

## PREFACE

The November 2002 General Synod takes place against an uncertain international situation, in which the world's leaders and their citizens are still coming to terms with the terrorist attacks of 11 September 2001. The implications of such attacks for international peace and security have yet to be fully realised. In the past twelve months the General Synod has sought to grapple with some of the most pressing international issues currently facing the world community. In November 2001 the General Synod debated Afghanistan and in July 2002 the General Synod debated Israel/Palestine. Since the General Synod last met there has been increased political debate as to extending the war on terrorism to include Iraq. Concern within the Church as well as the nation at large has led to intense speculation about the justification for, and consequences of any military action against Iraq. It is appropriate therefore, given this wider public debate, that the Business Committee decided to make time available for the General Synod to consider and reflect on this issue at its November Group of Sessions.

The fluidity of the current crisis against Iraq has posed a number of problems for the Board for Social Responsibility as it has sought to provide background briefing for the General Synod debate. The Board for Social Responsibility decided against producing a separate set of papers for this debate. It has preferred instead to make available to the General Synod a submission made by the House of Bishops to the House of Commons Foreign Affairs Committee's ongoing inquiry into the war against terrorism, which has recently been extended to include Iraq and its WMDs. This submission was made on 9 October 2002 following a meeting of the House of Bishops, 8-9 October 2002. The House of Bishops' submission is an

updated and modified version of a Background Briefing Paper produced by the Board for Social Responsibility in March of this year. Although it is difficult to predict how the situation will develop, it is hoped that this submission will provide sufficient background to enable General Synod members to participate in an informed way in the debate. It is also hoped that the submission will give some indication as to the manner in which the Church of England has sought to respond to this issue.

Rt Revd Dr Tom Butler  
The Bishop of Southwark,  
Chairman, Board for Social Responsibility

**Evaluating the Threat of Military Action Against Iraq:  
A submission by the House of Bishops to the House of  
Commons Foreign Affairs Select Committee's ongoing  
inquiry into the War Against Terrorism**

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*The passion for inflicting harm, the cruel thirst  
for vengeance, an unpacific and relentless  
spirit, the fever of revolt, the lust of power, and  
such like things, all these are rightly  
condemned in war.... True religion looks upon  
as peaceful those wars that are waged not for  
motives of aggrandisement or cruelty, but with  
the object of securing peace, of punishing evil  
doers, and of uplifting the good.*

*St Augustine*

**A. Executive Summary**

1. The Church of England's House of Bishops is grateful for the opportunity to contribute to the House of Commons Foreign Affairs Select Committee's ongoing inquiry into the war against terrorism, and its decision to extend this

inquiry to Iraq. The following submission reflects the House of Bishops' ongoing concern for Iraq and the wider region of the Middle East. At its meeting 8-9 October 2002 the House of Bishops agreed unanimously that the following report and its conclusions should be submitted to the House of Commons Foreign Affairs Select Committee's ongoing inquiry into the war against terrorism. The report's analysis leads us to make the following conclusions:

- We affirm the Government's stated policy of disarming Iraq of its weapons of mass destruction (WMDs). Unfettered and unhindered access must be gained for the UN weapons inspectors, in order to facilitate the identification and destruction of Iraq's WMD in compliance with all relevant UNSC resolutions.
- We hold that the primary international concern remains Iraq's blatant disregard of the UN and its authority as expressed in relevant United Nations Security Council resolutions (UNSC). Any unilateral action to enforce Iraq's compliance with such resolutions risks further undermining the credibility and authority of the UN.
- We recognise that in those instances where diplomatic and economic pressure fail to ensure compliance with UNSC resolutions, military action can sometimes be justified as a last resort to enforce those resolutions.
- We nonetheless hold that to undertake a preventive war against Iraq at this juncture would be to lower the threshold for war unacceptably.
- We believe that if military action were to be considered as a last resort, the outcome in terms of suffering on all sides could be immense, with widespread and unpredictable environmental,

economic and political consequences. There would also be implications for inter faith relations. We therefore urge that these concerns should be central to all political and military planning.

- We support and encourage the Prime Minister in his efforts to press for a new international conference to revitalise the middle east peace process, based on the twin principles of a secure Israel and a viable Palestinian state. We believe such a conference has an important role in trying to promote the wider stability of the region at a time of widespread suspicion and insecurity.

2. In making these conclusions the House of Bishops encourages people of all faith to pray for the world and its leaders in the search for a just and peaceful resolution of this situation.

## **B. Introduction**

3. The events of 11 September 2001 and the ensuing war on terrorism have generated heated debate about the efficacy or morality of extending the war on terrorism to include other countries such as Iraq, Iran and North Korea. The public diplomacy of both the United States of America and the United Kingdom has been increasingly characterised by the need for either a multilateral or unilateral preventative or pre-emptive action against Iraq, with the prospect of regime change a distinct possibility. This briefing paper examines the arguments for and against the use of military force against Iraq, and the moral, legal and political hazards associated with such a policy. It examines the impact and effectiveness of United Nations sanctions over the last decade and the speed and depth by which Iraq has

redeveloped its Weapons of Mass Destruction (WMD) programme post 1998. Does the evidence presented to date support the premise that Iraq presents a clear and present danger justifying the need for pre-emptive action? Or, does Iraq pose a growing threat, which can be tackled without the immediate recourse to war through a reinvigorated policy of containment and deterrence? Answers to these questions are central to the debate and affect subsequent analysis as to the appropriate legal framework through which any further action should occur.

4. While most public attention is pre-occupied by the immediacy of current events, it remains important to contextualise the debate within a wider security paradigm which has emerged following the terrorist attacks of 11 September 2001. It is difficult to understand current US policy to Iraq without recourse to the US's National Security Strategy document published in September 2002. This document, more than any other, underpins not only US policy towards Iraq, but also US foreign policy priorities in a post Cold War era where the US finds itself more a hyper-power than a super-power. Questions still remain as to the normative values underpinning this strategy as well as how it will challenge or reinforce traditional definitions of the international community, and the role of multilateral institutions within it.<sup>1</sup> The current debate is not just about Iraq, but about the nature of the international community and its ability or inability to accommodate American hegemony.
5. This paper uses the methodology associated with the just war tradition. Despite its limitations, just war thinking seeks to establish the principles, criteria and rules that can

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<sup>1</sup> Birthe Hansen; *Unipolarity and the Middle East*, London, 2000.

help Christians to make a judgement as to whether a particular use of force is morally acceptable or even desirable. Its utility has been shaped and sustained through an ongoing dialogue between Christian and secular authorities over many centuries. This dialogue has shaped methods of statecraft, rules of military engagement while still providing guidance to conscientious individuals grappling with the moral ethics associated with war. From an institutional perspective its value lies in providing the Church with a framework of understanding to contribute to discussions on the ethics of war, but in such a way that ensures the Church is both heard and understood.

### **C. Historical Background**

6. Immediately following Iraq's invasion of Kuwait the United Nations Security Council introduced under Chapter VII of the UN Charter a comprehensive sanctions regime against Iraq on 2 August 1990. Resolution 661 proposed a ban on all trade, an oil embargo, the suspension of international flights, an arms embargo, the freezing of Iraqi government financial assets and the prohibition of financial transactions.<sup>2</sup> Although sanctions played an important role in isolating Iraq internationally, they failed to achieve their primary purpose, namely Iraq's evacuation of Kuwait. This objective was secured by an international military coalition in early 1991 after a five-week air campaign and a four-day land offensive.
7. Any evaluation of the need for future military action against Iraq needs to be placed in a wider context recognising those military, economic and diplomatic

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<sup>2</sup> United Nations, *Security Council Resolution 661*, S/RES/661 (1990), 6 August 1990.

initiatives, which have shaped the international community's relationship with Iraq since the end of the Cold War. At the end of the Gulf War, Iraq accepted the terms of UN Security Council resolution 687.<sup>3</sup> This set out the terms of the cease-fire and laid down conditions for the lifting of sanctions. From a legal perspective the resolution provided only for a cease-fire rather than a peace settlement. Any peace settlement and subsequent normalisation of relations was dependent upon the Iraqi Government complying with the eight specific requirements set out in the resolution. These include:

- Recognition of Kuwait's territorial integrity and newly demarcated international borders with Kuwait
- Acceptance of a demilitarised zone with UN peacekeepers along the Iraqi-Kuwait border
- The monitoring and destruction of all chemical, biological and ballistic missile weapons and acceptance of a permanent ongoing monitoring programme managed by the United Nations
- The monitored elimination of nuclear weapons materials and capabilities, supervised by the International Atomic Energy Agency (IAEA)
- The return of all stolen property from Kuwait
- Acceptance of war damage liability and a compensation fund managed by the UN
- Repatriation of all Kuwaiti and third-party nationals
- A pledge not to commit or support any act of international terrorism

8. Although Iraq accepted resolution 687 on 10 April 1991 it has failed to fully implement the stated terms of this

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<sup>3</sup> United Nations, *Security Council Resolution 687*, S/RES/687 (1991), 8 April 1991.

resolution. As a result, the Iraq and the UN have been consistently at loggerheads over both the interpretation and implementation of resolution 687. Successive UN Security Council resolutions have failed to resolve this issue. Most controversy has centred round the disarmament provisions of resolution 687. Iraq's failure to satisfactorily comply with this resolution is one of the reasons given as to why sanctions have remained in place for twelve years, and why the international community is presently considering further military action against Iraq.

#### **D. Dismantling Iraq's Weapons of Mass Destruction**

9. Under resolution 687 Iraq was required to present within fifteen days of accepting resolution 687 a full declaration of all its nuclear, ballistic missile, chemical and biological weapons.<sup>4</sup> Twelve years on, a full accounting has not yet been received. Resolution 687 established a UN Special Commission (UNSCOM) to carry out site inspections and assure the dismantling of all materials covered in the resolution. Although the Iraqi Government allowed UNSCOM access to the country it persistently thwarted UNSCOM's activities by providing false information and denying access to important sites. Iraq's chosen policy was one of cheat and retreat. However, the Iraqi Government alleged that UNSCOM was engaged in unofficial intelligence related activity. The UN's frustration came to ahead in December 1998 when it withdrew UNSCOM observers in advance of Operation Desert Fox.
  
10. Operation Desert Fox amounted to a seven-day aerial bombardment of key military and strategic sites in Iraq.

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<sup>4</sup> United Nations, *The United Nations and the Iraq-Kuwait Conflict 1990-1996*, United Nations Blue Book Series, Vol. 9, New York, 1996, p. 77.

