

## **WHO'S AFRAID OF SADDAM HUSSEIN?**

George Herbert Walker Bush, the 41st President of the United States of America, was delighted when one of his sons, George "Dubya", was elected 43rd President - for reasons of family pride, of course. An impressive achievement it is indeed for two successive generations of the same family to provide the leadership of the world's most powerful nation, - "hyperpower" as some might call it.

Whether the election of "Dubya" was the outcome of due democratic process or not is a point we shall leave aside here. Much ink has been spilled on this topic, and by now the matter is a thing of the past, though its relevance is not entirely academic.

### ***FROM FATHER TO SON***

At the time of Bush junior's election, some commentators went beyond "family pride" and did not hesitate to speak of unfinished business." If we are indeed to talk of "unfinished business", the toppling of the ruler of Iraq, Saddam Hussein, must be high up on the list. After all, despite the much-vaunted "success" of the Gulf War, the father singularly failed to deal with this piece of business. Saddam Hussein is still the leader of Iraq. And he even made one, unsuccessful, assassination attempt on the life of the, by that time former, President Bush senior.

The notion of continuity, implied in the phrase "unfinished business", is further reinforced by a glance at the present Bush administration. Dick Cheney, current Vice President, was Secretary of Defense under former President Bush. As such he presided over two major military campaigns, Operation Just Cause in Panama and Operation Desert Storm in Iraq and Kuwait. The present Secretary of State, Colin Powell, was Chairman of the Joint Chiefs of Staff, the highest military position in the Department of Defense under Bush father and, during that time, he oversaw 28 crises, including Operation Desert Storm - in what he himself has described as "the victorious 1991 Persian Gulf war."

A further thread linking Bush and Cheney with Iraq is oil. The world oil markets present a subject of considerable intricacy and cannot be fully explored in this paper. Nonetheless, many people hold the view that oil, that fossil energy lying in various deposits around the world, and especially in Saudi Arabia and Iraq, is the real key to world politics in general, and to those of the Middle East in particular.

## ***IT'S HARD TO GO TO WAR***

On the other hand, no national leader of a self-declared democratic country can afford to embark upon war lightly - and, even less so, unilaterally. The political cost of precipitate action and, above all, the cost of failure are too great, when looked at from the standpoint of domestic politics or from the standpoint of international politics. After all the Democrats are, or should be, waiting in the wings for their chance to pounce and so no doubt are anti-American states all over the world.

This means that many factors must be carefully weighed: the attitude of public opinion and the media; the stance adopted by the House of Representatives and the Senate; the likelihood of victory or defeat; the cost in human lives on the "home" side (given the importance attached since the Vietnam war to the so-called concept of the "body count"). The President must also assess potential losses on the "enemy" side, among the civilian population, since the loss of civilian lives has rightly become a highly sensitive issue.

Not only that, the President must also attempt to calculate the economic cost, however big the overall national budget may be.

And, in addition to these issues - which can be termed "domestic" = the readiness of allies to join the war is a very real consideration. Does the United States really want to go it alone? Can it afford to do so? And, if it does, what are the possible consequences?

Furthermore, and very importantly, there is the matter of the likely aftermath of war - the configuration of the region and of the world after the war, in either case - whether or not the victory is won, that is.

Finally there of course the issue of the impact a unilateral declaration of war would have on the entire structure of international law and international relations.

## **THE PERSIAN GULF WAR**

General Schwarzkopf, the theater commander of Operation Desert Storm during the Gulf War, made the following statement in testimony before a Senate committee:

"In planning our military campaign against Iraq six years ago, said the General (this statement was made in 1997) we, focused on our enemy's strengths and weaknesses. The one area in which they far exceeded our capabilities was in chemical and biological warfare. We knew that they had a very large stockpile of chemical weapons and had embarked upon a program to develop biological weapons. Further, they had demonstrated their willingness to use such weapons both in the war against Iran and in campaigns against the Kurdish population in Northern Iraq."

Clearly, the United States was well aware that Iraq possessed chemical and biological weapons at that time. The existence and development of chemical and biological weapons - plus the development of a nuclear capability, which may now already exist - is now perhaps the most cogent reason advanced in support of dealing with Saddam Hussein once and for all. Incidentally, it is not usually mentioned in this context that the United States was a principal supplier of anthrax to Iraq at the time of the Iran/Iraq war.

