

Alternatives to War with Iraq
Recommendations of an Experts' Panel
Ottawa, December 11, 2002

Panel members:

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Recommendations

On November 18, 2002, as United Nations weapons inspectors entered Iraq to begin implementing Security Council Resolution 1441, a panel of experts met in Ottawa to publicly debate the inspection process, the international ramifications of efforts to contain Iraq's acquisition of weapons of mass destruction, and the implications for Iraq, the United Nations, Canada, and the world of the success or failure of the inspections process.

The experts panel, convened under the auspices of the Canadian Peacebuilding Coordinating Committee and the Centre for Security and Defence Studies of Carleton University, was composed of Ronald Cleminson, Commissioner, UNMOVIC; Col (Rtd) Douglas Fraser, UNMOVIC Roster of Qualified Experts; Walter Dorn, Royal Military College/Science for Peace; Peggy Mason, Group of 78 and former Canadian Ambassador for Disarmament; Fergus Watt, World Federalists of Canada; Rick McCutcheon, former NGO field representative in Iraq, John Sigler, Adjunct Professor, Carleton University; and Raid Fahmi, Editor in chief of Al-Thakafa-Al Jadida (The New Culture).

Based on the deliberations of November 18, it is recommended that:

- 1. An alternative to war exists and this is a united Security Council fully behind a rigorous and effective disarmament regime based on unfettered**

inspections, targeted “smart sanctions” and future monitoring and verification.

▪ **It is vital that Canada demonstrate strong and unequivocal support to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in the tasks given them by the Security Council. To this end we call on Canada to underscore the request in paragraph 10 of SCR 1441 to all Member States to give full support UNMOVIC and the IAEA, including by providing any relevant information.**

▪ **Sanctions should be targeted on military equipment and the monitoring of all sensitive imports (dual use goods) in accordance with the “future monitoring and verification” system, initially established by the Security Council in 1996 and subsequently enhanced in 1999 and 2002 respectively. This would allow the lifting of the general economic embargo that has crippled the Iraqi economy, caused untold hardship to ordinary Iraqis and so undermined international support for the disarmament regime.**

To achieve these objectives we call on Canada to work in partnership with the many other UN Member States both inside and outside the Security Council who are seeking to avoid war with Iraq.

2. Canada should actively explore with likeminded countries the possibility of an interim step between a finding by the Security Council of Iraqi non-compliance with its disarmament obligations – that is, of a serious material breach – and a move to authorize all-out war. Limited enforcement action, clearly designed to further the goal of concluding weapons inspections, while avoiding escalation to war, should be considered. A single "material

breach" of Resolution 1441 need not be the tripwire for full-scale war in Iraq.

3. There should be no Canadian participation in, or support for, military action against Iraq without the clearest possible justification under international law. In particular, Canada must reject an invasion of Iraq unless and until there has been an express authorization of the use of force by the UN Security Council after it has determined that a bona fide and imminent threat exists to international peace and security that cannot be resolved or contained in any way other than through the use of force.

4. The Iraqi people themselves hold the key to peaceful internal change. They should therefore be the prime focus of a "non-military intervention" by the international community. To this end, and in addition to the lifting of the general economic embargo recommended in paragraph 1, Canada should urge the UN Security Council to develop a plan for the implementation of effective, practical steps towards respect for human rights and democratization in Iraq, as envisaged in Resolution 688. Integral to this Plan of Action should be the role of international non-governmental organizations (NGOs) as an indispensable means of mobilizing support for the Iraqi people and expressing solidarity with them.

Introduction

The Iraq Forum, convened by the Canadian Peacebuilding Coordinating Committee and the Centre for Security and Defence Studies of The Norman Paterson School of International Affairs at Carleton University, was attended by more than 90 participants, including representatives of non-governmental organizations, academics, students, members of the international diplomatic corps, Canadian government officials, former officials and others.

Three panels addressed: The weapons inspection regime for Iraq: How should it work? Will it work?; The United Nations Security Council Resolution on Iraqi compliance: What does the Security Council Resolution authorize? What are the international and domestic implications of what the Resolution permits and does not permit?; and finally, War and peace scenarios: What are the likely consequences of successful implementation of an inspections process and other initiatives to avert war? What are the likely consequences of the failure of an inspections process for Iraq, the region and Canada?

What follows is a summary of proceedings, including the panel presentations and comments from ensuing discussions.

The Weapons Inspection Regime for Iraq

*Panel 1: Ronald Cleminson, Douglas Fraser, Walter Dorn.
Moderator: Debbie Grisdale*

At the end of the UN authorized military action against Iraq as a result of its invasion of Kuwait in August 1990, the terms of the ceasefire set out in United Nations Security Council Resolution 687 included a comprehensive system for the disarmament of Iraqi weapons of mass destruction. To this end the Security Council mandated the establishment of the UN Special Commission (UNSCOM), and directed it to disarm Iraq of its chemical and biological weapons and missile delivery systems with a range of more than 150 km, as well as to operate a system of ongoing monitoring and verification to check Iraq's compliance with its obligations not to reacquire these prohibited weapons. Nuclear-related weapons inspections were the responsibility of the Vienna-based International Atomic Energy Agency (IAEA), the international inspectorate for the application of nuclear safeguards and verification measures covering civilian

nuclear programmes. Its head since December 1997 has been Dr. Mohamed ElBaradei.

UNSCOM and the IAEA carried out inspections in Iraq between 1991 and 1998, and have been credited with destroying more weapons than the US-led Operation Desert Storm. The inspectors were withdrawn in December 1998 over concerns for their safety and security in the face of increased Iraqi non-cooperation and announced American and British intentions to respond with a bombing campaign. Weapons inspectors did not return to Iraq until November 18th, 2002, pursuant to UN Security Council Resolution 1441, adopted unanimously on November 8th. However, the IAEA had continued during the interim with its inspections of Iraqi civilian nuclear energy and related facilities.

