

# US WAR IN IRAQ IN THE LIGHT OF THE MAJOR AND MINOR POWERS CONFLICT

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## ABSTRACT

This September marked a whole 3 years to the 9/11 incidence in the United States, and in these past years, not only has its impact on international politics been tremendous, it has also engendered international conflicts with grave consequences. One of such consequences is that it has encouraged major powers, especially the US, to label some countries, haven of terrorists and security threat to world peace. Consequently, such countries have becomes targets of the phenomenal *Global War on Terrorism* (GWT). The US-led "*Operation Enduring Freedom*" in Afghanistan, which saw the overthrow of the *Taliban* regime in that country, was a significant debut of GWT. After this episode, a rattled US smarting from the September 11, 2001 attack, took the GWT crusade to the backyards of some other states that it considered *axis of evil* namely Iraq, Iran, and North Korea. Of the three states, the GWT campaign against Iraq appears to be the most controversial and a major threat to world peace

## KEYWORDS

Al – Qaeda, Axis of Evil, Global War on Terrorism, Operation Enduring Freedom, Operation Iraqi Freedom.

### Introduction

This September marked a whole 3 years to the 9/11 incidence in the United States, and in these past years, not only has its impact on international politics been tremendous it has also engendered international conflicts with grave consequences. One of such consequences is that it has encouraged major powers, especially the US, to label some countries, haven of terrorists and security threat to world peace. Consequently, such countries have becomes targets of the phenomenal *Global War on Terrorism* (GWT). The US-led "*Operation Enduring Freedom*" in Afghanistan, which saw the overthrow of the *Taliban* regime in that country, was a significant debut of GWT. After this episode, a rattled US smarting from the September 11, 2001 attack, took the GWT crusade to the backyards of some other states that it considered *axis of evil* namely Iraq, Iran, and North Korea. Of the three states, the GWT campaign against Iraq appears to be the most controversial and a major threat to world peace.

On the pretext of disarming Iraq off its alleged Weapons of Mass Destruction (WMD) the US invaded Iraq, overthrew Saddam Hussein, its erstwhile leader and planted occupation forces to ensure peace in Iraq pending the formation of a new government. But the exercise has deepened the conflicts between the US led alliance and the Islamic forces in the Middle East rather than abate it. In spite of Saddam Hussein's *Baathist* regime being toppled, the Iraqis have continued to defy the occupation forces and engage them in a series of reprisal guerrilla warfare. Suicide attacks; rampant abductions and killings of non-combatant foreigners as well as soldiers in the coalition forces, high civilian casualties, sporadic bombings in major cities especially in Fallujah, Najaf, Karbala and the activities of the Mahdi Army are indicators that the US-Iraq war is far from ceding.

The problematic has generated a global debate and given rise to divergent views on the causal factors of the war. Some hold that George W. Bush, the President of the United States of America rallied support to attack Iraq basically to complete the unfinished agenda of his father, George Bush (Senior), who started the two-phase US-Iraq war with *Operation Desert Storm* in 1991. The proponents of this argument strongly believe that George W. Bush has allowed emotionalism to affect his professional and state duty.

Others believe that America, in view of the defiance of the Iraqi leader to subject his state to a United Nation (UN) search for Weapons of Mass Destruction (WMD), had justification to invade Iraq. Besides, the second invasion of Iraq, tagged "*Operation Iraqi Freedom*"(2003), from the perspective of the US-led coalition forces, was informed partly by the need to free Iraqis from the dictatorial rule of Saddam Hussein and to rid the Middle East of gross human rights abuse. Yet, one of the divergent views posits that America invasion of Iraq is one of its series of hegemonic campaigns. The various positions require examination in order to determine the covert and overt reasons for the US-Iraq war. This is one of the main tasks of this study.

Another purpose of the study is to foreground the role of the United Nation (UN) in the crisis and to propose a viable measure that could be explored to put an end to the US-Iraq war. The former is imperative in view of the fact that the Allied forces and United States sidelined the world body to invade Iraq leaves a question mark on the relevance and authority of the organization. The defiance has also given rise to debates on the credibility and effectiveness of the UN as guarantor of world peace. The latter is of crucial importance to ensuring peace in the Middle East and the world and also to help rebuild the war torn Iraq into a stable state. This study examines the UN proposition and considers the options that could bring an end to the US-Iraq war.

### **United States of America, the Coalition and the Iraq War**

Was Weapon of Mass Destruction (WMD) or Iraq's alleged connections with Al- Qaeda responsible for the US invasion of Iraq? Or are there some other underlying factors? These questions are pertinent in view of the fact that the U.S. and Iraq have had two full-scale confrontations within a spate of twelve years. This protracted nature of the conflict indicates that there are underlying factors apart from the overt reasons presented to the world, which require prognosis. Although WMD and Al Qaeda have been the much-touted reasons for the invasion of Iraq they no longer appear to be the fundamental driving force. To date WMD has not been discovered in Iraq and it has not been firmly established that Iraq is closely knit to Al Qaeda. This leaves a question mark on the *raison d'être* of the

*Operation Iraqi Freedom*. There is more to the Persian Gulf War than the world, hypothetically, knows.

