



BACKGROUND BRIEFING

EVALUATING THE THREAT OF MILITARY ACTION AGAINST IRAQ

A BRIEFING PAPER

This Briefing Paper does not represent the policy or formal position of the Church of England.

The Church is asked to comment and make moral judgements on many issues. In responding to such requests the Church encourages its members to draw on the resources of Scripture, Tradition, and Reason to enable them to engage, prayerfully and intelligently, with the matter under debate. It is neither surprising nor reprehensible that Christians will, in good faith, reach different conclusions on particular issues. The Board for Social Responsibility's Briefing Papers are provided as resources to enable Christians to think through difficult moral issues for themselves.

1. Introduction

The events of 11th September 2002 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. This briefing paper examines the arguments for and against the use of military force against Iraq. It examines the record of the United Nations over the last decade in dismantling Iraq's weapons of mass destruction and evaluates the extent to which Iraq has complied with relevant United Nations Security Council Resolutions. By tracing the evolution of UN sanctions against Iraq the roots of the present stalemate and resulting instability in the Gulf region become apparent. The briefing paper questions whether military action is indeed necessary or whether or not the continuation of the current United Nations sanctions regime is sufficient to provide for regional and international security. Using the tradition of moral thinking associated with the idea of just war, the briefing paper seeks to establish the principles, criteria and rules which would enable Christians to make a judgement as to the acceptability or desirability of using military force against Iraq. The briefing paper also examines how the current debate impacts on inter faith relations here in the United Kingdom.

2. Background

The United Nations Security Council introduced under Chapter VII of the UN Charter a comprehensive sanctions regime against Iraq in 1990 immediately following Iraq's invasion of Kuwait on 2 August. 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.¹ 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.

At the end of the Gulf War, Iraq accepted the terms of UN Security Council Resolution 687.² This set out the terms of the cease-fire and laid down conditions for the lifting of sanctions. The Resolution sets out eight specific conditions that the Iraqi government had to meet for sanctions to be lifted:

- 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

Although Iraq accepted Resolution 687 on 10 April 1991 it has proved reluctant to actually implement the stated terms of this Resolution. As a result, the Iraqi Government 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.³ Most controversy has centred round the disarmament provisions of Resolution 687. Iraq's failure to satisfactorily comply with this provision is one of the reasons given as to why sanctions have remained in place for eleven years, and why the international community is presently considering further military action against Iraq.

3. Dismantling Iraq's Weapons of Mass Destruction

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

¹ United Nations, *Security Council Resolution 661*, S/RES/661 (1990), 6 August 1990.

² United Nations, *Security Council Resolution 687*, S/RES/687 (1991), 8 April 1991.

³ See Annex 1 and 2 for a chronology of relevant United Nations Security Council Resolutions and a history of key dates and events regarding the UN's relations with Iraq.

biological weapons.⁴ Eleven 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. The Iraqi Government alleged that UNSCOM was engaged in unofficial intelligence related activity. The UN's frustration came to a head in December 1998 when it withdrew UNSCOM observers in advance of Operation Desert Fox. Operation Desert Fox amounted to a seven-day aerial bombardment of key military and strategic sites in Iraq. 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,

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. 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".⁵ In 1998 the 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".⁶ 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.⁷

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.⁸ Large volumes of Iraq's chemical weapons capability had also been 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 monitoring".⁹ Importantly this finding was

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

⁵ 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 Resolution 687 (1991) Addressed to the President of the Security Council*, S/1997/922, 24 November 1997, 3.

⁶ 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 Energy Agency Paragraph Sixteen of Security Resolution 1051 (1996)*, S/1998/312, United Nations, New York, 11

⁷ Steven Dolley, "Iraq and the Bomb: The Nuclear Threat Continues" (Washington, D.C.: Nuclear Control Institute, 19 February 1998).

⁸ 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, 10

⁹ United Nations Security Council, *Letters Dated 27 and 30 March 1999*, S/1999/356, 10

upheld by UNSCOM reports.¹⁰ 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.¹¹ 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".¹²

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".¹³ 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.¹⁴ However, the 1999 experts panel report noted that Iraq retained the capability for producing biological warfare agents "quickly and in volume" but also observed that "some uncertainty is inevitable" in such a verification effort.¹⁵ 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.

