

# **Not by Power nor by Might**

*A Christian's Assessment of the War in Iraq*

by  
**William H. Gross**

March 26, 2003

[www.onthewing.org](http://www.onthewing.org)

Table of Contents

Introduction ..... 3  
Summary of the Argument ..... 3  
The Standard of Right and Wrong ..... 4  
The Nature of Law ..... 4  
The Authority of the United Nations ..... 5  
U.N. Resolution 1441 ..... 6  
Inherent Rights and Obligations of Governments ..... 7  
Biblical Standard of Human Rights – Church vs. State ..... 8  
Objections to the War ..... 10  
    *Papal Opposition to the War: It is Illegal.* ..... 10  
    *“Christian” Opposition to the War – It is Racist.* ..... 11  
    *No Blood for Oil – All War is Economic and Territorial* ..... 12  
    *Opposition by France, Germany and Russia* ..... 12  
    *Blix: We Have Not Exhausted our Options* ..... 13  
    *U.S. caused the Problems in Iraq* ..... 14  
The American Objective in Desert Storm ..... 15  
The Needs of the Iraqi People ..... 15  
Just War Doctrine ..... 16  
    *American Justifications for the War with Iraq* ..... 17  
    *Is There a Just Cause?* ..... 19  
        The Nuremberg Paradigm ..... 19  
    *Declared by a proper authority* ..... 21  
    *Possessing the right intention* ..... 22  
    *Having a reasonable chance of success* ..... 22  
    *End is proportional to the means used* ..... 22  
Conclusion: ..... 23  
Appendix 1. U.N. Resolution 1441 ..... 24  
Appendix 2. United Nations Charter Chapter VII ..... 30  
Appendix 3. Preamble to the Covenant on Civil and Political Rights ..... 33  
Appendix 4. Summary of Covenant on Political and Social Rights ..... 34  
Appendix 5. Summation of Prosecution – Nuremberg Trial ..... 35

## Introduction

When America's war against Iraq alienates people at home or abroad, what should American Christians say to them? We need to speak as Christians, and not as Americans. We need to measure what America is doing against God's standards. In other words, we call it as God sees it, without regard to national interests. We do not determine how we feel about it, and then go to the Scripture to justify our feelings afterward. Everything in life is judged by what God has to say, not by how we feel, and not by other allegiances we may have to family or country. And to determine what God's word has to say on a particular matter, we look for principles that glorify God and uphold his law. We are not searching for legalistic rules. We judge ourselves by the standards we find, and we do so before we attempt to judge anyone else by them. These are fundamentals of the Christian faith and the Christian walk. Only someone with clean hands and a pure heart may ascend the hill of the Lord (Ps.23:3,4).

Christ used this approach when dealing with the adulteress who was going to be stoned. What her accusers were doing was according to the letter of the law. The people who gathered around her were exercising their duties as citizens: they were purging the evil from among them. Christ directed them to the spirit of the law, grounded not only in justice but also in mercy. Thus, he tempered the standard of the law by which all men are judged. He asked them to examine themselves in that light. They put down their stones and walked away. Yet, he turned to the woman and said, "Go, and sin no more." He directed her to God's standards of behavior. He asked her to judge herself against those standards and to repent. He didn't need to judge her himself, even though he is the Judge of all the earth (Gen.18:25;Heb.12:23). You see, the comparison is never between us, because none of us is righteous (Ps.14:3;143:2; Rom.3:10,23). The comparison is always between us and God's law (Gal.6:3-5). It is an objective standard. And that's the standard we use to determine the right thing to do.

## Summary of the Argument

### Part I – The Nature of Law

1. A law is not a law if it contains no provisions for enforcement.
2. If a law does have provisions for enforcement, then it must be enforced.
3. Enforcement must be accomplished by an authorized representative of the law-maker.
4. The United Nations is not a government, and it does not have law-making authority.
5. Even so, a covenant exists between the member states of the United Nations.
6. That covenant is a legally binding contract under International Law and biblical standards.
7. Under that covenant, resolutions and conventions do not have the force of law, but they bind member states because the states agree to be bound by them. It is voluntary compliance.
8. Resolution 1441 specifies the conditions under which the 1991 Gulf War cease-fire continues.
9. Those conditions have been violated, thus ending the cease-fire.
10. Member states are already authorized under the original resolutions to enforce their provisions without the need for an additional resolution.
11. The Coalition Forces are member states, and therefore they are authorized to enforce the resolution even if all the members of the Security Council are not willing to participate.

### Part II – The Nature of Government

1. Legal governments are sovereign under International Law and biblical standards.
2. They may not be forcefully overthrown without aggressive action toward other governments, no matter how much the international community opposes or disagrees with their policies.
3. The proper role of a government is to provide for the order, safety, peace, and prosperity of its citizens.
4. Saddam Hussein's regime is not a legal government because it seized power, and because it has consistently failed to meet its responsibilities under international and biblical standards.
5. It is therefore necessary to replace that regime with another as part of the enforcement of 1441.

6. Opposition or lack of will by others is no excuse for inaction in this matter, nor does that negate the contents or requirements of the resolution.

### **Part III – Human Rights**

1. Human rights violations are insufficient to justify war without a pattern of aggression.

### **Part IV – National Right to Self-Defense**

1. The United States was attacked on September 11, 2001.
2. In response, the President of the United States declared war on terrorism because it was not the act of a nation against his country, yet it was no less an act of aggression against them.
3. He effectively declared, and rightfully so, that anyone who harbored or aided those terrorists would be considered a warring faction: war by proxy is no less an act of war.
4. No proof was presented to the United Nations Security Council by the United States that Iraq was directly or indirectly involved in the attack on the United States.
5. What was presented was proof that Iraq had violated its obligations under the cease-fire agreement by associating with known terrorists, and by continuing its terrorist activities within its own borders, against its own people.
6. Therefore the United States and the Coalition Forces are right to enforce resolution 1441.

### **Part V – Just War Doctrine**

## **The Standard of Right and Wrong**

We do not need to make excuses for America. We are Christian apologists, not American apologists. We don't deal with politics, but with truth. God is no respecter of persons, or nations. We identify what is "good" from God's point of view. Then we use it as the only standard by which to judge the behavior of individuals and governments. We encourage people to do what is right in God's sight, even when they encounter political and social opposition, or physical danger. We speak for what is right, at all times, in all places. Paul talks about that in Romans 13:4-7 when he essentially says that the state is a nasty entity, brutal, deadly, and not to be messed with. But it is that kind of entity for a purpose. It is God's purpose, which is to protect the innocent, administer justice, and maintain peace and order. What this implies, and what America is asserting, is that when a government fails in this God-ordained role, it is the right and the obligation of the people to replace that government or ruler with one that will abide by God's will. To the extent this can be done peacefully, that is the path to take. But when we have no mechanism to peacefully replace a government, it must be done by force of arms. And if we have no force of arms available to us, then it must be done by outside intervention on our behalf. This is what is going on in Iraq. The issue is the legality of such an action, or in the absence of legality, the moral imperative for it.

## **The Nature of Law**

One comment about the nature of law generally. The bible is very clear that any law has no force, moral or otherwise, if it does not contain a penalty for its violation, or a means of enforcement when that penalty falls due. When Christ went to the cross, it was to pay the penalty of the law for our transgressions. He never suggested that the penalty was no longer needed, or that we could be pardoned by waiving the penalty. "I did not come to do away with the law, but to uphold it." The law requires two things: obedience, and punishment for non-obedience. Punishment by itself is insufficient to uphold the law. As Christians, we have no salvation and no pardon for our sin, if the righteousness of Christ does not meet the requirements of the law. Justification is not only about his satisfaction of the penalty on the cross. That is the cause of our pardon, not our justification. Justification requires considering us to be perfectly just, righteous, and obedient to the law. Without Christ's actual performance of the requirements of the law, and without imputing that righteousness to us, we have *nothing*. We are not justified by the mere pardon of our sin. And therefore, biblically speaking, if there is no required performance, no

punishment, no penalty, and no enforcement, then there is no law. There is only a suggestion of what might be considered beneficial to us.

## The Authority of the United Nations

We could grant that America intended to pursue its course of action no matter what the U.N. had to say about it once resolution 1441 had passed. That course of action does not violate international law. Indeed, it supports international law. A few points need to be made about the U.N. and its role in the world. Some people mistakenly believe that the U.N. is some kind of world government. It is not that, and it has never been that. It is not in its charter. Besides that, it has repeatedly shown itself unwilling to exercise its duty to oppose evil and maintain peace. This is the obligation of any government. It has competing interests on the part of its participating members that preclude its ability to act in the same manner as a government. It lacks a constitution, and the legal identity that a nation-state would have. Therefore, it has only persuasive authority, not legal authority. It has no standing army, no police force, and no court system. That is because no one is willing to submit to an authority over which it has no control. Nor will nations submit to a standard of justice that may fail to coincide with their own. Notice the titles of the various U.N. standards below. They are protocols, declarations, and conventions, except for the “covenant” on civil and political rights.

- Universal Declaration of Human Rights
- Optional Protocol to the Covenant on Civil and Political Rights
- Covenant on Economic, Social, and Cultural Rights
- Convention Against Torture
- Convention Against Genocide
- The Geneva Conventions
- Convention on the Rights of the Child
- Convention on Elimination of Discrimination Against Women
- Covenant on Civil and Political Rights

A covenant by definition is an agreement, with obligations owed and benefits due to the parties involved, and penalties for breaking the covenant. In its own text, this alleged covenant turns out to be an agreement concerning its principles and nothing more. It carries no obligations other than to strive to unilaterally implement those principles. In other words, it is not a covenant. What is interesting is its assertion that the rights it seeks to uphold are inherent rights, mirroring the text of the Declaration of Independence of the United States. Where they diverge is that the inherent rights in the United States’ version derive from God the Creator. In the U.N. version they derive from the “dignity of the human person.” (See Appendix 2).

