

## Determination of the legality in international law of direct intervention in Iraq on the authority of Security Council Resolution 1441



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## DETERMINATION OF THE LEGALITY IN INTERNATIONAL LAW OF DIRECT INTERVENTION IN IRAQ ON THE AUTHORITY OF SECURITY COUNCIL RESOLUTION 1441



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GRIN Verlag Okt 2007, 2007. sonst. Bücher. Book Condition: Neu. 210x148x1 mm. This item is printed on demand - Print on Demand Neuware - Essay from the year 2003 in the subject Law - European and International Law, Intellectual Properties, grade: 1 (A), University of Kent (Kent Law School), 12 entries in the bibliography, language: English, abstract: International law provides for a general prohibition of the use or the threat of use of force to settle international disputes. Only very few exceptions from this rule exist and are clearly defined in the UN Charter. The question must thus be, if resolution 1441 constitutes such an exception of the rule and thus authorises the use of force against Iraq. A close examination of the resolution shall therefore be the starting point of this discussion. However, it must be said that the wording of any Security Council resolution is subject to individual interpretation. A second step must thus be to apply rules for the interpretation of Security Council resolutions if such rules exist at all. It appears that only very little authoritative guidelines to the interpretation of Security Council resolutions exist and that thus the only reliable source of guidance is previous interpretations. Those promoting direct intervention in Iraq without a further resolution refer to NATO bombings of Kosovo. Similarly to the present situation in Iraq, the Security Council did not explicitly authorise the use of force in that case either. Later, the international community claimed that because no agreement could be reached in the Security Council, military action without Security Council authorisation was necessary in order to prevent genocide. The argument being of course, that a legitimate aim could justify the use of illegal means. The question whether direct intervention in Iraq can be legitimate on the basis of resolution 1441...



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