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**THE PROHIBITION ON THE USE OF
FORCE FOR ARMS CONTROL:
THE CASE OF IRAN'S NUCLEAR
PROGRAM**

*Mary Ellen O'Connell and Reyam El Molla**

In many discussions of Iran's nuclear program, there seems to be an implicit assumption that states have a right to use military force to end the program. For example, the Institute for National Security Studies,¹ an Israeli think tank, in an article titled, *The Legality of an Attack against Iranian Nuclear Facilities*, places emphasis on proving the necessity of an attack as a last resort but fails to indicate any accepted legal basis for resort to military force as an initial matter.² In fact, international law does not permit the use of military force without United Nations Security Council authorization for arms control of any kind, whether to end a nuclear program, to end a chemical weapons program, or to prevent missile shipments.

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¹ See INSTITUTE FOR NATIONAL SECURITY STUDIES, <http://www.inss.org.il> (last visited Aug. 29, 2013).

² Robbie Sabel, *The Legality of an Attack against Iranian Nuclear Facilities*, 345 INSS INSIGHT 1 (2012), [http://www.inss.org.il/cdn.reblaze.com/upload/\(FILE\)1339738543.pdf](http://www.inss.org.il/cdn.reblaze.com/upload/(FILE)1339738543.pdf).

INTERNATIONAL LAW ON THE USE OF MILITARY FORCE

At the very heart of the international legal system is Article 2(4) of the United Nations Charter.³ Article 2(4) generally prohibits the use of military force in international relations. It has only two express exceptions in the Charter and one implied exception in general international law. Expressly, states may use force under the terms of Article 51 in self-defense if an armed attack occurs.⁴ States may also use force if the U.N. Security Council authorizes it.⁵ Finally, some argue that, under customary international law, a state may use military force when invited by a government to assist in ending an insurgency.⁶ In 2001, the United States took the position that Afghanistan's Taliban government was legally responsible for actions by Al Qaeda so that, under the law of self-defense, the United States had the right to use military force in Afghanistan following the 9/11 attacks. The use of force in self-defense in Afghanistan, however, ended in 2002 when a *loya jirga* of prominent Afghans selected Hamid

³ U.N. Charter art. 2, para. 4 states: "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."

⁴ U.N. Charter art. 51 states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

⁵ U.N. Charter art. 39 states: "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." Articles 41 and 42 state in part: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions [I]t may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security"

⁶ See Louise Doswald-Beck, *The Legal Validity of Military Intervention by Invitation of the Government*, 56 BRIT. Y.B. INT'L L. 189, 191-92 (1986), <http://bybil.oxfordjournals.org/content/56/1/189.full.pdf+html>.

Karzai to be Afghanistan's leader.⁷ Since then the U.S. has been fighting at the invitation of President Karzai.

Despite the fact that many in U.S. international security circles overlook these legal obligations, they remain the law. In 2005, the United Nations Charter provisions on the use of force were reconfirmed by all U.N. member states at the World Summit in New York. In 2010, states provided another show of support for Article 2(4) when a definition of the crime of aggression was formally added to the Rome Statute of the International Criminal Court (I.C.C.).⁸ In addition to the I.C.C.'s jurisdiction, the 122 states party to the Rome Statute indirectly confirmed their support for Article 2(4). Any serious violation of Article 2(4) is an act of aggression for which a national leader could face individual criminal responsibility.⁹

Even where a state has a right to use force based on self-defense, Security Council authorization, or invitation, the state resorting to force must also comply with any applicable rules of state responsibility,¹⁰ as well as the general principles of necessity¹¹ and

⁷ See Carlotta Gall & James Dao, *A Buoyant Karzai Is Sworn In as Afghanistan's Leader*, N.Y. TIMES, June 20, 2002, <http://www.nytimes.com/2002/06/20/world/a-buoyant-karzai-is-sworn-in-as-afghanistan-s-leader.html>. See also Mary Ellen O'Connell, *Remarks: The Resort to Drones under International Law*, 39 DENV. J. INT'L L. & POL'Y 585, 592 (2011).

⁸ See Rome Statute of the International Criminal Court, July 17, 1998, 37 I.L.M. 999, <http://treaties.un.org/doc/publication/UNTS/Volume%202187/v2187.pdf>.