The aim of Operation Desert Fox was to force Iraqi compliance with resolution 687 in general and its disarmament provisions in particular. However, ever since Operation Desert Fox no UNSCOM observers have been allowed access to Iraq. It is worth noting that no UN Security Council resolution was sought for Operation Desert Fox. Both the UK and the US argued that Iraq's contravention of the cease-fire resolution invoked past UNSC resolutions which provided the authority for the international community to restore international peace and security following Iraq's invasion of Iraq's eviction from Kuwait.

11. Despite repeated attempts by the Iraqi government to undermine UNSCOM's activities, UNSCOM made considerable progress towards eliminating Iraq's chemical, biological, ballistic missile, and nuclear weapons programmes.<sup>5</sup> Most progress was made in the nuclear realm. Iraq's uranium enrichment and other nuclear production facilities were identified and destroyed early in the inspection programme. In 1997 UNSCOM reported that "there are no indications that any weapons-usable nuclear materials remain in Iraq" and "no evidence in Iraq of prohibited materials, equipment or activities."<sup>6</sup> In 1998 the

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<sup>5</sup> In August 2002, the Foreign Secretary, Jack Straw, in an attempt to distinguish UK policy of getting the weapons inspectors back into Iraq from the US policy of regime change, clarified this perception. He stated, "with respect to the search for weapons of mass destruction and non-nuclear material, they (i.e. the weapons inspectors) were doing an increasingly thorough job, which is why Saddam Hussein kicked them out." As quoted by Nicholas Watt; "Pressure on Bush to Back Off", *The Guardian*, 29 August 2002, p. 1.

<sup>6</sup> United Nations Security Council, *Letter Dated 22 November 1997 from the Executive Chairman of the Special Commission Established by the Secretary-General Pursuant to Paragraph Nine (b)(i) of Security Council*

International Atomic Energy Agency echoed this conclusion when it reported that "Iraq had satisfactorily completed ... its full, final and complete declaration of its clandestine nuclear program."<sup>7</sup> Although these conclusions need to be set against the partial information provided by the Iraqi Government, most observers concluded that by 1998 Iraq's nuclear threat had been effectively neutralised.<sup>8</sup>

12. Significant steps were also taken to eliminate Iraq's ballistic missile programme. By 1998, all but two of the 819 SCUD missiles known to have existed at the start of the Gulf War were accounted for, and no evidence was uncovered to suggest that Iraq was secretly manufacturing or testing indigenous ballistic missiles.<sup>9</sup> Large volumes of Iraq's chemical weapons capability were also destroyed by 1998. The March 1999 report of the UN experts panel, stated that inspectors "supervised or certified the destruction, removal or rendering harmless of large quantities of chemical weapons, their components and major chemical weapons production equipment. The prime chemical weapons development and production complex in Iraq was dismantled and closed under UNSCOM supervision and other identified facilities have been put under

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*Resolution 687 (1991) Addressed to the President of the Security Council, S/1997/922, 24 November 1997, p. 3.*

<sup>7</sup> United Nations Security Council, *Letter Dated 9 April 1998 from the Secretary-General Addressed to the President of the Security Council, appendix: Fifth Consolidated Report of the Director General of the International Atomic Agency Paragraph Sixteen of Security Resolution 1051 (1996), S/1998/312, United Nations, New York, p. 11.*

<sup>8</sup> Steven Dolley, *Iraq and the Bomb: The Nuclear Threat Continues*, Washington, D.C., Nuclear Control Institute, 19 February 1998.

<sup>9</sup> United Nations Security Council, *Report of the Executive Chairman on the Activities of the Special Commission Established by the Secretary-General Pursuant to Paragraph Nine (b)(i) of Resolution 687 (1991), S/1998/332, 16 April 1998, p. 10.*

monitoring".<sup>10</sup> Importantly this finding was upheld by UNSCOM reports.<sup>11</sup> In 1998 a report by the British Foreign and Commonwealth Office confirmed that UNSCOM had destroyed 38,000 chemical weapons and 480,000 litres of live chemical agents.<sup>12</sup> Despite these results important elements of Iraq's chemical programme remained unaccounted for. According to a statement by the British Foreign Secretary in March 2002: "The weapons inspectors were unable to account for 4,000 tonnes of so-called precursor chemicals used in the production of weapons, 610 tonnes of precursor chemicals used in the production of nerve gas and 31,000 chemical weapons munitions".<sup>13</sup>

13. Much less progress was made in destroying Iraq's biological weapons capacity. A panel of international experts reported in 1998 that Iraq's disclosures on biological weapons were "incomplete, inadequate and technically flawed."<sup>14</sup> Yet even here some progress was made. UNSCOM supervised the destruction of Iraq's main biological weapons and production and development facility, Al Hakim, and destroyed equipment at four other facilities.<sup>15</sup> However, the 1999 experts panel report noted that Iraq retained the capability for producing biological warfare agents "quickly and in volume" but also observed

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<sup>10</sup> United Nations Security Council, *Letters Dated 27 and 30 March 1999*, S/1999/356, p. 10.

<sup>11</sup> United Nations Security Council, *Letter Dated 22 November 1997*, S/1997/922, p. 4.

<sup>12</sup> Foreign and Commonwealth Office, *Foreign Office Paper on Iraq: Threat and Work of UNSCOM*, London, 4 February 1998.

<sup>13</sup> *House of Commons Official Report, Parliamentary Debates*, Wednesday 6 March 2002, Vol. 381, Col 744.

<sup>14</sup> United Nations Security Council, *Report of the Executive Chairman of the Special Commission*, S/1998/332, p. 17.

<sup>15</sup> United Nations, *Letters Dated 27 and 30 March 1999*, S/1999/356, p. 12.

that "some uncertainty is inevitable" in such a verification effort.<sup>16</sup> A central problem in this respect is the dual use character of many biological agents which makes the verification of a biological capability inherently more difficult than monitoring nuclear or ballistic missile programmes.

14. UNSCOM's withdrawal from Iraq at the time of Operation Desert Fox in 1998 and Iraq's subsequent refusal to allow UNSCOM or its successor UNMOVIC entry into Iraq has created new dilemmas for the United Nations. The UN has been denied any mechanism to verify the existence of any remaining pre-1998 stock of chemical, biological or nuclear weapons. It has also been denied the opportunity to monitor any attempts by the Iraqi Government to rebuild its weapons of mass destruction. Instead it has been forced to rely on the effectiveness of its sanctions regime to control Iraq's acquisition of material necessary to facilitate such production. Yet the effectiveness of the sanction's regime, and with it the policy of containment, has been compromised by a sense of sanctions fatigue resulting from both Iraq's refusal to co-operate with the UN and the UN's unwillingness to make concessions.
15. In recognition of the fact that the most dangerous programmes, nuclear weapons and ballistic missiles, were effectively contained by 1998, a number of member countries on the UN Security Council urged a formal certification of Iraqi compliance and a closing of the nuclear, ballistic missile, and chemical inspection files. Russia, China and France urged the gradual lifting of sanctions as a response to the progress achieved on weapons inspections as a means of encouraging further

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<sup>16</sup> Ibid, pp. 12-13.

Iraqi co-operation. They argued that sanctions arguably work best when combined with incentives as part of a carrot and stick diplomacy designed to resolve conflict through negotiation.<sup>17</sup> In the case of Iraq, however, they suggested there had been no reciprocation of Iraq's concessions and thus no incentive for the Iraqi government to take further steps towards compliance.

16. Since Operation Desert Fox there have been repeated efforts to find a solution to the impasse. The drive to break the impasse has been driven both by geopolitical considerations and by the need to regain the moral high ground given the widespread criticism that sanctions have caused a humanitarian disaster. Most efforts have centred on developing more targeted sanctions while simultaneously improving the provisions for humanitarian aid. The British Government played a constructive part in this process by negotiating UN Security Council resolution 1284.<sup>18</sup> This resolution provided for sanctions to be suspended for renewable periods of 120 days so long as Iraq co-operated with a new UN Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM.<sup>19</sup> The resolution also lifted the ceiling on the

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<sup>17</sup> David Cortright and George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, International Peace Academy, 2000, p. 56.

<sup>18</sup> United Nations, *Security Council Resolution 1284, S/RES/1284* (1999), 17 December 1999.

<sup>19</sup> While UNSC resolution 1284 mandated UNMOVIC to continue the work of UNSCOM there are nonetheless significant differences between the two bodies. It stipulated that UNSCOM should report to the UNSC within 60 days of re-entering Baghdad for approval of its work plan. In an attempt to minimise outside influence on UNMOVIC by one of more members of the UNSC, 1284 stipulated that UNMOVIC should have a College of Commissioners and that its Chairman should report direct to the UN Secretary General. However, it needs to be recognised that UNMOVIC was

volume of Iraqi oil exports for humanitarian purchases, while easing the import of some agricultural and medical equipment. Although the UK government signalled that resolution 1284 would restore international consensus on Iraq, only the UK and the US voted in favour, while Russia, China and France all abstained. This fragmentation might explain why Iraq rejected resolution 1284.

17. The UN again attempted to resolve this crisis in November 2001 with UN Security Council resolution 1382.<sup>20</sup> Resolution 1382 restates the central provisions of resolution 1284 that suspension of sanctions remains dependent on Iraq's compliance of its obligations under UN resolutions and its agreement to co-operate with UN weapons inspectors. In addition, the resolution contains arrangements for targeted controls on Iraq by introducing a Goods Review List, under which Iraq would be free to meet all of its civilian needs, while making more effective the existing controls on items of concern, such as military and WMD related goods. According to the UK Foreign Secretary: "The UN decision will soon mean no sanctions on ordinary imports into Iraq, only controls on military and weapons related goods. Iraq will be free to meet all its civilian needs. The measures leave the Baghdad regime with no excuses for the suffering of the Iraqi people."<sup>21</sup> In addition, the resolution aims to build greater co-operation with Iraq's neighbours through an expanded trade regime. This resolution came into force on 30 May 2002. The

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still bound by the 1998 memorandum of understanding that prevented its access to Presidential sites within Iraq.

<sup>20</sup> United Nations, *Security Council Resolution 1352*, S/RES/1382 (2001), 29 November 2001.