In an effort to relaunch the Iraqi disarmament programme the Security Council adopted resolution 1284 on December 17, 1999. Its terms reconfirmed the IAEA's nuclear weapons-related mandate¹ and established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM and continue with the latter's disarmament and ongoing monitoring mandates. The Secretary-General of the United Nations appointed Dr. Hans Blix of Sweden to be the Commission's Executive Chairman. In addition, the Secretary-General appointed 16 individuals to serve on the College of Commissioners of UNMOVIC, which provides advice and guidance to the chairman in the execution of his duties. The commission's staff includes weapons specialists, analysts, scientists, engineers and operational planners. It is financed from a small portion of the monies raised from the export of oil from Iraq (the "oil-for-food" programme). Unlike its predecessor, UNSCOM, UNMOVIC personnel are employees of the United Nations. The commission maintains its headquarters at the United Nations in New York.

Containment as an Alternative to War: Monitoring, Inspection and Verification

*By Ron Cleminson**

November 18th is significant because the IAEA and UNMOVIC are now on the ground in Iraq after four years without weapons

¹ With the adoption of SCR 1409 on May 14, 2002, the IAEA's mandate was further extended to include an expert evaluation of proposed imports to Iraq to determine whether they involve any nuclear or nuclear-related items.

* UNMOVIC Commissioner.

inspections. How will they succeed? The aim of this presentation is to look at the models that already exist for monitoring from UNMOVIC's predecessor organization and from the IAEA Action Team. This is the basis on which UNMOVIC has been created and improved.

UNSCOM, although a very cost-effective operation, had funding problems and frequent changes of personnel, who were provided on an ad hoc basis by UN member states. Despite this, UNSCOM managed to set up a range of inspection methodologies and protocols, developing new and innovative ways of working synergistically in multinational teams, capable of mounting joint inspections designed in such a way that the Iraqis did not necessarily know which type of weapon was the subject of a particular on site visit. The capacity of UNSCOM to constantly evolve to meet new verification challenges was a tribute to UN multilateralism. The IAEA Action Team also proved very effective and was able to complete its nuclear disarmament work and move to the second phase of ongoing monitoring and verification. Unlike UNSCOM, which had no permanent staff, the IAEA has a good institutional memory. UNMOVIC has the best of both worlds- it has standardized courses to qualify inspectors, broadened geographic representation, and inspectors do not represent individual countries. Their salaries are paid by the UN, thereby hopefully removing any temptation to place national interests above those of the United Nations for whom they work.

There are many tools and techniques at the disposal of inspectors. Containment of Iraq can be achieved through a combination of on site inspections, export/import monitoring, border monitoring, satellite surveillance, and the use of overhead imagery. Particularly important is the ongoing monitoring and verification (OMV) function through tagging and sealing, on site cameras and other means to ensure real-time remote surveillance of ongoing activities in sensitive sites.

UNMOVIC Weapons Inspections in Iraq
*By Douglas Fraser**

UNMOVIC inspectors work with an impressive array of technical and human resources backing them up. Staff develop a detailed computer-based site file for each inspection site, drawing on information from previous UNSCOM reports, open sources and intelligence provided by Member States. Secure communications

* UNMOVIC Roster of Qualified Experts.

and fixed and rotary wing transport help ensure the surprise needed for 'no-notice' inspections, while state of the art laboratory facilities assist in the rapid analysis of ground, air and water samples taken on site.

Thorough preparation is the key to success. All inspectors have taken the mandatory UNMOVIC basic course and many have attended advanced courses focusing on one of their three categories of responsibility - chemical, biological and missile. The headquarters staff at UNMOVIC New York builds the individual teams from their roster of qualified experts. Teams may comprise specialists from a single discipline or a combination of biological, chemical and missile expertise. Some joint teams may also include nuclear experts from the IAEA. Teams assemble at the UNMOVIC base in Cyprus and undergo refresher and update training, particularly with respect to any advanced technical equipment they will employ on site. The staging in Cyprus also provides an opportunity for psychological team building – an extremely important buffer against the stress of working in the Iraqi geophysical and political environment.

Inspectors have three challenging missions. They must confirm the status of sites that were under regular inspection up to 1998, a process termed 're-base lining'. They must address 'unresolved disarmament issues'; that is, investigations that were either ongoing or planned in 1998 but were not resolved prior to the withdrawal of UNSCOM. Finally, inspectors will launch new investigations based on information and intelligence acquired since 1998. Since it is unlikely there will be any new sites 'declared' by Iraq, inspectors will concentrate on potential 'dual-use' facilities where normal and legal civilian activity – such as medical research in relation to deadly diseases - might disguise potential or actual illegal weapons-related activity. They will also identify sites for ongoing monitoring and verification (OMV), many of which will be fitted with cameras and other sensors to allow '24/7' remote observation and the timely discovery of any deviation from legal to proscribed activities.

A typical inspection sequence might be as follows. First there is a thorough study of the site file for the target site, with only a restricted number of team members involved if a no-notice inspection is intended. The necessary safety procedures are identified; equipment and transport requirements are detailed as well as any specialist assistance that inspectors might require, such as expertise on building structures and the disposal of explosive ordnance. Any last minute training required is conducted and, at

the appropriate time, all team members are briefed using maps, diagrams and overhead imagery from the relevant site file. Communication and convoy procedures are reviewed. Inspectors are then joined by their Iraqi escorts; the 'minders', and they set off to a still undisclosed (to the Iraqis) location.

