

The United Nations and Its Conduct During the Invasion and Occupation of Iraq

Testimony to the World Tribunal on Iraq

By [Denis Halliday](#)

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Introduction and Background

Since 1990, the people of Iraq have been the victims of continuous US/UK-driven United Nations Security Council aggression. Triggered by the Iraq take-over of Kuwait, this aggression on the Iraqi people cannot be justified. I say that in no way defending the Iraqi invasion of Kuwait for there can be no justification for such aggression. Instead this view reflects US rejection of peaceful withdrawal offers by Iraq. This was due to the determination of Washington to destroy Iraq's potential and violently overthrow a no longer useful former friend and ally in Baghdad.

The resulting 1991 UN-endorsed Gulf War, the war crimes committed in the name of the UN by US armed forces during that war, set a pattern of militaristic aggression towards the people of Iraq that continues until today. The result has been massive loss of civilian life some through both political and military negligence, and some intentional, as meets one essential element in the definition of genocide. This primitive response by the UN to this founding-member state via deadly UN Sanctions through 2002 is now sadly sustained following the illegal invasion in 2003 and military and ideological occupation by troops of Bush II and Blair.

Since 1945, manipulated and corrupted by the five permanent members, the UN Security Council has often been brutally employed to serve the narrow interests of the powerful. This is as intended by the "victors" of the Second World War, if you read between the lines in the Council's terms of reference as set out in the UN Charter.

As result, the UN was structured to fail the people of Iraq and continues to do so in all respects. I refer to the so-called UN coalition, US led [war] of the 1991 Gulf War that destroyed civilian lives and infrastructure in breach of the Geneva Conventions and Protocols, massacred thousands, and buried alive in mass graves hundreds more Iraqi troops. The US leadership deployed that new nuclear weapon of choice, namely hundreds of tons of depleted uranium missiles and shells with horrific cancerous consequences still being revealed today.

In addition, the UN silently accepted the totally illegal no-fly zone bombing by the US/UK of Iraq culminating in "softening up attacks" preliminary to the unlawful invasion of 2003. More

than twelve years of genocidal UN sanctions constitute a massive breach of the UN Charter itself, I refer to Articles 1 and 2 in particular and underline the incompatibilities therein.

By these various means, the UN has itself destroyed the basic human rights of the Iraqi people through the willful neglect of Articles 22-28 of the Universal Declaration of Human Rights. The UN failed to protect and safeguard the children and people before and after the 2003 invasion. And as rare but honest news coverage demonstrates, the UN continues to fail Iraq and its people now in mid 2005, as this Tribunal sits in Istanbul.

US/UK Invasion March 2003

With US invasion intentions announced, where were the UN voices of moral law and integrity? Where was the outrage? Where was the intervention of the Secretary-General as per his obligations of UN Charter Article 99? Where were the many member states committed to protecting the UN Charter and tenets of international law? Given the forum of the General Assembly and the power of the majority, where were the states prepared to stop the oil/military strategic aggression blatantly being pursued by Bush and Blair? The answer is they were no where to be found or to be heard.

Respect for human rights and international law, including the UN Charter itself, was hidden by the polluted and murky world of self-interest amongst UN member states that favours sweaty embraces of the Bush regime. The world watched Bush threaten the Heads of State present in the GA of September 2002 and then saw he and Blair deceive all who seemed willing to be mislead, a deception culminating in General Powell lying to the Security Council early 2003 about weapons of mass destruction and the “danger” Iraq presented!

We were asked to believe that the spirit of Article 51 of the UN Charter dealing with national self-defense somehow justified the US invasion of Iraq! as in the case of the invasion of Afghanistan. Blair informed us that Baghdad could surprise-attack London in 45 minutes with terrible and illegal weapons. He referred to chemical and biological weapons that were sold to Iraq by the UK itself, or by European and American friends when earlier Baghdad took on Iran largely due to the urging and active support of Washington and London.

