Chrétien and Iraq: Explaining Canada’s Decision to Say No to War and the Role of International Law

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Abstract

On March 17th 2003, the Prime Minister of Canada, Jean Chrétien, addressed the Canadian Parliament on the ever-pressing issue of Canada’s role in a potential Iraq war, stating, “If military action proceeds without a new resolution of the Security Council, Canada will not participate.” Canada’s decision to not join two of its closest allies, the U.K and the U.S, in the war against Iraq, presents an interesting puzzle as to why Canada made the decision to comply with international law. This paper seeks to address the question, what role did international law play in the context of the Canadian decision to not go to war with Iraq? Ultimately, I argue that normative theories of compliance, more specifically constructivist and legitimacy theories, best explain Canada’s decision, while illustrating the prominent role that international law played. While making this argument, I also reject the instrumentalist argument that could explain Chrétien’s decision for Canada.
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Introduction

On March 17th 2003, the Prime Minister of Canada, Jean Chrétien, addressed the Canadian Parliament on the ever-present issue of Canada’s role in a potential Iraq war, led unilaterally by the United States. The famous decision, which many (including Chrétien) have claimed to be his most prominent legacy as Prime Minister, stated that:

Over the last few weeks, the Security Council has been unable to agree on a new resolution authorizing military action [in Iraq]. Canada worked very hard to find a compromise to bridge the gap in the Security Council. Unfortunately we were not successful. If military action proceeds without a new resolution of the Security Council, Canada will not participate. (Chrétien 2008)

The decision for Canada not to participate in the Iraq war poses an interesting puzzle, especially given the pressure for Canada to join the ‘Coalition of the Willing’ with the superpower to the south, the United States, and its strong commonwealth partner, Great Britain. There are two main narratives in the literature that try to explain this decision. First, in many of the statements, speeches and writings concerning the decision to not participate in the war, the narrative by Chrétien and those working closely with him was that the decision was made out of a respect for international law, international institutions, and multilateral diplomacy (Chrétien 2008, Goldenberg 2006, Martin 2003). However, other evidence suggests another narrative; that the decision was made as a result of domestic pressures that made the cost of going to war too high for the Liberal government. These pressures included strong public opinion against the war, a looming election in Quebec – a province that saw the least support for any type of military involvement in Iraq, and a domestic attitude that Canada can and should remain independent from the United States when making foreign policy decisions (Keating 2006, McWhiney 2003, O’Connor and Vucetic 2010). This contrasting evidence begs the question, what role did international law play in the context of the Canadian decision to not go to war with Iraq? Was the decision made out of a high deeply engrained respect for international law which reflected the Liberal and Canadian identity, or was it as a result of a calculated approach that understood the costs from domestic pressures to be too high for Canada to not comply with international law?

Ultimately, I argue that international law played a prominent role in the decision for Canada to not join the U.S in the war on Iraq, and that this role can best be explained through normative theories of compliance to international law. More specifically, I use constructivist arguments of internalization and acculturation and theories of legitimacy to explain why Canada complied with international law. I will make my argument in three sections. First, I will give a brief overview of the international legal context of the Iraq war, what laws at the U.N Security Council affected the decision, and ultimately why the U.S chose to go to war. Second, I will discuss the two competing narratives of why Canada chose not to join the U.S led war, focusing first on the argument that it was done out of a respect for international law and institutions that had become part of the Canadian identity, and second that it was an instrumentalist decision based on domestic factors that made the cost of war too high. Third, I will demonstrate how constructivist theories of international law, specifically those of internalization and acculturation, as well as theories of legitimacy, explain the compliance by Canada to international law. I will also argue here that instrumentalist arguments do not adequately explain Canada’s compliance. Instead, the second narrative can also be explained by constructivist theories of compliance. To be sure, I will strengthen my argument through giving the counterfactual case in which the international laws of war did not exist, and predict how Canada may have acted in this scenario. Finally, I will conclude by summarizing the main findings of this paper.

