

2012

Iraq, Reconsidered

Joshua J. Brewer
Pitzer College

Recommended Citation

Brewer, Joshua J., "Iraq, Reconsidered" (2012). *Pitzer Senior Theses*. Paper 27.
http://scholarship.claremont.edu/pitzer_theses/27

This Open Access Senior Thesis is brought to you for free and open access by the Pitzer Student Scholarship at Scholarship @ Claremont. It has been accepted for inclusion in Pitzer Senior Theses by an authorized administrator of Scholarship @ Claremont. For more information, please contact scholarship@cuc.claremont.edu.

Iraq, Reconsidered

By Josh Brewer

4/20/2012



TABLE OF CONTENTS

- *Acknowledgments.....pg(6)*
- *Chapter 1. Introduction.....pg(7-12)*
 - *What will not be Discussed.....pg(8-9)*
 - *The Purpose of this work.....pg(9-10)*
 - *Chapter Outline..... pg(10-12)*
- *Chapter 2. Historical Background..... pg(13-16)*
- *Chapter 3. The Security Argument..... pg(17-69)*
 - *Information Available before Intervention.....pg(17-41)*
 - *Defection of Hussein Kamel.....pg(18-21)*
 - *UNSCOM Technical Evaluation Meeting.....pg(21-23)*
 - *Testimony of Rolf Ekeus..... pg(23-26)*
 - *Graham Pearson (a Timeline of Non-Compliance)..... pg(26-29)*
 - *Conclusions and Further Questions..... pg(29-30)*
 - *Scott Ritter and the Iraq Liberation Act of 1998.....pg(30-33)*
 - *Operation Desert Fox of 1998.....pg(33-34)*
 - *1998-2002 the Dark Years: Bombs and UN Rearrangements.....pg(34-37)*
 - *The Iraq Resolution: October of 2002.....pg(37-40)*

- *Resolution 1441: November of 2002..... pg(40-41)*
- *Information Available after the Intervention..... pg(41-)*
 - *The Nuclear Question..... pg(41-44)*
 - *North Korean Missile Dealings..... pg(44-45)*
 - *Russian, Polish, and Indian Missile Dealings..... pg(45-47)*
 - *Saddam's Chief Nuclear Scientist..... pg(47-48)*
 - *Nuclear Remnants..... pg(48-49)*
 - *Biological and Chemical Weapons Programs..... pg(49-51)*
 - *The Obstacle of Sanctions..... pg(51-52)*
 - *Russian-Iraqi Relations..... pg(52-53)*
 - *French-Iraqi Relations..... pg(53-54)*
 - *Chinese-Iraqi Relations..... pg(54-55)*
 - *German-Iraqi Relations..... pg(55-57)*
 - *The RCC Resolution – Rendering Sanctions
Impotent.....pg(57-58)*
 - *The Present Absence of a Future Stockpile..... pg(58-59)*
- *The Unique Dangers of an Equipped Saddam Hussein.....pg(59-69)*
 - *Saddam's Previous Use of WMDs – Kurds..... pg(59-60)*
 - *Saddam's Previous Use of WMDs – Iran.....pg(60-61)*
 - *Fears of International Destruction and
Blackmail.....pg(61-63)*
 - *Regional WMD Proliferation..... pg(63-64)*
 - *Ties to International Terrorism..... pg(64-69)*
- *Chapter 4. Just War Theory.....pg(70-87)*

- *The Just War Tradition*.....pg(71-75)
- *Requirement #1: Just Cause*..... pg(75-77)
- *Requirement #2: Intention*..... pg(77-78)
- *Requirement #3: Authority and Declaration*..... pg(78-79)
- *Requirement #4: Last Resort*..... pg(79-82)
- *Requirement #5: Probability of Success*..... pg(82-84)
- *Requirement #6: Proportionality*..... pg(84-87)

- *Chapter 5: Oil*.....pg(88-108)
 - *American Control over Iraqi Oil*..... pg(89-99)
 - *A Colossal Oil Wealth*..... pg(89-90)
 - *Dr. al-Shahristani*..... pg(90-91)
 - *American Contracts*..... pg(91-93)
 - *Surprise at the Low Level of U.S. Extraction*..... pg(93-94)
 - *U.S. Inability to Influence Iraqi Oil Politics*.....pg(94-96)
 - *Iraqi Independence*..... pg(96-97)
 - *Subcontracting*..... pg(97-99)
 - *Oil: It was either not a Motivation or it was a Bungled One*.....pg(99-)
 - *BBC Journalist Greg Palast*.....pg(99-102)
 - *Tony Blair, Circa 1999*.....pg(102-104)
 - *Bush Cabinet Histories*.....pg(104-107)
 - *Impact on Just War Requirements?*.....pg(107-108)

- *Chapter 6: Legality*..... pg(109-114)
 - *The Demands of International Law*..... pg(110-111)

- *The International Illegality of Intervention.....pg(111-112)*
 - *An Unconstitutional War?.....pg(112-113)*
 - *Judicial Precedence..... pg(113-114)*
- *Chapter 7: Conclusions..... pg(115-117)*
- *Appendices..... pg(118-119)*
 - *Appendix A: Iraq GDP..... pg(118)*
 - *Appendix B: Map..... pg(119)*
- *Bibliography.....pg(120-130)*

Acknowledgements

* None of the opinions/arguments in this paper are, in any way, representative of those acknowledged

I would like to deeply thank all of the following:

- Professor Philip Streich: for providing indispensable advice, effort, and patience during the lengthy composition of this work. Yellowcake.
- Professor Heather Williams: for her work as a one-of-a-kind advisor.
- David Menefee-Liffey: for kindly being an official reader for this work.
- Hamish and Sandra Brewer: for being the best parents one could ask for.
- Jordan Brewer: for running the gauntlet of my brotherhood.
- John Lloyd: for introducing me to Wodehouse and being my greatest pub opponent.
- Patricia Lloyd: for showing me the shortcomings of politesse.
- John Brewer: for gracing us with reliably low spitfire quotes.
- Carole Brewer: for inducing Francophilia.
- Dani Roach: for constant support, Nixon tapes, and bladeless fans.
- Liza Baskir: for saving the planet, one clog at a time.
- Mike Gyory: for provide two stellar, heartfelt, and serious movie performances.
- Spencer Hunt: for patiently surviving my music taste.
- James Rodriguez: for immortalizing Percy to your own soundtrack.

Front Cover Image Source: <http://www.telegraph.co.uk/news/obituaries/1538254/Saddam-Hussein.html>

Chapter 1: Introduction

This paper sets itself upon analyzing the Iraq War of 2003 through the lens of modern Just War Theory. We will begin with a curt summary of Iraq's history, focusing particularly on its determinedly odious leader, Saddam Hussein. Thereon, we will be analyzing a pro-war security argument, the aim of which is to assess the threat of Hussein's weaponry ambitions and what that threat meant to the world. Next, we will be going over the tenets of Just War Theory itself, tracing its history from Rome to the modern doorstep, and applying the security argument to its dictum. Afterwards, we move into the anti-war segment and shall unpack the subject of Iraq's oil resources and whether or not the United States' actions disqualify the intervention from achieving Just War status. Then, our next section shall be addressing the same question of potential disqualification, only this time from the angle of the war's questionable legality. Finally, we shall conclude on the ultimate query of this paper: was the U.S. decision to intervene in 2003's Iraq compatible with the modern principles of Just War Theory?

If one were forced to settle upon a single word to describe the nature of politics, one may very well consider 'interconnectivity.' Most, if not all, historical events to have surfaced within the political field were caused by other events and led to others still, with each event forming its own network of sub-networks, all to the tune of fractal regress. To make matters all the more taxing for the observer, no political event ever takes place within a vacuum. Countless elements manage to interplay and impact one another as the crucible of the political field plays host to the chaos of people, places, and happenings. In

order to dig one's claws into a political subject for anything approximating a useful analysis, it is crucial to partition the scope of focus. From this emerges the danger of parochial thinking and limited context. In order to avoid these perilous factors, one must clearly state where the borders of the analysis rest and briefly illustrate some of the background information.

This study on the U.S. intervention of 2003 in the state of Iraq will cover numerous aspects of the war. The three pillars of the thesis are as follows: consideration of a pro-interventionist security argument as it fits within the parameters of Just War Theory, consideration of an anti-interventionist position concerning the acquisition of valuable local resources by interventionist brigandage, and the overall question of the war's lawfulness. All three of these pillars will be considered within the context of Just War Theory, which will be excavated in greater detail at the conclusion of the Security Argument. The contentions of this work will not stray from these topics. The overarching question that this paper will consider is as follows: could the decision to intervene in 2003's Iraq be classed as amenable to modern Just War Theory? In light of this declaration of what will be discussed, it is just as important to highlight what will not be addressed in this work.

What will not be Discussed

This paper will not address the execution of the War itself, either with regard to the tactics adopted or the various legal and political controversies that came to follow the intervention (namely: Abu Ghraib, torture, extraordinary rendition, civilian casualties,

Blackwater, etc). The matter of resource accrument, despite its relevance extending well beyond March of 2003, will be covered due to its potential as a deciding factor in the United States' initial intervention.

Thus, this is not a paper that will critique the coalition forces *in bello*. This analysis seeks solely to determine whether or not the decision to intervene satisfies the requirements of modern Just War Theory. Before we go into how this will be approached, certain aspects of the subject matter need to be addressed.

The Purpose of this Work

The Iraq War represents a grave affair of the highest order. This is equally true from political, social, historical, and humanist perspectives. In no way should this subject be approached flippantly or with casual removal. This conflict resulted in the loss of many lives, a great deal of destruction, and heavy costs elsewhere. These tragic and sobering aspects should never be lost sight of in any analysis of the War, and it is because of these serious costs that the conflict warrants nothing less than serious scholarship.

The ultimate objective of this work is to contribute as strongly and vitally to the public discourse as can be managed by the arguments of this paper. Due to a high degree of uniform opinion on this subject, many of the arguments explored in this paper are largely unaddressed in mainstream scholarship and are, subsequently, all the more crucial to adduce and examine. This paper actively demands that these arguments be met with contention and rejoinder for the sake, yet again, of a stimulated discourse. Taking a brief

cue from John Stuart Mill's *On Liberty*, it can be assuredly said that the dialectic profits from an open 'marketplace of ideas' that values adversity and constant intellectual challenge, either such that reigning ideas continually prove their worth by their relentless defeat of persistent opposition, or that reigning ideas are dethroned by the introduction of better theories. What the dialectic does not benefit from, however, is a flabby consensus sitting atop an unchallenged throne. In many ways, this is a fitting characterization of intellectualism surrounding the Iraq War, as many of this paper's arguments are not widely syndicated in mass media. Given the stark seriousness of the war, this subject is owed (at the bare minimum) an equally serious, thoughtful, and vibrant dialectic. As a result, this paper is not interested in supporting the intervention of 2003, nor does it look to produce Bush administration apologetics. It is interested in the invigoration of discussion surrounding the conflict and inviting intellectual challenge and opposition, as the best way to strengthen the anti-war position is to strengthen the pro-war arguments that it must topple.

Chapter Outline

These arguments, in brief, will take the following form: Firstly, after the brief description of the subject's background in Chapter 2, Chapter 3's Security Argument addresses the history of WMD's in Saddam Hussein's Iraq. Split into two sections, what we knew before the intervention and what we know after, this chapter aims to establish a fully demonstrable and unrelenting desire, on the part of Saddam Hussein, to acquire and produce WMDs. Additionally, it argues that this desire was on the cusp of actualizing into

real weaponry, with the then degrading of highly controversial sanctions (which were the only entities holding Hussein in a temporary non-weapons limbo) and the approaching willingness of Hussein to begin production, regardless of sanctions still being in place. The chapter then goes on to discuss the unique dangers of Saddam Hussein possessing WMDs, which would constitute a colossal threat at the international level.

In Chapter 4, the paper embarks on a study of Just War Theory and its expansive history. Upon laying out the standards the Just War Tradition, the paper attempts to apply the recognized requirements for a Just War to the previous chapter's Security Argument.

In Chapter 5, the paper discusses the role of Iraq's luxuriant oil supplies and whether or not they constituted the primary motivation for intervention. It studies the relationship between Iraq's new government and the United States, the current contractual landscape to see who is profiting where, the oil industry ties that existed within the Bush Administration, and submitted evidence of pre-war U.S. government plans for Iraq's oil. This chapter considers the possibility of illicit U.S. motivation on the part of Iraqi oil and whether or not that motivation was existent but simply bungled, in light of evidence suggesting a minimal return of dividends. Finally, the conclusions of this chapter are considered within the Just War context.

In Chapter 6, the war's legality is discussed at both the international and domestic level. The contents of the United Nation's Charter are explored, particularly the stipulations of Chapter 7 and Article 2(4). Additionally, legal opinion from international figures is discussed in conjunction with the decision to intervene and the connection between the UN Charter and the United States Constitution is examined. In other words, should an

international declaration of the war's illegality necessitate that the intervention be also declared unconstitutional? Finally, this chapter's conclusions are again considered in light of the requirements dictated by Just War Theory.

Finally, Chapter 7 concludes on the overall relationship between the decision to intervene in 2003's Iraq and the modern tenets of Just War Theory.

Chapter 2: Historical Background

The sleepy village of Al-Awja, in central-northern Iraq, plays host to a small number of herders and tribesmen. On the 28th of April, 1937, this minute township would gift unto the world Saddam Hussein Abd al-Majid al-Tikriti. Saddam, whose name translates roughly to 'the one who confronts,' traveled through the nationalistic education system and 3 years of law school before joining up with the Ba'ath Party in 1957. Taking its ideological cues from 20th century National Socialism, Ba'athism is a stern brew of Arab nationalism and the 1940's fascism within which it was born. Concocted by Michel Aflaq and Zaki al-Arsuzi, Ba'athism would end up playing a significant role in all Middle Eastern politics, particularly the milieus of Syria and Iraq.

Originally Mesopotamia, Iraq was subject to British colonial mandate until 1932, when the Anglo-Iraqi Treaty was signed, transferring full independence to the Hashemite Kingdom, which had previously been a proxy ally of the British leading up to colonial abandon. July 14th of 1958, one year after Hussein joined the Ba'ath party, brought with it the winds of revolution and the new Iraqi republic. At the forefront of the revolution, future president Abdul Salam Arif casually turned on other Ba'athist leaders later that same year. Saddam, then the Assistant Secretary of the Regional Command, was consequently jailed in 1964.

Three years later, he would successfully escape his captivity. Breaching the walls of the prison as if a chrysalis, Hussein was reborn into the Iraqi political world a meaningful figure. The 17th of July, 1968, would see yet another coup and the rise of Ahmed Hassan al-

Bakr, who established the Revolutionary Command Council [RCC] and named Saddam his deputy. It was during his time in the Ba'ath Party that our future leader developed an unflinching admiration for Joseph Stalin, and aimed to direct Iraq in a quasi-soviet political direction upon seizing power, which he had been slowly accruing throughout the 70's. Once the internal security forces had allied themselves behind him, a development that had been greatly helped along by his being appointed a general in 1976, Hussein moved to purge the Iraqi government on July 22nd, 1979. Balking the now senescent and overthrown al-Bakr, Hussein's purge is one of the few to be made available on film for anyone's viewing pleasure.

Reclined comfortably in a plush chair, smoking a formidable cigar, Saddam Hussein looks out from behind a large desk before a full congregation of the Ba'ath Party members (amounting to roughly 400 people). The auditorium's already palpable feeling of Mafioso continues to strengthen with each passing moment as a man is brought before the crowd and placed behind a podium. With pervasive discomfort, he slowly works his way through a false confession that declares both him and many other Party members guilty of assisting in a Syrian-driven plot to overthrow the Party. The purported traitor was a man named Muhyi Rashid, an RCC secretary, whose entire family was being held hostage by the regime at the time of the purge. Rashid delivers his confession with a look of unmistakable terror and despair. At a snail's pace, he begins to list off the names of those complicit in the 'plot.' One-at-a-time, the 'traitors' are led into the aisles and out of the auditorium by Saddam's Mukhabarat, or secret police, where execution awaits them on the other side. Rashid crawls his way through name after name, and the noise level of the auditorium rises as panic begins to inflate. Each member of the Party grips his seat in a cold sweat, as they wonder

whether their name will be called next. Mania spreads as certain members jump out of their seats with tears in their eyes, screaming praise of Hussein as their great leader. Saddam sits there calmly, smoking his cigar, and this goes on for over an hour.

Saddam had requested that this unique theater be filmed and distributed to the Iraqi people to provide an example. However, the cameras would not be rolling for the second stage of the insurrection. All of the selected Party members were executed, including Rashid, and the firing squads were composed of their former colleagues, those not chosen in the auditorium, freshly armed with guns by the Mukhabarat on Saddam's orders.

Arranging for the Ba'ath party to purge itself from within was a suitable baptism to the corrupt and bloodthirsty rule of Saddam Hussein. One year after the purge would see Saddam's invasion of Iran and the beginning of a conflict that would take the lives of around 1,500,000 people. The end of the Iran-Iraq War in 1988 would be met with the fully undertaken genocide of the Kurdish Iraqis in the North. These crimes would continue through to 1991, whereupon Hussein invaded Kuwait and was greeted by international pushback. At the end of the Gulf War, the Iraqi people did not have to wait long until they were graced by a crippling sanctions regime, courtesy of the international community. Additionally, 1991 would see a rise in Hussein's southern genocide wielded against the Shiite Iraqi population. This is a highly cursory review of Saddam's reign, much of which will be covered in greater depth throughout this paper; however, it illustrates the historical continuity of Hussein's crimes and how global society had come to know him, and how to expect him to behave. In addition to a career of breathless, unyielding violence, Saddam Hussein also maintained an obsession over the acquisition of highly destructive weaponry.

We will go into greater detail on how, after the first Gulf in 1991, the following decade would come to be marked by chilling concern over Iraqi non-compliance with international disarmament obligations. The frosty peak of this non-compliance was reached in 1998, when Saddam Hussein closed Iraq to all international inspections, a state of affairs that would remain until November of 2002. This paper will more thoroughly discuss this period, as it is highly integral to understanding the security argument.

On the 11th of September, 2001, members of the al-Qaeda terrorist network famously attacked the United States. This event has been regularly cited as the precursor for American intervention in the Middle East, namely Afghanistan and Iraq. The Iraqi intervention would come two years later, in March of 2003, after numerous international developments pertaining to Saddam Hussein's regime and his suspected weapons of mass destruction. Whether or not September 11th brought a new willingness for the United States to engage in conflict with Iraq, one must make an effort to understand the full nature of Iraqi weapons and how it might have motivated action on the part of the coalition. It is on this note that we dive into the details.

Chapter 3: The Security Argument

The security argument takes its place on the center stage of the interventionist discourse, as it constitutes the most direct appeasement of a justified preventative war theory. It is a complicated and multifaceted analysis that this thesis will adumbrate. The components of the security argument are as follows:

- 1) Iraq's desire and attempts to acquire weapons of mass destruction (including a nuclear capacity) can be plainly displayed by the historical record,
- 2) the international community, at the time, remained uncertain as to the status of Iraq's arsenal of WMDs in the wake of extensive noncompliance with UN Inspection,
- 3) Iraq's 1991 weapons programs espoused nuclear ambitions,
- 4) the contingency of a Ba'athist Iraq possessing WMDs or a nuclear capacity severely endangers the international community to a historically unparalleled degree,
- 5) and that, under these observations, preventive intervention falls within the parameters of Just War theory.

Information Available Before Intervention

The construction of a perceptible desire to undertake future action marks a sharp departure from the scientific and exhaustive forms of political argument. Heuristic as our first contention is, the possibility to prove desire beyond a reasonable doubt remains open and available. This first portion of the chapter will limit itself to information that had been made available prior to the intervention of 2003. Upon observation of the following events, it was clear and convincing that Saddam Hussein's Iraq sought out weapons of mass destruction, including nuclear armament.

Defection of Hussein Kamel

When Hussein Kamel Hassan al-Majid, Saddam Hussein's Minister of Military Industries, Supervisor of the Republican Guard, and son-in-law, defected to Jordan in 1995, the transparency of Iraq's weaponry ambitions crested, with al-Majid giving numerous interviews to the press, the United Nations Special Commission [UNSCOM], and the International Atomic Energy Agency [IAEA] on the matter of Hussein's arsenal. The United Nations Monitoring, Verification and Inspection Commission [UNMOVIC] says of General Kamel that he "had enormous influence on [the Military Industrialization Commission's] activities and weapons programmes" (UNMOVIC June 27 2007, 39). One of the most telling and concisely incriminating interviews that al-Majid gave was in the autumn of 1995, where he told CNN that "we had enriched French uranium that was ready for a bomb and highly enriched Russian uranium as well" (Kamel September 21 1995). The French element is very much worth stressing here and shall be addressed more thoroughly at a later point in this chapter. Al-Majid continues with these illustrations of Iraq's former proximity to a

nuclear capacity, stating that “we designed the shell of the weapon...our first design was for 12 tons and then it went down to six tons...we wanted the missiles to carry the nuclear weapons” (Kamel September 21 1995). This is definitively plain speaking of the most disquieting nature. The necessary missiles that al-Majid spoke of bring to mind the nuclear missiles that Iraq would later attempt to purchase from North Korea in 2003 (we shall delve further into this point later). When asked on the subject of viability, in response to al-Majid’s confession that “our atomic scientists were trying to develop a small nuclear warhead” (Kamel September 21 1995), the former minister of military industries argued that “it was meant for long range attack and also to blind spy satellites” (Kamel September 21 1995). On the subject of non-compliance with international measures taken to ensure the disarmament of Iraq in the wake of the Gulf War, al-Majid states that “the Iraqi team managed to remove documents in boxes. They concerned chemical and biological weapons and I believe it also had something to do with nuclear weapons. At that time we scattered the documents and did not put them in one place. They were hidden in other ministries, homes, and offices” (Kamel September 21 1995). The campaigns to accrue nuclear capability and hide that capability from the international community are, depending on the veracity of al-Majid’s claims, clear as day.

The comments made by Hussein Kamel Hassan al-Majid to the press are reinforced even further in his testimony to UNSCOM and the IAEA, where he disclosed troves of information on Iraq’s nuclear aims. He stated that “Iraq initially had one reactor and started four different projects...some equipment was buried...but it was recovered recently...part of this buried equipment was at the Sodash site...other parts were ‘made to disappear’” (Kamel August 22 1995, 1). He goes into greater detail with the question of

nuclear centrifuges at the Rashdiyah site, affirming that “they manufacture their own centrifuges in two ways...one way was from maraging steel and the second - using carbon fiber...all centrifuges worked but they preferred the ones made of carbon fiber...the activity was stopped by the [Gulf] war” (Kamel August 22 1995, 2). When asked by Professor Zifferero, of the IAEA, why it was that the Rashdiyah site was kept from Iraq’s disclosure of its nuclear centrifuge project in the wake of the war, the minister replied that “it was the strategy to hide, not to reveal the sites” (Kamel August 22 1995, 2). In testifying to Iraq’s desire to shroud its nuclear program from UN inspectors in the wake of the Gulf War, the former minister mentions the name of the project’s leader: Dr. Mahdi Ubeidi. In the construction of nuclear arms, “they did it both – by chemical and mechanical ways...this process succeeded but also the centrifuge method...Dr. Ubeidi was in charge...the chemical way was in Tuwaitha but they have not advanced...it was destroyed during and after the war” (Kamel August 22 1995, 3). We will be digesting a wadge of Dr. Obeidi’s testimony in a short while. For al-Majid, the question of continuing production after UN inspection is a different matter. When asked by the press whether or not Iraq still held the weapons in question, the minister stated clearly, “no. Iraq does not possess any weapons of mass destruction...I am being completely honest about this” (Kamel September 21 1995). When asked the same question during his UNSCOM/IAEA testimony, he replied somewhat differently, stating “no, but blueprints are still there on microfiches” (Kamel August 22 1995, 3). This is a categorical rejection of the existence of Iraq’s alleged post-Gulf War stockpile. Also, this remark points directly towards a system resting patiently in place for Ba’athist Iraq to resume the production of WMDS, regardless of whether or not the stockpile had been fully turned over after the Gulf War. Even if one is to assume that all

weapons were destroyed immediately after Desert Storm, the question of an active program for the accrument and development of WMDS remains a weighty and relevant one.

