
Subject: A trip down memory lane w/Saddam courtesy of the U.N.

Posted by [eggmac](#) on Thu, 20 Mar 2003 14:30:05 GMT

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Globalpolicy:

"In a fundamental change of policy, the Bush administration has embraced the doctrine of preemptive war, including the first strike use of nuclear weapons, and is now applying it to Iraq. Speaking in Davos, Switerland, on 26 January 2003, US Secretary of State, Colin L. Powell, said: "We continue to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing . . ."

There is no such unqualified sovereign right. On the contrary, as a member state of the United Nations, the US is obliged by law to pursue peaceful means in international relations, as stated in the UN Charter, Chapter 1, Article 2:

"All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; and, All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner consistent with the Purposes of the United Nations."

The UN Charter does recognize the use of unilateral military force by a member state, but only for purposes of self defense and only when an "armed attack" has occured against that state, as stated in Chapter 7, 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."

Iraq has not been shown to have carried out "an armed attack" on the United States. No evidence has been offered that assigns any responsibility to Iraq for the attacks on the United States made on 11 September 2001, or any other attacks. Iraq has not been shown to be a credible threat to the US.

Possession of weapons of mass destruction by Iraq, weapons already widely distributed among many countries, does not constitute an "armed attack" on anyone; nor does it justify unilateral US military action. If such weapons are a threat to its neighbors or anyone else, including the US, this is a matter for UN action, not unilateral American military action outside the UN.

Iraq may have links to Al Queda, but this too does not constitute an "armed attack" on anyone. If such links constitute a serious threat, this too is a matter for UN action, not for unilateral American action.

A US attack against Iraq, absent evidence of an Iraqi armed attack against the US, would violate international law and render the UN impotent. It would promote the US as world dictator, accountable to no one, with inevitable resentment abroad. Such a US attack might someday be determined a war crime, and those with authority to carry out such attacks, war criminals.

The US must respect international law and work through the United Nations to resolve international disputes, and not act unilaterally to impose its own will on the world. If the US is unhappy with decision-making at the UN, it should work to make that organization more democratic and accountable.

The US has been the only superpower since the fall of the Soviet Union in 1991. It could have used its power during that period to strengthen international institutions and establish a more responsible global democratic system, but under both Democratic and Republican administrations it chose not to do so."

As to Saddam Hussein being a war criminal:

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.-Universal Declaration of Human Rights", Article 10

Center for Economic and Social Right:

"War against Iraq is "unequivocally illegal under the UN Charter and international law generally", according to a new report. The report rejects efforts by the U.S., U.K, and Australia to circumvent the U.N. Security Council and claim legal justification from past resolutions."

Rahul Mahajan:

"The majority of the antiwar movement has made a mistake in emphasizing the unilateral nature of the war on Iraq and the need for United Nations approval, and we may well reap the consequences of that mistake.

The argument has made major inroads with the public; polls consistently show that the majority of Americans oppose a unilateral war without international support and the latest poll in Britain shows only 15% of the population supports a war without a second U.N. resolution.

It's also an entirely unobjectionable argument in a negative sense - without a Security Council resolution, the war is clearly a violation of international law, as U.N. Secretary-General Kofi Annan has recently pointed out. It is, however, possible for a war fought with U.N. approval still to be a violation of international law.

That is the fundamental question -- not whether our "allies" support us, not whether we can strong-arm and browbeat enough members of the Security Council to acquiesce, but whether or not the war is illegal.

Interestingly, in this, as in so many other things, the Bush administration turns this question on its head and claims that the war is necessary in order to uphold international law.

Let's start with that argument.

Iraq is threatening no country with aggression and its violations of Security Council resolutions, while clear, are technical, mostly a matter of providing incomplete documentation about weapons that may or may not exist, and for the use of which there are no apparent plans. At the same time, Israel is in violation of, at a very conservative count, over 30 resolutions, pertaining among other things to the very substantive issue of the continuing illegal occupation of another people, along with violations of the Fourth Geneva Convention through steady encroachment on and effective annexation of that land. Indonesia, another U.S. ally, violated U.N. resolutions for a quarter of a century in East Timor with relative impunity. Morocco is illegally occupying Western Sahara. In each of these cases, the United States wouldn't be required to go to war to help uphold international law; it could start simply by terminating aid and arms sales to these countries.

The United States is also a very odd country to claim to uphold such a principle. Ever since a 1986 International Court of Justice ruling against the United States and in favor of Nicaragua, the United States has refused to acknowledge the ICJ's authority (the \$17 billion in damages it was ordered to pay were never delivered). Shortly after that judgment, the United States actually vetoed a Security Council resolution calling on states to respect international law. Of course, the United States doesn't itself violate Security Council resolutions, since it can always veto them -- as it did when the Security Council tried to condemn its blatantly illegal invasion of Panama in 1989, and on seven occasions regarding its contra war on Nicaragua.