Before I begin my paper, it is important to make one distinction. In this essay, I am specifically looking at explaining through theories of compliance why Canada decided to comply with international law and not to join the U.S in the Iraq war. It is not the aim of this paper to explain why the U.S did not comply with international law, but instead to give an explanation for Canada’s actions under the Chrétien government, despite the potential repercussions it could have had for Canada’s relationship with both the US and the UK.

The International Legal Context of the Iraq War

In this first section, I will give an overview of the international legal context that led to the Iraq war, and identify the international laws that were complied with and not-complied with by states in the decision to not join or join the Iraq war.

The path to the U.S declaration of war in Iraq arguably began with the September 11th attack on the Twin Towers in New York by al-Qaeda Islamic extremists. The attacks led the U.S and its allies to go to war in Afghanistan, where their goal was to overthrow the Taliban regime and eliminate the al-Qaeda terrorist threat that had brewed within its borders. By the end of 2002, however, the debate in the US had shifted from not only the war in Afghanistan, but of the perceived threat of Iraq under the dictatorship of Saddam Hussein (Chrétien 2008). It was controversially claimed (by many in the U.S in support of going to war) that Iraq had also become a breeding ground for terrorists, and that this, combined with the threat of Weapons of Mass Destruction (WMD), was a
threat to American national security. While the threat was certainly topical in the United States, the issue of Iraq potentially possessing WMDs was one that the international community had been dealing with for many years. Following Iraq’s invasion of Kuwait in 1990, the Security Council (SC) adopted resolution 678, which authorized the use of force against Iraq in order to eject it from Kuwait and to restore peace and security (Resolution 678 1990). On 3 April 1991, the SC adopted resolution 687, which set out the ceasefire conditions and imposed obligations on Iraq to eliminate its weapons of mass destruction (Resolution 687 1991). Importantly, it suspended but did not terminate the use of force under resolution 678. Just over a decade later, the issue would resurface on November 8 2002, when resolution 1441 would pass at the SC, which would give Iraq a “final opportunity to comply with its disarmament obligations” and warned Iraq of the “serious consequences” if it did not (Resolution 1441 2002). The SC resolution passed unanimously with no veto, indicating that the issue was important to the international community and that the obligation of Iraq to disarm was taken seriously. Iraq quickly denied all charges, and permitted the re-entry of United Nations arms inspectors back into the country.

Despite the arms inspection mission in Iraq, the US was not satisfied that the WMDs did not exist and continued to see Iraq as a threat. It became apparent that resolution 1441 would not be sufficient grounds for the United Nations to give permission to the U.S to invade Iraq, and so the Americans tried to get a second, more explicit resolution passed that would allow for the use of force (chrétien 2008). This, predictably, did also not go over well with the SC, and by March 17th, 2003, the US had decided to bypass the UN and declare war on Iraq unilaterally. By making the decision to go to war, the U.S and its allies broke 2 prominent articles of the Charter of the United Nations, and 2 prominent principles of the Charter of The Nuremberg Tribunals. They were (Brecher, Cutler and Smith 2005):

CHARTER OF THE UNITED NATIONS

Article 2 (3): All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Article 2 (4): All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

CHARTER OF THE NUREMBERG TRIBUNALS

PRINCIPLE VI:

