

"In such a world of conflict, a world of victims and executioners, it is the job of thinking people not to be on the side of the executioners."

- Albert Camus, from
The Little Book of Peace

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But the legitimacy of going to war against a country to replace a brutal military leader with another brutal military leader, knowingly promoting as leaders of a "post-Saddam Iraq" a collection of generals who have apparently committed heinous war crimes, must be challenged....

Iraqis know better than we do how their government has systematically denied them civil and political rights. But they hold us responsible for stripping them of economic and social rights -- the right to sufficient food, clean water, education, medical care -- that together form the other side of the human rights equation. Economic sanctions have devastated Iraqi society -- and among other effects, the sanctions have made the U.S. responsible for the immiseration of most of the entire Iraqi population. After twelve years, those in Washington who believe that Iraqis accept the popular inside-the-Beltway mantra that "sanctions aren't responsible, Saddam Hussein is responsible" for hunger and deprivation in Iraq, are engaged in wishful thinking. The notion that everyone in Iraq will welcome as "liberators" those whom most Iraqis hold responsible for 12 years of crippling sanctions is simply naive. Basing a military strategy on such wishful speculation becomes very dangerous -- in particular for U.S. troops themselves.

Testimony Prepared for Hearings on Iraq Policy
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Phyllis Bennis was not called to testify at the Senate Foreign Relations Committee hearing on Iraq (July 31-August 1 2002). However, Senator Paul Wellstone did introduce her written statement as part of the official record of the hearing.

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Nelson Mandela was right when he said that attacking Iraq would be "a disaster." A U.S. invasion of Iraq would risk the lives of U.S. military personnel and inevitably kill thousands of Iraqi civilians; it is not surprising that many U.S. military officers, including some within the Joint Chiefs of Staff, are publicly opposed to a new war against Iraq. Such an attack would violate international law and the UN Charter, and isolate us from our friends and allies around the world. An invasion would prevent the future return of UN arms inspectors, and will cost billions of dollars urgently needed at home. And at the end of the day, an invasion will not insure stability, let alone democracy, in Iraq or the rest of the volatile Middle East region, and will put American civilians at greater risk of hatred and perhaps terrorist attacks than they are today.

1. Purported Links to Terrorism

It is now clear that (despite intensive investigative efforts) there is simply no evidence of any Iraqi involvement in the terror attacks of September 11. The most popular theory, of a Prague-based collaboration between one of the 9/11 terrorists and an Iraqi official, has now collapsed. Just two weeks ago, the *Prague Post* quoted the director general of the Czech foreign intelligence service UZSI (Office of Foreign Relations and Information), Frantisek Bublan, denying the much-touted meeting between Mohamed Atta, one of the 9/11 hijackers, and an Iraqi agent.

More significantly, the Iraqi regime's brutal treatment of its own population has generally not extended to international terrorist attacks. The State Department's own compilation of terrorist activity in its 2001 Patterns of Global Terrorism, released May 2002, does not document a single serious act of international terrorism by Iraq. Almost all references are either to political statements made or not made or hosting virtually defunct militant organizations.

We are told that we must go to war preemptively against Iraq because Baghdad might, some time in the future, succeed in crafting a dangerous weapon and might, some time in the future, give that weapon to some unknown terrorist group -- maybe Osama bin Laden -- who might, some time in the future, use that weapon against the U.S. The problem with this analysis, aside from the fact that preemptive strikes are simply illegal under international law, is that it ignores the widely known historic antagonism between Iraq and bin Laden.

According to the *New York Times*, "shortly after Iraqi forces invaded Kuwait in 1990, Osama bin Laden approached Prince Sultan bin Abdelaziz al-Saud, the Saudi defense minister, with an unusual proposition. Arriving with maps and many diagrams, Mr. Bin Laden told Prince Sultan that the kingdom could avoid the indignity of allowing an army of American unbelievers to enter the kingdom to repel Iraq from Kuwait. He could lead the fight himself, he said, at the head of a group of former mujahideen that he said could number 100,000 men." Even if bin Laden's claim to be able to provide those troops was clearly false, bin Laden's hostility towards the ruthlessly secular Iraq remained evident. There is simply no evidence that that has changed.

