

國際法顧問與英國對伊拉克的動武決策

International Lawyer and the British Decision-Making for Using Force against Iraq

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摘 要

什麼是國際法顧問？究竟國際法顧問在外交政策中扮演什麼功能？本文首先從英文詞彙中定位了什麼是國際法顧問。其次分析了國際法顧問的功能。第三，從英國對攻打伊拉克的戰爭調查委員會（the Iraq Inquiry）報告中，整理出當時決策前所面對的國際法議題。第四，再加以解讀英國國際法顧問所面對的難題。最後，本研究指出，一方面，任何外交決策都有國際法議題滲入其中，這些法律議題必須要具備強有力的依據。另一方面，國際法顧問應該扮演提升外交決策品質的軍師角色。

關鍵詞：

國際法顧問、動武、外交決策、伊拉克戰爭調查委員會

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Abstract

What is international lawyer? What functions do international lawyers perform in the process of foreign policy decision-making? This paper firstly defines the meaning and scope of the terms concerning international lawyer, international legal adviser and legal adviser. Second, it introduces the functions of international lawyer. Third, from the Reports of the UK's Iraq Inquiry, this article depicts and accumulates the key legal issues in the decision-making process in relation to the use of force against Iraq in 2003. Fourth, it then proceeds to explain the difficulty and ethical dilemma that British Foreign Office's legal advisers faced during the policy-making process. Lastly, this research indicates that on one hand, any foreign policy decision-making involves international legal issues, and these legal issues should be supported by reasonable and convincing legal arguments. On the other hand, international lawyers should play the counselor's role in enhancing the quality of foreign policy decision-making.

Keywords :

international lawyer, international legal adviser, use of force, foreign policy decision-making, the Iraq Inquiry