(a) Crimes against peace: Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

PRINCIPLE VII: Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

If and when a state violates the above laws, its actions will be recognized by the international community as an illegal act of war. However, there are two exceptions to the above rules that would give a state the authorization to go to war, which are also made explicit in international law. The first is the right of individual or collective self-defense in response to an armed attack, outlined under Article 51 of the Charter of the United Nations. The second is the specific authorization of force by the Security Council under Chapter VII as a last resort to maintain international peace and security (Brecher, Cutler and Smith 2005). The international consensus was that the US had neither, thus making the decision to unilaterally attack Iraq illegal under international law. A further point of international contention was over whether a country could engage in preemptive self-defense, which is a concept recognized in customary international law. In this case, it has been argued that ‘interceptive self-defense’ can be lawfully used to avoid a greater harm to the international community, when there is “clear and convincing evidence” of a risk for an imminent and unavoidable attack (Brecher, Cutler and Smith 2005, Dinstein 1994). The U.K and the U.S framed their argument for war on the idea that the WMD posed an imminent and unavoidable threat. However, more than 550 inspections by the U.N over a four-month period failed to uncover evidence that Iraq either had the weapons, or had the capacity to use them (Brecher, Cutler and Smith 2005). Hence, the international community also largely rejected the argument that the U.S had the right to preemptive self-defense. Today, many in the international community generally understand the actions of the U.S as illegal. Although the US government and a number of legal scholars attempted to put together a patchy argument as to the legality of the attack, and have since claimed moral and human rights arguments to legitimize the war in Iraq, the general international consensus rejects these arguments (McGoldrick 2004). Kofi Annan, Secretary General of the UN at the time, stated in an interview with the BBC on September 16 2004 that the US did not have the legal authority for the war (Brecher, Cutler and Smith 2005). In addition, a letter sent to the White House on behalf of more than one thousand law professors and US legal organizations have stated the following: “We consider that any future use of force without a new U.N Security Council Resolution would constitute a crime against peace or aggressive war in violation of the U.N Charter” (Brecher,
Cutler and Smith 2005). These are just two examples of the many international condemnations on the war’s illegality.

Although an interesting backdrop to the war, this overview was largely centered on the relationship between the U.S. and the U.N. However, it is important for us to examine the context in which decisions were made in order to understand the role of international law on Canada’s decision. As previously stated, it is not the purpose of this paper to explain why the U.S. decided to not comply with international law. Instead, I am curious as to why Canada did comply with international law, given the closeness of the Canada-US relationship and the pressure to do so from both the U.S and the U.K. Indeed, there was certainly an expectation on Canada to follow two of its closest allies to war, as it had often done so in history. It is the question of why this was not the case in the Iraq war that I will turn my attention next.

Canada and the Iraq War: Explanations for the Decision to Say No

There are two competing narratives on why Canada decided not to join the U.S in the war against Iraq. In this section I will briefly explore each one respectively; first, that Canada would not join the war unless the U.S went through the appropriate international channels, most importantly the SC, and received explicit approval for the use of force, or second, that the decision was made as a result of numerous domestic pressures including public opinion, the looming Quebec election, and a push for Canadian independence from U.S foreign policy. The first narrative, largely emphasized by the Liberal Party, Chrétien, and many close to the government, is one of respect for international law and institutions. As early as August 14th 2002, confidential Canadian intelligence suggested, “U.S action against Iraq to implement regime change is a question of when, not if…” (Chrétien, 2007). By September, the issue was on the international agenda, as Chrétien (2008) sat down with British Prime Minister Tony Blair to discuss the potential of an Iraq invasion. At the meeting, Chrétien made it clear that that Canada would only join the war if the decision were made through the appropriate international channels. During the conversation, Chrétien stated: “I want to be with you guys, but I can’t go in without a United Nations Resolution” (Chrétien 2008). Chrétien later claims this conversation prompted the British Prime Minister to talk to President Bush, which encouraged the President to address the SC. Resolution 1441 was passed a few days later (Chrétien 2007). In the same month, President Bush and Prime Minister Chrétien also met for a joint announcement on border security and cooperation. They used this opportunity to hold a private meeting about Iraq. Eddie Goldenberg, a senior political advisor to Chrétien, recalls after the meeting “he [Chrétien] made it very clear to the President that Canada’s participation in the war with Iraq would depend on the support of the United Nations” (Goldenberg 2006). Perhaps the clearest indication that Chrétien was committed to finding a solution in respect of international law was at a major address the Prime Minister gave to the Council on Foreign Relations in Chicago, on February 13 2003:

...It is imperative to avoid the perception of a ‘class of civilizations’. Maximum use of the United Nations will minimize that risk. And so how the United States acts in the days ahead will have profound consequences for the future. I am convinced that working through the United Nations, if at all possible, as difficult and as frustrating as it sometimes can be, will immeasurably strengthen the hand not only of the United States, but also of those around the world who want to support it.

