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THE 2003 US INVASION OF IRAQ: A JUST WAR
PERSPECTIVE

BY

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A dissertation submitted in partial fulfilment of the
requirements for the degree of Master of Human
Sciences (Political Science)

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NOVEMBER 2009

ABSTRACT

The 2003 invasion of Iraq witnessed an unprecedented worldwide opposition on a scale that the world had never seen. Millions took to the street and many did not understand the grounds for the US's use of force in Iraq. The opposition to the war was not confined to public opinion alone, as even the leaders of key traditional US allies refused the march to Baghdad. Taking on a unilateralist position, to the point of sidelining the United Nations, the George W. Bush administration forged ahead and launched the invasion with an operation codenamed "*Shock and Awe*". However, in the US charge for war, one fundamental question remained unanswered – was the war just? This study examines this fundamental question by firstly looking at the historical context of the US–Iraq relationship. Secondly, the key justifications given by the Bush administration for the invasion are discussed. Finally, using an evaluative framework proposed by Ian Holliday, Washington's justifications for the use of force are individually examined. Six functional just war parameters namely demonstrable injustice, last resort, appropriate authority, right intent, reasonable hope of success and proportionality are used for the evaluation of just cause. This study concludes that none of the justifications for the US invasion of Iraq falls within a just war framework. In other words, the 2003 US war on Iraq was unequivocally unjust. Among others, this study recommends an immediate and unconditional withdrawal of US troops from Iraq.

ملخص البحث

جُوبَهَتْ عملية غزو العراق في عام ٢٠٠٣م بمعارضةٍ عالميةٍ لم يشهدها العالم من قبل، إذ خرج الملايين في كل أنحاء العالم منددين بالهجوم على العراق، بينما ندد الملايين بالمزاعم الأمريكية لتبرير عملية الغزو. لم تقتصر المعارضة للحرب ضد العراق على الشعوب بل تعد الأمر أن العديد من الزعماء أبدوا معارضتهم للحرب، والبعض منهم كان من الحلفاء المقربين للولايات المتحدة الأمريكية. قامت إدارة بوش بحربها ضد العراق في خطوةٍ أحاديّةٍ دون الرجوع للأجهزة المختصة في هيئة الأمم المتحدة وفي مقدمتها مجلس الأمن لأخذ الموافقة والمشروعية للهجوم على العراق. ويبقى هناك سؤال هامّ دون إجابة: هل كانت الحرب على العراق حرباً عادلة؟ تقوم الدراسة بتحليل الجوانب المختلفة والمتعلقة بهذا السؤال. تبدأ الدراسة أولاً بالنظر إلى الإطار التاريخي للعلاقات الأمريكية - العراقية. ثم تناول بعد ذلك المبررات الأساسية التي ساقها إدارة الرئيس بوش للقيام بهجومها على العراق. وأخيراً تقوم الدراسة باستخدام إطار نظري طوره هاليداي ويتم، في هذا الإطار النظري فحص المبررات التي ساقها الولايات المتحدة لتبرير حربها ضد العراق. وتحديدًا تقوم الدراسة بفحص ستّ متغيراتٍ أساسيةٍ يتكون منها مفهوم الحرب العادلة. وقد توصلت الدراسة إلى نتيجةٍ أساسيةٍ مفادها أن مبررات الحكومة الأمريكية في شن الحرب على العراق لا تستند إلى أيّ من مكونات الحرب العادلة وأن هذه الحرب لا تستمد على أي مبرر أخلاقي، وأن هذه الحرب قد شنتّ لخدمة مصالح الولايات المتحدة الأمريكية الإستراتيجية في منطقة الشرق الأوسط بشكلٍ خاصٍّ ومصالحها الدولية بشكلٍ عامٍّ. توصلت الدراسة أيضاً إلى مجموعة من التوصيات في مقدّمها ضرورة الإنسحاب الفوري غير المشروط لقوات الإحتلال من العراق.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Human Sciences (Political Science).

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Knowledge and Human Sciences

DECLARATION

I hereby declare that this dissertation is result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

H.M. Latiff Bin K.M. Haneefa

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THE 2003 US INVASION OF IRAQ: A JUST WAR PERSPECTIVE

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ACKNOWLEDGEMENTS

In His name, the most cherished and gracious, my most humble expression of thankfulness to all who have been part, however small, of my experience in the completion of this study. Specifically, I am indebted to my supervisor, Prof. Dr. El-Fatih A. Abdel Salam, for his patient guidance in the course of my writing. I express my appreciation to Assoc. Prof. Dr. Wahabuddin Ra'ees, for his recommendations in the development of this dissertation. To Sayang, the light of my life, a special thanks, for embarking upon this journey by my side. May the souls of the innocents who perished in this war, forever, rest in peace.

