

## RESEARCH ARTICLE

# Sovereignty Under Fire: The Illegality of Israel's 9 September 2025 Airstrike on Qatar Under International Law

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## ABSTRACT

On 9 September 2025, Israeli fighter jets conducted an airstrike on a residential compound in the Leqtaifiya district of Doha, Qatar, targeting senior members of Hamas's political leadership who were reportedly engaged in negotiations over a United States—brokered ceasefire proposal to end the ongoing war in Gaza. The attack, which killed several individuals including a Qatari Internal Security officer, represents the first overt Israeli military operation on Qatari territory. This incident immediately raised serious legal and political questions regarding its compatibility with the United Nations (UN) Charter and the broader international legal order. The article seeks to determine whether the Doha airstrike was lawful under *jus ad bellum* (the law governing the resort to force) and *jus in bello* (international humanitarian law), to assess whether it may be characterised as an unlawful use of force or act of aggression, and to examine its implications for the law of neutrality, the protection of mediators and negotiation venues, and the accountability of states for internationally wrongful acts. Employing a doctrinal legal methodology, the study analyses the UN Charter, relevant International Court of Justice jurisprudence, Additional Protocol I and customary international humanitarian law (IHL), General Assembly Resolution 3314 on the definition of aggression, and the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, alongside United Nations practice and leading academic commentary on selfdefence, the "unwilling or unable" doctrine, and the extraterritorial use of force against nonstate actors. The analysis concludes that the attack constitutes a *prima facie* violation of Article 2(4) of the UN Charter and the customary prohibition on the use of force. Israel's implicit reliance on selfdefence under Article 51 fails to satisfy the requirements of "armed attack", necessity, proportionality, and the controversial "unwilling or unable" test for operations against nonstate actors located in the territory of third states. In light of General Assembly Resolution 3314 and state practice, the operation can be understood not only as an unlawful use of force but, on a strong reading, as an act of aggression. At the level of *jus in bello*, the choice to target Hamas leaders in a densely populated diplomatic district of a neutral state raises serious doubts concerning compliance with the principles of distinction, proportionality, and feasible precautions in attack, as codified in Additional Protocol I and reflected in customary IHL, as well as respect for Qatar's neutrality and the protection owed to civilians and neutral officials. The article argues that the Doha strike breached core rules of the *jus ad bellum* and *jus in bello* regimes, undermined emerging norms safeguarding mediators and negotiation venues, disrupted ceasefire efforts, and eroded confidence in the stability of the UN Charter framework. At the same time, the breadth and intensity of international condemnation are interpreted as evidence of the continued normative force of the prohibition on the use of force and of state sovereignty, underscoring the need to reaffirm legal constraints on extraterritorial counterterrorism operations and to strengthen protections for mediation processes in contemporary armed conflicts.

**Keywords:** Sovereignty; use of force; self-defence; international humanitarian law; aggression; neutrality

## 1. INTRODUCTION

In the early afternoon of 9 September 2025, a formation of Israeli fighter jets struck a residential compound in the Leqtaifiya district of Doha, Qatar. The compound housed the Political Bureau of Hamas, including senior figures such as Khaled Meshaal, Khalil al-Hayya, and Musa Abu Marzouk, who were reportedly meeting to consider a United States-backed ceasefire proposal to end the protracted Gaza conflict.<sup>1</sup> The strike killed several individuals, among them the son of a senior Hamas negotiator, bodyguards, and a Qatari Internal Security officer, while the principal Hamas leaders appear to have survived.<sup>2</sup>

The political repercussions were immediate. Qatar, which had positioned itself as a central mediator in ceasefire and hostage-release negotiations, condemned the strike as a violation of its sovereignty and of international law, and announced the suspension of its mediation efforts.<sup>3</sup> The Qatari Foreign Ministry described the operation as an attack on a mediating state that had “spared no effort” to advance peace.<sup>4</sup> The United Nations Secretary-General characterised the attack as a “flagrant violation of the sovereignty and territorial integrity of Qatar”, signalling the seriousness of the incident within the framework of the UN Charter.<sup>5</sup> Regional and global reactions ranged from sharp criticism by Israel's traditional opponents to rare open disapproval from key Western partners, including the European Union and the United States.<sup>6</sup>

This incident raises acute legal questions. At the level of *jus ad bellum*, the attack appears *prima facie* to constitute a use of force against the territorial integrity of a sovereign state in violation of Article 2(4) of the UN Charter.<sup>7</sup> Israel's implicit reliance on the language of self-defence—framing the operation as a response to past attacks by Hamas and to the organisation's leadership role in the 7 October

2023 atrocities—requires careful scrutiny under Article 51 and customary international law.<sup>8</sup> At the level of *jus in bello*, the strike raises questions concerning the principles of distinction, proportionality, and precautions in attack, given that the intended targets were non-state armed actors located in a residential diplomatic district of a state not party to the armed conflict.<sup>9</sup>

Beyond the strictly doctrinal analysis, the strike implicates broader normative and civilizational concerns. By striking a mediator state hosting ceasefire negotiations, Israel challenged the implicit protection traditionally accorded to mediators and negotiation venues.<sup>10</sup> The incident thus sits at the intersection of several key debates: the extraterritorial use of force against non-state actors, the evolution (and possible erosion) of the prohibition on the use of force, the law of neutrality, and the protection of diplomatic processes in contemporary armed conflicts.<sup>11</sup>

This article seeks to provide a systematic legal analysis of the Israeli strike on Qatar. It addresses four core questions: first, whether Israel's airstrike on Doha is compatible with Article 2(4) and with the recognised exceptions of Security Council authorisation and self-defence under Article 51; second, assuming an armed conflict paradigm applies, whether the operation complied with international humanitarian law (IHL) and the law of neutrality; third, what forms of state responsibility and accountability arise from this incident, including the question whether it amounts to an act of aggression; and fourth, what the broader implications of the strike are for the integrity of the *jus ad bellum* regime, for regional stability, and for the protection of mediators and diplomatic processes.

