

Postscript on “The Serious Consequences of Word Games”: The Signaling Game around the “Final Opportunity” for Iraq in Security Council Resolution 1441

By Craig Scott*

A. Perspectives on the “Serious Consequences of Word Games” Before and After the Adoption of Security Council Resolution 1441 of 8 November 2002

This brief essay is intended to be read as a supplement to the article “Iraq and the Serious Consequences of Word Games: Language, Violence and Responsibility in the Security Council,” which was published in the *German Law Journal* on 1 November 2002.¹ The date of publication was exactly one week before the Security Council voted on Resolution 1441, the text of which was still evolving during the last week of October 2002. What follows is a narrative that traces the trajectory of the Resolution’s textual language from the provisions of a 21 October US-UK draft² to the final form as of Security Council Resolution 1441, adopted on 8 November 2002.³

The original *German Law Journal* article not only was written from a somewhat harried, contemporaneous vantage point but also it was, by definition, able to take into account the state of affairs only as of 28 October, when that article went to press. The present essay can undertake the task of showing the kinds of “serious consequences” that “word games” in the Security Council may have had with greater perspective and with fuller information. It can also fold into the discussion the positions taken by key States on the

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¹ Craig Scott, *Iraq and the Serious Consequences of Word Games: Language, Violence and Responsibility in the Security Council*, 3, GERMAN LAW JOURNAL No. 10 (2002), available at <http://www.germanlawjournal.com/index.php?pageID=11&artID=209>. All citations are to the paragraph numbering in the online version. “Iraq and the Serious Consequences of Word Games” is reproduced, with two corrections, in *COMPARATIVE LAW AS TRANSNATIONAL LAW* (Russell Miller & Peer Zumbansen eds., forthcoming 2011). As noted in the opening footnote to the Miller and Zumbansen version: “References in the original article to the Operation Desert Fox bombings in November 1998 by the US, the UK and France were erroneous in two respects. First, the month was December (not November) 2008. Second, while France was involved with the US and the UK in the 1993 bombings discussed in the article, it was not involved in 1998 in Operation Desert Fox. The text has been modified to correct these two errors.”

² *Draft of a U.S.-British Resolution on Iraq and Inspectors*, NY TIMES, Oct. 23, 2002, at A23 (as cited in footnote 1 of the article); partially reproduced in Chart 1 below.

³ UN Doc. S/RES/1441 (8 November 2002); partially reproduced in Chart 1 below.

meaning of Resolution 1441 after its adoption; post-vote perspectives were noted in the original article as likely to be very important for questions of legality should war eventuate.

B. The Textual and Verbal Record, Official and Unofficial

The negotiations and rolling texts discussed in the original *German Law Journal* article (with the 21 October US-UK draft Resolution being the last full draft resolution before the article went to press on 28 October) evolved into a 7 November US-UK draft Resolution.⁴ The language of the 7 November draft Resolution was then adopted the next day as Resolution 1441 by a 15-0 Security Council vote. The clauses of the 21 October US-UK draft Resolution that used the language “material breach” (paragraph 1 – declaring Iraq to be in material breach – and paragraph 2 – pronouncing that Iraq would be in “further material breach” if it continued not to comply after the resolution) remained as paragraphs 1 and 4, respectively, in the final Resolution 1441, albeit with one important difference. Resolution 1441’s paragraph 4 added the words “and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below.” This wording had not appeared in paragraph 2 of the 21 October US-UK draft Resolution. The threat or warning of “serious consequences”, which had been found in paragraph 3 in the 21 October US-UK draft Resolution, moved to paragraph 13 in Resolution 1441.⁵

Resolution 1441 also added a clause with language that had not been in the 21 October US-UK draft Resolution. In paragraph 2 of Resolution 1441, Iraq was afforded a “final opportunity” in the following terms:

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

During the explanation of votes following adoption of Resolution 1441, there were eight references to Iraq being afforded a “final opportunity” – two by the US, three by the UK, and one each by Ireland, Singapore, and Norway. All eight usages are reproduced in the digest of speeches found below in Chart 2.

⁴ UN Doc. S/2002/1198 (7 November 2002) entitled “United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution.”

⁵ See Scott, *supra* note 1 (this movement to end of the document – viewed by some to strengthen the importance of the “serious consequences” clause – was suggested by France). See *infra* note 20.

The interaction of two other clauses of Resolution 1441 – paragraphs 11 and 12 – with the “further material breach” paragraph 4, the “serious consequences” paragraph 13, and the new “final opportunity” paragraph 2 would become central in three contexts: securing at least one Permanent Member’s vote on 8 November (that of Russia), the immediate aftermath of the vote (in terms of explanations of votes by all the members of the Security Council as well as the Secretary General), and the debate in early 2003 when a central question was whether Resolution 1441 required the US and UK to return to the Security Council before using force against Iraq (and, if so, whether they needed to secure a Security Council vote authorizing the use of force).

