



5. 安全保障理事会は、決議 1441 において、イラクに対し、「武装解除の義務を履行する最後の機会」を与え、これを履行しない場合の「深刻な結果」につきイラクに対し警告した。
6. 安全保障理事会は、また、決議 1441 において、いかなる時点においてであれイラクが決議 1441 の遵守及びこれの実施のための完全な協力を行わない場合、それは更なる重大な違反を構成することを決定した。
7. イラクがこのような遵守を行わなかったことは明らかであり、従ってイラクは決議 1441 の時点において重大な違反を犯しており、その後も継続して重大な違反を犯している。
8. 従って、決議 678 の下での武力行使の権限は復活し、それは今日も継続している。
9. 決議 1441 は、武力行使の権限を付与する安全保障理事会の更なる決定が必要であることを意図していたのであれば、その旨を規定していたであろう。したがって、決議 1441 が求めているのは、イラクの不履行について安全保障理事会に対し報告され、安全保障理事会によって議論されることのみであり、武力行使の権限を付与する更なる明示の決定ではない。

(了)



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## Legal basis for use of force against Iraq

The Attorney General, Lord Goldsmith, has set out his view of the legal basis for the use of force against Iraq:

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

1. In resolution 678 the Security Council authorised force against Iraq, to eject it from Kuwait and to restore peace and security in the area.
2. In resolution 687, which set out the ceasefire conditions after Operation Desert Storm, the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the area. Resolution 687 suspended but did not terminate the authority to use force under resolution 678.
3. A material breach of resolution 687 revives the authority to use force under resolution 678.
4. In resolution 1441 the Security Council determined that Iraq has been and remains in material breach of resolution 687, because it has not fully complied with its obligations to disarm under that resolution.
5. The Security Council in resolution 1441 gave Iraq "a final opportunity to comply with its disarmament obligations" and warned Iraq of the "serious consequences" if it did not.
6. The Security Council also decided in resolution 1441 that, if Iraq failed at any time to comply with and cooperate fully in the implementation of resolution 1441, that would constitute a further material breach.
7. It is plain that Iraq has failed so to comply and therefore Iraq was at the time of resolution 1441 and continues to be in material breach.
8. Thus, the authority to use force under resolution 678 has revived and so continues today.
9. Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that resolution 1441 requires is reporting to and discussion by the Security Council of Iraq's failures, but not an express further decision to authorise force.

I have lodged a copy of this answer, together with resolutions 678, 687 and 1441 in the Library of both Houses.