

# **HISTORICAL SECURITY COUNCIL**

## **REVISITING THE WAR ON TERROR**





## Welcome Letter

Dear delegates,

On behalf of The European International Model United Nations, we would like to welcome you to the Historic Security Council. We look forward to being your chairs and making this an experience worth remembering!

Participating as a delegate in TEIMUN will be a challenging, but definitely rewarding experience for you. We are certain that this Council will present opportunities for each and every delegate to learn, excel, and broaden their horizons. In and out of session, you will be pushed to consider innovative solutions to historic issues. Outside of the committee room, you will have the opportunity to interact while making friends from around the world.

For the Historic Security Council, we will ask you to look back for a little while. What if the events that transpired in 9/11 had gone down differently? What if you had been a ruler of that time? As the potential leaders of the future, we ask you to reconsider the past. As philosopher George Santayana said: “Those who do not learn from the past are condemned to repeat it.”<sup>1</sup> This insight is perhaps even more pertinent in light of the topic that you will debate, namely, the War on Terror and its profound impact on the post 9/11 security environment. The consequences of this event still reverberate with us today as we have recently been reminded by the withdrawal of US troops in Afghanistan on the 30<sup>th</sup> of August 2021 and the subsequent reinstatement of the Taliban regime. In fact, many of the security challenges that are paradigmatic for the 21<sup>st</sup> century originate from this date which set in motion sweeping changes to intelligence and counterterrorism practices, launched two major wars, and drastically altered perceptions of American hegemony.

As your chairs we expect you, delegates of the Historic Security Council, to give your best effort while respecting the rules of procedure and your fellow delegates. We hope that TEIMUN will be an amazing experience for all of you, and that besides the challenging debates and having a blast, you will make connections and friends that will last for a lifetime. We are very much looking forward to meeting you in The Hague come July 2022!

Your chairs,

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<sup>1</sup>Santayana, G. The Life of Reason: Introduction, and Reason in Common Sense. Creative Media Partners, LLC, 2016. <https://books.google.nl/books?id=d17cjwEACAAJ>.

## **Introduction to the Topic**

The War on Terror has left a devastating mark on the 21st century. Stemming from the Gulf Crisis and the 9/11 terror attacks, the effects of such events leave us here today, with trillions of dollars spent on "forever wars" in Afghanistan and Iraq. There was a change in international policy regarding dealing with international terrorism, and numerous lives were lost due to the international community's endless wars. The invasion of Afghanistan in 2001 set a precedent for the many numerous invasions, military interventions, surveillance operations, and anti-money laundering schemes that affect the entire world until this day. We are here to discuss how the decisions of the politicians in power back then could have been made better, now that we have a clearer understanding of what unfolded, 21 years after the fact.

## **Problem Specification**

While many historical events provide us with a plethora of reasons for their inclusion in public discourse, the events that took place in Afghanistan during 2001-2003, and Iraq pre-2003 certainly belong to those watershed moments that have changed global politics. HSC at TEIMUN will delve into the many aspects that made terrorism and the ambiguous approaches taken by states to prevent terrorism, a focal point in the international landscape. The council and the delegates will debate how certain policies undertaken by states failed to accurately gauge the magnitude of this issue – that continues to hamper millions of lives today. Hence, the delegates will step into the shoes of diplomats of that time and will be expected to correctly reassess, rethink, redraw, and rework newer approaches that could have been put into practice to justify a swift response to the uncontrolled growth of terrorism. The delegates will do this through negotiation, discussion and diplomacy within the council – in a **specific time-period** (2001 for Afghanistan & 2003 for Iraq). Revisiting 'War on Terror' therefore means that the delegates are required to debate their foreign policies under a new light while still adhering to the conditions and limitations that were intrinsic to the events of that time. The council will chronologically move from one case study to the other and delegates are therefore expected to undertake multiple legislation initiatives during the course of the council's proceedings. This can ideally look like two resolution papers, one that analyses the situation of Afghanistan, and the other that analyses the situation of Iraq during that time period. It is extremely salient that the delegates do not move away from the central issue that the council has to readdress: i.e., 'Terrorism' in both case studies of Afghanistan & Iraq. The council will look down upon any argumentation presented by a delegate that does not incorporate terrorism as a sufficient context in it. The delegates are advised to construct as many sub-topics as they can – that can focus on the failures of the international stakeholders, especially states in combatting terrorism. The topic greatly impacts the many stakeholders – domestic (internal rival groups, local terror factions, political parties, ministers etc.), regional (terror networks, financial institutions, regional bodies like OIC etc.) and international (NATO, UN peacekeeping troops, Ad-Hoc committees, refugees, migrants) that affected the propagation and were affected by the propagation of terrorism to varying degrees. It is imperative that the delegates do not deviate away from the given timeline and are restricted to only discuss and debate the events that transpired during this specific period (2001 to 2003). References to years in which the timeline doesn't correspond to will be

looked down upon. Delegates are thus bound to continue with an approach that is realistic from a historical standpoint, while still retaining the freedom to come up with new policy responses that they deem feasible. All resources, operational mandates, state led initiatives against terrorism, UN-led international legislation, treaties and other international instruments of that time should be seen as a source of inspiration. Simply put, the delegates will make use of whatever was done until those years as part of their discussing material. The decisions, frameworks and narratives that the delegates put forward will then drive the approach that the Security Council will adopt, until the resolution on that case study is discussed and voted upon.

### **Afghanistan War**

The Afghan state emerged in the 18th and 19th centuries, based around a monarchy drawn from the majority Pashtun ethnic group. The boundaries of Afghanistan were established by the Russian and British empires at the end of the 19th century, reflecting the country's status as a buffer between their empires.<sup>2</sup> Although Afghanistan was a predominantly Pashtun state and its rulers were always drawn from the Pashtun majority, it was also characterized by strong regional and clan loyalties both among the country's other ethnic groups and within the Pashtun population.<sup>3</sup> While the ethnic composition of Afghanistan is complex, the Pashtun population, broadly observing Sunni and conservative Islam, dominates the south and east, with significant enclaves in the northwest (Badgheis Province) and northeast (Kunduz Province). The northern and central populations of Afghans are a mixture of Sunni Uzbek, Tajik, Shia Muslim Hazarajat, and other minorities, each representing waves of historic migration and settlement. Pashtuns are historically the dominant ethnic community in Afghanistan, and they have actively fought to keep their predominance throughout Afghan history.<sup>4</sup> In the years before 1978 Pashtuns made up about 40 per cent of the Afghan population. After the Soviet invasion in 1979, some 85 per cent of the more than 3 million Afghan refugees in Pakistan were Pashtuns. They have always played a central role in Afghan politics, and their dominant position has been a major catalyst in triggering conflict.<sup>5</sup> It is important to emphasize that the Pashtun community is not neatly confined within borders of the modern Afghan state, in fact, they are a dispersed diaspora and the second largest ethnicity in Pakistan. To this day, Afghanistan disputes the Durand line, the border it shares with Pakistan that cleaved the territory of the Pashtun tribes and it remains a source of serious contention between the two countries.<sup>6</sup>

The gradual failure of the Afghan state in the 1960s and 1970s resulted in a palace coup which overthrew the monarchy in 1973, a communist coup in 1978 and the Soviet intervention in support of the communist regime in 1979. The motivation for the Soviets to intervene was based on the fact that the new communist government had little popular support as it launched ruthless purges of all domestic opposition and began extensive land and social reforms that were bitterly resented by the devoutly Muslim and largely

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<sup>2</sup> Lansford, Tom. (2017). *A bitter harvest: US Foreign Policy and Afghanistan*. Routledge.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

anti-Communist population.<sup>7</sup> Insurgencies arose against the government among both tribal and urban groups, and all of these—known collectively as the **mujahideen**—were Islamic in orientation. In response to the Soviet operation to prop up their new but faltering client state, the United States, Pakistan, and the Gulf states intervened indirectly by supporting the mujahidin resistance fighters.<sup>8</sup> The funding by the US and other countries, most notably Pakistan and Saudi Arabia, led to a drawn-out military campaign for the USSR, a cost its economy could not afford to maintain. Through guerrilla tactics and local home front advantage, combined with superior firepower provided by its allies, the Soviet Union withdrew. Known as “The Soviet’s Vietnam” this was a decisive loss for the Soviet Union at the height of the Cold War.<sup>9</sup>

