

The Gulf War and Just War Theory: Right Intention

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Right intention is but one of the requirements that must be met for a war to be just, according to the Just War tradition. To treat it in isolation, as a basis for analysing the motives of the multi-national coalition which confronted Iraq in the Gulf war, requires isolating and dissecting certain elements of a complex whole, which may distort more than it reveals. That said, the exercise does provide a way of exploring one aspect of the war which was, and remains, the subject of speculation in the Middle East, if not elsewhere.

Both before and during the Gulf war there was much discussion, some of it covered in the Western media, on the war aims of the coalition. Speculation focused on the possibility that the members of the coalition had certain objectives in addition to those publicly professed by the various governments concerned. Any evaluation of the intentions of the coalition members must thus take into account not only what they said their aims were, but also the objectives implied by the strategy they adopted and the terms on which they were prepared to end hostilities. Actions, presumably, reveal as much as words.

Here the emphasis will be on defining the war aims of the coalition, both implicit and explicit, short and long term, so that they may be examined in the light of the requirement, of the Just War tradition, that the intentions of the combatants be just. As a reference point, some assumptions about the meaning of 'right intention' will be offered at the outset. It is not for this author, however, to provide an analysis of the evolution and alternative interpretations of the concept of right intention, and the implications of recent events and debates for future use of the term. That task has been undertaken by those who are versed in the literature and usage of Just War Theory.

Definition of Terms*

For the purposes of the analysis offered here, it is assumed that a decision to go to war cannot be considered just simply on the basis that the deeds of the prospective opponent were unjust, hateful or contrary to international law. The intentions of the warring party or parties must be deemed upright both in terms of the means adopted and the ends pursued. Furthermore, full consideration must be given to all, not just

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some, of the aims or intentions of the combatants. It is not sufficient simply to embark on war with upright objectives, these must be sustained for the duration and the fact that some of the war aims are just does not excuse pursuit of others which are not. The intentions of the party or parties to the war can be judged just if their objective is to set right certain injustices, yet the correction of wrongs done cannot be used as a pretext for the pursuit of other goals once war has begun.

Lack of clarity about objectives is not an excuse for avoidance of the requirement for just intention. In order to remove room for confusion and doubt, not to say injustice, those resorting to war should stipulate from the outset both the necessary and the sufficient conditions for peace. Meanwhile, it is not permissible for combatants to take upon themselves the task of punishing transgressions in the absence of a trial and impartial judgement.

Right intention is only one of the requirements which must be met, according to just war theory. As the interpretation of right intention offered here reveals, the standards which must be met for a war to be just are extremely rigorous and demanding. Consequently, it might be considered beyond the bounds of possibility to expect that the coalition could live up to these standards in their entirety and without discrepancies. That is not a reason to denigrate or dispense with Just War Theory, however. On the contrary, it offers a basis for judging the performance of the coalition and, at the very least, provides the critical tools with which to sift through some of the rhetoric and discern the logic of adopted positions and acts.

Stated Objectives

In terms of their stated objectives in going to war, the members of the multi-national coalition were in agreement in seeking to reverse the Iraqi invasion of Kuwait and restore the independence of the emirate. All made reference to international law, United Nations Security Council resolutions, and resolutions passed by members of the Arab League and the Gulf Cooperation Council (GCC), in defence of their combined action. All depicted Iraq's invasion and annexation of Kuwait as an act of aggression, a violation of Kuwait's sovereignty and a transgression of the tenets of international law, as embodied in the Charter of the United Nations. All claimed that resort to force was necessary to oust the Iraqis from Kuwait without concession or compromise, since Iraq would not go unconditionally and they did not want to be seen to reward Iraq for its aggression.

Beyond this, there were, however, some differences between the members of the coalition in terms of the various additional arguments

cited by each in support of their decision to go to war. The issue of control of Gulf oil supplies featured prominently in debates in the United States about the dangers to its interests of the power and ambitions of Iraq. The American leadership also said it was necessary for the US to take the lead in a multi-national effort to demonstrate that aggression does not pay in the new, post-Cold War, world order.

