



## **PORG Model United Nations 2018**

### ***Legal committee - Defining the necessary conditions for pre-emptive use of military force under international law, especially in context of terrorism and other militant groups***

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## Introduction

In the past years, our World did undergo changes, which made it a totally different place. We did not experience any major global or continental war conflict for over 75 years, but rather conflicts on a more local scale, however, these were often of a high controversy. In 2001 the G. W. Bush administration started a pre-emptive attack after receiving threats against the US citizens and integrity. This, once again, opened the debate about the usage of pre-emptive attack as a legitimate measure to prevent an attack. To these days, the solution was not found and in a reaction to the current threats of terrorism and local militant groups it is advisable to construct conditions necessary for conducting the pre-emptive use of force as soon as possible.

## Definition of key terms

### Pre-emptive

“Taken as a measure against something possible, anticipated, or feared; preventive; deterrent”<sup>1</sup>

### Pre-emptive vs. Preventive

These two terms are often misused. In case of war *pre-emptive* is used with situation, when opponent **already possess** the capacities to launch attack. *Preventive* is, on the other hand is used, when the attack is aimed against preventing an opponent to **gain** the capacities to be able to attack.

/Term *pre-emptive use of military force* was not defined, as it is one of tasks of the delegates to do so in the resolutions./

## General overview

As mentioned earlier in this document, the problematics of pre-emptive use of military force as a tool for countries to prevent the attack on their sovereignty, population or government is still a prominent issue. Unlike other similar acts, this tool of war is not defined by any global directives or UN resolutions and is therefore used on a country decision basis.

Unlike the global community, individual countries did establish their, pre-emptive war policies. From the most important ones it is needed to name the Israel's approach during the Six day war, when a pre-emptive action was started against Egypt, which was preparing for invasion into Israel. It is largely believed that this action preventive many casualties, mainly on the Israeli side of the conflict and lead to a quick end of this war.

Other very important utilisation was after 9/11 attacks on the World Trade Centre. The G. W. Bush administrative decided to invade Iraq, because the US administration claimed that Saddam Hussein (the Iraqi president) was prepared to use the weapons of mass destruction against the United States. The use of pre-emptive war had lead only to great US costs, high civilian casualties, increase in terrorism and hatred towards the US in the world.

In these days there has not been any prominent issue of utilisation of this tool in warfare, however, there are several regions, where there is a probable chance that the institute would be used. This is mainly the area of disability in the Near East (conflict in Syria possible utilisation by Turkish army against the Kurds) and in Central African regions (civil wars and countries with multiple governments).

The problematics of pre-emptive warfare is very controversial topic. Main controversies are connected with the appropriate usage and the definitions, under which this institute can be used. As

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<sup>1</sup> <http://www.dictionary.com/browse/preemptive>

shown in examples before, the pre-emptive warfare may lead to a success or failure in areas of civilian security as well as financial prospects of the defendant.