⁹ See Amendments to the Rome Statute on the International Criminal Court, Jun. 11, 2010, C.N.651.2010.TREATIES-8 (Depositary Notification), <http://treaties.un.org/doc/publication/CN/2010/CN.651.2010-Eng.pdf>. See also Mary Ellen O'Connell & Mirakmal Niyazmatov, *What is Aggression? Comparing the Jus Ad Bellum and the ICC Statute*, 10 J. INT'L CRIM. JUST. 189 (2012).

¹⁰ On the law of state responsibility generally, see G.A. Res. 56/83, U.N. Doc. A/RES/56/83 (Jan. 28, 2002), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/56/83&Lang=E and G.A. Res. 56/49, U.N. Doc. A/RES/56/49 (Jan. 22, 2002), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/56/49&Lang=E. See also JAMES CRAWFORD, *THE INTERNATIONAL LAW COMMISSION'S ARTICLES ON STATE RESPONSIBILITY: INTRODUCTION, TEXT AND COMMENTARIES* (2002).

¹¹ Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. 226 (July 8) [hereinafter *Legality of the Threat or Use of Nuclear*

proportionality.¹² Given these restrictions on the right to resort to force, the Israeli scholar Yoram Dinstein is correct when he says, “U.N. member states are barred by the Charter from exercising self-defense in response to a mere threat of force.”¹³ The possession or development of weapons, even weapons of mass destruction, cannot be classified as anything more than a threat.

APPLYING THE RULES ON THE USE OF FORCE TO ATTACKING IRAN

Soon after the adoption of the U.N. Charter, it might have been conceivable that the world would classify the possession of nuclear weapons as more than a threat. Such possession could have been deemed in law to be an armed attack. While conceivable, the plain fact is that the world has not concluded that the development or possession of nuclear weapons is the equivalent of an armed attack.

Many experts suspect that Iran is intent on developing nuclear weapons. Concerns have existed for many years, but were heightened in April 2013 when Iran announced that it planned to install advanced centrifuges and a production unit at Natanz.¹⁴ A February 13, 2013 report published by the Wisconsin Project’s Iran Watch,¹⁵ estimates, on the basis of data supplied by the International

Weapons]. See also *Military and Paramilitary Activities in and against Nicaragua* (Nicar. v. U.S.) 1986 I.C.J. 14 (June 27) [hereinafter *Nicaragua*].

¹² See *Nicaragua*, *supra* note 11, at ¶ 176 (noting the requirements under customary international law of necessity and proportionality when using self-defense). See also Georg Nolte, *Multipurpose Self-Defence, Proportionality Disoriented: A Response to David Kretzmer*, 24 EUR. J. INT’L L. 283 (2013).

¹³ YORAM DINSTEIN, *WAR, AGGRESSION AND SELF-DEFENCE* 199, para. 525 (5th ed. 2011).

¹⁴ See Yeganeh Torbati & Fredrik Dahl, *Iran Announces Uranium Mining After Nuclear Talks Fail*, REUTERS, Apr. 9, 2013, <http://www.reuters.com/article/2013/04/09/us-iran-nuclear-idUSBRE93804I20130409>.

¹⁵ See Wisconsin Project on Nuclear Arms Control, *About Iran Watch*, IRAN WATCH, <http://www.iranwatch.org/about-us> (last visited Aug. 29, 2013) (“The Wisconsin Project carries out research and public education designed to stop the spread of nuclear weapons, chemical/biological weapons and long-range missiles.”).

Atomic Energy Agency, that “[b]y using the approximately 9,000 centrifuges operating at its Natanz Fuel Enrichment Plant, Iran could theoretically produce enough weapon-grade uranium to fuel a single nuclear warhead in about 1.5 months.”¹⁶ Iran denies that it is developing nuclear weapons; it claims to be developing a domestic power source.¹⁷ With respect to resort to military force, however, neither the development nor the possession of nuclear weapons is classified as an armed attack sufficient to trigger the right of self-defense under Article 51 of the U.N. Charter.