Some of the coalition partners, notably Egypt, Syria and France, spoke in terms of an engagement limited specifically to ousting Iraqi forces from Kuwaiti territory, but disavowed any action directed against Iraq itself. The United States and Britain, meanwhile, talked about eliminating Iraq's ability to attack any of its neighbours in the future. France, in the period preceding the war, implied that a change of government in Kuwait might be desirable as an accompaniment to restoration of Kuwaiti independence. This suggestion was not endorsed by other members of the coalition, however, and they held to the wording of UN resolutions which called simply for the restoration of the legitimate government of Kuwait.

With respect to the future of Iraq, the members of the coalition seem to have had various hopes and aspirations, reflecting their separate views on what would constitute the most favourable outcome for themselves, though all of them either implied or stated openly that they would like to see President Saddam Hussein replaced. At the same time, they all indicated that the dismemberment of Iraq was definitely not among their objectives and it was up to the Iraqi people to decide their own domestic arrangements.

Reference was made by all to the aim of bringing peace, security and stability to the region, as envisioned in UN Security Council Resolution 678, which authorised the use of 'all necessary means' to achieve this objective and to liberate Kuwait if Iraq failed to withdraw by the appointed 15 January 1991 deadline. Outlining a new future for the Middle East, US leaders spoke of a new security structure for the region, arms control, settlement of outstanding disputes, including the Arab-Israeli conflict, and schemes for a more equitable distribution of wealth. The Arab members of the coalition, the six GCC states together with Egypt and Syria, stated their intention of cooperating on economic and security issues, but varied in their views on which other states to involve. While the Kuwaitis pressed for payment of reparations by Iraq, the Egyptian leadership cautioned against punishing Iraq too severely, for fear of repeating the mistakes of the Versailles settlement which followed World War I. Various Arab leaders also questioned implementation of any arms control measures which would preserve Israel's comparative advantages.

Apparent War Aims

Whatever the stated objectives of the coalition, when battle was joined on 16 January, 1991, the military strategy pursued against Iraq demonstrated that more was intended than simply the ouster of Iraqi troops from Kuwait. Judging by their actions, the coalition had a number of war aims, which might be summarised as follows: (1) re-capture and liberation of Kuwait; (2) restoration of the Kuwaiti Al Sabah government to the emirate; (3) military defeat of Iraq; (4) destruction of Iraq's stockpiles of chemical and biological weapons and elimination of Iraq's ability to produce either these or nuclear warheads in the future; (5) destruction of Iraq's conventional military forces and arsenal, to the extent that the country would not be in a position to threaten attack on its neighbours in the near future; (6) humiliation and, if possible without sending ground forces to apprehend him, the ousting of Saddam Hussein; (7) return of coalition PoWs and third country detainees from Iraq; (8) return of Kuwaiti property confiscated by Iraq and payment of compensation for damage done to Kuwait both before and during the war; (9) preservation of the 'territorial integrity' of Iraq; and, more broadly: (10) restoration/preservation of all the pre-crisis sovereign states of the Gulf, with Iraq substantially disarmed, and under continuing vigilance, and new arrangements made for western defence guarantees for the GCC states; and thus, (11) ensure continued access to Gulf oil, at predictable prices, in keeping with Western and related interests.

In terms of the actual conduct of the war, one of the coalition's priorities was to ensure that its casualties would be kept to an absolute minimum. It was also the intention that casualties on the Iraqi side should include as few civilians as possible, while singling out Baath party, government and military headquarters and installations across Iraq as specific targets for attack. Destruction of Iraq's communication links, oil refineries and industrial plants must have formed part of a strategy to cripple the Iraqi ability to fight the war and render it vulnerable to outside pressure thereafter. Bombardment of Iraqi troop formations deployed in and around Kuwait seems to have been designed to kill, immobilise and demoralise the forces which would face the coalition once the latter launched its ground offensive. Once the ground offensive was launched the strategy was to surround and disarm the Iraqi troops in and near Kuwait, rather than allow them to retreat in formation.

