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**Exploring the US Justifications for the Military Interventions in Iraq during G.W.
Bush Administration: An International and Humanitarian Law Perspective**

**Dissertation Submitted in Partial Fulfillment of the Requirements for
Master's Degree in Literature and Civilization**

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Dedication

We dedicate this research work to our parents, family members, teachers, and colleagues.

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Abstract

This research explored the justifications adopted by the United States for its military interventions in Iraq during the George W. Bush presidency. These rationales, including security and humanitarian narratives, were evaluated in light of international and humanitarian law. The aim was to enhance understanding of the legality and ethics of military interventions and explain the impacts of the use of force on global security, with a special focus on the case of Iraq. The study's significance relied on its contribution to the existing body of knowledge on international and humanitarian law related to military interventions. A qualitative research approach was used by integrating case studies, which focused on speeches of the Bush administration officials, with legal analysis of international and humanitarian law, which allowed the examination of the Bush administration's claims within these legal systems. Primary sources encompassed official government speeches and documents and international legal texts. Secondary sources covered reports, news articles, books, and scholarly literature related to the 2003 Iraq War. The findings revealed the illegality of the presented justifications by the United States, including removing weapons of mass destruction, combating terrorism, preemptive self-defense, and leading humanitarian missions, and proved their violation of recognized legal and humanitarian principles. Moreover, U.S. combat operations lacked adherence to international and humanitarian law, resulting in severe impacts and violations of these legal frameworks. In light of these findings, the study contributed to influencing policymakers toward developing international policies that enhance civilian protection and enforce state accountability during military interventions.

Keywords: Humanitarian law, International law, Iraq war, Justifications, US military intervention

List of Abbreviations and Acronyms

CIA	Central Intelligence Agency
CPA	Coalition Provisional Authority
GDP	Gross Domestic Product
IAEA	International Atomic Energy Agency
IBC	Iraq Body Count
ICC	International Criminal Court
ICJ	International Court of Justice
IOCs	International Oil Companies
ISG	Iraq Survey Group
ISIS	Islamic State of Iraq and Syria
NSS	National Security Strategy
OIF	Operation Iraqi Freedom
SCR	Security Council Resolution
U.N. or UN	The United Nations
U.S. or US	The United States
UNICEF	United Nations International Children's Emergency Fund
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
WMD	Weapons of Mass Destruction

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General Introduction

1. Background of the Study

In international relations, military intervention is an ongoing issue, especially in the post-Cold War era (Kerton-Johnson, 2010). According to Stephenson (2023), the United States has participated in 393 military interventions in foreign countries since its establishment in 1776, with 114 occurring in the post-Cold War era. These interventions include notable conflicts such as Vietnam, Afghanistan, and Iraq, in addition to numerous smaller operations of various scales and durations, serving purposes ranging between deterrence and training. Despite the variety of these operations, their collective impact has resulted in a mixed record of victory and challenges (Kavanagh & Frederick, 2023).

Kerton-Johnson (2010) affirms that the September 11 attacks, were a turning point in US foreign policy, leading to significant military interventions in response. These interventions had a profound impact on international society and global security dynamics, especially in Iraq and Afghanistan.

During the 20th and 21st centuries, Iraq experienced three major wars. The first was the Iran-Iraq War, which began on September 22, 1980, and lasted for eight years, resulting in a prolonged conflict between the two nations. The second was the Gulf War, which was prompted by Iraq's attempt to invade Kuwait, leading to "Operation Desert Storm" in 1990. The third and final war was the U.S. invasion of Iraq in 2003, where Iraq was invaded by the United States and its allies, which was justified by security and humanitarian rationales (Chaib, 2020).

The Iraq War of 2003 marks a focal chapter in the history of US military campaigns, with a coalition led by US and UK forces starting an invasion that rapidly overcame the Iraqi Army.

President Bush declared the end of major combat operations on May 1, which marked the beginning of nearly ten years of occupation. The number of US forces in Iraq peaked in 2008 exceeding 160,000 soldiers (McBride, 2021).

The legal debates surrounding the military interventions in Iraq revolve around the foundational rules of international law. International law contains a set of regulations and principles that govern the relations of sovereign states with each other (United Nations, n.d.). The United Nations (1945) declares that state sovereignty and the prohibition of using force are supreme principles. Therefore, the use of force is allowed only under particular conditions declared in international law.

Along with the general principles of international law, the interventions in Iraq include the application of international humanitarian law, which is rooted in the Geneva Conventions and the International Criminal Court (ICC) jurisdiction. This legal framework seek to minimize human suffering during armed conflict by protecting civilians, combatants, and civilian objects (Canadian Red Cross, n.d.).

2. Statement of the Problem

The motivations behind the US military involvement in Iraq during the George W. Bush presidency have acquired considerable attention in academic, political, and public debates. Despite the extensive literature dealing with the justifications used in validating this intervention from diverse approaches, there remain significant controversies concerning the legality, legitimacy, and ethical challenges surrounding these justifications under international and humanitarian law, which must be addressed. To tackle this gap, the current study attempts to evaluate the U.S.

justifications for its military engagement in Iraq and their alignment, or lack thereof, within the confines of recognized international law and humanitarian principles.

3. Research Questions and Research Hypotheses

This study is guided by the following questions:

1. To what extent did the U.S. justifications for its military engagement in Iraq align with international and humanitarian law principles?
2. What were the rationales provided by the Bush administration for the military intervention in Iraq?
3. What were the multidimensional outcomes of the U.S. intervention in Iraq?

In light of the previous inquiries, the following hypotheses are suggested:

1. The U.S. justifications for its military engagement in Iraq might violate key principles of international law and the criteria for legitimate humanitarian intervention.
2. The rationales provided by the Bush administration for the military intervention in Iraq could be shaped by a combination of strategic, political, and moral factors.
3. The U.S. armed intervention in Iraq may cause a complex range of outcomes across political, humanitarian, economic, and international scopes.

4. Aims of the Study

The present study seeks to analyze the U.S. justifications for the military intervention in Iraq during George W. Bush administration. It also attempts to investigate whether this war was conducted within the confines of international and humanitarian law. Through this analysis, the study aims to raise awareness of the ethics and legality of military invasions, as well as the outcomes of using military force on international security, with a particular emphasis on the case of Iraq.

5. Significance of the Study

This study's value extends beyond the academic field, as it influences diverse actors such as policymakers, and international and human rights bodies. The study's detailed review of legal justifications and implications can contribute to the existing body of knowledge and open an academic debate surrounding international and humanitarian law related to military interventions, leading to further research and exploration of related topics. This research also contributes to understanding the complexities surrounding the use of military force in contemporary global affairs which can influence future decision-making processes. This understanding could enhance international and ethical policies that guarantee the protection of human rights in conflict situations.

6. Research Methodology

The study employs a qualitative approach, focusing on case studies of speeches and statements delivered by the Bush administration officials. In addition to analyzing speeches, the study also uses legal analysis through the examination of relevant international law instruments, including the United Nations Charter, Security Council resolutions, Geneva Conventions, and customary international law, to evaluate the legality and legitimacy of the stated justifications and the US combat operations compliance with established legal and ethical standards. Primary sources such as official government speeches and documents and international legal texts and treaties are investigated, along with secondary sources including scholarly publications, books, news articles, and reports from international and non-governmental organizations (NGOs).

7. Structure of the Study

The dissertation begins with a general introduction presenting the road-map of the entire research work. The introductory section is followed by two chapters: the first one is theoretical and the second is practical. The first chapter examines the justifications for the U.S. military interventions in Iraq during the G.W. Bush presidency and measures the outcomes that followed this war from political, humanitarian, economic, and international angles. The second chapter judges these justifications through the lens of international and humanitarian law. The study ends with a general conclusion that summarizes the research findings.

CHAPTER ONE

The US Justifications for the Military Interventions in Iraq during G.W. Bush Administration

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Introduction

On March 20, 2003, the United States during George W. Bush's administration led a military intervention in Iraq, with support from a coalition of nations such as the United Kingdom, Australia, Poland, Spain, Italy, Japan, and others, which marks a key moment in international politics. The decision to engage militarily in Iraq and overthrow the regime of Saddam Hussein was motivated by the US's sensitivity in the aftermath of the 9/11 attacks. The Bush administration cited numerous justifications for its military action, which are continuously controversial, with significant and enduring impacts.

This chapter elucidates the justifications for the US' 2003 invasion of Iraq and investigates the consequences of this war. It examines the stated motives underpinning the intervention, including eliminating weapons of mass destruction (WMD), the global war on terrorism and Saddam Hussein's alleged ties with al-Qaeda, the application of preemptive self-defense, and humanitarian rationales. Moreover, the chapter assesses the intervention's outcomes across political, humanitarian, economic, and international scopes, specifically focusing on immediate and long-term impacts.

1.1.Motivations Underpinning the U.S. Military Intervention in Iraq in 2003

A complex array of motivations led to the U.S. military intervention in Iraq in 2003, each signifying key political, strategic, and ethical concerns. The emphasis on national security interests, specifically in the aftermath of the September 11, 2001, terrorist attacks helps in shaping these justifications. The perceived danger presented by Saddam Hussein's regime due to its alleged possession of WMD forms a primary rationale for intervention. Furthermore, the intervention is placed within the global war on terrorism, with Iraq presented as a great theater regarding its suspected links to terrorist organizations. The decision to intervene militarily is also influenced by the application of the preemptive strike doctrine, which aims at anticipating possible threats before they actualize. Additionally, humanitarian concerns, reflected in the US noble mission of liberating

the Iraqi people from dictatorial rule and promoting democracy in the region, were among the reasons given for the intervention.

1.1.1. Eliminating Weapons of Mass Destruction

The U.S. military intervention in Iraq was primarily defended by the need to locate, isolate, and eliminate weapons of mass destruction (WMD) supposedly possessed by Saddam Hussein's regime, including nuclear, chemical, biological, and ballistic missiles exceeding 150 kilometers, along with their delivery systems and manufacturing capacities. This concern was reinforced by the increased threat sensibility within the United States following the 9/11 attacks, particularly regarding the potential use of WMD by terrorist groups. The fear that Iraq could deliver such weapons to terrorists became a central argument for intervention (Haass, 2023).

Following the 1991 Gulf War, Iraq's nuclear program faced intense international oversight through United Nations Security Council (UNSC) Resolution 687. This resolution mandated Iraq to destroy all biological, chemical, and nuclear weapons programs, as well as ballistic missiles exceeding 150 kilometers. The United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) were tasked with verifying Iraq's compliance, with the Security Council responsible for reviewing their progress every 60 days. In 1998, due to the continued challenges with Iraq's cooperation, including the release of numerous resolutions condemning its noncompliance, the United States warned of potential military action if Iraq did not comply with its disarmament obligations (Arms Control Association [ACA], 2002).

In anticipation of a potential U.S.-British attack, Iraq declared on November 14, 1998, its intention to cooperate with UN inspectors. However, this cooperation was short-lived. On December 16, the US and the UK launched three days of air strikes, known as Operation Desert Fox. As a result, the IAEA and UNSCOM withdrew their personnel from Iraq, and Baghdad subsequently announced the end of weapons inspections (ACA, 2002).

Due to this situation, UN inspections were interrupted for more than two years. Therefore, the automated monitoring systems installed by the UN at known and suspected Iraqi facilities for nuclear, biological, and chemical weapons, as well as missile facilities, were no longer functioning. This interruption, coupled with previous assessments of Iraqi desires, raised concerns that Iraq might have started efforts to rebuild its weapons programs and could once again threaten its neighbors (U.S. Department of Defense, 2001).

A classified report from the White House submitted to Congress detailed US Intelligence oversight of Iraqi facilities capable of developing WMD and long-range ballistic missiles. The report also indicated Iraqi attempts to acquire dual-use materials that could be used for both civilian and weapons purposes. In December 1999, the UNSC adopted Resolution 1284 to enhance Iraq's compliance with UN disarmament obligations. This resolution terminated the UNSCOM and established the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) to control the disarmament efforts in Iraq. However, Iraq rejected the resolution due to the absence of clear criteria or timelines for removing sanctions (Nuclear Threat Initiative, 2009).

The U.S. Department of Defense (2001) reported that despite the removal of known weapons-grade fissile material from Iraq and Iraq's assertions of dismantling all relevant nuclear weapons development facilities, Iraq maintained skilled personnel and design information capable of resuming a weapons program. According to the report, rebuilding the necessary infrastructure for nuclear arms construction would take Iraq five or more years and substantial foreign support. However, this timeline could be reduced if Iraq secures fissile material from an external source.

In mid-2002, there was a significant change in official speeches regarding Iraq's threat level, with statements emphasizing increased certainty despite the absence of new evidence. These statements were strengthened by congressional leaders, major media channels, and some experts. This shift was driven by a rapidly drafted National Intelligence Estimate titled "Iraq's Weapons of

Mass Destruction Programs," issued in October 2002 by the Director of the Central Intelligence Agency (CIA) (Cirincione et al., 2004).

In October 2002, the U.S. Congress released the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq to grant President Bush authority to use military force against Iraq and achieve local support. The resolution warned of Iraq's potential possession of weapons of mass destruction and support for terrorism and stressed national security interests and regional stability in the Middle East. It also provided the President with control over the timing and scope of military campaigns against Iraq, while also asserting a commitment to diplomatic resolutions (United States Congress, 2002).

Squassoni (2003) asserts that following the authorization of military force, the UNSC issued Resolution 1441 on November 8, 2002, which grants Iraq a final chance to fulfill its disarmament obligations or encounter serious consequences. As a reaction, Iraq accepted the resolution and allowed inspections to start on November 27. Iraq submitted a 12,000-page declaration on December 7 and reaffirmed its claim of possessing no weapons of mass destruction capabilities. Since mid-November 2002, UNMOVIC and IAEA inspectors have conducted 750 inspections at 550 sites, with generally satisfactory cooperation according to UNMOVIC Executive Chairman Hans Blix and IAEA Secretary General Mohamed ElBaradei.

In his State of the Union address on January 28, 2003, President George Bush emphasized Saddam Hussein's non-compliance with disarmament attempts, despite the United Nations' warnings and inspections. The President asserted Iraq's failure to declare or destroy significant quantities of prohibited weapons, including anthrax and botulinum toxin. Additionally, Iraq possessed materials for chemical weapons and had not accounted for banned munitions. The address also mentioned Iraq's possession of mobile biological weapons laboratories and an advanced nuclear weapons program, including attempts to acquire uranium and materials for nuclear weapons production from Africa (The White House, 2009).

Richelson (2004) affirms that the Bush administration and its allies sought a second UN resolution to authorize military action in Iraq, while key Security Council members such as France, Germany, and Russia preferred allowing inspections to continue, and considered them effective. The diplomatic divide was reinforced by Secretary of State Colin Powell's address to the UNSC on February 5, 2003. He presented intelligence, including satellite images and intercepted communications, to emphasize launching a military operation. Moreover, Powell argued that Iraq's possession of WMD is considered a violation of the UN resolutions and a significant international security threat (ABC News, 2003).

In his March 17, 2003 speech, President George Bush asserted that Iraqi officials' hindrance of UN weapon inspectors through threats, surveillance, and deception. He stressed the failure of peaceful disarmament efforts due to the aggressive nature of Iraq's leadership. Bush mentioned intelligence from several governments confirming Iraq's possession and hiding of highly lethal weapons that were used against neighboring countries and Iraq's citizens (The White House, 2003).

As it became clear that securing a second resolution was doubtful, the US and UK canceled their efforts to obtain it. Instead, the US and its coalition partners used the authority granted by the Joint Resolution passed by Congress and launched Operation Iraqi Freedom (OIF) on March 19, 2003. The operation resulted in the collapse of Saddam Hussein's regime and ultimately led to his capture (Richelson, 2004).

1.1.2. War on Terror

The 21st century witnessed a significant shift in international geopolitics after the September 11, 2001 attacks, which prompted the Bush administration to declare the 'War on Terror'. This campaign, also known as the Global War on Terrorism, encompassed international military efforts led by the United States in response to the terrorist attacks. Beyond military actions, the War on Terror also encompassed diplomatic, financial, and various measures by coalition

partners to fight terrorism, including preventing terrorists' financing or safe harbor (*Global War on Terror*, n.d.).

On September 11, 2001, the deadliest terrorist attacks in American history resulted in the death of 2,977 individuals. The Islamic extremist group, al-Qaeda, hijacked two planes that subsequently crashed into the World Trade Center towers in New York City. Another plane targeted the Pentagon in Washington, D.C. A fourth plane, believed to be targeting either the White House or the U.S. Capitol, was prevented by passengers and eventually crashed in a rural area in Pennsylvania (Huiskes, 2020).