In its 1996 advisory opinion, the *Legality of the Threat or the Use of Nuclear Weapons*, the International Court of Justice said this about the possession of nuclear weapons:

It does not seem to the Court that the use of nuclear weapons can be regarded as specifically prohibited on the basis of certain provisions of the Second Hague Declaration of 1899, the Regulations annexed to The Hague Convention IV of 1907 or the 1925 Geneva Protocol. The pattern until now has been for weapons of mass destruction to be declared illegal by specific instruments. But the Court does not find any specific prohibition of recourse to nuclear weapons in treaties expressly prohibiting the use of certain weapons of mass destruction; and observes that, although, in the last two decades, a great many negotiations have been conducted regarding nuclear weapons, they have not resulted in a treaty of general

¹⁶ Wisconsin Project on Nuclear Arms Control, *Iran's Nuclear Timetable*, IRAN WATCH (May 24, 2013), <http://www.iranwatch.org/ourpubs/articles/iranuclear timetable.html>. See also *Iran 'has tripled' uranium-enriching centrifuges at Natanz plant*, RT NEWS (published Apr. 17, 2013, 19:54), <http://rt.com/news/iran-nuclear-centrifuges-natanz-016/>.

¹⁷ See Islamic Republic of Iran Ministry of Foreign Affairs, *Basic Facts About Iran's Peaceful Nuclear Activities*, THE EMBASSY OF THE ISLAMIC REPUBLIC OF IRAN IN OSLO, <http://iranembassy.no/en/6.htm> (last visited Aug. 29, 2013) (discussing the Report issued by the Iranian Embassy in Oslo regarding the reality of Iran's nuclear program).

prohibition of the same kind as for bacteriological and chemical weapons.¹⁸

If the Security Council were to authorize the use of force to stop Iran's nuclear program, states using force would not need to prove that development or possession of nuclear weapons amounted to an armed attack. These states would have to show, however, that using force would be a last resort and could succeed in ending Iran's program or possession of weapons.¹⁹ The International Court of Justice in its 2003 Oil Platforms case, brought by Iran against the United States for unlawful attacks, said:

[I]n order to establish that it was legally justified in attacking the Iranian platforms in exercise of the right of individual self-defence, the United States has to show that attacks had been made upon it for which Iran was responsible; and that those attacks were of such a nature as to be qualified as "armed attacks" within the meaning of that expression in Article 51 of the United Nations Charter, and as understood in customary law on the use of force. As the Court observed in the case concerning Military and Paramilitary Activities in and against Nicaragua, it is necessary to distinguish "the most grave forms of the use of force (those constituting an armed attack) from other less grave forms," since "[i]n the case of individual self-defence, the exercise of this right is subject to the State concerned having been the victim of an armed attack."²⁰

Moreover, the states using force would need to show that the cost of using force—in terms of persons killed and property

¹⁸ Legality of the Threat or Use of Nuclear Weapons, *supra* note 11, at ¶¶ 49-73 (discussing rules on the lawfulness or unlawfulness of nuclear weapons as such).

¹⁹ See Mary Ellen O'Connell & Maria Alevras-Chen, *The Ban On the Bombing: Iran, the U.S., and the International Law of Self-Defense*, 57 SYRACUSE L. REV. 497, 509-13 (2007).

²⁰ Oil Platforms (Iran v. U.S.), 2003 I.C.J. 161, ¶ 51 (Nov. 6) (quoting, in part, Nicaragua, *supra* note 11, at ¶¶ 191, 195).

destroyed—did not outweigh the value of the military objective. When a state resorts to the use of force, especially in populated areas, it should be limited to the minimum force needed to accomplish the military objective without the loss of life.

Israel has used military force on several occasions to control weapons developments and shipments. It attacked Iraq in 1981, Sudan in 2009, Syria in September 2007 and again in January and May 2013.²¹ In the 2007 Syrian case, Israel sent eight fighter jets to bomb a factory site. Allegedly, Syria was cooperating with North Korea in the construction of a secret weapons production facility. It was only days after the bombing that Syria protested. Syria likely did not protest sooner because it did not wish to draw attention to its illicit activities.²² The situation could be analogized to an unclean hands finding—courts will not hear the claims of a plaintiff when the plaintiff has committed a wrong of its own in the matter. Despite the muted protests, the 2007 incident did not result in any change to the binding terms of the U.N. Charter prohibiting the use of force. Other attacks by Israel have resulted in greater levels of criticism and condemnation.

