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INTRODUCTION – THE JUST WAR THEORY \textit{(JUSTUM BELLUM)}

- Justification of how and why wars are fought
- Long Tradition $\rightarrow$ 20\textsuperscript{th} century a revival
- \textit{Jus Ad Bellum}: the rules that govern the justice of war
- \textit{Jus in Bello}: rules that govern just and fair conduct in war
- \textit{Jus Post Bellum}: the responsibility and accountability of warring parties after war
"Coercive measures may be effective, but their effectiveness depends on various factors, such as the fulfillment of the *jus ad bellum* criteria, the situation in the country before the democratizing process and the means used during the *post bellum* period.

In the West German case the external actors were successful in establishing democracy because during the *post bellum* period they used effective means, such as e.g. promoting self administration, leaving space with regard to constitution-making or promoting the economic development.

In the Iraq case the democratizers were not successful as they did not choose effective measures to establish democracy during the *post bellum* period. The chosen measures did not conform to the situation in the country (missing communication, lack of strategy, lack of awareness of Iraqi will).

Our final hypothesis then is that the means used during the *post bellum* period are the most decisive factors for a successful democratization."
THE PRINCIPLES OF JUS AD BELLUM

1. Having just cause
2. Being a last resort
3. Being declared by a proper authority
4. Possessing right intention
5. Having a reasonable chance of success
6. End being proportional to the means used

→ Problems with this theory (e.g. lack of ethical framework, vagueness, results inconsistent)
### JUS AD BELLUM - IRAQ

<table>
<thead>
<tr>
<th>Principle</th>
<th>Iraq</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having Just Cause</td>
<td>No</td>
</tr>
<tr>
<td>Possessing right intention</td>
<td>No</td>
</tr>
<tr>
<td>Being declared by a proper authority</td>
<td>Yes</td>
</tr>
<tr>
<td>Being a last resort</td>
<td>No</td>
</tr>
<tr>
<td>End being proportional to the means used</td>
<td>No</td>
</tr>
<tr>
<td>Reasonable chance of success</td>
<td>Controversial</td>
</tr>
</tbody>
</table>
## Jus ad Bellum - Germany

<table>
<thead>
<tr>
<th>Principle</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having Just Cause</td>
<td>Yes</td>
</tr>
<tr>
<td>Possessing right intention</td>
<td>Yes</td>
</tr>
<tr>
<td>Being declared by a proper authority</td>
<td>Yes</td>
</tr>
<tr>
<td>Being a last resort</td>
<td>Yes</td>
</tr>
<tr>
<td>End being proportional to the means used</td>
<td>Yes (Michael Walzer other opinion)</td>
</tr>
<tr>
<td>Reasonable chance of success</td>
<td>Yes</td>
</tr>
</tbody>
</table>
PRINCIPLES OF *JUS IN BELLO*

• The rules of just conduct within war

• two broad principles:
  – Principle of Discrimination
    • combatants and non-combatants
    • Legitimacy of civilian deads.
  – Principle of proportionality
    • How much force is morally appropriate?

• The principle of responsibility

• Abu-Ghraib
**JUS POST BELLUM**

- Added to Just War Theory
- Principles following Brian Orend (2000)
  - End of the war when goals have been achieved
  - Just intention → no revenge
  - Cooperation with a legitimate local authority
  - No collective punishment
  - Proportional use of means
- Catalogue by Sonja Grimm (2010)
- 4 important fields of action:
  - transformation steps since the negotiation of the interim agreements (1)
  - the character of the international presence (2)
  - the institutionalization of the democracy (3)
  - the beginning of consolidation (4)
- Compare with table 3 on handout
1. Interim Agreement

- Lack of structure and a clear strategy.
- No Iraqi elite was included in the planning of the future ➔ Lack of accountability.
- Absolute authority in the Coalition Provisional Authority (CPA).
2. Character of the international presence

- US as the main actor
- lack of international support
- UN only with supervision function
- American rhetoric
- “Occupation force” or “liberation force”
3. Institutionalization of Democracy
- Debaathification ➔ Lack of an Iraqi elite
- Maintenance of weak state structure
- Huge American influence in the constitution-making
- Undemocratic processes ➔ Undermining the legitimacy
- Deep split within the Iraqi society
  - Sunni boycott of the election.
  - Rise of opposition and violence.
  - ➔ Undermining the legitimacy further.
- June 2004: Ending of occupation period
- December 2005: First time a national election under a democratic constitution.
JUS POST BELLUM - IRAQ

4. Consolidation of Democracy

- Outbreak of civil war
- Breakdown of civil society
- Strong opposition groups
- Low economic development
- Americans troops out in December 2011.
5. Conclusion

• Inner influence: Poor state structure, lack of legitimacy, no elite with democratic experience, weak economic conditions, internal split in the society.