Methodologically, the article adopts a doctrinal and analytical approach. It relies on treaties, the International Court of Justice (ICJ) case law, the International Law Commission's (ILC) work on state responsibility, United

1 Joseph Federman & Jon Gambrell, *Israeli Strike in Qatar Targets Hamas Leaders as They Weigh Gaza Ceasefire Proposal*, AP NEWS (Sept. 9, 2025); Andrew Mills et al., *Israel Attacks Hamas Leaders in Qatar, Trump Says He's "Very Unhappy" About Strike*, REUTERS (Sept. 10, 2025).

2 *Id.*

3 Haidar Alshaikh et al., *Striking a U.S. Ally: Israel's Attack on Qatar and the Erosion of Regional Stability*, ARAB CTR. WASH. DC (Sept. 9, 2025).

4 *Id.*

5 Michelle Nichols, *UN Chief Guterres Condemns Israeli Strikes on Qatar*, REUTERS (Sept. 9, 2025).

6 See, e.g.: William Christou, *Israel's Strike on Hamas Leaders in Qatar Shatters Gulf's Faith in U.S. Protection*, GUARDIAN (Sept. 12, 2025); Al Jazeera English, *World Reacts to Israel's Attack Against Hamas Leaders in Qatar's Doha*, AL JAZEERA (Sept. 9, 2025).

7 UN Charter art. 2, 4.

8 See: CHRISTINE GRAY, *INTERNATIONAL LAW AND THE USE OF FORCE* (4th ed., Oxford Univ. Press 2018), at 150–55; TOM RUYS, *ARMED ATTACK AND ARTICLE 51 OF THE UN CHARTER: EVOLUTIONS IN CUSTOMARY LAW AND PRACTICE* (Cambridge Univ. Press 2010).

9 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 51, 57, June 8, 1977, 1125 U.N.T.S. 3 [hereinafter *Additional Protocol I*].

10 Alshaikh et al., *supra* note 3.

11 See: Ashley S. Deeks, “‘Unwilling or Unable’: Toward a Normative Framework for Extraterritorial Self Defense,” 52 VA. J. INT'L L. 483 (2012); NILS MELZER, *TARGETED KILLING IN INTERNATIONAL LAW* (Oxford Univ. Press 2008); Christian J. Tams, *The Use of Force Against Terrorists*, 20 EUR. J. INT'L L. 359 (2009).

Nations resolutions and statements, and leading academic commentary, complemented by factual reconstructions from reputable journalistic sources.<sup>12</sup> The aim is to combine legal rigour with a careful reading of the political and diplomatic context, in order to assess not only the legality but also the normative significance of the Doha strike.

The article is structured as follows. Part 2 situates the discussion within existing scholarship on sovereignty, the prohibition on the use of force, and self-defence against non-state actors. Part 3 outlines the relevant legal framework in *jus ad bellum*, IHL, neutrality, and state responsibility. Part 4 applies the *jus ad bellum* rules to the Doha strike, including an assessment of Israel's self-defence claim and the characterisation of the incident as aggression. Part 5 examines the operation under IHL and the law of neutrality, with particular attention to the protection of civilians and mediators. Part 6 discusses state responsibility, international reactions, and the prospects for maintaining the integrity of the *jus ad bellum* regime. Part 7 offers concluding reflections.

## 2. LITERATURE REVIEW

### 2.1. Use of force, sovereignty, and the UN Charter

State sovereignty and the prohibition on the use of force form the normative core of the post-1945 international legal order. In the *Corfu Channel* case, the International Court of Justice (ICJ) affirmed that “between independent States, respect for territorial sovereignty is an essential foundation of international relations.”<sup>13</sup> This principle was subsequently codified in Article 2(4) of the UN Charter, which requires member states to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.<sup>14</sup> The General Assembly's 1970 Declaration on Friendly Relations further entrenched this rule, emphasising a duty to refrain from the threat or use of force and condemning intervention in the internal or external affairs of another state.<sup>15</sup>

Doctrinally, the prohibition on the use of force has been widely regarded as having customary status and, in much of the literature, as a peremptory norm (*jus cogens*) from which no derogation is permitted.<sup>16</sup> In *Military and Paramilitary Activities in and Against Nicaragua*, the ICJ affirmed that the prohibition in Article 2(4) has an independent customary existence, binding even on states outside treaty frameworks.<sup>17</sup> Classical and contemporary writers, including Brownlie and Gray, have argued that any use of armed force by one state on the territory of another is presumptively unlawful unless it falls within a very narrow set of recognised exceptions.<sup>18</sup>

### 2.2. Exceptions: Security Council authorisation and self-defence

The UN Charter contemplates only two principal exceptions to the general prohibition on the use of force: collective action under Security Council authorisation, and self-defence under Article 51.<sup>19</sup> Chapter VII empowers the Security Council to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to authorise measures, including the use of force, to restore international peace and security.<sup>20</sup>

Article 51 preserves the “inherent right of individual or collective self-defence if an armed attack occurs” against a member state, until the Security Council has taken measures necessary to maintain international peace and security.<sup>21</sup> The traditional understanding of this right is heavily influenced by the nineteenth-century *Caroline* incident, which required that self-defence measures be necessary and proportionate, with necessity described as “instant, overwhelming, leaving no choice of means, and no moment for deliberation.”<sup>22</sup> Contemporary interpretations maintain these criteria and generally reject armed reprisals in peacetime as incompatible with the Charter's framework.<sup>23</sup>

<sup>12</sup> See generally sources cited: *supra* notes 1–8.

<sup>13</sup> *Corfu Channel* (U.K. v. Alb.), Merits, 1949 I.C.J. 4, 35 (Apr. 9).

<sup>14</sup> UN Charter art. 2, 4.

<sup>15</sup> G.A. Res. 2625 (XXV), Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States (Oct. 24, 1970).

<sup>16</sup> See, e.g.: Ulf Linderfalk, *The Effect of Jus Cogens Norms*, 18 EUR. J. INT'L L. 853 (2007); Mary Ellen O'Connell, *The Prohibition of the Use of Force*, in THE OXFORD HANDBOOK OF THE USE OF FORCE IN INTERNATIONAL LAW 120 (Marc Weller ed., Oxford Univ. Press 2013).

