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# NAVIGATING US INTERVENTION IN IRAN AND MODES OF SETTLEMENT OF THIS DISPUTE IN THE CONTEXT OF INTERNATIONAL LAW

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## ABSTRACT

*For over seven decades, United States intervention in Iran has generated one of the most persistent disputes in modern international relations, raising fundamental questions of sovereignty, non-intervention, and the prohibition of the use of force under the United Nations Charter. From the coup of the early nineteen fifties to economic sanctions, cyber operations, and the targeted killing of a senior Iranian general, the relationship provides a clear framework for examining state practice. This article adopts a doctrinal and case study approach to assess the effectiveness of the peaceful settlement methods listed in the Charter, namely negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement. The study finds that while judicial settlement clarifies legal obligations and negotiation produces political outcomes, the overall dispute demonstrates that lasting resolution requires the combined and consistent use of peaceful means supported by political will.*

***KEYWORDS:*** *US-Iran, International Law, Intervention, Peaceful Settlement, ICJ, Arbitration, Sovereignty*

## INTRODUCTION

International law prohibits the use of force and coercive intervention in the internal affairs of sovereign states. Article 2(4) and Article 2(7) of the UN Charter codify this principle. Yet the relationship between the United States and Iran constitutes one of the longest-running disputes in modern international relations where allegations of intervention are central.The dispute is legally significant for 3 reasons. First, it tests the capacity of international law to regulate conflict between a superpower and a regional power. Second, it involves both traditional and new forms of intervention: covert regime change, economic sanctions, cyber operations, and targeted killings. Third, it provides a laboratory for testing all 6 methods of dispute settlement listed in Article 33 UN Charter. e peaceful settlement of international disputes stands as one of the most fundamental principles of modern international law. From the earliest attempts to regulate relations between sovereigns to the establishment of the United Nations in 1945, states have recognized that in a decentralized international system, the alternative to law is force. Article 2(3) of the UN Charter now codifies this obligation, requiring all members to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. This provision did not create the principle but rather confirmed a rule that had already emerged in customary international law through state practice, treaties, and the experience of two world wars. The significance of this rule cannot be overstated. Without it, the entire structure of international relations would rest on power rather than law, and every

disagreement would risk escalation into armed conflict. The legal sources describing this area are both treaty-based and customary. The UN Charter provides the constitutional framework. Article 33 lists the methods available: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies, and other peaceful means.

## BACKGROUND

The Hague Conventions of 1899 and 1907 were the first major codifications, introducing arbitration and international commissions of enquiry as formal procedures. The Manila Declaration on the Peaceful Settlement of International Disputes adopted by the UN General Assembly in 1982 further elaborated the duty, emphasizing that states must seek settlement promptly and in good faith. The Vienna Convention on the Law of Treaties, while primarily concerned with treaty interpretation, is also relevant because many disputes arise from disagreement over the meaning of treaty terms. Beyond treaties, customary law supplies two core obligations. The first is the general duty to settle disputes peacefully. The second is the duty not to aggravate or prolong disputes while seeking a solution. These customs are binding on all states, including those that are not parties to the Charter. General principles of law also play a role. The principle of consent means that no state can be compelled to submit to arbitration or adjudication without agreement. The principle of equality ensures procedural fairness. The principle of good faith, expressed in the maxim pacta sunt servanda, requires states to perform obligations honestly. Finally, the principle of finality holds that once a dispute is settled, it should not be reopened. Describing the methods of settlement requires classifying them into three broad categories. The first category is diplomatic or political methods. These are characterized by flexibility, confidentiality, and party control. They do not produce legally binding decisions but are often the most effective in preserving relations. Negotiation is the most basic and most frequently used method. It involves direct discussions between the parties without third-party involvement. Almost every international dispute begins with negotiation, and many are resolved there. There is no legal obligation to reach an agreement, but once negotiations commence, international law requires that states act in good faith and not engage in conduct that would render the process meaningless. Good offices is a slightly more formal method in which a third state or individual offers to facilitate communication. The third party does not take part in the substance of the discussion. Mediation goes further. The mediator actively participates, suggests solutions, and tries to bridge gaps between positions. The mediator has no authority to impose a settlement, and the outcome depends entirely on acceptance by the parties. Enquiry is used when the facts of a dispute are contested. A neutral commission investigates and issues a factual report. The report is not binding but can clarify issues and reduce tension. The Dogger Bank incident of 1904 is a classic example, where an international commission investigated whether Russian warships had wrongly fired on British fishing boats. Conciliation is similar but more formal. A conciliation commission examines both facts and law and proposes a settlement. The parties may accept or reject the proposal. Many modern treaties include compulsory conciliation clauses.The second category is legal methods. These produce binding decisions based on law and are decided by third parties. Arbitration is the oldest and most widely used legal method. In arbitration, parties agree to submit their dispute to one or more arbitrators whom they select. The procedure, applicable law, and seat can all be chosen by the parties, which makes arbitration highly flexible. The decision, known as an award, is final and binding. Arbitration can be ad hoc, created for a single dispute, or institutional, administered by a permanent body such as the Permanent Court of Arbitration, the International Centre for Settlement of Investment Disputes, or the ICC Court. Arbitration has been used for territorial disputes, maritime boundaries, and commercial matters. The Island of Palmas case in 1928 and the more recent South China Sea arbitration in 2016 illustrate its reach. One of the most successful examples is the Iran-United States Claims Tribunal, established by the Algiers Accords in 1981 to resolve claims arising from the hostage crisis. The Tribunal has issued thousands of awards and transferred billions of

