

Who rules the peace when the rulers break the rules?

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I

The United States war on Iraq was waged without United Nations authority, and in violation of the UN Charter. It was a war of aggression. According to the Geneva Convention, as the occupying powers the United States and the United Kingdom are obligated to provide for the humanitarian needs of the Iraqi population, including food, medicine, water, shelter, etc. (Article 55 of the 4th Geneva Convention and Article 69 of the 1st Protocol). This obligation is unquestionable during the period of hostilities, as well as during any period of post-war United States occupation.

Because the war itself was illegal, any post-war US occupation is illegal too. That means the United States should not be allowed to claim any power to rule or determine economic, political or social arrangements in post-war Iraq. The United States and the United Kingdom are still, however, obligated to pay the cost of providing for the humanitarian needs of the occupied Iraqi people during the war and its aftermath. Only the United Nations has the legitimate authority to provide governance and to help rebuild a new Iraqi government and civil society once the incumbent Iraqi regime had been overthrown.

The United Nations itself pushed for a central role in emergency relief (particularly through the large international humanitarian agencies such as UNICEF and the World Food Program). In a difficult meeting with Kofi Annan, in the first days of the war, US National Security Adviser Condoleezza Rice essentially claimed the right to issue a diktat for the role of the United Nations in post-war Iraq. Annan indicated he did not believe the United Nations should be co-opted into providing the United States with *ex post facto* legitimization for its illegal war. According to Secretary of State Powell, however, two weeks into the war, 'what we have to work out is ... how the UN role will

be used to provide some level of endorsement for our actions, the actions of the coalition in Iraq.'

The United States was determined that its military would rule Iraq when the war had ended. There was disagreement within the administration as to the balance of power between the overall Pentagon-chosen viceroy, and the State Department nominees to head the various shadow ministries, each of which was to be assigned several advisers from among the US-anointed Iraqi exiles. State Department officials indicated fear that Pentagon ideologues were trying to replace the State nominees with people like former CIA chief James Woolsey, a long-time campaigner for war against Iraq. But there was no recognition of the international obligations incumbent on what United Nations Secretary General Kofi Annan called the 'belligerent powers occupying Iraq.'

Testifying in Congress on March 26, Secretary of State Powell described the limits of what the potential United Nations role could be in decision-making regarding governance of post-war Iraq. A member of Congress asked him, 'it seems to me it's one thing for there to be a future UN resolution about a role for the UN, particularly humanitarian. But it would be another thing for the UN resolution to lay out some road map for post-war Iraq in such a way that it [the UN] would basically grab that decision-making and control from the coalition.... Can you give us some assurance that whatever UN resolutions are in the future will not do that?' Powell replied 'I don't even see a possibility of that right now. ... We would not support ...essentially handing everything over to the UN, for someone designated by the UN to suddenly become in charge of this whole operation.' Later in his testimony Powell said that, 'we didn't take on this huge burden with our coalition partners not to be able to have significant, dominating control over how it unfolds in the future.'

On the parallel question of paying the costs of emergency assistance and reconstruction, Powell was equally explicit. In the same March 26th testimony, he said, 'the UN has a role to play. If we want to get help from other nations, and we ask these nations to go get funds from their parliaments or their legislatures, it makes it a lot easier for them to get those funds and to contribute those funds to the reconstruction/redevelopment effort if it has an international standing, if I can put it that way, as opposed to "just give us money to give to the Americans." That will not work. And so there are a number of advantages to having a UN role in this effort.' But the United States remains very clear that while it expected international financial support to cover its own humanitarian obligations, it has no intention of sharing actual authority, power, or decision-making with anyone. BBC World quoted a high-ranking Bush administration official who was asked whether France should have a role. Referring to France's alleged 'anti-americanism,' the official said 'if they want to participate, they can pick up the garbage.'