<sup>21</sup> Statement by the British Foreign Secretary, Jack Straw, 30 November 2001.

expanded trade regime is especially important to strengthen the waning support of those countries like Jordan and Turkey, which have experienced significant trade diversion as result of the sanctions regime. This trade diversion has encouraged an illicit cross border trade, the depth of which remains uncertain.

18. The Iraqi Government has consistently refused to accept these new resolutions. Iraqi foreign policy is driven by the attainment of two goals—an end to sanctions and the survival of the regime. Its skilful manipulation of the concerns of the original members of the Gulf War coalition has seriously, and perhaps terminally, undermined the present sanctions regime. On the one hand the Iraqi Government argues that it has complied with the original UN resolutions and that sanctions should therefore be lifted. The Iraqi Government sees the continuation of the UN sanctions policy as illustration of a hidden US agenda, namely regime change, and that to co-operate further with the UN would be to precipitate this event. On the other hand, there is evidence to suggest Saddam Hussein believes the longer the sanctions persist, the greater his chances of dividing the international community, so resulting in a further weakening of the international commitment to maintain sanctions. Co-operation with the UN would therefore be seen a counterproductive to this strategy. In fact the preferred strategy, as has been seen increasingly in recent months, is the issuing of statements, which appear to open up the possibility of UN weapons inspectors returning to Iraq. In reality these statements are designed to divide the international community as the provisions attached to such offers are so conditional to make them unacceptable to the US and the UK. Lastly, it is important to recognise the role, which Saddam Hussein has consistently tried to carve

out for himself as leader of a pan-Arab nationalism. This was certainly one of the factors behind Iraq's invasion of Kuwait in 1990.<sup>22</sup> The persistence of the sanctions regime, and the renewed talk of military action against Iraq all help to create an image within the Arab world of Iraq standing up to western imperialism. It is possible that Saddam Hussein believes that this role might have even greater resonance now following the military action in Afghanistan. The danger however, is that this strategy if pursued to its logical conclusion will backfire just as it did during the Gulf War.

### **E. 11 September 2001 and US Search for an End Game**

19. To some the ongoing crisis reflects not only Iraqi but also American intransigence towards the UN. Resolution 687 states explicitly that the ban on Iraqi exports will be lifted when Iraq complies with UN weapons inspections. However, even as early as 1997 President Clinton remarked, "sanctions will be there until the end of time or as long as Saddam Hussein lasts."<sup>23</sup> In December 1998, on the eve of Operation Desert Fox, President Clinton again stated: "The hard fact is that so long as Saddam Hussein remains in power, he threatens the well being of his people, the peace of the region, the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbours, a government that respect the rights of the

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<sup>22</sup> Marionj Farouk-Sluglett; *Iraq Since 1958: From Revolution to Dictatorship*, I. B. Taurus & Co, London, 2001.

<sup>23</sup> Barbara Crossette, "France, in Break with US, Urges End to Iraqi Embargo", *New York Times*, 23 November 1997, A4.

people."<sup>24</sup> This policy came to fruition in October 1998 when the US Congress passed the 'Iraq Liberation Act', which made significant money available for the funding of Iraqi opposition groups.<sup>25</sup> This approach continued with President Bush. In February 2002 US Secretary of State Colin Powell stated: "We believe that Iraq would be better served with a different leadership with a different regime so we have had a policy of regime change. This really has been there all along but it was crystallised by President Clinton in 1998 at the time of Operation Desert Fox."<sup>26</sup>

20. The events of 11 September 2001 have provided the US with an opportunity to implement its policy of regime change. Initially this policy was phrased in terms of extending the war on terrorism to include those countries such as Iran, Iraq and North Korea, listed by President Bush as constituting an 'axis of evil'. Yet despite the best efforts of the CIA no evidence exists that establishes a link between Iraq and the Al-Qaida network.<sup>27</sup> From a UK perspective, it is significant that the Prime Minister used the absence of any evidence linking Iraq with 11 September 2002 to play down the likelihood of an attack on Iraq in the weeks when the US and the UK were building the international coalition against Afghanistan. The former Parliamentary Under-Secretary of State, Ben Bradshaw stated on 27 September 2001: "Iraq would clearly be better

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<sup>24</sup> As quoted in *Sanctions Against Iraq: A Nation Held Hostage*, CARITAS, 5 February 2001, p. 12.

<sup>25</sup> A convincing case could be made to suggest this policy occurred much earlier, even as early as 1991, when the previous Bush administration encouraged the Kurds and the Shi'ites to rise up against Saddam Hussein.

<sup>26</sup> Richard Wolffe, "Powell's New Doctrine", *Financial Times*, 14 February 2002, p. 3.

<sup>27</sup> James Risen, "Iraqi Terror Hasn't Hit US in Years, CIA Says", *New York Times*, 6 February 2002, p. 5.

off without the current regime. But the Government of Iraq is a matter for the Iraqi people. Britain is not working towards the overthrow of the regime and supports Iraq's territorial integrity. The aim of British policy is not to install a regime more favourable to our interests, but to remove the threat of Iraq's weapons - to the Iraqi people and their neighbours - and relieve the Iraqi people's suffering".<sup>28</sup>

21. The failure to find a link between Iraq and Al-Qaida has meant that justification for US policy has fallen back on arguing that since December 1998 Iraq has steadily rebuilt its WMD programme and now poses a threat to regional and international security. This policy has been fuelled by reports provided by two Iraqi defectors to the USA suggesting that President Saddam Hussein has a "network of bunkers where chemical and biological weapons have been made and where attempts are under way to create a nuclear bomb."<sup>29</sup> This needs to be contextualised within the recent nuclear posture review conducted by the Pentagon, which allows pre-emptive nuclear strikes against countries such as Iraq.<sup>30</sup> This in turns needs to be seen within the context of the National Security Strategy issued in September 2002.

## **F. Understanding the Nature of US Power**

22. US foreign policy since 1945 has been dominated by the

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<sup>28</sup> Interview given by FCO Parliamentary Under-Secretary, Ben Bradshaw, for Al Mushahid Al Siyasi, 27 September 2001.

<sup>29</sup> Marie Colvin, "Saddam's Arsenal Revealed", *The Times*, 17 March 2002, p. 2.

<sup>30</sup> Edward Helmore, "Outrage as Pentagon Nuclear Hit List Revealed", *The Observer*, 10 March 2002, p. 2.

twin strategies of containment and neo-liberal economics, both of which have given rise to an impressive array of international institutions such as the UN, NATO, the Bretton Woods institutions and the WTO. America's realist strategy of containment was aimed at countering Soviet aggrandisement through a policy of nuclear deterrence backed up by a framework of agreements to accommodate interests and resolve tensions. The US policy of neoliberal economics with its emphasis on free trade aimed to avoid the re-run of the 1930s where regional trade blocs undermined prosperity and threatened democracy. Both strategies are essentially internationalist, even Wilsonian in flavour, and have led to a rule based international order, which has provided the bedrock for peace and stability since 1945. The projection of US power has been synonymous with a deepening of the international community.

23. The National Security Strategy amounts to a comprehensive revision of post 1945 strategy. It is the clearest articulation yet of the US strategic thinking following the end of the Cold War. The strategy has four key elements. First, its basic premise is that "the US possesses unprecedented and unequalled strength and influence in the world." The primary thrust of American foreign policy is to maintain this hegemony by "dissuading future military competition, deterring threats against US interests and decisively defeating any adversary if deterrence fails."<sup>31</sup> The document states the "US does not seek to use its strength to press for unilateral advantage", but "to create a balance of power that favours human freedom in which all nations and all societies can choose

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<sup>31</sup> *The National Security Strategy of the United States of America*, September 2002, p. 29.

for themselves the rewards and challenges of political and economic liberty."<sup>32</sup> Despite this reassurance there remains anxiety as to how American power and influence will be deployed. Will it lead to either a renewed form of Wilsonianism or will it amount to nothing more enduring than the preservation of American security?<sup>33</sup> The psychological trauma experienced by the United States of America on 11 September 2001 risks leading it into a form of unilateralism akin to isolationism. This is both the challenge and the danger of the current debate regarding Iraq.

24. Second, it provides a new analysis of global threats. "The gravest danger lies at the crossroads of radicalism and technology" with terrorist organisations acquiring WMDs from rogue regimes.<sup>34</sup> This leads to the conclusion that "traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction" or "where our enemies see weapons of mass destruction as a matter of choice."<sup>35</sup> The strategic thinking behind the phrase "our best defence is a good offence", means the US "must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries."<sup>36</sup> The document gives reassurance "the US will not use force in all cases to pre-empt emerging threats, nor should nations use pre-emption as a pretext for aggression", rather it should only be used where a "common assessment of the

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<sup>32</sup> Ibid , pp. 1-2.

<sup>33</sup> Micahel Hirsch; Bush and the World, Foreign Affairs, Sept/Oct 2002, pp 18-43, p. 21.

<sup>34</sup> *The National Security Strategy of the United States of America*, September 2002, p. 2.

<sup>35</sup> Ibid, p. 15.

<sup>36</sup> Ibid, p. 6. & p. 15.

most dangerous threats exist."<sup>37</sup> Despite this comfort it is easy to envisage the destabilising effects of such a policy in the hands of Russia, China, India or Pakistan. Unless the US shows restraint, it will become increasingly hard to ask it of others.

25. Third, "while the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self defence by acting pre-emptively against such terrorists, to prevent them from doing harm."<sup>38</sup> This implies the US will only participate in those multilateral organisations or alliances, which enhance rather than limit its power. The mission should determine the coalition rather than the other way around. This could lead to a general depreciation of those international rules and agreements that have underpinned the international community since 1945. There is evidence of this trend in America's repudiation of the Kyoto Protocol, the International Criminal Court, the Comprehensive Test Ban Treaty and the Biological Weapons Convention. This trend might lead to the erosion of those non-proliferation regimes, which remain essential to managing the WMD threat. Despite America's unrivalled political power it remains dependent, as the war on terrorism suggests, on the co-operation of other powers. From this perspective America's military supremacy contrasts with its economic and political dependency in other areas, especially trade. This interdependence could provide sufficient checks and balances to the disparities of military power.

26. Fourth, the whole tenor of the document is on tackling the

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<sup>37</sup> Ibid, pp. 15-16.