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. Although sanctions are an imperfect trade mechanism, a US official was quoted in 1999 as saying: "We have seen no evidence of reconstruction of weapons of mass destruction".¹⁶

Iraq's refusal to co-operate with the UN and the UN's unwillingness to compromise has resulted in sanctions fatigue and a weakening of the international political commitment to continue with sanctions. Since Operation Desert Fox there have been repeated efforts to find a solution to the impasse. The drive to break the impasse has, however, been as much driven by geopolitical considerations as 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. To this effect, the British Government played a

¹⁰ United Nations Security Council, *Letter Dated 22 November 1997*, S/1997/922, 4.

¹¹ Foreign and Commonwealth Office, "Foreign Office Paper on Iraqi Threat and Work of UNSCOM", London, 4 February 1998.

¹² *House of Commons Official Report, Parliamentary Debates*, Wednesday 6 March 2002, Vol. 381, Col 744.

¹³ United Nations Security Council, *Report of the Executive Chairman of the Special Commission*, S/1998/332, 17.

¹⁴ United Nations, *Letters Dated 27 and 30 March 1999*, S/1999/356, 12.

¹⁵ *Ibid.*, 12-13.

¹⁶ Karen de Young, "Baghdad Weapons Programs Dormant; Iraq's Inactivity Puzzles US Officials", *Washington Post*, 15 July 1999.

constructive and pivotal role in negotiating UN Security Council Resolution 1284.¹⁷ 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. The Resolution also lifted the ceiling on the 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.

The latest effort by the UN to resolve this crisis occurred in November 2001 with UN Security Council Resolution 1382.¹⁸ 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".¹⁹ In addition, the Resolution aims to build greater co-operation with Iraq's neighbours through an expanded trade regime. This Resolution comes into force on 30 May 2002.

4. September 11th and the Search for an End Game

A scorecard of the eight conditions identified in Resolution 687 shows that the Iraqi Government has complied fully or in part with seven out of eight Security Council demands.²⁰ Even within the two categories related to weapons dismantlement, three out of the four objectives have been partially met. The most dangerous programmes, nuclear weapons and ballistic missiles, were effectively contained. In recognition of this progress, a number of member countries on the UN Security Council have 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 Iraqi co-operation. Sanctions arguably work best when combined with incentives as part of a carrot and stick diplomacy designed, to resolve conflict through negotiation.²¹ In the case of Iraq, however, there has been no reciprocation of Iraq's concessions and thus no incentive for the Iraqi government to take further steps towards compliance.

The unyielding position of the US has been the determinant variable in the UN's unwillingness to reciprocate Iraqi concessions. The UN Security Council has effectively been held hostage by successive US administrations. Resolution 687 states explicitly that

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

¹⁸ United Nations, *Security Council Resolution 1352*, S/RES/1382 (2001), 29 November 2001.

¹⁹ Statement by the British Foreign Secretary, Jack Straw, 30 November 2001.

²⁰ See Annex 3.

²¹ David Cortright and George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, International Peace Academy, 2000, p. 56.

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".²² 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 people."²³ 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. This approach to Iraq has 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".²⁴ On this basis there is little incentive for the Iraqi Government to co-operate with the UN. Instead, the Iraqi Government's very survival depends on its ability to defy UN sanctions policy.

The events of 11th September 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.²⁵ From a UK perspective, it is significant that the Prime Minister used the absence of any evidence linking Iraq with 11th September 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. Parliamentary Under-Secretary of State, Ben Bradshaw stated on 27 September 2001: "Iraq would clearly be better off without the current regime. But the Government of Iraq is a matter for 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"²⁶

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".²⁷ 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.²⁸ The UK Government appears swayed by the WMD argument and ever since President Bush's

²² Barbara Crossette, "France, in Break with US, Urges End to Iraqi Embargo", *New York Times*, 23 November 1997, A4.

²³ As quoted in *Sanctions Against Iraq: A Nation Held Hostage*, CARITAS, 5 February 2001, p12.

²⁴ Richard Wolffe, "Powell's New Doctrine", *Financial Times*, 14 February 2002, p. 3.

²⁵ James Risen, "Iraqi Terror Hasn't Hit US in Years, CIA Says", *New York Times*, 6 February 2002, p. 5.

