

UN: Quis custodiet ipsos custodes?

*Denis Halliday
interviewed by
David Barsamian*

Denis Halliday worked for the United Nations for more than 30 years. He rose to the rank of Assistant Secretary General. In the late 1990s, he was the UN's Humanitarian Coordinator in Iraq. He resigned his position in protest at the continuing economic sanctions against the country and the harm they were doing to the Iraqi people.

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David Barsamian spoke with Denis Halliday in Istanbul in June 2005, during the proceedings of the World Tribunal on Iraq. His questions and comments are printed in italic text, and Mr Halliday's replies appear in ordinary text.

One of the arguments that the Bush administration has made since its invasion of Iraq is that many people were against the sanctions, they were punitive and caused great harm to the Iraqi people. And now, because of regime change in Baghdad, people should be happy the sanctions have ended.

I'm sure the Iraqis would have been happy that the sanctions had ended, and we all would have recognized that, if the occupation had been handled correctly and properly, and if the needs of the Iraqi people had been taken care of, under the obligations of occupation as defined by international law. But that has been a total failure. We now see child mortality and malnutrition on the increase in Iraq. We see almost a complete breakdown in law and order and the social and educational and health activities and needs of the Iraqi civilian population. It's worse now than it was under sanctions.

Another argument that is frequently heard is that Iraq is better off without Saddam Hussein. What is your response to that?

That's an interesting question. But the United States has no right to make that decision. That's a decision for the people of Iraq. And had we lifted sanctions ten years ago, and had the people of Iraq been given the chance to live their lives and have their employment and look after their children and all the basic needs that we take care of for ourselves, I think they might have made the same decision, and they might have overthrown Saddam Hussein. People think that's unreasonable. But then I point them to Indonesia—Suharto, a genuine general (not like Saddam Hussein) who controlled Indonesia, a country of 200 million people, through his military power. He was overthrown by a student movement, and the loss of life was a handful. I think the Iraqis would have done the same had we given them the capacity to do so.

What about the historical precedents? In 1945, the Allies convened a tribunal in Nuremberg which convicted high-ranking German state and military officials for the crime of aggressive war, for launching unprovoked attacks on different countries. That Nuremberg principle is then encoded in the United Nations Charter.

I would have said that the International Criminal Court, in a sense, is a substitute for a Nuremberg-Tokyo situation, because the Court requires domestic prosecution. So the right way to deal with a Clinton or an Albright or a Bush is impeachment, to use the powers that exist under domestic law in the United States and under the Constitution. Likewise with Tony Blair. It's only when that fails that we should go to international prosecution. It can't be the International Criminal Court for the past. It can be the International Criminal Court for the future. And in the case of the United States, the Court could operate with Bush *in absentia*, given his reluctance and fear of international law.

I think the Nuremberg process is wrong in the sense that the war crimes were committed on both sides. They're not justifiable. Whether you fire-bomb Hamburg and kill 100,000, or you drop, as Truman did, the weapons on Hiroshima and Nagasaki, those also are war crimes. And the trial of Nuremberg should have encompassed all those who acted in breach of law.

Goering, the highest-ranking Nazi on trial, said it was victors' justice.

He, of course, was right. And that's 1945. We're doing it again. We're now so ready to prosecute those who lose, but when we win, somehow we believe we are above international law. And that I find extraordinary.

In the period leading up to the attack on Iraq, the American public was subjected to a steady stream of warnings from the Bush administration about the 'unique' nature of the Iraqi threat, the 'growing' danger it posed. Cheney said there was 'no doubt' that Iraq had weapons of mass destruction. Tony Blair added to the chorus for war saying Iraq could launch weapons in 'forty-five minutes'. How were they able to convince large numbers of people that these claims were true?

They had access to a massive propaganda machine. They're artists of spin. They employ people to mislead and misinform. They're into propaganda on a massive scale we've never seen, perhaps, before. And the access that Tony Blair and George Bush had to the media is extraordinary. And those of us, many millions, who were opposed, horrified by what seemed to be about to happen, really had very little access except through alternative media outlets and the internet. It's not difficult, it seems to me, to convince a population when you build on these fears and you mislead and you misinform.

We know perfectly well that Iraq was not a threat to the United States or to Britain. The neighbourhood, the Kuwaitis and the Saudis, even up to the end of 2002, were very slow to endorse the Bush approach. They did not recognize that

they were threatened by the very limited capacity available to Saddam Hussein at that stage, by the end of 2002. This is a fiction which was sold very clearly by the artists of spin in Washington and London.

Central to selling the war was Secretary of State Colin Powell's presentation at the United Nations on 5 February 2003. He made more than twenty allegations about Iraq, ranging from mobile weapons launchers to Scud missiles to underground factory labs. He held up a vial saying that this amount of anthrax could wipe out large numbers of people. His speech got a rather tepid response from the UN audience. But the US media regarded it as a magisterial performance, one of the greatest examples of diplomacy in memory.