The U.N. Charter itself lacks coercive legal authority and penalties for non-compliance. It speaks more of ideals and resolve than anything considered legally binding. In Chapter I, Article 7 is the following statement:

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

And in Chapter VII (see Appendix 1), the enforcement measures are permissive and non-exclusive. The U.N. shall make “recommendations” (article 39) The U.N. “may” take action (article 42), but it doesn’t have to. Any non-members of the Security Council “may” participate in enforcement (article 44), but they don’t have to. That would tend to indicate that members of the Security Council are obligated to participate. However, that is limited as well (article 43, section 3). The entire membership of the Security Council is not required to take action (article 48, section 1). Nothing precludes a member from exercising

its right to self-defense (article 51). Preventive measures are recognized as well as reactive ones (article 50).

The dynamic relationship that normally exists between the governed and their government, ought to be founded on a written standard of behavior and limitations called a constitution. It is a covenantal relationship. This is a fundamental principle of democracy, and of American politics. It is a biblical standard in the sense that the people of Israel were asked to submit to God's authority, and God's chosen leaders. They swore their allegiance. It was a covenantal relationship. Americans believe with all their heart and soul that the state is the servant of the people; and therefore the people have the right to exercise control over their government – and to overthrow bad leaders and bad laws through votes, recalls, and referendums. They believe government has the right and the duty to intervene when a minority is persecuted at the hands of the majority. That requires a series of checks and balances between the legislative, executive, and judicial components of the government to prevent the abuses that inevitably occur when all authority is centralized. This relationship is missing in the very nature of the U.N. It is an international forum and cooperative venture, nothing more. Because Americans have a fond appreciation for the freedoms described, they have little patience with dictators and despots who brutalize their people, and where the mechanism to peacefully replace them is absent.

## **U.N. Resolution 1441**

The U.N. does not have laws. The U.N. has resolutions and subscriptions. What international law we have does not come from the U.N. It is the result of case law, rendered in the courts of sovereign nations, not in the councils of the U.N. To repeat what I said earlier, if there is no penalty, there is no law. If there is no law, there can be no transgression. Conversely, if there is a law, and it carries a penalty, then the law must be enforced, and the penalty exacted.

Therefore, if resolution 1441 is to have any import, meaning, effect, or value, it must be enforced. The U.N. refused to enforce 1441 or any of its preceding resolutions concerning Iraq. Diplomatically, America did everything it could to convince the U.N. to take action on 1441, or at least to authorize America to take action. It refused. France threatened to veto any resolution to enforce it. And that kind of resolution was also steadfastly opposed by Germany, Russia, and a number of other nations. Resolution 1441 was therefore seemingly without legal effect. It is proposed by these nations that it was a request, or that it was a suggestion without effect and without penalty. This opposition to its enforcement arose despite the documented violations of the resolution's "requirements" by Iraq; and despite the presence of unauthorized missiles as uncovered and destroyed by the weapons inspectors. A number of SCUD missiles were launched by Iraq this week that supposedly did not exist. This proves one of two things: either the U.N. lacks legal authority because it refuses to enforce its resolutions, or its provision for "serious" consequences places a legal restraint on the nation of Iraq. The resolution gives the U.N. the right to search for, identify, and destroy any such weapons. Iraq subscribed to this resolution. Therefore, it is enforceable by the members of the U.N. Security Council. The United States is a member, and thereby it has the authority to enforce the resolution with or without further action by the U.N. or other members of the Security Council.

What this means is that the U.S. cannot be acting illegally if there is no enforcement tool, at least as far as the U.N. is concerned. Without enforcement, there is no law. It's just that simple. The logical conclusion would be that Iraq likewise had no requirement to obey or conform to resolution 1441. That would be a wrong conclusion. Iraq submitted to all the provisions of Resolution 1441, including an admission that serious consequences would follow for non-compliance. What President Bush is asserting is that 1441, by its very nature, must be enforced. If other nations lack the resolve or the resources to enforce its provisions, then the U.S. must act alone to ensure its enforcement. If it does not, then the U.N. ceases to have any value. It would have no role to play, no moral authority, and no diplomatic usefulness. The President does not believe that would be a good thing for international peace. He does not desire the U.N. to be weakened or mocked. Instead, he feels compelled to enforce its requirements even if unilaterally or by the members of the coalition. America does not do so in opposition to the U.N., but in

support of it, and as a founding member. It recognizes that there may be a lack of will or capacity on the part of many of the U.N.'s members to commit to such a venture. The U.N. has declined to pass a subsequent resolution specifying exactly what the sanction should be. That has no bearing on the need to enforce it. Perhaps it is simply that some members of the Security Council do not want its dictates enforced for private reasons (see "Objections to the War" below ).

If the United States is not acting in self-defense, and it clearly is not, then it must be acting in enforcement of resolution 1441. The fact that there was no subsequent resolution does not mean that there was no *effective* resolution, or that the original resolution did not contain sufficient provisions for enforcement. Indeed it did. It said there would be "serious" consequences (see Appendix 1). All such resolutions are also subscribed to under the general enforcement policy of Chapter VII of the Charter of the United Nations (see Appendix 2). And Iraq subscribed to it, as mentioned.

The United States is saying that there is no need for an additional resolution to enforce the original one. That's why it was not necessary to continue to pursue one in mid-February 2003. It would have been nice to have everyone agree to participate in its enforcement, or as President Bush put it, to have everyone stand up and be counted. But private interests prevented such a resolution. So what America is doing is enforcing the original resolution on behalf of the United Nations. Everyone on the Security Council is not required to participate in the enforcement of resolution 1441 under Article 51. Therefore the United States with its the coalition forces can enforce the resolution without further action.

The question is whether 1441 does in fact contain sufficient provisions for enforcement to take action, and whether that action can be preventive action under Article 50. Paragraphs B and E accuse Iraq of proliferating weapons of mass destruction and possessing long-range missiles that pose a threat to "international" peace and security. Paragraphs E through G affirm that Iraq obstructed enforcement by peaceful means. Paragraph H equates Iraq's behavior toward its civilian population with terrorism. Paragraph I reminds Iraq that the cease-fire from 1991 was conditioned on compliance. Paragraphs B and M say that the U.N. intends to fully implement resolution 1382 from 2001, and it is determined to secure full compliance. Paragraph N says that Chapter VII applies to Iraq. Paragraph 1 says that the U.N. decided that Iraq was in material breach of its obligations. Paragraph C agrees that prior resolutions in 1990 authorize Member States to use all necessary means to uphold and implement its other resolutions in regard to Iraq's aggressive action against Kuwait. Paragraph 6 says that the U.N. has decided that the contents of the letter concerning inspections "shall be binding upon Iraq." And "recalls" that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations. The conditions of the binding letter were violated when Iraq failed to comply with the weapons inspectors unconditionally.

In other words, what is going on is nothing more than a continuation of the original conflict. The cease-fire has terminated because Iraq has failed to comply. The authorization for action on the part of Member States flows forward from that original conflict and related resolutions. What is going on is not a "new" action as it has been portrayed in the media around the world. This is not aggression by the Coalition forces against an innocent party. Article 50 clearly recognizes that preventive measures may be called for. Therefore, it seems rather obvious from the text of the resolution that the action of the United States and its coalition forces is proper under the resolution, authorized by the U.N., and sanctioned under the U.N. Charter.

## **Inherent Rights and Obligations of Governments**

As for America's right to defend itself, that is clearly an inherent right. It is not something that is granted by the U.N. However, America would have to show clear and compelling evidence that Iraq is actively involved in the type of activities that could lead to a repeat of the September 11<sup>th</sup> style of attack, whether they are linked specifically to the perpetrators of that heinous act or not. And as for America's independent moral obligation to stop evil and maintain peace in the world, that too is an inherent right; it is not something that is granted by the U.N. But curiously, it is something that is advocated by the U.N.,

especially in its stance and proclamations on human rights. It calls for all nations to uphold those rights. If what the U.S. is doing is protecting the people of Iraq, and upholding their human, civil, and political rights, which has been amply demonstrated, then its actions cannot be illegal by definition. That is true whether supported by a U.N. resolution or not. If what America is doing is an act of unwarranted aggression, and this act is perpetrated against a sovereign nation for selfish gain, and it is done at the expense of the Iraqi people, then what it is doing is illegal under international law. These are issues of fact, not opinion.

If the government of Iraq is illegal, or it has become illegal, then it lacks sovereign authority. This too is an issue of fact. If it is true, and the government has no sovereign authority, then there can be no aggression against it as the government of a sovereign nation. What America would be doing against such a group of usurpers, is apprehending and prosecuting criminal actors. If the actions of the Iraqi government are intended to bring personal gain to its government officials, at the expense of its people, then it is an illegal government. That is, if the Iraqi government is not responding to its people's needs or desires, and if its actions violate the human rights of its citizens, then it is not a legal government. That means opposing such a government and returning the rights of its citizens to them is not illegal. In fact, it is morally required. This is true even if overthrowing the government is executed by an outside sovereign power. That is biblical.

## **Biblical Standard of Human Rights – Church vs. State**

Abraham was bound to rescue Lot when he was forcibly kidnapped and placed under the rule of the 5 kings. To protect her people from harm, Esther was bound to speak out in their defense and in opposition to the king's advisors. We are not to oppress the alien among us (Dt.24:14;Zech.7:10). Psalm 82:4 commands us to "Deliver the poor and needy; free them from the hand of the wicked." That's fine within our own borders, or on behalf of our own people, but where do the Scriptures require us to fight wars of liberation on behalf of other peoples in their native countries? There is a biblical standard that no foreigner may rule over you (Dt.17:15). There is a standard that we may join with foreigners in an alliance to uphold a rightful king against a usurper (2Sam.15:19). Isaiah 25:2 seems like an authorization to destroy foreign cities in the name of God. Isaiah 61:5 hints that enslaving foreigners is OK. None of these is applicable. What was true of the nation state of Israel in the Old Testament has no relevance here.

