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Iraq. Use of Force. Reform of the UN III Text 24 Nov.

By
Hans Blix, Ph.D., LL.D

Chairman of the Weapons of Mass Destruction Commission (WMDC)
Former Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission for Iraq (UNMOVIC)
Director-General Emeritus of the IAEA

In my first lecture I talked about how, especially in the last 150 years, the attitude of the world has changed regarding the use of force between states. In this lecture I shall focus on the radically different attitudes on the use of force which underlay the Gulf War of 1991 and the Iraq War of 2003.

The UN Charter rules on the use of force and collective security

In the post World War II philosophy of the Charter of the United Nations collective security should be ensured by the Security Council with its five permanent members carrying the greatest responsibility. Art. 2:4 enshrined the principle that members must refrain from the threat or use of force against the territorial integrity or political independence of any state. Chapter VII envisaged for the Security Council to decide on behalf of all members upon action, including armed action, to be taken in cases of threats to the peace, breaches of the peace or acts of aggression.

As during the long years of the Cold War effective action was likely to be vetoed by one or several members of the Council, the system of collective security was, in practice, paralyzed. For their protection against aggression Article 51 of the Charter left member states to rely, as in the past, on the "inherent right of individual or collective self-defense".

The Gulf War 1991

With the end of the Cold War the situation changed. A consensus between the five permanent members of the Council was no longer unlikely. In 1990 it was attained, when Iraq attacked and occupied the state of Kuwait.

President Bush the elder built an international coalition of states, including Arab states, and with the authorization of the Security Council military action was taken in 1991, ousting the Iraqi forces from Kuwait. Here was an act of collective self-defense in conformity with the Charter's design. There was euphoria in the UN and the world that the security system and the Charter might now come to function as was envisaged at San Fransisco. President Bush the elder spoke about *"a new international order"*. More skeptical commentators noted that the costly collective operation might not have come about, if it had not been for the concern that Saddam Hussein, if unchecked, might have pushed on from Kuwait to other oil rich Gulf States. There was no guarantee, it was further commented, that "a new international order" would stop aggression against less strategically important states. The decision not to use the military action to oust Saddam Hussein was seen by the same skeptics as calculation to leave in place an Iraqi regime that could balance the theocratic government in Iran.

The inspections and economic sanctions 1991 -2003

I have described the very intrusive inspection and monitoring system that was imposed on Iraq by Security Council resolution 687 (1991) to ensure that all programs of weapons of mass destruction and their means of delivery were eradicated. Today we know that the combination of inspection, economic sanctions and diplomatic and military pressure worked. The UN and the world succeeded in disarmament without really knowing it.

Only regarding the nuclear program was there a general view among governments that nothing of significance had remained at the end of 1998, when all inspectors were withdrawn. The IAEA reported in 1997 that it had a technically coherent picture of the past nuclear but cautioned that *"some uncertainty was inevitable in any country-wide technical verification process, which aims to prove the absence of readily concealable objects and activities."* It added that *"the extent to which such uncertainty is acceptable is a policy judgment."*

Although both Mr. Ekeus and his successor as Executive Chairman of UNSCOM, Mr. Butler, expressed the view that most proscribed items relating to the B and C and missiles program had been destroyed, there remained at the end of 1998 considerable and troublesome uncertainty. Satisfactory evidence could not be found about the destruction of significant quantities of various prohibited weapons and items, which Iraq was

calculated once to have had. These were then deemed to be *"unaccounted for*". They might, indeed, have been destroyed or expended in the war with Iran, but until some documentary or other evidence was presented, it could not be excluded that they existed.

The suspicions that weapons and other proscribed items were still concealed were strengthened by Iraq's conduct vis-à-vis the UN inspectors, especially UNSCOM inspectors, throughout the 90s. Denials or delays of access occurred at many sites, successive "full, final and complete" declarations were often inconsistent or patently misleading. After the invasion and occupation of Iraq in 2003, when it had become clear that there almost certainly were no prohibited items on any of these sites, a puzzled world asked why Iraq conducted itself in ways, which suggested concealment of items. From 2002 this conduct was erroneously – taken by many as proof of concealment. We can now identify several other possible reasons for the conduct:

- The Iraqi government stated on the one hand – correctly – to the UN that all illegal weapons had been destroyed or declared and demanded that sanctions should be lifted. However, at the same time Saddam Hussein wanted to give the impression, not least to Iran, that he might still have weapons of mass destruction; it was a case of hanging the sign "beware of dog" without having a dog;
- The Iraqi government felt uncertain that sanctions would be lifted even if it fully cooperated with the inspectors. So, why bother? Obstruction must have been especially tempting when demands or action by inspection teams seemed provocative or touched pride and dignity;
- The Iraqi government was aware of the reality that inspector teams could comprise "experts", who were agents of national intelligence services and felt that such staff might provide targeting information for bombing;

9/11 – New US national security doctrine – UK dossier Sept. 2002

Before the terror attacks on the United States on 11 September 2001 and even many months after the attacks, leading officials on the US side, including the Vice-President, while suspicious of Saddam Hussein, maintained the view that on the whole Iraq did not constitute a threat to the peace. However, in tandem with a growing interest in the US administration in "regime change" in Iraq, the conviction grew

– without any new evidence supporting it – that Iraq did retain weapons of mass destruction and was even resuscitating a nuclear program. Iraqi defectors, who wanted to see US armed action ousting Saddam Hussein, generously contributed unfounded reports about the existence of proscribed programs. The reports were warmly – and uncritically – received by some governments and intelligence services as supporting the conclusions they wanted to reach. UN inspection authorities did not, on the whole, use defectors as sources.

On 17 September 2002 the new *US National Security Strategy* was published, giving support to and arguments for possible preemptive actions against terrorist organizations and 'rogue states'. In an overview it declared that
"The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to ***help make the world not just safer but better…****" (Sec. I)*

On the **legality** of preemptive strikes it had the following to say:

*"For centuries****, international law*** *recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned the legitimacy of preemption on the existence of an* ***imminent threat*** *– most often a visible mobilization of armies, navies, and air forces preparing to attack.*
*"****We must adapt the concept of imminent threat*** *to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They rely on … the use of weapons of mass destruction – weapons that can be easily concealed, delivered covertly, and used without warning."*

The central message was that
"The United States has long maintained the option of ***preemptive actions*** *to counter a sufficient threat to our national security. The greater the threat, the greater 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. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act ***preemptively.****"*

The Strategy goes on to explain that in order to support preemptive options, the U.S. will
"build better, more integrated intelligence capabilities to provide timely, ***accurate information on threats****, wherever they may emerge…"*

It was thus realized that if counterattacks were to be made before attacks had occurred there would be a crucial need to justify them by "accurate information on threats". It is somewhat ironic to read this line from September 2002, a period when a dominant ambition of the intelligence services and governments in the US and UK was to read available information as supporting the preconceived – and erroneous – notion of an acute threat.

On 24 September 2002 the **UK intelligence dossier** was published. In the letter by which it was transmitted to the President of the Security Council it was stated to be
"based on significant amounts of new intelligence, it shows clearly how Iraq has developed chemical and biological weapons, has acquired missiles capable of attacking neighbouring countries with these weapons and has persistently tried to develop a nuclear bomb"

It went on to report that
"even now, Iraq is still making arrangements to conceal its weapons of mass destruction programmes".

The **foreword** to the dossier by Prime Minister Blair contained the by now famous – or infamous – passage about Iraqi military planning allowing for "some of the WMD to be ready **within 45 minutes** of an order to use them". However, different from the corresponding US dossier that was published at about the same time, the preface made the case
"that the inspectors must be allowed back in to do their job properly; and that if he [Saddam] refuses, or if he makes it impossible for them to do their job, as he has done in the past, the international community will have to act."

Was the war "predetermined"?

Many commentators have expressed the conviction that the war in Iraq was "predetermined", i.e. not decided in March 2003 but some time in 2002. When relevant documents come on the table we shall know. It is true that the US military build-up in the Gulf area began in the summer and fall of 2002; that the US doctrinal support for preemptive action came in the same period as did statements by leading US policy-makers about the need for regime change in Iraq and the uselessness of inspections. On the desirability of inspections there were clearly differences of opinion between hawks in the US administration, like Vice-President Cheney, and others. It is also clear from the words I have cited from Prime Minister Blair that while he had doubts that Saddam Hussein would cooperate with inspection, the conclusion he drew from the intelligence dossier was that there was a need for renewed UN inspections. The different views seem to have been bridged in two conclusions:

- that Iraq's weapons of mass destruction would have to be eliminated; and
- that the demand for inspections, which both the US and the UK had long supported in the UN, was confirmed – but without much conviction that it would be accepted by Iraq and that inspections could be successful.