<sup>38</sup> Ibid, p. 6.

immediacy of current threats (i.e. terrorists, rogue regimes, WMDs etc) rather than providing for long term international stability. The US will only become involved in those conflicts, which threaten its vital national interests. Despite its hegemony the US will remain "realistic about its ability to help those who are unwilling or unready to help themselves", which means a greater emphasis on "conflict management" rather than "conflict resolution".<sup>39</sup> A similar approach influences their overseas development strategy. "Decades of massive development assistance have failed to spur economic growth in the poorest countries."<sup>40</sup> This leads to the conclusion: "Where governments have implemented real policy changes, we will provide significant new levels of assistance."<sup>41</sup> Additionally, while the document is preoccupied with spelling out future threats, and how they will be resolved, there is no elaboration on tackling either the causes of terrorism or a commitment to any peace keeping or nation building exercise following conflict, both of which are vital to international stability.

27. It is too early to judge the long-term impact of this doctrine. However one international policy expert has already stated that it amounts to a new neoimperial vision which ultimately will prove to be unsustainable and self defeating:
- The strategy calls for American unilateral and pre-emptive, use of force, facilitated if possible by coalitions of the willing - but ultimately unconstrained by the rules and norms of the international community. At the extreme, these notions form a neoimperial vision in which the United States arrogates to itself the global

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<sup>39</sup> Ibid, p. 9.

<sup>40</sup> Ibid, p. 26

<sup>41</sup> Ibid, p. 27.

role of setting standards, determining threats, using force and meeting out justice. It is a vision in which sovereignty becomes more absolute for America even as it becomes more conditional for countries that challenge Washington's standards of internal and external behaviour. It is a vision made necessary - at least in the eyes of its advocates - by the new and apocalyptic character of contemporary terrorist threats and by America's unprecedented global dominance.<sup>42</sup>

## **G. Iraq - The Application of Strategy**

28. The application of this new strategic doctrine has become increasingly evident in the US approach to Iraq, both in terms of the US's threat assessment of Iraq as well as the tensions between unilateral and multilateral action. Over the summer of 2002 the discourse supporting the US foreign policy objective of regime change in Iraq was increasingly sharpened in favour of unilateral pre-emptive military action. The US Vice President, Dick Cheney's speech to the Veterans of Foreign Wars national convention in Nashville, Tennessee, 27 August 2002, was one such example. The influence of last year's terrorist action on US foreign policy was clear. The Vice President stated:

Old doctrines of security do not apply. In the days of the Cold War, we were able to manage the threats with strategies of deterrence and containment. But it is a lot tougher to deter enemies who have no community to defend. And containment is not possible when the dictators obtain weapons of mass destruction, and are prepared to share them with terrorists who intend to

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<sup>42</sup> G. John Ikenberry; *America's Imperial Authority*, Foreign Affairs, Sept/Oct 2002, pp 44-60, p.44.

inflict catastrophic casualties on the United States.<sup>43</sup>

The Vice President argued that while the weapons inspectors had been partially successful in their efforts to disarm Iraq and that high level defections from Iraq during the 1990s showed that "we often learned more as the result of defections than we learned from the inspection regime itself." To merely insist on getting weapons inspectors back into Iraq would "provide false comfort that Saddam was somehow 'back in his box'."<sup>44</sup> The implications of such a scenario were evident to the Vice President:

Should all his ambitions be realised, the implications would be enormous for the Middle East, for the United States, and for the peace of the world. The whole range of weapons of mass destruction then would rest in the hands of a dictator who has already shown his willingness to use such weapons, and has done so, both in his war with Iraq and against his own people. Armed with an arsenal of these weapons of terror, and seated atop ten percent of the world's oil reserves, Saddam Hussein could then be expected to seek domination of the entire Middle East, take control of a great portion of the world's energy supplies, directly threaten America's friends throughout the region, and subject the United States or any other nation to nuclear blackmail.

Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us. And there is no doubt that his aggressive regional ambitions will lead him into future confrontations with his neighbours

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<sup>43</sup> Speech by US Vice President Dick Cheney to the Veterans of Foreign Wars national convention in Nashville, Tennessee, 27 August 2002, p. 2.

<sup>44</sup> Ibid, p. 4.

- confrontations that will involve both the weapons he has today, and ones he will continue to develop with his oil wealth.<sup>45</sup>

29. To Vice President Cheney, "the risks of inaction are far greater than the risk of action". If the US could have pre-empted last year's terrorist attacks it should have taken such steps. *Ipsa facto*, the US and the international community should take such pre-emptive steps as are necessary to avoid a much more devastating attack by Iraq in the future. The danger of inaction and waiting until Iraq crossed the threshold of possessing nuclear weapons would result in devastating consequences for many countries. Similarly those who counselled caution would then argue that the US couldn't act because he possessed a nuclear weapons.

30. President Bush articulated further these concerns in his Presidential address to the United Nations General Assembly in September 2002. To President Bush, America's "greatest fear is that terrorists will find a shortcut to their mad ambitions when an outlaw regime supplies them with the technologies to kill on a massive scale." He believed this scenario was most real when seen vis-à-vis Iraq:

We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a

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<sup>45</sup> Ibid, p. 2.

<sup>45</sup> Ibid, p. 5.

reckless gamble. And this is a risk we must not take.

Events can turn in one of two ways: If we fail to act in the face of danger, the people of Iraq will continue to live in brutal submission. The regime will have new power to bully and dominate and conquer its neighbours, condemning the Middle East to more years of bloodshed and fear. The regime will remain unstable -- the region will remain unstable, with little hope of freedom, and isolated from the progress of our times. With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September the 11th would be a prelude to far greater horrors.

Iraq's continued defiance of the United Nations resolutions was not just a threat to the international community but also a threat to the authority of the United Nations, which if left unchallenged would lead to the UN's marginalisation and irrelevance within US foreign policy calculations.

31. By addressing the UN, President Bush tied himself into the multilateral process. However the tenuous nature of this commitment was underlined following Iraq's subsequent offer of allowing the weapons inspectors back into Iraq.<sup>46</sup>

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<sup>46</sup> United Nations, *Letter dated 16 September 2002 from the Secretary General addressed to the President of the Security Council, S/2002/1034*, 16 September 2002. It is worth noting that in the Secretary General's letter, Kofi Annan stated: "This decision by the Government of Iraq is the indispensable first step towards an assurance that Iraq no longer possesses weapons of mass destruction and, equally important towards a comprehensive solution that includes the suspension and eventual ending of the sanctions that are causing such hardship for the Iraqi people and the

Subsequent negotiations in Vienna between representatives of Iraq, UNMOVIC and the IAEA concluded with Iraqi officials declaring that "Iraq accepts all the rights of inspection provided for in all the relevant Security Council resolutions."<sup>47</sup> The statement by Hans Blix, the Chairman of UNMOVIC went so far as to say:

It has been found that many practical arrangements followed between 1991-1998 remain viable and useful and could be applied. On the question of access, it was clarified that all sites are subject to immediate, unconditional and unrestricted access. However, the memorandum of understanding of 1998 establishes special procedures for access to eight presidential sites.<sup>48</sup>

The prospect of UNMOVIC being allowed back into Iraq before a new UNSC resolution appeared to thwart the US strategy. As a result of intense diplomatic pressure from the UK and the USA there was not the necessary unanimity within the UNSC, which was need to authorise the inspectors to return to Iraq. It is clear that what might have been acceptable to the UNSC at the beginning of the year had become unacceptable to the UNSC by October.

32. Whilst any offer by Iraq needs to be placed within the context of Iraq's past behaviour, many countries such as Russia and France argued that Iraq's offer had defused the situation. To these countries the priority of any further UN Security Council resolution should be the setting of a time line for the work of a strengthened UNMOVIC. The issue of using military action if Iraq failed to comply should be

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timely implementation of other provisions of the relevant Security Council resolutions".

<sup>47</sup> <http://www.un.org/Depts/unmovic/>

<sup>48</sup> Ibid

left to subsequent resolutions. In contrast America argued for a composite resolution combining both a timeline as well as the authority to use military action if compliance was not forthcoming. In addition America has sought new ground rules underpinning the UNMOVIC both in terms of its composition and mandate.<sup>49</sup> As some commentators have pointed out America's draft UNSC resolution seems designed to make Iraq an offer it can only refuse.<sup>50</sup> President Bush suggested that if the appropriate UNSC resolution was not forthcoming the issue would be resolved unilaterally, with the proper authority supplied by the US Senate and Congress. The UK has sought to mediate between these two camps by encouraging Russia, China, and France to accept the need for one resolution, while persuading the US to tone down its bellicose language.

33. Some commentators have seen the US's behaviour as tantamount to blackmail. Others have seen it as a welcome opportunity for the international community to shape and restrain America's policy towards Iraq. Indeed the very fact that Bush has sought UN authorisation is seen as a success in and of itself, and a slight redressing of the imbalance of political power within the Bush Administration in favour of the doves. If this is the case then this is in no small part due to the moderating influence exerted by the UK Prime Minister.

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<sup>49</sup> As part of the new ground rules, the US and the UK want to give the UN inspectors new power such as no drive zones around inspectors sites, the taking of Iraqi officials and their families outside the country for debriefing and the option of allowing UNSC members to provide additional personnel to the UNMOC team. Finally, the 1998 Memorandum of Understanding would also be ignored.

<sup>50</sup> Robert Fisk, "Nato used the same old trick when it made Milosevic an offer he could only refuse", *The Independent*, 4 October 2002, p. 7.

## H. Examining Iraq's WMD Threat

34. The UN negotiations suggest that building an international coalition in favour of military action against Iraq will prove considerably harder to achieve than the coalition building exercise over Afghanistan, or even the Gulf War coalition of 1990-1991. In both these instances there was clear evidence of external aggression whether that be to the USA or to Kuwait, which needed to be countered, ultimately by military force. Without clear and compelling evidence setting out the need for further military action against Iraq serious doubts will persist as to the morality and legality of any such action. To date there have been only two reports published which attempt to analysis the threat in any serious depth. The first, a September 2002 report by the International Institute for Strategic Studies, *Iraq's Weapons of Mass Destruction: A Net Assessment*. The second, a dossier by the UK Government, *Iraq's Weapons of Mass Destruction: The Assessment of the British Government*, published on 24 September 2002. Analysis of these documents, especially the latter, provides evidence as to the speed and depth by which Iraq has been able to re-assemble its WMD programme since 1998. Militarily a threat assessment requires evidence both of capability and intent.