Ironically, an attack on Iraq would increase the threat to U.S. citizens throughout the Middle East and perhaps beyond, as another generation of young Iraqis come to identify Americans only as the pilots of high-flying jet bombers and as troops occupying their country. While today American citizens face no problems from ordinary people in the streets of Baghdad or elsewhere in Iraq, as I documented during my visit to Iraq with five Congressional staffers in August 1999, that situation would likely change in the wake of a U.S. attack on Iraq. In other countries throughout the Middle East, already palpable anger directed at U.S. threats would dramatically escalate and would provide a new recruiting tool for extremist elements bent on harm to U.S. interests or U.S. citizens. It would become far more risky for U.S. citizens to travel abroad.

2. The Human Toll

While estimates of casualties among U.S. servicepersonnel are not public, we can be certain they will be much higher than in the current war in Afghanistan. We do know, from Pentagon estimates of two years ago, the likely death toll among Iraqi civilians: about 10,000 Iraqi civilians would be killed. And the destruction of civilian infrastructure such as water, electrical and communications equipment, would lead to tens, perhaps hundreds of thousands of more civilian deaths, particularly among children, the aged and others of the most vulnerable sectors. We can anticipate that such targeted attacks would be justified by claims of "dual use." But if we look back to the last U.S. war with Iraq, we know that the Pentagon planned and carried out knowing and documenting the likely impact on civilians.

In one case, Pentagon planners anticipated that striking Iraq's civilian infrastructure would cause "Increased incidence of diseases [that] will be attributable to degradation of normal preventive medicine, waste disposal, water purification/ distribution, electricity, and decreased ability to control disease outbreaks." The Defense Intelligence Agency document (from the Pentagon's Gulflink website), "Disease Information -- Subject: Effects of Bombing on Disease Occurrence in Baghdad" is dated 22 January 1991, just six days after the war began. It itemized the likely outbreaks to include: "acute diarrhea" brought on by bacteria such as E. coli, shigella, and salmonella, or by protozoa such as giardia, which will affect "particularly children," or by rotavirus, which will also affect "particularly children." And yet the bombing of the water treatment systems proceeded, and indeed, according to UNICEF figures, hundreds of thousands of Iraqis, "particularly children," died from the effects of dirty water.

The most recent leaked military plan for invading Iraq, the so-called "inside-out" plan based on a relatively small contingent of U.S. ground troops with heavy reliance on air strikes, would focus first and primarily on Baghdad. The Iraqi capital is described as being ringed with Saddam Hussein's crack troops and studded with anti-aircraft batteries. What is never mentioned in the report is the inconvenient fact that Baghdad is also a crowded city of four to five million people; a heavy air bombardment would cause the equivalent human catastrophe of heavy air bombardment of Los Angeles.

3. The U.S. And Our Allies

There is no international support, at the governmental or public level, for a U.S. attack on Iraq. Our closest allies throughout Europe, in Canada, and elsewhere, have made clear their opposition to a military invasion. While they recognize the Iraqi regime as a brutal, undemocratic regime, they do not support a unilateral preemptive military assault as an appropriate response to that regime. Yes, it is certain that if the U.S. announces it is indeed going to war, that most of those governments would grudgingly follow along. When President Bush repeats his mantra that "you are either with us or with the terrorists," there is not a government around the world prepared to stand defiant. But a foreign policy based on international coercion and our allies' fear of retaliation for noncompliance, is not a policy that will protect Americans and our place in the world.

In the Middle East region, only Israel supports the U.S. build-up to war in Iraq. The Arab states, including our closest allies, have made unequivocal their opposition to an invasion of Iraq. Even Kuwait, once the target of Iraqi military occupation and ostensibly the most vulnerable to Iraqi threats, has moved to normalize its relations with Baghdad. The Arab League-sponsored rapprochement between Iraq and Kuwait at the March 2002 Arab Summit is now underway, including such long-overdue moves as the return of Kuwait's national archives. Iraq has now repaired its relations with every Arab country. Turkey has refused to publicly announce its agreement to allow use of its air bases, and Jordan and other Arab countries have made clear their urgent plea for the U.S. to abjure a military attack on Iraq.