<sup>17</sup> *Military and Paramilitary Activities in and Against Nicaragua* (Nicar. v. U.S.), 1986 I.C.J. 14, 188–90 (June 27), at 188–90.

<sup>18</sup> IAN BROWNLIE, INTERNATIONAL LAW AND THE USE OF FORCE BY STATES (Clarendon Press 1963); GRAY, *supra* note 8.

<sup>19</sup> UN Charter arts. 39–42, 51.

<sup>20</sup> *Id.* arts. 39–42.

<sup>21</sup> *Id.* art. 51.

<sup>22</sup> See: BROWNLIE, *supra* note 18, at 281–85; YORAM DINSTEIN, WAR, AGGRESSION AND SELF-DEFENCE 230–32 (4th ed., Cambridge Univ. Press 2005).

<sup>23</sup> GRAY, *supra* note 8, at 150–55; O'Connell, *supra* note 16.

### 2.3. Self-defence against non-state actors and the “unwilling or unable” debate

The post-9/11 era has generated extensive debate about whether and to what extent states may invoke self-defence under Article 51 against non-state actors located in the territory of other states, particularly where those states are unable or unwilling to prevent hostile activities.<sup>24</sup> Some Western practice and scholarship support a more expansive reading of Article 51, arguing that a state may use force against non-state actors abroad if the territorial state is “unwilling or unable” to address the threat and if the attacks meet the “armed attack” threshold.<sup>25</sup> Others insist that such uses of force remain highly constrained and risk undermining the Charter regime.<sup>26</sup>

The ICJ has been cautious on this point. In *Armed Activities on the Territory of the Congo*, the Court rejected Uganda’s attempt to justify military operations in the Democratic Republic of the Congo as self-defence against non-state groups operating from Congolese territory, emphasising the absence of an armed attack attributable to the Democratic Republic of the Congo (DRC) and underscoring the importance of state consent and Security Council processes.<sup>27</sup> Similarly, in its Advisory Opinion on the Legal Consequences of the Construction of a Wall, the Court expressed doubt about the applicability of Article 51 to situations where the threat emanates from non-state actors not attributable to another state.<sup>28</sup>

### 2.4. Extraterritorial targeted killings and mediator protection

Extraterritorial targeted killings have become a central controversy in the law on the use of force. Israel’s long-standing practice of targeting members of armed groups and the United States’ operations, such as the 2011 killing of Osama bin Laden in Abbottabad, Pakistan, have

generated extensive legal analysis and criticism.<sup>29</sup> Melzer’s comprehensive study of targeted killings highlights the tensions between law-enforcement and armed-conflict paradigms and the strict conditions under which lethal force may be lawfully used.<sup>30</sup>

Historically, extraterritorial uses of force against non-state actors on the territory of third states, such as Israel’s 1985 raid on the Palestine Liberation Organization (PLO) headquarters in Tunis, have attracted strong condemnation. In Resolution 573 (1985), the Security Council denounced the Tunis raid as a “flagrant violation” of the UN Charter and of Tunisia’s sovereignty, characterising it as an act of armed aggression.<sup>31</sup> Scholars have used this precedent to affirm that counterterrorism concerns do not, by themselves, justify violations of another state’s territorial integrity.<sup>32</sup>

The Doha strike adds a further dimension to these debates: the targeting of an armed group’s leadership while it is engaged in negotiations hosted by a mediator state. Practice in peace processes and conflict-resolution scholarship suggests a strong normative presumption against attacking mediators and negotiation venues, even if formal legal immunity is not codified.<sup>33</sup> This case thus tests not only the legal limits of self-defence but also the resilience of emerging norms that protect diplomatic and mediation processes from the direct application of force.

## 3. LEGAL FRAMEWORK

### 3.1. *Jus ad Bellum*: Article 2(4), Article 51, and aggression

The starting point for assessing the legality of the Doha strike is Article 2(4) of the UN Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purposes of the United Nations.<sup>34</sup> The ICJ has consistently treated this rule as a cornerstone of both treaty and customary law.<sup>35</sup>

<sup>24</sup> Deeks, *supra* note 11; Tams, *supra* note 11.

<sup>25</sup> Daniel Bethlehem, *Principles Relevant to the Scope of a State’s Right of Self Defense Against an Imminent or Actual Armed Attack by Non State Actors*, 106 AM. J. INT’L L. 770 (2012); Michael N. Schmitt, “‘Unwilling or Unable’: Toward an International Law Standard for Forcible Responses to Non-State Actors,” 41 YALE J. INT’L L. ONLINE 1 (2015).

<sup>26</sup> O’Connell, *supra* note 16; RUYS, *supra* note 8.

<sup>27</sup> *Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda)*, Judgment, 2005 I.C.J. 168, 143–47 (Dec. 19).

<sup>28</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004 I.C.J. 136, 139 (July 9).

<sup>29</sup> See, e.g.: John Cerone, *The Legality of the Killing of Osama Bin Laden*, 107 PROC. ASIL 47 (2013); Deeks, *supra* note 11; Carsten Schaller, *Using Force Against Terrorists “Outside Areas of Active Hostilities”—The Obama Approach and the Bin Laden Raid Revisited*, 20 J. CONFLICT & SEC. L. 195 (2015); David A. Wallace, *Operation Neptune’s Spear: The Lawful Killing of Osama bin Laden*, 45 ISR. L. REV. 367 (2012).

<sup>30</sup> MELZER, *supra* note 11.

<sup>31</sup> S.C. Res. 573 (Oct. 4, 1985).

<sup>32</sup> GRAY, *supra* note 8, at 208–10; J. N. Maogoto, *War on the Enemy*, 4 MELB. J. INT’L L. 406 (2003); Tams, *supra* note 11.

<sup>33</sup> Alshaikh et al., *supra* note 3.

<sup>34</sup> UN Charter art. 2, 4.

<sup>35</sup> See: *Nicaragua*, *supra* note 17, at 188–90.