dollars, demonstrating that arbitration can function even between hostile states. Judicial settlement is the other legal method. It involves submission to a standing court. The International Court of Justice is the principal judicial organ of the United Nations. It consists of 15 judges elected by the General Assembly and Security Council. The Court has two functions: to decide contentious cases between states and to give advisory opinions to UN organs and specialized agencies. The Court applies international law as described in Article 38 of its Statute: international conventions, international custom, general principles of law, and as subsidiary means, judicial decisions and teachings. The jurisdiction of the Court is based entirely on consent. This consent can be given in three ways. States may conclude a special agreement to submit an existing dispute. They may include a compromissory clause in a treaty agreeing to submit future disputes arising under that treaty. Or they may make a declaration under Article 36(2) accepting the Court's compulsory jurisdiction. Few states have made such declarations without reservations, and many have withdrawn them when faced with litigation. Despite these limits, the Court has decided over 190 contentious cases dealing with territory, maritime delimitation, diplomatic protection, and use of force. Other judicial bodies have also developed. The International Tribunal for the Law of the Sea handles disputes under UNCLOS. The WTO Dispute Settlement Body resolves trade disputes. The International Criminal Court prosecutes individuals for core crimes. Regional courts such as the European Court of Justice and the Inter-American Court of Human Rights provide additional forums.The third category is institutional methods. The United Nations itself plays a central role. Under Article 37 of the Charter, if parties to a dispute fail to settle it by the means mentioned in Article 33, they may refer it to the Security Council. The Council may recommend procedures or methods of settlement. If it determines a threat to peace, it may take enforcement action under Chapter VII. In practice, the Council's role in settlement has been limited by the veto power of the permanent members.

## RESEARCH METHODOLOGY.

This article employs doctrinal legal research combined with case study analysis. Primary Sources: UN Charter 1945, Statute of ICJ 1945, Vienna Convention on Law of Treaties 1969, Treaty of Amity 1955, Algiers Accords 1981, UNSC Resolutions, ICJ Judgments in Tehran Hostages 1980, Oil Platforms 2003, Certain Iranian Assets 2019, Alleged Violations of Treaty of Amity 2018.Secondary Sources: Leading textbooks by Shaw, Cassese, and Merrills; ILC Articles on State Responsibility; peer-reviewed journals on IHL and international dispute settlement.Case Study Method: Three episodes are analyzed in depth: 1953 Coup, 1979-1981 Hostages Crisis, and 2018-Present Sanctions Dispute. This allows assessment of how different settlement modes worked in practice.The approach is qualitative and interpretive, focusing on treaty interpretation under VCLT Art 31-32 and state practice to determine customary law.3. SIGNIFICANCE OF THE STUDY3.