In addition to the lack of legal basis to attack a state for arms control purposes, any attack on Iran would likely fail to meet the requirements of necessity and proportionality. While some speculate that attacking Iran could end the nuclear program, plenty of experts doubt this outcome and even speculate that attacking Iran will induce the Iranians to accelerate the program or divert it from energy production to weapons production.²³ Moreover, any use of military force in Iran will result in widespread death, injury, and destruction.²⁴ It is well known that the nuclear sites are scattered throughout the

²¹ See *Timeline: Israeli attacks on Syrian targets*, AL JAZEERA (last modified May 5, 2013, 17:53), <http://www.aljazeera.com/indepth/features/2013/05/20135512739431489.html>.

²² See Mary Ellen O'Connell, *Affirming the Ban on Bombing Iran*, SYRACUSE L. REV. (2012), <http://www.law.syr.edu/student-life/publications/law-review/iran-nuclear-symposium/mary-ellen-oconnell.aspx>.

²³ See *Attacking or Threatening Iran Makes No Sense (Key Points)*, AMERICAN FOREIGN POLICY PROJECT, <http://americanforeignpolicy.org/military-option-iran/attacking-iran> (last visited Aug. 29, 2013).

²⁴ *Id.*

country and are underground with people living near areas that might be affected. Further, attacking Iran in these circumstances would result in giving Iran the right to counter-attack. Other states would have the legal right to come to its aid in collective self-defense. Attacking Iran could result in yet another destructive war in Western Asia and the Middle East, even as the Iraq War drags on, and instability and violence plague nations in the midst of the transition known as the Arab Spring.

MEASURES SHORT OF FORCE AGAINST IRAN'S NUCLEAR PROGRAM

What about measures short of the use of armed force such as economic sanctions or cyberattacks such as the Stuxnet worm? Such measures are prohibited in the first instance under the principle of non-intervention but could be permissible if imposed by the U.N. Security Council or as countermeasures if the conditions for countermeasures are met.

The United Nations Security Council has imposed sanctions on Iran, and these are generally lawful.²⁵ The United States and the European Union, however, have more questionable sanctions programs in place.²⁶ The United States and Israel have also, apparently, used a computer virus to attack Iran, which is difficult to justify under international law.²⁷ Stuxnet caused centrifuges in Iran's

²⁵ See Press Release, Security Council, Security Council Imposes Sanctions on Iran for Failure to Halt Uranium Enrichment, Unanimously Adopting Resolution 1737 (2006), U.N. Press Release SC/8928 (Dec. 23, 2006), <http://www.un.org/News/Press/docs/2006/sc8928.doc.htm>. See also Press Release, Security Council, Security Council Imposes Additional Sanctions on Iran, Voting 12 in Favour to 2 Against, with 1 Abstention, U.N. Press Release SC/9948 (June 9, 2010) (adopting Security Council Resolution 1929 (2010)), <http://www.un.org/News/Press/docs/2010/sc9948.doc.htm>.

²⁶ See Reuters, *U.S. senators seek to block Iran from billion-dollar reserves*, AL ARABIYA (last updated May 9, 2013, KSA 09:02–GMT 06:02), <http://english.alarabiya.net/en/business/economy/2013/05/09/US-senators-seek-to-block-Iran-from-billion-dollar-reserves.html>.

²⁷ For a good account of the possible involvement of the U.S. and Israel in the use of the Stuxnet worm against Iran, see DAVID E. SANGER, *CONFRONT AND CONCEAL: OBAMA'S SECRET WARS AND SURPRISING USE OF AMERICAN POWER* 197-209 (2012).

nuclear facilities to turn far more rapidly than appropriate.²⁸ As will be discussed below, to be lawful, Stuxnet, like unilateral economic sanctions, would have to meet the rules governing countermeasures. Both attempts to pressure Iran fall short of those rules.