Again, it is certain that not a single government in the region would ultimately stand against a U.S. demand for base rights, use of airspace or overflight rights, or access to any other facilities. The question we must answer therefore is not whether our allies will ultimately accede to our wishes, but just how much of a price are we prepared to exact from our allies? Virtually every Arab government, especially those most closely tied to the U.S. (Jordan and Egypt, perhaps even Saudi Arabia) will face dramatically escalated popular opposition. The existing crisis of legitimacy faced by these undemocratic, repressive, and non-representative regimes, monarchies and president-for-life style democracies, will be seriously exacerbated by a U.S. invasion of Iraq. Region-wide instability will certain result, and some of those governments might even face the possibility of being overthrown.

4. The U.S. And International Law

We claim to be a nation of laws. But too often we are prepared to put aside the requirements of international law and the United Nations Charter to which we hold other nations appropriately accountable.

When it comes to policy on Iraq, the U.S. has a history of sidelining the central role that should be played by the United Nations. This increasingly unilateralist trajectory is one of the main reasons for the growing international antagonism towards the U.S. By

imposing its will on the Security Council -- insisting on the continuation of economic sanctions when virtually every other country wants to lift them, announcing its intention to ignore the UN in deciding whether to go to war against Iraq -- the U.S. isolates us from our allies, antagonizes our friends, and sets our nation apart from the international systems of laws that govern the rest of the world. This does not help, but rather undermines, our long-term security interests.

International law does not allow for preemptive military strikes, except in the case of preventing an immediate attack. We simply do not have the right -- no country does -- to launch a war against another country that has not attacked us. If the Pentagon had been able to scramble a jet to take down the second plane flying into the World Trade Center last September, that would be a legal use of preemptive self defense. An attack on Iraq -- which does not have the capacity, and has not for a decade or more shown any specific intention or plan or effort to attack the U.S. -- violates international law and the UN Charter.

The Charter, in Article 51, outlines the terms under which a Member State of the United Nations may use force in self-defense. That Article acknowledges a nation's "inherent right of individual or collective self-defense *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." [Emphasis added.] The Charter does not allow military force to be used absent an armed attack having occurred.

Some administration spokespeople are fond of a sound-bite that says "the UN Charter is not a suicide pact." Others like to remind us that Iraq (and other nations) routinely violate the Charter. Both statements are true. But the United States has not been attacked by Iraq, and there is simply no evidence that Iraq is anywhere close to being able to carry out such an attack. The U.S. is the strongest international power -- in terms of global military reach, economic, cultural, diplomatic and political power -- that has ever existed throughout history. If the United States does not recognize the UN Charter and international law as the foundation of global society, how can we expect others to do so?

5. How Do We Get Serious About Military Sanctions?

Denying Iraq access to weapons is not sufficient, nor can it be maintained as long as Iraq is surrounded by some of the most over-armed states in the world. An immediate halt on all weapons shipments to all countries in the region would be an important step towards containing military threats.

We should expand our application of military sanctions as defined in [PDF format:] UN Resolution 687. Military sanctions against Iraq should be tightened -- by expanding them to a system of regional military sanctions, thus lowering the volatility of this already arms-glutted region. Article 14 of resolution 687 recognizes that the disarmament of Iraq should be seen as a step towards "the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their

delivery and the objective of a global ban on chemical weapons."

What About Negotiations?

We are told we must attack Iraq preemptively so that it can never obtain nuclear weapons. While we know from IAEA inspectors that Iraq's nuclear program was destroyed by the end of 1998, we do not know what has developed since. We do know, however, that Iraq does not have access to fissile material, without which any nuclear program is a hollow shell. And we know where fissile material is. Protection of all nuclear material, including reinstatement of the funding for protection of Russian nuclear material, must be a continuing priority.

We should note that U.S. officials are threatening a war against Iraq, a country known not to possess nuclear weapons. Simultaneously, the administration is continuing appropriate negotiations with North Korea, which does have something much closer to nuclear weapons. Inspections is exactly what the U.S. should be proposing for Iraq.

