

The Hidden Agenda Behind the Invasion of Iraq: The Unjust War Over Iraq in 2003

Malang B.S. Bojang¹

Department of International Relations, Sakarya University, Turkey

The Hidden Agenda Behind the Invasion of Iraq: The Unjust War Over Iraq in 2003. In search for answers to what is wrong with the 2003 Iraq invasion, this paper attempts to critically assess and explore the U.S invasion of Iraq. The invasion of Iraq was the most controversial and momentous foreign policy decision in recent memory. In analyzing the Iraq war from all perspectives of just war basic tenets indicate that the war was unjust and damaging. Although the Bush administration argued that Iraq possesses Weapon of Mass Destruction, coupled with Saddam support for terrorism which were found faulty and inaccurate. The just war theorists dismissed U.S preemptive war claims and the same is true in this paper. Judging by the basic tenets of the just war tradition, the findings of this paper have shown that the Iraq war does not meet any of the jus ad bellum, jus in bello, or jus post bellum and therefore its justification is invalid or null and void. Employing the just war theory, data has been collected for this study from secondary sources.

Keywords: The Bush Administration, Iraq, just war theory, Weapon of Mass Destruction, Terrorism.

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1. Introduction

Martin Luther King, Jr. once wrote that “to ignore evil is to become an accomplice to it” (King 1967: 32). Although this statement was meant towards the civil rights movement, the idea equally applies in other instances, especially in times of war. In March of 2003, the United States (U.S) invaded Iraq in a preemptive attack against the tyrannical rule of Saddam Hussein. Despite the fact that President Bush and his administration had advertised the war as necessary in order to protect against the weapons of mass

¹ Address: Malang B.S. Bojang, Department of International Relations, Sakarya University, Turkey. E-mail: malangbsbojang@gmail.com

destruction (WMD) that Hussein would use in the imminent future, it became obvious immediately after the invasion that Iraq did not have any chemical or biological weapons, or were not found at the time and had not committed any crimes that would warrant a preemptive strike from the United States. On this background, this paper argues that the invasion of Iraq was morally wrong, unjust and damaging.

This paper seeks to find answers to this question: Is the Iraq war a just or preemptive war? In other words, was the U.S decision for the 2003 Iraq invasion in accordance with Just War principles? To answer this question, it is necessary to evaluate the reasons for military intervention in Iraq. The invasion thus became a litmus test of right and wrong war with an abundance of opinions coming its way, both in favor of and against it. Amongst the extensive interpretations of the invasion, the just war assessment occupied a prime position as a framework of evaluation that discusses implications of an offensive according to moral standards. This paper adopts the framework of 'Just War doctrine' to assess whether the 2003 invasion of Iraq was just or unjust.

The U.S invasion of Iraq in 2003 appears to be one of the most controversial foreign policy decision in U.S history. Yet the latter developments of the invasion sparked many debate about the moral reasoning behind it, and in fact made the invasion a benchmark of what not to do before, during and after a military campaign. The U.S invaded Iraq under the pretext of uncovering Iraq's weapons of mass destruction (WMDs), making Iraq comply with UN resolutions and saving Iraqis from decades old tyranny of Saddam Hussein (Lecamwasam 2013). However, when we look at the claims levied by U.S and it allies, we see some arguments which have been proved to be inadequate: the claims of Iraq's possession of weapons of mass destruction, Saddam's support for terrorism, and so on. The inadequacy of the arguments to go to war created some question marks in people's minds and the war has been harshly criticized by people not only outside but also inside the USA from that time on (Özdemir 2011:104).

On 10 October 2002, the U.S. Congress granted power to the U.S. president to declare war, ostensibly because former Iraqi leader Saddam Hussain committed human rights violations and must be punished for them (which he was), because Iraq posed a security threat to the U.S. in that it possessed weapons of mass destruction, and because Iraq supported terrorism against the U.S. These constitute the official reasons for the commencement of "Operation Iraqi Freedom" on 19 March 2003. This is not to deny that there exist, contrary to the admission of U.S. officials, yet other reasons for the invasion (Corlett 2012:195)

In his case study on the Iraq war 2003, Fernandez (2004), argues that without the terror attacks of 11 September 2001, the war against Iraq would have been unthinkable. Even if some top officials of the Bush administration had already decided to remove Saddam Hussein independently of the terror attacks, the President would not have been

able to find any support from the American people or its allies. The political will and the factual predicates essential to justify this war were simply nonexistent. In the aftermath of 9/11, however, the crucial question for the administration and the American people was what actions should be taken to defeat terrorism (Fernandez 2004).

