

IPRI PAPER 8

PUBLISHED BY ASIA PRINTERS ISLAMABAD, OCTOBER 2004

ISBN 969-8721-09-6

AN EVALUATION OF PRE-EMPTION IN IRAQ

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Pre-emption and 'Just War'

Pre-emption has become a feature of the United States' military strategy as a response to anarchic and radical forms of violence by states as well as non-state actors. Pre-emption as implied by the United States (US) is a strategy to prevent an attack from the adversaries, which is quite likely to happen. This idea is the basis of a 'Just War', which can be termed as a war that cannot be avoided and hence must be waged to prevent the costs of procrastination. The basic legitimacy presented by the United States for launching pre-emptive war in Iraq was that the threat of Weapons of Mass Destruction (WMDs) from Iraq was real; hence the cause to attack was just. In this perspective, pre-emption by United States can be studied within the wider concept of 'Just War'. The advocates of 'Just War', while extenuating the concept, aspire to build a set of morally acceptable goals for the conduct of war, as well as some limitations on war as an instrument of policy.¹ A war is considered to be just if it satisfies two principles; *jus ad bellum*, which refers to the decision to participate in a war and *jus in bello*, referring to the rules of morality that govern the way any war may be conducted.² The first principle requires a just cause, legitimate authority, just intentions, public declaration and proportionality. Proportionality is the amount of force to be used in comparison to the threat perceived. It is one of the most vital features of *jus ad bellum* in just war, so there is a need to evaluate the amount of force used by the US. The logic of just war implies that there are more chances of good results rather than bad after the war. The second principle explains the values at the time of the actual conduct of war, like the immunity for the non-combatants and the amount and types of forces used in accordance with the military might of the

¹ William V. O' Brien, *The Conduct of Just and Limited War* (New York: Praeger Press, 1981), p.3.

² Martin Griffith and Terry O' Callaghan, *International Relations: Key Concepts* (London: Routledge, 2002), pp.172-173.

adversary.³ Pre-emptive war essentially implies a conduct of aggression in face of an unconcealed and imminent threat based on clear and verifiable information. The resolve to pre-empt is further strengthened if the pre-empting party is convinced that deterrence, as a strategy, cannot deliver in this specific case.

The just war tradition began with the efforts of St. Augustine to justify Christian participation in the Roman wars. St. Thomas Aquinas developed the scholastic 'Just War' doctrine from it.⁴ The just war doctrine originally ascended from the *jus naturale* - natural law of international relations. The basic theological and philosophical concepts acted as the foundations for the deductions to be made regarding the conditions of belligerency and the decision to lead human lives in to war. The association of theological and philosophical concepts to the conduct of war implied not only the fact that a conflict of interests is natural to human beings but also emphasises the need for following certain codes of behaviour while conducting hostilities. The decision to initiate a war where human lives will be lost, needs to be based on cause high enough to sacrifice human lives, this is the reason why theological aspect had been included while contemplating upon the idea of just war. Carl Von Clausewitz has classified war as a clash between major interests, that is resolved by bloodshed and this is the only way it differs from other conflicts.⁵ Since the concept of just war permits the use of force as a means to root out a threat to peace, it strives to base the theme on the grounds of morality. While pondering over the idea of just war, the concern of the philosophers was not only what men did in war but also what they ought to do and refrain from doing, based on natural-law reasoning.⁶

The study of pre-emption and rules of war in modern times needs to be conducted in accordance with the Geneva Convention, August 1949, because international law has developed since the periods when the concept of war was studied under the Christian theology. The basic debate in the present situation is between the traditional notion of sovereignty and the adaptation required by modern technology in the nature of terrorist threat. The traditional concept of the sovereignty of a nation state, which has been the foundation of the international system since the Treaty of Westphalia 1648, emphasises that foreign policy was a matter for states conceived as legally equal and obliged not to intervene in the domestic affairs of each other. This concept has experienced a complete shift since September 11, 2001 attacks. Private, non-state organisations capable of threatening national and international security have made it essential to rethink the traditional relation between sovereignty and self-

³ Ibid.

⁴ William V. O' Brien, Op. cit., p.4.

⁵ Michael Howard, *The Causes of Wars: And Other Essays* (Cambridge, Massachusetts: Harvard University Press), p.11.

⁶ Ibid., p.4-5.

defence. Modern technology in the service of terrorists gives no warning and its perpetrators vanish with the act of commission. Similarly the traditional concept of sovereignty has gone through a negative change on another front; when the terrorists violate the sovereignty of states like Afghanistan, where they set up their illegal bases. In view of strategic thinkers like Henry A. Kissinger, basing on these arguments; pre-emption is inseparable from the war against terrorism.⁷ He further goes on to say that the issues of general pre-emption against terrorism merges with the issue of Iraq, because of the long-term problem faced by the international community is the problem of proliferation of WMDs, especially in states with no internal checks on their rulers' decisions. To prevent the world from a doomsday scenario the spread of WMDs must be prevented. Moreover, the Cold War principles do not apply when there is a multiplicity of states, some of them harbouring terrorists armed with WMDs. However the objectives for which pre-emption is implemented require careful thought and national and international dialogue.⁸

In the contemporary study of pre-emptive war, strategists in the US argue that international law recognises the right of self-defence and acknowledges that exercising this right of self-defence does not require absorbing the first blow. Nations need not suffer an attack first before they can take lawful military action against forces that present a clear danger of attack.⁹ Pre-emption is also associated with the concept of conflict prevention, where it is widely advocated that it is better to prevent a conflict through pre-emption than to manage the consequences of a lingering crisis.¹⁰ The argument in favour of the use of force is based on the perception that although non-violent and coercive means can be applied and exhausted before the actual use of force, yet the circumstances do not always permit a delay in forceful action. The principle of using force as a last resort, after diplomatic means have failed, also implies the recognition of the fact that non-violent means can fail at some point in time. Having foreseen such an eventuality, waiting too long may mean waiting until military options are no longer effective at acceptable costs.¹¹

The grand strategy of the US has experienced fundamental changes, especially in the past decade. Pre-emption as a strategy has evolved as a result of a recent shift in the thinking of strategists and analysts. The Cold War model of strategy, followed by a presumably uni-polar world, the emerging challenges to security that were not perceived during the Cold War and the most recent

⁷ Henry A. Kissinger, "Iraq: US must consult allies," *LA Times*, reprinted in daily *Dawn* Islamabad, September 12, 2002.

⁸ *Ibid.*,

⁹ Walter B. Slocombe, "Force, Pre-emption and Legitimacy," *Survival*, Vol.45, No.1, Spring 2003, p.124.

¹⁰ Adam Roberts, "Law and the Use of Force After Iraq," *Survival*, Vol.45, No.2, Summer 2003, p.45.

¹¹ Slocombe, *Op. cit.*, p.118.

motivation of having inherited the 'White Man's Burden' of performing a divine duty; are some of the factors leading to the shift in US strategy to a more proactive one. These motivations will be dealt-with in coming sections of this study. Modern US strategists have also influenced the thinking of the current ruling politicians into justifying pre-emption, and believing it to be the only viable solution in response to national security threats. The guarantee of peace through pre-emption remains open to question since wars can have uncertain outcomes. There are very few examples of an ethically and morally conducted just war in the recent past and even fewer possibilities in the future because of a lack of evidence that the statesmen and commanders have taken their prescriptions seriously, and in many cases they have been hypocritical about the principles and grounds for such a war.¹²

The Rationale

In Iraq's case there is a need to evaluate the threat from Iraq that eventually became the political and moral basis for a pre-emptive strike. The legal ground for pre-emption remains debatable. Iraq had been pursuing a Weapons of Mass Destruction program but the extent of it being a threat to the US or the possibility of the transfer of WMD to some rogue entities had not been established. However, the claims made by the US, of the presence WMD in Iraq, and the findings in the United Nations (UN) inspector's report about the Iraqi WMD, were not similar. While conducting this study, the rationale of pre-emption will be an appraisal of the reality and imminence of the perceived threats to US national security and the justification to eliminate those threats. In addition to evaluating the rationale of pre-emption it is vital to try to fathom the underlying priorities, motivations and aspirations behind a shift in the modern grand strategy from the previous strategies. Furthermore, there is a need to explore the causes leading to a shift in the US grand strategy from prevention to pre-emption. There could have been other pragmatic and less violent policies of collective, global and multi-pronged approaches to address the underlying causes of terrorism and confront this faceless threat. The strategic trends, especially during the 1990s will also be studied, to relate how far they contributed in the adoption of pre-emption as the US strategy.

The evaluation of pre-emption in Iraq will not only include an appraisal of the legal grounds, justifications, validations and motivations behind the pre-emptive strike, but also necessitate an inquiry into the basic facts and circumstances of the situation whereby the US deemed it necessary to attack Iraq. Military strategists and philosophers like Carl Von Clausewitz consider war as a means of pursuing grand strategy and national policy. It has been established in modern strategy that war, whether pre-emptive or defensive, is

¹² William V. O' Brien, *Op. cit.*, p.38.

organised violence carried out by political units against each other.¹³ Since the use of force through an organised military also requires certain principles to be followed during the conflict¹⁴, it will be studied whether the rules of war prescribed in the Geneva Convention were followed. Moreover, the belligerent parties must be aware of a cause or an irritant liable to lead to war.¹⁵ The absence of such a cause as a reason justifiable enough to engage in war can make the conflict one-sided, hence changing the concept from war as organised violence between states to unilateral aggression by one of the parties. In the pattern that a conflict follows, there are certain levels of belligerency. The levels of belligerency at the critical stages before war include some developments, which are termed as measures 'short of war'.¹⁶ These measures signify the gradual worsening of the situation ultimately leading to an armed conflict. However, all wars do not essentially lead to a well-contemplated invasion of the defeated country by the victorious country. Hence there is a need to differentiate 'war between two countries' from 'invasion of a defeated country', while studying the US-Iraq 2002-3 conflict.

While studying pre-emptive war, there is a need to evaluate the imminence of the threat posed by the adversary to make pre-emption legitimate. In the case of Iraq the imminent threat as claimed by the US was the use of WMD by Iraq or their transfer to rogue states or actors.¹⁷ There is also a need to evaluate the credibility of the intelligence and surveillance organisations and United Nations (UN) inspectors' reports about the capability and credibility of the weapons in Iraq. The dossier presented by the UK's government about

¹³ Cathal J. Nolan, *The Greenwood Encyclopaedia of International Relations*, Vol. IV, S-Z, (London: Greenwood Publishing, 2002), p.1802.

¹⁴ See Martin Griffith and Terry O' Callaghan, *International Relations: Key concepts*, Op. cit., p.320. See also Quincy Wright, *A Study of War* (Second Edition) (Chicago: The University of Chicago Press, 1965), pp.8-20.

¹⁵ Michael Howard, Op. cit., pp.7-22.

¹⁶ 'Measures short of war' include breaking diplomatic ties, retortion, reprisal, embargo, and blockade. In the conflict with Iraq US employed such measures before invading and occupying Iraq. For significance of 'measures short of war', see Jack C.Plano and Roy Olton, *International Relations Dictionary* (California: Longman Publishers, 1988), p.191.

¹⁷ US President George W. Bush Jr. delivered a speech at the Cincinnati Museum Centre on October 7, 2002, outlining the case for possible military action against Iraq. Bush stressed that the threat from Iraq stands alone because it gathers the most serious dangers - a tyrant with a history of aggression and weapons of mass destruction (WMD) - in one place. He used many of the same arguments posed during his speech to the United Nations on Sept. 12, 2002, notably citing new evidence to link Al Qaeda with the Iraqi regime, and satellite photographs proving that Iraq is rebuilding nuclear, biological and chemical (NBC) production facilities anew. See *Military action in Iraq since 1990-2003*, report compiled by Colin Robinson, Research Analyst, Center for Defense Information (CDI), URL: <http://www.cdi.org/terrorism/iraqaction.cfm>.

Iraq's military arsenal claimed that Iraq had the capability to launch WMD capable missiles in a span of 30-45 minutes. This dossier sparked a controversy because the ground facts and the report of the UN inspectors were contrary to the threat presented in the dossier. The threat posed by Iraq's missiles to the US or the UK remained unproven even after the invasion. There is a need to understand the lethality of Iraq's WMD capable missiles. This can be evaluated by studying their accuracy, reliability, payload of the missile war heads,¹⁸ technical capability of associated missile systems, launching mechanism and the preparation and readiness of missiles using varying types of propellant fuel.

Deterrence has been a successful strategy since the Cold War so it is also necessary to appraise whether all the amicable and non-violent efforts to deter Iraq had been exhausted. In addition to these features, there existed a divergence of perceptions with regards to this conflict. There is a need to analyse how the two main protagonists, the US-UK coalition and the Iraqi regime, viewed this conflict. There is a need also to analyse how the world opinion was gradually formulated on this issue, in view of the developments prior to the conflict. There is also a need to bring about Iraq's perspective towards the conflict in order to explore both the sides of the story. Although the Iraqi regime had committed innumerable misdemeanours like the invasion of neighbour's territory, the human rights violations of its own population, killing of innocent civilians at Hallabja in 1988, defiance of the UN resolutions on nuclear non-proliferation etc., yet during this particular crisis of 2002-3, Iraq had complied with the UN resolutions and had cooperated with the UN inspectors in the formulation of their report. Saddam's regime should have been held accountable for its misdeeds but legally this task should have been accomplished after the approval of the United Nations through a general consensus and popular support.

The other significant occurrences during this conflict were the world wide mass demonstrations, and some 500 pro-peace events in the US itself, calling President Bush's decision to go to war, as malfeasance,¹⁹ and asking for this war to be prevented and outlawed. This implied a worldwide abhorrence towards the war. Pre-emption and just war require the unflinching support of allies in war, if not of the whole world community. In the most idealistic sense pre-emption requires that the promoters of war must present evidence that the adversary is irrational, unreasonable or at least incapable of making sound decisions under the circumstances. These evidences provide the bases of gaining

¹⁸ Dr. Helen Caldicott, *Missile Envy: Arms Race And Nuclear War* (New York: Bantam Books, 1986), pp.80-82.

¹⁹ "US students protest against war" March 5, 2003. Story from BBC News:URL: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/americas/2824145.stm> & "Demonstrations for peace increase across the country and world," Peace Action & Peace Action Education Fund, D.C, March 20, 2003, URL: <http://www.peace-action.org/pub/releases/re1032003.html>

general support for the pre-emptive action. The case of US-Iraq conflict of 2002-3, the case was found weak on both these counts. Irrationality of the Iraqi regime could not be established and the support of staunch allies of the past like France and Germany was lacking. The confidence and support of allies is one of the basic evidences of their faith in the success of the expedition and the chances of a comprehensive pre-emptive action.

In a wider perspective, pre-emption can be studied under a common set of questions falling under three categories.²⁰ The first category is the character of the threat precipitating the decision to use force. This requires the evaluation of the imminence of threat and the assessment of this threat to be based on sound intelligence. The possibility of that adversary might be persuaded or deterred from acquiring or using the WMD capability also needs to be explored. The second category relates to the politico-military context. The feasibility of the mission and the use of non-military alternatives are to be contemplated. It must be decided whether the non-proliferation issue is linked to another issue or embedded in a broader policy context. It is also considered whether the proposed action has multilateral support or will be undertaken unilaterally. The third category is the assessed consequences of the use or non-use of force. The chances of the present conflict escalating into a broader conflict are foreseen. The possibility of collateral damage, either to the environment or civilians, as a result of the conflict is considered. The costs of inaction are also considered.²¹

The basic presumption of this study is that there was no imminent and catastrophic threat, no approved legal basis, no verifiable information, no popular support and no approval by the United Nations. Hence, Iraq was not a case for pre-emption. This will be the basic hypothesis of this discourse and facts would be analysed in the conceptual framework of legal, political and moral grounds to affirm or reject this hypothesis. Rationale has to be evaluated in terms of cost-gain calculus, which will require a study of Iraq after the attack. Pre-emptive war is justified on the basis of a logical calculus, that the gains of peace and wider security to be achieved in the aftermath of this war are expected to be much more than the cost that might be paid by prolonging the conflict and seeking an amicable solution to it. While comprehending the rationale in this case it would be indispensable to evaluate how far the political stability has been achieved in Iraq. In addition an effort will be made to evaluate the feasibility and sustainability of pre-emption as a long-term policy.

²⁰ Robert S. Litwak, "The New Calculus of Pre-emption," *Survival*, Vol.44, No.4, Winter 2002-3, p.60.

²¹ *Ibid.*, pp.60-61.

The US Grand Strategy

Pre-emptive strikes as a part of strategy can be found throughout military history. The declaration of pre-emption as a US strategy came when it was embodied in the United States National Security Strategy (NSS) that, “We will not hesitate to act alone, if necessary, to exercise our right of self-defence by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country.”²² In the first instance this declaration seems to be a shift from the previous military strategies, especially those prevalent during Cold War. The statement in the NSS is of great significance to understand the US reaction after an attack on the US or its interests. Such attacks like the September 11 are rare in the US history. The only analogies that can be drawn are the British burning of the White House and Capitol in 1814 and the Japanese attack on Pearl Harbour in 1941. Such attacks have one thing in common: they prepare the way for new grand strategies showing that the old strategies have failed.²³ The NSS there fore, was likely to present a shift from the Cold War, and post-Cold War strategic thinking.

In the Cold War model of strategy, deterrence and containment were used to counter the tactics of the adversary. The rules of the game were somewhat agreed upon. Pre-emption seems to have superseded the previous strategy because the current adversaries of the US are extremely different in their form and unpredictable in their approach. The difference between the two strategies is a shift from defensive prevention to aggressive pre-emption. The use of forces for defensive strategy has been legitimised throughout the history of warfare. Nevertheless, the use of force as an offensive strategy in pursuance of a policy of defence against an imminent attack; is where the concept of pre-emption comes into play. Inherent within the concept of self-defence is the question of time and circumstances, wherein a country attains a right of an offensive or pre-emptive strategy to guarantee the objectives of its self-defence.²⁴ Prevention refers to a repertoire of strategies to forestall the acquisition of WMD. Pre-emption pertains to military action when actual WMD use by an adversary is imminent²⁵, but in the US interpretation, the mere suspicion can be considered as a reason to attack. Such a shift in modern strategy is liable to bring about changes in the application and relevance of the previous strategies with a concern that some of the previous strategies might recede into oblivion.

²² White House, ‘The National Security Strategy of the United States of America’, September 17, 2002, p.6. URL: <http://www.whitehouse.gov/nsc/nss.html>,

²³ John Lewis Gaddis, “A Grand Strategy of Transformation,” *Foreign Policy*, November/December 2002, Issue no.133, p.50.

²⁴ Walter B. Slocombe, *Op. cit.*, p.123.

²⁵ Robert S. Litwak, “The New Calculus of Pre-emption,” *Op. cit.*, p.54.

As far as the question of the previous deterrence and containment strategies becoming obsolete is concerned, the Bush administration insists that pre-emption has not been adopted to take over the previous strategies; instead, it is a new tool to promote US interests.²⁶ Interest is a meaningful term here. It can also imply the use of pre-emption for economic interests. Yet if promotion of interests implies security against threats posed by terrorists, this justification could be considered, but it still sets certain precedents that can only undermine international organisations and international law, and push the world towards anarchy. Realistically, pre-emption requires hegemony for its effective implementation. This is owing to the overall arms proliferation throughout the world and the devastating nature of modern day conflict. This could be one of the reasons that the US plans to keep military strengths beyond challenge.²⁷ This makes pre-emption a strategy of the imperious rather than the weak, as it was considered in the past, since the weaker parties did not have the potential to retaliate after absorbing a first attack. The trend set by pre-emption is likely to have a profound effect on the previous strategies of deterrence, crisis management and coercion, because these strategies were based primarily on the threat of force, not the actual use of force. In future, the adversaries would be compelled to make strategic calculations in view of a possible policy of pre-emption, bringing about some changes in the tactics of crisis bargaining.

Causes of Pre-emption

The shift in the US strategy from prevention to pre-emption is a result of a change in objectives and premises throughout the 1990s. The basic idea is to be more assertive in global politics. There were many factors responsible for providing motivations to US strategy in the 1990s but only those that are relevant to this study are discussed here. The premises and objectives during the 1990s varied from economic ascendancy and technical superiority to planning for the new challenges emerging from the developing countries.²⁸ The need to change according to the evolving economic structures worldwide was a result of the emerging economic blocs in Europe and the rise of economic powers like China. As a result the US felt a need to utilise and control the immense natural resources of Central Asia. The US policy makers also felt a need to gain ascendancy in science and technology along with economic, social and political integration with Western Europe. Owing to the rise in the latest cyber technologies and chances of global integration through the use of satellite

²⁶ Ibid., p.59.

²⁷ John Lewis Gaddis, Op. cit., pp.51-52.