• External influence: Lack of knowledge of the Iraqi society, huge American involvement, incorporation of "western" values, unwillingness to leave the decisions to the Iraqis, underestimation of the security issue.
1. Provisions of Peace (Interim Agreement)

- „Protocol of Proceedings“: Denazification, Democratization, Decentralization, Demilitarization, Demounting/Demobilization
- Allied control council: quasi-legislator
2. Character of the international presence

- Occupation → 3 (4) zones
- Presence of military groups
- No rebellion although situation really bad
3. Institutionalization of Democracy

- Denazification programme
- New leaders had experience with democracy
- Rehabilitation of old elite in bureaucracy and economy → stable situation
- Allied in West: liberal position → bottom up approach
- Elections: 1946/1949
- Constraints on media and political parties
- Bi-zone: Big step towards nation-building
  - Constitution-making process → little intervention!
- Allied occupation statue until 1954 (Treaty of Paris)
4. Consolidation of Democracy
   • Focus on economic development (Marshall-Plan, OEEC)
     – Important effect → trust, legitimation, acceptance

5. Conclusion
   • Inner influence: Call for restart, functioning state structures, tradition of administration, rule of law, professionals, support of elites → democratic consensus
   • External influence: Allies did not intervene too much in this process
   • East-West conflict → responsibilities to Germany, nevertheless still supervisors
"Coercive measures may be effective, but their effectiveness depends on various factors, such as the fulfillment of the *jus ad bellum* criteria, the situation in the country before the democratizing process and the means used during the *post bellum* period.

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# TABLE 1: PRINCIPLES OF JUS AD BELLUM

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<td>Yes</td>
</tr>
<tr>
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<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Having a reasonable chance of success</td>
<td>Controversial</td>
<td>Yes</td>
</tr>
<tr>
<td>End being proportional to the means used</td>
<td>No</td>
<td>Controversial</td>
</tr>
<tr>
<td>Points of Departure</td>
<td>Iraq</td>
<td>Germany</td>
</tr>
<tr>
<td>---------------------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>Security Propensity to violence opposition</td>
<td>/ Yes</td>
<td>Low no</td>
</tr>
<tr>
<td>Rule of law Experience Old regime</td>
<td>No Yes</td>
<td>Yes Yes / no</td>
</tr>
<tr>
<td>Welfare Humanitarian distress Infrastructure destroyed Low economic development Corruption Productivity/industry</td>
<td>Yes Yes Yes Low</td>
<td>Yes Yes Yes No No High</td>
</tr>
<tr>
<td>Democracy Experience Cooperation Professionalization Legitimate representatives Trust</td>
<td>No No (Sunnites) No (fired) No at first / yes later No</td>
<td>Yes Yes Yes Yes very early Yes</td>
</tr>
<tr>
<td>Political community Fragmentation of society Nation-building Trust Stateness (functioning state structures)</td>
<td>Yes No No No experience, erosion of state structures</td>
<td>No Yes Yes Long tradition</td>
</tr>
<tr>
<td>Conditions of Peace Clear-cut end</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Regional context Environment Profiteers of conflict International context Professionals Help by International organisation</td>
<td>Not democratic, violent yes No Yes No?</td>
<td>Democratic no Yes Yes (USA)</td>
</tr>
</tbody>
</table>
# Table 3: Post Bellum Strategies Following Sonja Grimm (2010)

<table>
<thead>
<tr>
<th>Category</th>
<th>Strategy</th>
<th>Iraq</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Security</strong></td>
<td>Stabilization (Demobilisation)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Institutionalization (building of national police, transfer)</td>
<td>-/+</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Consolidation (Security)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td><strong>Rule of law</strong></td>
<td>Stabilization (Control of jurisdiction, interim laws)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Institutionalization (war criminals, building courts)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Consolidation (consolidation of basic law)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td><strong>Welfare</strong></td>
<td>Stabilization (humanitarian aid, control of industry)</td>
<td>+/-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Institutionalization (infrastructure, reforms, economy, currency)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Consolidation (equity, economic growth)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td><strong>Democracy</strong></td>
<td>Stabilization (representatives)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Institutionalization (administration, constitution, 1st election...)</td>
<td>+/-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Consolidation (consolidation institutions, regular free elections...)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td><strong>Political Community</strong></td>
<td>Stabilization (control of media, protection)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Institutionalization (handling societal conflicts, trust)</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Consolidation (consolidation of citizen-culture)</td>
<td>-</td>
<td>+</td>
</tr>
</tbody>
</table>
THANK YOU FOR YOUR ATTENTION!

Rasmus and Jenna
LITERATURE


LITERATURE

Internet
http://www.justwartheory.com/
(last access: 20.11.2010)
MOSELEY, Alexander: Just War Theory.
Available: http://www.iep.utm.edu/justwar/
(last access: 20.11.2010)