The purpose of this paper is to critically assess and explore the U.S invasion of Iraq in 2003. Although some western media outlets (including CNN, BBC), Bush administration, and scholars initially supports the war, however, this paper attempts to proof otherwise. This article argues that the Iraq war is morally unjust which was politically motivated and other reasons known to Bush administration.

Although, the U.S invaded Iraq under the pretext of intelligence intel of uncovering Iraq's WMDs, making Iraq comply with UN resolutions and saving Iraqis from decades old tyranny of Saddam Hussein (O'Driscoll 2008:27). Yet less than a year later, with the U.S's inability to discover any WMDs, all three justifications presented by the U.S were proven debunked amidst a backdrop of rising violence, terrorism, breakdown of political and economic reconstruction and intensifying sectarian conflicts.

Under international law, certain rules and guidelines exist that must first be followed before a legal invasion of a country can be carried out. Before any hostilities were to commence in Iraq, the United States had to meet the bar for one of the following criteria: President Bush would need to get an approval from the United Nations Security Council to go to war; President Bush would have to prove that the strike against Iraq was out of self-defense; or, President Bush would have to show that Iraq and/or Saddam Hussein had committed a humanitarian offence, such as genocide (Rycroft 2005). President Bush and his administration tried to meet the above criteria guidelines, but were unable to create the case for any of the three options. First, President Bush could not make the case for self-defense since Hussein did not attack the United States or its army at any point in time. The humanitarian offence option had not been an issue since the first Gulf war and therefore was impossible to use as a reason to go to war. Therefore, President Bush could only rely on the approval from the Security Council of the United Nations to legally invade Iraq.

As for Iraq's alleged "weapons of mass destruction", the problem for Bush was that United Nations inspectors had been scouring Iraq for months and had found no evidence of the existence of any. However, it appears that Hussein did not show the inspectors some facilities and at the end order them to leave the country. Nevertheless, the Bush administration maintained this rationale for its invasion of Iraq, and continued to do so even after it was clear to all that this was debunked. The U.S rationale was a fiction, as was eventually revealed. Bush administration officials exaggerated the threats from Iraq's weapons of mass destruction and failed to uncover any links between President Saddam Hussein and Al-Qaeda leader Osama bin Laden.

The central argument of the article will be woven around a case study, i.e. the invasion of Iraq in 2003 by the U.S-led forces. It therefore requires examples to justify any stance that might be assumed. In probing into the issue, examples are drawn from a range of secondary data including books, web sources, journal articles and reports.

This research will add to the growing body of literature on the 'Just War tradition' by analyzing all three criteria of the just war theory in relation to the invasion of Iraq, a scope rarely covered seeing as the jus post bellum criterion is often neglected by scholars. Therefore, the importance of this paper cannot be over emphasized.

A reminder that this paper is divided in to five sections. The first part deals with conceptual and theoretical framework. Just war theory will be discussed to aid our understanding of the framework used in this research. The second segment shall examine the background of the war, and the third section will explore the main causes of the war. The fourth section will look at the analysis of the case study using just war theory and the final part shall deal with the main findings and conclusion.

2. Theoretical framework and conceptual clarification

2.1. What is a just war?

The antagonism involved in war is at odds with basic values of civilization. It attacks people's rights to life, security, subsistence, peace and liberty. Although, just war theory claims that war can, under certain conditions, be morally justified, Pacifism on the other hand argues that war is never morally justified. Central to just war principles, and going back to Augustine, is an emphasis on legitimizing a war undertaken by a society's leader if and only if it serves a just cause. For Augustine, war could only be undertaken to attain peace, and just cause in particular meant preventing harm to innocents. Just war theory deals with the justification of how and why wars are fought. The justification can be either theoretical or historical. The theoretical aspect is concerned with ethically justifying war and the forms that warfare may or may not take. The historical aspect, or the "just war tradition," deals with the historical body of rules or agreements that have applied in various wars across the ages.

On this two ethical propositions, just war doctrine offers a series of principles that aim to retain a plausible moral framework for war. From the just war (justum bellum) tradition, theorists differentiate between the rules that govern the justice of war (jus ad bellum) from those that govern just and fair conduct in war (jus in bello) and the responsibility and accountability of warring parties after the war (jus post bellum). The three aspects are by no means mutually exclusive, but they offer a set of moral guidelines for waging war that are neither unrestricted nor too restrictive.