²⁸ S.J.Dietzman, *Beyond the Than: A New National Strategy* (Oxford: West View press, 1991), pp.92-93.

technologies, it became vital for the US based firms to have a substantial share in all the innovative technologies.²⁹

The need for maintaining an economic primacy in the world was also given due importance in US strategy during the 1990s. The development of heavily dependent economic relations among the US, the European Commission (EC), East Asia especially, Japan, and India were also planned.³⁰ There had been a realisation for the need to preserve the natural resources of the world. Moreover a term “sleeper” was used as a connotation for the political instability and disturbance arising as a result of a latent threat.³¹ This latent threat of instability had been foreseen to arise as a result of underdeveloped and developing nations striving for their share in resources possessed by the developed nations. The developed nations had been conscious of the need to preserve these resources and preserving the environment by refraining from exogenous development. Thus it seems that the US had this aspiration of not only maintaining control over the major energy resources of the world but also preventing the developing countries from laying any claim to them.

In December 1993, Secretary of Defence Les Aspin enunciated the ‘Defence Counterproliferation Initiative’ (DCI) as a response to the new threats of the post-Cold War era.³² Its declared objectives ranged from deterring countries from acquiring and using WMD, protecting the US forces and allies from possible WMD use if deterrence failed, to defeating an adversary armed with WMD.³³ The debate that arose in the US after the introduction of DCI revolved around the need for an analytical and policy distinction between non-proliferation and counter-proliferation. Internationally, the DCI was widely interpreted as arguing possible unilateral and pre-emptive US military Strikes against suspected targets producing or housing WMD in the third world.³⁴ The threat of WMD strikes upon US interests had been considered throughout the 1990s, and the probable prevention of such an attack was thought to be through an impregnable nuclear defence.

Another factor has been the concern; though the strategists have not vocally announced it. Continuing the quest to being assertive, there had been an idea of countering the challenge of Islam, which was seen as a contender for power, with aspirations of gaining regional dominance in the Muslim majority areas of the world. In the thesis of ‘Clash of Civilisations’, the author Samuel Huntington had promoted the idea that the future pattern of conflict would be

²⁹ Ibid.

³⁰ Dietchman, Op. cit., p.93.

³¹ Ibid.

³² Robert S. Litwak, Op. cit., p.55.

³³ Ibid.

³⁴ Ibid., p.56.

between civilisations.³⁵ While making divisions in the civilisations he contemplated the possibility of a unity among Islamic republics under the resurgent vision of splendour lost in the colonial era. This was to be a major concern for the West during the 1990s. The other concern for the West had been the Confucian civilisation; which in Huntington's view had maintained and preserved its values and had been resisting the trends of Westernisation. China achieving world power status would be a major threat to the primacy of the West, implying the US. The convergence of interests of these two civilisations was perceived to be a threat to the US.³⁶ The rationalisation of a threat from Islam through such theories had been one of the motivations for the development of anti-Islamic bias in the US. Huntington went on to suggest that the West must exploit differences and conflicts among Confucian and Islamic states.³⁷ Though the thesis of divisions of civilisation also presented a concept of tolerance towards other civilisations and an effort to interact with them, the lessons learnt by the US were not all encompassing. Confrontation and aloofness seemed to be the policy towards the Islamic states and the need to engage with them was not given importance. The perceptual lens through which Islamic world was viewed presented the image of an adversary.

The new grand strategy of the United States is compared to the colonialism and imperialism of the past and is termed as a 'neoimperial grand strategy'.³⁸ This new strategy shows seven significant features. Firstly, it calls for the maintenance of a unipolar world, with no major alliance without the US being its member. One of the motivations for this trend can be the collapse of the Soviet Union and the need for the US to ensure that no such power emerges again to challenge its newly acquired dominance. This can be observed by considering the US role in World Trade Organisation (WTO) and North Atlantic Free Trade Area (NAFTA) as well as bilateral agreements with countries in Europe and East Asia. The unipolarity can be maintained if all the big powers are allied under the umbrella of one greater power.

Secondly, it calls for a unique type of explanation for using offensive force against a faceless and yet-to-be-named enemy and the probable threat posed by it, termed as 'unknowns'.³⁹ The term unknowns refers to the collective threats from the radical groups known to the US and those terrorists not yet known; and the extent and lethality of their terrorist designs not yet imagined

³⁵ Samuel P. Huntington, "The Clash of Civilisations?," *Foreign Affairs*, Summer 1993, Vol.72, No.3,
URL:http://www.foreignaffairs.org/.../document_briefings.asp?nb=0&I=19930601FAEssay5188.xm

³⁶ Ibid.

³⁷ Ibid.

³⁸ G. John Ikenberry, America's Imperial Ambitions," *Foreign Affairs*, September/October 2002, Vol. 81, No.5, p.45.

³⁹ Ibid., p.50.

and contemplated by the US. The logic behind such an assertive strategy is that the US cannot wait for a threat to emerge from a quarter that it feels is likely to cause a concern in future. The basic premise for this thinking is the threat posed to the US after the rise of movements like the Taliban in Afghanistan. Afghanistan was ignored by the US after the fall of the Soviet Union and it was the lack of political stability and the lack of US influence and intelligence in Afghanistan, which resulted in the rise of a movement that was not foreseen by the US.

Thirdly, the new strategy maintains that the Cold War concept of deterrence is outdated. There is a new classification of ‘undeterrables’⁴⁰, who are irrational adversaries and thus diplomatic options are useless against them. Secretary of Defence William Perry referred to undeterrable rogue states in April 1996, suggesting that countries like North Korea, Iran and Iraq are potentially prone to irrational behaviour and reliance on deterrence and diplomacy may therefore prove futile.⁴¹ Previously the Clinton administration used the ‘rogue state’ designation to mobilise political support for hard line policies, like trade embargo on Iraq. The revived ‘rogue’ rhetoric had been linked to the Bush administration’s efforts to mobilise political support for ballistic-missile defence. However, the term ‘rogue state’ has no standing in international relations and is quintessentially political. The application of this term has been selective, for instance Cuba, with no WMD has been branded a rogue state.

Fourthly, in the pursuance of this new strategy by the US the term sovereignty has gone through a process of recasting, owing to the declaration by the US of a state being undeterrable. Since the earlier presumption identifies terrorists and rouge states as undeterrable entities and countries, respectively, the US feels the need to be prepared to intervene anywhere, at any time to pre-emptively destroy the threat. The logic that the US presents is that the countries that harbour terrorists, either by consent or because they are unable to enforce their laws within their territory, effectively forfeit their rights of sovereignty.⁴² This cannot be termed as a just reason, since no country can be expected to enforce absolute rule of law. If all governments were accountable and capable of enforcing the rule of law within their sovereign territory it would have been very difficult for terrorists to operate and hence terrorism would cease to be a threat. There is a contradiction, owing to the fact that the terrorists involved in September 11, 2001 (9/11) terrorist attacks had been dwelling in the US itself. However, the new and provocative feature of this element is the Bush

⁴⁰ Robert S. Litwak, *Op. cit.*, p.56. Also see Mark Strauss, “A Rogue by Any Other Name: the Adjustable Language of Foreign Policy,” Carnegie Endowment for International Peace, URL: <http://www.ceip.org/files/publications/rogue.asp>

⁴¹ *Ibid.* pp.56-57.

⁴² G. John Ikenberry, *America’s Imperial Ambitions*,” *Op. cit.*, p.52.

administration's inclination to apply it on a global basis, leaving to the US the authority to determine when sovereign rights have been forfeited, and doing so on an anticipatory basis.⁴³

This has further led to a fifth trait and a tendency in the US grand strategy, which is the general depreciation of international rules, treaties and security partnerships. The belief that US sovereignty is politically sacred has led to a preference for isolation. The view after the 9/11 attacks is that the US should not withdraw from the world but that it should operate in the world on its own terms. Part of this view arises from the deeply felt and authentically held US belief that it should not get entangled in the corrupting and constraining world of multilateral rules and institution. The Bush administration's repudiation of an array of treaties and institutions like the Kyoto Protocol, International Criminal Court and the Biological Weapons convention are a reflection of this new bias.⁴⁴ The US policy makers consider that they are equipped to follow a unilateralist policy because of their economic and military might.

Sixthly, the US is inclined to play a direct and unconstrained role in dealing with the threats to its security. Scholars like Noam Chomsky maintain that US politics is a politics of accommodation that successfully excludes moral considerations.⁴⁵ Therefore it is quite proper that while demonstrating the superior acuity, the US gives priority only to the pragmatic considerations of cost and utility.⁴⁶ The current and unprecedented development is that the spheres of influence of the Cold War have changed from two spheres of respective power poles to a single sphere of the world left for the remaining major power, which is the US, to exert its influence. If the US in its perception, can be threatened by terrorists, or what it defines as 'rogue states' half a world away, then it seeks some right to intervene half a world away.⁴⁷ The motivation for playing a direct and unrestrained role while confronting the threats to security arises from the perception of regaining the international recognition of the US as an international hegemon, capable of rooting out any force that challenges its security. This can only be achieved if the military power and duress is invincible. Therefore it becomes necessary for the US to not only to use its military force effectively but also have a direct role to play in all the operations.

As a consequence of this unilateralist policy, there is another propensity in the US policy, which is the diminutive value it attaches to international

⁴³ Ibid., p.53.

⁴⁴ Ibid., pp.53-54.

⁴⁵ Noam Chomsky, *American Power and The New Mandarins* (New York: The New Press, 2002), p.10.

⁴⁶ Ibid.

⁴⁷ Adam Roberts, Op. cit., p.33.

stability.⁴⁸ There is an unsentimental view in the unilateralist camp that the traditions of the past must be shed. The policy makers are convinced that the US needs to move beyond outmoded Cold War thinking. The withdrawal from Anti-Ballistic Missile treaties is evidence of this trend. In the brave new world, the neoimperial thinkers contend that the old realist and liberalist grand strategies are not helpful. Similarly, it is a belief among the strategic thinkers in the US that the liberal strategies of building order around open trade and democratic institutions might have a long-term impact on terrorism but they do not address the immediacy of the threat.⁴⁹ The logic behind this thought is the reality and extent of the threats after the 9/11 attacks. The strengthening of rules and institutions of the international community seem like half measures in face of the apocalyptic nature of violence confronting the US. In such a situation the US policy makers believe that international rules, traditions of partnership and standards of legitimacy are secondary.⁵⁰

The newly elected Bush administration as early as March 2001, demonstrated its intentions to confront other big powers.⁵¹ The US locked its horns with Russia and China, expelling the Russian diplomats in March 2001. The expulsion of the Russian diplomats led to matching retaliatory steps by Moscow. In April the same year The US spy plane's collision at the Hainan Island with a Chinese jet caused tension between the two countries. This hawkish posture is seen also as a continuance of the need of being assertive. This trend had been a result of the influence of Bush's advisors from the Cold War days, like Paul Wolfowitz the current US Deputy Secretary of Defence and Richard Armitage the current Deputy Secretary of State and the powerful business lobbies. President Bush seemed to be convinced that an assertive and a hawkish stand is likely to be more productive for the achievement of the US interests.⁵² Security had been given the highest priority. Since security as an objective, had been guiding the US policy under the new administration, it became necessary to widen the parameters of security owing to the US belief of being the sole super power. By virtue of this status, the US believed that it had the right to carry out surveillance and intervention wherever its security interests demanded.⁵³ This was the main reason that the US and China had a confrontation over the US spy plane in Chinese territory.

The other indications of the hawkish and assertive declarations in the new grand strategy can be observed in the Presidential address at West Point on June 1, 2002 where defending peace by fighting terrorists and tyrants, preserving peace by building good relations with great powers and encouraging free and

⁴⁸G. John Ikenberry, "America's Imperial Ambitions," *Op. cit.*, p.55.

⁴⁹ *Ibid.* p.55.

⁵⁰ *Ibid.*

⁵¹ Tahir Mirza, "The American belief in its right of way," *Dawn*, April 5, 2001.

⁵² *Ibid.*

⁵³ *Ibid.*

open societies in every continent, became the guiding principles of the national strategy. Equating terrorists with tyrants had widened the parameters of manoeuvrability in the fight against terror. In comparison to his predecessor, Bill Clinton, who had professed similar objectives in a relatively more diplomatic language, Bush's declarations seemed more proactive and candid.⁵⁴ The hard line element of the 'radical nationalist right' seemed to have gradually found its place in the US administration. Historically, this hard line element had emerged as a result of the Cold War, and was shaped by the struggle and paranoia that it bred.

The Cold War led to the creation of governmental, economic and intellectual structures in the US which required for their survival a belief in the existence of powerful national enemies – not just terrorists, but enemy states, an image instinctively generated in their propaganda and analyses.⁵⁵ This orientation of the Cold War fostered and legitimised a very old discourse of nationalist hatred in the US, ostensibly directed against the Communists and their allies but usually with a strong colouring of ethnic chauvinism,⁵⁶ leading ultimately to an inherent unilateralist approach in US foreign policy, well concealed under a pattern of alliances. With the new Bush administration in place and the Cold War strategists back in the administration, the same Cold War trends seemed to have reemerged in the US grand strategy. The fact remains that the end of the Cold War has changed the international strategic dynamics. The policy of unilateralism is confronted with the emerging power blocs throughout the world with a quest for cooperation and co-existence amongst themselves, rather than the confrontation and power play at the international level to be inherited by adversaries at the regional level.

This unilateralist policy had come under extreme criticism because it omitted the very idea of a common civilisation of which the US itself is a part. Critics lament that while Bush talked of defending civilisation, his administration seemed almost uniformly to dismiss most of the civilities and practices that other nations would identify with a common civilisation.⁵⁷ President Bush by his actions seemed to believe in a unilateral civilisation, and his stunted vision failed to recognise that the US is now inextricably a well-knitted part of a global security system, the success of which depends on strengthening the international order.⁵⁸ In addition to such contradictions in policies, there had also been a relative indecisiveness on policy matters among

⁵⁴ Gaddis, *Op. cit.*, pp.51-52.

⁵⁵ Anatol Lieven, "The Push for War," Carnegie Endowment for International Peace, November 22, 2002. URL: <http://www.ceip.org/files/Publications/2002-10-22lieven-lrb.asp?from=pubdate>

⁵⁶ *Ibid.*

⁵⁷ Michael Hirsh, "Bush and the World," *Foreign Affairs*, Vol.81, No. 5, September/October 2002, *Op. cit.*, p.20.

⁵⁸ *Ibid.*, p.20-21.

the US strategists. The Bush administration faced indecision and vacillation between engagement and withdrawal, because on the one hand the Bush establishment wished to de-link itself from the Clintonesque 'doctrine of integration' yet it was confronted with certain unavoidable realities as a result of 9/11.⁵⁹ Another problem on this issue is the internal conflicts on policy issues between the members of the US administration. The president had been, and remained caught in the middle of, titanic fights between Secretary of State Colin Powell and his lonely band of moderate multilateralists, the Donald Rumsfeld-Dick Cheney axis of realist unilateralists, and the third group of influential neoconservatives led by Wolfowitz.⁶⁰ Although the policy and strategy may not have been clear and decisive, yet the US administration seemed determined to retaliate against the terrorist threats.

In the view of writers like Walter Slocombe, so far as the US striking at terrorists was concerned, the issue was not of pre-emption since terrorists have attacked the US much earlier than September 11, 2001.⁶¹ The embassy bombing of 1998 in Kenya and Tanzania, pointed towards groups like Al Qaeda. As far as Afghanistan was concerned striking Al Qaeda seemed logical, but in the recent conflict with Iraq trying to link Al Qaeda with Iraq without substantial proof seemed far-fetched.⁶² Walter Slocombe further goes on to say that the recent concept of pre-emption is limited to the issue of rogue states seeking to acquire WMD. Pre-emption is not a claim to use unilateral force whenever the US government judges its interests to be at stake.⁶³ If this is to be the standard then it becomes absolutely essential to establish the validity of the threat from WMD. Moreover it also implies the need for a discussion regarding the decision to use pre-emptive force, since a perception of threat to one's interests is liable to be subjective. Although the US had presented Al Qaeda as the main culprit behind the 9/11 attacks and logically Al Qaeda could be considered the main terrorist threat to the US, owing to the identity of the 9/11 hijackers, yet the reality on the ground remained that no credible proof of Al Qaeda's presence in Iraq had been found neither had any of its senior members been arrested from anywhere. In Iraq's case, if the justification for pre-emption had been the presence of WMD or Al Qaeda then it had to be substantiated with some credible evidence.

⁵⁹ Ibid, pp.25-26.

⁶⁰ Ibid., p.22.

⁶¹ Walter B. Slocombe, loc.cit., p.123.

⁶² "Iraq has contacts with Al Qaeda", quoted by CIA Director George Tenet. *The News*, Islamabad, Thursday, March 21, 2003.

⁶³ Walter B. Slocombe., p.124.

Motivations for Pre-emption

To relate the basis and grounds for pre-emption and the resolve for such an attack on Iraq, the basic motivations of the US need to be examined. These motivations have to be considered in view of the circumstances in Iraq and the Middle East. In the next step, once the motivations are studied, the significance of the war itself can be established in the perspective of the effect it had, and is liable to have on the US and Iraq as two different regimes, one considered to be democratic, the other authoritarian. The success or failure of this expedition can be evaluated when the motivation and grounds that became the basis in the first place are studied in juxtaposition.

In its National Security Strategy, the Bush Administration had equated terrorists with tyrants.⁶⁴ This signified the aspiration of promoting democracy throughout the world by removing tyrannical regimes. According to this criterion, Iraq seemed to be the first on the agenda. This idea is the continuation of the Wilsonian view that democracies settle their disputes by reason, not by war. The US must stand for democratic values if its foreign policy is to have long-term support among its people. The spread of democracy is US' ultimate mission and regime change its ultimate sanction.⁶⁵ The idea of imposing a regime change was contemplated in the Quadrennial Defence Review of 2001, where it was implied that the US and its coalition partners would impose their will and defeat any adversary in doing so; such a decisive defeat could include changing the regime of an adversary state or occupation of foreign territory until the US objectives are met.⁶⁶ The war in Iraq therefore can be considered as conflict for political objectives. The change in the Iraqi regime could not have been brought about internally, since a coup d'état was not possible. Iraqi Army would have required as many as four regiments for undertaking a coup, with the Baath party leaders and the ruling clan of Saddam having agreeing on this plan. The only workable and feasible option to accomplish regime change thus had to be the occupation and invasion of Iraq.⁶⁷ This gives validity to the idea that although removing 'tyrants' was on the agenda and the task seemed difficult yet the US had made strategic calculations before undertaking this invasion.

Therefore, the moral high ground for intervention and a regime change, as promoted by the US, had been the need for democratising the country after emancipating it from a tyrannical regime. While understanding this moral principle of the promotion of a value like democracy, the perceptual lens in this

⁶⁴ White House, 'The National Security Strategy of the United States of America,' September 2002, URL: <http://www.whitehouse.gov/nsc/nss.html>

⁶⁵ Henry A. Kissinger, "A realistic strategy," daily *Dawn*, Islamabad, April 19, 2004.

⁶⁶ Ehsan Ahrari, "Saddam's Samson option," *Asia Times online*, Thursday, February 21, 2003. URL: http://www.atimes.com/atimes/Middle_East/EB21Ak01.html

⁶⁷ Pepe Escobar, "What is the US *really* up against?," *Asia Times online*, February 21, 2003. on URL: http://www.atimes.com/atimes/Middle_East/EB21Ak04.html

analysis can be of the comparison of a democratic regime to an authoritarian regime. The consideration for the two different warring parties is the importance of justifying and winning the war, since the outcome of such a war is likely to have serious repercussions for both. According to the 'selection effect argument', democracies win wars because they start them only if they have a high probability of being victorious.⁶⁸ The reason for this caution is that democratic leaders must run for office, and voters will punish those who initiate unsuccessful wars. On the contrary, the populations of dictatorial regimes rarely hold the authoritarian leaders accountable and thus, the dictators can more easily weather a losing war.⁶⁹ Thus the success or failure of this war in Iraq would have domestic repercussions for the US if a democratic system cannot be established in the post war Iraq. It would have a direct bearing on the legitimacy of this war. The higher moral justification of the war in Iraq is based upon the idea of bringing about peace and justice in the world, which the US proclaims as its duty. On the flip side, before the conflict, the Iraqi regime did not confront a similar situation. Although, Saddam as a last-ditch-effort, tried to exploit the war hysteria of the US to motivate the Iraqi population in waging a war for a national cause.

There had been another motivation of reshaping for the map of the Middle East by the US, using the unprecedented power of intervention.⁷⁰ This task was to be accomplished by supporting the friendly states in the Middle East and changing the unfriendly regimes through dictatorial interference. This effort was to be under the guise of the slogan of promoting democracy in the region. The status quo in the Middle East had left politics stagnant, with no advancement in the resolution of the pressing problems like Palestine issue. The US considered that the Middle East region is plagued with repressive regimes. These regimes because of their faulty governance they have worsened their own domestic economic and political situation raising the number of unemployed youth. Such dejected youth are in turn, recruited and brainwashed by the organisations like Al Qaeda. The very fact that the US has good relations with Egypt, yet one of the 9/11 flight hijackers, Ata, was an Egyptian national, had been an evidence of this claim. The US felt that it is paramount to address this issue of the emergence of antagonistic societies in the Middle East where the populace is insistently opposed to the ruling leadership and its foreign alliances.

