

## Military Intervention and the Just War

Imperial College Student Pugwash, 14<sup>th</sup> October 2003

This talk addresses the question under what circumstances is it proper for one country to intervene militarily in another country, against the wishes of the government of that country, assuming that it has one. It is an old question, given a new edge by the ending of the Cold War and the emergence of terrorism as a pervasive threat. So I shall be working from contemporary examples. The frame of reference is the existing body of International Law on resort to force - *jus ad bellum* - but I shall discuss it under the headings of the Just War tradition<sup>1</sup>. I make no apology for adopting this approach since the originators of Just War theory, Augustine of Hippo and Thomas Aquinas, were philosophers of the first rank and took their stance not on revelation but on natural Law.

We start with a basic presumption against military action of this kind, as set out in Article 4(2) of the Charter of the United Nations:

*All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.* There are two key principles here: state sovereignty and non-intervention. The question is under what circumstances can these be properly over-ridden?

1. *Just Cause*: Force may be used only to correct a grave, public evil, i.e. aggression or massive violation of the basic rights of whole populations.

Take aggression first. Going back to the roots of Just War doctrine we find Aquinas saying:<sup>ii</sup> ‘a just cause is required namely that those who are attacked are attacked because they deserve it for some wrong they have done. So Augustine: “We usually describe a just war as one that avenges wrongs, that is, when a nation or state has to be punished either for refusing to make amends for outrages done by its subjects, or to restore what it has seized injuriously”’.

In modern terms this emerges as another key principle: the right of self-defence. Article 51 of the Charter says:

*Nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.*

When Iraq invaded Kuwait in August 1990 it was under this rubric that the UN Security Council (UNSC), by resolution 678 of 28<sup>th</sup> November, authorised member states to use force not only to secure Iraqi withdrawal from Kuwait but also to restore international peace and security in the area. Note that this was already stretching the notion of self-defence. Arguably it would have justified the allies in overthrowing the regime of Saddam Hussein there and then. We shall come back to this.

The events of 11<sup>th</sup> September 2001 caused this concept to be stretched further. Next day the UNSC, by resolution 1368, taking its stand on the right of self-defence, declared the acts of the previous day ‘like any act of international terrorism [to be] a threat to international peace and security’. The Council then expressed its readiness ‘to take all necessary steps to respond’. (This is, of course, UN-speak for military action). This resolution was seen, quite reasonably, as justifying an attack on terrorist bases in any country or indeed on the government of such a country if it failed to prevent and punish terrorist attacks. It was taken by the US government to justify overthrowing the Taliban regime in Afghanistan that was being effectively funded and controlled by al’Qaeda. The resulting military campaign - *Operation Enduring Freedom* - began on 7<sup>th</sup> October and resulted in the fall of Kabul on 12<sup>th</sup> November. The Security Council gave explicit endorsement to it by a series of resolutions passed in the following weeks.<sup>iii</sup> It fits comfortably within Aquinas’ definition of Just Cause, ‘namely that those who are attacked are attacked because they deserve it for some wrong they have done’.

Since then we have seen the principle stretched still further. According to Geoff Hoon the reason why Britain joined the American invasion of Iraq in March 2003 was ‘the threat, if not to the United Kingdom in the short term, then to our friends and allies in the Gulf region as well as to the wider stability of the world if we had not intervened to deal with weapons of mass destruction in the hands of a regime like Saddam Hussein. To that extent it was just’.<sup>iv</sup> Since, as Hoon says, there was no immediate threat to ourselves, we are talking here of a doctrine of preventive military action to nip in the bud a possible future threat to international peace and security. The Americans have been quite explicit about this. *The National Security Strategy of the USA* of September 2002 says in relation to the threat of global terrorism: ‘we will not hesitate to act alone, if necessary, to exercise our right of self defence by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country’.<sup>v</sup> One cannot blame America for confronting this new reality head-on, since states do now face dangers that cannot be deterred in any conventional sense and may need to be tackled before they develop into actual armed attack.<sup>vi</sup> But great concern was aroused by the preemptory way this doctrine was announced and its blatant assumption of unique authority, ignoring the problems that would arise if other countries claimed a similar right. It seemed to give the USA *carte blanche* to attack any country it chose on the pretext of harbouring terrorists. But a closer reading suggests that the doctrine is much more narrowly focussed. ‘We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the US and our allies and friends’<sup>vii</sup>.