Acts 22:28 – Paul's claim of Roman citizenship affirms that we have the right to resort to political protections. In other words, if there is a legal or political solution to an issue, we are not forbidden from taking advantage of it. But again, this is for protecting ourselves, not interceding for another. Elisha intercedes on behalf of the Shunnamite woman to obtain her a reward for service (2Kg.4:13). The king of Syria intercedes for Naaman to plead for God's grace in his healing (2Kg.5:6). Paul intercedes for Onesimus and offers to be his surety. But Onesimus had no right to such intercession. He was not oppressed despite his need for relief. None of these applies to the situation with Iraq. No where in the Scripture do we see God ordering Israel to go to the defense of the oppressed in Egypt, Assyria, Babylon, or Syria.

However, in 2Sam.2:12 we find the *principle* that governs our relationships in international affairs. Saul violated Joshua's long-standing pact with the Gibeonites by killing and oppressing them (Josh.9). His bloodthirsty actions brought a famine on the land. And so David, despite the fact that Saul remained in power, offered to atone for Saul's offense by binding himself and his army to act on behalf of the oppressed Gibeonites against Saul. This example is made more poignant by the fact that Saul is technically David's king. David is committing what might be considered treason in order to defend the Gibeonites. And he does so because he is bound by Joshua's oath, a covenant spawned by deception, but no less binding because of it. The covenant of the United Nations, and the resolution that was negotiated, is as binding on the United States as Joshua's oath was binding on David. The resolution addresses the oppression of the Iraqi people by this regime. It is as much a part of the resolution as those sections dealing with Iraq's weapons of mass destruction and long-range missiles. This doesn't mean that



every treaty is morally binding. It depends on its content. The U.N. Charter is a covenant of peace and security for nations and for individuals, not a treaty.

Are all treaties and international agreements unconditionally binding by their very nature? Hardly. They are types of covenants, and therefore they are subject to the rules governing contracts. A contract to murder is an illegal contract. It directly violates a commandment of God and the laws of most nations. And so contracts must have a just end. A contract to enslave, even if justifiable to obtain peace and security, is an illegal contract. It rejects the premise that all men are made in the image of God. And so contracts must have a just means. The contract we are discussing is resolution 1441 and the U.N. Charter. They are contracts that have a just end on their surface, and they use just means to attain it. Under the provisions of the U.N. Charter, the member states are encouraged to pursue compliance within their own borders. Otherwise, to have the U.N. execute sanctions against an offending state for violations of the Charter, it must show there has been a pattern of aggression against other states (see the Nuremberg Summation, Appendix 5).

The testimony of the people of Iraq clearly proves that they have been in need of protection for some time now. Saddam has taken their food, medicine, and other resources from the sale of oil to build himself palaces, and to acquire an immense personal fortune. This is clearly in violation of the food for oil agreements that followed the Middle East war ten years ago. It indicates that the U.N. has failed in its own stated duty to protect their rights through physical enforcement of international standards of conduct. France, Germany, and Russia have been actively involved in selling rocket fuel, munitions, and other advanced warfare technology to Saddam Hussein in return for that oil. That too is a clear violation of the post-war agreements. And it convincingly suggests that the United States is indeed acting on behalf of, and for the good of, the Iraqi people. If that were not true, there would be no celebration in the streets of liberated Iraqi cities. But there have been widespread and extensive celebrations and expressions of gratitude to the American forces for removing this murderous yoke from their necks. The U.S. has a moral and legal duty to protect the people of Iraq because of its pledge to them in 1991, with or without current U.N. sanction. But it is clear that it has that sanction anyway.

Now, the moral aspect is a biblical assertion. It is not grounded in international law. In fact, moral standards and legal standards in general are not equivalent. They often overlap, and yet they are not mutually dependent standards. When God's laws are broken, man's laws do not hinder Christian action. When a Christian says that someone's behavior is wrong according to biblical standards, that declaration does not obligate a state to take action on it. That's why church and state are separated in America. Bad things happen when the church takes up the sword, and bad things happen even when the church's influence causes the state to take up the sword. From a Christian point of view, there are no borders when it comes to doing what is right. But from a national point of view, borders are an essential component of international as well as domestic sovereignty, stability, and order.

The Christian obligation to the Iraqi people is threefold. The first obligation is to ensure that the U.N. provisions for freedom of religion are encouraged within Iraq, by the ruling regime. International moral pressure can be brought to bear, but there is no justification for the sword. The second obligation is based on the first, but not conditioned by it. Whether the laws of Iraq allow it, and whether the people of Iraq want to hear it, a Christian is obligated to protect the innocent and the defenseless even at the risk of his own life. That means active involvement in getting the oppressed out from under their oppression. The third obligation is also based on the first, but not conditioned by it. It is to present the Christian message to the people of Iraq, to government and military personnel in particular. This is done in expectation of changing their hearts, and thereby changing their attitude and their behavior. Morality is a personal thing, not a national policy. Morality has a face, just like every perpetrator and every victim. It is established and encouraged face to face, and person to person. Morality, like salvation, does not come by force or by national fiat. It is a constraint that is particular in nature, not universal. Christ did not die for the world in general. He died for his people in particular. When he addressed the crowd that wanted to stone the adulteress, he spoke to their hearts individually, asking them to see this woman in all her humanity.

Well, all of this is very interesting. But what has it got to do with human rights? What I am saying is that no matter how immoral a nation may be, there is no moral obligation on the part of one nation to enforce its morality on another nation. The fact that there is a Christian obligation does not mean that the country in which the Christian resides must take up the sword as his representative. A nation ought to have a moral foreign policy, for consistency if for no other reason. If its only motive is utilitarian and pragmatic, then it allows millions of Cambodians to be slaughtered while it goes to war over 3000 Americans. It allows the economic subjugation of South America through political and military coercion, so that American corporations can yield a larger profit. In the world's opinion, consistency is the hobgoblin of little minds. But in God's opinion, it is the foundation of justice. He is no respecter of men or of nations.

There is another biblical principle at work here. "What business is it of mine to judge the servant of another?" (Rom.14:4;1Cor.5:12;Jms.4:12). Let me say that these verses are not a license to let sin run amuck. In their context, they deal with church discipline, not being salt and light to a fallen world. When we judge others, we must be very cautious how we do it. We do not condemn. God does that. What we do is hold up the biblical standards, declare them to be God's will, and let the chips fall. What about action to protect the weak? When is intervention permissible? When is force acceptable? Read Aquinas' doctrine of a Just War, especially "just cause." It applies to individual Christian action as well as national. A summary is given below in "Just War Doctrine."

## **Objections to the War**

### **Papal Opposition to the War: It is Illegal.**

I bring this up because the pope has wrongfully accused the United States of an illegal action. If what the United States is doing is illegal, then this pope would have to propose that during the Nazi regime in Germany, prior to any aggressive action on the part of that government against another nation, it would have been illegal for any nation or group of nations to forcefully stop the systematic extermination of the Jewish population. The Nuremberg judges disagreed. It charged the Nazi Party with the crimes of turning Germany into a police state, and systematically exterminating Jews and Christians. Those crimes existed prior to, and in preparation for, Germany's wars of aggression. They were sufficient in themselves to warrant the prosecution of the members of the Nazi Party. It was only the inaction of the world's governments that permitted the aggressive war which followed. In other words, had the world taken action prior to the war, for the two listed crimes, it would have been justified in doing so. These were no less crimes prior to the war than they were after. More will be said about this when we consider the elements of a just war below.

There is no reasonable difference between what Saddam Hussein has been doing, and what Hitler did. Over a million of his people have been exterminated at his hands. No one denies that fact. But before the world nods in agreement to what the pope proclaimed on May 22<sup>nd</sup>, it ought to remember that it was the Roman Catholic Church that refused to oppose Hitler, for the very same reasons espoused by the pope today – *peace at any cost*. I dearly love this pope as a man, as a leader, and as a moral force in the world. Yet I sincerely and vigorously disagree with his stand on this issue. He is just flat wrong. What he is saying to the world in this instance supports evil and opposes good. It is unbiblical. I don't know what his advisors are telling him, or what Scriptural foundation he has for such an accusation. I only know that his public statements are not making the world a safer place. They support the continuing subjugation and murder of innocent Iraqi's. Thereby they place a restraint on doing what is good. He is calling for a sinful omission on the part of America and the coalition forces, an omission that would necessarily allow evil to continue.

In that sense alone, his pronouncements are not based on the word of God. God tells us that what he requires on the Sabbath is doing good, keeping from evil, providing for widows and orphans, and caring for the foreigner among us (Isa.56). Worshipping God, the fundamental purpose of the Sabbath, is not about ritual or empty sacrifice. It is about actively pursuing good. Remember, the question here is not

whether America is a “Christian” nation and therefore bound by the law of God. The law of God binds all men everywhere, and all nations everywhere. The issue is whether the actions of America in this conflict conform to those laws, or contradict them. It is an issue of fact. If this were a religious war, America would have rounded up its seven million Muslims. Instead it has abided by the Scriptural mandate to treat the foreigners within its borders as it would its own citizens. President Bush has publicly and repeatedly called on the America people to be scrupulous in their treatment of Muslims to avoid a repeat of the mistakes made in the treatment of Americans of German and Japanese descent during World War II.

This same inclusive attitude is found in the American military. An American soldier who converted to Islam was part of the military forces on the ground in Iraq. He rolled hand-grenades into the tents of his fellow soldiers injuring 15. He killed another by shooting him in the back. He was arrested on criminal charges. He will be tried in a court of law. He was not executed on the spot. This is despite the fact that he acted against America in time of war, and admittedly on behalf of Iraq. Consider that all Muslim soldiers were not arrested or expelled from the American military following this incident. In fact, in all of its actions, America has proven itself to be restrained in its response, merciful in its attitude, and reasonable in its choices. This is stark when compared to how it is portrayed in foreign media, and particularly in the media of its alleged allies in the Middle East. It is stark when compared with Iraq’s execution of American soldiers, its attitude toward Israel, and its support of terrorist organizations in Palestine. Iraq, like many of its Islamic neighbors, is blind in its rage, and racist in its policies. It has no moral ground on which to stand. And those who take its side in opposition to America, take sides against biblical standards of conduct and policy.