The democratisation of the Middle East had been believed to ensure peace and reconstruction in the Middle East and, presumably, pave the way for a long-term presence of the US in this region. It would be required for the US

⁶⁸ Michael C. Desch, "Democracy and Victory: Why regime Type Hardly Matters," *International Security*, Vol.27, No.2 (Fall 2002), p.25.

⁶⁹ Ibid.

⁷⁰ Philip H. Gordon, "Bush's Middle East Vision," *Survival*, Vol.44, No.4, Winter 2002-3, pp. 155-156.

to supervise the fledgling democratic process once it takes root in the Middle Eastern countries. Democracy in the Middle East is not an absolutely alien concept but the road map through which the US planned to achieve democracy had not been clear. Even the promoters of this idea of democratisation of the region had their doubts about its success owing to the fact that the Middle Eastern countries have never had free governance during the last century.⁷¹ A majority of the Middle Eastern countries have had colonial-imperialist masters and later on they were caught in the bi-polar alliance structure of the Cold War. These countries have domestically been ruled by some kind of aristocracy, monarchy or dictatorship; and to restructure their system of governance in a short span of time is an up hill task.

The transfer of WMD by the countries like Iraq to some terrorist entity had been another possible cause for concern for the US in the Middle East.⁷² Prevention of the WMD proliferation in the Middle East to prevent any threat to the US or its allies had been closely associated with the need for preserving the natural resources of Iraq. The US planned to begin its reformation of the Middle East starting from the de-weaponisation of Iraq, ultimately leading to the preservation of natural resources, although it seemed that the priority had been given to the natural resources. The resolution of lingering issues like the Arab-Israeli conflict was to follow after the agenda in Iraq had been successful. The policy objectives in view of these factors required the removal of Saddam as the leader of Iraq, to be followed by a series of political reforms and upgradation of the oil refineries.⁷³ The initial planning required the occupation Iraq, so that the US would be in a better position to play a direct role in Iraq's rebuilding. Later on it had been expected that with Iraqi crisis resolved, the US would be able to concentrate on other issues in the Middle East like the Arab-Israeli conflict. The US had been more sanguine that the resolution of the Arab-Israeli issue would be expedited owing to the new leadership in the Palestinian government. The US considered that there had been a need to have a leadership that is flexible and is willing to consider a 'land for peace' deal.⁷⁴ President Bush felt that the Palestinians realise that the second Intifada was unsuccessful with economic and human repercussions both for Palestine and Israel. Israel is considered to be the strategic ally of the US in Middle East. In the opinion of some writers the war on Iraq had been designed to leave Israel dominant and unchallenged in the Middle East, put an end to Palestinian resistance, exact revenge on Hezbollah, and to ensure that Arab regimes would be subservient to

⁷¹ Gordon, Op. cit., p.163.

⁷² Ibid., p.156.

⁷³ Edward C. Chow, "Why Oil Wont Be a Quick Fix," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, p.57.

⁷⁴ Op.cit., Gordon, p. 157-158.

Israel and the US.⁷⁵ The control of Iraqi and Saudi oil by the US and Israel might follow after the invasion.⁷⁶

Although the US administration had insisted that the acquisition and control over the greatest reserves of oil in the world is not a motivation to attack Iraq, yet the factor cannot be ruled out. The global economy built over the last fifty years rests on the inexpensive and plentiful supply of oil, and if these foundations were removed the global economy can collapse.⁷⁷ Well before the 1960s, the US had a basic objective of ensuring the uninterrupted supply of oil from the Middle Eastern region, even if it required covert intervention.⁷⁸ In January 1990, CIA Director William Webster testified before the Senate Armed Services Committee on the growing Western dependency on Middle East oil.⁷⁹ In February 1990 General Schwarzkopf, the US army commander during the first Gulf War, told the same committee that the United States should increase its military presence in the region, and described new military plans to intervene in a conflict.⁸⁰ With Japan's and Europe's much greater dependency on Persian Gulf oil, the United States considered control over the region crucial to the maintenance of geopolitical power for decades to come. This new strategy had been much more than a bolder version the policy that the US had pursued in the Third World developing countries of waging overt and covert war to protect its own vital interests. The strategic permanent location of the US military forces capable of destroying any opposition with sophisticated weapons to secure dominion over a region and its resources gradually became the central feature of the US strategic policy.⁸¹

In the words of Donald Kagan, an advocate of an assertive US foreign policy, there is a need to have a major concentration of the US forces in the Middle East over a long period of time. The economic problems that the US faces now, and those that it is liable to face in the future would be worsened by a disruption in US oil supplies. The presence of a US military force in Iraq will

⁷⁵ Eric S. Margolis, "Whither Arab countries?," *Dawn*, February 06, 2003.

⁷⁶ Ibid.

⁷⁷ Kenneth M Pollack, "Securing the Gulf," *Foreign Affairs*, July/ August 2003, Vol.82 No.4. p.2-16.

⁷⁸ Ramsey Clark, *The Fire This Time* (New York: Thunder's Mouth Press, 1992), pp.2-4.

⁷⁹ William Webster, "Threat Assessment; Military Strategy; and Operational Requirements," Testimony to Senate Committee on Armed Services, January 23, 1990, in Ramsey Clark, *The Fire This Time*, pp.4-10.

⁸⁰ H. Norman Schwarzkopf, "Threat Assessment; Military Strategy; and Operational Requirement," Testimony to Senate Committee on Armed Services, February 8, 1990, 577-579. In Ramsey Clark, *The Fire This Time*, pp.5-11. *Also see*. Colonel M.J. Dumais, "Operational Art and the Gulf War: Masterpiece or Forgery?," URL: <http://198.231.69.12/papers/amsc1/009.html>

⁸¹ Ten years of UN-sponsored genocide against Iraq, *The Spark*, July 12, 2000, URL: <http://home.clear.net.nz/pages/wpnz/jly1200-iraq.htm>

ensure that there is no disruption in the oil supplies.⁸² Since Saudi Arabia is no more a safe place for the US troops to stay, Iraq, with Saddam toppled and the US marines guarding the oil refineries, could ensure the uninterrupted supply of oil to the US. Writers like Anatol Lieven foresee much more ambitious plans after acquiring the oil fields. He observes that the fate of Iraq could be repeated in Saudi Arabia, with the removal of the Saudi regime, elimination of Wahibism as state ideology, and the partition of the Saudi state.⁸³ The Gulf oil fields would be put under US military occupation and a client Amir, a figurehead, would run the region.⁸⁴

In the pre-emptive war on Iraq, the US had to accomplish its objectives with the help of its allies, in addition to following an apparently hegemonistic policy. Although the allies might have conveniently submitted to the idea of US hegemony, yet hegemony itself seems to be a well-calculated US strategy, and not some distasteful job that the US has taken up unwillingly. This belief holds that unilateral assertion of US unrivalled hard power will be the primary means not only of winning the war on terror, but also of preserving US dominance indefinitely. Hailing mainly from anti-detente right wing that dates back at least to the 1970s, the Bush hegemonists feel that for too long the US has been a global Gulliver strapped down by Lilliputians – the norms and institutions of the global system.⁸⁵ They feel vindicated in their assertion of US power by the collapse of the Soviet Union in 1991 and of the Taliban a decade later, as well as by the relative ease with which they achieved a key goal, the dissolution of the Anti-Ballistic Missile Treaty (ABM). The next plan seemed to be the pre-emptive attack on Iraq.⁸⁶ On the whole, the Bush hard-liners seemed to be winning the policy battles. The diplomatically disengaged realism of Rumsfeld and Cheney combined with crusading neoconservatives like Wolfowitz⁸⁷ had an edge over the multilateralists like Secretary of State Colin Powell, as a result paving the way for a hegemonistic US policy.

Unilateralism

The National Security Strategy made the US intentions of a hegemonistic policy in future, quite obvious. This policy is proactive and assertive while explaining the threats to security and safeguarding the national interests. In view of writers like John Lewis Gaddis, president Bush's analysis of how hegemony works and what causes terrorism is in tune with the serious academic thinking, despite the

⁸² "US and Iraq," Published by Peace Action Education Fund, at www.peace-action.org.

⁸³ Anatol Lieven, "The Push for War," Carnegie Endowment for International Peace, November 22, 2002. URL: <http://www.ceip.org/files/Publications/2002-10-22lieven-lrb.asp?from=pubdate>

⁸⁴ Ibid.

⁸⁵ Michael Hirsh, Op. cit., p.25.

⁸⁶ Ibid.

⁸⁷ Ibid. Michael Hirsh., p.

fact that many academics have not noted this yet.⁸⁸ President Bush seemed to have achieved an understanding in the US' academic circles and decision makers about the definition, interpretation and the feasible responses towards terrorism. The Bush administration saw no contradiction between power and principles.⁸⁹ Global hegemony seemed to be the only viable strategy for the achievement of the overwhelming ambition of the US.

Hegemony serves some greater objectives. In the last two decades of the twentieth century the uneven development of imperialism has seen Japan and the European Community emerge as economic great powers in their own right, and US has had a healthy competition with them. In part, the need for assertion by the US against Iraq accounts for the need to regain the economic ascendancy it enjoyed before the rise of these blocs. The US is concerned not only with dominating the Gulf oil producing area; it is also concerned with recovering - if possible - its former total dominance over the world economy, which to a large extent depends on control of the principal industrial raw materials. Even ordinary imperialism demands such control, superpower imperialism doubly so.⁹⁰

Unilateralism of the US did face a resistance in the form of the veto of resolution 1441 on Iraq by Russia and France, which sent a serious message to the US.⁹¹ Majority of the European nations wanted the disarming of Iraq and were against war⁹², yet the opposition to unilateralism was ineffective and there was no coalition bloc against the US. John Lewis Gaddis further traced this despondency and incapacity of the other greater powers, to a relative benign acceptance of the US power since the end of Cold War. He gave two reasons for this tendency. "First the other great powers *prefer* management of international system by a single hegemon as long as it is a benign one. Second, the US hegemony is acceptable because it is linked with certain values that all states and cultures - if not all terrorists and tyrants-share."⁹³ European leaders like German Foreign Minister Joschka Fischer consider Europe far behind in technology and military might as compared to the US, thus making US unilateralism inevitable, and even desirable.⁹⁴ This vision of an inevitable hegemon in the form of US had been made necessary - at least in the eyes of its

⁸⁸ Gaddis, Op. cit., pp.53-54.

⁸⁹ Ibid., p.54.

⁹⁰ Ten years of UN-sponsored genocide against Iraq, *The Spark*, Op.cit.

⁹¹ Paul Reynolds, "Iraq: A double veto?" Story from BBC NEWS URL:

<http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/europe/2820455.stm> March 5, 2003.

⁹² Paul Michaud, "No war, say Paris, Bonn, Moscow: Iraq's disarmament stressed,"

Dawn, 06 March 2003, URL: <http://www.dawn.com/2003/text/top10.htm>

⁹³ Gaddis, Op. cit., p.52.

⁹⁴ Michael Hirsh, Op. cit., p.39.

advocates - by the new apocalyptic character of contemporary terrorist threats and by US' unprecedented global dominance.⁹⁵

The Case Study of Iraq

US involvement in Iraq had been long and manipulative. Shortly after the 1958 revolution, the CIA formed a "health alterations committee" to plot Iraqi President Abdul Karim Kassem's assassination.⁹⁶ At the same time, the US generals in Turkey devised a military plan, code-named Canonbone, for invading northern Iraq and seizing the oil fields there.⁹⁷ Later on, taking advantage of the political upheaval in Iraq and confrontation with Iran, the US administration felt the need for making Iraq a client state with a ruling aristocracy favourable and acquiescent to the US. Although in the beginning direct intervention was not considered for the obvious reason that the Iraq's population and its social and religious fabric would oppose it, yet the military planning for occupation had been contemplated. The US planning for military action in the Middle East goes back to the 1970s, when Washington reacted to the upsurge of nationalist feelings and growing independence of oil producing countries and used it as a pretext to providing military support and diplomatic assistance to the countries like Iran and Iraq.⁹⁸ Before the formation of Organisation of Petroleum Exporting Countries (OPEC) in 1960, the Middle East oil resources were owned primarily by the US and some British companies. These firms determined the level of each country's oil production, for which they paid literally pennies a barrel, and reaped huge profits from the sales. In addition to corporate profits, the United States' increasing control among other Western countries over oil resources gave it greater geopolitical leverage.⁹⁹

During the Iran-Iraq war the Reagan administration especially the Vice-President George Bush Sr., saw Saddam Hussein's survival as vital to US efforts to contain the spread of Islamic fundamentalism in the Middle East.¹⁰⁰ This support to Saddam served the purpose of containing Iran, causing as much damage as possible to Iran's defence and selling defence equipment to Iraq to cater for the conventional arms and strategic weapons production industry of the US. Throughout the 1980s the US supplied Iraq with materials and technology that assisted in the development of Iraqi chemical, biological and

⁹⁵ G. John. Ikenberry, Op. cit., p.44.

⁹⁶ Ramsey Clark, Op. cit., p.4. Also see Ramsey Clark, "1958-1991, Iraq: A Classic Case of Divide and Conquer," URL: <http://www.federalobserver.com/archive.php?aid=5669>

⁹⁷ Ibid.

⁹⁸ Ramsey Clark, Op. cit., pp.8-14.

⁹⁹ Ibid.

¹⁰⁰ "US and Iraq," Policy paper published by Peace Action Education Fund, at www.peace-action.org.

missile-system programs.¹⁰¹ The technical assistance for chemical weapons continued for a year even after the March 15, 1988 chemical attack by Iraqi forces on the Kurds in Halabja, killing 5000.¹⁰²

The resolve to continue maintaining a subservient status for Iraq was strengthened by a shared perception that existed in the White house and the Pentagon that the locus of conflict in the post Cold War world has shifted from Europe to the Middle East,¹⁰³ so this region gained high profile in the US policy. The US policy towards Iraq at the end of the Iran-Iraq war took a new shift. The Rumaila oil fields stretch out on the disputed Iraq-Kuwait border, which had been an irritant between Iraq and Kuwait. While Iraq was at war with Iran, Kuwait moved its border north and seized an additional 900 square miles of Rumaila.¹⁰⁴ The US supplied Kuwait with slant-drilling technology through which Kuwait was overproducing and stealing oil from the part of Rumaila that was indisputably inside Iraq.¹⁰⁵ Iraq was thus denied of its major revenue when Kuwait was selling the oil from Rumaila to Iraq's customers.

Although an ally of the US, Saddam gradually lost the US favour when he ultimately started defying the US. This could have been a result of Saddam's perception of having control over his foreign and domestic policy. It came as a surprise that the leader supported by the US and provided with the capability to build weapons of mass destruction had to face their campaign for disarmament and non-proliferation. By 1989, the first Bush administration reported that ten countries were developing biological weapons, over twenty nations possessed chemical weapons or the capability to produce them, and fifteen would be capable of producing ballistic missiles by 2000.¹⁰⁶ Iraq's acquisition of WMD capabilities was linked to an expansionist foreign policy, so it became a prototype 'rogue state'.¹⁰⁷ After the first Gulf War, the United Nations Special Commission (UNSCOM) inspectors discovered that Iraq's regime possessed a viable nuclear bomb design and had spent some \$10 billion on nuclear infrastructure to produce Highly Enriched Uranium (HEU) for a nuclear weapon.¹⁰⁸ UNSCOM inspectors revealed the existence of twenty-one nuclear

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Zia Mian and Smitu Kothari, "The reality of American Power," *The News* Islamabad, April 27, 2003. Richard Falk opined in an interview, published as an article.

¹⁰⁴ Pierre Salinger and Eric Laurent, *Secret Dossier: The Hidden Agenda Behind the Gulf War*, translated by Howard Curtis (New York: Penguin Books, 1991), in Ramsey Clark, *The Fire this Time*, p.14.

¹⁰⁵ Ibid.

¹⁰⁶ Robert S. Litwak, "The New Calculus of Pre-emption," *Survival*, Vol.44, No.4, Winter 2002-3, Op. cit., p.54.

¹⁰⁷ Ibid.

¹⁰⁸ 'Weapons of Mass Destruction in the Middle East', Centre for Nonproliferation Studies, Monterey Institute of International Studies, <http://cns.miis.edu/research/wmdme/iraq.htm#fnB2> in Litwak, Ibid., p.55.

facilities in Iraq before the first Gulf War, whereas the pre-war target list included only two such sites.¹⁰⁹ However, at the height of being close to a nuclear threshold state in the late eighties and early nineties, Iraq was nowhere near to becoming a nuclear power, as reported by the UN's International Atomic Energy Agency (IAEA) inspectors.¹¹⁰

After the September 11, attack Iraq was to become the prime target of the US wrath. On 15 September 2001, Paul Wolfowitz the Deputy Secretary for Defence, put forth a military argument to justify a US attack on Iraq rather than Afghanistan, arguing that attacking Afghanistan would be uncertain whereas Iraq, a brittle oppressive regime was thought to destabilise easily. The task seemed more attainable.¹¹¹ This shows the pre-planned nature of aggression on Iraq and lack of justification of the war, as proclaimed to be the elimination of terrorist entities involved in the 9/11 attacks. The US itself claimed it had proof of Al Qaeda operating in Afghanistan. Instead it planned on attacking Iraq, where not even a single evidence of Al Qaeda's presence had been established. Some observers contradict the presence of Al Qaeda as a basis for attacking any country.¹¹² The hijackers of the fateful plane on September 11 had been living in countries like Germany and the US itself. If the US with all its surveillance technologies and secret agencies working overtime finds it difficult to check the movement of Al Qaeda, it cannot be expected by any other country to be totally free from rogue elements like Al Qaeda. The US administration had made claims of Al Qaeda's collaboration with the Iraq's government¹¹³, but there was no substantive proof. The US attack on Iraq in April 2003, seemed more a bid to retaliate against an easy target, without first identifying the real culprits of the terrorist act. The decision was taken under uncertain circumstances. This is an uncertainty of policy and strategy that the US still faces.

When president Bush declared Iraq, Iran and North Korea as the 'axis of evil' in January 2002,¹¹⁴ the probability of an action against Iraq had increased. This declaration received mainly negative reactions. As a result this rhetorical declaration came under criticism and gradually lost its intensity in the US strategy. There seemed to be no real 'axis' or ties between the so-called 'axis of evil'. The term lost its initial hype and was given a silent burial when later in

¹⁰⁹ Litwak, Op. cit., p.63.

¹¹⁰ Paul Reynolds, "Blix: Good man, wrong place" Story from BBC News, June 30, 2003.

¹¹¹ Bob Woodward, *Bush At War* (New York: Simon & Schuster, 2002), pp.83-85.

¹¹² Miriam Pemberton, "The economic cost of war in Iraq," (Testimony before the US congress, September 13, 2003) Asia Times On line, September 17, 2003. URL: http://www.atimes.com/atimes/Middle_East/DI17Ak01.html

¹¹³ "Iraq has contacts with Al Qaeda", quoted by CIA Director George Tenet. *The News*, Islamabad, Thursday, March 21, 2003. Op. cit.

¹¹⁴ The White House, "President Delivers State of the Union Address," January 29, 2002, URL <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>

September 2002, while declaring the National Security Strategy; Bush made no mention of the term. However Bush determined to attack Iraq, seemed more adamant to burying Saddam after a military success in Afghanistan. It seemed that the agenda of toppling tyrants and repeating the experiment of Afghanistan where the local population was relieved from an extremist regime, was a successful strategy. This policy was expected to complete the unfinished task of the first Gulf War, destroy whatever WMD the US thought Iraq was hiding, provide some security to Israel, liberate the Iraqi people, ensure an ample supply of inexpensive oil and set in motion a process that could undermine and remove reactionary regimes in the Middle East.¹¹⁵ It would also act as a distraction from the criticism being faced as a result of the continuing instability in Afghanistan and the fact that the objectives of eliminating Al Qaeda from Afghanistan and capturing or killing their leaders had not been accomplished.

The factual situation in Iraq before the war had been quite different from the vision of the US. Since the first Gulf War, the Iraqi people had suffered on a colossal scale. The US-led first Gulf War in which Iraq's forces were up against a vastly superior military alliance of big powers, killed hundreds of thousands of Iraqis; the exact figures are unknown and the US General Norman Schwarzkopf made no attempt to tally the dead, although every little piece of hardware was accounted for. There were 88,500 tons of bombs dropped on Iraq and Kuwait during the first Gulf War, seventy percent of which fell in populated areas. As many commentators noted, this was the equivalent of more than seven Hiroshimas.¹¹⁶ An estimated 1.5 million people had died as a result of UN sanctions in the past ten years. United Nations Children's Fund (UNICEF) maintains that some two hundred children died every day through deprivation caused by the sanctions. Half the population now lived below the poverty line in what was once a thriving economy; now Iraq had been number forty three among the poorest countries in the world.¹¹⁷ To correlate such a state of affairs with a rogue state capable of launching a WMD strike against a major power seemed beyond exaggeration.

