Unilateral Intervention and Rights of Self-Defence: The Role of United States of America in Iraq and Afghanistan

By

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Abstract

State is the most important actor in international relations. It's in the cause of this relation that conflict arises. In this descriptive/historical survey the paper adopted the realist theory and balance of power theory. It critically examined the use of force for the purposes of exercise of rights of self-defence by the US with special focus on the invasion of Iraq and Afghanistan. The manifestation of regulation of force on international affairs has historical inclination which invariably resulted in the establishment of the United Nations in 1945. To the Charter, the force is outlawed but its applicability is permissible for various reasons which include preemptive right to self-defense as provided for in Article 51 and Article 2 (4). In response to the assault on US 9/11 2001, the Bush Doctrine theory was objectively examined. It tested the assumption that in current international law, preemption and military force in self-defence is a permissible approach. The Caroline formula accepts that the force applied should be within the confines and the parameters of the law. Recommended herewith is reinterpretation of the United Nations Charter.

Introduction

In international relations, nations strive to survive in the military, economic, political and socio-cultural relationship with other nations. The ability to manipulate your national interest and articulate your affairs with other state without jeopardizing your sovereignty and still survive in the rat race of states relationship is determined by your military might and your defense strategy which is paramount. A state can unilaterally defend her interest to the detriment of laws that binds her to other state.

The legality of unilateralism in the use of force by a state depends on the legitimacy of its aim which is self-defense against an armed attack. The first priority of state leaders is to ensure survival of their state and self-help, self-defense and possibly unilateral intervention and or use of force is permissible and is the principal action in an anarchical system, especially in a dispensation as this, arms proliferation, acquisitions of weapons of mass destruction (WMD). It is stated that the general consensus about when an armed attack begins for purposes of the right of self-defense is that attack must be underway or must have occurred already in order to trigger the right of self-defense unilaterally. This is considered consistent with authoritative interpretation of article 51 of the UN charter by the International Court of Justice (ICJ), Nte 2014.

Statement of the Problem

Even though the United Nations Security Council (UNSC) under the concept and notion of collective security agree to deter or prevent war and maintain international peace and security by opposing seriously an aggression based on the premise that "an attack against one is an attack against all" according to the Charter. This clause could not deter or stop the US's invasion and occupation of Iraq after the 2001 9/11 but rather, the UN subjected the occupier to conditions based on Resolution 1483**.** Apparently, it is as a result of not only economic interest but security interest of the US that necessitated the invasion. Categorically speaking, the law of self-defense, unilateral intervention, preemption and proportionality applied and the US might have considered these principles and unilaterally under the George Bush led administration preempted this.

Was the Bush led administration justified in the invasion of Iraq in 2003? The objectives of this study therefore, include the following;

1. To understand why preemptive force is permissible in self-defence.
2. To appreciate the doctrine of anticipatory self-defence.
3. To establish that the necessity of self-defence and unilateral intervention must be instant, overwhelming leaving no choice of means and nomoment for deliberation.
4. To determine the application of the Bush doctrine and law.

Question

1. What necessitated the preemptive use of military force?
2. Is the notion of anticipatory self-defence permissible in international law?
3. Was the invasion on Iraq by the Bush led administration applicable to Caroline formula of 1483?
4. Was the articulation of unilateral intervention and rights of self-defence necessary?

(i) The US adopted a unilateral preemptive military force in Iraq,
(ii) Preemption as applied in this study was necessitated by the 2001 9/11 attack.
(iii) The application of preemptive military force, unilateral intervention and anticipatory self-dence is permissible in current international law.
(iv) The Bush doctrine and law is well articulated.

My assumptions in this study therefore are the basis for the unilateral intervention against another state in its territory and self defence under Article 51 of the Charter.