The speech was instrumental in outlining Canada’s position. Despite the mainstream media message that the decision came late, Chrétien recalls a conversation he had with Andrew Card, Bush’s Chief of Staff, just four months after the war had started, and in which Card claimed that “you told us right from the beginning what you intended to do, and it was our mistake that we did not take you seriously” (Chrétien 2008).

Chrétien and the Liberal party’s commitment to a diplomatic solution in compliance with international law through the use of international institutions can also be seen in their efforts to find a compromise between SC states in the early months of 2003. When it became clear that a second resolution, following 1441, would not pass through the SC, Chrétien worked closely with diplomats and other heads of states to find a way to delay any invasion until the U.N-led mission in search for WMDs could be completed (Chrétien 2008). Chrétien stated: “My hope was that if we could get an extra six to eight weeks, the U.S military strategists would have to delay their plans long enough to give everyone more time to work out a diplomatic solution” (Chrétien 2008). Goldenberg (2006) also further discusses the role that Chrétien took to encourage a diplomatic solution as “an honest broker between the U.S and Great Britain on one side, and France and Germany on the other”, claiming that the Prime Minister spent considerable time trying to work with other heads of states to find a compromise solution. Despite their considerable efforts, they were of course unsuccessful.

In contrast to the above narrative, it has also been argued that the decision to not join the U.S in the war against Iraq was made as a result of domestic political pressures. This narrative focuses on the three main arguments that public opinion, the election in Quebec and the Liberal Party’s commitment to distancing themselves from the influence of the U.S while maintaining Canadian values, created too high of a cost for the Liberals to commit to the war (Keating 2006, McWhinney 2003, O’Connor and Vucetic 2010).

Public opinion in Canada over whether or not the nation should go to
war was not deeply divided; survey evidence illustrated that support for the war was weak throughout 2002 (O’Connor and Vucetic 2010). According to a Gallup International Poll in January 2003, 44% of Canadians voiced some support for war in the pre-war period. However, this declined once the war began to as low as 31%. National polling data, collected by surveys from Ipsos-Reid, Gallup, Léger, SES, Pollara, Compaq, Pew and ICM, all pegged opposition to the war as between 40 and 60 percent, while at no point did support for unilateral or near-unilateral US action receive more than 11% approval (O’Connor and Vucetic 2010). The public’s anti-war stance was also evident in the 16 February protests, which involved between 150,000-200,000 protesters in Montreal and around 60,000 between Vancouver and Toronto (O’Connor and Vucetic 2010). Clearly then, the Canadian public was not in favor of conflict with Iraq. Because Chrétien was finishing up his third and final term before retiring from politics, there certainly would have been pressure on him to finish his time as Prime Minister on positive note and leave a legacy that resonated with Canadians.

Similarly, it can be argued that the Liberal Party was under pressures in Quebec. The province was about to enter an election, and the Federal Liberal Party was hoping for success for the provincial Liberal party over the anti-Federalist and separationist Parti Quebecois. In Quebec, support for any type of war or intervention was the lowest in all of the provinces. O’Connor & Vucetic (2010) argue that this is a result of Quebec’s long sustained Venetian identity and its historical dislike for the use of force whenever Ottawa decides to militarily intervene abroad (536). The size of the protests in Quebec gave this argument further weight, making it credible that the anti-war sentiment in Quebec contributed to the Liberals’ decision not to go to war.