If we critically examine the main factors in the U.S-Iraq war, they range from political, economic to the ideological. Some of these being much more glaring and apparent than others, such as the overt political hegemonic interests of the key actors. Hyper-vigilance (national security) and quest for power, leadership or supremacy have always been the hallmark of the U.S, but Iraq has also exhibit such traits, especially with its actions in the Middle East. It could be argued that it was partly for its struggle for supremacy in the Middle East that Iraq fought Iran during the decade of 1980s. Saddam Hussein, an ambitious man had sought to have Iraq replace Iran as the preponderant power in the Gulf and to replace Egypt as the leader of the Arab world. He had reasoned; "If Iraq defeated Iran, then there would be no real leaders contesting his pre-eminence among the Arabs, and the Arab world would have a new and far more successful Nasser"<sup>1</sup>. Of course Saddam failed in that enterprise and there is the possibility that he still hoped for supremacy, perhaps through another means. A confrontation with the U.S. could possibly earn him such a position, if he came out victorious. Not that he hoped for military victory but a political victory could just as well have had the anticipated effect.

Paternalistic motive is another reason for U. S. invasion of Iraq. America sees itself as a nation that has to watch over the entire world. According to Anthony Antrove the US Army, Air Force, Navy, and Marine Corps represent the hidden fist that keeps the world safe for Silicon Valley's technologies<sup>2</sup>. The vision of America, according to a "Defence Planning Guidance"(DPG) draft prepared by Defence Secretary Dick Cheney in pursuant of a second term for President George Bush (Sr.), is to keep the world within its surveillance and grip. Part of that vision is to position America "to act independently when collective action cannot be orchestrated" (hence it sidetracks

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<sup>1</sup>Robert Mandel, *Irrationality in International Confrontation*, Westport, Connecticut: Greenwood Press, Inc. 1987, p. 84.

<sup>2</sup>Anthony Antrove, (ed.) *Iraq Under Siege: The Deadly Impact of Sanctions and War*, London, Pluto Press 2003, p. 18.

the UN), and “to prevent the emergence of a rival superpower”<sup>3</sup>, represented by Iraq in this case. Whenever and wherever there appears to be a major threat to its supremacy the US has always found justification to beam its searchlight on the area, and generate real and imagined propaganda to validate its quest to ‘contain’ such a region or force, as the case may be. From the viewpoint of the United States, Iraq, Syria, Libya and North Korea are *axis of evil* and a challenge to its (and other major powers) hegemony, and as such, countries to be contained at the slightest provocation. To deter the emergence of new world powers and regional hegemonies is the hallmark of the “environment shaping strategy” of the U.S. Thus, when in Iraq presented itself as a major force in the Middle East by invading and annexing Kuwait, destroying its oil wells and allegedly developing *chemical and biological weapons (CBW)*, it inadvertently drew the wrath of the U.S and marked the beginning of their conflict.

The U.S. has always assumed the posture of an indomitable superpower but the September 11, 2001 attack, made the US suddenly aware of its newfound sense of vulnerability, and thus deepened the conflict of supremacy. It was evident from the utterances of George W. Bush that the U.S. would not forgive and was resolved to crush whatever force was responsible for bruising the ego of the U.S. But underlying the bruised ego of a state is the personal vendetta of a past leader and hidden motives of other U.S. key personalities in the U.S.-Iraq saga.

The U.S. belief that it has the ideal democratic structure in the world therefore the world should see and practice democracy according to its pattern. Henry Kissinger puts it succinctly “if the world truly wants peace, it needs to apply America’s moral prescriptions”<sup>4</sup>. The U.S. believes that it had the ideal democratic structure in the world therefore the world should see and practice democracy according to its pattern. Henry Kissinger puts it succinctly “if the world truly wants peace, it needs to apply America’s moral prescriptions”<sup>5</sup>. But the advocacy for a regime change in Iraq was a

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<sup>3</sup>Irwin Abrams and Wang Gungwu (ed.) *The Iraq War and Its Consequences*, World Scientific, London, 2003, p.37.

<sup>4</sup>Henry Kissinger, *Diplomacy*, Simon & Schuster; Reprint edition 1996, p. 174.

<sup>5</sup>*Ibid.*

weak motive, thus, President Bush had to employ the strategy of “bad neighbourhood”, Weapons of Mass Destruction (WMD) and links to Al-Qaeda as trump cards against Iraq in order to enlist, first, domestic support and later external support for the war. Without these, it was unlikely for Bush to pursue his hidden agenda. His campaign for war against terrorism was well received by an American public largely enraged by the September 11, 2001 attack. To effect, Bush told the American public that the IAEA in 1998 had warned that Saddam Hussein’s regime was within six months of developing a nuclear weapon. But his report became controversial when the IAEA denied it had ever made such a claim<sup>6</sup>.

If indeed Iraq possesses CBW, it is not the only nation with such weapons, even in the Middle East therefore; the hyper-vigilance of the US over Iraq suggests double standard. It is ironic to note that the US has always maintained a double standard on the issue of arms proliferation. Anglo-America policy in Iraq is repeatedly defended as a measure to stop arms proliferation, in particular to prevent the use of “weapons of mass destruction” Yet London and Washington have no particular trouble with countries developing or proliferating weapons of mass destruction, as long as they are friendly to the UK and the US. Israel has not only been allowed to develop the world’s sixth-largest nuclear program, it also collaborated in the nuclear program of apartheid South Africa<sup>7</sup>.

Iraq has the world’s second-largest oil reserves, after Saudi Arabia, containing some 11 per cent of the world’s oil. The oil wealth is believed to be the major reason why the US and UK have devoted so much effort to dominating the region not out of concern for democracy but with the aim of controlling the profits associated with this essential resource, which is critical to the functioning of capitalism globally.<sup>8</sup> The quest for Iraqi oil was also based on some covert economic reasons including the imminent serious energy shortages in the U.S. in the next five years and the interest of U.S. based oil-prospecting companies in the Gulf region. U.S. economy

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<sup>6</sup>Tareq Y. Ismael and William W. Haddad (eds.) *Iraq: The Human Cost of History*, London, Pluto Press 2004, p. 174.