Countermeasures are mechanisms allowed under international law for states to carry out self-help, coercive enforcement of their rights. Self-help plays a larger role in international law enforcement given the absence at the international level of both a central police force and compulsory judicial body. In the *Gabčíkovo- Nagymaros* case,²⁹ the International Court of Justice laid down four elements of a lawful countermeasure:

In the first place it must be taken in response to a previous international wrongful act of another State and must be directed against that State. . . .

. . . [T]he injured State must have called upon the State committing the wrongful act to discontinue its wrongful conduct or to make reparation for it. . . .

. . . [T]he effects of a countermeasure must be commensurate with the injury suffered, taking account of the rights in question. . . .

. . . .

. . . [I]ts purpose must be to induce the wrongdoing state to comply with its obligations under international law, and the measure must therefore be reversible.³⁰

If a state is a victim of an international law violation and it has clear and convincing evidence that the wrongful act is attributable to a foreign sovereign state, the victim state may itself commit a wrong, so long as it is commensurate with the initial wrongful act

²⁸ See *id.* See also Mary Ellen O'Connell, *Cyber Security Without Cyber War*, 17 J. CONFLICT & SEC. L. 187, 194 (2012).

²⁹ *Gabčíkovo-Nagymaros Project* (Hung./Slov.), 1997 I.C.J. 7 (Sept. 25).

³⁰ *Id.* at ¶¶ 83-87.

(proportionality) and the response is aimed at inducing an end to the initial wrong (necessity) or the provision of damages. In the Stuxnet case, if the United States and Israel released the worm, they are the states that committed the wrong, not Iran.³¹ Therefore, it was an unlawful, disproportionate countermeasure because forty percent of the computers it affected were not in Iran. Moreover, the worm has been reverse-engineered and is now a weapon in the hands of criminals. Finally, the worm could not have been intended to prevent the wrongdoing.

The Security Council has the right to impose sanctions on Iran as it has for many years, but the U.S. does not have the right to act unilaterally beyond discretionary areas of activity, such as the provision of aid. Imposing sanctions on individuals, corporations, or states that do not adhere to unilateral U.S. demands violates a variety of international legal principles, *inter alia*, due process, property rights of individuals, and the principle of non-intervention in the case of interference with sovereign state activities. It is important to draw a distinction between Security Council sanctions and unilateral sanctions by individual states because the former's purpose is to modify behavior, not punish; whereas, the latter seeks to punish states and to compel them to act in a certain manner. A unilateral sanction would not only be unlawful, but also inefficient in Iran's case as it will hamper a diplomatic resolution to the situation. The U.S. recently targeted companies that are accused of evading sanctions imposed on Iran, and according to some reports, imposed financial penalties "on an Iranian businessman, a Malaysian bank and a network of companies it accused of attempting to evade

³¹ The one wrong that Iran has committed is failure to comply with Security Council resolutions against it. The Security Council has not authorized the U.S. and Israel to take measures to respond to that wrong. The U.S. and Israel claim Iran has violated an International Atomic Energy Agency Safeguards agreement. Again, even if that is correct, the Security Council is addressing Iran's nuclear activities, meaning the U.S and Israel have no independent right to take enforcement action unilaterally. *See* S.C. Res. 1696, U.N. Doc. S/RES/1696 (July 31, 2006); S.C. Res. 1737, U.N. Doc. S/RES/1737 (Dec. 23, 2006); S.C. Res. 1747, U.N. Doc. S/RES/1747 (Mar. 24, 2007); S.C. Res. 1803, U.N. Doc. S/RES/ 1803 (Mar. 3, 2008); S.C. Res. 1835, U.N. Doc. S/RES/ 1835 (Sept. 27, 2008); S.C. Res. 1929, U.N. Doc. S/RES/1929 (June 9, 2010).

international sanctions on Iran's nuclear program through money laundering."³²

Flynt Leverett has assessed U.S. sanctions against Iran, concluding:

I've had any number of Iranians, official and otherwise, say this to me—that sanctions, in some ways, actually help Iran, in that they give the government a kind of political cover to take some steps toward what you might call economic reform, that would be politically difficult otherwise. . . .Iran has done more to expand non-oil exports, it is less dependent on oil revenues for both its government budget and to cover its imports, than any other major oil-exporting country in the Middle East. It has done far more in that kind of diversification than Saudi Arabia or any of the states on the other side of the Persian Gulf . . .³³