SC Resolution 1441(2002)

The same somewhat ambivalent attitude was taken throughout the rest of 2002. In his speech before the General Assembly of the UN on September President Bush challenged the UN to uphold its resolutions against Iraq but nowhere did he mention inspection. When shortly thereafter Iraq accepted inspections a new Security Council resolution was drafted in Washington proposing a new kind of "*armed inspections'* under the formal direction of the UN but under the real command of the P 5! Not surprisingly this approach did not sell in New York. After drawn out negotiations the Security Council resolution 1441 (2002) was unanimously adopted. It omitted the P5 participation.

The new resolution gave the inspectors explicitly all the rights they could wish for, including the right to bring private Iraqi citizens from their country for interrogations abroad and the right to perform inspections of Presidential

sites in the same way as of any other site. Several specific requests regarding the coming inspections, which I and the Director-General of the IAEA had made in a letter to Iraq and which had been somewhat evasively replied, were generously declared by the Council to be binding on Iraq. As I have noted in my book on the inspections, it was the only time in my life that **a letter I had written was elevated to world law!**

It is possible that some policy-makers in Washington hoped that the new resolution would be too bitter a pill for Iraq; that it would be rejected and that, thereby, one argument against military action would be removed. However, undoubtedly aware of the continuous military build-up in the Gulf Iraq accepted the resolution – with some contortions. I doubt that without the build-up there would have been acceptance. I do not disagree with the view that diplomacy sometimes needs to be backed by significant pressure. The difficulty comes when pressures do not work and the need presents itself to show that the threats were not empty. Where governments are not sure about their readiness to let action follow threat they should be careful in calibrating the pressures/threats not to paint themselves into corners. My guess is that in the case of the military pressure on Iraq in the fall of 2002 and the winter of 2003 the US government did mind going into the corner. Part of the administration was eager to get there as fast as it could. The UK government may well have been a less enthusiastic comrade on this journey.

I need not recount the three and a half months period of inspections from November 2002 to March 2003 but a few comments may be needed.

First, once the inspections started the practical support not only from the UK side but also from the US side was good. If anything we were concerned about a too close US embrace: a proposed bilateral understanding how inspections were to be conducted, more US staff and experts for the inspection teams, etc. We needed to preserve the independence, which the Security Council had intended for us – and we did.

Second, there was support for the inspections at the practical level – perhaps with some of the advice intended to lead to action which would bring the Iraqis to stall and be guilty of a breach of the resolution. At the political level there was an unmistakable ambition to conclude as early as possible that Iraq did not cooperate and respect the resolution. The implication of such conclusion was that time was coming to take armed action.

Third, as the number of sites visited and inspections performed increased – in the end about 500 sites and 700 inspections – it became clear that none of the dozens of sites which we had visited among those proposed by intelligence services, contained any “smoking guns”. This experience and our examination of various pieces of evidence alleged to prove that Iraq retained proscribed items raised doubts in our minds about the reliability of the evidence invoked by the US and UK governments.

What our own inspections came up with were some debris from past weapons programs and breaches and indications of breaches of the restrictions Iraq was to observe on missile ranges. While access was almost invariably given promptly to sites we wished to visit our sense was that until about the end of January 2003 the Iraqi side did not make a full effort to clarify the past. We reported our findings and experiences faithfully to the Security Council and to the intelligence services from which we had received tips of sites. I have little doubt that our reports contributed to influence the majority of the members of the Security Council and, indeed, of the UN, to hold that inspections should continue and that time was not ripe for armed action.

I have noted that the report of Lord Butler expressed “surprise” that the UK authorities did not reevaluate their evidence in the light of what the UN inspectors had reported. Sad to conclude, the progressive decrease in the persuasiveness of the evidence advanced to support armed action was paralleled by a progressively strengthened determination to launch the action. Efforts by the UK to make a last ditch effort for some more inspections failed.