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LIST OF ABBREVIATIONS

BIA	Bilateral Immunity Agreements
BODC	British Oil Development Company
BPC	Basra Petroleum Company
CIA	Central Intelligence Agency
CNN	Cable News Network
DIA	Defence Intelligence Agency
DU	Depleted Uranium
EST	Eastern Standard Time
FMF	Foreign Military Financing
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICJ	International Court of Justice
INR	State Department Bureau of Intelligence Research
IPC	Iraqi Petroleum Company
KDP	Kurdish Democratic Company
NBC	National Broadcasting Corporation
NCRC	National Council for Revolutionary Command
NGO	Non-Governmental Organization
NIA	National Intelligence Agency
NIE	National Intelligence Estimate
NSDD	National Security Decision Directive
PNAC	Project for the New American Century
PUK	Patriotic Union of Kurdistan
TPC	Turkish Petroleum Company
UAV	Unmanned Aerial Vehicle
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Committee
UK	United Kingdom
US	United States of America
USD	United States Dollars
WMD	Weapons of Mass Destruction

CHAPTER ONE

THE 2003 WAR ON IRAQ AND JUST WAR THEORY

1. INTRODUCTION

In the 2002 State of Union address, President George W. Bush identified Iraq as part of an “axis of evil” that linked the world’s most dangerous regimes and threatened the United States (US) and her allies with the world’s most destructive weapons. Iraq was effectively cast as a major and direct security threat to the United States. In September 2002, in his United Nations General Assembly address, President Bush censured Iraq’s “flagrant violations” of United Nations Security Council (UNSC) resolutions. The American President stated that the US would also consider unilateral action if the United Nations did not fulfill its resolutions concerning Iraq. The US, the President announced, reserved the right to strike first in preventing any potential attacks on America. By October 2002, President Bush began citing Iraqi involvement in training al-Qaeda operatives in “bomb making and poisons and deadly gasses”. On 11 October 2002, the United States Congress subsequently adopted a resolution authorizing President George W. Bush to:

use the armed forces of the United States as he determines necessary and appropriate in order to ... defend the national security of the United States against the continuing threat posed by Iraq ... enforce all relevant UN Security Council resolutions regarding Iraq.¹

This resolution authorized unprecedented powers to President Bush to wage war on Iraq firstly, in defence of the security of the United States, and secondly, in the enforcement of relevant UN Security Council resolutions regarding Iraq if the

¹ John F. Murphy, *The United States and the Rule of Law in International Affairs*, (Cambridge: Cambridge University Press, 2004), 169.

President deemed it necessary. On 28 January 2003, George Bush, in the State of the Union address, declared that Saddam Hussein was seeking significant quantities of uranium from Africa and repeated assertions of Iraqi cooperation with al-Qaeda. Declarations were later made of concealment of Iraqi Weapons of Mass Destruction (WMD) and the training and sheltering of terrorists.

The US presentation for a case against the Republic of Iraq was made to the UNSC on 5 February 2003 to demonstrate Iraqi WMD development which included high technology mobile biological WMD laboratories.² Maintaining that Iraq was in material breach of UNSC Resolution 1441 the US administration declared that no other resolutions were necessary to use force on Iraq. A summit was convened in the Azores on 15 and 16 March 2003 attended by the US President, George W. Bush, Prime Minister Tony Blair of the United Kingdom, Prime Minister Jose Manuel Barraso of Portugal and Prime Minister Jose Maria Aznar of Spain.³ Widely believed to be a council of war, they announced a 24 hour ultimatum to the United Nations to enforce Iraqi WMD disarmament or military action would commence unilaterally. Four days later, on 20 March 2003 at 0230 hours GMT, US forces began the aerial bombardment of Baghdad, the capital city of the Republic of Iraq.⁴

Public opposition and demonstrations against the 2003 American-led invasion of Iraq were the largest in the modern history of the world. Some saw the invasion of Iraq as a breach of international norms and perceived it as an abuse of American power. The legitimacy for waging the war was questioned. Some key allies resisted the US push for war and the German, French and Russian governments announced

² Rick Fawn, "The Iraq War: Unfolding and Unfinished" in *The Iraq War Causes and Consequences*, edited by Rick Fawn and Raymond Hinnebusch (Colorado: Lynne Reiner Inc, 2006), 4–5.

