

CIPL DISCUSSION GROUP

International Lawyers as Grantors or Withholders of Foreign Policy Legitimacy: Delimiting the Scope of the International Lawyer's Political Agency

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The reduction in the legitimacy of US foreign policy as a result of the perceived illegality of the 2003 invasion of Iraq highlighted one dimension of the real world political significance of international law. The intervention of international lawyers in public debate in the US, UK and Australia regarding the invasion also spotlighted the political agency of international lawyers in according or withholding legitimacy from major foreign policy decisions. This begs the question of how to delimit the scope of the international lawyer's political agency. Drawing primarily on the example of Iraq, this paper identifies the factors that both permit international lawyers to function as the grantors or withholders of foreign policy legitimacy and serves to define the limits on their capacity to fulfil that role.

Dr Shirley Scott is an associate professor of International Relations at The University of New South Wales. She specialises in the politics of international law, her research centred on theorising the place of international law in world politics. Dr Scott has published in leading journals of both International Relations and International Law and is the author of *International Law in World Politics: An Introduction* (Lynne Rienner, 2004), *International Law and Politics: Key Documents* (Lynne Rienner, 2006) and *The Political Interpretation of Multilateral Treaties* (Martinus Nijhoff, 2004)