Two weeks into the war senior Bush administration officials, responding to the 'overly optimistic' assumptions that governed their post-war planning, acknowledged that 'the American military will likely need to retain tight control

over the country for longer than they anticipated.’ (*New York Times*, 2 April 2003)

On the question of organising emergency humanitarian assistance, US military planners anticipated aid organisations would flood into Iraq as soon as the military fighting was over, providing sufficient food, medicine, shelter, water purification, etc., for the Iraqi population and operating under US military authority. The Pentagon wanted humanitarian workers to wear identification badges issued by the US Department of Defense. However, aid organisations themselves identified key problems: 1) there was insufficient food, medicine and water inside Iraq to provide for the population’s needs once the immediate family-stored stocks have been used up; 2) during the war, the United States refused to grant permission for aid organisations to enter Iraq to assess needs and begin bringing in material – essentially the United States seized control of much of Iraq’s border control and determined who may enter; 3) the continued existence of US-controlled economic sanctions meant that aid organisations could not get licenses to move significant amounts of goods into Iraq even to the limited degree they could safely do so; 4) aid organisations in general are not prepared to work under military control – such an arrangement compromises their mandatory neutrality, and places at risk all their counterparts elsewhere in the world who then become identified with the US military attack on Iraq.

The Pentagon created the Office of Reconstruction and Humanitarian Assistance, initially run by former General Jay Garner, who was previously based in Kuwait and answered to General Tommy Franks, CentCom chief and head of the US military attack. Garner remained, despite his new Iraq post, the President of SY Technology, which provides technical support for missile systems used in the Iraq war. The appointment of Garner reflected several layers of problems: 1) he represented the intersection of military brass and weapons manufacturers that is inherently suspect; 2) he has made provocative statements regarding the capability of weapons (including a widely disputed claim about the Patriot missile) and about Israel (‘Israel has exercised remarkable restraint in the face of lethal violence orchestrated by the leadership of a Palestinian authority’) and was certain to provoke extreme reactions in the Arab world; 3) he was known to have ‘frosty’ and ‘strained’ relations with the United Nations; 4) appointing any American to act as pro-consul in Iraq following an illegal war represents further defiance of the UN Charter and the authority of the United Nations.

The US planned for the Agency for International Development (AID) staff to work under Pentagon control in co-ordinating aid efforts after the war, essentially relegating even Washington’s own premier aid agency to becoming an arm of the military.

Philip E. Carroll, the former chief executive officer of the giant Shell Oil Company was the likely appointee of the Bush administration to ‘oversee’ post-war Iraqi oil production. He recently retired as chairman and chief executive officer of Fluor Corporation, a construction company singled out as one of the five US firms offered massive contracts by the Pentagon for rebuilding Iraq.

According to the *New York Times*, Carroll is known for not micro-managing people, something the *Times* says would serve him well ‘If the administration decides to let the Iraqis control their oil.’

What do we call for?

The United Nations must be in charge of emergency and post-war reconstruction efforts, not the United States.

The United States and the United Kingdom as belligerent occupying powers are liable under the Geneva Conventions for costs of emergency and post-war reconstruction efforts.

During hostilities the belligerent powers are obligated to provide for the needs of the civilian population. Humanitarian organisations must be given free access to the country and allowed to do their work, to bring in people and supplies unhindered by military restrictions or the limitations imposed by sanctions, and must be allowed to make their own decisions regarding when it is safe to enter the country. They must be independent of, not under the control of, the US military.

No US officials with ties to the Pentagon or to arms manufacturers whose weapons are currently deployed against Iraqis should be allowed to participate in any post-war humanitarian position.

Going Global: Building a Movement Against Empire

II

As the Bush administration strengthens its military victory and consolidates its occupation of Iraq, it continues its trajectory towards international expansion of power and global reach. The arrogance of its triumphalism, ignoring civilian carnage and dismissing the destruction of the ancient cities because, in Rumsfeld’s words, ‘free people have the right to do bad things and commit crimes,’ reflects the hubris of ancient empires. Shakespeare’s ‘insolence of office’ could well describe the contempt with which the Pentagon warriors look down on the peoples of the world.