³ *Ibid.*, 6.

⁴ *The Guardian*, "Cruise Missile Attack to Shock and Awe" March 20 2003.

their reservations for the justifications for the use of force.⁵ Many, including heads of states stated their objections to the invasion which soon came to be referred to as the war that couldn't be stopped. The street demonstrations that followed throughout the world had no effect upon changing the course of American foreign policy on Iraq.

As of today, some six years after President Bush's triumphant victory speech and "mission accomplished" declarations, many relevant and pertinent questions remain unanswered. Foremost, in view of the worldwide opposition, was the 2003 US-led war that was waged against Iraq justified within any existing moral or legal framework?

1.1 PROBLEM STATEMENT

This study examines whether the 2003 US-led war on Iraq can be considered morally just. In order to approach this subject in a systematic and organized manner, this study addresses the following questions:

1. What is just war and when can war be considered just?
2. What are the US justifications for the 2003 war on Iraq?
3. Does the US justifications for war fall within a just war framework?

1.2.1 JUSTIFICATION OF STUDY

The proposed study is relevant both to the fields of international relations and international law as a study in the contemporary major power use of force . In the field of foreign policy and its practitioners, this study contributes an analysis of the moral and ethical dimensions of the strategic US foreign policy. Using the invasion of Iraq as a case study it is hoped that more light can be shed upon the more recent trends and

⁵ Fawn, 2-3.

developments of major power policies. The dilemma of growing trends of US power and militarism need to be accurately read, explained and evaluated for incorporation into any foreign policy making process.⁶

This domain of study is also relevant to researchers in international law as law is ultimately based on moral authority and without moral authority, law itself is subject to challenge. The development of international law, humanitarian law and the laws of armed conflict can be traced to early concepts of moral authority and natural justice. This study also provides insights into the health of the contemporary international legal system and may provide considerations for further improvement and development of the international legal order for the global community of states.

In the interest of humanity at large, this study hopes to unearth the relevant contextual ethical and moral insights that underlie the basis for this war.

1.3 LITERATURE REVIEW

The review of relevant literature for this study is divided into two sections. The first section outlines the concepts of just war theory and its relevance in the area of contemporary international relations. The second section reviews the literature on the just war traditions and the US-led invasion of Iraq.

1.3.1 Just War and International Relations

War, writes Evans, confronts people with the terrible powers of destruction, the unimaginable fear at the precipice of death and with an uncomprehending horror at its carnage. It is at this point that the appeal to the ‘moral’ matters, for if moral thinking cannot be applied to war, then morality rings hollow and man loses, altogether, his

⁶ Stephen John Hartnett and Laura Ann Stengrim, *Globalization and Empire The US Invasion of Iraq, Free Markets and the Twilight of Democracy*, (Alabama: The University of Alabama Press, 2006), 55–83.

remaining vestiges of humanity.⁷ The just war traditions, according to Evans, is moral theory that addresses this issue and attempts to uphold the demands of morality in the face of war. Traditional just war theory is divided into two parts termed as *jus ad bellum* or “just cause” in the initiation of war and *jus in bello* or “just conduct in war”.⁸

A just war is defined by Lackey as a war that is morally justifiable after the principles of justice, human rights, the common good and other relevant moral concepts are factored into and weighed against each other. Chomsky identifies three major sources of insights into the concepts of just war as the scholarly literature, the human intuitive moral judgments, and the international codifications of these intuitive judgments.⁹ In the examination of the scholarly literature, Paul Christopher details the historical perspectives of the just war traditions that are traced back to the Chinese, Hindu and Babylonian civilizations predating the 6th century B.C. Roman and Christian just war traditions involving the works of Cicero and of the Christian theologians Saint Ambrose and Saint Thomas Aquinas are then reviewed.¹⁰ More recent scholarship is attributed to authors such as Walzer and Elshstein whose works are largely responsible for the revival of contemporary just war theory.

The second insight of just war concepts is prospected through our intuitive moral judgments. These are principles of moral judgment that form the universal principles that are grounded in human instinct and are integral to human nature. In other words, these are the fundamental notions of human nature that underlie moral

⁷ Mark Evans, “Preface and Acknowledgements” in *Just War Theory : A Reappraisal*, edited by Mark Evans, (New York: Palgrave Macmillan, 2005), ix–xiii.