After the Soviet Union’s withdrawal from Afghanistan in 1989, divisions among Afghanistan’s different ethnic, regional and clan groups rapidly re-emerged, resulting in a decade of civil war. In 1992 the Soviet-backed government of Ahmedzai Najibullah collapsed and this was set off by rebellions organized by Uzbek and Tajik militia commanders in northern Afghanistan. Uzbek commander Abdul Rashid Dostum joined forces with prominent *mujahedin* commander Ahmad Shah Masoud of the Islamic Society, a largely Tajik party headed by Burhannudin Rabbani.<sup>10</sup> The president fell, and the mujahedin regime was consolidated. However, the fall of the communist government exposed rifts among the mujahedin parties over how power should be shared. Under an agreement among the major parties, Rabbani became president in June 1992 with agreement that he would serve until December 1994. He refused to step down at that time, saying that political authority would disintegrate without a clear successor. That decision was strongly opposed by other mujahedin leaders, including Gulbuddin Hikmatyar, a Pashtun, and leader of the Islamist conservative Hizb-e-Islam Gulbuddin party. Hikmatyar and several allied factions fought unsuccessfully to dislodge Rabbani. Interestingly, fighting also broke out between the Tajik and Uzbek militias, with Dostum’s forces siding with those of Hikmatyar against Massoud.<sup>11</sup>

In the mid-1990s a new, predominantly Pashtun, group emerged - the Taliban. Drawing their support from Islamic religious schools (madrassas), the Taliban sought to impose order and a strict Islamic regime on the country.<sup>12</sup> The Taliban viewed the Rabbani government as weak, corrupt, and anti-Pashtun, and the four years of civil war between the mujahedin groups (1992-1996) created popular support for the Taliban as able to deliver stability. Most importantly, the Taliban were strongly supported by, and indeed to a significant degree a creation of, Pakistan, which provided them with political, financial and military support. Pakistan has a history of military support for different factions within Afghanistan, extending at least as far back as the early 1970s. During the 1980s, Pakistan, which was host to more

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<sup>7</sup> Fenzel, M. R. (2017). *No Miracles: The Failure of Soviet Decision-Making in the Afghan War*. Stanford University Press.

<sup>8</sup> Fenzel, M. R. (2017). *No Miracles: The Failure of Soviet Decision-Making in the Afghan War*. Stanford University Press.

<sup>9</sup> Ibid.

<sup>10</sup> Lansford, Tom. (2017). *A bitter harvest: US Foreign Policy and Afghanistan*. Routledge.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

than two million Afghan refugees, was the most significant front-line state serving as a secure base for the mujahidin fighting against the Soviet intervention.<sup>13</sup> In addition the country also served, in the 1980s, as a U.S. stalking horse: the U.S., through the Central Intelligence Agency (CIA), granted Pakistan wide discretion in channelling some U.S.\$2-3 billion worth of covert assistance to the mujahidin, training over 80,000 of them.<sup>14</sup> Even after the withdrawal of Soviet troops in 1989, serving and former Pakistani military officers continued to provide training and advisory services in training camps within Afghanistan and eventually to Taliban forces in combat.

This was done in order to achieve both external and internal foreign policy goals. Firstly, Pakistan sought leverage against the hostile neighbour on its eastern border India. By giving Pakistan strategic depth, a secure Afghan frontier would enable the concentration of Pakistani forces on the Indian frontier and would allow it to become economically stronger through increased political and economic ties with the rest of Central Asia. An Afghanistan that facilitated those connections and provided Pakistan with a base to pursue its objectives in Kashmir would give it greater security against India. In addition, Pakistani support for the Pashtun parties in Afghanistan helped solidify the position of its own Pashtuns in Pakistan's military and civilian elites.<sup>15</sup> Secondly, it sought to promote the emergence of a government in Afghanistan that would reduce Pakistan's own vulnerability to internal unrest by helping to contain the nationalist aspirations of tribes whose territories straddle the Pakistani-Afghan border. Specifically, Pakistan sought to avoid building up the strength of Pashtun nationalist groups that might subsequently want to carve an independent Pashtun state from Pakistani and Afghan territory.<sup>16</sup> Thus, Pakistan came to throw its support behind the Taliban group that espoused an Islamist rather than a nationalist agenda.

At the same time, Pakistan was not the only actor that attempted to establish a presence in its near abroad, Saudi aid to Afghan factions was driven primarily by a desire to counter Iranian influence in Afghanistan by opposing the growth in power of Iranian clients such as the newly appointed president Rabbani.<sup>17</sup> As was mentioned before the mujahideen were made up of various groups that were trained by Pakistan, Saudi Arabia, and the United States. However, a number of revolutionary Shi'a groups took control of the Hazarajat region in 1979, in order to resist the mujahideen and throughout this period maintained close ties with the Iranian government. After the death of Khomeini in 1989, the Iranian government encouraged many of the Shi'a groups to combine and establish a political party, hoping that they would be included in international negotiations for a successive government.<sup>18</sup> However, Iran mostly envisioned a secular Afghanistan given that the Shia minority lacked the numbers to really counter the influence of the predominantly Sunni population. Hence, between the Soviet Union's withdrawal in February 1989 and the fall from power of president Najibullah

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<sup>13</sup> Akhtar, Nasreen. (2008). *Pakistan, Afghanistan, and the Taliban*. International Journal on World Peace, 49-73.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ahady, Anwar ul haq. (1998). *Saudi Arabia, Iran and the conflict in Afghanistan*. Fundamentalism reborn, 117-134.

<sup>18</sup> Rubin, Barnett R. (2013). *Afghanistan from the Cold War through the War on Terror*. Oxford University Press.

in April 1992, Iran supported the communist government. In the words of historian Barnett Rubin, "Iran saw the Soviet-backed Kabul government as the main force blocking the takeover of Afghanistan by Sunni Wahhabi parties backed by these three countries - Pakistan, Saudi Arabia, and the United States".<sup>19</sup>

The Taliban regime in Afghanistan was highly antagonistic to Iran, and Tehran viewed it as a security threat. In addition to killing hundreds of Shia Muslims, the Taliban stormed the Iranian Consulate in the city and killed eight Iranian diplomats and an Iranian journalist, and held 50 other Iranian nationals captive. Tehran was incensed by the killings and dispatched 200,000 troops to the border as the government decided whether or not to invade. War was averted when the Taliban, after the threat from Iran and under pressure from the United Nations, returned the bodies of the murdered diplomats and sent the remaining Iranian captive's home. The killings and the capture of Iranians were seen in Tehran as a national humiliation and perhaps a clear reminder of Tehran's failed policies in Afghanistan.<sup>20</sup>

Therefore, once Pakistan threw its weight behind the emerging Taliban movement in late 1994, Saudi aid increasingly followed suit. Saudi Arabia was a major financial supporter of the Taliban between their consolidation of power in 1994 -1996 and the 1998 bombings of the U.S. embassies in Tanzania and Kenya by a group of persons who were suspected of being followers of the Saudi expatriate Osama bin Laden.<sup>21</sup> In fact, bin Laden was the figurehead of Al-Qaeda, an organization that began as a logistical network to support Muslims fighting against the Soviet Union during the Afghan War by recruiting members throughout the Islamic world. When the Soviets withdrew from Afghanistan in 1989, the organization dispersed but continued to oppose what its leaders considered corrupt Islamic regimes and foreign (i.e., U.S.) presence in Islamic lands.<sup>22</sup> Based in Sudan for a period in the early 1990s, the group eventually re-established its headquarters in Afghanistan under the patronage of the Taliban militia.<sup>23</sup> Bin Laden provided resources and technical capacities to the Taliban, and their leadership was won over by his claim to be a righteous mujahid and revolutionary icon. However, the Taliban's decision to shelter Bin Laden led to U.S. pressure on Saudi Arabia to terminate its support of the Taliban. Nevertheless, although official Saudi aid reportedly stopped, Saudi money and support has continued to find its way to the Taliban in the form of private contributions.<sup>24</sup>

Interestingly, the USA did not initially oppose the Taliban: viewing them as a counter-weight to Iranian and Russian influence in Afghanistan, as partners of its own allies Pakistan and Saudi Arabia and as a force capable of imposing order on Afghanistan.<sup>25</sup> Nevertheless, this

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<sup>19</sup> Rubin, Barnett R. (2013). *Afghanistan from the Cold War through the War on Terror*. Oxford University Press, 34.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Haynes, Jeffrey. (2005). *Al Qaeda: ideology and action*. Critical Review of International Social and Political Philosophy 8(2), 177-191.

<sup>23</sup> Ibid.

<sup>24</sup> Ahady, Anwar ul haq. (1998). *Saudi Arabia, Iran and the conflict in Afghanistan*. Fundamentalism reborn, 117-134.