2.2. The Jus Ad Bellum

This means justice in war, and has traditionally been concerned with the treatment of the enemy. The following six rules are a general summary: Weapons prohibited by international law must not be used; there is a distinction between combatants and non-combatants. Only combatants may be targeted. It is wrong to intend the deaths of non-combatants; Armed forces must use proportional force; Prisoners of war must be treated well, because once captured, they have ceased to be the threat to life and security; No weapons or means of war that are 'evil in themselves' are permitted. Examples include ethnic cleansing and mass rape; Armed forces are not justified in breaking these rules in response to the enemy breaking these rules.

2.3. Jus Post Bellum

Orend (2000) presents a useful summary of the principles of jus post bellum: the principle of discrimination should be employed to avoid imposing punishment on innocents or non-combatants; the rights or traditions of the defeated deserve respect; the claims of victory should be proportional to the war's character; compensatory claims should be tempered by the principles of discrimination and proportionality; and, controversially, the need to rehabilitate or re-educate an aggressor should also be considered (Orend 2000).

3. Background of the war /invasion

Any discussion of the 2003 invasion of Iraq would be incomplete without a mention of the pre-war situation of the country. An account of said situation is important since it is significant in making the final assessment of whether Iraq today is better off than her pre-invasion counterpart, an essential criterion of the Just War theory – i.e. to make dawn a just peace and make consequences of action better than those of inaction. It would also be useful in understanding how the U.S came to invade and occupy Iraq, i.e. how Iraq was made prone to external intervention due to her internal circumstances and oil richness.

It appears that the September 2011 terrorist attack on the U.S soil marks the genesis of the Iraq invasion of 2003. Under the iron-clad dictatorship of Saddam Hussein from 1979 to 2003, the Iraqis faced absolute oppression which manifested in the crushing of opposition and using brute force and state propaganda by Hussein to secure his power. This situation was typically of many developing countries including Africa. Apart from these coldblooded policies, the regime was also defined by aggression to foreign powers (Malik 2003: 1). The Iran-Iraq war bears testimony to his aggressive nature in handling foreign powers. Owing to his disregard of international laws and

conventions, the country had to face numerous sanctions that caused relentless human suffering until the end of his rule in 2003. In 2003, Hussein's rule came to an end with him being ousted by a U.S led coalition.

The invasion took place against a backdrop of Iraqi compliance with the demands of the weapons inspectors after a long period of non-cooperation that could have actually provoked the U.S-led West. Despite positive gestures shown by Iraq towards the weapons inspection programs, the U.S decided to invade Iraq and remove Saddam Hussein from power. Although no direct link was established between Iraq and the Al-Qaeda, following the 9/11 attacks, Iraq was included in the U.S's agenda of War on Terror as an enemy state. President Bush, placing Iraq, Iran and North Korea on an Axis of Evil, sought justification to invade Iraq. The Bush administration sought the assistance of the UN Security Council to authorize an attack on Iraq since they claimed to have intelligence on Iraq's WMD proliferation but failed to get the UN Security Council's endorsement. Having failed that, U.S formed a coalition with willing states and invaded Iraq on 19th March 2003 despite heavy opposition from most of the UN member states. About 300,000 U.S and British troops were involved in the invasion. By April 3rd the same year, troops were able to capture Baghdad International Airport and, within a few days, the whole of Baghdad and by 1st May 2003, President Bush declared the U.S victorious (O' Hanlon 2010).

Soon after the declaration, Iraq stepped into violence against both American soldiers and Iraqis who supported them. Though the U.S found it easy to emerge victorious in the early phase, the situation soon turned out to be chaotic. Due to sloppy security arrangements, violence soon took to the streets and prowling became the norm. The Bush administration believed that a war would give the country back its authority as the global super power (Özdemir 2011). But the US could only wage the war because Iraq was so weak and easy to defeat. This practical disillusion is paired with the strategic defeats that America has suffered because the invasion of Iraq broke international law, it reduced the meaning of that law for regulating how states deal with one another and damaged the UN's legitimacy, which is responsible for enforcing it.

