ICJ

OIL PLATFORMS (ISLAMIC REPUBLIC OF IRAN V. UNITED STATES OF AMERICA)

BESTMUN 25'

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3. Letter from Under-Secretary General

Honorable Judges and Advocates of This Year's BESTMUN25,

My name is Ipeksu Kaya. I am a third year student in Hacettepe University English Language Teaching as a major and a first year student in English Language and Interpretation as a minor. I will be serving as your Under-Secretary General for the International Court of Justice with my beloved Academic Assistant Dervişan Mehmet Savaş.

I am sincerely grateful to my Secretary General and Deputy-Secretary General for giving me this opportunity as your Under-Secretary General. One of my first Court experiences was in BESTMUN, and now I have become an Under-Secretary General for the same conference. I wish you a pleasant journey in your Court career and I sincerely hope to see all of you as Under-Secretaries General one day.

I lastly want to thank again to my one and only Academic Assistant and the ex-president of the Hacettepe University Model United Nations Society itself Dervişan Mehmet Savaş. He gave his all and did the best work possible, also helping me out for this incredible agenda item. I also thank my HUMUN Family who have been with me from my first days of university until now. I wish to be with them until the day comes.

May the force be with you while you bring justice to the table.

Sincerely,

Ipeksu Kaya

ipeksuky4545@gmail.com

4. Letter from Academic Assistant

Distinguished Judges and Advocates,

It is my pleasure to welcome you to the International Court of Justice (ICJ) at this year's BESTMUN Conference. My name is Dervişan Mehmet Savaş and I'm a senior student of English Translation and Interpreting at Hacettepe University. I will be serving as the Academic Assistant for this committee with our lovely Under-Secretary General, İpeksu Kaya. I am honored to support you as we examine the case before the Court: Oil Platforms (Islamic Republic of Iran v. United States of America).

The ICJ is a uniquely demanding committee. It requires not only a firm grasp of international law and jurisprudence but also the ability to engage in legal reasoning, analyze precedent, and articulate arguments with precision. As advocates and judges, your task will be to navigate complex legal questions, evaluate evidence, and contribute to a fair and balanced judicial process.

As I finish my letter, a brief credit giving is in order. I would, first of all, like to thank the wonderful Under-Secretary General of this committee, İpeksu Kaya. Aside from being the go-to person in Ankara when it comes to court simulations, she is also a phenomenal and hard-working colleague whom I feel proud to work with. Second, I would like to thank the BESTMUN'25 team for all of their effort into making this conference possible. And lastly, I would like to thank my HUMUN family for representing the platonic ideal of how a Model United Nations university society should be.

Wishing you all an intellectually rewarding ICJ experience.

Warm regards,

Dervişan Mehmet SAVAŞ

savasdervisanmehmet@gmail.com

5. Introduction to the International Court of Justice

5.1. History of International Court of Justice

The first institution dedicated to solving international problems was the Permanent Court of Arbitration (PCA), established by the Hague Peace Conference of 1899 (The Avalon Project: The Hague Peace Conference 1899 - Rescript of the Russian Emperor August 24 (12, Old Style), 1898)[1]. This conference, which was initiated by Russian Tsar Nicholas II, brought together world powers as well as several smaller states. One of its key outcomes was the adoption of the first multilateral treaties about the regulation of warfare. Among these agreements was the Convention for the Pacific Settlement of International Disputes, which laid out both the institutional structure and procedural guidelines for arbitration. The Hague, Netherlands, was designated as the seat for these proceedings. Even though the PCA was supported by a permanent bureau, which functioned similarly to a court registry or secretariat, the arbitrators were not fixed judges but rather appointed by the disputing states from a broader pool of nominees provided by each signatory to the convention. The PCA was officially established in 1900 and began handling cases in 1902 (History | INTERNATIONAL COURT OF JUSTICE)[2].

A second Hague Peace Conference in 1907, attended by most sovereign states at the time, revisited and refined the rules governing the PCA's arbitral processes. During this conference, the United States, Great Britain, and Germany jointly proposed the establishment of a permanent court with full-time judges. However, disagreements over the method of

[1] The Avalon Project : The Hague Peace Conference 1899 - Rescript of the Russian Emperor August 24 (12, Old Style), 1898. avalon.law.yale.edu/19th_century/hag99-01.asp.

[2] History | INTERNATIONAL COURT OF JUSTICE. www.icj-cij.org/history.

judicial selection prevented the proposal from being implemented, and the matter was deferred for future consideration (Eyffinger)[3].

The Hague Peace Conferences and their legal innovations significantly influenced the establishment of regional judicial bodies, most notably the Central American Court of Justice, which was founded in 1908. Between 1911 and 1919, various proposals and plans emerged for the creation of an international judicial tribunal, but it was not until the reorganization of the global legal system after World War I that such an institution was formally realized ("Central American Court of Justice")[4].

The immense loss of life and destruction caused by the First World War prompted the establishment of the League of Nations, the first global intergovernmental organization dedicated to maintaining peace and collective security. Created during the Paris Peace Conference in 1919, the League sought to prevent future conflicts through diplomacy and international cooperation. Article 14 of its Covenant proposed the formation of the Permanent Court of International Justice (PCIJ), which would serve as a judicial body to resolve disputes brought before it by states and to issue advisory opinions on legal questions referred by the League (Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE)[5].

Following extensive discussions and revisions, the League's Assembly unanimously adopted the PCIJ Statute in December 1920. It was subsequently signed and ratified the next year by a majority of League members. The statute addressed one of the most contentious

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[3] Eyffinger, Arthur. "A HIGHLY CRITICAL MOMENT: ROLE AND RECORD OF THE 1907 HAGUE PEACE CONFERENCE." *Netherlands International Law Review*, vol. 54, no. 02, Aug. 2007, p. 197. https://doi.org/10.1017/s0165070x07001970.

[4] "Central American Court of Justice." *International Justice Resource Center*, 8 Oct. 2020, ijrcenter.org/regional-communities/central-american-court-of-justice.

[5] *Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/pcij.

issues—judicial selection—by implementing a system in which judges were chosen through separate but concurrent elections by both the League's Council and its Assembly. The composition of the court was designed to reflect the major legal traditions and civilizations of the world. The PCIJ was permanently headquartered in the Peace Palace in The Hague, alongside the Permanent Court of Arbitration (Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE)[6].

The establishment of the PCIJ marked a significant advancement in international law for several reasons (History | INTERNATIONAL COURT OF JUSTICE)[7]:

- Unlike previous arbitral tribunals, it functioned as a permanent institution governed by a formal statute and a defined set of procedural rules.
- A permanent registry was created to facilitate communication between the court, governments, and other international entities.
- Its hearings were generally public, with oral arguments, documentary evidence, and pleadings made accessible.
- It was open to all states, and states could voluntarily recognize its compulsory jurisdiction over disputes.
- The PCIJ Statute was the first legal instrument to explicitly outline the sources of international law it would apply, setting a precedent for future international legal frameworks.
- The court's judges were more globally representative than those of any previous international tribunal.
- Despite its close ties to the League of Nations, the PCIJ was not formally part of it, nor were League members automatically bound by its Statute. Notably, the United

[6] *Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/pcij.

[7] ---. www.icj-cij.org/history.

States—despite being a key participant in both the Second Hague Peace Conference and the Paris Peace Conference—never joined the League. However, American nationals did serve as judges on the court.

From its first session in 1922 until 1940, the PCIJ adjudicated 29 interstate disputes and issued 27 advisory opinions (Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE)[8]. Its influence extended beyond individual cases, as hundreds of international treaties and agreements recognized its jurisdiction over specific types of disputes. By settling several significant international conflicts and clarifying ambiguities in international law, the PCIJ played a crucial role in shaping modern legal principles.

Although multiple U.S. presidents—including Wilson, Harding, Coolidge, Hoover, and Roosevelt—supported American membership in the PCIJ, they were unable to secure the required two-thirds approval from the Senate for ratification. As a result, the United States contributed to the court's establishment but never officially joined (Accinelli)[9].

The onset of the Second World War in September 1939 had profound implications for the Permanent Court of International Justice (PCIJ), which had already experienced a decline in activity in the preceding years. Following its final public session on December 4, 1939, and its last order on February 26, 1940, the PCIJ ceased its judicial functions altogether, and no further judicial elections took place. In 1940, the Court relocated to Geneva, leaving behind only one judge and a small number of Dutch registry officials in The Hague. Despite the ongoing war, discussions regarding the future of the Court and the broader structure of a

[8] ---. www.icj-cij.org/pcij.

[9] Accinelli, R. D. "Peace Through Law: The United States and the World Court, 1923-1935." *Historical Papers*, vol. 7, no. 1, Jan. 1972, p. 247. https://doi.org/10.7202/030751ar.

new international legal order remained a priority (History | INTERNATIONAL COURT OF JUSTICE)[10].

By 1942, key global leaders, including the United States Secretary of State and the United Kingdom's Foreign Secretary, had publicly supported the idea of establishing or re-establishing an international judicial body after the war. The Inter-American Juridical Committee also advocated for an expansion of the PCIJ's jurisdiction. In early 1943, the British government convened an informal Inter-Allied Committee in London, chaired by Sir William Malkin, to explore these issues. This committee, composed of legal experts from 11 countries, met 19 times before issuing its report on February 10, 1944. The report recommended that any new international court should be modeled on the PCIJ, should retain its advisory jurisdiction, should not exercise compulsory jurisdiction, and should not adjudicate disputes of a predominantly political nature (History | INTERNATIONAL COURT OF JUSTICE)[11].

In parallel, diplomatic efforts were underway to create a new global organization. On October 30, 1943, following a high-level conference, China, the Soviet Union, the United Kingdom, and the United States issued a joint declaration affirming the need for a post-war international body dedicated to maintaining global peace and security. This declaration set the stage for discussions at Dumbarton Oaks (United States), which resulted in an October 9, 1944, proposal for the establishment of a general international organization that would include an international court of justice (History | INTERNATIONAL COURT OF JUSTICE)[12].

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[10] ---. www.icj-cij.org/history.

[11] ---. www.icj-cij.org/history.

[12] ---. www.icj-cij.org/history.