On arrival the Chief Inspector presents credentials and requests access. The inspectors then set about the inspection regime. Depending on the site, there are many variations of process and technique. Typically, inspectors conduct interviews, make inventories, and, if required, tag, and seal facilities and equipment to inhibit tampering or covert removal. To ensure real-time surveillance of ongoing activities in sensitive sites, they will install OMV instruments. United Nations Security Council Resolution 1441 gives inspectors unfettered access to any site and Iraq has promised to cooperate fully. Nevertheless, inspectors must be prepared to deal with a certain amount of foot dragging, reluctance regarding interviews and, possibly, outright deceit, distraction and disinformation. With respect to the latter activities, however, paragraph 4 of SCR 1441 provides that "failure by Iraq at any time to comply with, or cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" and is to be immediately reported to the Security Council.

Inspectors face two other challenges. First, they are going to be pressed for time. SCR 1441, in comparison to what was foreseen in SCR 1248 (the resolution that established UNMOVIC), effectively reduces inspection planning time from two months to one, and allows UNMOVIC two months – rather than six - to produce a report updating the Security Council on the results of their work. Secondly, although it is up to the Security Council to decide what constitutes a 'material breach', inspectors are well aware that the contents of their team reports are very politically sensitive and this is bound to put a great deal of stress on individuals and teams. A report of Iraqi non-compliance under SCR 1248 meant no relief from economic sanctions. A failing grade to Iraq under the SCR 1441 inspections regime may be setting the scene for war.

At this point three possible outcomes can be foreseen. In the first scenario, after a detailed review of the Iraqi declaration due on 8 December and, on completion of their two months of inspections, UNMOVIC and the IAEA declare that they have found no conflicting evidence and believe the declaration to be 'full, final and complete' (to use the language of earlier resolutions). In the second scenario, Hans Blix and Mohamed ElBaradei report that all

is going well but, despite good cooperation from Iraq, there are still unresolved issues requiring further time and investigation. Or, in the third alternative, the report by UNMOVIC or the IAEA contains details of one or a series of incidents of non-cooperation – such as obstruction, or falsified information – that are likely to be considered by the Security Council as a material breach of Iraq’s disarmament obligations under the resolution.

Furthermore, at any point along this continuum, individual member states in or outside the Security Council may decide to take action as they deem fit.

Replicating UNSCOM’s Successes

*By Walter Dorn**

UNMOVIC is a more legitimate, impartial international body than its predecessor, UNSCOM, which nonetheless achieved a great deal. In addition to being staffed by genuine international civil servants, who swear an oath of loyalty to the United Nations Organization, UNMOVIC is not unduly dominated by U.S. inspectors in key leadership positions. Viewed from this perspective, the recent vilification of Dr. Blix in right-wing commentaries could be viewed as a good thing – a sign of his independence and impartiality.

There are a number of important lessons to be learned from the UNSCOM experience. Technical lessons include the importance of aerial monitoring as a supplement to ground inspections. UNSCOM used helicopters to see hidden objects under the sand and to cover the ‘backdoor’ through which vehicles were sometimes spotted leaving as inspectors arrived. Unmanned Aerial Vehicles (UAVs), now being introduced by UNMOVIC, will be valuable assets for wide-area and long-range observation, and are similarly complementary to ground inspection. Under- and above-ground sensors help tremendously in the detection of undeclared weapons underground or buried in the sand (and there are tens of thousands of square kilometers of Iraqi desert), or in presidential sites and bunkers (comprising between 1000-1500 buildings and some 40-70 square kilometers).

Interviews were also an important part of UNSCOM’s work and UNMOVIC has the added advantage of being able to interview privately, without Iraqi accompaniment, inside Iraq and even transporting interviewees outside the country. UNMOVIC will

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also have its own laboratory facilities for sample analysis. In considering the accomplishments of UNSCOM, particularly under its first head, the very experienced and deft Swedish diplomat, Ambassador Rolf Ekeus, it is important to consider not only the sheer amount of weapons destroyed (including 100 missiles and launchers, 4,000 bombs, and 3,600 tons of chemical agents/precursors) but also UNSCOM's systems for continuous monitoring of activities at dozens of weapons sites, potential missile production sites, chemical plants, factories and biomedical facilities around the country.

Can UNMOVIC replicate UNSCOM's successes and avoid its failures? Two impediments stand in the way: Iraqi resistance – through delay, deceit or deception – and U.S. impatience, as it demands impossibly high standards for compliance and ridiculously low standards to pass judgment on non-compliance or material breaches of the Security Council resolutions as a pretext for war. Surely the 'cat and mouse' game is far preferable to the war game, especially when the experience of UNSCOM demonstrates that, like careful police work, the patient and persistent activities of inspectors leads to important discoveries, exposes falsehoods and, most important, slows down weapons development.

Over the longer term, what is needed is a higher vision – a permanent, professional UN verification agency, with a broad range of ongoing activities and an impartially administered system for disarmament verification that applies one standard to all.

Discussion

The point was re-emphasized that even a clean bill of health by UNMOVIC and the IAEA and the lifting of economic sanctions would not mean the end of disarmament verification in Iraq. This is why the installation of the system of ongoing monitoring is so important. As a condition of lifting the economic sanctions, Iraq has agreed to this system staying in place indefinitely.

There was also some further exploration of the value of human intelligence (HUMINT), and the various means of getting such information. UNSCOM got a lot of good information from individual Iraqis, including from some defectors, and the new procedures in Resolution 1441 allow UNMOVIC to talk to anyone, anywhere. In addition, Iraq must produce a list of those involved in relevant programmes. Human sources are important,

but UNMOVIC will not be conducting CIA type operations – everything will be above board. In this regard, the concerns of Dr. Blix as to the practicality of the provision in the resolution for interviewing individuals outside the country were noted.