Article 51 preserves the inherent right of individual or collective self-defence “if an armed attack occurs” against a member state, until the Security Council has taken measures necessary to maintain international peace and security.<sup>36</sup> The exercise of this right is constrained by customary requirements of necessity and proportionality, as affirmed in *Nicaragua*, *Oil Platforms*, and *Armed Activities*.<sup>37</sup> Self-defence measures must be directed at repelling or preventing ongoing or imminent armed attacks, rather than functioning as retaliation for past incidents.<sup>38</sup> States invoking Article 51 are also expected to report their actions to the Security Council “immediately”, and the presence or absence of such reporting has been treated as indicative of their legal characterisation of the measures.<sup>39</sup>

The concept of aggression is relevant when a use of force amounts to a particularly grave breach of the Charter. General Assembly Resolution 3314 defines aggression as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State”, and lists “[t]he bombardment by the armed forces of a State against the territory of another State” as a paradigmatic example.<sup>40</sup> While determinations of aggression for institutional purposes rest primarily with the Security Council and, for criminal responsibility, with bodies such as the International Criminal Court (ICC), Resolution 3314 is widely used as a benchmark in scholarly and state practice.<sup>41</sup> The Kampala Amendments to the Rome Statute incorporate a closely related definition of the crime of aggression, requiring a manifest violation of the Charter.<sup>42</sup>

### 3.2. IHL and neutrality

Where an armed conflict exists, IHL governs the conduct of hostilities. Two of its cardinal principles are distinction and proportionality. The principle of distinction obliges parties to distinguish at all times between civilians and combatants

and between civilian objects and military objectives, and prohibits attacks directed against civilians or civilian objects.<sup>43</sup> Proportionality in attack prohibits launching an attack which may be expected to cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated.<sup>44</sup> Article 57 of Additional Protocol I codifies obligations to take all feasible precautions in attack, including target verification, weapon selection, and, where appropriate, effective advance warning.<sup>45</sup>

When hostilities take place on or affect the territory of a neutral state, the law of neutrality also applies. The Hague Convention V on the Rights and Duties of Neutral Powers in Case of War on Land stipulates that the territory of neutral powers is inviolable and prohibits belligerents from carrying out hostilities on neutral territory.<sup>46</sup> Neutral states, in turn, are obliged not to allow belligerents to use their territory as a base of operations. Violations of neutrality in armed-conflict contexts engage state responsibility and may, depending on their gravity, overlap with *jus ad bellum* violations.

### 3.3. State responsibility and accountability

The ILC's Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) provide a general framework for state responsibility. Any act or omission attributable to a state that breaches an international obligation entails responsibility, requiring cessation, assurances of non-repetition, and full reparation for the injury caused.<sup>47</sup> Injured states may seek legal remedies and, under carefully circumscribed conditions, may adopt proportionate non-forcible countermeasures to induce compliance.<sup>48</sup>

Where a use of force amounts to aggression, responsibility may arise not only at the level of state responsibility but also, in principle, at the level of individual criminal responsibility for the crime of aggression under the Rome Statute, subject to complex jurisdictional conditions.<sup>49</sup>

<sup>36</sup> UN Charter art. 51.

<sup>37</sup> *Nicaragua*, *supra* note 17, at 176; *Oil Platforms (Iran v. U.S.)*, Judgment, 2003 I.C.J. 161, 51 (Nov. 6); *Armed Activities*, *supra* note 27, at 147.

<sup>38</sup> BROWNIE, *supra* note 18, at 281–85; David Kretzmer, *The Inherent Right to Self-Defence and Proportionality in Jus ad Bellum*, 24 EUR. J. INT'L L. 235 (2013).

<sup>39</sup> UN Charter art. 51; see: John A. Green, *The Article 51 Reporting Requirement for Self-Defense Actions*, 55 VA. J. INT'L L. 563 (2015); *Armed Activities*, *supra* note 27, at 147.

<sup>40</sup> G.A. Res. 3314, *supra* note 15, arts. 1, 3(b).

<sup>41</sup> See, e.g.: GRAY, *supra* note 8, at 373–75.

<sup>42</sup> Assembly of States Parties, Review Conference of the Rome Statute, Kampala: Amendments on the Crime of Aggression, Res. RC/Res.6 (June 11, 2010); Claus Kreß, *The Kampala Compromise on the Crime of Aggression*, 8 J. INT'L CRIM. JUST. 1179 (2010).

<sup>43</sup> JEAN MARIE HENCKAERTS & LOUISE DOSWALD-BECK, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW (Cambridge Univ. Press / ICRC 2005), Rules 1, 7.

<sup>44</sup> Additional Protocol I, *supra* note 9, art. 51(5)(b); HENCKAERTS & DOSWALD-BECK, *supra* note 43, Rule 14.

<sup>45</sup> Additional Protocol I, *supra* note 9, art. 57; HENCKAERTS & DOSWALD-BECK, *supra* note 43, Rules 15–21.

<sup>46</sup> Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, Oct. 18, 1907, 36 Stat. 2310, arts. 1–5.

<sup>47</sup> Int'l Law Comm'n, Draft Articles on Responsibility of States for Internationally Wrongful Acts, arts. 30–31, in *Report of the International Law Commission on the Work of Its Fifty-Third Session*, UN GAOR, 56th Sess., Supp. No. 10, UN Doc. A/56/10 (2001).

<sup>48</sup> *Id.* arts. 49–54.

<sup>49</sup> Assembly of States Parties, *supra* note 42; Kreß, *supra* note 42.



Moreover, systematic or indiscriminate attacks on civilians may give rise to individual responsibility for war crimes or crimes against humanity, matters already under scrutiny in the broader context of the Gaza conflict.<sup>50</sup>

#### 4. ASSESSING THE DOHA STRIKE UNDER *JUS AD BELLUM*

##### 4.1. A clear use of force against Qatar's territorial integrity

There is little doubt that the 9 September 2025 airstrike constituted a use of force by Israel on the territory of Qatar. According to contemporary reporting, fifteen Israeli aircraft attacked a residential compound in Doha, killing several people and damaging surrounding buildings.<sup>51</sup> The attack was carried out without Qatar's consent and outside the context of any pre-existing armed conflict between the two states. As such, it falls squarely within the core of what Article 2(4) prohibits: the use of armed force against the territorial integrity of another state.