To refine this plan, a committee of jurists representing 44 nations convened in Washington in April 1945 under the leadership of G. H. Hackworth of the United States. Their task was to draft the statute for the proposed international court, which was then submitted to the San Francisco Conference (April–June 1945) where the United Nations Charter was being finalized. The draft statute, largely based on the PCIJ's framework, left several crucial issues unresolved, including whether an entirely new court should be created, whether its jurisdiction should be compulsory, and how its judges should be elected (History | INTERNATIONAL COURT OF JUSTICE)[13].

At the San Francisco Conference, attended by representatives from 50 states, it was ultimately decided that an entirely new court should be established as a principal organ of the United Nations (United Nations, "The San Francisco Conference | United Nations")[14]. This decision was based on several key considerations (History | INTERNATIONAL COURT OF JUSTICE)[15]:

- The new court needed to be fully integrated into the United Nations system, rather than being linked to the League of Nations, which was in the process of being dissolved.
- Under the UN Charter, all member states would automatically be parties to the court's statute, an arrangement that was more inclusive than the PCIJ's structure.
- Many states present at the San Francisco Conference had not been signatories to the PCIJ Statute, while some PCIJ members were not represented at the conference.

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[13] ---. www.icj-cij.org/history.

[14] ---. "The San Francisco Conference | United Nations." United Nations, www.un.org/en/about-us/history-of-the-un/san-francisco-conference.

[15] ---. www.icj-cij.org/history.

- There was a growing recognition that the PCIJ had been largely shaped by European legal traditions, and that a new court would facilitate broader global participation in international legal affairs. This shift proved significant, as the UN's membership expanded from 51 in 1945 to 193 by 2020.

Despite opting to establish a new court, the San Francisco Conference emphasized the importance of continuity. Given that the PCIJ Statute had been based on established legal precedents and had functioned effectively, the new *Statute of the International Court of Justice* was designed to preserve much of its predecessor's legal framework. Additionally, measures were taken to transfer the PCIJ's jurisdiction, records, and institutional knowledge to the newly formed International Court of Justice (ICJ) (History | INTERNATIONAL COURT OF JUSTICE)[16].

The PCIJ formally convened for the last time in October 1945, at which point it resolved to transfer its archives and assets to the ICJ, which, like its predecessor, was headquartered at the Peace Palace in The Hague. The PCIJ judges resigned on January 31, 1946, and the first elections for ICJ judges took place on February 6, 1946, during the inaugural session of the UN General Assembly and Security Council. The newly established ICJ held its first official meeting in April 1946, during which Judge José Gustavo Guerrero of El Salvador, the last President of the PCIJ, was elected as its first President. The court retained many former PCIJ officials as part of its registry (History | INTERNATIONAL COURT OF JUSTICE)[17].

The ICJ's first case, Corfu Channel, was submitted in May 1947 by the United Kingdom against Albania. This marked the beginning of the ICJ's role as the principal

[16] ---. www.icj-cij.org/history.

[17] ---. www.icj-cij.org/history.

judicial organ of the United Nations, continuing and expanding upon the legacy of the PCIJ (Corfu Channel (United Kingdom of Great Britain and Northern Ireland V. Albania))[18].

5.2 Purpose and Structure of the International Court of Justice

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The Statute of the International Court of Justice is embedded within the United Nations Charter, as outlined in Chapter XIV. This chapter formally established the International Court of Justice (ICJ) as the principal judicial organ of the United Nations, succeeding the Permanent Court of International Justice.

The Statute is divided into 5 chapters and consists of 70 articles. Below is the first article (Statute of the Court of Justice | INTERNATIONAL COURT OF JUSTICE)[19]:

"The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute."

The rest of the 69 Articles are grouped in 5 Chapters, being (Statute of the Court of Justice | INTERNATIONAL COURT OF JUSTICE)[20]:

- Chapter I: Organization of the Court (Articles 2 - 33)
- Chapter II: Competence of the Court (Articles 34 - 38)
- Chapter III: Procedure (Articles 39 - 64)
- Chapter IV: Advisory Opinions (Articles 65 - 68)
- Chapter V: Amendment (Articles 69 & 70)

[18] *Corfu Channel (United Kingdom of Great Britain and Northern Ireland V. Albania)*. www.icj-cij.org/case/1.

[19] *Statute of the Court of Justice | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/statute.

[20] *Statute of the Court of Justice | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/statute.

All 193 member states of the United Nations are automatically parties to the Statute of the International Court of Justice through their ratification of the UN Charter. Additionally, Article 93(2) of the Charter allows non-member states to become parties to the Statute, provided they receive a recommendation from the UN Security Council and approval from the General Assembly (*States Not Members of the United Nations Parties to the Statute | INTERNATIONAL COURT OF JUSTICE*)[21].

As of 2025, neither of the UN General Assembly's two non-member observer states—the State of Palestine and the Holy See—nor any other non-member state has been admitted as a party to the Statute under these provisions. Historically, several states, including Switzerland (1948–2002), Liechtenstein (1950–1990), San Marino (1954–1992), Japan (1954–1956), and Nauru (1988–1999), were parties to the Statute before obtaining full UN membership (*UNTC*)[22].

Moreover, under Article 35(2) of the Statute, states that are not parties to it can still access the court's jurisdiction by submitting a formal declaration accepting its authority and agreeing to comply with its rulings. As of 2025, Palestine has invoked this provision twice for separate disputes (*States Not Parties to the Statute to Which the Court May Be Open | INTERNATIONAL COURT OF JUSTICE*)[23].

The International Court of Justice (ICJ) consists of fifteen judges, each serving a nine-year term. These judges are elected by both the UN General Assembly and the UN Security Council from a pool of candidates nominated by national groups within the Permanent Court of Arbitration. The procedures governing this election process are outlined

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[21] *States Not Members of the United Nations Parties to the Statute | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/states-not-members.

[22] *UNTC*. treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-3&chapter=1&clang=_en.

[23] *States Not Parties to the Statute to Which the Court May Be Open | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/states-not-parties.

in Articles 4–19 of the Statute of the ICJ ("Casual Vacancies in the ICJ: Law, Practice, and Policy")[24].

To maintain institutional continuity, elections are staggered, with five judges selected every three years. In the event of a judge's passing while in office, a special election is typically held to appoint a successor to complete the remaining term. While replacement judges have historically come from the same geographical region as their predecessors, the common belief that they must always share the same nationality is incorrect (Zimmermann et al.)[25].

All states that are parties to the Statute of the International Court of Justice have the right to nominate candidates for judicial positions. However, these nominations are not made directly by governments. Instead, they are put forward by national groups consisting of members of the Permanent Court of Arbitration, which were designated by their respective states. These groups are composed of four jurists who may be called upon to serve as arbitrators under the Hague Conventions of 1899 and 1907. In cases where a state does not participate in the Permanent Court of Arbitration, nominations follow a similar procedure (Members of the Court | INTERNATIONAL COURT OF JUSTICE)[26].

Each group is permitted to nominate up to four candidates, but no more than two may be of the group's own nationality. The remaining nominees may come from any country, regardless of whether that country is a party to the ICJ Statute or has accepted the Court's compulsory jurisdiction. Candidate nominations must be submitted to the Secretary-General

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[24] "Casual Vacancies in the ICJ: Law, Practice, and Policy." *EJIL: Talk!*, 6 Sept. 2022, www.ejiltalk.org/casual-vacancies-in-the-icj-law-practice-and-policy.

[25] Zimmermann, Andreas, et al. *The Statute of the International Court of Justice: A Commentary*. Oxford UP, USA, 2006.

[26] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

of the United Nations within a timeframe determined by the Secretary-General (Members of the Court | INTERNATIONAL COURT OF JUSTICE) [27].

Judges of the ICJ must be individuals of exceptional moral character and possess the qualifications required for appointment to the highest judicial positions in their respective countries. Alternatively, they may be recognized experts in international law. The Court is structured to ensure global representation; it cannot include more than one judge of the same nationality, and it must reflect the world's major legal traditions and civilizations (Members of the Court | INTERNATIONAL COURT OF JUSTICE)[28].

Once elected, ICJ judges do not act as representatives of their home governments or any other state. Unlike most international organizations, the Court is not composed of government-appointed officials. Instead, its judges serve independently. Before assuming office, they must publicly declare their commitment to exercising their judicial responsibilities with impartiality and integrity. To further safeguard judicial independence, a judge cannot be removed from office unless all other sitting judges unanimously determine that they no longer meet the required qualifications—a situation that has never occurred in the Court's history (Members of the Court | INTERNATIONAL COURT OF JUSTICE)[29].

ICJ judges also receive diplomatic privileges and immunities similar to those granted to heads of diplomatic missions. In The Hague, the President of the Court holds precedence over the senior-most diplomat in the diplomatic corps, followed by the Vice-President, with alternating precedence between judges and ambassadors (Members of the Court | INTERNATIONAL COURT OF JUSTICE)[30].

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[27] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

[28] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

[29] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

[30] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

Each judge receives an annual base salary, which in 2023 amounted to $191,263, with additional post-adjustment allowances. The President of the Court receives an extra $25,000 as a special supplementary allowance. The post-adjustment multiplier is recalculated monthly based on the United Nations exchange rate between the U.S. dollar and the euro. Upon completing their tenure, judges are entitled to an annual pension equivalent to half of their base salary after serving a full nine-year term (Members of the Court | INTERNATIONAL COURT OF JUSTICE)[31].

5.3 Jurisdiction and Operations of the International Court of Justice

The International Court of Justice serves as the primary judicial body for the global community. Its jurisdiction is divided into two main functions. First, it adjudicates legal disputes between states, provided they have submitted their case to the Court—this is known as its jurisdiction in contentious cases. Second, the Court provides advisory opinions on legal matters when requested by United Nations organs, specialized agencies, or authorized affiliated organizations—this falls under its advisory jurisdiction. In both capacities, the ICJ operates in accordance with international law (*Jurisdiction | INTERNATIONAL COURT OF JUSTICE*)[32].

5.4 Importance and Applicable Sources of Law

The bodies of law to which the Court is required to apply are: international conventions and treaties in force; international custom; the general principles of law; judicial decisions; and the teachings of the most highly qualified publicists. Moreover, if the parties wish, the Court

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[31] *Members of the Court | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/members.