⁸ Ibid.

⁹ Noam Chomsky, “Just War Theory and the Invasion of Iraq” Transcript of Lecture at the US Military Academy at West Point, <<http://video.google.com/videoplay?docid=3740467851698161135>> (accessed 16 August 2008).

¹⁰ Paul Christopher, *The Ethics of War and Peace An Introduction to Legal and Moral Issues*, (New Jersey: Pearson Prentice Hall, 2004), 1–103.

judgments. Particularly, Chomsky utilizes the Rawlsian theories of justice as a point of reference. There are several criterion that are considered representative in just war theorizing and among these just cause is identified as a criterion of fundamental importance.¹¹ Boyle premises the moral justification of war upon three classical just war conditions of proper authority, just cause and right intent.¹² Evans further reviews with an expanded representative concept of just war that consists of seven constituent elements.¹³

On the question of when war can be considered just, Viotti and Kauppi discuss value issues such as the criterion for moral choice from the normative perspectives of international relations theory. The issue of justice in relation to war is debated and the morality of war is examined through a just war framework.¹⁴ The relativist, Kantian, utilitarian and social contract perspectives of moral choice are compared. In his essay, *Perpetual Peace*, Kant argues for politics that are compatible with moral principles at the international relations level and challenges classical notions that ethics and morality may be compromised for pragmatic political interest. Acknowledging politics as a difficult art, Kant concludes that all politics must bend its knee before the right.¹⁵

The third insight into the concepts of just war, which are contextualized within the realm of inter-state relations are the international codifications of our intuitive judgments. These codifications form an integral part of contemporary international law and are now commonly referred to as International Humanitarian Law or the

¹¹ Douglas P. Lackey, *The Ethics of War and Peace*, (New Jersey: Prentice Hall, 1989), 29–33.

¹² Joseph Boyle, “Traditional Just War Theory and Humanitarian Intervention” in *Humanitarian Intervention*, edited by Terry Nerdin and Melissa S. Williams (New York: New York University Press, 2006), 31–55.

¹³ Evans, 168.

¹⁴ Lackey, 29–33.

¹⁵ Immanuel Kant, “Morality Politics and Perpetual Peace” in *International Relations Theory– Realism, Pluralism, Globalism and Beyond*, edited by Paul R. Viotti and Mark V. Kauppi, 415–421.

Laws of War. These laws are signified primarily by the Hague Conventions, the Nuremberg Principles, the United Nations Charter and the Geneva Conventions.

As in the theories of just war, the laws of war consist of two elements that are referred to as *jus ad bellum* and *jus in bello*. *Jus ad bellum* refers to the laws regarding the justifications for the initiation of war while *jus in bello* refers to the laws of legitimate conduct in warfare. The laws of war constitute an important part of international law and are binding upon all belligerent states.¹⁶

Legal theorists argue that states ought to conduct their affairs in accordance with international laws thereby establishing closer links between international law and international politics. Through the extension of just war theory and traditions into the formulation of law, the link between law and politics become evident. Paul Christopher writes that Hugo Grotius is widely recognized as the father of International Law and his works transformed the traditions of just war from moral doctrine to positive international law. Grotius emphasized that the relations between states are to be governed by laws and moral principles. The Grotian view of international relations is one where states are constrained by mutually agreed upon rules or law to govern their interactions with one another both in times of war and peace. This assertion, posits Christopher, is of a fundamental importance as it restricts the authority of sovereign states and subordinates it to the principles of morality and law. Grotius defined the relationship between morality and law in his theory of jurisprudence and international law and systemized the rules for the conduct of war based upon the just war traditions.¹⁷

Gross reviews the beginnings of international constitutional law and examines the history of international law over a three hundred year period. Doctrines of the

¹⁶ Ibid., 2.

¹⁷ Ibid., 66–77.

early writers of international law such as Victoria, Suarez and Gentili are examined.¹⁸ Gross concludes that international law is increasingly being separated from its roots of right reason and natural law and deprived of its sources of objective validity. International law, to be law, is in effect a law of subordination. It is to be binding and be law that is above states. All states are to be subordinate to international law, which leads to the development of international institutions with an endowed compulsory jurisdiction over any disputes between states. Gross postulates that in the absence of this compulsion, the international legal order ceases to exist.