The study area is the United State of America. According to Ediboglu (2017), the United Nations plays a very pivotal role in conflict prevention, using diplomacy, good offices and mediation primarily among the tools the organization uses to bring peace (such as special envoys and political missions in the place), International law recognizes only one "right of intervention" into a State's internal affairs in Chapter VII of the UN Charter and this right is thus entrusted to the UN Security Council when a state conduct can be construed as a threat to international peace and security as well as when peaceful coexistence among Nations is obviously threatened and where there is threat, a super power is required because there can be no global peace without the pacification of a super power.

The Chapter VII of the UN Charter grants the UN Security Council the authority to determine the existence of any threat to the peace, breach of the peace, or act of aggression and to take action to maintain or restore international peace and security (UN, 2019). The definition of aggression and attack as adopted by the UN General Assembly in 1974 provides a very detailed list of acts that constitute aggression such as invasion or armed attack by the armed forces of one state against another state; the occupation of the territory of another state by armed forces of another state; annexation by force of the territory of another state by armed forces of another state; the bombardment by the armed forces of one state against the territory of another state and the sending by one state or the continuation of acts of civil strife in another state with the aim of overthrowing the government of that said other state. (United Nations 2019).

Conceptual Clarification of Terms

Unilateral: done by one member of a group or an organization without the agreement of the other members e.g. unilateral decision, action, unilateral nuclear disarmament.

Unilateralism: Belief or support of unilateral action, especially the policy of getting rid of nuclear weapon without waiting for other countries to do the same.

Intervention: To happen in a way that delays something or permits it from happening.

Preemptive war: Is a war of self-defence. Imminent or forth-coming war: It is a practice of attempting to stop an enemy's seemingly imminent attack by taking military action against them first.

Resolution 1483 & 2728: adopted in 22nd May, 2003 and the latest 25th March 2024 respectively; most constitutionally affirmation of choice fundamental, norms, rules, and regulations in the UN of an occupation, a belligerent occupation.

Bellum Justum – Is a doctrine of the theory that the international community could regard violence as self-defense under certain circumstances.

Jus Ad bellum: traditional doctrine in International law.

Anticipatory Self-defence: Is used to refer to the ability to foresee consequences of some future actions and take measures aimed at checking or countering those consequences. The Russian/Ukrainian war, the Iraq attack on Israel, Israel IDF on Hamas etc.

Literature Review

Kenneth Waltz's work on the "Man, the State and War" best characterize this study on unilateral intervention, right of self defence, with particular inference to United States of America's experience.

Waltz (1959) a realist in orientation and traditionalist in method best expounded in his major work which has the starting point from modern thinking about the causes of war, it is the work of international political theory in the traditional world that conceptualizes this paper. The theoretical framework adopted is the Realist school of thought. This theory postulates that international comity of nations relates in an atmosphere of anarchy, balance of power, military and economic might is the order of the day. Conflicts arise as a result of who wedges the highest might in relations among nations.

The realist interpretation of the 2003 Iraqi war is both on state and international level. The international system is anarchic and the state other than the US was willing and able to act to rid the world of the Iraqi threat. Iraq posed a security threat to US and not only US but the world with its WMD. Prior to the 1974 definition, the term aggression lacked a universally accepted definition in international law. The ambiguous nature of this definition created challenges in identifying, deterring and responding to acts that threatened international peace and security. This definition emerged from lengthy process of negotiations spearheaded by the 6th Committee of the United Nations General Assembly. This was aimed to codify existing customary international laws and provide a clear framework for identifying and condemning aggressive acts. This was like a case of legal landscape without understanding what it constitute to commit a crime against peace of the world and what can be said to be a threat to the security; that's organically the attributes of the predicament the international community facedin

tackling aggression and attack. Through the years US has been conducting herself like the world watch dog, the world Police and trying to secure peace and fight against terrorism. This has led to putting and or pitching her against enemies of world peace. The meticulous negotiations as led by the 6th Committee of the UNGA with the landmark resolution which came to existence in 1974 also known as the "Definition of Aggression" sought to codify already existing customary international law and providing an unambiguous framework for identifying and condemning aggressive acts like the Iraqi invasion unilaterally be the United States of America. Note that this made it a watershed moment in the annals of the international laws, akin to laying the cornerstone of stable and secure building.

