Scofflaw Diplomacy

Matthew Evangelista

The last decade has not been an easy one for the peace movement in the United States. The end of the Cold War saw many of its key goals achieved—reductions in nuclear weapons; withdrawal of Soviet and American troops from central Europe and substantial cuts in conventional weaponry; the end of the Soviet war in Afghanistan and US military intervention in Nicaragua; the demise of communist rule and the promise of democracy in Eastern Europe and Russia. Yet subsequent challenges divided the movement—if we can still speak of it in those terms—with erstwhile allies taking opposing positions on US policy. Some former opponents of US intervention in Central America, for example, endorsed sending the marines to reinstate the ousted president of Haiti, Jean Bertrand Aristide, whereas others suspected US motives and balked at the use of military power even to right such an obvious injustice. Some critics of the North Atlantic Treaty Organization who had protested against the alliance's deployments of US nuclear missiles in Europe in the 1980s came, a decade later, to support the expansion of NATO right up to Russia's borders in the interest of stability and democracy. Others continued to see NATO as part of the problem rather than the solution and wished it would go the way of the Warsaw Pact and cease to exist. Many peace activists who in the past had steadfastly opposed bloated US military budgets found themselves calling for the United States to use its air forces to bomb Serbian targets in Bosnia and Kosovo, and to send ground troops to halt the genocidal actions of Slobodan Milosevic. Others found the bombing-for-peace approach unacceptable, especially when carried out by the NATO alliance in the face of opposition from key members of the United Nations Security Council.

No issue has been more troubling for supporters of peace than Iraq. As a new generation of activists emerges to protest the Bush administration's rush to war, it would do well to reflect upon the problems that the Iraq situation has posed for the peace movement over the years. The traditional approaches pursued by peace activists have not proved very successful: nonviolent resolution of disputes, sensitivity to the "security dilemma" (the notion that even countries that procure weapons solely for defensive purposes can appear

threatening to others), and reliance on economic sanctions and UN resolutions as alternatives to military action. Saddam Hussein's rule of the country has led Iraq into two disastrous wars. Barely a year after coming to power in 1979 he provoked a war with Iran over a boundary dispute, anticipating an easy victory against a country in the throes of Islamic revolution. The war dragged on for eight years, with no clear victor, but with a toll of well over a million victims. In the midst of the war, Hussein's army pursued a separate campaign against the Kurdish communities of Iraq, destroying thousands of villages and displacing or killing tens of thousands of people—many of them attacked with chemical weapons, which the Iraqi forces also used against the Iranian army. A UN-brokered ceasefire ended the war with Iran, but Hussein hardly paused to catch his breath. In August 1990, he ordered an invasion of neighboring Kuwait, ostensibly in response to a dispute over oil production. Once Iraqi forces had overwhelmed Kuwait's limited defenses, Hussein declared the country's annexation while his troops carried out a brutal occupation in which Kuwaiti citizens and foreign guestworkers (Palestinians, Indians, and others) suffered alike.

The peacemakers's toolkit—negotiations, arms control treaties, conflict resolution—did not seem very effective in dealing with Saddam Hussein's Iraq. Those techniques were developed in the context of a superpower nuclear rivalry, which, as British historian and disarmament activist E.P. Thompson famously put it, was mainly about itself. Neither the United States nor the Soviet Union intended to attack each other (although they invaded countries in their "spheres of influence" many times). The arms race served the domestic interests of the ruling elites on each side, but was in turn vulnerable to unilateral initiatives of restraint promoted from the grassroots. It ended when the Soviet leadership under Mikhail Gorbachev heeded the advice of transnational activists and pursued a conciliatory foreign policy under the banner of "new thinking." All that was needed was for the United States to acknowledge the change, and Ronald Reagan, to his credit, did so, even if his successor, George H.W. Bush, feared that he was being too hasty.

What finally persuaded the first President Bush that Gorbachev's changes were real was the Soviet reaction to Iraq's invasion of Kuwait in 1990. The USSR backed UN Security Council resolutions intended to induce Iraq's withdrawal. Gorbachev, whose rhetoric and ideas often drew upon those of the peace movement, advocated a nonviolent approach, at least to start. Thus, the Soviet Union, a major supplier of weapons to Iraq, endorsed the US proposal for a UN-sponsored arms embargo. Then it supported an overall trade embargo with a naval blockade of Iraq's oil tankers. When Iraq still refused to withdraw its forces from Kuwait, the Security Council issued Resolution 678

authorizing the use of "all necessary means" to reverse the Iraqi invasion, a transparent euphemism for military force. Iraq was given until January 15, 1991 to comply. The Soviet Union joined the three other permanent members of the Council who voted in favor of the resolution—the United States, Britain, and France—while China abstained. The USSR, through its special envoy Evgenii Primakov, a Middle East specialist who had known Saddam Hussein for years, tried to persuade Iraq to face reality and withdraw. But Hussein would not even do his "friend" the courtesy of allowing Soviet civilian and military advisers to leave the country; he preferred to keep them as hostages, in a futile attempt to undermine the uneasy Soviet support for military action.