Roberts (2002) highlights that shortly after the 9/11 attacks, the Bush administration accused Iraq of having ties with al-Qaeda, despite the lack of evidence connecting Saddam Hussein to the attacks. According to CBS News on September 4, 2002, Defense Secretary Donald H. Rumsfeld ordered his team to develop plans for attacking Iraq, even though none of the hijackers held Iraqi nationality. He also directed military preparations for strikes and expressed an intention for prompt and accurate information and simultaneous actions against both Saddam Hussein and the leader of al-Qaeda, Osama bin Laden.

In his address to the United Nations General Assembly on September 12, 2002, Bush accused Saddam Hussein of having connections with terrorist groups:

In 1991, the U.N. Security Council, through Resolution 687, demanded that Iraq renounce all involvement with terrorism, and permit no terrorist organizations to operate in Iraq. Iraq's regime agreed. It broke this promise. In violation of Security Council Resolution 1373, Iraq continues to shelter and support terrorist organizations that direct violence against Iran, Israel, and Western governments. (The White House, 2009, p. 141)

This speech asserts that Iraq had not only failed to combat terrorism but had also violated Resolution 1373 by providing shelter and support to terrorist organizations. It also serves as a legal basis to support the military engagement in Iraq.

President George W. Bush, in a speech to Washington Post reporters on September 25, 2002, pointed out the perceived threat posed by Saddam Hussein's regime and its potential collaboration with al-Qaeda. He suggested that al-Qaeda could become an extension of Saddam's capacity for mass destruction. This address significantly influenced Bush's efforts to achieve support for the war on Iraq by convincing Congressional leaders, the American public, and international opinion about the necessity of this military action (Pincus, 2006).

On October 7, 2002, George W. Bush criticized individuals who argued that launching a war against Iraq could undermine anti-terrorism efforts. He stressed the importance of confronting the threat posed by Iraq and considered it a necessary step in the Global War on Terrorism (The White House, 2002c).

Former CIA Director R. James Woolsey expressed that the absence of evidence did not necessarily mean the lack of Iraqi involvement in the 9/11 attacks (Posteraro, 2002). In a Senate hearing on February 11, 2003, CIA Director George Tenet acknowledged that Iraq harbored senior members of a terrorist organization led by Abu Musab al-Zarqawi, closely associated with al-Qaeda. He emphasized Iraq's provision of training in document forgery, bomb-making, and poisons to al-Qaeda affiliates. Tenet found it impossible that the Iraqi Intelligence Service would be unconscious of their existence or actions on Iraqi soil (The White House, 2006b).

Posteraro (2002) linked Iraq to al-Qaeda and other international terrorist organizations through its engagement in smuggling lethal VX nerve agents to al-Qaeda operatives and hosting high-ranking al-Qaeda leaders. Additionally, meetings between Mohammad Atta, the alleged planner of the attacks, and Iraqi officials were confirmed by Czech Republic Intelligence officials. Posteraro highlighted Iraq's support for Hamas and its assistance in suicide bombings in Israel.

In conclusion, the alleged connection between Iraq and al-Qaeda had a significant impact on shaping the overall rhetoric regarding the war on terror. The claim that there were strong ties between Iraq and al-Qaeda, which was supported by CIA intelligence, motivated the military intervention. However, subsequent investigations challenged the accuracy of these assertions.

1.1.3. The U.S. Preemptive Strike Doctrine

Mueller et al. (2006) define the pre-emptive strike doctrine as a military strategy that allows a nation to use military force against a perceived imminent threat to its security, even before an attack happens. It seeks to gain a strategic advantage or reduce potential harm by acting preemptively. This strategy differs from preventive war, which responds to less immediate threats and aims at engaging in conflict as soon as possible. While preemptive attacks are generally recognized as self-defense under international law, preventive attacks are met with more suspicion and higher political sanctions. On the other hand, Writz and Russell (2003) distinguish deterrence as a military strategy that aims at preventing unwanted actions by making the potential costs exceed the benefits. During the Cold War, for instance, the United States employed deterrence by relying on the threat of retaliation by preserving a nuclear arsenal to deter the Soviet Union from initiating war.

Dolan (2004) suggests that the Bush administration's doctrine of self-defense and reliance on striking first are based on the belief that terrorism, especially the 9/11 attacks, has changed the nature of warfare. President Bush's speech on September 11, 2001, established the foundation for this preemptive doctrine. The speech emphasized more aggressive and proactive measures in countering terrorism, with a prominent declaration to "make no distinction between the terrorists who committed these acts and those who harbor them" (The White House, 2001, para. 9). This statement revealed the administration's intent to target not only terrorist groups but also the states that provide them with shelter and support. It also laid the foundation for the Iraq War.

In his State of the Union Address on January 29, 2002, George W. Bush emphasized the urgency of destroying terrorist infrastructure and impeding their plans. He also identified North Korea, Iran, and Iraq as an "axis of evil," and suggested potential U.S. intervention if they maintained acquiring WMD. Bush rejected the idea of waiting for events to develop and emphasized the necessity for prompt action in response to the growing threats (The White House, 2009, p. 106).

Moreover, Bush during his speech at the West Point graduation on June 1, 2002, argued that in the post-9/11 world, traditional notions of deterrence were inadequate against enemies who could impose catastrophic harm. Bush affirmed that preemptive action was legitimate to prohibit terrorists or rogue states from acquiring and deploying WMD against the United States and its allies (The White House, 2002a).

Vice President Dick Cheney addressed the 103rd National Convention of the Veterans of Foreign Wars on August 26, 2002, and highlighted the importance of preemptive action in national security. This established a case for the invasion of Iraq. He also stressed the necessity of adequately arming the military forces. Aligning with the principles of the Bush Doctrine, Cheney warned about the risks of inaction and warned of potentially devastating outcomes if Saddam Hussein's regime was uncontrolled (The White House, 2002b).

The National Security Strategy (NSS) of the US in 2002 formalized the administration's position and stressed military preemption, superiority, unilateral action, and promotion of democracy and security internationally. It addressed key challenges such as terrorism, weapons proliferation, and emerging threats. It also cited the 9/11 attacks and the dangers posed by WMD and terrorist groups as a rationale for preemptive actions. The NSS stressed the significant threat caused by the integration of extremism and technology. The doctrine's combination of terms such as "preemption" and "prevention" and its unclear criteria for military intervention introduced vagueness and allowed military responses in situations that lack obvious or immediate danger. The

Bush Administration refused to strictly adhere to Article 51 of the UN Charter and asserted that it is illogical to require a state to suffer damage before responding defensively (Gupta, 2008; Rockmore, 2006; U.S. Department of State, 2002).

Daalder and Lindsay (2004) agree that Bush's doctrine of preemption represents a significant deviation from previous presidential policies of deterrence and containment. The option of preemptive force had been used by Bush's predecessors, such as Bill Clinton's 1998 attack on a pharmaceutical plant in Sudan accused of producing nerve gas. Bush developed the concept beyond responding to immediate threats to include preventive wars aimed at regime change.

Colin Powell played a crucial role in arguing for preemptive military action against Iraq to the global community, notably to the UNSC on February 5, 2003. Powell's address was viewed as a pivotal moment in justifying the war on Iraq where he displayed intelligence findings regarding Iraq's possession of weapons of mass destruction, including chemical and biological arms, as well as its efforts to mislead international inspectors. Powell stressed the administration's adherence to the preemptive strike strategy and its pursuit to address perceived threats to U.S. national security interests (ABC News, 2003).

In conclusion, the Bush administration advocated for the preemptive strike doctrine which enables nations to use military force against potential imminent threats, deviating from traditional deterrence approaches. In the context of the Iraq War, this doctrine allows preemptive action against Saddam Hussein's regime due to the increased concerns over WMD. Figures such as Dick Cheney and Colin Powell supported this approach and highlighted the need for anticipatory measures to confront national security threats. However, the doctrine faced uncertainties regarding the validity of its criteria and its adherence to international law.

1.1.4. The U.S. Humanitarian Intervention

Simms and Trim (2011) define humanitarian intervention as any action conducted by one or multiple sovereign entities to control the situation within another country, often targeting its government, and could implement coercion, though not always through military force. The primary objective is to end widespread suffering, such as large-scale mortality, mass atrocities, or severe human rights abuses, caused by the actions or inaction of the leadership in the targeted nation.

Cushman (2005) mentions that the U.S. military intervention in Iraq was portrayed as a humanitarian mission that sought to prevent further atrocities and promote human rights within the country. Additionally, the desire to change the Iraqi regime played a significant role. The removal of Saddam Hussein was also viewed as an important step toward promoting stability and democracy in the region. Moreover, the war was seen positively as a progression for human rights which benefits both the Iraqi population and the global human rights agenda.

According to Field (2004), Bush asserted that this humanitarian operation in Iraq would act as a solution to terrorism in the Middle East through establishing democratic regimes. The belief was that a democratic Iraq would tackle and minimize terrorist threats supposed to come from Baghdad. The Bush administration asserted that Saddam Hussein supported terrorism, and by overthrowing his regime, they aimed to erase jihadist terrorism.

The U.S. administration and other international actors offered several cases for Saddam Hussein and his party's violations of human rights to support their worries about human rights violations. In a speech to the United Nations General Assembly on September 12, 2002, President George W. Bush referred to Security Council Resolution (SCR) 688, released in 1991, which mandated that the Iraqi regime immediately stop the systematic oppression of its people, including minorities. The President emphasized that the United States had no problem with the Iraqi people and argued for their liberation. Additionally, Bush condemned Saddam Hussein's history of

aggression through the deployment of ballistic missiles and chemical weapons against civilians in Iraq and neighboring countries, including Iran and Kuwait. He stressed the necessity of establishing political and economic freedom in a unified Iraq (The White House, 2009).

The U.S. Department of Justice's report on human rights in Iraq in 2001 revealed the oppressive nature of Saddam Hussein's regime, which concentrated political authority within a tyrannical single-party system led by Hussein and his relatives. The governing structure was outlined in the Provisional Constitution of 1968. It centralized the control within the Arab Ba'ath Socialist Party through the Revolutionary Command Council, with Hussein filling multiple key positions. In addition, the political environment lacked democratic governance, which was exemplified by an undemocratic 'referendum' in 1995. The report mentioned the diverse ethnic and religious groups within the Iraqi population, including Arabs, Kurds, Turkmens, Assyrians, Yazidis, Armenians, Shi'a and Sunni Muslims, Christians, Jews, and Mandaeans. The absence of freedom of movement within the country, as well as restrictions on abroad travel, repatriation, and immigration, were notable. Moreover, the government banned forming independent human rights organizations. The report criticized the government's violation of women, children, and minorities' rights, despite its inclusion in the Constitution (Bureau of Democracy, Human Rights, and Labor [DRL], 2002a).

According to Human Rights Watch (HRW, 2003b), the government expanded the number and forms of capital crimes through decrees released by the Revolutionary Command Council. Thus Iraq violated its commitments under the International Covenant on Civil and Political Rights. Despite assertions to the UN Human Rights Committee that the death sentence would be devoted to the severest crimes, the government issued mandatory death penalties for non-violent political and economic offenses. This was legitimized by the humanitarian crisis resulting from sanctions, which led to increased crime due to the economic crisis. The scope of the death sentence was further widened with new capital offenses, including economic sabotage, forgery, theft resulting in death, antiquities smuggling, military bribery, and army desertion.

In the report titled “Iraq: A Population Silenced,” the Bureau of Democracy, Human Rights, and Labor (2002b) highlighted that under Saddam Hussein's directions, Iraq's guard forces were consistently involved in the torture of the citizens, with acts such as beatings, rape, limb-breaking, and deprivation of necessities being usual in Iraqi detention centers. Furthermore, several prisons, such as Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and others, achieved infamy because of the systematic abuse of detainees and prisoners and their containment of chambers specifically intended for torture (DRL, 2002a).

One of Saddam Hussein's regime's human rights violations was the significant number of ‘disappearances’, particularly directed at ethnic minorities and numerous dissenting groups. The number of disappearances is approximated between 250,000 to 290,000, including between 50,000 and 70,000 Shi’a individuals and 100,000 Kurdish victims. This also affected members of diverse other groups, including communist groups, Assyrian and Turkmen opposition factions, removed Ba'athists, and their relatives. Additionally, more than 600 Kuwaitis disappeared following their arrest during the occupation of Kuwait (HRW, 2002).

The Iraqi regime also implemented Arabization in Kirkuk, an oil-rich area, through the forced displacement of ethnic minorities and resettlement of Arab families. Additionally, the oppression of Marsh Arabs and other Shi’a communities increased during the Iran-Iraq War and Gulf War, leading to enforced displacement and the destruction of religious and cultural centers. In the southeast, Shi’a Muslims seeking haven encountered bombardment and military strikes, leading to further internal displacement and migration to Iran (HRW, 2002).

Posteraro (2002) criticizes Saddam Hussein's introduction of chemical weapons into the conflict in September 1980, which was driven by his ambition to control the strategic Shatt al-Arab waterway. Despite international legal prohibitions and agreements, Hussein authorized the deployment of banned materials against Iranian forces. This made Iraq the first country after World War II to use chemical warfare tactics.

As the Iran-Iraq War ended in the spring of 1988, Iraq shifted these chemical agents against its people, especially ethnic minorities such as Kurds and Muslim Shi'a. The regime's persecution encompassed the 1982 chemical attack on Dujail as a reaction to Saddam Hussein's assassination plot, leading to the execution of around 150 citizens (Jones, 2006). In addition, the Anfal campaign, which was led by Ali Hassan al-Majid, known as "Chemical Ali," involved massacres, chemical strikes, village destruction, and forced displacement, resulting in ethnic cleansing of the Kurdish population. It extended from February 23 to September 6, 1988. (HRW, 1993). Furthermore, the Halabja massacre in March 1988 resulted in exposing thousands of civilians, including women, children, and the elderly, to mustard and cyanide gas strikes, leading to extensive devastation and severe health issues (Kurjiaka, 1991).

The U.S. Administration continuously raised alarms about the situation of women and children under Saddam Hussein's rule. Women in Iraq encountered serious risks, including beheading for suspected prostitution and rape if affiliated with government opponents. Children experienced a lack of care, with essential medical resources allocated for profit, leading to delays in treatment and the reappearance of diseases such as cholera and polio. The regime also used aggressive strategies, such as hostage-taking, to threaten families and change demographic compositions, while children starting from 10 were forced into military training or lost food rations (DRL, 2002b).

Saddam Hussein and his party's violations of human rights were used by the US administration to defend the decision of military intervention in Iraq. These violations, often highlighted in official speeches and documents frame the military campaign as a moral mission to protect Iraqis and promote democracy in the Middle East. Despite that, the legitimacy of the U.S. humanitarian intervention in Iraq had been challenged, with doubts raised about the invasion's real purposes and effects.

1.2.The Outcomes of the U.S. Military Intervention in Iraq 2003

Following the Iraq War in 2003, Iraq experienced profound outcomes across various dimensions, including political, humanitarian, economic, and international outcomes. The suffering of Iraqis in the aftermath of the war encompassed not only immediate outcomes but also extended to involve long-term impacts.

1.2.1. Political Outcomes

In the aftermath of the Iraq War in 2003, Iraq experienced a radical change in its political scene. After the removal of Saddam Hussein from power in 2003, the US decided to dissolve the deep-rooted Ba'ath Party from political involvement as well as the Iraqi military. This step was taken without offering alternative employment opportunities for the hundreds of thousands of trained personnel, which resulted in a significant security vacuum. These actions initiated a series of challenges, including political instability, sectarian divisions, and an insurgent uprising that gained control of a large part of the country.

1.2.1.1. Immediate Political Outcomes

On March 20, 2003, a coalition led by the United States launched Operation Iraqi Freedom (OIF) to invade Iraq. After the failure of the first airstrikes to target Iraq's leadership effectively, the operation shifted to a ground invasion (Laub, 2017). Concurrently, Coalition forces initiated an attack from the Iraqi-Kuwait borders to capture Basra and nearby oilfields. The military operations extended into southern Iraq by March 23 and faced resistance in the Battle of Nasiriyah until April 2. The aerial attacks disturbed Iraqi defenses, leading to the entry of US forces into Baghdad on April 9 which was embodied by the removal of Saddam's statue. The operations continued in fighting the remaining Iraqi resistance groups until May 1, 2003, when George W. Bush announced the end of the invasion, marking the start of the military occupation phase (Al Jazeera Staff, 2023).