<sup>25</sup> Ibid.

position become increasingly untenable after the 1998 US embassy bombings, and soon military action followed suit in the form of cruise missile attacks against Al-Qaeda terrorist training camps in Afghanistan. In 1999 the UN Security Council demanded that the Taliban surrender bin Laden in order that he might be prosecuted, banned most flights into and out of Afghanistan and imposed economic sanctions on the Taliban regime. At the end of 2000 the Security Council banned the sale or transfer of military equipment to the Taliban.<sup>26</sup>

As of 11 September 2001, the Taliban controlled most of Afghanistan and was the dominant military force within the country. Despite strong international pressure, the Taliban retained its close links with al-Qaeda and showed no willingness to cease its support for the organization or surrender bin Laden.<sup>27</sup> There were, however, signs of a shift elsewhere. The Taliban's policies caused different Afghan factions to ally with the Tajik core of the anti-Taliban opposition. Joining the Tajik factions in the broader "Northern Alliance" were Uzbek, Hazara Shiite, and even some Pashtun Islamist factions. Virtually all these figures remain key players in politics in Afghanistan.

The Northern Alliance had reorganized its military forces in 2000 and early 2001, possibly in preparation for a renewed offensive against the Taliban. Subsequently reports have revealed that the USA was considering supporting the Northern Alliance and Russia, its main external backer, in any offensive against the Taliban.<sup>28</sup> Two days before the 11 September 2001 terrorist attacks, an important Northern Alliance leader, Ahmed Shah Massoud, was assassinated by al-Qaeda operatives, suggesting that the attacks on the USA were planned to coincide with a renewed offensive against the Northern Alliance.<sup>29</sup>

The date is September 11<sup>th</sup> 2001. Al-Qaeda operatives hijack four commercial airliners, crashing them into the World Trade Center in New York and the Pentagon in Washington, DC. A fourth plane crashes in a field in Shanksville, Pennsylvania. Close to three thousand people die in the attacks. Although Afghanistan is the base for al-Qaeda, none of the nineteen hijackers are Afghan nationals. Mohammed Atta, an Egyptian, led the group, and fifteen of the hijackers originated from Saudi Arabia.<sup>30</sup> U.S. President George W. Bush vows to "win the war against terrorism," and later zeros in on al-Qaeda and bin Laden in Afghanistan. Bush eventually calls on the Taliban regime to "deliver to the United States authorities all the leaders of al-Qaeda who hide in your land," or share in their fate.<sup>31</sup> The USA received unprecedented international support. Within 24 hours, the UN Security council had passed resolutions 1368 and 1373 which profoundly influenced the global counterterrorism system in important ways. In Resolution 1368, the Council reaffirmed the "inherent" right of states to defend themselves from threats, individually or collectively. Secondly, in an enabling step

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<sup>26</sup> Ahady, Anwar ul haq. (1998). *Saudi Arabia, Iran and the conflict in Afghanistan*. Fundamentalism reborn, 117-134.

<sup>27</sup> Cottey, Andrew. (2003). *Afghanistan and the new dynamics of intervention: counter-terrorism and nation building*. SIPRI YEARBOOK, 167-194.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> *The US War in Afghanistan*. Council on Foreign Relations. <https://www.cfr.org/timeline/us-war-afghanistan>

<sup>31</sup> Ibid.



that more broadly empowered states, terrorism groups with global reach were seen as a “threat to international peace and security.”<sup>32</sup> By identifying international terrorism as such a threat, Resolution 1368 determined that states have a right to use force to defend themselves. While the UN Charter of 1945 recognized a state’s “inherent right” of self-defense against armed attack, such attacks were thought most likely to come from other states. Thus, Resolution 1368 broadened this “inherent right,” to include terrorist organizations, and imparted to member states the authority to put into operation their own enforcement actions, alliance-making, diplomacy, and intelligence-gathering, to hold such parties “accountable.”<sup>33</sup>

In a way a possible legal precedent was set that provided discretion for a far-reaching doctrine of pre-emptive intervention which would extend the self-defence rationale to justify military action against suspected possessors of WMD and supporters of terrorism, even when no prior damage had been inflicted on the injured party.<sup>34</sup> In essence, the Security Council gave a “blank check” to states targeted by terrorists to respond with independent military and related operations against terrorist organizations without its further approval. Third, and going further in this direction of empowering states, Resolution 1368 stressed that all parties, including states, that are guilty of “aiding, supporting, harbouring” terrorism may also “be held accountable” for their actions.<sup>35</sup> This resolution, therefore, was warning active state sponsors of terrorism that they could be the legitimate target of military responses from victimized states. A fourth noteworthy aspect of Resolution 1368 is something that it did not mention. Significantly, it did not call for a Security Council–led, collective, military enforcement mission.<sup>36</sup>

By the beginning of October 2001, and despite repeated international demands, the Taliban had not surrendered Osama bin Laden or members of al-Qaeda. On 7 October the USA commenced military operations. The U.S. military, with British support, begins a bombing campaign against Taliban forces, officially launching Operation Enduring Freedom. Australia, Canada, France, and Germany pledge future support.<sup>37</sup> The war’s early phase mainly involves U.S. air strikes on al-Qaeda and Taliban forces that are assisted by a partnership of about one thousand U.S. special forces, the Northern Alliance, and ethnic Pashtun anti-Taliban forces. The first wave of conventional ground forces arrives twelve days later. Most of the ground combat is between the Taliban and its Afghan opponents.<sup>38</sup>

When it became clear in November 2001 that the Taliban regime was collapsing, the establishment of a political and security framework for post-Taliban Afghanistan became a matter of urgency. In many ways the first error began here, with UN Headquarters delaying its convening to late November, despite repeated calls to convene such a meeting in October

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<sup>32</sup> Messmer, W. B., & Yordán, C. L. (2011). *A partnership to counter international terrorism: The UN Security Council and the UN Member States*. *Studies in Conflict & Terrorism*, 34(11), 843-861.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> *The US War in Afghanistan*. Council on Foreign Relations. <https://www.cfr.org/timeline/us-war-afghanistan>

<sup>38</sup> Ibid.

before the Taliban's ouster.<sup>39</sup> The delay allowed the Northern Alliance (NA) to take over two-thirds of the country and gave them de facto control of the capital and the institutions of the central government.<sup>40</sup> Nevertheless, under international pressure, the NA eventually agreed to participate in talks with other groups about a new government. The Special Representative of the UN Secretary-General for Afghanistan, Lakhdar Brahimi, brought together four key groups. These groups were the Northern Alliance; supporters of former King Mohammed Zahir Shah (known as the Rome Group because many had relocated there); former Afghan leaders in Pakistan (known as the Peshawar Group); and a group of op-position figures with links to Iran (the Cyprus Group).<sup>41</sup> However, the resultant Bonn Conference did not involve peace negotiations but included discussions for power-sharing arrangements in a transitional administration. The Bonn Agreement effectively set a timeline for the establishment of a transitional authority, the creation of a commission to draft the new constitution and the convention of an emergency grand council to authorize appointments and the country's first elections.<sup>42</sup>

Though international stakeholders sought to make Bonn as 'Afghan-led' a process as possible, they took a very narrow view of what 'Afghan-led' might mean and an ambitious view of what an Afghan government might look like. The factions convened at Bonn were unquestionably powerful, but whether they constituted legitimate representatives in the eyes of Afghans is debatable.<sup>43</sup> The conference brought together some of the same ethno-political factions that less than a decade earlier had been slaughtering each other and countless civilians in the streets of Kabul and elsewhere. The justification for their presence at Bonn was that they were not the Taliban, that they were perceived as powerful (with the potential to destabilize Afghanistan), and that they had supported and provided ground troops to the US-led military intervention in the country.<sup>44</sup> This led to the NA's successful claim to the lion's share of the ministries in the Interim Administration, which in turn enabled the NA's warlords and commanders to retain or be appointed to many provincial and district governorships and to key positions in the Afghan National Army (ANA) and Afghan National police (ANP).<sup>45</sup> At Bonn, Afghan and international stakeholders implicitly and explicitly accepted the logic that security and stability in the short term should be prioritized above accountability, peace and justice in the longer term. The marginalization of concerns with accountability and justice as key pillars of the state-building process set an unhealthy precedent both for central government institutions and at lower levels throughout the country.<sup>46</sup> It has contributed to reinforcing a system of patronage and elitism, where legitimate power is based on the perceived capacity to destabilize and exercise authority over personal networks rather than on leadership capabilities and integrity.

