

## Security Council: 'Might makes right'

The Anglo-American-led U.N. war against Iraq not only set a precedent for new wars against Third World states; it also set a precedent for a revolution in international law. Since August 1990, when the United Nations Security Council began issuing resolutions against Iraq, it has attempted to eradicate the notion of national sovereignty, while asserting that the Security Council's decisions are superior to international law.

**Resolution 687**, passed April 3, 1991, which dictated cease-fire conditions to Iraq, broke new ground in undermining the concept of national sovereignty. Among the conditions demanded were that Iraq "scrupulously adhere" to meeting its foreign debt obligations; that its oil production fall under supranational authority in respect to ensuring reparations payments; that its ability to produce weapons of mass destruction be eliminated; that it accept U.N.-dictated borders with Kuwait. Failure by Iraq to accept these conditions would mean reopening the war, which had originally been justified on the grounds of merely forcing Iraq out of Kuwait.

Under the concept of banning "dual-use" technologies, the U.N. is eliminating Iraq's ability to produce any modern technology. For example, U.N. authorities destroyed computers at one Iraqi nuclear research site, since computers are also necessary in bomb design, not allowing them to be transferred to other industrial sites.

The U.N. claim to be able to define a border between two states—in this case Iraq and Kuwait—is the first time the body has made such a claim.

**Resolution 688**, passed April 5, 1991, condemned the Iraqi government for the alleged repression of Iraqi Kurds, and provided for the creation of a U.N.-protected enclave in northern Iraq. The resolution represents the first case in which the Security Council decreed that "humanitarian concerns" superseded national sovereignty.

**Resolution 715**, passed Oct. 11, 1991, was enacted to deal with the alleged threat of Iraq developing nuclear weapons. "It's the most intrusive and extensive inspection regime ever imposed on a sovereign state; when its comes to their nuclear program they have no rights at all," one unidentified State Department official gloated to U.S. news media at the time. Under the pretext that Iraq might yet develop nuclear bombs, the resolution granted U.N. nuclear inspectors the

authority to "carry out inspections at any time, without hindrance, at any site," whether civilian or military, government or private. The officials were granted the authority to remove any documents that they wanted. One reason for this latter demand came to light in September 1991, when the inspection team demanded to access and remove the personnel records of Iraq's nuclear scientists, in what was credibly interpreted as a measure that would allow for their blackmail or assassination. The team was led by State Department intelligence operative David Kay, and the documents were given to the U.S. National Security Council.

The resolution also reiterated and extended the notion of "dual-use technology" defined in the cease-fire resolution. To this end, the resolution banned a whole array of technologies including lasers, mass spectrometers, superconducting magnets, high-temperature furnaces, high-strength steel, tungsten, and the like.

At the same time, the resolution banned any scientific research in radiation physics and chemistry, and on physical and chemical properties of isotopes, under the claim that scientific development leads to the proliferation of weapons of mass destruction. This is the first instance in which the U.N. has taken upon itself to ban science.

### International law called 'irrelevant'

**Resolution 731**, passed Jan. 20, 1992, formally granted the Security Council the right to overturn international law in respect to fighting "terrorism," in this case relating to Libya's alleged sponsorship of the bombing of Pan Am Flight 103 over Scotland in 1988. The resolution demanded that Libya "immediately provide a full and effective response" to Anglo-American demands that it surrender two Libyans allegedly responsible for the incident. Later, the Security Council imposed sanctions against Libya over its alleged non-compliance.

The resolution presumed that the investigation of the incident was complete, although it was not. It presumed that the extradition of the two accused would immediately follow, although no evidence justifying extradition was ever presented. It presumed that the Libyans had been tried and found guilty in British or American courts, which they had not. Implicitly, it presumed that the accused are guilty until proven innocent. Moreover, there are no extradition treaties between Libya and the United States and Britain, hence no legal basis for such extradition, even if the other preconditions were met.

Gloating over their lawlessness, then-U.S. Ambassador to the U.N. Thomas Pickering emphasized: "The resolution makes clear that neither Libya nor any other state can seek to hide support for international terrorism behind traditional principles of international law." British Ambassador David Hanney stated that international law was "irrelevant," while a U.S. diplomat told the press, "The decisions of the Security Council are international law."