To argue that the Security Council in early 2003 was courageous in refusing to endorse the intended US/UK invasion is a nice thought, but nothing more. The UN was not, repeat not, enhanced by its action, or lack thereof, to protect the sovereign state of Iraq from raw US/UK military aggression. This was perhaps the lowest point reached yet by the UN in its short history. Even the tyranny of the “veto” did not save UN credibility, which might have been the case had the three remaining veto powers used that dictatorial device. They did not. And the failure of the remaining member states to walk out, resign, stand up and be counted was and remains simply disgusting. When 20 months later the Secretary-General remembered his responsibility to speak up as per Article 99, he mumbled off-the-record, but was sadly much too late.

Without the authority that resides in Article 42 of the Charter, and a Security Council resolution authorizing the specific use of force, the Bush/Blair invasion of Iraq is in complete breach of international law. The war crimes committed in that blatant military aggression the most serious of international crimes must be charged to Bush as the Commander-in-Chief, and to Blair as the Prime Minister who abused war powers. Bush should be charged with use of State terrorism for the opening salvo of “Shock and Awe” bombing strikes on Baghdad designed to terrorize by physically and mentally attacking a

civilian population. This is the kind of state terrorism that provides a tragic reminder of the US nuclear crime of bombing of Hiroshima and Nagasaki. It is the kind of state terrorism besides which small scale “terrorist” resistance pales in comparison. However, both forms of terrorism are internationally unlawful and unacceptable.

The UN member states listened mutely and swallowed some painfully the false arguments of Iraqi capacity to threaten not only its neighbours none of whom appeared to share this fear and the physical threats to the UK and USA! The world tried desperately to believe the nonsense of massive stockpiles of weapons of mass destruction residing in Iraq. And to top off the US/UK lies and rubbish was the charge of a close Iraqi linkage to “al Qaeda” and the attack on those Twin Towers of capitalistic greed in New York City on 9/11/ 2001. To those who understood the secular nature of the Baghdad government, and Ba’athist philosophy ... this supposed lineage broke the last straw of credibility. And the UN stood mutely by. Even to this day, the Security Council is unwilling to define terrorism for fear that state terrorism employed by its permanent five member states would thereby be constrained.

Thus, the March 2003 invasion took place in breach of all known international laws, executed with the application of terrorism and commission of war crimes, including further and massive use of depleted uranium. The UN ... its member states and its Secretary-General failed to employ all possible means to protect the people of Iraq ... worse the UN was generally seen around the world to be acquiescent and collaborative. Ironically, at the same time, Americans were outraged that the UN had failed to support US foreign policy and their self-serving military aggression on Iraq but that is material for another session!

UN collaboration with US/UK Occupation

Whereas the invasion was in breach of international law, although eased by the acquiescence of the UN, and was globally condemned, the occupation was on the other hand more readily accepted as a new, if unlawful, reality. The occupation was supported by member states and donor agencies, and then actively supported by the UN. That support and active involvement constitutes collaboration. And UN collaboration with the occupying enemy was, and is, a tragic mistake. Collaboration of this kind is an unacceptable role for the UN.

We are all familiar with the rights of Iraqi self-defense and resistance to foreign military occupation as set out in UN Charter Article 51. We are equally familiar with the often murderous consequences of collaboration, which the French Resistance made famous, and even bizarrely glorious under occupation in the 1940s. There is nothing glorious about killing be it of the enemy, or of one’s own country men and women who decide, for whatever reason, to collaborate.

There was and is nothing glorious about UN collaboration in Iraq, and nothing glorious about the consequence the deadly truck-bombing of the UN Office building in Baghdad on 19 August 2003 when some 20 UN staff died. The Security Council and particularly the Secretary-General, responsible for the welfare of staff members, appear to have failed to understand that the UN was, even before collaboration, the most hated organization in Iraq. Why? Why not? after 12 years of deadly UN sanctions that cost Iraq over one million lives, mostly children, followed by conspicuous collaboration with the common Iraqi enemy, that is, the American and British occupying enemy. After 12 years of humiliation and loss of dignity under UNSCOM’s intrusive search for weapons of mass destruction why was anyone

surprised?