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<sup>39</sup> Ayub, F., & Kouvo, S. (2008). *Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan*. International affairs, 84(4), 641-657.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

Deciding that a large-scale UN presence was ‘not necessary and not possible’, international stakeholders unveiled a ‘light footprint’ policy. The United Nations Assistance Mission in Afghanistan (UNAMA), would focus on building capacities in the Afghan government and providing other assistance functions within a mandate more limited than those granted in Kosovo or East Timor.<sup>47</sup> An overbearing international presence would have been likely to foster suspicions of a process that was meant to be led from the bottom-up and representative of the will of the Afghan people. However, the mismatch between the ‘ambitious, centralizing, state-building agenda’ of Bonn and the light footprint of UNAMA contributed to broader failures in the transitional period.<sup>48</sup> As an alternative to a strong coordinating role for UNAMA, ‘lead nations’ were identified for different reform and development sectors. For example, the United States was designated lead nation for supporting military reform, Germany for police reform, Italy for justice and the UK for counter-narcotics. The lead nation approach, and lack of coordination among the different leads and between them and the Afghan government, contributed to the development of ambitious reform processes that lacked coherence and have resonated poorly with the realities in Afghanistan.<sup>49</sup>

This logic was also reflected in the relationship between the International Security Assistance Force (ISAF) and the Afghan Interim Authority. ISAF was created by mandate of the UN Security Council in order to assist in the maintenance of security in Kabul and its surrounding areas. Besides its primary role of ensuring stability, ISAF was also an important player in developing a future security structure and in arranging training and assistance tasks for future Afghan security forces.<sup>50</sup> This is because an important component of any nation-building exercise is to ensure that the central government enjoys the monopoly on the means of violence. Yet this task has never been taken seriously by the international community. The Disarmament, Demobilization, and Reintegration (DDR) process was rendered a formality, with each of the allegedly 60,000 NA militia members going through the motions of surrendering their oldest weapons to the Afghan Ministry of Defense, at that time headed by Marshal Fahim, the NA’s most powerful warlord.<sup>51</sup> The successor process, the Disbandment of Illegal Armed Groups (DIAG) was equally a fiasco. ISAF, whose cooperation would be essential in case of any resulting security problems, has shown minimal interest in becoming involved in the disarmament process. Perhaps one reason for this stems from US and NATO’s indifference that maintained close ties with warlords and commanders whose cooperation was seen as useful in providing intelligence and security for their military forces.<sup>52</sup>

In addition, the Security Council authorised ISAF deployment only in Kabul and ‘surrounding areas’. The Bonn Agreement had held out the prospect of subsequent deployment to other major cities (Mazar-e-Sharif, Kandahar, Herat), but it soon became evident that the only ones

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<sup>47</sup> Ayub, F., & Kouvo, S. (2008). *Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan*. *International affairs*, 84(4), 641-657.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Barakat, S. (2002). *Reconstructing War-Torn Societies: Afghanistan*. *Third World Quarterly*, 23(5), 801-1003.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

strongly calling for further deployment were the UN Secretary-General, Kofi Annan and his SRSG to Afghanistan, Lakhdar Brahimi.<sup>53</sup> They faced formidable obstacles. First, the USA was concerned that additional deployment of a peace-keeping force would complicate its own ongoing war against remnants of Al-Qaida and the Taliban. Recalling the agonising dilemmas of the UN and NATO in Bosnia, the USA feared the peace keepers would be taken as hostages by enemy forces to hamper the US campaign, or require a US rescue operation that would divert resources from the war.<sup>54</sup> Second, some countries that otherwise might have contributed troops to the UN authorized force had instead placed military resources behind the US war in Afghanistan in order to demonstrate their place in the line-up that President Bush had defined as 'either with us, or against us'. This included traditional troop contributing countries such as the UK, Canada and Norway.<sup>55</sup>

There was also the question of what function ISAF would have if deployed to areas controlled by particularly powerful warlords. In Kabul its mandate was limited to providing a 'secure environment' for the AIA and the UN. If international forces were deployed to the regions, the primary purpose presumably would be to provide security for humanitarian operations and to bolster national authority and improve security conditions generally by asking the warlords to withdraw their units from their respective provincial capitals.<sup>56</sup> This would undoubtedly meet more resistance than had been the case in Kabul. In the capital, the Northern Alliance forces had reluctantly agreed to cantonment outside the city limits in return for political dominance in the national interim authority.<sup>57</sup> There was no similar political reward in the provinces. Cantonment here would court serious military confrontation with the local commanders. Alternatively, ISAF would simply legitimize the power and presence of warlord forces by operating alongside them.<sup>58</sup> In the absence of an ISAF presence, security conditions for ordinary people in the countryside depended on the warlords and, increasingly, the presence of international forces outside ISAF. Neither prevented a vicious ethnic cleansing of northern Pashtuns early in 2002 in areas controlled by the forces of 'General' Dostum (now Deputy Defence Minister in the AIA).<sup>59</sup> Fighting also broke out among competing commanders in the north, and the main roads in the south and east were insecure. Over time, however, it seemed that the heavy presence of US and allied forces in the south and east put a lid on violence not related to the war against the Taliban and Al-Qaida.<sup>60</sup>

It is no surprise then that the Emergency Loya Jirga, the Constitutional Loya Jirga and the elections of 2002–2005 tended to reaffirm the focus on short-term stability rather than a durable long-term solution. In June 2002 the Emergency Loya Jirga (ELJ) - a national gathering of leaders, warlords and tribal chiefs in Kabul - elected President Hamid Karzai as

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<sup>53</sup> Barakat, S. (2002). *Reconstructing War-Torn Societies: Afghanistan*. Third World Quarterly, 23(5), 801-1003.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

the head of the transitional authority.<sup>61</sup> His election, however, did not counter the Pashtun perception that they have been the losers in the Bonn process given that the old king Zahir Shah appeared set to be elected head of state by a large majority of the members of the ELJ. Having returned from exile in the spring of 2002, the King enjoyed considerable popularity at the time and his reign (1933-1973) was nostalgically remembered as Afghanistan's golden years.<sup>62</sup> It was not to be. Citing the opposition of some NA warlords who, expecting to be removed from their posts, found themselves lionized instead and seated in the front row, the US Special Representative pressured Zahir Shah to announce that he would not accept the position of Head of State even if it were offered to him by the ELJ. This deprived Afghanistan of a highly influential voice who might have balanced the influence of the mullahs or breathed new life into the tribal system.<sup>63</sup>

In January 2004 a Constitutional Loya Jirga was convened to ratify a new constitution, producing a presidential system that was an awkward fit with Afghanistan's history of decentralized politics. This too was not unproblematic. The national consultations that were meant to precede the drafting of the new constitution were too brief.<sup>64</sup> Many Afghans and international observers viewed the process as compromised by backdoor deals, and sharper critics argued that the new constitution provided inadequate checks on executive authority. Some argue that without the centralizing stability of a president in Kabul, Afghanistan would fracture along ethnic lines, but other analysts agree that the top-down politics of a presidential system diverts critical attention and resources away from the provinces and heightens centre-periphery tensions.<sup>65</sup> With the presidential elections in 2004, and the subsequent parliamentary and provincial council elections in 2005, the transitional phase instituted by the Bonn process officially ended.<sup>66</sup>

### **The Prevention of Terrorism in the context of Afghanistan pre-2003**

The problem of terrorism stems from 2001-2003, and the prevention of such has its methods years before 9/11. However, the council should note that after 9/11, there was a shift in US policy regarding how to counter terrorism. Notably motivated by national interests, instead of the conventional basis of terrorist prevention and military intervention being humanitarianism, it was self-defense as the US sought to reclaim lost lives after the 9/11 terror attacks.<sup>67</sup> These were radically different from the mindset and goals past interventions had, which led to how the world responds to terrorist actions. In the past, the United States' actions against terrorism were not as severe as today. The United States did not initially oppose the Taliban and Al-Qaeda, but due to numerous bombings in 1998, the United States

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<sup>61</sup> Ayub, F., & Kouvo, S. (2008). *Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan*. International affairs, 84(4), 641-657.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ayub, F., & Kouvo, S. (2008). *Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan*. International affairs, 84(4), 641-657.

<sup>66</sup> Ibid.

<sup>67</sup> Cottey, A. (2003). *Afghanistan and the new dynamics of intervention: counter-terrorism and nation building*. SIPRI Yearbook 2003: Armaments, Disarmament and International Security 34(1), 888.



responded in kind with cruise missiles on Al-Qaeda training camps.<sup>68</sup> In October 1999, the United Nations Security Council (UNSC) adopted UN Resolution 1267, which created the sanctions committees against the Taliban and Al-Qaeda operating in Afghanistan. The UNSC also ordered the surrender of Osama Bin Laden and imposed heavy sanctions on the Taliban regime. These actions, however, did nothing substantial to stop the threat that these terrorist groups could potentially cause. Representatives of intelligence agencies in the United States stated that the US failed to anticipate the upcoming 9/11 attacks due to a lack of focus in foreign policy, incapability to do so, and the inability of management to adapt to this new form of conflict<sup>69</sup>. There are also numerous specific issues, such as unsuccessful diplomatic endeavors or the lack of military options. However, it still ends the same way, with the United States failing to prevent the attacks from happening on their home soil.