This plainly goes beyond the terms of Just War tradition, but the Americans are correct in arguing that international law has long recognised that nations need not suffer an attack before they can legally take action to defend themselves against forces that present an imminent danger of attack. Classically this is defined as the right to act first in self-defence where ‘necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation.’<sup>viii</sup> The Americans now say that the notion of imminent threat must take into account rogue states and terrorists relying on ‘acts of terror and potentially the use of weapons of mass destruction ... that can be easily concealed, delivered covertly and used

without warning. ... The greater the threat, the greater is the risk of inaction - and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack'.<sup>ix</sup> This argument deals cogently with the issue of imminent threat.<sup>x</sup> But it raises in acute form the issues of capability and intention on the part of the rogue state. Does the country in question actually possess any weapons of mass destruction or at the very least necessary ingredients such as fissile materials or precursor chemicals? And if so, does it show any serious intention of transferring these things to terrorist clients? It is the great weakness of any doctrine of pre-emption that it places such great weight upon the accuracy of intelligence that in the nature of things may be unattainable.

Where Iraq is concerned neither capability nor intention were convincingly demonstrated before the attack nor have been since. The question remains open whether Saddam did possess chemical or biological weapons, or merely a vestigial programme that could be revived later. And the suggestion of a close link between Saddam and al'Qaeda has now been dropped as unsustainable. Hence the case for pre-emption was weak at best, and the option of choosing other means was certainly wide open. (See the discussion of Last Resort in Section 5 below). The arguments for acting against North Korea and Iran are in theory much stronger, because nuclear weapons are at issue there. In practice the difficulties of doing so would be all but insurmountable. These examples show the limitations of pre-emption as a general policy, and suggest that its salience in *The National Security Strategy* in September 2002 may have been little more than special pleading for the attack upon Iraq, already decided upon for rather different reasons.<sup>xi</sup> It is worth noting, however, that the foreign ministers of the European Union have recently accepted that member states may on occasions have to use military force to stop the spread of weapons of mass destruction.<sup>xii</sup> It is possible that an international consensus will emerge on this issue, not far different from the American point of view.

We come now to the second issue under the heading of Just Cause, namely 'massive violation of the basic rights of whole populations'. In the past dozen years this has been held to justify at least nine instances of what is now called humanitarian intervention. Five of them, all led by the US, were true interventions in the sense that there was no consent by the government of the country against which action was taken. Three of these were authorised by the Security Council more or less explicitly—Somalia (1992), Haiti (1994), and Bosnia (1995). Two were not – Northern Iraq (1991) and Kosovo (1999). In the four remaining cases there was both a greater degree of consent and a Security Council mandate - Rwanda (French-led, 1994), Albania (Italian-led, 1997), East Timor (Australian-led 1999) and Sierra Leone (UNAMSIL, 1999,2000) - so these were relatively uncontroversial, indeed barely count as interventions in the strict sense at all.

In law there is a basic problem with any claim of a general right of humanitarian intervention. It fails the test of widespread acceptance because China, India, Russia and many post-colonial states in Africa and Asia are strongly opposed. There can be less doubt however of the moral justification. Where a country is inflicting gross, flagrant and continuing abuses of human rights on its own people, other countries in a position to do so may well have a right to intervene. Such was the conclusion of the

Canadian sponsored International Commission on Intervention and State Sovereignty, in their report at the end of 2001 called 'The Responsibility to Protect'.<sup>xiii</sup> (They phrased their principles exactly in terms of Just War criteria though without actually saying so!) Some would say that those who are able to intervene have a duty to do so - though Augustine does not go so far.

