

# **SUMMARY OF THE GOVERNMENT LEGAL POSITION ON MILITARY ACTION IN IRAQ AGAINST ISIL**

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This note sets out the government's position on the legal basis for the deployment of UK forces to take military action to strike ISIL sites and military strongholds in Iraq. UK action would be part of the international US-led effort requested by the government of Iraq on 20 September 2014.

ISIL's brutal actions in Iraq and elsewhere constitute a large-scale attack on the people and government of Iraq, which has involved the seizure of control of large tracts of Iraqi territory, indiscriminate violence against civilians, the displacement of thousands, and has caused immense suffering to the people of Iraq and the region.

International law is clear that the use of force in international relations is prohibited, subject to limited exceptions.

However, international law is equally clear that this prohibition does not apply to the use of military force by one State on the territory of another if the territorial State so requests or consents.

It is clear in this case that Iraq has consented to the use of military force to defend itself against ISIL in Iraq.

For several months, Iraq has made clear that they want support from the international community to defeat ISIL and protect Iraq's people and territory. In August, Iraq specifically requested and received UK military assistance in support of humanitarian efforts.

By a letter dated 20 September 2014 to the President of the UN Security Council the Minister of Foreign Affairs of Iraq sought additional international support and assistance for the specific purpose of fighting ISIL. Setting out the background of the threat posed by ISIL, its gratitude for international help provided so far and the need to respect Iraqi sovereignty, Iraq made a request for further military action in the following terms:

It is for these reasons that we, in accordance with international law and the relevant bilateral and multilateral agreements, and with due regard for complete national sovereignty and the Constitution, have requested the United States of America to lead international efforts to strike ISIL sites and military strongholds, with our express consent. The aim of such strikes is to end the constant threat to Iraq, protect Iraq's citizens and, ultimately, arm Iraqi forces and enable them to regain control of Iraq's borders.

The government is satisfied that the consent of Iraq in these terms provides a clear and unequivocal legal basis for the deployment of UK forces and military assets to take military action to strike ISIL sites and military strongholds in Iraq.

The UK will conduct military action in accordance with applicable international law, including international humanitarian law.