## **TO GO TO WAR...**

In discussing the eventuality of going to war we cannot - except at our peril - continue, so the argument goes, to tolerate the build up of weapons of mass destruction in the hands of an unscrupulous dictator bent on some kind of regional hegemony. Ultimately, possession of these weapons will lead to an unstoppable domination of the whole region and might in the long run - and perhaps even in the short run - enable the Iraqi leader to hold the entire world to ransom. Since it is impossible for the United States to countenance such a prospect, the only reasonable reaction is to act now, before it's too late and thus nip the threat in the bud. Here we cannot help but remember perhaps Chamberlain, the British pre-Second-World-War Prime Minister, and his efforts to "appease" Adolf Hitler on the eve of the Second World War. Appeasement, we should learn from this, not only does not work; it is positively foolhardy.

Given the course of events at the end of the Gulf War and since, this argument may appear slightly lame. One is forced to recognize that the "threat", when posed in these terms, is not a new one. This is indicated, inter alia, by General Schwarzkopf's testimony before a Senate committee, which I have just quoted. Moreover, there is evidence that the United States had numerous warnings and numerous opportunities in the past to deal with this situation, but did not do so.

General Schwarzkopf's primary concern at that time, for example, was clearly to ward off the possible use of chemical and biological weapons against his own troops, in the battle theater for which he was directly responsible. He was apparently not especially alarmed at, and did not give any obvious attention to, the potential threat posed by Saddam Hussein's weaponry in a broader context and in the longer term.

Nor, so it seems, did the civilian leadership of the United States, the administration of the former President Bush, show concern for the broader context at that time. On the contrary, in

the opinion of at least one well-informed commentator, Eliot Cohen in a recently published book "Supreme Command" (four copies of which were ordered by the White House as soon as it came out). [I QUOTE] "[T]he tale of the Gulf War and its aftermath is ... in large part one of abdication of authority by the civilian leadership." [END OF QUOTE] The handling of the negotiations after the premature cessation of hostilities was, astonishingly enough, left almost entirely in the hands of Schwarzkopf and - again in the words of Eliot Cohen - [I QUOTE] "he (Schwarzkopf) concluded a relatively generous settlement with his Iraqi interlocutor" and even "permitted the Iraqis the use of helicopters, which proved invaluable in their (the Iraqi military's) suppression of the Shiite uprisings against Saddam's regime." [END OF QUOTE]

Clearly, therefore, the immediate outcome of the Gulf War, even though it did achieve its most obvious objective - the withdrawal of Iraqi forces from Kuwait - still left the power of Saddam Hussein intact, and left the Iraqi leader in possession of the wherewithal to regroup and prepare to fight again.

In this sense, therefore, one might with some cogency argue that the present situation is a direct result of US foreign policy at the time of the Gulf War and, in particular, of US incapacity to carry the war through to a satisfactory conclusion.

## ***OR NOT TO GO TO WAR...***

In discussing the second hypothesis - that of not going to war - the world is rife with terrorism - so one of the counter-arguments runs - and therefore any attempt to oust Saddam Hussein is fraught with the danger of uncontrollable outbreaks of terrorist attacks of an increasingly devastating kind, committed above all in the developed world, and perhaps especially on the soil of the United States itself.

At this point, perhaps, before going more deeply into an analysis of the pros and cons of war, it might be interesting to look back over the historical past.

## **SADDAM HUSSEIN – WHO IS HE?**

First of all, who exactly is Saddam Hussein? In a few words. Saddam Hussein was born on the outskirts of the town of Tikrit north of Baghdad in 1937. His name, curiously enough (though this is a matter of pure coincidence) means "one who confronts." Saddam is said to have come from a very poor family. In 1955 he moved from his birthplace to Baghdad to further his education. Eventually he entered political life, joined the Arab Ba'ath Socialist Party, and, after being involved in an unsuccessful attempt to assassinate the man -who had himself engineered the successful coup against the Iraqi royal family - Brigadier Abdul Karim Qasim, Saddam fled to Egypt, where studied law. In 1963 the Arab Ba'ath Socialist Party staged another coup d'etat - this time a successful one; Saddam Hussein returned from Egypt and in due course became Assistant General Secretary of the Ba'ath Party, which he soon came to dominate. The Ba'ath Party is a secular political party.