The US war in Iraq is certainly not the first time the United States has unilaterally, illegally, and without justification attacked another country. But in the past – whether Grenada, Panama, the first Gulf War, even Kosovo – Washington generally attempted to validate its wars through some kind of claim (however spurious) of international legality. In giving life to Bush’s doctrine of pre-emptive war, the assault on Iraq represents the first time a US president has claimed – even boasted – that he had the right to launch such a unilateral attack against a country that had not attacked the US and did not pose any imminent threat, and that international authority was unnecessary.

Claiming the right of pre-emptive war would not, by itself, be proof of empire. Even launching a war more accurately defined as an aggressive preventive war (since a pre-emptive attack implies an imminent threat) does not by itself represent such proof. But the eagerness of Washington’s powerful to launch this

war, without United Nations authorisation and with such reckless disregard for the consequences, with the expressed aim of toppling the government of an independent country, albeit one mortally wounded from war and twelve years of murderous sanctions, may represent just such proof.

Certainly one can argue, as Paul Schroeder does, that there is a critical distinction between hegemony and empire. (The History News Network, Center for History and the New Media, George Mason University, February 3, 2003.) 'Hegemony,' he writes, 'means clear, acknowledged leadership and dominant influence by one unit within a community of units not under a single authority. A hegemon is first among equals; an imperial power rules over subordinates. A hegemonic power is the one without whom no final decision can be reached within a given system; its responsibility is essentially managerial, to see that a decision is reached. An imperial power rules the system, imposes its decision when it wishes.'

Schroeder concludes that the United States 'is not an empire – not yet.' Writing some weeks before Washington's invasion of Iraq, he describes the United States as 'at this moment a wannabe empire, poised on the brink. The Bush Doctrine proclaims unquestionably imperialist ambitions and goals, and its armed forces are poised for war for empire – formal empire in Iraq through conquest, occupation, and indefinite political control, and informal empire over the whole Middle East through exclusive paramouncy.'

The rapid overthrow of the Iraqi regime, with its attendant moments of exhilaration and long hours of horror for tens of thousands of Iraqi civilians, has pushed Bush administration officials over that brink. Their smug 'other Middle Eastern governments better learn their lesson' attitude indicates an even fortified sense of self-righteousness and the justice of their cause. If Washington has not yet consolidated its global empire, the drive towards it is now undeniable.

Ultimately though, what is key is less the debate over whether the United States today is an aggressive hegemon or an imperial centre bound for global domination, than understanding the political significance and consequence of this historical moment. US tanks control the Euphrates valley and US troops occupy the sites of the earliest recorded history of humanity. But US policymakers willing to look out beyond their own euphoria will see not only a devastated and dishonoured Iraq facing at best an uncertain and difficult future; not only an Iraqi population whose largest components are calling equally for 'No to Saddam Hussein' and 'No to the United States' in their street protests; but as well a humiliated and enraged Arab world; a shattered system of alliances; and a constellation of international opposition growing that includes Washington's closest allies and an emerging global people's movement saying 'no' to Washington's war, and 'no' to Washington's empire.

If war in Iraq were the only clear imperial thrust of the Bush administration, it would be tempting to reduce it to the resource-grabbing of an oil industry administration, the actions of an irresponsible hegemony soon to be taken to task by the rest of the global community of units. Opposition to the war could indeed

be reduced to the demand of 'no blood for oil.' But when taken in the context of even longer-standing, and more visionary efforts to reshape regional and global power relations, the Iraq war emerges far more as exemplar of a broad and entrenched pattern, than as an isolated proof of US intent.

That is particularly significant in light of the combination of military, political, and economic factors whose collective expansion undergirds the relentless drive for power and empire. Militarily, the creation of a network of permanent bases throughout the Middle East and Central Asia, the Pentagon's techno-lethal 'revolution in military affairs,' the scaffolding of Israel's rise as an unchallengeable regional military power, and most especially the public commitment to a new generation of nuclear weapons designed for actual battlefield use, have contributed to a military capacity so enormous that no combination of other countries could even hope to approach, let alone match or surpass it.

