

Oil Platforms (Islamic Republic of Iran v. United States of America) Nov 6 2003

1. Key Facts

Historical context:

Before their Islamic revolution, the USA and Iran had previously been allied, as the USA supported the oppressive and Westernized regime of the Shah. Tensions grew after the monarch was overthrown and a new radical religious government was implemented, led by Ayatollah Khomeini. In November 1979, Islamic fundamentalist students took 90 hostages, 66 of which were Americans, and demanded the Shah return from the States where he was being treated for cancer. Over time, several of the hostages were released, but 52 Americans remained hostages for 444 days until the USA was able to negotiate them back in January 1981, shortly after the death of the Shah.

The Iran-Iraq war (1980-1988)

The war started in September of 1980, when Iraq, led by Saddam Hussein, launched a surprise attack on Iran while they were dealing with the aftermath of the Islamic Revolution, in an attempt to gain power but also in an attempt to avoid a religious movement in Iraq inspired by the Islamic Revolution. Iranian forces regained all their lost territory and more by 1982 and rejected an offer of ceasefire. The war continued for 6 long more years, with the Iraqi government receiving superior technology and support from Kuwait and Saudi Arabia, as well as eventually the Soviet Union, United Kingdom and United States. While Iraq did have superior technology, including chemical weapons, and more international support, Iran is far larger and more heavily populated, and exhausted their resources by the end of the war by sending out massive human wave attacks.

The USA started selling weapons to and supporting Iraq in 1982, as Iran had refused to accept a ceasefire. Iran and the US were not on good terms after the events of the Iran Hostage Crisis, and supported Iraq because they viewed Iran as a threat.

Iran accused the USA of destroying several oil complexes during the Tanker war, which interferes with the Treaty of Amity (1955). The USA claims it was self defence in regards to previous attacks on tankers reflagged as American, and from an attack from an Iranian mine on the ship *The USS Samuel B Roberts*.

2. Legal Issues

Does either side deserve reparations?

Was the USA justified in its use of force against Iran and if so was the USA's use of force pre-emptive? Was it proportionate?

Is the threat of an armed attack enough to act in self defence? *evidence threshold...*

3. Key Arguments of Each State

The US states that October and April attacks were self defence, the prior in regards to an attack on a USA flagged Kuwaiti tanker, the *Sea Isle City*, and the latter in regards to the *USS Samuel B Roberts*, which had apparently struck and been damaged by an Iranian mine several days earlier. They claim the attack was reciprocal after a series of attacks on neutral vessels in the Persian Gulf. The Treaty of Amity is the only document seemingly violated, and the question of its violation would be left up to the court.

Iran claims that by attacking their oil platforms, siding with Iraq in the war and provided them with weapons and support, and deploying their military threateningly close to Iran's borders, the US violated their 1955 Treaty of

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Amity which states that there must be peace and friendship between the US and Iran, as well as freedom of commerce and navigation. The USA siding against Iran does not promote friendship, and their destruction of the oil platforms interferes with the freedom of commerce and navigation.

The US made a counterclaim that the Islamic Republic of Iran had in fact been the one to violate the 1955 Treaty of Amity by creating dangerous shipping conditions in the Persian Gulf during the Iran-Iraq war, violating the US's freedom of commerce. Both Iran and US want reparations for the damage done.

4. Decision & Reasons for Judgement

The evidence that an Iranian mine had caused the destruction of the *USS Samuel B. Roberts* was inconclusive, and the alleged attacks on the US were not backed by enough evidence to prove Iran's direct involvement. Additionally, neither of the US's ships were engaged in commerce when they were attacked. The attacks on the Iranian oil platforms do not meet the international standards to qualify for self defence. However, the attacks on the platforms, which were in repair at the time, was not a breach of Article X paragraph 1 of the Treaty of Amity because of the embargo placed on Iran's oil in 1987, and therefore does not impair commerce between the US and Iran.

The claims of both the US and Iran were rejected by the ICJ. The court found that the US's actions did not qualify as self defence but also does not breach freedom of commerce, and thus neither side received reparations for the damage inflicted.

5. Ratio [what the case stands for insofar as supporting, reinforcing, clarifying, or changing a principle of international law] (10 APP) *You MUST link your case to the CORE 4 principles.*

The Oil Platforms case resulted in a lack of reparations for all parties involved. It clarifies Article 2(4) of the UN Charter in that the threat of use of force on a party is not enough to reciprocate actual use of force.

The case reinforces the precedent of the US consistently involving themselves in the affairs of other states in a detrimental way. They are constantly infringing on the doctrine of state sovereignty by moving into other states' territory. In Nicaragua, the US funded a guerrilla insurgency movement and claimed it was self defence, but in doing so violating the Doctrine of Non-intervention and a Treaty of Friendship and Commerce signed between the two states. The Nicaragua precedent recognizes the existence of the right to self defence, which is also written in Article 2(4), described in the Singapore Journal of International & Comparative Law as "States' inherent right to act in individual and collective self defence 'if an armed attack occurs' against a member of the United Nations."

The oil platforms case clarifies the doctrine of non-intervention. The absolute prohibition of an armed attack against another state has only the exception of self defence, however, the threat of an armed attack does not have enough legal grounds to trigger a self defence reaction. The US did not hesitate to even gauge the danger of the potential threat by Iran, instead choosing to reciprocate the supposed attacks before there was even sufficient proof that the attacks on American vessels were from Iran. It is valuable to learn about this case in order to gain a deeper understanding of US-Iran relations, but it only re-enforces pre-existing ideas and concepts around international law and the inherent right of a state to self defence, such as all self defence must be proportionate, and necessary to maintain state sovereignty.

Chadwick, A., & Shuster, M. (2005, September 22). U.S. Links to Saddam During Iran-Iraq War. Retrieved from <https://www.npr.org/templates/story/story.php?storyId=4859238>.

Hardy, R. (2005, September 22). Middle East | The Iran-Iraq war: 25 years on. Retrieved from http://news.bbc.co.uk/2/hi/middle_east/4260420.stm.

History.com Editors. (2009, November 9). Iran-Iraq War. Retrieved from <https://www.history.com/topics/middle-east/iran-iraq-war>.

International Court of Justice (ICJ): Case Concerning Oil Platforms (Iran v. United States). (2003). *International Legal Materials*, 42(6), 1334–1485. doi: 10.1017/s0020782900007919

Iran Hostage Crisis Fast Facts. (2019, October 30). Retrieved from <https://www.cnn.com/2013/09/15/world/meast/iran-hostage-crisis-fast-facts/index.html>.

Latest developments: Oil Platforms (Islamic Republic of Iran v. United States of America): International Court of Justice. (n.d.). Retrieved from <https://www.icj-cij.org/en/case/90>.

Oil Platforms Case Study. (n.d.). Retrieved from <https://www.ukessays.com/essays/international-studies/the-oil-platforms-case.php>.

QH7. (n.d.). Retrieved from http://www.parstimes.com/news/archive/2003/op_decision.html.

R, C. J. (2006). Military and Paramilitary Activities in and against Nicaragua Case (Nicaragua v United States of America). *Max Planck Encyclopedia of Public International Law*. doi: 10.1093/law:epil/9780199231690/e170

Seymour. (1992, January 26). U.S. Secretly Gave Aid to Iraq Early in Its War Against Iran. Retrieved from <https://www.nytimes.com/1992/01/26/world/us-secretly-gave-aid-to-iraq-early-in-its-war-against-iran.html>.