Saddam Hussein has two sons by his cousin, whom he married in 1963. By all accounts the first son, Udai, developed a reputation as a womanizer and a murderer; he can thus be discounted in terms of the political future of Iraq. The second son, Qusay, on the other hand, is apparently being groomed as Saddam's successor.

Saddam Hussein became President of Iraq in 1978 and soon afterwards, in 1980, he led his country into a prolonged and, as it turned out, devastating war with neighbouring Iran, a war which lasted for eight years and took an enormous toll in human lives, including the lives of children who took up arms.

Many observers believe Saddam Hussein's decision to invade Iran was a personal miscalculation; based on two things: the first was ambition, and the second, a sense of vulnerability. By the time of the war, Saddam Hussein had already made significant strides

in forging an Iraqi nation-state. He appears to have feared that Iran's new revolutionary leadership would threaten the delicate balance in Iraq between Sunni and Shi'a Muslims and that the new Iran of Khomeini would exploit Iraq's weaknesses on the strategic plain, which included minimal access to the Persian (or Arabian) Gulf.

The decision to invade Iran was not with historical precedent: indeed, the ancient rulers of Mesopotamia, also fearing internal strife and foreign conquest, engaged in frequent battles with the peoples of the highlands, that is to say, the land of present-day Iran.

## **WHAT IS IRAQ?**

Much of the history of this part of the world is perhaps not directly relevant to the current geopolitical situation. Even so, it may be of some interest to look back a bit. We can do this in fairly short order.

Essentially the Iraq of the present day occupies that part of the world known from ancient times as Mesopotamia. The word Mesopotamia originates from the Greek and means "between the rivers." The two rivers in question are the Tigris in the West and the Euphrates in the East. Both of these rivers rise in Turkey and ultimately flow out into the Persian (or Arabian) Gulf. Iraq lies where Babylon once flourished. It is the seat of one of the oldest of the world's civilizations.

Long after the Babylonians - when Islam began to spread from its original home in Saudi Arabia - the people of the Abassid Caliphate became the rulers of Iraq.

Muslims believe that the Prophet Mohammed was the last of the ancient monotheistic prophets and that he passed on the wisdom of God.

Among other things, for Muslims, Iraq is the geographical home of a highly significant place - Kербala - situated about 50 miles or

80 kilometers southwest of Baghdad. Since 1737 Kerbala has been the main center of Shi'a scholarship and it is one of the major Islamic places of pilgrimage. In June 2001, for example, more than four million pilgrims converged on the town of Kerbala.

The year AD 680 was the truly significant date in Muslim history. It is the date of the Battle of Kerbala, a momentous conflict for all Muslims in that it gave rise to a fundamental schism among the faithful, between the Sunni and the Shi'a.

The Sunni-Shi'a schism occurred due to differences over the leadership of the Islamic community after the death of the Prophet Mohammed in AD 632. The schism is between the Shi'a, on the one hand, namely, those who believe that the Prophet's successor should be an elected member of the Prophet's tribe, the Quaraysh; and, on the other hand, the Sunni, that is to say, those who believe that the succession should remain within the family of the Prophet in a direct line of descent from the Prophet's son-in-law, Ali ibn Abu Talib. At the massacre, which happened in AD 680, Hussein, the son of Ali was killed, and the event changed the course of Islamic history, permanently dividing the Muslim world.

Statistically, out of a total global population of about one billion Muslims in 1998, between fifteen and twenty percent were Shi'a. In Iraq, however, the Shi'a form some sixty-five per cent of the total population.

## ***SINCE THE GULF WAR***

Now - leaving religion and ancient history behind - let's take a look at the events in Iraq since the end of the Persian Gulf War. We should remember that the Gulf War was fought by Bush, the father, who brought together an international coalition around the primary aim of expelling Iraqi troops from the neighbouring state of Kuwait. The motive therefore was to uphold the territorial integrity of another state, itself a member of the United Nations.