[32] *Jurisdiction | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/jurisdiction#:~:text=The%20Court's%20jurisdiction%20is%20twofold,Nations%2C%20specialized%20agencies%20or%20one.

can decide a case ex aequo et bono, i.e., not subject to any rules of existing international law

(How The Court Works | INTERNATIONAL COURT OF JUSTICE)[33].

Due to its immense power within the international community, the International Court of Justice (ICJ) has been instrumental in preventing and peacefully resolving disputes between states since its founding in 1946. After 76 years, the ICJ is still as strong, dependable, and essential as ever, as seen by its enormous workload and constantly expanding docket. Like any court, the ICJ has limits, one of which is its lack of enforcement authority. However, given the particular constraints of functioning as an international body, the ICJ's longevity and achievements may be even more impressive. The Court has unquestionably emerged as the most successful primary institution of the UN due to its dependable and consistent jurisprudence and exceptional independence from political disputes.

The Court has developed into a very predictable body in terms of its adherence to precedent thanks to the strictness, caliber, and, most importantly, consistency of its rulings. And one of its main advantages is this. In order to establish a significant body of precedent and create consistent interpretations of international law across verdicts, the ICJ draws on its own jurisprudence as well as that of its predecessor, the Permanent Court of International Justice. The ICJ also contributed to the evolution of international law by rendering well-reasoned rulings that build upon one another. The Court has established itself as a kind of international "supreme court," contributing to the uniformity and harmony of international law, even if rulings are only obligatory with regard to the parties in a specific case.

The introduction of new courts and tribunals with various specialized jurisdictions has made this especially pertinent. The Permanent Court of Arbitration, the International Criminal Court, the International Tribunal for the Law of the Sea, human rights regional courts, the Court of Justice of the European Union, the International Residual Mechanism for Criminal Tribunals, the Residual Mechanism for the Special Tribunal for Lebanon, the Extraordinary Chambers in the Courts of Cambodia, and ad hoc mechanisms like the panels created under the auspices of the World Trade Organizations and others like those under chapter 31 of the United States-Mexico-Canada Agreement coexist with the ICJ.

There is no question that the Court holds a leading position when evaluating the significance of any U.N. body based on its efficacy. The ICJ has proven to be the most successful of the main U.N. organs based on what we can refer to as its success rate. In contrast to the General Assembly and the Security Council, whose resolutions are frequently disregarded despite the Security Council's decisions being legally binding, the majority of the ICJ's findings are carried out by the disputing parties and even acknowledged by third parties. This happens in spite of the Court's inability to enforce compliance through coercion and the fact that its decisions may have far-reaching effects.

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[33] *How The Court Works | INTERNATIONAL COURT OF JUSTICE*. www.icj-cij.org/how-the-court-works#:~:text=The%20sources%20of%20law%20that,the%20most%20highly%20qualified%20publicists.

5.4.1. Statute of the International Court of Justice

According to Chapter XIV of the UN Charter, which established the International Court of Justice (replacing the Permanent Court of International Justice), the Statute of the International Court of Justice is an essential component of the UN Charter.

The Statute is divided into 5 chapters and consists of 70 articles. The Statute begins with Article 1 proclaiming:

> "The international Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute."

The 69 Articles are grouped in 5 Chapters:

- Chapter I: Organization of the Court (Articles 2 - 33)
- Chapter II: Competence of the Court (Articles 34 - 38)
- Chapter III: Procedure (Articles 39 - 64)
- Chapter IV: Advisory Opinions (Articles 65 - 68)
- Chapter V: Amendment (Articles 69 & 70)

Treaties, customary international law, basic legal principles, and (as auxiliary means) court rulings and scholarly writings are among the sources listed in Article 38.1 that the court may use to reach a decision. Article 38.2, which permits the court to decide a case ex aequo et bono if the parties agree, and Article 59, which stipulates that ICJ rulings are exclusively binding on the parties involved in that case, qualify these sources.

Due to their adoption of the UN Charter, all 193 UN members are parties to the Statute. States that are not members of the UN may join the Statute under Article 93(2) of the UN Charter, subject to the UN Security Council's recommendation and the UN General Assembly's ratification.

The State of Palestine, the Holy See, and other non-member observer states of the UN General Assembly are not parties to the law under these provisions as of 2025. Before joining the UN, Switzerland (1948–2002), Liechtenstein (1950–1990), San Marino (1954–1992), Japan (1954–1956), and Nauru (1988–1999) were all parties to the Statute.

Furthermore, under Article 35(2) of the Statute, states that are not parties to the Statute may also use the court if they declare that they accept its authority and would follow its decisions. Palestine has made two such statements for various disputes as of 2025.

5.4.2. Universal Declaration of Human Rights

The United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), an international treaty that outlines some of the freedoms and rights that every person has. It was approved as Resolution 217 by the General Assembly during its third session on December 10, 1948, in the Palais de Chaillot in Paris, France. It was drafted by a

United Nations (UN) committee led by Eleanor Roosevelt. Eight of the 58 members of the UN at the time abstained, two did not vote, 48 voted in favor, and none against.

The Declaration, which has thirty sections outlining a person's "basic rights and fundamental freedoms" and proclaiming their universal character as inherent, inalienable, and applicable to all human beings, is a key text in the history of human and civil rights. All people are "born free and equal in dignity and rights," regardless of "nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status," according to the UDHR, which was adopted as a "common standard of achievement for all peoples and all nations."

Because of its universalist language, which makes no mention of any specific culture, political system, or religion, the Declaration is widely regarded as a landmark text. It was the first stage in the creation of the International Bill of Human Rights, which was finished in 1966 and went into effect in 1976. It also directly influenced the evolution of international human rights law. The UDHR's provisions have been expanded upon and incorporated into other international treaties, regional human rights instruments, national constitutions, and legal codes, even though they are not legally binding.

Of the nine legally binding treaties impacted by the Declaration, all 193 UN members have ratified at least one, and the great majority have ratified four or more. Although courts in some countries have been more restrictive in interpreting the declaration's legal effect, most countries agree that many of its provisions are part of customary law, despite the general consensus that the declaration itself is non-binding and not part of customary international law. However, the UDHR has impacted national and international legal, political, and social developments; its 530 translations serve as a testament to its importance.

5.4.3. UN Charter

Articles 92-96 of the UN charter cover the International Court of Justice. They are as follows:

- Article 92

  The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

- Article 93
  1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

  2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

- Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

- Article 95

  Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

- Article 96

  1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

  2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

6. Parties to the Dispute

This case was brought to the International Court of Justice by the Islamic Republic of Iran against the United States of America on 2 November 1992. The dispute was the result of a series of incidents that happened during the Iran-Iraq War between 1980 and 1988, particularly regarding the destruction of Iranian offshore oil platforms by US naval forces in 1987 and 1988. During the Court hearings, Islamic Republic of Iran alleged that these attacks violated the Treaty of Amity, Economic Relations and Consular Rights of 1955, a bilateral agreement intended to promote friendly relations and protect commercial interests between the two countries.[34]

During the Court hearings, Islamic Republic of Iran has stated that United States of America feloniously used force against oil installations on their own land, on which civilians lived, thereby breaching Articles I and X(1) of the Treaty of 1955. Islamic Republic of Iran has emphasized that the operations constituted an unwarranted interference with freedom of commerce and navigation between the two governments' domains and that the oil platforms were not being used for military purposes. The Iranian Government maintained their stand that the United States of America's actions were a deliberate act of aggression that could not be justified under international law or self-defense provisions.

The respondent of the Case United States of America denied the allegations made by the Iranian Government and argued that the actions made by their forces were under lawful circumstances and could be considered as self-defense taken in response to Iranian attacks on US vessels and interests in the Persian Gulf. The United States of America maintained that Iranian forces or its allies targeted neutral commerce, including American-owned vessels like the Sea Isle City and the Samuel B. Roberts, with projectiles and mine-laying operations.

[34] *International Court of Justice. Oil Platforms (Islamic Republic of Iran v. United States of America)*, Judgment of 6 November 2003, I.C.J. Reports 2003.

Washington therefore argued that the strikes on the oil platforms were appropriate and necessary reactions to such hostile activities, in accordance with Article XX(1)(d) of the Treaty 1955, which permits exceptions for actions required to safeguard vital security interests.[35]

6.1. Iran-Iraq War (1980-1988)

The Islamic Republic of Iran and United States of America dispute cannot be fully comprehended without the Iran-Iraq War happened between 1980 and 1988. Due to territorial issues over the Shatt al-Arab canal and concerns about the expansion of Iran's revolutionary ideology after the Islamic Revolution of 1979, Iraq, led by Saddam Hussein, invaded Iran on September 22, 1980, sparking the start of the war. Trench fighting, extensive destruction, and heavy deaths on both sides marked the conflict's rapid escalation into one of the 20th century's longest and most catastrophic conflicts.[36]

This war was an armed conflict between Iran and Iraq that lasted from September 1980 to August 1988. This war lasted until the acceptance of United Nations Security Council Resolution 598 by both sides. Iraq's primary rationale for the attack against Iran cited the need to prevent Ruhollah Khomeini from exporting the Iranian ideology to Iraq.

The Iran-Iraq War followed a long-running history of territorial border disputes between the two states, as a result of which Iraq planned to retake the eastern bank of the Shatt al-Arab that it had ceded to Iran in the increased following the outbreak of hostilities.

