

1/1/20

Q ⇒ Describe the concept of Pre-emptive Self Defence in the context of International law and critically evaluate the legitimacy of US use of force against Iraq?

Introduction?

Pre-emptive Self defence in the light of International law means, when any state know that other state in future will attack in the state, then the state for his self defence, first full fill the necessity and set the target and then state can attack on the state from which state get threat. In the light of USA, USA did not full fill international law requirement, USA used the realist approach and want to influence in the world.

Pre-emptive in the context of Custom?

From the history of the world, scholars of I.R get more customs of pre-emptive self defence, like it is the custom of the world to avoid the

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big war so ~~let~~ tourism in the country, so they do the practice of self defence. Pre-emptive, like when UK attacked the ship of USA and killed thousands of people, because UK know that they supply the arms to the Canada, because at that time Canada, UK war was started.

Japan in WWII attacked Pearl Continent of USA, because Japan know that USA will attacked on it, so Japan and UK both gave the attacked as pre-emptive self defence.

Pre-emptive self defence in the light of International law.

International law allow the pre-emptive self defence, but the law also said the all the requirement must be fulfilled, like in international law and mean things.

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are necessary to be adapted, before
the pre-emptive self defence. A
State must show and give proof
to attack the other state, necessity
and also show the target to
where he will be attacked.

Pearl
Japan
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gave
self

Because according to
International law in pre-emptive
self defence common people of
the other state can not be killed.
As according to UN article 2(4)
A state must not violate the
UN article.

in
law:-

Pre-emptive self defence must
be for peace purpose.
US Pre-emptive self defence
against Iraq:-

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things

Till today it is not clear
that why USA attacked on Iraq,
USA said it was pre-emptive
self defence, but USA violate the
Charter of UN and killed thousand

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of people and USA did not show the specific target or necessity to attack on Iraq, USA till today do not show why he attacked on Iraq. USA violate the Article 2(4) article 52 of UN Charter.

President bush aggression:-

As world see that it was president bush aggression after the terrorism attack, he did what came in his mind, in aggression he used realistic approach and killed thousand of people.

President obama Policy:-

President obama saw that there is no need to be in Iraq because he known that America had no threat from Iraq and it is miscalculating of bush to attacked on Iraq, so obama completely withdraw it's army from Iraq.

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What Iraq get from it?

Iraq became more poor state, Infrastructure of Iraq destroyed. So many people died, schools, hospitals and other holy places destroyed. Citizens became angry from the USA and UN, because UN did nothing for Iraq.

Is the principle of self defence was right in the light of USA?

No it was not right, because, it was the miscalculating from the bush side and bush used force to attack on Iraq, because to show America influence on the world. It was totally wrong, because bush also did not show the basic principle of self defence.

Conclusion 2-

As we all know that UN was made to make peace in the world. In International law pre-emptive attack is allowed, but UN has some basic principles which states must adopt before pre-emptive self defence attacks.

These principles are necessity to attack and specific target. So I can say states must adopt it and show it, but USA did not show it and Bush used it as aggression and attacked on Iraq. And violated the International law principles and Charter of UNO. USA did not get anything from Iraq and Obama with his cooperation mindset withdrew USA army from Iraq, because the pre-emptive attack on Iraq was wrong, it was just aggression of President Bush.