

IRAQ - CASUS BELLI REVISITED

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This has not been a good week for the original justification for the Iraq Invasion – the urgent need to “disarm Iraq.”

Remember? That was the *official* justification that was repeated *ad nauseam* in the nine months leading up the March 2003 invasion by a veritable Tabernacle Choir of senior US and UK officials, including President George W. Bush, Prime Minister Tony Blair, Vice President Richard Cheney, Defense Secretary Donald Rumsfeld, and Secretary of State Colin Powell, as well as any number of neoconservative pundits, self-styled national security experts, Iraqi National Congress exiles, former CIA Directors-turned-INC legal advisors, “objective” members of the mass media, and all but a few leaders of the hapless Democratic Party.

In the nine months *since* the Invasion, of course, this cover story has faded from view. By May 2003, Iraq’s WMDs had already proved elusive, and US Deputy Secretary of Defense Paul Wolfowitz had downgraded their importance to “merely the one reason everyone could agree on.”

By now there’s a whole new series of other make-shift excuses -- several of which would also allow us to invade at least a few dozen other dictatorships that we find objectionable. The Spartan Spirit soars at the enticing prospect of a perpetual war to reconstruct mankind in our own image, not only democratizing the lives of 1 billion+ Muslims, but also eliminating such long-lived irritants as Castro's Cuba, Kim Il Sung's North Korea, Mugabe's Zimbabwe, Burma’s SPDC, Saudi Arabia’s extended family dictatorship, and of course the penultimate target, those prolific and disturbingly successful Red Chinese. If we get going soon enough, right after President Bush is reelected next year,

we may even be able to finish all this in time for our first visit, appropriately enough, to Mars by 2025.

Let us not forget, however, the original, public, *necessary and sufficient* justification for the invasion had *nothing to do* with (1) removing Saddam's repressive regime, (2) punishing him for his crimes against humanity, (3) reconstructing Iraq's economy, (4) reducing Iraq's huge debt burden, (5) solving its deep-seated ethnic rivalries, (6) providing it with a brand new federal constitutional system, (7) finally giving the Kurds (some kind of) self-government, or (8) bringing (some kind of) "democracy" to the Middle East.

Even less was it supposed to be about (9) securing our oil supplies and SUV-intensive life style, (10) generating lucrative contracts for US contractors like Bechtel and Halliburton, (11) laying the foundations for future invasions of Syria and Iran, (12) providing the US an alternative to Saudi Arabia as a military base in the Middle East, or (13) helping Israel construct *bantustans* on the West Bank and defer a peace settlement with the Palestinians and Syria for another 36 years.

The war's proponents understood very early that even the most worthy of these goals, "nation-building," was simply not that important to most Americans, only a small fraction of whom could even find Iraq on a [map](#).

After all, the Bush Administration had never before showed much interest in nation-building, economic assistance, or debt restructuring. Our military was supposed to be fighting terrorism, not policing Baghdad, fixing its power stations, and repairing its sewer systems. While Saddam was a bloody tyrant, as Citigroup's former Chairman John Reed once said, the real world is a nasty place, filled to the brim with such tyrants, many of whom – just like Saddam – have been tolerated and even assisted for decades as US friends and trading partners. (Just ask the Tibetans, Uzbeks, Iranians, Kurds, or Pakistanis.)

Finally, as any true (e.g., non-neo) conservative is wont to point out, we have a track record. Most previous attempts at Third World nation-building by the US, from the Philippines to Vietnam to Iran to Haiti, have not gone all that well. The exceptions, in relatively advanced, homogeneous post-war Japan and Western Europe, actually prove the rule. Indeed, as the Iraqis and the Iranians know first hand, the US and the UK both have had more experience with subverting Middle East democracy than with constructing it.

No – the Iraq War’s proponents understood very early that nation building alone could never provide the American people with a sufficient *ex ante* justification for the invasion – though, *ex post*, it may turn out to be the “least bad” justification. (On the other hand, the war’s \$166 billion cost could have financed a great deal of nation-building elsewhere....)

As **New York Times’** Thomas Friedman – an increasingly uncomfortable “liberal” supporter of the war - told the Israeli newspaper **Ha’aretz** [last April](#),

(This) is the war the neoconservatives wanted...(and) marketed. Those people had an idea to sell when September 11th came, and they sold it. Oh boy, how they sold it. This is not a war that the masses demanded. This is a war of an elite. I could give you the names of 25 people (all of whom sit within a 5-block radius of (my Washington DC) office, who , if you had exiled them to a desert island a year and a half ago, the Iraq war would not have happened.