Watts propositions that states generally do acknowledge the importance of an international legal order.¹⁹ The rule of law however necessitates the acceptance and application of international law as a whole. This is especially relevant to states that have the capacity to marginalize the law if they so chose. Issues on whether justice and the rule of law actually exist and whether they represent a fair balance between competing interests within the international community of states are discussed.

Summing up on the landscape of international law as we know it today, Kennedy reviews Koskenniemi's views that paint the international legal order as contentious by most accounts. The current international legal regime, Koskenniemi posits, offers a false promise of cosmopolitan consensus for what remains as divisive political choices. Wrought with structural biasness and fraudulent claims to principles of justice, equality and pluralism, the international legal system remains preferential to certain choices and outcomes.²⁰

¹⁸ Leo Gross, "The Peace of Westphalia 1648 – 1948" in *International Law : Classic and Contemporary Readings*, edited by Charlotte Ku and Paul F. Diehl (London: Lynne Reiner Publishers, 1998), 55–72.

¹⁹ Arthur Watts, "The Importance of International Law" in *The Role of Law in International Politics: Essays in International Relations and International Law* edited by Michael Byers, (Oxford: Oxford University Press, 2000).

²⁰ David Kennedy, "The Last Treatise: Project and Person," *German Law Journal*, no. 12 (2006), <<http://www.germanla.mht>> (accessed on 1st March 2008).

Viotti and Kauppi note that contemporary thinking of just war has remained by far, relegated within the narratives of the realist. Realist ideology exemplified by the thinking of Machiavelli and Clausewitz, that war in itself is not a legitimate end but a means to achieve essential political purpose, may sometimes be used to justify the use of force.²¹

Carr argues for the practice of politics that require the appreciation of realism and power as well as utopianism and morality against a backdrop of coercion and self subordination. Carr emphasizes the essential antimony between politics and morality where moral concepts are altogether removed from the scope of politics. Anarchism is projected as one form of the antithesis between politics and morality. State, as the principal organ of political power then becomes the “most flagrant, most cynical and most complete negation of humanity.” The political and the moral coexist in two distinct and separate spheres and politics is regarded as a necessity but is essentially non moral. For Carr, the separation of morality from politics can be attractive, although superficial, as it circumvents the problem of finding moral justifications for state use of force.

Analyzing the multiple ways in which major powers interact with international law, Krisch uses international relations theory to develop a model of interaction. The model provides a better understanding of why international law is both instrumental and resistant to the pursuit of power and indicates a typical pattern of instrumentalization where dominant world powers attempt to reshape international law hierarchically in achieving interest.²²

²¹ Paul R. Viotti and Mark V. Kauppi, *International Relations Theory– Realism, Pluralism, Globalism and Beyond*, (Boston: Allyn and Bacon, 1999), 397– 406.

²² Nico Krisch, “ International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order ” *The European Journal of International Law*, vol.16, no.3 (2005): 369–408. <[http:// www.ejil.org/ journal/ Vol16/ No3/art1.pdf](http://www.ejil.org/journal/Vol16/No3/art1.pdf) .> (accessed 23 November 2007).

Malinverni examines disputes within international organizations which concern the interpretation and application of the organizational conventions. The author identifies an essential characteristic of disputes within international organizations as the multilateral character of their nature. A balance of obligations and interests comes into play which is based primarily upon the compliance of its constitutive treaty by all member states. Malinverni applies the framework to the UN at the levels of the Security Council and General Assembly in particular, their judicial and non judicial channels of dispute settlement.²³

When states resort to armed force, Kritsiotis's findings suggest that state may reject the equation of law with political action or any attempt to relatively hierarchise law and politics. In these events international law then becomes the narrative for the persuasion and justification for the use of force. The prohibitions on war and the use of force are detailed together with the provisions of self-defence and humanitarian intervention. The author proposes a relational redefinition of contemporary international law if any meaning is to be made of its relationship with politics, as law can no longer be seen in the generic sense of codified rules.²⁴

Falk maintains that international law faces threshold challenges of jurisprudence due to the realist orientations of major power foreign policy making and geostrategic interests. Also there is contention on whether major powers should conform their foreign policy to the constraints of international law. Efforts to rely on international law and international institutions have largely failed and Falk attributes this mainly to the domination of realist ideology in international relations. Compounded by the changing character of the new world order the author proposes a

²³ Giorgio Malinverni, "The Settlements of Disputes within International Organizations" in *International Law Achievements and Prospects*, edited by Mohammad Bedjaoui (Netherlands: Martinus Nijhoff Publishers, 1991), 546.