After the invasion and its one welcome result, the ousting of Saddam Hussein, it took only a few months until it was understood through US interrogations of Iraqi scientists, military and administrators that there were no stocks of weapons of mass destruction. In September 2003 David Kay as head of the US appointed Iraq Survey Group and in October 2004 his successor, Charles Duelfer, confirmed this conclusion.

I have seen criticism of the UN inspection organizations and of myself that we did not present this conclusion – which might have averted the war. The simple answer to the criticism is that while the critical examination, which we undertook of all evidence, led to the rejection of some of the evidence presented by the US and the UK and doubts about some other, we could still

not exclude that items "unaccounted for" existed. While proving the negative would have remained impossible a few months more of inspections would have been important. They would have enabled the inspectors to visit *all* sites proposed by intelligence and to find that none held weapons of mass destruction. In March 2003 we were not in that position.

Justifications for the war

Before the Iraq war the continued presence of proscribed weapons of mass destruction and the acute threat that this constituted was the dominant justification given for an armed action. I shall come back to that, when discussing the permissibility of preemptive attacks. Especially after the war a number of other explanations of the purpose of the action have been given. Although giving explanations is not necessarily the same as giving justifications, some were presumably given with that purpose.

For instance, it has been said that a purpose was to oust a brutal regime, to reintroduce respect for *human rights* and to establish a *democracy* that could be a model in the Middle East. While it is clear that the ousting of Saddam Hussein was a great gain the practicality, in the case of Iraq, of establishing democracy and human rights through war and occupation seems dubious. The argument would hardly have persuaded the US Congress, the UK parliament or the Security Council to support armed action.

It has further been argued that the occupation of Iraq was meant to serve as a signal to any regime or group that *proliferation* of weapons of mass destruction and *terrorism* would be dealt with firmly. One has to note that it is doubtful whether the action had any influence on Libya; that the problems in Iran and North Korea do not appear to have been alleviated and that terrorism, if anything, has been stimulated. Again authorizations for the war would hardly have been gained on these grounds.

Legal justifications

While these explanations/justifications attract attention in the public debate the *legal justifications offered* seem to be relatively little discussed outside the professional worlds of the UN and the law. These arguments appear to have been the same or similar for the US as for the UK. For the *UK the Attorney-General, Lord Goldsmith,* has stated that

"the authority to use force against Iraq exists from the combined effect of resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the Charter which allows the use of force for the express purpose of restoring international peace and security."

That the Security Council had the authority to give green light to armed action is not in doubt. The question raised is rather whether *individual members* of the Council could at any time take armed action against Iraq, claiming to be authorized by the Council – even when it was clear that a majority of the Council did not accept, or perhaps opposed such action.

In 2002, before resolution 1441 was adopted, the US maintained it did not need any specific authority to take armed action. After the war, Dr. Condoleezza Rice, now new Secretary of State of the United States, suggested that the states launching the war was *"upholding" the authority of the Council*…The idea sounds somewhat bizarre: states, which refrained from submitting to a vote a resolution, which they knew could not pass, would have the authority, which they could not get. What could the Council opponents of the armed action have done? Submit a resolution prohibiting armed action? To be vetoed by some members of the minority?

Further, if the US and UK and other states in the "alliance of the willing" deemed that *they* were at liberty without further explicit authorization by the Council to intervene by force to "uphold" the authority of the Council, presumably one would have to conclude that China, France and Russia and allies of these states could have taken action *they* deemed appropriate to uphold the same authority. It is hard to avoid the conclusion that a decision by the Council as authority was required and that individual members of the Council had no permission slip from 1990, 1991 or even 2002.

It was argued by the UK Attorney-General that Resolution 1441 gave Iraq "*a final opportunity to comply with its disarmament obligations*" and that Iraq did not take it. However, would it not have been for the Council rather than individual members to judge this question? Moreover, *how long* was the opportunity to be open? No time specific limit was set. The only time line given regarding the inspections was that both UNMOVIC and the IAEA were to "update" the Council within 60 days from the resumption of inspections. This reporting date turned out to be 27 January but could have been weeks later, if the resumption of inspections were to have been slower than it was. In February and March 2003 the inspections worked well: on 7

March I told the Security Council that *"inspection work is moving on and may yield results"*. It is hard to see any compelling reason for the haste except that an army of 200 000 was waiting and that the hot season was coming.