Both Iran and Iraq forces attempted to undermine each other's economic capacities as the conflict grew more intense, particularly by attacking Persian Gulf shipping and oil

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[35] *Oil Platforms*, I.C.J. Reports 2003, pp. 180–182
[36] *The Iran–Iraq War: A Military and Strategic History*, Murray and Woods 2003

facilities. Starting in 1984, this stage of the conflict known as the "Tanker War" saw both sides target merchant ships and oik tankers connected to the other side's economy. As it worked to safeguard the security of oil supplies essential to international markets and preserve the freedom of navigation in the Gulf, the United States grew more and more active. In order to safeguard Kuwaiti oil tankers, American naval troops carried out operations like Operation Earnest Will, which involved reflagging ships under the American flag.[37]

In the end, the Iran-Iraq War not only altered the Middle East's power dynamics but also provided the setting for the current decline in ties between the United States and Iran. The Oil Platforms case demonstrated how regional warfare can escalate into international legal disputes concerning the use of force, economic rights, and treaty obligations under international law. The conflict's maritime dimensions directly contributed to the legal and political disputes decided in this case. [38]

6.2. Description of the Oil platforms Involved

The United States Navy's 1987 and 1988 demolition of Iranian offshore oil production facilities in the Persian Gulf was at the heart of this Case. The Reshadat (Rostam) and Nasr complexes which were run by the National Iranian Oil COmpany (NIOC) were the main platforms targeted in the northern Persian Gulf. During the Iran-Iraq War these facilities, which were a vital component of Iran's offshore oil production network, greatly increased the nation's export potential. [39]

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[37] Cordesman, Anthony H., and Abraham R. Wagner. *The Lessons of Modern War, Volume II: The Iran–Iraq War*. Westview Press, 1990.
[38] Freedman, Lawrence, and Efraim Karsh. *The Gulf Conflict, 1980–1988: Diplomacy and War in the Middle East*. Princeton University Press, 1993.
[39] *International Court of Justice. Oil Platforms (Islamic Republic of Iran v. United States of America)*, Judgment of 6 November 2003, I.C.J. Reports 2003.

Located about 50 miles northeast of Bahrain, the Reshadat complex, also called the Rostam platforms, was made up of two connected producing facilities. The platform which had communication systems, drilling and pumping equipment and housing rooms for staff was utilized the extraction and preliminary processing of crude oil. Similar roles were performed by the Nasr platform, which is situated farther north close to the mouth of the Shatt al-Arab waterway and supports Iran's offshore production in the area. Although the United States later claimed they were being used for military surveillance and assaults on neutral shipping, both installations were non-military in design and mostly meant for commercial oil extraction. [40]

Operation Nimble Archer, which targeted the Rostam platforms, was initiated by American forces on October 19, 1987, in response to Iranian missile strike on the American-flagged tanker Sea Isle City. After advising Iranian staff to evacuate, US warships shelled and destroyed the sites. In response to the USS Samuel B. Roberts' mining, US naval forces attacked and destroyed the Nasr and Salman platforms on April 18, 1988, during Operation Praying Mantis.[41] The United States defended these actions as legitimate self-defense measures, while Iran çşntended before the International Court of Justice that the platforms were commercial and civilian establishments and that their destruction violated the 1955 Treaty Amity, Economic Relations and Consular Rights between the two countries.

6.3. US Naval Operations in the Persian Gulf

The Persian Gulf became a focal point of international conflict during the Iran-Iraq War as both sides targeted oil tankers and marine trade routes vital to the world's energy

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[40] Freedman, Lawrence, and Efraim Karsh. *The Gulf Conflict, 1980–1988: Diplomacy and War in the Middle East*. Princeton University Press, 1993.
[41] Cordesman, Anthony H., and Abraham R. Wagner. *The Lessons of Modern War, Volume II: The Iran–Iraq War*. Westview Press, 1990.

supplies. The United States launched massive naval operations to defend freedom of passage and commercial interests in reaction to growing Iranian attacks on Gulf commerce, especially during the so-called Tanker War. These activities created the Oil Platforms' factual and strategic backdrop. [42]

Operation Earnest Will, which started in July 1987 and involved reflagging Kuwaiti oil tankers under the American flag and providing Navy escorts through the Persian Gulf, was one of the most important US endeavors. By putting American personnel in close proximity to close Iranian installations, this action effectively increased American military presence in the area. Missile assaults and mine explosions were among the hostile encounters that American Navy convoys had to deal with. The most significant event was in April 1988 when the USS Samuel B. Roberts struck an Iranian mine, seriously damaging the ship and raising tensions between the two countries. [43]

One of the biggest surface naval battles since World War II began on April 18, 1988, when the United States launched Operation Praying Mantis in retaliation. US intelligence said that Iranian navy boats and offshore structures, such as the Nasr and Salman oil complexes were being used for military observation and to coordinate assaults against neutral commerce. In response to an Iranian missile strike on the US-flagged ship Sea Isle City, the United States launched Operation Nimble Archer on October 19, 1987, attacking the Reshadat stations. Iran's maritime capabilities were significantly reduced as a result of these operations, which destroyed key Iranian oil infrastructure and sank numerous Iranian naval warships. [44]

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[42] *International Court of Justice. Oil Platforms (Islamic Republic of Iran v. United States of America)*, Judgment of 6 November 2003, I.C.J. Reports 2003.
[43] Cordesman, Anthony H., and Abraham R. Wagner. *The Lessons of Modern War, Volume II: The Iran–Iraq War*. Westview Press, 1990.
[44] Freedman, Lawrence, and Efraim Karsh. *The Gulf Conflict, 1980–1988: Diplomacy and War in the Middle East*. Princeton University Press, 1993.

Citing Iran's repeated attacks on American and neutral commerce, the United States defended its naval actions as legitimate self-defense measures under international law. Iran, however, challenged this scenario in front of the International Court of Justice, claiming that the strikes on its oil platforms violated the 1955 Treaty of Amity, Economic Relations, and Consular Rights and constituted illegal uses of force.

6.4. Attacks on Iranian Oil Platforms (1987-1988)

Attacks on Iranian oil platforms are also known as Operation Nimble Archer was the 19 October 1987 attack on two Iranian oil platforms in the Persian Gulf by United States Navy forces. The attack was made by Navy forces as self-defense because of the attack by Iranian forces on MV Sea Isle City, a reflagged Kuwaiti oil tanker at anchor off Kuwait, which had occurred three days earlier. The actions occurred during Operation Earnest Will, the effort to protect Kuwaiti shipping amid the Iran-Iraq War.

As a result of this alleged self-defense by United States Navy forces, the Government of Iran filed a lawsuit against the United States for reparations at the International Court of Justice. According to the filed report by Iranian Applicant Party, the United States violated the 1955 Treaty of Amity.

6.4.1. MV Sea Isle City

Sea Isle City en route to Kuwait August 1987

MV Sea Isle City was a Kuwait Oil Company oil tanker previously named as Umm al Maradem, Sea Isle City and Sea Isle that reflagged during Operation Earnest Will. This ship was struck during the Tanker War phase of Iran-Iraq War by an Iranian Silkworm missile launched from the Iranian occupied Al-Faw Peninsula at 05.30 am on 16 October 1987.[45]

The ship was not carrying oil at the time it was struck and was moving to be loaded. The ship's master was a US citizen, was blinded and a total of 19 crew members were wounded. Sea Isle City was in Kuwaiti waters and was no longer under the protection of US escort ships.[46]

Approximate location of *Sea Isle City* when struck by Silkworm missile

6.4.2. Operation Earnest Will

After the attack on the Kuwaiti ship Sea Isle City, the United States undertook a response attack known as Operation Earnest Will, destroying two oil platforms in the Rostam oil field that were not in production and being used as tactical communication relay points,

[45] Kifner, John (19 October 1987). "Kuwait Is Said to Seek An Anti-Missile Defense". *The New York Times*. ISSN 0362-4331. Retrieved 31 January 2023.
[46] "Ship flying U.S. flag hit; 18 wounded"; *St. Petersburg Times*. St. Petersburg, Florida. 17 October 1987. pg. 1.A

radar tracking stations and as bases of operations for helicopter and speed boat attacks on maritime shipping in international waters.[47] According to documents seized during the rais on the platform, the Rostam platform's radar had tracked the convoy containing Sea Isle City while it was en route to Kuwait.

As a result of this attack Sea Isle City's lookout Victorino Gonzaga, a Philippines national, was also affected by this attack resulting in loss of his eyes. He and his wife also filed a lawsuit against Iran, naming Chesapeake Shipping Co., the Kuwait Oil Tanker Co., Kuwait Petroleum Corp. and Gleneagle Ship Managements Inc. as co-defendants.[48]

Operation Earnest Will was American military protection of Kuwaiti-owned tankers from Iranian attacks, three years into the Tanker War phase of Iran-Iraq War. US Navy vessels also participated in this operation. They were then under the command of the US Navy's Seventh Fleet which had primary responsibility for combat operations in the Persian Gulf. The numerous ships used in Operation Earnest Will mostly consisted of Carrier Battle Groups. Surface Action Groups and ships from the Pacific's Third and Seventh Fleets and the Mediterranean-based Sixth Fleet. They generally operated in and near the Persian Gulf for parts of their normal six-month deployments.

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[47] "U.S. Destroyers Shell Iranian Military Platform in Gulf; Retaliation for Silkworm Attack Called 'Measured and Appropriate'"; Molly Moore. *The Washington Post*. Washington, D.C.: 20 October 1987. pg. a.01.

[48] "Blinded Seaman Files Suit". The Associated Press. *Sun Sentinel*. Fort Lauderdale: 26 November 1987. pg. 42.A

6.5. Overview on the Tanker War

The Tanker War is a part of the larger Iran-Iraq War, a series of military attacks by Iran and Iraq against merchant vessels in the Persian Gulf and Strait of Hormuz from 1981 to 1988. Iraq was responsible for 283 attacks while Iran accounted for 168.[49]

Iraq broadened the tanker war in 1984 by attacking the oil terminal and oil tankers at Kharg Island. Iraq's aim in attacking Iranian shipping was to provoke the Iranians to retaliate with extreme measures, such as closing the STrait of Hormuz to all maritime traffic, thereby bringing about foreign intervention against Iran; the United States had threatened several times to intervene if the Strait of Hormuz were closed.[50] Kuwait and Saudi Arabia supported Iraq against Iran. The United States intervened in the conflict 1986 to protect Kuwaiti tankers, and engaged in a confrontation with Iran.[51]

Both sides had declared an "exclusion zone", meaning areas in which they had warned ships from entering. Iraq declared the area around Iran's Kharg Island to be an exclusion zone. Kharg Island hosted Iran's principal oil shipment port. Iraq gave precise definition, in coordinates, of this exclusion zone and gave advance notification to all countries.