The dispute clarifies the scope of non-intervention, countermeasures, and self-defense in the 21st century. It also tests the limits of ICJ jurisdiction and Security Council enforcement.3.2 Political Significance

US-Iran tensions directly impact Middle East security, oil markets, and nuclear proliferation. Legal settlement mechanisms offer alternatives to military escalation.3.3 Academic Significance

Literature on dispute settlement often ignores adversarial dyads. This study fills a gap by showing how law functions when political trust is absent.3.4 Practical Significance

The Iran-US Claims Tribunal settled 4000+ cases. Its model can be replicated. The failure of ICJ enforcement in Tehran Hostages shows structural weaknesses that need reform.4. US

## INTERVENTION IN IRAN: FACTUAL AND LEGAL CONTEXT.

In 1953, the CIA and MI6 orchestrated the overthrow of democratically elected Prime Minister Mossadegh. From an international law perspective, this constitutes a breach of the principle of non-intervention. The principle, articulated in UNGA Res 2625, prohibits coercive interference in matters within domestic jurisdiction. At the time, no judicial remedy was sought. The event created long-term mistrust

that still shapes Iran's legal posture.4.2 The 1979-1981 Hostages CrisisFollowing the Iranian Revolution, 52 US diplomats were held hostage for 444 days. The US filed US Diplomatic and Consular Staff in Tehran at the ICJ. The Court held Iran violated the Vienna Conventions and customary law on diplomatic immunity. It ordered immediate release. Iran refused to comply, citing political necessity. The crisis was resolved politically via the Algiers Accords, not by ICJ enforcement. This showed the limits of adjudication without compliance.4.3 Economic Sanctions and the Treaty of Amity.After 1979, the US imposed comprehensive sanctions. They escalated after Iran's nuclear program and again after US withdrawal from JCPOA in 2018. Iran sued at the ICJ under the 1955 Treaty of Amity. In Alleged Violations 2018, the Court issued provisional measures ordering the US to lift sanctions on humanitarian goods. The US responded by terminating the Treaty. This illustrates "treaty exit" as a strategy to avoid jurisdiction.4.4 Use of Force and Cyber OperationsThe 2003 Oil Platforms case addressed US attacks on Iranian oil platforms. The Court found insufficient evidence of Iranian armed attack. In 2010, Stuxnet cyberattack targeted Iranian nuclear facilities. In 2020, US killed General Soleimani. Iran argues these violate Art 2(4). The US claims self-defense Art 51. No court has ruled.Legal Issues Raised: Non-intervention, use of force, economic coercion, treaty breach, state responsibility, countermeasures. The General Assembly may also discuss any dispute and make recommendations, but these are not binding. Regional organizations have become increasingly important. The Organization of American States, African Union, European Union, and ASEAN all have mechanisms for dispute settlement, and many treaties require parties to exhaust regional remedies before turning to global forums.A descriptive account of practice shows both the strengths and weaknesses of the system. The International Court of Justice is respected for its impartiality and for contributing to the development of international law through its judgments. Its procedure involves written pleadings, oral hearings, and a judgment by majority vote. However, its dependence on consent means that many serious disputes never reach it. Enforcement is another problem. Article 94(2) provides that if a party fails to comply, the other party may have recourse to the Security Council. But because the permanent members can veto action, compliance often depends on political pressure rather than legal compulsion. Arbitration avoids some of these problems because parties choose the arbitrators and the process is confidential. It is particularly suited to technical disputes where expertise is needed. Investment arbitration has grown enormously, with over 800 cases at ICSID alone. Yet arbitration also faces criticism for lack of transparency and inconsistent awards.Contemporary challenges further test the system. The first is the enforcement deficit. International law has no central police, so compliance ultimately depends on state willingness. The second is forum shopping and withdrawal. States accept jurisdiction when it suits them and reject it when it does not. The United States withdrew its acceptance of compulsory ICJ jurisdiction after the Nicaragua case. China refused to participate in the South China Sea arbitration. The third challenge is the emergence of new types of disputes. The law was designed for territorial and treaty disputes. It is less clear how it applies to cyberattacks, climate change, or the use of autonomous weapons. Who is responsible for a cyber operation launched from multiple jurisdictions? Can one state sue another for climate damage? These questions lack settled answers. A fourth challenge is the limited role of non-state actors. Individuals, corporations, and NGOs cannot bring cases before the ICJ. They have gained access in investment arbitration and human rights courts, but the gap remains.Despite these problems, the descriptive record shows that the system works more often than it fails. Most disputes are settled by negotiation without ever becoming public. Arbitration resolves thousands of commercial cases each year. The ICJ's judgments, even when controversial, shape state behavior and legal argument. The principle in Article 2(3) has moved from a moral aspiration to a legal norm that states invoke and, to a large extent, observe.In conclusion, international law describes a comprehensive framework for the settlement of disputes. It offers states a menu of options ranging from informal negotiation to binding adjudication. The choice of method