The UN Secretary-General and his staff were obligated to remain apart from the illegal occupation, at best on standby. Unless invited by a legitimate Iraqi government to assist, and there was none remaining in Iraq after the unlawful overthrow of the Baghdad government the UN had no place in the country. The UN had no mandate to be in Iraq. A demand from Washington and/or London does not constitute a legitimate invitation. And puppet regimes cannot be recognized by the UN, even if set up by two permanent member states of the Security Council. Airlifting of long expatriated Iraqis together with their own armed thugs and mercenaries, and setting them up as an interim regime, does not create a representative, or legal government with which the UN can legitimately serve.

However, it is considered that occupation, even unlawful occupation, comes with obligations under international law. Such obligations included the rule of domestic law, the protection of state and private property and perhaps most importantly ... the protection and wellbeing of the civilian population as per international law. The occupying US and UK forces blatantly failed to meet these obligations.

They allowed, even facilitated, a complete breakdown in law and order. They stood back as looting and destruction in the cities and towns of Iraq took place. As days became weeks and months, they neglected to meet the basic needs of the people including food, housing, water, power, health care, education and employment. And tragically the gutless UN stood back silently as the Americans and British created anarchy. The UN remained silent as the occupiers disbanded Iraqi defense forces, including border guards thereby opening the country up to intrusion and looting by thousands intent on chaos. In addition to the cost of Iraq civilian well being and lives, the intruders also came to attack the occupying common enemy of the Region i.e. the intrusive and hated American armed forces – the fearsome crusaders of Bush fundamentalism. Again the UN failed to protect the sovereign rights of Iraq – the Security Council and the Secretary-General were gagged.

Before the Iraqi economy could even begin the process of recovery from UN sanctions and military invasion, the American occupiers abolished the Oil for Food Programme. Even after the invasion, this Programme remained the prime source of food and other essentials for over 85% of the population of some 24 million. With unemployment over 70%, plus thousands of newly disbanded defense personnel, invasion war-damage and increased homelessness, the social and economic plight of the Iraqi people had deteriorated further.

Ignorant and grossly irresponsible, Washington looked to the modest private sector of Iraq to suddenly sell food, medicines and other essentials ... to a population of largely unemployed and impoverished in the face of growing inflation. In a matter of weeks an economy that had been centralized and public sector driven under UN Sanctions was disbanded with very painful results. Under the US/UK occupation, for example, rates of child mortality have increased and malnutrition has risen. Where was the UN voice to protect basic civilian interests and demand that occupation obligations be fully met by the US and the UK?

The breakdown of personal security, social services, health care, education and basic needs has been almost total. In other words, the occupying military forces have failed in all aspects of meeting their responsibilities under international law. And the UN has been silent.

The UN has also been silent as the US set about building some 14 military bases for their

own long term strategic military requirements in the Region. These are strategies relating to Regional military presence, natural gas and oil reserves and control thereof. However, in regard to reconstruction and new investment in infrastructure destroyed by the Gulf War of 1990, constrained UN sanctions and weakened further by the Bush/Blair invasion, little has been done. Instead the presence of US/UK forces has created chaos and armed resistance to their military occupation. They have alienated most of the population ... not unexpectedly but in addition, they have split this secular country of Iraq into religious and ethnic divides that had been long submerged under an Iraqi national identity. Has the UN spoken up?

For the first time in many years, the dreadful possibility of civil war has been created by foreign occupation that ... like an old colonial regime ... has discovered the benefits of divide and rule, with disastrous results. Where is the UN demand to an end to military occupation and the belated return of Iraq to the people of Iraq?

Under initial occupation, the UN transferred some US\$8 Billion to a Provisional Authority headed by an American. And this was not UN money. This was Iraq Government oil revenue obtained under Oil for Food Programme oil sales! Worse, it is now revealed that the UN did not monitor, or audit the expenditure of this \$8 Billion and it appears much was miss handled and is unaccounted for by the US authorities. Some \$4 Billion was handed without benefit of competitive bidding to the American Corporation Haliburton, connected to the White House through Cheney, the Vice-President. Hundreds of millions was disbursed in cash to the "new" Ministries set up with and by the Americans, staffed and managed by the Americans, without accounting. These billions improperly handed over by the UN was the property of the Iraqi people. Again the UN has failed in its responsibility.