Coalition strategy during the war was also designed to prevent the war from developing into a broader regional conflict involving Israel directly in the fighting with Iraq. The reasoning here was that the Arab

members of the coalition would find it politically difficult to justify fighting in conjunction with Israel against Arabs. Israel was thus encouraged not to retaliate in response to Iraqi missile attacks on Israeli cities. This did not mean, however, that Israel remained totally passive during the war. The Israeli armed forces were, in effect, engaged in containing the development of a 'second front' in the Israeli sector of the Middle East. The Israel Defence Forces mounted air, sea and land operations against Palestinian guerrilla forces in Lebanon, when the latter responded to Iraq's call to open a second front and launched rocket attacks against Israeli positions in south Lebanon. The Palestinians in the occupied territories were placed under a blanket curfew for almost the entire duration of the war and they were warned that any attempts to mount Intifada-style confrontations with the Israeli troops would be regarded as tantamount to acts of war. Jordan, meanwhile, was warned by the Israelis that it could expect to have its air force obliterated should the Kingdom attempt to prevent Israel from using Jordanian air space for any actions deemed necessary for Israel's defence.

Overall, the coalition strategy suggested a combination of short and long term goals, with the emphasis primarily on gaining military victory in the field, rendering Iraq militarily weak for the foreseeable future, retrieving Kuwait and winning public approval for the coalition's stand. The terms of President Bush's ultimatum to Iraq, preceding the launch of the ground offensive, revealed his determination to avoid concluding the war by accommodation rather than military victory. The terms of the ceasefire agreement, finalised in UNSC Resolution 687, revealed the coalition's preoccupation with disarming Iraq and retrieving allied PoWs. The speed with which forces were withdrawn after the ceasefire was signed shows the importance attached to capitalising on public approval, within the coalition, for use of military force for a limited period and with limited allied casualties.

The Wider Foreign Policy Context

It is presumed that economic and political self-interest featured among the motives of the members of the coalition that fought the war for Kuwait. For the Westerners concerned the primary interest in the Gulf region was its oil resources. Reliance on Gulf oil supplies is set to increase in the near term, as the Soviet Union becomes a net importer and the cost of tapping alternative supplies remains relatively high. A measure of predictability and stability in the flow and price of oil supplies is considered important for economic activity and planning around the world. Consequently, the notion that any one country or

cartel should obtain a monopoly on a large proportion of Gulf oil supplies is deemed a potential threat to both the international economy and individual states vulnerable to major shifts in the flow and price of oil.

The thinking in the United States and Britain seems to be that the existence of several different oil producing states in the Gulf is an important protection against any one country acquiring the ability to manipulate the market for its own ends. Thus, when Iraq seized Kuwait and thereby gained control of 40% of the Gulf oil reserves, it was important not to allow this situation to persist. Western business, financial and related defence connections with the governments of the GCC states also influenced the calculation of interests when these states found themselves in jeopardy. For their part, the members of the GCC were bound to want to act in defence of their independent statehood.

Certain unique circumstances made it feasible for the Western powers concerned, and most crucially the US, to join with the members of the GCC in a war to reverse the Iraqi invasion. The ending of the Cold War meant that the Soviet Union posed no obstacle to coalition policy and enabled the Western powers to use forces in the Gulf which would otherwise have been tied down in NATO deployments. The facilities available in Saudi Arabia made it possible to assemble a very substantial military force there for the war and the wealth of the GCC coalition members ensured that some, at least, of the funds necessary would be forthcoming.

The case for going to war, as opposed to negotiating with Iraq or persisting with sanctions for longer, was premised on the assumption that Iraq must be made to back down unconditionally and neither sanctions nor the threat of war could achieve this, at least within an acceptable timeframe. This reasoning meant that the immediate goal of freeing Kuwait became intertwined with the objectives of destroying the power of Saddam Hussein, both literally and psychologically, for the longer-term protection of the region and the international economy.

‘Right Intention’: An Evaluation

It is not within the brief of this article to discuss whether it was necessary to resort to war to achieve the objectives of the coalition, or to raise concerns about the way the war was fought in order to accomplish coalition aims. Even so, it may be relevant to point out that the objectives of defeating Iraq and humiliating Saddam Hussein, for the purpose of sending a message to others in the region, and the intent to destroy Iraq’s offensive military capability constitute not only war aims but a reason for preferring war over other solutions.