Right of Self-Defence

The scope of the right of self-defence at the time of signing the UN charter remains a subject of doctrinal controversy. The principle of restraining from threat or use of force embodied in Article 2 (4) of the UN charter represents a landmark and it is a fundamental change in the dawn of international law. Mreek. 2011.

The right of self-defense is closely related to the Jus ad Bellum, for as long as war could be lawful, under the Bellum Justum doctrine, international law would simply regard self-defense as a counter war against illegal war.

However, as soon as warfare was in principle outlawed under the Kellog-Brainde Pack and the UN charter, the notion of self-defense became a critical exception, restricting the use of force in a world united under the flag of international peace and security. While the concept of self-defense in international law is a matter of serious controversy since the adoption of the UN charter original interest and stipulation of Article 2 per 4 by the charter limits the use of force as possible as it can be. There is general prohibition in the use of force 2(4). There is a deep disagreement about the content and circumstance in which the right of self defence can be invoked and exercised. Self defence is for natural principle not only in international law but in every law which generally change of concept shall outlaw war. Self-defence in the other hand is a naturalist doctrine.

US dominance was no doubt a function that there is gradual realization that winning the cold war did not automatically signify or mean that conflict or war

will disappear. May be a new kind of conflict would appear perhaps the one that would rather be difficult to manage. Which made Samuel Huntington (1996) to observe that rise of Post-Cold war nationalist movements or the "clash of civilizations" will emerge. This clash is a thesis that people's culture and religious identitie will be the primary sources of conflict in the global community. Interestingly, leading theorists such as John Mearsheimer and the likes of Kenneth Waltz opined that if any one state occupies preponderancy, for whatever reason, the other states would change this behaviour in response which is the case of US. (Mearsheimer 1990).

Even though the UN Security Council under the concept of Collective Security agree to deter or prevent war and maintain international peace and security by opposing aggression based on the premises that an "attack against one is an attack against all" could not deter the United State's invasion and occupation in Iraq after the 9/11 2001 but rather the UNSC subjected the occupier to conditions based on resolution 1483. Categorically, the law of self defence and proportionality applied here as considered by the President Bush led administration. The US adopted a preemptive force based on unilateral intervention with application of rights of self-defence in their invasion of Iraq.

Anticipatory Self-Defence/Preemption

According to Gonzalez Nathan in Nte 2014 p 208, preemptive war is an act of striking an enemy in the brink of aggression.

An example of reprisal attack (which is different from preemptive force) was that of the US attack on the buildings of army intelligence in Baghdad in 1993 in response to the attempted assassination of former President Bush that was attributed to the Iraq intelligence, though the reaction of the international community towards this response was not strongly condemned.

The use of preemptive force is permissible under the international law which if the United States had shown initial strategic interest on South Korea, the Korean war of June 25, 1950 would have seen averted. It is important to note that the scope of the right of self-defence at the time of signing the United Nations charter remains a subject of doctrinal controversy. The principle of reframing from threat or the

use of force embodied in Article 2(4) of the UN charter which represents a land mark and fundamental change in the dawn of international law.

Waltz explains the diplomacy in his work "Man, the state and war" in the unilateralist intervention of President George W Bush in realists perspective in the affairs of international relations and international security and resolution of conflict. For the principle of self-defence to be invoked or justified, the necessity for actions much be, instant, overwhelming, leaving no choice of means and no moment for deliberation (Caroline principle), this may or may not necessarily be. According to the realist thinking, Iraq invaded and overran Kuwait, the US response was consistent with its own national interest.