Even in the first gulf crisis, President Bush Sr. exaggerated both Iraq's nuclear capability and its military prowess. It was widely reported that Iraq was close to producing nuclear weapons, but the country lacked, among other things, the essential supply of plutonium.¹¹⁸ In April 1992, nuclear weapons experts reviewing a years' worth of inspection and analyses by the International Atomic Energy Agency decided that Iraq had been at least three years away from developing a single atomic bomb. In any case, the claim of Iraq being a

¹¹⁵ Gaddis, Op. cit., p.54.

¹¹⁶ Ten years of UN-sponsored genocide against Iraq, *The Spark*, July 12, 2000, URL: <http://home.clear.net.nz/pages/wpnz/jly1200-iraq.htm>

¹¹⁷ Ibid.

¹¹⁸ Seymour Hersh, *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy* (New York: Random House, 1991), in Ramsey Clark, *The Fire This Time*, pp.14-23.

nuclear threshold state was termed as a hypocritical ruse.¹¹⁹ Since the attack on Iraq in the second Gulf War 2003, extensive efforts had been made to justify the claim of Iraqi WMD but no evidences of any WMD had been found. Despite the claims of latest surveillance technology, no western intelligence service had been able to publish direct photographs of prohibited missile or mass-killing weapons.¹²⁰ This inability of the US to guide the UN inspectors to any serious incriminating discovery of laboratories producing any chemical or biological agent had put US claim of Iraq having the WMD capability in doubt.

Before the second Iraq war started the Iraq's regime seemed ready for war, yet Saddam showed no signs of surrendering although he faced the unexpected circumstances. Its governmental structure was vulnerable, and no one could estimate the gap between the officials, nationalists, patriotic rhetoric and the feelings of the Iraqi population. Even before the attack, there were wild rumours that Saddam is secretly negotiating oil for his survival. For many Iraqis, Saddam was not a Saladin fighting against the US imperialism: he remained a US agent. The US marines were widely perceived not as "liberators" but as an occupation force with a grand plan. There had been intense speculation all over Iraq, that the regime will eventually fall, but the price was going to be enormous.¹²¹

If Saddam had used any of the weapons during the war or any scuds had struck Israel like in the first Gulf War it would have put to rest any doubts about Iraq's WMD capability, and would have justified the US attack. Hans Blix who was the head of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) before the beginning of the hostilities, suspected that around 10,000 litres of anthrax might still exist in Iraq. After the war, it was expected that the captured scientists and Baath party leaders would provide some evidence about the labs and the weapons themselves. Yet the so-called, "Mrs Anthrax" and "Dr.Germ", the Iraq's scientists associated with the biological and chemical weapons programmes, seemed to be sticking to their pre-war story that Iraq was innocent and misunderstood. The excuse for not finding any WMD, as given by the US and the UK, seemed unconvincing, that the US led team did not do a good job under Blix and that the documents that could have helped the US officials in Iraq to refine their search had been destroyed in the looting spree after the war. Another idea given by Rumsfeld had been that Saddam destroyed the WMD before the war. It is logical that the elimination of the WMD must have left some traces for the UN inspectors to identify but UNMOVIC could not find traces of such activity. However the most obvious explanation is that leaving aside the mobile labs, there had been

¹¹⁹ Ibid.

¹²⁰ "Burden of proof," *The Economist*, February 8, 2003.

¹²¹ Pepe Escobar, "What is the US *really* up against," Op. cit.

no massively destructive weapons or facilities in Iraq.¹²² Saddam was probably trying to deter an attack by exploiting the ambiguity about his capability, but it seemed the US had some idea of Saddam's bluff from their previous experience of the first Gulf War, where Saddam's tall claims were not matched with a capability to deliver.

The claim of Iraq being an undeterrable adversary could not be established as no efforts to deter Iraq had been exhausted. Deterrence was not used as a strategy even in the first Gulf War. Saddam's actions were a result of the fact that Ex- President Bush Sr. did not try to deter him, in the crisis before the first Gulf War. In fact, Washington effectively gave Baghdad a green light prior to its 1990 invasion of Kuwait. Ambassador April Glaspie who met Saddam on July 25, 1990, was never instructed to warn Saddam that the US would go to war if he invaded Kuwait.¹²³ When the secret records of the testimonies of Saddam and Glaspie were compared it was revealed that Glaspie's statements after her meeting with Saddam proved wrong and fabricated. She had claimed that she warned Saddam of a possible retaliation by the US, but the actual testimony could not verify this claim.¹²⁴ In the recent crisis of 2002-3, not using deterrence was not only a matter of policy, but had taken a psychological and moral explanation. To use deterrence against Iraq seemed dishonourable, like taking counsel from fear, a submission to blackmail. It struck US as presumptuous for a country such as Iraq to aspire to paralyse the US power. It had become a matter of US honour not to be deterred by some one they considered evil.¹²⁵

The exaggeration of the threat prior to the war had brought the US and the UK leadership under serious interrogation and criticism. The dossier released by Blair's office purporting to detail Iraq's intelligence infrastructure was initially praised by Mr. Jonathan Powell, the chief of staff at Downing Street, but was later found to be plagiarised from a graduate student's research work and stitched together by spin-doctors. There was a claim in the dossier that Iraq could deploy chemical and biological weapons within 45 minutes. It was found later that Mr. Powell wrote that the dossier "does not demonstrate he (Saddam Hussein) has motive to attack his neighbours, let alone the

¹²² "Casus or Casuistry?," Special report Weapons of mass destruction, *The Economist*, May 31, 2003. pp.22-23.

¹²³ *Military action in Iraq since 1990-2003*, report compiled by Colin Robinson, Center for Defense Information (CDI) Research Analyst, <http://www.cdi.org/terrorism/iraqaction.cfm>

¹²⁴ Ramsey Clark, Op.cit., p.24.

¹²⁵ Richard K. Betts, "Suicide From Fear of Death?," *Foreign Affairs*, January/ February 2003, Vol.82, No.1, pp.39-41.

West’.¹²⁶ Former British Foreign Minister Robin Cook resigned from his cabinet post in protest, before Britain joined the US-led invasion. Mr. Cook later termed the dossier as inaccurate.¹²⁷ It is obvious now, that this claim should not have been given such validity by the government at the time of deciding to wage war.¹²⁸ The documents alleging Iraq’s efforts to obtain uranium from Niger were also forged.¹²⁹ The CIA warned President Bush that these claims about uranium were ambiguous according to the findings of former diplomat Joseph Wilson.¹³⁰ President Bush later had to deny that there was any proof of such a deal.¹³¹ The US’ Democratic Presidential candidate, Dick Gephardt criticised Bush’s statement as not an intelligence failure but a factual lapse.¹³²

The legal justification for an attack on Iraq was the next element to be discussed once the determination of the US to attack had been established. International law does not validate any pre-emptive attack as an offensive strategy. Pre-emption clearly contradicts the precepts of the UN charter. Article 51 of the charter permits the use of force only in self-defence “if an armed attack occurs against a Member of the United Nations.”¹³³ The US legitimised pre-emption because there was no clause in the UN charter to forbid such an action.¹³⁴ The conduct of states in international relations is epiphenominal. To a large extent, it is determined in reflection to the underlying causes in the specific conditions and circumstances. The deficiency of International law and the UN charter in this crisis was the lack of interpretation of the new power dynamics in view of the changed perception of security. This lack of interpretation by the international legal jurists and a timely intervention by the Security Council were among the reasons that the US was able to pre-empt Iraq unilaterally.

Considering the proportionality, the comparison of the military arsenal of the US-UK allied army and the Iraqi army cannot be drawn since the allied army was far superior in all the aspects. The overall conventional military

¹²⁶ “Dossier ‘failed to show Iraq threat’,” Story from BBC News: URL: http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/3161719.stm, published August 18, 2003.

¹²⁷ “Ex-foreign minister terms dossier inaccurate” *The News*, June 28, 2003.

¹²⁸ ‘Jury still out’ on Iraq claims, BBC News, Monday, July 7, 2003, URL: http://news.bbc.co.uk/2/hi/uk_news/politics/3050582.stm

¹²⁹ “Casus and Casuistry?,” Op.cit., p.23.

¹³⁰ Bush ‘warned over uranium claim’ story from BBC News published on July 7, 2003, URL: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/3056626.stm>

¹³¹ Timeline: ‘Niger uranium’ row, story from BBC News on March 7, 2003.

BBC News URL: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/3051709.stm>

¹³² ‘Bush under fire over Iraq claims’ July 9, 2003, BBC News online URL: <http://news.bbc.co.uk/2/hi/americas/3051963.stm>

¹³³ Michael J. Glennon, “Why the Security Council Failed,” *Foreign Affairs*, May/June 2003, Vol.82, No.3, p.20.

¹³⁴ Michael J. Glennon, *Ibid.*, pp.22-26.

capability of the Iraqi army was predominantly truck-mounted infantry. The parts of this unit that had tanks and armoured personnel carriers were equipped with old Russian and Chinese kit. Tanks like the T-62 and T-55 series are the predominant varieties. These troops would not have posed much of a threat to an allied force. The equipment these soldiers have includes T-72 tanks and BMP-1 infantry fighting vehicles. The serviceability of these vehicles was reasonable but there was by no means 100% availability after years of sanctions.¹³⁵ According to a report published in January 2003 by the Washington based Center for Strategic and International Studies, Iraq had chemical and biological agents and laboratories to manufacture them. The delivery means included freefall bombs, artillery shell rockets, helicopter and aircraft borne sprayers, Al-Hussein ballistic missiles (range 650 km), Al-Samud/Ababil- 100 ballistic missiles. The L-29 remotely piloted vehicles, after some technical alterations, could have been made capable of delivering the toxic agents. According to this report, Iraq had been attempting to acquire uranium enrichment techniques like Electromagnetic Isotope Separation (EMIS) and tubes for making centrifuge devices for nuclear test and explosion.¹³⁶ The declared chemical and biological agents Iraq had were 8,500 litres of Anthrax, 19,400 litres of Botulinum toxin, 340 litres of Gas Gangrene, 2,200 litres of Aflatoxin and 10 litres of Ricin.¹³⁷ The report also gives a record of eight UN resolutions from April 3, 1991 to December 17, 1999, to which Iraq had not fully complied.

The validity of this report could only have been established if the UN inspectors verified the details given in it. The report on the WMD in Iraq by Hans Blix could not verify any of the claims. In several inspections of declared and undeclared production sites and mobile production facilities, no evidence was found of the proscribed sites, activities or agents.¹³⁸ Hans Blix also undermined another claim against Iraq of trying to import tubes from which to make centrifuge devices to separate the uranium-235 needed for a nuclear explosion. He said that the tubes were consistent with the Iraqi explanation that they were for rocket barrels.¹³⁹ Iraq did not have the capability of converting its L-29 remotely piloted vehicles to a bomber with chemical or biological bombs.

¹³⁵ "Question: How strong is the Iraqi army?" March 5, 2003, Story from BBC NEWS: URL: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/uk/2821213.stm>

¹³⁶ Anthony H. Cordesman & Arleigh A. Burke, "If We Fight Iraq: Iraq's Military Forces And Weapons of Mass Destruction" Published by Center for Strategic and International Studies, 1800 K Street N.W. Washington, D.C. 20006. (PDF file: [fighтираq_wmd](http://www.csis.org/fighтираq_wmd)) at www.csis.org, Acordesman@aol.com, pp.8-13.

¹³⁷ *Ibid.*, p.33.

¹³⁸ "Full Text: Blix briefing" Story from BBC News: Published March 7, 2003. URL: http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/2830505.stm, Op. cit.

¹³⁹ Paul Reynolds, "Blix: Good man, wrong place" BBC News online, June 30, 2003, URL: http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/3032840.stm

The only credible threat was the launching of missiles with chemical or biological weapon warheads. The missile technology that Iraq had was of Scud missiles of medium ranges. If fired using a liquid propelled fuel, it would have taken at least 30 to 40 minutes and if fired using solid propelled fuel, at least 45 minutes or more. If Iraq was to prepare such missiles it could not have done it without being identified by the monitoring and surveillance systems installed by the allied forces. It is obvious that such missiles, because of their limited range were a threat only to the US and the UK forces that had gathered to fight in the Gulf region. These allied forces had the most modern and sophisticated missile interceptors that could have identified and destroyed any missile fired upon them. Even if Iraq had the capability, by using these weapons, Iraq would have justified and legitimised the pre-emptive attack on its land. The evidence to support Iraq's inability to attack was the Al-Samud missiles that it started to destroy them before the attack by the US-UK allies. Hans Blix admitted that the destruction of Al-Samud missiles was genuine. In his briefing to the press he declared that 34 Al-Samud missiles, including their combat warheads; launchers and engines had been destroyed under UNMOVIC supervision.¹⁴⁰ Hans Blix also admitted in an interview with CNN that the facts in the 12000-page report by Iraq about the destruction of biological and chemical weapons were also accurate.¹⁴¹ Iraq was portrayed as a threat, without any substantial proof and even Hans Blix had grievances against the US administration. He claimed that some elements of the Pentagon were behind a smear campaign against him. He criticised the US action by saying that one has to be cautious in making use of the armed forces on flimsy and shaky grounds.¹⁴²

Iraq's army had grown during the Iran-Iraq War. The Baathists pressed hard for recruits and conducted a massive conscription program in 1986. The Republican Guards, formerly restricted to residents of Tikrit, Saddam's hometown, were opened to conscripts from anywhere in Iraq. Men were literally drafted off the street and were given rigorous training, and it was expected that they would give the US forces serious resistance¹⁴³ through guerrilla warfare tactics once Iraq was invaded. The Republican Guards posed insignificant resistance to the US army. This is an evidence that claim made by the US of a threat from the Republican Guards turned out to be a myth. The distortion of facts during the war by the US administration even goes further than exaggerating the Iraqi capability. The US media started a false propaganda campaign about US marine, Private Jessica Lynch's capture by the Iraqi army

¹⁴⁰ Ibid., "Full Text: Blix briefing", (Hans Blix quoted "We are not watching the breaking of toothpicks. Lethal weapons are being destroyed").

¹⁴¹ "Iraq's claim of destroying bio, chemical weapons true, says Blix," *The News Islamabad*, September 10, 2003.

¹⁴² Richard Roth, "Blix takes Washington to task" CNN News, June 12, 2003. URL: <http://www.cnn.com/2003/US/06/12/blix.interview.cna/index.html>

¹⁴³ Pepe Escobar, "What is the US *really* up against?," Op. cit.

and her being shot and tortured. This propaganda backfired, when later on it was revealed that she was neither shot nor tortured.¹⁴⁴ This report proved to be a serious blow to the US administration's credibility. Moreover, the US had not provided any record of the Iraqi military men captured as prisoners, which was required according to the laws of war.

Iraq after the War

Since just war requires a just cause and the idea of eliminating a problem that is likely to turn into an uncontrollable menace if military action is not taken, it is essential to match the objectives of pre-emption with some of the results after the war. A strategy for reconstruction in the post war Iraq was proposed by the Center for Strategic and International Studies. Even before waging the war, winning the peace was thought to be an uphill task as compared to winning the war. The major propositions in the reconstruction strategy were the need for a transitional security force, the plan for the elimination of the WMD, a national dialogue process, a deployable justice team of international legal experts, judges, prosecutors and attorneys, international civilian police force, task force to ensure Iraqi oil infrastructure and territorial integrity, debt reconstruction conference and a donor conference.¹⁴⁵ These propositions were made in view of the reality that Iraq as opposed to Afghanistan, is not a failed state. Iraq had a workable constitution and salvageable legal codes. The population is largely educated and urban. Iraq had an enormous security apparatus of army, secret police and intelligence agencies, which can be favourable for peace builders if these agencies collaborated with them or can be a threat if they indulge in guerrilla warfare against the US and its allies. Reconstruction in Iraq with the collaboration and active participation of the Iraqis was never thought to be an easy task. Economically, Iraq continues to have extensive oil wealth. Iraq is still heavily indebted, with an overall debt of 383 billion dollars, including foreign debt, compensation claims and pending contracts. It had been expected that once the oil infrastructure is rebuilt and the oil production reaches a profitable level, Iraq would be able to repay its debts and any war reparations.

The initial goal of the US regarding building the oil infrastructure in Iraq had been to return Iraq's oil production to at least two million barrels a day. This required repair and safe restart of production, refining, distribution and export facilities. This can take a year. To the extent that the US taxpayers pay for the immediate work of reconstruction, it deserves to be performed

¹⁴⁴ John Kampfner, "Saving Private Lynch story Flawed" BBC News, May 15, 2003.

URL: <http://news.bbc.co.uk/2/hi/programmes/correspondent/3028585.stm> ,

These were the findings of medical examination conducted by Dr. Harith Houssona.

¹⁴⁵ "A Wiser Peace: An Action Strategy for a Post-Conflict Iraq," policy paper by Fredrick D. Barton and Bathsheba N. Crocker, published by the Center for Strategic and International Studies, CSIS, January 2003, www.csis.org, pp. 6-7.

primarily by the US service contractors.¹⁴⁶ The longer-term goal is more challenging - to reach and sustain production of five million barrels per day. Iraq has the second largest known oil reserves in the world - over a hundred billion barrels of oil. The raising of production however, requires not only revitalising the existing fields and associated facilities but also the exploring and developing of new fields and the constructing of new installations for processing and export. Such mega projects can cost tens of billions of dollars.¹⁴⁷ The task can become attainable if the international oil companies invest in Iraq. The investments would be forthcoming and at beneficial rates only if the Iraqi political system is stable enough to provide investors confidence that any future tumult will not cancel their contracts. Even if the contract process in Iraq is handled in an orderly, businesslike manner, it will be more than five years before substantial increase in Iraq's oil production can start flowing from new investments.¹⁴⁸ Considering such plans it was imperative that a comprehensive strategy for peace and stability be formulated for post-conflict Iraq not only to bring about peace but also to fill the vacuum after the fall of the Iraqi regime.

A Transitional Security Force (TSF) was proposed to fill the security vacuum after the fall of the Saddam regime.¹⁴⁹ This force was supposed to be a part of the combined coalition forces but would focus primarily on the area of civil security. The Italian Carabinieri and French Gendarmerie would have been a major part of this force. The other major part of the force was supposed to be the Iraqi soldiers who would be on parole and be reintegrated with the coalition forces. The tracking down of the WMD sites, their security and the ultimate destruction of these weapons was a challenge to be accomplished by a task force. The protection of oil infrastructure and the preservation of the territorial integrity of Iraq from the threats like the Kurdistan issue were to be the additional duties of the TSF. The political process was to be initiated through a national dialogue process with a special coordinator for national dialogue process leading it. The UN was supposed to recruit justice sector specialists, international legal experts, judges, prosecutors, defence attorneys and correction officers to be deployed to Iraq's 18 provinces to work with and train the Iraqi legal experts. A donor conference to help in the rebuilding of Iraq and provide respite from the sanctions was also proposed.¹⁵⁰

The proposed plan for reconstruction had partially been implemented in Iraq after the war. The Iraqi governing council formed in July 2003 works under the supervision of the US - led body, the Coalition Provisional Authority (CPA). Although the Iraqi governing council consists of thirteen Shias, five

¹⁴⁶ Edward C. Chow, *Op. cit.*, p.57.

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ "A Wiser Peace: An Action Strategy for a Post-Conflict Iraq," policy paper by Fredrick D. Barton and Bathsheba N. Crocker, *Op. cit.*, p.14-15.

¹⁵⁰ *Ibid.*, p.25.

Sunni Arabs, five Kurds, one Assyrian Christian and one Turk yet it still has to win legitimacy among the majority Shia population of Iraq. The dominating role of the CPA over the major decisions of the council like the appointment of the members of the Iraqi governing council, 2003-4 budget, new constitution and the next elections has caused discontentment among the intelligentsia and clergy of Iraq¹⁵¹ who want a complete Iraqi role in decision making by the governing council. The most vital issue in post war Iraq seem to be lack of power and lack of security.¹⁵²

The political stability and security remained uncertain. The death of the highest religious scholar of Shias, Mohammad Bakir Al-Hakim in Najaf on August 29, 2003 showed that security in Iraq had further worsened with the occupation troops who had no clue of the gradually mounting threats to security. Al-Hakim had opposed the governing council under the CPA but later on had agreed considering that this council was probably the best way to end the occupation of Iraq. It was alleged that since then, some Shia groups had considered him to have compromised the traditional stance of the Shia community to oppose the US presence, and had turned against Al-Hakim. Muqtada al Sadr, another Shia leader from Najaf, had been promoting this sentiment. The followers of Muqtada al Sadr were sceptical about the decision of Al-Hakim to let the CPA work but they were facing a dilemma since on the one hand Al-Hakim had an excellent religious pedigree while on the other hand his judgement seemed flawed.¹⁵³ The assassination of Al-Hakim however could rarely have been the work of such Shias, as they would have the highest regard for their own holiest place, the mausoleum of Imam Hazrat Ali (R.A), which was the site where Al-Hakim was killed in a car bomb. This would leave the suspicion towards the remnants of the Saddam government. The main feature in the post war Iraq is that the law and order conditions are not improving, as thought by the US. There is a justifiable concern that Iraq can slide into complete anarchy and make it even more difficult for the coalition forces to implement the reconstruction plan.