depends on the nature of the dispute, the relationship between the parties, and their willingness to accept third-party decision-making. The system's greatest strength is its flexibility. Its greatest weakness is its dependence on consent and compliance. The future development of the law will likely focus on three areas. First, encouraging wider acceptance of compulsory jurisdiction. Second, strengthening regional mechanisms that are closer to the parties. Third, adapting procedures to new subject matters such as cyber and environment. The obligation to settle peacefully is now beyond question. The task is to ensure that the means to fulfill that obligation remain effective in a changing world. Law cannot eliminate conflict, but it can and does provide the tools to manage it without war. That remains the central achievement of the international legal order.

## MODES OF SETTLEMENT UNDER INTERNATIONAL LAW

The peaceful settlement of international disputes is one of the core principles of international law and is expressly stated in Article 2(3) of the UN Charter. States are required to settle their disputes by peaceful means in a way that does not endanger international peace, security, and justice. Article 33(1) of the Charter lists the main methods available to states, and these methods have been further developed through treaties, customary law, and state practice. The system is flexible because there is no world government that can force states into one particular procedure, so states can choose the method that best suits the nature of their dispute and their relationship.Negotiation is the most basic and most widely used method. It involves direct discussions between the parties without any third party. Most disputes begin and end at this stage because it allows states to maintain control and confidentiality. There is no legal obligation to reach an agreement, but once negotiations start, international law expects states to act in good faith. Good offices is a related method where a third party, such as another state or the UN Secretary-General, offers to help bring the parties together and facilitate communication. The third party does not get involved in the substance of the dispute. Mediation is different because the third party plays an active role by proposing solutions and trying to reconcile the positions of the parties. The mediator cannot impose a decision, so the result depends entirely on the consent of the parties. Enquiry is used when the main issue is disagreement over facts. A neutral commission investigates the facts and submits a report. The report is not binding but helps to clarify what actually happened and can reduce tension. A famous example is the Dogger Bank Commission of 1904. Conciliation is broader than enquiry. A conciliation commission looks at both facts and law and then proposes a settlement. The proposal is not binding, but many treaties now make conciliation a required step before going to arbitration or court.Arbitration is the first legal method. Here the parties agree to submit their dispute to arbitrators they choose themselves. The procedure, law, and seat are decided by the parties, and the award given by the arbitrators is final and binding. Arbitration can be set up for one dispute only or conducted through permanent institutions like the Permanent Court of Arbitration or ICSID. It is popular for territorial, maritime, and commercial disputes because it is flexible and expert-driven. The Iran-US Claims Tribunal is a major example where thousands of claims were resolved between two hostile states. Judicial settlement means submitting the dispute to a standing court. The International Court of Justice is the main court for disputes between states. It decides cases based on treaties, custom, general principles, and judicial decisions. The Court can only hear a case if both states consent, either through a special agreement, a clause in a treaty, or a declaration accepting compulsory jurisdiction. Other courts also play this role in specific areas. The International Tribunal for the Law of the Sea handles maritime disputes, the WTO Dispute Settlement Body deals with trade, the International Criminal Court tries individuals, and regional courts like the European Court of Justice deal with regional issues.Institutional methods involve using international organizations. Under the UN Charter, if diplomatic and legal methods fail, parties may refer the dispute to the Security Council. The Council can recommend ways to settle or, if there is a threat to peace, take enforcement action. However, politics and the veto often limit its effectiveness. The General Assembly can

discuss and recommend but cannot make binding decisions. Regional organizations like the OAS, AU, EU, and ASEAN also have their own settlement systems and are often the first forum for disputes between neighboring states.In practice states do not use just one method. A dispute usually starts with negotiation, then moves to mediation or conciliation if needed, and only goes to arbitration or court if there is prior consent. Diplomatic methods are preferred for political issues, while legal methods are preferred when the dispute is about law or treaty interpretation. The strength of this system is its flexibility and range of options. The weakness is that it all depends on state consent and political will, especially for enforcement. Still, these modes have provided a practical framework that helps states resolve disputes without war and keeps international relations within a legal order.