This said, evaluation of the coalition's intentions in going to war can be undertaken on two levels. On the one hand, each of the specific war aims of the coalition, as defined above, can be examined at face value. On the other hand, it is also appropriate to question the assumptions underlying those specific objectives, to see whether they constituted a fair or just assessment of the needs of the community both in the region and beyond.

Looking first at the specific war aims of the coalition, the objective of reversing a blatant act of aggression and subjugation of one country by another, against the will of the people in the former, would seem to be a *just intention*. Slightly more problematic, however, is the coalition's objective of crippling Iraq's military capability, beyond what might have been deemed necessary to force Iraq out of Kuwait, for fear that Iraqi forces might be used against Kuwait or other countries in the future. To undertake this task presupposes that the coalition was able to calculate exactly what would be used for only offensive purposes and exactly what Iraq would need for its own defence, given the capability of others. The justice of this aim can probably only be evaluated in retrospect, depending on how plans for arms control in the whole region progress, not to mention the ability of outside powers to deploy superior force to the area at some future date. There was, however, no interest in undertaking a full scale occupation of Iraq and the fighting was halted at a point when the Iraqi regime still retained sufficient force to maintain power and hold the country together in the face of revolt and some external interference. This suggests that a judgement was passed on what kind of change was desirable in Iraq and what was unacceptable in terms of coalition involvement and the regional power balance. This might be defended, on presumably, the grounds of protecting regional peace and security in general terms, but this is a moot point.

The objective of removing or at least humiliating Saddam Hussein was never fully spelled out, for the reason that international law provides no mandate for such goals. If it is the case that the Iraqi leader could and should have been singled out for judgement, this would have to have been done by an impartial tribunal. Punishment is not a justifiable motive for the actions of one side in a war. In so far as the death of Saddam Hussein and the punishment of Iraq were war aims, these could not be considered *just intentions*. Even so, it might be possible to make a case for the apparent quest to humiliate Saddam Hussein and Iraq through military defeat, again on the grounds that this would aid the restoration of peace and security in the region.

The broad objective of restoring peace and security to the region seems to lie at the heart of the discussion about right intention. On the face

of it, this was indeed the coalition's goal and the mandate of the United Nations' Security Council Resolution permitting the use of all necessary means. The question to be asked, therefore, as alluded to earlier, is how the coalition defined this goal, and on what assumptions about the nature of the international order. Judging by both their words and their deeds, the coalition members concluded that peace and security meant upholding the sovereignty and territorial integrity of all the states of the Gulf.

On this there are many who would agree. However, there are those, including many in the Arab world, who question the justness of the existing state system in the Gulf on the grounds that the states concerned are client regimes, maintained by foreign connections, for the mutual benefit of foreign oil consuming countries and the rulers. If it is the case that the Gulf war was fought in order to maintain a system that disproportionately benefits those who joined the coalition, it was a war fought for sectional interests. Whether that means it was fought for just intent depends on whether the members of the coalition hoped simply to enhance their own interests, or sought also to deprive others. Presumably, pursuit of self-interest need not be unjust per se and, it could be argued, may also contribute to a more general good, such as the health of the international economy. However, the intent would not be just if it derives from the assumption that sectional interests, for example access to oil, can only be served by ensuring that others are deprived.

In conclusion: the exercise of examining coalition war aims in the light of the Just War Theory requirement of right intention raises some other moral questions which have been the subject of debate for as long as Just War Theory as been discussed. At issue is the relationship between the pursuit of self- or sectional interest and the 'common good'. International law attempts to provide a protection for both, but as current events are demonstrating, protection of the rights of individual states may translate into the preservation of certain governments which are perceived as unjust by the people they govern. One of the tragic ironies about the post-war debate on the reasons for fighting it, is that some of those most sceptical about the war itself have subsequently questioned whether the use of force went far enough. The miserable conditions in Iraq after the war have been compounded by the continuance in power of Saddam Hussein's regime, yet to have invaded Iraq to overthrow the government would have been contrary to the generally recognised principles of international law.

* The assumptions about the meaning of right intention offered here draw specifically on *Ethics, Religion and Politics* (Oxford, 1981) by Elizabeth Anscombe and *A Say in the End of the World* (Oxford, 1989) by Roger Ruston O.P.