The bombing of the UN headquarters on 19 August 2003 had reminded the US of the Beirut bombing of the US servicemen's barracks on October 23, 1983,¹⁵⁴ which worsened the security situation, ultimately forcing the US to move its troops out. The US, by banning the Baath party members from public office and by dissolving the military structure, had basically targeted the two main organisations through which the Sunnis ruled in Iraq. This had

¹⁵¹ "The new men, and women, in charge," *The Economist*, July 19, 2003, pp.18-19.

¹⁵² *Ibid.*, p.19.

¹⁵³ Syed Saleem Shahzad, "In Iraq, every picture tells a story," *Asia Times* on line, August 6, 2003, URL:

http://www.atimes.com/atimes/Middle_East/EH06Ak02.html

¹⁵⁴ Robert Baer, "US in for a rough time in Iraq," *Daily Times*, Thursday, August 28, 2003.

been one of the main reasons for the political disturbance in Iraq, which had led to increased intensity of violence. The attack on the UN office in the first instances is seen as a suicide attack. Such attacks have not been a feature of the Iraqi society when it comes to retaliation. There have been rumours of Al Qaeda men sneaking into Iraq and launching guerrilla war against the US troops. If there is any truth in these reports then the occupation of Iraq had opened a new chapter of terror attacks against the US. Al Qaeda had criticised the UN when Osama called the UN a tool of crime, which continues to sit idle when Muslims are being massacred.¹⁵⁵ According to Maj. Gen. Ray Odienero of the fourth infantry division in northern and central Iraq, the conflict in Iraq is turning in to “asymmetric warfare”, where weak parties wage war against strong ones attacking the soft targets.¹⁵⁶ Confronting the guerrillas would have required search - and destroy missions, which will run the risk of losing hearts and minds of the people. This was the last thing the US needed or wanted since the rebuilding of Iraq could not have been achieved without the help of the UN. The UN’s decision to plan a withdrawal from Iraq,¹⁵⁷ in view of the increased incidents of violence, came as a serious blow to the US, since the US hoped to find a peaceful solution to the reconstruction of Iraq with the UN playing a major part.

A military solution to politically inspired violence by locals against foreigners is not feasible. What was true for the French in Algeria, the British in Ireland, the Russians in Chechnya and the Israelis in the West Bank has been proving true for the US backed Coalition Provisional Authority (CPA) in Iraq.¹⁵⁸ The average number of daily attacks nation wide had climbed from 13 to 22, by September 2003. Since the problem had taken on a political form, the answer must also be a political solution. It is important to address the feeling of despondency among the Iraqi Sunnis. There is a need for the Sunnis to have a political base and a party to have representation in the future political set-up. Equally important is to reconsider the decision to avoid any form of interim or provisional government and to proceed in a linear manner from the US sovereignty to an Iraqi constitution, leading to national elections and ultimately to Iraqi sovereignty.¹⁵⁹ Iraq has currently been divided into six regions under military command, each region encompassing several Iraqi provinces. The Commanders have chosen local Iraqi leaders in the provinces in proportions to ethnic and religious quantity to attend the delegate convention. These leaders have chosen interim councils of 25 or 30 members, which in turn elect

¹⁵⁵ “Lessons from the rubble,” *TIME*, September 1, 2003, p.30.

¹⁵⁶ *Ibid.*, “Lessons from the rubble,” *TIME*, September 1, 2003, pp.30-31.

¹⁵⁷ “UN to withdraw staff from Baghdad,” *The News Islamabad*, October 31, 2003

¹⁵⁸ Jessica Mathews, “Iraqis Can Do More,” *Washington Post*, September 29, 2003, acquired from URL: www.ceip.org/files/publications/09-29-03-mathew-washpost.asp

¹⁵⁹ *Ibid.*

governors and local officials.¹⁶⁰ This process is not actually democracy but it has the potential of leading to democratic system provided the Iraqis have a major share in the decision making and there is a relative stability and peace in Iraq. Therefore it is more important for the US forces to build and maintain peace in Iraq.

In the post-conflict Iraq, it has been observed that the US troops have been lacking the essential skills of peace keeping. The number of occupying US troops increased substantially. This showed that, contrary to the earlier predictions and assessments, that the 'occuberators' will be welcomed in Iraq; instead, the US forces have been facing hostile resistance after the invasion. This seemed to be a regular post - conflict pattern that has characterised the earlier military interventions by the US.¹⁶¹ The reason of this lack of experience in peace keeping has been traced to inadequate political handling and decision-making. The difference in how seriously the US addresses the pre-war and the post-war objectives can be found in the priority assigned to the exercise of force versus that given to other instruments of power and influence, from intelligence to diplomacy to patient economic assistance.¹⁶² It is to be found in the 16 to 1 difference between the peacetime budgets for the Pentagon and for all foreign operations. Writers like Jessica Tuchman Mathews consider that, on the non-military side of a conflict, the US indulges in goals, means and public commitments that bear no relation to one another. This gap has widened during the past quarter century, under both Democrats and Republicans, to a point where it severely strains US capability.¹⁶³ This strain on credibility is going to continue if the US troops are continuously attacked and killed in their intervention operations.

It is feared that the resistance in Iraq has the potential of becoming more lethal and overbearing if it took motivations from the Palestinian resistance. To date, Israel has been unsuccessful in the conventional conflicts against the Palestinians and the Arabs, primarily because Israelis are facing a well-organised guerrilla war. Israeli Chief of Army Staff, Lt. Gen. Moshe Yaloon had said on October 31, 2003 that crack downs, curfews and road blocks in the West Bank and Gaza strip had been crippling the lives of innocent Palestinians and that the military tactics were now threatening Israel's own interests.¹⁶⁴ Similarly, if the terrorist attacks against average Iraqis, especially the Shias

¹⁶⁰ Ibid.

¹⁶¹ "Is the Army stretched too thin," *TIME*, September 1, 2003, p.40.

¹⁶² Jessica Tuchman Mathews, "Now For The Hard Part," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, p.51.

¹⁶³ Ibid.

¹⁶⁴ "Top Israeli Officer Says Tactics Are Backfiring" by Molly Moore, *Washington Post Foreign Service*, Friday, October 31, 2003. <http://www.washingtonpost.com/wp-dyn/articles/A44374-2003Oct30.html>

continue, the blame is going to be on the US forces that are supposed to be the peacekeepers in Iraq. In view of some Arab analysts, the United States is bound to face an Israeli fate in Iraq unless it addresses the law and order issue in Iraq and prevents the situation from deteriorating any further.¹⁶⁵ The decisive military victory by the US in Iraq can be preceded by a guerrilla warfare carried out by Iraqi underground resistance groups.¹⁶⁶ Just as most Arabs consider Palestinian violence against Israelis to be legitimate response to occupation, similarly, the attacks on the US and British forces in Iraq since the end of the war have been portrayed and received as justified reaction to occupation forces.¹⁶⁷ The US has given the Arabs no reason to think otherwise nor has the Arab media portrayed the aftermath of the war as a clean success for the US and allied forces because the outcome of the war so far does not meet the standards of success. The Iraqi resistance has yet to connect with the masses at the same level as the Palestinian groups have achieved over the years. Although the communication set up of the old Iraqi regime has been destroyed in the war, the resistance groups can build up their own communications set up making it even more difficult for the US to fight the resistance.

The Fallouts of US Policy

The fallouts of a contradictory policy in the Middle East are becoming visible when Bush's top Middle East advisor, Edward Djerejian, highlighted the overall resentment towards the US policies in the Middle East in particular and the Muslim world in general.¹⁶⁸ There is a need not only to sharply increase funding in Iraq but also to effectively explain the US policy to an increasing hostile Islamic world. 'Spin', manipulative public relations and propaganda are not the answer.¹⁶⁹ According to Djerejian's report, much of the resentment toward the US stemmed from real conflicts and displeasure with policies, including those involving the Palestine-Israeli conflict and Iraq. This message showed the misperceptions of the US leadership about the Iraq conflict before the war actually started. This is evident from the fact that the realities on the ground are opposite to the results expected by the US administration. Djerejian's message appeared to be a direct challenge to neo-conservative and right wing hawks in the US administration who have been arguing that Washington's policies are simply misunderstood and that the key to winning hearts and minds in the Islamic world is to implement more imaginative ways of expressing the US

¹⁶⁵ Ramzy Baroud, "Why the US will never win an conventional war in Iraq," *The News*, Islamabad, September 3, 2003.

¹⁶⁶ Ibid.

¹⁶⁷ Marc Lynch, "Taking Arabs Seriously," *Foreign Affairs*, September/ October 2003, p.

¹⁶⁸ Jim Lobe, "It's the policy, stupid," *Asia Times* online, October 3, 2003, URL: <http://atimes.com/atimes/printN.html>

¹⁶⁹ Ibid.

policies.¹⁷⁰ A second task force of the Council on Foreign Relations (CFR) in New York reported that the rise in anti-US feelings in the Muslim countries was so great that it was endangering the US national security and compromising the effectiveness of the US diplomacy.¹⁷¹

The recommendations made in the Djerejian report include a series of actions like increasing the budget of the Voice of America and other broadcast networks, multiplying the size and number of exchange and scholarship programs with Muslim countries, training more officials in Arabic and making better use of the internet and other communication technologies. The most striking recommendation was for closer integration between policy-making and diplomacy, including the creation of a cabinet level post for public diplomacy that would participate in policy-making and provide new and efficient feedback mechanism.¹⁷² The report points out that the values and policies of the US administration are not always in agreement. The US government often tends to support regimes in the Arab and Muslim world that are inimical to its values, but in the short term advance some of its policies. This contradiction of values had been noted earlier when it had been observed that the US administration's advocates of hegemony do not differentiate between power and principles.¹⁷³ The Djerejian report emphasises that US must take the policy challenges in the region seriously and must minimise the gap between what it says in the form of high ideals and what it does, which includes the day to day measure the US government takes.¹⁷⁴ The post-war uncertainty in Iraq can be related to the similar contradictory policies of the US in the Middle East.

The US allies have also been facing similar backlash at different fronts. The number of British troops being targeted in Iraq is also increasing along with a political upheaval at home. Since the UK's Ex-Foreign Minister Cook's resignation, another crisis emerged when Dr. David Kelly, the UK government's chief weapons expert committed suicide on July 18, 2003, to save himself from the embarrassment of facing charges of leaking out government secrets. It is alleged that Dr. Kelly would have revealed that the British government had supported and promoted a doctored and illegal report. Dr. Kelly supposedly admitted to the BBC defence journalist Andrew Gilligan that the report in the dossier on Iraq distorted the facts of the nuclear capability to make the threat look imminent and lethal, and this was done against the wishes of the intelligence agencies.¹⁷⁵ The Blair administration since the suicide of Dr.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Michael Hirsh, *Op. cit.*, p.25.

¹⁷⁴ Jim Lobe, *Op. cit.*

¹⁷⁵ "Timeline: Dr. Kelly and the dossier row," Story from BBC News URL:
http://news.bbc.co.uk/2/hi/uk_news/politics/3077059.stm published July 31, 2003.

Kelly, had found itself facing immense criticism from all segments of the British society. The decision of the UK government to join the war on Iraq would have been the result of its own strategic calculations. The alliance of US-UK and the assistance from countries like Australia is also seen as a quest or for the achievement of an “Anglosphere” of English speaking countries.¹⁷⁶ The fact in view of the Kelly episode is that Iraq’s WMD capability had been unduly exaggerated. However, the costs for collaborating in a war against Iraq had been mounting day by day for the UK.

The US seemed to worsen the situation by trying to split Europe between the ‘old’ and the ‘new’ as retaliation against France and Germany for their opposition to Iraq war. Blair’s government is interested in leading a generally pro-US group in the European Union (EU) without obstructing or wrecking the EU institutions. Realistically, for the US administration to try to split the EU would be chauvinistic and short-sighted. It may well lead eventually to a split in the Labour Party and the emergence of a Left-Liberal coalition, which would be pro-EU and openly anti-US.¹⁷⁷ With the crisis of legitimising the attack on Iraq by the Blair administration already lingering, the new evidences of Thatcher’s government secretly financing the chemical weapon plant of Falluja 2 in Iraq, by giving 14 million pounds through insurance guarantees to Uhde Ltd¹⁷⁸, a British company that had been clandestinely helping Iraq with its chemical weapon program. This new evidence can further worsen the situation in Britain and give strength to the scepticism and criticism aroused by Dr. Kelly’s suicide.

The reality on the ground in Iraq has remained unaltered. The increasing attacks on the US troops and the worsening law and order, had brought home the message to the US administration that unilateral use of force is not likely to resolve the post-war security problems in Iraq. Despite this realisation the hawks in the US administration seemed to be convinced that the use of military power in Iraq, is the solution. The decision to continue using unilateral and forceful policy in Iraq had been based upon four assumptions.¹⁷⁹ Firstly, it had been assumed that Arabs respect power and see attempts to reason-out, as signs of weakness thus the US must not let itself be viewed as vulnerable. Secondly, it had been assumed that the Arab public opinion does not really matter, as authoritarian Arab regimes had been controlling their populations through force and coercion, and had been ignoring any popular discontent. Thus it was assumed that the Arabs in general and the Iraqis in

¹⁷⁶ Anatol Lieven, *The Hinge to Europe: Don't Make Britain Choose Between the U.S. and the E.U.*, Policy Brief 25, Published by Carnegie Endowment for International Peace, August 25, 2003, p.1.

¹⁷⁷ *Ibid.*, pp.6-7.

¹⁷⁸ David Leigh and John Hooper, “Britain’s Dirty Secret,” *Guardian*, March 6, 2003.

¹⁷⁹ Marc Lynch, “Taking Arabs Seriously,” *Foreign Affairs*, September/October 2003, Op. cit.

particular would gradually get used-to the condescending US policy in Iraq. Thirdly, it had been regarded that anger and abhorrence to the US is intrinsic in the Muslim culture hence must be overlooked since it cannot be changed overnight and does not pose an immediate threat to US. Finally, it had been assumed that the anti-US sentiments among the Muslim world result from a simple misunderstanding of US policy.¹⁸⁰ On the other hand, there had also been a gradual change in the public opinion and public sentiments in the Arab world since the US occupation of Iraq. A debate had been spurred in the Middle East about the validity of the US pre-emption in Iraq and the real motives of its presence there since no WMD have been found nor the evidence of any WMD being destroyed had been disclosed. The Arab media especially Al Jazeera had been viewing it as US efforts to consolidate its regional and global hegemony.¹⁸¹

With the US still occupying Iraq, these developments are likely to cause serious concerns to the US especially if the political situation in Iraq does not stabilise. If the US plans to stay in Iraq to fulfil its declared agenda of democratising Iraq and preserving Iraq's natural resources it must give priority to the public opinion existing in the Arab countries. The need for the US to reach out to the Arab world had been felt after the criticism from the Arab media. The US by the clear declaration of its policies and intentions in Iraq needs to mould the attitudes in the Arab world. Apparently, among the Arabs, anti-US rhetoric earns one a reputation of authenticity and courage whereas a pro-US line, although praised by the US, is perceived in the Arab world as cheap opportunism. It is clear that the realist course of action in Middle East needs to be changed. The US administration should continue its focus not only on fighting the war of ideas but also a shift in the strategy of opening a direct dialogue with the Arab and Islamic world.¹⁸²

Building a new Iraq is going to involve the assistance of the intervening forces. The basic goal of the intervening forces would be to ensure order, eliminate the WMD, ensure a power sharing system, reinforce the military of Iraq and to transform the regional security environment.¹⁸³ There had however been an inconsistency in political representation. The Shia community had been not adequately accommodated according to their share and have minimal control and influence in government. The Shia community comprises sixty one percent of the population,¹⁸⁴ and this has probably been the first time in the country's history that they have realised the need of acquiring a major role in the

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Daniel L. Byman, "Building the New Iraq: The Role of Intervening Forces," *Survival*, Vol.45, No.2, Summer 2003, p.58.

¹⁸⁴ Yitzak Nakash, "The Shi'ites and the Future of Iraq," *Foreign Affairs*, Vol.82 No.4, July/August 2003, p.24.

government and decision-making. The incidents of violence like the assassination of Bakir al Hakim had showed that in majority of the cases the Shia population had been victimised. This continued victimisation of the Shia community can still plunge the country in to a civil war. To make matters worse, the other ethnic groups such as the Kurds have been more vocal in their demands for a separate homeland. If the US has to justify its occupation of Iraq it needs to ensure not only the law and order but also the territorial integrity of Iraq.

Analytical Overview

Legal Aspect

Pre-emption in Iraq has to be evaluated in view of the causes and justifications given by its advocates and the realities on the ground in Iraq. The supporters of pre-emption justify it in view of Article 51 of the UN charter, which provides for the right of self-defence, however, it restricts the exercise of this right only to a situation when an “armed attack occurs”. According to the article 51 of the UN charter:

“Nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by the Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”¹⁸⁵

The wording in this article has long been raising a number of questions. Even if the right of self-defence is inherent, the extent to which it continued unaltered into the era of UN, or had been restricted by such international organisations is not clear. Furthermore, the exact definition of an armed attack is not given and is liable to multiple interpretations. The article does not specify whether it has to be interpreted narrowly, which implies excluding any kind of a situation requiring self-defence other than that in response to an actual armed attack. The duty to report to the Security Council has been of minimal practical significance, particularly in terms of the Security Council asserting its authority on the situation.¹⁸⁶ These disagreements, all touch upon the question of the extent to which the concept of self-defence cannot be understood broadly and cannot be a basis for justifying certain acts of intervention.¹⁸⁷ If actual armed

¹⁸⁵ Adam Roberts, *Op. cit.*, p.32.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

attack is a criterion for establishing legitimacy of this doctrine of pre-emption, then pre-emption in Iraq cannot be justified.

International law has gone through a transformation and has developed significantly since 1945 owing to the changes in the map of the world and the nature of international relations. The growth in areas like international organisations, arms control, human rights, laws of war and environmental conservation have also provided some positive motivations to the development of international law. “Nevertheless the body of international law and practice presents some problems, which have become evident in the past decade.

- Some of this law is the product of liberal and international impulses that may not be shared in all societies.
- When the norms that it enshrines are plainly violated, particular pressure arises to use force because the offending behaviour is seen as a challenge to international order.
- International law can exacerbate existing disputes or cause new ones. It can contribute to self-righteousness and international misunderstanding. The current chasm of misunderstanding across the Atlantic over the International Criminal Court, and the US refusal to participate in certain other treaty regimes, is a case in point.
- The implementation of international law, being almost always selective in character, leads unavoidably to accusations of ‘double standards’, which are made with predictable frequency. These accusations have particular salience in the North-South context.”¹⁸⁸

To suggest that the great number of international legal agreements can create occasions for the use of force is not to denigrate the crucially important role that international law plays, but it suggests warning against naïve expectations and simplistic slogans. The notion that law and war are to be studied in two separate categories has appealed to some international lawyers and soldiers, yet it is obvious that this simplistic view can do more harm than contribute to legal interpretation in future. The greatest problem regarding the legitimacy of the use of force arises when the action is neither authorised by the Security Council nor is a straightforward case of self-defence in response to an armed attack. It would be easy to say that, apart from cases of self-defence, force should never be used except when explicitly authorised by the Security Council.¹⁸⁹

There is another reason to question the justification of this doctrine on the basis of self-defence. The advocates of pre-emption argue that the doctrine existed as a part of customary international law before the UN charter was

¹⁸⁸ Ibid., pp.34-35.