That, at least, is the official version. Another example of another version came, at the time and in somewhat inarticulate language, from a certain John Houston of Akron, New York. This is what Mr. Houston said:

"the only reason the us went over there was for the oil,they could care less about the iniscent people that sadan huesian was harasing.and that is kind of scary.Also i think that the us shouldnt have left untill they assassinated sadam h."

It is perhaps important to realize that war may seem like one of those events that tend to happen at different points in history and for a variety of reasons, genuine or not, but for people who in one way or another become directly involved it may have lasting consequences. The book Poetry of Pain is an illustration of this fact.

[http://www.gulfweb.org/doc\\_show.cfm?ID=757](http://www.gulfweb.org/doc_show.cfm?ID=757)

For Iraq, the period since the War can, for the purposes of this paper, be summed up in a few evocative terms, such as UNSCOM, UNMOVIC, no-fly zones, sanctions, weapons inspectors, and so on and so forth, and the basic aim of all these activities can perhaps be described as so many attempts at more or less successful "containment" of the Iraqi regime.

## **UNSCOM**

UNSCOM, which means "The United Nations Special Commission" was set up to implement the non-nuclear provisions of the Resolution and to assist the International Atomic Energy Agency (IAEA) in the nuclear areas.

By its resolution 687 of 3 April 1991, the United Nations Security Council established the terms and conditions for the formal cease-fire between Iraq, on the one hand, and the coalition of Member States co-operating with Kuwait, on the other. Section C of the resolution called for the elimination, under international supervision, of Iraq's weapons of mass

destruction and ballistic missiles with a range greater than 150 kilometres, together with related items and production facilities. Resolution 687 also called for measures to ensure that the acquisition and production of prohibited items were not resumed

## **UNMOVIC**

UNMOVIC means "United Nations Monitoring, Verification and Inspection Commission." UNMOVIC was created through the adoption of Security Council Resolution 1284 of 17 December 1999. It was set up to replace the former UN Special Commission (UNSCOM) and it was intended to continue with the former UNSCOM mandate to disarm Iraq of its weapons of mass destruction (chemical, biological weapons and missiles with a range of more than 150 kilometres), and to operate a system of ongoing monitoring and verification to check Iraq's compliance with its obligations not to reacquire the same weapons prohibited to it by the Security Council. This ongoing monitoring and verification is what we usually refer to as the UN weapons inspectors.

## **SANCTIONS**

Let us turn now to sanctions. According to the Iraqi Minister of Health, Oumid Medhat Mubarak, in a statement to the Iraqi News Agency in January 1999, more than 1.8 million Iraqis had died since 1990 because of the Gulf War and the embargo imposed on Iraq. The Minister said that 1,873,464 Iraqis had died as a consequence of the armed conflict, the embargo and the military strikes against Iraq. The casualties among children below five were said to amount to 428,920. The infant mortality rate had gone up almost four fold, from 24 per thousand in 1990 to 98 per thousand at present. He claimed that, at that time, some 8,600 children above five were dying every month whereas, before the Gulf War, the number had not exceeded 1,600.

We must of course take these figures for what they are worth, remembering that they are official figures from a regime that would like to see an end to sanctions as soon as possible. But we

can suppose that there is some degree of credibility in the figures.

There is, in fact, ample independent confirmation of the view that sanctions regimes and embargos tend to hurt the wrong people. They are directed at regimes, whereas their victims are usually the civilian population. They do not topple regimes, but they do very extensive harm to people we must regard as innocent.

This has led to much questioning of Iraqi sanctions, - not to mention the more general questioning of sanctions, wherever they are imposed

And it is this kind of questioning that has led to compromises - such as - in the case of Iraq - the so-called Oil-for-Food programme.

What was the Oil for Food programme? It was a deal, authorized under Security Council Resolution 986 of May 1996. According to the terms of that Resolution, Iraq was allowed to export oil up to a value of two billion dollars every six months to allow it to import food and medicine. The amount of two billion dollars was increased to five point two billion in 1998.

Russia, China and France oppose the imposition of sanctions; the United States and Great Britain favour them.