Finally, and perhaps most influentially, was the commitment of the Liberal party to maintain independence from the U.S and uphold Canadian values. Indeed, this would ring true of Chrétien as a Prime Minister. As Keating (2006) argues, “He is a politician who goes to the heart of Canadians’ values.” Indeed, Chrétien had come to office with a commitment “to distance Canada from the close bilateral embrace that had marked Canadian-American relations under the Mulroney government” (Keating 2006). Whitaker backs this argument, stating that “Canada still retained a sufficient margin of independence to say no to the Americans, a position popular in all parts of the country, save Alberta, and one in strict keeping with long standing Canadian attachment to multilateralism and international institutions” (Whitaker 2006). Further, Whitaker argues that “Chrétien showed courage and determination in following a course that preserved some measure of Canadian self-respect.” Edward McWhinney (2003) also reflects on the role of Canadian values in making the decision to not declare war on Iraq, stating that Chrétien had to “make a choice for Canada…either to remain faithful to the Lester Pearson/Paul Martin Sr. position from the earlier ‘golden era’ of Canadian foreign policy or to yield instead to the ever stronger importuning of the US neighbor and free trade partner.” This speaks to the pull that Canadian society felt towards in having to work with its southern partner, a pressure that McWhinney (2003) describes as an “ever-mounting continental imperative of coordinating and, if need be at times, subordinating our foreign and defense policies to continental priorities determined in Washington D.C.”

This second set of arguments presents a strong case that the decision for Canada not to participate in the Iraq war came from considerable domestic public pressures, and was the result of a calculated decision making process that pegged the cost of going to war too high for the Liberals. Indeed, it has been argued that the multilateral diplomacy and respect for international law narrative of the Liberals was simply a convenient disguise to mask the true reasons why Chrétien did not want to support the war (O’Connor and Vucetic 2010)

In this section, we have seen two competing narratives for why Chrétien made the decision on March 17 2003 that Canada would not join the US war in Iraq. The first focused on a deeply held respect for international law and international institutions, while the second reflects on the domestic pressures that made the cost of war significant for the Chrétien government. While these two narratives are not completely mutually exclusive, it is helpful to separate them for the purpose of analysis in an IR context. It is this analysis that I will turn to next.

Understanding Canada’s Decision: Explanations through IR Theory

In this section, I seek to explain the role of international law in Chrétien’s decision to not join the US in the Iraq war by using prominent theories of compliance. Specifically, I will reflect on the above two narratives to assess whether Canada’s compliance can be described by normative arguments or instrumentalist arguments of compliance to international law. Ultimately, I argue that the best explanation for Canada’s compliance is derived from normative theories of compliance by invoking both constructivist and legitimacy theories to understanding Canada’s compliance. In doing so, I reject instrumentalist arguments as being insufficient to explain Canada’s actions.

First, it is important to make the distinction between instrumentalist and normative approaches to understanding compliance with international law. Instrumentalist approaches are those that understand countries as rational actors who make self-interested decisions by calculating the costs and benefits of specific actions. They can be influenced by a number of elements, including enforcement, reputation, management/capacity constraints and domestic politics. In contrast, normative scholars understand compliance not only in terms of ra-
tional self-interest, but also influenced by normative factors such as international norms, state identity, legitimacy of laws or institutions, and morality.

As I have previously stated, I argue that normative theories of compliance, specifically constructivist arguments made by Koh (1998) and Goodman and Jinks (2004) and legitimacy arguments made by Hurd (2007) work best to explain Canada’s compliance to the international laws of war and their decision to not join the U.S in attacking Iraq. To show this, I will give a brief summary of each argument and explain how each argument relates to the narrative of Canada’s respect for international law and international institutions. Koh (1998) argues that the key to explaining compliance lies in the internalization of international norms into the domestic sphere, which happens within the transnational legal process. He explains internalization by identifying three stages in the process. The first is interaction - where actors (states, international organizations, NGO’s, businesses and other ‘norm entrepreneurs’) interact with each other in the international arena. The second is interpretation; as a result of the interaction, states will "force an interpretation or enunciation of the global norm applicable to the situation" (Koh 1997). The third step is internalization; the states will internalize the norm and make it a part of their identity. His theory can be summarized as the following: states comply with a law once it has internalized the law and had it become a part of its new identity. Certainly, this theory would provide a logical argument in the context of the case being studied. The language Chrétien uses in the month leading up the decision and in recounts of the events in his biography suggest a deep belief that respect for the U.N and the laws of the U.N Charter are a part of Canadian identity. The deep public discontent with the idea of unilaterally attacking Iraq (note that domestic support was never above 11%) suggests that the most fundamental laws of the U.N have, over time, become internalized into Canadian norms and the Canadian identity. Thus, while the first two steps of Koh’s (2008) theory are not applicable in the present case, Canada’s decision to respect international law is a clear indication that Canada has reached the third stage in many respects. Goodman and Jinks (2004) suggest the role of acculturation as a mechanism for ensuring compliance by state actors. Acculturation can be understood as the "societal pressures upon a state to assimilate with a higher normative standard" (Koh 2005). They understand the state as an "institutionalized organizational form embedded in a global cultural order" (Koh 2005). The authors argue that the higher normative standard explains why states will follow specific rules that are not in their immediate interests, for the long-term interest in the maintenance of the legal international community. Essentially, they believe that states comply to "This contrasting evidence begs the question, what role did international law play in the context of the Canadian decision to not go to war with Iraq?"

