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Legalism and Realism in the Gulf

Sheila Carapico

In his State of the Union address in January, 1998, President Clinton won thunderous applause for threatening to force Iraq “to comply with the UNSCOM regime and the will of the United Nations.” Stopping UN chemical and biological weapons inspectors from “completing their mission,” declared the President, defies “the will of the world.” In the next three weeks, the White House ordered a massive show of force in the Gulf. Even traditional hawks, however, realized that a bombing mission could undermine American hegemonic interests in the Gulf that are served by a continuation of the sanctions regime.

For seven years, the Bush/Thatcher-Clinton/Blair policy has been to continue the Gulf war through a sanctions regime with five components, three of them multilateral and two unilateral: a weapons embargo; a civilian trade embargo, modified under the “oil for food” provisions; ongoing inspections, monitoring and surveillance of Iraqi military facilities by international civil servants; “no-fly zones” patrolled by US forces; and periodic punitive air strikes. This regime serves at least three major, long-standing US interests in the Gulf.

The success of the United Nations Special Commission on Iraq (UNSCOM) in coercive arms control is unprecedented, with systematic destruction of more Iraqi weapons than firepower destroyed in Desert Storm. With virtually its entire conventional offensive arsenal dismantled, there is now reason to suspect that Iraq has developed lethal biological and chemical weapons capacities that are threatening precisely because they can be produced in small factories. Continued inspections, video surveillance, mandatory reports and monitoring of facilities by international experts constitute the best possible guarantee that Saddam Hussein’s military will not develop and deploy nerve gas or germ warfare. The US also independently scrutinizes Iraqi military movements using spy planes and post-radar technology.

Since the discovery of the Gulf region’s oil riches, Britain and America have sought to dominate the strategic waterway and its coastlines, always looking for permanent military and naval facilities. With the cold war over, this is now the most important deployment in the world, the centerpiece of Pentagon strategizing, budgets and procurement. If Iraq were found to be in compliance with United Nations Security Council Resolution 687 (SC687)—in other words, if it could show that

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it has dismantled its offensive weapons capabilities, including its chemical and biological weapons systems—many of the roughly 18,000 US troops who stay busy policing the “no fly zone” would be redeployed. Base and pre-positioning rights, especially in Saudi Arabia, might have to be renegotiated. As long as sanctions remain in place, however, the US and its ally Britain are positioned to control Persian Gulf exports to the rest of the world.

In addition, despite the protection of trade embargoes against several major oil-exporting nations, petroleum prices are falling. Precipitous sale of Iraqi oil could glut an already-saturated market, benefiting Baghdad at the expense of two important sets of oil-exporters: the rich Arab potentates of the Gulf Cooperation Council (GCC), now under US military protection; and other, more populous petroleum producing nations whose sales barely cover interest on their foreign

debts, most notably Mexico and Indonesia. For Indonesia alone, teetering on the brink of default, even a modest dip in the world price for its primary export could spell disaster. Already the Suharto dictatorship, never censured by the US government for its rapacious annexation of East Timor, has had to cancel aircraft purchases from the US and imposed austerity on its people. Amidst volatility in global stock markets, instability in energy prices could send shivers throughout the fuel, defense and banking industries. *The Wall Street Journal*, among others, has reported the privileged position of French, Italian, Russian and Malaysian oil companies, ready to take advantage of any loosening of oil sanctions, to the detriment of US oil giants. While Moscow and Paris hope to profit from an opening of the Iraqi market, American allies and businesses favor tightly-controlled sales of Baghdad's petroleum.

Facts and Figures/The Impact of Sanctions in Iraq

Population¹	18.1 million (1989)	21.2 million (1997)
GDP/capita²	\$2840 (1989)	\$200 (1997)
Birth rate³ (annual average)	40.3/1000 (1985-90)	38.4/1000 (1990-95)
Death rate	7.2/1000 (1985-90)	10.4/1000 (1990-95)
Annual Growth Rate	3.3% (1985-90)	2.8% (1990-95)
Total Fertility Rate (average births per woman)	6.15 (1985-90)	5.70 (1990-95)
Infant mortality rate⁴ <small>[deaths to children less than one year of age/1000 live births]</small>	80 (1989-90)	160 (1994-95)
Child mortality rate⁵ <small>[deaths to children less than five years of age/1000 live births]</small>	40 (1985-90)	198 (1990-95)

While the accuracy of statistics demonstrating the impact of United Nations sanctions on Iraq cannot be fully determined, there is no question that their impact has been severe. Infant mortality has doubled from the pre-sanctions era, with the Food and Agriculture Organization (FAO) reporting a fivefold increase in mortality among children under age five. While the latter figure may be overstated,⁶ the health and nutritional profile of young children remains very poor, with an estimated 30 percent of children suffering from chronic or acute malnutrition.⁷ Kwashiorkor and marasmus—symptoms of severe protein-deficiency and usually seen only in famines—are increasingly common. In explaining this situation, diverse sources point to a combination of “poor nutrition and increased prevalence of disease—compounded by inadequate health services”⁸—this in a country where, prior to the Gulf War, more than 90 percent of the population had access to primary health care. Maternal mortality is also believed to have increased several times since 1991, although hard data are not available.⁹