### **“Christian” Opposition to the War – It is Racist.**

An Anglican priest in England was interviewed by the media on May 23<sup>rd</sup>. He said, in part, that America had no right to pursue this war. And the reason he offered was that you cannot bring peace by shedding blood. He suggested that America believes that Iraqi lives, and the lives of Iraqi children in particular, were less valuable than American lives. Again, this is an issue of fact. So let’s look at some facts. As an American general said at a news conference, we need to remember that Saddam Hussein has taken more Muslim lives, children’s lives, than anyone else in the world. If America believed what this Anglican priest accuses them of believing, then they would have no compunction about bombing civilians indiscriminately. But they are discriminating in their attacks on the Iraqi dictator and his armies of coercion. America was willing to spend a half-billion dollars in just a few days to ensure that the ordinance brought to bear would be the most technologically advanced and accurately controlled possible. The targets selected were military centers of command and control. The lights remain on in Baghdad because America has been careful to leave Iraq’s infrastructure intact. It is planning for the postwar needs of the population when it begins to rebuild. It is Saddam who mined the oil fields and attempted to flood the Gulf with millions of gallons of oil, potentially crippling the economies of his neighbors. It is Saddam who set Kuwaiti oil fields on fire as he left there 10 years ago, and who set Iraqi oil fields on fire just days ago. It is Saddam who is blowing up Iraq’s bridges. It is Saddam who is dressing his soldiers in civilian garb instead of uniforms, and using civilians as human shields.

By contrast, it is America that has shut down its own domestic food supplies, and left its charitable organizations without the government contributions they depend on. It has done so to be able provide food, water, and medical supplies to a million Iraqi citizens during this conflict. It is America that has treated the Iraqi soldiers humanely and given them the same medical treatment that it offers to its own soldiers. Iraq has brutally executed and tortured American soldiers, and broadcast the images for propaganda purposes, and to humiliate American soldiers. The facts say that this Anglican priest is misinformed at best. What he is actually saying is that he is opposed to war under any circumstances, and for any reason. The bible says that the role of government is to carry the sword. God sent foreign nations against Israel, his own chosen people, in acts of war, to humble them and sanctify them. He ordered Israel to wage war on the surrounding nations, to purge the land of its evil. The anti-war sentiment espoused by the Anglican priest cannot be reconciled with Scripture. War is not an evil in itself. Only its purposes, whether evil or beneficent, are to be considered. If that was not true, Christians around the world should have laid down their arms when Hitler began his campaign of world domination. No

Christian would ever serve in the military to protect the citizenry. Such an argument is unsupportable in the pages of Scripture. Jesus did not tell the Centurion to remove his uniform and his sword to be saved or to receive the grace of God.

## **No Blood for Oil – All War is Economic and Territorial**

This is the usual cry of “imperialism!” that we hear from the Marxists and their supporters on the left of the political spectrum. In any war, occupation is necessary in the short-term to ensure peace and stability while the country and its infrastructure are rebuilt. Look at the chaos in Russia after the fall of communism. Yet these objectors tell us that gaining Iraq’s freedom cannot justify imperialist aggression and domination.

Well, in response I have to point out a number of things. First, this is not unprovoked aggression. Second, occupation does not mean empire building, which is what imperialism is all about. The U.S. occupation of Europe following WWII lasted 7 years. I would think that anything less than that in Iraq could reasonably be called short-term. Third, the U.S. is not annexing Iraq or making it a colony. It is forcing a regime change, economic liberation, and self-rule. Does it hope to influence the other Middle East nations by this move? I believe it does. But that does not mean this is imperialism. Is it attempting to economically subjugate Iraq as it has done to a number of nations in Latin America? Unless the U.S. tries to force Iraq to sell oil to it at reduced rates, I don’t see how such a conclusion can be drawn. America’s actions are evidently intended to free the Iraqi people and to bring peace to the region.

## **Opposition by France, Germany and Russia**

Anytime an opponent challenges your position, or an accuser takes the stand, or a witness gives testimony, their credibility is at stake. We question both their motivation and their truthfulness. The fact that someone derives personal gain from what they say does not mean that what they say is false. But it speaks volumes about why they are doing it. These countries have not said anything factual in their opposition to American actions. They have only expressed their displeasure with it, and vaguely asserted that the actions of the United States and the coalition are “illegal.” I’ve already addressed the illegality of the action and proven it false. This is where motivation is everything. We are tempted to ask why they are opposing this action when they supported it in 1991? They subscribed to all the resolutions concerning Iraq, including 1441, and they agree that Iraq has broken its agreement. Let’s look at some facts that may account for their opposition.

At the end of 2002, a major German news outlet wrote the following: “German Chancellor Gerhard Schroeder is making a comeback in the polls less than a month before general elections. With 10 percent unemployment and the German growth rate the lowest in Europe, Schroeder and his Social Democrats had been fighting an uphill battle. But lately, the chancellor has gained mileage with his passionate opposition to an attack on Iraq.” Once Schroeder began the rhetoric, and acquired the political strength he needed, it became impossible for him to change his position, no matter how much he might agree with the American action. The reason for his strength in the polls may be attributable to German interests in Iraq. An adverse economic impact on his country would result from participating in the war, first because of the cost of the war in a sagging economy, and second because Germany has been trading with Iraq, sometimes in violation of the U.N. sanctions.

France also has economic interests in Iraq. It apparently has been supplying rocket fuel for those missiles that Saddam Hussein has been hiding, and it has given other support to this brutal regime. They have offered to harbor him in Mauritania. Right after the food-for-oil provisions had been implemented by the U.N., they signed large contracts for wheat exports to Iraq worth tens of millions of dollars to their farmers. Curiously, similar contracts signed by the U.K. have not stopped their participation in the war, but PM Blair is encountering substantial political opposition at home. Monetary interests usually stimulate political influence. French firms doing business with Iraq to oppose this war were undoubtedly lobbying Chirac hard. In an interesting move, he is opposing U.S. humanitarian aid following the war. That is a

curious position to take if his objection to the war was based on its illegality, or the potential harm to Iraqi citizens. You would think that the alleged offenders (the U.S. and Britain) would be required to make recompense. Some suspect that when the U.S. gains access to Iraqi documents, it will find that the French have been supporting this regime, and thereby aiding its brutality. "France will not accept a resolution that would legitimize military intervention and give the US and British the powers of administration in Iraq," he said after the European summit in Brussels.

Russia has been profiting from its association with Saddam's regime as well. It has been the recipient of its oil, and the seller of its war technology to Iraq. In June of 2000, Iraqi oil was found aboard a Russian tanker in violation of U.N. sanctions. President Putin promised to work on lifting the imposed sanctions, despite Iraq's continued violations of the cease-fire agreement. He pledged to "enhance the Russian-Iraqi friendship." In an August 2002 report from CNN, Russia and Iraq were planning to sign a five-year, \$40 billion economic cooperation agreement. Under the U.N. Oil for Food program, Iraq can sell a limited amount of oil to pay for food and medicine. The ambassador said Iraq receives \$9 billion per year through the program. Russia has long-standing economic interests in Iraq. Iraq still owes Russia \$7 billion to \$8 billion in Soviet-era debt. It seems that Russia has no interest in enforcing the sanctions, and a large interest in ending them.

One is tempted to ask, "Why?" There is a trend in Russian foreign policy right now. In July 2002, Moscow announced it was developing a 10-year cooperation agreement with Iran to build civilian nuclear reactors. Imagine nuclear weapons in the hands of Iran, powered by the fuel from those reactors. In August 2002, the Kremlin announced that Russian President Vladimir Putin will meet with North Korean leader Kim Jong Il during the third week of August, presumably along those same lines. Recent behavior on the part of North Korea indicates their desire for aggressive capabilities. Russia is arming unstable nations for personal gain. On March 23<sup>rd</sup>, American forces in Iraq discovered articles that indicate Russia has been supplying Saddam Hussein with night-vision goggles, GPS jamming devices, anti-tank weapons, and unmanned aircraft delivery systems. President Bush has asked the Russians to cease immediately. Naturally, Russia denied any involvement in the matter.

The bottom line is that the French, German, and Russian opposition to the war is not unbiased. They are forced to weigh the consequences against their own economic interests, and to weigh the impact on their political support against the needs of the Iraqi people and the obligations they have to enforce resolution 1441. Self-interest is perfectly understandable. Opposition is understandable. Non-participation is understandable, and it is permissible. But this does not address the issue of whether America is morally obliged to free the Iraqi people, and legally free to do so.

### **Blix: We Have Not Exhausted our Options**

This is the objection made by the chief U.N. weapons inspector. He was convinced that diplomacy and inspections were the solution. However, the very selection of Hans Blix as the head of the weapons inspection team, cast doubt on the U.N.'s resolve. Here is an assessment by reporter Chris Suellentrop:

When the Security Council settled on Blix as chief weapons inspector in 2000 (reportedly as the committee's 24<sup>th</sup> choice), the *New York Times* editorial page blasted him as a "man of uncertain resolve," a "disappointing choice," and "a disturbing sign that the international community lacks the determination to rebuild an effective arms inspection system in Iraq."

The *Times'* criticism seems mild when compared to the insults that have been hurled at Blix over the past month. The debate resolution appears to be, "Hans Blix: Incompetent bureaucrat or cowardly diplomat?" He has an "unsurpassed record of failure in dealing with Saddam Hussein," wrote Gary Milhollin of the Wisconsin Program on Nuclear Arms Control in the *Wall Street Journal*. Paul Leventhal of the Nuclear Control Institute questioned whether Blix "has the backbone to be confrontational ... the first requirement for effective inspections."

Former weapons inspector David Albright complained that he is a man who "ran a toothless agency." But the topper came from Sweden's former deputy Prime Minister Per Ahlmark in the *Washington Times*, who wrote that Blix was "weak and easily fooled," "easily misled," and "a wimp." "I can think of few European officials less suitable for a showdown with Saddam," Ahlmark concluded. This morning on CNN, even former chief weapons inspector Richard Butler admitted that in the past, Blix "turned a bit of a blind eye to some things that maybe he shouldn't have."