The following chart compares key provisions of the 21 October US-UK draft Resolution and the final Resolution 1441 of 8 November, including identification of two “minute” word changes that were crucial to bringing Russia and Syria, and possibly also France, onboard on 8 November.

Chart 1	
21 October 2002 US-UK Draft Resolution	Resolution 1441 of 8 November 2002
<p>1. DECIDES that Iraq is still, and has been for a number of years, in material breach of its obligations under relevant resolutions, including Resolutions 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the I.A.E.A. (International Atomic Energy Agency), and to complete the actions required under Paragraphs 8 to 13 of Resolution 687 (1991);</p> <p>[This paragraph remains paragraph 1 of Resolution 1441 – with what appear to be stylistic changes, while remaining essentially the same.]</p>	<p>1. <i>Decides</i> that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);</p>

<p>2. DECIDES that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute further material breach of Iraq's obligations; [This paragraph becomes paragraph 4 of Resolution 1441 – with the addition of the final words “and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below.”]</p>	<p>2. <i>Decides</i>, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council; [There is no direct equivalent of this “final opportunity” paragraph in the October 21 draft resolution.]</p>
<p>3. RECALLS that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; [This paragraph becomes paragraph 12 of Resolution 1441 – with the words “in that context” added to the Resolution 1441 text.]</p>	

	<p>4. <i>Decides</i> that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;</p> <p>[See notes under paragraph 2 and paragraph 12 of the 21 October Draft Resolution, in the column to the left. The 21 October US-UK draft ended with the words "...Iraq's obligations." There was an interim draft between that 21 October US-UK draft and the final 7 November US-UK draft, which added the words "and will be reported to the Council for assessment in accordance with paragraphs 11 or 12 below" (emphasis added); the word "or" was then changed to "and" in the 7 November draft.]</p>
<p>11. DIRECTS the executive chairman of Unmovic and the director general of the I.A.E.A. to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;</p> <p>[This paragraph remains paragraph 11 of Resolution 1441 and is identical in phrasing.]</p>	<p>11. <i>Directs</i> the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;</p> <p>[See note to the left.]</p>

<p>12. DECIDES to convene immediately upon receipt of a report in accordance with Paragraph 11 above, in order to consider the situation and the need for full compliance with all of the relevant Security Council resolutions, in order to restore international peace and security; [This paragraph remains paragraph 12 of Resolution 1441 with the same phrasing except that “with Paragraph 11 above” becomes “with paragraphs 4 or 11 above” and “restore international peace and security” becomes “secure international peace and security.”]</p>	<p>12. <i>Decides</i> to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security; [See note to the left on the difference in phrasing.]</p>
<p>13. DECIDES to remain seized of the matter. [This clause becomes paragraph 14 of Resolution 1441 with identical phrasing.]</p>	<p>13. <i>Recalls</i>, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; [As noted with respect to paragraph 3 in the 21 October draft resolution, in the column to the left, this is the same as that paragraph 3 except for having been moved to the penultimate position in the resolution and also for including the words “in that context.”]</p>
	<p>14. <i>Decides</i> to remain seized of the matter. [See note under paragraph 13 in the column to the left.]</p>

According to several news reports published the day after the adoption of Resolution 1441, it was Russia and possibly also France that insisted on changing the word “restore” in paragraph 12 to “secure,” alongside another word swap mentioned in Chart 1’s annotation to paragraph 4. That second change saw “paragraphs 11 and 12” in the final part of Resolution 1441’s paragraph 4 being substituted for “paragraphs 11 or 12,” which had been the wording as proposed by the US and UK.⁶ Russia is reported in the same *Guardian*

⁶ Such that “will be reported to the Council for assessment in accordance with paragraphs 11 or 12 below” [emphasis added], which the UK and US had inserted into one of their drafts following their 21 October draft, became “will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below”

article to have believed that, whether on its own or in combination with the first change, this latter change either confirmed or generated the following state of affairs:

The Russian deputy foreign minister, Yuri Fedotov, said he thought the change was important. 'In the accepted resolution it is clearly stated that, in the event of problems, the members of the [S]ecurity [C]ouncil will gather to look at the situation as it stands and decide on further action.'⁷

It may well be that it was mostly Russia (as well as non-Permanent Member Syria) that needed these two changes, and less so France. MacAskill (The *Guardian's* Diplomatic Editor at the time) notes:

Was the debate [over the change of 'restore' to 'secure' and of 'or' to 'and'] a face-saving exercise for France and Russia, so that they could claim that they went the distance with Washington?

There was a hint of this in a comment made on Thursday by the British Foreign Office minister, Lady Symons, who implied that the French might have been exaggerating their disagreements with the US and the UK on the wording.