Nevertheless, after 2001, there was a significant shift in policy of the United States government in terrorist prevention. Days after the attack, then-President George W. Bush signed into law a joint resolution authorizing the use of force against the perpetrators of the violent act seen on that day.<sup>70</sup> This joint resolution then led to the United States military operations in the Taliban on October 7, 2001, with bombing campaigns against Taliban forces. President Bush then declared two national emergencies that have been renewed every year, one of which is the "Declaration of National Emergency By Reason of Certain Terrorist Attacks," and the other is Executive Order 13324, which set a massive precedent for future presidents to deal with terrorist actions.<sup>71</sup> Surveillance activity then sparked up on September 17, 2001, when President George Bush ordered a secret memorandum that granted the CIA permission to detain anyone they deemed a threat to the United States. This memorandum notably set the global network of "black sites" inferred to be undisclosed, unofficial detention and interrogation centers. Guantanamo bay is a prominent example of one of these black sites, where multiple prisoners of war were transferred there to be tortured by the CIA.<sup>72</sup> Focusing more on the surveillance aspect of this issue, the intelligence community in the United States was starting to transition out of countering the Soviet Union as they were built for that primary purpose. The US Congress then passed numerous acts and agencies in response to terrorism in domestic and international fields. Some of note are the Transportation Security Agency and the Homeland Security Act, in November 2001 and 2002, respectively.<sup>73</sup> However, one law with significant relevance is the Patriot Act, notably passed a month and 15 days after 9/11. The Patriot Act made significant changes to the surveillance laws in the United States, giving authority to intelligence agencies to spy on "people of interest" by monitoring communication mediums, collecting bank and credit report records, and tracking the activity of Americans on the internet. Under this act, National

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<sup>68</sup> Bergen, P. L. (2021). *September 11 attacks | History, Summary, Timeline, Casualties, & Facts*. Encyclopedia Britannica.

<sup>69</sup> Cordero, C. (2021). *9/11 and the reinvention of the US intelligence community*. Brookings.

<sup>70</sup> Bergen, P. L. (2021). *September 11 attacks | History, Summary, Timeline, Casualties, & Facts*. Encyclopedia Britannica.

<sup>71</sup> Ibid.

<sup>72</sup> Cottey, A. (2003). *Afghanistan and the new dynamics of intervention: counter-terrorism and nation building*. SIPRI Yearbook 2003: Armaments, Disarmament and International Security 34(1), 888.

<sup>73</sup> Cordero, C. (2021). *9/11 and the reinvention of the US intelligence community*. Brookings.

Security Letters are issued without a judge's order to obtain personal information about any person in and outside of America<sup>74</sup>. This act is significantly more developed than previous surveillance laws, which required court approval; however, to fully counter-terrorism, the finances of such acts need to be taken into account. The International Monetary Fund 2000 expanded its Anti-money laundering work by initiating an OFC assessment program.<sup>75</sup> Simultaneously, the Financial Sector Assessment Program (FSAP) was established to develop more surveillance methods to counter the international financing of terrorists. Finally, the Financial Action Task Force (FATF) was created to support the IMF in countering money laundering and financing terrorists worldwide. 9/11 had sparked a significant shift in how the United States and the world treated terrorism, a harrowing start to the war on terror the United States would get into the future.

In this section, a discussion of the effects of this shift in policy against counter-terrorism, specifically in Afghanistan, is relevant. Preventing terrorism in the United States has been the nation's top priority for decades; both the government and the public have put the prevention of another terrorist attack as a number one priority of the US military and subsequent intelligence agencies. The Patriot Act has had significant effects on domestic and foreign surveillance and security. New laws relating to seizing funds used by organizations associated with terrorism, funds to assist victims of terrorism, and making it easier for the government to spy on regular Americans.<sup>76</sup> The Privacy and Civil Liberties oversight board reported that the data collected by the NSA and other intelligence agencies under Section 215 prevented terrorism in the United States by making available for intelligence agencies to be aware of the contacts of terrorist suspects, yet has been deemed to have little value to the overall prevention of domestic terrorist attacks against America. National Security Letters have also been used broadly, with communication records open to search from intelligence agencies. Multiple legislative acts are being written and debated to counter the effects of the Patriot Act, like the Freedom Act. US foreign policy is not centered around the prevention of terrorism worldwide and has spent around 2-3 trillion dollars from 2002 to 2017. With an average of 186 billion dollars per year, this has been the subject of internal debate to increase or decrease this funding.<sup>77</sup>

#### Relevant actors/institutions

##### a. The United States

- i. The United States was at the forefront of counter-terrorism in the Middle East beginning after the 9/11 attacks. The United States has led most of the military operations conducted in Afghanistan to suppress Islamic extremists from attacking the US again.

##### b. Al-Qaeda

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<sup>74</sup> Lind, D. (2015). *Everyone's heard of the Patriot Act. Here's what it actually does.* Vox.

<sup>75</sup> International Monetary Fund. (2011). *Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) - Topics.* International Monetary Fund.

<sup>76</sup> Lind, D. (2015). *Everyone's heard of the Patriot Act. Here's what it actually does.* Vox.

<sup>77</sup> Sherman, J., & Sarfati, A. (2021). *Reflecting on the UN's Role in Counterterrorism Twenty Years After 9/11.* IPI Global Observatory.

- i. The main mastermind behind the 9/11 attacks was Osama Bin Laden, who was the head of Al-Qaeda at that instance. Al-Qaeda was instrumental in carrying out the 9/11 attacks and the subsequent resistance against US invasions in Afghanistan.
- c. Taliban
  - i. The Taliban were the main fighting force in Afghanistan that assisted Al-Qaeda in carrying out the 9/11 attacks and provided Al-Qaeda a haven to operate, recruit, and train until the subsequent invasions by the United States.
- d. The United Nations
  - i. The international community was instrumental in combatting terrorism. One example was UN Resolution 1373, adopted days after the September 11 attacks. This specific resolution called for sweeping changes in the steps to criminalize terrorism, cracking down on terrorist financing, and cooperation on a cross-border basis.
- e. International Monetary Fund
  - i. The IMF was instrumental in laying the groundwork for anti-money laundering schemes adopted to combat terrorism like the FSAP and FTAF.

International approaches that have already been undertaken

- a. SCR 1267: Imposing targeted sanctions on the Taliban.
- b. SCR 1269: Adopt pending conventions on terrorism and bilateral and multilateral combat against terrorism.
- c. SCR 1368: Condemning the September 11 attacks.
- d. SCR 1373: Sweeping reforms towards international counter-terrorism.
- e. Counter-Terrorism Committee: Assists in implementing the global counter-terrorism framework

### **Questions A Resolution Must Answer (QARMAS)**

1. In light of the recent terrorist attacks on American soil how should the UNSC interpret the right to self-defence and should it authorize a joint military action to combat terrorism?
2. How can the UNSC ensure a peaceful transition of power in post-war Afghanistan that takes into account the military situation on the ground?
3. What role should the ISAF exercise in building a viable Afghan national army?

## **Iraq War of 2003**

### **Historical Timeline (1990 - 2001):**

**1990:** Iraqi Military Intervenes in Kuwait, initiating the Persian Gulf War<sup>78</sup>

**Late-1990:** UN Imposes Harsh Economic Sanctions on Iraq

**1990-91:** A Coalition led by the United States defeats Iraq in the Persian Gulf War

**Early-1991:** Saddam Hussein retains his control by suppressing Kurdish & Shi'i uprisings

**Early-1991:** SC Passes Resolution 687; 'UNSCOM' is created<sup>79</sup>

**Mid-1991:** Operation Provide Comfort I & II, and Operation Haven Launched to protect Kurds

**1991-95:** UNSCOM inspections to disarm biological, chemical & nuclear weaponry in full-effect

**1995:** SC Adopts Resolution 986 (Oil-for-food Program), Iraq does not accept<sup>80</sup>

**1996:** Iraq finally signs Resolution 986

**1997:** Evidence of development of VX not found, 7 members of UNSCOM are expelled from Iraq

**Early-1998:** UN-Iraq sign a historical MOU, Resolution 1154 adopted

**Mid-1998:** Talks between Richard Butler and Iraq collapse; UNSCOM resume inspections in Iraq

**Late-1998:** Iraq ends all cooperation with UNSCOM; Pres. Clinton starts Operation Desert Fox

**1999:** Successor of UNSCOM: UNMOVIC is formed through Resolution 1284<sup>81</sup>

**1999-01:** Iraq re-opens trade with neighboring states; Military Aggression by the US persists

### **Historical Developments before the Iraq War**

Saddam Hussein, who became president of Iraq in 1979 and the head of Revolutionary Command Council while holding other positions, was a key figure in the Iraqi intervention.<sup>82</sup> He consistently refused to participate in an UN-led inspection throughout his life, and maintained a staunch anti-western stance as the leader of his country.<sup>83</sup> After Iraq was defeated in the Persian Gulf War of 1990, hostilities between Iraq and the US were suspended as a result of a cease-fire negotiated between the UN Coalition and Iraq.