UNSCOM Technical Evaluation Meeting

All of this testimony is clearly dependent upon the value of the subject providing it; however, one can turn to other sources sporting similarly incriminating information. It is worth noting that one year after al-Majid's defection, he returned to Iraq in 1996, whereupon Saddam Hussein forced his returning son-in-law to separate from his wife and had him executed by the state. In 1997, UNSCOM ran a Technical Evaluation Meeting [TEM] on Iraq, addressing a series of FFCDs, or Full, Final and Complete Disclosures. UNSCOM, in its final report on the TEM, states that "since May 1992, a series of [FFCDs] was submitted to the United Nations Special Commission, the latest being submitted in September 1997" (United Nations Special Commission April 1 1998, 1.1). Effectively, the purports of these FFCDs cover the nature of the Iraqi WMD programs from the conclusion of the Gulf War to late 1997. "The purpose of the TEM was to conduct, through open discussion with Iraq's delegation, an examination of all aspects of the proscribed BW [biological weapons] programme" (United Nations Special Commission April 1 1998, 3.1). The result of these evaluations was, to say the utter minimum, unsatisfactory. In a general evaluation of the TEM, UNSCOM remarked that "the FFCD contains major mistakes, inconsistencies and gaps in information" (United Nations Special Commission April 1 1998, 4.1.1). They also reported that "the Al-Hazen Institute and many sites of the later BW programme have not

been included in the FFCD. The rationale given for the construction and acquisition of all sites is incomplete...the general lack of information concerning the organization from the highest levels down, and their connections to functional organs, considerably hampers the ability to understand the scope of the past BW programme” (United Nations Special Commission April 1 1998, 4.4.1). The incriminating and concerning aspects of the UNSCOM report continue; “the FFCD is deficient in reporting the acquisition of supplies, material, microbiological isolates, munitions, and equipment...without a complete accounting of all BW programme acquisitions, a material balance is not possible” (United Nations Special Commission April 1 1998, 4.5.1). Moving swiftly onto the matter of R&D, UNSCOM is again the reporter of scandal, as “the research and development session was not conducted at a scientific or technical level because the head of Iraq’s delegation chose to answer most questions in a superficial manner and frequently deflected the question. Consequently, little quantitative information was provided” (United Nations Special Commission April 1 1998, 4.6.1). The incriminating nature of this near-six year period continues to compile, as UNSCOM reports that “the FFCD does not adequately support the actual production quantities of the four BW agents...acknowledged to be intended for weaponisation” (United Nations Special Commission April 1 1998, 4.7.1). This last observation is not merely a matter of absent information, but a case of reportable inconsistency on the accounting of biological weaponry, as had been formerly taken.

UNSCOM concluded with its TEM that “without a full understanding of all aspects of Iraq’s BW weapons, it is not possible to assess whether the provisions of Security Council Resolution 687 have been met” (United Nations Special Commission April 1 1998, 4.8.1). Resolution 687 famously proclaimed that the international community “decides that Iraq

shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of: all chemical and biological weapons...[and] all ballistic missiles with a range greater than 150 kilometers” (United Nations Security Council April 3 1991). On the matter on deception and concealment, UNSCOM states that “an elaborate effort was undertaken to conceal and preserve Iraq’s BW programme” (United Nations Special Commission April 1 1998, 4.10.1). It is more than apparent that the United Nations Special Commission found the government of Iraq to be in a state of full non-compliance during the years of 1992 to late 1997. The terms of UN Resolution 687 had not even been approximately met by Hussein’s Iraq, and the desire to hide and preserve Iraq’s WMD programs was abundantly evident to the Special Commission. Pursuant to furthering the impression put upon UNSCOM by the Iraqi government, one can turn to the writings of Rolf Ekeus, the director of UNSCOM from 1991 to 1997.

Testimony of Rolf Ekeus

Rolf Ekeus, a Swedish diplomat and something of a doyen on the matter of post-Gulf War Iraqi weapons, writes extensively on the intervention and the critiques surrounding its justification. As the former head of the UN inspections in Iraq, his evaluation of Iraqi compliance is integral to understanding what it was the international community felt before the passage of the Iraq Liberation Act in 1998. In a piece he composed several months after the inception of the war in 2003, Ekeus provides a valuable look into how the international inspection committees, before the intervention of 2003, viewed the Iraqi security threat. He opens with a finger directly placed atop the pulse of the post-

intervention volksgeist. “With no weapons of mass destruction as yet found in Iraq, the political criticism against President Bush and British Prime Minister Tony Blair is mounting...is it now time to join the game of blaming Bush and Blair for an illegitimate or illegal war?” (Ekeus June 29 2003). The pertinent question is answered by the rest of his essay in the form of a rejection.

Ekeus begins with the Iran-Iraq War, stating that “chemical weapons were used by Iraq in its war against Iran (1980-88)...nerve gas, such as sarin, and mustard gas immediately and painfully killed many thousands of civilians” (Ekeus June 29 2003). He delves into the motivations behind this protracted and tragic conflict in the subcontinent, claiming that “for Saddam Hussein, the self-styled, self-promoted defender of the Arab nation, ‘the Iranian beasts,’ to quote Tariq Aziz in a conversation with me – not the United States or Israel – were the eternal enemy of Iraq” (Ekeus June 29 2003). This hatred for the Iranians spawned many undesirables, including an unrelenting attraction to the acquirement of WMDs. Ekeus writes that “during UNSCOM’s debriefings in Iraq after the defection [of Hussein Kamal al-Majid], Iraqi biological weapons scientists, able to speak slightly more openly than normally, explained that their secret work mainly was on assignments to find means for warfare against the Iranians. Regarding the nuclear weapons projects, the Iraqi authorities defended their systematic violation of Iraq’s obligations under the nuclear Non-Proliferation Treaty with the proposition that Iran, likewise a party to the treaty, was active in developing its own nuclear weapons. Iraq’s obsession with Iran was illustrated by its air attack in 1983 on the Iranian nuclear reactors at Busher” (Ekeus June 29 2003). It is clear that Iraq, according to the former head of UN inspection, had been in possession of numerous programs to develop weapons of mass destruction, including

nuclear devices, and the goal of these programs was to be at the expense of the Iranian people. However, was this program of WMD development and concealment still in place after the Gulf War inspections?

Ekeus clearly believes so, writing that “Iraqi policy after the Gulf War was to halt all production of warfare agents and to focus on design and engineering, with the purpose of activating production and shipping of warfare agents and munitions directly to the battlefield in the event of war. *Many hundreds of chemical engineers and production and process engineers worked to develop nerve agents, especially VX*, with the primary task being to stabilize the warfare agents in order to optimize a lasting lethal property” (Ekeus June 29 2003). This is a clear and strident condemnation of post 1991-Iraq from the former UNSCOM director. The exigent nature of these remarks cannot be overstated, as one of the world’s leading authorities on the subject of certifying the disarmament of a churlish post-war Iraq has charged the regime of Hussein with more than just the guilt of non-compliance, but the existence of an illegal, concealed program for the development of Weapons of Mass Destruction. Ekeus concludes, writing that

the door is now open for diplomatic initiatives to remake the region into a WMD-free area and to shape a structure in the Persian Gulf of stability and security. Moreover, the defeat of the Hussein regime, a deadly opponent to peace between Israelis and Palestinians, has opened the door to a realistic and re-energized peace process in the Middle East. This is enough to justify the international military intervention undertaken by the United States and Britain. To accept the alternative – letting Hussein remain in power with his chemical and biological weapons capability – would have been to tolerate a continuing destabilizing arms race in the gulf, including future nuclearization of the region, threats to the world’s energy supplies, leakage of WMD technology and expertise to terrorist networks, systematic sabotage of efforts to create and sustain a process of peace between the Israelis and the Palestinians and the continued terrorizing of the Iraqi people. (Ekeus June 29 2003)

Here submitted is a spate of gripping reasons that Mr. Ekeus finds to be persuasive enough to justify the intervention of 2003. This paper will go on to address the Israeli question more thoroughly. For now, it is clear that Ekeus was convinced of the Iraqi programs that sought the production and development of WMDs during the decade following the Gulf War.

Graham Pearson (a Timeline of Non-Compliance)

It is important to note that Ekeus' remarks were written after the intervention and the failed attempt to find WMDs within the state of Iraq; however, from the commentary regarding scientist debriefings after the defection of al-Majid and the UNSCOM TEM report on the 'elaborate effort' to conceal Iraq's biological weapons program, one can comfortably conclude that both UNSCOM and Rolf Ekeus were convinced of the existence of Hussein's programs to develop and conceal WMDs and, by extension, Hussein's desire to pursue these weapons after the Gulf War inspections. Additionally, the inability to turn up WMD material in the wake of 2003's intervention has failed to dissuade Ekeus that taking action was the correct course for the United States to follow. Graham Pearson's marvelous volume, *the UNSCOM Saga*, illustrates the extent to which post-Gulf War Iraq engaged itself in odious acts of concealment and preservation of WMDs. Also, Pearson's study is prefaced by an adulating foreword written by Rolf Ekeus, who regards the work as a "major contribution" (Pearson 1999, xvi). Regarding acts of concealment and obstruction of inspection, Pearson notes a multitude of instances, and this paper shall only touch on a fraction of those.

In **1992**, “Iraq called for a halt to all of UNSCOM’s aerial surveillance flights” (Pearson 1999, 20). Also, the “UNSCOM inspection team [was] refused access to Iraq’s Ministry of Agriculture” (Pearson 1999, 20). One remembers that in three years, Hussein Kamel will defect and report to UNSCOM that, regarding the production of biological weapons, “before Hakam there was Muthanna. They moved there from Salman Pak. Hakam was to produce bulk agents. From Salman Pak they moved to Muthanna or to a Ministry of Agriculture facility in Dora...most work was done at Dora on anthrax” (Kamel August 22 1995, 6). Additionally, al-Majid invokes the Iraqi Ministry of Agriculture during the discussion of Rashdiyah, where nuclear centrifuges were being developed. He states that “before the Rashidiyah site belonged to the Agricultural Ministry” (Kamel August 22 1995, 2). Such collision of association is sufficient to test one’s refusal of cynicism.

In **1993**, “UNSCOM reported on Iraq’s...refusal to permit helicopter surveillance during on-site inspections and the installation of monitoring cameras to test sites...and [Iraq] refused to transport chemical weapons-related equipment to a designated site for destruction under UNSCOM supervision” (Pearson 1999, 22).

In **1994**, “Iraq threatened to cease cooperation with UNSCOM and the IAEA and move troops towards the border with Kuwait” (Pearson 1999, 27). This constitutes an abject blackmailing of the international community and a full rejection of Resolution 687, which Iraq had signed.

In July of **1996**, “Iraq denied access by a Special Commission inspection team to sites in Iraq designated for inspection” (Pearson 1999, 34). Additionally, in November of

that year, “Iraq refused to allow UNSCOM to remove missile remnants from Iraq” (Pearson 1999, 35).

In **1997**, “an Iraqi officer on board on UNSCOM helicopter manhandled an UNSCOM individual attempting to photograph unauthorized movement of Iraqi vehicles inside a site designated for inspection” (Pearson 1999, 42).

Finally, on January 13th, **1998**, “Iraq had announced that it was withdrawing its cooperation with the inspection team on the grounds that the inspection team had too many individuals of US or UK nationality” (Pearson 1999, 44). The history of stubborn non-compliance and illegal concealment by Hussein’s Iraq during the 90’s is a glaring and disturbing one. Pearson’s contributions continue, as he covers the instances of full-on WMD discovery and retrieval from Iraq during the same decade; crimes of an even higher order.

Once again, one recalls the defection of Hussein Kamel and his categorical assertion that Iraq was no longer in possession of WMDs in August of 1995. It is then, in fact, discombobulating to accommodate oneself with the contents of UNSCOM’s report on inspection 129 B, which took place from the 24th of February to the 12th of March 1996. Therein lies a recounting of how “the Commission undertook its own initiative to find documents...as a consequence, the decision was taken to excavate several destroyed buildings at Al Muthanna, the site of Iraq’s largest chemical weapons research and production facility. Since their aerial bombardment in February 1991, access to the buildings had been considered impossible owing to safety considerations...during this dangerous and demanding mission, the team discovered and retrieved some 5,000 pages of printed materials. These included numerous bound volumes, memoranda, organizational

papers, booklets, letters, archive records, approximately 100 computer discs, books, catalogues and published journals. Some articles were intact, while others were in fragments. In addition, the team removed some 80 munitions and components, including 122 millimetre artillery chemical warheads and 155 millimetre 'binary' artillery shells" (United Nations 1995). Additionally, the same inspection covered the question of nuclear development, stating that "this mission examined the Iraqi design work on a missile to deliver a nuclear warhead. Such inspections will be repeated in the future. Some other cross-disciplinary inspections will also be planned" (United Nations 1995). The report of this inspection grants the inquirer a certain degree of access to Saddam Hussein's post-Gulf War nuclear ambitions, which Ekeus had previously warned of, as well as an indissoluble example of WMDs in Iraq's possession after the defection Hussein Kamel. From this, one can take that he was either lying about Iraq's retained stockpile, or was made to be unaware of many Iraqi programs committed to the production and preservation of WMDs after the Gulf War. Another example of post-August 1995 weapons-unearthing in Iraq came in February of 1997, where "excavation at one site involved in the secret destruction [took place]. The excavation produced, amongst other remnants, three virtually intact bombs of the type Iraq declared as biological weapons" (Pearson 1999, 158). This is as blatant a violation of Resolution 687 as can be, both on the grounds of possession and concealment. Also, it furthers the extent to which Hussein Kamel was wrong about Iraq having been fully rid of its stockpile, prior to his defection in August of 1995.

Conclusions and Further Questions

This narrative of deplorable obstruction and concealment on the part of Iraq runs with an impressive consistency from the end of the Gulf War to 1998. The TEM report and Ekeus' recounting of scientist debriefings, right after the defection of al-Majid, display the salience of Saddam Hussein's programs, as well as his desire, to develop and conceal WMDs during the post-war 1990's. The WMDs seized in 1996 and 1997 display Iraq's proximity to having these programs bear fruit. From this, it is suggested that a concealed WMD stockpile could be right around the corner for Iraq in 1997, a year before Iraq withdrew all of its cooperation from the international community and rejected all UNSCOM access. If Iraq had wished to avoid conflict, why the campaigns of non-compliance? Why the policy of developing nerve agents and other WMDs? Why the withheld and concealed capability to produce WMDs, as well as the WMDs themselves, all of which UNSCOM was trying to investigate, pursuant to the avoidance of conflict. If Iraq had been perpetually eager to comply with Resolution 687, why the palpable acts of repeated and flagrant obstruction? Many have suggested that this was an attempt to strike fear into the hearts of Iranians, a variation on Ekeus' characterization of the region, and an attempt that was not mitigated by Iraq due to its belief that intervention from the International Community would be a farfetched conclusion to the story. Presuming this is the case, the question must be asked, who should be held responsible for the repercussions of a dangerous image that Iraq went about cultivating, Iraq or the international community?

Scott Ritter and the Iraq Liberation Act of 1998

Scott Ritter is a former UN inspector of Iraq from 1991 to 1998. On September 3rd, 1998, he provided testimony before the United States Senate regarding what would go on to be the unanimously passed Iraq Liberation Act of that same year. He had resigned from his “position with UNSCOM out of frustration because the U.N. Security Council and the United States, as its most active supporter, was failing to enforce the post-Gulf War resolutions designed to disarm Iraq” (Ritter September 3 1998). In his testimony to the U.S. Senate, he makes several telling diagnoses of Iraq’s current weapons programs. One of the most forwardly distressing conclusions that he submits

is that we have clear evidence that Iraq is retaining prohibited weapons capabilities in the fields of chemical, biological and ballistic- missile delivery systems of a range of greater than 150 kilometers. And if Iraq has undertaken a concerted effort run at the highest levels inside Iraq to retain these capabilities, then I see no reason why they would not exercise the same sort of concealment efforts for their nuclear programs. (Ritter September 3 1998)

Inspector Ritter would go on to be more right than he knew at the time, as intervention would allow Dr. Mahdi Obeidi to come forward with details on Iraq’s concealment of nuclear materials during the 1990’s. This paper will go on to address the testimony of Dr. Obeidi in greater depth. Ritter argues plainly that “if Iraq gave us today a full and final accounting of all of its weapons of mass destruction – programs and retained weapons capabilities – our job would be over very quickly. But because we don’t have such an accounting, our job has become a mission of discovery. We must go forth and find these weapons that Iraq is hiding. And that could go on a very long time, especially given the level of Iraqi obstruction today” (Ritter September 3 1998). It is clear that Ritter favors a thorough and complete inspection of Iraqi weapons and feels that the current Iraqi government is repeatedly choosing to impede that process.

In discussing the response to relevant contingencies, Ritter states that “the threat of force was made back in April 1991 when the Security Council together with the vote and pushing and backing of the United States passed the original cease-fire resolution. I don’t see anything that would have caused the law to be altered. Iraq has not been disarmed. I would assume that that threat of force still exists today” (Ritter September 3 1998). Here, Ritter considers the use of forceful inspection as a possible option for the international community, should Iraq continue its campaign of obstruction. Iraq, at this time, would choose to keep the life-support drip reliably pressed into the vein of its ‘locked-door’ policy, banning all UN inspectors from the country for the next four years. The notion explored here is a particularly interesting one, as it suggests a classing of the 2003 intervention as merely a continuation of the original Gulf War. With a ceasefire in 1991, and a perpetuation of that ceasefire being dependent on the compliance of Iraq with UN inspection efforts, the eventual intervention in 2003 is seen here as simply an ending of that ceasefire due to non-compliance. Ritter’s contribution to the U.S. Senate in 1998 pushed, in no small part, for the eventual decision taken by the Senate to unanimously pass the Iraq Liberation Act of 1998. The act states that

since March 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs. (United States Congress January 27 1998)

The influence of Ritter’s testimony is salient in this finding of the U.S. Senate. Contemplative of the hazards surrounding Iraq’s furtive continuation and concealment of its WMD programs, the Senate concludes that “it should be the policy of the United States to support

efforts to remove the regime headed by Saddam Hussein from power and to promote the emergence of a democratic government to replace that regime” (United States Congress January 27 1998). The United States Senate has found that the unrelenting obstruction of the Hussein regime has made the imperatives of UN inspections impossible to achieve, and thus has made it the official policy of the United States to move Iraq into a new, democratic regime. It is important to note that Section 8 of this act states that “nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces...in carrying out this Act” (United States Congress January 27 1998). The authorization to use force would go on to be applied for in a later act in 2002; however, the Senate had chosen here to focus its efforts on the support of internal democratic movements in Iraq for the time being.

Operation Desert Fox of 1998

After the passage of the Iraq Liberation Act, December of that same year brought with it Operation Desert Fox and its stated objective of striking military targets within Iraq that contributed to Iraq’s production and storage of WMDs. The United States Department of Defense strutted with a resolute pride after the occasion, stating that

Operation DESERT FOX was a highly successful operation. U.S. and British forces degraded Iraq’s capability to use weapons of mass destruction in two important ways. First, we estimate that we delayed Iraq’s development of ballistic missiles by at least a year. This is going to make it more difficult for Iraq to use deadly chemical and biological weapons against its neighbors. Second, we diminished Iraq’s overall capability to direct and protect its weapons of mass destruction program. And we also diminished Iraq’s ability to attack its neighbors by severely damaging the Iraqi military command and control system. (United States Department of Defense 1998)

Regardless of whether or not this operation was intended as government explanations and context would suggest, it marks something to consider with respect to Iraq's WMD pursuits, as the hazards of non-compliance were made to be fully clear to the Hussein regime throughout the four day duration of the military bombing. Despite this, the regime's campaign of international non-compliance would persist for the next 4 years, with Iraq denying access to all UN inspectors.

1998-2002 the Dark Years: Bombs and UN Rearrangements

It was here that the disconcerting blindfold was put upon the international community's eyes for the next few years. Dr. Mahdi Obeidi writes that "Operation Desert Fox was intended to force Iraq's full cooperation with the UN inspectors. But it had the opposite result. Saddam announced he would no longer allow weapons inspectors inside the country. They would not return until nearly four years later, in the months leading up to the 2003 war. The United States and its allies referred to the period beginning in December 1998 as 'the dark years' because foreign intelligence about what was happening inside Iraq, which had relied on reports from inspectors, trickled to almost nothing" (Obeidi 2004, 175). During this period, the United States and Great Britain bombed several key areas around Baghdad in 2001. The Guardian Newspaper reported on the 16th of February, 2001, that "US and British Aircraft have carried out missile attacks on five targets near the Iraqi capital Baghdad tonight, striking command and control targets to the south of the city, the Pentagon has confirmed...The Ministry of Defence said that the operation was carried out because over the last few weeks the coalition had experienced increased

threats to their aircraft and personnel” (Guardian February 16 2001). These bombings, however, would do nothing to loosen or pry open the Iraqi doors to inspection. While squalid silence was undertaken by Hussein’s regime, the United Nations began to restructure its inspection apparatus. With the dissolution of UNSCOM came the creation of UNMOVIC, which was to inherit all of UNSCOM’s former responsibilities within the state of Iraq. 1999’s United Nations Security Council Resolution 1284 carried with it the birth of UNMOVIC and a reaffirming of Iraq’s need to fall into compliance with international law, namely Resolution 687. In January of 2000, “UN Secretary-General [Kofi Annan] nominates Amb Rolf Ekeus to be the Executive Chairman of UNMOVIC. The President of the Security Council circulates a draft letter supporting Amb Ekeus’ candidacy. The Russian Permanent Representative informs the Security Council President, by letter that ‘the Russian Federation can not agree with the proposal’” (UNMOVIC January 17 2007). This sentiment was echoed by France through a vetoing of Ekeus’ appointment. As a result, Hans Blix took charge of UNMOVIC, a man who had pulled in some controversial opinion of his effectiveness as an inspector.

Christopher Hitchens, author of the book *A Long Short War: the Postponed Liberation of Iraq*, writes on the matter of Ekeus’ rejected appointment to UNMOVIC, stating that “Rolf Ekeus of Sweden, proposed by Kofi Annan as chief inspector, was...vetoed by the French delegation to the U.N...is it because Ekeus had a record as a serious and committed inspector after 1991, while Hans Blix (the preferred French nominee) had throughout the 1990’s certified Iraq and North Korea as good international citizens?” (Hitchens 2003, 5-6). The reputed competence of Blix as an inspector runs under further assault by Hitchens, who notes that, after 1998,

the inspectors were reappointed and Kofi Annan...said 'I think we should reappoint Rolf Ekeus,' the extremely brilliant Swedish socialist and diplomat who had run UNSCOM in the 90's and had destroyed more Iraqi weapons than the whole first Gulf War had. Mr. Ekeus had a proven record of success and a proven record of curiosity about the existence of these awful weapons. Mr. Blix, on the other hand, had already certified Iraq, in the 80's, as clean and had meanwhile certified North Korea as kosher. The French vetoed and the Russian vetoed the appointment of Rolf Ekeus...in favor of Hans Blix; don't ask me why! (Hitchens December 20 2006)

Hans Blix's willingness to declare Iraq and North Korea as clean throughout the 80's and the 90's is a detail very much worth cementing in the forefront of one's mind when discussion of UNMOVIC arises. The French delegation clearly wished to ensure that Ekeus didn't find a way to continue his inspections of Iraq. The suspect relationship between France and Iraq is further explored by Hitchens, who recalls his anticipating of a meeting with French foreign minister, M. Dominique de Villepin, and how he intended to ask, "is it not the case that French policy is 'all about oil'? Does not Saddam Hussein owe vast sums of money to French conglomerates for past sweetheart contracts? And is it not true that the last 'independent' policy of Jacques Chirac was the testing of French nuclear weapons in the Pacific, regardless of the wishes of neighboring countries? Did not France also build a nuclear reactor for Saddam Hussein, knowing what he wanted it for? Is it not French policy that is 'unilateralist'?" (Hitchens 2003, 5). Concerning nuclear dealings, Dr. Obeidi writes more extensively on Iraq's relationship with France, and his recounting will be addressed shortly.