For the sake of argument, let's forget about the international double standard and focus just on Iraq. Even without reference to anything else, one can argue that repeated U.S. violations of international law when it comes to Iraq and in particular of the specific "containment" regime instituted after the Gulf War release Iraq from any obligations.

To start, Iraq has been under illegal attack for the past decade, with numerous bombings including the Desert Fox campaign, even as it was being called on to start obeying international law.

The United States also took numerous illegal or questionably legal steps to subvert the legal regime of "containment" -- passing the "Iraq Liberation Act" in October 1998, which provided \$97 million for groups trying to overthrow the Iraqi government, a clear violation of Iraqi sovereignty and a violation of international law; stating that only with regime change would the sanctions be lifted, in violation of UNSCR 687; and using weapons inspections to commit espionage, the

information from which was then used in targeting decisions during Desert Fox.

Is the War Itself a Violation of International Law?

Perhaps the most cogent argument, however, is the fact that the war the United States is planning on Iraq is an act of premeditated aggression.

All the signs point in the same direction.

First, in August, Defense Secretary Rumsfeld ordered that the list of bombing targets be extended far beyond any goal of enforcing the no-fly zones to include command-and-control centers and in general to go beyond simple reaction to threats. According to John Pike of Globalsecurity.org, this was "part of their strategy of going ahead and softening up the air defenses now" to prepare for war later. By December 2002, the shift could be noted in a 300% increase in ordnance dropped per threat detected -- a clear sign that simply defending the overflights was no longer the primary aim of the bombings. According to the Guardian, "Whitehall officials have admitted privately that the 'no-fly' patrols, conducted by RAF and US aircraft from bases in Kuwait, are designed to weaken Iraq's air defence systems and have nothing to do with their stated original purpose." Weakening air defense and command-and-control are the standard first steps in all U.S. wars since 1991, so the first salvos in the war were being fired even as inspections continued. In the first two months of this year, bombings occurred almost every other day.

Even worse, according to strategic analyst Michael Klare, by February 2002 it had become clear that all of the administration's supposed diplomatic activities in the Fall of 2002 and early 2003 had merely been a smokescreen.

The war was being seriously planned from at least the spring of 2002, but in the summer there was a serious internal debate in the military between a so-called "Afghan option" with 50-75,000 troops and heavy reliance on air power and Iraqi opposition forces and the eventual plan, "Desert Storm lite," with 200-250,000 troops and a full-scale invasion.

The decision was made in late August, but the more involved plan, according to Klare, required at least a six-month deployment. Ever since then, the timetable has not been one of diplomacy, U.N. resolutions, and weapons inspections, but rather one of deployment, strong-arming of regional

allies needed as staging areas for the invasion, and, quite likely, replenishment of stocks of precision weapons depleted in the war on Afghanistan.

For over a month, as inspections increase in effectiveness and scope, as Iraq dismantles its al-Samoud missiles, and as it struggles desperately to find ways to reconcile questions over biological and chemical agents, the White House has contemptuously dismissed all efforts. The constant refrain is that time is running out, with no explanation of why the time is so limited. The reason is simple; it's not because of any imminent threat from Iraq, it's just because the troops are there and ready to go.

The obvious conclusion is that the war was decided on long ago, irrespective of Iraq's actions. Nothing Iraq could have done short of full-scale capitulation and "regime change" would have stopped the United States from going to war. That makes this war a clear case of aggression.

Even the fig leaf of another U.N. Security Council resolution will not change this fact. Nor will it confer any legitimacy on the actions, because of the massive attempts by the United States, documented in the study "Coalition of the Willing or Coalition of the Coerced?" by the Institute for Policy Studies, to coerce, bribe, and otherwise exert undue influence on other countries, including key undecided Security Council members, to support the U.S. position.

Above all else, if other countries acquiesce to U.S. plans, it will be because of the constant refrain of the Bush administration -- that the United States will go to war with or without their consent, so there is nothing to be gained (and much to be lost) by resisting.

In fact, the U.S. war on Iraq is itself the most fundamental violation of international law. In the language coined at the Nuremberg trials, it is a crime against peace. Former Supreme Court Justice Robert Jackson, chief U.S. prosecutor at the first Nuremberg trial, called waging aggressive war "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

It surely is unprecedented in world history that a country is under escalating attack; told repeatedly that it will be subjected to a full-scale war; required to disarm itself before that war; and then castigated by the "international community" for significant but partial compliance."

Michael Albert:

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If war comes even despite the historic, tenacious, and comprehensive opposition now raging across the planet, the U.S. government will proclaim triumphantly that everyone who isn't a traitor needs to rally around Washington to "support our troops." Opponents of the war could opt for many possible replies.

We could point out that our troops in Iraq are barely in danger at all because they are assaulting a tenth-rate opponent that has no serious means to defend Iraq much less to attack the world's sole superpower.