Qatar and a broad range of states and international organisations described the operation as a violation of Qatar's sovereignty and of the UN Charter, echoing the language of past condemnations of similar extraterritorial strikes, such as the Security Council's response to the 1985 Tunis raid.<sup>52</sup> No Security Council resolution authorised the operation. On the contrary, the Secretary-General and several Council members subsequently expressed concern and reaffirmed Qatar's sovereignty.<sup>53</sup> The burden thus falls on Israel to justify its action under self-defence or some other recognised legal basis.

##### 4.2. Self-defence, non-state actors, and attribution

Israel did not claim that Qatar had launched an armed attack against it. Rather, the strike was justified politically as a response to attacks carried out by Hamas and as a measure targeting those held responsible for the 7 October 2023 atrocities and subsequent hostilities.<sup>54</sup> The relevant "armed attacks", in this perspective, are those carried out by Hamas,

a non-state actor operating primarily from the occupied Palestinian territory. The question thus arises whether Israel can invoke self-defence against Hamas leadership located in Qatar, and whether such a claim can suffice to justify using force on Qatari territory.

Under the strict reading of Article 51 and the ICJ's jurisprudence, self-defence is triggered by an "armed attack" attributable to a state.<sup>55</sup> While some states and commentators have advocated a broader understanding that allows self-defence against non-state actors in certain circumstances, this remains contested.<sup>56</sup> Even on the more expansive "unwilling or unable" approach, several conditions must be met: the non-state actor's armed attacks must be ongoing or imminent; the attacks must be directed or organised from the foreign territory; and non-forcible means, including cooperation with the territorial state, must have been exhausted or demonstrably unavailable.<sup>57</sup>

In the Doha case, there is no clear evidence in the public record that Hamas was planning or directing imminent armed attacks from Qatari soil. The meeting in Doha reportedly concerned a ceasefire proposal, not the orchestration of new attacks.<sup>58</sup> Qatar was actively engaged in mediation between Israel and Hamas and enjoyed broad international support in this role.<sup>59</sup> There is no indication that Israel presented Qatar with a demand to detain or expel the Hamas delegation or that Qatar refused to cooperate. These factors significantly weaken any claim that Qatar was "unwilling or unable" to address an imminent threat and that unilateral force on its territory was necessary.

##### 4.3. Necessity, imminence, and the prohibition of reprisals

Even where an armed attack by a non-state actor is established, self-defence measures must meet the requirements of necessity and proportionality. Necessity requires that force be used only as a last resort to repel or prevent an ongoing or imminent attack and that no

<sup>50</sup> See: NOURA ERAKAT, JUSTICE FOR SOME: LAW AND THE QUESTION OF PALESTINE (Stanford Univ. Press 2019).

<sup>51</sup> Federman & Gambrell, *supra* note 1; Mills et al., *supra* note 1.

<sup>52</sup> S.C. Res. 573, *supra* note 31; Christou, *supra* note 6; Al Jazeera English, *supra* note 6.

<sup>53</sup> Nichols, *supra* note 5; UN Human Rights Council, Urgent Debate on the Recent Military Aggression Launched by Israel Against the State of Qatar, HRC 60th Sess. (Sept. 16, 2025).

<sup>54</sup> Mills et al., *supra* note 1; Times of Israel Staff, *Israel Said to Carry Out Strike on Hamas Leadership in Qatar*, TIMES ISR. (Sept. 9, 2025).

<sup>55</sup> Nicaragua, *supra* note 17, at 195; Oil Platforms, *supra* note 37, at 51.

<sup>56</sup> Deeks, *supra* note 11; O'Connell, *supra* note 16; RUYS, *supra* note 8.

<sup>57</sup> Bethlehem, *supra* note 25; Schmitt, *supra* note 25.

<sup>58</sup> Federman & Gambrell, *supra* note 1; Alshaikh et al., *supra* note 3.

<sup>59</sup> Alshaikh et al., *supra* note 3; Christou, *supra* note 6.

reasonably effective non-forcible alternatives exist.<sup>60</sup> A long-standing consensus rejects armed reprisals in peacetime—uses of force motivated primarily by punishment or deterrence for past attacks—as incompatible with the Charter system.<sup>61</sup>

Statements from Israeli leadership and media reports framed the Doha strike as a response to prior attacks by Hamas, including a shooting in Jerusalem and incidents in Gaza, as well as a blow against those responsible for the October 2023 events.<sup>62</sup> The operation appears to have been planned rather than conducted under conditions of imminent necessity. This strongly suggests a punitive logic rather than the kind of “instant, overwhelming” necessity contemplated in the *Caroline* formula and confirmed in ICJ jurisprudence.<sup>63</sup>

Moreover, given Qatar's status as a mediator and partner of key Western states, non-forcible alternatives—such as diplomatic pressure, intelligence sharing, or demands to limit Hamas's activities—were clearly available and were not publicly pursued to exhaustion. United Nations special procedures experts concluded that the strike violated the prohibition on the arbitrary deprivation of life and on excessive use of force, and undermined efforts at peaceful settlement.<sup>64</sup> These assessments align with the view that the necessity requirement was not met.

#### 4.4. Proportionality and the reporting requirement

In *jus ad bellum*, proportionality requires that the scale, scope, and effects of defensive force be commensurate with the legitimate aim of repelling or preventing the armed attack.<sup>65</sup> In Doha, Israel deployed significant air power in a densely populated diplomatic area of a neutral state. The immediate military result was the killing of a handful of lower-ranking Hamas figures and a Qatari security officer; the senior leadership reportedly survived.<sup>66</sup> By contrast, the political and diplomatic effects were significant: the collapse

of active ceasefire talks, heightened regional tensions, and widespread condemnation, including from Israel's closest allies.<sup>67</sup>

Even if Israel believed that killing Hamas's political leadership would bring strategic advantage, the broader consequences of striking in Doha—jeopardising mediation efforts and risking escalation with Qatar—suggest that the operation is difficult to justify as a proportionate defensive measure at the strategic level. Furthermore, Israel does not appear to have notified the Security Council that it was acting in self-defence under Article 51, a factor that the ICJ has viewed as relevant in assessing self-defence claims.<sup>68</sup>