²⁶ Interview given by FCO Parliamentary Under-Secretary, Ben Bradshaw, for Al Mushahid Al Siyasi, 27 September 2001.

²⁷ Marie Colvin, "Saddam's Arsenal Revealed", *The Times*, 17 March 2002, p. 2.

²⁸ Edward Helmore, "Outrage as Pentagon Nuclear Hit List Revealed", *The Observer*, 10 March 2002, p. 2.

'axis of evil' speech, it has been preparing the ground for the second phase of the campaign.²⁹ Following a meeting with US Vice President Dick Cheney on 11 September, the Prime Minister stated: "We have stated from the outset that the threat of weapons of mass destruction will have to be addressed. No decisions, of course, have been taken yet on how we proceed, but this is a time when we discuss how important it is that the issue of weapons of mass destruction is properly dealt with. There is a threat from Saddam Hussein and the weapons of mass destruction that he has acquired".³⁰

The argument that Iraq has acquired substantial weapons of mass destruction is difficult to reconcile with previous UN reports that showed that up to December 1998 Iraq's WMD programme had been effectively neutralised. Given the scope of UN sanctions against Iraq it is unlikely that Iraq has been able to redevelop its WMD programme. In a letter to the Roman Catholic Bishop of Leeds, the Rt Rev David Konstant, in November 2000, Peter Hain, the 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".³¹ From this perspective sanctions have effectively restrained Iraq's capacity for military expansion. Some commentators have suggested that to now argue that the policy of containment has not worked is admission that the last eleven years of sanctions amounts to "an impressive policy failure".³²

Building an international coalition against Iraq will prove considerably harder to achieve than the coalition building exercise over Afghanistan. Germany, France and Russia have already opposed any military attack, while Italy and Spain have reserved their position until details become clearer.³³ This division means that the EU lacks a common position over Iraq. Most members believe that though Iraq must comply with UN Security Council Resolutions, the USA is wrong to think that the Afghan success can be duplicated in Iraq. Even those European countries, like Spain and Italy, who might support military action, are disturbed by the trend towards US unilateralism.³⁴ Concern also exists as to the impact that military action will have on wider regional stability in the Middle East, especially at a time when events in Israel/Palestine appear to have worsened

Many Middle Eastern countries have expressed similar concerns, but it is possible that Arab support for military action could be secured by US promises of mediating the Israel/Palestine conflict.³⁵ However, 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. Although many sheikhdoms in the region remain dependent on the USA's security guarantees, their populations have become increasingly hostile to the US presence in the region. This explains why Saudi Arabia refused to provide military bases for the US in its campaign against Afghanistan. Although there is little love lost between Iraq and its neighbours the spectre of Iraq fracturing along ethnic or religious lines into three separate

²⁹ Richard Norton-Taylor, "Britain and US Prepare Public For Iraq Strikes", *The Guardian*, 6 March 2002, p. 2.

³⁰ Philip Webster, "Bush Targets Iraq for Phase Two", *The Times*, 12 March 2002, p. 4.

³¹ *Letter from Minister of State Peter Hain to the Rt Revd David Konstant*, 16 November 2000.

³² Jackie Ashley, "Support for a US Assault on Iraq Could Rip Labour Apart", *The Guardian*, 27 February 2002, p. 20.

³³ John Hooper, "Britain Isolated Over Iraq War Threat", *The Guardian*, 16 March 2002, p. 1.

³⁴ James Bone, "US May Take Unilateral Action Against Saddam", *The Times*, 8 March 2002, p. 19. Richard Norton-Taylor, "US Prepared to Go it Alone, Allies Warned", *The Guardian*, 4 February 2002, p. 12.

³⁵ Julian Borger, "Envoy's Role Linked to Arab Backing on Iraq", *The Guardian*, 9 March 2002, p. 4.

statelets (Sunni, Shiite, and Kurd) raises concerns that military action could lead to fragmentation so destabilising the region.