¹⁸⁹ Ibid., pp.35-38.

formulated and that Article 51 does not limit the pre-existing right and sanction actions that were permitted prior to the UN charter.¹⁹⁰ They justify their interpretation on the ground that Article 51, which was introduced to accommodate the demand of the Latin American countries to maintain the right of collective self-defence, was never meant to limit a state's recourse to self-defence in customary international law.¹⁹¹ Through a selective interpretation of history, the advocates of pre-emption seek to exploit the grey areas between an actual armed attack and a perceived imminent eventuality. The logic of Article 51 in the UN charter is put to question if the doctrine of pre-emption is justified according to reasons given by its supporters. Supporting pre-emption as a right of self-defence, contending it to be customary in international law and unaffected by the UN charter only signifies that Article 51 brought about no change in the law, as it existed previously.¹⁹² Moreover it shows a selective interpretation of International Law and a relative subjectivity of perception, which undermines the primary responsibility of the Security Council to interpret laws for maintaining peace and security. The critics go on to argue that such a pre-emptive war is not only a violation of international law, but also an unbounded invitation to use force on mere suspicion of ambitions or intent of another nation. It is indeed a negation of the very concept of international law.¹⁹³

As far as this war as a legitimate case for pre-emption is concerned, pre-emption cannot be justified through the standards of a just war given at the beginning of this study. The just war doctrine should be viewed as a practical body of moral guidelines applicable to real life.¹⁹⁴ The threat perceived from Iraq before the war could not be proved and is not likely to be proved in times to come. Before the attack on Iraq, the UN weapon inspectors had not completed their report about the existence of WMD or the transfer of the weapons or technology, to another state. Even after the invasion of Iraq the US has not been able to locate any traces of WMD in Iraq, thus the justification, concept and logic of pre-emption turns out to be flawed.

The other legal grounds for pre-emption that the Bush administration had presented were the violations of the UN Security Council resolutions 678, 687 and 1441 by Iraq. The UN resolution 678 of 29 November 1990, on the one hand had laid certain obligations on Iraq including those to disarm itself and withdraw from Kuwait; on the other hand it called for restoring international peace and security in the area.¹⁹⁵ During the crisis of 2002-3, the

¹⁹⁰ Ijaz Hussain, "A critique of the doctrine of pre-emption," *Daily Times*, Islamabad, October 31, 2002.

¹⁹¹ Ibid.

¹⁹² Ibid.,

¹⁹³ Walter B. Slocombe, Op.cit., p.124.

¹⁹⁴ William V. O'Brien, *The Conduct of Just and Limited War*, Op. cit., p.5.

¹⁹⁵ Adam Roberts, Op. cit., p.40.

Resolution 1441, passed unanimously on November 8, 2002, had been the subject of multiple interpretations. It contained ambiguities like ‘serious consequences’ if Iraq fails to comply. It proclaimed Iraq to be in ‘material breach of its obligations under relevant resolutions’, recalled that in ‘resolution 687 of the year 1991 the council declared that a cease-fire would be based on acceptance by Iraq of the provisions of that resolution. It offered Iraq a final opportunity to comply with its disarmament obligations and provided for stringent supervision by the UNMOVIC and IAEA.¹⁹⁶ Whereas the resolution 1441 of November 8, 2002 had explained all the violation of the previous UN resolutions by Iraq, it had also called for Iraq to provide the IAEA and the UNMOVIC, complete access to Iraq WMD sites. Iraq had complied with this demand. The resolution 1483 was passed on May 22, 2003, calling for the donors to help the rebuilding of the war-ravaged Iraq. The UN did not play an assertive role in Iraq came with the resolution 1511 of October 16, 2003. It had been interpreted by writer like Dr. Henry A Kissinger that the resolution 1511 benignly accepted the attack on Iraq¹⁹⁷, yet it has been also interpreted that the phrase *occupying power* used for the US troops in Iraq, specifically in the Security Council resolution 1483 is a legal term under the fourth Geneva Convention.¹⁹⁸ In using this term the previous Security Council resolution, 1483’s status has been reaffirmed. This also implies that the US forces, ultimately have to leave Iraq. Although the UN resolution are subjected to different interpretations and it cannot be established that the UN has justified the US occupation of Iraq yet, it can be said that the UN had not been able to play its requisite role through out the crisis in Iraq. Although Iraq had violated the UN resolution in the past the UN had not been able to assert its will to bring about a resolution of the conflict even if it meant the use of force after a UN consensus vote.

The question whether the violations of certain terms of a cease-fire constitute for an eventual use of force against the violator is answered in affirmative, according to the chapter on armistice in the 1907 Hague Regulations and Land War.¹⁹⁹ However, the breach has to be established and violation has to be blatant in nature. If the violation of by Iraq was in the form of the building-up of WMD program, then this violation could not be established. Moreover, even if it is considered that the UN resolutions had been violated by Iraq, the decision of going to war should have been after the sanction and approval of the UN Security Council, since procedure of armistice must be followed under the UN authority. The US, by unilaterally pre-empting Iraq, not only violated the sanctity if the UN but undermined the UN sanctions

¹⁹⁶ Ibid.

¹⁹⁷ Dr. Henry A Kissinger, “American occupation of Iraq,” *Dawn Islamabad*, November 3, 2003

¹⁹⁸ Ahmer Bilal Soofi, “Dr. Kisenger is wrong on UNSC 1511,” *The Friday Times*, November 7, 2003.

¹⁹⁹ Adam Roberts, Op. cit., p.42.

on Iraq. The military action on Iraq did not fall tidily into one or the other category of the existing categories of 'UN-authorized action' and 'self-defence'. It was not a case of an action specifically authorised by the Security Council or even having a benign approval of it.²⁰⁰ The case for pre-emption in Iraq was opposed by a majority of the members of the UN and the world community on another count, which was the extreme difference in the military power of the two main adversaries, US-UK coalition and Iraq.

There was no popular support among the world community in favour of this war. There was no adequate balance of military force used against Iraq in comparison to the Iraqi force. The article 35(1) of 1977 Geneva Protocol dealing with the "Methods and means of warfare" affirms that in any armed conflict, the right of the parties to the conflict to choose methods or means of warfare is not unlimited.²⁰¹ The civilians were targeted in massively conventional attack on Iraq's cities and residential areas. There were no preventive measures to avoid civilian casualties as are required in the principles of just war. An estimated 5000 Iraqi regular and irregular soldiers and another 1400 civilians were killed.²⁰² Every passing day Iraqi civilians and US marines had been killed in violent attacks. Many Iraqi civilians had been killed because of the paranoid US marines misunderstood anyone asking for help instead killed them. The war crimes revealed in the news reports from the Abu-Ghraib prison were the violation of Article 3 and 32 of the fourth Geneva Convention of 1949.²⁰³ In the post-war Iraq, the US army had been subjected to gunfire on a daily basis²⁰⁴, not to mention the friendly fire of the allies that had claimed the lives of the US troops. The US army seemed to be on tenterhooks.²⁰⁵ The justification of a humanitarian intervention to save lives seems flawed in view of such casualties.

Political Aspect

The political uncertainty in Iraq and the number of casualties of the US troops every day, shows the lack of control of the US in Iraq and the animosity of the Iraqi populace towards them. The democratisation of Iraq is the toughest challenge. The success or failure of democracy in Iraq will depend on whether the country's new political set-up takes into consideration its unique social and communal fabric and agrees upon a consensus government. Iraq has history of a move towards democratic government under the Hashemite monarchy, which

²⁰⁰ Ibid., p.43.

²⁰¹ William V. O'Brien, *The Conduct of Just and Limited War*, Op. cit., p.38.

²⁰² Global Cemetery Online, URL: <http://www.sadnews.net/CTZ/0Mem/WarM/US-IQ2/Us-iq2.htm> also at URL: <http://www.labour.org.uk/iraqhoon030403/>

²⁰³ The Fourth Geneva Convention, signed August 12, 1949, (Convention (IV) relative to the protection of civilian persons in time of War.)

²⁰⁴ "Life under fire," *Time*, July 14, 2003, pp.34-42.

²⁰⁵ "Walking on eggshells," *The Economist*, July 5, 2003, pp.38-39.

ruled from 1921 to 1958. During this era, Iraq adopted a parliamentary system modelled on its colonial master, the UK. After the 2002-3 war there have been propositions like a federalist model, a Bosnian model of shared presidency, restoration of Hashemite monarchy, creation of multi-member districts or the establishment of a quasi-parliamentary system.²⁰⁶

In the federal Iraq, the centre, Baghdad, and the provinces or the regions should be equal guardians of the constitution. There should be a federal judiciary to monitor the rights and arbitrate the disputes between these power bases.²⁰⁷ The Bosnian model has been proposed keeping in consideration the differences between the Arab and Kurds and Shia and Sunnis. This model would be a shared presidency, in which each ethnic community receives a on the presidential triumvirate.²⁰⁸ In Bosnia each of the three presidents is elected by, and therefore responsible to, only the electorate of one of the three ethnic communities. The similar system of government can be tried in Iraq as a short-term measure because it could give some compensation to all the ethnic communities, yet considering the inherent differences between the ethnic communities this model can also face serious problems. The option of restoring the Hashemite monarchy under strict constitution limits has also been proposed but it will be difficult to find a monarch who would be acceptable to all of the Iraq's population. The final option has been the establishment of multi-member districts (MMDs), which allows a district's diversity to be more clearly mirrored in the parliament.²⁰⁹ For such a system to work properly there is a need for the electoral politics to be revived.

Despite these propositions for a democratic system in Iraq, it seems that the Kurdish north, the Shia south and a Sunni centre would have their own influence in the future political set up. The pertinent question for the US administration is how to achieve the success of their policies in view of such deep divisions between the political groups. Since Iraq is a heterogeneous society a system of governance, which guarantees the adequate representation for all the ethnic groups is very difficult to achieve. The only positive sign since the US occupation had been the meeting of the Baghdad city council, although it too came amid the violence in the city where three US soldiers and two Iraqis were killed.²¹⁰ Since 1 May 2003, in a span of two and a half months, 81 US soldiers had been killed²¹¹, and an estimated total number of the US soldiers

²⁰⁶ Adeed Dawisha and Karen Dawisha, "How to Build a Democratic Iraq," *Foreign Affairs*, Vol.82, No.3, May/ June 2003, pp.36-50.

²⁰⁷ *Ibid.*, pp.37-38.

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*, pp.38-45

²¹⁰ "Baghdad gets new city council" BBC News, Monday, 7 July, 2003,
URL: http://news.bbc.co.uk/2/hi/middle_east/3051940.stm

²¹¹ "US troops to stay in Iraq indefinitely" *The News*, July 16, 2003.

killed in hostile fire had been^{149,212} Most of these soldiers had been killed in combat, guerrilla war²¹³ or friendly fire. The holding of elections and democratisation of Iraq in such conditions seems meaningless. The democratising Iraq, as expected under the idea of proportionality has not been achieved.

At the US domestic scene, the war is not over for the families of all those US servicemen who had been killed in Iraq. If Iraq turns into the quagmire that has been feared, the political costs for President Bush at home are going to be massive. President Bush might be reminded of President Lyndon B. Johnson who bore the brunt of defeat in Vietnam. The US as the absolute unilateral power before the war seems vulnerable when it is witnessing the death of its troops every day. The peacekeeping troops from other Muslim and European countries can provide some semblance of legitimacy and respite to the US troops but the possibility seems bleak owing to the lack of security of life in Iraq.²¹⁴

For the US, the cost of democratising Iraq is apparently much more than the gains expected. Thus pre-emption remains unjustifiable. On the political front, it would be better to set up a transitional government under the UN supervision then to rush through an artificial democratic process that is bound to fail.²¹⁵ The US is one of the oldest democracies. It has fought civil wars and has paid the price of freedom with its own blood. This is all the more reason that US ought to know; that democracy, cannot be imposed from above it has to be built from below. Democracy is a state to be earned not a gift to be bestowed by foreign invaders.²¹⁶ The half-baked measures to form a democratic system without the presence of security and political culture are liable to undermine the whole concept of democracy in the Iraqi society, which had been ruled, first by the colonial masters and then by dictators. The US needs to address the nearly unanimous consensus among its own intellectual quarters, on

²¹² "Surge in attacks on helicopters escalates death toll in Iraq" by Robert Burns, *Associated Press Online*, 11/8/2003, URL:
http://www.boston.com/dailynews/312/wash/Surge_in_attacks_on_helicopter:.shtml

²¹³ "US faces Iraq 'guerrilla war'," July 16, 2003, Story from BBC News: URL:
http://news.bbc.co.uk/2/hi/middle_east/3072899.stm

²¹⁴ Ehsan Ahrari, "The triumphant return of multilateralism," *Asia Times Online*, August 6, 2003. URL:
http://www.atimes.com/atimes/Middle_East/EH06Ak01.html

²¹⁵ Marina Ottaway and Judith Yaphé, "Political Reconstruction in Iraq: A Reality Check," Published by Carnegie Endowment for International Peace, March 27, 2003. pp.6-7.
URL:

http://www.ceip.org/files/Publications/IraqBrief_Ottaway.asp?from=pubauthor

²¹⁶ Adeel Malik, "It is not about democracy," *The News*, Islamabad, March 27, 2003.

its insincerity in calling and striving for democracy in the Arab world.²¹⁷ The US policy makers have long hesitated about promoting democracy for Arabs out of fear that Islamists might win free elections.²¹⁸ In view of the democratic values and political liberalisation professed by the US before the war, it is only rational that US gains credibility in the Arab eyes by showing a willingness to accept the outcome of free and fair elections. The other challenge for the US will be to decide whether it can allow the intermingling of Islam and democracy in Iraq in the name of multilateralism.²¹⁹ This would not promise much room for US primacy in Iraq however it could help the US honourably retreat from the quagmire that Iraq is turning into, as a result of the US unilateralism.

Unilateralism has been one of the main causes of failure in nation building attempts by the US. The US has conducted 200 military interventions abroad since it's founding. Sixteen of these interventions had been proclaimed as nation building attempts and four out of those sixteen including, Japan, Germany, Panama and Grenada, can qualify as successes.²²⁰ The military intervention operations in the past have had three characteristics. First, the practical goal was to achieve regime change or the survival of a regime that would have otherwise collapsed. Second, the US nation-building efforts typically required that a large number of ground troops be deployed to provide security and basic services. Third, the US military and civilian personnel were active in post-conflict political administration. This kind of deep involvement in political life of the target nation allowed Washington to select friendly leaders, influence policy and restructure institution.²²¹

Even if the US is sincere in its intentions, some of the factors such as the socio-economic characters and governing capacities in the target countries are beyond its control. Most of the countries where the US intervened came to have military dictators ruling them after the US left because their militaries were gradually strengthened by the US to ensure security and order.²²² Thus the track record is not promising. The US is not involved in Iraq with the same enthusiasm as it had been in its past interventions and nation building attempts, owing to the fact that even after occupying Iraq, the US still feels insecure. There are more chances of radical religious leaders coming to power in Iraq after the elections because of their extensive organisational set up, popular support, and as a reaction to the authoritarian rule of the Baathists. The chances are that each ethnic and sectarian group would want its share in the

²¹⁷ Marc Lynch, "Taking Arabs Seriously," *Foreign Affairs*, September/ October 2003, Op. cit.,

²¹⁸ Ibid.

²¹⁹ Ehsan Ahrari, "The triumphant return of multilateralism," Op. cit.,

²²⁰ Minxin Pei, "Lessons of the Past," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, pp.52-53.

²²¹ Ibid.

²²² Ibid.

government, ultimately leading to the eviction of the US and allied troops from Iraq.

This is one of the reasons that US cannot turn to a ready-made model of occupation and reconstruction in post war Iraq because it does not fit the situation prevailing in Iraq. The US is currently guided by two conflicting models of political reconstruction, each subject to a different logic and different imperatives.²²³ Under the first model, the US would help Iraq create a decentralised, participatory democracy. The second model would give the ground plan for a transfer of power and control to an interim Iraqi government. Considering the fact that Iraq has an impoverished population, deep ethnic and sectarian divisions, no prior experience of democracy and a track record of autocratic rule, the models for political stability are likely to face serious impediments. These models of political reconstruction were inspired by the US agency for International Development's (USAID) "Vision for Post-Conflict Iraq".²²⁴ It was expected that the national government would be limited to essential national functions, such as defence and security, monetary and fiscal matters, justice, foreign affairs and strategic interests such as oil and gas. In the later stage of public participation it was expected that the elected local assemblies would control the civil administration, paving the way for a participatory democracy.²²⁵ The situation on the ground had been extremely different from that expected at the time of the formulation of such models. The violence in Iraq had overshadowed the plans of democratic change and development.

The US had expected that sixty one percent of the Shia population of Iraq would rise to support the US in removing the Saddam regime, once Iraq was defeated in the war and invaded by the US army. The Iraqi Shias have a very vital position in the overall politics not only because of their number, but also owing to the fact that the area they inhabit is strategic and has of the majority of the oil fields. Shias in Iraq do not have any special regard for the US. In 1991, President George Bush encouraged them to rise and overthrow Saddam and when the Shias rose against Saddam, the US administration failed to help them. The Shia community were brutally crushed by the army units loyal to Saddam.²²⁶ Although the Shia community had since then yearned for the fall of the Baath party yet they are themselves extremely nationalistic. The previous betrayal by the US is still fresh in their minds and they are sceptical of the US occupation of Iraq. They dislike the idea of a US imposed government in Iraq and have concerns regarding the US seeking to dominate the oil resources of

²²³ Marina S. Ottaway, "One Country, Two Plans," Policy paper published by Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, p.55.

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Yitzak Nakash, Op. cit., "The Shi'ites and the Future of Iraq," *Foreign Affairs*, Vol.82 No.4, July/August 2003. p.24.

Iraq.²²⁷ Although the Shia community is diverse and has a considerable section of liberals it the ‘Supreme Council for the Islamic Revolution in Iraq’ that commands the support of the majority of the shias. Ayatollah Muhammad Baqir al-Hakim who headed this council was very clear in his views about US leaving Iraq and letting the Iraqis form their own government. He had said that an Iraqi administration named by US proconsul L Paul Bremer would be “illegal”.²²⁸ The leadership of the council even after the death of Al Hakim stands firm on minimising the US involvement in future Iraqi government.

The US claims that Iraq’s Shia community would welcome the US to control Iraq and help in forming a government in Iraq seem baseless in view of the above-mentioned observations. This further negates the idea of an urgent need to intervene in Iraq for the promotion of democracy. If the concern that the US seeks to domestically destabilise Iran before launching a pre-emptive attack on its territory²²⁹ has any validity, then the Iraqi Shia clergy members, who had lived in exile in Iran during Saddam’s era, would not want to have any part to play in this grand design. Although the Iraqi institutions are still not completely destroyed and can help the democratic process to start up, even then, it is not the job of the US to do so.²³⁰ The US is in a dilemma. If it lets the Shia community take the reins of governance then it is bound to face a tough demand of leaving Iraq and risks a chance of a strong Iran-Iraq anti-US block. On the contrary, if it lets the Sunni establishment, which is deeply imbedded in the political infrastructure to regain control in Iraq, the victimisation of Shias would continue and could plunge Iraq into further chaos. Iraq has to be governed by Iraqis even if it means a Shia majority government. Most Iraqis feel they are renting their own country- first from Saddam then from the US. The US must spare the time and energy to give back to Iraqis, the ownership of their land. The necessary compromises to bring in the UN and the international community to help Iraq also need to be made.²³¹

The ‘occuliberators’ in Iraq are learning the hard way, that winning peace is much harder than fighting the war and seem to be slipping into quagmire. The reconstruction plan before the war included proposition for building governmental infrastructure. The most vital factor was the need for building an inherent trust and acceptability of the populace had been overlooked. The US is caught in a situation much more demanding and complex in Iraq. It cannot move out of Iraq because it would be at the expense of losing face, and by remaining in Iraq they are bound to face more attacks on

²²⁷Ibid., pp.24-26.

²²⁸ Pepe Escobar, “Culture shock and awe,” *The Rowing Eye, Asia Times online*, July 4, 2003. URL: <http://www.atimes.com/atimes/printN.html>

²²⁹ Shirin M. Mazari, “Iran exposes US designs,” *The News*, Islamabad, June 04, 2003.

²³⁰ Benjamin Barber, “West can’t impose democracy on ME,” *Dawn*, July 6, 2003.

²³¹ Ibid.

their troops, in Vietnam-style.²³² The US needs to take heed from its failed intervention-operations in the past. The invasion of Panama in 1989 where the US army used the 'stealth bomber' killing some five to ten thousand people, seemed a successful intervention but later on the two failed coup attempts masterminded by the US in Panama²³³ showed that intervention and interference are dictatorial policies in their spirit, and are not accepted by any country. In view of journalists like Pepe Escobar, the US strategy in Iraq seems something like a Spanish bullfight. By showing the red rag in the form of occupation the Bush administration expects to find all kinds of hard to find terrorist bulls, in view of the logic that it would be easier for the bulls to attack the US soldiers in Iraq, than to attack the US interests around the world.²³⁴ To the disappointment of the US, the bulls do not seem to be playing their game and terror attacks have continued in other parts of the world. To add insult to injury the US now faced a nationalist liberation struggle in Iraq, led by Iraqi Shias and Sunnis alike, blaming the US for any violence that impedes the process of reconstruction and democracy.