Anticipatory self-defence would be permissible under certain circumstances, for example the 1962 Cuba Missile crisis epitomizes the unilateral intervention of the United States and the rights of self-defence. The United States of America (USA) and the Union of Soviet Socialist Republic (USSR) had a close full-scale nuclear war in the event of the Cuban Missile Crisis. It was a 13 day confrontation between the USA and the USSR. The failure of the Bay of pigs to over throw the communist government led by Fidel Castro and his Cuban armed forces led to the Cuban missile crisis in 1962. Bay of Pigs was initiated by President Dwight Eisenhower but later taken over by John F. Kennedy who also initiated the Cuban Project to oust out same Fidel Castro in the course of this a revolution was determined by the assistance of the USSR. The Soviet Union attempted to install their ballistic missile in Cuba but were countered by the United States by military blockade obstructing missile installations (Nte 2014) P. 99. Kennedy backed the blockade with an ultimatum to the Soviet Union to comply with some instruction. The USSR under Nikita Khrushchev eventually agreed to dismantle and discontinue offensive weapons project in Cuba. Today, more than 40 years after Cuba shares diplomatic ties with the USA.

As an objective of this paper, the doctrine of anticipatory self defence is a notion which is the use of force by state or a president of a state to repel an attacker before an actual attack has taken place, before the army of the enemy or a non-state actor over cross her boundary or before the enemy bombs fall upon the repeller's territory. (Unlike the news of Iraqi shelling on Israel even though it was known by

the IDF yet there was no attempt by Israel to reprise the attack). This is one ability to foresee consequences of some future action and take measures aimed at checking or countering those measures, this brings us to the Bush doctrine.

The Bush Doctrine of Preemptive Might/Self-Defence

It is pertinent to state unequivocally that a president can win by default and vice versa. Presidents can take unilateral action in their own authority whether it is clearly established by law or not they can simply do it quickly, forcefully if they like with no advance notice, this is termed presidential ambiguity in international law. They may have virtually presidential imperialism under the notion of presidential ambiguity. They are co-equal with Congress and not subordinates, they have pivotal advantages in political struggle. It is invariably a matter of strategy as they seek power which is not clearly stipulated in the constitution. It is important to state here that unilateral action does not give the president carte blanche they could still be constraint by congress. It is by reason of this that George Bush could take that drastic attack against Iraq.

The Bush Doctrine and the law and the application of preemptive force or self-defence argues that;

> *"The greater the threat, the greater is the risk of inaction' and the more compelling the case for taking anticipatory action to defend themselves even if uncertainty remains as to the time and place of enemy's attack.*

The diplomacy of the "unilateral interventionist administration of President George W. Bush was largely necessitated by the incident of the attack on the US on 9/11/2001. This has also prompted the focus on persuading the UN to multi-lateralize the situation in Iraq in 2004.

The United States National Security Strategy (NSS) announced in September 2002 and appeared to endorse the doctrine of pre-emptive war that was highly unilateralist in the Iraqi war of 2003. The lacuna this generates is that an armed attack in this era of globalization and mass acquisition of WMD, terrorism, suicide bombing, and whole lots of springs of armed attack need not be instant, overwhelming leaving no choice of means and no moment for deliberation before a reprisal but like the Bush's Doctrine "the greater the threat, the greater is the risk

of inaction". This doctrine referred to as the Caroline test/formula which was a test in 19th century formulation of customary international law reaffirmed by the Nuremberg Tribunal after the world war II, stipulated that the

> "necessity for preemptive self-defense must be "instant, overwhelming, and leaving no choice of means, and no moment for deliberation."

Methodology

This is a historical research which is a systematic investigation and critical evaluation of past events. The purpose of understanding these past events is to gain a better in sight of the present, which will aid in predicting future events and to prevent future pit falls. Wali 2002: p 11.

In the same vein, descriptive study is equally adopted which is basically concerned with describing and interpreting the current status of a problem. International community is bedeviled with such crisis, the Syria war, Turkey Coup, ISIL targets, European, Russia, Iraq, UK (racism rise after Brexit vote). With a descriptive analysis, the current global status and its inherent problems will be better appreciated.