We all watched it, and most of us felt it was an extraordinary example of misinformation. And disappointing, because I think many of us hoped that within the Bush administration, Mr. Powell was perhaps one of the very few who was a man of integrity and would follow the right path. Clearly, he lied to the Security Council. He says he was misled, and maybe he was misled. But I would have thought he would have known better. He showed us photographs of these trucks up in the north of Iraq, which he claimed were making biological weapons, and he must have recognized that they were, in fact, something else. I believe they were handling weather balloons. It was just an extraordinary display of dishonesty. And it must be a huge humiliation and embarrassment to him today, when he's out of power. I think the world recognizes he lied. And to lie to the Security Council and to encourage the aggression that took place, that's got to be classified as a war crime.

Washington has been systematically attacking the United Nations' Oil-for-Food programme that you were associated with. What's behind that?

Washington is under such pressure itself and so much criticism for the war and the failure of the occupation and the unending fighting and killing that's going on in Iraq that they're looking for something to divert attention away from themselves. Plus, you've got the age-old antagonism towards the United Nations in Washington. It goes back many, many years. And therefore, it was a glorious opportunity to attack the Secretary General in person and attack the organization.

There is an element of truth to it and, of course, that makes it interesting. The Secretary General's response of appointing the Volcker Commission was very clever. That's what he did to Rwanda and Srebrenica: look at yourself and announce '*mea culpa*'. But, in fact, we now have five or six investigations ongoing in Washington. I went voluntarily to Washington to brief a Senate committee and a committee of the House, to give them the information I thought they should have, because the withholding of information by Kofi Annan and Volcker I think is a huge mistake. It implies the Secretary is in fact guilty of something, and I don't believe that is the case.

The real scandal of the sanctions is taking Oil-for-Food revenue and giving 30% of it to Kuwait, while Iraqi children were dying for lack of decent water. The

other scandal is to have a Washington that prosecutes Voices in the Wilderness for sending teddy bears to Iraqi kids but is allowing Saddam Hussein to sell oil to Turkey and to Jordan and have revenue in hard currency of approximately \$10 billion. Those are the real scandals. The fact that one staff member may have walked away with \$150,000 is appalling. I'm deeply shocked. But beside \$10 billion, I think we have to put things in perspective.

Voices in the Wilderness, the Chicago-based human rights organization led by Kathy Kelly, is now called Voices for Creative Nonviolence. Explain the 30% going to Kuwait.

The moment the Oil-for-Food programme began, in 1996-97, and the revenue from oil sales went to the coffers of the United Nations, we, the United Nations Security Council, creamed off 30% from the gross, gave it to the United Nations Compensation Commission in Geneva, and they began a process of paying out compensation to private individuals, to companies, and to countries who had lost property, valuables, or whatever in Kuwait. Damage due to the Iraqi invasion. I'm not against compensation. You could wonder why Israel doesn't pay compensation to Lebanon, for example. But apart from that, when you have a country under sanctions and you have children dying by the thousand per month, to take money out of Iraqi hands, which could have been used to save lives, to pay a Cadillac salesman in Kuwait, that at best could have been postponed.

You say that the United Nations has been conspicuous in its collaboration with the so-called great powers, the United States and the United Kingdom, vis-à-vis Iraq.

In the days of the Coalition Provisional Authority and Mr. Bremer, our own man who represented the Secretary General worked cheek by jowl with the United States representative and was seen to be so doing. The United Nations was back in town despite the fact that an illegal invasion had taken place, an illegal occupation had been implemented, crimes had been committed and were being committed. And yet the UN was in there working with this foreign occupying force to begin to make changes in a country that had no representation, no legal government, I suppose, anymore. It's completely unacceptable. It's completely in breach of the way the United Nations does business with individual nation states. We work on the basis of invitation. We still respect sovereignty, right or wrong. We used different standards for Iraq, and we paid a very heavy price. The truck-bombing of the UN headquarters in Iraq should not take us by surprise, believe me. After sanctions and very open collaboration with the American armed forces, I think we should have anticipated something like that.

The Security Council refuses to define terrorism. Why is that?

I'm convinced — and this was part of the proposals of Kofi Annan for reform —

that terrorism needs to be acknowledged and recognized and defined. They have decided they can't do that because, I believe, they're afraid that they will see the issue of state terrorism addressed. And that will constrain their own ambitions for using terrorism as a device, as they do, such as the bombing of civilian areas or the use of depleted uranium or methods like 'Shock and Awe', which is designed to terrify a civilian population. This is unacceptable under international law, and they don't want to be constrained. Therefore, let's not worry about it. We just call resistance people the terrorists, and the rest of us are good guys. I think it's not really complicated.

The United States and, to a lesser extent, the United Kingdom have also been accused of blatant violations of the Geneva Conventions. What mechanism exists to impeach or prosecute states that are in violation of the Geneva Conventions? Will the United Nations do anything about it?

The way the Organization was created under the Charter, particularly in regard to the Security Council, and particularly in regard to the five permanent members, there is no provision for suspending those member states. They control that Organization. And if you look at the Charter and you want to change the Charter and reform the Organization, veto power remains in the hands of those five. If they don't like the reform proposals, they can veto it. So we have an impossible situation here. Nobody is going to attempt to punish the United States for breaking international law, breaking the Charter itself; there is no capacity to do that. And the other four permanent member states don't have the courage, because they're guilty themselves. Can the Russians really point at the Americans going into Afghanistan, when they've gone into Chechnya, for example, and committed atrocities?