4. Causes of the military invasion in Iraq

The invasion of Iraq has proof to be one of the most important events in recent history. The reason for the invasion were inadequate and this has led to massive criticism from within and without U.S. The Bush administration claimed that Iraq possessed Weapon of Mass Destruction (WMD), Saddam's support for terrorism were insufficient to warrant a war under international law. The Iraq war was damaging not only for American and Iraqi's but the globe at large as international assistance is inevitable under such circumstances. Özdemir (2011) argues that, American's decision to invade Iraq was

based on the realists idea. He went on to say that, mankind has constantly been in pursuit of power throughout history and the struggle for power is a part of human nature (Özdemir 2011:105). This is a valid argument since the fall of Soviet Union, the U.S has been the hegemony state of the world and understandably does not want to lose its status. In 2003, the American hegemony felt threatening and the U.S did not hesitate to invade Iraq. In addition, Hinnebusch (2007a) highlighted that, “the starting point for understanding the invasion of Iraq is the grand strategy of the U.S under Bush to undertake a coercive assertion of global hegemony” (Hinnebusch 2007a:9). One of the main pillars of U.S global hegemony is its protectorate over the "world" oil reserves concentrated in the Persian Gulf; oil is a strategic commodity that everybody needs and is crucial to military power while assuring its flow to the world economy makes U.S power globally indispensable. To understand the real motive behind the war. First, U.S oil vulnerability was on the rise. U.S import dependence was rising in an ever-tighter oil market with global production seemingly peaking, hence shifting the balance of power to oil producers. These conditions could make the U.S and the world capitalist economy vulnerable to an oil shock-historically fatal for U.S presidents. Iraq was a solution to these potential threats for it had the world's second largest oil reserves and very low production costs (Hinnebusch 2007a:12).

On 10 October 2002, the U.S. Congress granted power to the U.S. president to declare war, ostensibly because former Iraqi leader Saddam Hussain committed human rights violations and must be punished for them, because Iraq posed a security threat to the U.S. in that it possessed WMDs, and because Iraq supported terrorism against the U.S (Corlett 2012:195). As noted, the then U.S. president and his administration gave its reasons for invading Iraq was that, Iraq possessed either WMDs, or the essential elements for producing and using them. This point is meant to support the idea that Iraq poses a serious threat to U.S. security.

A related reason given for the invasion of Iraq focused on Hussain. President Bush, vice-president Cheney, secretary of defense Rumsfeld, secretary of state Rice, and former secretary of state and chairperson of the Joint Chiefs of Staff Powell, head of homeland security Tenet, 11 among others, argued vociferously and repeatedly that Hussain was a human rights violator and must be stopped (Corlett 2012:196-7). The U.S. also insisted that Iraq was linked to anti-U.S. terrorism, another claim that was never adequately substantiated and was eventually retracted by even the Bush administration itself. The U.S and his allies believed that, the arrest of Saddam Hussein and the abolishment of his regime which would introduce democracy and peace to the region. All the aforementioned causes are contentious and open for scholarly debate. The evidence adduced by the United States to support their claims about the presence in Iraq of WMDs, or the production of such weapons or the existence of links between Iraq and

terrorism do not cause little more controversial, especially after the publication of the memorandum of Downing Street (Bassil 2012:29-30).

Although the Bush administration argues that Saddam Hussain committed human rights violations, possessed WMD, supports terrorism, but this paper argues that controlling the oil field in Iraq was also part of the reasons for U.S invasion of Iraq (see, Hinnebusch 2007a, Hinnebusch 2007b; Corlett 2012; Özdemir 2011) coupled with U.S cementing on its hegemony status in the world. Iraq is a petrol state and has large deposit of oil in abundance. Corlett (2012) shared the same stand and argues further that the inference to the best explanation for the U.S. invasion and occupation of Iraq includes one or more of the following: “the U.S. thirst for oil to the point of outright theft by the killings of hundreds of thousands of innocent civilian noncombatants, motivated by the Bush family’s strong and long-term investments in oil” (Corlett 2012:197).

5. An analysis: how does the Iraq war fare against the just war criteria?

The invasion of Iraq in 2003 was militarily efficient and achieved the swift overthrow of Saddam Hussein’s regime. But was it a just war? There are three dimensions to Just War doctrine: *jus ad bellum* (the justice of going to war), *jus in bello* (the just conduct of war), and *jus post bellum* (responsibility and accountability of warring parties after the war).