This research design is a scheme of work, strategy designed as a plan and a blue print that will specify procedures for collection and analysis of the data in order to ensure success and also to control unnecessary influences from unrequired variables. It involves the objectives and subjective consideration of the scope of this research study on the unilateral intervention and the rights of self-defence, preemptive war and the Bush doctrine of might.

This investigation is a historical survey and descriptive study. It describes, examines, interprets ongoing processes and previous state of affairs of unilateral intervention, the defence of state territories, sphere of influence and globalization of the fight against unjust war, terrorism by states or non-state actors etc. The aim of this study is to determined and establish that preemptive force is permissible in self-defence and that necessity of self-defence and unilateral intervention is allowed when attack is imminent, instant, overwhelming, leaving no choice of means and no moment from deliberation and beyond this in anticipation of self-defence.

Since this research design is historical survey and descriptive in nature, it is important to take a look at the Caroline incidence which is a very vital principle relevant to the study of the application of preemptive force in self-defence. The Caroline incidence has to do with a dispute between Britain and the United States which occurred in the winter of 1837 where British and Canadian forces believed that an American flagged ship, "the Caroline" was ferrying arms, recruits and supplies from the American side of the border to anti-British rebels on the Canadian side on the border during an anti-British insurrection while most of the crew slept, British and Canadian troops boarded the ship, attacked the crew and passengers, set her on fire and towed her into the river toward Niagara fall killing two.

In this instance, the right to self-defence is closely related to jus ad Bellum and as long as war could be lawful under Bellum Justum doctrine international law would simply regard self-defence as a counter war against illegal war. Though war force was a principle outlawed under the Kellogg-Briand Pact of the UN charter. Since the manifestation of regulation of force in international affairs had historical inclination (which the research design applicable in this study) this has culminated in the formation of UN in 1945, the use of force is completely outlawed but applicability is permissible on different reasons, which include right to self-defence provided for by Article 5 and that of Article 2(4). The force to apply should be within the confines and parameters of law. In Oppenheim's international law in 1996 edition, an author said;

> *If a state is attacked, it is entitled in the circumstance of necessity to use armed force in order to defend itself against an attack.*

Whether it is a direct attack led by another state, regular armed forces, indirect attack which consisted in the sending by someone or on behalf of a state or armed groups of mercenaries unto another state where they carried out acts of armed force of such gravity as would constitute an armed attack carried out by military force.

> *Article 51 imposed a restriction to the right of self defence deterring it to simply use of armed aggression.*

These refer to instrument used in collecting data, to elicit relevant information and generate data that will be relevant to the study. In this historic and descriptive study, secondary data is of necessity adopted. The sources here comprised books, journals, newspapers, magazine, internet, website, some official reports, presidential speeches, conference papers, unpublished publications of theses and dissertations dictionaries, encyclopedia, workshop reports.

Results and Discussion

This presents analysis data as presented from the research. For the purpose of this study is a descriptive analyses will be considered for the interpretation of the various historic survey gathered and this will be used to evaluate and test the research assumption.

To test the assumption that the US adopted a unilateral preemptive military force by invading Iraq, yes the Bush doctrine of preemptive might have in fact been lawful even if it is said to be politically unwise. It was stated in the previous chapter that according to the realists the US was willing and able to act to rid the world of Iraq threat which posed as security threat to the US and others with its holding weapons of mass destruction (WMD) and the need to eliminate those and at the same time to assume stable oil supply to the west was articulated by the US. Mingst 2005 P. 78.

The efficacy of preemptive self-defence is exemplified on these three major cases the Cuban Missile Crisis of 1962, the 1967 six day war and the Israeli attack of1981 on Osirak. assumption (II) preemption as applied in this study was necessitated by the 9/11 2001 attack.