### *i Capability Assessment*

35. The main conclusions of the Government's dossier regarding Iraq's WMD capacity are that:
- Iraq has a useable chemical and biological weapons capability, in breach of UNSCR 687, which has included recent production of chemical and biological agents;
  - Saddam continues to attach great importance to the possession of weapons of mass destruction and ballistic

missiles, which he regards as being the basis for Iraq's regional power. He is determined to retain these capabilities;

- Iraq can deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles;
- Iraq continues to work on developing nuclear weapons, in breach of its obligations under the Non-Proliferation Treaty, and in breach of UNSCR 687. Uranium has been sought from Africa that has no civil nuclear application in Iraq;
- Iraq possesses extended-range versions of the SCUD ballistic missile in breach of UNSCR 687, which are capable of reaching Cyprus, Eastern Turkey, Tehran and Israel. It is also developing longer range ballistic missiles;
- Iraq's current military planning specifically envisages the use of chemical and biological weapons;
- Iraq's military forces are able to use chemical and biological weapons, with command, control and logistical arrangements in place. The Iraqi military are able to deploy these weapons within forty five minutes of a decision to do so;
- Iraq has learnt lessons from previous UN weapons inspections and is already taking steps to conceal and disperse sensitive equipment and documentation in advance of the return of inspectors;
- Iraq's chemical, biological, nuclear and ballistic missiles programmes are well funded.<sup>51</sup>

Although these are disturbing conclusions, they fail to capture the complexity of Iraq's WMD capacity.

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<sup>51</sup> *Iraq's Weapons of Mass Destruction: The Assessment of the British Government*, September 2002, p. 17.

36. Since 1998 Iraq has rebuilt its chlorine and phenol plant at Fallujah near Habbaniyah. Both of these substances can be used for precursor chemicals, which contribute to the production of chemical agents. Parts of the al-Qa'ad chemical complex damaged during Operation Desert Fox have been rebuilt, while new chemical facilities have been built like the Ibn Sina Company at Tarmiyah. Similarly a new chemical complex, Project Baiji, has been built at al-Sharqat. The dossier recognises however, that "without UN weapons inspectors it is very difficult to be sure about the true nature of many of Iraq's facilities."<sup>52</sup> Many petrochemical or biotech industries, as well as public health organisations, have legitimate need for most materials and equipment required to manufacture chemical and biological weapons. A similar pattern marks Iraq's biological capacity. The Castor Oil Production Plant at Fallujah, damaged during Operation Desert Fox has been rebuilt. Residue from castor bean pulp can be used in the production of the biological agent ricin. Iraq has expanded the Amariyah Sera and Vaccine Plant at Abu Ghraib. Once again, without proper inspection it is difficult to know for what purpose. Recent intelligence also suggests that Iraq has developed mobile facilities so as to protect biological agent production from military attack or UN inspection.
37. Although the extent of Iraq's ability to deliver chemical and biological weapons remains in question, the means at Iraq's disposal include: free fall bombs, artillery shells and rockets; aircraft borne sprays; ballistic missiles and remotely piloted vehicles. Of particular importance is Iraq's ballistic missile capacity, permitted by the UN but limited to a range of 150kms. Intelligence indicates that while Iraq

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<sup>52</sup> Ibid, p. 21.

has produced at least 50 short-range missile with a range of up to 150kms, it is also working on extending its range to at least 200km. It has also retained up to 20 al-Hussein missiles, which could be used with conventional, chemical or biological warheads, with a range of up to 650km. Intelligence also confirms that Iraq wants to extend the range of its missile systems to over 1000km. The Government's dossier acknowledges however that the success of UN restrictions means the development of these longer range missiles is likely to be a slow process. It warns that Iraq has managed to rebuild much of the missile production infrastructure destroyed in the Gulf War and in Operation Desert Fox. While sanctions have "succeeded in blocking many attempts to acquire additional production technology, we know from intelligence that some items have found their way to the Iraqi ballistic missile programme. More will inevitably continue to do so."<sup>53</sup> The dossier concludes: "Saddam remains committed to developing longer-term missiles. Even if sanctions remain effective, Iraq might achieve a missile capacity of over 1000km within 5 years".<sup>54</sup>

38. With regard to Iraq's nuclear capability, the dossier acknowledges the work of the IAEA in dismantling the physical infrastructure of Iraq's nuclear weapons programme. But, Iraq retains many of its experienced scientists who are specialised in the production of fissile material. Intelligence reports suggest that Iraq has sought to purchase a number of components vital to the production of fissile material. This includes 60,000 specialised aluminium tubes to assist in the construction of gas centrifuges used to enrich uranium. While these efforts are alarming, the

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<sup>53</sup> Ibid, p. 30.

<sup>54</sup> Ibid, p. 30.

dossier provides no evidence that these attempts have been successful. The dossier goes on to state:

The Joint Intelligence Committee judged that while sanctions remain effective Iraq would not be able to produce a nuclear weapon. If they were removed or proved ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously. However, we know that Iraq retains expertise and design data relating to nuclear weapons. We therefore judge that if Iraq obtained fissile material and other essential components from foreign sources the timeline for production of a nuclear weapon would be shortened and Iraq could produce a nuclear capability in between one and two years.<sup>55</sup>

The dossier indicates that, in this respect uranium has been sought from Africa that has no civil application in Iraq.

#### *ii Assessment of Intent*

39. In addition to providing a capability assessment the dossier gives some indication as to Iraq's intent to use this capability. The dossier's assessment is based on Iraq's past behaviour both internally to its own people and externally to its neighbours. It is important, however, to distinguish between the differing components of Iraq's capabilities (i.e. chemical, biological, ballistic and nuclear) and Iraq's intent to use them.
  
40. There is little within the dossier concerning Iraq's motives in manufacturing and acquiring WMDs. The only real elaboration is provided in connection to chemical and biological weapons. According to the dossier, intelligence indicates "Saddam attaches great importance to the possession of chemical and biological weapons which he

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<sup>55</sup> Ibid, pp. 26-27.

regards as being the basis for Iraqi power. He believes that respect for Iraq rests on its *possession* of these weapons and the missiles capable of delivering them."<sup>56</sup> Saddam Hussien's possession reflects in part his thinking that without them Iraq's own political weight would be diminished. However, intelligence indicates "that as part of Iraq's military planning Saddam is willing to use chemical and biological weapons, including against his own Shia population."<sup>57</sup> The dossier indicates that while ultimate authority for their use rests with the President, authority in operational circumstances has been delegated to specific elements within the Iraqi military.

41. Apart from these details there is little to suggest Iraq intends to use WMDs. The absence of any WMD seepage from Iraq to terrorist organisations is also striking. As a result the dossier falls back on providing a substantial account of Saddam Hussein's regime both internally and externally. The use of chemical weapons against the Kurds of Haslabja in 1988, the brutal suppression of the Shia dominated south following an uprising in 1991 is all spelt out. Similarly Iraq's aggression towards Iran in 1980 and the use of chemical weapons from 1984 which left some 20,000 Iranians killed are all documented as are the human rights abuses committed by Iraq during and following its invasion of Kuwait in 1990. The dossier's unwritten conclusion is clear, allowing Iraq to further develop its WMD programme would be irresponsible given its past behaviour.

42. A central tenet within the defence of preventative action against Iraq rests on Iraq's behaviour over the last twenty

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<sup>56</sup> Ibid, p. 18.

<sup>57</sup> Ibid, p. 19.

years. The evidence is at one level compelling. The use of chemical and biological weapons against his own people as well as during the Iraq-Iran war all drive home the conclusion that Saddam Hussein is a brutal and evil despot who has frequently flouted the laws of war. Yet it can be equally argued that the west was in part complicit in such actions, by supplying Iraq with the necessary means to conduct the war with Iran and by its failure to intervene over the gassing of the Kurds.<sup>58</sup> Iraq's war against Iran served the west's interest following the overthrow of the Shah. The west's appeasement of Iraq during this period has been seen as one reason why Iraq thought it could get away with the invasion of Kuwait in 1990. The west's intervention in the 1990-91 Gulf War quite rightly showed the limits beyond which its policy of appeasement was not prepared to go. To build a case for pre-emptive action today on the grounds that containment and deterrence haven't worked would appear to be erroneous. If the west had adhered to a policy of containment and deterrence prior to August 1990 then it is possible, although not certain, that much of the human suffering could have been avoided.<sup>59</sup> Indeed in 1961 when Kuwait was thought to be at risk from Iraqi attack, the UK sent forces to Kuwait to deter this eventually. In that instance the policy of deterrence worked.

### *iii Implications for UK Foreign Policy*

43. The dossier amounts to a repositioning of UK foreign

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<sup>58</sup> Indeed the west continued to sell Saddam Hussein chemical agents for a further 20 months after the massacre at Halabga. In February 1989 the US Assistant Secretary of State, John Kelly, visited Saddam Hussein in Baghdad and is quoted as saying: "You are a force for moderation in the region. The US wants to broaden its relationship with Iraq".

<sup>59</sup> Dan Keohane; "The Rules of Propriety", in Dan Keohane (ed.); *International Perspectives on The Gulf Conflict, 1990-1991*, St Martins Press, Oxford, 1993, p. xii..

policy towards Iraq. Up to the time when the Prime Minister visited President Bush at Camp Crawford, Texas, in March 2002, British foreign policy towards Iraq reflected the twin strategies of containment and deterrence. The objective was to apply diplomatic pressure on Iraq to force compliance with the UN, whilst relying on sanctions to deny Iraq the means to rebuild its WMDs. In a letter to the Roman Catholic Bishop of Leeds, the Rt. Rev David Konstant, in November 2000, Peter Hain, the former Minister of State with responsibility for Iraq wrote: "Sanctions have not been counterproductive to the disarmament objective. On the contrary, sanctions have kept a brutal dictator contained for ten years and have blocked his access to equipment and parts to rebuild his WMD arsenal."<sup>60</sup> From this perspective sanctions effectively restrained Iraq's capacity for military expansion. Although the dossier does not suggest that sanctions have been useless the implication is that they can't be relied on in the future. The Government has never denied the potential for seepage but in the past it has always directed its efforts to making the sanctions regime as watertight as possible. Similarly it has never argued that Iraq poses an immediate threat to international peace and security. In a reply to a Parliamentary Question by Jim Cunningham on 11 June 2002, Geoff Hoon, the Defence Secretary stated: "We assess that there is no immediate threat of military attack by Iraq, although Iraq threatens RAF aircraft patrolling the Iraqi No Fly Zones."<sup>61</sup> To argue now against sanctions in favour of military action against some threat, which might or might not materialise constitutes not only a U-turn in Government policy but suggests the past twelve years

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<sup>60</sup> *Letter from Minister of State Peter Hain to the Rt Revd David Konstant*, 16 November 2000.