The Prime Minister will also find it difficult to foster national support for any UK involvement in a US backed campaign against Iraq. Over one hundred and thirty MPs have signed a House of Commons Motion opposing a war in Iraq. In addition, the Cabinet also appears divided as to the most appropriate course of action.³⁶ UK civil society has played an active role in drawing attention to the humanitarian situation in Iraq and there are already signs that this mass of opinion is being mobilised against any UK participation in a US backed campaign. The threat of increased fuel prices runs the risk of igniting a further fuel protest. The case has not been helped by the anti-American sentiment that has risen over President Bush's decision to impose tariffs on steel imports. This action comes on top of the perceived move towards US unilateralism on important domestic issues such as Kyoto. The alleged ill treatment of Al-Qaida prisoners in Cuba has undermined some of the international good will that the US was able to generate immediately following 11th September. The media remain unconvinced by the evidence presented to date and have accused the Prime Minister of aligning the UK too closely with the USA. Other criticisms have included the accusation that the Prime Minister is focusing too heavily on international issues at the expense of the domestic agenda.

5. The Church of England and Iraq

(i) Past Concerns

In recent years 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.³⁷ The resulting General Synod motion encouraged the Government to introduce a smarter sanctions regime, which would target Iraq's ruling elite rather than the mass of the population.³⁸ Although humanitarian concerns still persist, the Church of England's Board for Social Responsibility has been encouraged by Security Council Resolutions 1284 and 1382, which appear to signal a more targeted sanctions policy.

These humanitarian concerns have been widely shared by the Church's ecumenical partners. The Catholic Bishops Conference of England and Wales issued a statement in April 1999 which pressed for continued monitoring and control of Iraq's military capacity while urging that the UN's comprehensive sanctions regime be brought to an end as quickly as possible. The United Reformed Church through its July 1999 Assembly passed a Resolution supporting a fundamental revision of UN sanctions. These voices added themselves to earlier ones - from the Quakers in 1991 and the Church of Scotland in 1992 and 1995. The 1995 statement by the Church of Scotland called for a progressive

³⁶ Philip Webster, "Ministers Step Back from the New War on Iraq", *The Times*, 8 March 2002, p. 4.

³⁷ General Synod, *Iraq: A Decade of Sanctions. A Report by the Board for Social Responsibility*, GS1403, November 2000.

³⁸ See Annex 4

reduction of sanctions targeted at the relief of those in Iraq who had suffered most. On 19 June 2000 a high level CTBI delegation, comprising a number of its Presidents, met with Foreign Office Minister Peter Hain to emphasise these issues. Despite the progress made by Resolution 1284 and 1382 humanitarian worries persist. This was clearly documented by a CARITAS report following a ten-day visit to Iraq in January 2001.³⁹

(ii) The Threat of Military Action

The threat of renewed military action against Iraq raises a number of questions that can usefully be addressed through the tradition of moral thinking associated with the idea of 'just war'. Despite its limitations, just war thinking seeks to establish the principles, criteria and rules that would enable Christians to make a judgement as to whether a particular use of force is morally acceptable or even desirable. 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.

In its modern form *jus ad bellum* raises two questions: proper authority and right intent. It is difficult to see how either of these have been met in the case of Iraq. No explicit UN Security Council Resolution currently exists that would legitimate military action and it is difficult given the lack of international consensus to see how this could be achieved. However, the Parliamentary Under-Secretary of State, Ben Bradshaw, in a House of Commons debate on Iraq (6 March 2002) gave an indication as to how the Government would escape this dilemma. "My hon. Friend questioned whether there would be any legal base in the hypothetical circumstances that there is military action. The legal view, with which I have some sympathy, is that Iraq is in flagrant breach, not just of United Nations Resolutions, but of the cease-fire agreement that it entered into at the end of the Gulf war, which makes that cease-fire no longer valid".⁴⁰ While it is important not to fall into the trap of arguing that only those military actions explicitly sanctioned by the UN Security Council are legitimate, it would be wrong to argue that UN Security Council Resolutions currently provide the authority for military action to remove Saddam Hussein. The Government's legal reading is based on the argument that Iraq has failed to comply with Resolution 687. This would be a very strict legal reading, which fails to acknowledge the progress that Iraq has made in meeting some of the Resolution's provisions. Arguably, any legal position should be made by the appropriate UN bodies rather being done unilaterally by the USA or the UK.