international laws because of a social pressure to be a part of a higher moral international system, and to do so they must acculturate the norms of the international system, including compliance with the laws of the system. This argument also carries weight in explaining Canada’s compliance, as Chrétien’s statements often alluded to the idea that Canada could not join the US unless it went through the appropriate international legal bodies. This could explain in part why, as previously shown, Chrétien was willing to make some short-term sacrifices to the Canadian interest in Canada-US relations for the long-term benefit of the international legal system. Additionally, it has been argued that the group of states known as the ‘coalition of the unwilling’ did not join the US in part out of respect for the higher international system (Chrétien 2008). Again, this argument serves as a strong suggestion that Canada complied with international law for a number of normative reasons, and not purely on calculations of their self-interest. The third argument for understanding Canada’s compliance comes from the legitimacy that Canada associates with the U.N and the S.C as decision-making bodies. In order to understand this argument, it is important to reference the legitimacy argument of Ian Hurd (2007). Hurd (2007) seeks to understand legitimacy by studying its impact at both the unit level (individual actors) and the structural level (institutions), as well as the interaction between the two. He argues that at the unit level, "legitimacy changes the actors interests through the process of internalization" and that at the structural level; "widespread belief in the legitimacy of an institution changes the 'objective' structure of payoffs for actors involved. Finally, he argues that "the interaction between the two levels takes the form of symbolic resources that gain their power by their association with the legitimated institution.” Furthermore, Hurd (2007) argues that a rule becomes legitimate to an individual "when the individual internalizes its contents and reconfigures his or her interests according to the rule" and that once this happens, "compliance becomes habitual." He argues that the internalized legitimacy can change the relationship between the individual and the institution, and that these change that can result in a change in the rate of compliance. The legitimacy of institutions at the structural (international) level increases when many actors of the institution internalize the rule. Consequently, this affects compliance because it "affects how states calculate their decisions by changing the structures of incentives that they face." Hurd’s (2007) argument certainly carries weight in the case of Canada’s decision to comply
with international law. Once again, it can be seen through much of Chrétien’s discourse that the U.N and the SC were highly legitimate institutions, and that the laws of war had become legitimized and therefore internalized by the Canadian state and the Canadian people. Furthermore, the legitimation of the U.N by numerous state actors including the vast majority of the SC, further gave the institution and the laws legitimacy. In contrast to the U.S’s view of the U.N and the SC, this argument plays a strong role in explaining Canada’s compliance to international law and in making the decision not to bypass the SC and declare war on Iraq.

On the other hand, instrumentalist arguments could be used to explain the second narrative of why Canada complied with the international law and decided to work within international institutions. However, as I will argue, I do not believe this argument is a strong one, because it cannot withstand scrutiny when the risks of non-compliance are taken into account.