Elsewhere in the world, US military involvement is on the rise in Latin America, particularly in Colombia, despite some emerging gains for popular forces elsewhere on the continent. In Africa, US military aid to oil-producing countries (such as Nigeria) is on the rise. In Asia, the United States is rebuilding its military connections with the Philippines, and discussions are continuing with Japan regarding expansion of Tokyo's military capacity and especially eliminating the now-contentious Article VI of Japan's constitution that prohibits the use of military force other than in self-defence. Washington is goading an unstable North Korea into consistently higher levels of nuclear brinkmanship, almost daring China to rise to the bait.

All over the world, the United States is reclaiming access to bases lost earlier to the vagaries of post-Cold War and post-neo-colonial politics – in places such as Yemen, Somalia, Ethiopia, the Philippines. The Bush administration's September 2002 national security statement refers directly to maintaining the enormous military chasm between the military capacity of the United States and the rest of the world, calling for the use of military force to insure that no nation or group of nations ever imagines even matching, let alone surpassing, US prowess.

The cavalier dismissal of concerns regarding increasing regional instability as a likely result of war in Iraq reflects a rash acceptance of the view that every political challenge has a military answer. And earlier, abandoning the Comprehensive Test Ban Treaty and essentially consigning the Non-Proliferation Treaty to the dustbin of history were part of the assertion of military unilateralism as a point of legitimate principle.

Economically, both internationally and domestically, it is clear that consolidation of economic power in fewer and fewer hands remains a key strategic approach of the administration. The Bush team continues its enthusiasm for domestic tax breaks for the rich and lack of concern with the dire domestic economic consequences of their \$100-200 billion war in Iraq. The post-war contract-grab and war profiteering for administration-linked companies in Iraq

reflects the broader privatisation focus of Bush foreign policy.

Abroad, the United States continues its agenda of advancing corporate trade and investment rights, as it attempts to craft a new round of global trade talks in the World Trade Organisation. Over the past six months Washington has blatantly tried to use economic aid and trade agreements as carrots and sticks to bribe, threaten and purchase coalition partners for the war in Iraq. (Although it was in this area, particularly the refusal of the 'Uncommitted Six' in the UN Security Council to sign on to Bush's 'coalition of the willing,' that Washington's failure was most visible.) And, the continuing moves to tighten US control over strategic oil and gas reserves in the Middle East and Central Asia are aimed at providing more economic clout to Washington *vis-à-vis* its economic competitors and allies.

Politically and diplomatically, Washington's effort to undermine and render 'irrelevant' the United Nations in the run-up to the Iraq war, clearly demonstrated the view of key Bush administration ideologues that UN authorisation was not only unnecessary but actually damaging to the holy grail of legitimising the unilateral assertion of US power. Coming on the heels of earlier rejections of treaty obligations and/or negotiations (Kyoto, the Anti-Ballistic Missile Treaty, the International Criminal Court, etc.) the Bush administration's grudging and dismissive use of the United Nations went far beyond the Clinton administration's cynically instrumentalist view of the UN as what Madeleine Albright famously called 'a tool of American foreign policy.' The Bush White House dismissed any notion of accountability to international law or the UN Charter, operating instead on a litany of assertions that UN resolutions meant whatever President Bush said they mean, and that anyway we don't need any UN resolutions, we have the god-given right to go to war when and where and against whom and for as long as we like. As George Monbiot recently wrote,

'the US, in other words, seems to be ripping up the global rulebook. As it does so, those of us who have campaigned against the grotesque injustices of the existing world order will quickly discover that a world with no institutions is even nastier than a world run by the wrong ones. Multilateralism, however inequitable it may be, requires certain concessions to other nations. Unilateralism means piracy: the armed robbery of the poor by the rich. The difference between today's world order and the one for which the US may be preparing is the difference between mediated and unmediated force.'
(Guardian – 25/02/2003)

Moving Against Empire: The Second Super-Power?