The case for intervention in Iraq on humanitarian grounds is well known, and has been strengthened, if anything, by what we have since learned about torture, mass graves and the all the horrors of a police state. But the awkward fact is that the US and the UK were broadly supportive of Saddam while he was committing some of his worst atrocities - the war against Iran and his gassing of the Kurds. And other regimes, equally abusive, have been simply left to stew - Zimbabwe, Sudan, Myanmar, - not to mention Chechnya and Tibet. Above all there is the question why now?

*2. Legitimate authority: Only duly constituted public authorities may use deadly force or wage war.*

By this Aquinas meant that only the sovereign has the right to wage war, not barons or private warlords. Augustine goes further when he says, "The natural order conducive to human peace demands that the power to counsel and declare war belongs to those who hold the supreme authority". Arguably, if one is intervening for the sake of international peace and good order, then only an international authority has the right to 'counsel and declare'. This could be a regional grouping, such as the Economic Community of West African States (ECOWAS) or NATO. But these come ultimately under the United Nations, both in principle and as a matter of practical politics. It is clear that the United Nations is the supreme source of legitimacy where action in support of international peace and security is concerned, and Article 24 of the Charter gives primary responsibility for such action to the Security Council.

I have already mentioned a number of interventions authorised by the Security Council in the past dozen years, and one (Kosovo) where the Security Council declined to act until afterwards. The strongest case for the legality of military action against Iraq this spring rested on the authority to use force given by the Security Council in 1990 (under UNSCR 678 of 29<sup>th</sup> November 1990), which was never rescinded, and the continual flouting by Iraq of the terms of the 1991 cease-fire (under UNSCR 687 of 3<sup>rd</sup> April 1991) relating to inspections of their weapons programme. This behaviour was summed up in the unanimous UNSC Resolution 1441 of 8<sup>th</sup> November 2002 proclaiming Iraq to be in material breach of its obligations and giving Iraq 'a final opportunity to comply with its disarmament obligations'. If Iraq failed to do so the Resolution promised 'serious consequences' and required the Security Council to convene immediately. Over the next five months Iraq did fail to satisfy the examiners. But at the meeting on 17<sup>th</sup> March the US and UK could not get a 'second resolution' authorising force. The question then was, did this failure trump the previous authorisation? The simple guiding principle must be that a resolution, once passed, remains in effect until there is a new resolution reversing it. This is the strongest case that can be made for the recent conquest of Iraq.<sup>xiv</sup> But it is not a happy one. The evidence of Iraqi violations was inconclusive before the war and after it has

not yet proved possible to substantiate. And the military campaign, to bring to an end the flouting of Security Council resolutions over many years, had to go ahead without specific endorsement at the point of action, because no majority for that action existed, and in the teeth of a promised veto.

This episode raises a deeper question. It is too much to hope that the power of veto in the Security Council will never be used for self-serving reasons? Does it then make sense to rest such a veto, on matters relating to humanitarian intervention, in the hands of countries such as Russia or China whose human rights record is so tainted? After Kosovo many wise heads concluded that endorsement by the Security Council is a sufficient but not always a necessary condition of legitimate intervention. The case for war against Iraq was much weaker: there was no immediate cause to act and no NATO consensus in favour of doing so.

*3. Right Intention: Force may be used only in a truly just cause and only for that purpose.*

At first sight this looks like a simple restatement of the Just Cause criterion. In fact it goes much further. Aquinas quotes Augustine as saying ‘Among the true worshippers of God those wars are looked on as peacemaking which are waged neither from aggrandisement nor cruelty but with the object of securing peace, of repressing the evil and supporting the good’.<sup>xv</sup> This emphasis on peacemaking (*pacis studio*) and supporting the good (*boni subleventur*) opens up the much wider issues of peace building and reconstruction, which are crucial wherever interventions take place.