Indeed, as former **Secretary of the Treasury Paul O’Neill** **disclosed** just this week, President Bush may have also made up his mind even before he took office in January 2001 to dispose of Saddam, for reasons that had nothing to do with 9/11 (which hadn’t happened yet) or WMDs, but might have had a bit to do with a combination of (a) oil (b) family revenue (c) the fact that several of his top advisors, especially Cheney and Rumsfeld, had been decided on this course since at least the mid-1990s.

O’Neill also shed light on some Iraqi oil field maps and other documents. that had been obtained by **Judicial Watch** in its Freedom of Information Act lawsuit against Vice President Cheney. According to O’Neill, **Cheney was already plotting how to divvy up Iraq’s oil reserves – the world’s second largest – as early as March 2001.**

Just recall, however -- during the run-up to the Invasion, these presumptuous partisans talked our ears off, insisting that an unprovoked “preventive” invasion of Iraq was the only way to defend ourselves, by:

- (1) **Eliminating Iraq's huge stocks of WMDs.** We were repeatedly told that these consisted of biological, chemical, and quite possibly even nuclear weapons. As **Vice President Cheney** claimed on August 29, 2002: "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction." As **Tony Blair** claimed on September 24, 2002, "The assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile program."
- (2) **Eliminating the *immediate threat* that Saddam might use those weapons directly against the US or its allies.** As President Bush warned on October 7, 2002, "Facing clear evidence of peril, we cannot wait for the final proof - the smoking gun - that could come in the form of a mushroom cloud." As Tony Blair asserted on September 24, "(Saddam's) military planning allows for some of the WMDs to be ready within 45 minutes of an order to use them."
- (3) **Eliminating the immediate threat that Saddam might share those weapons or technologies with terrorist groups like al-Qaeda.**

In the last nine months we've had time to evaluate these claims more carefully. The proverbial chickens on WMDs are now coming home to roost.

Just this week, in addition to O'Neill's disclosures, the Carnegie Endowment for International Peace also [published](#) the results of a detailed evaluation of all these claims. This report, which was directed by **Joseph Cirincione**, a national security expert and former aid to Homeland Security czar **Tom Ridge**, should be required reading for those members of Congress who voted to authorize the Iraq War in November 2002. Among its key findings:

- (1) While Iraq's WMD programs may have presented "a long term threat that could not be ignored," **they did not pose an immediate threat** that required a US military response. There were also other **much less costly ways to deal** with them.

- (2) In particular, Iraq's **nuclear program had been dismantled** in the early 1990s, and there was no evidence that it had been reconstituted. As the UN inspectors had determined, Iraq's **nerve gas agents had lost their lethality** by 1991. Its **large scale chemical weapons production capabilities had been destroyed**. While the state of its biological weapons capabilities is more uncertain, Iraq **did not maintain stocks of biological weapons**, but only the capability to develop them in time of war.
- (3) **There is no solid evidence of cooperation between Saddam's regime and al-Qaeda or other terrorist groups**. There is more evidence, in fact, that Saddam's regime was **actively opposed** to aiding or sharing its technologies with such groups – partly because they had long been hostile to Saddam's Ba'athist Party.
- (4) Ironically enough, **by removing Saddam, and making Iraq more unstable and more open to terrorists than ever, we may have actually increased al-Qaeda's** access to whatever WMD materials and technologies the Iraqi military did possess.
- (5) **The UN/International Atomic Energy inspections regime was working, and should have been allowed to continue**. International sanctions were much more effective than we had admitted. UN weapons inspections capabilities should be reinforced, not undermined, and experienced UN weapon inspectors should have been included in our recent efforts to assess Iraq's WMDs, not systematically excluded.
- (6) **The Bush (and Blair) Administrations "systematically misrepresented" intelligence estimates on all these threats**, to support an *idée fixe*, a preconceived determination to seize on the opportunity presented by the 9/11 political environment to remove Saddam from power.
- (7) In this environment, **the US and UK intelligence communities became highly politicized**, sharply changing their Iraqi estimates in 2002 to accommodate their bosses, and systematically over-estimating Iraq's chemical, biological, and ballistic weapons capability. These distortions reached the point where Carnegie now believes that it is time for the Director's position at CIA, in particular, to become a

professional appointment, rather like the Federal Reserve chairmanship.

Compare this disgraceful situation with Secretary of State Colin Powell's statement before the UN, on February 5, 2003, that "These are not assertions. What we are giving you are facts and conclusions based on solid intelligence." Also recall President Bush's bald-faced claims, since proved false, about Iraq's alleged purchases of uranium from the country of Niger – a matter that subsequently led to whole Valerie Pflame [affair](#).