## **NO-FLY ZONES**

Two no-fly zones are in existence over Iraq, one south of the 33<sup>rd</sup> parallel and the other north of the 36<sup>th</sup> parallel. These two no-fly zones were imposed by the US, Britain and France after the Gulf War, in what was described as a humanitarian effort to protect Shi'a Muslims in the south and Kurds in the north from massacres by the regime of Saddam Hussein. They are not the outcome of any UN Security Council resolution. Under international law they therefore constitute an infringement of Iraqi sovereignty. Nevertheless, it is a fact that Saddam Hussein has massacred large numbers of the Kurdish minority population in

his territory and it seems at least possible that if the no-fly zones did not exist, such massacres against the Kurds and the Shi'a in the south might be repeated. At the same time, it must be reiterated that, unlike the military campaign to expel Iraqi forces from Kuwait - the Gulf War - and the presence of United Nations weapons inspectors under UNMOVIC, the no-fly zones were not instituted by, and have not been sanctioned by, any UN Security Council resolution.

In 1998 Iraq announced that it would fire on U.S. and British warplanes patrolling the no-fly zones. The then Iraqi Vice President Taha Yassin Ramadan told Qatar's Al-Jazeera television that Iraq would not accept the flights of U.S. and British aircraft in the zones over northern and southern Iraq.

The Vice President is quoted as having stated at that time:  
[QUOTE] "We say frankly now that any violation of Iraqi airspace will be met by Iraqi fire." [END OF QUOTE]

This has in fact been the case on a number of occasions.

CAABU (The Council for the Advancement of Arab-British Understanding) offers the following view of no-fly zones in the wake of missile attacks launched by US and UK forces against Iraqi "command and control centres" to the south of Baghdad on 16 February 2001, which were described at that time as "routine" enforcement of the no-fly zones, justified on grounds of "self-defence."

[I QUOTE] "US and UK pilots have the right to defend themselves against attack, but this should not obscure the reality of the No Fly Zones, which operate illegally and with no tangible gains. The brutality of Saddam Hussein's regime is not in question. What is, however, the dubious contribution made by the No Fly Zones to limiting this brutality and to ensuring a more secure future for the people of Iraq?"

"Operating north of the 36th parallel and south of the 33rd, the northern and southern No Fly Zones have no justification in international law. They cannot be legitimated with reference to any UN resolution and inferences to the contrary serve only to undermine the credibility and influence of actual UN resolutions throughout the Middle East. With no basis in international law, the No Fly Zones and military operations undertaken by the US and UK governments to enforce them are illegal. . . . The No Fly Zones are also ineffective . . . There is ample evidence to demonstrate . . . that human rights abuses committed by the Government of Iraq have continued unabated on the ground throughout the ten years in which the No Fly Zones have been in operation. Indeed, despite the claim made as recently as 26 February (2001) by (British) Defence Secretary, Geoff Hoon, that the No Fly Zones are necessary for the protection of Iraq's civilian population, the fact remains that the No Fly Zones only prevent the use of air power by Iraqi forces. Offensive actions by US and UK pilots have consistently been linked to infringements of the No Fly Zones themselves, rather than to humanitarian abuses against Iraqi civilians, while violations of UN Security Council Resolution 688 have been routinely reported but rarely prevented or checked. The No Fly Zones, therefore, are not only failing, but not even attempting to protect the civilian populations of northern and southern Iraq from ground attack." [END OF QUOTE]

This is an extensive quotation and I give it simply because it serves to show that there is considerable controversy over the reasons for, and the effectiveness of, no-fly zones.

## ***THE INTERNATIONAL SITUATION***

It is perhaps at least worth remembering that this present debate over Iraq - to go to war or not to go to war - is in one sense off the point. It is off the point, we might say, to the extent that it is not obviously a part of the war the US is already engaged in, except insofar as one must recognize that Saddam

Hussein is giving support to Palestian suicide, or homicide, bombers who commit acts of terror against Israel. After all, the United States is at present engaged in a so-called war on terror. This war on terror was sparked off by one recent event, namely the famous September Eleven, the destruction of the twin towers of the World Trade Center in New York, the demolition of a part of the Pentagon, the center of US military power, and the crashing of another airliner in Pennsylvania, a plane that was presumably heading for some other important strategic target, such as the Capitol.