Other statistics reflecting the impact of the sanctions include a two-thirds decrease in the number of calories per capita supplied by government food rations; a 12-fold increase in the incidence of typhoid; and a 90 percent drop

in per capita income (GDP/capita). According to the World Health Organization (WHO), “The vast majority of the country's population has been on a semi-starvation diet for years.”¹⁰

Prior to the imposition of sanctions, Iraq imported some 70 percent of its food. Under the sanctions regime, the government attempted to increase agricultural production, but productivity has been limited by the lack of inputs (machinery, pesticides, water), as well as by increasing soil salinity. An FAO Mission to Iraq in the summer of 1997 found that 25 percent of young men and 16 percent of young women show signs of chronic energy deficiency, reflecting the reduced availability of food over the past seven years.¹¹ This report also cited a number of nutrients missing from present-day diets in Iraq, vitamins A and C most notable among them. Before sanctions, 93 percent of urban and 70 percent of rural residents had access to potable water. Currently more than half of rural residents do not have access to clean water. Studies by UNICEF (1994) and WHO (1996) cited bacterial contamination in at least 30 percent of samples tested—also partly to blame for the increases in disease and mortality in the country.

—Compiled by Pamela Ordning-Beecroft and Sally Ethelston

¹ Population Reference Bureau, *World Population Data Sheet* (Washington, DC: Population Reference Bureau, 1989, 1997).

² Peter Boone, Harris Gazdar and Athar Hussain, *Sanctions Against Iraq: Costs of Failure* (New York: Center for Economic and Social Rights [CESR], 1997), p. 12.

³ Data on birth rates, death rates, growth rates and fertility rates are from *World Population Prospects: The 1996 Revision Annex II & III* (New York: DESIPA/United Nations Population Division, 1996), p. 234.

⁴ *The Lancet* 346, December 2, 1995, p. 1485. Letter from Sarah Zaidi (CESR), Marcy C. Smith Fawzi (Harvard School of Public Health, Boston).

⁵ *Ibid.*

⁶ *The Lancet* 350, October 11, 1997, p. 1105. Letter from Sarah Zaidi, CESR.

⁷ John Lancaster and Nora Bouslany, “Iraqis Bask Cautiously in Spotlight Drawn by Annan's Visit,” *The Washington Post*, March 1, 1998, p. A25.

⁸ *Unsanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq* (New York: CESR, 1996), p. 10.

⁹ *The Health Conditions of the Population in Iraq Since the Gulf Crisis* (Geneva: WHO, March 1996), p. 8.

¹⁰ *Ibid.*, p. 16.

¹¹ “Special Report: FAO/WFP Food Supply and Nutrition Assessment Mission to Iraq” (Rome: FAO, 1997), p. 10.

Even after the Security Council passed a resolution asserting its intention to retain decision-making power in responding to any Iraqi breach, the Clinton foreign policy team declared that earlier resolutions already authorized a military response to infractions of what Secretary of State Madeleine Albright began calling an "inspections regime." In fact, this was nothing like 1993 when US warplanes unilaterally retaliated against Iraqi military incursions into Kurdish "safe havens" under the controversial, but recognizable, doctrine of "humanitarian intervention." This time, after Iraq failed to admit American inspectors to sensitive sites, the White House claimed a mandate under the November 1990 SC678, the Gulfwar resolution, to punish what Albright deemed a "material breach" of the April 1991 SC687, which imposed sanctions, and SC718, which created the UN Special Commission.

This spurious legalistic argument ran afoul of issues that had bedeviled the UNSCOM regime all along. First, although SC686, which brought a provisional end to the hostilities, does expressly reserve the authorization to use "all necessary means" to force compliance with subsequent resolutions, it also leaves judgment on these matters to the Security Council, not individual states. Second, although none of the four UN resolutions spells out the precise conditions that Iraq must meet before sanctions are lifted, the American assertion that punishment must continue as long as Saddam Hussein rules Iraq is legally untenable. Most experts agree that once inspectors certify an end to Iraq's weapons of mass destruction program, sanctions end. Already in October 1997, Russia and France proposed easing the trade embargo in light of the significant reduction in Iraq's nuclear and missile arsenal under UNSCOM supervision. The US and the UK resisted, insisting that their inspectors could ferret out suspected secret chemical and biological laboratories. This touched on the UN's sensitivity about neutrality and the multi-nationality of UNSCOM inspections teams, which, while nominated by their governments, are supposed to be drawn from as many countries and regions as possible, with particular care to avoid staffing with experts from "intelligence-providing states." These issues made it possible for the Iraqi dictator to complain that through their domination of the UNSCOM positions Anglos and Americans were moving the goal posts, deliberately prolonging the inspections and providing intelligence directly to governments that were planning to attack the very sites to which access was demanded.