<sup>7</sup>Antrove, *op.cit.*, 2003, p. 19.

<sup>8</sup>*Ibid*, p. 18.

thrives on energy supplies and a drastic shortage portends grave consequences. To prevent this reality, the U. S. considers urgent military intervention in Iraq expedient to maintain the stability of Persian Gulf oil supplies and take care of the U.S. domestic needs. The overall goal is to ensure that Western hegemony and their economic interests are sustained in the region.

On the ideological front, it is largely believed that the West practices anti-Islam and anti-Arab racism. Edward Said informs that the notion of Arab people with traditions, cultures, and identities of their own is simply inadmissible in the United States. In the worldview of the Anglo-Americans, Arabs “violent irrational terrorists always on the lookout for murder and bombing outrages.”<sup>9</sup> This derogatory notion, morbid fear, and hatred of the Arabs have been a constant theme in US foreign policy since World War Two<sup>10</sup>.

Clearly, the world knows the military strength of America is intimidating and President George W. Bush reiterated this fact on September 22, 2002, in an address at West Point, when he stated, “America has, and intends to keep, military strengths beyond challenge”<sup>11</sup>. The collapse of the Soviet Union and the Warsaw Pact projected the United States into a formidable political space and made it superior in military terms. Conetta and Knight<sup>12</sup> note that the U.S. typically maintains more than 200,000 troops on foreign soil and more than 50,000 personnel afloat in foreign waters; in recent years an average of 35,000 of these personnel have been involved in contingency operations, mostly around Iraq and in the Balkans; with more than 800 foreign military installations including 60 major ones. The United States military engagement in the world far surpasses that of any other nation, and there is no doubt, that its arsenal for these exercises continue to grow quantitatively and qualitatively. It was,

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<sup>9</sup>Edward W. Said, “Apocalypse Now,” in Noam Chomsky, Edward W. Said, and Ramsey Clark, *Acts of Aggression: Policing “Rogue” States*, (ed.) Greg Ruggiero and Stuart Sahulka New York, Open Media Pamphlet Series and Seven Stories Press, 1999, p. 8.

<sup>10</sup>*Ibid*, p. 9.

<sup>11</sup>Irwin Abrams and Wang Gungwu, *op.cit.*, 2003, pp.38-39

<sup>12</sup>Carl Conetta and Charles Knight, “A New US Military Strategy? Issues and Options” *The Project on Defence Alternatives*, PDA Briefing Memo No. 20, May 21, 2001.

most likely, an illusion for Iraq to estimate that their weapons could withstand that of the U.S. in the Persian Gulf wars. The Soviet Union has been the major supplier of Iraqi weapons and the view of its former Foreign Minister Eduard Shevardnadze, prior to Gulf War I, summarizes Iraqi military capability against U.S. thus, "When the power and structure of these weapons are compared to those of the other side, a great discrepancy can be perceived. It is impossible for Saddam to resist his opponents with this force and these weapons. He will be defeated."<sup>13</sup>

It could, therefore, be said that Iraq contemplated "militicide" in its confrontations with the U.S. The United States has massive conventional weapons as well as unconventional munitions. Its military strength comprises land (the fast-paced advance of the U.S. ground forces capable of destabilizing the enemy), sea (the U.S. marine) and air, the latter being the most superior. It also possesses atomic weapons, which could have been used to checkmate Iraq's CBWs if Saddam had resolved to use them. America is the only country in history that has employed atomic weapons in dealing with the enemy. The destruction of Hiroshima and Nagasaki with atomic weapons during World War II is a grave reminder of the deadly military potential of the U.S.

Apart from its own intimidating arsenal, the U.S. had substantial support from major powers including Britain, except the Soviet Union, which understandably could have perceived victory for the U.S. as a further decline of the Soviet position in the world. Russia did not support the U.S. in the Gulf War I & II ostensibly for this and other reasons: The Persian Gulf's position, literally next to its southern borders, the impact of Iraqi defeat on the Muslim population of the USSR and its possible threat to Moscow's standing in the Middle East. Knowing this fully, Saddam admitted in a statement made to Former British Prime Minister Edward Heath: "If the going gets hard then the British and Americans will use atomic weapons, and chances are that Israel will as well, and the only thing

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<sup>13</sup>Avigdor Haselkorn, *The Continuing Storm: Iraq Poisonous Weapons, and War Deterrence*, New Haven and London, Yale University Press, 1991, p. 138.



I've got are chemical weapons, and I shall have to use them. I have no alternative<sup>14</sup>.

A question the U.S. must have considered once it perceived war was imminent in the Gulf region was, "dare we do it?" Judging from past experiences, especially its victory in the 1991 Operation Desert Storm war, the U.S. obviously summarized the war with Iraq as *fait accompli*. But the resolve to engage in a war does not rest solely on military strength; rather it is also inextricably linked with the resources at the disposal of the party going to war and the level of domestic and international support it is able to muster. The United States obviously weighed its options and considered the odds before launching the war against Iraq. Without doubt, it possesses adequate arsenal to pursue the war, that much, the world knows. The war machines controlled by the United States and the Soviet Union (before its collapse) have no historical comparison<sup>15</sup>.

Thus, in terms of military strength it had little or nothing to worry about. But, the war could not be pursued without domestic (congressional and civilian) support. The U.S. public is usually over achingly sensitive over large human casualties in military expedition. Saddam was quite aware of the psychology of the Americans and their position over war casualties, thus, in 1991 he forewarned U.S. Ambassador April Glaspie, in case his country decides to confront Iraq, "yours is a society which cannot accept 10, 000 dead in one battle"<sup>16</sup>. To win a war, Saddam was prepared to "sacrifice hordes of Iraqi soldiers in order to exact the much smaller toll of American troops that he believed were necessary to defeat the U.S. politically. He was also ready to stretch his troops to the limit as one analyst observed; Saddam was "a great believer in the eventual victory of the side willing to suffer most"<sup>17</sup>.