There is a direct correlation between the US invasion and occupation of Iraq in 2003 and the attack on the New York city, Washington DC and a field in pennyslavia and eventual collapse of the towers of World Trade Centre which marked the beginning of real Twenty First Century war. 9/11 was not simply an act of terrorism but the most devastating, destructive, horrific terrorist act after the WWII and it is a direct assault on US by AI Qaeda.

It is pertinent to postulate here that "things are no longer at ease" for the ease with which the US - led Coalition war in Kosovo in 1999 in the loss of 18 US rangers in Mogadishu 1993, the Iraq unsuccessful attack on the WTC of 1994 and the AL Qaeda attack on the USS Cole and the US Embassies in Kenya and Tanzania cannot be compared to the loss of lives and properties in the wake of 9/11 2001. Likewise the strategic doctrine concerning the US involvement not in peace-keeping operations were all such minor incidences.

In this instance, the international political theory as encapsulated in the work of Kenneth Waltz best explains the situation which is still a starting point in modern thinking about the causes of war in contemporary international security.

Assumption III

The application of preemptive military force, unilateral intervention and anticipatory self-defence is permissible under international law currently. The Bush principle of notion comes to play too, in that the greater the threat the greater is the risk of inaction. In essence what this postulate is that the Bush led administration is not contending but the threat posed by WMD and terrorism in the old law requirement of necessity may not always be relevant by the time WMD is imminent and established, it may be too late to take any kind of successful preemptive action. (E.g. the 1994 Rwanda Genoside).

The United State policy makers should accept the traditional in understanding international law and recognize that preemptive force is permissible in the exercise of anticipatory self defence i.e. if imminences is instant, overwhelming and no choice of many and no moment of deliberation (i.e. the imminence criterion of Caroline formula of 1837. Based on the language of 2002 National Security Strategy administration should not back away from policy that has already been articulated. WMD and terrorism were completely unanticipated in traditional international law, the law has to be reinterpreted to allow for relaxing of imminence criterion.

> *However concerning the Bush Doctrine of preemptive-self defence, Obama made statement in 2009 December he maintained that the use of force in international affairs is most times both necessary and morally required. In this context, the*

president stated that the concept of a new war "just war" which can only be justified if it is waged as a last resort in self-defence.

Article 51 confirms inherent right to self defence if an armed attack occurred. It also encapsulated preventive, preemptive self defence including the principle of proportionality in self-defence, self-help and self-preservation.

This brings to the fore the argument against the efficacy of the 1974 Definition which outlines the **five core acts** which constitute Aggression/attack. These are itemized as stated below:

1) Invasion of armed attack: this encompasses the unlawful use of military force by one state against another, constituting the most blatant form of attack and aggression (UN, 2019).
2) Occupation of territory: this refers to the temporary or permanent control of another sate's territory by a military force of another state even if it doesn't involve a full-blown invasion. (UN, 2019).
3) Annexation by force: this involves the forcible incorporation of another state's territory into one's own, often accompanied by violation of sovereignty and self-determination (UN, 2019).
4) Bombardment by Armed forces: any military attack using projectiles, explosives, or other weapons against the territory of another state falls under this codified category. (UN, 2019).
5) Fomenting Civil Strife: according to the UN 2019, this means supporting, or engaging in internal conflicts within another state with the intension of overthrowing its government, undermining its territorial integrity or disrupting its political processes.

In our findings, the diplomacy of the "unilateralist" administration of President George W. Bush in 2004 has largely been focused on persuading the UN to multilateralize the state in Iraq when the US was attacked on 9/11 2001, it brought to play a new response to armed attack.

International Court of Justice (ICJ) holds that customary international law and the UN charter in interpretation on the prohibition or the use of force and the right rules that the principal right and the charter of the customary law in the subjection

are identical i.e. in the UN it is inherent right while in natural law it is self defence. Right of self defence is inherent is "inherent" in every sovereign, independent state from nations by the UN. Yet restricted its exercise and invocation to an armed attack only, which constitute the sole condition on which a UN member can exercise the inherent right of self-defense and if no armed attack on a member of the UN under the provision of Article 51 would remain inapplicable in their entirety.