Operation Desert Storm—the war against Iraq— began on January 16, 1991, the day after the expiration of the Security Council resolution. Thirty-three countries participated in the war, but the United States clearly dominated the military campaign. The strategy was heavily dependent on massive bombing, with much damage inflicted on basic infrastructure—electricity grids, sewage and water systems, communications facilities. Destruction of such targets undoubtedly hindered the Iraqi military forces, but at enormous cost—especially in the long term—to the civilian population. In combination with the punishing sanctions regime, the toll on innocent civilians over the decade since the Gulf War has been devastating.

Perhaps most disturbing to the peace movement was not only that the economic sanctions—intended as a nonviolent alternative to war—failed to secure Iraq's withdrawal from Kuwait. Pursued tenaciously by the United States, long after Iraq's defeat, and exploited for propaganda purposes by Hussein, the sanctions wrought terrible damage on the weakest, most innocent members of Iraqi society.

Does the peace movement then deserve blame for the dangerous mess that Iraq has become? Hardly. If Saddam Hussein is a monster, as hardly anyone would doubt, the United States is in many respects his Dr. Frankenstein. Viewing Iraq as a secular bulwark against Iran's Islamic revolution, the US government encouraged its aggressive actions against the Ayatollahs' regime. For years US and other Western companies knowingly sold Iraq the components that enabled Hussein's scientists to pursue development of chemical, biological, and nuclear weapons. During the war against Iran, the United States provided satellite imagery to assist the Iraqi air force in locating Iranian targets for chemical-weapons attacks. In planning his assault on Kuwait, Saddam Hussein is widely believed to have received a green light from the United States in his infamous meeting with Ambassador April Glaspie. The United States evidently failed to anticipate the

voraciousness of Hussein's appetite for aggression, as he swallowed Kuwait and claimed it as Iraq's nineteenth province.

In opposing the Iraqi invasion, George Bush groped for justifications that would lead Americans to support US military action. Saddam as Hitler seemed a bit exaggerated, higher prices at the gas pumps, crassly insulting in the assumption that US citizens cared mainly about their pocketbooks. Appealing to the United Nations Charter, to the fundamental right of national sovereignty and defense against aggression, appeared to do the trick. Never mind that the US government itself was only selectively sensitive to such appeals, ignoring or abetting over the years the Chinese annexation of Tibet, the Indonesian invasion of East Timor, Israel's "security zone" in southern Lebanon and illegal occupation of Palestinian lands. Many Americans put aside their doubts and hoped that Bush's vision of a New World Order would be one founded on respect for the rule of law and the institutions of international governance, such as the United Nations.

In retrospect, one can doubt the extent to which such high mindedness motivated the Bush team. Much of the administration's behavior smacked of the triumphalism that has since become the defining feature of US foreign policy. The Gulf War provided an opportunity, not to be missed, to make clear which country won the Cold War and would dictate the terms of the peace.

This is the father's legacy, which the son inherited along with many of the advisers who helped fashion it. The new US National Security Strategy, issued in September 2002, makes explicit that the United States intends to continue its military domination of the world and to prevent the rise of any potential challengers. The administration has rejected a range of international treaties, from the Kyoto Protocol on global warming to the International Criminal Court—reflecting a go-it-alone attitude that is out of step with American public opinion and international realities. Bush, in his speech to the United Nations on September 12, implicitly acknowledged that the unilateralism had gone too far, as he sought to put concerns about Iraq in the context of UN resolutions. Official US acknowledgment of the importance of the United Nations, however fleeting, provides an opportunity that the peace movement should not miss. The speech nevertheless left many doubts about the administration's sincerity. The perennial issue of double standards was unavoidable. Iraq is hardly the only country to have flagrantly violated UN resolutions, invaded and occupied neighboring territories, pursued secret programs to develop weapons of mass destruction, and perpetrated or condoned acts of terrorism against innocent civilians.

By itself, accusing the United States of pursuing double standards does not constitute an effective argument against going to war with Iraq. However justified the critique of US behavior, it is unlikely to reassure Americans about Iraq enough for them to oppose the war. Moreover there does not seem much to be gained by playing down the danger that Saddam Hussein poses. The point is to put that danger into perspective and to consider what greater dangers the United States risks by rushing into a war.