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<sup>14</sup>*Ibid*, p. 57.

<sup>15</sup>Peter Wallensteen, Johan Galtung, and Carlos Portales (eds.), *Global Militarization*, Westview Special Studies on Peace, Conflict, and Conflict Resolution, Westview Press, Boulder and London, 1985, p. xi.

<sup>16</sup>Haselkorn, *op cit.*, p. 136.

<sup>17</sup>Haselkorn, *The Continuing Storm: Iraq Poisonous Weapons and War Deterrence*, New Haven and London: Yale University Press. 1999, p. 52.

Clearly, the contentious issues were to allay the fears of the American public that the U.S. would not suffer heavy casualties if Saddam employed CBW. With the hindsight of the type of enemy it was dealing with in *Operation Iraqi Freedom*, the U.S. had gas masks, which could protect its soldiers from Iraqi use of poison gases during the Gulf war. The U.S. and the Coalition Forces also had their troops inoculated against CBW, which they envisaged Saddam would use. Another issue was to ensure that the war was not prolonged. President Bush was aware that the American public has no interest in a protracted war. Such a war has the tendency of eroding public support as it did in the Vietnam War, therefore the U.S. had to prepare for a quick and decisive war. Getting international support was not much of a priority as the U.S. has always made it clear that it will carry out its war campaign against Iraq with or without international support. The U.S. knew the UN could not impose any sanction on it for waging war against Iraq because of the allegations it had levied against Iraq. Besides, the U.S. has such a profound influence in the UN that imposing a sanction against it for its actions is almost inconceivable.

### **Iraqi Perspective on the US- Iraq War**

To understand why Saddam Hussein went to war with the U.S. on two successive occasions' one needs to interrogate the factors that shaped his personality and worldview. The argument here is that these factors, including the resources at his disposal, played a major role in his resolve to fight.

To begin with his personality and leadership style: The upbringing and later associations of Saddam has a lot to do with his leadership style and political actions. Saddam, in his adolescence had embraced a form of *Arabist* ideology, largely influenced by Nazi ideals taught him by his uncle, who brought him up. As a young man, he took part in the attempt on the life of the Iraqi premier-general Abdul Kareem Qassim in 1959<sup>18</sup>. He mastered clandestine and mass politics and adored Stalin's iron rule. As the head of the Iraqi State, he began with radical "socialism", experimented with Arabism, and

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<sup>18</sup>Jose Ramos-Horta, "The Post-Cold War and the Unipolar World: Can the Us Lead?" in Irwin Abrams and Wang Gungwu (ed.) *op cit.*, p. 338.

later tribalism. He instituted a single party system, militarized the economy, created a formidable network of secret police and intelligence services, and placed his own tribal allies in strategic positions to protect and entrench his totalitarian system<sup>19</sup>.

As a result of Saddam's leadership style, Iraq metamorphosed into the most extreme example of what Nazih Ayubi labeled the "fierce state",<sup>20</sup> which is basically an authoritarian power structure with three components. First, is the *Dimuqratiyyat al-Khubz* (democracy of bread), a tacit social contract in which the regime provided social and economic welfare in return for political loyalty and the Iraqi oil revenues enabled Saddam to successfully practice the "democracy of bread". Second, is the totalitarian coercive type regime called the *Mukhabarat* in which military intelligence units provide support for the regime to contain oppositions. The third is the *Baathist* model of governance, which has been forcefully enforced in Iraq for decades. The central feature of the fierce state is that politics is "largely deferential and non-participatory", and is dependent on the state's providential capacity<sup>21</sup>.

### **Iraq-US Past Relations and the Burden of Sanctions**

It could be argued that Saddam Hussein's decision to defy the 48 hour deadline given by the US to leave Iraq or face attack, has been shaped by the past Iraq-US relationship. The (love-hate) relationship between the two could be divided into three phases spanning two decades. The first phase was an alliance in which the US supported Iraq in the war against Iran. In the Iraq-Iran war in the 1980s, the Americans enthusiastically supported Saddam. Such a US policy emboldened Iraq in the formative phase of the Iraq-US relationship and laid the seeds of Iraq's subsequent adventurism in 1990.

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<sup>19</sup>*Ibid.*

<sup>20</sup>For analysis see Nazih Ayubi, *Overstating the Arab State*, I.B. Tauris, London, 1994.

<sup>21</sup>*Passim.*

The Gulf War I (1991) that followed Iraqi occupation of Kuwait marked the second phase and the beginning of hostilities between U.S. and Iraq. The war was perceived as a punishment for Iraq and exacted grave consequences. Eric Huskiness informs that it “effectively terminated everything vital to human survival in Iraq—electricity, water, sewage systems, agriculture, industry and health care.”<sup>22</sup> The third phase is the Gulf War II and its continuing impact significant among which is the U.S-sponsored low-intensity but high casualty campaign of economic sanctions conducted through the offices of the United Nations. The Security Council imposed comprehensive multilateral economic sanctions under resolution 661, 665 and 670 (1990). The sanctions regime was renewed, with the same humanitarian caveats, in resolution 687 (1991). Later, resolution 986 (1995) introduced the *Oil for Food* programme, which did not bring much respite to Iraq's spiraling plight. The sanctions worsened the relationship between Iraq and the US, and by association, the UN. Their impact fell short of being an officially conducted and officially sanctioned genocide whose core victims were young children, many under five years of age<sup>23</sup> and dropped Iraq's ranking in the UNDP Human Development Index from 96 in 1990 to 126 in 2000.<sup>24</sup>

By September 2001, the US had blocked Iraq's 1051 applications involving “nearly 200 humanitarian contracts” including “contracts that the United Nations agency charged with weapons inspections did not object to.”<sup>25</sup> The most significant, given that infanticide in Iraq were linked to contaminated water, is the

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<sup>22</sup>David Edwards and David Cromwell, “The British Liberal Press Target Iraq”, Third World Network Features, *Sunday News*, Dar-es-Salaam, July 14, 2002.