As with the French, the delegations of Russia sported salient interests in Iraq, long throughout the ante-bellum process. In addition to voting against the appointment of Ekeus to UNMOVIC, and against the sanctions put on Iraq during the 90's, "Russian companies have by far the largest share of Iraqi trade under the United Nations' oil-for-food program,

and Iraqi officials admit this favoritism has only one purpose: to buy Russian support” (Sestanovich June 3 2002). It is clear that with these votes in the UN Security Council, as well as the threat of veto brought to the proponents of forceful intervention in Iraq, purchased Russian support was paying off comfortable dividends, according to the Stephen Sestanovich, senior fellow at the Council on Foreign Relations and professor of international diplomacy at Colombia University. He goes on to say that “Saddam Hussein has also offered Russian companies the rights to vast future energy development projects – worth, Russians boast, as much as \$60 billion” (Sestanovich June 3 2002). From this, consideration must be made for the dependency of major Russian business on the resilience of Hussein’s regime, which the 90’s saw to be under serious threat. Sestanovich writes it plainly, arguing that “that’s why Russian oil and gas companies and major exporters to Iraq want Mr. Putin to maintain Iraq’s favor by making sure that inspections do not threaten Saddam Hussein” (Sestanovich June 3 2002). For now, however, the international community in the year 2000 was stuck outside the locked Iraqi gates, barracking for the recrudescence of UN inspection. Their wish would not be met until November of 2002, with the passage of UN resolution 1441. However, one month before the passage of this resolution and the reopening of Iraq’s doors to inspection, the United States passed the Iraq War Resolution in October.

The Iraq War Resolution; October of 2002

Mired in ‘the dark years’ of no permeable intelligence on Iraq and having been left with the heuristically provable desire on the part of Saddam Hussein to develop and

conceal WMDs, as well as evidence of these programs beginning to deliver returns for the Iraqi dictator back in the 1990's, the United States passed an act that would recognize the American use of force in Iraq. The 'Authorization for use of Military Force against Iraq Resolution of 2002' listed numerous reasons for intervention against Hussein's regime. The resolution states that "Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998" (United States Congress October 16 2002). This is a reasonably drawn conclusion from the stretched out history of Iraqi noncompliance with international inspection. In depicting the specifics of what Iraq possessed within its arsenal, the resolution argues that "the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated" (United States Congress October 16 2002). This is mostly in keeping with what UNSCOM had unearthed in the nineties; however, the nuclear remarks must either be in reference to the nuclear program that Hussein brandished before the Gulf War, or is guilty of overstatement. Ever the perpetual tease, this paper will go on to discuss Dr. Mahdi Obeidi's experience in preserving the Iraqi nuclear program throughout the 90's; but, in short, there was little to speak of regarding a fully developed nuclear program prior to 1998. On the nuclear matter, all that could be firmly established was Hussein's palpable desire to acquire

a nuclear weapon. On the matter of justification, two more aspects must be observed: the alleged presence of al-Qaeda in Iraq and U.S. alignment with former UN resolutions.

The Iraq Resolution argues that “members of al Qaida...are known to be in Iraq” (United States Congress October 16 2002). This concern would go on to be echoed by Colin Powell in February of 2003, where he argued that “Iraq today harbors a deadly terrorist network headed by Abu Musab Al-Zarqawi, an associated collaborator of Osama Bin Laden and his al-Qaida lieutenants” (Powell, Colin February 5 2003). The veracity of Powell’s speech to the UN has been highly questioned, and for good reason. Most of the arguments and evidential submissions made have either been proven to be fatuous or deemed too distant from UNSCOM’s findings. As such, this paper will not grant them serious consideration in constructing a security argument. One submission by Powell, however, pertaining to the presence of al-Qaeda in Iraq, would go on to be vindicated. This paper will further delve into the movements of Abu Musab Al-Zarqawi at a later juncture. On the matter of UN alignment, the resolution prostrates itself before international standards, arguing that

United Nations Security Council Resolution 678 (1990) authorizes the use of all necessary means to enforce United Nations Security Council 660 (1990) and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security...in December 1991, Congress expressed its sense that it ‘supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution. (United States Congress October 16 2002)

This is a slippery and casuistic submission by the resolution, as this paper will go on to explore the international legality of 2003’s intervention. In short, the United States needs to

acquire a Chapter 7 authorization for the UN Security Council to legitimately apply force internationally; this did not happen.

Resolution 1441; November of 2002

With the Iraq Resolution passed in October, the following month would come to usher in the passage of UN Security Council Resolution 1441, which many have deemed to be Iraq's 'last chance' to comply with the demands of Resolution 687. Resolution 1441 was passed unanimously by the Security Council, and adduced that

Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programs to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometers, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programs, including any which it claims are for purposes not related to nuclear-weapons-usable material. (United Nations Security Council November 8 2002)

Even more importantly, the resolution hints at the resumption of hostilities with Iraq, "recalling that in its resolution 687 (1991) the council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein" (United Nations Security Council November 8 2002). The UN did not provide any guaranteed authorization of the use of force against Iraq in this resolution; however, it effected great exertion in underlining a "final opportunity to comply with its disarmament obligations" (United Nations Security Council November 8 2002). This opportunity would ostensibly be taken up by Iraq, as doors were finally reopened to the international inspectors, four years later, now operating under UNMOVIC and Hans Blix.

Mr. Blix, sporting the somewhat checkered record of having declared both post-Gulf War Iraq and North Korea clean of weaponry ambition, took his team into Baghdad after the passage of Resolution 1441 in November of 2002 and reported back with an update on the 27th of January. He stated that “Iraq appears not to have come to a genuine acceptance – not even today – of the disarmament, which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace” (Blix 2003). This marks a clear continuation of Iraq’s steadfast refusal to comply with the terms of the international ceasefire agreement. However, Blix clearly lacked the same sort of suspicion that Ekeus brought to his inspections, as he submits that “these reports do not contend that weapons of mass destruction remain in Iraq, but nor do they exclude that possibility...they point to lack of evidence and inconsistencies, which raise question marks, which must be straightened out, if weapons dossiers are to be closed and confidence is to arise” (Blix 2003). It is evident that Blix and Ekeus responded very differently to the unrelenting stream of inconsistencies and vagaries that Iraq had provided the inspectors. Twenty-five days after Blix’s remarks, the US had successfully amassed 100,000 troops on the Kuwaiti-Iraqi border. On March 20th, the intervention of 2003 began.

Information Available After the Intervention

The Nuclear Question

This brings us to the post-intervention portion of the study and an evaluation of the decision taken by the coalition to remove the Hussein regime. Long since castigated for both the existence of the war and the manner of its execution, the coalition deployed the Iraq Survey Group, composed of American, British, and Australian citizens, to certify the state of Iraq's weapons programs. In the Iraq Survey Group Final Report, troves of damning evidence make themselves known to the public record. The work of the Iraq Survey Group represents the foremost international, scientific, and post-war inquiry into the nature of Saddam Hussein's WMD ambitions. The report states its overall conclusion: "Iraq attempted to balance competing desires to appear to cooperate with the UN and have sanctions lifted, and to preserve the ability to eventually reconstitute its weapons of mass destruction" (Iraq Survey Group September 30 2004). This conclusion fits nicely with the previous spate of Iraqi violations throughout the 90's, as well as with the conclusions reached by Ambassador Ekeus. This desire for reconstitution was also met with certain tangible pursuits of the weapons themselves, not merely the preservation of production ability. First and foremost, one must address the nuclear question. The Survey Group concludes that "by January 1991, Iraq was within a few years of producing a nuclear weapon" (Iraq Survey Group September 30 2004). This was unknown to the world at the time, and any concerns were quelled by the assurances of Dr. Hans Blix.

The report goes on to state that "coalition bombing during Desert Storm...significantly damaged Iraq's nuclear facilities and the imposition of UN sanctions and inspections teams after the war further hobbled the program. It appears Saddam shifted tactics to preserve what he could of his program (scientific talent, dual-use equipment, and designs) while simultaneously attempting to rid Iraq of sanctions" (Iraq

Survey Group September 30 2004). It would initially appear as though the nuclear portion of Saddam's WMD ambitions was limited to one of production preservation throughout the 90's. However, the rabbit hole continues, as the report states that "Saddam met with his senior nuclear scientists in 1999 and offered to provide them with whatever they needed, and increased funding began to flow to the IAEC [Iraqi Atomic Energy Commission] in 2001, according to the former Minister of Military Industrialization. Saddam directed a large budget increase for IAEC and increased salaries tenfold from 2001 to 2003. He also directed the head of IAEC to keep nuclear scientists together, instituted new laws and regulations to increase privileges for IAEC scientists and invested in numerous new projects. He also convened frequent meetings with the IAEC to highlight new achievements" (Iraq Survey Group September 30 2004). These numerous 'projects' receiving of Saddam's investment and attention, long after the Gulf War's final shot rang out, indicate an illicit pursuit of nuclear weapons themselves, not exclusively the preservation of production capacity.

The scandal continues, as the Survey Group concludes that "Baghdad reluctantly submitted to inspections, declaring only part of its ballistic missile and chemical warfare programs to the UN, but not its nuclear weapon and biological warfare programs, which it attempted to hide from inspectors. In 1991, Husayn Kamil and Qusay Saddam Husayn attempted to retain Iraq's WMD and theater missile capability by using MIC, along with the SSO, RG, SRG, and Surface-to-Surface Missile Command to conceal banned weapons and deceive UNSCOM inspectors" (Iraq Survey Group September 30 2004). Complementing its programs and methods of nuclear concealment, Iraq pursued the long range missile technology that was integral to posing the threat it wanted. Dr. David Kay, former head of

the Iraq Survey Group, when interviewed by NBC's Matt Lauer on the 27th of January, 2004, undertook the following conversation:

Lauer: You found that in 2000 and 2001, Saddam Hussein did actively try to develop and start a nuclear program.

Kay: He was putting more money in his nuclear program, he was pushing ahead his long range missile program as hard as he could. Look, the man had the intent to acquire these weapons, he invested huge amounts of money in them, the fact is he wasn't successful. (Kay January 27 2004)

This is not just a plain condemnation of Hussein's post-Gulf War actions, it illustrates the importance of missiles to Iraq's nuclear ambitions; the same missiles that Hussein Kemal al-Majid had confessed were one of the final crucial ingredients to Iraq's nuclear weapon program. These missiles were, during the 'dark years' of 1999-2002, pursued by Iraq through an illicit relationship with the nuclear dealers of North Korea.

North Korean Missile Dealings

The Washington Times, writing on Dr. Kay, reported that "prewar Iraq paid North Korea \$10 million for ballistic missile technologies, but the deal was never carried out, chief U.S. weapons inspector David Kay said Friday...according to Kay...Iraq began negotiations with North Korea for missile assistance in 1999, with such cooperation continuing through last year. Under the terms of their agreement, North Korea was to provide Iraq with missile technology for 1,300-kilometer Nodong ballistic missile and other nonmissile-related prohibited technologies, Kay said" (Washington Times October 4 2003). Revealed here is the clear reconstitution of Iraq's ballistic missile program, an integral component of

Hussein's nuclear desires. The Survey Group supports Kay's statements, concluding that "from 1999 through 2002, Iraq pursued an illicit procurement relationship with North Korea for military equipment and long-range missile technology. The quantity and type of contracts entered between North Korea and Iraq clearly demonstrates Saddam's intent to rebuild his conventional military force, missile-delivery system capabilities, and indigenous missile production capabilities" (Iraq Survey Group September 30 2004). This illegitimate tryst between Baghdad and Pyongyang was not simply limited to missile technology. The Survey Group makes it clear that "as the Iraqi-North Korean procurement relationship matured, it broadened from missile-related projects to a range of other prohibited military equipment and manufacturing technologies. Recovered documents from November 2001 describe numerous contracts between Hesong Trading Corporation, based in Pyongyang, and the Al-Karamah, Al-Harith, and Hutten companies" (Iraq Survey Group September 30 2004). The long-desired procurement of missile technology during the 1991-2003 period did not stop with North Korea, as many other countries played sizable roles in equipping the former Iraqi regime.

Russian, Polish, and Indian Missile Dealings

The Survey Group, in discussing Russia's involvement with Hussein's weapons programs, writes that "Iraq...signed a contract for the transfer of technology for the manufacture of laser rods to be used in laser range finders. The Mansur Factory in Iraq was to be the main recipient of this technology. Other contracts with Russian companies are detailed in the following: The Russian Company, Systemtech, was run by a Russian missile

scientist named Alexander Degtyarey. Most of the dealings with this company were connected with missile guidance and control, and contracts were valued at around \$20 million” (Iraq Survey Group September 30 2004). It is evident that Russia and Russian business were complicit in the attempted reconstitutions put to Iraq’s missile programs and, by extension, its nuclear aims. This international scandal continues in Poland, as a “Polish based front company engaged in illicit trade with Iraq played a limited, but important role in Saddam’s efforts to develop Iraq’s missile programs. Equipment supplied by this Polish based front company between 2001 and 2003, such as SA-2 (surface-to-air) Volga missile engines and guidance systems, were necessary for the al-Samud-2 missile program” (Iraq Survey Group September 30 2004). This is a clear example of complicity on the part of Polish nationals and their respective business; however, there is no evidence linking these happenings to the Polish state. Moving on, several examples of Indian business were similarly afflicted by this association with Saddam Hussein’s arsenal development. The Survey Group concludes that

the government of India was not directly involved in supplying Iraq with military or dual-use items, but several Indian companies were active in illicit trade...[and] prior to the 1991 Gulf war, Iraq had experimented with the use of carbon fibers to provide high strength and light weight for some of its missile components. Al-Rashid was instrumental in missile development prior to the Gulf war and in the years that followed. In May of 2000 NEC contracted with the Al-Rashid General, Co., to provide 40 kg of ‘Grade A’ carbon fibers, while dual-use material, have extensive use in missiles and nuclear equipment. (Iraq Survey Group September 30 2004)

Conducive to the pursuits of nuclear armament and missile development, India business may well not implicate the Indian government in this debacle, but there is little to absolve the Hussein regime in its maneuverings after the Gulf War.

Saddam's Chief Nuclear Scientist

Dr. Mahdi Obeidi was Saddam Hussein's former chief Nuclear Scientist and was subject to a particular assortment of terrors that that role came to provide him and his family. In 2004, after the fall of Hussein's regime, Obeidi was able to synthesize his experience into an excellent study: *the Bomb in my Garden*. Within its pages, Obeidi details the Hussein regime's flirtation with nuclear capacity and how the doctor was forced by the state to bury key nuclear components and literature in a metallic drum beneath his property. He opens his book with clear condemnation of Hussein, writing that "Saddam had always hungered for a nuclear bomb, and few in the West could believe that he was not secretly trying to develop one" (Obeidi 2004, xi). This is a plain and simple statement to the effect of Saddam's unrelenting desire to equip himself with a nuclear weapon. He continues with his unsettling disclosure of Iraq from behind the scenes. He recounts that "by the outbreak of the 1991 Gulf War, we had succeeded in a key step toward enriching uranium for an Iraqi nuclear bomb. The world came frighteningly close to finding out what Saddam might do with one" (Obeidi 2004, xii).

As to the matter of Saddam's post-Gulf War nuclear aims, Obeidi lends a decisive viewpoint, arguing that "there was no active nuclear weapons program before the invasion of Iraq [in 2003]. However, Saddam certainly had the capabilities and, it must be presumed, the intention to restart it someday when the world was no longer watching him so closely" (Obeidi 2004, xiii). This falls into near full agreement with the conclusions of the Iraq Survey Group, suggesting that the majority of Hussein's efforts were dedicated to the

preservation of nuclear production ability, rather than the production itself. Obeidi may well have not been privy to the Hussein-financed 'projects' that the Iraq Survey Group uncovered in its report, or he would not deem these 'projects' suitable for concern pertaining to development. As to the question of concealment, Obeidi is starkly clear, writing that the components buried beneath his home

were probably the most valuable building blocks for WMD that Iraq ever possessed. Saddam's son Qusay had ordered me to keep them safe from UN weapons inspectors in 1992, and the Iraqi government concocted a story that they had been destroyed by the security services...it is difficult to overestimate their importance or the danger they potentially posed to the international community. In the wrong hands they could have enabled Saddam or anyone else to quickly initiate a deadly nuclear weapons program. (Obeidi 2004, 8)

This is a deeply important piece of expert testimony on the part of the man who was at the scientific helm of the threat in question. Not only was Iraq concealing the ability to gravely endanger the international community, according to Obeidi, but the ability to do it with great expedience. The doctor concludes that even though Hussein was not actively producing nuclear weapons after the Gulf War, he reminds us that "even during the dark years, there were signs of a lingering desire for nuclear weapons. The most obvious is the fact that Saddam kept funding the IAEC from 1991, when the programs ended, until the war in 2003" (Obeidi 2004, 183). Obeidi clearly feels as though Hussein sought nuclear arms and would continue to do so once the eyes of the international community were off him, i.e. the discontinuing of sanctions. This paper will, at a later juncture, go on to discuss how Hussein would aim to actively bring these sanctions to a close.

However, with the illicit acquisition of advanced missile technology during the 90's and early 2000's, one might walk away with the conclusion that Saddam could have begun to reconstitute his nuclear program while sanctions were still in existence. Additionally, in July of 2008,

the last major remnant of Saddam Hussein's nuclear program – a huge stockpile of concentrated natural uranium – reached a Canadian port...to complete a secret U.S. operation that included a two week airlift from Baghdad and a ship voyage crossing two oceans...[this] was a significant step toward closing the books on Saddam's nuclear legacy. It also brought relief to U.S. and Iraqi authorities who had worried the cache would reach insurgents or smugglers crossing to Iran to aid its nuclear ambitions. (MSNBC July 5 2008)

This story was syndicated widely, reaching the stations of CNN, CBS, and MSNBC, among others. Hypothetically originating from clandestine trips to Niger, these 500 tons of Uranium lend certain relevance to the idea of an Iraqi nuclear weapons program during the sanctions regime.

Biological and Chemical Weapons Programs

To an even greater extent than its nuclear pursuits, Iraq's many other programs aimed at the production or acquisition of WMDs of a different stripe surface quite frequently within the Iraq Survey Group's Final Report. It states that "Saddam considered WMD as the only sure counterbalance to an enemy developing WMD of its own. He said Iran was the main concern because it wanted to annex southern Iraq. Saddam said US air strikes were less of a worry than an Iranian land attack" (Iraq Survey Group September 30 2004). The biological weaponry pursued by Iraq during the 90's is touched upon by the final report, concluding that "Iraq's actions in the period up to 1996 suggest that the former

regime intended to preserve its BW [biological weapons] capability and return to steady, methodical progress toward a mature BW program when and if the opportunity arose. After 1996, limited evidence suggests that Iraq abandoned its existing BW program and that one Iraqi official considered BW personnel to be second rate, heading an expensive program that had not delivered on its potential” (Iraq Survey Group September 30 2004). Whether or not the Iraqi biological weapons program was officially abandoned after 1996, the Survey Group is convinced that its dereliction was not resultant of Iraq’s deference to the international community or Resolution 687.

In his self-confessed need to develop the means to produce WMDs, Hussein’s efforts had the potential to reach speedy actualization. The report states that “Presidential secretary ‘Abd Hamid Mahmud, while a detainee, wrote: ‘if the sanctions would have been lifted and there is no UN monitoring, then it was possible for Saddam to continue his WMD activities and in my estimation it would have been done in a total secrecy and [with] concealment because he gained from 1991 and UN decisions.’...in another debrief, [Abd-al Tawab Al Mullah] Huwaysh said it would take 6 months to reconstitute a mustard program” (Iraq Survey Group September 30 2004). This disturbing information only pertains to the production of mustard gas; however, the report goes on to further outline Iraqi ambitions in the realm of chemical warfare. The report concludes that “Huwaysh investigated and responded that experts could readily prepare a production line for mustard, which could be produced within six months. VX and Sarin production was more complicated and would take longer. Huwaysh relayed this answer to Saddam...an Iraqi CW expert separately estimated Iraq would require only a few days to start producing mustard-if it was prepared to sacrifice the production equipment” (Iraq Survey Group

September 30 2004). The deadly implications of this are self-evident, as VX and Sarin production would yield stratospherically high kill capacity for the Hussein regime. Not to mention the unsettling idea that Iraq would only need 'a few days' to produce mustard gas after the fall of sanctions.

The Obstacle of Sanctions

As with the desire to preserve the capability to mass produce WMDs of nearly every form, Iraq went to a lot of effort to ensure the fall of sanctions, so as to ease the process of weapons development. In studying the various techniques adopted by Iraq pursuant to the eradication of international sanctions, the Iraq Survey Group concludes that "Saddam used Iraq's oil resources, in what Baghdad perceived to be a moderately successful attempt to undermine and remove UN sanctions" (Iraq Survey Group September 30 2004). The final report goes into greater detail explaining the careful application of oil to swing international politics into the favor of Hussein's sovereignty, an important accelerator for Iraqi WMD development that was effectively scheduled to take place. The report states that

the former regime played its 'oil card' in two distinct ways: first, Saddam either stopped or reduced oil exports to increase upward pressure on world oil prices. Iraq successfully used this tactic from November 1999 through the spring 2000. Second, Saddam attempted to link the interests of other nations with those of Iraq through the allocation of OFF [Oil For Food] oil and trade contracts, which were granted to companies whose governments were willing to exercise their influence within the Security Council to lift sanctions. This effort also included the award of oil contracts to individuals and groups willing to use their influence with their governments to encourage policies favorable to removing sanctions. (Iraq Survey Group September 30 2004)

With such tactics in place, Iraq was doing what it could to bring an end to the international farrago of sanctions leveled against it. This brings us to Iraq's influence over other states, namely Russia, France, China, and Germany.

Russian-Iraqi Relations

The dealings between Saddam's Iraq and the Russian state, and its many relevant businesses, can be classed as disconcerting at the minimum. The Survey Group's findings state that "the former Iraqi regime sought a relationship with Russia to engage in extensive arms purchases and to gain support for lifting the sanctions in the UNSC" (Iraq Survey Group September 30 2004). So how did Hussein undertake to induce Russian support in the international arena? When pressed with this question, the following can be quite revealing: "[in] March 1997...Russian Energy and Fuels Minister Rodinov went to Baghdad to discuss a \$12 billion deal in an effort to build economic relations with Iraq. The deal was signed and was scheduled to begin once sanctions were lifted. [In] 1999...a Russian delegation traveled to Iraq to provide expertise on airframes and guidance systems for missiles. [Also,] under OFF [Oil For Food], 32 percent of the Iraqi contracts went to Russia" (Iraq Survey Group September 30 2004). Placing many oil contracts and a sizable amount of money in the hands of Russian business and government was deemed by the Survey Group to be a method of expiring international sanctions on the part of the Iraqi state. With many of these dealings requiring the fall of sanctions to see their actualization, incentive to have Russia combat international sanctions was clearly created.

French-Iraqi Relations

As with Russia, France received wholesome attention from Hussein's petroleum enterprise. The Survey Group reports that "Saddam's regime, in order to induce France to aid in getting sanctions lifted, targeted friendly companies and foreign political parties that possessed either extensive business ties to Iraq or held pro-Iraqi positions. In addition, Iraq sought out individuals whom they believed were in a position to influence French policy. Saddam authorized lucrative oil contracts be granted to such parties, businesses, and individuals" (Iraq Survey Group September 30 2004). From this uncovering emerges the following question: how extensive were these dealings with France? In other words, how much Iraqi oil was to be dedicated towards this program of influencing French policy? While the summation of cost is difficult to estimate, the Survey does state that "the French oil companies Total and SOCAP received over 105 million and 93 million barrels, respectively" (Iraq Survey Group September 30 2004). Adjusted for inflation, the oil price-per-barrel in the year 2000 was "\$35.88" (Inflation Data January 19 2012). That comes out to a total of \$7,104,240,000 in Iraqi oil allocated to those two companies alone.

In addition to the Survey Group, Dr. Obeidi provides an internal perspective on Hussein's relationship with the French. He writes, "in the Autumn of 1979, I received a written order from IAEC director al-Hashimi to travel to France and represent the IAEC as director of the Experimental Group" (Obeidi 2004, 42). This was at the time of planning for the future Osiraq reactor that was to be bombed by the Israelis in 1981. Obeidi writes that "the bombing of the Tammuz reactor ignited an international debate about how close Iraq had come to developing nuclear weapons and what should be done about Saddam's

appetite for an atomic bomb. Our French counterparts at Saclay argued on Iraq's behalf that the Tammuz reactor was unfit for the production of plutonium and that inspections by the International Atomic Energy Agency and French technicians would have prevented the misuse of the reactor" (Obeidi 2004, 52). It is clear that France has an interest in preserving Iraq's Nuclear Program and that the further development of this interest through the acquisition of Iraqi oil is very much worth the mentioning. In light of these revealing entanglements between Iraq and both France and Russia, one must keep these factors in mind when observing former French and Russian behavior in the United Nations Security Council whenever Saddam Hussein's name floated to the front of the docket.