The Coalition Provisional Authority (CPA) was established by the United States and Britain after abandoning the plans that aimed to accelerate the formation of an interim Iraqi government for May 5. The CPA controlled Iraq's administration, security, reconstruction, and the formation of democratic institutions (Otterman, 2005). On May 23, 2003, the CPA started a thorough de-Ba'athification process in Iraq, which sought to remove the power of the former Ba'ath party. Orders were issued to dismiss the Iraqi army and intelligence services. The process depended heavily on exiled Iraqi Shi'a Muslims, who potentially introduced personal biases and political revenge into its application (Laub, 2017).

The rebuilding of Iraq's political structure following 2003 faced serious challenges due to insurgency and sectarian tensions. Insurgent groups conducted continuous attacks on Iraqi security forces, civilians, and coalition troops, which increased the country's instability. A key event happened on August 19, 2003, when the U.N. center in Iraq targeted by a suicide bomber, which led to the evacuation of nonessential personnel and indicated the start of insurgency ("A Timeline of the Iraq War," 2023). In the lead-up to Iraq's national elections in April 2004, resistance against the US occupation escalated. It reached its peak during a massive attack on Fallujah, which involved thousands of US and Iraqi service members and resulted in significant deaths (Laub, 2017).

In 2005, Iraq conducted a public vote to ratify a new constitution, that grants individual freedoms and protections for ethnic and religious minorities. With the incorporation of the constitution, the power hierarchy changed as the Shi'a majority undertook key governmental positions for the first time. The country also witnessed its first democratic national elections, with the election of a Kurdish president who granted autonomy to the Kurdistan Regional Government and officially recognized its Peshmerga forces. While Sunnis maintained the role of parliamentary speaker, their influence in other areas decreased in comparison with the Saddam reign era. Despite the political progress, the accusations of voter fraud and bias intensified sectarian violence across Iraq (Hamasaheed & Nada, 2020).

The interim phase saw growing sectarian conflicts between Sunni and Shi'a Muslims, which were prompted by the bombing of the al-Askari Shi'a shrine in Samarra in February 2006. Sunni combatants were widely charged with the attack. This escalated tension eventually led to what is known as the Iraqi Civil War. Additionally, the execution of Saddam Hussein on November 23, 2006, intensified sectarian divisions as Sunnis viewed it as a political retaliation by the Shiite-dominated government (Al Jazeera Staff, 2023).

1.2.1.2. Long-term Political Outcomes

The period between 2007 and 2011 was indicated by President Bush's decision to station an additional 21,500 soldiers into Iraq which intended to control the increased rebel actions. Despite the surge, sectarian tensions continued. Simultaneously, the "Awakening" among Iraq's Sunni groups arose, driving them to join US forces rather than the jihadist movement (Al Jazeera Staff, 2023; Hamasaeed & Nada, 2020). Corruption was uncontrolled within government facilities, particularly concerning the "de-Ba'athification" process. In addition, the reports showed incidents of unjustified or unlawful killings, with claims accusing government officials and armed forces (DRL, 2008).

after lengthy negotiations, the Iraqi parliament approved a coalition government in December 2010. It was led by Nuri al-Maliki's State of Law party, with Jalal Talabani, a Kurd, as president. Despite attempts to establish joint authority leadership with former Prime Minister Allawi, whose Iraqiya party won the majority of seats, no concrete agreement was reached. Moreover, Maliki's decision to control key ministries raised alarms about the increased centralized power. By 2011, the U.S. had finished the withdrawal of its troops from Iraq, with the agreement of the Baghdad government to incorporate Sunni tribes into the security forces to resolve sectarian tensions (Al Jazeera Staff, 2023; Hamasaeed & Nada, 2020).

From 2012 to 2017, the Iraqi government did not fulfill its obligations to employ and compensate Sunni fighters who had fought jihadist groups. By the beginning of 2013, tens of

thousands of Sunnis demonstrated against what they considered as discriminatory sectarian policies by Prime Minister Maliki. Additionally, Maliki's relations with the Kurds declined during this period. This situation allowed the Islamic State of Iraq and Syria (ISIS) to regenerate. As a result, ISIS employed thousands of Sunnis, extended into Syria in 2013, and seized Fallujah in December. By June 2014, ISIS had occupied a third of the country, with Abu Bakr al-Baghdadi positioning himself as caliph in Mosul. This led to a cruel regime characterized by the spread of brutalities such as rape, executions, and looting (Hamasaheed & Nada, 2020).

After the rise of ISIS, Grand Ayatollah Ali al-Sistani released a “fatwa” urging Iraqis to bear arms against the Sunni jihadist movement, leading to the establishment of the Popular Mobilization Forces which comprised over 60 militias. Simultaneously, the US led the formation of "the Global Coalition to Defeat ISIS," which involved 79 nations and organizations. The US forces offered training, guidance, and airstrikes to assist the Iraqi Army, which led to the defeat of the jihadist groups. The victory over ISIS was declared by Prime Minister Haider al-Abadi in December 2017 (Hamasaheed & Nada, 2020).

In 2018, after Iraq retrieved control over its territory, a national election transformed the political scene. Moqtada al-Sadr allied with secular Sunnis and communists and secured the majority of seats, but a pro-Iran bloc ranked second. Additionally, Barham Salih, a Kurdish figure, became the president, Muhammad al-Halbusi, a Sunni representative, assumed the role of the speaker, and Adil Abdul al-Mahdi, a Shi'a leader, was appointed as a prime minister. However, their leadership was unable to implement governance reforms, leading to mass protests in October 2019. The government's reaction caused over 20,000 injuries and 450 deaths (Hamasaheed & Nada, 2020).

1.2.2. Humanitarian Outcomes

The Iraq War, launched by the U.S.-led coalition in 2003, has had profound and lasting humanitarian impacts on the people of Iraq. As the military operations started, civilians were severely affected, facing casualties, displacement, and widespread suffering on a massive scale.

1.2.2.1. Immediate Humanitarian Outcomes

In a report published in April 2003, Human Rights Watch emphasized the difficulty of fully registering civilian casualties. The Associated Press announced that at least 3,420 civilians had been killed and that the number is incomplete. Ground warfare, particularly in highly populated provinces such as al-Nasiriyya and Baghdad, claimed most of the casualties. Although ground warfare resulted in the majority of casualties, inaccurate airstrikes that failed to target Iraqi leadership also added to civilian deaths and injuries (HRW, 2003a).

The Iraq Body Count (IBC, 2005) reported that a total of 24,865 civilians were killed between March 2003 and March 2005. Women and children comprised nearly 20% of all civilian deaths. The US-led forces took responsibility for 37% of civilian casualties resulting in at least 42,500 civilian injuries. Another report from the IBC shows that the most violent periods were remarked during the first three weeks of the invasion, known as "Shock and Awe," and the Fallujah siege in 2004 (IBC, 2012).

The coalition forces launched multiple operations in Iraqi cities, using strategies such as siege and disruption of necessary services. These military operations employed intense bombings and hindrance of medical services, which resulted in significant civilian deaths and injuries. The 2004 Fallujah siege alone resulted in over 600 reported deaths ("War and Occupation in Iraq", 2007).

Amnesty International (2004) reports systematic human rights violations in Coalition-operated facilities, including restricted access to legal representation and family, prolonged

unjustified detention, and numerous reports of torture and mistreatment by Coalition soldiers. Detainees suffered severe living circumstances and various forms of physical and psychological torture. Following the breakdown of law and order, women and girls experienced raised danger of violence, including kidnapping and sexual abuse.

After the invasion of major Iraqi cities, disorder and lawlessness appeared, with documentation of extensive looting and destruction of public facilities. Concerns were raised about the possibility of initiating actions of retaliation, particularly targeting members affiliated with the Ba'ath Party and the Republican Guard, as well as targeting civilians based on ethnicity or religion (United Nations Office for the Coordination of Humanitarian Affairs, 2003).

According to the World Refugee Survey (2004), internal displacement influenced between 800,000 and 1,000,000 Iraqis. An additional 300,000 Iraqi refugees in Syria and a similar number in Jordan were estimated by the United Nations High Commissioner for Refugees. Remarkable post-war new cases encompassed Arabs fleeing Kirkuk and Kurds obliged to evacuate Sunni Arab cities in central Iraq due to charges of alliance with the US Coalition. The Fallujah assault alone displaced over 200,000 people (as cited in Romano, 2005).

1.2.2.2. Long-term Humanitarian Outcomes

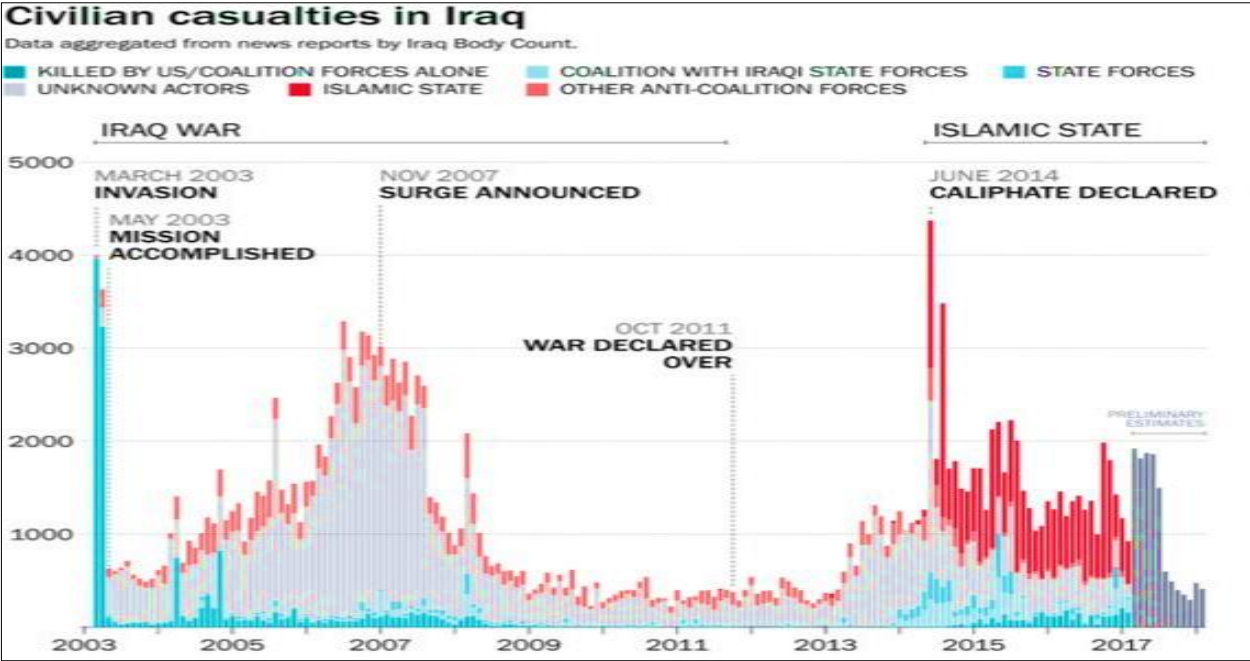
Between 2003 and 2011, the Iraq War caused significant civilian deaths, with the U.S. forces responsible for the largest percentage of fatalities, especially regarding child casualties. The Iraq Body Count is estimated at 114,000 civilian casualties. However, research from four universities, including the University of Washington, approximated about half a million deaths due to conflict-related factors, including violence and infrastructure breakdown. The investigation also reported the migration of approximately two million people from Iraq during the war (IBC, 2012; Nodell, 2013).

Sectarian violence intensified during the period between March 2006 to March 2008, resulting in around 52,000 fatalities. Between 2003 and 2013, the conflict between the US occupation and the Iraqi resistance continued. This situation led to civilian casualties either as collateral damage or because of the conflict between the occupation and the government. However, sectarian killings decreased by 2013 in comparison with their peak levels during 2006-2008 (IBC, 2013).

Although the levels of violence decreased between 2010 and 2012, with annual civilian deaths between 4,116 and 4,622. There was a significant increase in 2014, which resulted in 17,049 civilian fatalities recorded due to violence. This period ranked as the third-highest toll after 2006 and 2007. The Iraqi army airstrikes resulted in 1,748 civilian deaths, while ISIS brought about 4,325 fatalities. The Coalition forces' airstrikes also caused civilian deaths for the first time since 2011 (IBC, 2015).

In January 2016, the UN reported the systematic violent abuses committed by ISIS, which possibly reached war crimes and genocide. The group targeted civilians, government affiliates, professionals, journalists, and religious leaders. The report detailed ISIS's horrific killings, shootings, immolations, beheadings, and sexual exploitation against women and children. Additionally, the report recorded breaches of international humanitarian law by Iraqi Security Forces and affiliated entities, including tribal forces, popular mobilization units, and Peshmerga (Office of the High Commissioner for Human Rights, 2016). The impact of various actors on civilian death toll during the Iraq War is summarized in Figure 1.1, a bar graph showing human losses from 2003 to 2017. The data illustrates three phases of the conflict, including the primary invasion, the following security breakdown, and the rise of the Islamic State.

Figure 2.1: *Civilian Casualties in Iraq (2003-2017): Impact of Various Actors*



Adapted From: Bump (2021)

According to the Iraq Body Count, the war has caused an estimated number of civilian casualties between approximately 187,000 and 210,000 since 2003 (IBC, n.d.). The ongoing war in Iraq has led to increased suffering, including physical injury, psychological damage, and the absence of necessary facilities and resources. A report from the United Nations International Children’s Emergency Fund (UNICEF) reveals the urgent humanitarian needs, with 5.6 million individuals, including 2.6 million children, seeking aid. The continued instability impedes aid delivery. Additionally, around 1.6 million children require protection from abuse, violence, and child labor. COVID-19 and displacement have further intensified these challenges (Hamourtziadou, 2020). Since April 2023, nearly 1.2 million Iraqis have been internally displaced, and five million former internally displaced persons returned, who are in urgent need of assistance due to the poor living conditions (The UN Refugee Agency, n.d.).

1.2.3. Economic Outcomes

Poor governance in Iraq has turned its once valuable assets, such as oil wealth and cultural diversity, into weaknesses. It also resulted in a heavy reliance on oil revenues and intensified ethnic and sectarian divisions. Decades of conflict, wars, and sanctions have further impaired already

fragile institutions, resulting in inadequate security, development, and essential services. This governance failure has weakened the state's legitimacy and allowed alternative groups to compete for power and resources. Reconstruction efforts have also faced accusations of fraud and mismanagement (World Bank, 2017). The war affected profoundly the Iraqi economy, both in the short-term and the long-term, which influenced Iraq's development.

1.2.3.1. Immediate Economic Outcomes

Beyond the massive humanitarian losses, the military intervention in Iraq resulted in severe immediate economic outcomes. These war consequences includes widespread infrastructure damage, notable disruption of the oil sector, and extensive corruption in US-led Iraqi reconstruction. This adds to the suffering of millions of Iraqi civilians.

1.2.3.1.1. Iraq's Infrastructure Damage

The Iraq War caused significant damage to the country's infrastructure, especially the electrical energy, media, and telecommunications centers. For instance, The United States and the UK forces attacked key facilities, among them al-Nasiriyya Power Distribution Station, which led to prolonged blackouts. Moreover, media facilities such as the Ministry of Information and media broadcast centers were damaged, aiming to hinder Saddam Hussein's government's ability to broadcast official statements on television. Telecommunications infrastructure was also extensively destroyed, which resulted in the ceasing of long-distance calling services. This led to significant harm to Iraqi civilian populations. Furthermore, the Coalition assaulted government and security buildings, including the Republican Palace Complex (HRW, 2003a).

Schwartz (2006) reports that during the opening invasion and the following attempts to eliminate the Iraqi resistance, American military actions caused extensive damage to various infrastructures, including roads, bridges, oil facilities, commercial buildings, mosques, and

hospitals. While the resistance also attacked some infrastructure, such as oil transport lines, their effects were limited in comparison with American airstrikes which used large bombs.

Millions of civilians suffered from the impacts of the American explosions, which hindered the government's capability to provide essential services. Hospitals, clinics, schools, and universities were also targeted. To avoid potential explosions, Iraqi citizens had to change their routes ("Explosions Destroying People and Infrastructure," 2007). The US airstrikes worsened Iraq's already inadequate sanitation infrastructure. While neither side targeted sewage systems, the use of 2000-pound bombs sometimes damaged underground sewer lines and led to the release of sewage into streets, groundwater, and rivers. This led to widespread pollution and significant health risks. The damaged water sources affected water purification systems along the Tigris and Euphrates rivers, even in less conflict-affected areas (Schwartz, 2006).