'There is sometimes a little dash of salt that should be taken with the delightful French cuisine on these issues,' she said.⁸

According to the account of the *New York Times*, France engaged in persuading Russia (and Syria) to vote "yes" and may not itself have been holding out for these two word changes:

In intensive negotiations that culminated only minutes before the Council session began at 10 a.m. today, President Vladimir V. Putin of Russia and President

[emphasis added]. See Ewan MacAskill, *Two Words Make All the Difference: UN Resolution Wrangles Were Over Trigger for Attack*, THE GUARDIAN ONLINE, 9 November 2002, at <http://www.guardian.co.uk/world/2002/nov/09/iraq.unitednations> (last accessed May 9, 2010).

⁷ *Id.*

⁸ *Id.*

Bashar al-Assad of Syria, the only Arab nation on the Council, agreed to vote in favor....

The support of Russia and Syria had remained in doubt as recently as Thursday night.

President Assad shifted his position this morning, minutes before the vote, after receiving telephone calls from Mr. Annan and President Jacques Chirac of France. Mr. Chirac sought to persuade the Syrian leader that the resolution was the last chance to avoid war in the Middle East, French diplomats said.

'War is much less likely if you support the resolution than if you don't,' Mr. Chirac told Mr. Assad, a diplomat said.

President Putin, who spoke with President Bush on Thursday morning, was persuaded late that night by the change of two words made in the draft late Thursday afternoon, senior administration officials said. They agreed to change the word "or" to "and" in one paragraph and to say the Council would act to "secure" peace rather than "restore" it in another.

To leaders who had been embroiled for weeks in arguing word by word about the draft, those seemingly minute revisions signaled that Washington and London were serious about returning to the Council before declaring war for another round of talks if the weapons inspectors reported breaches by Iraq.

The Russian foreign minister, Igor S. Ivanov, called Secretary Powell only this morning to say that Mr. Putin had agreed to come on board, the administration officials said.⁹

Russia did not only rely on the fact of pre-vote textual changes. After the vote, along with all other Security Council members and alongside a statement from Secretary-General Kofi

⁹ Patrick E. Tyler, *Security Council Votes, 15-0, for Tough Iraq Resolution; Bush Calls it a 'Final Test'; Clock Ticks for Hussein; With Deadlines Set, Only Weeks Remain for Iraqi Disarmament by Peaceful Means*, NY TIMES, 9 Nov. 2002, at A1(N); A1(L).

Annan, Russia provided an explanation for its vote.¹⁰ The same day, Russia joined with China and France – thus, to state the obvious, three of the five Permanent Members of the Security Council – to issue a Joint Declaration.¹¹ Later, in February 2003, Germany joined Russia and France in a second joint declaration (this one not involving China).¹²

It should be recalled that the original *German Law Journal* article - “Iraq and the Serious Consequences of Word Games” - not only charted the discourse that the US and UK were seeking to have validated, but it also cautioned States that post-vote interpretive statements would be desirable if they did not wish to be understood (or, misunderstood) as accepting that any State or States could unilaterally go to war with Iraq on the basis of Iraq’s non-compliance with Resolution 1441.¹³ It is not the purpose of this postscript to conclude whether this post-vote verbal activity – most notably, the views of three Permanent Members whose votes (whether via an affirmative vote or via an abstention) were necessary for Resolution 1441 to be adopted – had the effect of clarifying that Resolution 1441 required the US and UK to go back to the Security Council and secure the assent of the Council in a second resolution if the US and UK wished to go to war lawfully.

¹⁰ Verbatim Report of 4644th Meeting of the Security Council, 10 am, 8 November 2002, UN Doc. S/PV.4644 (8 November 2002); available in HTML at http://www.undemocracy.com/securitycouncil/meeting_4644 (last accessed May 8, 2010); partially reproduced in Chart 2 below.

¹¹ Joint declaration by France, Russia, and China on resolution 1441, New York, November 8, 2002, at <http://www.iraqwatch.org/government/France/MFA/france-mfa-jointdecl-110802.htm> (Wisconsin Project on Nuclear Arms Control) (last accessed May 8, 2010); reproduced in Chart 2 below.

¹² Joint Declaration by Russia, Germany and France on Iraq, Paris, February 10, 2003, at <https://pastel.diplomatie.gouv.fr/editorial/actual/ael2/bulletin.gb.asp?liste=20030211.gb.html> (Government of France) (last accessed on May 8, 2010); partially reproduced in Chart 2 below.