Blix believes that people are basically good, rational, and reasonable. The bible says in opposition that we are dead in our trespasses and sins. We are totally depraved, irrational, and corrupt in our reason. Blix is today's equivalent of Neville Chamberlain proclaiming "Peace in our time!" because a madman promised to be nice. It is naïve, and dangerous, to allow such a man to be involved in matters of oversight and fact-finding. What is critical to conditioning action on inspection results, is whether the U.N., or Hans Blix, ever intended to obtain the facts necessary to prove Hussein was in violation of the resolution. Blix asked to be led to the places where the weapons might be, guided by an Iraqi government representative. He interviewed people who clearly were not the actual scientists and engineers at these places; and he knew it. But he concluded that being misled is not the same as proving that the weapons exist. The interviews were held under the watchful eye of an Iraqi government representative, who undoubtedly intimidated the witnesses. Blix concedes this point. This approach to inspecting would be like asking Hitler where his V2 rockets were located, or where the concentration camps were located. It would be like interviewing a party leader instead of the Jews awaiting the gas chambers; or interviewing the condemned Jews while their guards and executioners were in the room.

Worse still, Blix took all of this "evidence" at face value and attempted a logical, not a judicious, review of what he found. Consider his report to the U.N. – "We have discovered nothing to indicate that there are weapons of mass destruction." But he went on to say, "That does not mean they do not exist. We simply have no evidence of them." Of course the inspection team had no evidence! Keep in mind that this inspection report was not something that prevented America from proceeding with enforcement based on its own sources of information in the matter. President Bush indicated as much to the U.N. prior to the release of the report. In confirmation of American claims, and rebutting the report, a chemical weapons plant was discovered on Sunday, March 23<sup>rd</sup>. That is another reason why America was not bound by the report. During Iraq's defense, it fired those unauthorized weapons and SCUD missiles, again proving that the American and British allegations were true. The media has missed the point, reporting the fact of it without the meaning of it.

## **U.S. caused the Problems in Iraq**

Ah, you might say, but America put Saddam Hussein in power in the first place. He was armed and supported by American foreign policy. And so, whatever harm has come to the Iraqi people is the direct result of America abandoning her fundamental principles. It is America's fault that the Iraqi people are suffering under his heavy hand. In answer, I have to say that this assertion is not really true. And having made the mistake of supporting Hussein during the Iran-Iraq war, that doesn't lead to the conclusion that America must continue to support him. If you look at Arab nations as a group, subscribing to the Koran as their rule of life and obedience, then you have to recognize that every one of them is autocratic. Autocracy does not preclude economic freedom or social advancement. Look at Saudi Arabia. Yet, wherever the Islamic hand has touched, the result has not been democracy, but centralized rule. It is the strongman syndrome. It is as common and natural to them as democracy is to the West. America could not change Iraq's style of government without changing their people or their religion; and so it supported a strong man who at least was opposed to Iran. Why? Because at that time, Iranian Islamic fundamentalists had taken control of the American embassy and kidnapped hundreds of American citizens -- in total violation of international law. Iran was under the harsh leadership of Ayatollah Khomeini. And so America did what it thought necessary to restrain Iran, to protect Iraq from them, and to protect American interests in the region. They gave Iran something to occupy its attention besides those American interests. Did America have that right? Absolutely. Was there anything under-handed in it? Not at all.

But it goes deeper. Iraq used to be the crown of the Middle East. They were the most advanced nation in the region as measured by education, hospitals, economic opportunities, art, music, etc. All of that ended when the Baath party, now headed by Saddam Hussein, took control. That was in 1959 -- long before the conflict with Iran, and long before Saddam Hussein came to power. A brutal suppression of the civilian population took place. Thousands fled the country. In other words, what has happened in Iraq is not the direct result of what America did in supporting Saddam Hussein. Did America support the Baath party prior to Saddam Hussein and thus contribute to this brutal suppression? Not at all. Iraq's closest ties have been with the eastern block nations. In fact, America has had very little to do with Iraq in the way of trade or diplomatic relations for the last half century. By 1991, however, it was clear that America not only made a mistake in supporting Saddam Hussein, but that mistake was spreading like a cancer in the region. Kuwait was the final straw, not the principal reason, why America helped free Kuwait from Saddam's grasp.

## **The American Objective in Desert Storm**

Then, should America have replaced this regime during Desert Storm? If it is the right thing to do now, surely it was the right thing to do then. Well, it would have been nice in retrospect, and most Americans at the time believed it was a major error not to do so. In fact, it cost George Bush senior his presidency in the next election -- it wasn't just his domestic policy that hurt him. But when you fight a war you must have a specific objective. The American objective in Desert Storm was not to reshape Iraq. It was to free Kuwait, and to prevent another takeover. America didn't want a weak and broken Iraq. In the historical context of it, America had no idea what Iran would do if it didn't continue to have Iraq to oppose it. So it left the strong man in power. And it left him nominally armed. What came next was a shock. He used that remaining military power to brutally suppress the Shiites in the South, and the Kurds in the north. He consolidated domestic power. American soldiers stood by in dismay as the Iraqi troops ruthlessly murdered hundreds right in front of them; their orders were to stand down. It was not their duty to rescue them because it was not part of the objective. That was the argument Colin Powell made to the American president. If it went down that road, he said, America would have to become an occupying force. America didn't want that. The U.N. didn't want that. It wasn't in America's immediate interest, nor was it a price they were willing to pay at the time. And so it left it up to the U.N. to sort that out. Over the past decade it has become obvious that the U.N., and the nations that comprise it, lacked the moral will to do what was needed to protect the Iraqi people, to disarm this madman, and to bring peace to the region.

What America did that was reproachable in this matter, was to suggest to the Shiites and Kurds that if they rose up in rebellion to overthrow Saddam Hussein, America would support them. What they heard America say was that it would fight alongside them if they did. What America meant was, "We wish you well in your struggle..." That's why America had to convince the Shiites on the 21<sup>st</sup> that it would not abandon them a second time. It would be there until they were completely free. American soldiers began to teach them battle cries -- not for America, but for Iraq -- to help them understand that this time America was there to liberate Iraq instead of contain it; that America was giving Iraq into the hands of its own people. The Iraqi's broke down in tears of joy. They tore down the pictures of Saddam, not to please the Americans, not out of fear, not because the news media was there, but because they had longed for this day for more than 2 decades. Independence Day had finally come to this part of Iraq. That speaks volumes for what America is there to accomplish. It is factual evidence that affirms President Bush's declaration that this is a war of Liberation, not a war of Occupation; a war to uphold and honor the Iraqi people, not a war to destroy and humiliate them. And the testimony to this truth is coming from the Iraqi people themselves, not the American propaganda machine.

## **The Needs of the Iraqi People**

A report from UPI on March 22<sup>nd</sup> said that a group of anti-war protesters, using Japanese citizens as human shields, flew into Iraq just prior to the war and filmed 14 hours of uncensored interviews with local Iraqi's. These protesters completely changed their position on the war. They returned to their

countries convinced that what America was doing was not only just and righteous, but necessary. They had no idea how brutal Saddam had been. They didn't know about the human shredders, whose victims would be fed into it feet first so they were conscious as they were consumed. They didn't know about the swimming pool filled with acid that disintegrated the bodies of 24 of his closest staff whom Saddam suspected were plotting against him. The people these war protesters talked to said that they would commit suicide if the U.S. did not begin bombing soon. They would rather be in danger physically, and risk losing their homes, than continue to live under this Iraqi regime.

No one has disagreed with the statement that the Iraqi people would be better off without Saddam Hussein and the Baath party. The only issue has been whether anyone, apart from the Iraqi people themselves, has the right to remove his regime from power by force. It is perfectly obvious that the Iraqi people are incapable of removing him themselves. This incapacity is not the result of a lack of will. It is the direct result of Hussein's brutal suppression of all opposition, and his ongoing terrorist campaign against his own people. Terrorist is the only appropriate word to use in describing his actions inside and outside Iraq. That is one reason why America's worldwide war on terrorism has come to Iraq's doorstep. **Saying that it is not right to depose Saddam Hussein by force is the same as saying that it is right for him to remain in power; and thus it is acceptable for the brutality to continue.**

*That is the only moral issue at stake in this conflict.* And that is the very reason President Bush chose to call this military action "Iraqi Freedom" and not "Iraqi Payback." All other justifications for this conflict pale in comparison to this one reason. It is not really about U.N. authority. It is certainly not about Iraq's sovereign right to self-rule. It is not about American aggression. It is not about potential instability in the Middle East. It is not about the legality or illegality of this action under international law. It is not about Christians versus Muslims, despite what the pope has said. It is not about oil or imperialism. It is not even about any direct and imminent threat that Iraq poses to America. It is about enforcing international standards of human rights. It is about putting a stop to evil, and bringing peace to the region. It is about doing what is right. And doing what is right here comes under the auspices, guidelines, and requirements of the international community. This is not a unilateral action on the part of the United States. It is about enforcing resolution 1441 to defend the inherent rights of the Iraqi people to freedom, peace, and security from harm by their own government. The United States and Great Britain did not come to this conclusion on their own. It was decided in an international forum, using international principles, employing international sanctions, in accordance with the covenantal obligations that member states owe. And yet, violating human rights alone is insufficient to justify a war. Such a violation must be part of a pattern of aggression against other states. That is the Nuremberg standard we will examine shortly. That pattern is exactly what Resolution 1441 establishes.

## **Just War Doctrine**

There is a common basis for the objections to this military action listed above. It is that the U.S. is not fighting a "just war" under the rules established by Aquinas in the 13<sup>th</sup> century. You can only come to that conclusion if you do not believe that this conflict is a continuation of the 1991 Gulf War. While what has really happened is that the cease-fire of that original conflict has terminated. And that is the result of Saddam Hussein's actions or inactions, not those of the U.S. or the coalition forces. Any question whether this is a just war must address Iraq's aggression against Kuwait, or it makes no sense.