Chinese-Iraqi Relations

As with the Russian and French courtships by the Iraqi state, crosshairs were also pulled over the People's Republic of China. Carrie Satterlee writes to great effect on the economic and political flirtation of both China and Germany with the Hussein regime. She begins with a citation of the C.I.A's World Factbook from 2002, noting that "China controls roughly 5.8 percent of Iraq's annual imports" (Satterlee February 28 2003). Continuing with reference to Trish Saywell of the *Far Eastern Economic Review*, Satterlee writes that the "China National Oil Company, partnered with China North Industries Corp., negotiated a 22-year-long deal for future oil exploration in the Al Ahdab field in southern Iraq" (Satterlee February 28 2003). Additionally, citing Kenneth Timmerman from *Insight on the News*, she observes that

in recent years, the Chinese Aero-Technology Import-Export Company (CATIC) has been contracted to sell 'meteorological satellite' and 'surface observation' equipment to Iraq. The U.N. oil-for-food program approved this contract...CATIC also won approval from the U.N. in July 2000 to sell \$2 million worth of fiber optic cables. This and similar contracts approved were disguised as telecommunications gear. These cables can be used for secure data and communications links between national command and control centers and long-range search radar, and missile-launch units, according to U.S. officials. In addition, China National Electric Wire & Cable and China National Technical Import Telecommunications Equipment Company are believed to have sold Iraq \$6 million and \$15.5 million worth of communications equipment and other unspecified supplies, respectively. (Satterlee February 28 2003)

Finally, she references the Stockholm International Peace Research Institute [SIPRI] when writing that "from 1981 to 2001, China was the second largest supplier of weapons and arms to Iraq, supplying over 18 percent of Iraq's weapons imports" (Satterlee February 28 2003). In light of this highly illegal relationship between the Chinese and Saddam Hussein, one must cultivate suspicion over China's persistent opposition to Iraqi sanctions and the coalition's intervention in 2003. *The New York Times* wrote in December of 1997 that "China's Foreign Minister said today that he doubted that Iraq still had weapons of mass destruction and said that remaining suspicions should be cleared up quickly so that United Nations sanctions could be eased... 'China's fundamental stance is the opposition to imposing any sanctions on any country for any reason,' [Foreign Minister Qian Qichen] said. 'Despite the fact that we have not supported these resolutions, they must be respected. But they must not be continued for ever. They should be eased gradually'" (New York Times December 26 1997). These two perspectives on the Chinese position deserve to be seriously considered side-by-side.

German-Iraqi Relations

Satterlee moves on to discussing the ties that bind the former Iraqi regime and Federal Germany. She begins by citing David Sands of *the Washington Times*, pointing out that “direct trade between Germany and Iraq amounts to about \$350 million annually, and another \$1 billion is reportedly sold through third parties” (Satterlee February 28 2003). Continuing in her unveiling of international scandal, she writes that “it has recently been reported that Saddam Hussein has ordered Iraqi domestic businesses to show preference to German companies as a reward for Germany’s ‘firm positive stand in rejecting the launching of a military attack against Iraq.’ It was also reported that over 101 German companies were present at the Baghdad Annual exposition” (Satterlee February 28 2003). Quoting Faye Bowers of *the Christian Science Monitor*, Satterlee notes that “Germany is owed billions by Iraq in foreign debt generated during the 1980’s” (Satterlee February 28 2003). With the Hussein regime having been so thoroughly tied to the economic benefit of Germany, one must incorporate this history into any understanding of German remonstrations in the UN Security Council when the question of intervention rears its head. Satterlee’s coda on German-Iraqi scandal marks a new level of illicit behavior between the two states. She comments that “an article in the German daily *Tageszeitung* reported that of the more than 80 German companies that have done business with Baghdad since around 1975 and have continued to do so up until 2001, many have supplied whole systems or components for weapons of mass destruction” (Satterlee February 28 2003). This bartering history signifies a striking connection between German business and the Iraqi pursuit of WMDs. To disregard these factors would be nothing short of flippant.

The RCC Resolution – Rendering Sanctions Impotent

With both France and Russia registered as hopeful comrades in the destruction of international sanctions, Hussein also indicated an intention to fully abnegate all UN resolutions, to relinquish any attempt to win back international approval, and to charge ahead with the reactivation of Iraq's WMD production lines. The Iraq Survey Group finds that "Saddam, angered by sanctions, inspections, and the Desert Fox attacks, unilaterally abrogated Iraq's compliance with all UN resolutions—including the 1991 Gulf War ceasefire—with a secret RCC resolution, according to both presidential secretary 'Abd Hamid Mahmud and Diwan President Ahmad Husayn Khudayr" (Iraq Survey Group September 30 2004). With this resolution, Hussein had revealed his proximity to abandoning the hope of propitiating the international community. With willful rejection of any international involvement in the Iraqi state, Hussein telegraphed the approaching intention to begin his WMD programs regardless of how the rest of the world might respond. The Survey Group continues, stating that "the RCC resolution formally ended all Iraqi agreements to abide by UN resolutions. Ahmad Husayn Khudayr recalled that Saddam's text ordered Iraq to reject every Security Council decision taken since the 1991 Gulf War, including UNSCR 687. Ahmad said the resolution was worded in careful legal terms and 'denied all the previously accepted [resolutions] without any remaining trace of them [in the Iraqi government]'" (Iraq Survey Group September 30 2004). This resolution is indicative of Hussein's full rejection of conciliatory strategy, leaving only Hussein's preexisting desire to produce WMDs without consideration for international measures taken against his state. Whether or not sanctions fell, Hussein was demonstrably ready to pursue his weaponry objectives.

The Present Absence of a Future Stockpile

The Iraq Survey Group also reaches the conclusion that now takes its place at the heart of the anti-war movement. The report states that “ISG has not found evidence that Saddam Husayn possessed WMD stocks in 2003, but the available evidence from its investigation—including detainee interviews and document exploitation—leaves open the possibility that some weapons existed in Iraq although not of a militarily significant capability” (Iraq Survey Group September 30 2004). This conclusion, while easy to misperceive as fully indicative of blunder on the part of the interventionist forces, is entirely compatible with the sequence of events reviewed in this chapter. Saddam Hussein had no stocks available to him in March of 2003, as he had yet to deploy the RCC resolution and was still looking to achieve comity with the international community before reconstituting the rapid production (a few weeks at the fastest) of WMDs. It is clear that his large-scale development programs were ossified after the war in 1991; however, WMDs were later concealed from international inspection forces, as were the programs that yielded them, full effort was taken to preserve the ability to resume the development of these illegal weapon stocks, components of WMDs and their production methods were illegally acquired through international channels, and all of this was conducted under a regimen of vitiating non-compliance. As this process went on for more than a decade, the Iraqi state made many attempts to unmask its batteries on international sanctions in every possible way, particularly through the exploitation of its trade relationships with France and Russia. What can be demonstrated in this chapter is not merely the desire of Saddam

Hussein to develop WMDs, but that development of those WMDs was inevitable, if not incipient.

On this basis alone, one can make several forceful arguments pertaining to the intervention's justification. There are many that regard the lack of an Iraqi WMD stockpile in 2003 as representative of the greatest scandal of the war effort. To sample a particular anti-war perspective, one can turn to writers Steven Kull, Clay Ramsay, and Evan Lewis of the Political Science Quarterly. In their analysis, *Misperceptions, the Media, and the Iraq War*, they write that "a variety of possible misperceptions could justify going to war with Iraq. If Americans believed that the United States had found WMD in Iraq or had found evidence that Iraq was providing support to al Qaeda, then they may have seen the war as justified as an act of self-defense even without UN approval" (Kull, Ramsay, & Lewis 2003/2004, 570). According to this perspective, a justified war with Iraq can be seen as inevitable, as the forthcoming reconstitution of Hussein's WMD programs would be not only found by, but potentially applied to the forces of the later intervention. It is here that the prudent reduction of coalition casualties by forcibly preventing Saddam Hussein's weapons development can be asserted.

The Unique Dangers of an Equipped Saddam Hussein

Saddam's Previous Use of WMDs - Kurds

But what is it that makes a WMD-equipped Iraq so dangerous? Firstly, a turn towards Iraq's historical application of WMDs renders Saddam Hussein a threat to international peace and security that is in no way theoretical. Human Rights Watch comments on the Kurdish genocide enacted by a WMD equipped Hussein in the 1980's. They make mention of

4,000 destroyed villages and an estimated 182,000 disappeared persons during 1988 alone. The phenomenon of the Anfal, the official military codename used by the government in its public pronouncements and internal memoranda, was well known inside Iraq, especially in the Kurdish region. As all the horrific details have emerged, this name has seared itself into popular consciousness – much as the Nazi German Holocaust did with its survivors. The parallels are apt, and often chillingly close. (Human Rights Watch 1993, Preface & Acknowledgments)

One takes from this that Hussein's treatment of the Kurdish populations in Iraq during his reign can be easily classed as genocidal. Integral to the mass-scale implementation of the Anfal Campaign (which takes its name from Quranic verse, pertaining to Surat al-Anfal, which comments on plunder and the spoils of war) was the use of chemical warfare throughout. The Human Rights Watch observes that "Halabja was exemplary collective punishment of the most brutal kind, carried out in bald defiance of all international prohibitions on the use of chemical weapons" (Human Rights Watch 1993, Chapter 3). It is clear the Iraq's possession of WMDs in the 1980's yielded dangerous and inhumane results within the borders of its own country.

Saddam's Previous Use of WMDs - Iran

Additionally, Saddam Hussein's former stockpile of WMDs resulted in international massacre during the Iran-Iraq war. A Global Security report states that "Saddam Hussein sought to increase the war's manpower and economic cost to Iran. For this purpose, Iraq purchased new weapons, mainly from the Soviet Union and France. Iraq also completed the construction of what came to be known as 'killing zones'...to stop Iranian units. In addition, according to Jane's Defence Weekly and other sources, Baghdad used chemical weapons against Iranian troop concentrations and launched attacks on many economic centers" (Global Security 2011). It is clear that WMD possession empowered Saddam Hussein to inflict considerable damage at both the local and international levels. One recognizes that the notion of Hussein providing himself with more WMDs in the future represented a threat to international peace on a conceivably greater scale. Dr. Mahdi Obeidi writes with personal experience of the corroded interior of Saddam's weapons development apparatus, arguing that "in many ways Saddam was himself a weapon of mass destruction. He had invaded two neighboring countries, killed thousands of Iraqis and Iranians with chemical weapons, tortured and terrorized his own people, and buried many of his victims in mass graves. For years his erratic behavior had proven just how delusional and sinister he was. The idea that he might one day surprise the world with a nuclear bomb was a powerful nightmare" (Obeidi 2004, xi). Here, Obeidi effectively depicts the non-theoretical danger to the international community that a WMD equipped Saddam Hussein would pose.

Fears of International Destruction and Blackmail

The Iraq Survey Group was, after the war, able to recover a recording of Saddam Hussein in exchange with Hussein Kamel in January of 1991. The following is a brief excerpt from that conversation:

Hussein: I want the weapons to be distributed to targets; I want Riyadh and Jeddah, which are the biggest Saudi cities with all the decision makers, and the Saudi rulers live there. This is for the germ and chemical weapons...Also, all the Israeli cities, all of them. Of course you should concentrate on Tel Aviv, since it is their center.

Kamil: Sir, the best way to transport this weapon and achieve the most harmful effects would come by using planes, like a crop plane; to scatter it. This is, Sir, a thousand times more harmful. This is according to the analyses of the technicians (interrupted)...

Saddam: May God help us do it...We will never lower our heads as long as we are alive, even if we have to destroy everybody. (Iraq Survey Group September 30 2004)

It is not difficult to conclude from this conversation that Hussein not only sought out a weapons program, but had plans of considerable violence against local states, such as Saudi Arabia and Israel, in addition to his well reported and manifested hatred of the Iranians. Hitchens concludes that “in the...case of Iraq, a preemptive war is justified by its advocates on the grounds of past Iraqi aggressions and the logical presumption of future ones—which would make it partly retaliatory and partly preventive...if no sinister weaponry is found before the war begins, then the war is rejustified on the grounds that it prevented such weapons from being developed” (Hitchens 2003, 45). It is adduced plainly here that Saddam Hussein’s previous application of WMDs and continually explosive rhetoric render his future acquisition of WMDs a severe threat to international security and countless innocent lives. Hitchens also notes that

the speech from Saddam Hussein saying the only mistake he ever made was that he ‘invaded Kuwait before he’d finished the nuclear weapon, he should have done it the other way round.’ First get the nuclear weapon at the Tuwaitha reactor, which we found as a result of the Kuwait War when we weren’t looking for it. Get the bomb first, then invade

Kuwait, then ask them 'what they're gonna do now, now that I've invaded it'...we lived at this man's permission for a long time, we lived by his warrant, only his stupidity allowed us to be as complacent as we were; and in the meantime, fighters in Northern and Southern Iraq were fighting against a tyrant who we should have been fighting ourselves. (Hitchens April 4 2008)

Hussein had made public his great blunder of initiating the Kuwaiti invasion before his weapons program had allowed him a nuclear capacity, he also made it clear that is not a mistake he would make again. Upon being presented with these remarks, the idea of Saddam Hussein blackmailing the international community could be deemed a probable outcome on the basis of his less-than-comforting rhetoric.

Regional WMD Proliferation

In addition to the dangers of international blackmail and violence that come with a WMD capable Saddam Hussein, there exists the concern of WMD proliferation to associated terrorist groups. Pearson writes in his study of UNSCOM that "in parallel with the concerns about the danger of proliferation of weapons of mass destruction to states, there has been an increased concern that chemical or biological materials might be used by terrorists" (Pearson 1999, 64). This opinion is furthered by Ashton Carter, Harvard Professor and writer for *Foreign Affairs*, who specifically addresses the self-evident chaos and destruction presented by the threat of nuclear terrorism. He writes that "the worst potential WMD problem is nuclear terrorism, because it combines the unparalleled destructive power of nuclear weapons with the apocalyptic motivations of terrorists against which deterrence, let alone dissuasion or diplomacy, is likely to be ineffective" (Carter 2004, 76). It is clear to even the most casual observer that the threat of nuclear terrorism seen through to fruition

is an unacceptable outcome, marking the absolute zero in diplomacy, humanism, and international affairs. However, the veracity of these threats is a different question altogether. Thus, the question must be tackled: did Saddam Hussein possess allegiances with terrorist factions that might have benefitted from the impending Iraqi weapons programs?

Ties to International Terrorism

Firstly, Iraq demonstrated a lengthy and varied set of collaborators aimed at attacking Israeli civilians; attacks which undermine the PLO's efforts in negotiation with the Israeli state, as well as taking the lives of citizenry. Sabri Khalil al-Banna, also known as Abu Nidal, has numerous attacks attributed to his name, including the planning of the Munich Massacre during Olympics of 1972. As founder of the *Fatah Revolutionary Council*, a militant anti-Israeli group, he has been closely associated with many historical acts of terror perpetrated against Israel. The CDI Terrorism Project writes a curt biography of the man, noting that "in 1973, [Nidal] broke with [Yasser] Arafat, accusing him of selling out when the PLO moved toward the creation of a Palestinian statehood in the West Bank and Gaza Strip. Nidal was soon sentenced to death, in absentia, by the PLO for plotting to kill Arafat, latter setting up his own Fatah Revolutionary Council as a counterforce to be also known as the ANO [Abu Nidal Organization]" (Katagiri October 9 2002). It is known that Nidal posed an immediate threat to not only the lives of Israeli civilians, but to those that were looking to make peace with Israel in the form of a 2 state solution. As a result, Nidal was equally threatening to the secular PLO and its many members. The CDI also mentions

that “until Nidal’s death, the ANO’s ideological objective was to liberate Palestine via a pan-Arab revolution aimed at destroying Israel. The organization comprises about 400 members plus dozens of Palestinian militia men, and is organized by functional committees for various political, military and financial activities. Considerable support in the form of safe havens, training and logistic assistance has been supplied by Iraq, Libya, and Syria” (Katagiri October 9 2002). It is clear that the provision of safe haven for Nidal constitutes an affiliation of Iraq with Israel-focused terror groups and their members.

As with Abu Nidal, evidence suggests that Iraq was providing shelter to Abu Abbas, hijacker of the *Achille Lauro* in 1985 and murderer of Leon Klinghoffer. The Palestine Facts Organization summarizes the attack, writing that “Italian MS *Achille Lauro* was hijacked by four men from the Palestine Liberation Front...Muhammad Zaidan (Abu Abbas), is known to be the mastermind behind the hijack...the hijackers held the passengers and crew hostage as to make a demand of the release of 50 Palestinians, held up in Israeli prisons at that time. The incident which gained much popularity was the killing of a sixty-nine year old Jewish, Leon Klinghoffer. Leon, who was in the wheelchair, was shot twice by the hijackers and thrown into the sea after the ship was refused to dock at Tartus by the Syrian Government” (Palestine Facts 2012). Abbas would eventually be arrested and not charged, due to his holding of an Iraqi diplomatic passport, which allowed his unobstructed passage into Iraq after the hijacking. Hitchens writes on this, stating that “after the hijacking of the cruise ship *Achille Lauro* in the Mediterranean, an act of open piracy that culminated in the rolling of a disabled man, Leon Klinghoffer, from the vessel’s deck into the sea, the organizer of the ‘operation’ was apprehended and taken into custody by the Italian police. But Abu Abbas was not inconvenienced for long. He was released when he was found to be

carrying a diplomatic passport—an Iraqi diplomatic passport as it happened, though he was by nationality a Palestinian and had never been accredited to any overseas mission” (Hitchens February 28 2011). This is a forceful implication of Saddam Hussein’s government in the sponsorship of international terrorism, as granting Abu Abbas the right to represent Iraq as a diplomat constitutes a significant endorsement of the man. Hitchens also reports that “when I went to interview Abu Nidal, then the most wanted terrorist in the world, in Baghdad, he was operating out of an Iraqi government office, he was an arm of the Iraqi state, while being the most wanted man in the world. The same is true of the shelter and safehouse offered by the Iraqi government to the murderers of Leon Klinghoffer, and Mr. Yasim who mixed the chemicals for the World Trade Center bomb in 1993” (Hitchens July 7 2005). It is clear that the Iraqi government has officiated at acts of terror against civilians the world over, particularly when considering complicity in the attempted destruction of the World Trade Center in 1993.

In addition, Iraq has presented itself as a cogent threat to Israel through the direct use of terrorism. Kanan Makiya, writing under the protective pseudonym Samir al-Khalil for his book, *Republic of Fear*, details the multitudinous horrors of the former Hussein regime from within the country. In its pages, he lists the various structures of secret police that Saddam used to cripple the autonomy of Iraq’s civilian population. He writes that the “Estikhbarat, or Military Intelligence, controls most of the operation against Iraq or other nationals resident abroad...the military attache’s office, say in London, is instructed to provide regular reports on ‘nuclear, bacteriological and chemical warfare institutions and installations, giving as detailed information as possible on their capacities and stockpiles’”

(Makiya 1989, 13). It is clear that the *Estikhbarat* was called upon by Hussein for troubling activities on the international scale, but what of terrorism?

Makiya writes that “the *Estikhbarat* assassinated Abdul Razzaq al-Nayef in London...and provided training and logistical support for the Iranian London embassy siege in May 1980. Their involvement in the assassinations of Palestinian leaders by the Abu Nidhal group through 1980 is also likely. When the Palestine Liberation Organization (PLO) tried to return the favour to Abu Nidhal while he was undergoing medical treatment in a London hospital in 1979, they could not get at him because ‘the Iraqis had turned the hospital into a fortress’” (Makiya 1989, 13-14). These events, as presented in this fascinating exposé, reveal a distressing culpability in acts of international terrorism, many of which were directed at the Israeli-Palestinian crisis. He goes on to report that “*the Guardian* exposed an agent of the *Estikhbarat* as having been the ringleader of the attack on Shlomo Argov, the Israeli ambassador to London, an event that provided the pretext for the Israeli invasion of Lebanon”(Makiya 1989, 14). Full Iraqi complicity is shown here in the attempt to assassinate Ambassador Argov in 1982. Two things can be demonstrated, in light of these examples: firstly, Rolf Ekeus was right in concluding that Hussein regime was “a deadly opponent to peace between Israelis and Palestinians” (Ekeus June 29 2003), and secondly, Iraq has a history of sponsoring international terrorism. This tendency, when coupled with an impending set of WMD programs, illustrates a strong threat to civilians the world over, and particularly those of Iran, Saudi Arabia, and Israel.

Continuing with the question of Iraqi sponsored terrorism, one must turn towards the highly contested question of al-Qaeda involvement in Hussein’s operational history.

Jordanian terrorist and member of the al-Qaeda network, Abu Musab al-Zarqawi, has been accused of allying himself and his network with Saddam Hussein, prior to the intervention of 2003. The Senate Select Committee on intelligence issued a report in 2008 on the veracity of assertions made by U.S. leadership in the run up to the intervention. Many claims that were made by the previous government were charged as fatuous, as the report concludes that “statement and implication by the President and Secretary of State suggesting that Iraq and al-Qa’ida had a partnership, or that Iraq had provided al-Qa’ida with weapons training, were not substantiated by the intelligence” (United States Senate Select Committee on Intelligence 2008, 71). It is clear that postwar evidence of a full partnership between al-Qaeda and Saddam Hussein has yet to be asserted with evidence, and that previous statements pertaining to a supposed partnership were given baselessly. That being said, the report also concludes that “statements that Iraq provided safe haven for Abu Musab al-Zarqawi and other al-Qa’ida-related terrorist members were substantiated by the intelligence assessments” (United States Senate Select Committee on Intelligence 2008, 71). It is clear that investigations into the quality of purported evidence from the months leading up to the 2003 intervention conclude the existence of an Iraqi-provided safe haven for Zarqawi and other al-Qaeda members to be accurate. The report goes on to state that “intelligence assessments noted Zarqawi’s presence in Iraq and his ability to travel and operate within the country. The intelligence community generally believed that Iraqi intelligence must have known about, and therefore at least tolerated, Zarqawi’s presence in the country” (United States Senate Select Committee on Intelligence 2008, 71). This cannot be overlooked, as the harboring of international terrorists that have

self-confessedly dedicated their lives to endangering the West and American civilians represents a potential alliance of highly catastrophic repercussions.

Scott Ritter, who, in reference to the 2003 intervention, submits himself as “opposed to this war as much as one can possibly be opposed to this war,” comments on the actions of Abu Musab al-Zarqawi in Iraq, prior to the intervention of 2003. The substantiated presence of Zarqawi in Iraq and the purported collaboration with Hussein’s regime in attacks on northern Kurdish populations represent a significant relationship between Al-Qaeda and Saddam Hussein. Despite his virulent opposition to the intervention, Ritter finds himself confessing the following: “I am perplexed by Zarqawi’s sudden transformation from third rate Jordanian criminal into terror mastermind who operates inside Iraq with a sophistication that is beyond his apparent means. The only organization capable of running a sophisticated network of cells/operatives from the north to the south, the east to the west, is the former security apparatus of Saddam Hussein” (Ritter December 20 2006). This must be taken as it appears: an inconclusive, yet highly suggestive connection between pre-intervention Saddam Hussein and the al-Qaeda network. While the direct connection to this particular terror group remains opaque, the matter of Saddam’s previous collaboration with, support of, and invocation of international terror as a general matter is beyond question. As a result, the threats of WMD powered terrorism, as mentioned by Ashton Carter and Graham Pearson cannot afford to be only frivolously considered.

Chapter 4: Just War Theory

Just War Theory sports a generous and enlivening tradition stretching back to the days of St. Augustine, with a multitude of alterations and additions contributing to its philosophical history. For centuries, its benefactors have observed conflict through the lens of moral critique and determined how ethics can be suitably applied to the subject of warfare.