²⁴ Dino Kritsiotis, "When States Use Armed Force" in *The Politics of International Law*, edited by Christian Reus-Smit (Cambridge: Cambridge University Press, 2004), 45–150.

reframing agenda for international law to include the logics of sovereign equality, hegemony, neoliberal globalism, international morality and information technology.²⁵

1.3.2 Just War and the Invasion of Iraq

Ibrahim Al-Marashi tracks the evidences of US claims of Iraqi WMD at the highest levels of the US and UK administrations in the run up to the invasion of Iraq. Termed the “Dodgy Dossiers”, Al-Marashi demonstrates that data from declassified Iraqi state documents dated August 1990 to February 1991 were plagiarized from his doctoral thesis and presented by senior Bush officials to the US Congress and the UN Security Council in late 2002 and early 2003 as evidence of the concealment of Iraqi weapons of mass destruction.²⁶

Paul Christopher debates the categorization of Iraqi nuclear, bacteriological and chemical weapons of mass destruction as conventional or unconventional weapons in order to ascertain their applicability under just war criterion. Christopher reviews the Geneva protocol definitions for the weapons which are discussed together with the relevant United States protocol ratifications.²⁷

Tunku Sofiah Jewa in her research on the 2003 Invasion of Iraq provides an examination of the legal authority of the Bush and Blair administrations in the decision to wage war on Iraq against the backdrop of Chapter VII and Article 2 (4) of the United Nations Charter. Although there is some agreement on the illegitimacy of the war, a declaration to that effect from an internationally recognized judicial tribunal is still forthcoming. She remains optimistic that some semblance of justice can still be

²⁵ Richard Falk, “Reframing the Legal Agenda of World Order in the Course of A Turbulent Century” in *Reframing the International : Law, Culture, Politics*, edited by Richard Falk, Lester Edwin J. Ruiz and R. B. J. Walker (New York: Routledge, 2002), 47–69.

²⁶ Ibrahim Al-Marashi, “The Dodgy Dossier”: The academic implications of the British Government’s Plagiarism Incident,” *The Middle East Studies Association Bulletin*, vol. 40, no. 1 (2006).

²⁷ Christopher, 2–103.

salvaged with the pursuance of an Advisory Opinion within the context of the International Court of Justice.²⁸

Wheatley discusses the extent to which Security Council Resolutions 1483, 1511 and 1546 authorize regime change in Iraq. The political transitions in Iraq from the perspective of international law are reviewed. The author comes to the conclusion that forcible democratic regime change that has occurred in Iraq as a result of war does not fall within the confines of international law.²⁹

Tommy Thomas conducts an analysis on the Charter of the UN and UNSC Resolutions 1284 and 1441 for justifications on the invasion of Iraq. The author explores whether UNSC Resolution 1441 specifically mandates the United States to initiate hostilities. The legal standing of the articles of the Nuremberg charters and the Kellogg–Briand Treaty are also referenced to the initiation of the 2003 war on Iraq.³⁰

Shannon and Keller categorize the US invasion of Iraq as a violation on both the legal and normative accounts.³¹ The authors examine a package of beliefs, values and decision making tendencies of senior members of the Bush administration that lend to the propensity to violate or respect international norms. The research challenges international relations theory in regards to the capacity of norms in limiting state desire in achieving geostrategic interests.

Thomas Franck explores various perspectives of why states obey or violate rules. Provisions for humanitarian intervention and self–defence are examined under the framework of the United Nations Charters. Franck concludes that the invasion of

²⁸ Tunku Sofia Jewa, “The 2003 Invasion of Iraq: Legal Consequences under International Law” *The Law Review*, (2005): 177–191.

²⁹ Steven Wheatley, “The Security Council, Democratic Legitimacy and Regime Change in Iraq,” *The European Journal of International Law*, vol. 17, no. 3 (2006): 531–551. <<http://www.ejil.org/journal/Vol17/No3/art2.pdf>> (assessed 8 Dec 2007).

³⁰ Tommy Thomas, “The Legality of War Against Iraq Without United Nations Sanction,” *The Journal of the Malaysian Bar*, vol. XXXII no. 2 (2003).

³¹ Vaughn P. Shannon and Jonathan W. Keller, “Leadership Style and International Norm Violation: The Case of the Iraq War,” *Foreign Policy Analysis*, vol. 3 (2007): 79–104.