This coalition continued to proceed as Saddam was kept in check by US-led reconnaissance missions, via the Joint Task Force Southwest Asia, as well as economic sanctions. As of yet,

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<sup>78</sup> Britannica, The Editors of Encyclopaedia. (2021). *Iraq War*. Encyclopedia Britannica.

<https://www.britannica.com/event/Iraq-War>.

<sup>79</sup> Stockholm International Peace & Research Institute, SIPRI. (1998). *SIPRI FACT SHEET: Iraq: The UNSCOM Experience*. <https://www.sipri.org/sites/default/files/files/FS/SIPRIFS9810.pdf>.

<sup>80</sup> Ibid.

<sup>81</sup> Britannica, The Editors of Encyclopaedia (2018). *United Nations Monitoring, Verification and Inspection Commission*. Encyclopedia Britannica.

<https://www.britannica.com/topic/United-Nations-Monitoring-Verification-and-Inspection-Commission>

<sup>82</sup> Pike, J., & Aftergood, S. (1997). *Introduction - Iraqi Intelligence Agencies*. Intelligence Resource Program.

<sup>83</sup> Britannica, The Editors of Encyclopaedia. (2022). *Saddam Hussein*. Encyclopedia Britannica. <https://www.britannica.com/biography/Saddam-Hussein>.

the status quo had been quasi-peaceful and moderate relations between both stakeholders have been maintained. This was until it was revealed that Iraq had initiated a biological weapons programme in the early 1980s in violation of the 1972 Biological Weapons Convention.<sup>84</sup>

The use of chemical weapons was a frequent occurrence under Saddam Hussein's autocracy, especially during the Iran-Iraq war, where instances of chemical attacks were "overlooked" by the United Nations. The UN, at this point, had always vaguely addressed chemical attacks not citing specific instances such as UNSCR 612.

To prevent an Iranian victory, the United States supported the Iraqi army in their use of chemical weapons, but when details of the BW programme—with the potential of five bacterial strains, one fungal strain, five types of virus, and four toxins—as well as a chemical weapons programme were revealed after the Gulf War (1990–91) as a result of UNSCOM investigations into Saddam Hussein's Iraq's post-war disarmament, ad hoc, UNSCR 687 was passed.<sup>85</sup>

As a consequence, the United States and its allies established a "containment" policy towards Iraq. This policy included many UN Security Council economic sanctions, the enforcement of no-fly zones proclaimed by the US and the UK to protect Kurds in Iraqi Kurdistan and Shias in the south from aerial strikes by the Iraqi government, and ongoing inspections. The no-fly zones were often disputed by the Iraqi air force.

The UNSCOMs (later UNMOVIC) disarmament operations, had successfully discarded Iraq's WMDs arsenal—Chemical & Biological weapons; after the 1990-91 Gulf War, but the Bush Administration, and the United Kingdom, continued to allege that Iraq was still concealing numerous WMDs from the UNMOVIC—violating UNSCR 687. This was taken to the United Nations, which consequently resulted in UNSCR 1441. The UNMOVIC was dispatched to further inspect Iraq, but they never discovered any operational weapons of mass destruction in Iraq—the team was led by Hans Blix, head of the commission, and Mohamed ElBaradei, head of the International Atomic Energy Agency<sup>86</sup>.

### Contemporary Timeline (2002-3):

**Jan-2002:** President Bush identifies Iraq in the 'Axis of Evil' along with Iran and DPRK

**May-2002:** UN revamps 11 year old sanctions; now implementing 'smart sanctions' on Iraq

**Jun-2002:** Bush introduces new 'Defense Doctrine of Preemption'<sup>87</sup>

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<sup>84</sup> United Nations, Office of Disarmament Affairs. *Biological Weapons Convention (BWC)*. <https://www.un.org/disarmament/biological-weapons>.

<sup>85</sup> Britannica, The Editors of Encyclopaedia. (2022). (2021). *Saddam Hussein | Biography, History, Death, Sons, & Facts*. Encyclopedia Britannica.

<sup>86</sup> Fleischer, A., & Timmerman, K. R. (2003). *2003 invasion of Iraq*. Wikipedia.

<sup>87</sup> Anglie, Antony, and Charles Hill. (2004). *The Bush Administration Preemption Doctrine and the United Nations*. Proceedings of the Annual Meeting (American Society of International Law) 98, 326–31. <http://www.jstor.org/stable/25659945>.



**Sep-2002:** Bush warns all international leaders; addresses UN to implement its resolutions in Iraq

**Oct-2002:** The Congresses officially authorizes the first attack against Iraq

**Dec-2002:** Iraq submits declaration, says it has no WMD; Bush approves troop deployment in Gulf

**Jan-2003:** UN Inspectors discover undeclared empty chemical warheads; Bush ready to wage war without a UN mandate<sup>88</sup>

**Feb-2003:** Blix orders the destruction of Al Samoud 2 Missiles; France, Germany and Russia submit an informal counter-resolution to the UN Security Council that states that inspections should be intensified and extended to ensure that there is "a real chance to the peaceful settlement of this crisis," and that "the military option should only be a last resort."<sup>89</sup>

**Mar-2003:** Bush issues ultimatum to Saddam Hussein to leave the country in 48 hours; Operation Iraqi Freedom initiates

**Apr-2003:** Baghdad Falls; Kirkuk falls; Tikrit Falls<sup>90</sup>; Gen Jay Garner appointed to oversee Iraq

**May-2003:** Paul Bremer<sup>91</sup> replaces Jay Garner; US declares end to major combat operations<sup>92</sup>; UNSC approves of resolution lifting economic sanctions on Iraq; Blair & Powell face mounting questions; US-UK Administrations pressurized

**June-2003:** Operation Desert Scorpion launched

**July-2003:** Iraq's Interim Council Formed; Saddam Hussein's sons die; Bush administration concedes that evidence that Iraq was pursuing a nuclear weapons program by seeking to buy uranium from Africa, cited in January State of the Union address and elsewhere, was unsubstantiated

**Aug-2003:** Suicide Bombing destroys UN HQ in Baghdad; Another suicide bombing kills Shi'ite Leader, Muhammad Bakr al-Hakim

**Sep-2003:** President Bush's announces that \$87 billion is needed to cover additional military and reconstruction costs

**Oct-2003:** US-UK Sponsored Resolution approved by UN; Madrid Conference on Reconstruction of Iraq takes place to raise for reconstruction efforts in Iraq

**Nov-2003:** Guerillas Shoot Down an American Plane, killing 16 soldiers; Bush agrees to hand power back to an interim Govt. in early 2004 in a deal made with Iraqi Governing Council

**Dec-2003:** Paul Wolfowitz issues a controversial directive;

**Dec-13-2003:** Iraq's Deposed leader: Saddam Hussein is captured by American Troops

## Contemporary Developments during the Iraq War

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<sup>88</sup> George W. Bush (January 28, 2003). "President Delivers 'State of the Union'". White House. [https://www.washingtonpost.com/wp-srv/onpolitics/transcripts/bushtext\\_012803.html](https://www.washingtonpost.com/wp-srv/onpolitics/transcripts/bushtext_012803.html)

<sup>89</sup> Memorandum of France, Russia and Germany on Iraq, submitted to Security Council, Feb 23 (2003) <http://news.bbc.co.uk/2/hi/europe/2795917.stm>.

<sup>90</sup> Simplemaps, Interactive Maps and Data. Iraq Cities, Database <https://simplemaps.com/data/iq-cities>.

<sup>91</sup> Britannica, The Editors of Encyclopaedia. (2021). *L. Paul Bremer III*. Encyclopedia Britannica. <https://www.britannica.com/biography/L-Paul-Bremer-III>.

<sup>92</sup> PBS. Interview with Lt. Gen. Jay Garner, Frontline. <https://www.pbs.org/wgbh/pages/frontline/yeariniraq/interviews/garner.html>.

In compliance with UNSCR 1441 and UNMOVIC mandate, in early December 2002, Iraq filed a 12,000-page weapons declaration with the UN<sup>93</sup>. However, the US, UK, and other members of the "coalition of the willing" announced that Iraq still remained in material breach of Resolution 687. The Bush Administration consequently launched an invasion—with the Multi-National military coalition, the 'Casus Belli' being that of WMD deterrence, and an “unpredictable” “serial aggressor”—Saddam Hussein—wielding them.

According to Blix,<sup>94</sup> the US and UK did not give any proof to support their assertion that Iraq possessed WMDs. Iraq had been compliant and cooperative with the United Nations both before and throughout the war, and had made a number of peace overtures, all of which were ignored by the West.<sup>95</sup>

However, following the 9/11 attacks, the United States found Saddam Hussein's and Iraq's positions to be particularly alarming because there was still a potential risk that WMDs and other biological weapons possessed by the Govt. could be provided to terrorist networks such as Al-Qaeda. In case the Iraqi Govt. falls, these same weapons can also potentially land in the hands of political factions within the Kurdish populations.