There is no country or group of countries capable of launching a military challenge to Washington's power drive. But for perhaps the first time since the end of the Cold War, there is a serious competitor challenging the US empire for influence and authority – global public opinion, including a mobilised international civil society joined by key governments as well as the United Nations itself. Not only the Non-Aligned stalwarts of South Africa, Cuba, Malaysia, although they are vital to this challenge. Not only the key US allies

such as France, Germany, or Russia eager to remain on good terms with Washington but clear about the danger of an unrestrained rogue empire. Not only the UN secretariat, facing extraordinary pressure to cave in to Washington's will yet aware that the global organisation's real survival depends on its willingness and ability to stand defiant of that pressure in defence of the UN Charter.

But all of those forces together make up the astonishing movement towards a new internationalism that today forms the global challenge to the empire. And the United Nations, while not the only sector, is at its centre.

We are living through an extraordinary historical moment. The combination of events in mid-February 2003 – the unprecedented Security Council response to de Villepin's call to defend the United Nations as an instrument of peace and not a tool for war and the resulting refusal of the Council and its members to accede to US demands, and the outpouring of millions across the globe on February 15 when 'The World Says No to War,' and the amazing reaction to those demonstrations by the United States, United Kingdom and other governments – provided even clearer evidence that we are at a critical historical juncture. The *New York Times* analysis defined this as a moment proving that once again there are two superpowers in the world – the United States, and global public opinion.'

Although that global movement against war in Iraq failed to stop the US onslaught, it is in the process of transformation into a movement against the emerging US empire. Many of the speakers at many of the simultaneous February 15th rallies around the world hit the same point – this war, and this anti-war movement, are no longer just about Iraq. This is about mobilising the world against the United States. To the shock of ideologically-driven American analysts, European and other governments recognised that the need to constrain the United States is as urgent – or more so – as the need to restrain Baghdad – and that effort was reflected in the UN debate. Writing in the the *New York Times* magazine, James Traub quoted an unnamed UN official saying that the Security Council members ended up feeling that they had to stand up to American unilateralism.

It was in this context that the conscious struggle – and again with the United Nations as the primary venue – emerged among Europeans. Old Europe recognised the danger of ignoring the rise of US power, and sought to go public with the long-denied goal of building Europe as an explicit counterweight to the United States. Public opinion in France, Germany and elsewhere made it possible – indeed virtually mandatory – for those governments to stand defiant of the United States in the Security Council, making what likely began as a tactical disagreement with Washington into a point of principle. The new European governments, still caught up in the illusion of taking advantage of the European Union's generous cash benefits while keeping their strategic eggs solidly in Washington's basket, faced 65-80% public opposition to their support for Bush's war. Differences over the nature of an expanded Europe, then, emerged as a crucial sub-text within United Nations debates.

The events of February 15 transformed a widespread anti-war sentiment into

a powerful global movement, one that was mobilised around the world on the same slogan – ‘The World Says No to War’. It wasn’t simply a matter of simultaneous demonstrations – there was the qualitatively greater power that comes from a shared framework (even if spontaneous and rudimentary rather than conscious and comprehensive). It was that connection and co-ordination that set in motion Washington’s and other international ruling class recognition of the importance of our movement, at a moment when elite opposition had been largely squelched within US domestic politics.

For the moment the main focus must remain on Iraq – because even the millions of people in the streets around the world couldn’t reverse Bush’s military course, and with Iraq laid to ruin the work of our anti-war movement isn’t done yet. But what’s clear is that a quickly increasing number of people within that movement understand it as part of a much bigger, global mobilisation against a much bigger threat even than devastating war in Iraq.

The arguments shaping that movement are only now being woven into a coherent whole. They start with condemning the civilian lives lost and massive destruction in Iraq, warning of regional instability throughout the Middle East and the possibility of increased terrorism world-wide as a result of the war, exposing the increased economic costs of the war and their impact on the poorest strata in the United States and elsewhere, including the virtual abandonment of already-insufficient economic aid to Africa. Even before the war began the movement was developing clarity on issues of US hypocrisy regarding its own role in Iraq’s weapons of mass destruction programmes, double standards regarding UN resolutions, and the massive Iraq resource-grab inherent in the hand-out of multi-billion dollar contracts to Bush administration corporate minions and cronies.