Firstly, was the Iraq war fought under a just cause? The pretext upon which the U.S and its allies invaded Iraq was not just given the inadequacy of the evidence provided by the Bush administration. As noted, the then U.S. president and his administration gave as one of its reasons for invading Iraq that Iraq possessed either weapons of mass destruction, or the essential elements for producing and using them. This point is meant to support the idea that Iraq poses a serious threat to U.S. security. Even if true, why this is a good enough reason for the violent invasion of a sovereign nation is morally puzzling. Although there was some reason at the time to believe that Iraq had WMD. It had possessed chemical weapons in the past and had clearly sought to develop a nuclear arsenal, but the point here is, that is not a good reason for invading Iraq. Again, another reason for the invasion has to do with Hussain himself. The Bush administration argued that Saddam was a dictator and a human rights violator and must be stopped. But surely if the evidence could be adduced to support the U.S. claim concerning Hussain, then the U.S. could have brought the evidence to the International Criminal Court and had Hussain tried for human rights violations.

President Bush asserts that U.S. military action against Iraq was justified because Saddam Hussein was in material breach of United Nations Security Council Resolution 1441. But even if Iraq was in violation of a UN resolution, the U.S. military does not exist

to enforce UN mandates. It exists to defend the United States: its territorial integrity and national sovereignty, the population, and the liberties that underlie the American way of life (Peña 2003:1). So, whether Iraq was in violation of Resolution 1441 is irrelevant. The real question is whether Iraq represented a direct and imminent threat to the United States that could not otherwise be deterred. Peña (2003) further contends that, the war against Iraq was the wrong war because the enemy was, and continues to be, Al-Qaeda. On 6 March 2003, a few days before the invasion of Iraq, Bush linked the war against Iraq with 9/11.

Saddam is a threat, and we're not going to wait until he does attack If the world fails to confront the threat posed by the Iraqi regime . . . free nations would assume immense and unacceptable risks. The attacks of September 11, 2001, showed what enemies of America did with four airplanes. We will not wait to see what . . . terrorist states could do with weapons of mass destruction (Washington Post, March 7, 2003).

Not only was Iraq not a direct military threat to the United States (even if it possessed WMD, which was a fair assumption), but there is no good evidence to support the claim that Saddam Hussein was in league with Al-Qaeda and would have given the group WMD to be used against the United States.

Further, Iraqi military was nota real threat. According to the International Institute of Strategic Studies' Military Balance 2002–2003, Iraq's defense expenditures were \$1.4 billion in 2001 compared to U.S. defense spending of nearly \$330 billion. Its army consisted of 350,000 troops, the vast majority of whom were ill-trained (Peña 2003:3).

The U.S and Coalition's purported just cause for invading Iraq based on humanitarian and self-defense considerations were flawed. Although, Article 51 of the UN Charter which provides for an inherent right of self-defense as an exception to the Article 2(4) prohibition on the use of force if an armed attack occurs [emphasis added]. However, the use of force in self-defense before an attack has occurred is more problematic. With regard to humanitarian grounds which the Bush administration argued was part of the reason for the invasion, is equally inadequate. Humanitarian intervention may be acceptable or indeed warranted if civilians are faced with the threat of serious and irreparable harm in one of just two exceptional ways. The first is large-scale loss of life, actual or anticipated, with genocidal intent or not, which is the product of deliberate state action, state neglect, inability to act, or state failure. The second is large-scale "ethnic cleansing", actual or anticipated, whether carried out by killing, forced expulsion, acts of terror, or rape (Enemark and Michaelsen 2005:547-52). The humanitarian grounds did not only satisfy the criteria (of just cause) for the case of Iraq but was also bogus. In fact, humanitarian intervention was not, however, a just cause

that received very much attention from Coalition leaders in the months preceding the war.

Secondly, analyzing 'Right Authority' for the invasion of Iraq, all other military interventions require the approval of the United Nation Security Council as the sole authority to sanction the use of force in international relations. The Coalition took the position that existing Security Council resolutions sufficiently justified military intervention in Iraq. It argued that the authority to use force against Iraq stemmed from the combined effect of Security Council resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter, which allows the use of force for the express purpose of restoring international peace and security which does not apply to Iraq. This justification for the use of force against Iraq has been widely condemned by legal experts on the grounds that it contravenes international law and is inconsistent with the Security Council's role under the UN Charter (Enemark and Michaelsen 2005:554). The war needs the popular approval from veto power under international law which was not the case for Iraq invasion. The U.S invasion of Iraq was not authorized by the Security Council and was not otherwise in accordance with positive international law.

