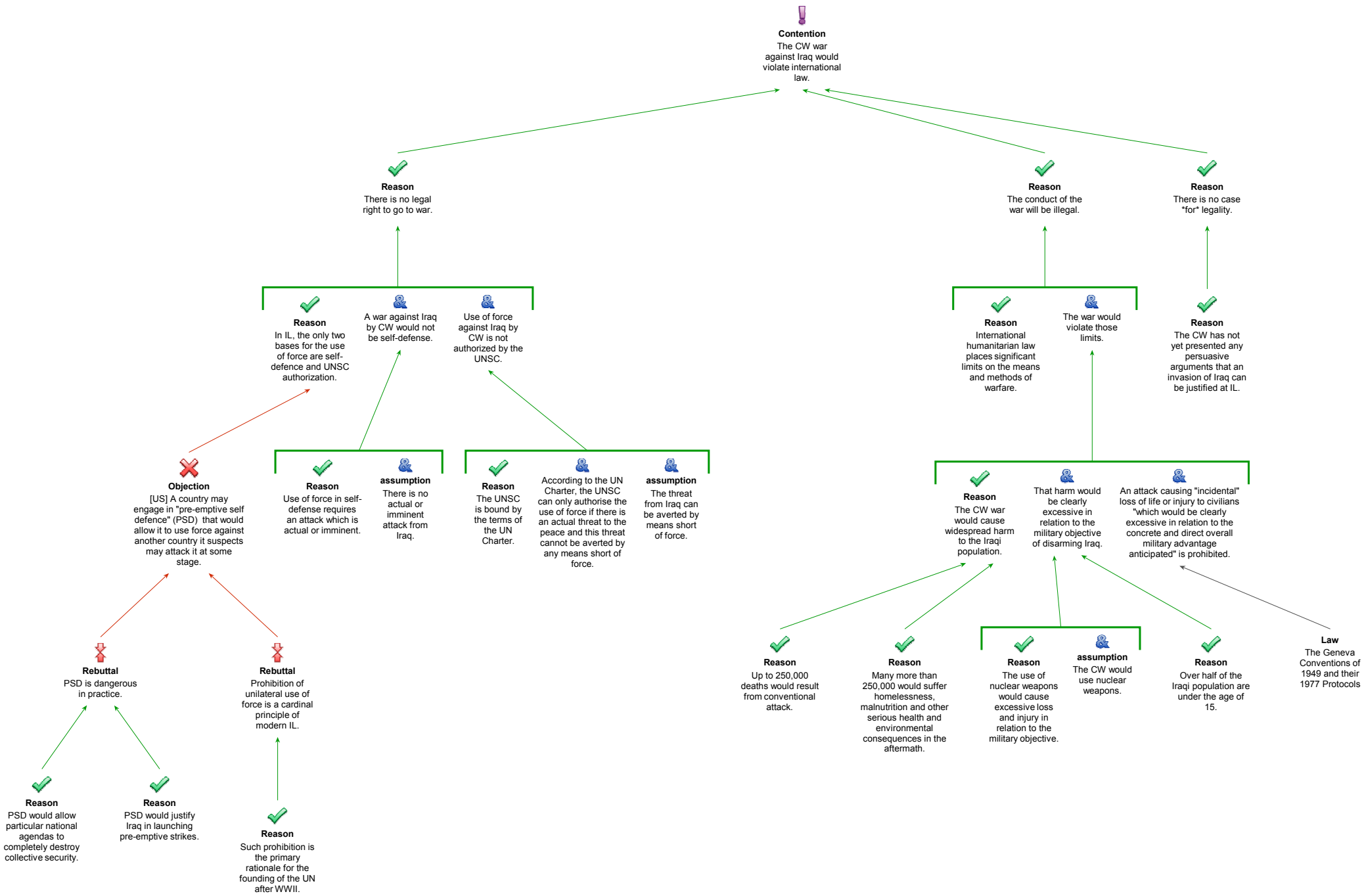
Contention
The CW war against Iraq would violate international law.
Reason
There is no legal right to go to war.
Reason
The conduct of the war will be illegal.
Reason
There is no case *for* legality.
Reason
In IL, the only two bases for the use of force are self-defence and UNSC authorization.
A war against Iraq by CW would not be self-defense.
Use of force against Iraq by CW is not authorized by the UNSC.
Reason
International humanitarian law places significant limits on the means and methods of warfare.
The war would violate those limits.
Reason
The CW has not yet presented any persuasive arguments that an invasion of Iraq can be justified at IL.
Objection
[US] A country may engage in "pre-emptive self defence" (PSD) that would allow it to use force against another country it suspects may attack it at some stage.
Reason
Use of force in self-defense requires an attack which is actual or imminent.
assumption
There is no actual or imminent attack from Iraq.
Reason
The UNSC is bound by the terms of the UN Charter.
According to the UN Charter, the UNSC can only authorise the use of force if there is an actual threat to the peace and this threat cannot be averted by any means short of force.
assumption
The threat from Iraq can be averted by means short of force.
Reason
The CW war would cause widespread harm to the Iraqi population.
That harm would be clearly excessive in relation to the military objective of disarming Iraq.
An attack causing "incidental" loss of life or injury to civilians "which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated" is prohibited.
Rebuttal
PSD is dangerous in practice.
Rebuttal
Prohibition of unilateral use of force is a cardinal principle of modern IL.
Reason
PSD would allow particular national agendas to completely destroy collective security.
Reason
PSD would justify Iraq in launching pre-emptive strikes.
Reason
Such prohibition is the primary rationale for the founding of the UN after WWII.
Reason
Up to 250,000 deaths would result from conventional attack.
Reason
Many more than 250,000 would suffer homelessness, malnutrition and other serious health and environmental consequences in the aftermath.
Reason
The use of nuclear weapons would cause excessive loss and injury in relation to the military objective.
assumption
The CW would use nuclear weapons.
Reason
Over half of the Iraqi population are under the age of 15.
Law
The Geneva Conventions of 1949 and their 1977 Protocols