1.2.3.1.2. Disruption of Iraq's Oil Sector

Cordesman et al. (2010) argue that Iraq possesses huge oil reserves, estimated at around 115 billion barrels, ranking it third globally after Saudi Arabia and Iran. Speculation suggests untapped reserves could be similarly vast. The Energy Information Administration estimated its potential value at nearly \$3 trillion. However, since the 2003 invasion, Iraq has struggled to revitalize its petroleum sector due to civil conflict, political strife, corruption, and poor planning. Divisions persisted regarding government versus private development and outside investment terms.

Due to sanctions and Saddam Hussein's preference for investors from countries such as Russia, China, Germany, and France, the Iraqi petroleum sector was unavailable to Anglo-American International Oil Companies (IOCs). However, experts expected a transition to US and UK corporations following the regime change, which was driven by the connections between the Bush Administration and prominent IOCs. Under pressure from the US and UK, the new Iraqi government authorized foreign investment in the oil industry to Anglo-American IOCs. The

proposed 2007 Iraqi Oil Law, dictated by US advisory companies and major oil firms, was predicted to considerably profit Anglo-American IOCs by allowing their access to oil fields. This law increased doubts concerning possible exploitation and long-term gains (Vivoda, 2007).

Vivoda highlights Iraq's insufficient finances to fund the improvement of its oil extraction capacity. This improvement needs tens of billions of dollars for field upgrading and infrastructure building. The disappearance of around US\$12 billion in Iraqi petroleum income following the war, which was due to the spread of corruption, has further hindered oil investment.

Cordesman et al. (2010) attribute the lack of foreign investors in Iraq's oil sector to issues such as regional unrest, inexplicit oil and investment policies, high tax risks, and property ownership uncertainties. Some Iraqi officials argue for nationalizing the oil industry. In addition, there was support for state ownership from legislators. However, Prime Minister Maliki and Oil Minister Shahrastani preferred allowing foreign investment to increase oil profits. These disagreements and the unilateral contracts signed with international companies by the Iraqi Oil Ministry reduce investor confidence.

1.2.3.1.3. Corruption in US-Led Iraqi Reconstruction

The US invasion of Iraq and the following administration of the CPA resulted in corruption-filled reconstruction efforts. Despite the investment of more than \$20 billion in aid funds and \$37 billion from the Development Fund for Iraq, the US aid projects in Iraq have failed to recover the country's economy. Oil production, electricity, and water infrastructure were under the pre-invasion levels. This failure is affected by several factors, including the lack of an assessment of Iraq's capacities and needs, lack of a strategic national development plan, chaotic liberalizing reforms, reliance on increasing oil export revenues, inexperienced foreign reconstruction cadre, and exclusion of Iraqis from the reconstruction programs (Ozlu, 2006).

Schwartz (2006) criticizes the American initiative for economic reform in Iraq, which was led by the CPA and intended to bring the Iraqi economy into the global system by disrupting state industries and supporting economic "opening." However, this system resulted in poor, unaccomplished, or failed projects across Iraq, with significant payments paid to American international firms for poor-quality work due to the lack of monitoring measures, resulting in unrestricted overspending and corruption. For instance, the Iraqi electricity minister, Mohsen Shlash, revealed that much of the work conducted was overpriced, with the real value sometimes representing just one-tenth of the cost.

In December 2005, the US-supported Iraqi government borrowed a \$685 million loan from the International Monetary Fund. By January 2006, the Ministry of Labor and Social Affairs detected a 30% increase in poverty among the Iraqi population post-invasion. In addition, the Ministry of Trade revealed an intention to cancel items from the food ration program by the end of the year, which affected almost the entire population. Economist Omar Abdel Kareem remarked price increases since January, with some products reaching a 300% increase (Button, 2006). This dept proves the corruption of the government and its participation in the suffering of Iraqis

1.2.3.2. Long-term Economic Outcomes

Two decades after the US invasion of Iraq, the subsequent civil war, and the emergence of the Islamic State, Iraq still suffers from widespread corruption and is subject to foreign interference (Woertz, 2023). In addition, the World Bank Group (2020) reports that the ongoing violence and displacement have had a major influence on Iraq's economic recovery. From 2007 to 2012, the Gross Domestic Product (GDP) per person rose, and the national poverty rate declined to 18.9%. However, income inequality increased, with the poorest segments continuing to decrease. In 2014, issues such as a dramatic decline in oil prices and the occupation by ISIS caused an increase in poverty rates, which surged to 22.5%, similar to 2007 levels. Despite some developments in 2017-18, continued political unrest and the COVID-19 pandemic present new difficulties.

Woertz (2023) argues that despite the rise of oil production, Iraq still struggles with unresolved disagreements over the federal petroleum law between Baghdad and Erbil. Although natural gas production has risen, it does not satisfy energy requirements, which necessitates purchases from Iran. Iraq remains largely dependent on the oil economy, which contributes significantly to its budget and exports. Diversifying the economy beyond hydrocarbons is crucial, including supporting sustainable energy, funding small industrial projects, enhancing education and services, and upgrading agriculture. Moreover, Iraq's sectarian-based Muhasasa system needs reform to effectively counter corruption.

Estimates from the World Food Programme (2023) show that Iraq is classified as an upper-middle-income country, ranking 121 out of 191 nations in the Human Development Index for 2021-22. The nation encounters serious demographic challenges, with unemployment at 15.5% and youth unemployment at 36%. The national deprivation rate has grown to 31.7% and exceeds 50% in certain regions. The United Nations Development Programme (UNDP, 2023) reports that around 8.6% of Iraq's population lies within the realm of multidimensional poverty with an additional 5.2% considered as at risk of multidimensional poverty.

Conflict and the absence of investments in Iraq have affected its education system, where around 3.2 million school-aged children are without formal schooling. In conflict-affected areas such as Salah al-Din and Diyala, over 90% of school-age children are unable to access education. Moreover, approximately half of the displaced children are not included in any educational institution, and girls confront greater difficulties in being enrolled. Children lacking education are exposed to exploitation and abuse, including child labor and recruitment by armed groups. Additionally, about half of the schools are damaged and need repairs, and others operate in multiple shifts to allow for more students, resulting in reduced learning time (UNICEF, n.d.).

1.2.4. International Outcomes

Hinnebusch (2007a) claims that the Iraq War, which was initiated to transform the Middle East in favor of the United States, caused unintended outcomes that altered the regional systems. War supporters initially predicted that the overthrow of Saddam Hussein's regime would strengthen pro-American factions and isolate extremist groups. However, Iran was a major beneficiary, which exploited the dominance of Shi'a power in Iraq to reinforce its influence and restrict US forces.

Hinnebusch (2007a) adds that the war also impeded attempts to solve the Israeli-Palestinian conflict, fueled Palestinian resentment, strengthened opposition groups such as Hamas, and ultimately hindered the two-state solution. In addition, the US occupation of Iraq and Afghanistan, along with its support for Israel, prompted anti-American sentiments across the Muslim world. This increased terrorism and recruitment for extremist groups, including al-Qaeda.

The US invasion of Iraq primarily aimed at spreading democracy led to sectarian divisions and destroyed the image of democracy in the Middle East. As a result, democratization became related to American military intervention. Moreover, the Arab Spring, which was fueled by citizens' resentment, did not end autocracy and reflected an ongoing governance gap. Despite revolutions, political stability and successful governance in the region were not achieved (Atlantic Council, 2023).

According to the Atlantic Council (2023), the US invasion of Iraq reduced respect for state sovereignty and increased armed nonstate groups in the region. Groups such as ISIS, which emerged as a result of power struggles following the invasion, challenged state authority and supported alternative political institutions. While ISIS has been restricted to the Middle East, its influence is expanding across Africa. Additionally, Iran's empowered position in Iraq allowed it to encourage Shi'a nonstate groups and reduce state sovereignty in Lebanon, Syria, Yemen, and Iraq itself.

From a different angle, the Atlantic Council (2023) emphasizes that the Iraq War influenced China's foreign policy, through its increased focus on the Middle East as a huge military investment. China has funded maritime expansion and port infrastructure such as the Maritime Silk Road and increased defense spending after realizing the strategic importance of the region. Following the Iraq War, China increased engagements with Middle Eastern energy companies, conducted collaborative exercises, and diversified arms sales, deviating from US preferences. While China's presence in the Middle East might have inevitably increased, the military intervention in Iraq accelerated the process.

The impacts of the war in Iraq also significantly influenced U.S. foreign policies in various ways. Firstly, it consumed a considerable portion of the US military capacity, thus weakening its untapped military capacities and its position against North Korea and Iran. Secondly, the war's financial cost affected negatively the U.S. economy as well as its foreign policy decisions. Lastly, the invasion altered global perceptions of the U.S. and damaged its credibility (Haass, 2006).

Conclusion

The U.S. military intervention in Iraq during the George Bush administration was based on a complex collection of justifications. The justifications included the responsibility of eliminating weapons of mass destruction and confronting terrorism and Saddam Hussein's regime which was linked to terrorist organizations such as al-Qaeda following the 9/11 attacks. Additionally, the US officials emphasized the commitment to the preemptive strike strategy to address the perceived threats to the national security interests. Moreover, the violations of human rights by the Iraqi regime were exploited by the U.S. administration to defend its military intervention in Iraq. However, the legality and legitimacy of these rationales have been subjected to doubts regarding the accuracy of U.S. intelligence and the extent to which these justifications align with legal and humanitarian standards.

The U.S. military intervention in Iraq resulted in extensive and profound consequences, which extended through various dimensions. The intervention resulted in a disruption of the country's political scene, marked by a significant security vacuum, sectarian violence, insurgency, and the rise of non-state armed forces such as the Islamic State of Iraq and Syria. Humanitarian consequences were revealed in the significant number of casualties, displacement, and reports of torture imposed on civilians and detainees. Economically, Iraq suffered infrastructural damage, disruptions in the oil sector, and widespread corruption within U.S.-led reconstruction projects, which deteriorated the ongoing poor situation of Iraqis. Moreover, the intervention had long-lasting international effects, including instability, increased armed nonstate actors in the Middle East, and its effects on the foreign policies of the US and other states. These outcomes highlighted the challenges and long-term impacts of military interventions and emphasized the imperative for in-depth examination and rational decision-making in international security matters.

CHAPTER TWO

Evaluation of the U.S. Justifications in Light of International and Humanitarian Law

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Introduction

The US military intervention in Iraq has initiated a complex discussion concerning the implementation and explanation of international and humanitarian law. International Law is composed of a set of rules that direct the states and international entities' responsibilities toward each other, encompassing various issues such as war crimes, disarmament, the use of force, diplomacy, and human rights (United Nations, n.d.). on the other hand, the International humanitarian law (*jus in bello*), or the Law of Armed Conflict, covers civilians and persons who are not engaged in fighting during armed conflict. By managing military ethics and restricting military tactics and weapons, international humanitarian law seeks to minimize human suffering (Canadian Red Cross, n.d.).

The present chapter evaluates the stated justifications for the military intervention in Iraq in 2003. It assesses the U.S. justifications' alignment with established legal principles, such as the United Nations Charter, customary international law, and relevant Security Council Resolutions issued by the United Nations Security Council (UNSC). Moreover, the study explores the humanitarian aspects of the intervention and evaluates U.S. combat operations' adherence to the standards stipulated in the Geneva Conventions, its additional protocols, and the International Criminal Court (ICC) jurisdiction. Examining the justifications and the humanitarian outcomes of the Iraq War shows the necessity of states' accountability and compliance with international law. This understanding helps also in forming states' policies on global security and human rights.

3.1.Examination of the U.S. Use of Force in Iraq under the United Nations Security Council

Authorisation

The U.S. military involvement in Iraq raises important concerns regarding its adherence to international law, including United Nations regulations, which restrict the use of force by member states. Analyzing relevant United Nations Charter articles and UNSC resolutions is necessary to assess the legality of the U.S. use of force. These articles and resolutions form the legal basis for determining whether the intervention in Iraq was justified under international law.

2.1.1. Legal Evaluation of the Iraq War under the United Nations Charter

The legal foundation that forbids the use of force against another state is protected under the United Nations Charter. According to Schmitt (2003), international law did not explicitly prohibit the use of force until the twentieth century. However, the Second World War's devastation stressed the need for mechanisms to impose such a prohibition. The United Nations Charter of 1945 appeared as an essential document in specifying the guidelines for states regarding the use of force, especially Article 2(4), which outlines the Charter's stance on the prohibition of force: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (United Nations, 1945, p.3). In other words, the United Nations Charter severely restricts the circumstances that allow one state to use force against another. These limitations reflect the principle of state sovereignty and emphasize the importance of peaceful resolutions (Schmitt, 2003).

Unilateral force, within the context of the United Nations Charter, means the deployment of military force by one or multiple nations without the consent of the UNSC. The UN charter,

however, identifies only two special cases regarding the use of armed force. Firstly, Article 51 authorizes the use of force for self-defense, and secondly, Articles 24 and 42 permit the Security Council to approve the use of armed force to stop a threat to global peace and security (Simuziya, 2023). The United Nations Secretary-General Kofi Annan told the BBC that the US invasion of Iraq was illegal and breached the UN charter. He asserted that the US decision to invade Iraq was supposed to be approved by the UNSC rather than through unilateral action. When asked directly if he viewed the invasion as illegal, Annan responded affirmatively and stated, "I have indicated it was not in conformity with the UN charter... it was illegal" (BBC News, 2004, para. 10). Furthermore, Speakers at the UNSC emphasized that the Iraq War is taken without the permission from the Council and represents a violation of the international law and the principles mentioned in the United Nations Charter (United Nations, 2003).

The US-led operation in Iraq has been condemned by legal groups, including the Lawyers' Committee on Nuclear Policy and the Western States Legal Foundation, for disrespecting the UN Charter, which mandates the states to seek peaceful approaches before shifting to military action. Legal analysts criticize such action, which weakens international law founded since World War II and threatens to restore a system based on imperial ambition and coercion (Lobe, 2003).

Under Article 27 (3) of the United Nations Charter (1945), any decision to threaten or use force must have the consent of all five permanent members of the United Nations Security Council. Due to the absence of consensus, no resolution authorized the US and its allies to launch the war. Thus, the Iraq war lacked legal international authorization.

Article 25 emphasizes the collaboration and adherence of all UN member states with UNSC resolutions. Additionally, Article 39 and Article 41 offer the UNSC total power to act as it

considers suitable under such circumstances. However, despite ongoing cooperation and regular assessments by the UN from 1990 to 2002, the UNSC has not reported that the situation in Iraq consisted of any threat to international peace and security, and has not given the United States the right to use force against Iraq (Simuziya, 2023).

Kumar (2014) conveys that the use of armed force with unilateral decision constitutes a great threat to international peace and security, the United States-led war against Iraq in 2003 represents a clear example of this threat. Firstly, such actions oppose the principles of the United Nations, including equal sovereignty and multilateralism. Secondly, the Bush administration used its assessment of perceived threats to defend the use of force. This established a precedent that other nations could use to justify unilateral actions. The Iraq War put more pressure on the UN Charter system than any previous crisis, leading to controversies over the legality of introducing interpretative flexibility that challenges global security.

2.1.2. The United Nations Security Council Resolutions and the Use of Force in Iraq

On March 17, 2003, the British Attorney-General, Lord Goldsmith affirmed that Resolution 678 had no fixed duration, thus it remained effective. Similarly, a statement released by the US administration just before launching the war claimed that their actions were in accordance with the UN Charter and mentioned the authorization of the use of force in SCR 678 from 1990 (Valki, 2004).

Valki criticizes these analyses because the UNSC typically mentions all previous resolutions without ending their force even if they become outdated. Additionally, the claim that Resolution 687 did not pause Resolution 678 lacked basis. Resolution 678 required Iraq to evacuate its forces from Kuwait and approve collective self-defense completely. Therefore, the

Attorney-General's interpretation concerning the automaticity of SCR 678 was invalidated with the liberation of Kuwait. Valki assures that the ceasefire agreement was clear and did not carry a hidden agenda for potential wars, as suggested by the Attorney-General. The resolution secured the territorial sovereignty of Kuwait only and mandated the Security Council to ratify further measures in response to any other Iraqi violations.