The principles of a justice of war are commonly held to be:

- all other options having been exhausted,
- having just cause,
- being declared by a proper authority,
- possessing right intention,
- having a reasonable chance of success, and
- the end must be proportional to the means used.



These principles must be the basis for assessing the American position. At least they apply as long as someone is not opposed to war under any circumstances. I have already shown, and Aquinas has already proven, that a complete rejection of war is not supportable biblically. War is always brutal and destructive in the short term. But war is not always immoral. In fact, it may be highly beneficial in the long term. If we refuse to fight evil, then evil wins. The issue is whether we are indeed fighting evil, or simply fighting for personal gain. The “No blood for oil” signs that the protesters are using is a comment that they doubt this war has a just cause. I am suggesting that they need to ask the Iraqi people. They also need to consider that oil may not be the cause of this war. I believe they are making a straw man argument, and they are not looking at the available facts. What about opposition from other sovereign states? Is it morally grounded, or is such opposition tainted by self-interest? Does resolution 1441 document that we have sufficiently exhausted “all other options” after 11 years of negotiating? I believe it does.

## **American Justifications for the War with Iraq**

President Bush proposed 3 reasons for America’s intervention in Iraq.

- Iraq is in violation of U.N. resolution 1441
- Iraq’s people are suffering under a repressive regime, in violation of 1441
- Iraq is linked to Al Qaida and other terrorist organizations, in violation of 1441

Considering what has already been said, let’s examine these one at a time.

1. The first justification is a matter of U.N. interests. America and the coalition forces, primarily Britain and Spain, offered to enforce the requirements of resolution 1441. They made the offer arguing that it needed to be enforced, or the resolution would have no binding authority. The U.N. declined the offer to enforce it right away. Instead, it modified the resolution to give Saddam Hussein additional time to comply, despite 11 years of ignoring the postwar settlement, and despite the fact that it had ejected the U.N. weapons inspectors. America was gracious in its willingness to try one last time. It now seems clear that Saddam used this extension to remove his weapons of mass destruction.

2. The second justification the Americans assert is that the Iraqi people are living under a repressive regime. It might be said that this is a matter of Iraqi internal affairs, and therefore America has no right to intervene. Or it might be said that this is a matter of human rights that over-rides claims of national sovereignty. It would seem that France, Germany, and Russia, consider the brutality of Saddam Hussein an internal affair. International media agree. Either they are blind to what is going on in Iraq, or they don’t consider it a valid reason to wage war. This may be based on a general opposition to war, or to the idea of America appointing itself the world’s policeman. They may feel that starting down this path will lead to a de facto worldwide rule by America. As a result, much of the world is arguing that a brutal regime does not give America sufficient grounds to attack Iraq. In other words, everyone grants that the “Butcher of Baghdad” has lived up to his reputation, but they discount it as an excuse for war, whatever their reasoning may be.

From a biblical perspective, turning the other cheek only applies to actions directed at the person who has been struck. It has nothing to say about our personal obligation to protect the innocent and the defenseless. Forgiveness applies to offenses against the forgiver, not to offenses that are bringing harm to someone else. That is, I cannot forgive someone on behalf of someone else. “Blessed are the peacemakers” has nothing to say about the actions that are designed to bring peace. Sometimes those actions involve subduing an aggressor, by force. Peace will be the outcome, but it cannot be the means. Thomas Aquinas addressed these biblical arguments and many more like them when he developed the rules of “Just War.” I don’t intend to repeat them here; and I will address their application shortly. I only point to the necessity for action, and sometimes violent action, to bring about peace, and to protect the innocent and defenseless. This justification is tied to the one on Hussein’s terrorist links. America accuses him of being a terrorist within his own borders, and against his own people. And Resolution 1441 affirms this fact.

The question under this second point is whether Hussein's leadership, his brutality, and his disregard for human rights, are of such a nature as to legitimize war under the guidelines of Aquinas' doctrine of Just War. Iraq is a large and diverse nation. It has 23.5 million people within its borders. Those people have varying religious and ethnic backgrounds. If Hussein's influence and control was limited to himself and a few henchmen, or the palace military, or a few military brigades, then his ability to continue in power would make no sense. His support is much more widespread than that. He has several million staunch supporters. His native tribe from the area of his hometown supports him. This support does not mean that Iraq as a whole supports him. It only means that such support gives him enough backing to continue with his brutal policies against Iraq's other tribes and ethnic groups. It is not as though America is going against the wishes of the Iraqi people as a whole. It is not as though America selected 25 people in Iraq who didn't happen to like him, and is waging war against Iraq only on their behalf. It is clear that America is not acting against the needs and desires of the other 23 million citizens.

In other words, Saddam Hussein has widespread support or he wouldn't be able to stay in power. But that support does not mean majority support. In light of his domestic terrorism, and the chemical gassing of the Kurds in 1988, it is unlikely that any other group is going to oppose him, or that any number of groups are capable of uniting against him without foreign help. All the evidence seems to point to the fact that Saddam does not represent the interests of the majority of his people. He is able to stay in power only by brutally suppressing all opposition, whether from individuals or groups.

You could say that President Bush, elected with a minority of votes, does not represent the majority interests of his people. Therefore, he ought to be replaced by foreign intervention. That would be a fallacious argument. The American people are not dragged off to human shredders or pools of acid. They can replace this President at any time for high crimes. They can vote in another president at the next election. He has restraints placed on him by the Congress and by the Courts. There is no similarity.

3. The last justification, that Saddam Hussein is linked to terrorism, is not primarily a matter of American interests. President Bush sent Colin Powell to the U.N. to make the case that Iraq has links to terrorism *in general*, not that it is directly responsible for the attack on September 11<sup>th</sup>. Somehow the media missed the not-so-subtle difference. Instead they emphasized that Powell had failed to show that Saddam Hussein was involved in the attack on the World Trade Center. Powell never said that he was. However, the case he made, even though limited to terrorism in general, was weak. What Powell said in summary was that,

- We don't know where the chemical and biological weapons uncovered during the Gulf War are;
- Delivery systems for those components currently exist in Iraq in the form of unauthorized rockets;
- Hussein has been actively seeking nuclear capabilities; \*
- Some of the people who have now been identified as part of Al Qaida have been in Iraq;
- Saddam Hussein has publicly supported such terrorist groups, particularly in Palestine;
- Such people would make use of these weapons against the U.S. and other peaceful nations;
- Therefore, Iraq ought to be disarmed to keep Hussein from providing such weapons to them.

Once more, these are issues of fact. [*\* It was shown in mid-June that seeking nuclear capabilities was based on false documentation – that does not undermine the other points*]. A brigade of Al Qaida militia was attacked on Saturday, March 22<sup>nd</sup> in Northern Iraq. Colin Powell apparently suppressed the existence and location of this brigade during his presentation to the Security Council. In other words, the Americans knew far more than they were saying in order to ensure the data wasn't compromised. Iraq has indeed been supporting these terrorist groups. The fact that America knew it, and revealed only part of what it knew, does not mean there was insufficient grounds to begin the war. It only means the world did not know the full extent of those grounds. America believes it revealed enough of the facts for reasonable men to conclude that war would be the only means of disarming Iraq. They would not disarm themselves, nor change their policies with regard to terrorism.

## Is There a Just Cause?

We need to return to the strictures of the Just War doctrine:

- having just cause,
- being declared by a proper authority,
- possessing right intention,
- having a reasonable chance of success, and
- the end must be proportional to the means used.

I will apply the facts presented so far to these standards of a Just War. America has a just cause. The vast majority of the Iraqi people have suffered terribly under this regime. They cannot protect themselves, or overthrow Hussein's regime. This issue of brutality is not an internal affair when it is part of a pattern of aggression. In the same way that the Jews were an identifiable minority in Germany when Hitler proceeded to exterminate them, the Kurds and Shiites are identifiable minorities in Iraq. Hussein and his henchman, "Chemical Ali," have been involved in ethnic cleansing for decades. It is an offense against mankind. The Nuremberg trials proclaimed a standard of international morality that must find its way into the internal affairs of sovereign nations. They cannot use their sovereignty as a protective shield when they pursue these crimes against humanity, nor can the rest of the world stand by and permit it to continue. But this brutality is for a purpose. It is to consolidate power, exclude opposition, and gather resources, all for the purpose of waging aggressive war. This is the point being made by Powell when he associates Iraq's regime with terrorism, and lays out the probability for acts of aggression in the future. Failing to enforce sanctions, his reasoning goes, is tantamount to allowing Iraq to continue to pursue aggression. This is true because of Iraq's past actions, current activities, and domestic policies. You say that is a stretch of the imagination. Let's look at the summary for the prosecution at the Nuremberg Trial a little more closely:

### **The Nuremberg Paradigm**

#### **Mr. Justice Robert H. Jackson (Chief of Counsel for the United States):**

We charge unlawful aggression but we are not trying the motives, hopes, or frustrations which may have led Germany to resort to aggressive war as an instrument of policy. The law, unlike politics, does not concern itself with the good or evil in the status quo, nor with the merits of the grievances against it. It merely requires that the status quo be not attacked by violent means and that policies be not advanced by war. We may admit that overlapping ethnological and cultural groups, economic barriers, and conflicting national ambitions created in the 1930's, as they will continue to create, grave problems for Germany as well as for the other peoples of Europe. We may admit too that the world had failed to provide political or legal remedies which would be honorable and acceptable alternatives to war. We do not underwrite either the ethics or the wisdom of any country, including my own, in the face of these problems. But we do say that it is now, as it was for sometime prior to 1939, illegal and criminal for Germany or any other nation to redress grievances or seek expansion by resort to aggressive war.