Resolution 1441: War Deferred or Avoided?

Panel 2: Peggy Mason, Fergus Watt.

Moderator: Steve Mason, Executive Director, United Nations Association in Canada

What does the Security Council Resolution Authorize?

By Peggy Mason*

In Resolution 1441, passed unanimously on November 8th, 2002, the 15 members of the UN Security Council did not rubber-stamp the U.S. call to war. Instead, they lined up behind a tough resolution calling for ‘immediate, unimpeded, unconditional and unrestricted access’ for UN weapons inspectors, stated their intention to convene immediately in the event of an Iraqi failure to comply with its disarmament obligations and warned of ‘serious consequences’ of such violations. No use of force was authorized by this resolution, a fact clearly acknowledged by all Security Council members – including the United States – in their statements in the Council chamber immediately following the vote. This lack of a trigger – hidden or otherwise – for the use of force means that this resolution respects the wishes of the vast majority of UN member states and their citizens who are overwhelmingly opposed to a frighteningly reckless war that is unprovoked, unjust and totally unnecessary.

U.S. Ambassador Negroponte went on to say in his post-vote statement that it did not actually matter that the resolution did not authorize the use of force because the U.S. can invade Iraq in order to defend itself. In addition he asserted that any member state can act ‘to enforce relevant UN resolutions and protect world peace and security.’ Neither of these assertions can withstand even minimal scrutiny. The UN Charter recognizes in Article 51 the right of self-defence ‘if an armed attack occurs’ and, as Canadian Foreign Minister Bill Graham has recently observed, since the UN Charter is not meant to be a “suicide

* Chair of The Group of 78.

pact”, this has been interpreted to include a country taking action to forestall an *imminent* attack. In this case, however, the United States acknowledges that no attack is imminent and has produced no credible evidence of an Iraqi intention to attack America at any time. To allow a claim of self-defence to stand in these circumstances would be to make a mockery of the prohibition against the use of force enshrined in Article 2 (4) of the UN Charter.

Likewise, to countenance the argument that any member state can attack Iraq to enforce UN resolutions and protect world peace and security is to argue that force can be used to carry out a resolution, which does not authorize the use of force. As the UN Charter so clearly delineates in Articles 39, 41 and 42, any enforcement action to bring Iraq into compliance with council resolutions can only be authorized by the Security Council itself after it determines that the violation in question constitutes a threat to, or breach of, international peace and security and that the threat cannot be effectively managed in any way other than through the use of force. In this regard it is useful to recall the relevant wording of Security Council Resolution 678 of November 29, 1990, authorizing the use of force after Iraq’s invasion of Kuwait on August 2, 1990.

“Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements...the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990)² and all subsequent relevant resolutions and to restore international peace and security in the area;”

This wording not only specifically authorizes the use of force with the term “all necessary means”, a reference to Article 42 and “such action by air, sea or land forces as may be necessary to maintain or restore international peace and security” but, in accordance with Article 48, it also specifies which member states are so authorized.

In effect, the American argument seeks to equate a specific authorization to all or some member states or organizations to carry out specific actions that may involve the use of force (as for example the authorization of ECOWAS to enforce the arms

² By this resolution, passed the same day as the invasion took place, the Security Council demanded that Iraq withdraw immediately from Kuwait.

embargo against the rebel forces in Sierra Leone)³ with authorization for the ultimate use of force, that is, a coalition of states engaging in a military attack on the offending country. In any event, neither the specific nor the general *authorization* appears in Resolution 1441.

Implications for Canada

First and foremost, the pre-condition for Canada's consideration of participation in a U.S.-led attack on Iraq has not been met – there has been no Security Council authorization for the use of force. Unless and until the Security Council determines that Iraq poses a threat to international peace and security of such a kind that there is no other recourse but the use of force, Canada should firmly reject the invasion option.

On the nature and scope of the Iraqi threat, it is worth noting that Iraq has been under a total economic embargo since August 6, 1990. Its army was devastated in Operation Desert Storm and it then underwent substantial disarmament in the period from 1991-1997. It is inconceivable that its army could be anything other than a shadow of what it was in 1990. This is NOT to say that the international community should be sanguine about Iraq and should abandon determined, consistent and broadly supported containment and disarmament efforts. But it is to say that there is insufficient evidence to justify launching a war on Iraq and to do so without the necessary evidence is to set a horrific precedent for unprovoked and unjustified attacks. An alternative to war exists and this is a united Security Council fully behind “smart sanctions,” “future monitoring” and a tough inspection and disarmament regime. This means targeting the sanctions on military equipment and monitoring all sensitive imports (dual-use goods) in accordance with the future monitoring system developed by UNSCOM and the IAEA and blessed by the Security Council in 1995. Equally, it means ending the general economic embargo that has caused so much hardship to ordinary Iraqis and so undermined international support for the disarmament regime – so the economy and the middle class can start to function again and civil society can start to prepare the ground for internal regime change.

³ In SCR 1132 (1997) in paragraph 8, the council “Acting also under Chapter VIII of the Charter of the United Nations *authorizes* ECOWAS, cooperating with the democratically-elected Government of Sierra Leone, to ensure strict implementation of the provisions of this resolution relating to the supply of petroleum... and arms...”

