UNSC Background Guide

AMBMUN27

United Nations Security Council

Addressing the Legality of Assassinations and Pre-Emptive Strikes Against State and Non-State Actors

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Dear Delegates,

Welcome to the United Nations Security Council at AMBMUN27. We look forward to hearing how you approach one of the Council's most difficult questions: what evidence should the Council expect when a government claims it needed to use lethal force to protect lives?

Our agenda brings together the prohibition on force, the right of self-defence, the protection of civilians, and the right to life. A single incident may involve the state using force, the state where it occurs, and the state or armed group whose personnel are affected. Because those parties may give different accounts, identify which facts each delegation relies on and how those facts support its legal argument.

To prepare your country's position, read at least one official statement or letter from your delegation or its government. Compare the legal claim with the Charter and the court decisions in this guide. Identify which facts are established, which are disputed, and what additional information you would need before supporting a Council response.

Use that research during debate to find language that delegations with different views can support. Consider who would carry out your proposal, what information the Council would receive, and how it would follow up. A well-drafted clause should make those responsibilities clear.

We look forward to welcoming you to committee and to reading the resolutions you develop together.

Warm regards,
Wassim Nasr and Mariam Alsawalhi
Chairs, United Nations Security Council

Topic Overview

The agenda. A single incident can raise two legal questions. First, what permits a state to use force across a border? Second, what rules govern lethal force against a particular person? Even where a state has a valid basis to act across a border, it must comply with the rules that protect people affected by its actions. [1] [5] [6] [7]

Assassination and targeted killing. The wording of the agenda reflects this distinction. “Assassination” often describes a deliberate killing with a political purpose or conveys an allegation of illegality. This guide uses “targeted killing” descriptively for deliberate lethal force directed at a specifically identified person outside custody. The applicable rules and the facts determine whether the killing was lawful. The person’s rank, official position, or designation by a government is insufficient on its own. [5] [6] [7]

Pre-emption and prevention. In this guide, anticipatory or pre-emptive self-defence refers to force claimed to be necessary against an imminent armed attack. Preventive force addresses a possible future threat that has yet to become imminent. The timing matters because Article 51 refers to an armed attack occurring. Some states and jurists read that language strictly. Others argue that self-defence can extend to a genuinely imminent attack. An uncertain threat in the distant future is harder to reconcile with the requirement of necessity. [1] [2] [5]

Use of force under the Charter. Whatever the timing of the alleged threat, the starting point is Article 2(4), which prohibits the threat or use of force in international relations as set out in the Charter. Under Chapter VII the Security Council can determine that a threat to peace, breach of peace or act of aggression exists and can authorize enforcement measures. A territorial state’s valid consent can also provide a basis for a foreign presence or action within the scope of that consent. Article 51 preserves individual and collective self-defence where its conditions are met. [1] [5]

Necessity, proportionality and reporting. When a state relies on Article 51, it must identify its defensive purpose and show that its measures were necessary and proportionate to that purpose. Collective self-defence requires a request from the attacked state under the approach taken in Nicaragua. Article 51 requires members to report measures taken in self-defence immediately to the Security Council and preserves the Council’s authority to respond. [1] [2] [3]

Topic Overview

Non-state armed groups. The Charter questions become more complex when an armed group operates across a border. In that situation, delegates must assess the gravity of the alleged attack, whether its conduct can be attributed to a state, and the basis for using force on the territorial state's soil. Some states argue that self-defence can apply against a sufficiently grave attack by a non-state group without attributing it to the territorial state. Other readings of the Charter place greater weight on attribution or require consent or Council authorization in these circumstances. [1] [2] [4] [12]

The "unable or unwilling" argument. This disagreement also concerns the role of the territorial government. Some states argue that force against an armed group may be necessary if that government cannot or will not address the threat. The United States advanced that argument in its 2014 letter concerning ISIL and Syria. The doctrine's status as customary international law remains disputed. A delegation invoking it should explain the legal basis, the evidence of the threat and the territorial government's response, and what alternatives were available. [4] [5] [12]

International humanitarian law (IHL). Once delegates have considered the basis for cross-border force, they should examine the rules governing the conduct itself. IHL governs attacks connected to an armed conflict. Parties must distinguish civilians from lawful military targets. Civilians are protected against direct attack unless and for such time as they directly participate in hostilities. People who are hors de combat, such as those who have surrendered, are protected. IHL prohibits expected incidental civilian harm excessive in relation to the concrete and direct military advantage anticipated and requires feasible precautions to protect civilians. [5] [6]

International human rights law. Human rights law also bears on the use of lethal force. It prohibits arbitrary deprivation of life. Under the law-enforcement standard, intentional lethal force is permissible only when strictly necessary to protect life from an imminent threat. The Human Rights Committee interprets the right to life as continuing during armed conflict, with IHL informing the assessment of arbitrariness. States differ on when human rights obligations apply abroad. Where a duty to investigate applies, authorities must investigate credible allegations of unlawful deaths effectively. [5] [7]