This seems to say that we don't care about motives, and moral rectitude has no place in the law. One would think that, if applied to its actions, America is clearly in the wrong by attempting to redress grievances against Iraq by waging war. But as I indicated, Powell's presentation to the U.N. did not accuse Iraq of being the perpetrator of the September 11<sup>th</sup> attack. This war is not a redress of its personal grievances. Not one of the causes articulated by America speaks to a redress of grievances. All of them involve the potential for Iraqi aggression against the world. If you apply the test offered by the prosecution to Iraq's war against Kuwait, then Iraq was clearly aggressive and seeking expansion. That being true, America's intervention against Iraq, is justified based on that original conflict. U.N. sanctions are based on that original conflict. Ties to terrorist activity are symptoms of that original conflict. This is not a pre-emptive strike in that sense. But neither is it necessary to await the next round of aggression before taking action. Saddam's history, and the trend of his present activities, are sufficient grounds to presume the aggression is only a matter of time.

This is the very case made at the Nuremberg Trial, where there were also several crimes charged against Nazi Germany. These were America's just causes for engaging Germany in war, and prosecuting them at its close:

1. The Seizure of Power and Subjugation of Germany to a Police State.
2. The Preparation and Waging of Wars of Aggression.
3. War against ... one-half to one-third of the whole world.
4. Enslavement and Plunder of Populations in Occupied Countries.
5. Persecution and Extermination of Jews and Christians.

The ones most interesting to us here are the first and fifth ones. The prosecution went on at length about this consolidation of power, and suppression of opposition. Any one of these crimes would have been sufficient to convict them. But the prosecution made a telling observation about the concert of these crimes and the single purpose for which they were all perpetrated:

The Prosecution submits that these five categories of premeditated crimes were not separate and independent phenomena but that all were committed pursuant to a Common Plan or Conspiracy. The Defense admits that these classes of crimes were committed but denies that they are connected one with another as parts of a single program.

The central crime in this pattern of crimes, the kingpin which holds them all together, is the plot for aggressive wars. The chief reason for international cognizance of these crimes lies in this fact. Have we established the Plan or Conspiracy to make aggressive war?

This exactly mirrors Hussein's actions within his own borders, and his association with or support for terrorist organizations. Everything in his posture, his policies, and his actions, indicates that he is on a path of war again. He must be disarmed before that happens. You may read more of what the prosecution had to say about this domestic consolidation of power in the case of Nazi Germany in Appendix 5.

If you substitute "Baath" for Nazi in that consolidation of power, you have a perfect depiction of what has been going on in Iraq under this ruthless dictator. When you consider that Hussein's shelves are filled with books and memorabilia of Joseph Stalin, Hussein's admitted hero, you gain some sense of this man's mentality and cruelty. That alone is not enough to justify war. But when you take into account his wars against Kuwait and other neighbors, his acquisition of weapons forbidden by the U.N., and his ties with terrorists, it becomes clear that he is on a path to aggression that will lead the world into war. And if it takes a war to stop the probability of this aggression, or to disable this terrorist sponsor, then that constitutes a just cause. It is better to bring the war to his doorstep than to wonder day by day where terrorism will strike next, or whether he will lash out at his neighbors and our allies, or whether he will resume his ethnic cleansing on a massive scale.

America has a just cause, even though its actions precede an actual outbreak of further aggression against another nation. The original outbreak took place in 1991. That aggression is documented. As shown from the Nuremberg trial, crimes of this type are symptomatic. There are no preconditions needed before the world community may take action. In fact, the lesson of history is that failure to take action only delays the inevitable, and results in catastrophe for the world community. The Nazi Party's actions in creating a police state, for which they were tried as criminals, followed only 15 years after their demonstrated aggression in World War I. Hussein's actions, likewise, follow only 13 years after his demonstrated aggression in the Gulf War. What makes the world community nervous at this point, is the idea that pre-emptive action is a slippery slope. If we can do this now, what prevents similar action in other nations when there are alleged violations of human rights? Would America invade Russia for its actions in Chechnya? Would it invade China for its actions in Tienemen Square?

This idea of pre-emptive action based on pre-existing evidence of aggression is not unrestricted. It has very clearly defined boundaries. America did not develop those boundaries as a justification for

attacking Iraq. They were outlined in the prosecution's summary at the Nuremberg Trial, accepted as the findings of that court, and adopted by the world community. To summarize them, here are the point-by-point prerequisites to this type of action:

- A political party seizes control of a nation
- It removes any political competition by imprisonment, torture, and death
- It uses cruelty and oppression to maintain its control and silence its critics
- It uses its legal system to outlaw dissent and prevent its removal from power
- It creates vague interpretive statutes to allow arrest on any pretext
- It gives unlimited and unsupervised authority to its police to spy on its population
- It exempts its police from effective legal responsibility for their acts
- It arrests individuals without charges or independent judicial review
- It denies equality under the law by selectively applying it
- It exercises exclusive control over all branches of government
- It prosecutes treason outside of the normal judicial process
- It establishes special courts overseen by party officials to try political crimes
- It removes all peaceable means to resist or change the government
- The party and the state become indistinguishable
- It creates a reign of terror as a matter of policy
- It pursues this course of action in preparation for aggression

An American, reading this list, might become nervous considering the changes that took place following the September 11<sup>th</sup> attack. People have been arrested without judicial review, and prosecuted in tribunals outside the normal judicial process. A Chinese citizen might recognize many of these characteristics considering the nature of that political structure. It is a question of extent and degree. It is a matter of whether the people are beneficiaries of these actions in any real and profitable way, or whether the "party" is the beneficiary at the expense of the people. This calls for wisdom and discernment. This is a cautionary tale as well. It may be that the policies of the American government in its war on terror are questionable, and perhaps unwise. *Security at any cost, like peace at any cost, can be a terrible price to pay.*

One last point on this topic needs to be made. Terrorism is not like state warfare. There is no gentlemen's agreement, no humane treatment, no code of conduct or honor, and no declarations of war. The only indication we have of a potential threat is the relationship between a nation-state and one or more terrorist organizations. It must not be allowed to harbor and enable acts of terror even though it may not be the direct actor. On the other side, the nature of a terrorist cell is that it has no fixed structure, no borders, no loyalties, no government and no identity. It is elusive, covert, secretive, and highly destructive. Prosecuting nation-states that harbor, support, or fund terrorists is crucial to the war on terrorism. For terrorism to function, money must change hands; visas and passports must be issued; arms must be manufactured and supplied; training must be given. These require national support or indifference. Without these, terrorists lack the essential elements that facilitate their attacks. Terrorism at this point in time is so pervasive throughout the world, that it may be necessary to approach the nature of warfare a little differently than we have in the past. The theory of a just war may consequently need to be re-examined, and terrorism specially addressed.

Moving on to the next condition of a just war,

### **Declared by a proper authority**

World opinion, and domestic opinion in the United States, wanted U.N. "authorization" for this war. After all, if it is being waged on behalf of the world, or on behalf of the U.N. to enforce resolution 1441, then surely the world ought to have some say in the matter. I know of nothing in the U.N. charter that gives it the authority to wage war, or to prevent war. It isn't like the United States Constitution which delegates that authority to the Congress. International law provides that every nation has the right to defend itself; and so this authority is inherent in every nation, and it may be exercised by any sovereign nation. The

United States is a sovereign nation. As in the issue of defense, its authority to wage war is conditioned on having a just cause. If it has the one, then it has the other. Without a just cause, there is no authority. If the U.S. is not acting in self-defense, then it must be acting under some other authority, such as the U.N. That is exactly what resolution 1441 does. It grants authority.

## **Possessing the right intention**

This sounds like it would be related to just cause again, but it is slightly different. The issue is what the warring authority has in mind for an outcome. Say a country populated by woodsmen, armed with bows and arrows, kidnaps the sovereign ruler of another nation that has nuclear arms. There is a just cause for the nuclear power to respond, and there is authority. But dropping a nuclear bomb on the offenders with the intent to destroy their civilization, in effect practicing genocide, and with the intent to make other nations think twice about committing the same crime, is simply not right. Proportionality is part of this as well. But the intent is the underlying issue here. What do they desire to accomplish and why?

America's stated intent is to free the Iraqi people from a brutal regime. All of its actions, and all of its restraint, as described earlier, would tend to support that intent. It has never had interests in Iraq. It could have occupied Iraq ten years ago, and chose not to do that. This does not appear to be imperial expansion or acquisition of territory. The U.S. has no desire to occupy the land or subjugate the people of Iraq. It would like to get out as quickly as possible. It has asked for the help of the U.N. in rebuilding Iraq and caring for its people. Its intent seems right by every measure.

## **Having a reasonable chance of success**

You might think this is referring to the weapons at your disposal. That is correct, but only in part. No rational ruler, like the head of the woodsmen, takes on a foe that can absolutely devastate his nation, and perhaps exterminate the population. It would be a foolhardy venture and unjustified for that reason. It also means that you can reasonably expect to achieve your objectives in the war. It is no good to engage an equally competent adversary if there is no hope of gaining your objective. That leads to unending war for no good purpose. The tit for tat that went on between the Irish Catholics and Protestants for centuries, with no reasonable chance for success on the part of the Catholics, and served no useful purpose. It is the reason that terrorism is so abhorred. It is an attempt to gain the leverage that otherwise would not exist, committed at the expense of non-combatants. It lacks honor, and it shows a blatant disregard for human life. It is an attempt to force the other party to capitulate specifically because that party honors human life. America not only has the capability of winning this war, but it has a reasonable expectation of success in freeing the Iraqi people from the clutches of this terrorist tyrant and others like him.

## **End is proportional to the means used**

If I am confronting an unarmed child in hopes of preventing the child from slapping a classmate, I do not have the right to bludgeon him to death. It would certainly prevent the harm, but what I am doing would be a greater harm than what I prevented. This does not mean that a 250 pound combat-trained adult should not stop a 6-year old child from slapping her classmate. The disparity in size and strength between them does not make it unwarranted. What it means is that he must exercise restraint, and use only the force necessary to accomplish the objective which is to prevent the other child from being slapped. If he can accomplish his objective by putting them on opposite sides of the room, that would be preferred to corporal punishment. Prevention should always be preferred to acts of retribution or punishment.