September Eleventh - or Nine Eleven - has left an apparently indelible imprint on the minds of US citizens - at least, if we are to judge by media coverage. Some claim that there has been more media coverage of the anniversary of Nine Eleven than of any other single event in history. The loss of life was no greater - and in point of fact considerably less - than that caused by other events. Be that as it may, the crucial point for the US is that it was devastating and that it happened on American soil.

That is what makes the event so hard to digest. That is what led the present US President, Mr. Bush junior, to declare war on terrorism. And later, in the President's State of the Union address, to refer to an "axis of evil" composed of those states that chose to harbour terrorists. The states assigned to the so-called "axis of evil" were mentioned by name in the address as being North Korea, Iraq and Iran. Unfortunately, however, since then, no tangible and irrefutable evidence of a link between those states and the terrorists who carried out the attack on US soil has been revealed. On the other hand, we have clear evidence of a connection between the Al Qaeda terrorists and such states as Saudi Arabia, Afghanistan and Pakistan, to mention only those.

That does not of course mean that Iraq, for example, has not violated international law. The massacre of Kurds on a large scale using chemical weapons was undoubtedly a violation of the 1925 Geneva Convention, and the later incursion into Kuwait was, as we have said, a violation of the principle of national

sovereignty and territoriality, firmly embodied in the same international law and in the United Nations Charter.

## **THE DOMESTIC DEBATE**

Let us even so leave these issues aside for the moment, and return instead to the divisions within the US administration. Basically, two voices have been heard. On one side, there those - we may call them the "hawks" - who are of the view that Saddam Hussein represents a "mortal danger" to the free world (these are the words of the Vice-President) and must therefore be replaced forthwith. Those are the advocates of immediate military intervention.

On the other side, there are those - whom we may call the "doves" - for whom it is inconceivable that the US should take the law literally into its own hands and go for military intervention in the virtually complete absence of allies in the rest of the world. The "doves" also believe it is inconceivable that the US should proceed with complete disregard for the fountainhead of international law itself, namely, the United Nations, and more particularly, the UN Security Council. These "doves" would consequently advocate at least one last stab at action by a hopefully united international community. To the extent that President Bush has decided to address the UN General Assembly, it seems that the "doves" have won this round of the debate.

From the US and UK point of view, the compromise on this score is therefore to return to the Security Council with a proposal to send the UN weapons inspectors back for one last time, with a completely unfettered mandate.

The return of inspectors would now be coupled with a clear deadline for a positive response from Iraq. Failing such positive response, it would then be considered that Iraq was flouting international opinion and did indeed constitute a threat to international peace and security, and this, under the United Nations Charter, would be enough to empower the Security Council

to have recourse to the use of force in pursuance of Chapter Seven of the said Charter.

However, the best laid schemes may somehow misfire. One reason for this is that the adoption of resolutions in the United Nations Security Council is subject to a kind of veto. There are five so-called "permanent" members of the Council: the United States, Russia, China, France and the United Kingdom. There are ten "non-permanent" members who sit on the Council for a limited term. The voting procedure in the Council is such no resolution can be adopted without a majority that necessarily includes all the permanent members. This is known as the veto. The failure of a permanent member of the Council to vote for a resolution is tantamount to a veto and, as such, prevents the resolution from being adopted. If any one of the permanent five is not prepared to vote for a resolution on Iraqi weapons inspectors, therefore, that resolution cannot be adopted. And it would seem that in the present situation both Russia and France might vote against, while China might abstain.

President Chirac of France has declared that any attempt to circumvent the Security Council was unacceptable. This may be a laudable effort to uphold the rule of international law. More recently, President Chirac and Prime Minister Putin of Russia have apparently made it clear that they would not be ready to look favourably on a resolution on Iraq, if tabled in the Security Council by the United States. Their reactions may no doubt be prompted, at least in part, by domestic considerations of their own. In the case of Russia, there is a concern to recover a debt of several billion dollars that Iraq owes it. And there is perhaps also the fact that Iraq, in an obvious attempt to gain supporters in the outside world, recently entered into a cooperation agreement with Russia worth over forty billion dollars.