<sup>61</sup> Hansard, 11 June 2002, 1164W

amount to "an impressive policy failure."<sup>62</sup>

44. It is difficult to understand the U-turn within UK foreign policy without recourse to the events of 11 September 2001 or the subsequent re-evaluation of US foreign policy. The need to stand shoulder to shoulder with the US following last year's terrorist attacks remains a priority within UK foreign policy. Just as the UK moderated America foreign policy in the immediate aftermath of the terrorist attacks, so the British Government hopes to influence US policy to Iraq. As previously stated President Bush's decision to initially resolve this issue through the UN is generally seen as a vindication of the UK approach. Given the unilateral tendencies within the Bush administration, as illustrated by the National Security Strategy, such pressure as the UK Government is able to bring to bear on both the principles underlying US foreign policy in general and its policy to Iraq in particular needs to be encouraged. As the Archbishop of Canterbury has stated: "I think Tony Blair has been trying to help the American government to realise that an isolationist policy is doomed. Reading between the lines, I think he's been playing his cards very skilfully."<sup>63</sup> The question, of course remains: what are the limits of British foreign policy? Put another way will the UK Government's policy of standing shoulder to shoulder with the US extend to supporting military action without the explicit support of the UNSC?

## **I. The Legality of War Against Iraq**

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<sup>62</sup> Jackie Ashley, "Support for a US Assault on Iraq Could Rip Labour Apart", *The Guardian*, 27 February 2002, p. 20.

<sup>63</sup> Interview with the Archbishop of Canterbury, Dr George Carey, for Broadcast on the Australian Broadcasting Corporation, 25 September 2002.

45. The legal basis for any attack on Iraq would depend on the circumstances in which such action was taken. The UK Government regards the use of force against any state as lawful if it has been authorised by the United Nations Security Council, or where in exercise of the inherent right of individual or collective self-defence, or exceptionally, where carried out to avert an overwhelming humanitarian catastrophe. With respect to Iraq, the Foreign and Commonwealth Office submitted evidence to the House of Commons Foreign Affairs Committee's inquiry into terrorism, setting out its legal thinking.

As to relevant resolutions, following Iraq's invasion and annexation of Kuwait, the Security Council authorised the use of force in resolution 678 (1990). This resolution authorised coalition forces to use all necessary means to force Iraq to withdraw, and to restore international peace and security in the area. It provided a legal basis in addition to the right of collective self defence for Operation Desert Storm, which was brought to an end by the cease-fire set out by the Council in resolution 687 (1991). The conditions for the cease-fire in that resolution (and subsequent resolutions) imposed obligations on Iraq with regard to the elimination of WMD and monitoring of its obligations. Resolution 687 (1991) suspended but did not terminate the authority to use force in resolution 678 (1990)

A violation of Iraq's obligations which undermines the basis of the cease-fire in resolution 687 (1991) can revive the authorisation to use force in resolution 678 (1990). Most recently, in resolution 1205 (1998) the Council condemned Iraq's decision to cease co-operation with UNSCOM as a flagrant violation of

resolution 687 (1991). This had the effect of reviving the authorisation to use force in resolution 687 (1990), which provided the legal basis for our participation in Operation Desert Fox.

We do not rule out the need to take further military action in future. Whether further action by the Security Council was needed would depend on the circumstances at the time. But as we have always made clear, any military action the UK undertakes anywhere in the world will be carried out in accordance with international law".<sup>64</sup>

The UK's position, therefore, can be summarised as follows: an attack against Iraq could be justified under international law in response to Iraqi aggression or to prevent Iraqi aggression. The Government would be justified in arguing that Iraq's failure to comply with United Nations Security Council resolutions constitutes a violation of the cease fire arrangements and that due authority exists within resolution 678 to justify further military action.

46. According to some legal experts the trigger mechanism for such a scenario rests on a judgement as to whether Iraq's contravention of the cease-fire agreement constitutes an imminent threat to regional and international security. If it does, no further UNSC resolutions would be required. This could be supported both on the grounds of the authority provided within existing UNSC resolutions and Article 51 of the UN Charter, which allows a country to take pre-emptive action when faced with an imminent threat. The UK dossier suggests Iraq presents a growing rather than an imminent threat, and to argue that resolution 678 or Article

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<sup>64</sup> House of Commons Foreign Affairs Committee; *Foreign Policy Aspects of the War on Terrorism*, Seventh Report of Session 2001-02, p. 57.

51 provides appropriate authority to launch a preventative war against a threat, which has yet to materialise, would be hard to square with existing resolutions or the UN charter. Until such time as Iraq poses an imminent threat to international security, the international community must focus its efforts on getting the weapons inspectors back into Iraq to help facilitate Iraq's disarmament. In this respect it is crucial to distinguish between pre-emptive action or anticipatory self-defence which are provided for under the UN charter and preventative wars which are prohibited.

47. An alternative trigger mechanism for military action without further UN sanction would rest on the argument that intervention is needed to avert an impending humanitarian disaster. The evidence presented within the UK's dossier spells out the past atrocities of the Iraqi regime. The dossier suggests Iraq is more likely to use chemical and biological weapons against his own people than against the west. The Parliamentary Under Secretary of State, Lord Bach, has stated: "A judgement is made in the dossier that Iraq has military plans for use of the chemical and biological weapons, including against its own Shia people."<sup>65</sup> If intelligence exists to suggest such an event was imminent, then the UK could argue that preventative military intervention was necessary. This would amount to an extension of those legal principles, which were used to justify intervention in Kosovo/a.
48. These scenarios represent a strict interpretation of the UN resolutions and the UN charter. They are unlikely to find support with those who would argue that the situation currently facing the international community was not

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<sup>65</sup> House of Lords Official Report, Parliamentary Debate, Tuesday 24 September 2002, Vol 638, Col 1021.

envisaged by those who drafted these earlier resolutions. Given the level of public concern about any war, as well as the current state of confusion surrounding the aims of any military operation (regime change V disarmament) many have argued that it would be helpful if any military activity against Iraq had explicit as well as implicit UN authorisation. Seeking further UN authorisation would clarify both the grounds on which force was being used and the nature of the desired peace settlement. It would also go some way to allaying the public's fear as to the legitimacy of any such action.

49. Recent political discussions have questioned whether or not the UNSC should set a deadline for Iraq to comply with relevant UNSC resolutions. Failure to meet the deadline would in turn provide both just cause as well as sufficient authority for the UN members to force Iraqi compliance. This approach has increasingly shaped the UK's approach to the issue. Significantly, it also has parallels with the UN's handling of the 1990-91 Gulf War. While it would be difficult to argue against such a deadline, especially since weapons inspectors have been denied access for some four years, it would make the prospect of war more real.

## **J. The Church of England and Iraq**

50. Iraq has been a recurring issue on the Church of England's agenda since the end of the Cold War. It is important, for the sake of consistency, to keep in mind past Church statements and positions on Iraq, when considering how the Church should respond to the current crisis. On past occasions the Church has used that tradition of moral thinking associated with the idea of 'just war' to guide its deliberations. Any analysis of just war thinking needs to

distinguish between *jus ad bellum* and *jus in bello*. *Jus ad bellum* requires judgements to be made about aggression and self-defence, while *jus in bello* is concerned with the observance or violation of the customary and positive rules of engagement.

*i The 1991 Gulf War*

51. Although Iraq's invasion of Kuwait in August 1990 was met by universal condemnation by all Church leaders, there was significant disagreement within and between Churches as to how this aggression should be reversed. The then Archbishop of Canterbury, Dr Robert Runcie, made a Presidential Address to the November General Synod following Iraq's invasion. He stated: "While we must use every means short of war to enforce UN policy, it would be foolish to rule out the use of force in the last resort".<sup>66</sup> He accepted that while war would inevitably result in civilian and non-civilian casualties the risk of doing nothing was not a viable option. There was significant debate within the Church as to whether or not further time should have been given for sanctions to have worked. Similar concerns were also raised as to whether or not the military build up in the Gulf prejudiced a diplomatic solution. On 15 January 1991 on the day when the deadline set by UN Security Council resolution 678 ran out, the House of Bishops issued a statement. "While in the last resort military action may be the only option, the consequences in terms of human suffering on all sides would be immense, and that consideration of these consequences should be central to all political and military thinking."<sup>67</sup> The cost of military

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<sup>66</sup> General Synod, November Group of Sessions, report of Proceedings, Vol 21, no. 3, 1040.

<sup>67</sup> *The Gulf Crisis: Statement by the House of Bishops of the Church of England*, 15 January 1991, p. 2.

activity was a central theme in the sermon preached by the Archbishop of York, the Rt Revd John Hapgood, at the Gulf War Service of Remembrance and Thanksgiving at St Mungo's Cathedral, Glasgow, 4 May 1991.<sup>68</sup>

## *ii Sanctions*

52. Since the end of the Gulf War the Church of England's concern over Iraq has related to the perceived humanitarian impact of sanctions. The Director of Coventry Cathedral's Centre for International Ministry has visited Iraq several times over the last few years. The Centre's work has focused on retraining Iraqi doctors in the latest techniques surrounding bone marrow transplants. Many of these humanitarian concerns were evident in the General Synod Debate on Iraq in November 2000. The debate was informed by a report prepared by the Board for Social Responsibility, which reflected the experiences gained by its Assistant Secretary for International and Development Affairs following a six-week secondment to the United Nations Development Programme in Iraq.<sup>69</sup> The resulting General Synod motion encouraged the Government to introduce a smarter sanctions regime, which would target

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<sup>68</sup> It is worth quoting the relevant section in full. "That is why our solemn act of remembrance before God of the appalling suffering which war and its aftermath have actually brought in their train: the losses of human life and the devastation in Iraq itself, still locked into an oppressive and evil dictatorship; the dreadful plight of the Kurds and Shi'ites, innocent victims not just of war itself, but of the false hopes of successful rebellion it raised in their minds; the black clouds over Kuwait, and the oil sodden Gulf. And we think of the fearful and intractable political problems which still remain, not least in securing the future for Palestinians and Israeli's alike. How do we measure all these against what has actually been achieved?" John Hapgood; *Making Sense*, SPCK, London, 1993,

<sup>69</sup> General Synod, *Iraq: A Decade of Sanctions. A Report by the Board for Social Responsibility*, GS1403, November 2000.

