 2001 AUMF cannot be used to legitimize a U.S. attack on Iran.

In 2002, Congress passed [another AUMF](#), which authorized the president “to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to — (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.”

Once the U.S.-led forces invaded Iraq and eliminated the government of President Saddam Hussein, the 2002 AUMF license ended.

Moreover, Congress specifically provided in [the National Defense Authorization Act of 2019](#), “Nothing in this Act may be construed to authorize the use of force against Iran or North Korea.”

There are several bills [pending](#) in Congress that would require the president to comply with the War Powers Resolution, including a repeal of the 2001 AUMF. Measures such as these could enable Congress to clarify that the president cannot use military force except with congressional approval and only in legitimate self-defense. But on May 22, the Senate Foreign Relations Committee [voted down](#) a Democratic proposal that would require congressional approval for U.S. military force against Iran.

“A war with Iran would be an absolute disaster,” Sen. Bernie Sanders [said](#) in an online speech. “The United States Congress must do everything it can to prevent the Trump administration’s attempts to put us on the brink of a catastrophic and unconstitutional war with Iran that could lead to even more deaths than the Iraq War.”

There is no evidence that Iran poses a threat to the United States, yet the usual suspects in the Trump administration are trying to advance illegal military action. Indeed, it is Trump’s actions thus far that have posed the real threat to U.S. security. Iran is calling his bluff by considering whether to restart high enrichment of uranium.

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Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, deputy secretary general of the International Association of Democratic Lawyers and a member of the advisory board of Veterans for Peace. Her most recent book is [Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues](#). She is a frequent contributor to Global Research.

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