Moreover, the Bush administration and the UK Attorney General's claim of the "continuing authority" of SCR 678 and SCR 687 in SCR 1441 was doubted. In January and February of 2003, the US tried to secure a second UN resolution before the March 2003 invasion. This attempt confirms that Security Council Resolution (SCR) 1441 alone was an insufficient foundation for launching war. Moreover, it is argued that the "serious consequences" mentioned in SCR 1441 should be defined by the UNSC, rather than the US administration (Simuziya, 2023).

A Draft Resolution proposed by the United States, United Kingdom, and Spain on February 24, 2003, did not directly permit the use of force against Iraq but indirectly supported the legal position of the United States and United Kingdom on this matter. Dissent from key Council members including China, France, and Russia, led to the introduction of an amended proposal involving an ultimatum for Iraq to comply by March 17, 2003. This revised draft further increased tensions within the Council (Hmoud, 2003). However, on March 17, 2003, when it became clear that the draft resolution would not obtain adequate support, the U.S., Britain, and Spain withdrew the resolution from consideration by the Security Council. This escalated the discussion about the legality of the invasion (Lobe, 2003; Hmoud, 2003).

Therefore, the US and its coalition partners' actions did not conform with the criteria presented in the United Nations Security Council regarding the use of force. This deviation from

the limits indicates that the military intervention conducted by the coalition lacked legal and international basis.

2.2. Assessing the U.S. Justifications in Light of International and Humanitarian Law

The U.S. justifications for military intervention in Iraq have raised crucial questions about the US compliance with international law. Key issues include the validity of the U.S. military action based on claims related to Iraq's possession of weapons of mass destruction (WMD), the US humanitarian grounds, the global war on terrorism and Iraq's connections with al-Qaeda, and the preemptive self-defense argument. These rationales require close examination within the context of international and humanitarian law.

2.2.1. Legitimacy of the U.S. Military Action in Iraq under the Weapons of Mass Destruction Argument

The United States initiated a combat operation in Iraq in 2003 and provided various rationales to defend its actions. The key argument centered on Iraq's possession of weapons of mass destruction, which was viewed as a serious threat to the US and international safety. This claim was used as a central justification in validating the military campaign. Nevertheless, doubts appear about the legality of these claims and the credibility of the intelligence used to support them. Therefore, there is an obligation to investigate and decode the weapons of mass destruction argument.

2.2.1.1. Exploiting United Nations Resolutions to Justify Military Action

The United States has stressed that Iraq's possession of WMD is considered a violation of numerous Security Council resolutions, especially SCR 687. It asserted that the military actions

against Iraq were legitimate depending on the implementation of relevant Security Council resolutions meant to disarm Iraq and reestablish international peace and security. According to their argument, Iraq's notable violation of the ceasefire sanctioned by SCR 687 caused the suspension of the ceasefire. However, the UNSC decisions under Chapter VII of the United Nations Charter are executive and binding on all states, and only the UNSC has the power to decide their enforcement and the penalties for breaches. Therefore, members cannot make unilateral decisions about the UNSC system without explicit approval. Only the UNSC, which enacted the ceasefire, can suspend it by deciding if Iraq's disarmament failures threaten international peace and security (Hmoud, 2003).

Hmoud highlights that the first version of Resolution 1441, suggested by the United States, clearly allowed Member States of the United Nations to employ all required tools to impose Iraq's disarmament obligations. However, rejections from several Council members, including China, France, Germany, Mexico, Russia, and Syria, led to the deletion of this direct language. These members supported a two-step approach, in which the Council would meet again to determine the measures if Iraq did not fulfill its obligations. Intense negotiations led to authorizing SCR 1441, which was noted for its complexity and ambiguity. Paragraph 13 of Resolution 1441 retrieves the Council's frequent warnings to Iraq of "serious consequences" for repeated violations but does not directly allow the use of force.

Additionally, the United States interpreted resolution 1441 to permit any state to report further serious violations by Iraq to the Council. However, the resolution's explicit meaning did not support this interpretation. Nevertheless, the United States claimed on multiple occasions that Iraq had breached the UNSC's decisions. Although the UNSC held several meetings to negotiate reports from UN inspectors regarding Iraqi disarmament following the application of Resolution

1441, it did not officially determine that Iraq violated the law nor decided on further mechanisms to confirm Iraq's compliance (Hmoud, 2003).

The Bush administration benefited from Iraq's limited collaboration with United Nations inspectors concerning its disarmament programs, especially as specified in Resolution 1441. This allowed the US to increase worries among its people that Saddam Hussein was concealing WMD (Simuziya, 2023). Some political specialists argue that Saddam dreaded declaring his lack of WMD to avoid appearing militarily weak in front of regional enemies such as Iran (Haass, 2023; Simuziya, 2023).

2.2.1.2. The Gap Between Pre-War Claims of Weapons of Mass Destruction and Post-War Discoveries

The Iraq Survey Group (ISG), which was located in the United States, led the field search operations in Iraq and was responsible for detecting WMD and documents related to Iraq's arms advancement activities. The investigation, initially directed by David Kay, launched its ground investigation operations in May 2003 and published its initial findings in October 2003. However, on January 23, 2004, David Kay left his post for unknown reasons. In subsequent media interviews and his statement to Congress on January 28, 2004, he challenged that ISG would ever discover the stores of WMD. Except for evidence regarding a long-range missile program, which consisted of traditional weapons rather than WMD, and some minor activities related to WMD advancement, the ISG did not find any scientific, documentary, or physical evidence of chemical, biological, or nuclear weapons production sites (Chang, 2023).

Although Kay's report was incomplete, it allowed for the possibility of a significant discovery. Some officials, such as Secretary of Defense Donald Rumsfeld, maintained hope that

WMD stores might be discovered. However, several months later, the search efforts were terminated as the ISG checked all searchable sites. Charles Duelfer, who succeeded Kay, presented the Duelfer Report on September 30, 2004, which was regarded as the conclusive document on the weapons search. The report, which was released shortly before the November 2004 presidential election, did not significantly change Kay's discoveries concerning WMD stores or programs and cleared some previous doubts. Moreover, the report criticized the Bush administration for its prewar claims (Chang, 2023).

President George W. Bush admitted that Iraq did not possess weapons of mass destruction programs after years of UN inspections and a 15-month search by the ISG, which encompasses thousands of investigations and interviews with about ten thousand US military, intelligence, and scientific personnel. The Bush administration's supporters largely linked the misleading data to "bureaucratic errors" and "communication weaknesses." In addition, the Deputy Secretary of Defense, Paul Wolfowitz, cynically stated that the fabrications were required to secure public support for the war in Iraq. However, CIA Director George Tenet accepted the blame for the incorrect intelligence (Petras, 2006).

Moreover, Petras notes that ongoing investigations reflected testimonies from multiple high-ranking figures in the US government who acknowledged the establishment of a secretive Pentagon office involved in making and advising policies. The office, known as the Office of Special Plans, was led by a group of political appointees, including Wolfowitz, Douglas Feith, and Rumsfeld, who were responsible for fabricating evidence to legitimize the invasion and occupation.

During a White House press conference on August 21, 2006, President George W. Bush clarified his stance concerning Iraq's possession of weapons of mass destruction. He asserted that Iraq did not possess such weapons before the 2003 invasion (The White House, 2006a). However, this statement opposed the previous allegations of the Bush administration, which had confirmed Iraq's possession and concealment of WMD.

Pfiffner (2004) also attributed these inaccurate claims to the administration's pressure on intelligence-gathering capabilities to conform their findings with the administration's policy aims. Furthermore, there were doubts regarding the Vice President's visits to the Central Intelligence Agency headquarters.

President Bush in his State of the Union address on January 28, 2003, claimed that "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa" (Pfiffner, 2004, p. 30). The primary evidence for this claim was a set of documents revealing a uranium purchase deal with Iraq. However, in an address to the UNSC on March 7, 2003, Mohamed ElBaradei, Director-General of the IAEA, reported that an in-depth investigation executed by the agency, along with the consensus of independent analysts, reflected that the documents indicating the uranium deal between Iraq and Niger lacked credibility. Consequently, the IAEA confirmed that these allegations were unfounded. On July 11, the former Director of Central Intelligence, George Tenet, admitted that the integration of those 16 words in the text of the President was a mistake and should not have existed (Cirincione, 2004).

As the justifications for the Iraq war lost validity, several revealing facts emerged. For instance, Christian Westermann, a former intelligence officer in the U.S. Department of State, acknowledged that he was subjected to significant pressure from John R. Bolton, the

Undersecretary of State for Arms Control and International Security, to amplify the threats presented by Iraq's WMD. Westermann was mandated to modify his reports to conform with the administration's portrayal of the Iraqi threat. Furthermore, on June 17, 2003, Senator Carl Levin, a member of the Democratic Party, charged George Tenet with conveying fabricated declarations to Congress regarding WMD. Levin asserted the presence of documents that indicated that Washington had concealed crucial facts from UN inspectors (Zirari, 2014).

The United Nations sanctions enforced in August 1990 can be used as evidence that Iraq lacked weapons of mass destruction. These sanctions successfully prevented the acquisition of necessary materials and technologies that were essential for developing such weapons. Saddam Hussein's noncompliance was perceived as proof of the existence of lethal arsenals. However, Hans Blix, the former chief UN weapons inspector, stated in his book that regardless of continuous suspicions, the UN and the international community had efficiently disarmed Iraq without realizing it (Zirari, 2014).

The Blix Report from UNMOVIC on January 17, 2003, noted that Iraq's collaboration was insufficient but no solid evidence of WMD was detected despite extensive inspections of over 700 suspected locations, including those identified by the CIA. Blix required an extension for inspections from the UNSC, which demonstrated that the criteria for launching the war remained unsatisfied. The US and UK's refusal to continue the inspection raised perceptions of a preplanned invasion. The US may have hesitated to extend inspections due to fears that an intensive investigation might not uncover evidence regarding WMD. This will destroy the war's primary justification and invalidate invasion efforts (Simuziya, 2023).

In 2002, US officials deleted illegally several pages from a UN report on Iraq. According to Niman (2003), the missing pages included accusations that implicate US officials from successive administrations in providing Saddam Hussein with weapons of mass destruction, including anthrax and botulism toxin, from 1983 onwards. This illegal arms trade extended into the late 1980s, despite Saddam's use of chemical weapons against the Kurds in 1988. The removal of these pages implies an attempt to hide the US's involvement in arming Saddam Hussein and their participation in the chemical attacks on the Kurdish people.

Cook (2003), a former head of the House of Commons in the British Parliament, refutes the logic of simultaneously considering Iraq as both a weak and a serious threat in justifying military action. Cook argues that Iraq may not possess WMD capable of targeting major cities, although it might still maintain biological and chemical weapons from past decades, some of which were supplied by the US and the British government. Cook challenges the urgency of military intervention to disarm Iraq's long-standing military capabilities, which were to some extent elaborated with Western assistance over the past 20 years. Additionally, he opposes initiating the war immediately when UN inspectors are hindering Saddam's efforts to complete his weapons program. Simuziya (2023) contends that Iraq's military capacity in 2003 posed a lesser threat in comparison with other countries such as North Korea and Iran, which suggests that targeting Iraq was selective and not justified under the argument of self-defense.

In their study, Cirincione et al. (2004) conducted an in-depth analysis of assessments and findings regarding Iraq's WMD programs. The findings are summarized in Table 2.1, which contains U.S. intelligence assessments, findings and actions by the United Nations, and evidence observed since March 2003. The table addresses particularly Iraq's nuclear, chemical, and biological weapons programs, as well as missile and delivery systems programs.

Table 2.1: *Assessments and Findings Regarding Iraq's Weapons of Mass Destruction Programs*

	US Intelligence Assessment	UN Findings and Actions	Evidence Since March 2003
Nuclear Weapon Program	CIA concluded in October 2002 that Iraq had resumed its nuclear weapon program.	IAEA did not find evidence of a reactivated Iraqi nuclear program.	No evidence of any active Iraqi nuclear program.
Chemical Weapon Program	NIE revealed that Iraq produced and stored chemical weapons.	UNMOVIC detected no evidence of a revived chemical program.	U.S. forces did not uncover any chemical weapons or programs.
Biological weapon program	NIE reported a renewed Iraqi biological weapons program.	UNMOVIC found no proof of biological weapons.	U.S. teams did not find biological weapons or programs.
Missile And Delivery System Programs	NIE suggested that Iraq owned Scud missiles and there were attempts to acquire longer-range missile and UAV delivery capabilities.	UNMOVIC detected progress in missile program activities and started destroying missiles exceeding UN-imposed range limits.	U.S. troops did not locate Scud missiles, ongoing Scud production, or UAVs capable of delivering chemical or biological agents.

Adapted from: Cirincione et al. (2004)

In conclusion, the Bush administration's attempts to revitalize outdated Security Council resolutions, such as SCR 687 and 1441, and its dependence on suspect interpretations of UN resolutions to authorize the use of force in Iraq reflected an illegal basis for such actions and abuse of international legal mechanisms. Furthermore, the discrepancy between prewar statements regarding WMD and the postwar realities of unfounded or unconfirmed findings, as proven in the subsequent findings post-2003, revealed the effect of policymakers on the process of intelligence collection and analysis.

2.2.2. Evaluation of the U.S. Military Intervention in Iraq under Humanitarian Rationales

The US cited humanitarian rationales for its military intervention in Iraq including the liberation of Iraqis from Saddam's brutal regime and democracy promotion. However, concerns about the rationales' compliance with international humanitarian law were raised. The effects of U.S. combat operations on Iraq and its people suggest an inspection of whether the actions employed during the intervention comply with international humanitarian standards. Therefore, a thorough assessment of the U.S. military intervention implications from a humanitarian perspective is needed.

2.2.2.1. Questionable Humanitarian Intervention

The U.S. justification for the invasion of Iraq was changed from the search for weapons of mass destruction to the liberation of the Iraqi people from Saddam Hussein who was a brutal governor of Iraq. This argument gained prominence after the US failure to detect WMD in Iraq (Pattison, 2010; Valki, 2004).

The past actions of the American government, particularly their enforcement of sanctions on Iraq, align with a disrupting behavioral pattern. These sanctions brought severe humanitarian suffering to Iraq, with more than 500,000 Iraqi children dying from thirst, hunger, and diseases. Despite international opposition to these sanctions, the U.S. continued to support them. This suggests that the US's motives were not humanitarian, and therefore, the war cannot be legitimized as a humanitarian intervention (Pattison, 2010).

Roth (2004) affirms that the invasion of Iraq did not satisfy the criteria for a humanitarian intervention. Specifically, the absence of ongoing or imminent mass atrocities excluded the possibility of the to be considered as a humanitarian mission. Moreover, the invasion was not taken as the last solution to tackle the Iraqi atrocities. Additionally, the primary reason for the intervention was not humanitarian and how the intervention was conducted did not conform with international humanitarian law, and it was carried out without approval from the UNSC.

The military intervention in Iraq was seen as unjustified under humanitarian rationales, especially when comparing the level of human rights violations to historical atrocities such as the Anfal genocide. This inconsistency challenges the true motivations behind the timing of the intervention. Additionally, the possible costs of any intervention must be measured with the expected benefits, where the interveners' actions must achieve enough positive effects on human rights that can outweigh the caused harm. In the case of Iraq, it is highly doubtful whether the removal of Saddam Hussein's tyranny would lead to potential improvements in human rights significant enough to offset the expected harms, including civilian and military deaths and the broader negative impacts on the international system (Roth, 2004; Pattison, 2010).

Anti-war activists argue that humanitarian intervention would be a weak justification for military invasion because UNMOVIC inspectors were already on the ground. Their presence reduced significantly the Iraqi regime's ability to harm its population. Additionally, unlike the US intervention in Iraq in 1991 to protect the Kurdish population under SCR 688, no resolution supported the humanitarian intervention in this case (Simuziya, 2023).

Mahajan (2003) criticized the United States' continued engagement in open aggression, which has led to a deliberate disregard of the International Criminal Court and a total rejection of international accountability. Notably, the US has refused to ratify the treaty that established the court. Furthermore, the National Security Strategy explicitly defines measures to prevent any investigation or legal action by the ICC that might impede US efforts to safeguard its security interests. The United States' refusal to acknowledge the court's authority implies a recognition of the war's lack of legitimacy and legality.

Nouri (2021), through an analysis of elite theory and post-colonialism within US international policies, suggests that the 2003 Iraq war was motivated by elite agendas and commercial goals, covered by the mask of promoting democracy in the region. Additionally, there is a discernible inclination in US foreign policy towards intervening militarily in perceived political issues in the global south.