The Stanford Encyclopedia of Philosophy provides the definitive vertices around which modern Just War Theory is built. They begin by advancing the claim that “just war theory is probably the most influential perspective on the ethics of war and peace...[and] has enjoyed a long and distinguished pedigree, including such notables as Augustine, Aquinas, Grotius, Suarez, Vattel, and Vitoria” (Orend & Zalta 2008). This effectively synthesizes the contributions of all these philosophical giants into six requirements that define the very concept of a justly undertaken war. It is stated that “for any resort to war to be justified, a political community, or state, must fulfill each and every one of the [six] requirements” (Orend & Zalta 2008). In addition to our discussion of these requirements, we will be exploring how a preventive war could qualify under its rubric. Jack S. Levy describes preventive war as “a strategy designed to forestall an adverse shift in the balance of power and driven by better-now-than-later logic...preventive logic has long been central to realist theories of international conflict including Morgenthau’s balance-of-power theory, Gilpin’s hegemonic-transition theory, and Copeland’s dynamic-differentials theory” (Levy 2008, 1). The conduct of a preventive war is based on reaching out to stop an

impending event of great catastrophe from taking place. Many have contended that a preventive war cannot be deemed just, due to the existence of more time to pursue peaceful alternatives. This paper will, however, go on to demonstrate how preventive war, in the case of Iraq, constitutes a necessary defensive measure and is compatible with just war theory's requirements. Firstly, however, let's take a deeper look at how Just War Tradition landed with the principles espoused by Stanford's taxonomy.

The Just War Tradition

At the time of Rome's imperial decline, St. Augustine found himself confronted with the notion of war as a just undertaking. Generally regarded as the father of the Western Just War Tradition, Augustine split the question into two portions: Jus Ad Bellum (the right to initiate war) and Jus In Bello (proper conduct while carrying out a war). As this paper focuses on the matter of deciding to intervene in 2003, we will limit our focus to the principles of Jus Ad Bellum. It is written that "the right to go to war concerns the justification that a nation must give in order for it to have a moral right to wage war on another. Augustine laid the basis for four main criteria" (Oregon State University 2002). The four criteria for Augustine's Jus Ad Bellum are as follows:

- 1) "Just authority – is the decision to go to war based on a legitimate political and legal process?"
- 2) "Just cause – has a wrong been committed to which war is the appropriate response?"

3) “Right intention – is the response proportional to the cause? i.e. is the war action limited to righting the wrong, and no further. When people speak of ‘mission creep,’ this condition is the relevant concern,” and

4) “Last Resort – has every other means of righting the wrong been attempted sincerely so that no other option but war remains?” (Oregon State University 2002).

These guidelines set out by St. Augustine will come to heavily influence the requirements of modern Just War Theory. With each passing philosophical figure, the requirements of Just War Theory grow more taxing for the wager of conflict.

Upon the emergence of Thomas Aquinas in the 13th century, Augustine’s work was invoked in matters of Just War, particularly in Aquinas’ *Summa Theologiae*. Father William Saunders writes,

“St. Thomas maintained that a war may be waged justly under three conditions: First, the legitimate authority who has the duty of preserving the common good must declare the war. For instance, according to our Constitution, only Congress can legitimately declare a war...

Secondly, a just cause for war must exist. St. Augustine, quoted by St. Thomas, said, ‘A just war is apt to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to reborn what it has seized unjustly...

Finally, St. Thomas said the warring party must have the right intention, ‘so that they intend the advancement of good or the avoidance of evil.’” (Saunders 2003)

It is clear that Aquinas has constructed his Just War Theory on the foundations of Augustine’s. With an understanding of how Augustine created the bedrock of modern Just War Theory, one must turn to Hugo Grotius and Emmerich de Vattel in continuing to trace the history of these philosophical injunctions.

Alex J. Bellamy in his excellent book, *Just Wars: From Cicero to Iraq*, studies the history of Just War Theory and how its demands have morphed. In his work, he comments on the philosophy of Hugo Grotius, the famous Dutch jurist writing from the 16th and 17th centuries. Bellamy notes that “in war...sovereigns are confronted with a situation where failing to act might facilitate a wrong or let a wrong go unpunished. In such cases, Grotius argued, the sovereign must choose the least evil option” (Bellamy 2006, 75). It is clear that Grotius believes in the idea of a Just War and that sovereigns are compelled to undertake them when the opportunity arises. In describing the novelty of this philosopher, Bellamy writes that “Grotius attempted to deal with simultaneous ostensible justice by emphasizing the procedural aspects of *jus ad bellum*. Just cause, right intention and proportionality of ends play a secondary role to right authority and proper declaration. If these procedural elements were satisfied, a war could be said to have legal justice” (Bellamy 2006, 75). Grotius exemplifies a full deference to the foundation of Just War Theory provided by Aquinas and Augustine; however, he has chosen to highlight which aspects are more important in the decision-making process for a sovereign. Regardless of these differences, one can easily see that Grotius has had his work significantly directed by the texts of the *Summa Theologiae* and others.

Bellamy continues in his study of the Just War Tradition, depicting the opinions of Emmerich de Vattel, a Swiss legalist and philosopher of the 18th century. Bellamy begins by arguing that “between them, Grotius and Vattel dominated thinking about the laws of war until the twentieth century” (Bellamy 2006, 79). In discussing the beating heart of Vattel’s philosophy, Bellamy writes that

Vattel...agreed with the Grotian premise that the jus ad bellum was a largely procedural matter dependent on the satisfaction of the rightful authority and prior declaration criteria, though this did not entirely exonerate sovereigns from their culpability under natural law. Vattel...considered both defensive and offensive wars to be potentially legitimate, with the key criteria being that 'the cause of every just war is an injury either already received or threatened.' (Bellamy 2006, 80)

The approach of Vattel to Just War Theory continues the trend of being built upon the paradigm of his forbearers. All of the differences are argued within the boundaries of preexisting concepts, such as 'just cause' and 'rightful authority.' It is only with the League of Nations in the early 20th century that the foundation is challenged.

Founded in the wake of the First World War, the ephemeral League of Nations took a rather shaky and violent blade to the moral principles of Just War Tradition. Bellamy writes that "the League established a system of collective security. US President Woodrow Wilson envisaged a system whereby aggressive war would be countered by the automatic and determined opposition of all other states" (Bellamy 2006, 101). This system was put in place during a period of significant post-war fallout, and the attempt to constrain the capricious initiation of warfare was a regnant mentality. Bellamy argues that "the most significant innovation was the requirement that states justify their decision to wage war to their peers, who would in turn choose whether or not to accept those justifications" (Bellamy 2006, 102). This was the introduction of an incredibly different idea into the arena of Just War Theory. Bellamy espies a serious issue within this development, noting that "the main problem with the League was that the requirement for unanimity meant that a sovereign wishing to wage war only had to persuade a few others to avoid collective sanctions" (Bellamy 2006, 102). This danger of introducing political maneuvering into the Just War Tradition also works both ways: not only can a war with an unjust cause be

initiated through political finesse, a fully Just War can be impeded through corrupt political obstruction. This attempted politicization of the Just War Tradition carried on into the structure of the United Nations Security Council, which determines Just Wars in a similarly peer-review-like fashion. The legacy of 'Just Cause,' 'Right Intention,' 'Proper Authority,' and others has, however, survived alongside the politicized Just War structure.

This legacy is found to be fully codified in the Stanford Encyclopedia of Philosophy. The six requirements that it advances as an entirely mandatory rubric, with each individual aspect needing to be satisfied, constitutes the most demanding edition of Just War Theory in the whole of its tradition. The six requirements completely include the former, and comparably less-demanding, requirements of Augustine, Aquinas, Grotius, and Vattel. What is omitted, however, is the international peer-review redress of the League of Nations, as such a program holds the potential to politically obstruct Just Wars. Keeping the question of 'justice' firmly rooted in the moral, rather than political, the current Just War Theory has several additions that make qualification even more challenging. In addition to the obligations of Augustine, Aquinas, Grotius, and Vattel, the current Theory also demands 'public declaration,' 'last resort,' and other aspects to make achieving the moniker of 'Just War' as difficult as it has ever been. The first of these requirements is, in many ways, the most challenging and important to the idea of a Just War.

Requirement #1: Just Cause

The first of the six requirements is just cause. It is the most important rule; it is the foundation for the other five requirements: "A state may launch a war only for the right

reason. The just causes most frequently mentioned include: self-defence from external attack; the defence of others from such; the protection of innocents from brutal, aggressive regimes; and punishments for a grievous wrongdoing which remains uncorrected” (Orend & Zalta 2008). Under essentially all the exemplary reasons given for a just cause, Iraq qualifies comfortably. With Hussein’s impending weapons program, his previous use of those weapons to crush the people of Iran, as well as Iraq’s own population, his ample support of international terrorism, and highly pronounced threats against the state of Israel and others, one can easily invoke the ‘defense of others from [external attack]’ and the ‘protection of innocents from a brutal, aggressive regime’ arguments, particularly in the case of Iraq’s southern Shia and northern Kurdish populations. The quality of Saddam’s international and local threat was not just grave, but singular in nature. No other regime in history, even North Korea (which does not maintain direct relationships with irrational, and thus undeterrable terrorist groups), has attained this level of scandal and volatility. Also, when considering the case of Abu Musab al-Zarqawi, the question of a direct threat to American citizens cannot responsibly be neglected. Robert J. Delahunty and John Yoo write on the application of preventive war in the modern landscape of geopolitical bedlam, particularly in the case of Iraq. They argue that

there are deep and pervasive similarities between, on the one hand, a preventive war undertaken to protect American or allied civilian populations from an emerging threat that weapons of mass destruction might be used against them and, on the other hand, a humanitarian intervention—like that in Kosovo...fundamentally, the aims of both the preventive and humanitarian interventions in question are to uphold the ‘strong global ethic’ against the mass killing of civilians and other equally catastrophic events. (Delahunty & Yoo 2009, 847-848)

In the case of Saddam Hussein, both the question of defending 'American or allied civilian populations' and preventing further internal genocides, all in the face of imminent WMD acquisition, are relevant factors to consider. This, in so many words, fully meets the demands of the 'just cause' requirement.

Requirement #2: Intention

The second of the six requirements is right intention: "A state must intend to fight the war only for the sake of its just cause. Having the right reason for launching a war is not enough: the actual motivation behind the resort to war must also be morally appropriate. Ulterior motives, such as a power or land grab, or irrational motives, such as revenge or ethnic hatred, are ruled out" (Orend & Zalta 2008). As one can only infer government intent from what is officially declared and how the government behaves, one must first turn to the language of the Iraq War Resolution of October, 2002. The very first thing to be read in the third section of the resolution, marked "Authorization for Use of United States Armed Forces" (United States Congress October 16 2002), is the following: "the President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to...(1) defend the national security of the United States against the continuing threat posed by Iraq; and...(2) enforce all relevant United Nations Security Council resolutions regarding Iraq" (United States Congress October 16 2002). This is clearly compliant with the proposed just cause and bases the use of force entirely on international resolutions and the pursuit of self-defense. As with observing what the government has stated, one can observe how it behaves. After the intervention in March of

2003, the coalition forces sent in the international Iraq Survey Group to determine the full nature of Hussein's weapons programs, such as to certify Iraq as disarmed. This is behavior in keeping with the stated intention of intervening on the basis of Hussein's WMD hazards. This process would go on to be further investigated by the Iraq Study Group and the dismantling of Saddam's programs would go on for years to come. There are many who argue that Iraq's luxuriant oil supply was the primary motivating factor behind the intervention, the veracity of which would threaten the Iraq War's qualification under this portion of Just War Theory. We will go on to discuss this alternative hypothesis in a later chapter.

Requirement #3: Authority and Declaration

The third of the six requirements is proper authority and public declaration: "A state may go to war only if the decision has been made by the appropriate authorities, according to the proper process, and made public, notably to its own citizens and to the enemy state(s). The 'appropriate authority' is usually specified in that country's constitution" (Orend & Zalta 2008). The best example of this demand being satisfied in the case of Iraq is the Iraq War Resolution, which was submitted to the United States Congress and passed legally and publicly in October of 2002. The resolution provides for the United States to use force in removing the Hussein regime from Iraq. As the reputed representatives of the people of the United States, the Congress' approval of this war prior to intervention marks a public and citizen-conscious process. However, there are those that argue the

intervention constitutes an illegal war, which may well violate this aspect of Just War Theory. This accusation will be addressed in a later chapter.

Requirement #4: Last Resort

The fourth of the six requirements is last resort: “A state may resort to war only if it has exhausted all plausible, peaceful alternatives to resolving the conflict in question, in particular diplomatic negotiation” (Orend & Zalta 2008). Firstly, one can make the invocation of the 1990’s as Hussein’s failure to accede to all other attempts to certify Iraq as compliant with Resolution 687 and fully disarmed. With the dark years spanning from 1998 to 2002, ending with the passages of Resolution 1441 that provided a final warning for Hussein to comply, only to have doors reopened to inspectors that would still attest to Iraqi non-compliance, the question of how much time remained before an Iraqi or Iraqi sponsored attack on the U.S. or a U.S. ally became all-encompassing. To put it another way, if the attempted ‘peaceful alternatives’ of more than a decade of unrelenting scandal and non-compliance (which lasted right up to the intervention) were unable to qualify as ‘plausible’ methods, then one is obligated to consider the dangers of continuing the pursuit of these alternatives, particularly now that WMD acquisition has been demonstrated as imminent. A fine parallel can be found in Levy’s description of Iraq in 1981. He writes that

Israel’s raid against Iraq’s Osiraq nuclear reactor on June 6, 1981 is probably history’s clearest case for a preventive strike driven by the fear of a shift in the balance of power. Israeli leaders believed that Iraq, led by a hostile and undeterrable Saddam Hussein, would soon acquire nuclear weapons that would undercut Israel’s (unofficial) nuclear deterrent and, in conjunction with Arab states’ decisive quantitative military superiority over Israel, threaten the existence of the Israeli state. As Ariel Sharon (quoted in Feldman 1982, 122)

stated, 'For us it is not a question of balance of terror but a question of survival.' (Levy 2008, 12)

The case of the Osiraq bombing is a pivotal example of a preventive war purportedly undertaken for a defensive purpose. With Hussein feverishly working his way toward WMD procurement, and the diminishing relevance of sanctions in impeding him, the matter of survival, as proposed in the Osiraq bombing scenario, can be said to apply just as vitally to the intervention of 2003. With Hussein spouting not just the same threats of deadly weaponry, but the same bellicose and apocalyptic rhetoric, many in early 2003 were feeling as threatened as the Israelis in 1981. This meets the demands of a 'last resort', as it was for the masses of innocent people within reach of Hussein's impending arsenal not 'a question of balance of terror but a question of survival.'

It is useful to take a brief look at some of the violent and belligerent rhetoric used by Hussein's Iraq. For the sake of brevity, we will limit the excerpts to some of the more notable outbursts between the conclusion of the Gulf War and intervention of 2003. The following are sourced to Air University, the educational branch of the U.S. Air Force. In September 1994, in a state-controlled newspaper, Babil, Saddam Hussein asked, "Does [America] realize the meaning of every Iraqi becoming a missile that can cross to countries and cities?" (Air University October 18 2002). This threat suggests the future export of Iraqi violence to states including the U.S. In October of that same year, a state-controlled newspaper by the name of Al-Jumhuriyah wrote that "[w]hen peoples reach the verge of collective death, they will be able to spread death to all..." (Air University October 18 2002). Both of these threats can also be found in the following article from Laurie Mylroie of the Federation of American Scientists, who cites the Iraqi newspapers directly for both threats

(Myloie 1995/1996). Another state-controlled newspaper, Al-Qadisiyah, wrote at the same time that “[o]ur striking arm will reach [America, Britain and Saudi Arabia] before they know what hit them” (Air University October 18 2002). The bellicose and threatening nature of these remarks is self-evident. In June 1996, Saddam Hussein went on Iraqi Radio, in the wake of the Khobar Towers Bombing in Saudi Arabia just two days beforehand, and stated that “[the U.S.] should send more coffins to Saudi Arabia, because no one can guess what the future has in store” (Air University October 18 2002). In the month following Operation Desert Fox, Saddam stated that “if [other Arab nations] persist on pursuing their wrongful path, then we should—or rather we must—place the sword of jihad on their necks...” (Air University October 18 2002). In the same month, he once again helmed the Iraqi radio, threatening that “[Saudi Arabian and Kuwaiti] blood will light torches, grow aromatic plants, and water the tree of freedom, resistance and victory” (Air University October 18 2002). These exercises in psychological flexibility continue, as on the first anniversary of the attacks of September 11th 2001, state-controlled newspaper Al-Rafidayn wrote that “if the attacks of September 11 cost the lives of 3,000 civilians, how much will the size of losses in 50 states within 100 cities if it were attacked in the same way in which New York and Washington were? What would happen if hundreds of planes attacked American cities?” (Air University October 18 2002). Nine days after the attack of September 11th, another state-controlled newspaper by the name of Babil submitted that “[i]t is possible to turn to biological attack, where a small can, not bigger than the size of a hand, can be used to release viruses that affect everything...” (Air University October 18 2002). Both of these final two excerpts can also be found in J.A. Klein’s revealing volume, *the Foolish, the Feckless And the Fanatic* (Klein 2004, 2). In light of these phrases and

suggestions of pathological upset, one must take the combination of this aggressive verbiage and impending WMD capacity into stern consideration when the question of intervention rises.

Requirement #5: Probability of Success

The fifth of the six requirements is probability of success: “A state may not resort to war if it can foresee that doing so will have no measurable impact on the situation. The aim here is to block mass violence which is going to be futile” (Orend & Zalta 2008). The satisfaction of this demand is fairly simple. Michael O’Hanlon writes in 2002 on the question casualty predictions in the lead up to the intervention. He notes that

based on available methodologies, the likely numbers of U.S. military personnel killed in a future war to overthrow Saddam Hussein could plausibly range anywhere from roughly 100, in the event of little fighting, to 5,000, in the event of intense if relatively short urban combat, with total numbers of wounded about three to four times as great either way. Even as broad a range as this is based on certain assumptions. Iraqi troop losses might be expected to be anywhere from 2,000 to 50,000, with civilian casualties in the same relative range. (O’Hanlon September 25 2002)

In determining whether or not these losses, as well as those that would be incurred financially, were regarded as acceptable to the government at the time, one can only turn to what the government itself had to say in the months prior to the war, and the fact that it would eventually decided to intervene. As a result, one has to take the pre-war government submissions exactly for what they are worth. In his interview with Tim Russert, Vice President Dick Cheney stated the following:

I can't say with certainty that there will be no battle for Baghdad. We have to be prepared for that possibility. But, again, I don't want to convey to the American people the idea that this is a cost-free operation. Nobody can say that. I do think there's no doubt about the outcome. There's no question about who is going to prevail if there is military action. And there's no question but what it is going to be cheaper and less costly to do it now than it will be to wait a year or two years or three years until he's developed even more deadly weapons, perhaps nuclear weapons. (Cheney March 16 2003)

From this, what can be taken is the apparent confidence, on the part of the government, in a pre-determined victory. As many have argued, time would go on to show that this conflict would prove to be rather more costly than anticipated, in terms of both blood and treasure. However, the war aims of Hussein's removal and the certification of Iraq as disarmed have now been achieved. The 'probability of success' requirement, regardless of how costly, was met by the Iraq war.

Before moving on to the remaining Just War principle, both the 'last resort' and 'probability of success' requirements need to be examined in the case of WMD application on Coalition forces. The Survey Group notes in its voluminous report that "several senior officers asserted that if Saddam had WMD available when the 2003 war began, he would have used them to avoid being overrun by Coalition forces" (Iraq Survey Group September 30 2004). This echoes the temporal concerns mentioned in the previous paragraph. It is here that one can most forcefully demonstrate the just nature of this war's being preventive. If the war had not been a preventive one and had the prior regimen of 'peaceful alternatives' during 1990's and early 2000's been maintained, the 'probability of success' aspect would have directly suffered due to Iraq's impending WMD acquisition. It is argued that choosing to discontinue the pursuit of 'peaceful alternatives' constitutes a violation of the 'last resort' requirement. However, as was just observed in the 'last resort' portion of

this paper, these 'peaceful alternatives' have to also be 'plausible,' which they definitively were not. Thus, having the intervention undertaken in a preventive manner yields no cost from the 'last resort' aspect of Just War Theory, whilst simultaneously reinforcing both the 'probability of success' and the satisfaction of our next requirement: 'proportionality.'

Requirement #6: Proportionality

The last of the six requirements is proportionality: "A state must, prior to initiating a war, weigh the *universal* goods expected to result from it, such as securing the just cause, against the *universal* evil expected to result, notably casualties. Only if the benefits are proportional to, or 'worth', the costs may the war action proceed. (The universal must be stressed, since often in war states only tally *their own* expected benefits and costs, radically discounting those accruing to the enemy and to any innocent third parties)" (Orend & Zalta 2008). In the case of casualties derived from the intervention of 2003, the predictions of Michael O'Hanlon roughly fit the actuarial outcome, erring on the side of optimistic. Wikileaks' publication of the U.S. Army Iraq War Logs in October 2010 reveals the casualty count of the intervention, including the question of civilians. The Guardian Newspaper writes that "the logs record a total of 109,032 violent deaths between 2004 and 2009. It is claimed that 66,081 of these were civilians. A further 23,984 deaths are classed as 'enemy' and 15,196 as members of the Iraqi security forces. The logs also include the deaths of 3,771 US and allied soldiers" (Leigh October 22 2010). While the comparison of casualty levels between two scenarios could well be deemed morally frivolous, if not fully callous, it is an aspect of considerable sway in Just War Theory's question of proportionality, and

subsequently needs to be addressed. Should the intervention not have happened, one can turn to Saddam Hussein's incipient actions to determine how disaster of another form would have been incurred by inaction.

Had the sanctions regime continued, one could reasonably expect a parallel continuation in the Iraqi lives that were being taken by the program. Ramsey Clark, the former Attorney General of the United States was also the Co-President of the International Commission of Inquiry on Economic Sanctions. Clark has laid numerous criticisms at the feet of the West over involvement in Iraq, particularly on the question of sanctions. "Mr. Clark charges the United States of America and others for crimes against the people of Iraq, for causing the deaths of more than 1,500,000 people including 750,000 children under five, and injury to the entire population of Iraq by genocidal sanctions" (Clark November 20 1996). Other estimates of sanctions-related deaths do vary from Clark's sobering figures. Denis Halliday, former UN humanitarian coordinator in Iraq has concluded on "the pure and deadly efficiency of the United Nations sanctions he helped oversee in Iraq" (Powell, Michael December 17 1998), which are responsible for the deaths of "two hundred thirty-nine thousand (239,000) children 5 years old and under" (Powell, Michael December 17 1998). Should this sanctions regime have persisted, one can only responsibly presume the continuance of associated casualties. Additionally, one must take into full account the previous utilization of WMDs by Saddam Hussein, the impending resuscitation of which was becoming less and less dependent on the absence of sanctions, due to the RCC Resolution.

In light of how, according to Rolf Ekeus, Saddam's WMD program was largely driven by rivalry with Iran, one must look to the previous devastation of the Iran-Iraq War. It was during this war that Hussein was able to use his illicit stockpile in a conflict where "estimates suggest more than one and a half million (1,500,000) war and war-related casualties." (Global Security 2011) In another bout of genocide aided by WMD use, Saddam further developed his threat credibility in the campaign "dubbed al-Anfal, or 'spoils of war' campaign, in which as many as 180,000 Kurds were killed" (Sinan June 25 2007). This conflict in the late 1980's is matched by Hussein's post-Gulf War treatment of the Shia in Southern Iraq during an anti-government uprising. In 2007, Al-Jazeera reported that "the trial of 15 aides to Saddam Hussein, the former Iraqi president, over their alleged role in the suppression of a Shia uprising in 1991, has opened in Baghdad...prosecutors say that up to 100,000 Shias were killed when Saddam's military crushed the uprising" (Al-Jazeera August 21 2007). With a running total of more than 1,780,000 deaths to lay at the feet of Hussein's prior behavior, and if one presumes the resumption of pre-war sanctions, Iraq's former track record of more than 3,280,000 unnecessary deaths since 1980 may well cast the intervention's 109,032 in a new light. Should Hussein have been allowed to rearm, even with the eradication of sanctions, one must consider the potential for the retread of prior genocide undertaken by the former Iraqi regime, as well as the likelihood of expanded ambition, given the visceral threat displayed to countries like Saudi Arabia, Israel, and Western states. Should sanctions have remained, the continuation of the exorbitant death toll from 1991-2003 must be fully considered; and, with the introduction of the RCC Resolution, there is little reason to believe that sanctions would continue to keep Hussein's WMD programs at bay for much longer. Regardless of how questionable the notion of

universal casualty proportionality is in a general moral sense, it stands as a clearly satisfied requirement of Just War Theory.