Significantly, also, there is a singular lack of enthusiasm for the ousting of Saddam Hussein in many, if not most, of the other countries of the Middle East. Among the reasons advanced for this

seeming coolness on their part is the fact that they are far from democratic regimes themselves and they are often not secure in their tenure of power. One need only point to countries normally regarded as "allies" of the United States, such as Saudi Arabia, Jordan and Egypt in this regard. This alleged fact of life in the Middle East would even lead some to advance the argument that it's time to do some general cleaning up in the Middle East, presumptuously sorting things out in the way one feels would be best for everyone. This is probably, in the present circumstances, as unfeasible as it is undesirable.

But these issues are all part of the jigsaw puzzle of international politics. And they are not the only ones we have to bear in mind.

## ***A REMARK ON MEMBERSHIP OF THE UN SECURITY COUNCIL***

We have already discussed some aspects of the voting procedures in the UN Security Council. In this connection, we have pointed to the existence of the five permanent members who still enjoy an effective veto. This state of affairs is worth some additional comment.

In the first place, the present configuration of Security Council membership is an outcome of the immediate aftermath of the Second World War. It reflects the state of the world at that time and, by the same token, it clearly illustrates the initial circumstances under which the United Nations Organization was created. The establishment of the United Nations was an attempt to ensure that the kind of aggression that led to World War II would not occur again. One of the consequences of this is that states that were regarded as the aggressors in that war, Germany, Italy and Japan, have no place among the permanent members of the Council.

By the same token, it is obvious, - among other things in the light of the present economic strength of both Germany and Japan, - that the Security Council no longer reflects the real world as it is today. Not to mention the actual state of the budgets of organizations in the family of the United Nations, to which Japan is one of the largest contributors.

## **LACK OF CREDIBILITY OF THE UN SECURITY COUNCIL**

A second important point is the generally acknowledged ineffectiveness of the Security Council in practice. The fact is that the Security Council has no genuinely efficacious way of the resolutions it adopts. It has no standing army to act as an international police force. It must rely on troops contributed by the so-called troop contributing countries - the TCCs. And this, as members of the Council themselves realize, threatens seriously to undermine the authority of the Security Council itself - and also of the United Nations Organization as a whole. Whenever the Security Council adopts a resolution that is flouted by a state, the authority of the Council is clearly diminished.

In this regard, we can note that the United Nations Security Council has, for example, adopted countless resolutions calling upon Israel to cease its aggression and withdraw its troops, and so on. Not one of those resolutions has been heeded by Israel.

Against this background, therefore, one may well wonder whether there is any real point in having recourse to the UN - this being precisely what President Bush has just done. Likewise one may feel at least some understanding for those US citizens and members of the US administration who say that they are not prepared to sit around playing the "United Nations game," while the lives of US citizens are in jeopardy.

One can similarly understand the feelings of others who feel that international law must be upheld at all costs, since that, after all is the only thing that stands between us and complete anarchy.

We are as a result of all these factors in a difficult dilemma. On the one hand, good sense dictates that we should have recourse to international law. On the other hand, even if a resolution is securely voted through the Security Council, it seems highly probable that Saddam Hussein will not comply with it. And, in realistic terms, there may be very good reasons why he would not comply. And yet - if a resolution is adopted and Saddam does not comply, war appears inevitable and the authority of the United Nations and of international law appears to be in serious jeopardy.

### ***THE CONCLUSION – WHICH IS NOT A CONCLUSION***

It is time to conclude this paper. And the conclusion will inevitably - and deliberately - be an indecisive one. I shall not come down on one side or the other. I shall certainly not venture to say whether there is any rationale for going to war against Iraq. I have simply tried to enumerate some of the very complex issues that arise when this subject is broached. The decision that may eventually have to be taken by the US head of state is certainly not an easy one. The elections are just around the corner. It may be difficult to act in a spirit of great wisdom when so many domestic issues are pressing in. And, at the same time, it seems, at this juncture; as if the United Nations system is being given one last chance to prove its worth. Are we to hope that it will survive, or should it go the way of the League of Nations? That is the question.