And Afghanistan itself.

Indeed. They're all in bed together. And we're stuck with that scenario. And that's why very dramatic reform is required.

The General Assembly has not condemned the United States' invasion of Afghanistan or Iraq. Why not?

There were attempts to bring this to the General Assembly under the provision called Uniting for Peace. The precedent was set in the Korean War, when the Russians refused to endorse the Korean War in the Council. It was taken to the General Assembly and the majority, 66%, I believe, approved. There was an attempt to do that on the Iraq situation and prevent Mr. Bush from going to war by a vote in the General Assembly. The United States acted very quickly and bought off enough members of the General Assembly to avoid that sort of a vote. And I say 'buy off'. I'm talking about aid programmes and very practical

measures of the World Bank and International Monetary Fund assistance. The United States controls these entities. It's not widely known, but the only veto power in the International Monetary Fund is that of the United States. So everybody needs Washington when it comes to the nitty-gritty of surviving as a nation state. Voting for or against Iraq becomes secondary.

As I look around us, the thought comes to mind that we are sitting here amidst the semi-ruins of a former empire – there is a kind of irony that we are talking about a current empire which sees itself as invincible. But all things will come to an end.

It's wonderful to be sitting here amidst the remains of the Ottoman Empire. But there are more and more Americans who are beginning to understand that empires all collapse and come to an end. I think many Americans, even if they're thinking only domestically, are concerned that something is falling apart here. And when they look at foreign policy, I think they understand that never has the United States, I think, been so isolated as it is at the moment, never has your country's foreign policy been so detested as it is at the moment.

You're setting up conflicts when the United States should be setting up relationships. You're not using the soft power that the United States has, or used to have, but instead using forms of aggression and pre-emptive aggression, which is frightening, terrifying for the rest of us — even those of us in Europe who perhaps no longer feel secure in the sense that we also might someday be invaded by the United States. We are still occupied to a certain extent, given American troops in Europe. But it has raised a level of anxiety which is very bad for the United States and will bring down this empire. The days are numbered. The American empire has peaked already. We're beginning to see a change, which I think will be in the best interests of all of us, including the people of the United States.

Turkey is a close Nato ally of the United States and has long been responsive to US demands. But on the issue of Iraq, Turkey decided actually to listen to its population, which was reporting astonishing figures, over 90%, in opposition to any Turkish military participation in the invasion of Iraq.

Very interesting. In Europe we sort of question Turkish democracy, but when it came to that issue, democracy worked very well here in Turkey. It did not work in Spain or Italy or Australia. Even in my own little country, the Irish government has allowed American war planes to land at Shannon Airport: armed troops on Irish soil, which is abhorrent to the Irish people. We've had enough of occupation under the British. So it was dramatic to see what the Turks managed to do. I can only take my hat off to Turkey in making the right decision.

This is the final session of the World Tribunal on Iraq. There has been a series of meetings in major cities around the world. What can be a positive outcome to

these deliberations, considering the fact that the tribunal has no state authority or enforcement mechanisms to enforce its verdict?

Arundhati Roy called the Tribunal a resistance movement. The Tribunal represents resistance — resistance to what’s happened in the United Nations, in the world today under this new era of pre-emptive aggression, which is so dangerous, this so-called humanitarian intervention, which has a different face in reality, sad to say. And I think the power that this Tribunal should have and maybe will have is the power of public opinion.

And perhaps it’s a growing phenomenon. The peace and justice movement in the United States is a growing phenomenon. More and more Americans, disillusioned with Washington, are beginning to see some other side of the story and will act accordingly. This tribunal is just one part of a bigger picture, I think, of regular, ordinary people coming together, as they did on 15 February 2003, and demonstrating that this is not the way we want to see the world go. Aggression is not acceptable. We talk about ourselves being civilized. Let’s behave in a civilized manner. And for a so-called American democracy led by this Christian born-again leader, to have a capability of going out and allowing 100,000 Iraqi civilians to be slaughtered, it’s incomprehensible to me how he can reconcile his Christian caring together with his neglect of the well-being of the Iraqis, not forgetting American boys and girls who are going out there, again misinformed, believing they’re fighting for the good old United States of America. In fact, they’re throwing away their lives for a cause which has no validity.

Some suggestions?

It would be very good if the American school system began the introduction of human rights, looking at the Declaration of Human Rights. They need to understand what human rights mean for themselves and for other people; and that the United Nations is not an enemy, it’s their friend. International law is also there to serve the people of the United States and protect their needs as it protects the little countries around the world. I think we’re beginning to see in Washington that bright people are beginning to articulate that, indeed, respect for international law serves the interest of the United States. We’ve got to see a different attitude. We’ve got to have Americans look outwards, not only look inwards, and see that they are part of something bigger and that they need to participate in the United Nations and not just manipulate the UN in the vested interests of the United States itself.