After the September 11th tragedies, the danger that naturally preoccupies many Americans is terrorism, and, particularly, the threat of further attacks by the al Qaeda organization. One of the strongest arguments against war with Iraq—one that hawks and doves alike can embrace—is that it will distract the United States from a necessary focus on preventing terrorism. Hawks will emphasize spreading US armed forces too thin and the implausibility of being adequately prepared to counter a sudden terrorist threat while troops are engaged in a major battle in Iraq. A full-page advertisement in the New York Times in mid-September made this case. It was signed by more than two dozen leading professors of international security policy, most with a reputation as hard-nosed "realists." Doves can endorse these concerns and add additional ones: that war in Iraq will kill many innocent civilians and sow the seeds for further terrorist activity.

Here the issue of double standards becomes relevant. Critics of the United States, in the Middle East, for example, will make much of the selective US concern about violations of UN resolutions and pursuit of weapons of mass destruction and wonder why Israel gets a free hand in both domains. The Security Council's Resolution 242, for example, requires Israel to withdraw its armed forces from territories occupied in the 1967 war (and for Israel and its neighbors alike to acknowledge "the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force" a clear requirement to accept Israel's right to exist). US tolerance of Israel's continued military actions in the occupied territories, despite their justification as a response to terrorism, will strike many in the region as inconsistent with insistence on Iraq's strict adherence to UN dictates. On the question of "regime change," at least, the US seems more consistent. It favors overthrowing Saddam Hussein and looks the other way as Israel seeks to do the same with Yasser Arafat. In this case, the consistency will only serve to create more enemies for the United States and boost the popularity of both Arafat and Hussein, neither of whom would otherwise garner much sympathy in the region. Furthermore, Israel's undeclared possession of several hundred nuclear weapons has never drawn US criticism. US officials seem confident

that Israel would not use its nuclear arms unless the very survival of the state were at stake. Few would give Iraq the same benefit of the doubt, although a recent CIA report suggested that the event most likely to provoke Iraq's use of weapons of mass destruction would be a US invasion.

For many Americans, fear of Saddam Hussein's nuclear intentions is one of the more plausible rationales for war put forward by the Bush administration (as long as evidence of Iraq's connections to al Qaeda terrorists remains flimsy). Here the criticism of double standard, however telling, serves poorly as an anti-war argument. Yes, the United States possesses the most destructive force of nuclear weapons the planet has ever known; it is the only country to have used them, against Hiroshima and Nagasaki; it has developed the world's most advanced arsenal of chemical arms and is at the forefront of research on biological weaponry. Moreover, the current administration has abandoned or sought to undermine key international treaties intended to control weapons, from the Anti-Ballistic Missile Treaty to the Biological Weapons Convention. But such an argument, a pot-calling-the-kettle-black approach, does not seem to resonate with the American public. It is also in evident tension with another argument one sometimes hears from peace activists: we need not worry about a nuclear-armed Iraq, because it would always fear a devastating US nuclear retaliation if it sought to use its own weapons. Principled opponents of nuclear arms, who understand them as weapons of genocide, should resist taking this tack. A long-term objective of the peace movement should be to stigmatize the possession of nuclear weapons, so that they will no longer be a symbol of great-power status, to which challengers like Iraq aspire, but a sign of moral depravity. That end is not served by invoking US nuclear might as an anti-war argument.

Fortunately there are better arguments for opposing unilateral US military action without seeming complacent about Iraq's nuclear potential. No country wants Iraq to have weapons of mass destruction, whether or not the United States has them. The point is that threatening to invade the country in order to topple Saddam Hussein is hardly likely to diminish his fervor for obtaining the only weapons that he might hope could deter such a US attack. The system of international inspections developed at the end of the 1991 war, despite its flaws, did more to hinder Iraq's pursuit of weapons of mass destruction than any military action. A natural argument for peace activists—and one that a majority of Americans could endorse—is to insist on a role for the United Nations and an emphasis on restoring a meaningful inspections regime.

The history of the UN inspections in Iraq attests to their effectiveness as well as offering ample evidence why they were and still are necessary. The original regime was created by Security Council Resolution 687 in 1991. Iraq accepted its terms as part of the peace agreement that ended the war. The inspection system depended on two organizations, the already existing International Atomic Energy Agency (IAEA), established to monitor civilian nuclear power plants and prevent diversion to weapons production; and the newly created United Nations Special Committee (UNSCOM), intended to discover and destroy facilities involved in development and production of chemical and biological weapons. UNSCOM withdrew its teams from Iraq in 1998, as Hussein's regime continually hindered its work and as UNSCOM itself came under criticism for allowing its staff to engage in espionage. UNSCOM was superseded in December 1999 by the UN Monitoring, Verification, and Inspection Commission (UNMOVIC, created under Resolution 1284), which up to the current crisis has not had access to Iraq.