We could point out that while perhaps a few hundred U.S. troops will die in this war, way over 50,000 U.S. citizens will die in the next 12 months due to workplace accidents and death by industry-caused diseases and automobile accidents (not to mention the impact of pollution and unsafe products). We could then query why this massive yearly blight on our population, roughly 15 times as devastating as 9/11, doesn't provoke a war on corporations' profit-seeking violations of their employees' and consumers' health and safety.

Or we could point out that the lives of American troops are no more worthy of compassionate support than the lives of Iraqis, and that we didn't kill Hussein a million times over with our decade-long sanctions but we instead killed a million Iraqis once each -- with Hussein getting stronger as each new corpse was added to the carnage.

And of course we could explain how unleashing a campaign to "shock and awe" a country is unjust and immoral, how it is an archetype example of the terrorism we say we are against.

But for myself, I think that perhaps a different approach might work better, and so if war does come, I intend to reply to the demand to support our troops by saying that yes, I too "support

our troops.”

I will reply that I support our troops not having to kill people in Iraq.

I support our troops not being ordered to assault defenseless populations, towns, farms, and the infrastructural sinews of life that sustain a whole country's citizenry.

I support our troops not having to carry out orders from Commander in Chief George Bush and then having to live the rest of their lives wondering why they obeyed such a barbaric buffoon rather than resisting his illegitimate, immoral authority.

And for the same reason, I support the Pope and the Dalai Lama going to Iraq in the place of our troops, as human shields and also to aid those Iraqis who have already suffered under our sanctions and bombs as well as under the violence of Hussein who was, of course, previously the recipient of U.S. military aid and even U.S. guidance in his horrible undertakings.

In fact, I support all rabbis and priests and other moral leaders going to Iraq as human shields – and all past Noble Peace Prize winners -- and all past winners of any big peace or humanitarian prize at all, anywhere -- and heads of state, for that matter.

I support our troops not dying in Iraq figuratively or literally, physically or psychologically. I support our troops coming home with their hearts not broken, retaining humanity and compassion essential to feeling true solidarity with those who confront tyrannical behavior abroad, or right here in the U.S. with its 30 million tyrannized poor.

I support our troops coming home with their minds ravenous to comprehend what is wrong with war for empire, what is wrong with war to obliterate international law, what is wrong with war to control oil and use it as a bludgeon against allies and enemies alike, what is wrong with war for profit, what is wrong with war to intimidate whole nations and continents, what is wrong with war to subordinate a planet and even to test and trumpet the tools of war.

What must it do to one's mind and soul to engage as a soldier in a war in which the enemy is defenseless, in which the motives of one's leaders are vile, and in which one's own say over the events is nil?

I support our troops refusing to kill on behalf of politicians and profiteers. I support our troops rebelling against orders, not obeying them. I support our troops rejecting reasons of state. And I support our troops coming home to where their real battle is.

We must battle to reinvest our society with aspirations for justice and equality and with respect for diversity, solidarity, and self-management.

We must battle to eliminate the scourge of private ownership that makes a few people as rich as whole populations and that leaves many people less rich than the pets of profiteers.

We must battle to totally eradicate the racism and sexism that denigrate whole sectors of the population, to free sexuality and culture, to free creativity, and to sustain the environment.

Bush tells us to bomb Iraq on grounds Iraq may have bombs. He tells us to bomb Iraq on grounds Iraq curtails freedoms. He tells us to bomb Iraq on grounds Iraq may be abetting terrorism.

What then should we do about a country that has by far the most bombs in the world and that uses them most widely—and that brags about it shamelessly?

What should we do about a country that is currently curtailing freedoms abroad and moving to do so at home with a dangerously escalating vigor—and that brags about it shamelessly?

And what should we do about a country that is producing terrorism most aggressively – both terrorism directed at others and also terrorism which will be unleashed against us in reply—and that brags about it shamelessly.

What should we do about the U.S.? We should curtail its belligerency, change its regime, and fundamentally revolutionize its centers of wealth and power.

Support our troops, bring them home.

Support our troops, provide them housing.

Support our troops, provide them health care.

Support our troops, provide them socially valuable jobs.

Turn military bases into industrial centers for the production of low cost housing, schools, hospitals, daycare centers, rail lines, inner city parks, and other social and public goods that can enrich rather than snuff out life.

Support our troops and one day they will join the fight for unlimited justice for all.

Support our troops."

NYT:

Quote:There are now two super powers in the world, the New York Times told its readers, after the February 15th demonstrations.

On one side there is the U.S. military machine. On the other side, there is international public opinion.

again for you:

United Nations Chapter 7 Article 51

Quote: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

United Nations Chapter 1 Article 2

Quote:All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; and, All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner consistent with the Purposes of the

United Nations.