Aquinas makes another important point when he quotes Augustine as saying: ‘The craving to hurt people, the cruel thirst for revenge, the unappeased and unrelenting spirit, savageness of fighting on, the lust to dominate and suchlike - all these are rightly condemned in wars’.<sup>xvi</sup> This should warn us against several misleading motives. It should lead us to be wary of the surge of righteous anger when a city like Dubrovnik is shelled just because it is old and beautiful - and within range of guns: when a family is burned alive for belonging to the wrong religion. It should lead us to be cautious in applying Augustine’s earlier remarks about avenging wrongs and punishing. The Allies in the Gulf War set as their aim to evict Iraqi forces from Kuwait, acting under a Security Council Resolution (678 of 29 November 1990) which authorised the use of ‘all necessary means’ in securing withdrawal of Iraqi forces to positions held before the invasion and the restoration of ‘international peace and security in the area.’ They did not aim to break the power of the Republican Guards, still less topple Saddam Hussein. When they had succeeded in their limited aim they stopped, the ‘savageness of fighting on’ was eschewed. Many have since argued that this was a mistake. The Security Council Resolution could have allowed further allied action preventing the use of Iraqi tanks and armed helicopters to suppress the Kurdish and Shia uprisings (which the allies had incited) and secured Saddam's removal while still stopping well short of Baghdad. This may well be true, but the point can never be proved.

*4. Probability of success: Arms must not be used in a futile cause or in a case where disproportionate measures are required to achieve success.*

Leaving on one side the question of proportion, since it rates as a separate criterion in its own right, this clause introduces a crucial point: that the practicability of what is proposed is a key element in formulating the ethical judgement. It is not a moral act to set the military off on a given course if they are likely to fail, however just the cause. To say this is not to set pragmatism over against morality but to recognise an essential ingredient in the moral judgement itself. If what is proposed will not work then, however lofty the motive, the proposal must be rejected. One cannot, of course, claim that military forecasts of the likely outcome are necessarily infallible, quite the reverse. The military are often wrong, even on strictly military matters; how else can one account for the fact that, in all the wars of history, roughly 50 percent of the generals have been losers? One is saying only that they must be asked and their answers heeded. The campaign in Iraq triumphantly met this criterion so far as the war was concerned. But there is every sign that problems of stabilising and rebuilding Iraq after the war were seriously underestimated by the Pentagon, against the better judgement of their own generals, and this is making the job of peace building very much more difficult.

*5. Last resort: Force may be used only after all peaceful alternatives have been seriously tried and exhausted.*

In other words, if measures short of armed force would suffice then armed force should not be used. Articles 33 to 42 of the UN Charter describe a wide spectrum of measures, starting with enquiry, mediation, conciliation and so forth, *via* diplomatic and economic measures up to demonstrations, blockade and 'other operations' by land, sea and air forces. In many cases it may be appropriate to use these various measures in chronological sequence, only moving up the ladder as and when lower approaches have been tried and failed. But in other instances it may be that to go in early and hard, albeit on a limited scale, might avert much bloodshed. For example many believe that had the UN, led by the United States, committed ground troops with air support in former Yugoslavia at a much earlier stage (e.g. to prevent the destruction of Vukovar by the Serbs in 1992) it could have nipped that war in the bud. This implies a judgement at the outset that gentler methods are bound to fail and that recourse to the methods of last resort (albeit under the general rubric of minimum force) were better taken earlier than later. It is also relevant that economic sanctions, especially when sustained over a long period, can cause just as much suffering to the poorest and weakest in society as a war. The term 'last resort' need not, on this reading, be understood chronologically.