On a modest budget and in the face of the Iraqi government's consistent deception and efforts to undermine its work, the inspections regime achieved a great deal. With a team of 21 international arms control experts, and supporting staff, UNSCOM conducted 250 inspections between 1991-98. The IAEA conducted a further 500 inspections during roughly the same period. Iraq initially claimed that it was in compliance with the Nuclear Nonproliferation Treaty and denied that it had conducted any nuclear activities beyond those already monitored by the IAEA. Inspections, however, revealed an extensive, secret effort oriented toward the production of nuclear weapons, including several undeclared projects to enrich uranium for use in weapons.

UNSCOM's work was equally effective in identifying illegal weapons programs. The commission found 80 undeclared SCUD missiles, 45 warheads adapted for biological or chemical use, and 30,000 chemical munitions. Iraq had initially denied the existence of any biological weapons program, but UNSCOM inspectors confronted Baghdad with enough evidence that the government acknowledged several production facilities, where anthrax and botulinum toxin were developed, and declared 25 SCUD warheads and more than 150 aerial bombs prepared for use in biological attacks.

When the inspectors left in 1998, they had been unable to locate many weapons components for which they had evidence (from shipping invoices, cross-references in other Iraqi documents, and so forth). The missing items include missile warheads, rocket fuel, and some 17 tons of growth media for biological agents. Iraq failed to account for

thousands of suspected chemical munitions and some 4,000 tons of precursor chemicals which the government insisted it had destroyed (but not under UNSCOM supervision, as required). These chemicals, if they still exist, could be turned into thousands more weapons. If Iraq follows through with its promise to allow the return of UN inspectors, they will clearly have their work cut out for them.

Despite impressive mobilization over a relatively short time period, the peace movement was unable to influence a majority of the US Congress to refrain from endorsing President Bush's war resolution. In the days leading up to the vote, it was nearly impossible to get through by telephone to the offices of New York's senators. Charles Schumer's line was constantly busy and calling Hilary Clinton's number yielded only this encouraging message: "Senator Clinton's voice mailbox is full. Good-bye." Yet a key argument, advanced by many peace activists and supported by broad segments of American public opinion, did apparently get through. Many of the Democratic representatives and senators who issued the Bush administration a blank check for war nevertheless offered various (non-binding) qualifications as they justified their votes. In effect they argued that the United States should not initiate war against Iraq without specific endorsement from the United Nations Security Council and support from US allies. It may be that the blank check will prove more meaningful to the president than the qualifications, but here is where continued activity of opponents of the war can play a crucial role—by stressing the potentially disastrous consequences of a go-it-alone approach.

The long-term agenda of the peace movement, regardless of how the current Iraq situation is resolved, should be to emphasize the role of international institutions and law. The United Nations Security Council is not without its faults, dominated as it is by the world's major nuclear powers, four of which (France, Britain, Russia, and the US) have oil interests at stake in Iraq. Yet it is precisely the other major powers that should be concerned about US pretensions to act independently of any international legal constraints. There is a growing recognition across the world of the value of law as a means of governing the international system. Evidence is found in the widespread support for such initiatives as the Kyoto Protocol within the environmental sphere, or the Treaty Banning Land Mines in the area of security, or the International Criminal Court in the realm of human rights. The United States constitutes a notable exception to this general trend of support for international law. In fact, the US resistance to international law hints at a change in the role of law in the international system. In the past, as E.H. Carr has pointed out and most other observers have agreed, international law was established by the dominant powers to serve and perpetuate their interests. Today much of the impetus for

new initiatives in international law comes not from the United States, the most powerful country in the system, but from countries that are trying to rein in US power or at least get the United States to abide by the rules.

In the dark days of the Cold War, democratic opponents of the communist regimes in Eastern Europe and Russia, such as Vaclav Havel, used to argue that if people would live and act as if they were free, then they could create the parallel structures for an alternative to the regimes which sought to control them. In his essay, "The Power of the Powerless," Havel wrote that the work of the so-called dissidents was "based on the principle of legality: they operate publicly and openly, insisting not only that their activity is in line with the law, but that achieving respect for the law is one of their main aims." As the peace movement seeks to limit the dangerous excesses of the Bush administration's unilateralism in places like Iraq, it should keep its eye on the bigger prize. The goal would be, in Havel's words, "achieving respect for the law," for international law in this case, on the part of the United States.

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Matthew Evangelista *teaches international politics and directs the Peace Studies Program at Cornell. He is the author, most recently, of* Unarmed Forces: The Transnational Movement to End the Cold War (Cornell) *and* The Chechen Wars: Will Russia Go the Way of the Soviet Union? (Brookings Institution)