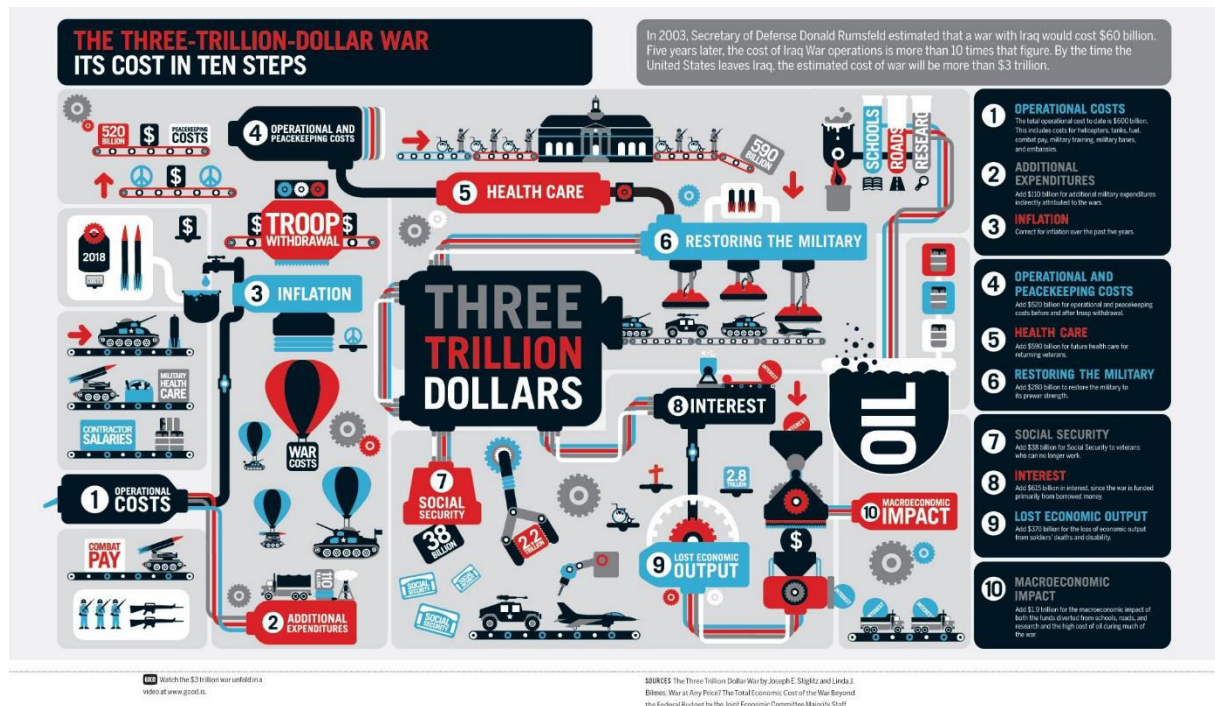


Illustration of US expenses during the Iraq war<sup>2</sup>

## Major parties involved

### The USA and the NATO

The most powerful army in the World and its allies are definitely a side that may be involved in a conflict, even though the purpose of NATO is solely defensive.

### China and Russia

Two other important world armies, who may destabilize the situation around the World, most importantly in Asia.

### Countries in the area of Near East

The area with one of the lowest stability. With a lot of countries being probable to invade the area of Syria, which may be claimed to be a potential danger and this may lead to further escalation of the conflict.

### Major terrorist and rebel groups

Even though they are not negotiation partners, they must be taken in mind, when preparing guidelines for conducting pre-emptive warfare.

## Timeline of key events and previous attempts to resolve the issue

Main events concerning the institute of preemptive war after WWI.

1931 – Japan invading Manchuria, claiming it is a “pre-emptive” action

1967 – The Six-Day war in Israel and utilisation of this strategy against Egypt

<sup>2</sup> <https://thinkbynumbers.org/military/war/posts/>

2001 – US invasion to Iraq claimed to be a pre-emptive action

## Previous attempts to resolve this issue

The most significant attempt to tackle the issue and promote some way of “legalizing it” was the so called Bush doctrine proposed in 2001. Bush stated that: “Our security will require all Americans to be forward-looking and resolute, to be ready for pre-emptive action when necessary to defend our liberty and to defend our lives.”

This clearly stated the approach of US army and presidency towards the utilisation of pre-emptive measures in case of legitimate threats against the nation. The Obama administration had, however, limited the utilisation of this policy in the next years.

## Questions a resolution should answer

Who has the right to utilise this institute?

In which situations may the pre-emptive war be used?

What are the conditions under which it may be used?

How to prevent civilian casualties and economical losses?

How are the guidelines going to be controlled?

## Appendix

Some documents, which may be a good base for future actions in this area.

Document on history of pre-emptive warfare:

[https://www.google.cz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5u\\_xrOzYAhXOZVAKHQIOD78QFggoMAA&url=https%3A%2F%2Fwww.cfr.org%2Fcontent%2Fpublications%2Fattachments%2Fhighlight%2F03springarend.pdf&usg=AOvVaw3sHnFpAGzmFRiXYx-w732m](https://www.google.cz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5u_xrOzYAhXOZVAKHQIOD78QFggoMAA&url=https%3A%2F%2Fwww.cfr.org%2Fcontent%2Fpublications%2Fattachments%2Fhighlight%2F03springarend.pdf&usg=AOvVaw3sHnFpAGzmFRiXYx-w732m)

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[https://www.google.cz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5u\\_xrOzYAhXOZVAKHQIOD78QFggoMAA&url=https%3A%2F%2Fwww.cfr.org%2Fcontent%2Fpublications%2Fattachments%2Fhighlight%2F03springarend.pdf&usg=AOvVaw3sHnFpAGzmFRiXYx-w732m](https://www.google.cz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5u_xrOzYAhXOZVAKHQIOD78QFggoMAA&url=https%3A%2F%2Fwww.cfr.org%2Fcontent%2Fpublications%2Fattachments%2Fhighlight%2F03springarend.pdf&usg=AOvVaw3sHnFpAGzmFRiXYx-w732m)

<http://www.ethical-perspectives.be/viewpic.php?TABLE=EP&ID=493>

[https://en.wikipedia.org/wiki/Preemptive\\_war](https://en.wikipedia.org/wiki/Preemptive_war)

<http://ssi.armywarcollege.edu/pdffiles/ksil212.pdf>

Arend, Anthony Clark. “International Law and the Preemptive Use of Military Force.” In Reshaping Rogue States, ed. Ales and T. J. Lennon and Camille Eiss, 19-36. Cambridge, MA: The MIT Press, 2004