Slaughter (1995) is one of the key scholars in forwarding instrumentalist arguments that focus on domestic factors. She argues that national policy debates (such as joining the U.S in declaring war on Iraq) can be reflected in party policies at election time, and in free and fair democracies, governing parties can be held accountable for their policies and run the risk of not winning re-election. It can be further argued that the political accountability of elections forces a tight alignment of citizen preferences with policy. Governments that break international rules run the risk of being seen as illegitimate or unaccountable and, as a result, compliance is seen as the most rational option. Indeed, these arguments carry weight in the context of the domestic narrative described above. Public opinion was certainly against the war, and the looming Quebec election put pressure on the government to make policy decisions that reflect the public opinion in the province. Finally, the Liberal party has long been a believer in the values of multinational organizations and ran on a platform of distancing themselves from the Mulroney era Canada-US relations. As a result, following the U.S into the Iraq war would likely have been criticized highly by Liberal supporters, which may hurt the Liberal party in future elections. At face value, the instrumentalist argument above presents a plausible explanation for why Canada complied with international law given the risks associated with not complying. However, I believe there are two strong arguments that debunk this theory. First, I argue that much of the anti-war sentiment, and the values towards the United Nations and multilateral diplomacy held by both Canadians and within the Liberal Party are a result of the previously discussed internalization of international laws and norms into the Canadian conscience and identity. This internalization and acculturation of the legitimacy of the United Nations and the international laws that govern it directly contributed to the so-called ‘domestic’ factors that instrumentalists would use to make their case. Second, the domestically based narrative does not take into account the heavy pressure that the Chrétien government faced to follow the United States to war. Chrétien (2008) describes the opposition to Canada’s decision as being both large and powerful, including “the right-wing opposition parties, right-wing editorialists, ring-wing premiers of Alberta and Ontario, the right-wing CEO’s, the right-wing think tanks and even some right-wing Liberals. Many in these groups feared US retaliation, and strained diplomatic ties that could hurt further negotiations over other important issues such as Free-Trade and border security” (315). Certainly, if these arguments were taken into account, the cost-benefit analysis that the Chrétien government faced would not be painted quite so neatly. Ultimately, the instrumentalist approach fails to give a strong explanation to Canada’s decision making, and therefore should be rejected in favor of constructivist arguments.

To be sure, we can briefly look at the counterfactual, a situation in which the Charter of the United Nations and the laws that authorize the use of war did not exist. This counterfactual is certainly hard to illustrate, as the United Nations and the fundamental international laws of the Charter have had an incredible influence in the second half of the 21st Century, to such an extent that it would be almost impossible to imagine a situation in which “all things remain equal,” that the international laws of war and the Charter did not exist. However, if we assume this to be the case, it can be argued that the internalization of the laws and norms surrounding the use of force and the declaration of war would not have occurred. The language and arguments used by the Chrétien government, which often referenced the work of previous Liberal governments and their commitment to international law and relations, would simply not have been the same. If those laws had not internalized themselves into Canadian society and into the Canadian identity, then the domestic pressures could have been very different. Indeed, in the absence of these laws, I argue that the constructivist and legitimacy arguments would simply not hold up, thus proving their explanatory role in Canada’s decision. This further goes to prove that the instrumentalist argument simply does not work as an explanation for Canada’s decision in 2003, as the pressures that the government did face domestically were nothing more than a result of the internalization of legal norms into the Canadian identity, thus strengthening the explanatory weight of normative theories of compliance.

**Conclusion**

This paper set out with the goal of answering the question: what role did international law play in Canada’s decision to not go to war in Iraq? As I have shown, Canada’s decision to not join the U.S presents an interesting puzzle. In this paper, I have argued that normative arguments of compliance
best explains Canada’s compliance to the international laws. More specifically, I argued that constructivist arguments of internalization and acculturation, and arguments of legitimacy of laws and international institutions, works best to explain Canada’s decision to not go to war. At the same time, I have shown that instrumentalist arguments do not adequately explain Chrétien’s decision, are best explained instead by constructivist theories of compliance and international law. Indeed, many of the domestic pressures faced by Chrétien are a result of the internalization and acculturation of international law into Canadian society, and the legitimacy of the laws and institutions to which Canada gives so much respect. It can be concluded then, that normative theories of compliance can be best used to explain the actions of Canada, and that international law did indeed play a role in the Canadian decision not to join the U.S. in the war on Iraq.

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