As to the war in Iraq I have already raised the question 'why now?' There is a tragic irony here. Only by putting troops into the area was it possible to get the Iraqi government to readmit the weapons inspectors. It seems likely that in response to these moves Iraq had effectively rid itself of its offending weapons by early March. Yet Hans Blix, head of the UN inspectorate, in a formal statement to the Security Council on 7<sup>th</sup> March was only able to report that: 'Iraq and its leadership have pursued a consistent strategy of concealing its weapons of mass destruction and deceiving inspectors in direct violation of its international obligations. Iraq's weapons of mass destruction remain a direct and active threat to their neighbours and to the

international community'.<sup>xvii</sup> If the troops had gone home with the weapons question unresolved it would have meant a disastrous loss of face not only for the US and the UK but most importantly for the UN itself. A few months delay might have given time for the UN inspectorate to come up with definite conclusions or, failing that, for the US to secure a 'second resolution' in the Security Council authorising the use of force. The arguments against such delay related to the onset of the hot weather in Iraq and the need to rotate the American troops involved. As matters have turned out some 150,000 American troops have had to sweat out the summer anyway.

*6. Proportionality: The overall destruction expected from the use of force must be outweighed by the good to be achieved.*

This is the crucial point that in effect subsumes all others. It is also probably the most difficult because it involves weighing in the balance things that are incommensurable. How many Dutch lives was it worth to protect Srebreniça? Can one put a price on a principle? Yes, one does it every day so there is no dodging, though certainly there are no easy answers. One of the most notable features of recent years has been the way in which the issue of proportion has dominated at least the vocabulary of debate. Only very rarely have disproportionate interventions been explicitly threatened: for example by the Americans against Serbian Bosnians in summer 1995 and against Saddam Hussein a year later. In going to war against Iraq in 2003 the Governments of the US and the UK no doubt believed that on balance good would come of it. The judgement of history will turn upon how matters play out in that country and in the Middle East generally – not least the resolution of the Palestinian issue.

But I have a broader point to make on the subject of proportion that goes back to the nature of terrorism in general and suicide terrorism in particular. At a time when politicians everywhere are hastening to proclaim their belief that terrorism is the world's worst threat it is useful to keep some sense of proportion. In its annual report on terrorism in May 2003 the US State Department said that the 199 recorded terrorist incidents in 2002 represented a 44% drop since 2002 and was the lowest total since 1969. There were no terrorist attacks at all in the US, five in Africa and nine in Western Europe. Nearly all the rest were in Asia (99), Latin America (50), and the Middle East (29). In other words virtually all of the acts identified by the US Government as acts of 'Global Terrorism' in 2002 took place in only four places: in Colombia, where there were 41 bombings of a US-owned pipeline; in Chechnya, as part of its separatist war against Russia; in Afghanistan, where low-scale war with the Taleban continued and in Israel as part of the Palestinian *intifada*. Elsewhere the Bali tourist bombing by Islamist extremists caused some 200 deaths.

Before 11<sup>th</sup> September 2001 virtually none of this would have been called terrorism. It would have been called civil insurrection or separatist violence. Since September 2001 it has been given vast global significance and has had extraordinary psychological effects in America. This year thousands of New Yorkers, acting on federal government warnings, have built themselves tape-sealed rooms stocked with provisions, water and gas masks for a prolonged siege by terrorists. President Bush has repeatedly conflated the 'war against terrorism' with the conquest of Iraq. In defending the rationale for that war at the General Assembly of the United Nations on

22<sup>nd</sup> September 2003 he suggested that the world might again need to act pre-emptively to prevent acts by terrorists equipped with unconventional weapons. Such attacks, he said could bring ‘suffering on a scale we could scarcely imagine’. The countries of the world ‘must stop these great threats before they arrive’. One can hardly blame the New York writer who said that only since the fall of Baghdad has he felt himself secure from being blown to bits by a terrorist bomb while crossing Times Square. Yet even the American and British governments have formally acknowledged that they have no evidence linking the former Iraqi regime with *al-Qaeda*. Americans feel themselves to be exposed to a degree of personal risk that has no virtually no basis in statistics, or indeed in common sense. (William Pfaff, ‘Mixed messages on terrorism’. *IHT* 8<sup>th</sup> May 2003).