This legal view can also be challenged on the grounds of just intent. If the aim of military action is to force Iraq to comply with UN weapons inspectors then it is arguable that this is best achieved through recent UN Security Council Resolutions rather than military action. Having exhausted considerable diplomatic energy securing Resolution 1382, the international community should focus efforts on implementing this Resolution rather than prejudicing the effectiveness of the Resolution through a hasty recourse to military action. This is certainly the approach taken by the UN Secretary General who has pressed for a diplomatic solution to the current impasse.⁴¹ Although it is important not to understate the potential threat posed by Iraq, no convincing evidence has been presented to support the argument that Iraq is rebuilding its WMD programme or that Iraq poses an immediate threat to regional or international security. Instead the arguments put forward in favour of

³⁹ CARITAS, *Sanctions Against Iraq: A Nation Held Hostage*, 5 February 2001.

⁴⁰ *House of Commons Official Report, Parliamentary Debates, Wednesday 6 March 2002*, Vol. 381, 87WH

⁴¹ Carola Hoyos, "Annan Seeks More Time on US-Iraq Stalemate", *The Financial Times*, 8 March 2002, p. 4.

military action reflect the priorities of American foreign policy. This would be difficult to square with the Government's interpretation of the legal position. Any such attack could be perceived as the "cruel thirst for vengeance".⁴²

It is also important to consider the *jus in bello* concerns such as a realistic chance of success, proportionality and civilian casualties. While details of any military campaign remain 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 and Afghanistan have relied on the combination of heavy air bombardment in support of opposition groups on the ground. The absence of a recognisable opposition means that such a strategy would prove immeasurably harder to achieve in Iraq.

The efficacy of such a military strategy would also be in doubt. The experience of Afghanistan and Kosovo has shown that aerial bombardments targeted the country's economic and industrial infrastructure as well as military targets. It is worth remembering that this 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."⁴³ 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".⁴⁴ Eleven 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 a deterioration in the living conditions of the average Iraqi.

Little international consideration appears to have been given to any post war settlement that might emerge following military action. If the genuine end 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. In light of Afghanistan (and more so, Somalia), however, the perception exists that the USA has very little interest in engaging in nation building following any post conflict situation. Without 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 post war settlement, then the present policy of containment might be preferable to the risks and uncertainty of military action.

⁴² James Turner Johnson, *Morality and Contemporary Warfare*, London, 1999, p. 49.

⁴³ Ramsey Clark, *Challenge to Genocide: Let Iraq Live*, International Action Centre, 1998.

⁴⁴ 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.

(iii) Inter faith Considerations

In the aftermath of the September 11th attacks 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 country. 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 prominent in anti-war protests.

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. An attack on another Muslim country - particularly one with no proven link to the September 11th atrocities - would be taken by many as evidence of an in-built hostility to the Islamic world. 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. 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 the whole nation.

6. Conclusion

After more than 11 years of coercive diplomacy the regime in Baghdad appears to be as strong, or indeed stronger, than at any time since the Gulf War, while the post-1991 stalemate has enforced dramatic and widespread suffering on the people of Iraq through no fault of their own. Iraqi foreign policy is rational and is clearly 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. If the international community is serious about disarmament, then it has to offer the Iraqi Government the lifting of sanctions in return for letting the weapons inspectors back in: anything less will not be enough to bring Iraq to the table. However unpalatable this may be to those in Washington and elsewhere, it is the only way progress can be made in the present circumstances.

ANNEX 1
IRAQ, SECURITY COUNCIL RESOLUTIONS

Resolution	Action
661	6 August 1990 <ul style="list-style-type: none">▪ Imposed comprehensive sanctions▪ Created sanctions committee▪ Banned all trade▪ Imposed oil and arms embargo▪ Suspended international flights▪ Froze Iraqi government financial assets/prohibited financial transactions
678	29 November 1990 <ul style="list-style-type: none">▪ Authorised member states to liberate Kuwait▪ Gave Iraq 'pause of goodwill' to comply with UN demands
687	3 April 1991 <ul style="list-style-type: none">▪ Established terms of cease-fire▪ Established set of eight specific conditions for the lifting of sanctions
706	15 August 1991 <ul style="list-style-type: none">▪ Authorised oil for food program▪ Permitted sale of up to \$1.6 billion in Iraqi oil over six-month period▪ Directed that proceeds be deposited in UN escrow account to finance humanitarian imports and war reparations
712	19 September 1991 <ul style="list-style-type: none">▪ Established basic structure for oil food program implementation▪ Iraq rejected resolutions 706 and 712
778	October 1992 <ul style="list-style-type: none">▪ Called on member states to transfer Iraqi oil funds from pre-Gulf crisis to UN escrow account
986	14 April 1995 <ul style="list-style-type: none">▪ Established a new formula for oil for food▪ Permitted sale of up to \$1 billion in Iraqi oil every three months▪ Gave Baghdad primary responsibility for distribution of humanitarian goods▪ Came into force in December 1996
1111	June 1997 <ul style="list-style-type: none">▪ Extended oil for food programme▪ Baghdad withheld distribution plans and oil sales
1153	20 February 1998 <ul style="list-style-type: none">▪ Extended oil for food programme again▪ Raised oil sales to \$5.25 billion every six months