Chomsky (2003, as cited in Simuziya, 2023) argues that the Iraq war was mainly about extending US hegemony rather than merely an attempt to overthrow Saddam Hussein and destroy weapons of mass destruction because security threats exist beyond Iraq.

Hinnebusch (2007b) questions the reason behind the U.S. support for Saddam Hussein during the Iran-Iraq war despite his use of chemical weapons. He criticizes the inconsistency of

key US politicians' statements such as Secretary of Defense Donald Rumsfeld, who supported war in 2003 when Iraq was not involved in similar atrocities. Hinnebusch argues that the US actions during the occupation, such as the dissolution of the Iraqi government, were not merely errors but revealed a neglect of Iraqi lives and property. Some critics in the Arab world suggest a planned effort to weaken Iraq as a potential Arab power and a possible influence by ambitions related to Israel.

Hinnebusch also suggests that the decision to remove Saddam Hussein was driven by the US desire to show its military power and ability to respond to perceived threats. He argues that President Bush aimed to use Iraq as a strategic example to confirm American hegemony due to its weakness and ease of defamation. The aims also included the US desire to attain a quick victory in Iraq, present its troops as liberators, weaken Arab and Islamic resistance, and fight terrorist activities. Hinnebusch doubts that the main issue was that Iraq's WMD would be used against the US. Rather, the reason was that these weapons could limit America's freedom in the Middle East or threaten Israel's existence.

2.2.2.2. Evaluating the Compliance of US Combat Operations in Iraq with International Humanitarian Law

In the context of armed conflicts, adherence to international humanitarian law is obligatory to protect civilians and preserve basic human rights. Following the US military intervention in Iraq, attention has intensified over potential violations of international humanitarian law such as civilian deaths, destruction of public infrastructure, unlawful detention situations, and employing forbidden weapons and tactics.

The failure of US forces in Iraq to comply with humanitarian obligations under the Geneva Convention is observed in the widespread insecurity and violence faced by civilians in the aftermath of the war. According to the International Committee of the Red Cross (ICRC, 2023), Article 3(1) of the First Geneva Convention of 1949 mandates occupying forces to treat civilians and non-combatants humanely and without any discrimination. However, the US failure to efficiently enforce security and order led to a series of killings, violence, looting, acts of retaliation, and destruction of public facilities (See Chapter 1, Section 2.2.1).

Instead of granting humanitarian aid, the US forces used bombs that left a significant number of deaths among Iraqi civilians. Despite inconsistent statistics, the death toll of the war in Iraq was huge, with a daily rate ranging from 48 to 759. Death rates attributed to violence range from 0.64 to 10.25 per 1,000 per year (Tapp et al., 2008). Thus, the U.S. forces violated its duty to protect civilians and secure their safety and well-being during the war.

The principle of proportionality, as outlined in Article 51(5)(b) of Additional Protocol I to the Geneva Conventions, prohibits parties to the conflict from launching indiscriminate attacks that may be expected to cause civilian loss of life, injury, or damage to civilian objects, which would be excessive compared to the expected military advantage. Similarly, the principle of distinction, contained in Article 48 under the same protocol requires conflicting parties to differentiate between military and civilian objectives and to attack only military targets (ICRC, 2023). The "Shock and Awe" strategy led to the significant disabling of essential facilities without sufficient regard for the safety of civilians. The amount of military force used was largely disproportionate to the presented danger by Iraq. This constitutes a violation of these principles (Simuziya, 2023).

The International Committee of the Red Cross (2023) argues that Article 35, Paragraph 2 of Protocol I of the Geneva Conventions forbids using weapons that cause excessive or unnecessary suffering. It is contended that the coalition led by the United States has broken this article through the use of stun grenades. Some reports reveal that these grenades are electromagnetic bombs designed for targeting individuals within a limited area, and they cause the loss of all senses and eventually lead to immediate death (Zirari, 2014). Furthermore, the coalition employed tactics such as cluster bombs, although they knew they would lead to significant civilian deaths. This disregard for civilian life contradicts the principles of humanitarian law (Roth, 2004; Pattison, 2010).

In a congressional hearing on May 14, 2003, Secretary Rumsfeld admitted the deployment of a Hellfire missile by the United States in Iraq, which was widely criticized by humanitarian organizations (CBS News, 2003). Doctors at Alfallujah Hospital affirmed that these weapons caused the bodies they received to become blue and led to bleeding from the noses, eyes, and ears of the dead person (Zirari, 2014).

According to the International Committee of the Red Cross (2023), Article 35(3) and Article 54(2) of Protocol I of the Geneva Conventions prevent attacks that could cause ongoing and severe destruction to the environment, especially installations that are required for the survival of civilians, including water and irrigation systems. However, the coalition forces ruined eight Iraqi dams, in addition to flood control facilities, irrigation systems, energy stations, and sewage purification centers. Consequently, Iraqis have faced severe and prolonged health conditions (Zirari, 2014).

Article 3 of the Third Geneva Convention enforces key protective measures for individuals during armed conflicts, including detainees. It prohibits violent actions such as killing, mutilation, inhumane treatment, and torture against prisoners (ICRC, 2023). During the Iraq War, the coalition forces employed several methods to torture prisoners in detention centers, especially in Abu Ghraib prison. This violates Article 3 of the Geneva Conventions and reveals a disregard for international humanitarian law and human rights. Furthermore, the US's refusal to be subject to the jurisdiction of the ICC regarding atrocities undertaken by its troops indicates its disregard for international law. This situation supported Chomsky's opinion that the war was illegal (Simuziya, 2023).

In the spring of 2004, explicit photographs were published which revealed the abuse of Iraqi detainees by American soldiers in Abu Ghraib prison. These images showed US soldiers abusing their authority over prisoners, including sexual assault, humiliation, and other violent acts. However, the International Red Cross reported that between 70% to 90% of detainees were innocent, and had been mistakenly arrested. These incidents were not individual cases nor actions of a few "bad apples" (Zirari, 2014, p. 108). They fueled the perception of Americans in Iraq as occupiers rather than liberators (Soussi, 2024; Zirari, 2014).

The 2011 Baha Mousa public investigation report was undertaken by the British government to inspect the death of an Iraqi prisoner, Baha Mousa, with other prisoners who died in British detentions in Basra, Iraq, in 2003. The report was issued on September 8, 2011, which revealed shocking human rights violations such as hooding, starvation, and brutal assaults imposed on Iraqi detainees in the aftermath of the war. These findings refute coalition forces' claims that the intervention was for humanitarian reasons (Wyatt, 2011).

The trial and the subsequent execution of Saddam Hussein, which was broadcast via social media, highlighted the obvious disregard of the US for international humanitarian law, including the Geneva Conventions of 1949 and the United Nations 1984 Convention Against Torture. These violations of human rights affirm suspicions that this invasion was primarily aimed at effecting regime change rather than eliminating WMD (Simuziya, 2023).

Women faced increasing risks of violence, such as kidnapping and sexual abuse, during the collapse of law and order after the US invasion (Amnesty International, 2004). Within the confines of international law, Article 27 of the Fourth Geneva Convention protects women from offenses against their honor, including rape and enforced prostitution (ICRC, 2023). Moreover, customary international humanitarian law considers rape and sexual exploitation in wartime as serious breaches of international principles. Thus, states are obliged to encounter and charge these crimes, through enforcing measures to defend impacted populations and imposing accountability for offenders (ICRC, 2016). Additionally, Article 7(1)(g) and Article 8(2)(b) from the Rome Statute of the ICC grades rape, enforced prostitution, forced pregnancy, and other types of sexual harassment as war crimes and crimes against humanity (ICC, 1998). However, the failure to address these violations sufficiently implicates the U.S. in these misconducts.

The corruption of the interim government during reconstruction efforts in Iraq was marked by widespread mismanagement, unchecked overspending, unaccomplished projects, and embezzlement of resources intended for civilian welfare (see Chapter 1 Section 2.3.1.3). This significantly violates the norms established in the Fourth Geneva Convention. This Convention mandates occupying forces to guarantee the effective administration of occupied territories, including accountable resource management to enhance the local conditions (ICRC, 2023).

2.2.3. Validity of the U.S. Intervention in Iraq within the Framework of the War on Terror

Following the 9/11 attacks, the US asserted waging the war in light of these unprecedented security challenges. After that, the US reshaped its national security strategies and argued that war against the states that provide safe havens for terrorists is legal under the Global War on Terrorism (Simuziya, 2023). In the case of Iraq, this claim faced skepticism because there was no evidence linking Iraq to terrorism.

According to Zirari (2014), the Bush administration indicated the existence of an al-Qaeda camp in northern Iraq as proof of Iraq's support for terrorism and claimed that the presence of Abu Musaab al-Zarqawi confirmed Iraqi complicity. However, there was no evidence regarding Iraq's links with al-Qaeda, as reports affirmed that al-Zarqawi had exited Iraq and had no association with the group at the time. This justification was met with skepticism by many countries, including America's European and Arab allies. On the other hand, critics viewed the alleged link between Iraq and terrorism as a pretext to control Iraq's resources.

Additionally, the alleged meeting between Mohamed Atta, a key member of al-Qaeda, and an Iraqi official in Prague, which was investigated by the Federal Bureau of Investigation, was baseless. Even in the absence of strong evidence, the administration continued to indicate a connection between Iraq and al-Qaeda (Pfiffner, 2004).

Pfiffner asserts that in his speech on September 14, 2003, Vice President Cheney defended the administration's strategic policies against terrorism in Iraq. However, President Bush on September 18 admitted that there was no evidence connecting Saddam Hussein to the 9/11 attacks, without offering further clarification on the change in rhetoric. Therefore, it appears that the

administration realized the lack of evidence but continued in employing the questionable argument. Pfiffner concludes that this insistence suggests a motive to exploit public sentiment by linking Saddam to the 9/11 attacks to secure support for the Iraq War.

Cirincoine (2004) asserts that despite arresting several alleged al-Qaeda members by U.S. forces, these arrests have not detected new evidence of collaboration between Iraq and al-Qaeda. Moreover, Abu Zubaydah and Khalid Sheikh Mohammed, senior al-Qaeda leaders in custody, told interrogation officers that Iraq and al-Qaeda did not manage joint operations. Additionally, in July, U.S. authorities captured Ahmed Khalil Ibrahim Samir al-Ani, an Iraqi intelligence agent accused of meeting Mohamed Atta in Prague in April 2001, but the outcome of his interrogation has not been shared.

Despite expert advice from figures such as Richard Clarke, a former counter-terrorism coordinator in the Bush Administration challenging the administration's claims of Iraq's ties with al-Qaeda, the Bush Administration chose to neglect this counsel and maintain the narrative that supported the military intervention. This disregard highlights the questionable nature of the U.S. justification for the use of force in Iraq under the War on Terror argument.

To sum up, the US experienced a dilemma following the September 11, 2001 attacks which were conducted by the terrorist group al-Qaeda. Notably, al-Qaeda did not have a permanent state of residence and had no connections with Saddam Hussein. Consequently, the U.S. invasion of Iraq cannot be justified under this argument (Simuziya, 2023).

2.2.4. Legality of the U.S. Use of Force in Iraq under Preemptive Self-Defence Argument

Article 51 of the UN Charter (1945) authorizes the "inherent right of individual or collective self-defense" in the case of an armed attack while waiting for proper actions to be taken by the Security Council. This indicates that using armed force is not absolute but might only be used as a final option temporarily while awaiting further direction from the UNSC.

Simuziya (2023) argues that self-defense is allowed only under particular situations. Firstly, the threat must be imminent or urgent. Secondly, it must be shown to be strong or devastating. Lastly, there should be no alternative resort available, which means that the attacker leaves no choice but self-defense.

Senior figures in the US Defense Department used Article 51 to justify the invasion of Iraq but acknowledged that the international public was unlikely to support this argument. The main problem was that this article prohibits preemptive self-defense. It grants the states the right to use force as self-defense only in responding to an actual armed attack (Bellamy, 2003).

Considering the explicit language of Article 51 of the UN Charter, the American attack on Iraq in 2003 violated the right to individual self-defense. This right can be applied in customary law only when a country experiencing an imminent attack does not have time to request support from the UNSC. Since there was no conclusive proof that Iraq was about to launch a war against the US, initiating a preemptive war under self-defense amounted to deceiving the UNSC. Although the US accused the UNSC of inaction against Iraq, it failed to prove how Iraq represented an immediate threat to the United States. The US accused Iraq of producing WMD, which allegedly threatened US national security. However, the inspectors did not detect any evidence regarding

Iraq's possession of such weapons. Therefore, the US invasion of Iraq did not align with the right of self-defense outlined in Article 51 of the UN Charter (Field, 2004; Gupta, 2008; Pierson, 2004).

Bellamy (2003) critiques the U.S. administration's argument concerning the reinterpretation of Article 51 to allow preemptive strikes against potential aggressors. This doctrine was developed after the September 11 attacks and was formulated in the National Security Strategy of September 2002. It asserted that states such as Iraq posed unique threats to global security. However, this argument lacks reliability as it fails to demonstrate that such states represent new threats compared to other states that possess similar weapons capabilities.

The Bush doctrine has faced significant criticism both domestically and internationally. Henry Kissinger, a previous American political official, along with other scholars have questioned the potential negative effects of allowing states to define and respond to perceived security threats unilaterally. They were concerned about the possible instability and international security threats. Critics have also pointed out the double standards in applying preventive action, with the US asserting this right while warning other nations against similar actions. These critiques raise concerns about the misuse of preemptive actions by superpowers in supporting attacks against weaker states (Bellamy, 2003; Gupta, 2008).

Additionally, the Bush doctrine undermined formal multilateralism and potentially legitimized unilateral force. This change marks a shift in America's post-9/11 global leadership and sets new principles for military interventions without multilateral approval. This unilateral approach reflects global worries about American power dynamics similar to Cold War tensions and its unchecked influence on international relations (Dolan, 2004; Gupta, 2008).

Gupta (2008) criticized the Bush doctrine's lack of precise guidelines for addressing real or potential threats, particularly regarding WMD, and did not clarify criteria or timing for preemptive strikes. Instead, it depends on the administration's biased assessment of perceived threats. If the stockpiling of WMD by opposing forces is the main measure for perceived danger by the US, then countries such as North Korea, with its publicly admitted nuclear weapons program and rejection of international inspections, would pose a greater threat than Iraq. Seoul, which is of substantial interest to the US, is directly threatened by North Korea's military capabilities. However, the U.S. has selected diplomacy over armed confrontation to address North Korea's disarmament. This reflects the doctrine's subjective nature and its ability to affect international dynamics in unforeseen ways.

Gupta suggests that the U.S. decision to refrain from seeking counsel from the International Court of Justice (ICJ) regarding its preemptive strike on Iraq conveys recognition of potential illegality under international law. By avoiding interaction with the ICJ, the US indirectly acknowledged that requesting authorization from the World Court probably would not have justified their attacks against Iraq. The reason behind this rejection could be due to the lesson from the Nicaragua Case in 1986, where the U.S. faced negative judgment from the ICJ. Given this, it was not expected that the U.S. would subject the Iraq case to the World Court's investigation, fearing issuing a similar outcome that this preemptive military action is illegal.

In the case of the Iraq War, the issue was not in the adoption of preemptive self-defense but in the interpretation of its scope. For instance, the U.S. blockade of Cuba in 1962 and Israel's assault on the Iraqi nuclear facility in 1981, involved narrow operations that did not represent a violation of national sovereignty. However, the occupation of Iraq and the dissolution of its government depart from previous interpretations of preemptive self-defense. This widening of the

rule's applicability questions the extent to which preemptive strikes can be legitimized under customary law (Field, 2004).

According to the U.S. administration's own National Intelligence Council, the preemptive strike, authorized by the NNS, could intensify support for terrorists in the region and invite enduring hostility towards the US instead of promoting democracy. It is regarded as a risky strategy that is likely to have unintended impacts and prompt discontent and resistance. Ultimately, this will lead to a more hostile and divided international environment (Gupta, 2008).