¹³ See e.g., the following passages in Scott, *supra* note 1, at para. 6 (“After showing what the serious consequences of ‘serious consequences’ could be, I end by arguing that, since Council texts are not all-governing but instead are located in a web of associated interpretive signals, it is crucial for key states to delegitimize U.S. claims to UN endorsement of its war agenda by going on record with their interpretations of what the resolution does *not* permit.”); *id.* at para. 32 (“[T]he goal of this article is to contribute to transparency before the final Iraq-resolution text is settled upon—or in the immediate aftermath of a vote when interpretive explanations can still play a role in structuring the meaning that can be plausibly attributed to the text. By shining a spotlight on the serious consequences of ‘serious consequences,’ the hope is that key states will be pushed into a mode of public justification that will lead to U.S. and U.K. interpretive unilateralism being interpretively outflanked.”); *id.* at para. 34 (“Were both France and Russia to say that ‘serious consequences’ does refer to military force but is not a coded authorization for unilaterally determined exercise of such force, any interpretive unilateralism on the part of the U.S. or U.K. would more clearly stand to be condemned as the aggression it would be. Despite the likelihood of a Chinese abstention, it may be that China will join France and Russia in such an interpretive statement.”); *id.* at para. 36 (“Finally, there are states that are not members of the Council—states such as Canada—whose views also matter. If they are truly concerned, they have the means to interpretively surround the Security Council text by providing their own view of the contents and limits of the text. The authoritative interpretive (including interpretive evolution) of the UN Charter—including those legal acts authorized by the Charter—is ultimately in the hands of all member states of the UN and not simply a fluctuating group of fifteen states with the P-5 at its controlling core.”).

Suffice it to say that “automaticity” was rejected and a “two-stage” approach was endorsed.¹⁴ At the same time, China, Russia and France were somewhat more oblique in terms of what would constitute a non-automatic trigger for the use of force against Iraq and in terms of what was entailed by the second stage of Security Council consideration. At that second stage, China, Russia and France noted in their Joint Declaration that “[i]t will be ...for the Council to take a position on the basis of th[e] report” from the inspections mission. As well, while both the US and the UK worked the “final opportunity” clause into their explanation of their votes, China, Russia and France did not – either alone in their respective statements in the Security Council or in their 8 November joint declaration. The fact of Iraq being the main audience for the multi-level signaling game discussed in the original *German Law Journal* article – “Iraq and the Serious Consequences of Word Games” – may well have led China, Russia and France to refrain from expressly saying that a subsequent authorizing resolution to use force would be needed.

Meanwhile, several non-Permanent member states (notably, Mexico, Ireland, and Syria), whose votes were not individually necessary to the adoption of Resolution 1441, expressed clearly and unambiguously that Resolution 1441 envisaged a two-stage process that would require subsequent Security Council authorization should any State wish to wage war on Iraq – albeit with Mexico being the only one to specifically say that “use of force is valid only...with prior explicit authorization required from the Security Council.” While the dominant view amongst Security Council members was that the Security Council had to remain central to post-Resolution 1441 decision-making, details on what exactly such centrality entailed were lacking. Alongside an assessment of the significance of such generality on the nature of the second stage, the importance of the continuing word games of the P-5 – most notably, their relevance or irrelevance for the legality of the invasion of Iraq in 2003 – must be left for analysis on another occasion.¹⁵

Thus it is that I end, *sans* further *commentaire*, with a digest of what was said by Security Council members in the aftermath of the adoption of Resolution 1441, in the three just-mentioned contexts, leaving it for the reader to connect the various formulations – including the use of the new threat-warning hybrid of “final opportunity”¹⁶ – to the pre-resolution terms of debate discussed in the original *German Law Journal* article, “Iraq and the Serious Consequences of Word Games.”

¹⁴ See Scott, *supra* note 1, at paras. 15 and 24, notes 17 and 21 (discussing these two notions); *id.* at paras. 1, 4, 15, 34 and 35, note 3 (in relation to automaticity in relation to stages).

¹⁵ The eventual release of the UK Iraq Inquiry’s report may well provide the occasion for a retrospective look at the interaction of the normative politics of word games and legal analysis of the (un)lawfulness of the 2003 Iraq invasion. See <http://www.iraqinquiry.org.uk/about.aspx>. The Iraq Inquiry was officially launched on July 30, 2009, and continues to hold hearings at the time of the writing of this article.

¹⁶ See Scott, *supra* note 1, at paras. 6, 14, 20, 21 and 26 (discussing the ambiguity as to whether alerting Iraq to “serious consequences” was intended to be understood as a threat or a warning or both).