Iraq's ruling elite rather than the mass of the population.<sup>70</sup> Security Council resolutions 1284 and 1382, signalled a more targeted sanctions policy.

*iii Jus ad Bellum*

53. The threat of further military action against Iraq forces the Church and Christians to grapple with whether or not any war could be considered a just war, or more specifically under what conditions might war be considered just. In its modern form *jus ad bellum* raises four questions: just cause, proper authority, right intent and last resort. It is important before applying these criteria to the specifics of Iraq to examine how these criteria relate to the broader concepts of preventive or pre-emptive action.
54. Traditionally just war theory allows countries to use force to repel an act of aggression. However, both St Augustine and Thomas Aquinas did not restrict the meaning of "justness" to wars of self-defence where it was necessary to repel a foreign force.<sup>71</sup> The use of force was considered justified as a form of anticipatory self-defence. In short, if an attack from an outside aggressor looked imminent then a state was entitled to take such proportionate action as was necessary to prevent such an attack. Both St Augustine and Thomas Aquinas made clear that anticipatory self defence could only be used when a threat looked imminent (i.e. the mobilisation of troops on the border etc...), and not when a threat had yet to materialise. Morally a distinction is made between anticipatory self-defence, which is morally justified and preventive war, which is morally prohibited. To argue in favour of preventive action would be to

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<sup>70</sup> See Annex 1

<sup>71</sup> James Turner Johnson; *Morality and Contemporary Warfare*, Yale University Press, 2000, pp. 41-70.

undermine the need for war to be used as a last resort and would prejudice alternative efforts at conflict prevention and resolution. Preventive wars against a perceived future threat would invariably raise questions as to the motive or intent behind the action.

55. The just war tradition provides an appropriate moral framework through which to evaluate the 2002 US National Security Strategy. The decision to "adapt the concept of imminent threat to the capabilities and objectives of today's adversaries" is morally as well as politically hazardous.<sup>72</sup> The collapsing of the boundaries between preventive and pre-emptive action runs the risk of opening a "Pandora's box", which once opened will be difficult to close.<sup>73</sup> The National Security Strategy recognises this by indicating that "the US will not use force in all cases to pre-empt emerging threats, nor should nations use pre-emption as a pretext for aggression."<sup>74</sup> There is a lack of clarity within the document as to which preventive wars are legally and morally justifiable, but the document leaves little doubt that the objective is the maintenance of a unipolar world with the US at its helm. The subsequent weakening of America's commitment to the multilateral process suggests the moral, political and legal threshold for war has been substantially lowered. While preventive action against those terrorist organisations not tied to a nation state might legitimately be seen as a form of police enforcement, it remains problematic as a mechanism for resolving those tensions

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<sup>72</sup> *The National Security Strategy of the United States of America*, September 2002, p. 15.

<sup>73</sup> Rt Revd Dr Rowan Williams, as quoted in *The Guardian*, 25 September 2002, p. 3.

<sup>74</sup> *The National Security Strategy of the United States of America*, September 2002, p. 15.

between nation states. Without this distinction the doctrines of containment and deterrence, and with it the commitment to resolve and accommodate international tensions through multilateral institutions could give way to a doctrine of unilateral preventive action, which nullifies the just war criterion of force as a last resort. In its application, questions will always be asked as to the US's motive in using force.

56. The US National Security Strategy and its application to Iraq are matters of grave concern to the Church. These concerns were articulated by a number of Bishops during the Parliamentary debate on 24 September 2002 following the publication of the Governments dossier. As the Bishop of Oxford made clear: "The Christian tradition has never confined the question of just cause purely to self defence. If a threat is real, serious and immediate, there might indeed be a proper moral reason for pre-emptive action."<sup>75</sup> The use of pre-emptive action where a well proven threat exists should not, *a priori* be ruled out. Indeed as the Bishop of Rochester has argued this should also include intervention "to prevent large-scale human suffering, perhaps even genocide."<sup>76</sup> Yet, as the Bishop of London indicated, the process leading to such interventions are all important:

One of the conditions of stability in the modern world is predictability. It is imperative that we have an international process to judge which instances ... demand the intervention of outside powers. No state, however powerful, should be left as judge and jury. There is only one institution remotely capable of

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<sup>75</sup> House of Lords Official Report, Parliamentary Debate, Tuesday 24 September 2002, Vol 638, Col 897.

<sup>76</sup> Jonathan Petre, "Bishop says Attack would be Justified" *The Telegraph*, 5 September 2002, p. 1.

helping to form such judgements and that is the United Nations<sup>77</sup>

The challenge from this perspective is to reinvigorate the United Nations with the necessary capability to respond to new threats such as terrorism and to provide the appropriate investment in the tools necessary for nation building and peace keeping.

57. There was general agreement between those bishops speaking in the Parliamentary debate that the evidence presented within the Government's dossier did not constitute an imminent threat or just cause in support of military action at this juncture. The Church is under no illusion as to the nature of the Iraqi regime or of its attempts to acquire WMDs, but as the Bishop of Southwark argued:

The policy of containment - sanctions, no fly zones and so on - has worked well enough for 12 twelve years. As the dossier shows that policy is certainly effective in preventing the development of a nuclear capability. It is too soon to judge that that policy might not continue to work".<sup>78</sup>

In other words:

Although the situation has obviously changed somewhat since the UN inspectors left, it has not, despite Saddam Hussein's efforts, changed enough to justify the hugely dangerous critical threshold of

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<sup>77</sup> House of Lords Official Report, Parliamentary Debate, Tuesday 24 September 2002, Vol 638, Col 886-887. It is worth remembering that when Israel bombed Iraq's nuclear capability in 1981 on the grounds that such pre-emptive action was necessary to guarantee its future security, Russia, the USA, UK, and China all condemned it. It was also condemned by the UNSC.

<sup>78</sup> Ibid, Col 911.

military action".<sup>79</sup>

The effectiveness of sanctions to date and the timeline provided by the Government's dossier as to when Iraq will be able to acquire further WMDs provides sufficient room for manoeuvre to find alternative methods of resolving the current stalemate without recourse to war. The priority must be to get the UN weapons inspectors back into the country so facilitating the identification and destruction of Iraq's WMD programme in accordance with relevant UNSC resolutions. Iraq's offer of allowing the UN inspectors back in needs to be accepted, even if past experience suggests he might seek to thwart their effectiveness. Yet, it is important not to prejudice the potential provided by this offer by talk of regime change.

58. Until such time as Iraq complies with the UN resolutions or until such time as military action becomes the last resort, the international community needs to take steps to reverse the *de facto* erosion of the UN sanctions regimes. This means giving greater financial assistance and even compensation to those countries neighbouring Iraq whose economies have been negatively affected by the corruption of established patterns of trade resulting from 12 years of sanctions. Similarly it means reinvigorating international non-proliferation regimes as well as those international rules by which countries buy and sell arms. As the Bishop of Manchester asked: "Who is continuing to sell and make available the material, the know-how, that will allow Saddam to develop these weapons of mass destruction. Is it already all there in Iraq, or are there others who are playing hooky round the world?"<sup>80</sup> It is worth remembering that the 2002 Export Control Act grew out of the Scott Report and

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<sup>79</sup> Ibid, Col 897.

<sup>80</sup> Ibid, Col 971.

the arms to Iraq affair during the early 1990s.

*iv Jus in Bello*

59. Christians often rely on the *jus in bello* tradition of just war theory to inform their thinking as to whether or not any war is being waged justly. *Jus in bello* raises concerns such as a realistic chance of success, proportionality and civilian casualties. *Jus in bello* considerations only become relevant once the *jus ad bellum* concerns have been addressed. Any decision as to the suitability of an instrument of warfare remains secondary to the *a priori* decision as to whether or not a legitimate case exists. If the recourse to armed force fails to satisfy the *jus ad bellum* criteria then the question of *jus in bello* remains academic.
60. While details of any military campaign are uncertain, the options range from a full military invasion of Iraq to an Afghanistan type of operation involving heavy aerial bombardment allied to the support of key opposition groups. It is unlikely that a Desert Fox type campaign would be any more successful now than it was in 1998 in convincing Iraq to co-operate with UNMOVIC, while a Desert Storm approach aimed at overthrowing President Saddam Hussein would be fraught with operational difficulties. Recent military strategies employed in Kosovo/a and Afghanistan have relied on the combination of heavy air bombardment in support of opposition groups on the ground, finally backed up with significant allied ground forces. The absence of a recognisable opposition inside Iraq means that such a strategy would prove immeasurably harder to achieve in Iraq.
61. The morality of such a military strategy would also be in doubt. The experience of Kosovo/a has shown that aerial bombardments targeted the country's economic and

industrial infrastructure as well as military targets. A similar strategy underpinned the success of Operation Desert Storm. According to former US Attorney General Ramsey Clark, by the end of the five-week air campaign in 1991 "110,000 aircraft sorties had dropped 88,500 tons of bombs on Iraq, the equivalent of seven and a half atomic bombs of the size that incinerated Hiroshima."<sup>81</sup> A report by UN Under-Secretary-General Martti Ahtisaari following the Gulf War described the "near apocalyptic destruction" and observed that war damage had relegated Iraq to a "pre-industrial age in which the means of modern life have been destroyed or rendered tenuous".<sup>82</sup> Twelve years of sanctions have done nothing to help redevelop Iraq's infrastructure. The UN's humanitarian aid programme, the oil for food programme, is a humanitarian relief programme rather than a development programme. Any military operation risks further damage to the already precarious situation in Iraq and deterioration in the living conditions of the average Iraqi. As the Bishop of Chelmsford asks: "How can we contemplate unleashing more misery upon them?"<sup>83</sup>

62. If military action against Iraq does occur then there will undoubtedly be casualties involving combatants and non-combatants alike. Despite the sophistication of modern weaponry and talk of smart bombs, war remains a messy

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<sup>81</sup> Ramsey Clark, *Challenge to Genocide: Let Iraq Live*, International Action Centre, 1998.

<sup>82</sup> United Nations Security Council, *Report to the Secretary-General on Humanitarian Needs in Kuwait and Iraq in the Immediate Post-Crisis Environment by a Mission to the Area Led by Mr Martti Ahtisaari, Under Secretary-General for Administration and Management*, 10-17 March 1991, S/22366, 20 March 1991, par. 8.