Two meanings of proportionality. Both legal frameworks above address the protection of life, while the Charter and IHL use proportionality for distinct purposes. For self-defence, ask whether the overall force was proportionate to the defensive purpose. For an attack governed by IHL, ask whether expected incidental civilian harm was excessive relative to the anticipated concrete and direct military advantage. A conclusion on one question leaves the other to be assessed on its own terms. [2] [3] [6]

History

1945 | The UN Charter. The modern debate begins with the Charter, which made the prohibition on interstate force central to the postwar system. It gave the Council primary responsibility for international peace and security, established enforcement powers under Chapter VII, and preserved the right of self-defence in Article 51. Together, these provisions frame when a state may act and how the Council can respond. [1]

1981 | The strike on Iraq's nuclear facility. Decades later, after Israel attacked an Iraqi nuclear installation, the Council unanimously adopted Resolution 487. The Council condemned the attack as a clear violation of the Charter and called on Israel to refrain from similar acts. The resolution illustrates the Council's response in a specific case involving claims about a future threat. [8]

1986 | Nicaragua v. United States. In its landmark judgment on self-defence, the ICJ distinguished the gravest uses of force, which amount to armed attacks, from less grave uses of force. It explained that sending armed bands whose operations reach the necessary scale and effects can constitute an armed attack. Providing weapons or logistical support to rebels may violate other rules without itself reaching that threshold. The Court also examined the attacked state's request for collective self-defence and expressly left responses to imminent armed attacks outside the scope of its decision. [2]

2001 | The Council responds to 11 September. As the Council confronted large-scale attacks by a non-state group, Resolution 1368 condemned the attacks and recognized the inherent right of individual and collective self-defence in its preamble. Resolution 1373 reaffirmed that right and imposed Chapter VII duties involving terrorist financing and cooperation. The texts are important evidence of the Council's response to terrorism. Their operative provisions supply no general authorization for cross-border force against terrorist groups. [9] [10]

2003 | Oil Platforms. Two years later, in a dispute under a bilateral treaty, the ICJ assessed the United States' asserted justification for using force against Iranian oil platforms in light of the international law of self-defence. It scrutinized evidence linking the alleged attacks to Iran, whether they amounted to an armed attack, and whether the US response was necessary and proportionate. The judgment offers a model for evaluating a justification against the evidentiary record. [3]

History

2005 | Armed Activities on the Territory of the Congo. The ICJ found insufficient evidence linking the DRC to the attacks Uganda relied on and rejected Uganda's self-defence claim against the DRC. It left open whether large-scale attacks by irregular forces could justify self-defence and under what conditions. [4]

2010 | UN study on targeted killings. As scrutiny of targeted killings grew, Special Rapporteur Philip Alston examined their legality under rules governing interstate force, armed conflict and the right to life. He also emphasized transparency and accountability. [5]

2014–2015 | The response to ISIL. The United States cited Iraq's request for assistance and argued that Syria was unable or unwilling to prevent attacks from its territory. In 2015, Resolution 2249 called on capable states to act against ISIL in specified territory in Syria and Iraq, subject to international law and the Charter. Its wording prompted debate over whether states needed a separate legal basis for force. [1] [11] [12]

2020 | The killing of Qasem Soleimani in Iraq. The United States invoked self-defence and cited a series of attacks. Iran disputed that justification. Special Rapporteur Agnès Callamard concluded that the killing was unlawful on the information available to her. The case also raised the question of Iraq's rights as the territorial state. [13] [14] [15]

2024 | US strikes in Iraq and Syria. The United States again notified the Council under Article 51, this time concerning strikes against facilities it linked to Iran-aligned militias. The notification lets delegates examine how a state explains the connection between earlier attacks and its use of force in more than one country. [16]

2025 | Israel and Iran present competing claims. Israel invoked self-defence and argued that Iran's military and nuclear programmes posed an imminent threat. Iran rejected the justification and reported its own response under Article 51. Their letters offer a direct comparison of competing claims about imminence and the use of force. [17] [18]

2026 | Renewed strikes and Security Council scrutiny. After US and Israeli strikes on Iran on 28 February, the Secretary-General warned that the strikes and Iran's subsequent retaliation undermined international peace and security, and called for de-escalation. The United States subsequently notified the Council under Article 51. This sequence illustrates the distinction between filing a notification and establishing that the Charter permits the action. [19] [20]

Analysis

How should the Council assess a claim of imminence? The cases above illustrate why timing and evidence matter. A strict reading of Article 51 emphasizes the armed-attack language and the risk that governments will treat predictions as facts. An anticipatory reading argues that a state should be able to protect itself when an armed attack is genuinely imminent and waiting would make defence impossible. The disagreement matters most when evidence is incomplete or classified. Delegates can ask whether the claim identifies a specific threat, explains why it required action at that time, and accounts for alternatives and contradictory evidence. [1] [2] [5]