#### 4.5. Characterisation as aggression

General Assembly Resolution 3314 lists as an act of aggression “[t]he bombardment by the armed forces of a State against the territory of another State” or any use of weapons by a state against the territory of another.<sup>69</sup> The Doha strike fits this description: it involved deliberate aerial bombardment of Qatar's territory without consent or Security Council authority and in the absence of a valid self-defence justification. Multiple states and regional organisations described the operation as “aggression” or an “act of armed aggression”, echoing the language of Resolution 3314 and past practice concerning the Tunis raid.<sup>70</sup>

Formally, only the Security Council and, in certain circumstances, the ICC can make determinations with specific legal consequences at the institutional level. Nonetheless, the combination of the operation's objective character, the lack of lawful justification, and the breadth of condemnation supports the conclusion that the Doha strike constitutes not only an unlawful use of force but also an act of aggression in the sense of Resolution 3314 and the Kampala definition, albeit one unlikely to be adjudicated as such in the current political configuration.<sup>71</sup>

60 BROWNLEE, *supra* note 18, at 281–85; Kretzmer, *supra* note 38.

61 GRAY, *supra* note 8, at 150–55; O'Connell, *supra* note 16.

62 Mills et al., *supra* note 1; Times of Israel Staff, *supra* note 54.

63 DINSTEIN, *supra* note 22, at 230–32; Oil Platforms, *supra* note 37, at 73.

64 Press Release, Office of the UN High Comm'r for Human Rights, UN Experts Condemn Israel's Strikes in Qatar and Attacks on Peace-Making (Sept. 17, 2025).

65 Kretzmer, *supra* note 38.

66 Federman & Gambrell, *supra* note 1.

67 Alshaikh et al., *supra* note 3; Christou, *supra* note 6; Nichols, *supra* note 5; Mills et al., *supra* note 1.

68 Green, *supra* note 39; Armed Activities, *supra* note 27, at 147.

69 G.A. Res. 3314, *supra* note 15, art. 3(b).

70 Alshaikh et al., *supra* note 3; UN Human Rights Council, *supra* note 53; S.C. Res. 573, *supra* note 31.

71 Assembly of States Parties, *supra* note 42; Kreß, *supra* note 42.

## 5. IHL, NEUTRALITY, AND MEDIATOR PROTECTION

### 5.1. Applicability of IHL and the neutrality context

The strike occurred against the backdrop of an ongoing armed conflict between Israel and Hamas in Gaza. Whether the Doha operation should be analysed as part of that conflict, or as a distinct armed conflict between Israel and Qatar, is a complex question. Even if one assumes that the Israel–Hamas conflict extends extraterritorially to encompass operations against Hamas leadership abroad, the attack took place on the territory of a state that was not a party to the conflict and that claimed neutrality.<sup>72</sup> IHL would then govern the conduct of the attack, while the law of neutrality and *jus ad bellum* would regulate the permissibility of conducting hostilities in a neutral state.<sup>73</sup>

### 5.2. Distinction and target status

From Israel's perspective, senior Hamas leaders constitute members of an organized armed group engaged in hostilities and thus fall within the category of persons who may be targeted under IHL when they perform a continuous combat function or otherwise directly participate in hostilities.<sup>74</sup> The compound in Doha, if it served as a command-and-control node, could be considered a military objective. On this view, the choice of target was not inherently incompatible with the principle of distinction.

However, the compound was located in a residential and diplomatic district, and the casualties included a Qatari security officer and at least one family member of a Hamas leader whose direct participation in hostilities is unclear.<sup>75</sup> The presence of such individuals indicates that the target area contained both combatants and civilians, making the attack subject to a stringent proportionality assessment. Moreover, targeting an enemy political leadership while engaged in mediation-related activities raises additional normative concerns, even if legal status as combatants or members of an organized armed group remains.

### 5.3. Proportionality and incidental civilian harm

Under IHL, proportionality in attack requires that the expected incidental civilian harm not be excessive in relation to the concrete and direct military advantage anticipated.<sup>76</sup> The anticipated advantage of the Doha strike appears to have been the elimination of Hamas's senior political leadership. If Israeli planners reasonably believed that this outcome was likely, they might argue that the anticipated military advantage was substantial. The actual outcome, however, fell far short of this; the principal leaders survived, while several civilians or non-combatant state officials were killed or injured.<sup>77</sup>

Proportionality is assessed *ex ante*, not *ex post*, but the choice to employ a large air package in a dense urban, diplomatic area of a neutral state suggests a willingness to accept considerable risk to civilians. The broader context—marked by high levels of civilian harm in Gaza and international concern about Israel's conduct of hostilities—intensifies scrutiny of whether sufficient weight was given to protecting civilians, particularly those of a non-belligerent state.<sup>78</sup> While the number of casualties in Doha was limited relative to large-scale operations in Gaza, the nature of the location and the identity of at least one victim—a Qatari security officer performing official duties—raise serious questions about the proportionality analysis.

### 5.4. Precautions in attack and neutrality

Article 57 of Additional Protocol I obliges parties to take “all feasible precautions” to avoid or minimise incidental civilian harm, including verifying that targets are military objectives and choosing means and methods of attack that reduce civilian risk.<sup>79</sup> In operations on the territory of a third state, “feasible precautions” may reasonably include seeking the cooperation of the territorial state, or at least warning it, where such steps can reduce harm to civilians and avoid escalation.<sup>80</sup>

<sup>72</sup> Alshaikh et al., *supra* note 3.

<sup>73</sup> Hague Convention (V), *supra* note 46.

<sup>74</sup> See: MELZER, *supra* note 11; Schaller, *supra* note 29.

<sup>75</sup> Federman & Gambrell, *supra* note 1.

<sup>76</sup> Additional Protocol I, *supra* note 9, art. 51(5)(b); HENCKAERTS & DOSWALD-BECK, *supra* note 43, Rule 14.

<sup>77</sup> Federman & Gambrell, *supra* note 1.

<sup>78</sup> See: David M. Halbfinger, *In Israel, Two-Year Anniversary of Oct. 7 Attack Is Quiet but Inescapable*, N.Y. TIMES (Oct. 7, 2025); Debora Patta, *Gaza War Has Killed an Estimated 20,000 Kids*, CBS NEWS (Oct. 8, 2025).