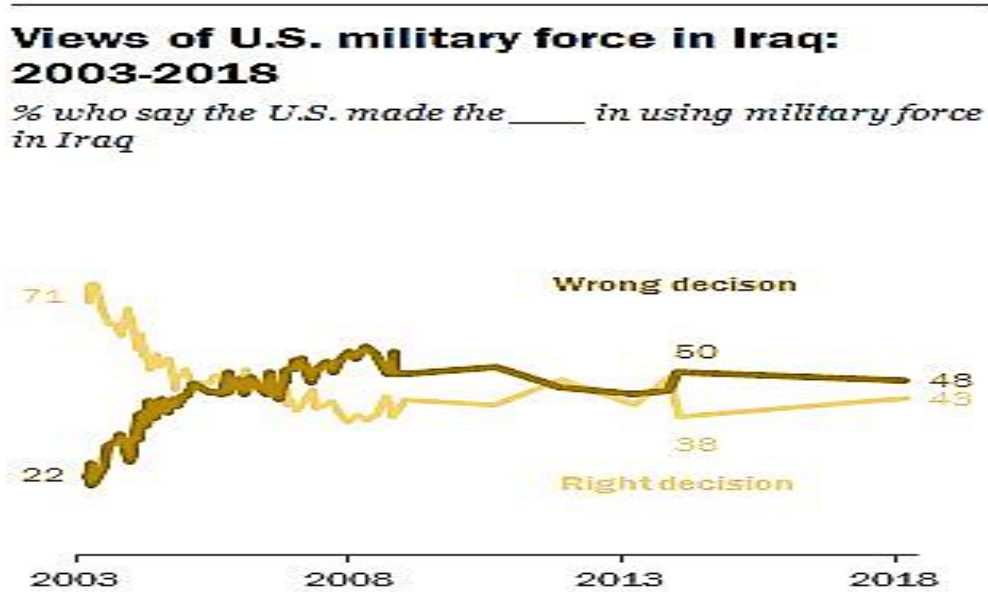
While the details of Article 51 may appear unclear, key elements such as "necessity and proportionality" must be carefully measured in such situations. The concept of self-defense is often misused through the application of unnecessary force that exceeds the posed threat. The "shock and awe" attack strategy was criticized due to this indiscriminate use of military force by US forces in Baghdad, which reveals the US's disregard for international law (Simuziya, 2023).

The US used Article 51 of the UN Charter as an excuse to attack governments it opposed in pursuit of its hegemonic ambitions. This counters the US's proclaimed support for democratic governance, due to its condemnation of Saddam Hussein's regime while strengthening other dictatorial regimes in the Middle East such as Saudi Arabia, Jordan, and Qatar. Such hypocrisy has intensified discontent toward the US in the region and beyond (Simuziya, 2023).

Daalder and Lindsay (2004) report that recent surveys suggest that the vast majority of people now believe that the war in Iraq was unjustified or ineffective. Convincing these individuals and the international community to support another preemptive war in another region of the world would be a difficult challenge. Public consensus often reflects the legitimacy of state actions. The

following line chart represented in Figure 3.2 shows the American public opinion regarding the U.S. military's involvement in Iraq, either right or wrong decision, from 2003 to 2018.

Figure 4.2: *Shifting U.S. Opinion on Iraq Military Action (2003-2018)*



Adapted from: Oliphant (2018)

Support for the decision to use force in Iraq reached its peak shortly after the U.S. invasion in late March 2003, with 71% of Americans favoring the action, while only 22% against it. This rise in support can be linked to increased post-9/11 sentiments and preemptive self-defense arguments. However, throughout the following years, public perceptions marked a notable decrease, revealing a trend towards increasing uncertainty and dissent of the ongoing military engagement and its impacts. By 2018, nearly half (48%) of Americans considered the use of force as a wrong decision, while slightly fewer (43%) thought it was right. This decline reveals public worries about the legality of this preemptive war and its impacts as well as the precision of the US intelligence.

To sum up, the US use of force in Iraq under the preemptive self-defense argument was found to be illegal and lacking legitimacy. The threat posed by Iraq was not legally enough to justify preemptive military intervention under international law.

Conclusion

In conclusion, the evaluation of the United States military intervention in Iraq through the lens of international and humanitarian law confirmed its illegality. The US did not reach the needed criteria to justify the war due to the clear contradiction between its arguments and the established international legal and humanitarian principles. First, pursuits to legitimize the use of force under the UN Charter missed explicit authorization beyond self-defense or collective security concerns. Second, attempts to revive outdated Security Council resolutions were refuted. Furthermore, the significant gap between prewar statements and postwar findings regarding Iraq's weapons capabilities confirmed the illegality of the weapons of mass destruction argument. Moreover, the violations undertaken by U.S. combat operations in Iraq were against international humanitarian law, particularly the Geneva Conventions undermined the US humanitarian Claims. Additionally, the War on Terror rationale lacked validity due to the US failure to provide solid evidence connecting Iraq to the 9/11 attacks or al-Qaeda. This lack of evidence also delegitimized the preemptive self-defense argument within international law. Hence, after evaluating U.S. justifications for the military intervention in Iraq in light of international and humanitarian law, it was evident that this intervention was unlawful and signified an explicit breach of international and humanitarian standards.

General Conclusion

The American military intervention in Iraq began on March 20, 2003, during the administration of President George W. Bush. The study explored the diverse range of justifications cited by the United States for this military operation. It also investigated these justifications within the framework of international and humanitarian law. The aim was to judge the legality and validity of the stated motivations and the compliance of US military actions.

The investigation revealed a complex range of rationales that supported the U.S. decision to involve militarily in Iraq. The necessity to destroy weapons of mass destruction, the need to address terrorism following the 9/11 attacks, and the alleged links between Saddam Hussein and terrorist groups such as al-Qaeda were key grounds for the intervention. Furthermore, the preemptive strike doctrine, humanitarian intervention, and democracy promotion were central in forming the U.S. stance. Despite these stated reasons, the legality of these claims remained controversial from the point of view of international and humanitarian law.

The study acknowledged the profound effects of the U.S. military operations in Iraq. From a political viewpoint, these operations resulted in a widespread political vacuum, enduring instability in the country, intensified sectarian tensions, insurgencies, and the emergence of armed militias such as ISIS. The humanitarian outcomes were severe, with massive death toll, large-scale displacement, and human rights abuse against civilians and detainees. Economically, Iraq experienced the collapse of its infrastructure, deterioration in its oil industry, and corruption in the reconstruction programs led by the US, all of which increased the struggles faced by Iraqis. Internationally, the interventions caused broad effects, including destabilization and sectarian conflicts in the region due to the rise of extremist groups such as ISIS, the increased Iranian influence, and the revisions of international foreign policies.

The study assessed the legality and legitimacy of the U.S. military interventions in Iraq through an international and humanitarian law lens, which demonstrated the illegality of these interventions and their violation of legal and humanitarian laws. The justifications provided by the United States were insufficient to meet the required standards to justify the wars and were often contradictory with international and humanitarian rules. Attempts to validate the use of force under the UN Charter and Security Council resolutions, such as SCR 687 and 1441, failed to achieve authorization within the scope of self-defense or collective security measures. Furthermore, prewar assertions by White House officials concerning weapons of mass destruction were demolished by the postwar realities of unfounded discoveries. This failure to uncover WMD obliged U.S. officials to shift the focus to humanitarian rationales. These rationales were further in violation of international humanitarian law, notably the Geneva Conventions, its additional protocols, and the jurisdiction of the ICC due to the breaches committed during U.S. operations. Moreover, the lack of proof connecting Iraq to the 9/11 attacks or al-Qaeda undermined the War on Terror logic and confirmed the illegality of the preemptive strike doctrine within international law.

This scientific research could fail to provide researchers with complete knowledge about other military interventions or wars, as our focus was only on the Iraq War. Comparative analysis of other wars, such as the Russian-Ukrainian War of 2022 and the Palestinian-Israeli War of 2023, through the analysis of the stated motivations and their alignment with international and humanitarian law, could offer a deeper understanding of the mechanics of geopolitics among the superpowers.

References

- A timeline of the Iraq War*. (2023, March 7). PBS NewsHour. Retrieved March 13, 2024, from <https://www.pbs.org/newshour/world/a-timeline-of-the-iraq-war>
- ABC News. (2003, February 5). Full text of Powell's address to U.N. *ABC News*. <https://abcnews.go.com/US/story?id=90883&page=1>
- Al Jazeera Staff. (2023, March 23). What happened when Iraq was invaded 20 years ago? *Al Jazeera*. Retrieved March 13, 2024, from <https://www.aljazeera.com/news/longform/2023/3/20/iraq-war-timeline>
- Amnesty International. (2004, May 26). *Amnesty International report 2004 - Iraq*. Refworld. Retrieved March 5, 2024, from <https://www.refworld.org/reference/annualreport/amnesty/2004/en/15686>
- Arms Control Association. (2002, October). *Iraq: A chronology of UN inspections*. Retrieved February 10, 2024, from <https://www.armscontrol.org/act/2002-10/features/iraq-chronology-un-inspections>
- Atlantic Council. (2023, March 28). *How the war in Iraq changed the world—and what change could come next*. <https://www.atlanticcouncil.org/blogs/menasource/how-the-war-in-iraq-changed-the-world-and-what-change-could-come-next/>
- BBC News. (2004, September 16). *Iraq war illegal, says Annan*. http://news.bbc.co.uk/2/hi/middle_east/3661134.stm
- Bellamy, J. A. (2003). Feature — Legality of the Use of Force Against Iraq: International Law and the War With Iraq. *Melbourne Journal of International Law*, 4. https://law.unimelb.edu.au/_data/assets/pdf_file/0008/1680362/Bellamy.pdf
- Bump, P. (2021, October 23). 15 years after the Iraq War began, the death toll is still murky. *Washington Post*. <https://www.washingtonpost.com/news/politics/wp/2018/03/20/15-years-after-it-began-the-death-toll-from-the-iraq-war-is-still-murky/>
- Bureau of Democracy, Human Rights, and Labor. (2002a, March 4). *Iraq: country reports on human rights practices - 2001*. U.S. Department of State. <https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/07/hrp01iraq.pdf>

- Bureau of Democracy, Human Rights, and Labor. (2002b, December). *Iraq: A population silenced*. U.S. Department of State. <https://2001-2009.state.gov/g/drl/rls/15996.htm>
- Bureau of Democracy, Human Rights, and Labor. (2008, March 11). *Iraq*. U.S. Department of State. <https://2009-2017.state.gov/j/drl/rls/hrrpt/2007/100596.htm>
- Button, K. (2006, May 20). *IMF in Iraq: The second invasion*. Global Policy Forum. <https://archive.globalpolicy.org/security/issues/iraq/attack/consequences/2006/0520invasion.htm>
- Canadian Red Cross. (n.d.). *What is international humanitarian law?* Retrieved April 1, 2024, from <https://www.redcross.ca/how-we-help/international-humanitarian-law/what-is-international-humanitarian-law>
- CBS News. (2003, May 14). New missiles flooded enemy in Iraq. *CBS News*. <https://www.cbsnews.com/news/new-missiles-flooded-enemy-in-iraq/>
- Chaib, M. A. (2020). *The Iraq War 2003 motivations and proposes* [Master's Thesis, Abdelhamid Ibn Badis University]. <http://e-biblio.univ-mosta.dz/bitstream/handle/123456789/17632/The%20Iraq%20War%202003%20Motivations%20and%20Proposes.pdf?sequence=1&isAllowed=y>
- Chang, G. C. (2023). Encoding the absence of weapons of mass destruction. In *Revolution and witchcraft*. Palgrave Macmillan. https://doi.org/10.1007/978-3-031-17682-1_17
- Cirincione, J. (2004, August 28). *Niger uranium: Still a false claim*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/2004/08/28/niger-uranium-still-false-claim-pub-1595>
- Cirincione, J., Mathews, T., Perkovich, G., & Orton, A. (2004, January). *WMD in Iraq: Evidence and implications*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/files/Iraq3FullText.pdf>
- Cook, R. (2003, March 18). Why I had to leave the cabinet. *The Guardian*. <https://www.theguardian.com/politics/2003/mar/18/foreignpolicy.labour1>
- Cordesman, A. H., Mausner, A., & Derby, E. (2010). *Economic challenges in Post-Conflict Iraq*. Center For Strategic and International Studies (CSIS). <https://csis-website->

prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/100317_IraqEconomicFactors.pdf

- Cushman, T. (2005). The human rights case for the war in Iraq: A consequentialist view. In R. A. Wilson (Ed.), *Human rights in the “war on terror”* (pp. 79–107). Cambridge: Cambridge University Press. https://www.wellesley.edu/sites/default/files/assets/departments/sociology/war_on_terror.pdf
- Daalder, I. H., & Lindsay, J. (2004, May 30). *The Preemptive-War doctrine has met an early death in Iraq*. Brookings. Retrieved February 25, 2024, from <https://www.brookings.edu/articles/the-preemptive-war-doctrine-has-met-an-early-death-in-iraq/>
- Dolan, C. J. (2004). The Bush Doctrine and U.S. Intervention. *American Diplomacy*, 9(2). Retrieved from https://ciaotest.cc.columbia.edu/olj/ad/ad_v9_2/doc01.html
- Explosions destroying people and infrastructure. (2007, January 31). *The New Humanitarian*. <https://www.thenewhumanitarian.org/report/69286/iraq-explosions-destroying-people-and-infrastructure>
- Field, A. (2004). Humanitarian Intervention and the War in Iraq: Why Was It Always an After-Thought? *Bond Law Review*, 16(2), 5 - 39. <https://blr.scholasticahq.com/api/v1/articles/5455-humanitarian-intervention-and-the-war-in-iraq-why-was-it-always-an-after-thought.pdf>
- Global war on terror*. (n.d.). George W. Bush Library. Retrieved January 31, 2024, from <https://www.georgewbushlibrary.gov/research/topic-guides/global-war-terror>
- Gupta, S. (2008). The Doctrine of Pre-Emptive Strike: Application and Implications during the Administration of President George W. Bush. *International Political Science Review / Revue Internationale de Science Politique*, 29(2), 181–196. <http://www.jstor.org/stable/20445135>
- Haass, R. (2006, March 14). Haass: On balance, Iraq War’s impact on U.S. foreign policy ‘Clearly negative.’ *Council on Foreign Relations*. <https://www.cfr.org/interview/haass-balance-iraq-wars-impact-us-foreign-policy-clearly-negative>
- Haass, R. (2023, April 13). *Revisiting America’s war of choice in Iraq*. Project Syndicate. <https://www.project-syndicate.org/onpoint/iraq-war-20-years-later-causes-misconceptions-and-lessons-by-richard-haass-2023-03>

- Hamasaheed, S., & Nada, G. (2020, May 29). *Iraq timeline: Since the 2003 war*. United States Institute of Peace. Retrieved March 14, 2024, from <https://www.usip.org/iraq-timeline-2003-war>
- Hamourtziadou, L. (2020, December 31). *Iraq 2020: legitimacy, security and war crime let-offs*. Iraq Body Count. Retrieved March 14, 2024, from <https://www.iraqbodycount.org/analysis/numbers/2020/>
- Hinnebusch, R. (2007a). The American Invasion of Iraq: Causes and Consequences. *Perceptions: Journal of International Affairs*, 12(1), 9-27. <https://dergipark.org.tr/en/pub/perception/issue/48997/625107>
- Hinnebusch, R. (2007b). The US Invasion of Iraq: Explanations and Implications. *Critique: Critical Middle Eastern Studies*, 16(3), 209–228. <https://doi.org/10.1080/10669920701616443>
- Hmoud, M. (2003). Use of force against Iraq: Occupation and Security Council Resolution 1483. *Cornell International Law Journal*, 36(3). <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1527&context=cilj>
- Huiskes, K. (2020). Timeline: The September 11 terrorist attacks. *Miller Center*. <https://millercenter.org/remembering-september-11/september-11-terrorist-attacks>
- Human Rights Watch. (1993, July). *Genocide in Iraq: The Anfal campaign against the Kurds*. <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>
- Human Rights Watch. (2002, December). *Justice for Iraq: A Human Rights Watch policy paper*. <https://www.hrw.org/legacy/backgrounder/mena/iraq1217bg.htm>
- Human Rights Watch. (2003a). *Off target: The conduct of the war and civilian casualties in Iraq*. <https://www.hrw.org/reports/2003/usa1203/usa1203.pdf>
- Human Rights Watch. (2003b, March). *HRW: Iraq: The death penalty, executions, and “prison cleansing”*. <https://www.hrw.org/legacy/backgrounder/mena/iraq031103.htm>
- International Committee of the Red Cross. (2016, August 18). Q&A: Sexual violence in armed conflict. <https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>