It is vital that Canada demonstrate strong and unequivocal support for UNMOVIC and the IAEA in the tasks given them by the Security Council and to this end should underscore the request in paragraph 10 of SCR 1441 to all member states to give full support to UNMOVIC and the IAEA, not only in terms of providing all relevant information that they might have – such as the so-called “dossiers” compiled by the U.S. and the UK – but also by avoiding the temptation to second-guess and publicly undermine the conduct of the inspections by Dr. Blix.

Process and Outcomes Surrounding UN SCR Resolution 1441
*By Fergus Watt**

How has the debate over Iraq changed in the last four months?
How has the deeper engagement of the international community affected the prospects for war?

It's only a matter of a few months since the discussion over Iraq was a discussion over a unilateral military intervention, either by the U.S. alone or by the U.S., U.K. and a small number of allied governments. On the basis that the U.S. has the right to use military force pre-emptively, against any state that is seen as hostile or makes moves to acquire weapons of mass destruction – nuclear, chemical or biological, Iraq was to be the first major military campaign justified by this new “doctrine of preemption.”

And of course the problem with the Bush administration's notion of pre-emption is that it would de-stabilize international order and undermine some of the core precepts of international law. Whereas international law sanctions the use of force in self-defence or pursuant to a Security Council resolution, preemption validates striking first. It would justify the use of force in response to alleged intentions, potential links to terrorist groups, supposed plans and possible projects to acquire weapons of mass destruction and anticipations of future dangers. It is a doctrine without limits, without accountability to the UN or international law, and without any dependence on a collective judgment of responsible governments.

Regardless of the outcome in Iraq, we can expect continued discussion over the future political and legal conditions legitimating the use of force.

* Executive Director, World Federalists of Canada.

For a variety of reasons, the U.S. has been convinced to change course, to engage multilaterally and to take the issue to the UN Security Council. There are a number of reasons why this occurred.

- First, a majority of Americans preferred to give inspections a chance and to seek U.N. support for resort to force;
- Second, America's allies, including Canada, favoured carrying the debate to the Security Council, seeing inspections as a means to constrain Iraq and restrain the U.S.;
- Thirdly, influential Republicans argued that the U.S. policy of regime change would be advanced, not weakened, by going through the UN; and
- Fourthly, – and most importantly – within the U.S. administration, the president sided, for the time being, with the “multilateralists” under Secretary of State Colin Powell.

Winners and losers

First, the U.S. side of the ledger. The Security Council Resolution giving Iraq “one last opportunity to disarm” allows the U.S. to regain the moral high ground. Any future military campaign will enjoy wider public support, and wider support among UN member states. These are significant gains for the Americans, considering the possible costs of such a campaign, including its post-conflict phase. President Bush is in a no-lose situation politically. If inspections succeed and invasion is thwarted, he can claim that the stated objective – that of disarming Iraq - has been achieved. If inspections fail, then Saddam Hussein will be seen to have brought war to Iraq through his own negligence.

And what about the UN? The good news is the outcome of Resolution 1441. There is now a good faith understanding at the Security Council that weapons inspections will be given one more chance. The efforts by the international community to steer the discussion from “regime change” to the topic of weapons of mass destruction has succeeded. It is tremendously important to continue to support the inspectors in their work. However, I would argue at the same time that the UN's authority has been put at considerable risk for the following reasons:

Traditional international law norms have been distorted by the characterization of a weapons program as a threat to international peace and security. Iraq poses no current threat of attack to its neighbours. The Security Council has not disclosed a bona fide threat to international peace and security – classically defined as an attack or imminent threat of attack on another state –

emanating from Iraq. If war ensues on the basis that Iraq's weapons program *per se* threatens international peace, the Pentagon lawyers driving the radical notions of "pre-emptive defense" will have scored a major victory.

A second possible diminution of the UN's authority stems from the lack of Security Council control over the course of the war, both in terms of its possible triggers and its ultimate objectives. There is still some debate as to whether, in the event of Iraq's non-compliance with inspections, the Security Council would be required to take another decision before the onset of war, or whether 1441 requires that the Council only meet and discuss the report of the weapons inspectors. But no one doubts the likelihood of military intervention, should Iraq not comply with the inspections process.

When Colin Powell visited Ottawa early in November, he said, "If the Iraqis do not co-operate, do not comply, do not work with the inspectors, do not take this opportunity to get rid of their weapons of mass destruction, then there will be consequences. And those consequences will involve the *use of military force to disarm through regime change.*" (*Emphasis added*)

The problem here is that there is no international legitimacy to the goal of regime change. There is an international consensus to disarm Iraq. That is a valid and legal objective flowing from the ceasefire following the Iraq-Kuwait war and subsequent Security Council resolutions. It would not be inappropriate to contemplate enforcement action to complete weapons inspections and disarmament, as envisioned by the Carnegie Endowment's proposals for "coercive inspections." But nobody has bought in to regime change. Under the UN Charter and international law, the use of force is to be used proportionately and as necessary. The Security Council is the world's primary political organ on matters of peace and security and has reached a consensus on the goal of completing weapons inspections in Iraq. The U.S. has a policy of regime change in Iraq. Distorting the weapons inspections mandate to achieve regime change would diminish the UN's authority.

Implications for Canada

Canada's interest lies in a reliable framework of international law and multilateral institutions. There is an international legal and political consensus for weapons inspections. There is no such consensus for "regime change." Canada does not simply answer

“Ready-aye-ready” when either the United States or the United Nations comes calling. Canada can be expected to assess the content and legality of the international mandate it is asked to support. Canada should vigorously support weapons inspections. And Canada should stay out of a wider war in Iraq.