The US plan before the war had assumed that the Iraqi government would be removed with minimal disruption of the country's ability to function and US forces would be welcomed by the Iraqis. This proved to be a heavily weighed plan based on wishful thinking. On the non-military side where the reconstruction after the war is involved, the US faltered in the past in the post Soviet-Afghanistan, where a military victory was followed by a political defeat, due to US negligence of the country's pressing political problem. Iraq would be the test whether the trend of political instability in a country, after a US intervention is repeated or reversed.²³⁵ It would not be in the interest of the US to sustain another Vietnam like misadventure.

US Policy Rethinking Options

It is in fear of such Vietnam like blunders that a new 'Exit Strategy' has been promoted as a theme. This strategy is in opposition to the ideas like pre-emption, hegemonism and intervention. These assertive policies are considered as tactic band-aid on the serious strategic diseases.²³⁶ The advocates of 'Exit Strategy' fear that if the pre-emptive strategy and reconstruction process does not deliver the expected results, then the failure of this policy would mean a failure of the strategic vision. Dean Acheson considered that the US needs to broaden its perspectives of national and global interests in order to keep a

²³² Pepe Escobar, "Culture shock and awe," Op. cit.

²³³ Ten years of UN-sponsored genocide against Iraq, *The Spark*, Op. cit.,

²³⁴ Pepe Escobar, "Jihad virus attacks Pentagon logic," *Asia Times*, "The Rowing Eye" August 6, 2003.

²³⁵ Jessica Tuchman Matthews, "Now for the hard part," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, p.51.

²³⁶ Olsen, Op. cit., pp.21-26.

dynamic strategic vision,²³⁷ where the domestic, social and economic concerns are also given due importance. The new policy would not lead to an isolation of the US instead it would facilitate an economic revival, reduce defence costs, lessen the burden for competitors²³⁸ and above all a benign role in world affairs would enhance the US image as a peace maker rather than a war monger. This would also require emancipation from the stereotypes that are over shadowing the strategic vision. The decision makers in the US administration consider it necessary to give due importance to the Al Qaeda factor while formulating their policy in the Middle East. This seems to have taken the status of an intangible factor in their policy making. This has to be accepted that the majority of Muslim countries are not the supporters of Al Qaeda and it is as much a threat to the Muslim countries, as it is to the US. As opposed to Al Qaeda, the Muslim states in the Middle East and the world consider that the US policy is not only Al Qaeda specific, but also a hostage to the US administration's fixation with the need for granting a dominant status to Israel.

According to the promoters of 'Exit Strategy', this is seen as a kind of myopia from which the US suffers. Israel's security has been a primary motivation for the US while formulating its Middle East strategy. This has also been termed as one of the reasons to attack Iraq, since Iraq had been the only country in the Middle East, capable of threatening Israel.²³⁹ Realistically, the US does not require any military assistance from Israel to defend its territory nor does Israel from the US, given the formidable array of conventional, nuclear and intelligence capabilities that Israel possesses.²⁴⁰ On the contrary, the US is detested by many Muslim countries for giving undue support to Israel, when it has much lethal WMD and a continued record of violence against the Palestinians. The US needs to free itself from the clogged vision of the Middle East as a result of seeing the Middle East through Israel's perceptual lens.²⁴¹ It is understandable that the US policy in the Middle East is guided by the promotion of its own interests in that region. In the US perception there is a better chance of achieving its interests by supporting the stronger actors in the region. This policy however, has been perceived as a unilateral approach. If this unilateral approach aiming at remaining an undisputed hegemon in the world requires a disregard of such unequal divisions as in the case of Israel and Palestine, then the US must be aware that such a policy will have repercussions. The fallouts from such an approach are visible from the after effects of pre-emption in Iraq. These concerns need to be addressed by the US in order to devise long-term and sustainable strategy.

²³⁷ Olsen, *Ibid.*, p.12.

²³⁸ Olsen, *Ibid.*, pp.37-41.

²³⁹ Philip H. Gordon, "Bush's Middle East Vision," *Op. cit.*, pp.156-158.

²⁴⁰ Olsen, *Op. cit.*, p.139.

²⁴¹ *Ibid.*

The noeimperialistic approach of pre-emption is thought to be unsustainable.²⁴² The military power used in Iraq had been unrestrained and without the sanction of the international organisations it cannot be termed legitimate.²⁴³ This excessive use of force shorn of legitimacy, and a disassociation and disregard for the international norms and institutions of international order can lead the world to anarchy and make the international system more hostile. The US policy is a summersault from its previous policies. The previous policies had the ability and willingness to exercise power within alliances and multinational frameworks. This made the US power and agenda more acceptable to the allies and other important states around the world.²⁴⁴ Since terrorism is a threat, which requires a long-term strategy, this cannot be a good policy for the achievement of long-term objectives. Inclusion of Iran and North Korea in the 'axis of evil' signified that Bush administration's aspiration to deal with these two states regarding their WMD programs. Iran and North Korea are not going to be easy targets for pre-emption since they are credible military powers. Dealing with such cases will require a multilateral effort. It is also not certain that pre-emptive military intervention will be suitable in the cases of Iran and North Korea as the post-Iraq casualties of the US troops and the economic cost of rebuilding has taken its toll on the US domestic scene. Another pre-emptive war will have the potential of triggering a domestic political backlash to a US led and military-focused intervention.²⁴⁵

Since WMD cannot be eliminated overnight there is a need to follow a balanced proliferation policy, which is being obstructed by this policy of intervention. Unilateral intervention undermines the multilateral agreements, institutions and cooperative spirit for non-proliferation. Instead, unilateralism gives an incentive to rising nuclear threshold and the hostile states to accelerate their programs for the acquisition of the only credible deterrent to the US, which is the WMD.²⁴⁶ This also strengthens the argument that if Iraq actually had WMD, the US would have been deterred and would not have attacked. Iraq still has legitimate international security concerns and it cannot be guaranteed that the new administration in Iraq after the elections will abandon the WMD²⁴⁷ program unless the security threats to the country are not addressed in a genuine way. A policy of coercion and unilateralism towards the elimination of WMD cannot endure.

The non-proliferation debate and the 'axis of evil' declaration have brought to attention the nuclear programs of North Korea and Iran. These

²⁴² Ikenberry, *Op. cit.*, p.57.

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

²⁴⁷ Daniel L. Byman, "Building the New Iraq: The role of Intervening Forces," *Survival*, Vol.45, No.2, Summer 2003, *Op. cit.*, p.59.

regimes have drawn opposite conclusions from the treatment meted out to Iraq. As of late May, US officials were reporting that North Korea had been accelerating its nuclear program and had no plans of abandoning it. North Korea has credible missiles, with the most advanced No Dong (ND)-1 with a range of 1300 km and Taepo Dong (TD)-1 having a range of 2000 km. North Korea plans to undertake missile tests to make these missiles nuclear capable.²⁴⁸ This development though not in favour of international peace can be attributed to the unilateral policy of the US. The US plan of building a National Missile Defence (NMD) has in a way rationalised the use of nuclear capable missiles and the pre-emptive strike on Iraq on the suspicion of nuclear attack have added to the concerns of North Korea. This is one of the reasons that North Korea has been compelled to expedite its nuclear acquisition program. The other country to follow suit is Iran. The US National Security Advisor, Condoleeza Rice, quoted in an interview to the Financial Times of London on May 31, 2003, that the White House wanted to see an elected government in Tehran, which is forward looking.²⁴⁹

This statement is taken as an implication of the political coercion towards Iran, in future. As a consequence, Iran has raised the public profile of its civilian nuclear program by initiating debate over it, and is pursuing fuel cycle and uranium enrichment capability.²⁵⁰ The mutual concern of both these countries is the apparently unjust and one-sided approach of the policy of unilateralism and pre-emption, as perceived by North Korea and Iran. Writers like George Percovich believe that the US has removed two of the most direct security threats that could motivate Iran's quest for nuclear weapons: Iraqi President Saddam Hussein and the Taliban in Afghanistan. The other threats that remain are Israel and the US itself.²⁵¹ The 'axis of evil' rhetoric and veiled threats have negated any comfort that these two actions might otherwise have conveyed to Iranian decision-makers. The US doctrine of pre-emption, paired with Israeli Prime Minister Ariel Sharon's aggressive security policy in Israel, has the potential to compel Iranian security officials to intensify the quest for nuclear deterrent.²⁵²

²⁴⁸ "North Korea's Missile Flight Tests" Centre for Defence Information online, URL: http://www.cdi.org/program/document.cfm?DocumentID=1677&StartRow=1&ListRows=10&appendURL=&Orderby=D.DateLastUpdated&ProgramID=6&from_page=index.cfm

²⁴⁹ Sherin Mazari, "Iran exposes US designs," *The News*, Islamabad, June 4, 2003.

²⁵⁰ Joseph Cirincione, "Can preventive war cure proliferation?," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, pp.66-68.

²⁵¹ George Percovich, "Can Iran and the United States Bridge the Gulf?," Policy paper published Carnegie Endowment for International Peace, *From Victory to Success*, July-August 2003, p.65.

²⁵² *Ibid.*

The most aggressive advocates of military surgery acknowledge real problems in the case of North Korea and Iran. Every good strike depends on verified intelligence reports. Intelligence officials caution that locations of key facilities in North Korea and Iran remain unknown.²⁵³ South Korean President Roh Moo Hyun had warned that a strike against North Korea would be unthinkable, calling it “very, very dangerous”. Similarly Iran is a developed and politically dynamic country. The US cannot attack Iran without causing widespread instability and jeopardising the prospects for normalising its relations with Iran for decades to come.²⁵⁴ Neither preventive nor pre-emptive war is thus a miracle cure. It cannot begin to replace the range of treatments necessary to make the nuclear or nuclear threshold countries, give them up, or prevent states or terrorists from seeking these deadly arsenals in the first place.²⁵⁵ The efforts to stop proliferation must offer states that seek the WMD a set of alternatives for redressing insecurities and achieving status and international recognition. In the case of Iraq and Iran, even if the democratic transformation sweeps the Middle East, a new Iraq and a new Iran might still want nuclear weapons as long as Israel has them and as long as such weapons are seen as the currency of great powers.²⁵⁶ The focus of pre-emptive action needs to be widened with an effective implication of the laws of non-proliferation, to be applicable to all nuclear states. This can be a more pragmatic approach to address the limitations in the new US strategy.

Evaluation of Pre-emption as a Strategy

The real problem in the new strategy is not pre-emption but narrowness. The focus is on three governments and terrorists, and the emphasis on force, coercion and selective treaty enforcement as instruments of policy. Without acceding to follow a non-proliferation policy itself, the US is providing incentives to other nuclear threshold countries to arm themselves with WMD.²⁵⁷ The Bush administration’s Nuclear Posture Review has come under severe criticism. It says the nuclear weapons could be used in three types of situations: against targets able to withstand non-nuclear attack; in retaliation for an attack with nuclear, biological or chemical weapons; or in the event of surprising military developments.²⁵⁸ This induction in the Nuclear Posture Review gives an indication of a pre-emptive nuclear strike where a military

²⁵³ Joseph Cirincione, “Can preventive war cure proliferation?,” *Op. cit.*, p.68.

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*

²⁵⁷ George Perkovich, “Bush’s Nuclear Revolution: A regime Change in Nonproliferation,” *Foreign Affairs*, Vol.82, No.2, March/April 2003, pp.4-8.

²⁵⁸ “Bush administration’s nuclear policy termed “schizophrenic and dangerous”,” Peace Action & Peace Action Educational Fund, D.C. March 12, 2002.

URL: <http://www.peace-action.org/pub/releases/re10313.html>

threat is perceived. The US administration in a way loses the moral ground for destruction and elimination of WMD and nuclear non-proliferation when it itself rationalises the use of nuclear weapons. This selective implication of the laws of non-proliferation are in the long-term likely to lead to a non-cooperation of the US allies, and the task of non-proliferation can only be achieved through multilateral cooperation. If the US follows a conciliatory policy in Iraq, the prospect of close military support for the new Iraq and the clarification of the US intentions in Middle East, could induce Iraq to comply with US demands to end the nuclear program.²⁵⁹

The imperial grand strategy of the US does not have the potential of achieving and generating the cooperation needed to solve the problems at the heart of the US foreign policy agenda.²⁶⁰ In the fight on terrorism the US needs cooperation from its allies in Europe and Asia not only in intelligence, law enforcement and logistics²⁶¹, but also at the domestic level of the front line countries, where the US mission has to be given a legitimate face even if it means building up a campaign to promote the US agenda even it happened to be against the public sentiment of the masses in the front-line allied countries. Moreover, the US needs partners for trade liberalisation, global financial stabilisation, environmental protection and deterring transnational crime. The US has to realise that it might be a unipolar military power but that economic and political power is more evenly distributed across the globe.²⁶² The military operations, however necessary they may be; are ideally, to be unaccompanied with economic generation to finance them. In addition economic investment for the rebuilding of the post conflict nation are also to be guaranteed to make the process sustainable. The US has to realise that by following a unilateralist policy it is likely to be isolated from its economic allies.

The other arguments for the new strategy being unsustainable are based on the idea of self-encirclement and imperial overstretch²⁶³, implying the negative consequences of hasty and overextended policies. The proponents of the new grand strategy have assumed that the US can single-handedly deploy its military power abroad and not suffer untoward consequences. If history is a teacher, it explains that powerful states tend to trigger self-encirclement by their own overestimation of their power. Charles V, Louis XIV, Napoleon, and the leaders of post-Bismarck Germany sought to expand their imperial domains by imposing coercive orders on other states.²⁶⁴ Their imperial orders were brought down when the rest of the world decided that they are not ready to be ruled by a single coercive power. It seems that the US is not willing to consider that its

²⁵⁹ George Percovich, "Can Iran and the United States Bridge the Gulf?," *Op.cit.*

²⁶⁰ Ikenberry, *Op. cit.* p.58.

²⁶¹ *Ibid.*

²⁶² *Ibid.*

²⁶³ *Ibid*, pp.57-58.

²⁶⁴ *Ibid*.pp.58-59.

modus operandi is getting similar to the imperial powers of the past that languished because of their imperial overstretch. Although the goals and objectives of the US grand strategy are not as illustrious as those of the age-old emperors but the hard line imperial grand strategy runs the risk that history will repeat itself, considering the factor that in a majority of the cases of the decline of imperial powers, the reason for downfall was not always the might of the adversary but the costs of war which gradually took its toll.

With the imperial grand strategy stretched far, the US seemed to have miscalculated the economic and political costs of rebuilding in Iraq. Getting rid of probable WMD in a country and developing its devastated infrastructure after war was not going to be an easy task, especially when confronted with a weary if not hostile populace. The experience of peace, governance and infrastructural development in Afghanistan had not been a feather in the US' cap, by any standards. There are no guarantees that similar tasks in Iraq would be easier for the US considering that the economic costs of war, peace making and rebuilding in Iraq are going to be greater than Afghanistan. The US is going to feel the pinch of military expenditure on its domestic economic and political affairs if it continues such military operations.

Implications for the US

US needs to regain its economic might. It is evident from the fact that the US has become the greatest debtor nation from the once largest creditor nation. The US owes \$ 5.7 trillion to foreign investors and allies.²⁶⁵ The war on Afghanistan cost nearly \$ 37 billion.²⁶⁶ The economy in view of politicians like senator Robert C. Byrd, is stumbling, the administration has ignored urgent matters such as the crisis in health care for the elderly.²⁶⁷ The administration has been slow in providing for homeland security and securing the long porous borders. The US is 'sleepwalking through history'.²⁶⁸

The occupation of Iraq had been costing approximately 1 billion dollars per week, twice the pre-war projections made by the White house.²⁶⁹ The US President had proposed a \$ 48 billion increase in the 2003 budget, which will have long-term effects. Over the next ten years the administration projects that the budget will continue to eat into social security and medicare payroll tax

²⁶⁵ Edward A. Olsen, *US National Defense Strategy for the Twenty-First Century: The Grand Exit Strategy* (London: FRANK CASS Publishers, 2002), Op. cit., p.176.

²⁶⁶ US Senator Robert C. Byrd's Senate Remarks "We Stand Passively Mute" on

February 12, 2003,

URL:

http://www.senate.gov/~byrd/byrd_newsroom/byrd_news_feb/ne.../news_2003_february_9.htm

²⁶⁷Ibid.

²⁶⁸ Ibid.

²⁶⁹ Ehsan Ahrari, "The triumphant return of multilateralism," Op. cit.,

revenue every year, even if the budget overall returns to surplus. This means that the goal of paying off the nation's public debt - which a year ago appeared possible in the next five years - had been indefinitely deferred. The failure to reduce the debt as planned will force the US government to pay an additional 1 trillion dollars in interest cost over the next decade.²⁷⁰ Large tax cuts combined with military spending increases had turned a budget surplus into a deficit as they did during the Regan years. In future, the rise in fuel prices would affect the transportation sector that greases the US economy's wheels. The consumer spending has been gradually buoyed by extremely low rates and slower growth and could add nearly one percent to inflation.²⁷¹ In addition, the price tag of the reconstruction and peacekeeping operation in Iraq would be another \$ 60 billion.²⁷² With such crumbling economic figures, a war which could cost another couple of billion dollars, is going to come under extreme criticism, especially when the war mongers termed as 'chicken hawks'- men who avoided military service during Vietnam while supporting that war politically like Donald Rumsfeld, who is the one such example, are in control.²⁷³

The use of force and unilateralism has more lessons to offer than what the US administration is willing to learn. The US leaders have drawn one or two very simplistic and self-serving lessons from the past. This is the thinly disguised rationalisation for the use of force being necessary, if the US is to reach its goals. It is remarkable how much weight has been given to the fatuous reasoning of Bernard Lewis, which maintains that September 11 event occurred because the US had projected an image of weakness and ineffectuality to the Arab world.²⁷⁴ Since the current US administration is influenced by such ideas, the motivation behind such unilateralism could be a search for the lost recognition and being perceived as an invincible military force. This quest for recognition is natural, along with the desire for authority and rationality, which precede recognition. This could be the foremost motivation to achieve the illustrious objectives set forth by a country as dominant as the US. Recognition is a central problem of politics because it is the origin of tyranny, imperialism and the desire to dominate. It is simultaneously the psychological ground for

²⁷⁰ "Justice not War: Real solutions for a safer world," Published by Peace Action Education Fund, at www.peace-action.org. Article gives the views of economist Glenn Kessler.

²⁷¹ Miriam Pemberton, "The economic cost of war in Iraq," Op. cit.,

²⁷² William Kristol and Robert Kagan, "Do what it takes in Iraq," Published by Carnegie Endowment for International Peace, September 8, 2003

²⁷³ Anatol Lieven, "The Push for War," Carnegie Endowment for International Peace, November 22, 2002. URL: <http://www.ceip.org/files/Publications/2002-10-22lieven-lrb.asp?from=pubdate>

²⁷⁴ Zia Mian and Smitu Kothari, "A new vision for resistance," *The News*, May 4, 2003. (Richard Falk opined in an interview, published as an article).

political virtues like courage, public-spiritedness and justice.²⁷⁵ This perceptual lens of recognition is to be applied both to study the behaviour of the US leadership calling for war and those opposing it. The spirited strategy formulated by the hawks calls for regaining the lost prestige and is justified by the US according to this standard of 'recognition'. Iraq thus can be seen as being punished more for its lack of recognition of the US than being a threat to the world's peace. Countries like Israel have greater WMD technology and North Korea, with declared WMD and having expelled UN monitors, has itself threatened a pre-emptive strike against the US.²⁷⁶ These are greater evidences of defiance and refusal to 'recognise' US as a great power.

Saddam's refusal to surrender in 1991, and his continuing defiance of Washington, is the reason why the US and Britain have bombed Iraq for the past ten years, and why President Bush is so determined to crush Iraq and kill its leader. It is not about weapons of mass destruction, it's about defiance.²⁷⁷ At the same time, the opponents of this war and the aggrieved parties see this strategy as nothing but an affirmation of the concept of might being right. As a consequence of this policy, the world risks being squeezed between a new Scylla and Charybdis.²⁷⁸ The Charybdis is universal intervention, unilaterally decided by the US leaders who are convinced that they have found a global mission provided by a colossal threat. The Scylla is the resignation to universal chaos in the form of new attacks by future bin Ladens, fresh humanitarian disasters, or regional wars that risk escalation.²⁷⁹ This is one of the basic lessons of unilateralism, which is being ignored. The threats of terror cannot be fought by sheer force. The pre-emptive attack on Iraq cannot guarantee the prevention of any new 9/11 like attacks on the US. This threat can be dealt with an international cooperation in a more effective way.

Washington has yet to understand that nothing is more dangerous for a 'hyperpower' than the temptation of unilateralism.²⁸⁰ It may well believe that the constraints of international agreements and organisations are not necessary, since the US values and power are all that is needed for world order. But in reality, those same international constraints provide far better opportunities for leadership than arrogant demonstrations of contempt for others' views, and

²⁷⁵ Francis Fukuyama, "By Way of an Introduction," A commentary on his earlier work "The End of History and the Last Man", URL:

<http://www.marxist.org/reference/subject/philosophy/works/us/fukuyama.htm>

²⁷⁶ N Korea threatens pre-emptive attack on US troops, *The News*, February 07, 2003, URL: <http://www.jang.com.pk/thenews/feb2003-daily/07-02-2003/main/main7.htm>

²⁷⁷ Eric S. Margolis, Op. cit.