- Permitted revenues to finance urgent development needs (electricity sector)

1284

17 December 1999

- Established new UN Monitoring, Verification and Inspection Commission (UNMOVIC)
- Outlined procedures for completion of weapons verification process
- Expanded humanitarian provision
- Declared Council's intention to suspend sanctions for renewable 120-days periods if Iraq co-operated with UNMOVIC and IAEA

1382

29 November 2001

- Reiterated procedures for completion of weapons verification process
- Establishes a Goods Review List for controls on military and WMD-related goods.
- To takes effect from the next "oil for food" phase beginning on 30 May 2002.

Source: David Cortright and George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, International Peace Academy, 2000.

ANNEX 2
CONFLICT WITH IRAQ

August 1990	Iraq invades Kuwait. Sanctions imposed by the UN.
January 1991	Gulf War starts.
February 1991	Liberation of Kuwait.
1992	Coalition establishes no-fly zone in southern Iraq.
August 1993	USA launches cruise missiles on Iraqi intelligence HQ.
1994	Iraq recognises Kuwait's borders and independence.
April 1995	UN allows partial resumption of Iraq's oil exports to buy food and medicine. Iraq does not accept arrangement until May 1996. It is not implemented until December 1996.
October 1995	Saddam Hussein wins referendum to remain President for another seven years.
1996	Iraq attacks Kurdish population. USA extends southern no-fly zone.
1998	Iraq stops co-operating with the UN in the clearance of weapons of mass destruction. UN staff evacuated. The USA and UK begin Operation Desert Fox to destroy Iraq's weapons programmes.
August 2000	Baghdad's airport reopens. Air links resumed with Russia, Ireland and Middle East countries.
2000	Iraq temporarily halts oil exports after UN rejects request that buyers pay 50 cent per barrel surcharge into bank account not controlled by UN.
February 2001	USA and UK bomb Iraq to disable its air defence system.
January 2002	Iraq becomes the scene for the next stage in the West's War on Terror. Iraq invites a UN human rights expert to visit for the first time since envoys were banned in 1992.

Source: The Times, 4 March 2002

SCORECARD OF IRAQI COMPLIANCE WITH RESOLUTION 687

Conditions of UNSCR 687	Compliance Status	Comments
Recognition of Kuwaiti territorial integrity and newly demarcated border	Yes	November 1994 recognition of Kuwaiti sovereignty and borders
Acceptance of demilitarised zone	Yes	Established soon after end of Gulf War
Ongoing monitoring and dismantlement of ballistic missile, chemical, and biological weapons of mass destruction	Partly yes	Acceptance of permanent monitoring in November 1993; much progress by UNSOM on ballistic missiles and chemical weapons; unanswered questions remain on biological capabilities and other issues
Elimination of nuclear weapons	Yes	IAEA certifies that no nuclear weapons capabilities remain
Return of stolen property	Partly yes	Some state property returned; military equipment and private assets stolen
Acceptance of war damage liability	Partly yes	No formal admission of responsibility, but acceptance of Resolution 986 provides for compensation fund, which has paid war damages
Repatriation of missing person source	Partly yes	Many prisoners returned, but several hundred Kuwaitis remain missing
Renunciation of terrorism	No	No formal pledge, but no evidence of actual Iraqi support for international terrorist acts

Source: Based on Eric Hoskins, "The Humanitarian Impact of Sanctions and War in Iraq", in Thomas G. Weiss ed., *Political Gain and Civilian pain: Humanitarian Impacts of Economic Sanctions*, (Lanham Md.: Rowman and Littlefield, 1997)

ANNEX 4
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.