Should the war's illegality and potential motivation on the part of resource accrue not prove to be substantiated (these will both be discussed in later chapters), the preventive intervention of 2003 would clearly qualify as a Just War.

Chapter 5: Oil

The matter of Iraq's immense oil supplies poses a forceful concern for the integrity of a Just War argument pertaining to the intervention. If the United States sought to accrue Iraq's ample supply of oil through its hostilities, then this could be established as a violation of the 'right intention' aspect of posited Just War Theory. The Stanford Encyclopedia of Philosophy, in its summation of Just War Theory, defines the 'right intention' element as follows: "a state must intend to fight the war only for the sake of its just cause. Having the right reason for launching a war is not enough: the actual motivation behind the resort to war must also be morally appropriate. Ulterior motives, such as a power or land grab, or irrational motives, such as revenge or ethnic hatred, are ruled out" (Orend & Zalta 2008). Attacking Iraq for its oil would clearly constitute an 'ulterior motive;' separate from what the United States claimed to be its intention in intervening. Should it be demonstrated that the United States' 'actual motivation' behind the intervention was the desire to acquire Iraq's oil, the Just War argument will fail according to the professed standards.

In order to be designated as *the* 'actual motivation' for intervention, the oil motivation must not only be demonstrated as accurate, but shown to be fully eclipsing of the Security Argument. This distinction was particularly well phrased by Robert Ebel of the U.S. State Department, who argues that "the thought was 'Why are you going into Iraq? It's about oil isn't it?' and my response was 'No, it's about getting rid of Saddam Hussein. The morning after, it's about oil'" (Ebel March 21 2005). This is a concise version of the burden

of proof put upon two competing arguments for the status of the ‘actual motivation.’ If plans for oil, including unjust and morally objectionable plans, are shown to be de facto in nature, resulting entirely from the separate and superseding necessity of going to war to eliminate the security threat posed by Saddam Hussein, then the intervention, according to the arguments of Chapter 4, still qualifies as a Just War. If the oil argument is demonstrated as the dominant motivation, rendering the security motivation as secondary, the intervention does not qualify as a Just War.

American Control over Iraqi Oil

A Colossal Oil Wealth

As desire is, once again, near-impossible to prove outside of heuristics, one must settle for a demonstration beyond any reasonable doubt. First and foremost, one can infer desire simply from the fact that Iraq possesses an extraordinary amount of valuable oil. The Brookings Institute, in May of 2003 reported that “over the past several months, news organizations and experts have regularly cited Department of Energy (DOE) Energy Information Administration (EIA) figures claiming that the territory of Iraq contains over 112 billion barrels (bbl) of proven resources—oil that has been definitely discovered and is expected to be economically producible. In addition, since Iraq is the least explored of the oil-rich countries, there have been numerous claims of huge undiscovered reserves there as well—oil thought to exist, and expected to become economically recoverable—to the

tune of hundreds of billions of barrels” (Luft May 12 2003). According to what was being posited at the time of intervention, Iraq was seen to be a highly promising oil reservoir, when relatively drawn against Saudi Arabia’s supply. The EIA claims that “according to the Oil and Gas Journal, Saudi Arabia contains approximately 260 billion barrels of proven oil reserves (plus 2.5 billion barrels in the Saudi-Kuwaiti shared ‘neutral zone’)” (U.S. Energy Information 2011). The basic incentive to profit from the what were considered to be immense resources at the time of intervention can be taken as evidence of oil as a motivation to intervene in Iraq.

Dr. al-Shahristani

In light of Iraq’s sizable resources, one must turn to gauge the U.S’ success in seizing these resources through the intervention. Upon the deposing of Saddam Hussein after intervention, the newly established parliament saw Nouri al-Maliki as its Prime Minister. In 2006, Prime Minister Maliki saw to the appointing of Dr. Hussain al-Shahristani as Iraq’s Oil Minister. Abu Dhabi’s *The National* writes that “Shahristani...the soft-spoken Iraqi oil minister, a devout Shiite Muslim, is also reputedly incorruptible and has more been sought after by men in power than a power-seeker himself. It is those latter qualities that in May 2006 led Iraq’s Prime Minister, Nouri al-Maliki, to pick Dr. al-Shahristani for one of the most important and difficult jobs in his cabinet: resuscitating the country’s ravaged oil and gas sector to help Iraq realize its potential as a world-class energy producer” (Carlisle July 9 2009, 1). It is clear that Dr. al-Shahristani marks the most significant authority on Iraqi oil and its future. From this emerges the following question: how much influence has the

United States demonstrated over Dr. al-Shahristani and the designation of Iraqi oil? The same piece goes on to report that “under intense pressure to reverse production declines from big oilfields, the minister staked his political future on an auction of oil contracts to foreign firms” (Carlisle July 9 2009, 1). The auctions of the same year in which that piece was written (2009) constituted a near complete dividing up of Iraq’s oil resources by-way-of contracts that will last 20 years on from their inception.

American Contracts

So how did American energy companies fare in these auctions? *The Guardian* reported in 2009 that “the American energy giant ExxonMobil today won the right to develop one of the world’s most prized untapped oil reserves, in a \$50bn deal that will entrench the company as one of the largest players in postwar Iraq. Exxon was awarded a contract to extract oil from the West Qurna reservoir near Basra in Iraq’s south during an extended tender process that has seen the Iraqi government partner foreign firms in a bid to get its reserves of oil out of the ground as cheaply and quickly as possible” (Chulov November 5 2009). In addition to ExxonMobil, California-based Occidental Petroleum Corp (OXY) has also seen to the purchasing of an Iraqi oil field. The company declares that “Oxy and consortium partners Eni and Korea Gas Corporation, with Iraq’s state-owned South Oil Company and Missan Oil Company as state partner, are redeveloping the giant Zubair Field in southern Iraq” (Occidental). The oil business goes on to say that “Oxy and its partners plan to increase production of the field – one of the largest discovered oilfields in the world – to a contractually targeted production level of 1.2 million barrels of oil equivalent per day

by 2016 and maintain this level of production for seven years.”(Occidental) From first glance at the highly lucrative deals acquired by these American companies, one may very well walk away with the impression that the American desire to accrue Iraqi oil has begun to not only pay dividends to the businesses involved, but to reveal itself to the greater public. With a scale along the lines of \$50 billion a purchase, U.S. influence over Iraq’s oil dealings and Dr. al-Shahristani deserves more scrupulous analysis.

Despite ExxonMobil and Occidental’s success, the totality of Iraq’s dealings during the paramount auctions of 2009 yields a different image. In fact, the United States walked away from the auctions with little-to-no contracts secured, holding the proverbial short-straw. The international branch of *Der Spiegel* writes that “in the end, bidder consortiums led by France’s Total and China’s CNPC secured contracts. Other companies awarded contracts were from Malaysia, Vietnam, Angola, Norway, Britain and Russia. But there were no US companies. Outside of the formal bidding process, only two US oil giants managed to secure contracts for other oil fields – Exxon and Occidental” (Meyer December 6 2010). The near absence of American energy companies drives a sense of uncertainty into the claim that American influence over Iraqi oil and Dr. al-Shahristani is truly paying off, or even existent at all. The piece continues, noting that “‘No Blood for Oil’ had been a slogan used by protesters against George W. Bush’s invasion of Iraq. A SPIEGEL cover story in January 2003 even carried the title ‘Blood for Oil’ and analyzed Iraq’s role as an oil power. Neoconservatives in Washington had always said that the money from Iraq’s oil would be used to pay for the war and the reconstruction...but the opposite came true. A lot of blood was spilled, but very little oil flowed for the US...The US spent more than \$700 billion on

Iraq, but now Iraq's oil profits are going to other countries" (Meyer December 6 2010). The matter of 'Blood for Oil' seems to be rather repudiated in the view of this piece's author.

Similar sentiments found themselves spilling out all over the world media. Reuters wrote in December of 2009 that "critics said the 2003 U.S. invasion of Iraq said was driven by oil, but United States oil majors were largely absent from an Iraqi auction of oil deals snapped up instead by Russian, Chinese and other firms. Iraqi officials said this proved their independence from U.S. influence and that their two bidding rounds this year for deals to tap Iraq's vast oil reserves...were free of foreign political interference" (Abbas December 12 2009). It is suggested in this observance that the Iraqi government has taken the opportunity to use these auctions as a demonstration of independence from purported US influence. The piece continues, "'For us in Iraq, it shows the government is fully free from outside influence. Neither Russia nor America could put pressure on anyone in Iraq – it is a pure commercial, transparent competition,' said government spokesman Ali al-Dabbagh" (Abbas December 12 2009). Clearly, the Iraqi government is eager to, at the very least, portray these auctions as proof of their independence from external pressure and illicit influence. This breaks sharply with the 'No Blood for Oil' mantra.

Surprise at the Low Level of U.S. Extraction

This form of reaction to Iraq's oil distribution was fairly ubiquitous. On CNN, one can detect a sense of disappointment in the voice of Wolf Blitzer as he goes over the auction results. Blitzer addresses the viewership, stating,

Blitzer: Critics of the Iraq war long maintained oil was the driving force behind the US invasion, but the US is actually one of the biggest losers in the latest battle over rights to tap Iraq's lucrative oilfields. Who won? Get this: the Russians, the Europeans, and the Chinese. Our foreign affairs correspondent Jill Dougherty is joining us now with more on this story. I would assume the US has a right to be pretty angry given the trillion, maybe a trillion dollars the US taxpayers have spent in Iraq and the thousands of American lives lost...

Dougherty: When you look at the contracts, you have Russia's Lukoil, along with Norwegian Statoil oil getting a huge contract, West Qurna phase 2, Chinese got contracts, even Angola got a contract...what did the Iraqis say? Well they say that 'this shows that business is business' and 'we're free from outside influences.' In fact, today Wolf, I asked Secretary Clinton about this and she's putting the best face on it, she said, 'what we think is important is that foreign investment is back in Iraq.' (Blitzer & Dougherty December 14 2009)

This comes as a clear surprise to a punditry fully saturated with 'No Blood for Oil' remonstrations. Due to the striking inability of the U.S. to seize anything akin to a hefty portion of Iraq's oil, the likelihood of the American government wielding influence over Iraqi oil and Dr. al-Shahristani is substantially lessened. Additionally, one can turn to the matter of oil-related Iraqi legislation to further gauge the actuality of purported U.S. control over Iraqi oil supplies.

U.S. Inability to Influence Iraqi Oil Politics

The Iraqi Oil and Gas Law provides the means by which internal disputes can be resolved from questioned deal-making with foreign entities over the matter of energy resources. However, passage of the law has been impeded since 2005. In February of 2012, Bloomberg reported that "the draft law, held up since 2005, may resolve a dispute about oil revenue and sovereignty between the central government and the country's semi-autonomous Kurds that has blocked an agreement with Exxon Mobil Corp. (XOM), Thamir Ghadhban said in an interview in Baghdad" (Ajrash & Razzouk February 2 2012). The very

fact that the hand of the Iraqi central government is capable of keeping Exxon Mobil from tapping Kurdish oil is strongly indicative of the United States having no influence over Iraqi oil. The passage of this law could well provide the Kurds with a helpful boost in their local development, but Baghdad has been refusing to allow it for the last 7 years. The article continues, reporting that “authorities in Baghdad have refused to recognize production-sharing agreements between foreign companies and the Kurdistan Regional Government. Iraq was ‘weighing measures’ that it may take against Exxon after the company signed what the central government considers to be illegal contracts with the Kurds, Hussain al-Shahristani, deputy prime minister for energy affairs, said last month” (Ajrash & Razzouk February 2 2012). Whether or not Shahristani decides to take action against Exxon Mobil, it is becoming increasingly likely that the United States is not in control of this process or the Doctor.

Der Spiegel wrote in 2010 that “for almost five years, US diplomats have urged the Iraqis to finally pass a national oil and gas law. The main aim of the law was to stipulate a just sharing of oil revenues in the northern part of the country with the Kurds and to offer a level of investment security to firms doing business in Iraq. More than 50 diplomatic cables cover the wrestling over the law – but al-Shahristani continued to hold the US at bay” (Meyer December 6 2010). One can only regard here a struggle between the United States and al-Shahristani, who has refused to give an inch for the last 7 years. This does not bespeak any sort of influence that the United States holds over Iraqi oil or Dr. Shahristani. Signs of Exxon Mobil losing its grip on West Qurna have already begun to surface, as the International Business Times reports that “Lukoil, Russia’s state-owned oil major, said it was in talks with ExxonMobil to buy 37.5 percent of the U.S. company’s stake in Iraq’s

southern oil field, according to Russian newspaper RBC Daily, citing unidentified sources...since the U.S. company recently finalized an oil and natural gas exploration deal with Kurdistan without the consent of Iraq's oil ministry, the country's threatening to revoke its contract with ExxonMobil" (Bertrand November 30 2011). This is furthered by the head of Iraqi Petroleum contracts, as another article shows: "Abdul Mahdy al-Ameedi, head of Iraq's petroleum contracts and licensing directorate, told the Wall Street Journal on Monday his country could easily replace ExxonMobil's contracts with Shell" (Bertrand November 21 2011). Given the already paltry nature of the contracts won by the U.S., the idea that Iraq could keep American drilling out of West Qurna and Kurdistan is not so farfetched.

Iraqi Independence

This notable lack of influence over matters of great importance and profit for U.S. business is in full keeping with Prime Minister Maliki's plain statements on the question of Iraqi governmental independence. Taking an interview with CBS' Lara Logan, Prime Minister Maliki makes his opinions on the subject of Iraqi independence perfectly clear. Ms. Logan begins by arguing

Logan: Your country is being run on an American political timetable. When you hear people in Washington telling you what you should be doing, how does that make you feel? Are you resentful of that?

Maliki: Actually, I can't accept that the Iraqi government is being directed by any authority outside the Iraqi constitutional system. The Americans never issue any orders for us to do this or not to do that, as this is a question of sovereignty, and they respect that sovereignty. Rather, there is cooperation, coordination, and there are common interests shared by both sides. Certainly we do tell them not to do this or not to do that, they sometimes recommend

we do this or we don't do that, but this all happens in the context of cooperation between the two sides. (Al-Maliki June 1 2007)

The Prime Minister takes little time in his full renunciation of the idea that his country is under external influence. His statements here are found to be entirely compatible with the postwar state of Iraqi oil.

Subcontracting

There are some that argue the existence of another kind of profit that the United States is extracting in Iraq; namely, the matter of subcontracting for the drilling of oil itself. The New York Times begins with an addressing of the previously unsuccessful auction in Iraq, writing that “the auction’s outcome helped defuse criticism in the Arab world that the United States had invaded Iraq for its oil. ‘No one, even the United States, can steal the oil,’ the Iraqi government spokesman, Ali al-Dabbagh, said at the time” (Kramer June 16 2011). Clearly, the article takes a similar view on the matter of U.S. shortcomings in the previous auction. However, the piece goes on to rejoin the notion that the United States will never see a profit, writing that “American companies can, apparently, drill for oil. In fact, American drilling companies stand to make tens of billions of dollars from the new petroleum activity in Iraq long before any of the oil producers start seeing any returns on their investments” (Kramer June 16 2011). It would seem that American drilling businesses could well be smiling over the recent developments in Iraq, even the seemingly exclusionary auctions of oilfields to foreign companies. The piece continues, reporting that

Lukoil and many of the other international oil companies that won fields in the auction are now subcontracting...‘Iraq is a huge opportunity for contractors,’ Alex Munton, a Middle East analyst for Wood Mackenzie, a research and consulting firm based in Edinburgh, said by telephone. Mr. Munton estimated that about half of the \$150 billion the international majors are expected to invest at Iraqi oil fields over the next decade would go to drilling subcontractors – most of it to the big four operators, which all have ties to the Texas oil industry. (Kramer June 16 2011)

Clearly, many American drilling companies stand to directly benefit from the intervention of Iraq, leading to the opening up of Iraqi oil to the international market. It must also be noted that the same can be said for all of the international companies that have purchased oilfields in Iraq, as well as for Iraq itself, which has been able to more than quadruple its Gross Domestic Product since the intervention (please see Appendix A). But does this American profit demonstrate U.S. meddling in the system of Iraqi oil?

A few observations need to be made before this can be classed as scandalizing evidence. First of all, it was firms like ‘Lukoil and many...other international oil companies’ that ‘are now subcontracting.’ Success garnered from drilling subcontracts is due to the decision-making of the international companies that own the oilfields, not the Iraqi government. These subcontracts do not suggest any US influence over the Iraqi state or Dr. al-Shahristani. Could it be argued that the United States anticipated the receiving of these contracts regardless of the international purchase of oilfields in Iraq? Would this suggest a longstanding plan to profit from Iraq’s liberation? Presupposing that the United States could predict the hiring of their companies to drill on the behalf of international business, half of \$150 billion in subcontracting fees just crawls past the value of the scant oil contracts that the United States owns already. With Exxon Mobil’s \$50 billion contract and the Occidental, Eni, and Korea Gas “consortium to invest approximately \$20 billion over the

life of the 20 year contract” (Ente Nazionale Idrocarburi 2010), a mere doubling of the already insignificant slice of Iraq’s oil wealth does not constitute a formidable monopoly over Iraq’s economic promise. As a result, the idea of ceding control over Iraq’s oil in exchange for subcontracting duties smacks of a profound irrationality when the player in question allegedly possesses illicit control over Iraq.

Oil: It was either not a Motivation or it was a Bungled One

In light of how the United States demonstrates next-to-no influence over Iraqi oil or Dr. al-Shahristani, one must pull back to the following position: if the United States’ ‘actual motivation’ in the intervention of 2003 was to profit from or control Iraq’s oil, then that objective was entirely bungled. But how does one go about illustrating the United States’ original intention? This is particularly challenging when there are very few dividend returns to point out. The Bush Administration has never formally stated that oil was the ‘actual motivation’ behind the intervention, and little in the way of documented intention exists. It is useful to take a look at the work of investigatory journalism when passing judgment on President Bush and his cabinet.

BBC Journalist Greg Palast

BBC investigatory journalist Greg Palast asserts that U.S. plans for Iraq oil existed prior to the attacks of September 11th, 2001. When asked to give account on his accusations

against the Bush Administration, Palast came out with the following: “the main spoils of the war in Iraq is a seat on OPEC. It’s not just the fields; it is a seat on OPEC. What do we do with that seat? The neo-cons wanted to use our control of Iraq’s oil to smash OPEC, to smash the power of what they see as an Arab-controlled monopoly and Saudi Arabia. Unfortunately, that also meant smashing \$56-a-barrel oil prices, and the oil industry was deeply unhappy” (Palast March 21 2005). Mr. Palast goes on to discuss how these two plans for Iraqi oil control disputed the nature of future American action. This war between the American oil industry and the Neo-Conservatives would allegedly come to shape U.S. policy in Iraq. In an article for the Guardian, Palast asks, “what did the USA want Iraq to do with Iraq’s oil? The answer will surprise many of you: and it is uglier, more twisted devilish and devious than anything imagined by the most conspiracy-addicted blogger. The answer can be found in a 323-page plan for Iraq’s oil secretly drafted by the State Department. Our team got a hold of a copy; how, doesn’t matter” (Palast March 20 2006). Let’s presume the legitimacy of what Palast is adducing here, as well as disregard the reliability-level of his evidence.

What was the answer that Palast found in his secret state department document? He submits that “the system ordered up by the Bush cabal would keep a lid on Iraq’s oil production – limiting Iraq’s oil pumping to the tight quota set by Saudi Arabia and the OPEC cartel...Bush went in for the oil – not to get more of Iraq’s oil, but to prevent Iraq producing too much of it” (Palast March 20 2006). Putting aside the actual existence of this plan for the moment, one can quickly observe that if it was pursued, it was almost entirely blundered. With the recent auctions representing “a bid to get [Iraq’s] reserves of oil out of the ground as cheaply and quickly as possible” (Chulov November 5 2009), Dr. al-

Shahristani, in the success of his auction, has seemed to defy the central goal of Palast's proposed plan on the part of the U.S. State Department. Also, with the United States spending the last 7 years in strident bray for the passage of an Oil and Gas Law, such as to expedite the pumping of Kurdish oil, and the Iraqi government forestalling that process, it would seem as though the U.S. has an interest in speeding up the extraction of oil, and the Iraqi government independently wishes to cut the flow where it sees fit. Palast explains that what the State Department had in store for Iraq was not enacted; rather, the aims of 'Big Oil' were primarily seen to fruition. He argues that "now we've had a new kind of policy coup d'etat by big oil...and OPEC allies in the government. They're in charge now" (Palast March 21 2005). Presume that 'they' were, in fact, 'in charge,' one must still observe that the paltry profits taken away from Iraq's reopened oil supplies deeply discredit the notion that these U.S. companies found success in controlling Iraq's oil.

Palast finishes off his analysis of the oil question in the intervention with the matter of Saddam's overthrow. He states that

even before Bush was inaugurated, but within a couple of weeks, there was a meeting of oil industry people, associated with Iraq, planning the overthrow of Saddam. An invasion which would look like a coup d'etat. We would actually send in the 82nd Airborne and replace Saddam, just give a new dictator his mustache, the Baathists would stay in power, nothing would change. It was in and out...Colin Powell did not oppose the invasion of Iraq. They were planning this from, like I say, the second week in office. Powell and the State Department people were opposing a long occupation and a remaking of Iraq. They just wanted to get rid of the top guy. (Palast March 21 2005)

Palast believes that the oil industry and the State Department had two different ways of wanting to conduct an invasion of Iraq and for different ends. It is clear from the nature of the intervention, and the public declaration of the Iraq War Resolution in 2002, that the oil

industry did not get their 'invasion which would look like a coup d'état.' Also, it appears that neither party got what they allegedly sought out of Iraq's oil supplies. All that remains of Palast's analysis of events is the matter of the State Department's original intention to initiate war to pursue control of Iraqi oil. Here, one is confronted by the idea that a pre-September 11th decision to remove Saddam Hussein was undertaken by the United States government. This is, however, not much of a confrontation to write home about, as it became the expressed policy of the United States to remove Saddam Hussein from power in 1998 with the unanimous passage of the Iraq Liberation Act. Even if we presume the legitimacy of Palast's 'secret document,' the Bush administration's plan for Iraq's oil would have to be created along the lines of and in the context of preexisting U.S. policy; namely, the removal of Saddam Hussein due to security threat. When one observes the following from the Iraq Liberation Act of 1998: "it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq," (United States Congress January 27 1998) it makes perfect sense that Powell and the State Department wanted to 'get rid of the top guy.'

Tony Blair, Circa 1999

In addition to the passage of the Iraq Liberation Act, the late 1990's saw a more international renunciation of Saddam Hussein's regime on the question of his violence. In a speech he made in Chicago, April of 1999, Former British Prime Minister Tony Blair spoke on the then tumultuous war in Kosovo. He noted that "many of our problems have been caused by two dangerous and ruthless men – Saddam Hussein and Slobodan Milosevic.

Both have been prepared to wage vicious campaigns against sections of their own community...Instead of enjoying its oil wealth Iraq has been reduced to poverty, with political life stultified through fear...one of the reasons why it is now so important to win the conflict [Kosovo] is to ensure that others do not make the same mistake in the future...If NATO fails in Kosovo, the next dictator to be threatened with military force may well not believe our resolve to carry the threat through" (Blair 1999). The former Prime Minister's connection between Milosevic and Hussein is telling in-and-of itself. Arguing that we need to build up the credibility of our military responsiveness to 'dangerous and ruthless' men like Hussein and Milosevic amounts to a full consideration of military action taken against the dangers of Saddam Hussein. He even goes on to illustrate when it is that we should engage militarily with men like Saddam Hussein, arguing that

we need to bear in mind five major considerations...First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress; but armed force is sometimes the only means of dealing with dictators. Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo. Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term?...better to stay with moderate numbers of troops than return for repeat performances with large numbers. And finally, do we have national interests involved? (Blair 1999)

While this list of necessities only loosely resembles the Just War requirements addressed earlier in this paper, the comparison is striking. Prime Minister Blair's discussing of military action against Saddam Hussein in 1999 makes for a strong example of Iraqi regime change being long telegraphed before Palast's oil plans were even alleged created. Incidentally, it is worth noting that former U.S. President George W. Bush was the governor of Texas at the time of both Blair's speech and the Iraq Liberation Act's passage. As such, reconsideration needs to be given to the popular proposal depicting the intervention as a

strictly Neo-con event, and the other popular depiction of Prime Minister Blair as President Bush's obsequious helpmeet.