Chart 2	
1. 8 November 2002: Statements by Security Council members and the Secretary General following the 15-0 vote adopting Resolution 1441	
<p>Secretary-General of the UN</p> <p>S/PV.4644 (8 November 2002), p.2</p>	<p>...Iraq now has a new opportunity to comply with all the relevant resolutions of the Security Council. I urge the Iraqi leadership, for the sake of its own people and for the sake of world security and world order, to seize this opportunity and thereby begin to end the isolation and suffering of the Iraqi people. If Iraq's defiance continues, however, the Security Council must face its responsibilities.</p> <p>This resolution is based on law, collective effort and the unique legitimacy of the United Nations. It represents an example of multilateral diplomacy serving the cause of peace and security. It reflects a renewed commitment to preventing the development and spread of weapons of mass destruction and the universal wish to see this goal obtained by peaceful means.</p> <p>...</p> <p>I know that it has not been easy to reach agreement. ...Whenever the Council is united, it sends a very powerful signal. And I hope that Iraq will heed that signal.</p> <p>...</p> <p>How this crisis is resolved will affect greatly the course of peace and security in the coming years, in the region and in the world.</p>
<p>United States, pp. 3 – 4</p>	<p>...</p> <p>For 11 years, without success, we have tried a variety of ways, including diplomacy, inspections and economic sanctions, to obtain Iraqi compliance. By this resolution, we are now united in trying a different course. That course is to send a clear message to Iraq insisting on its disarmament in the area of weapons of mass destruction and delivery systems, or face the consequences.</p> <p>...</p> <p>The resolution confirms what has been clear for years: that Iraq has been and remains in violation of disarmament obligations – "material breach" in lawyers' language. The Council then decides to afford Iraq a final opportunity to comply. As a means to that end, the resolution then establishes an enhanced, strengthened inspection regime.</p>

	<p>...</p> <p>As we have said on numerous occasions to Council members, this resolution contains no "hidden triggers" and no "automaticity" with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12. The resolution makes clear that any Iraqi failure to comply is unacceptable and that Iraq must be disarmed. And, one way or another, Iraq will be disarmed. If the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security.</p> <p>...</p> <p>In this process, different views about the shape and language of a resolution were fused into the common approach we and our British partners wanted to create.</p> <p>This resolution affords Iraq a final opportunity. The Secretary-General said on 12 September – and he repeated it again today – that "If Iraq's defiance continues, the Security Council must face its responsibilities" (A/57/PV.2, p. 3). We concur with the wisdom of his remarks. Members can rely on the United States to live up to its responsibilities if the Iraq regime persists with its refusal to disarm.</p>
United Kingdom, pp. 4 - 5	<p>...</p> <p>With the adoption of this resolution, the Security Council has clearly stated that the United Nations will no longer tolerate this defiance. As paragraph 2 makes crystal clear, Iraq is being given a final opportunity to comply with its disarmament obligations, a final opportunity to remedy its material breach of resolution 687 (1991) set out in paragraph 1.</p> <p>The regime in Baghdad now faces an unequivocal choice: between complete disarmament and the serious consequences indicated in paragraph 13.</p> <p>The fact that this resolution has the unanimous support of Council members sends, as the Secretary-General has just said, the most powerful signal to Iraq that this is the only choice, ...</p> <p>Because of the strength of this signal, there is at last a chance that Iraq will finally comply with its obligations and that military action can be averted.</p> <p>...</p> <p>We heard loud and clear during the negotiations the concerns about</p>

	<p>"automaticity" and "hidden triggers" – the concern that on a decision so crucial we should not rush into military action; that on a decision so crucial any Iraqi violations should be discussed by the Council. Let me be equally clear in response, as a co-sponsor with the United States of the text we have just adopted. There is no "automaticity" in this resolution. If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council for discussion as required in paragraph 12. We would expect the Security Council then to meet its responsibilities.</p> <p>...</p> <p>[I]f Iraq chooses defiance and concealment, rejecting the final opportunity it has been given by the Council in paragraph 2, the United Kingdom – together, we trust, with other Members of the Security Council – will ensure that the task of disarmament required by the resolutions is completed.</p>
France, p. 5	<p>....</p> <p>France considers that the resolution that has just been adopted unanimously is a good resolution for the following reasons. The resolution strengthens the role and authority of the Security Council. That was the main and constant objective of France throughout the negotiations which have just concluded. That objective was reflected in our request that a two-stage approach be established and complied with, ensuring that the Security Council would maintain control of the process at each stage.</p> <p>That objective has been attained: in the event that the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) or the Director General of the International Atomic Energy Agency (IAEA) reports to the Security Council that Iraq has not complied with its obligations, the Council would meet immediately to evaluate the seriousness of the violations and draw the appropriate conclusions. France welcomes the fact that all ambiguity on this point and all elements of automaticity have disappeared from the resolution.</p> <p>...</p> <p>In the course of the day, France, Russia and China will make public a joint statement stressing the scope of the text of the resolution just adopted.</p> <p>...</p> <p>War can only be the last recourse. The rules of the game spelled out by the Security Council are clear and demanding and require the unflinching cooperation of Iraqi leaders. If Iraq wants to avoid confrontation it must understand that this is its last opportunity.</p>