That is what America attempted to do for a number of years. If Iraq could be disarmed voluntarily, this preventative approach would be far preferred to disarming it. Iraq refused to disarm. It cast out the inspectors. It refused to destroy its missiles until the threat of war became real and imminent. There was no way to simply attack the weapons and destroy them directly. Past behavior indicated that Saddam

Hussein would simply build or buy more. The only solution appeared to be the removal of this regime in order to prevent harm, both domestically and internationally.

But war is a nasty business. And America's military might is so far superior to anything Iraq can mount in its defense, that expecting commensurate force seems naive. The rhetoric of "Shock and Awe" made it appear more likely that the bully had decided to throw its weight around. In the process of waging war, however, it was America's superior strength that enabled it to restrict its attacks to very specific targets in very specific locations, largely protecting the civilian population. Its treatment of civilians and prisoners of war further aided this perception that what it was doing was very restrained, and humane. Resistance by Hussein's loyalist forces is forcing the confrontation to become bloody. Leaflets dropped by U.S. and British planes provided opportunities and means for peaceful surrender. They contained directions on how to surrender in a way that would avoid misunderstandings. Hussein's troops used this mechanism for peaceful resolution to trick American forces into encounters with hostile forces – that is, they used it as a trap with no intention of surrendering.

We are not seeing the massive bombing runs common to the Gulf War. Those could make no distinction between civilian and military targets. And as I indicated, this specifically directed attack using smart bombs, has come at no small cost to America. It was willing to pay the price to avoid collateral damage to the civilian population. It is succeeding in this endeavor. All of this points to the fact that the Americans have bent over backwards to disarm Iraq in a way that brings to bear only the force necessary to achieve its objective. That objective is to liberate Iraq from a reign of terror, and to prevent future aggression against the world by this Butcher of Baghdad.

## **Conclusion:**

By all accounts, and for all its stated reasons, this is a Just War on the part of American and coalition forces. The world is becoming a safer place as a result. It sends a message to other aggressive nations that the world community will not tolerate terrorism, whether it is domestic or foreign. The one leads to the other, as we should have learned from World War II.

Opposition to this war is effectively a declaration of support for Saddam Hussein's policies and brutality. It is not a defense of the inherent right of a nation to be free from foreign intervention. It is not a vote for peace. On the contrary, it rejects the inherent right of the people of Iraq to be free from terror, and to live in peace as God ordained it. Finally, opposition to this military action, or inaction, effectively condones and facilitates aggression, letting evil go unchallenged. That is clearly unbiblical, and immoral.

## Appendix 1. U.N. Resolution 1441

### Text of UN Security Council Resolution on Iraq: November 8, 2002.

#### United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Adopted as Resolution 1441 at Security Council meeting 4644, 8 November 2002]

**NOTE:** *The initial paragraphs have been lettered for easier reference, but these letters are missing in the original text.*

*The Security Council,*

*A. Recalling* all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

*B. Recalling also* its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully, *Recognizing* the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security,

*C. Recalling* that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

*D. Further recalling* that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

*E. Deploring* the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

*F. Deploring further* that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

*G. Deploring* the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

*H. Deploring also* that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or



cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

*I. Recalling* that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein, *Determined* to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance, *Recalling* that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

*J. Noting* the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Council resolutions,

*K. Noting further* the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter, *Reaffirming* the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States,

*L. Commending* the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard,

*M. Determined* to secure full compliance with its decisions,

*N. Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);

2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;

3. *Decides* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material;

4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this

resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;

5. *Decides* that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;

6. *Endorses* the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;

7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;

- All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;

- UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998);

- UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;

- Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;

- UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;

- UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;

- UNMOVIC and the IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof; and

- UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage;

8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;

9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;

11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

14. *Decides* to remain seized of the matter.

Annex

Text of Blix/El-Baradei letter

<b>United Nations Monitoring, Verification and Inspection Commission The Executive Chairman</b>	<b>International Atomic Energy Agency The Director General</b>
---	--

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council. In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past. As we noted, however, eight presidential sites have been the subject of special procedures

under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

H.E. General Amir H. Al-Saadi  
Advisor  
Presidential Office  
Baghdad  
Iraq

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request. UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews.

The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises. The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel.

UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications.

Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past.

As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez- Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna. Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.

Yours sincerely,

*(Signed) (Signed)*

Hans **Blix** Mohamed **EIBaradei**  
Executive Chairman Director General  
United Nations Monitoring, International Atomic Energy Agency  
Verification and Inspection Commission

## **Appendix 2. United Nations Charter Chapter VII**

### **CHAPTER VII**

#### **ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

##### **Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with [Articles 41](#) and [42](#), to maintain or restore international peace and security.

##### **Article 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in [Article 39](#), call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

##### **Article 41**

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

##### **Article 42**

Should the Security Council consider that measures provided for in [Article 41](#) would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

##### **Article 43**

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

##### **Article 44**

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under [Article 43](#), invite

that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **Article 45**

In order to enable the United Nations to take urgent military measures Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in [Article 43](#), by the Security Council with the assistance of the Military Staff Committee.

#### **Article 46**

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### **Article 47**

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

#### **Article 48**

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### **Article 49**

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### **Article 50**

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

**Article 51**

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.



### **Appendix 3. Preamble to the Covenant on Civil and Political Rights**

The States Parties to the present Covenant

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all the members of the human family is the foundation of freedom, justice and peace in world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights and freedom,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

## Appendix 4. Summary of Covenant on Political and Social Rights

### *Covenant on Civil and Political Rights*

This covenant details the basic civil and political rights of individuals and nations. Among the rights of nations are:

- the right to self determination
- the right to own, trade, and dispose of their property freely, and not be deprived of their means of subsistence

Among the rights of individuals are:

- the right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity
- the right to life
- the right to liberty and freedom of movement
- the right to equality before the law
- the right to presumption of innocence til proven guilty
- the right to appeal a conviction
- the right to be recognized as a person before the law
- the right to privacy and protection of that privacy by law
- freedom of thought, conscience, and religion
- freedom of opinion and expression
- freedom of assembly and association

The covenant forbids torture and inhuman or degrading treatment, slavery or involuntary servitude, arbitrary arrest and detention, and debtor's prisons. It forbids propoganda advocating either war or hatred based on race, religion, national origin, or language.

It provides for the right of people to choose freely whom they will marry and to found a family, and requires that the duties and obligations of marriage and family be shared equally between partners. It guarantees the rights of children and prohibits discrimination based on race, sex, color, national origin, or language.

It also restricts the death penalty to the most serious of crimes, guarantees condemned people the right to appeal for commutation to a lesser penalty, and forbids the death penalty entirely for people under 18 years of age.

The covenant permits governments to temporarily suspend some of these rights in cases of civil emergency only, and lists those rights which cannot be suspended for any reason. It also establishes the UN Human Rights Commission.

After almost two decades of negotiations and rewriting, the text of the Universal Covenant on Civil and Political Rights was agreed upon in 1966. In 1976, after being ratified by the required 35 states, it became international law.

## **Appendix 5. Summation of Prosecution – Nuremberg Trial**

### **Mr. Justice Robert H. Jackson (Chief of Counsel for the United States):**

The Nazi Party seized control of the German State in 1933... The Nazi junta in the early days lived in constant fear of overthrow. Goring, in 1934, pointed out that its enemies were legion and said: "Therefore, the concentration camps have been created, where we have first confined thousands of Communists and social democrat functionaries" In 1933 Goring forecast the whole program of purposeful cruelty and oppression when he publicly announced: "Whoever in the future raises a hand against a representative of the National Socialist movement or of the State must know that he will lose his life in a very short while" (2494-PS).

New political crimes were created to this end. It was made a treason, punishable with death, to organize or support a political party other than the Nazi Party (2548-PS). Circulating a false or exaggerated statement, or one which would harm the State or even the Party, was made a crime (1652-PS). Laws were enacted of such ambiguity that they could be used to punish almost any innocent act. It was, for example, made a crime to provoke "any act contrary to the public welfare" (1390-PS).

The doctrine of punishment by analogy was introduced to enable conviction for acts which no statute forbade (1962-PS). Minister of Justice Gurtner explained that National Socialism considered every violation of the goals of life which the community set up for itself to be a wrong per se, and that the acts could be punished even though it was not contrary to existing "formal law" (2549-PS). The Gestapo and the SD were instrumentalities of an espionage system which penetrated public and private life (1680-PS). Goring controlled a personal wire-tapping unit. All privacy of communication was abolished (1390-PS). Party Blockleiter appointed over every 50 householders spied continuously on all within their ken (1893-PS). Upon the strength of this spying individuals were dragged off to "protective custody" and to concentration camps without legal proceedings of any kind (1956-PS) and without statement of any reason therefor (2533-PS). The partisan Political Police were exempted from effective legal responsibility for their acts (2347-PS).

With all administrative offices in Nazi control and with the Reichstag reduced to impotence, the judiciary remained the last obstacle to this reign of terror (2469-PS). But its independence was soon overcome and it was reorganized to dispense a venal justice (784-PS) Judges were ousted for political or racial reasons and were spied upon and put under pressure to join the Nazi Party (2967-PS). After the Supreme Court had acquitted three of the four men whom the Nazis accused of setting the Reichstag fire, its jurisdiction over treason cases was transferred to a newly established "People's Court" consisting of two judges and five Party officials (2967-PS). The German film of this "People's Court" in operation, which we showed in this chamber, revealed its presiding judge pouring partisan abuse on speechless defendants (3054-PS). Special courts were created to try political crimes, only Party members were appointed judges (2065-PS), and "judges' letters" instructed the puppet judges as to the "general lines" they must follow (D-229).

The result was the removal of all peaceable means either to resist or to change the Government. Having sneaked through the portals of power, the Nazis slammed the gate in the face of all others who might also aspire to enter. Since the law was what the Nazis said it was, every form of opposition was rooted out and every dissenting voice throttled. Germany was in the clutch of a police state, which used the fear of the concentration camp as a means to enforce nonresistance. The Party was the State, the State was the Party, and terror by day and death by night were the policy of both.