Iran declared all waters within 40 miles of its coast to be its exclusion zone. It instructed ships headed for non-Iranian ports to sail west of this line. While Iran also did not designate any safe passages in its exclusion zone, this was unnecessary. Iran's exclusion zone allowed for ships to enter and exit the Gulf, and essentially only kept such foreign ships out ıf its own waters.

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[49] O'Rourke, Ronald (May 1988). "The Tanker War". *Proceedings of the USNI*. **114** (5): 1023.
[50] Karsh, Efraim (2002). *The Iran–Iraq War: 1980–1988*. Osprey Publishing. p. 60.
[51] Dudley, William S. (2007), "Navies, Great Powers – United States, 1775 to the Present – The tanker war", in Hattendorf, John J. (ed.), *The Oxford Encyclopedia of Maritime History*, Oxford University Press,

In total, well over 100 sailors were killed and a similar number wounded. More than 30 million tons of cargo was damaged from 1981 through 1987.[52]

7. International Law on Oil Platforms

A legal foundation for all marine and maritime operations is established by the United Nations Convention on the Law of the Sea (UNCLOS), often known as the Law of the Sea Convention or the Law of the Sea Treaty. As of October 2024, 169 sovereign states and the European Union are all parties to the treaty. All the major powers are parties to the treaty with the exception of United States (UN, United Nations, UN treaties, treaties)[53].

The third United Nations Conference on the Law of the Sea (UNCLOS III), which was held between 1973 and 1982, produced the aforementioned convention. The four treaties of the 1958 Convention on the High Seas were superseded by UNCLOS. A year after Guyana became the 60th country to ratify the pact, UNCLOS came into effect in 1994 (Overview - convention & related agreements)[54]. In order to safeguard marine life in international waters, a High Seas Treaty was agreed upon in 2023 and added to the convention. Environmental impact assessments and Marine Protected Areas are two examples of the measures that would result from this.

The 17th-century notion of "freedom of the seas" has been superseded by the United Nations Convention on the Law of the Sea. According to the "cannon shot" rule created by Dutch jurist Cornelius van Bynkershoek, national rights were restricted to a designated belt of water stretching from a country's shoreline, often 3 nautical miles (5.6 km; 3.5 mi) (three-mile limit) (Cornelius van Bynkershoek: His role in the history of international law)[55]. According to Hugo Grotius' mare liberum principle, all waters outside national borders were regarded as international waters, free to all countries but not belonging to any of them (The freedom of the seas (Latin and English version, Magoffin Trans.)[56].

Some countries stated at the beginning of the 20th century that they wanted to expand their national claims in order to safeguard fish stocks, enforce environmental regulations, and incorporate mineral riches. In 1930, the League of Nations convened a conference in The Hague, but no agreements were reached (Chapter 1: International Law, adoption of the law of

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[52] Dudley, William S. (2007), "Navies, Great Powers – United States, 1775 to the Present – The tanker war", in Hattendorf, John J. (ed.), *The Oxford Encyclopedia of Maritime History*, Oxford University Press

[53] "UN, United Nations, UN Treaties, Treaties." United Nations, United Nations, treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en. Accessed 13 Nov. 2025.

[54] "Overview - Convention & Related Agreements." United Nations, United Nations, www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm. Accessed 13 Nov. 2025.

[55] Kinji Akashi. Cornelius van Bynkershoek: His Role in the History of International Law. Brill Academic Publishers, 2024.

[56] "The Freedom of the Seas (Latin and English Version, Magoffin Trans.)." Online Library of Liberty, oll.libertyfund.org/titles/scott-the-freedom-of-the-seas-latin-and-english-version-magoffin-trans. Accessed 13 Nov. 2025.

the sea convention)[57]. Harry S. Truman expanded US jurisdiction over all of its continental shelf's natural resources in 1945, citing the customary international law premise of a country's right to preserve its natural resources. Other countries quickly did the same. Chile, Peru, and Ecuador expanded their rights to encompass their Humboldt Current fishing grounds to a radius of 200 nautical miles (370 km; 230 mi) between 1946 and 1950. The territorial seas of other countries were expanded to 12 nautical miles (22 km; 14 mi).

7.1 Legal Status of Oil Platforms in International Law

According to Article 2 in Section 1 of the second part of UNCLOS, "The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea." (UNCLOS Article 2)[58] According to Article 3 of the same section, "Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles (22 km; 14 mi), measured from baselines determined in accordance with this Convention." (UNCLOS Article 3)[59]. The coastal states have full sovereignty just as they do on land. It follows from this fact that oil platforms located within the territorial sea are fully under the domestic law of that coastal state.

In Part 5, Article 55 of UNCLOS, the exclusive economic zone is defined as "an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention." (UNCLOS Article 55)[60]. Article 56 further defines the range of activities for a state:

"1. In the exclusive economic zone, the coastal State has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

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[57] "Chapter 1: International Law, Adoption of the Law of the Sea Convention." *Law of the Sea*, sites.tufts.edu/lawofthesea/chapter-one/. Accessed 13 Nov. 2025.

[58] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." United Nations, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.

[59] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." United Nations, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.

[60] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." United Nations, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.

(iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention." (UNCLOS, Article 55)[61]

It can be deduced from the article that the coastal state has sovereign rights for the purpose of exploring, exploiting, conserving, and managing natural resources, including oil and gas. So, it follows that other states cannot build or operate oil platforms without the coastal state's explicit consent. Yet, the coastal state must respect the freedom of navigation and laying of submarine cables and pipelines by other states.

Even beyond 200 nautical miles (if the geological shelf extends further), the coastal state still has exclusive rights to exploit natural resources. However, the state cannot claim full sovereignty but can only claim rights for resource exploitation. This is explained by the Article 77 which states:

"1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil." (UNCLOS, Article 77)[62].

When it comes to oil platforms in particular, they are subject to Article 60 since they are considered as "Artificial islands, installations and structures in the exclusive economic zone". The article 60 is as follows:

"1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) artificial islands;

(b) installations and structures for the purposes provided for in article 56 and other economic purposes;

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[61] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." *United Nations*, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.
[62] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." *United Nations*, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.

(c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf." (UNCLOS, Article 60)[63]

7.2 Protection and Security of Oil Platforms

In order to combat security risks in the maritime environment and improve the security of the maritime transport sector, the international community implemented a number of legislative actions following 9/11. Offshore oil and gas installations are subject to some of

[63] "UNCLOS and Agreement on Part XI - Preamble and Frame Index." United Nations, United Nations, www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm. Accessed 13 Nov. 2025.

these international regulatory countermeasures as well as those that were in place before 9/11. The following international legal instruments, all of which have already come into effect and contain provisions pertaining to the protection of offshore oil and gas installations, make up the international regulatory framework for the security and protection of offshore petroleum installations:

- United Nations Convention on the Law of the Sea (UNCLOS);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (1988 SUA Convention);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf 1988 (1988 SUA Protocol);
- International Convention for the Safety of Life at Sea 1974 (SOLAS Convention);
- International Ship and Port Facility Security Code (ISPS Code);
- Revised Seafarers' Identity Documents Convention 2003 (SID Convention);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 2005 (2005 SUA Convention); and
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf 2005 (2005 SUA Protocol).

The legal position of offshore oil and gas installations, one of the more challenging areas of international law, is one of the major difficulties that emerges when looking at international regulatory responses. The legal status is significant because, depending on the circumstances, it may have various legal and practical ramifications. The legal status may have an effect on the jurisdiction that governments have over offshore installations as well as the applicability of specific laws and principles of maritime law to offshore installations. For example, the flag state would have exclusive jurisdiction over an offshore installation in the exclusive economic zone if it is deemed to be a "ship" for legal reasons, whereas the coastal state would have exclusive jurisdiction if it is deemed to be a "installation." To put it another way, the legal standing of offshore oil and gas facilities influences the rights and responsibilities of various states concerning these facilities and their operations (Demir, Legal Status of Offshore Energy Installations)[64].

The lack of a standard rule for the legal treatment of offshore installations under international law is one of the issues with the global regulatory framework. Depending on the goals and objectives of a certain international agreement, the term "ship" might indicate several things. In some circumstances, both stationary and mobile offshore oil and gas facilities may be regarded as ships under international law. Although there are at least two international accords that classify both permanent and mobile offshore petroleum installations as ships, fixed offshore installations are typically not considered ships under international law. Many international conventions treat mobile offshore installations as ships, although some treat them as installations (Kashubsky Protecting offshore oil and gas installations: Security threats and countervailing measures)[65].

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[64] Demir, İsmail. "Legal Status of Offshore Energy Installations". DEHUKAM Journal of the Sea and Maritime Law, c. 5, sy. 2, 2023, ss. 1-24.

[65] Kashubsky, Mikhail. "Protecting Offshore Oil and Gas Installations: Security Threats and Countervailing Measures." Protecting Offshore Oil and Gas Installations: Security Threats and Countervailing Measures, www.ensec.org/index.php?option=com_content&view=article&id=476%3Aprotecting-offshore-oil-and-gas-inst

Treating movable offshore installations as ships while they are in transit or moving from one offshore area to another and as installations when they are conducting offshore activities on location is another method of addressing the legal status of offshore oil and gas installations. This strategy is known as the "dual status approach." It would be essential to consult the definitions of the pertinent international treaties in order to ascertain the legal status of an offshore oil and gas installation under international law (Demir, Legal Status of Offshore Energy Installations)[66].

7.3 Economic and Commercial Law Aspects

The process of extracting crude oil from underwater reservoirs rather than from mainland wells is known as offshore drilling. Both onshore and offshore drilling are used to extract crude oil from the Earth, but as onshore choices grow more scarce, offshore drilling is becoming more significant in the business. Approximately 28% of oil will be produced offshore by 2025, with the remaining 72% being produced onshore (*Benefits and consequences of offshore drilling*)[67].

Specialized equipment is needed for the intricate process of offshore drilling. Floating oil rigs are useful in this situation. They are made especially to drift around underwater oil sources and safely retrieve the oil from miles below the ocean's surface.

After crude oil is produced, it is transported to shore via a system of pipes or ships. Since the pipes cannot leak at all, the engineering quality of these projects is crucial. Water-tight pipes that can carry crude oil for miles are made by highly precise manufacturing and construction teams using pipe protection and fitting tools.