<sup>23</sup>*Ibid.*

<sup>24</sup>Marc Bossuyt, “The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights, Review of Further Developments in Fields with Which the Sub commission Has Been or May Be Concerned,” *The Bossuyt Report, Economic and Social Council, E/CN.4/Sub.2/2000/33*, June 21, 2000 Working paper, Commission On Human Rights Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session Item 12 of the provisional agenda. pp. 59-73.

<sup>25</sup>Joy Gordon, “Cool War: Economic Sanctions as a Weapon of Mass Destruction,” *Harper's Magazine*, November 2002, p. 47.

application for the repair of damaged water and sanitation systems. The action of the US was so scandalous that many UN officials namely, Dennis Haliday, UN Secretary General and Humanitarian Coordinator in Iraq for thirteen months, his successor Hans Von Sponeck, and Scott Ritter, chief weapons inspector from 1991 to 1998, resigned in protest. Ritter's protest hinged on the fact that as of December 1998 around 90 to 95 percent of Iraq's weapons of mass destruction capability were destroyed and since the biological weapons have a shelf life of three years, new factories would be required to produce new ones. Iraq's chances of building new ones were remote, thus, there was no justification for sustained sanctions against and punishment for Iraq.

Iraq also detested the US for using double standards in terms of its policy response to WMD. The December 2002 North Korea's declaration to resume its nuclear programme, threw the Bush administration into political and moral quandary. On December 20, 2002 North Korea asked the IAEA inspectors to leave and subsequently on January 10, 2003 withdrew from the NPT. In this case the Bush Administration decided to respond diplomatically.<sup>26</sup> In contrast, Iraq allowed the UN inspectors to return to Iraq under UNSCR 1441, and despite the failure of the inspectors to find any substantial evidence of Iraq engaging in WMD programme, they could not prevent the US from taking military action. The contradiction weakens the US justification to use force against Iraq. Countries like France, Germany, Russia and the rest of the international community were in favor of giving the inspectors some more time, but of little avail.

The September 11 attacks, provided Bush with the pretext to vigorously pursue the policy of hot pursuit and pre-emption. On the one hand, the US chased Osama bin Laden, on the other hand it declared Iraq along with Iran and North Korea as the *axis of Evil*. The war was imposed on Iraq against the wish of the international community, bypassing the UN. Saddam, who had been facing missile and air attacks from the US at random since 1991, stood his ground. His

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<sup>26</sup>Seth Mydans, "North Korea says it is Withdrawing from Nuclear Arms Treaty," *New York Times*, January 10, 2003; and Steven R. Weisman, 'North Korea's Plan Called Unacceptable,' Bush Seeks Diplomatic Solution," *New York Times*, October 14, 2003.

strengths or resources were that he was heading a totalitarian regime, which minimized the possibility of any internal coup against his regime. He had a die-hard coterie and advisors who supported him in facing the US attacks. Besides, from the evolving international consensus against the US attack, he counted on the support of the international community. The massive demonstration and protests that were held all over the world including the US, against war emboldened Saddam.

Saddam was also hopeful that the attack on Iraq would be seen as a conflict between the West and Islam. As a matter of fact Afghanistan, Iran and other Islamic countries who had no sympathies for Iraq, been highly critical of the US attack on Iraq, fearing similar fate at the hand of the US. However, they chose not support Iraq militarily is a different issue. Nevertheless, Saddam Hussein and his coterie believed that the US and its Allies would face dire consequences in Iraq even after the overthrow of his regime. Now it can be seen that even after the overthrow of Saddam, the Occupation forces are engaged in battle with various groups who want the US and its allies to leave Iraq. It can be argued that Saddam's calculation was that the Shias in Iraq would side with the US in the war but not for very long and would soon start raising their voices against the US, as is now happening.

### **Resistance Against the Occupation Forces**

Currently, the United States and the entire occupation forces are facing two types of expressive violence: regime holdouts and score setting. In the present analyses the former needs to be discussed. Despite the rapid and comprehensive military defeat of the regime's special military forces, the underground regime loyalists have waged an armed resistance against the occupation forces. A long tradition of conspiratorial politics involving the military, widespread ownership of small arms, and a political-tribal culture of settling scores by violence explain the episodic, guerrilla-style violence by those groups and individuals disenfranchised by the new status quo. The regime's encouragement of suicide attacks in its dying days provided the basis for the on-going guerrilla-style operations against the US and its allies in Iraq.

The Shiite radical groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), Al-Daawa, and loyalists of Muqtada al-Sadr may not have the wholehearted allegiance of a majority of the Iraqi Shiite population, but they appear to have extensive support networks in the country and the capability to mobilise lightly armed fighters and crowds. In general, leaders of Shiite radical activists groups are exploiting the anti-American sentiments that are there because of the presence of occupation forces in the land in which the Shiite holy places, Najaf and Karbala, are located.<sup>27</sup> The attacks against the US and the occupation forces are coming from various sources. The current spurt in the anti-US violence is feeding on the US and occupying forces' heavy handedness such as killing of civilians, forced searches of houses, sexual assault and abuse of the prisoners in the Abu Gharaeb prison among others.