Obviously, imposing new economic and diplomatic sanctions will not stop Iran from continuing its nuclear plans. On the contrary, sanctions will only make negotiations more difficult and could make Iran more determined not to comply with U.S.-Israeli demands. With the election of a new Iranian president in mid-2013, Iran indicated a renewed interest in good faith negotiations and greater transparency in disclosing information about its nuclear programs.³⁴

³² Timothy Gardner, *U.S. targets companies accused of evading Iran sanctions*, REUTERS, Apr. 11 2013, <http://www.reuters.com/article/2013/04/12/us-usa-iran-sanctions-idUSBRE93A16Z20130412>.

³³ Flynt Leverett, *The Strategic And Moral Bankruptcy of U.S. Sanctions Policy Toward Iran—Flynt Leverett and Trita Parsi on HuffPost Live*, GOING TO TEHRAN (posted April 16, 2013), <http://goingtotehran.com/the-strategic-and-moral-bankruptcy-of-u-s-sanctions-policy-toward-iran-flynt-leverett-and-trita-parsi-on-huffpost-live>.

³⁴ *Iran's president-elect calls his election victory a mandate for change*, GUARDIAN, June 29, 2013, <http://www.theguardian.com/world/2013/jun/29/iran-president-election-victory>.

Russia takes the same position as Iran. According to the Russian Deputy Foreign Minister Sergei Ryabkov, “Moscow believes that all rights of the Islamic Republic of Iran, including its right to enrich uranium, should be recognized in exchange for its concessions on its nuclear program.”³⁵ Iranian Supreme leader Ayatollah Sayyid Ali Khamenei, said in a statement that the U.S. should recognize Iran’s right to uranium enrichment and that it should stop trying to force them to suspend it if they want a peaceful solution.³⁶

In the first months following the election of Iran’s President Rouhani, the Obama administration indicated renewed interest in achieving a diplomatic solution rather than using military action, which is appropriate; however, it does require affirmative steps toward negotiations. Iran says that it is also open to negotiations. In a statement made by the Head of the Judiciary Ayatollah Sadegh Amoli Larijani, he said that “the path for rational negotiations and rational nuclear dialogues are open and we hope Western countries come to their senses.”³⁷ This may indicate Iran’s willingness to reach a peaceful diplomatic solution without the threats from the United States. Indeed, while talks held in Kazakhstan in April 2013 seemed to yield no positive result,³⁸ the logjam against talks was finally opened. Success in achieving the elimination of Syrian chemical weapons through peaceful means would be an encouraging example of what is possible.

CONCLUSION

The rules of the U.N. Charter were designed to maintain peace in the post-World War II era. No state may resort to the use of

³⁵ *Russia says Iran’s right to enrich uranium should be recognized in a nuclear deal*, TEHRAN TIMES (Apr. 8, 2013, 15:13), <http://www.tehrantimes.com/politics/106651-russia-says-irans-right-to-enrich-uranium-should-be-recognized-in-a-nuclear-deal>.

³⁶ United States Institute of Peace, *Khamenei Open to Direct U.S. Talks*, THE IRAN PRIMER (Mar. 24, 2013, 10:46 PM), <http://iranprimer.usip.org/blog/2013/mar/24/khamenei-open-direct-us-talks>.

³⁷ *Iran News Round Up April 10, 2013*, IRAN TRACKER (Apr. 10, 2013), <http://www.irantracker.org/iran-news-round-april-10-2013>.

³⁸ *See Iran nuclear talks end without progress*, AL JAZEERA, Apr. 6, 2013, <http://www.aljazeera.com/news/middleeast/2013/04/2013442165893529.html>.

force against another state unless it is acting in individual or collective self-defense to an actual armed attack or with Security Council authorization. In addition, all use of force must be necessary and proportionate. Member states of the U.N. have the responsibility to honor the core principles of the U.N. Charter, which are to maintain international peace and security. Attacking Iran is clearly contrary to these obligations. In facing a situation of great concern such as the Iranian nuclear program, Article 33 of the U.N. Charter requires that states resolve disputes peacefully:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.³⁹

³⁹ See U.N. Charter art. 33, paras. 1-2.