The Iraq War Case

Overview of the war and criticisms

- United Nations Security Council Resolution 687 - all Iraq long range missiles, nuclear, biological and chemical weapons were to be destroyed
- 2001 - Bush accused Iraq of starting to develop weapons of mass destruction
- 2003 - capture of Saddam Hussein
- 2005 - 1st election of a new Iraqi government and the ratification of the Iraqi constitution
- Non-state entities and the threat of terrorism
- International law of self-defence

A revision of international law?

The threat of Terrorism

Was there any threat?

- Gulf War I - US attack on Iraq in response to invasion of Kuwait
- Gulf War II - USA and UK invaded Iraq in March 2003
- US invaded Iraq as failed states are a threat to states
- Failed state theory - international relations, political, multi-national corporations, terrorist groups
- Failed states are regulating these entities

Bibliography


Questions
The Iraq War Case

Overview of the war and criticisms

- United Nations Security Council Resolution 687 - all Iraq long range missiles, nuclear, biological and chemical weapons were to be
Overview of the war and criticisms

- United Nations Security Council Resolution 687 - all Iraq long range missiles, nuclear, biological and chemical weapons were to be destroyed
- 2001 - Bush accused Iraq of starting to develop weapons of mass destruction
- 5:34am in Baghdad on March 20th 2003 - officially the war began
- December 2003 - capture of Saddam Hussein
- 2005 - 1st election of a new Iraqi government and the ratification of the Iraqi constitution
Non-state entities are all entities different from states

- Often impact legal values
- Examples are - international organisations, NGOs, multi-national corporations, terrorist groups
- Inadequacies is regulating these entities
International law of self-defence
The United Nations Charter

Article 51 of the UN Charter:

- Inherent right of individual or collective self-defence of Member states
- Member must notify Security Council of self-defence measures
- Once SC has made decision on measures for peace and security these directions must be followed
- SC has authority to maintain peace and security

Article 2(4) ("The Caroline Principle"):

- Member states not to use force against another

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The threat of Terrorism

Was there any threat?
- Claim by US and UK of actual threat - no evidence of active nuclear, chemical or biological programs found on invasion

Did Security Council authorise force?
- Iraq's failure to comply with Res 678
- Res 144115 and 1441
- No actual direct authorisation of force
A revision of international law?

Main Areas of Review:

1. ‘Self-defence’ does not encompass many modern forms of warfare and military aggression

2. The law of self-defence is largely state-centric

3. The threshold required to engage the law of self defence needs to be clarified, particularly in response to non-state entities
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