<p>Mexico, pp. 6 – 7</p>	<p>....</p> <p>Should Iraq fail to comply, the Council's response will be defined on the basis of its own determination as to the existence of a threat to international peace and security.</p> <p>The Council's unity in this morning's vote on the resolution sends a clear and unambiguous message to the international community, in response to the Secretary-General's repeated calls.</p> <p>...</p> <p>The resolution just adopted is the result of negotiations in which those who called for automatic recourse to the use of force agreed to give Iraq one last chance to voluntarily, immediately and unconditionally comply with Security Council resolutions.</p> <p>...</p> <p>[T]his resolution also constitutes progress, as it eliminates the concept of automaticity in the use of force in response to a serious violation without the explicit agreement of the Council.</p> <p>We welcome the fact that the two-stage approach has been accepted. That approach has had the explicit and specific support of Mexico since Minister Jorge Castañeda spoke in the General Assembly on 13 September.</p> <p>...</p> <p>The first stage would entail a credible process to evaluate Iraq's true military capability and its intention to use its weapons or the ability of terrorist groups to have access to them. The second stage would entail the agreement of the Security Council and other States involved on the measures to be adopted if the evaluation process detects a threat to international peace and security.</p> <p>...</p> <p>We emphasize the importance that Security Council decisions taken in this connection must continue to comply with the principles of the Charter and international law on the basis of objectively verifiable facts.</p> <p>We reiterate the belief reflected in the agreed text that the possibility of the use of force is valid only as a last resort, with prior explicit authorization required from the Security Council.</p> <p>To sum up, the resolution stipulates that should Iraq fail to comply, it will be the inspectors who will report to the Council. This multilateral body will then determine the nature of that failure to comply, judge whether international peace and security have been imperiled, and then decide what is appropriate under the United Nations Charter.</p> <p>....</p>
<p>Ireland,</p>	<p>....</p>

pp. 7 - 8	<p>We have noted carefully and we welcome the assurances given by the sponsors that their purpose in presenting this resolution was to achieve disarmament through inspections, and not to establish a basis for the use of military force. The use of force is, and must remain, a matter of last resort. This is, therefore, a resolution about disarmament, not war. It is about removing all threat of war.</p> <p>...</p> <p>However, the resolution can leave Iraq in no doubt that it must now cooperate fully with arms inspectors and reassure the world finally that it has divested itself of weapons of mass destruction and the means of delivering them, or face serious consequences.</p> <p>Ireland supports the resolution, because it offers the most likely means of securing Iraq's voluntary compliance with its disarmament obligations, avoiding a military conflict and preserving the primary responsibility of the Security Council for the maintenance of international peace and security.</p> <p>...</p> <p>The resolution provides for a clear, sequential process, whereby the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) or the International Atomic Energy Agency (IAEA) will give the Council its assessment of any material breach or alleged material breach of Iraq's obligations under Security Council resolutions. The matter will then be fully examined by the Security Council itself.</p> <p>As far as Ireland is concerned, it is for the Council to decide on any ensuing action. Our debate on 17 and 18 October made it clear that this is the broadly held view within the United Nations. However, we are confident that, should it be necessary, the Council will, in the words of the Secretary-General, face its responsibilities.</p> <p>....</p> <p>The Security Council, representing the international community, has today assumed its responsibilities in order to avert a perilous crisis. The Council has given Iraq a final opportunity to comply with its disarmament obligations. The Iraqi authorities must now respond by assuming their own responsibilities under the Charter.</p> <p>...</p>
Russia, pp. 8-9	<p>...</p> <p>At all stages of this work, we were guided by the need to direct the process of a settlement onto a diplomatic and political path and not to allow a military scenario. As a result of intensive negotiations, the resolution just adopted contains no provisions for the automatic use of force.</p>