In 2019, the world's crude oil output reached a record high of 95 million barrels per day, which helps to contextualize the rise in oil consumption. Between 2020 and 2021, demand increased from 91 million barrels per day to about 96.5 million. It is evident that global progress is being propelled by the demand for oil products (*Benefits and consequences of offshore drilling*)[68].

In addition to the US, recovering natural gas and crude oil has led to economic stability in nations like China, Saudi Arabia, and Russia. Gas and energy prices decline with domestic production, which determines an economy's performance.

The creation of attractive jobs is one of the obvious advantages of offshore drilling. The offshore oil and gas sector provided 176,000 employments in the US during the 2020 fiscal year, generating $11.9 billion in labor income, $20.6 billion in GDP contribution, and

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allations-security-threats-and-countervailing-measures&catid=140%3Aenergysecuritycontent&Itemid=429. Accessed 13 Nov. 2025.

[66] Demir, İsmail. “Legal Status of Offshore Energy Installations”. DEHUKAM Journal of the Sea and Maritime Law, c. 5, sy. 2, 2023, ss. 1-24.

[67] “Benefits and Consequences of Offshore Drilling.” *MSI*, 10 Jan. 2025, msipipeprotection.com/benefits-consequences-of-offshore-drilling/.

[68] “Benefits and Consequences of Offshore Drilling.” *MSI*, 10 Jan. 2025, msipipeprotection.com/benefits-consequences-of-offshore-drilling/.

$38.1 billion in output, according to the Bureau of Ocean Energy Management (Economic contribution)[69].

7.4 Use of Force and Self-defense in relation to Oil Platforms

The use of force in self-defense has grown more controversial in recent years. At the center of these discussions is Article 51 of the UN Charter, which acknowledges member nations' right to self-defense against an armed attack. It offers that:

> "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security." (UN Charter Article 51)[70]

However, there has been much controversy about how to interpret Article 51 and its exact extent among member states, scholars, and other observers. Over the past 10 years, these discussions have been more heated, especially as the US and its allies have relied more and more on the broad "unwilling or unable" concept to defend military actions, such as counterterrorism operations, on the territory of other states.

There are disagreements among member nations over certain aspects of Article 51. First of all, many governments believe that a member state cannot use its right to self-defense until there is an armed attack. A more expansive view has been taken by a smaller number of states, mostly the United States and its allies, who contend that the right to self-defense can be used in specific situations where an armed attack is likely but has not yet taken place.

Significant disagreement among states has also resulted from the "unwilling or unable" theory, which holds that member states may use force against non-state actors on another state's territory if that state is unwilling or unable to stop attacks coming from its territory. There have occasionally been particularly contentious Article 51 reports submitted to the Council by the United States and a number of its allies, using the doctrine as the foundation for military actions on other states' territory. This has resulted in opposition from other member states.

In theory, Article 51 reports also have a big impact on how international law is developed and how the UN Charter is interpreted. The Vienna Convention on the Law of Treaties' (VCLT) standards of treaty interpretation apply to the Charter because it is a treaty. When interpreting the provisions of the Charter, subsequent state practice that establishes the parties' agreement must be taken into consideration in accordance with Article 31(3)(b) of the VCLT. This implies that the interpretation of Article 51 and its reach as a matter of

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[69] "Economic Contribution." *Bureau of Ocean Energy Management*, 30 June 2025, www.boem.gov/oil-gas-energy/energy-economics/economic-contribution.

[70] "International Law, Codification, Legal Affairs, Legal, Committee, Terrorism, Charter, Criminal Accountability, Administration of Justice, Jurisdictional Immunities, Cloning, Safety of United Nations and Associated Personnel, Ad Hoc, Diplomatic Conferences, Reports of International Arbitral Awards, Summaries of International Court of Justice Judgments and Advisory Opinions, Legislative Series, Juridical Yearbook, Repertory of Practice of United Nations Organs, Books." United Nations, United Nations, legal.un.org/repertory/art51.shtml. Accessed 14 Nov. 2025.

international law are directly impacted by state conduct with regard to it, including what governments say when other parties invoke it. (In hindsight: The increasing use of Article 51 of the UN Charter and the Security Council) [71].

7.5. Conventions Relevant to the Case

7.5.1. Treaty of Amity, Economic and Consular Rights (1955)

The main convention related to the case is the “Treaty of Amity, Economic Relations, and Consular Rights”. The United States and Iran signed the Treaty of Amity, Economic Relations, and Consular Rights in Tehran on August 15, 1955. The U.S. Senate approved it on July 11, 1956, and it became operative on June 16, 1957. On December 20, 1957, the United States registered the treaty with the United Nations. Persian and English are the official languages. Plenipotentiaries Mostafa Samiy (Iran) and Selden Chapin (U.S.) seal it (Treaty of Amity, Economic Relations and Consular Rights).[72]

Article 1 states: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran." Article 2 provides for the protection and freedom of travel for citizens of either nation when visiting the other.

Article 3 provides for the recognition and access to the court systems for corporations within either territory. Article 4 establishes for the protection of property for nationals and corporations of either nation. Article 5 establishes that nationals and corporations may purchase or lease property within either territory. Article 6 establishes rules for taxation, including that nationals and corporations shall pay taxes, and that a scheme will be established to avoid double taxation.

Article 7 states that neither nation will apply monetary restrictions on each other except as needed "to assure the availability of foreign exchange for payments for goods and services essential to the health and welfare of its people" or as approved by the International Monetary Fund. Article 8 establishes rules for the import and export of products between both nations. Article 9 continues this with further rules for the import and export of products between the nations. Article 10 establishes freedom of commerce and navigation between both nations. Article 11 states that corporations acting within either territory shall not be discriminated against during government contract based on their country of origin.

Articles 12, 13, and 14 allow for the exchange of diplomats between the nations and the fair treatment of those diplomats. Article 15 allows each government to purchase or lease land within the other's borders as needed for any purpose other than the military. Articles 16 and 17 outlines that diplomats shall not be subjected to taxation, unless they are or have been

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[71] SCRtweets. “In Hindsight: The Increasing Use of Article 51 of the UN Charter and the Security Council.” *Security Council Report*, www.securitycouncilreport.org/monthly-forecast/2025-10/in-hindsight-the-increasing-use-of-article-51-of-the-un-charter-and-the-security-council.php. Accessed 14 Nov. 2025.

[72] Treaty of Amity, Economic Relations and Consular Rights, web.archive.org/web/20171031095520/https://www.state.gov/documents/organization/275251.pdf. Accessed 14 Nov. 2025.

a citizen of both nations. Article 18 outlines diplomatic immunity. Article 19 discusses the rights of nationals to visit their consulate. Article 20 outlines areas where the treaty does not apply.

Article 21 states that any disputes shall be subject to the rulings of the International Court of Justice. Article 22 names the previous treaties that this treaty is meant to replace. Article 23 gives a timeline for ratification of the treaty and allows for its cancellation by either party after 10 years "by giving one year's written notice" (Treaty of Amity, Economic Relations and Consular Rights)[73].

7.5.2. Law of the Sea and Maritime Navigation

In 1958, the United Nations held its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland. UNCLOS I resulted in four treaties concluded in 1958 (International Law Commission - Texts, instruments and final reports - law of the sea)[74]:

- Convention on the Territorial Sea and Contiguous Zone, entry into force: 10 September 1964
- Convention on the Continental Shelf (10 June 1964)
- Convention on the High Seas (30 September 1962)
- Convention on Fishing and Conservation of Living Resources of the High Seas, entry into force (20 March 1966)

The United Nations hosted its second session on the Law of the Sea ("UNCLOS II") in 1960, but no new agreements were reached at the six-week Geneva session. Generally speaking, third-world and developing countries had no meaningful voice of their own and only took part as allies, clients, or dependents of the US or the USSR.

Arvid Pardo of Malta brought up the subject of conflicting territorial claims at the UN in 1967, and the Third United Nations Conference on the Law of the Sea met in New York in 1973. The conference employed a consensus approach instead of a majority vote in an effort to lessen the likelihood that groups of nation-states would control the proceedings. The meeting continued until 1982 with participation from almost 160 countries. One year after Guyana, the 60th state, ratified the agreement, it became operative on November 16, 1994.

Numerous provisions were introduced by the convention. Setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, marine environment protection, scientific research, and dispute resolution were among the most important topics discussed.

The convention established the boundaries of several regions based on a meticulously established baseline. (A sea baseline often follows the low-water line, however straight

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[73] Treaty of Amity, Economic Relations and Consular Rights, web.archive.org/web/20171031095520/https://www.state.gov/documents/organization/275251.pdf. Accessed 14 Nov. 2025.

[74] *International Law Commission - Texts, Instruments and Final Reports - Law of the Sea*, web.archive.org/web/20131017052206/legal.un.org/ilc/texts/8_1.htm. Accessed 14 Nov. 2025.

baselines may be employed where the coastline is extremely unstable, contains bordering islands, or is significantly indented.) The following are the areas:

- Internal Waters: Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.
- Archipelagic Waters: A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated "Archipelagic Waters". The state has sovereignty over these waters to the extent it has over internal waters, but subject to existing rights including traditional fishing rights of immediately adjacent states. Foreign vessels have right of innocent passage through archipelagic waters, but archipelagic states may limit innocent passage to designated sea lanes.
- Territorial Sea: “The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention. The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.”
- Contiguous Zone: “In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to: (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; (b) punish infringement of the above laws and regulations committed within its territory or territorial sea. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.”
- Exclusive Economic Zone: “The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention. In the exclusive economic zone, the coastal State has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures;44 (ii) marine scientific research; (iii) the protection and preservation of the marine environment; (c) other rights and duties provided for in this

Convention. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI."

- Continental Shelf: "The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance."

7.5.3. UN Charter

Article 51 of the UN Charter states that:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence 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-defence 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."

Article 2(4) of the UN Charter states that:

"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."

8. Introduction to the Case

8.1. Iran-United States of America Relations

Relations between Iran and the United States in modern day are turbulent and have a troubled history. They began in the mid-to-late 19th century, when Iran was known to the Western World as Qajar Persia. Persia was very wary of British and Russian colonial interests during the Great Game. By contrast, the United States was seen as a more trustworthy foreign power.