Discussion

The apparent discrepancy was noted between the request in paragraph 10 of Resolution 1441 for all member states “to give full support to UNMOVIC and the IAEA in the discharge of their mandates” and what was termed the “campaign of harassment” directed by U.S. officials against the UN inspectors, particularly Dr. Blix, almost from the moment the resolution was passed. Even the UK had not agreed with the American allegation that Iraqi anti-aircraft fire against U.S. and U.K. planes bombing Iraq as they police their self-declared “no-fly zones” constituted a material breach of the resolution.⁴

Whether a second resolution was contemplated by the wording of Resolution 1441, in the event of Iraqi non-compliance was also discussed. Media reports⁵ of an alleged backroom deal with Russia and France to protect their economic interests in Iraq in return for dropping their insistence on an explicit two-resolution approach were noted. The specific requirements of the UN Charter for any Security Council authorization of the use of force were recalled and it was suggested that it was “outrageous” that such an awesome power would be invoked by “sleight of language”.

The need was stressed for Canada to do its *own* assessment of the legality of the mandate provided by the Security Council for the use of force, based on the identification of a bona fide threat to international peace and security, and not to simply rubber-stamp “whatever came down the pike”.

⁴ Paragraph 8 requires Iraq not to take or threaten hostile acts against UN or IAEA personnel or any Member State “taking action to uphold any Council resolution”. Whether or not the establishment of the no-fly zones in 1991 was justified as a means to protect the Iraqi Kurdish population, it is clear that there is no resolution authorizing the use of force in this manner. France, which initially participated in policing the no-fly zones, now has joined other members of the Security Council in rejecting the claim that the frequent bombing by the U.S. and U.K. of Iraqi targets is legal under international law.

⁵ See for example the long article in the NYTimes Magazine of November 17, 2002.

War and peace scenarios

***Panel 3: Raid Fahmi, John Sigler, Rick McCutcheon
Moderator: Rachad Antonius***

Regime Change in Iraq Through Non-military Intervention By *Raid Fahmi**

There are two main objectives in U.S. policy towards Iraq: disarmament and regime change and the main concern facing Iraq is the latter. While there is an international consensus on Iraqi disarmament, there is not a unified stance on regime change. Change is a necessary and worthy end, but force is not the optimal means.

The international community must look at the plight of the Iraqi people: they have been victims of an oppressive regime, have endured two major wars (i.e. Iran and Kuwait) as well as several internal wars, and have suffered multiple hardships as a result of the economic sanctions. The Iraqi regime too has already suffered severe losses, since it moved from a regime that the U.S. had previously supported to one it now condemns. The Iraqi people are hostages of sanctions *and* the regime. Confronted by a “survival economy,” they must work upwards of 12 to 14 hours a day in order to meet basic needs.

Yes, change is necessary, but not through war. There are other means to attain this end of necessary change – namely through active international support for human rights and democracy. Despite the many recommendations to these ends in reports pursuant to Security Council resolutions calling for respect for human rights and democratic accountability in Iraq, to this point, the Security Council has not acted on any of them. International pressure and initiative on this front would lead to an immediate amelioration of the Iraqi internal situation.

Saddam Hussein is starting to feel personally threatened and has already made some limited concessions to the Iraqi people that should be immediately built upon. The key is advocacy for internal change that is brought about by the Iraqis themselves. The Iraqi people should be the main focus of international support. They need help and it should come through UN-

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sanctioned support for human rights and democratization and the effective implementation of UN Resolution 688⁶. The Iraqi people can act, provided there are some possibilities and some room to move. This is the type of non-military international intervention that they need. After all, the main guarantee for sustainable Iraqi disarmament is having a government in Baghdad that is accountable. In this endeavour, international NGOs have an important role to play. They are another effective means to mobilize support and perhaps the best way of expressing solidarity with the people and promoting a pacific Iraq.

The War Within the U.S. Government

*By John Sigler**

The international community must do everything it can to avert war through active support of, and solidarity with, the Iraqi people in their efforts to promote internal change.

U.S. Secretary of State Colin Powell should be credited with Security Council Resolution 1441. He and UK Prime Minister Tony Blair made the difference in getting U.S. President George Bush to agree to work through the Security Council. This approach was anathema to hawks in the Bush administration. There is a deep divide within the US government, the deepest since 1945, between the “de facto” Democrats, (standing in for an effective Democratic Party opposition), and the “war party”. De facto Democrats consist of Powell, senior military in the Pentagon and Senators Richard Lugar and the Chair of the Senate Foreign Relations Committee, Joseph Biden. Hard-liners include Vice-President Dick Cheney, National Security Advisor, Condoleezza Rice, U.S. Ambassador to the UN John Negroponte, Deputy Secretary of Defence Paul Wolfowitz and Senior Advisor Richard Perle.

Secretary of State Powell is committed to reviving the UN Security Council and other American multilateral commitments. He understands that Iraq cannot be addressed without settling the Israeli- Palestinian conflict and, to this end, has worked with UN Secretary-General Kofi Annan to develop a roadmap for Middle East peace. This stands in sharp contrast to American heavy-

⁶ In this resolution the Security Council condemns the repression of the Iraqi civilian population in many parts of the country, demands that Iraq immediately end this repression and “expresses the hope that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected”.

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handedness in its multiple uses of the veto in the Security Council on resolutions relating to the Israeli-Palestinian conflict.

There will be huge costs to a war in Iraq. U.S. administration proponents of the pre-emptive strike doctrine are not the uniformed military, but those without any military experience. The greatest threat to peace in general – and to the proper conduct of the “war” on terrorism in particular – are political scientists who think the only way to solve the world’s problems is through force. The capabilities of the much-vaunted new weapons technologies are a myth. In the end, it is still a question of effectively dealing with cultures and peoples.