Inspections

There has been no solid information regarding Iraq's weapons of mass destruction since UNSCOM and IAEA arms inspectors left Iraq in December 1998 in advance of the U.S. Desert Fox bombing operation. Prior to their leaving, the inspectors' last report (November 1998) stated that although they had been stymied by Iraqi non-compliance in carrying out some inspections, "the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation." The IAEA report was unequivocal that Iraq no longer had a viable nuclear program. The UNSCOM report was less definitive, but months earlier, in March 1998, UNSCOM chief Richard Butler said that his team was satisfied there was no longer any nuclear or long-range missile capability in Iraq, and that UNSCOM was "very close" to completing the chemical and biological phases.

Since that time, there have been no verifiable reports regarding Iraq's WMD programs. It is important to get inspectors back into Iraq, but U.S. threats have made that virtually impossible by setting a "negative incentive" in place. If Baghdad believes that a U.S. military strike as well as the maintaining of crippling economic sanctions, will take place regardless of their compliance with UN resolutions regarding inspections, they have no reason to implement their own obligations. If the United States refuses to abide by the rule of international law, why are we surprised when an embattled and tyrannical government does so?

Throughout the 1980s Baghdad received from the U.S. high-quality germ seed stock for anthrax, botulism, E.coli, and a host of other deadly diseases. (The Commerce Department's decisions to license those shipments, even after revelations of Iraq's 1988 use of illegal chemical weapons, are documented in the 1994 hearings of the Banking Sub-Committee.) It is certainly possible that scraps of Iraq's earlier biological and chemical weapons programs remain in existence, but there is no evidence Iraq has

the ability or missile capacity to use them against the U.S. or U.S. allies. The notion that the U.S. would go to war against Iraq because of the existence of tiny amounts of biological material, insufficient for use in missiles or other strategic weapons and which the U.S. itself provided during the years of the U.S.-Iraq alliance in the 1980s, is simply unacceptable.

What About The Opposition?

General Zinni has described an opposition-led attack on Iraq as turning the country into a "Bay of Goats." Nothing has changed since that time. Almost none of the exile-based opposition has a credible base inside the country. There is no Iraqi equivalent to the Northern Alliance in Afghanistan to serve as ground troops to bolster a U.S. force. Some of the exile leaders closest to the U.S. have been wanted by Interpol for crimes in Jordan and elsewhere. The claim that they represent a democratic movement simply cannot be sustained.

What Happens After "Regime Change"?

There is no democratic opposition ready to take over. Far more likely than the creation of an indigenous, popularly-supported democratic Iraqi government, would be the replacement of the current regime with one virtually indistinguishable from it except for the man at the top. In February 2002 *Newsweek* magazine profiled the five leaders said to be on Washington's short list of candidates to replace Saddam Hussein. The Administration has not publicly issued such a list of its own (though we should note they did not dispute the list), but it certainly typifies the model the U.S. has in mind. All five of them were high-ranking officials within the Iraqi military until the mid-1990s. All five have been linked to the use of chemical weapons by the military; at least one, General al-Shammari, admits it. Perhaps we should not be surprised by Washington's embrace of military leaders potentially guilty of war crimes; General al-Shammari told *Newsweek* he assessed the effect of his howitzer-fired chemical weapons by relying on "information from American satellites."

But the legitimacy of going to war against a country to replace a brutal military leader with another brutal military leader, knowingly promoting as leaders of a "post-Saddam Iraq" a collection of generals who have apparently committed heinous war crimes, must be challenged.

And whoever is installed in Baghdad by victorious U.S. troops, it is certain that a long and likely bloody occupation would follow. The price would be high; Iraqis know better than we do how their government has systematically denied them civil and political rights. But they hold us responsible for stripping them of economic and social rights -- the right to sufficient food, clean water, education, medical care -- that together form the other side of the human rights equation. Economic sanctions have devastated Iraqi society -- and among other effects, the sanctions have made the U.S. responsible for the immiseration of most of the entire Iraqi

population. After twelve years, those in Washington who believe that Iraqis accept the popular inside-the-Beltway mantra that "sanctions aren't responsible, Saddam Hussein is responsible" for hunger and deprivation in Iraq, are engaged in wishful thinking. The notion that everyone in Iraq will welcome as "liberators" those whom most Iraqis hold responsible for 12 years of crippling sanctions is simply naive. Basing a military strategy on such wishful speculation becomes very dangerous -- in particular for U.S. troops themselves.

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