Thirdly, was Iraq war wage with the Right intention? The issue of right intention is at best open to debate. The U.S and its allies sincerely wanted to disarm Iraq so-called WMDs and to transform its political institutions. The problem with this argument is that there was no credible proof nor was there compelling evidence that Iraq had any WMD that it could have provided to Al-Qaeda. It was thus not enough to have a reasonable belief that Saddam had WMD; that belief needed to be based on strong evidence of the seriousness of the threat. It is not enough to have a just cause: the military action must be undertaken for the sake of that cause and so with right intention. Many opponents of the war thought that the disarming of Iraq was only a pretext and that there must have been other more sinister reasons for military action (Fisher and Biggar 2011:689). However, some scholars argued that the intention was basically to control over Iraqi oil. The intention to go to war was visibly shaped by economic interests. The U.S depends heavily on imported oil for its energy requirements and the Middle East is home to the world's richest oil resources (for example see, Enemark and Michaelsen 2005; Peña 2003; Bassil 2012; Danju et al. 2013). It appears that the United States' desires for economic advantage and regime change in Iraq may have been factors in the decision to invade which arguably make the invasion unjust.

The fourth has to do with proportional cause. A careful assessment should be undertaken to ensure that the harm likely to be caused does not outweigh the good achieved, taking into account the probability of success. At the initial stage of the military invasion, casualties were much lower. Meanwhile, the casualties, military and civilian, have continued to mount, with U.S military deaths to date at over 4,400, British

at 179 and civilian deaths at over 100,000 (Fisher and Biggar 2011). Most of these casualties are not the result of coalition military action but stem from the devastating attacks that the Iraqis have been making on one another as insurgent groups struggle for power (Fisher and Biggar 2011:691). As casualties, have mounted high since the invasion, it has become increasingly difficult to maintain that more good than harm was produced by military action.

Fifth on the criteria is reasonable 'Prospect of Success'. For every war, death and destruction are inevitable and so does the Iraq war. The U.S and its allies were confident of success due to their military and equipment superiority over Iraqi soldiers. The main argument here is not victory per se but the aftermath of the war—the prospect of improve condition of post-war. It appears that the U.S had a well-planned invasion strategy but failed to plan for the post-war Iraq. The U.S failed partly in meeting this criterion.

Finally, was the 2003 Iraq war the last resort? What has happened to diplomacy? It is highly doubtful that military action was a necessary last resort and to save the Iraqi people. The humanitarian situation inside Iraq at the time was not so dire that military intervention was the only way to forestall large-scale loss of life.

There is further evidence to suggest that other peaceful options were not pursued adequately prior to the war. In the weeks before the invasion, Iraqi officials, including the chief of the Iraqi Intelligence Service, appear to have made a series of increasingly desperate peace offers to Washington (Enemark and Michaelsen 2005:561) which unfortunately fall in a deaf ear. It is just apparent that the invasion of Iraq did not qualify as a war of last resort.

With regards to *Jus in bello*: the conduct of the war. The just war requires that the harmjudged likely to result from individual military actions should not be disproportionate to the good achieved, and that non-combatant casualties should be minimized. The point here is that the harm of war must not outweigh its good. In the initial military campaign the use of force was proportionate and successful efforts were made to minimize civilian casualties. But in the ensuing counter insurgency operations have escalate the number of both combatant and non-combatant death.

Arguably the U.S and its allies relatively did not attack non-combatant. As it is not permissible to attack non-combatants as they should not be caught in situations they are not responsible for. But collateral civilian casualties are allowable since it is not humanly possible to fight a war with zero casualties. Further, international laws prohibit the use of dreadful weapons such as chemical and biological that cause great human suffering. For the case of Iraq, there were no evidence of usage of such weapons by the U.S and its allies.

The final criteria for the just war tradition is '*jus post bellum*'. International law does not provide sufficient guidelines for the course of action that should be taken once

hostilities come to an end. This lack of regulation carries with itself the possibility of winners' imposing their ideas of justice forcibly on the losers. The traditional just war theory too had a vacuum in addressing post-conflict resolution which recently was rectified. However, some believe Immanuel Kant's idea of a perpetual peace suggested post-conflict justice in which he recognized the need for *jus post bellum* though not explicitly expressed it (Lecamwasam 2013).