During World War II, Iran was invaded by the United Kingdom and the Soviet Union, both US allies, but relations continued to be positive after the war until the later years of the government of Mohammed Mosaddegh. Then he was overthrown by the Central Intelligence Agency (CIA). This was followed by an era of close alliance between Shah Mohammaad Raza Pahlavi's authoritarian regime and the US government, Iran being one of the US's closest allies during the Cold War, which was in turn followed by a dramatic reversal and disagreement between the two countries after the 1979 Iranian Revolution. [75]

However, the two nations have had no formal diplomatic relations since 7 April 1980. Instead, Pakistan serves as Iran's protecting power in the United States, while Switzerland serves as the United States' protecting power in Iran. COntacts are carried out through the Iranian Interests Section of the Pakistani Embassy in Washington DC, and the US Interests Section of the Swiss Embassy in Tehran.[76] In August 2018, Supreme Leader of Iran Ali Khamenei banned direct talks with the United States. According to the US Department of

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[75] Ansari, Ali M. (2006). "United States and the Islamic Republic". *Confronting Iran: The Failure of American Foreign Policy and the Roots of Mistrust*. Bloomsbury, London: Hurst Publishers. pp. 93–145. ISBN 9781850658092.

[76] Embassy of Switzerland in Iran – Foreign Interests Section Archived2018-10-22 at the Wayback Machine, Swiss Federal Department of Foreign Affairs

Justice, Iran has since attempted to assassinate US officials and dissidents, including US President Donald Trump.[77]

Iranian emphasized “the natural and unavoidable conflict between the Islamic system” and “such an oppressive power as the United States, which is trying to establish a global dictatorship and further its own interests by dominating other nations and trampling on their rights” as well as US support for Israel[78] as reasons for its animosity toward the US. The Iranian leadership’s need for an external bogeyman to provide a justification for domestic repression against pro-democratic groups and to bind the government to its loyal base is one of the various explanations put out in the West.[79] The 1979-1981 Iran hostage crisis, Iran’s ongoing violations of human rights after the Islamic Revolution, the US’s many prohibitions on employing spy techniques during democratic revolutions, Iran’s anti-Western ideology, and its nuclear program are all cited by the US as reasons for the deteriorating relations. [80]

The United States has imposed a trade embargo on Iran since 1995. In order to impose significant restrictions on Iran’s nuclear program, including IAEA inspections and enrichment level limitations, the United States successfully led negotiations for the Joint Comprehensive Plan of Action in 2015. The majority of the sanctions against Ira were removed in 2016. The “maximum pressure campaign” against Iran began in 2018 when the Trump administration unilaterally withdrew from the nuclear agreement and reinstated sanctions. Iran responded by progressively lowering its obligations under the nuclear agreement and eventually surpassing pre-JCPOA enrichment levels.

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[77] Rabinowitz, Hannah (November 8, 2024). "DOJ announces charges in Iranian plot to kill Donald Trump". *CNN*. Retrieved January 5, 2025.

[78] Q&A With the Head of Iran's New America's Desk Archived 2020-01-04 at the Wayback Machine online.wsj.com April 1, 2009

[79] Gardner, Frank (November 7, 2019). "Iran's network of influence in Mid-East 'growing'". Archived from the original on January 12, 2020. Retrieved January 11, 2020.

[80] "The Iranian Hostage Crisis - Short History - Department History - Office of the Historian". *history.state.gov*. Archived from the original on April 9, 2024. Retrieved January 11, 2020.

8.1.1. Reagan Administration (1981-1989)

Iraq was armed during the Iran-Iraq War thanks in large part to American intelligence and logistical assistance. But according to Bob Woodward, the US provided information to both sides in an effort "to engineer a stalemate."[81] Washington implemented a strategy intended to constrain both sides militarily and economically in an effort to establish a new order in this area.[82] The Reagan administration pursued a number of sanctions bills against Iran throughout the second half of the Iran-Iraq War, but in 1984 it removed Iran from the US list of State Sponsors of Terrorism, establishing full diplomatic relations with Saddam Hussein's Ba'athist regime in Iraq.

In 1988, the US launched Operation Praying Mantis in retaliation for Iran mining the Persian Gulf during the Iran-Iraq War, following Operation Nimble Archer. It was the largest American naval operation since World War II, with strikes that destroyed two Iranian oil platforms and sank a major warship.

8.2. History of Oil Platforms between Parties

The growing hostilities in the Persian Gulf during the Iran-Iraq War must be taken into consideration while analyzing the disagreement over the Iranian oil platforms. During the conflict, Iran's offshore oil platforms, including the Reshadat, Resalat and Nasr complexes, were vital hubs for both economic survival and surveillance operations. The Unites States began to worry about Iranian military operations in the Persian Gulf in the early 1980s, especially after it launched Operation Earnest Will in 1987 to protect reflagged Kuwaiti tankers against Iranian mines and missile strikes. Despite having a commercial

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[81] Woodward, Bob (2005). *Veil: The Secret Wars of the CIA, 1981–1987*. New York City: Simon & Schuster. p. 507.

[82] Simbar, Reza (2006). "Iran and the US: Engagement or Confrontation". *Journal of International and Area Studies*. 13 (1): 73–87.

foundation, the platforms were strategically important throughout the conflict because Iran utilized them to monitor shipping lanes and, in certain cases, to support the Revolutionary Guard.[83]

On October 19, 1987, American naval troops launched Operation Nimble Archer, which resulted in the destruction of parts of the Rashadat/Reshadat platform complex. This was the United States' first significant strike. Because the platform had been actively involved in IRGC operations, the U.S. defended this strike as a legitimate reaction to the attack on Sea Isle City. Iran, however, insisted that the installation's demolition constituted an illegal use of force and a breach of the 1955 Treaty of Amity and that it was non-operational at the time due to damage from Iraqi attacks earlier in the war.

The largest surface naval action since World War II took place on April 18, 1988, during Operation Praying Mantis, a second and more significant conflict. The Nasr (Nawruz) and Salman (Sassan) platform complexes were targeted by US forces after the USS Samuel B. Roberts was mined, which the US claimed was done by Iran. In addition to storing weaponry and deploying speedboats, the United States claimed that these platforms were being utilized as operating bases for attacks on neutral vessels. Iran, on the other hand, said that the attack was "wholly disproportionate," claiming that neither the platforms nor Iranian state agencies could be fairly blamed for the mining mishap.

The ICJ dispute's factual basis was established by these instances. Iran started legal action in 1992, claiming that Articles I, IV, and X of the 1955 Treaty of Amity were violated by the demolition of its platforms. In response, the US claimed that Article XX(1)(d) allowed its activities since they were required to safeguard its "essential security interests." Therefore, the Court's task in reviewing this historical record was to ascertain whether the destroyed installations were protected by the Treaty's "freedom of commerce and navigation" provisions

[83] (IRGC) naval patrols (ICJ Judgment, *Oil Platforms*, 2003, §§ 27–29).

and whether U.S. attacks could satisfy the requirements of necessity and proportionality related to legitimate self-defense.

8.3. History of the Case

The United States' military attacks against many Iranian offshore oil sites in 1987 and 1988, as well as the rise of hostilities between the United States and Iran during the final phases of the Iran-Iraq War, are the roots of the Oil Platforms case. Iran claimed that the U.S. attack on the Nasr and Salman platforms in Operation Praying Mantis (18 April 1988) and the destruction of the Reshadat and Resalat complexes during Operation Nimble Archer (19 October 1987) constituted illegal uses of force and violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights between the two States. Iran eventually filed an application before the International Court of Justice on November 2, 1992, despite diplomatic discussions taking place in the aftermath.

Iran alleged in its application that the United States had violated Articles I, IV(1), and X(1) of the Treaty of Amity by interfering with Iran's sovereign economic rights and destroying Iranian property necessary for commerce. Iran insisted that the U.S. attacks "bore no relation to international navigation or any legitimate security need," framing the issue as one involving the integrity of peaceful trade relations rather than the larger backdrop of hostilities in the Persian Gulf (Iranian Memorial, 1995). However, the United States challenged both jurisdiction and admissibility, claiming that the Court was incompetent because the issue was really about self-defense and armed warfare rather than trade and navigation. However, in its 1996 Judgment on Preliminary Objections, the Court maintained its jurisdiction to hear the case after concluding that the Application did, in fact, fall under the Treaty's compromissory clause, specifically Article XXI(2).

When the oral proceedings began in February 2003, both sides reaffirmed their differing opinions about whether the Treaty's provisions applied to behavior during times of war. Iran contended that the United States had not shown a direct link between the oil platforms and the purported Iranian attacks on navigation, and that the Treaty was always in effect. Due to Iran's alleged transgressions of international law, the United States retorted that the attacks on its ships, especially the mining of the USS Samuel B. Roberts, justified its actions and prevented Iran from relying on the Treaty (Oral Pleadings, Feb.–Mar. 2003). Throughout the proceedings, the Court concentrated on whether the U.S. activities met the necessity and proportionality requirements often associated with defensive measures, as well as whether they had any impact on commerce or navigation protected by Article X(1).

8.4. Facts of the Case

In the latter stages of the Iran-Iraq War (1980–1988), the United States and the Islamic Republic of Iran engaged in a number of military conflicts in the Persian Gulf that gave rise to the Oil Platforms case. The "Tanker War" resulted from both sides targeting commercial vessels in the Gulf, especially oil tankers, during this time. Operation Earnest Will, in which U.S. naval personnel escorted reflagged Kuwaiti tankers targeted by Iranian mine and missile assaults, marked the United States' direct involvement in the conflict in July 1987. Iran maintained several offshore oil platforms—such as the Reshadat (Rostam), Resalat, Nasr (Nawruz), and Salman (Sassan) complexes—which served primarily as petroleum extraction and processing facilities but were also located in strategically sensitive areas of the Gulf.