Bush Cabinet Histories

It is commonly submitted by skeptics and critics of the war that members of the Bush cabinet had compromising ties to the oil industry. Former President George W. Bush used to be tied to a number of companies in the oil business. George Lardner Jr. and Lois Romano of the Washington Post wrote in 1999 of "his 11-year career as a West Texas oilman" (Lardner Jr. & Romano July 30 1999). They mention that "Spectrum 7, his exploration and development company, had reported a net loss of \$1.6 million in 1985." Luckily for the former President, a Texan oil company by the name of Harken Energy (HKN) was eager to merge with the failing business. "'One of the reasons Harken was so interested in merging was because of George,' said Paul Rea, a geologist who had been president of Spectrum 7. 'They believed having George's name there would be a big help to them. They wanted him on their board'" (Lardner Jr. & Romano July 30 1999). In addition to these two companies, the former President was also responsible for Arbusto Energy Inc. "Bush organized his first company, Arbusto Energy Inc...in 1977 on the eve of a run for Congress and quickly put it to use as a credential for the political contest" (Lardner Jr. & Romano July 30 1999). None of these companies, except for Harken, secured a production agreement from an Iraqi contract after the intervention of 2003. Additionally, George W. Bush no longer holds a position in any of these companies.

Vice President Dick Cheney's involvement with Halliburton will be discussed later, due to it being a more complicated case. For now, the rest of President Bush's former cabinet exhibited several ties to American oil business; however, the connections are inconsequential upon inspection. Gale Norton, the Secretary of the Interior was "the nation's foremost custodian of parks, beaches and public lands [and] a former oil lobbyist. Her clients included Delta Petroleum" (Mesler). Condoleezza Rice, the National Security Advisor, "sat on the boards of broker Charles Schwab, insurance giant Transamerica Corp., and Chevron, where her name now graces a 130,000-ton tanker" (Mesler). Donald Evans, the Secretary of Commerce was "chair and CEO of energy giant Tom Brown Inc" (Mesler). Steven Griles, the deputy Secretary of the Interior was a "lobbyist for the American Petroleum Institute, the National Mining Association and the Sunoco oil company" (Mesler). This concludes the laundry list of Bush cabinet ties to American oil business. However, concerns pertaining to Iraq can be dismissed on the basis of the following: not one of these companies owns a production agreement over an Iraqi oilfield as of yet, and these cabinet members have only been, at least according to the public record, previously associated with these companies.

Harken Energy, the former Bush oil company, has secured a contract in Northern Iraq. The Kurdish Regional Government writes of the "award of the Sarsang Block (1,226 square kilometers) in Dohuk Governorate to HKN Energy Ltd, a Hillwood International Energy company. The Sarsang Block is considered to be a medium exploration risk area" (Kurdistan Regional Government November 12 2007). With unproven ground that does not even halve the size of West Qurna 1 (Exxon Mobil's territory) and a troubling relationship between the Kurdish regional government and Baghdad, this contract is not indicative of

American dominance over Iraqi oil throughout the country. Additionally, the contract itself makes an interesting stipulation on the point of subcontracting, stating that “the contractor shall give priority to Subcontractors from the Kurdistan Region and other parts of Iraq” (Kurdistan Regional Government June 11 2007, 52). This is a clear display of Iraqi government pushing against an American monopoly over drilling on the behalf of other international oil companies. This is yet another example of how the United States lacks influence over Iraq’s oil governance. Also, according to the official Harken Energy website, George W. Bush no longer keeps a place in the company’s directorship (Harken 2008). This contract fails to establish the United States as the dominant player in Iraqi oil management today.

Former Vice President Dick Cheney has been repeatedly tied to Halliburton and their profits from the intervention. For the sake of brevity, let’s presume these accusations to be true and that Cheney maintained an illicit relationship with Halliburton. In the case of under the table maneuvering, would Halliburton’s profits from the Iraq War indicate American control over Iraqi oil? Also, would it indicate that profiting monetarily from intervention was the ‘actual motivation’ for warfare? The two sources of profit from the intervention that Halliburton has come to be known for capitalizing on are as follows: the repairing of Iraq’s oil infrastructure, and subcontracted drilling. In the same piece on subcontracting that warned of scandal, it is written that “Lukoil and many of the other international oil companies that won fields in the auction are now subcontracting mostly with the four largely American oil services companies that are global leaders in their field: Halliburton, Baker Hughes, Weatherford International, and Schlumberger. Those four have won the largest portion of the subcontracts to drill for oil, build wells and refurbish old

equipment” (Kramer June 16 2011). The question of subcontracting for drilling has already been refuted in this paper, so it will not be explored further here. On the matter of infrastructure, “Halliburton’s Co.’s U.S. government contract to make emergency repairs to Iraq’s oil infrastructure extends for two years, could be worth as much as \$7 billion” (Gongloff April 11 2003). Even if Cheney profited illegally from this contract, and other Halliburton adventures in Iraq, these events do not impact the resolve of the United States Congress that passed both the Iraq War Resolution and the Iraq Liberation Act. These events, scandalous as they could well be, in no way impede the salience and persuasiveness of Saddam’s threat to global security. If fact, any illicit dealings undertaken by the Bush cabinet are irrelevant to the question of ‘actual motivation,’ as this motivation was determined in 1998, within the context of another administration, and then reapproved by the Congress in the months leading up to the war.

Impact on Just War Requirements?

In conclusion, the evidence suggesting that the ‘actual motivation’ for the intervention was monetary profit is distinctly hampered by the timeline of events. While a strong case could be made for underhanded war-profiteering in the case of Halliburton, all involvement of Cheney, in the case of guilt, would be classed as responsive to a preexisting environment of established threat posed by Saddam Hussein. The policy to remove the former Iraqi regime had already been undertaken during the Clinton Administration. With the Operation Desert Fox bombings and the creation of UNMOVIC during the ‘dark years,’ the congressional approval of military action in 2002, and then the passage of UNSC

Resolution 1441 failing to bring Iraq into compliance, the attempts to diffuse Saddam Hussein as a threat without resorting to large-scale intervention were depleting long before Cheney would have begun his alleged, opportunistic maneuverings. While one could certainly point to Halliburton, Palast's incriminating oil plans, the United States' well known hegemonic and resource-driven history, and the fact that Iraq possesses an immense amount of highly valuable oil as highly suggestive of illegal, morally unpardonable, and coldly opportunistic dealings on the part of the United States, they submit themselves as later advantage being taken of an 'actual motivation' that was in place long before the Bush Administration.

In contrast, what evidence is there to suggest that intervention was not undertaken for profit? First and foremost, when one relatively considers the exorbitance of Iraqi oil wealth, the United States yielded little-to-no monetary return on their 'investment.' With Iraqi oil primarily being channeled to international companies, many of whom represent countries opposing the intervention (Russia, China, etc), and many examples demonstrating the nonexistence of U.S. influence over how that oil is channeled and managed (the Oil and Gas Law, threats made against Exxon Mobil's contract in West Qurna, contractual inducements to favor Iraqi subcontractors, testimony of Iraq's leadership, etc), Iraq has shown itself to be independent in the matter of its resources. This independence, also, has been maintained in the face of imploring and remonstrations from American business. These examples point to a case where the salience and historically singular nature of Saddam's threat constituted the 'actual motivation' for intervention, with the accrual of valuable resources, if it is to be assumed as verifiable, falling to a secondary or tertiary level of priority. Thus, the Iraq War remains a just one.

Chapter 6: Legality

One might think of the legal aspect of the Iraq War to be rather cumbersome and labyrinthine. However, the case of the 2003 intervention is actually quite simple at the international level, with the domestic question proving to be somewhat more challenging. This chapter will take a look at the war's legality and whether or not that legality has any bearing on its status as a Just War.

The matter of the law and its ambit clearly needs to be considered when discussing Iraq in the context of Just War Theory. Former UNSCOM inspector Scott Ritter submits a compelling argument for the illegality of the intervention. He adduces that

we went to war, a war...that was about weapons of mass destruction, this is a fact that is put forward in the letter sent by John Negroponte...then the U.S. ambassador to the United Nations to the Security Council, saying that American troops have entered Iraq because Iraq has failed to comply with its obligation to disarm and that international law dictates that America takes the lead in responding to this crime. Well, ladies and gentlemen, international law dictated no such thing. International law dictated that the Security Council remain seized of the event, that the Security Council would once again have to pass a Chapter 7 resolution, which it did not. The United States invaded Iraq in violation of international law but, more importantly, in violation of the Constitution of the United States of America, Article 6 of which is quite clear: that when the United States of America enters into a treaty or international obligation that's been ratified by two-thirds the United States Senate, that is the Supreme Law of the land. Our troops took an oath to uphold and defend that constitution, and yet they went to war in violation of that constitution. (Ritter December 20 2006)

There is a lot to be said for this objection and this chapter will look into how such accusations impact the intervention's standing when the principles of Just War Theory are considered, particularly the matter of 'proper authority and public declaration.' In brief, the

intervention was indeed an internationally illegal war that could qualify as an unconstitutional act; however, it remains a Just War.

The Demands of International Law

Mary Ellen O'Connell writes extensively about international law, particularly on the legal stipulations of the UN Charter, to which the United States is a signatory. She notes in the opening of her terrific book, *International Law and the Use of Force*,

Perhaps not surprisingly, the term 'war' fell out of use as a legal term of art with the adoption of the United Nations Charter in 1945. The Charter's Article 2(4) prohibits all uses of force, war and lesser actions, except in self-defense or as mandated by the Security Council. Article 2(4) of the Charter requires that 'all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.' (O'Connell 2009, 7)

As a member of the United Nations, the United States is subject to the terms of this Charter, particularly this article. Any cursory reading of the document will reveal that the text of the UN Charter clearly restricts the use of force to either Security Council approval or, as Chap 7 of the Charter itself says, "self-defence if an armed attack occurs against a Member" (United Nations 1945, Article 51). It is the case that any use of force falling outside of these two contingencies is deemed illegal by international standards.

Additionally, the previous remark of John Negroponte that intervention was based on security can also describe the British stance. In his letter to the president of the Security Council, sent just before the intervention, Jeremy Greenstock, the UK ambassador to the UN, wrote,

I have the honour to inform you on behalf of my Government that the Armed Forces of the United Kingdom—in association with those of the United States and Australia—engaged in military action in Iraq on 20 March 2003. The action is continuing...the objective of the action is to secure compliance by Iraq with its disarmament obligations as laid down by the Council. All military action will be limited to the minimum measures necessary to secure this objective. (O'Connell 2009, 83)

On the basis of what was said before the intervention, the officially stated motivations of the United States and the United Kingdom were congruent, with both matching the formerly posited 'actual motivation' nicely.

The International Illegality of Intervention

In the case of the intervention of 2003, neither a direct, self-defensive response nor a Security Council Resolution gave the movements of the coalition their blessing. O'Connell cites an article from the New York Times that, in turn, cites former Secretary General Kofi Annan, writing that as he was "responding to a question on the United Nations Charter, Mr. Annan said the charter is 'very clear on circumstances under which force can be used. If the U.S. and others were to go outside the council and take military action, it would not be in conformity with the charter'" (O'Connell 2009, 68). It is clear from even the most casual analysis that the Iraq War was an internationally unsanctioned and illegal act; however, there are some that attempt to dispute the Secretary General's assessment. O'Connell cites one of these dissidents from the same article: "'I just disagree with the secretary general's legal view because there are fundamental Security Council resolutions that underlie this,' said Ruth Wedgwood, professor of international law at Johns Hopkins University" (O'Connell 2009, 68). For the sake of considering Ms. Wedgwood's opinion, one must

appreciate the highly disapproving language of previous SC Resolutions on the matter of Iraq's non-compliance. However, not one of them mandates or legitimizes the use of force against Saddam Hussein. On a point like this, there is very little room for disputation.

An Unconstitutional War?

O'Connell, in citing yet another New York Times article, describes the days leading up to the war. "Mr. Bush had given Mr. Hussein and members of his family until shortly after 8 p.m. today (March 20, 2003) to leave the country in order to forestall an American-led attack. But there was no discernible sign that the Iraqi leader was even thinking of leaving, despite an offer of asylum from Bahrain" (O'Connell 2009, 79). With the last peaceful measure exhausted before large-scale intervention, the American soldiery crossed the Kuwaiti border and pressed on to Baghdad. With these American troops having sworn allegiance to the U.S. constitution, the matter of the war's constitutionality is highly important. It is entirely true to say that signed treaties become domestic law, according to the Constitution. Article 6 notes that "all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding" (United States 1787). Upon first reading of this Article, one may very well walk away with the immediate notion that violation of the UN Charter constitutes a violation of the Constitution in every case. This may have the potential of jeopardizing the 'proper authority' aspect of Just War Theory.

However, one must take into full account that Congress passed a resolution fully legalizing the intervention. Thus, it becomes a question of which supersedes the other: the treaty or the Congressional law? For the sake of quickly addressing the matter of Just War, the 'proper authority' aspect dictates that "a state may go to war only if the decision has been made by the appropriate authorities, according to the proper process, and made public, notably to its own citizens and to the enemy state(s). The 'appropriate authority' is usually specified in that country's constitution" (Orend & Zalta 2008). The Constitutionally nominated body, or 'appropriate authority' for declaring war is clearly outlined in Article 1, which states that "the Congress shall have Power...To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water" (United States September 17 1787). It is plainly evident that Congress is the 'appropriate authority' that Just War Theory is referencing in the public declaration of war. Thus, there is no question that the intervention's adherence to Just War Theory is not threatened by the UN Charter. Since Congress is the proper authority, Congress' approval makes this a Just War.

Judicial Precedence

For the sake of scrupulous observance, however, one would be well advised to turn to the judicial precedent set by the United States District Court for the Southern District of New York on the matter of Congressional statutes and treaties coming to butt heads. In the case of *United States of America, Plaintiff, v. The Palestine Liberation Organization, et al., Defendants* in 1988, this question was decisively addressed. Justice Edmund L. Palmieri, in giving the Court's opinion writes that "only where a treaty is irreconcilable with a later

enacted statute and Congress has clearly evinced an intent to supersede a treaty by enacting a statute does the later enacted statute take precedence” (U.S. NY District Court 1988). While the Iraq War Resolution is clearly irreconcilable with the UN Charter, it does not explicitly state that it seeks to supersede it. While it could be taken from inference that the very nature of the Iraq War Resolution aims to supersede the restrictions of the UN Charter, the Resolution makes no explicit mention of the Charter and could be seen as an unconstitutional piece of legislation. In either case, Congress still holds the status as the ‘appropriate authority’ to declare war, which it indubitably did. As a result, the intervention still holds to the standards of Just War Theory.

Chapter 7: Conclusions

When popular opinion is consulted, the notion of classing the Iraq War as just emerges as farfetched and hysterical. However, when one considers the history of the Just War Tradition, and how it impacts the critique of this conflict, certain revelations cannot be ignored.

The pillars of Just War Theory span many subjects on the question of *jus ad bellum*, aiming to debar all potential for self-service and caprice from legitimate conflicts. The teachings of figures like Aquinas, Augustine, and others have outlined a formidable rubric for the evaluation of warfare when the question of proper conduct is opened up for examination.

This rubric, however, was severely compromised by the establishment of the League of Nations and its hijacking of the Just War Tradition. The League of Nations introduced the concept of peer-review into the Just War Principles, which dispensed with the moral aspect of just war entirely. Two potential outcomes are born from this development: first, the possibility for a wholly amoral war to be legitimized simply by the presence of an illicit international consensus; and second, the possibility for a morally just war to be obstructed by politically corrupt international maneuverings. This evacuation of the moral dimension from Just War Tradition was passed on from the League of Nations and has come to define the decision-making process of the United Nations, where the Permanent 5 of the Security Council [United States, France, Great Britain, China, and Russia] hold significant peer-

review sway. Alongside these institutions, however, the moral tradition of Just War Theory has also survived, with the scholarship described in Chapter 4 providing the most modern and demanding set of Just War principles in the tradition. There is good reason why the element of international peer-review is absent from these principles.

In this paper, we have discussed the nature of Saddam Hussein's aspiring weapons program, the distressing proximity within which it was actualized, and the grievous international dangers that its inevitable existence would have presented. We have observed Saddam Hussein's demonstrable desire to acquire WMDs, his unrelenting non-compliance, and how close he was to achieving weaponization. Additionally, we have covered the dwindling usefulness of the sanctions that temporarily held Saddam's acquisition at bay. Finally, we now also know why Saddam Hussein would not be just a very dangerous, but a singularly and uniquely dangerous owner of a WMD stockpile. Chapter 3 has argued that the decision to intervene in 2003's Iraq meets the six demands of Just War Theory: possessing a just cause, holding the right intention, deciding through the proper authority, making that decision publicly, regarding the action as a last resort, having a high probability of success, and exacting proportional damage and casualties. It is according to this rubric that the Security Argument is vindicated as a just contention for war.

In Chapter 5, an examination of Iraq's modern oil state was conducted and came to the conclusion that, despite many questionable factors surrounding the former Vice President of the United States, the torpid and now moribund chant of 'no blood for oil' has been demonstrated as fatuous. The intervention's adherence to the principles of Just War

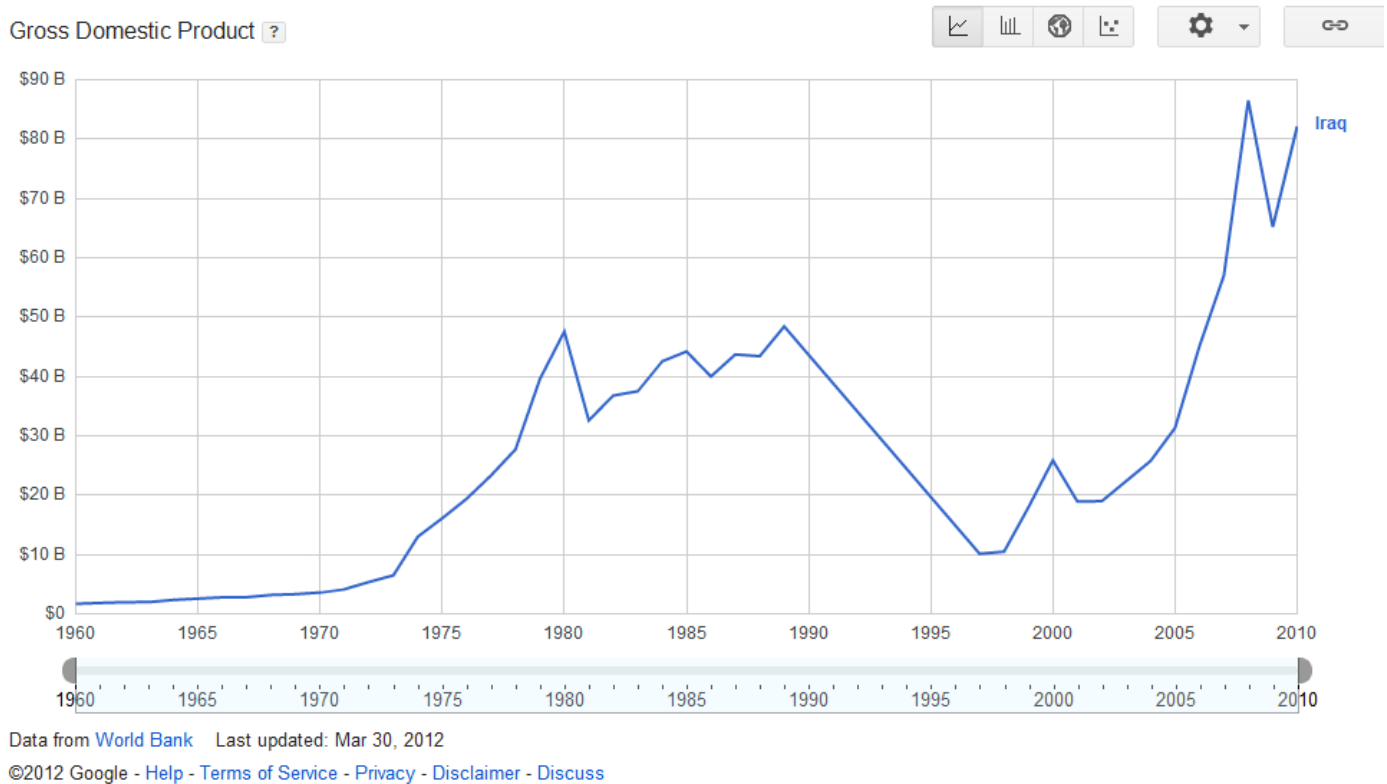
Theory remained unbroken during this paper's exploration of the much expatiated oil factor.

Finally, the question of the war's legality was addressed in Chapter 6. The conclusions reached were internationally critical and domestically quarrelsome. While it is entirely clear that the intervention was an internationally illegal conflict according to the text of the UN Charter, the question of local unconstitutionality within the United States is more challenging to assess. In either case, however, the constitution apporions the role of war declaration to the Congress. Thus, the passage of the Iraq War Resolution by the Congress constitutes the opinion of a 'proper authority' in the matter of declaring conflict. As a result, the question of the war's legality does not debar the intervention from meeting the requirements of modern Just War Theory.

In light of these standards being dealt with, the intervention of 2003 qualifies as a Just War. However, what does this mean for international politics at large? With the case of Saddam Hussein's WMD development being singular in nature, the repercussions of determining the intervention as Just are thankfully limited. When considering the scenario of a figure as historically volatile and confessedly belligerent as Saddam Hussein actively pursuing the production and purchase of WMDs, it is difficult to come up with any names. Even the regimes of North Korea and Iran exemplify far superior historical records on the question of WMD use, vocalized threats, and associations with suicide-charged terrorists. For international law, however, one must hope for a swift change in how threats of this stratospheric nature are more effectively managed by the United Nations. Whether or not the legacy left by the Iraq War changes these precedents for the better, remains to be seen.