Self-defense is limited in customary law by the principle of necessity and proportionality. While self-defense or use of force could be punitive, preventive, deterrent or a combination of all. It is understood from this study that the US attack on Iraq is more of a punitive measure/attack than self-defense based on the after math of 9/11.

There is also the balance of power theory embedded in this study in that the realist assumption that there is no essential harmony of interest among nations and that nation-state often has conflicting national objectives bottled up in the 3S in Realism which include:

1. Statism
2. Survival
3. Self-help

At its core, political realism is guided by the 3Ss as stated above. Based on the foregoing, it is pertinently observed that whatever nation do to remain relevant in the affairs among comity of nations fundamentally is organically for survival, self-interest, and Statism. For instance the withdrawal and exit of US from Niger is for intrinsic motives while at the same time Russia has suddenly entered into Niger. The celebration that inadvertently received the Russian troops to Niger Republic is a call for serious concern. It is even more hydraheadedly savageous because the US Military is still stationed in Niger. This can be referred to as the "Double Edged Sword". It will be looked into in our next study. Intriguing times indeed in international affairs.

summary, Conclusions and Recommendations

Summarily, if a state could demonstrate necessity that another state was about to engage in an armed attack and act proportionately, preemptive self-defense would be legal. It is also expedient to apply preemptive self-defense according to Bush notion if the threat is great, greater will be the risk of inaction. Therefore, self-defense is also imminent if there is anticipatory instant, overwhelming leaving no choice of means or no moment of deliberation.

The consequences of Iraqi invasion and occupation by the USA has left in its toes suicide insurgency and bombers blowing up themselves in Iraq and killing others. Decade after the US invasion of Iraq, there has been lots of attacks on the United States of America which is gradually tending to loss of hegemony in among international comity of nations.

Actually, the possession of weapons of mass destruction and the incident of 9/11 were most ostensible reasons for the use of drastic force by the George Bush led administration on Iraq, there was no deterrent or containment but a state declaration of invasion and occupation, unilaterally.

Might is right but nations which have tremendous military might and power need not resort to insurgency in realization of self-actualization while very weak, oppressed and frustrated nations have the tendencies to revert to terrorist act. According to Nte 2014, suicide terrorism is mainly a response to foreign military occupation.

There were gains and losses of the Iraqi war.

1. Elimination of WMD in Iraq
2. Ousting of Saddam Hussein
3. Approval of Resolution 1483 in May 22, 2003 by the UN.
4. Creation of Development fund to collect fund from the sales of Iraqi oil.
5. Creation of an office of the UN special Rep in Iraq.

Challenges from Iraqi War

1. High degree of terrorist tendencies.

2. Insurgency uprising in international affairs among comity of nations, Hamas, Hezebollah, Boko Haram insurgency, acts of terrorism, Herdsmen/Farmers clashes, kidnapping etc.
3. High rate of international conflicts, violence, chaos across nations, nations rising against nations, invasions upon invasions, Military interventions especially within developing nations, Niger, Mali, Kenya, etc. this has led to palpable fear of military take-overs in West Africa. Eventually in 2023 the international witnessed a lot of military interregnum in some of the West African states. These will be attempted in our next work.

Recommendations

According to Thomas Schelling in Nte 2014 the threat of pain tries to re-structure someone motive while brute force tries to overcome his strength which was what Saddam Hussein resisted seriously but was eventually over ran by the US invasion.

We therefore, recommend that:

1. Terrorism and acquisition of WMD be integrated into the structuring of the right of self defence in UN charter according to Art 51. This ought and or should be anticipated.
2. We also recommend that the traditional international law should be reinterpreted to allow for proper operation of the UNSC.
3. All forms of intervention militarily or otherwise should be a collective responsibility of the UNSC to deal with issues of concern in international affairs.

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