- (8) **The new US national security doctrine of "preemptive self-defense" announced by President Bush in May 2002 at West Point needs to be amended forthwith. It is a dangerously "loose standard for preventive war in the cloak of legitimate preemption."** The fundamental neoconservative notion that, in the wake of 9/11, rogue states like Iraq and North Korea cannot be deterred "does not stand up to close scrutiny." And the whole Bush doctrine is a clear violation of the UN Charter, which proscribes the use of force except where authorized by the Security Council itself, or where an armed attack either occurs, or is "imminent." (Under the Bush doctrine, for example, Saddam himself might have legally preempted the US invasion by launching his own attack first!)
- (9) **The most significant threats of nuclear proliferation and terrorist access to nuclear and biological materials apparently don't have anything to do with Iraq,** but stems from poorly-secured sites in the former Soviet Union, as well as from technology leaks from Pakistan, our supposed ally in the "war on terror." **These hazards may need more attention than the Bush Administration, distracted by Iraq, has been devoting to them.**
- (10) **Why did Saddam's regime fail to cooperate more fully with the UN inspector? First, Western authorities and the US in particular repeatedly said that economic sanctions against Iraq would not be lifted whether or not he complied with inspections. Second, Saddam may have felt the need to maintain the impression that he had these weapons for deterrent purposes,** precisely because he feared that the US or its allies in the region would

try to take him out. From that angle, the entire dynamic may have backfired on everyone.

Consistent with all this, we also learned this week that the Bush Administration has virtually given up on finding any actual WMDs in Iraq, and is quietly [disbanding](#) its search team. David Kay, the hawkish former UN weapons inspector who has been managing the whole effort, is also leaving. Evidently the search for WMDs is no longer politically important.

All this is very disturbing. Essentially it means that we've just had yet another "Gulf of Tonkin" incident, a concocted story that was used to manipulate the American people and their one remaining ally into a costly, avoidable war. This doesn't put us in very good company – Saddam used a similar "defensive preemption" pretext to justify his own invasion of Iran in 1980.

As a matter of international law, even if Saddam's WMDs eventually turn up, in the view of most eminent international jurists as well as the UN Secretary General, the invasion of Iraq was clearly illegal, since it lacked clear UN Security Council approval and there never really was an "actual attack or imminent threat." Even the arch-hawk Richard Perle has recently [admitted](#) the war's illegality, though characteristically he argues that its legality is irrelevant. As it became clearer that even the "WMD preemption" excuse for the war was complete a fiction, some folks have worried that the US and the UK might even be accused of [war crimes](#) for launching this unilateral crusade. Practically speaking, that's unlikely -- victors are never subjected to war crimes tribunals. But it does at least make us feel a bit more sympathy for Bill Clinton, who was subjected to a year-long impeachment proceeding for much more mundane offenses than "propagandizing" the entire nation and its closest allies into war.

In the next few weeks, the publication of the UK's [Hutton report](#) on the death of UK Defense analyst Dr. David Kelly will no doubt help to keep this story alive, perhaps by provoking the UK to a more detailed inquiry into the whole affair. This appears to matter a great deal to the UK public, and Tony Blair's future. But whether or not any of this matters to the gullible US public that swallowed the case for the Iraq Invasion in the first place is doubtful. As of October 2003, nearly 70 percent of Americans still [believed](#) that Saddam was somehow involved in 9/11. As of December 2003, 64 percent [believed](#) that Iran's

“nuclear weapons” should now be our “number one foreign policy priority.”

(Note to readers: Iran, like Iraq and Libya, has no nuclear weapons. Like Libya, it has recently agreed to open its doors to UN inspectors -- a step that the Bush Administration attributes to its aggressive actions in Iraq, yet another new ex post justification for the war. On the other hand, North Korea, which actually has nuclear weapons, has refused inspections, and may have accelerated weapons construction as it watched the Iraq conflict develop, in order to avoid US pressure. So whether or not the Iraq War had a positive net effect on these three countries as a whole is debatable.)

Indeed, as of January 2004, 61 percent of US adults [_approved](#) of President Bush’s handling of Iraq, up from 45 percent in early November, before Saddam’s capture.

Of course 64 percent of adult Americans also [believe](#) they will **go to heaven when they die**. Credulity has its consolations, and we hope that such beliefs provide comfort and relief in the months ahead, as the security alerts continue, **despite** Saddam’s demise and perhaps even **because** of it. As Graham Greene once said, “No country has better motives for all the damage that it does...”