Was the war a just cause for termination? In terminating a war, a reasonable vindication of rights of the Iraqi have been violated should take place. The problem upon which the war was wage is not solved. In fact, the situation is much worse now than before the war. Further, leaders from the aggressive country and all soldiers who committed crimes against Iraq were not held responsible or be tried for their crimes. Again, to the best of my knowledge no compensation was made to Iraq—financial compensation may be given subject to proportionality and discrimination. It is also the responsibility of the victor to make sure that resources are adequate and not exploited in order that the loser may begin reconstruction which was never the case for Iraq. This has shown that none of the *Jus post bellum* criteria was again meet.

The Iraq war was, like most wars, fought from a mixture of motives. However, the findings of this paper argue that the Iraq war does not meet any of the *jus ad bellum*, *jus in bello*, and *jus post bellum* criteria's and therefore its justification is invalid or null and void.

6. Conclusion

The invasion of Iraq was the most controversial and momentous foreign policy decision in recent memory. The Iraq war is the 'Third Gulf War' that was initiated with the military invasion of Iraq on March 2003 by the United States of American and its allies to put an end to the Baath Party of Saddam Hussein, the fifth President of Iraq and a prominent leader of the Baath party in the Iraqi region. The events of this war were both brutal and severe on both parties as it resulted in the defeat of the Iraqi army and the depose and execution of Saddam Hussein, in addition to thousands of casualties and billions of dollars' expenses (Bassil 2012: 29). Similarly, Lieberfeld (2005) also contends that the 2003 invasion of Iraq has become the largest, longest, and most costly use of armed force by the United States since the Vietnam war.

It appears that the September 11 terror attack is the genesis of the 2003 Iraq war. Without the terror attacks of 11 September 2001, the war against Iraq would have been unthinkable. In the aftermath of 9/11, however, the crucial question for the Bush administration and the American people was what actions should be taken to defeat terrorism (Fernandez 2004). The starting point for understanding the invasion of Iraq is the grand strategy of the U.S under Bush—to undertake a coercive assertion of global hegemony. This is because the U.S hegemony status was tested with the September 9/11

terrorists attack. This has shown to the world the vulnerability of U.S. although Iraq was not responsible for the September 9/11 attack, but the Bush administration continuously link it with little or no evidence. The Bush administration, however, also advanced the different claim that war was necessary to defend the U.S from future attack by Iraq. In its National Security Strategy, which was released prior to the initiation of the Iraq war, the administration noted that the U.S now has adversaries that rely on acts of terror and, potentially, the use of weapons of mass destruction – weapons that can be easily concealed, delivered covertly, and used without warning.

Judging by the basic tenets of the just war tradition, the findings of this paper argue that the Iraq war does not meet any of the *jus ad bellum*, *jus in bello*, and *jus post bellum* criterion and therefore its justification is invalid or null and void. Although the Bush administration argues that Saddam Hussain committed human rights violations, possessed WMD, supports terrorism, but this claims were not backed with evidence sufficient enough to warrant for the military invasion. This claims were later found invalid and therefore null and void.

The claim of Iraq violating UN resolutions, even if Iraq was in violation of UN resolutions, the reality is that the United States military exist to defend the United States: its territorial integrity and national sovereignty, the population, and the liberties that underlie the American way of life and not Iraq. Bush administration officials exaggerated the threats from Iraq's weapons of mass destruction and failed to uncover any links between President Saddam Hussein and Al-Qaeda leader Osama bin Laden (Peña 2003:2).

Some scholars argued the U.S has a legitimate reason for invading Iraq—reason known to them. This reason they argued, is to control the oilfield in Iraq (for example see, Enemark and Michaelsen 2005; Peña 2003; Bassil 2012; Danju et al. 2013). Iraq is a petrol state and has large deposit of oil in abundance. The main reasons for the U.S invasion of Iraq were to gain control of Iraq's oilfields (so as to keep the oil in the ground and drive up oil prices), to establish military bases in Iraq from which to dominate the Middle East and eventually (by controlling oil supply) to establish control over all countries dependent on oil, and to remove the threat to Israel posed by Iraq.

The just war tradition sets a number of tests to be met if a war is to be just. But the just war tradition recognizes that wars can be just and may sometimes be necessary. However, the claims made by the Bush administration were not only inadequate but no credible evidence was shown at the time to collaborate their case. Therefore, this paper concludes that since none of the just war basic tents were satisfied, the Iraq war is a wrong war and is morally unjust. Not only was Iraq not a direct military threat to the United States, but there is no good evidence to support the claim that Saddam Hussein was in league with Al-Qaeda and would have given the group WMD to be used against the United States.

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