- International Committee of the Red Cross. (2023, November 23). *The Geneva Conventions and their commentaries*. <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>
- International Criminal Court. (1998). *Rome Statute of the International Criminal Court*. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
- Iraq Body Count. (2005, July 19). *A dossier of civilian casualties in Iraq 2003–2005: New analysis of civilian casualties in Iraq: Report unveils comprehensive details*. Retrieved March 14, 2024, from <https://www.iraqbodycount.org/analysis/reference/press-releases/12/>
- Iraq Body Count. (2012, January 2). *Civilian deaths from violence in 2003-2011*. Retrieved March 14, 2024, from <https://www.iraqbodycount.org/analysis/numbers/2011/>
- Iraq Body Count. (2013, March 19). *The War in Iraq: 10 years and counting*. Retrieved March 14, 2024, from <https://www.iraqbodycount.org/analysis/numbers/ten-years/>
- Iraq Body Count. (2015, January 1). *Iraq 2014: Civilian deaths almost doubling year on year*. Retrieved March 14, 2024, from <https://www.iraqbodycount.org/analysis/numbers/2014/>
- Iraq Body Count. (n.d.). *Documented civilian deaths resulting from violence*. Retrieved May 23, 2024, from <https://www.iraqbodycount.org/database/>
- Jones, D. (2006, January 24). *Iraq - Saddam's road to hell - A journey into the killing fields*. PBS. Retrieved February 21, 2024, from https://www.pbs.org/frontlineworld/stories/iraq501/events_dujail.html
- Kavanagh, J., & Frederick, B. (2023, March 30). *Why U.S. military interventions fail and what to do about it*. RAND. <https://www.rand.org/pubs/commentary/2023/03/why-us-military-interventions-fail-and-what-to-do-about.html>
- Kerton-Johnson, N. (2010). *Justifying America's Wars: The conduct and practice of US military intervention* (1st ed.). Routledge. <https://doi.org/10.4324/9780203861677>
- Kumar, R. (2014). Iraq War 2003 and the Issue of Pre-emptive and Preventive Self-defence: Implications for the United Nations. *India Quarterly*, 70(2), 123–137. <http://www.jstor.org/stable/45072829>

- Kurjiaka, K. M. (1991). The Iraqi Use of Chemical Weapons against the Kurds: A Case Study in the Regulation of Chemical Weapons in International Law. *Penn State International Law Review*, 9(1). <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1133&context=psilr>
- Laub, Z. (2017, May 1). The Iraq War. *Council on Foreign Relations*. Retrieved March 13, 2024, from <https://www.cfr.org/timeline/iraq-war>
- Lobe, J. (2003, March 21). *Law groups say U.S. invasion illegal*. Common Dreams. <https://web.archive.org/web/20040215193958/http://www.commondreams.org/headlines03/0321-10.htm>
- Mahajan, R. (2003). *Full spectrum dominance: US power in Iraq and beyond*. Turnaround Publisher Services Ltd.
- McBride, J. (2021, August 30). How 9/11 reshaped foreign policy. *Council on Foreign Relations*. <https://www.cfr.org/timeline/how-911-reshaped-foreign-policy>
- Mueller, K. P., Castillo, J. J., Morgan, F. E., Pegahi, N., & Rosen, B. (2006). *Striking first: Preemptive and preventive attack in U.S. national security policy*. RAND Corporation. https://www.rand.org/content/dam/rand/pubs/monographs/2006/RAND_MG403.pdf
- Niman, M. I. (2003, April 29). *What Bush didn't want you to know about Iraq*. Retrieved April 25, 2024, from <https://www.projectcensored.org/3-us-illegally-removes-pages-from-iraq-un-report>
- Nodell, B. (2013, October 15). *Study: Nearly 500,000 perished in Iraq war*. UW News. <https://www.washington.edu/news/2013/10/15/study-nearly-500000-perished-in-iraq-war/>
- Nouri, B. (2021). *Elite theory and the 2003 Iraq occupation by the United States*. <https://doi.org/10.4324/9781003147558>
- Nuclear Threat Initiative. (2009, February). *Iraq nuclear chronology*. https://www.nti.org/wp-content/uploads/2021/09/iraq_nuclear.pdf
- Office of the High Commissioner for Human Rights. (2016, January 19). *Staggering civilian death toll in Iraq – UN report*. Retrieved March 10, 2024, from <https://www.ohchr.org/en/press-releases/2016/01/staggering-civilian-death-toll-iraq-un-report>

- Oliphant, B. (2018, March 19). The Iraq War continues to divide the U.S. public, 15 years after it began. *Pew Research Center*. <https://www.pewresearch.org/short-reads/2018/03/19/iraq-war-continues-to-divide-u-s-public-15-years-after-it-began/>
- Otterman, S. (2005, February 16). IRAQ: Interim Authority. *Council on Foreign Relations*. <https://www.cfr.org/backgrounder/iraq-interim-authority>
- Ozlu, O. (2006). *Iraqi economic reconstruction and development*. Center For Strategic and International Studies. <https://www.comw.org/warreport/fulltext/0604ozlu.pdf>
- Pattison, J. (2010). *Humanitarian intervention and the responsibility to protect: Who should intervene?* New York, NY: Oxford University Press Inc.
- Petras, J. (2006). *The power of Israel in the United States*. <https://ia601600.us.archive.org/33/items/ThePowerOfIsraelInTheUnitedStates/The-Power-of-Israel-in-the-United-States-.pdf>
- Pfiffner, J. P. (2004). Did President Bush Mislead the Country in His Arguments for War with Iraq? *Presidential Studies Quarterly*, 34(1), 25–46. <http://www.jstor.org/stable/27552561>
- Pierson, C. (2004). Preemptive Self-defense in an Age of Weapons of Mass Destruction: Operation Iraqi Freedom. *Denver Journal of International Law & Policy*, 33(1). <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1447&context=djilp>
- Pincus, W. (2006, September 15). CIA learned in '02 that Bin Laden had no Iraq ties, report says. *Washington Post*. Retrieved January 31, 2024, from <https://www.washingtonpost.com/archive/politics/2006/09/15/cia-learned-in-02-that-bin-laden-had-no-iraq-ties-report-says/097f75d8-b7fe-4186-bd7b-a8dc6e7a45ba/>
- Posteraro, C. C. (2002). Intervention in Iraq: Towards a Doctrine of Anticipatory Counterterrorism, Counter-proliferation Intervention. *Florida Journal of International Law*, 15(2). <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1317&context=fjil>
- Richelson, J. (2004, February 11). *Iraq and weapons of mass destruction*. The National Security Archive. Retrieved February 10, 2024, from <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB80/>

- Roberts, J. (2002, September 5). *Plans for Iraq attack began on 9/11*. CBS News. Retrieved January 31, 2024, from <https://www.cbsnews.com/news/plans-for-iraq-attack-began-on-9-11/>
- Rockmore, T. (2006). *On justifying the first blow*. Matthew B. Ridgway Center for International Security Studies, University of Pittsburgh, Pennsylvania. Retrieved from https://www.files.ethz.ch/isn/48358/Rockmore_Justifying.pdf
- Romano, D. (2005, January 1). *Displaced Iraqis: Caught in the maelstrom*. Forced Migration Review. Retrieved from <https://www.fmreview.org/education-emergencies/romano>
- Roth, K. (2004, January 25). *War in Iraq: Not a humanitarian intervention*. Human Rights Watch. <https://www.hrw.org/news/2004/01/25/war-iraq-not-humanitarian-intervention>
- Schmitt, M. N. (2003). International Law and the Use of Force: The Jus Ad Bellum. *Connections*, 2(3), 89–97. <http://www.jstor.org/stable/26323011>
- Schwartz, M. (2006, May 18). *How the Bush administration deconstructed Iraq*. Global Policy Forum. <https://archive.globalpolicy.org/security/issues/iraq/reconstruct/2006/0518deconstructed.htm>
- Simms, B., & Trim, D. J. B. (Eds.). (2011). *Humanitarian intervention: A history*. Cambridge: Cambridge University Press. https://is.muni.cz/el/fss/jaro2021/IREb2005/110828317/Humanitarian-Intervention-A-History-Simms-Trim_3773_.pdf
- Simuziya, N. J. (2023). The (il)legality of the Iraq War of 2003: An analytical review of the causes and justifications for the US-led invasion. *Cogent Social Sciences*, 9(1). <https://doi.org/10.1080/23311886.2022.2163066>
- Soussi, A. (2024, April 27). The Abu Ghraib abuse scandal 20 years on: What redress for victims? *Al Jazeera*. <https://www.aljazeera.com/news/2024/4/27/the-abu-ghraib-abuse-scandal-20-years-on-what-redress-for-victims>
- Squassoni, S., A. (2003). *Iraq: U.N. inspections for weapons of mass destruction*. The Library of Congress. https://www.everycrsreport.com/files/20030313_RL31671_31906345b53943f15fbf5329e79af43b3e60e790.pdf

- Stephenson, H. (2023, October 16). *U.S. foreign policy increasingly relies on military interventions*. Tufts Now. <https://now.tufts.edu/2023/10/16/us-foreign-policy-increasingly-relies-military-interventions>
- Tapp, C., Burkle, F. M., Wilson, K., Takaro, T. K., Guyatt, G., Amad, H., & Mills, E. J. (2008). Iraq War mortality estimates: A systematic review. *Conflict and Health*, 2(1). <https://doi.org/10.1186/1752-1505-2-1>
- The UN Refugee Agency. (n.d.). *Iraq refugee crisis: Aid, statistics and news*. USA for UNHCR. Retrieved March 27, 2024, from <https://www.unrefugees.org/emergencies/iraq/>
- The White House. (2001, September 11). *Statement by the President in address to the nation*. Retrieved February 24, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html>
- The White House. (2002a, June 20). *President Bush delivers graduation speech at West Point*. Retrieved February 23, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2002/06/20020601-3.html>
- The White House. (2002b, August 20). *Vice President speaks at VFW 103rd National Convention*. Retrieved February 25, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2002/08/20020826.html>
- The White House. (2002c, October 20). *President Bush outlines Iraqi threat*. Retrieved January 31, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021007-8.html>
- The White House. (2003, March 17). *President says Saddam Hussein must leave Iraq within 48 hours*. Retrieved February 18, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030317-7.html>
- The White House. (2006a, August 21). *Press conference by the President*. <https://georgewbush-whitehouse.archives.gov/news/releases/2006/08/20060821.html>
- The White House. (2006b, September 20). *The rest of the story: Iraq's links to Al Qaeda*. Retrieved January 31, 2024, from <https://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060915-4.html>

- The White House. (2009, September 2). *Selected speeches of President George W. Bush*.
https://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf
- U.S. Department of Defense. (2001, January). *Proliferation: Threat and response*. Intelligence Resource Program. <https://irp.fas.org/threat/prolif00.pdf>
- U.S. Department of State. (2002, September). *The National Security Strategy of the United States of America*. Retrieved from <https://2009-2017.state.gov/documents/organization/63562.pdf>
- UNICEF. (n.d.). *Education*. UNICEF Iraq. Retrieved March 20, 2024, from <https://www.unicef.org/iraq/what-we-do/education>
- United Nations Development Programme. (2023). *Multidimensional poverty index 2023*.
<https://hdr.undp.org/system/files/documents/hdp-document/2023mpireporten.pdf>
- United Nations Office for the Coordination of Humanitarian Affairs. (2003, April 11). *Iraq: Looting, lawlessness and humanitarian consequences*. ReliefWeb. Retrieved March 6, 2024, from <https://reliefweb.int/report/iraq/iraq-looting-lawlessness-and-humanitarian-consequences>
- United Nations. (1945, June 26). *Charter of the United Nations and statute of the International Court of Justice*. <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>
- United Nations. (2003, March 26). *Security Council holds first debate on Iraq since start of military action; speakers call for halt to aggression, immediate withdrawal*.
<https://press.un.org/en/2003/sc7705.doc.htm>
- United Nations. (n.d.). *International law*. Retrieved May 18, 2024, from <https://unis.unvienna.org/unis/en/topics/international-law.html>
- United States Congress. (2002). Joint Resolution to authorize the use of United States armed forces against Iraq [H.J. Res. 114 Enacted]. Public Law No. 107-243.
<https://www.govinfo.gov/content/pkg/PLAW-107publ243/html/PLAW-107publ243.htm>
- Valki, L. (2004). Iraq war - An illegal war. *ResearchGate*, 61–76.
https://www.researchgate.net/publication/305903486_Invasion_of_Iraq_-_An_Illegal_War

- Vivoda, V. (2007). Major Anglo-American International Oil Companies and Iraq: Big Oil's "Promised Land" or reality check? *Flinders Journal of History and Politics (FJHP)*, 24, 86–109. <https://core.ac.uk/download/pdf/81291339.pdf>
- War and occupation in Iraq: Attacks on cities*. (2007, June). Global Policy Forum. Retrieved March 6, 2024, from <https://archive.globalpolicy.org/security/issues/iraq/occupation/report/6cities.htm>
- Woertz, E. (2023). *Iraq 20 Years after the US invasion: Challenges and continuity*. German Institute for Global and Area Studies. <https://www.giga-hamburg.de/en/publications/giga-focus/iraq-20-years-after-the-us-invasion-challenges-and-continuity>
- World Bank Group. (2020). *Poverty and equity briefs: Iraq*. <https://www.worldbank.org/en/topic/poverty/publication/poverty-and-equity-briefs>
- World Bank. (2017). *Iraq - Systematic country diagnostic* (No. 112333-IQ). Washington, D.C. : World Bank Group. <https://documents1.worldbank.org/curated/en/542811487277729890/pdf/IRAQ-SCD-FINAL-cleared-02132017.pdf>
- World Food Programme. (2023, March 31). *Iraq: World Food Programme*. <https://www.wfp.org/countries/iraq>
- Writz, J. J., & Russell, J. A. (Spring 2003). U.S. Policy on Preventive War and Preemption. *Non-Proliferation Review*, 10(1), 113-123. <https://www.nonproliferation.org/wp-content/uploads/npr/101writz.pdf>
- Wyatt, C. (2011, September 8). *Baha Mousa inquiry: Death cast "dark shadow" over army*. BBC News. Retrieved April 25, 2024, from <https://www.bbc.com/news/uk-14835527>
- Zirari, S. (2014). *U. S. Post-Cold War 'humanitarian' military interventions in Africa and the Middle East case study: Somalia (1992) and Iraq (2003)* [Master's thesis, University of Algiers 2]. <http://www.ddeposit.univ-alger2.dz:8080/xmlui/bitstream/handle/20.500.12387/1794/ZIRARI%20sana.pdf?sequence=1&isAllowed=y>

ملخص

تناول هذا البحث المبررات التي اعتمدها الولايات المتحدة لتدخلاتها العسكرية في العراق خلال رئاسة جورج بوش الابن. وتم تقييم هذه المبررات، بما في ذلك الروايات الأمنية والإنسانية، في ضوء القانون الدولي والإنساني. وكان الهدف هو تعزيز فهم أخلاقيات ومشروعية التدخلات العسكرية، وشرح آثار استخدام القوة على الأمن العالمي مع التركيز بشكل خاص على حالة العراق. تعتمد أهمية الدراسة على مساهمتها في مجموعة المعارف الموجودة حول القانون الدولي والإنساني المتعلق بالتدخلات العسكرية. تم استخدام منهج البحث النوعي من خلال دمج دراسات الحالة، والذي ركز على خطابات مسؤولي حكومة بوش، مع التحليل القانوني للقانون الدولي والإنساني، مما سمح بفحص ادعاءات إدارة بوش ضمن هذه الأنظمة القانونية. وشملت المصادر الأولية الخطابات والوثائق الحكومية الرسمية والنصوص القانونية الدولية. كما غطت المصادر الثانوية التقارير والمقالات الإخبارية والكتب والأدبيات العلمية المتعلقة بحرب العراق عام 2003. وكشفت النتائج عدم مشروعية المبررات التي قدمتها الولايات المتحدة، بما في ذلك إزالة أسلحة الدمار الشامل، ومكافحة الإرهاب، والدفاع الوقائي عن النفس، وقيادة المهام الإنسانية، وأثبتت انتهاكها للمبادئ القانونية والإنسانية المتعارف عليها. علاوة على ذلك، افتقرت العمليات القتالية الأمريكية إلى الالتزام بالقانون الدولي والإنساني، مما أدى إلى آثار وانتهاكات خطيرة لهذه الأطر القانونية. وفي ضوء هذه النتائج، ساهمت الدراسة في التأثير على صناعات السياسات نحو تطوير سياسات دولية تعزز حماية المدنيين وتفرض مساءلة الدولة أثناء التدخلات العسكرية.

كلمات مفتاحية: القانون الإنساني ، القانون الدولي ، حرب العراق ، المبررات ، التدخل العسكري الأمريكي