	<p>...</p> <p>The Russian Federation made a choice based on principle to support the resolution, guided by its special responsibility, as a permanent member of the Security Council, for the maintenance of international peace and security. What is most important is that the resolution deflects the direct threat of war and that it opens the road towards further work in the interests of a political diplomatic settlement.</p> <p>It is particularly important that – as many of my colleagues have said today – in the event of any kind of disagreement over disarmament matters, it is the heads of UNMOVIC and of the IAEA who will report that to the Security Council, and that it is the Council that will consider the situation that has developed. That is the sequence set forth clearly in paragraphs 4, 11 and 12 of the resolution.</p> <p>...</p> <p>Implementation of the resolution will require goodwill on the part of all those involved in the process of seeking a settlement of the Iraq question. They must have the willingness to concentrate on moving forward towards the declared common goals, not yielding to the temptation of unilateral interpretation of the resolution's provisions and preserving the consensus and unity of all members of the Security Council.</p>
Bulgaria, pp. 9 - 10	<p>...</p> <p>This resolution is not a pretext for automatic recourse to the use of force. Rather, it attests to the international community's determination to work tirelessly for Iraq's disarmament through peaceful means.</p> <p>...</p> <p>My country welcomes the fact that the resolution categorically reaffirms the centrality of the Security Council in our decision-making process. Resolution 1411 (2002) is in perfect harmony with my country's dedication to multilateralism as a governing principle of international relations. My country believes that the resolution sends a strong message to the Baghdad authorities concerning the consequences of any Iraqi failure to comply with Security Council resolutions. The Iraqi authorities hold the fate of their country in their own hands. If they comply with the resolution, the lifting of sanctions would be at hand.</p>
Syria, p.10	<p>...</p> <p>Syria voted in favour of the resolution, having received reassurances from its sponsors, the United States of America and the United Kingdom, and from France and Russia through high-level contacts, that it would not be used as a pretext for striking against Iraq and</p>

	<p>does not constitute a basis for any automatic strikes against Iraq. The resolution should not be interpreted, through certain paragraphs, as authorizing any State to use force. It reaffirms the central role of the Security Council in addressing all phases of the Iraqi issue.</p> <p>...</p>
Norway, p. 10	<p>...</p> <p>Bearing in mind our overall objective of disarming Iraq of weapons of mass destruction, we afford Iraq a final opportunity to comply with its disarmament obligations; we enhance the system of inspections in such a way as to make it more credible and effective; and finally, we commit ourselves to using the Security Council to resolve a serious crisis and thus signal our determination to uphold the authority of the Organization and respect for international law.</p> <p>Norway wants the conflict with Iraq to be resolved peacefully. This resolution sets out very clearly that the Iraqi authorities have a choice. In case of Iraqi non-compliance, the resolution sets out a procedure whereby the Security Council will convene immediately in order to secure international peace and security.</p> <p>...</p>
Singapore, p. 10	<p>...</p> <p>On 17 October, in the Security Council's open debate on the situation between Iraq and Kuwait, Singapore spelled out comprehensively its position on this issue. We voted in favour of resolution 1441 (2002), as it is consistent with the positions that we have espoused in the Security Council.</p> <p>...</p> <p>As the Secretary-General told the General Assembly on 12 September and reiterated in his compelling statement today, "If Iraq's defiance continues... the Security Council must face its responsibilities". The unanimous adoption of resolution 1441 (2002) today is a clear message to Iraq from the Council.</p> <p>...</p> <p>It makes clear that Iraq will be given a full and final opportunity to comply with its disarmament obligations under the relevant resolutions of the Security Council.</p> <p>The difference between successful and unsuccessful inspections may be the difference between peace and war. We hope that Iraq will make its decision carefully.</p> <p>...</p>
Colombia, pp. 10 - 11	<p>...</p> <p>We also said that we must send a clear message to Iraq that the international community does not intend to wait any longer for</p>

	<p>compliance with the demands made by the Security Council on its behalf.</p> <p>We also noted that the resolution should be sufficiently forceful and effective to obtain the disarmament of Iraq once and for all and to close the chapter that was opened more than a decade ago with Iraq's aggression against Kuwait. We insisted on preserving the central role of the Security Council, as clearly stipulated in paragraphs 4, 11 and 12. This resolution is not, nor could it be at this time, a resolution to authorize the use of force. It provides a one-time opportunity.</p> <p>...</p>
Cameroon, p. 11	<p>...</p> <p>It is a text of positive and constructive compromise because it is balanced. It does not acknowledge victory for any particular side. International peace and security are the only victors. Now the ball is in Iraq's court.</p> <p>...</p> <p>My country welcomes the clear statements just made by the sponsors, spelling out the fact that the resolution just adopted, on their initiative, does not contain traps or automaticity. Along with us, they confirm today, in the spirit of the statement of 12 September by made by President Bush to the General Assembly, that they are working, and will always work, for the centrality of the Security Council in the maintenance of international peace and security. Cameroon has always maintained and supported that. Let us trust in the Charter and abide by it.</p> <p>...</p>
Guinea pp. 11 - 12	<p>...</p> <p>[I]t would be a good idea to simply point out that my country welcomes the adoption of resolution 1441 (2002), particularly the fact that it was adopted by consensus, which is a clear message to Iraq. My country considers that that important phase opens the way for the peaceful resolution of the Iraqi crisis and reaffirms the unity and the role of the Security Council as the guarantor of international peace and security.</p> <p>...</p>
Mauritius, p. 12	<p>...</p> <p>Mauritius has voted in favour of this resolution, as it is the fruit of intense and constructive negotiations, which took on board all concerns raised by members of the Security Council. We are pleased to see the clear and unambiguous role of the Security Council in the maintenance and promotion of international peace and security</p>