²⁷⁸ Stanley Hoffmann, Op. cit., p.114.

²⁷⁹ Ibid.

²⁸⁰ Stanley Hoffmann, "Clash of Globalisations," *Foreign Affairs*, July/August 2002, Vol. 81, No.4, p.113.

they offer useful ways of restraining unilateralist behaviour in other states.²⁸¹ The unilateralism and policy of pre-emption has immensely raised the stakes in Iraq. The US vision will, in the coming months after the war, either be launched successfully or it will die in Iraq. The future of the US foreign policy, world leadership and security is going to be at stake. Failure in Iraq would be a devastating blow to everything the United States hopes to accomplish in the times to come.²⁸² Writers like Rudolph Bourne maintain that if there is a lesson to be learnt from history, the US must avoid the arrogance and divisiveness that has been a curse. The US must unite to resist this repression and replace the “the allure of the martial in war” and “the allure of the technical” by “allure of fresh and true ideas, of free speculation, of artistic vigour, of cultural styles and of intelligence”.²⁸³ These words of Bourne cannot be taken as a program for action, but the injunction to seek such themes in the policy can create conditions for a more humane strategy toward resolution of conflicts.

In view of apparent negative results in Iraq, it becomes necessary for the US to review its policies and the motivations behind them. The 9/11 attacks on the US are probably the most deplorable in recent history yet the US must also claim its share of guilt in the worsening of the situation to this extent, due to its own myopic policies. Although there is no concrete evidence to link Al Qaeda to Iraq yet the US must consider that the attackers of 9/11 pinpointed the reason for their outrage. They struck at what they saw as the twin towers of indifference. Thinkers like Daniel Maguire perceive that the attackers see the US as an ‘arrogant five hundred pound gorilla that pollutes and then scorns treaties to end pollution, that as a nation was built on slavery and practices racism and yet shuns the United Nations conference on racism in Durban, South Africa’.²⁸⁴ These attackers noticed that the genocide of black people in Rwanda did not stir the US to action. They believe the US would have acted differently if Swedes or Irish were having their throats cut.²⁸⁵ The death of half a million Iraqi children because of sanctions, more children than those that died in Hiroshima, seems justified and ‘worth it’ to Madeleine Albright, the US ambassador to the UN.²⁸⁶ The US does not consider Timothy McVeigh as representing the Irish Catholics but the Taliban and bin Laden somehow symbolise Islam.²⁸⁷ The US must have seen the other side of the picture, which the terrorists have so brutally revealed.

²⁸¹ Ibid.

²⁸² William Kristol and Robert Kagan, “Do what it takes in Iraq,” Published by Carnegie Endowment for International Peace, September 8, 2003.

²⁸³ Noam Chomsky, *American Power and The New Mandarins*, Op. cit., p.7.

²⁸⁴ Daniel C. Maguire, “America: a superpower no more,” *Dawn*, Islamabad, October 9, 2001.

²⁸⁵ Ibid.

²⁸⁶ Dr Marco Chiesa, “Terrorism: Psycho-political observations on shock and indifference,” URL: <http://www.melanie-klein-trust.org.uk/chiesa1.htm>

²⁸⁷ Daniel C. Maguire, Op. cit.

The US cannot shy away from the fact that the faulty US policies have played a part in the emergence of the problems of security that the world faces today.

Considering the possible post war situation in Iraq there are three possible scenarios of post war Iraq, as given by Joseph S. Nye Jr.²⁸⁸ Firstly, the year 1945, Japan and Germany type situation where the US left after seven years leaving behind a friendly democracy. This would be a preferred outcome, but it is going to be different in Iraq's case since Germany and Japan were homogenous societies and Iraq is a heterogeneous mix, where opposing factions resort to violence. US did not face any violence in either Germany or Japan²⁸⁹, since there were different conditions prevailing in the two countries. The post-war Iraq is going to be extremely different from the fore mentioned countries. The terrorist threat to the US troops has not been completely eliminated and there are chances of guerrilla warfare from the extremist groups that can operate from outside of Iraq. Moreover, though the Iraqi society has an aspiration for democracy, the country has not experienced any form of the democracy that the US wishes to achieve in Iraq. The democratisation of a multiethnic, war ridden, economically crumbling country with a vast number of ethnic groups calling for the exclusion of the US troops can backfire for the US.

Secondly, there can be a Ronald Regan in Lebanon or Bill Clinton in Somalia scenario in Iraq. Here the initial euphoria and cheering for the emancipating US army, was followed by guerrilla attacks on the US troops.²⁹⁰ Similarly in case of Iraq, the situation can lead to the US public opinion demanding the US troops to be brought back, since Saddam is gone, there are no weapons of mass destruction to be found and Iraqis do not want the US brand of democracy. The public opinion in the US cannot be underestimated. The biggest anti-war demonstration in the US had been held in Washington D.C. on October 25, 2003.²⁹¹ Some 20,000 people shouted their opposition to the US presence in Iraq and demanding the troops to be brought back, in addition to calling President Bush a liar, for having attacked Iraq without any legal, political or moral basis, and leaving the people of the US to pay the price in the form of the US soldiers dying each day. The leaders of the demonstration included, Democratic Presidential contender Al Sharpton and former US attorney general Ramsey Clark. In view of such sentiments in the US, the second scenario where the US can consider leaving Iraq will be practical but it would have tremendous domestic repercussions. This would be at the expense

²⁸⁸ Joseph S. Nye, Jr. "U.S. Power and Strategy After Iraq," *Foreign Affairs*, Vol.82, No.4, July/August 2003, pp.72-73.

²⁸⁹ Ibid.

²⁹⁰ Ibid., p.71.

²⁹¹ "Biggest anti-Iraq war protest in US" *The News Islamabad*, October 26, 2003.

of the US losing credibility, as leaving Iraq in conflict would undercut the legitimisation that the US presented before the attack on Iraq.²⁹²

Thirdly, there can be a Bosnia or Kosovo like scenario where North Atlantic Treaty Organisation (NATO) allies and the UN had been engaged for the policing, peace keeping and reconstruction, under the umbrella of a UN resolution and with the legitimisation of an international administrator.²⁹³ This process would be long and frustrating, but it would reduce the prominence of the US as a target for anti-imperialists and would facilitate a gradual pull out of the US troops. The 'Neo-Wilsonians' of the new unilateralist coalition²⁹⁴ had ignored the need for a multilateral approach at the beginning of the conflict; it is going to be a difficult task to muster multilateral support to unravel the quagmire that Iraq has been pushed into. The US demand for peacekeeping troops in the post-conflict Iraq has not been received with enthusiasm among the allies, and a united allied force for Iraq, can be twice as difficult. However having considered the three likely scenarios as given by Joseph Nye, Jr., it seems that the likely scenario under the present circumstances seems to be the second one where it would be clear that Saddam's regime has been destabilised, there are no WMD to be found and the people of Iraq do not favour the US style of democracy in Iraq, but this would be at the cost of the US administrations credibility.²⁹⁵

In the aftermath of this war, the US must understand that force is not the only answer to deal with the threats the US and the world faces. Force is an option and remains so, yet when confronted with such a threat, if President Bush overplays the military instrument the result will be a "war without end and without friends."²⁹⁶ Bush had made it a difficult choice for the nations to make. He had not only asking them to oppose Al Qaeda but in addition to support pre-emption, and the occupation of an Arab country. The result being that many who although staunchly opposed Al Qaeda decided that they do not want to be "with" the US.²⁹⁷ In the final analysis, an average observer can see that a power mighty enough to enforce its will, ends up imposing it no matter what the price. The victims of war see that it is probably their own weakness that they let their manipulative and time serving leaders rule them; in turn, these leaders play into the hands of powerful nations and bring all kinds of miseries on the average people. Yet the basic lesson of history to be learnt is that no power lasts a long time until it gives due recognition to humanity and morality.

²⁹² Joseph S Nye, Jr., Op. cit., p.72.

²⁹³ Ibid., p.72.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ "After War," *The Economist*, May 31, 2003. p.24. (Michael Krepon's statement in the article)

²⁹⁷ Madeleine K. Albright, "Bridges, Bombs, or Blusters," *Foreign Affairs*, Vol. 82, No. 5, Sept/ Oct 2003, pp.6-7

This is what neither the US nor the terrorists, both obsessed with power understand. ■

Annexe-A**Article 51 of United Nation's Charter:♦**

“Nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by the Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

♦ <http://www.un.org/aboutun/charter/chapter7.htm>

Annexe-B

United Nations S/RES/1441 (2002)
Security Council Distr.: General
8 November 2002

Resolution 1441 (2002)
Adopted by the Security Council at its 4644th meeting, on
8 November 2002[♦]

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

Recognizing the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security,

Recalling that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

Deploring the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA),

[♦] <http://www.un.org/Docs/scres/2002/sc2002.htm>

failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

Deploring the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

Deploring also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

Noting that the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Council resolutions,

Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States,

Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);
2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;
3. *Decides* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material;
4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;
5. *Decides* that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the

travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;

6. *Endorses* the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;
7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:
 - UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
 - All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;
 - UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
 - UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;
 - Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;
 - UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;

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- UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
 - UNMOVIC and the IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof; and
 - UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage;
8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;
 9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;
 10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;
 11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;
 12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;
 13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;
 14. *Decides* to remain seized of the matter.

Annexe-C

United Nations S/RES/1483 (2003)
Security Council Distr.: General
22 May 2003

Resolution 1483 (2003)**Adopted by the Security Council at its 4761st meeting, on 22 May 2003[♦]**

The Security Council,

Recalling all its previous relevant resolutions,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

Stressing the right of the Iraqi people freely to determine their own political future and control their own natural resources, *welcoming* the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and *expressing* resolve that the day when Iraqis govern themselves must come quickly,

Encouraging efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, *recalls* resolution 1325 (2000) of 31 October 2000,

Welcoming the first steps of the Iraqi people in this regard, and *noting* in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,

Resolved that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,

Noting the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,

Welcoming also the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

Welcoming the appointment by the Secretary-General of his Special Adviser on Iraq,

[♦] http://www.un.org/Docs/sc/unsc_resolutions03.html

Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments,

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the “Authority”),

Noting further that other States that are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Appeals* to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;
2. *Calls upon* all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq’s economic infrastructure;
3. *Appeals* to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;
4. *Calls upon* the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. *Calls upon* all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;
6. *Calls upon* the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, *directs* the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;
7. *Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and *calls upon* the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;
8. *Requests* the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:
 - (a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;
 - (b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;
 - (c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to

- an internationally recognized, representative government of Iraq;
- (d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;
 - (e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;
 - (f) encouraging international efforts to contribute to basic civilian administration functions;
 - (g) promoting the protection of human rights;
 - (h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and
 - (i) encouraging international efforts to promote legal and judicial reform;
9. *Supports* the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;
10. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;
11. *Reaffirms* that Iraq must meet its disarmament obligations, *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and *underlines* the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;
12. *Notes* the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks

- forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;
13. *Notes further* that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;
 14. *Underlines* that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;
 15. *Calls upon* the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and *welcomes* the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;
 16. *Requests* also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:
 - (a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472 (2003);

- (b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;
- (c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986 (1995) of 14 April 1995, identifying:
 - (i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;
 - (ii) all known and projected costs associated with termination of the Programme;
 - (iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and
 - (iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;
- (d) to consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995);
- (e) to fulfil all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), with

- those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);
- (f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;
17. *Requests further* that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and *decides* that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;
18. *Decides* to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;
19. *Decides* to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and *further decides* that the Committee shall identify individuals and entities referred to in paragraph 23 below;
20. *Decides* that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and

Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and *decides further* that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. *Decides further* that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;
22. *Noting* the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, further *decides* that, until December 31, 2007, unless the Council decides otherwise, petroleum, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;
23. *Decides* that all Member States in which there are:
 - (a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or
 - (b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or

other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and *decides further* that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;
25. *Decides* to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary;
26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of this resolution;
27. *Decides* to remain seized of this matter.

Annexe-D

United Nations S/RES/1511 (2003)
Security Council Distr.: General
16 October 2003

Resolution 1511 (2003)
Adopted by the Security Council at its 4844th meeting, on 16 October
2003[♦]

The Security Council,

Reaffirming its previous resolutions on Iraq, including resolution 1483 (2003) of 22 May 2003 and 1500 (2003) of 14 August 2003, and on threats to peace and security caused by terrorist acts, including resolution 1373 (2001) of 28 September 2001, and other relevant resolutions,

Underscoring that the sovereignty of Iraq resides in the State of Iraq, *reaffirming* the right of the Iraqi people freely to determine their own political future and control their own natural resources, *reiterating* its resolve that the day when Iraqis govern themselves must come quickly, and *recognizing* the importance of international support, particularly that of countries in the region, Iraq's neighbours, and regional organizations, in taking forward this process expeditiously,

Recognizing that international support for restoration of conditions of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and *welcoming* Member State contributions in this regard under resolution 1483 (2003),

Welcoming the decision of the Governing Council of Iraq to form a preparatory constitutional committee to prepare for a constitutional conference that will draft a constitution to embody the aspirations of the Iraqi people, and *urging* it to complete this process quickly,

Affirming that the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 19 August 2003, of the Imam Ali Mosque in Najaf on 29 August 2003, and of the Embassy of Turkey on 14 October 2003, and the murder of a Spanish diplomat on 9 October 2003 are attacks on the people of Iraq, the United Nations, and the international community, and *deploring* the assassination of Dr. Akila al-Hashimi, who died on 25 September 2003, as an attack directed against the future of Iraq,

[♦] http://www.un.org/Docs/sc/unsc_resolutions03.html

In that context, *recalling* and *reaffirming* the statement of its President of 20 August 2003 (S/PRST/2003/13) and resolution 1502 (2003) of 26 August 2003, *Determining* that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the sovereignty and territorial integrity of Iraq, and *underscores*, in that context, the temporary nature of the exercise by the Coalition Provisional Authority (Authority) of the specific responsibilities, authorities, and obligations under applicable international law recognized and set forth in resolution 1483 (2003), which will cease when an internationally recognized, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority, *inter alia* through steps envisaged in paragraphs 4 through 7 and 10 below;
2. *Welcomes* the positive response of the international community, in for a such as the Arab League, the Organization of the Islamic Conference, the United Nations General Assembly, and the United Nations Educational, Scientific and Cultural Organization, to the establishment of the broadly representative Governing Council as an important step towards an internationally recognized, representative government;
3. *Supports* the Governing Council's efforts to mobilize the people of Iraq, including by the appointment of a cabinet of ministers and a preparatory constitutional committee to lead a process in which the Iraqi people will progressively take control of their own affairs;
4. *Determines* that the Governing Council and its ministers are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established and assumes the responsibilities of the Authority;
5. *Affirms* that the administration of Iraq will be progressively undertaken by the evolving structures of the Iraqi interim administration;
6. *Calls upon* the Authority, in this context, to return governing responsibilities and authorities to the people of Iraq as soon as practicable and *requests* the Authority, in cooperation as appropriate with the Governing Council and the Secretary-General, to report to the Council on the progress being made;
7. *Invites* the Governing Council to provide to the Security Council, for its review, no later than 15 December 2003, in cooperation with the Authority and, as circumstances permit, the Special

- Representative of the Secretary-General, a timetable and a programme for the drafting of a new constitution for Iraq and for the holding of democratic elections under that constitution;
8. *Resolves* that the United Nations, acting through the Secretary-General, his Special Representative, and the United Nations Assistance Mission in Iraq, should strengthen its vital role in Iraq, including by providing humanitarian relief, promoting the economic reconstruction of and conditions for sustainable development in Iraq, and advancing efforts to restore and establish national and local institutions for representative government;
 9. *Requests* that, as circumstances permit, the Secretary-General pursue the course of action outlined in paragraphs 98 and 99 of the report of the Secretary-General of 17 July 2003 (S/2003/715);
 10. *Takes note* of the intention of the Governing Council to hold a constitutional conference and, recognizing that the convening of the conference will be a milestone in the movement to the full exercise of sovereignty, *calls for* its preparation through national dialogue and consensus-building as soon as practicable and *requests* the Special Representative of the Secretary-General, at the time of the convening of the conference or, as circumstances permit, to lend the unique expertise of the United Nations to the Iraqi people in this process of political transition, including the establishment of electoral processes;
 11. *Requests* the Secretary-General to ensure that the resources of the United Nations and associated organizations are available, if requested by the Iraqi Governing Council and, as circumstances permit, to assist in furtherance of the programme provided by the Governing Council in paragraph 7 above, and encourages other organizations with expertise in this area to support the Iraqi Governing Council, if requested;
 12. *Requests* the Secretary-General to report to the Security Council on his responsibilities under this resolution and the development and implementation of a timetable and programme under paragraph 7 above;
 13. *Determines* that the provision of security and stability is essential to the successful completion of the political process as outlined in paragraph 7 above and to the ability of the United Nations to contribute effectively to that process and the implementation of resolution 1483 (2003), and *authorizes* a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including for the purpose of ensuring necessary conditions for the implementation of the timetable and programme as well as to contribute to the

- security of the United Nations Assistance Mission for Iraq, the Governing Council of Iraq and other institutions of the Iraqi interim administration, and key humanitarian and economic infrastructure;
14. *Urges* Member States to contribute assistance under this United Nations mandate, including military forces, to the multinational force referred to in paragraph 13 above;
 15. *Decides* that the Council shall review the requirements and mission of the multinational force referred to in paragraph 13 above not later than one year from the date of this resolution, and that in any case the mandate of the force shall expire upon the completion of the political process as described in paragraphs 4 through 7 and 10 above, and *expresses* readiness to consider on that occasion any future need for the continuation of the multinational force, taking into account the views of an internationally recognized, representative government of Iraq;
 16. *Emphasizes* the importance of establishing effective Iraqi police and security forces in maintaining law, order, and security and combating terrorism consistent with paragraph 4 of resolution 1483 (2003), and *calls upon* Member States and international and regional organizations to contribute to the training and equipping of Iraqi police and security forces;
 17. *Expresses* deep sympathy and condolences for the personal losses suffered by the Iraqi people and by the United Nations and the families of those United Nations personnel and other innocent victims who were killed or injured in these tragic attacks;
 18. *Unequivocally condemns* the terrorist bombings of the Embassy of Jordan on 7 August 2003, of the United Nations headquarters in Baghdad on 19 August 2003, and of the Imam Ali Mosque in Najaf on 29 August 2003, and of the Embassy of Turkey on 14 October 2003, the murder of a Spanish diplomat on 9 October 2003, and the assassination of Dr. Akila al-Hashimi, who died on 25 September 2003, and *emphasizes* that those responsible must be brought to justice;
 19. *Calls upon* Member States to prevent the transit of terrorists to Iraq, arms for terrorists, and financing that would support terrorists, and *emphasizes* the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;
 20. *Appeals* to Member States and the international financial institutions to strengthen their efforts to assist the people of Iraq in the reconstruction and development of their economy, and *urges* those institutions to take immediate steps to provide their full

- range of loans and other financial assistance to Iraq, working with the Governing Council and appropriate Iraqi ministries;
21. *Urges* Member States and international and regional organizations to support the Iraq reconstruction effort initiated at the 24 June 2003 United Nations Technical Consultations, including through substantial pledges at the 23-24 October 2003 International Donors Conference in Madrid;
 22. *Calls upon* Member States and concerned organizations to help meet the needs of the Iraqi people by providing resources necessary for the rehabilitation and reconstruction of Iraq's economic infrastructure;
 23. *Emphasizes* that the International Advisory and Monitoring Board (IAMB) referred to in paragraph 12 of resolution 1483 (2003) should be established as a priority, and *reiterates* that the Development Fund for Iraq shall be used in a transparent manner as set out in paragraph 14 of resolution 1483 (2003);
 24. *Reminds* all Member States of their obligations under paragraphs 19 and 23 of resolution 1483 (2003) in particular the obligation to immediately cause the transfer of funds, other financial assets and economic resources to the Development Fund for Iraq for the benefit of the Iraqi people;
 25. *Requests* that the United States, on behalf of the multinational force as outlined in paragraph 13 above, report to the Security Council on the efforts and progress of this force as appropriate and not less than every six months;
 26. *Decides* to remain seized of the matter.

Source: United Nation's Official Website: www.un.org.

Annexe-E

The Fourth Geneva Convention

August 12, 1949,

Convention (IV) Relative to the protection of civilian persons in time of war.

Article 3 (c):

“ In the case of armed conflict not of international character occurring in the territory on one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as minimum, the following provisions:

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

Article 32:

“ The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by medical treatments of a protected person, but also to any other measure of brutality whether applied by civilian or military agent.

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