Appendix A

Iraq's Gross Domestic Product (World Bank), GDP in Current U.S. Dollars; Not Adjusted for Inflation



Event Timeline Reference:

1980 -1988: Iran-Iraq War

1991-2003: Gulf War + Sanctions

2003: Intervention

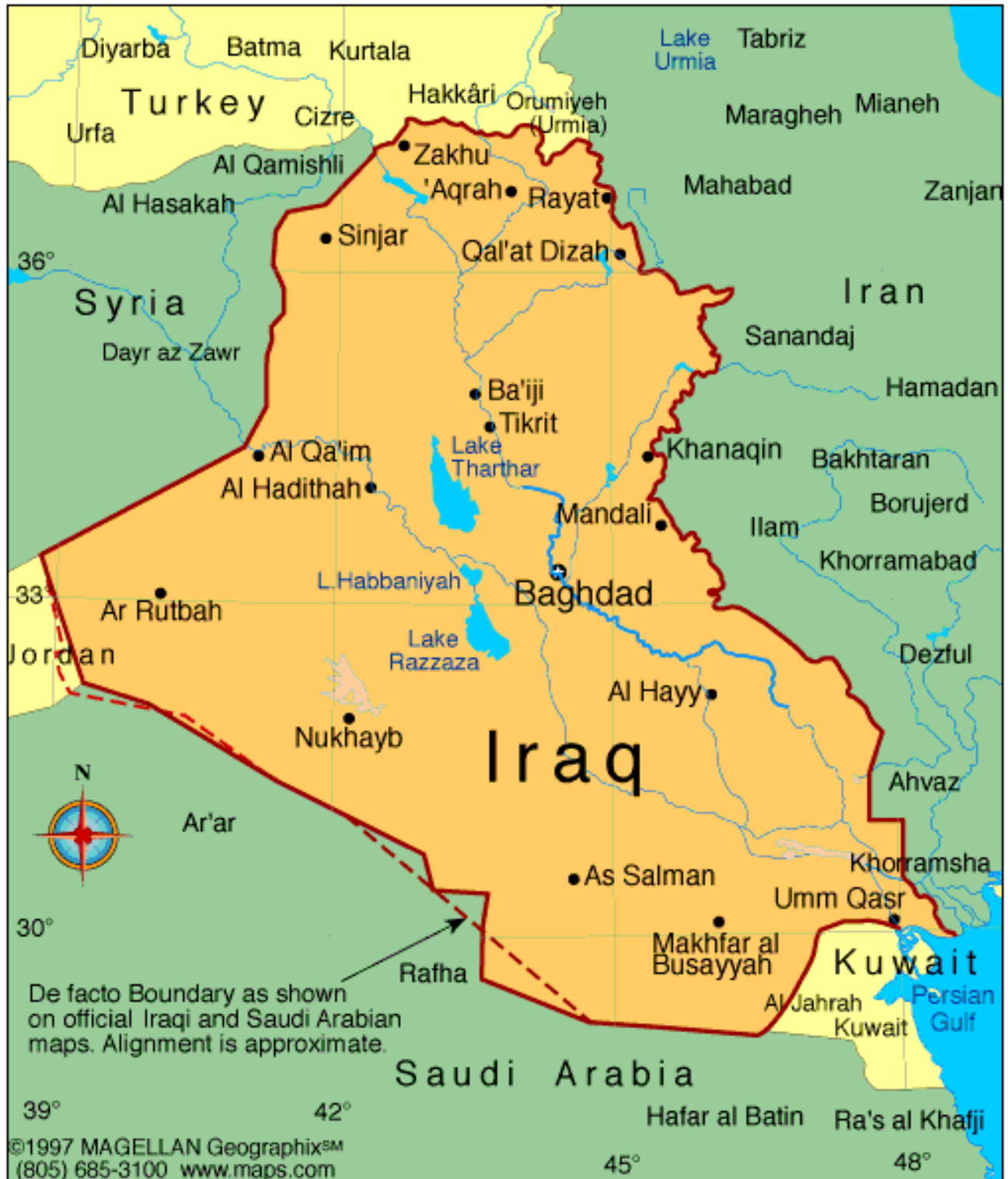
Source:

http://www.google.com/publicdata/explore?ds=d5bncppjof8f9_&met_y=ny_gdp_mktp_cd&idim=count%3AIRQ&dl=en&hl=en&q=iraq+gdp

Appendix B

Map

Source: <http://www.infoplease.com/atlas/country/iraq.html>



Bibliography

Abbas, Mohammed. "No Boon for U.S. firms in Iraq Oil Deal Auction." *Reuters*. N.p., 12 Dec. 2009. Web. 19 Apr. 2012. <<http://www.reuters.com/////iraq-usa-oil-idUSTRE5BB18Q20091212>>.

Air University. "Saddam Hussein: In His Own Words ." *Air University*. N.p., 18 Oct. 2002. Web. 19 Apr. 2012. <<http://www.au.af.mil/////sadquots.htm>>.

Ajrash, Kadhim, and Nayla Razzouk. "Iraq's Oil Law May be Pushed Till End of 2012, Ghadhban Says." *Bloomberg* 2 Feb. 2012: n. pag. *www.bloomberg.com*. Web. 19 Apr. 2012. <<http://www.bloomberg.com/-02-02/iraq-s-energy-law-may-be-delayed-for-rest-of-year-ghadhban-says.html>>.

Al-Jazeera. "Iraqi Shia Uprising Trial Begins." *Al-Jazeera*. N.p., 21 Aug. 2007. Web. 19 Apr. 2012. <<http://www.aljazeera.com/////html>>.

Al-Maliki, Nouri. "Eye to Eye: Nouri al-Maliki." Interview by Lara Logan. *CBS News*. CBS. 1 June 2007. *www.cbsnews.com*. Web. 19 Apr. 2012. <<http://www.cbsnews.com///?id=2871970n>>.

Bellamy, Alex J. *Just Wars: From Cicero to the Iraq War*. N.p.: Polity Press, 2006. *books.google.com*. Web. 19 Apr. 2012. <<http://books.google.com/?id=JCz-rXGLQ88C&pg=PA75&lpg=PA75&dq=grotius+jus+ad+bellum&source=bl&ots=-JkcBJN99P&sig=NY7i1t08vyNItj3dbEHTDL3FdLc&hl=en&sa=X&ei=RFKIT6npHaWG iQKQkcTGBA&ved=0CHAQ6AEwCQ#v=onepage&q=grotius%20jus%20ad%20bellum&f=false>>.

Bertrand, Pierre. "ExxonMobil Contracts in Southern Iraq could be Replaced in Light of Kurdistan Deal, Warns Baghdad." *International Business Times* 21 Nov. 2011: n. pag. *www.ibtimes.com*. Web. 19 Apr. 2012. <<http://www.ibtimes.com///exxonmobil-oil-gas-contracts-iraq-replaced-light.htm>>.

- Bertrand, Pierre. "ExxonMobil's Iraq Oil Field Contract Could go to Lukoil, Shell." *International Business Times* 30 Nov. 2011: n. pag. www.ibtimes.com. Web. 19 Apr. 2012. <<http://www.ibtimes.com/exxonmobil-iraq-oil-kurdistan-contract-lukoil-shell.htm>>.
- Blair, Tony. "The Blair Doctrine." Chicago. 22 Apr. 1999. www.pbs.org. Web. 19 Apr. 2012. <http://www.pbs.org/june99/blair_doctrine4-23.html>.
- Blitzer, Wolf, and Jill Dougherty. "U.S. Loses out on Iraqi Oil." *The Situation Room with Wolf Blitzer*. CNN. 14 Dec. 2009. www.youtube.com. Web. 19 Apr. 2012. <http://www.youtube.com/watch?v=zWH4TBZsO3c&feature=BFa&list=PLAB105B805DE75AB7&lf=results_main>.
- Blix, Hans. "Text of Chief U.N. Weapons Inspector Hans Blix's report to the U.N. on Iraq." *yaleglobal.yale.edu*. N.p., 27 Jan. 2003. Web. 18 Apr. 2012. <<http://yaleglobal.yale.edu/appears-not-have-come-genuine-acceptance-not-even-today-hans-blix>>.
- Carlisle, Tasmin. "Iraq Oil Minister Shahrastani Staked Future on Oil Auctions." *National* 9 July 2009: n. pag. www.thenational.ae. Web. 19 Apr. 2012. <<http://www.thenational.ae/oil-minister-shahrastani-staked-future-on-oil-auctions#page2>>.
- Carter, Ashton B. "How to Counter WMD." *Foreign Affairs* 83.5 (2004): 72-85. *JSTOR*. Web. 18 Apr. 2012. <<http://www.jstor.org/>>.
- Cheney, Dick. "Interview with Vice-President Dick Cheney." Interview by Tim Russert. *Meet the Press*. NBC. 16 Mar. 2003. www.mtholyoke.edu. Web. Transcript. 19 Apr. 2012. <<http://www.mtholyoke.edu/html.htm>>.
- Chulov, Martin. "ExxonMobil wins \$50bn contract to develop West Qurna Oilfield." *Guardian* 5 Nov. 2009: n. pag. www.guardian.co.uk. Web. 19 Apr. 2012. <<http://www.guardian.co.uk/nmobil-iraq-oil-contract-qurna>>.

Clark, Ramsey. "Former US Attorney General Charges US, British and UN Leaders." *The Wisdom Fund*. N.p., 20 Nov. 1996. Web. 19 Apr. 2012. <<http://www.twf.org///.html>>.

Delahunty, Robert J., and John Yoo. "The 'Bush Doctrine': Can Preventive War be Justified?" *Harvard Journal of Law & Public Policy* 32.3 (2009): n. pag. *papers.ssrn.com*. Web. 19 Apr. 2012. <http://papers.ssrn.com//.cfm?abstract_id=1396754##>.

Ebel, Robert. "U.S. Broadcast Exclusive: Secret U.S. Plans for Iraq's Oil Spark Political Fight between Neocons and Big Oil." Interview by Greg Palast. *Democracy Now*. Democracy Now. 21 Mar. 2005. *www.democracynow.org*. Web. Transcript. 19 Apr. 2012. <http://www.democracynow.org///_s_broadcast_exclusive_secret_u>.

Ekeus, Rolf. "Iraq's Real Weapons Threat." *www.usembassy.it*. N.p., 29 June 2003. Web. 18 Apr. 2012. <http://www.usembassy.it/_07//.htm>.

Ente Nazionale Idrocarburi. "Eni, Occidental Petroleum and KOGAS sign the technical service contract with Iraq's South Oil Company and Missan Oil Company to redevelop Zubair field." *ENI*. N.p., 22 Jan. 2010. Web. 19 Apr. 2012. <http://www.eni.com/_IT//releases///-01-22-eni-occidental-petroleum-KOGAS.shtml>.

Global Security. "Iran-Iraq War (1980-1988)." *Global Security*. N.p., 7 Nov. 2011. Web. 19 Apr. 2012. <<http://www.globalsecurity.org///iraq.htm>>.

Gongloff, Mark. "Halliburton contract could reach \$7B." *CNN Money* 11 Apr. 2003: n. pag. *money.cnn.com*. Web. 19 Apr. 2012. <http://money.cnn.com////////_halliburton/>.

Guardian. "US and British Aircraft attack Iraq." *The Guardian* 16 Feb. 2001: n. pag. *www.guardian.co.uk*. Web. 18 Apr. 2012. <[>](http://www.guardian.co.uk/////).

Harken. "Directors." *HKN Inc.* N.p., 2008. Web. 19 Apr. 2012.
<<http://www.hkninc.com/.html>>.

Hitchens, Christopher. "Christopher Hitchens debates Iraq with Reagan Jr." Interview by Ronald Reagan Jr. *MSNBC News*. MSNBC. 7 July 2005. www.youtube.com. Web. Transcript. 18 Apr. 2012. <<http://www.youtube.com/?v=6d7fHvHXeiQ>>.

Hitchens, Christopher. "Christopher Hitchens debates Peter Hitchens." Grand Rapids, Michigan. 4 Apr. 2008. www.dbskeptic.com. Web. 18 Apr. 2012.
<<http://www.dbskeptic.com////christopher-hitchens-debates-peter-hitchens/>>.

Hitchens, Christopher. "Christopher Hitchens vs Scott Ritter Debate." Tarrytown, NY. 20 Dec. 2006. www.youtube.com. Web. 18 Apr. 2012.
<<http://www.youtube.com/ch?v=DgLgBG7FVMs>>.

Hitchens, Christopher. *A Long Short War: the Postponed Liberation of Iraq*. N.p.: Penguin Group, 2003. Print.

Hitchens, Christopher. "Our Man in Pakistan." *Slate Magazine* 28 Feb. 2011: n. pag. www.slate.com. Web. 18 Apr. 2012. <http://www.slate.com//_and_politics/_words//_man_in_pakistan.html>.

Human Rights Watch. "Genocide in Iraq: the Anfal Campaign against the Kurds." *Human Rights Watch*. N.p., July 1993. Web. 19 Apr. 2012. <<http://www.hrw.org//.htm#TopOfPage>>.

Inflation Data. *Historical Crude Oil Prices (Table)*. N.p.: n.p., 2012. inflationdata.com. Web. 18 Apr. 2012. <http://inflationdata.com//_rate/_oil_prices_table.asp>.

Iraq Survey Group. *Iraq Survey Group Final Report*. N.p.: Iraq Survey Group, 2004. www.globalsecurity.org. Web. 18 Apr. 2012. <<http://www.globalsecurity.org/////isg-final-report/>>.

Kamel, Hussein, al-Majid. "Transcript of part one of Correspondent Brent Sadler's exclusive interview with Hussein Kamel." Interview by Brent Sadler. *www.cnn.com*. CNN, n.d. Web. 25 Sept. 1995. <http://www.cnn.com/_defector/_transcript/.html>.

Kamel, Hussein, al-Majid. "UNSCOM 950822." Interview by International Atomic Energy Agency. *www.fair.org*. N.p., 22 Aug. 1995. Web. 18 Apr. 2012. <<http://www.fair.org/releases/kamel.pdf>>.

Katagiri, Noriyuki. "In the Spotlight: Abu Nidal Organization (ANO)." *Center for Defense Information*. N.p., 9 Oct. 2002. Web. 19 Apr. 2012. <<http://www.cdi.org/pr.cfm>>.

Kay, David. "Former Chief Weapons Inspector David Kay Discusses Iraq and How the Search for Weapons of Mass Destruction Should Continue in Iraq." Interview by Matt Lauer. *NBC News*. NBC. 27 Jan. 2004. *www.youtube.com*. Web. 18 Apr. 2012. <<http://www.youtube.com/?v=y9IWNEctvLs>>.

Klein, Joseph A. *The Foolish, the Feckless and the Fanatic*. N.p.: Trafford Publishing, 2004. *books.google.com*. Web. 19 Apr. 2012.

Kramer, Andrew E. "In Rebuilding Iraq's Oil Industry, U.S. Subcontractors Hold Sway." *New York Times* 16 June 2011: n. pag. *www.nytimes.com*. Web. 19 Apr. 2012. <http://www.nytimes.com/****/environment/oil.html?_r=2&pagewanted=all>.

Kull, Steven, Clay Ramsay, and Evan Lewis. "Misperceptions, the Media, and the Iraq War." *Political Science Quarterly* 118.4 (2003/): 569-598. *JSTOR*. Web. 18 Apr. 2012. <<http://www.jstor.org/>>.

Kurdistan Regional Government. *KRG Signs Five More Petroleum Contracts*. N.p.: Kurdistan Regional Government, 12 November 2007. *www.krg.org*. Web. 19 Apr. 2012. <<http://www.krg.org/.asp?anr=21329&lngnr=12>>.

- Kurdistan Regional Government. *Production Sharing Contract, Sarsang Block, Kurdistan Region; Between The Kurdistan Regional Government of Iraq and HKN Energy LTD.* N.p.: Kurdistan Regional Government, 11 June 2007. www.krg.org. Web. 19 Apr. 2012. <http://www.krg.org/_blank.asp?lngnr=12&rnr=296&PageNr=49>.
- Lardner, George, Jr., and Lois Romano. "Bush Name Helps Fuel Oil Dealings." *Washington Post* 30 July 1999: n. pag. www.washingtonpost.com. Web. 19 Apr. 2012. <<http://www.washingtonpost.com/srv/stories/.htm>>.
- Leigh, David. "Iraq War Logs Reveal 15,000 Previously Unlisted Civilian Deaths." *Guardian* 22 Oct. 2010: n. pag. www.guardian.co.uk. Web. 19 Apr. 2012. <<http://www.guardian.co.uk/true-civilian-body-count-iraq>>.
- Levy, Jack S. "Preventive War and Democratic Politics." *International Studies Quarterly* 52.1 (2008): 1-24. [wiley.com](http://onlinelibrary.wiley.com). Web. 19 Apr. 2012. <<http://onlinelibrary.wiley.com/1111/1468-2478.2007.00489.x>>.
- Luft, Gal. "How Much Oil Does Iraq have?" *Brookings Institute*. N.p., 12 May 2003. Web. 19 Apr. 2012. <http://www.brookings.edu/globalenvironment_luft.aspx>.
- Makiya, Kanan. *The Republic of Fear: The Politics of Modern Iraq*. N.p.: University of California Press, 1989. Print.
- Mesler, Bill. "A Cabinet That Looks Like (Corporate) America." *CorpWatch*. N.p., n.d. Web. 19 Apr. 2012. <<http://www.corpwatch.org.php?id=11458>>.
- Meyer, Cordula. "A Lot of Blood for Little Oil." *Spiegel International* 6 Dec. 2010: n. pag. www.spiegel.de. Web. 19 Apr. 2012. <<http://www.spiegel.de/1518,732984,00.html>>.
- MSNBC. "Secret U.S. Mission Hauls Uranium from Iraq." msnbc.msn.com. N.p., 5 July 2008. Web. 18 Apr. 2012. <http://www.msnbc.msn.com/_news-mideast_n_africa/us-mission-hauls-uranium-iraq/#.T4ehhqtbe8B>.

Mylroie, Laurie. "The World Trade Center Bomb: Who is Ramzi Yousef? And Why it Matters." *The National Interest* (Winter 1995/): n. pag. www.fas.org. Web. 19 Apr. 2012. <<http://www.fas.org/-tni.htm>>.

New York Times. "Chinese Official Voices Doubt on Iraq Sanctions." *New York Times* 26 Dec. 1997: n. pag. www.nytimes.com. Web. 18 Apr. 2012. <<http://www.nytimes.com//official-voices-doubt-on-iraq-sanctions.html?src=pm>>.

Obeidi, Mahdi. *The Bomb in my Garden*. N.p.: John Wiley & Sons, Inc., 2004. Print.

Occidental. "Iraq." *Occidental Pronounced Business Strategy*. N.p., n.d. Web. 19 Apr. 2012. <<http://www.oxy.com/asp>>.

O'Connell, Mary Ellen. *International Law and the Use of Force*. N.p.: Foundation Press, 2009. Print.

O'Hanlon, Michael. "Counting Casualties: How many people would die in an Iraqi War?" *Slate Magazine* 25 Sept. 2002: n. pag. www.slate.com. Web. 19 Apr. 2012. <http://www.slate.com/articles/_and_politics/war_stories/_casualties.html>.

Oregon State University. "Augustine: Just War." *Oregon State University*. N.p., 2002. Web. 19 Apr. 2012. <http://oregonstate.edu/ine/_justwar.html>.

Orend, Brian, and Edward Zalta, eds. *Stanford Encyclopedia of Philosophy*. Fall 2008 ed. [stanford.edu](http://plato.stanford.edu). Web. 19 Apr. 2012. <<http://plato.stanford.edu/>>.

Palast, Greg. "Bush didn't Bungle Iraq, you Fools." *Guardian* 20 Mar. 2006: n. pag. www.gregpalast.com. Web. 19 Apr. 2012. <<http://www.gregpalast.com/didnt-bungle-iraq-you-fools/>>.

Palast, Greg. "U.S. Broadcast Exclusive: Secret U.S. Plans for Iraq's Oil Spark Political Fight between Neocons and Big Oil." Interview by Amy Goodman. *Democracy Now*. Democracy Now. 21 Mar. 2005. *www.democracynow.org*. Web. Transcript. 19 Apr. 2012. <http://www.democracynow.org/#!/s_broadcast_exclusive_secret_u>.

Palestine Facts. "Achille Lauro Hijacking 1985." *Palestine Facts*. N.p., 2012. Web. 19 Apr. 2012. <http://www.palestinefacts.org/_1967to1991_achille_lauro.php>.

Pearson, Graham. *The UNSCOM Saga, Chemical and Biological Weapons Non-Proliferation*. N.p.: St. Martin's Press, Inc., 1999. Print.

Powell, Colin. "Text of Colin Powell's Speech - part 2." United Nations. 5 Feb. 2003. *Guardian* 5 Feb. 2003: n. pag. *www.guardian.co.uk*. Web. 18 Apr. 2012. <<http://www.guardian.co.uk/#!/usa3>>.

Powell, Michael. "The Deaths he Cannot Sanction; EX-U.N. Worker Details Harm to Iraqi Children." *Washington Post* 17 Dec. 1998: n. pag. *www.public.asu.edu*. Web. 19 Apr. 2012. <<http://www.public.asu.edu/~wellsda/Halliday-criticizes-sanctions.html>>.

Ritter, Scott. "Christopher Hitchens vs Scott Ritter Debate." Tarrytown, NY. 20 Dec. 2006. *www.youtube.com*. Web. 19 Apr. 2012. <<http://www.youtube.com/watch?v=DgLgBG7FVMs>>.

Ritter, Scott. *Prepared Testimony of Scott Ritter, Former UNSCOM Inspector, [for the] Joint Hearing of the Senate Armed Services Committee and the Senate Foreign Relations Committee*. N.p.: United States, 3 September 1998. *www.iraqwatch.org*. Web. 18 Apr. 2012. <<http://www.iraqwatch.org/#!/SAS-9-3-98.htm>>.

Satterlee, Carrie. "Facts on Who Benefits from Keeping Saddam Hussein in Power." *The Heritage Foundation*. N.p., 28 Feb. 2003. Web. 18 Apr. 2012. <<http://www.heritage.org/#!/on-who-benefits-from-keeping-saddam-hussein-in-power>>.

Saunders, William. "The Church's Just War Theory - Part 1." *Arlington Catholic Herald*. N.p., 2003. Web. 19 Apr. 2012. <<http://catholiceducation.org///.html>>.

Sestanovich, Stephen. "Russia's Role in Iran and Iraq ." *Council on Foreign Relations*. N.p., 3 June 2002. Web. 18 Apr. 2012. <<http://www.cfr.org//russias-role-iran-iraq/>>.

Sinan, Omar. "Iraq to Hang 'Chemical Ali.'" *Tampa Bay Times* 25 June 2007: n. pag. *www.sptimes.com*. Web. 19 Apr. 2012. <http://www.sptimes.com///_to_hang_Chemica.shtml>.

United Nations. *Charter of the United Nations*. N.p.: United Nations, 26 June 1945. *www.un.org*. Web. 19 Apr. 2012. <<http://www.un.org///.shtml>>.

United Nations. *United Nations Report of the Secretary-General on the Activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)*. N.p.: United Nations, 17 December 1995. *www.fas.org*. Web. 18 Apr. 2012. <<http://www.fas.org/////258.htm>>.

United Nations Security Council. *Resolution 1441*. N.p.: United Nations, 8 November 2002. *worldpress.org*. Web. 18 Apr. 2012. <<http://worldpress.org///.htm>>.

United Nations Security Council. *Resolution 687*. N.p.: United Nations, 3 April 1991. *www.fas.org*. Web. 18 Apr. 2012. <<http://www.fas.org/////htm>>.

United Nations Special Commission. "'Report of the United Nations Special Commission's Team to the technical evaluation meeting on the proscribed biological warfare programme.'" *UNSCOM Report of Iraq BW Programme*. Vienna: n.p., 1998. *www.acronym.org*. Web. 18 Apr. 2012. <<http://www.acronym.org.uk///unscom.htm>>.

UNMOVIC. "Chapter 2 The Organizational Structure of Iraq's Proscribed Weapons Programmes." *Compendium of the United Nations Monitoring, Verification and Inspection Commission*. N.p.: United Nations, 27 June 2007. *www.un.org*. Web. 18 Apr. 2012. <<http://www.un.org/////asp>>.

UNMOVIC. *The United Nations Monitoring, Verification and Inspection Commission Chronology of Main Events*. N.p.: United Nations, 17 January 2007. www.un.org. Web. 18 Apr. 2012. <<http://www.un.org/////asp>>.

United States. *The United States' Constitution*. N.p.: United States, 1787. www.archives.gov. Web. 19 Apr. 2012. <http://www.archives.gov//itution_transcript.html>.

United States Congress. *Authorization for use of Military Force against Iraq Resolution of 2002*. N.p.: United States, 16 October 2002. www.gpo.gov. Web. 18 Apr. 2012. <<http://www.gpo.gov///publ243/publ243.htm>>.

United States Congress. *Iraq Liberation Act of 1998*. N.p.: United States, 27 January 1998. thomas.loc.gov. Web. 18 Apr. 2012. <<http://thomas.loc.gov/bin//?c105:H.R.4655.ENR:>>.

United States Department of Defense. *Operation DESERT FOX Briefing with Secretary Cohen and Gen. Zinni*. N.p.: n.p., 1998. www.defense.gov. Web. 18 Apr. 2012. <<http://www.defense.gov//.aspx?transcriptid=1792>>.

United States Senate Select Committee on Intelligence. *Report on Whether Public Statements Regarding Iraq by U.S. Government Officials were Substantiated by Intelligence Information*. N.p.: United States, 2008. senate.gov. Web. 18 Apr. 2012. <<http://intelligence.senate.gov//a.pdf>>.

U.S. NY District Court. United States District Court for the Southern District of New York. *United States of America, Plaintiff, v. The Palestine Liberation Organization, et al., Defendants*. N.p.: United States, 1988. www.uniset.ca. Web. 19 Apr. 2012. <<http://www.uniset.ca//FSupp1456.html>>.

U.S. Energy Information. *Saudi Arabia*. N.p.: U.S. Energy Information, 2011. N. pag. www.eia.gov. Web. 19 Apr. 2012. <<http://www.eia.gov//.cfm?fips=SA>>.

Washington Times. "Iraq Paid N. Korea to Deliver Missiles." *Washington Times* 4 Oct. 2003:
n. pag. *www.washingtontimes.com*. Web. 18 Apr. 2012.
<<http://www.washingtontimes.com/////123026-1690r/?page=all#pagebreak>>.