	<p>through peaceful means. Mauritius considers that a unanimous vote in favour of this resolution strengthens further unity of the Council, which is the prerequisite for the effective implementation of this resolution, as well as all other Council resolutions.</p> <p>...</p>
<p>China, pp. 12-13</p>	<p>...</p> <p>First, I wish to thank the Secretary-General for attending today's meeting and for his important and wise statement.</p> <p>...</p> <p>We appreciate the work done by UNMOVIC and the IAEA with regard to the inspections, and hope that they will be able to return to Iraq at an early date to conduct independent, fair, professional and effective inspections, reporting to the Security Council the result of their inspections in a truthful and timely manner. That would enable the Council to draw objective, fair and realistic conclusions and decide on the next steps in the light of the situation and the views of the various parties concerned.</p> <p>China supports the two-stage approach. The Chinese delegation actively participated at all stages of the consultations on the draft resolution, and put forward its views and suggestions in a constructive manner. We are pleased to note that, after many rounds of consultations, the sponsors of the draft resolution accommodated our concerns, and the Council members have finally reached consensus.</p> <p>As the sponsors pointed out in their statements earlier, the purpose of the resolution is to achieve the disarmament of Iraq through effective inspections. The text no longer includes automaticity for authorizing the use of force. According to the resolution that has just been adopted, only upon receipt of a report by UNMOVIC and the IAEA on Iraq's non-compliance and failure to cooperate fully in the implementation of the resolution, will the Security Council consider the situation and take a position.</p> <p>We are also pleased to note that, at the request of many members, including China, the resolution now includes other important elements, for example, reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait and other neighbouring States, ...</p> <p>...</p> <p>The Security Council bears the primary responsibility for the maintenance of international peace and security – a responsibility that is entrusted to it by the Charter. Now that the Security Council</p>

	<p>has adopted this important resolution at this crucial moment, we hope that it will contribute to preserving the authority of the Council,...</p> <p>...</p>
<p>2. 8 November 2002: Joint Declaration of China, Russia and France</p>	
<p>China Russia France</p>	<p>(reproduced in entirety)</p> <p>Resolution 1441 (2002) adopted today by the Security Council excludes any automaticity in the use of force. In this regard, we register with satisfaction the declarations of the representatives of the United States and the United Kingdom confirming this understanding in their explanations of vote and assuring that the goal of the resolution is the full implementation of the existing Security Council resolutions on Iraq's weapons of mass destruction disarmament. All Security Council members share this goal.</p> <p>In case of failure by Iraq to comply with its obligations, the provisions of paragraphs 4, 11 and 12 will apply. Such failure will be reported to the Security Council by the executive chairman of UNMOVIC or by the director general of the IAEA. It will be then for the Council to take a position on the basis of that report.</p> <p>Therefore this resolution fully respects the competences of the Security Council in the maintenance of international peace and security, in conformity with the charter of the United Nations.</p>
<p>3. 10 February 2003: Joint Declaration of Germany, Russia and France</p>	
<p>Germany Russia France</p>	<p>...</p> <p>UNSCR 1441, adopted unanimously by the Security Council, provides a framework whose possibilities have not yet been thoroughly explored.</p> <p>The inspections conducted by UNMOVIC and the IAEA have already yielded results. Russia, Germany and France favour the continuation of the inspections and the substantial strengthening of their human and technical capabilities by all possible means and in consultation</p>

	<p>with the inspectors, within the framework of UNSCR 1441.</p> <p>There is still an alternative to war. The use of force could be only a last resort. Russia, Germany and France are determined to give every chance to the peaceful disarmament of Iraq.</p> <p>It is up to Iraq to cooperate actively with UNMOVIC and the IAEA so that they can complete the inspections. The Iraqi regime must face up to its responsibilities in full.</p> <p>Russia, Germany and France note that the position they express reflects that of a large number of countries, particularly within the Security Council.</p>
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C. A Cautionary Conclusion

Before setting out the above chart, I said I would make no further comment. Allow me to break my word, by lodging a caution – out of an excess of caution. It continues to be the case that the consequences of word games can be very serious indeed. That being so, readers are well advised not to (even begin to) rely on the above digest but, rather, to use it as a starting point before going on to read carefully the entire original record. That record includes not only what was said by States in the months leading up to the 8 November 2002 vote¹⁷ but also the debates in the early part of 2003, both in and out of the Security Council, that resulted in no subsequent Security Council resolution being adopted – and that gave way to the 2003 invasion of Iraq led by the US and the UK.

¹⁷ In a post-vote explanation of its vote Singapore incorporated, by reference, “positions we have espoused in the Security Council” in past debates.