The terrorist attacks on the United States on September 11, 2001 further increased Washington's determination. The threat of terrorists obtaining weapons of mass destruction (WMD) became a driving concern for the US, as did the desire to rid the world of Saddam Hussein once and for all. In 2002, President Bush's 'National Security Strategy' called for the use of force in advance of a conflict, and stated that the US would not hesitate to act unilaterally.<sup>96</sup>

This largely new theory implied that the country was allowed to employ force against any foe it saw as a possible security threat at any moment and with any methods available to it. By late spring of 2002, the Bush Administration had made the decision to go to war against Iraq. With the help of some of its old allies (most notably the United Kingdom), the US had chosen the 'UN path.'

However, President Bush issued an ultimatum to the UN Security Council: either support the US demand for aggressive disarmament and regime change in Iraq, or the Security Council will be shelved and effectively rendered useless.

The Security Council issued Resolution 1441 in November 2002, seeking a "middle ground between unarmed inspections and military involvement"<sup>97</sup>. It determined that Iraq had violated its disarmament responsibilities in a "material breach" and gave it one more chance

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<sup>93</sup> Burnham, G., Doocy, S., Roberts, L., & Bush, G. W. (2003). *Iraq War*. Wikipedia.

<sup>94</sup> Powell, Bonnie Azab. (2004). *U.N. weapons inspector Hans Blix faults Bush administration for lack of "critical thinking" in Iraq*. NewsCenter. [https://www.berkeley.edu/news/media/releases/2004/03/18\\_blix.shtml](https://www.berkeley.edu/news/media/releases/2004/03/18_blix.shtml).

<sup>95</sup> Council of Foreign Relations. (2022). *Political Instability in Iraq | Global Conflict Tracker*. Council on Foreign Relations.

<sup>96</sup> Lieber, K. A., & Lieber, R. J. (2002). *The Bush national security strategy*. U. S. Foreign policy agenda.

<sup>97</sup> United Nations Security Council. (2002). *Resolution 1441*. Security Council.

to comply, failing which it would face harsh repercussions. Iraq was supposed to allow UNMOVIC (United Nations Monitoring and Verification Commission) inspections to operate freely, as well as make full disclosure of its WMD programmes.

However, there was some intentional ambiguity in Resolution 1441; it was unclear what would constitute a failure by Iraq to comply, or what would happen if it did. Following the resolution, UNMOVIC was dispatched to Iraq under the leadership of Hans Blix, a dynamic figure.

Blix told the Council in January 2003 that Iraq had refused to accept the demands for disarmament, but that UNMOVIC doubted Iraq's holding of biological and chemical weapons. The International Atomic Energy Agency's Mohammad El Baradei assured the Security Council that Iraq's nuclear programme was not being reconstituted. Furthermore, both UNMOVIC and the IAEA alluded to intelligence failures by Western countries in Iraq.

Within the P-5, sharp disagreements erupted, with France threatening to veto any attempt to go to war, backed by Germany, Russia, and China. In a last-ditch attempt to use the 'UN way,' the United States, the United Kingdom, and Spain introduced a resolution claiming that Iraq had failed to take the 'last opportunity' provided by Resolution 1441.

This resolution, if passed, would have provided a justification for the use of force. However, the gridlock within the P-5 persisted, and on March 19, 2003, a US-led coalition invaded Iraq without Security Council approval. The United Kingdom and the United States withdrew their draft resolution not because of a veto, but because they were unable to secure the nine positive votes required for an affirmative vote among Council members.

## **Relevant Actors & Institutions**

### **Relevant Iraq-based Actors**

- a. Iraqi branch of the Ba'ath Party
- b. Kurdish Minorities
- c. Sh'i'ite Minority Groups
- d. Saddam's Fedayeen
- e. Republican Guard
- f. Iraq's Interim Governing Council

### **UN Based Actors/Institutions**

- a. UNSCOM
- b. UNMOVIC
- c. IAEA

### **Individual Actors/Stakeholders**

- a. Iraqi Leader - Saddam Hussein
- b. Saddam Hussein's sons: Uday & Qusay Hussein

- c. American President - Bill Clinton
- d. American President - George W. Bush
- e. British Prime Minister - Tony Blair
- f. Head of IAEA - Hans Blix
- g. Lead WMD inspector - David Kay
- h. French President - Jaques Chirac
- i. German Chancellor - Gerhard Schroder
- j. Turkish President - Ahmet Necdet Sezer
- k. US Secretary of Defense - Donald Rumsfield

## Relevant International Approaches and Landmark Documents

1. **The Madrid Conference:** The International Donors' Conference on Reconstruction in Iraq was held on 23-24 October in Madrid at ministerial level, at the invitation of the Government of Spain on behalf of the European Union, Japan, the United Arab Emirates and the United States of America. The Conference was called in close co-operation with the Iraqi Governing Council, the United Nations, the World Bank, the International Monetary Fund and the Coalition Provisional Authority.<sup>98</sup>
2. **Reverse Veto:** The 'reverse veto' prevented any revisions to previously agreed-upon strategies that did not have a set end date<sup>99</sup>
3. **Resolution 687:** In Security Council Resolution 687, the United Nations Special Commission (UNSCOM) was established to oversee the destruction or evacuation of Iraq's chemical and biological weapons<sup>100</sup>
4. **Resolution 1441:** This resolution decided that Iraq was in breach of its international obligations due to its lack of cooperation with UNMOVIC inspectors and decided to resume weapons inspections in Iraq and deplored the failure by Iraq to account for Kuwaiti and third-country nationals wrongfully detained.<sup>101</sup>
5. **Resolution 611:** Resolution 611 required the 661 Sanctions Committee, which consisted of Council members, to review very long and complex contracts. Members, with a few exceptions, lacked the skills and resources to do this mission. The Secretariat appeared to be adrift as well. It's no surprise that issues arose<sup>102</sup>.
6. **Resolution 986:** New "oil for food" resolution, allowing \$1 billion in oil sales every 90 days.
7. **Resolution 1154:** Commends the Secretary-General for securing commitments from the Iraqi government to fully comply with weapons inspections on his mission to Baghdad, and endorses the MOU (S/1998/166) that was signed on 23 February.

<sup>98</sup> World Bank. (2003). *Conclusion of Madrid Conference on Iraq*.

<https://reliefweb.int/report/iraq/conclusion-madrid-conference-iraq-23-24-oct-2003>.

<sup>99</sup> Chitalkar, P., & Malone, D. M. (2013). *The UN Security Council and Iraq*. United Nations University

<sup>100</sup> United Nations Security Council. (1991). *Security Council Resolution 687: Iraq-Kuwait*. UN Peacemaker.

<sup>101</sup> United Nations Security Council. (2003). *Security Council Resolution 1441*.

<https://www.securitycouncilreport.org/un-documents/document/iraq-sres1441.php>.

<sup>102</sup> United Nations Security Council. (1991). *UN Security Council, Sanctions Imposed Upon Iraq | How does law protect in war?*

8. **Resolution 1284:** Replaces UNSCOM with UNMOVIC, demands Iraqi co-operation on prisoners of war, alters the "oil for food" programme, and discusses the possible suspension of sanctions in ambiguous terms.<sup>103</sup>
9. **Resolution 1500:** Establishes UN Assistance Mission in Iraq
10. **Resolution 1483:** List non-military sanctions (paragraph 10)<sup>104</sup>
11. **Resolution 1518:** Establishes a committee (the 1518 committee) to identify resources which should be transferred to the Development Fund for Iraq. This replaced some of the post-sanctions work of the '661 committee', which officially ceased to exist on 22 November 2003<sup>105</sup>
12. **Chapter VII of UN Charter:** Chapter VII of the UN Charter provides the Security Council with the authority to maintain the collective security system by according it a far-reaching authority and less limitations. This is enshrined as well in article 24 (1) of the Charter and constitutes the primary responsibility of the Council. In accomplishing this task articles 39-51 of Chapter VII envision how and when the Security Council shall operate in cases that pose an international threat to the peace.<sup>106</sup>
13. **Operation Provide Comfort I & II:** Operation Provide Comfort and Provide Comfort II were military operations by the United States and some of its Gulf War allies, starting in April 1991, to defend Kurds fleeing their homes in northern Iraq in the aftermath of the Persian Gulf War and deliver humanitarian aid to them.<sup>107</sup>
14. **Operation Desert Scorpion:** The U.S. military in Iraq launches Operation Desert Scorpion, conducting house-to-house searches and detaining dozens of Iraqis believed to be Baath Party loyalists or members of terrorist organizations. This operation is launched, meant to defeat organized Iraqi Resistance<sup>108</sup>
15. **Operation Desert Fox:** Operation DESERT FOX, consisted of a four-day "air war" and was the last major armed confrontation between Iraq and the United States and Great Britain prior to Operation IRAQI FREEDOM (OIF)<sup>109</sup>
16. **Operation Iraqi Freedom:** Operation IRAQI FREEDOM (OIF) was launched on March 19, 2003, to rid Iraq of its weapons of mass destruction, to eliminate Saddam Hussein's regime, and to replace it with a democracy supported by the people of Iraq. As the title of this work suggests, the coalition achieved a decisive victory against Iraqi forces, which led to the collapse of Saddam's regime, but struggled afterward to secure the peace.<sup>110</sup>

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<sup>103</sup> Campaign Against Sanctions on Iraq (CASI), UN Security Council resolutions relating to Iraq. *Archive*. <http://www.casi.org.uk/info/scriraq.html>.