The War Against Iraq: Twelve Years and Counting

*By Richard McCutcheon**

As Non-Governmental Organization representative to Iraq in 2000-2001, my wife Tamara and I were able to see the devastating impact that the Iraq War, now in its 12th year, has had on ordinary people in Iraq. Snapshots from Iraq -- a group of young Iraqi soldiers laughing with an unsuspecting foreigner in Nasiriyah; a woman purchasing a few expensive canned goods at a local shop on the corner in Baghdad; an eager university student sharing a few moments of intellectual dialogue with a professor in Mosul – remind us that our political conversations need to be rooted in the lived experiences of men, women and children in Iraq. Not in vague abstractions easily manipulated for political ends that may or may not be just.

A cross-disciplinary survey of definitions and criteria for war indicates three main components to war. There is always a political/military component. Political scientists and anthropologists alike refer to legitimate governments and organized armies as required elements of war. Second, there is always an economic/bureaucratic dimension to war. A survey of past wars shows that economic levers, applied through increasingly sophisticated bureaucratic institutions, have always accompanied military violence. And at the social/cultural level, war requires the creation of an enemy through the negative construction of the Other. This is commonly, perhaps too simplistically, thought of as propaganda, but better understood in terms of symbols and rituals. Wars go through cycles, the various elements ebbing and flowing to create a violent process that we call war.

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When applied to the case of Iraq, there is no doubt that for the past 12 years there has been a significant historical event happening right under our noses, so to speak, an event that I call the Iraq War. Over the past twelve years there has been an ongoing military engagement, directed by governments on at least two sides. While we lived in Iraq, we experienced directly bombs falling and missiles being fired at over-flying aircraft. These exchanges have been well documented, and the resulting deaths and material destruction are significant. It is well known that the economic leverage being applied to Iraq in the form of comprehensive economic sanctions has had devastating consequences for men, women and children in Iraq. The deaths accrued from this bureaucratically administered economic violence are very high, minimally several hundred thousand at this point. Finally, the construction of Saddam Hussein as arch enemy follows a common pattern in war, and should not be a surprise to academic researchers. The mutual construction of the enemy, here and there, is part and parcel of the Iraq War.

The current escalation of rhetoric and violence may mark the beginning phase of the end of the Iraq War. An invasion of Iraq, or even a severe escalation of the conflict, is not inevitable, although the U.S. administration seems bent on that direction.

I conclude with three concerns that are not limited to the current escalation.

- 1) The bombing campaign must end immediately. The damage it is doing to Iraq is immense. The men, women and children of Iraq suffer great emotional trauma as a result of it.
- 2) When all is said and done, there must be a comprehensive peace treaty formulated which once and for all ends all economic sanctions, dismantles the UN escrow account, and creates a mechanism for final arbitration of any compensation claims -- to enslave a future generation through a burden of debt is cruel.
- 3) The idea of weapons inspections is, at best, a stop-gap measure that needs to be transformed into a truly equitable mechanism, applicable universally. In the case of Iraq, to focus on the question of human rights might open doors to a peaceful conclusion of the Iraq War, without invasion.

Discussion

In the discussion that followed it was argued that travel sanctions should be applied to senior officials in the regime. It was questioned why we respect sovereignty in the only field – human rights - that really matters to people, while intervening in other areas. Oil was seen as one of the motivating factors in U.S. policy toward Iraq, which is the second largest oil producer after Saudi Arabia. The perception that the war against Iraq was a means to rally American citizens around the President was raised and the observation made that it was hard to see the timing of the administration drumbeat of war and the U.S. elections as mere coincidences. Furthermore, the alleged link between al-Qaeda and the Iraqi regime was seen as tenuous; with the CIA itself citing the lack of concrete evidence linking the September 11th attacks to Saddam Hussein. Also, an Iraqi nuclear weapons capacity does not appear to be on the immediate horizon with most estimates indicating that it will be nearly a decade before Iraq acquires nuclear armed status.

Panelists

Rachad Antonius is a sociologist specializing in Arab societies, in particular Palestine, Egypt and Iraq. He holds a PhD in sociology and an MSc in mathematics. He is presently teaching at Champlain Regional College, and is affiliated with a research team at the University of Montreal. He has written numerous books and scholarly papers, in addition to articles in various newspapers on current events in the Arab world. Mr. Antonius was part of a Canadian NGO mission to Iraq in January 2000 and has coordinated the production of, as well as contributed several sections to, the Mission Report.

Ron Cleminson is a Commissioner with UNMOVIC, the United Nations Monitoring, Verification and Inspection Commission for Iraq. Mr. Cleminson has served as an adviser to UN Secretary General Kofi Annan during the assembling of the Commission as an expert with UNSCOM and took part in two inspection missions to Iraq between 1991 and 1998. Previously, he was a senior official in the Disarmament and Arms Control Division at the Department of Foreign Affairs and International Trade and, before that, a Canadian Air Force intelligence officer.

Walter Dorn is an Associate Professor with the Royal Military College of Canada and a faculty member of the Pearson Peacekeeping Centre. He has a PhD in chemistry, and his doctoral research focused on chemical sensing for arms control. He assisted with the negotiation, ratification and implementation of the Chemical Weapons Convention (CWC) and has extensive experience in field missions. In 1999, he was a district electoral officer with the UN Mission in East Timor. He also served with the UN in Ethiopia and at UN headquarters as a training adviser with the Department of Peacekeeping Operations. In 2001/02 he was the inaugural DFAIT Human Security Fellow. A longstanding UN Representative of Science for Peace, he is currently writing a book on UN monitoring to be published in 2003 under the title "Global Watch"

Raid Fahmi is a professor of economics in Paris. He is also the editor-in-chief of the Iraqi cultural magazine "Al-Thakafa-Al Jadida" (The New Culture). He is a founding member of the Kurdistan-based humanitarian association Al-Amal and of the Iraqi Forum in France. He writes extensively, most notably on the oil industry.