### **United Nations and the Iraq War**

A divided international community faced a crossroads in Iraq. The escalating crisis called into question the relevance of international law itself, as the world's strongest military power prepared to invade and occupy a member state of the United Nations without legal authority under the UN Charter or well-accepted principles of law. The United States will invade Iraq with "a coalition of the willing nations, either under United Nations authority or without United Nations authority, if that turns out to be the case." Said, Colin Powell, U.S. Secretary of State, on March 6, 2003.<sup>28</sup> The UN system has failed repeatedly to prevent wars in the past half century. But this was the first time that the primary role of the Security Council as guarantor of international peace and security had been openly challenged by two of its permanent members, the United States and the United Kingdom.

Disapproving of the US policy on Iraq, Kofi Annan on March 11, 2003 said, "The United Nations - founded to save succeeding

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<sup>27</sup>Edwards and Cromwell, *op. cit.*

<sup>28</sup>John Tagliabue, "France and Russia Ready to Use Antiwar Veto," *New York Times*, 6 March 2003.

generations from the scourge of war - has a duty to search until the very end for the peaceful resolution of conflicts... If the U.S. and others were to go outside the Council and take military action, it would not be in conformity with the Charter".<sup>29</sup>

The U.S. and U.K. in order to wage war on Iraq gave three main arguments, firstly that the UN Charter's narrowly defined right of self-defence, second, the disputed customary international law gives the right of pre-emptive self defence, and lastly, the new and legally dubious doctrine of humanitarian intervention. Limits of self-defence in the Article 51 of the UN Charter recognises that member states have the "inherent right of individual or collective self-defence if an armed attack occurs."<sup>30</sup>

The urgency of responding to such attack entitles a state to defend its sovereignty through the unilateral use of retaliatory force - but only "until the Security Council has taken measures necessary to maintain peace and security."<sup>31</sup> And once the Security Council formally determines the existence of a threat to international peace and security, individual states may no longer exercise the right of self-defence without the Council's express prior approval (as happened in the 1991 Gulf War). Article 51 applies only in the event of an actual armed attack. As Iraq had not attacked the U.S. or U.K., and there was no credible, substantiated evidence connecting Iraq to the September 11th attacks, the U.S. and U.K. could not invoke self-defence under the UN Charter to justify attacking Iraq. Therefore they had to rely on the disputed doctrine of pre-emptive self-defence under customary law. Here too, although the Charter itself does not provide legal authority to use force against a perceived threat of imminent attack, there does exist a disputed customary international law right of pre-emptive self-defence.<sup>32</sup>

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<sup>29</sup>Patrick E. Tyler and Felicity Barringer, "Annan Says U.S. Will Violate Charter if It Acts Without Approval," *New York Times*, 11 March 2003.

<sup>30</sup>Article 51, UN Charter.

<sup>31</sup>*Ibid.*

<sup>32</sup>R. Singh, A. Macdonald, Matrix Chambers, Public Interest Lawyers on behalf of Peacerights, "Opinion on the legality of the use of force against Iraq," Para. 17, p. 8 (10 September, 2002).



In the case of Iraq, the much debated doctrine of humanitarian intervention was interpreted by these countries to circumvent the Charter altogether and justify war against Iraq without Security Council approval. The U.S. openly called for "regime change" in Iraq - ostensibly in response to the government's well-documented record of political repression, human rights abuses, and chemical weapons use - despite having systematically ignored these abuses during the 1980s when President Saddam Hussein was actively serving U.S. interests in the region. Some Western political leaders to justify military action invoked the human rights situation in Iraq with unusual frequency. "This selective attention to human rights was nothing but a cold and calculated manipulation of the work of human rights activists." Said Irene Khan, Secretary-General of Amnesty International, September 25, 2002.<sup>33</sup>

The Security Council has the responsibility for authorising force to maintain peace and security and assesses the legality of war against Iraq under three scenarios:

- Previous Security Council resolutions,
- Failure to obtain a new resolution, and
- Force authorization under a new resolution.

Under Chapter VII of the Charter, the Security Council is the sole legitimate arbiter of the use of force in international relations outside of the narrow exception of self-defence discussed below. The Council alone is empowered to authorise, in response to a "threat to the peace, breach of the peace, or act of aggression... such action by air, sea or land forces as may be necessary to maintain or restore international peace and security."<sup>34</sup> Such authorisation can be taken only after the Council determines that peaceful measures "would be inadequate or have proved to be inadequate."<sup>35</sup>

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<sup>33</sup>Irene Khan, "Iraq II: Who Cares about the People?" *International Herald Tribune*, 25 September 2002.

<sup>34</sup>Art. 39, UN Charter.

<sup>35</sup>Art. 42, UN Charter. Under Article 53, the Security Council may delegate to a regional organisation authority for the use of force.