<sup>79</sup> Additional Protocol I, *supra* note 9, art. 57; HENCKAERTS & DOSWALD-BECK, *supra* note 43, Rules 15–21.

<sup>80</sup> Wolff Heintschel von Heinegg, *Precautions in Attack*, in INTERNATIONAL LAW AND THE CLASSIFICATION OF CONFLICTS 237 (Elizabeth Wilmshurst ed., Oxford Univ. Press 2012); Ryan J. Thumher, *Means and Methods of Cyber Warfare*, 89 INT'L L. STUD. 275, 288–90 (2013) (on feasible precautions in technologically complex attacks).



Qatar stated that it received no prior warning of the strike and condemned it as a violation of its sovereignty and the safety of its citizens.<sup>81</sup> If accurate, this suggests that Israel did not attempt to coordinate with Qatari authorities or to mitigate risk through non-forcible measures, such as demanding the relocation or detention of Hamas leaders. The operation thereby not only violated *jus ad bellum* norms but also disregarded the protections owed to neutral territory under Hague Convention V and customary neutrality principles.<sup>82</sup>

### 5.5. Mediators, negotiation venues, and emerging norms

The Doha strike occurred while Hamas representatives in Qatar were reportedly considering a ceasefire proposal mediated by Qatar and supported by the United States.<sup>83</sup> Although IHL does not explicitly regulate the targeting of negotiators or mediators outside specific safe-conduct arrangements, practice in peace processes and conflict-resolution scholarship indicate a strong norm against attacking individuals engaged in genuine peace talks, both to protect them and to safeguard the prospects for peaceful settlement.<sup>84</sup>

Analysts at the Arab Center Washington DC argued that the strike represented an attack on diplomacy itself, undermining the credibility and safety of mediator states and potentially discouraging future mediation efforts.<sup>85</sup> United Nations experts similarly stressed that such operations jeopardise efforts to resolve conflicts peacefully.<sup>86</sup> From this perspective, even if the attack could be squeezed within the formal parameters of IHL when viewed narrowly, it contravenes important normative expectations surrounding the protection of mediators and negotiation venues, with deleterious implications for the functioning of the international system.

## 6. STATE RESPONSIBILITY, INTERNATIONAL REACTION, AND THE FUTURE OF THE *JUS AD BELLUM* REGIME

### 6.1. Israel's responsibility and Qatar's entitlements

Under ARSIWA, Israel's use of force on Qatari territory without lawful justification and in violation of Article 2(4) engages its international responsibility.<sup>87</sup> Qatar, as the injured state, is entitled to demand cessation and assurances of non-repetition, as well as full reparation for material and moral injury, including loss of life, injury to its officials, and damage to property and sovereignty.<sup>88</sup> Reparation may take the form of compensation, satisfaction (including acknowledgment of wrongdoing and apology), or other appropriate measures.

Qatar's responses—strong condemnation, suspension of mediation, and calls for accountability—signal its intention to invoke Israel's responsibility at least politically, and possibly through legal avenues such as United Nations fora or support for proceedings before the ICJ or ICC.<sup>89</sup> ARSIWA also envisages the possibility of proportionate, non-forcible countermeasures by the injured state, provided they respect fundamental human rights and peremptory norms.<sup>90</sup> While political and strategic considerations may limit Qatar's resort to such measures, the legal framework confirms that its claims are grounded in established doctrine.

### 6.2. International reactions as evidence of custom and norm resilience

The breadth and intensity of international reactions to the Doha strike are legally significant. The European Union, major Arab and Muslim states, and a cross-regional group of states denounced the operation as a breach of international law, a violation of Qatar's sovereignty, and a dangerous escalation.<sup>91</sup> The United Nations Secretary-General's characterisation of the strike as a "flagrant violation" of sovereignty and territorial integrity is particularly notable, given the office's role as guardian of the Charter.<sup>92</sup> Even

<sup>81</sup> Alshaikh et al., *supra* note 3; Christou, *supra* note 6.

<sup>82</sup> Hague Convention (V), *supra* note 46.

<sup>83</sup> Alshaikh et al., *supra* note 3; Christou, *supra* note 6; Federman & Gambrell, *supra* note 1.

<sup>84</sup> Alshaikh et al., *supra* note 3.

<sup>85</sup> *Id.*

<sup>86</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), UN Experts Condemn Israel's Strikes in Qatar and Attacks on Peace-Making (17 Sept. 2025), <https://www.ohchr.org/en/press-releases/2025/09/un-experts-condemn-israels-strikes-qatar-and-attacks-peace-making>.

<sup>87</sup> International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts, in Report of the ILC on the Work of Its Fifty-Third Session, UN Doc. A/56/10 (2001) [hereinafter ARSIWA].

<sup>88</sup> *Id.* art. 31.

<sup>89</sup> Alshaikh et al., *supra* note 3; UN Human Rights Council, *supra* note 53.

<sup>90</sup> ARSIWA, *supra* note 87, arts. 49–54.

<sup>91</sup> Al Jazeera English, *supra* note 6; Christou, *supra* note 6; UN Human Rights Council, *supra* note 53.

<sup>92</sup> Nichols, *supra* note 5.

the United States, Israel's principal ally, publicly expressed dissatisfaction and distanced itself from the decision to strike Doha.<sup>93</sup>

Such reactions serve as contemporary evidence of *opinio juris*—a sense of legal obligation—supporting the continued validity and importance of the prohibition on the use of force and the respect for state sovereignty.<sup>94</sup> They echo earlier responses to comparable incidents, such as the Tunis raid, and thereby reinforce the view that extraterritorial uses of force against non-state actors in third states, without consent or Security Council authorisation, are presumptively unlawful.<sup>95</sup> Far from signalling acceptance of an expanded doctrine of cross-border counterterrorism, the Doha episode appears to have prompted a renewed defence of the traditional *jus ad bellum* framework.