As the movement’s parameters expand, the broader articulation frames the Bush administration’s global trajectory and explains the connections within it. Those include the links between Iraq and Israel-Palestine; between oil, Central Asia, and the unfinished Afghanistan war; between pre-emptive war doctrine and aggressive preventive wars; between North Korean nukes and Israel’s nuclear arsenal; Syria, Iran and weapons of mass destruction; corporate domination and military spending; US power projection and local budgets; building a new internationalist movement and the role of the United Nations.

The issue of the UN role in the Iraq crisis alone is widely misunderstood and confusing for many people. The question of whether the United Nations, dominated by the United States, is primarily a villain or a victim in situations like that surrounding the Iraq war, remains unresolved among many parts of the activist movement. Should the global organisation be defended from US attack, or targeted as imperialism with a global face? Recognition of the United Nations’ potential as a centre of opposition to US hegemonic moves, while understanding the constraints imposed on the organisation and the need for civil society to defend it from the ravages of US power, is not widespread. The organisations created to defend the United Nations have served largely as cheerleaders, afraid

or unable to articulate the political context of the current anti-UN crusade. And many within the broader peace movement remained confused, seeing the United Nations' silences in the face of the US war build-up as evidence of collaboration with the war. In autumn 2002/winter 2003, the refusal of the six Non-Aligned Security Council members to cave in to Washington's extraordinary pressure to endorse the US war was amazing. But it remains insufficiently appreciated in many quarters.

US pressure on the United Nations continues. Along with other coercion, the threatening letters sent to most UN member states in February 2003 demanding that they refuse to consider a General Assembly debate on Iraq, seem to have worked. An international team of activists continues its campaign to urge the General Assembly to take up the issue, challenging Security Council primacy, pushing for a UN condemnation of the war and empowered UN leadership in the political and humanitarian reconstruction of Iraq.

In examining the composition of the emerging movement against empire, it is notable that in key countries where governments stood defiant of the US war – including France, Germany, Brazil, the Philippines and many other countries – the peace movements are made up of largely the same forces as the anti-corporate globalisation or global justice movements. Their demands for a more equitable, just and sustainable global order, even while pressing the need for peace, provide a key framework for global mobilisation. And the nuanced political framework required to recognise the role Paris or Berlin play as part of the global front against US empire, while rigorously challenging their corporate-driven economic trajectory as well as other domestic and foreign policies, is beginning to take shape.

We are engaged now in building a global movement for peace and justice in a new kind of world – and we need a new global strategy. It will take some time for a unifying agenda for the global peace and justice movement to emerge. One feature will have to include universal disarmament, focusing first on the largest nuclear/military powers, including the United States. Another will be the focus on economic justice as a linchpin of social mobilisation. Other issues should include the primacy of internationalism and the centrality of the United Nations in all our work. That means claiming the United Nations as our own, as part of the global mobilisation for peace, and working to empower the United Nations as the legitimate replacement for the United States empire we seek to disempower. Even now, in Iraq, we must emphasise the need for the United Nations, not the Pentagon, to take charge of not only the humanitarian crisis but the move to create a new government.

It is at the centre of this movement against empire that the Transnational Institute is situated today. Our movement is broader and more complex than ever, being made up both of states and governments, and regional and international organisations including the United Nations, *and* the growing popular anti-war/global justice movements. That breadth provides both the promise of new power and influence, as well as extraordinary complexity and the need for

strategic creativity involving careful combinations of inside-outside approaches to governments and multilateral organisations. The Transnational Institute, with ties to key activists and organisations central to the broad people's movements, as well as links to key governments and inter-governmental organisations, is one of the few international centres positioned to play a vital role (in the original, not the Bush-Blair meaning) in building the global movement against empire in this new period.

Responding to the more-or-less spontaneous emergence of this global movement means helping provide a space for strategic planning among key actors in the key countries, and helping to shape a political/intellectual framework on which a world-wide peace and justice movement can transform itself into a politically conscious movement challenging empire while building a new internationalism.



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