<sup>104</sup> UN Security Council. (2003). *Resolution 1483*. Security Council. <http://www.casi.org.uk/info/undocs/scres/2003/res1483.pdf>.

<sup>105</sup> UN Security Council. (2003). *Resolution 1518*. <http://www.casi.org.uk/info/undocs/scres/2003/res1518.pdf>.

<sup>106</sup> Bocaj, Alma LL.M. (2010). *Underlying aspects of the UN Charter and Chapter VII*. <https://www.grin.com/document/209760>.

<sup>107</sup> Rudd, Gordon W. (2004). *Humanitarian Intervention: Assisting the Iraqi Kurds in Operation Provide Comfort, 1991*. Washington, D.C.: United States Army Center of Military History.

<sup>108</sup> NPR (2003). *Heard on Weekend Edition Sunday, June 15, 2003*. <https://www.npr.org/2003/06/15/1299085/u-s-operation-targets-saddam-loyalists>

<sup>109</sup> J. Conversion, Mark. (2005). *Operation DESERT FOX: Effectiveness with Unintended Effects*. <https://www.airuniversity.af.edu/Portals/10/ASPI/journals/Chronicles/conversino.pdf>.

<sup>110</sup> Perry, Walter L., et al., editors. (2005) *Operation IRAQI FREEDOM: Decisive War, Elusive Peace*. RAND Corporation. *JSTOR*, <http://www.jstor.org/stable/10.7249/j.ctt19w72gs>.



17. **Operation Red Dawn:** Operation Red Dawn was an American military operation conducted on 13 December 2003 in the town of ad-Dawr, Iraq, near Tikrit, that led to the capture of Iraqi president Saddam Hussein. The mission was assigned to the 1st Brigade Combat Team of the 4th Infantry Division, commanded by Maj. Gen. Raymond and led by Col. James Hickey of the 4th Infantry Division, with joint operations Task Force 121 - an elite and covert joint special operations team.<sup>111</sup>
18. **Operation Tapeworm:** Killing of Uday and Qusay Hussein, Saddam Hussein's sons<sup>112</sup>
19. **Operation Planet X:** American raid to capture Ba'athists<sup>113</sup>
20. **UNSCOM:** The Commission's mandate was the following: to carry out immediate on-site inspections of Iraq's biological, chemical and missile capabilities; to take possession for destruction, removal or rendering harmless of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities; to supervise the destruction by Iraq of all its ballistic missiles with a range greater than 150 km and related major parts, and repair and production facilities; and to monitor and verify Iraq's compliance with its undertaking not to use, develop, construct or acquire any of the items specified above.<sup>114</sup>
21. **International Atomic Energy Agency:** The International Atomic Energy Agency (IAEA) was given similar responsibility over Iraq's nuclear capability. Iraq's cooperation with UNSCOM was tentative at best. Due to dissatisfaction about proof of UNSCOM cooperation with the CIA, UNSCOM was disbanded in January 1999.
22. **Legal Regulatory Approaches:** The expanded participation of the Security Council in Iraq represents a significant shift away from a largely politico-military strategy to international peace and security and toward a greater reliance on legal-regulatory approaches. The legal-regulatory method taken by the Council comprises developing comprehensive rules governing the behaviour of States or other bodies and transferring authority to administrative delegates to implement and monitor those regulations.
23. **Rule of Law & Sanctions Regime:** While upholding the rule of law, the Council would also be bolstering its own credibility. The efficacy of the UN Security Council is contingent on UN Member States recognising its power, and a Council that is perceived as accountable and responsible has a better chance of doing so. The longevity of the sanctions regime was also not specified, and the 'reverse-veto' dynamics, which required P-5 unanimity for change, converted it into an indefinite one, long after international support for it had dwindled.
24. **Smart Sanctions:** Targeted sanctions—often referred to as “smart sanctions”—began in large measure as a response to the UN Security Council sanctions imposed on Iraq in

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<sup>111</sup> Freeman, Colin. *From lavish palaces to a hole in the ground*.

<http://thescotsman.scotsman.com/international.cfm?id=1377782003>.

<sup>112</sup> C. Quay Barnett. (2005). *Operation tapeworm: task force Battle Force helps take down Uday, Qusay Hussein*. Infantry Magazine.

<sup>113</sup> Wright, Donald P.; Reese, Timothy R. (2008). *On point II: transition to the new campaign: the United States Army in Operation Iraqi Freedom, May 2003 – January 2005*. Fort Leavenworth, KS.

<sup>114</sup> Stockholm International Peace & Research Institute, SIPRI. (1998). *SIPRI FACT SHEET: Iraq: The UNSCOM Experience*. <https://www.sipri.org/sites/default/files/files/FS/SIPRIFS9810.pdf>.

1990 and 1991, after its invasion of Kuwait. By 1991 it was clear that the sanctions on Iraq, initially welcomed by antiwar activists as a peaceful alternative to military action, were different from any sanctions seen before. Combined with the destruction from the bombing campaign of the Gulf War, they were devastating to the Iraq economy and infrastructure, resulting in widespread malnutrition, epidemics of water-borne diseases, and the collapse of every system necessary to ensure human well-being in a modern society. As the sanctions seemed to have no end in sight, there was considerable “sanctions fatigue” within the United Nations, as well as a growing body of literature that questioned whether sanctions were effective at obtaining compliance by the target state, even when there was considerable impact on its economy.<sup>115</sup>

### **Questions A Resolution Must Answer (QARMAS)**

1. Should the UNSC collectively consider the use of force in Iraq by the "Coalition of the willing" a violation of the UN Charter?
2. Should a threat be imminent for self-defense to be lawful as is the case with Iraq, WMD and the Western Nexus?
3. To what extent should the council take into account the substance of Resolutions 1441, 678 & 687 in its approach at drafting a newer resolution for the 'War on Iraq'?
4. Can the authority to use force be extended to the restoration of international peace and security in the Iraqi region?

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<sup>115</sup> Gordon, J. (2011). *Smart Sanctions Revisited*. *Ethics & International Affairs* 25(3), 315-335.  
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For an in depth analysis of the Taliban. ‘The Taliban’, Council on Foreign Relations.

<https://www.cfr.org/taliban/#!/>

The International Crisis Group has systematically produced reliable reports regarding the situation in Afghanistan.

<https://www.crisisgroup.org/latest-updates/reports-and-briefings>

For a detailed overview on the United Nations Assistant Mission in Iraq.

<https://www.refworld.org/publisher/UNAMI.html>

For a complete list of Resolutions on Iraq

<http://www.casi.org.uk/info/scirraq.html>

For an introduction on the role of UN in Iraq during the war

<https://api.parliament.uk/historic-hansard/commons/2003/sep/10/role-of-the-united-nations-in-iraq-1>

For a general introduction to the existence of coalitions within Iraq

[https://cdn3.vox-cdn.com/assets/4647909/iraq\\_coalitions.png](https://cdn3.vox-cdn.com/assets/4647909/iraq_coalitions.png)

This link will help delegates understand the consequential dynamics around sanctions imposed on Iraq

<https://merip.org/2020/06/the-enduring-lessons-of-the-iraq-sanctions/>

Maps/illustrations around Iraq that will aide delegates in understanding the geography of the region

<https://m.imgur.com/mYEkCER>

[http://2.bp.blogspot.com/\\_yCnIK3xg848/TR\\_IebgeUpI/AAAAAAAAAI0/4hJLjCC55Bk/s1600/Yearly-Death-graph.gif](http://2.bp.blogspot.com/_yCnIK3xg848/TR_IebgeUpI/AAAAAAAAAI0/4hJLjCC55Bk/s1600/Yearly-Death-graph.gif)

<https://www.everycrsreport.com/reports/RL31715.html>

A concise timeline of the Iraq War

<https://studylib.net/doc/7593001/iraq-war-timeline>

<https://youtu.be/6daSrkgDX0k>

Important Analysis comparing the situation of Iraq & Afghanistan under I-law

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