The events of September 2001 also brought into sharp focus the issue of suicide terrorism, where the story is rather different. A political scientist at the University of Chicago, Robert Pape, has analysed every suicide bombing and attack around the world from 1980 to 2001 - some 188 incidents all told.<sup>xviii</sup> His research shows that there is little connection between suicide terrorism and Islamic fundamentalism, or any religion for that matter. The leading exponents of suicide (who have promoted 75 of the 188 attacks) are the Tamil tigers in Sri Lanka, a Marxist-Leninist group recruited from Hindu families but adamantly opposed to religion in any form. Rather, what almost all suicide terror campaigns have in common is a specific secular and strategic goal: to compel liberal democracies to withdraw military forces from territory that the terrorists consider to be their homeland. Religion is rarely the root cause although it is often used as an aid to recruiting. Three general patterns support this conclusion.

First, nearly all suicide terrorist attacks take place as part of organised campaigns, not as isolated or random incidents. Of the 188 attacks 179 could have their roots traced to large, coherent political or military campaigns. Secondly, liberal democracies are uniquely vulnerable to suicide terrorist attacks. The US, France, India, Israel, Russia, Sri Lanka and Turkey have been the targets of almost every suicide attack of the past twenty years and every one has been a democracy when the attacks occurred. Thirdly, suicide terror campaigns are directed towards strategic objectives. Whether in Lebanon or Israel, Sri Lanka, Kashmir or Chechnya the sponsors of every suicide campaign have been trying to establish or maintain political self-determination by compelling a democratic power to withdraw from the territories they claim. The initial major objective of Osama bin Laden was ‘to liberate the al-Aqsa Mosque and the Holy Mosque (Mecca) from (the Americans) grip, and .. for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.’

Another key finding of this research is that, while the world-wide annual total of terrorist attacks has steadily declined (from 666 attacks in 1987 to 348 attacks in 2001 - see also above) the number of suicide attacks has grown from an average of three a year in the 1980s to 10 a year in the 1990s to more than 25 in 2000 and 2001. And in terms of casualties suicide attacks are much the most efficient form of terrorism. From 1980 to 2001 suicide attacks accounted for only 3 percent of terrorist incidents, but

caused almost half of the total deaths due to terrorism - even excluding the large numbers on 11<sup>th</sup> September 2001.

How should the target nations respond? Heavy military offensives (as on the West bank and in Chechnya) tend only to incite more attacks and create public sympathy for the terrorists without disrupting their networks. But making political concessions toward the goals pursued by the terrorists does not usually work either. Concessions are usually incremental and deliberately staged, thus failing to satisfy the aspirations of the terrorists while making the conceding government seem vulnerable to coercion. The current failure of this approach by Israel is an all too common pattern. One of the reasons why suicide terrorism has been increasing so rapidly is presumably that the strategy has been seen to work. Suicide attacks are believed to have compelled American and French forces to abandon Lebanon in 1983, Israeli forces to leave most of Lebanon in 1985, Israeli forces to leave the Gaza Strip and the West bank in 1994/5 and the Turkish government to grant some measure of autonomy to their Kurdish population in the late 1990s. In all but the last case the terrorists' political cause made much more headway after they resorted to suicide tactics.

Seen in this light America's 'war on terrorism' is not simply disproportionate but headed in the wrong direction. Any strategy that involves conquering countries that sponsor terrorism (or transforming their political systems) may simply add to the territorial claims that the terrorists were pursuing in the first place, and in time increase the number of suicide terrorists coming at America. The withdrawal of all American forces from Saudi Arabia is a much smarter move. The sooner the Americans and British hand over responsibility for Iraq the better. In the longer term the US government would do better to forswear any imperial ambitions in the Gulf, move towards energy independence and remove all troops from the area. Meanwhile it makes sense to focus on homeland security, using the full resources of the civil power: police, intelligence, customs, immigration, financial surveillance and the courts.