A right to preemptive action

In my first lecture I referred to the discussions in the recent American election campaign and said that both candidates took the view that the US must be able to take preemptive action in certain situations. A difference between them seemed to be that Senator Kerry said that such action would have to stand up to a 'global test', while President Bush ridiculed any idea of a 'permission slip' from anybody.

Article 51 of the UN Charter stipulates that nothing in the Charter impairs *"the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security…"*

On the face of it the rule is simple and straight-forward. When the attack occurs you see it and you are fully entitled to act in self-defense. It was written with old fashioned straight-forward wars in mind. Already during the Cold War difficulties of interpretation followed from new types of conflicts in the shape of subversive actions and wars by proxy. The possibility that any one of the five great powers could launch sudden and devastating nuclear missile attacks did not speak in favour of a right of anticipatory self-defense but rather of rapid detection systems and the maintenance of a second strike capacity as a deterrent. The more recent situation in which less stable attackers – 'rogue states or terrorist groups' – might not be sensitive to deterrent retaliatory strikes has complicated the situation.

The US National Security Strategy, which was written after the 2001 terrorist attacks on the United States, referred to the requirement oft quoted from the 19th century *Caroline case* that an anticipated attack would have to be "imminent" to allow preemptive action and held it to be too rigid. President Bush is quoted as saying that when it is 'imminent' it is too late. He has referred to *'a growing danger'* as sufficient. He has also been quoted as saying that 9/11 was the Pearl Harbour of World War III – the war against terrorism, while Vice President Cheney is quoted as saying that this new war

may last generations. Does all this mean that the US now considers itself engaged in a 'world war' in which it feels at liberty to attack anywhere it sees a 'growing danger'?

The new Secretary of State, Condoleezza Rice, has said that you do not have to wait for 'a *mushroom cloud'* before you take action in self-defense. Was there an implication that India would have been justified to attack Pakistani nuclear facilities for the enrichment of uranium before Pakistani tested a nuclear weapon? Was there an implication that Israel had been justified in 1981 to attack and destroy the Iraqi research reactor OSIRAK, an action that was condemned by the Security Council. On that occasion the US joined the conclusion of the Council holding that Israel had not exhausted other means to avert the danger it perceived from the reactor. Can one infer from what Dr. Rice said that the United States – or Israel – today would feel justified to attack Iranian nuclear installations for the enrichment of uranium or that the US would feel entitled to attack similar facilities in North Korea?

If the answers to the questions I have put are in the affirmative, would it mean that in the view of the US *all states* would be entitled to attack perceived 'growing dangers' – or only the United States?

When looking at the surprise terror attacks on the United States in 2001 **all governments** would probably maintain that they would see it as their duty to their own populations to take action – if need be even unilateral armed action – to seek to **prevent** a terror attack that they **learnt was coming**. Like the United States they would not ask for a "permission slip" from anybody.

There are, however, some crucial problems with the claim of a right to such **actions in anticipatory self-defense**:

- Before a foreign attack has taken place, the knowledge about it is likely to depend upon **intelligence.** The Iraq affair does not give much confidence about national intelligence as a reliable basis. Where it turns out that there was no reliable basis, what was meant to be anticipatory self-defense might become a totally unjustified attack.
- Although **"imminence"** may be a severe time requirement, "a **growing threat"** would be an unacceptably lax criterion and would not tally with the generally accepted position that force should only be used only *as a last resort*.

We evidently need some discussion of these matters in the global village council. This leads me to the last section in my lecture.

UN reform?

The results of a review by a panel appointed by Secretary-General Kofi Annan on the functioning of the UN will very soon be on the table. There is no doubt about the need for a wide array of questions to be discussed but one might wonder whether intergovernmental discussion would have a chance to be productive at the present time, when the administration of the most powerful member of the organization shows signs of disdain for it.

We learnt before the armed action in Iraq that in the view of the US administration the Security Council had the choice of voting with the US for armed action or be irrelevant. The majority of the Council did not allow itself to be pushed into supporting the action and the invasion took place. Many saw this as a loss of prestige for the Council and as a crisis for the UN. In one way it was and is. The institutions of the UN, like the Security Council, are like instruments to be played upon. If important members choose not to play or are completely out of tune with other members no marching music results. It is only when the construction of the instruments is found deficient or outmoded that repair is meaningful.