As a diversion from its own disastrous occupation, costs and loss of life, Washington has attacked the Oil for Food Programme within which it appears there has been some UN mismanagement, poor contracting, weak accounting of Iraqi monies and maybe even some theft amounting to perhaps as much as \$150,000. Nevertheless this unique and largely successful US\$65 billion Programme fed and provided basic human needs from 1997 to 2002 for some 24 million Iraqi people. The scandal is not UN mismanagement it is Washington-approved billion dollar oil sales by Baghdad outside the constraints of Oil for food, it is the granting of 30% of Iraqi oil revenue under UN Oil for Food arrangements to Kuwait while Iraqi children died for lack of financial investment in electric power, and potable water supplies. It is the genocide that the UN perpetrated in respect of the Iraqi people over some 12 years of strangulation under uniquely comprehensive sanctions.

Conclusion

We find in Iraq today almost total political and social chaos. Foreign military occupation has influenced interim arrangements that are not representative and have not the confidence of many Iraqis. We find chaos and misery for the Iraqi people made homeless by brutal US/UK military action in civilian areas and towns such as seen in the neighbourhoods of Baghdad and Fallujah with horrific civilian casualties. For the survivors, homelessness, unemployment and little means to survive have resulted. Health care and education is in disarray as families are afraid to send their children to clinics and schools for fear of bombing and kidnapping. Child morality and malnutrition is on the increase. Personal security does not exist. University students stay away for reasons of fear. The breakdown in policing since the occupation has led to level of murder and killing unknown in a free Iraq before occupation. Many essentially experienced civil servants, intellectuals, doctors and educators have been murdered. The UN is largely silent.

Despite the courage of many Iraqis to vote under these near impossible conditions and work towards a replacement system of government, the national institutions remain in very bad shape. Financial and human capital are both in short supply. The much needed constitution being drafted under American supervision and interference is likely to have a long and hard road to acceptance. It will undoubtedly need much rewriting once the country has an elected and representative government when free of foreign occupation. It is expected that Iraq will reject many American pressures, including privatization to foreign corporations of public sector essentials such as water, oil resources and power. It is feared that IMP interference will lead to structural adjustment devices that will destroy the remaining strengths of the welfare system so many Iraqis have learned to depend upon over many years.

Due to corruption of the Security Council and abuse of the UN Charter by the five permanent members in particular, the unlawful invasion, occupation of Iraq and the many tragic consequences thereof, have not led to UN Security Council condemnation. Outrageously, the US and UK continuing to enjoy the benefits of member states in good standing, retain their veto powers and permanent seats on the Council. They have not been obliged to terminate illegal military action within the sovereign state of Iraq. They have not been forced to withdraw occupying military forces. They have failed to meet their occupation obligations under international law. They have stolen and abused limited Iraqi financial resources and have under spent their own funds that they obligated very publicly for reconstruction and development.

The UN has watched the loss of life in Iraq. The UN has watched the war crimes of US/UK forces, including the negligent bombing of civilians and use of depleted uranium devices yet again without comment. The UN has witnessed massive loss of innocent civilian life over 100,000 has been estimated so far. As you know, US occupation forces do not bother to count the civilians they kill and/or maim. The UN has watched the employment of some 80,000 hired-guns who serve the US authorities under no known law. The UN has watched in silence American human rights abuses, torture and killing of Iraq prisoners ... arrested and jailed without respect for their human rights or explanation to their families.

Having tragically weakened Iraq and its people under 12 years of sanctions, the UN has taken no action to stop, condemn or punish the blatant US/UK transgressions of the UN charter, human rights and other provisions of international law.

The world has witnessed in Iraq the most serious of international crimes the crime of military aggression on a sovereign member state by US and UK forces. The world waits for the people of Iraq to be given an opportunity to make their own decisions and resolve their own differences as only they can hope to do without foreign occupation and interference. The world waits for the UN to act in keeping with the provisions of international law, including the application of International Criminal Court provisions to Bush, Blair and their henchmen and women who have violated the core tenets of the UN Charter, Declaration of Human Rights and the Geneva Conventions and Protocols.

In the meantime, this World Tribunal in Istanbul has this opportunity, this obligation to demand full international prosecution of US/UK war leaders and war criminals involved in the destruction of Iraq, the lives of its people and their human rights and well being, through unlawful and unjustifiable armed invasion and military occupation.

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