Col (Ret'd) Douglas Fraser spent 35 years as a commissioned officer in the Canadian Armed Forces. On retirement, he served as a Political Affairs Officer in the United Nations Secretariat dealing with arms control matters. Between 1991 and 1996 he was involved with support to UNSCOM. In 2001 Col Fraser coordinated Canada's hosting of the fourth UNMOVIC basic training course. He recently completed the fifth course in Geneva this year, thus qualifying as an expert with UNMOVIC. He is currently on the faculty of the Pearson Peacekeeping Centre.

Debbie Grisdale is the executive director of Physicians for Global Survival (Canada), an organization dedicated to the abolition of nuclear weapons and the prevention of war. Ms Grisdale has a Master's degree in community health. She has worked extensively in community health and international development in Canada and Latin America. She has been with PGS since 1994.

Peggy Mason is a Senior Fellow at The Norman Paterson School of International Relations at Carleton University and an External Faculty Member of the Pearson Peacekeeping Centre. As Ambassador for Disarmament from 1989 through 1994, Ms. Mason represented Canada in UN disarmament fora and headed the Canadian delegation to treaty review conferences addressing nuclear weapons and biological and toxin weapons. During 1994-95 she chaired a United Nations expert study that, *inter alia*, examined the work of the UN Special Commission (UNSCOM) and the IAEA in relation to disarmament in Iraq. As the Canadian member of the Tokyo Forum, an international commission established by Japan in the wake of the India/Pakistan nuclear weapons tests, she was one of the co-authors of *Facing Nuclear Dangers: An Action Plan for the 21st Century* (July 1999).

Steven Mason has a Master's degree in International Relations from the University of Cambridge and a B.Sc in Bio-Math from the University of New Brunswick. He has previously worked as a field worker with the UN High Commissioner for Refugees (UNHCR) in West Africa, as a consultant with the Canadian Department of Foreign Affairs and International Trade, and as a researcher with Human Rights Internet and the New Brunswick Human Rights Commission. He has also volunteered as a field worker with an international development group in Costa Rica and with a refugee support organization in the Czech Republic. Steve Mason began working with the United Nations Association in Canada as the Director of Educational Projects in August of 1999, and he was appointed to the position of Executive Director in July

2001. His current volunteer commitments include sitting on the Board of Directors of the Group of 78 and acting as a caseworker and trainer for Amnesty International's Refugee Network.

Richard McCutcheon Richard McCutcheon served as American Friends Service Committee and Mennonite Central Committee Co-Field Representative to Iraq, where he lived with his wife Tamara Fleming for eight months of their twelve month assignment (2000-2001). Since August, 1990, he has worked as both academic and activist, to understand and ameliorate the Iraq War. As Coordinator of Canadian Friends Service Committee (1991-1993) Rick was amongst the first non-military international observers to travel to Iraq after coalition bombing (March and October 1991). He was Research Associate on the Health of Children in War Zones Project at McMaster University (1993-1995), and Assistant Professor of Conflict Resolution Studies and International Development Studies at Menno Simons College, the University of Winnipeg (1998-2000). Rick currently resides in Hamilton, where he is completing a Ph.D. dissertation on the Iraq War for the Department of Anthropology at McMaster University.

John Sigler is Adjunct Professor of Political Science and International Affairs at Carleton University in Ottawa. He has a PhD in International Relations from the University of Southern California and was a Fulbright scholar at the University of Grenoble. He has served as Director of the Norman Paterson School of International Affairs at Carleton University, at the Canadian Institute for Conflict Resolution and the Canadian Institute of International Affairs, among others. He has served as an adviser on arms control to the Canadian UN delegation and on the Advisory Committee on Middle East Peace to the Canadian Minister of Foreign Affairs. He is currently conducting research on religion and politics in the Middle East.

Kathy Vandergrift is Senior Policy Analyst, World Vision Canada, and a member of the Executive of the Canadian Peacebuilding Coordinating Committee. Improving protection for the security and rights of children in conflict situations has been a special focus. The international Watchlist for Children and Armed Conflict, which is co-chaired by Kathy, recently sent a submission to the UN Security Council on the situation of children in Iraq.

Fergus Watt is Executive Director of the World Federalists of Canada, a position he has held since 1985. The World Federalists of Canada is a national non-profit organization advocating a more just, sustainable and democratically accountable world order through the strengthening of international institutions and the rule of law. World Federalists of Canada is part of the international World Federalist Movement, an international association of 35 national and regional World Federalist organizations around the world.

About the Canadian Peacebuilding Coordinating Committee

The Canadian Peacebuilding Coordinating Committee (CPCC) is a network of Canadian non-governmental organizations and institutions, academics and other individuals from a wide range of sectors, including humanitarian assistance, development, conflict resolution, peace, faith communities, and human rights. CPCC has been working since 1994 to formulate policy and operational directions for Canadian NGOs involved in peacebuilding, in collaboration with other relevant actors. The network is engaged in a process of dialogue with DFAIT, CIDA and a broad range of NGOs to articulate Canadian directions in the area of peacebuilding, and to strengthen NGO and civil society input into peacebuilding policy and program development.

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About The Centre for Security and Defence Studies

The Centre for Security and Defence Studies (CSDS) at The Norman Paterson School of International Affairs (NPSIA), Carleton University, is internationally recognised for its advanced research; conference, workshop and guest lecture programs; graduate and undergraduate education; and public outreach programs on security and defence issues in the Ottawa community and across Canada.

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