### 6.3. Erosion by practice or reaffirmation by condemnation?

A recurring theme in critical scholarship is the concern that repeated violations of the prohibition on the use of force, particularly in the name of counterterrorism, risk eroding the norm over time.<sup>96</sup> Former Israeli legal adviser Daniel Reisner has controversially suggested that “international law progresses through violations”, implying that if powerful states continue to act outside the law without consequence, their practice may eventually reshape the law.<sup>97</sup> The Doha strike could be seen as part of a wider pattern of cross-border operations—by Israel, the United States, Turkey, and others—against non-state actors, raising questions about whether a broader exception is emerging *de facto*.

However, norm erosion via practice requires not just repeated violations but also a degree of acquiescence or acceptance by other states. In the Doha case, the near-universal condemnation and explicit reliance on Charter language suggest the opposite trend: the violation prompted a robust defence of the norm. If states treat the strike as an unlawful act and resist attempts to normalise such behaviour, the long-term effect may be to reinforce, rather than weaken, the prohibition on extraterritorial uses of force without consent or Security Council approval.

### 6.4. Implications for counterterrorism and regional stability

The Doha strike has immediate and longer-term implications for extraterritorial counterterrorism and regional security. In the short term, it disrupted ongoing ceasefire and hostage negotiations, likely prolonging the Gaza conflict and exacerbating humanitarian suffering.<sup>98</sup> It also damaged trust between Qatar and Israel, strained relations among U.S. regional allies, and fuelled perceptions of legal double standards and impunity.<sup>99</sup>

In the longer term, attacking a mediator state may deter other states from playing similar roles in future conflicts, or compel them to seek stronger security guarantees and international backing. If mediators cannot rely on their neutrality and territorial inviolability, the international system's capacity to facilitate negotiated settlements may diminish. For regional states, the episode underscores the risks associated with hosting political offices of non-state armed groups, but it also highlights the dangers of unilateralism: if one state claims the right to strike its adversaries wherever they are, without regard to host state consent, others may follow suit, with destabilising effects.

At the doctrinal level, the Doha incident should encourage states and scholars to clarify the limits of self-defence against non-state actors and to resist efforts to treat the “unwilling or unable” doctrine as a blanket licence for cross-border operations. It also strengthens the case for developing more explicit protections for mediation processes and venues, whether through soft-law instruments, Security Council statements, or state practice.

## 7. CONCLUSION

The 9 September 2025 Israeli airstrike on Doha represents a critical test of the contemporary *jus ad bellum* and *jus in bello* regimes. As a deliberate aerial bombardment of a neutral state's capital without its consent and without Security Council authorisation, the strike constitutes a clear violation of Article 2(4) of the UN Charter and of the customary prohibition on the use of force. Israel's implicit

<sup>93</sup> Mills et al., *supra* note 1; Krishna Singh & Andrea Shalal, *Trump Says He Is “Not Thrilled” About Israeli Strike in Qatar*, REUTERS (Sept. 10, 2025).

<sup>94</sup> See: S.C. Res. 573, *supra* note 31; GRAY, *supra* note 8.

<sup>95</sup> *Id.*; Tams, *supra* note 11.

<sup>96</sup> O'Connell, *supra* note 16; Erakat, *supra* note 50.

<sup>97</sup> Erakat, *supra* note 50, at 12 (citing Daniel Reisner).

<sup>98</sup> Alshaikh et al., *supra* note 3; The Guardian, *Israeli Airstrikes “Killed Any Hope” for Hostages in Gaza, Says Qatari Prime Minister*, GUARDIAN (Sept. 10, 2025).

<sup>99</sup> Christou, *supra* note 6; Stephen Lewis, *Rubio Heads to Israel Amid Tensions Among U.S. Middle East Allies*, REUTERS (Sept. 13, 2025).

reliance on self-defence is untenable when measured against the established criteria of “armed attack”, necessity, and proportionality. The operation was directed not at an imminent attack emanating from Qatar but at non-state actors whose primary operations lay elsewhere, and it appears to have been motivated by retaliation and strategic signalling rather than an immediate defensive need. Even under the more permissive “unwilling or unable” doctrine advanced by some commentators, the conditions of imminence, territorial threat, and exhaustion of non-forcible alternatives were not satisfied.

From the perspective of IHL and neutrality, the strike raises serious concerns. Although Hamas leaders may be lawful targets in an armed conflict, the decision to attack them in a residential and diplomatic district of a neutral state placed civilians and neutral officials at risk and undermined Qatar’s rights as a neutral. Questions arise as to whether proportionality and precautionary obligations were adequately observed, and the operation sits uneasily with the law of neutrality as reflected in Hague Convention V. Moreover, by striking a mediation venue in the midst of ceasefire discussions, the operation challenged an important, if partly uncoded, norm that protects mediators and negotiation processes, potentially making future peaceful settlements more difficult.

At the level of state responsibility, Israel incurs responsibility for an internationally wrongful act and owes Qatar appropriate remedies, including cessation, guarantees of non-repetition, and reparation. The incident may also, in principle, amount to an act of aggression under General Assembly Resolution 3314 and the Kampala definition, though political realities make formal adjudication unlikely. Nonetheless, the characterisation of the strike as aggression in political and academic discourse is significant for the development of the law.

Perhaps the most important lesson of the Doha strike lies in the international reaction. The broad and explicit condemnation by states across regions, by the European Union, by regional organisations, and by United Nations bodies demonstrates that the prohibition on the use of force and respect for sovereignty remain central to the international legal order. Rather than signalling acquiescence in a new counterterrorism exception, the responses reaffirm the Charter framework. Whether this reaffirmation will be sufficient to deter future violations depends on states’ willingness to translate rhetoric into meaningful political and legal consequences.

For international law, the Doha incident underscores the continued relevance of foundational principles and highlights the need for clarity in their application to complex contemporary threats. For regional and global security, it serves as a warning of the dangers inherent in subordinating law and diplomacy to unilateral force, especially when mediators are turned into battlefields. If the international community wishes to preserve a rule-based order in which sovereignty, mediation, and peaceful settlement have real meaning, then operations like the Doha strike must remain exceptional aberrations—denounced, resisted, and not allowed to congeal into a new, permissive practice.

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The author has no competing interests to declare.