The arsenal assembled for this exercise in gunboat diplomacy displayed the latest weapons, some of them designed specifically for the Iraqi arena: titanium-tipped cruise missiles, bunker-penetrating and satellite-guided bombs, and the Sensor Fused Weapon that carries multiple "skeet" submunitions each with target-seeking heat sensors. In February, 28,000 men and women were deployed to the Gulf. The Pentagon had ready detailed plans for penetrating underground installations, detonating presidential compounds and neutralizing the Iraqi Republican Guard. Within the military-industrial establishment, from the perspective of troop morale in a post-Somalia era and from commercial media outlets

that love to hate Saddam, there is a certain imperative to use the expensive new weapons. The deployment alone cost an estimated \$100 million per day.

Bombing on this pretext, however, would be like using dynamite to find the needle in a haystack. Before an attack on the scale threatened could commence, all UNSCOM weapons inspection teams (currently carrying out 95 percent of their inspections) would have to evacuate and monitoring would cease. Humanitarian missions and the "oil-for-food" program would also be suspended. Furthermore, because the Security Council is not prepared to back military action, the multilateral elements of the sanctions regime would be dismantled. In addition, Iraq's neighbors' refusal to allow air strikes to be launched from their soil could create political as well as logistical problems. Most importantly, destruction of Iraq's military and social infrastructure would almost certainly bring chaos and further suffering that could easily engage US and

perhaps British, Canadian or European soldiers in a massive humanitarian undertaking.

At home, there is a strand of public opinion that favors bombing Iraq on principle, because its ruler is so bad that, like the figures hunted down by Clint Eastwood or Arnold Schwarzenegger, he needs to be killed. But the foreign policy team's sales pitch was booed not only by Vietnam-vintage hecklers but also American bishops, already on record in favor of expanding oil sales to meet the humanitarian needs of the Iraqi people. Similarly, a wide range of public opinion, from left to right, questions the utility of a bombing campaign.

For all these reasons, UN secretary General Kofi Annan's diplomatic success was not incompatible with US interests in the Gulf. Unlike the 1990/91 resolutions, the new "deal" contains specific language expanding the scope of inspections and enforcing compliance. Despite other Security Council members' protestations, in the event of a future transgression, Washington will claim clear authorization for punishment under the new resolution. In the meantime, Iraqi oil sales will be regulated, even as the food-for-oil allowances are expanded. Gunboats and aircraft carriers will remain in a state of readiness for action. A potentially deep rift in the Gulf war coalition remains, but its consequences are averted, and existing basing rights maintained. The status quo of internationally mandated US military hegemony in the Gulf remains largely intact.

Students of international relations call this sort of arrangement a hegemonic regime, wherein imperialist powers delegate certain tasks to multilateral organizations. The IMF, for instance, imposes conditions on debtor nations that would be difficult for creditors to impose unilaterally. If US soldiers were doing the work of UNSCOM, they would be an army of occupation. Without UNSCOM, the US presence in the Gulf would be acknowledged as offensive, not acceded to as defensive. Although US has often flaunted international law and its mechanisms—for instance, in mining Nicaraguan harbors, violating Security Council resolutions affecting Israel,

refusing to pay UN dues—in this particular instance the multilateral features of the sanctions regime go hand-in-glove with imperialist ambitions. While some in Congress claim the Pentagon is doing the UN's bidding, elsewhere many people think just the opposite.

Real long-term US interests, however, do favor the genuine autonomy and integrity of the UN's arms control regime in Iraq. A farsighted policy would project monitoring of weapons of mass destruction to the Middle East region as a whole even beyond the Iraq sanctions regime. There is little evidence of this in Washington, where discussion focuses on the personality of Saddam Hussein and a well-worn litany of his sins, thus reducing the question to "what shall we do about this evil madman" rather than "how can we prevent weapons proliferation?" For all the talk about "taking out Saddam," one wonders where American policy in the Gulf would be without him.

The status quo is not sustainable indefinitely. The standard television image of "the Gulf," of US oil rigs and aircraft carriers glittering over flat sand and water, is something of a mirage. Current American policy still clings to the now-outmoded notion of "dual containment" of Iraq and Iran. Even after a thaw in relations with Tehran, however, all Washington's eggs are in the fragile GCC basket. The relationship of the US to Saudi Arabia, Kuwait, Bahrain and the other kingdoms of the Arabian Peninsula is not one of classical metropolitan-client relations. The Arab Gulf states are paying customers who set strict limits on foreigners in their countries. One of the ironies of the recent crisis is that international television reporters enjoy greater access to Baghdad than to Riyadh. The Gulf monarchies' survival may be inversely related to their loyalty to US military aspirations in their region. The uncertain futures of all the Arab governments of the Gulf region, as well as the huge stockpile of weapons in the Gulf and the wider Middle East, should provide strong incentive for prudent policy makers to empower an autonomous weapons inspections apparatus. ■