<sup>83</sup> House of Lords Official Report, Parliamentary Debate, Tuesday 24 September 2002, Vol 638, Col 940.

and deadly business. It is important however to balance the inevitable human tragedy of war against the justness of the cause. In short, states must ensure that greater evil does not arise out of war than the war would avert. "Without persuasive, preferably incontrovertible evidence", that the "threat posed by Iraq is both grave and imminent", such calculations are impossible to make.<sup>84</sup> However, the consequences of using overwhelming force are horrifying in the short term. As Sir Michael Quinlan stated in an article in *The Financial Times* on 7 August 2002: "To preempt the use of biological or chemical weapons by adopting the one course of action most apt to provoke it seems bizarre."<sup>85</sup>

*v Just Peace*

63. If the aim of war is peace then the nature of this peace, which is implicit within the just war tradition needs to be spelt out. Yet little international consideration appears to have been given to any post war settlement that might emerge following military action. If the genuine goal of US policy is to replace the current Iraqi government with a government respectful of human rights and other internationally agreed standards, then it is important to see serious and therefore realistic attention given to the business of helping to build an alternative regime. The experience of military intervention in Somalia, Kosovo/a and Afghanistan is hardly encouraging. The experiences reinforce the perception that the USA has very little interest in engaging in nation building following conflict. Without

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<sup>84</sup> Cardinal Murphy O'Connor, "The Standards by which War with Iraq must be Judged", *The Times*, 5 September 2002, p. 14.

<sup>85</sup> Sir Michael Quinlan; "War on Iraq: A Blunder and a Crime", *Financial Times*, 2 September 2002, p. 7.

this commitment, however, there are serious doubts as to whether simply removing Saddam Hussein will achieve the purported end, namely Iraq's reintegration into the international community. If this is the case then the removal of Saddam Hussein becomes an end in and of itself. Until greater clarity exists as to the nature of the peace for which war will be fought, then the present policy of containment might be preferable to the risks and uncertainty of military action.

64. If the purpose of any military action is regime change, questions need to be asked as to how the legitimacy of that government can be assured. The fragmented nature of Iraqi society and the diverse and competing array of Iraqi opposition groups in exile mean the move to a constitutional settlement is likely to be protracted. There is a real danger that American occupation will be followed by a spate of revenge killings against Saddam's henchmen. Until agreement is reached as to a constitutional settlement, security will depend on the presence of occupying forces. Yet while the removal of Saddam Hussein and his regime is something that is supported amongst many Iraqis there is likely to be considerable opposition to the American peace. It is difficult to fathom the degree of anti-americanism in the region, often expressed in popular language in terms of opposition to 'crusaders', with the implications to Christianity that this involves. Indeed this language, often framed as a reaction to western policies to Iraq and Israel/Palestine dominates much of the rhetoric of Al-Qaeda and other extremist groups. The imposition of a *pax americana* could have important implications for the welfare and security of Christian communities in the region.

65. A constitutional settlement underpinned by an American or international presence is unlikely to provide a long-term solution. If the new regime fails to survive then Iraq faces a long-term emergency, with localised conflicts, considerable internal displacements and further destruction of its national infrastructure. If the regime survives, its legitimacy, as a creation of western policy, will remain in question. Whatever the morality or legality underpinning any military action against Iraq, these post conflict issues need to be factored into the decision-making process. Similarly, although there is little love lost between Iraq and its neighbours, the spectre of Iraq fracturing along ethnic or religious lines into three separate statelets (Sunni, Shiite, and Kurd) raises concern that military action could lead to fragmentation so destabilising the region. For instance, the Turkish Prime Minister, Bulent Ecevit, a long time ally of the US, has grave doubts about an American attack on Iraq, fearing that the result would be a Kurdish state.
66. It is possible that Arab support for military action could be secured by US promises of mediating the Israel/Palestine conflict.<sup>86</sup> Yet Arab confidence in the US as an honest broker in the Middle East has been seriously undermined by the perceived hardening of attitudes within the Bush administration and the perception that the terrorist attacks of last year have made the US administration increasingly sympathetic to Israel's predicament. Similarly, the experience of Arabs states during the 1990-1991 Gulf War where they lent political support to Operation Desert Storm in support for restarting the Middle East Process has not

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<sup>86</sup> Julian Borger, "Envoy's Role Linked to Arab Backing on Iraq", *The Guardian*, 9 March 2002, p. 4.

borne the desired end.<sup>87</sup> Whatever the legitimacy of this perception, the combination of the humanitarian suffering in Iraq, Arab hostility to the UN sanctions policy in general and anger at the renewed violence in Israel/Palestine in particular has given rise to a popular anti-Americanism in the region, which could easily spill over if war occurred. The Egyptian President, Hosni Mubarak has warned: "If you strike at the Iraqi people because of one or two individuals and leave the Palestinian issue unsolved, not a single Arab ruler will be able to curb the popular sentiments. We fear a state of disorder and chaos may prevail in the region".<sup>88</sup>

*vi Inter Faith Considerations*

67. In the aftermath of the terrorist attacks last year and the subsequent military action in Afghanistan, the Church of England at every level has been actively engaged in meetings, dialogues and shared activities with Muslim communities throughout the UK. These inter faith relationships have provided one way in which Muslims have been able to relate their anxieties and concerns to wider society at a very difficult time for them. Despite the insistence of the UK and US Governments that the 'war on terrorism' is not directed against Islam, Muslims have felt that their identity as British citizens has been questioned; they have also been subject to verbal abuse, and in some cases physical attack. Most Muslims, while appalled by the September 11th attacks, have felt deeply unhappy with the bombing campaign in Afghanistan, and many have been

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<sup>87</sup> The Madrid Conference that started the Middle East peace process over a decade ago was convened after the Gulf War was over. George Giacaman (ed.); *After Oslo: New Realities, Old Problems*, Pluto Press, London, 1998.

<sup>88</sup> Brian Whitaker, "Attack on Iraq would Create Chaos in Middle East, Egypt cautions US", *The Guardian*, 28 August 2002, p. 1.

prominent in anti-war protests.

68. There can be no question that British involvement in any military action against Iraq would multiply the problems faced by Muslim communities here, and could severely destabilise inter faith relations, even though Iraq has a staunchly secular ruling ideology.<sup>89</sup> An attack on another Muslim country - particularly one with no proven link to the September 11 atrocities - would be taken by many as evidence of an in-built hostility to the Islamic world. From this perspective the "Stop the War" march in London on 28 September 2002 was remarkable for the degree to which it mobilised Muslim communities within the UK. At a grassroots level, there is little sense that the presence or absence of UN authorisation would make much difference to the way Muslims would view an attack on Iraq.
69. All minority communities can feel very vulnerable at times of international conflict, and Muslims in particular would fear a further wave of anti-Islamic sentiment and activity. In an atmosphere of heightened rhetoric and deepened suspicion, extremist and exclusivist attitudes are likely to grow, not least among disaffected young people, and those committed to dialogue and bridge-building will find their task made much more difficult. This sense of anxiety is not however confined to the Muslim communities, since the rise in reports of anti-semitic incidents post 11 September 2001 have heightened the security within the Jewish community. This trend could continue with an attack against Iraq. The consequences for inter faith relations of an attack on Iraq must therefore be of grave concern for a Church with a responsibility for the spiritual well being of

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<sup>89</sup> House of Lords Official Report, Parliamentary Debate, Tuesday 24 September 2002, Vol 638, Col 911

the whole nation.

## **K. Conclusion**

70. Politicians, trade union leaders and other sections of civil society have welcomed the Church's contribution to the present debate about the use of force against Iraq. It is the privilege of individual Christians to campaign one way or another for or against military action and if war does occur then it is likely that Christians, like the nation at large, will be divided on the issue. However, it is the role of the national Church to raise those moral and ethical questions, which the Government needs to address before there is any recourse to war. In responding to this challenge the Church draws on the resources of scripture, tradition and reason, which have shaped the just war thinking. This report by the Church of England's House of Bishops has sought to use this thinking to ask those questions which it feels need to be addressed. In doing so the House of Bishops draws the following conclusions:

- We affirm the Government's stated policy of disarming Iraq of its weapons of mass destruction (WMDs). Unfettered and unhindered access must be gained for the UN weapons inspectors, in order to facilitate the identification and destruction of Iraq's WMD in compliance with all relevant UNSC resolutions.
- We hold that the primary international concern remains Iraq's blatant disregard of the UN and its authority as expressed in relevant United Nations Security Council resolutions (UNSC). Any unilateral action to enforce Iraq's compliance with such resolutions risks further undermining the credibility and authority of the UN.

- We recognise that in those instances where diplomatic and economic pressure fail to ensure compliance with UNSC resolutions, military action can sometimes be justified as a last resort to enforce those resolutions.
- We nonetheless hold that to undertake a preventive war against Iraq at this juncture would be to lower the threshold for war unacceptably.
- We believe that if military action were to be considered as a last resort, the outcome in terms of suffering on all sides could be immense, with widespread and unpredictable environmental, economic and political consequences. There would also be implications for inter faith relations. We therefore urge that these concerns should be central to all political and military planning.
- We support and encourage the Prime Minister in his efforts to press for a new international conference to revitalise the middle east peace process, based on the twin principles of a secure Israel and a viable Palestinian state. We believe such a conference has an important role in trying to promote the wider stability of the region at a time of widespread suspicion and insecurity.

9 October 2002

**ANNEX 1**

**NOVEMBER 2000 GENERAL SYNOD MOTION**

That this Synod, noting with deep sympathy the suffering of the Iraqi people:

- a) hold that the ongoing humanitarian crisis in Iraq is a consequence of Iraq's invasion of Kuwait in 1990 and the continued failure by the Government of Iraq to comply with relevant UN Security Council Resolutions;
- b) recognise that after ten years sanctions have failed to achieve their purpose and that continuing with the present sanctions policy is unlikely to yield further political dividend without creating additional human suffering;
- c) call on HMG to work to ensure that the price of securing peace and stability in the region is paid by the leadership of Iraq rather than the most vulnerable Iraqi people;
- d) encourage the Board for Social Responsibility to work with Christian Aid, Coventry Cathedral's Centre for Reconciliation and other bodies working in this area, in raising awareness of the humanitarian situation in Iraq and the underlying causes of conflict in the Middle East;
- e) encourage the Board for Social Responsibility to report back to the General Synod after the CTBI delegation has visited the Middle East next year.