***War Allowed under Previous Security Council Resolutions:***

The U.S. and U.K insisted that previous Security Council resolutions were sufficient to justify attacking Iraq arguing that Resolution 678 (1990), authorized the use of force in the 1991 Gulf War, and it could be invoked unilaterally at any time by individual Council members to authorize force in response to a material breach by Iraq of any of the conditions in any of the relevant resolutions, especially cease fire Resolution 687 (1991). Resolution 678 specifically invoked the two exceptions to the Charter's prohibition against force. Chapter VII and the clause on self- defence - authorized members to use "all necessary means" to reverse Iraq's illegal occupation.<sup>36</sup> This was considered Council's recognized diplomatic term for authorizing force, identical to language later used in Rwanda, Bosnia, Somalia, and Haiti. But Resolution 687 terminated the force authorization and declared "a formal cease-fire is effective between Iraq and Kuwait and member states cooperating with Kuwait in accordance with resolution 678." Moreover, the Council decided "to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region." This language placed the future approval of force expressly within the mandate of the Council acting as a whole and not in the hands of any individual members.<sup>37</sup>

The same issue arose during Security Council discussions on Resolution 1154 (1998), which warned Iraq of "severest consequences in the event of non-compliance" with UNSCOM, the previous weapons inspection regime. The Council used weaker diplomatic language than "all necessary means," and again made explicit that it alone retained authority to "ensure implementation of this resolution and peace and security in the region."<sup>38</sup> During the debate, a majority of Council members disputed U.S. and U.K. contentions that previous resolutions gave them the right to take unilateral military action against Iraq in response to a material breach. Russia stated that "any hint of such automaticity with regard to the

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<sup>36</sup>Attorney General, Lord Goldsmith, cited in BBC News, [http://news.bbc.co.uk/go/pr/fr/-1/hi/uk\\_politics/2857347.stm](http://news.bbc.co.uk/go/pr/fr/-1/hi/uk_politics/2857347.stm).

<sup>37</sup>Singh, *op. cit.*, p. 24.

<sup>38</sup>United Nations Security Council Resolution 1154.

application of force [by individual states] has been excluded; that would not be acceptable for the majority of the Council's members."<sup>39</sup>

**War Without A New Resolution:** The U.S. and U.K. then advanced the argument that a resolution passed by a majority of nine Council members would be sufficient to overcome a veto by one or more permanent members. This out rightly contradicted 50 years of UN procedure, as well as consistent U.S. practice. Since 1986, the U.S. has used the veto far more frequently than all other permanent members combined. Removing or modifying the veto privilege of permanent members has long been a central demand of UN democratic reformers. But until such changes are agreed, the veto can be circumvented legally only through a Uniting for Peace resolution by the General Assembly.<sup>40</sup>

**War With a New Resolution:** In case the Security Council would have approved a new resolution on Iraq, it would have been necessary to assess whether the resolution actually authorized force. The Security Council has wide latitude to determine and respond to a threat to the peace. But the Council is not a law unto itself, and its scope of action is not unlimited. As the International Court of Justice has observed, "one only has to state the proposition thus – that a Security Council resolution may even require participation in genocide - for its unacceptability to be apparent."<sup>41</sup>

U.S. policy towards Iraq has posed a direct challenge to the central purpose of the United Nations, in particular the Charter's

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<sup>39</sup>N. Blokker, "Is the Authorisation Authorised? Powers and Practice of the UN Security Council to Authorise the Use of Force by Coalitions of the Able and Willing," 11 EJIL 541 (2000).

<sup>40</sup>"Report of The Panel on United Nations Peace Operations," August 2000, also known as the *Brahimi Report*, named after the Panel chair, UN Under-Secretary-General Lakhdar Brahimi, offered an in-depth critique of the conduct of UN operations and made specific recommendations for change. & "Renewing the United Nations System – A Summary," A review of *Renewing the United Nations System* by Erskine Childers and Brian Urquhart, Dag Hammarskjold Foundation, Uppsala, Sweden, 1994, p. 213.

<sup>41</sup>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)*), 1993 I.C.J. 325, 440 (Sep. *Op. Lauterpacht*).

prohibition on the use of preventive force. Poised at the brink of war, a divided Security Council failed to hold to the common ground of international law. While Prime Minister Blair hesitated to pursue open defiance of the UN and sought legal justification for war, the Bush Administration publicly insisted that the U.S. would invade Iraq and pursue "regime change" under any and all circumstances, including opposition in the Council. As President Bush declared, "we really don't need anybody's permission."<sup>42</sup>

The US led war on Iraq circumventing the UN's role carried several consequences, to begin with this is an unlawful war chosen over the rule of international law, for which vulnerable Iraqi civilians are paying a high price, and the world has become a far more dangerous place. Secondly, a successful UN weapons inspections process was rejected in favor of disarmament through war. The Security Council's collective responsibility for maintaining international peace and security has to a larger extent been dismantled - opening the door to the unilateral use of force by states and non-state actors alike. International laws for promoting peace and human rights would be abandoned - without putting into place a more effective framework to bind together a world already driven by conflicts.

The UN has been at the centre of debate for being unable to prevent the attack on Iraq by the US and its allies. However, it can be said that if the UN could not prevent the war, it did not endorse it either. Eventually, despite the worldwide opposition to an invasion of Iraq, the US and UK went ahead with the attack, bypassing the UN. Such a development, to a large extent, undermined the credibility of the UN as a guarantor of world peace.

There was an overwhelming unanimity among the international community who believed that such an attack would be a blatant violation of the territorial integrity of the member state of the UN. In this regard there were widespread demonstration of people and governments around the world to oppose the attack on Iraq and thereby strengthen the UN in taking steps in preventing it. It should be mentioned that although the international community sought to

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<sup>42</sup>"U.S. Says UN Could Repeat Errors of 90's," *New York Times*, p. A1 (March 11, 2003).

resolve the crisis through the UN, it was incapacitated by the weakness and failure of the UN in doing so. One organ, which the international community relies on to ensure peace and cohesion, is the United Nations. But the event of March 20, 2003, the US invasion of Iraq without the approval of the United Nations has encouraged the international community to question the effectiveness of the world body. The world wonders if it should continue to have faith in the power vested in the UN. Divergent views from the international community, which greeted the US invasion of Iraq, also indicate lack of cohesion in the United Nations, and differences in the views of nationalities and their leaders. Such views however are instructive in understanding the role of the international community in the US-Iraq impasse.