## RECOMMENDATIONS

In order to strengthen the effectiveness of the international law of settlement of disputes, the first priority must be to encourage wider acceptance of compulsory jurisdiction. At present the system depends almost entirely on state consent, which means that states choose to litigate only when they are confident of winning. If more states filed declarations under Article 36(2) of the ICJ Statute, even with limited reservations, the Court could function as a true default forum rather than an occasional option. Regional agreements can play a key role here by including compromissory clauses that make ICJ jurisdiction automatic for disputes arising under those treaties. This would reduce forum shopping and create greater legal certainty.Second, arbitration should be expanded and institutionalized as the preferred method for technical and economic disputes. The success of the Iran-US Claims Tribunal and of ICSID shows that states are willing to accept binding third-party decisions when they retain control over arbitrator selection and procedure. A model bilateral arbitration treaty could be promoted by the UN, providing a default set of rules, a neutral seat, and enforcement through the New York Convention. This would be especially useful for disputes involving sanctions, trade, cyber operations, and investment, where political negotiations often stall.Third, diplomatic methods need to be supported by permanent institutional structures rather than being left to ad hoc initiatives. The experience of the JCPOA negotiations demonstrates that sustained, multilateral negotiation can produce results, but also that such agreements are vulnerable when not embedded in a legal framework. The UN Secretary-General's good offices should be backed by a standing mediation support unit with regional expertise, and regional organizations should be given clearer mandates and funding to conduct mediation before disputes escalate to the Security Council.Fourth, the enforcement gap must be addressed directly. Because Article 94(2) of the Charter relies on the Security Council, enforcement is frequently blocked by politics. One practical step is to link compliance with ICJ judgments to other benefits such as trade preferences, development aid, or participation in treaty regimes. Reputational costs can also be increased through regular reporting by the UN on compliance rates. While this will not solve all cases, it would create additional incentives for states to abide by decisions.Fifth, the law must adapt to new categories of dispute. Cyber operations, climate change, and the use of artificial intelligence are already sources of interstate conflict, yet existing procedures were not designed for them. A descriptive review shows that states need either new specialized tribunals or protocols annexed to existing courts that set out rules of evidence, attribution, and remedies for these areas. The International Law Commission could be tasked with drafting model rules that states could adopt by treaty.Finally, access should be broadened beyond states. The growth of investment arbitration and human rights litigation proves that allowing individuals and corporations direct access increases the overall use of legal settlement. While it is not realistic to give private parties standing before the ICJ, regional human rights courts and specialized chambers could be expanded, and amicus curiae participation in interstate cases could be normalized. Taken together, these steps would not require a new world court or a revision of the Charter. They would instead build on the framework that already exists in Article 33, making it more predictable, more accessible, and more responsive to 21st century problems. The core

principle remains unchanged: disputes must be settled peacefully. The task now is to make the legal means for doing so the first choice, not the last resort.

## CONCLUSION

The US-Iran dispute demonstrates both the promise and limits of international law. The law provides clear rules on non-intervention and a full menu of settlement options. The Iran-US Claims Tribunal proves that even hostile states can create binding, effective dispute resolution. However, the ICJ's inability to enforce Tehran Hostages and the collapse of JCPOA show that law depends on political will. Article 2(3) UN Charter is not self-executing. For the 21st century, the choice is stark: continue a cycle of sanctions and threats, or return to the legal order. As the ICJ stated in Nicaragua, "the Court cannot take account of political considerations." But states must. A hybrid approach negotiation backed by arbitration and limited judicial oversight offers the most realistic path to de-escalation.The legal order exists. What is needed now is the decision to use it.

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