The refusal of the majority of the Security Council to follow the tune which the US wished the Council to play last year can also be seen as saving the authority and respectability of the Council. One might ask how the world would have looked upon the Council today, if it had endorsed an armed action to eradicate weapons of mass destruction – which did not exist and the evidence of which were often concocted, even forged.

Today most countries and most people in the world consider the armed action launched in Iraq a grave error or worse and large part of the US public opinion – perhaps even a majority – shares this view. Yet, the new US administration seems to take the victory in the presidential election not only as sustaining strong positions and actions against terrorist threats, which is probably a justified interpretation, but also as sustaining its decision to launch the war against Iraq and as supporting its disdain for the UN. It is as if the UN had insulted the US. The Republican convention nominating

President Bush erupted in applause when the Vice-President said that Mr. Bush would “never seek a permission slip to defend the American people.” Fine, except that Iraq was not a threat, not a growing threat and probably not even a distant threat.

We also see an intense and large scale vilification campaign depicting the UN as “corrupt” because the Oil for Food Program, which was instituted and supervised by the Security Council and its most powerful members, including the US, enabled Iraq, the buyers of Iraqi oil and the sellers of products to Iraq fraudulently to siphon of money and pass them on illegally to the regime.

Whether any corruption in the real sense of that word occurred within the UN Oil for Food Administration is examined by Mr. Volcker. The *fraud* that Iraq and contracting parties around the world committed, although widely suspected and even assessed in media at the time to something in the range of a billion dollars per year, was probably not easy for the UN Oil for Food administration to track down and prove. The Council and its members saw it with open eyes just as it saw the billions that flowed to Saddam Hussein from the Iraqi oil exports to neighbouring states. The program functioned as a reasonably effective break against the import of weapons and dual use items, which was its major objective. Today it serves as a campaign platform against the UN. So long as the current climate remains it is doubtful whether any meaningful discussion about UN reform can be pursued.

There is something paradoxical about the current crisis of the UN and the criticism of the Security Council as a talk shop. We did not hear this during the long years of the Cold War, when the Council was habitually prevented from action by the threat or use of Soviet vetoes. There are no automatic Russian or Chinese obstacles to Council action today. Large numbers of peace keeping operations were started in the first period of détente and – to be fair – not so few decisions are still taken by consensus in the Council. Yet, the atmosphere currently remains poisoned.

It has been suggested that in the review of the functioning of the UN an effort should be made to examine the circumstances in which the use of force can and should be authorized. Some would wish to see a greater use of the power of the Council to hold members to their duties to protect their own citizens, to intervene by force, if necessary, in situations of genocide, as in Rwanda or Darfur. Others want to search for a **reformulation of article 51**

of the Charter to give some room for preemptive action. I am not optimistic about Charter amendments in either case, nor am sure that it really is needed.

Many members will remain skeptical about any international armed interventions. They are suspicious of any outside interference – even by the UN for the purpose of upholding human rights. Other members may not be persuaded to spend resources or risk the lives of their soldiers – unless significant national interests are at stake, as they were at the Gulf War in 1991 and were perceived to be in the Iraq war in 2003. Where intervention will be both justified as the only way to prevent grave violations of human rights and acceptable to a broad membership I do not think that the rule of the Charter – in Art. 2:7 – will stand in the way.

I further think it unlikely that any agreed language could be found explicitly allowing members to use force preemptively or preventively without authorization of the Security Council. It is more likely that an answer to the problem will slowly emerge through precedents. It is also important, as Kofi Annan has noted, that the Security Council actively consider and monitor threats posed by possible weapons of mass destruction, giving all members the feeling that the issue is taken seriously and that there is a readiness to take joint action, where there is convincing evidence of a threat that is significant and near in time.

I will end by saying that the Security Council remains potentially a vital institution. The Iraq war has demonstrated the handicap, which followed from not acting with its authorization.

The Council would have even greater authority if its composition were modified. In 1945 power was the military power of the victor states. When economic sanctions and pressures are to be applied, which is preferable to the application of military power, there is an advantage in the presence of states with much economic power.

For greater legitimacy the Council needs to represent a large part of the world's population. Hence, a need for the presence in the Council of the most populous countries in all continents. One argument, not infrequently advanced, I find totally objectionable, that those states which pay the greatest contributions to the UN budget should merit a seat. The seats should not be for sale.