Worldwide opinion polls on whether the war should be pursued before the UN issues a resolution or not, were conducted. Public opinions from various parts of Europe indicate that the region, not its leadership, was against a war in Iraq without a UN resolution. The positions of various governments around the world on the Iraqi issue are worth noting. Initially, the US and the UK sought compliance by Iraq under the UNSCR 1441. However, after the UN inspectors failed to find any trace of WMDs, the US and the UK wanted to move a second resolution and thereby authorize the use of force to disarm Iraq. Countries like France, Germany and Russia strongly opposed such resolution and favored the extension of the inspection period<sup>43</sup>. Russia was in a very defiant mood to derail any US move to get a second resolution through<sup>44</sup>. The resolve of France; Germany and Russia to block a second resolution proposed by the US could perhaps be considered as the only silver lining in the black clouds hovering over Iraq.

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<sup>43</sup>"France Opposed to Second UN Resolution," at <http://archives.tcm.ie/breakingnews/2003/02/24/story89370.asp>. Also see 'Bush Opens Push for a Second UN Resolution' at <http://www.cnn.com/2003/WORLD/meast/02/22/sprj.irq.iraq.wrap/>

<sup>44</sup>"Defiant Russia May Use Veto," at <http://www.cnn.com/2003/world/europe/03/04/sprj.irq.russia.veto/>

### Conclusion

In the background of the above arguments, it can be said that since violent conflict does not seem to be doing any good neither to the occupation forces nor the Iraqi insurgent groups, ending of the violent conflict becomes the prerequisite for any peace process to take off. The current phase of conflict has to make way for a negotiated solution in Iraq. Unless the on going violent conflicts end, it will be very difficult to initiate any peace process. For any peace process it is necessary to have an enabling political climate wherein the parties could negotiate without any fear. It is pertinent that all the concerned parties are brought to the table for negotiating the nature of political system, constitution, economic and security reconstruction and civil administrative set-up of Iraq. The problem at the moment however is that the civil society is totally absent in Iraq and the voices of the people of Iraq is being represented by various resistance groups who are fighting tooth and nail against the occupation forces. These groups appear to be in no mood to come to the table. What is more worrisome is that on one hand we have both the Shias and Sunnis opposing the presence of the Occupation forces in Iraq, on the other, they are also engaged in fighting against each other. The social fabric of Iraq is completely torn and does not speak very well for the future peace.

In the post war Iraq there are various short, medium and long term challenges which need to be addressed—security, humanitarian assistance, creating a civil administration, political transition, and economic reforms. The US and its allies need to get control of the present situation and start conveying to the resistance groups their willingness to bring a negotiated solution to the crisis. This however, remains a big challenge. Once the violence in Iraq ends it is imperative to enable negotiations at the earliest to for the political, social and economic reconstruction of Iraq to take place. This would also require from the parties in the conflict to 'develop a commitment' and 'show the will' to reach peace through negotiations. It is important that the concerns of people of different sects in Iraq such as Shia, Sunni and Kurds, among others be addressed; else peace would remain elusive in the country.

If the presence of the US and its partners continues to provoke the different groups in Iraq, then it would be advisable to explore other modes of resolution, such as the involvement of the UN in a resolution process in which the US and its allies have minimum say. Too much of interference in the UN mode of resolution by the US will undermine the credibility and capability of the former, and further block this vital avenue of conflict resolution. There is a need to deal decisively with the retributive violence and political power struggles that have become very intense and violent in the past few months. A functioning civil administration has to be rapidly reconstituted based on the current administrative set up, once it is given an injection of external financial and technical aid. The UN, the US and the NGOs will have to devote considerable efforts to humanitarian assistance. The economic reforms to resuscitate the oil industry to boost export revenues should be given priority.

All these issues are the medium term challenges that Iraq faces. Wide scale conflict could be controlled if the US promotes a political agreement in consultation with major armed groups in Iraq. There is a likelihood that the neighbors of Iraq such as Turkey and Iran would do their best to see that their interests are not ignored completely. The problem is that the Iraq lacks the experience in resolving the political differences through consultation and in a democratic manner. The protagonists vying for their share in Iraq would resort to violence if they were marginalized. Therefore, it is extremely important that the Iraqi police, military, and security services be given charge of the law and order and US and its allies go behind the scene. This is a tough task. It is being said that although the US wants the Iraqi forces to take charge, yet it still wants to have total control of their workings and operations. Building a stable and lasting civil administration in the medium term will require a substantial overhauling of personal systems, which includes the senior members of the Baath Party of Saddam and some of the expatriate returnees. The challenge is that in the long term the Iraqi administration should be made functional without much of opposition from various interests groups in Iraq. Here participation and consensus is the key. There is also a need to introduce substantial reforms in key sectors such as education and health care.

In the long-term interest of Iraq it is essential to build a political system based on pluralist electoral process with bottom up

devolution of power and representation. It however, still remains to be seen if the democratic system will be able to serve the interests of Iraq, a country that has evolved over the decades under the shadow of a totalitarian regime. Power sharing, discussion, consensus, devolution of power etc. are new concepts for Iraq. However, this appears the only plausible way out. It is very important that a right balance is struck between democratic legitimacy and accommodation of current centres of power. It will require balancing communitarian politics and identity with a commonly acknowledged national identity. It remains a challenge to determine the polity's constitutional edifice, which addresses the interests and concerns of the majority of the Iraqi population.