The U.S.-flagged Kuwaiti tanker Sea Isle City was hit by a Silkworm missile on October 16, 1987, while it was anchored close to Kuwait. Iranian military were blamed by the

US for this attack. In retaliation, U.S. naval ships carried out Operation Nimble Archer on October 19, 1987, which targeted and destroyed large areas of the Reshadat (Rostam) platform complex. The Islamic Revolutionary Guard Corps (IRGC) allegedly used these platforms to monitor and plan assaults on neutral vessels, according to the United States. Iran denied these accusations, arguing that the platforms were only used for civilian purposes and that Iraqi military actions had destroyed or rendered them unusable earlier in the conflict.

Early in 1988, Iranian mine warfare in the Gulf intensified tensions. The USS Samuel B. Roberts, a guided-missile frigate, encountered an undersea mine on April 14, 1988, and was almost sunk by the explosion. Citing evidence that similar mines previously captured in the Gulf had been of Iranian origin, the United States accused Iran of being responsible for the mine. Iran denied any involvement, arguing that the assaults could not be linked to the Iranian State under international law, even if Iranian-made mines were used.

The Nasr (Nawruz) and Salman (Sassan) platforms were destroyed when the United States conducted Operation Praying Mantis on April 18, 1988, the biggest surface naval confrontation since World War II. The United States insisted that IRGC naval troops had utilized these installations as operational bases, notably for speedboat operations against commercial ships. Iran, on the other hand, maintained that the demolition of the platforms constituted an illegal use of force and an unwarranted interference in Iranian commerce and sovereignty because they were civilian installations crucial to its petroleum economy.

Following these events, Iran filed a claim with the International Court of Justice on November 2, 1992, claiming that the United States had breached Articles I, IV(1), and X(1) of the 1955 Treaty on Amity, Economic Relations, and Consular Rights. Iran claimed that the U.S. actions interfered with the freedom of commerce and navigation guaranteed by the Treaty, destroyed civilian property, and interfered with its ability to produce oil. Although the

United States did not deny the strikes, it claimed that Iran had committed hostile activities against American ships and commerce and that its actions were justified under Article XX(1)(d) of the Treaty as measures required for the preservation of its "essential security interests."

8.5. Relevant Cases for Analysis

Several important ICJ precedents, including those concerning the use of force, necessity and proportionality, treaty interpretation, and the assessment of self-defense claims, shed light on the legal issues at stake in Oil Platforms (Iran v. United States). These precedents have impacted the Court's evaluation of claims under both treaty-based jurisdiction and customary international law.

The most significant precedent is Nicaragua v. United States (Merits, 1986), which established the modern framework for evaluating proportionality, necessity, and self-defense under Article 51 of the UN Charter. The Court decided that self-defense is only permissible in the case of an armed attack and that any defensive measures must meet strict standards of necessity and proportionality. This was especially relevant in the case of the oil installations, since the US asserted that its attacks on Iranian installations were justifiable reprisals for Iranian mining and missile strikes. The Court notably cited Nicaragua when assessing the U.S. charges, concluding that the "conditions for the lawful exercise of self-defense were not met" under the particular circumstances.[84]

Another important example that dealt with state responsibility for mines in international waters and states' obligations to refrain from harmful conduct in maritime navigation is Corfu Channel (United Kingdom v. Albania) (Merits, 1949). In the Corfu

[84] ICJ Judgment, *Nicaragua v. United States*, 1986, §§ 176–201; ICJ Judgment, *Oil Platforms*, 2003, §§ 51–78

Channel case, the Court held Albania responsible for failing to notify other parties of the presence of mines and emphasized the importance of due diligence in marine security. The United States relied on Corfu Channel to support its argument that Iran's mining activities, particularly the mine strike on the USS Samuel B. Roberts, constituted unlawful actions requiring defensive response. Iran retorted that neither the demolition of civilian economic installations nor the establishment of a broad right of anticipatory or punitive force were permitted under the Corfu Channel.[85]

The Court also considered ideas from Platform on Air Services (United States v. France) (1978), which dealt with treaty interpretation under Article 31 of the Vienna Convention on the Law of Treaties and the scope of compromissory clauses. This decision was relevant because the Court in Oil Platforms had to interpret Articles I, IV, X, and XX of the 1955 Treaty of Amity and determine whether the matter actually "concerned" commerce and navigation, as required for jurisdiction under Article XXI(2). Drawing on the reasoning in Air Services, the Court reaffirmed that treaty-based jurisdiction must be carefully defined and clearly tied to the rights and obligations established in the treaty.[86]

Furthermore, even though it was determined after the Oil Platforms ruling, the Case Concerning Armed Activities on the Territory of the Congo (DRC v. Uganda) (2005) strengthened the Court's process for assessing claims of self-defense in situations involving disputed armed attacks. The Court reiterated the burden of proof for states claiming self-defense to demonstrate obvious necessity and proportionality and highlighted stringent standards for attributing armed attacks to a state. This line of reasoning is in line with the Court's approach in Oil Platforms, where it concluded that there was insufficient evidence

[85] ICJ Judgment, *Corfu Channel*, 1949, §§ 22–36; ICJ Judgment, *Oil Platforms*, 2003, §§ 57–63
[86] ICJ Award, *Air Services Agreement*, 1978, §§ 44–52; ICJ Judgment, *Oil Platforms*, 2003, §§ 27–35

from the United States connecting Iran's claimed acts to the need to dismantle the oil platforms.[87]

Finally, the Case Concerning the Gabčkovo–Nagymaros Project (Hungary/Slovakia) (1997) established a relevant basis for the concept of need under international law. The case's articulation of necessity as a "exceptional and strictly circumscribed" defense affected the Court's evaluation of Article XX(1)(d) of the Treaty of Amity, despite the fact that it dealt with environmental and treaty obligations rather than the use of force. When the United States asserted "essential security interests," the Court adopted a similarly rigorous posture in Oil Platforms, emphasizing the necessity for such exceptions to be strictly interpreted and supported by substantial evidence.[88]

9. Applicable Law

The primary legal basis for Oil Platforms is the 1955 Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States (Iran v. United States). This treaty is the sole basis for the Court's jurisdiction because of Article XXI(2), which permits either party to file to the Court any dispute arising out of the interpretation or implementation of the Treaty. The provisions that are most relevant to the merits are Article I (building friendly economic ties), Article IV(1) (requiring fair and equitable treatment of persons, companies, and property), and Article X(1) (guaranteeing freedom of commerce and navigation). Iran said the U.S. attacks breached these rights by targeting civilian oil stations that are vital to its industrial and commercial infrastructure. However, the United States argued that its activities were covered under the Treaty's security exemption, which is found in Article XX(1)(d) and allows for actions "necessary to protect essential security interests."

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[87] ICJ Judgment, *Armed Activities*, 2005, §§ 143–150; ICJ Judgment, *Oil Platforms*, 2003, §§ 71–78
[88] ICJ Judgment, *Gabcíkovo–Nagymaros*, 1997, §§ 51–58; ICJ Judgment, *Oil Platforms*, 2003, §§ 42–45

In addition to the Treaty of Amity, the Court applied UN Charter principles, specifically Article 2(4), which forbids the use of force, and Article 51, which acknowledges a state's inalienable right to self-defense in the event of an armed attack. The provisions of the UN Charter were utilized as interpretive tools to determine whether the U.S. actions might be considered "necessary" defensive measures under Article XX(1)(d), notwithstanding the Court's clarification that it lacked power to make independent findings on violations of the Charter. This strategy adhered to well-established legal precedent, most notably Nicaragua v. United States (1986), where the Court ruled that any responding force must meet the requirements of necessity and proportionality and that self-defense needs proof of an armed attack.

The relevant legal framework also includes customary international law pertaining to the use of force. The Court reiterated that treaty-based security exceptions must be interpreted in accordance with customary norms that forbid the use of needless or excessive force, even in cases where they exist. The Court used the customary self-defense standards outlined in Corfu Channel (1949) and reiterated in Armed Activities on the Territory of the Congo (2005) to determine whether the United States' actions were "necessary to protect essential security interests." These standards state that a state must provide convincing proof of attribution, imminence, necessity, and proportionality when using force in response to alleged threats.[89]

Even though neither party was a party to the Vienna Convention on the Law of Treaties (1969) at the time the Treaty of Amity was signed, the Court's reasoning is also influenced by rules of treaty interpretation under the Convention, including Articles 31 and 32. These clauses were regarded by the Court as representing customary international law. In

[89] ICJ Judgment, *Corfu Channel*, 1949, §§ 22–36; ICJ Judgment, *Armed Activities*, 2005, §§ 143–150; ICJ Judgment, *Oil Platforms*, 2003, §§ 55–63

applying them, the Court considered the context of the Treaty's formulation, the goal and purpose of fostering peaceful economic ties, and the "ordinary meaning" of the Treaty's words. This strategy is consistent with the logic used in the Air Services (1978) arbitration, which the Court cited while determining whether the U.S. attacks were sufficiently related to "commerce and navigation" to be covered by the Treaty.[90]

The Court also took into account customary law norms of governmental accountability. According to these principles, it is necessary to prove that a state committed a wrongdoing and to ascertain whether the consequences of that act breached an international responsibility. Iran claimed that the demolition of its platforms was an act of international wrongdoing. However, the United States cited a situation that precluded wrongfulness—necessity, in the sense of vital security interests. The Court evaluated this argument in accordance with the stringent standards set forth in Gabčkovo–Nagymaros (1997), where necessity was defined as a "exceptional and strictly circumscribed" defense necessitating an immediate threat and the lack of other options. Using this paradigm, the Court found that the United States had not proven the necessary necessity or imminence.[91]

Lastly, the Court applied the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) insofar as they reflected customary international law, especially with regard to freedom of navigation and the rights of states in exclusive economic zones, even though neither Iran nor the United States were parties to it at the time. According to Article X(1) of the Treaty of Amity, these standards assisted the Court in determining whether the U.S. Navy escorts and Iranian maritime operations had a sufficient connection to "commerce and navigation."

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[90] Air Services Award, 1978, §§ 44–52; ICJ Judgment, *Oil Platforms*, 2003, §§ 27–35

[91] ICJ Judgment, *Gabcíkovo–Nagymaros*, 1997, §§ 51–58; ICJ Judgment, *Oil Platforms*, 2003, §§ 42–45

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