There is a final important point, well made by the US Roman Catholic Bishops in their 1993 Report *The Harvest of Justice is Sown in Peace*:

'We also recognise that the application of these principles requires the exercise of the virtue of prudence; people of good will may differ on specific conclusions. The just-war tradition is not a weapon to be used to justify a political conclusion or a set of mechanical criteria that automatically yields a simple answer, but a way of moral reasoning to discern the ethical limits of action. Policy makers, advocates and opponents of the use of force need to be careful not to apply the tradition selectively simply to justify their own positions. Likewise any application of just-war principles depends on the availability of accurate information not easily obtained in the pressured political context in which such choices must be made'.

It is hoped that this talk has lived up to the high standards of objectivity rightly demanded by the bishops – but not to the point of obscuring the speaker's prejudices completely.

[5200 words]

14<sup>th</sup> October 2003

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<sup>i</sup> The numbered sentences in Italics are taken from the Report issued by the US Roman Catholic Bishops in 1993 entitled ‘*The Harvest of Justice is Sown in Peace*’.

<sup>ii</sup> *Summa Theologiae 2a2ae 40,1*

<sup>iii</sup> UNSCR 1378 of 14<sup>th</sup> November 2001, UNSCR 1383 of 6<sup>th</sup> December 2001 and UNSCR 1386 of 20<sup>th</sup> December 2001.

<sup>iv</sup> *Christian Socialist*, Summer 2003, p. 4

<sup>v</sup> *The National Security Strategy of the United States of America*, September 2002, Page 6. See <http://www.whitehouse.gov/nsc/nss.html>

<sup>vi</sup> Adam Roberts. ‘Law and the use of armed force after Iraq’ in *Survival*, Summer 2003, p. 46

<sup>vii</sup> *National Security Strategy. op.cit.* Page 14

<sup>viii</sup> This is the formulation given by Daniel Webster, American Secretary of State in the 1840s, in correspondence about British action against the American ship *Caroline* which was being used to supply rebels in Canada. While the ship was anchored in American waters British marines stealthily cut her adrift to float over Niagara Falls, but she grounded short of the falls.

See [http://www.danorr.com/Webster/Webster\\_august6\\_1842.html](http://www.danorr.com/Webster/Webster_august6_1842.html)

<sup>ix</sup> *National Security Strategy. Op. cit.* Page 15.

<sup>x</sup> For an excellent discussion of this point see Walter B. Slocombe, ‘Force, Pre-emption and Legitimacy’ in *Survival*, Spring 2003, pp. 124,5.

<sup>xi</sup> A whole raft of these pretexts has been suggested. Among the most plausible are the desire to tilt the Middle East on to a more progressive political track; to send a message that Western governments are not prepared to allow countries in the region to incubate Muslim fanatics and suicide bombers; to help resolve the Palestinian impasse; and to secure a dominant position for the US in the control of oil production. A more cynical view is that the US wanted to topple Saddam Hussain ‘because it was easy’.

<sup>xii</sup> EU foreign ministers meeting in Luxembourg on 16<sup>th</sup> June approved a document entitled *Basic Principles for a EU Strategy against Proliferation of Weapons of Mass Destruction*. This included the following sentence: ‘When [non-military] measures have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interception of shipments and, as appropriate, use of force) could be envisioned.’ See Tomas Valasek, ‘EU rethinks security stance’ in *Jane’s Defence Weekly*, 30<sup>th</sup> July, 2003.

<sup>xiii</sup> See: <http://www.iciss-ciise.gc.ca>

<sup>xiv</sup> Adam Roberts, (*op. cit.*) pp. 42,43

<sup>xv</sup> In fact this quotation comes not from Augustine but from the *Decretals* of Gratian, but this fact hardly detracts from its force.

<sup>xvi</sup> This is an accurate quotation from Augustine’s *Contra Faustum*.

<sup>xvii</sup> See the useful summary of UNMOVIC’s so-called ‘Cluster Document’ delivered to the UN Security Council on 7<sup>th</sup> March 2003, at <http://www.state.gov/r/pa/prs/ps/2003/18513.htm>

<sup>xviii</sup> Robert A. Pape. ‘Dying to kill: the strategic logic of suicide bombers’.  
*International Herald Tribune*, 23<sup>rd</sup> September 2003.