Whose conduct and whose territory? Even if the evidence establishes a grave attack, delegates still need to distinguish support for an armed group, legal attribution of its conduct to a state, and consent to foreign action. Delegates should ask what evidence supports each claim and whose consent or request is relevant. A request from an attacked state for collective defence does not establish consent from another state on whose territory force occurs. Advocates of action without territorial consent cite the need to address grave attacks. Critics emphasize the risk that states may make unilateral judgments about another government’s capacity or intentions. [1] [2] [4] [12]

Which rules protect the individual? After considering the interstate claim, ask whether an armed conflict exists, how it is classified, and whether the conduct was connected to it. The claim that someone belongs to an armed group or holds senior office cannot by itself establish the lawfulness of lethal force. Where human rights law applies, delegates should consider its right-to-life standard and any investigatory obligations. Where IHL applies, assess civilian protections and the rules governing the conduct of hostilities. [5] [6] [7] [15]

What could the Council agree to? Despite their differences over self-defence, Council members may find agreement on oversight. They could request fuller Article 51 notifications, ask the Secretary-General for a factual briefing, or support independent investigations where law and mandate permit. A notification could identify the legal basis, describe the threat and summarize evidence the state can disclose. A follow-up process could address civilian harm, findings, and possible remedies. Delegates should specify who reports, when reports are due, and how the Council reviews them. Articles 24, 27, 33 and 39–42 help frame the Council’s authority and the feasibility of proposed measures. [1] [5] [7]

Questions to Be Answered in Your Resolution

1. What evidence should the Council expect when a state invokes Article 51?

2. How should the Council distinguish imminent armed attacks from longer-term threats?

3. When could an armed group's attack trigger self-defence? How should the Council weigh attribution and territorial consent?

4. What information should states include in Article 51 notifications? How should the Council review it?

5. How should states report civilian harm and investigate potentially unlawful deaths?

6. What measures could the Council use to reduce escalation and support accountability?

7. Who would implement the resolution, and when should the Council review its effects?

Starter Resources

UN Charter — Read Articles 2(4), 39–42 and 51 before drafting.

Nicaragua judgment — Start with paragraphs 194–200 for armed attack and collective self-defence.

US Article 51 letter on Syria — Identify the legal and factual claims made about ISIL.

UN study on targeted killings — Compare sovereignty, human rights and armed-conflict rules.

ICRC rules of war — Review distinction, proportionality and precautions.

Country Matrix

United States	Pakistan	Jordan
United Kingdom	India	Syria
France	Turkiye	Lebanon
Russia	Germany	Egypt
China	Ukraine	Iraq

References

[1] United Nations. Charter of the United Nations (1945), arts. 2, 24–27, 33, 39–42 and 51. Source

[2] International Court of Justice. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States), Merits (1986), paras. 176, 194–200. Source

[3] International Court of Justice. Oil Platforms (Iran v. United States), Judgment (2003), paras. 51, 57–64, 72–78. Source

[4] International Court of Justice. Armed Activities on the Territory of the Congo (DRC v. Uganda), Judgment (2005), paras. 143–148. Source

[5] Philip Alston, UN Special Rapporteur. Study on Targeted Killings (2010), A/HRC/14/24/Add.6. Source

[6] International Committee of the Red Cross. FAQ: Rules of War (IHL), sections on conduct of hostilities and human rights law. Source

[7] UN Human Rights Committee. General Comment No. 36 on the Right to Life, CCPR/C/GC/36, paras. 12, 27–28, 63–64. Source

[8] UN Security Council. Resolution 487 (1981), S/RES/487, operative paras. 1–2. Source

[9] UN Security Council. Resolution 1368 (2001), S/RES/1368, preamble and operative paras. 1–3. Source

[10] UN Security Council. Resolution 1373 (2001), S/RES/1373, preamble and operative paras. 1–3. Source

[11] UN Security Council. Resolution 2249 (2015), S/RES/2249, operative para. 5. Source

[12] United States. Letter to the UN Secretary-General, 23 September 2014, S/2014/695. Source

[13] United States. Letter to the Security Council President, 8 January 2020, S/2020/20. Source

[14] Iran. Letter to the UN Secretary-General and Security Council President, 29 January 2020, S/2020/81. Source

[15] Agnès Callamard, UN Special Rapporteur. Use of Armed Drones for Targeted Killings (2020), A/HRC/44/38, annex. Source

[16] United States. Article 51 letter to the Security Council President, 5 February 2024, S/2024/135. Source

[17] Israel. Identical letters of 17 June 2025 to the Secretary-General and Security Council President, S/2025/390. Source

[18] Iran. Article 51 letter to the Secretary-General and Security Council President, 16 June 2025, S/2025/387. Source

[19] UN Secretary-General. Remarks to the Security Council on the situation in the Middle East, 28 February 2026. Source

[20] United States. Article 51 letter to the Security Council President, 10 March 2026, S/2026/161. Source