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Changing Shape of International Relations

Fast Forward to the Past? The Line in the Sand from Iraq to Iran

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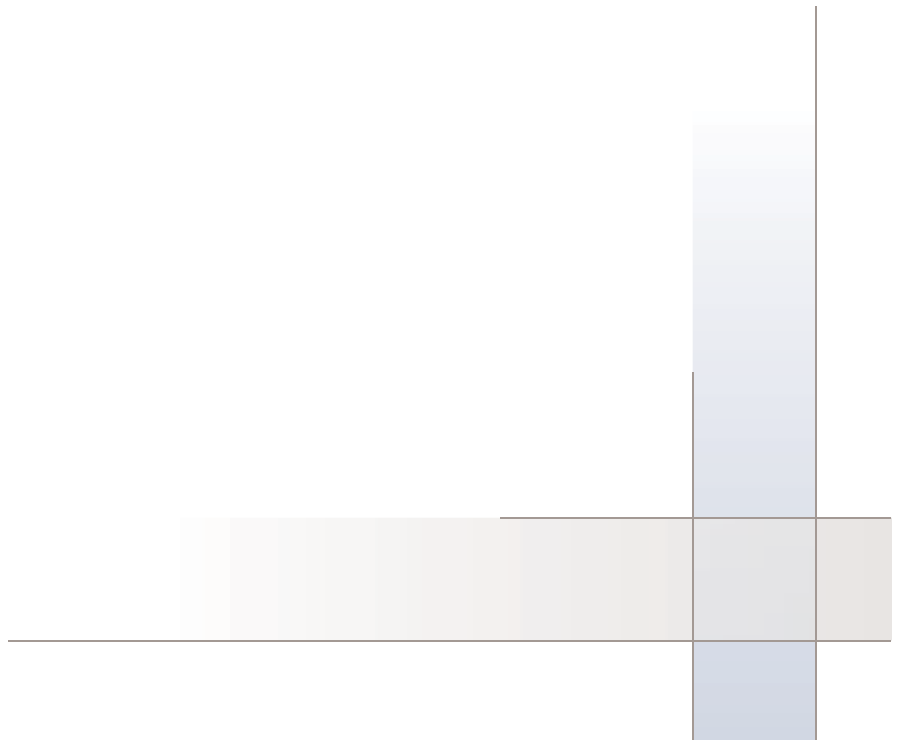
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John English



Author Biography

Dr. Ramesh Thakur is the Senior Vice Rector of the United Nations University and Assistant Secretary-General of the United Nations. Born in India, he has held full-time academic appointments in Fiji, New Zealand and Australia and visiting appointments elsewhere. He was Professor of International Relations and Director of Asian Studies at the University of Otago in New Zealand and Professor and Head of the Peace Research Centre at the Australian National University in Canberra before joining the UNU in 1998. He was a Commissioner on the International Commission on Intervention and State Sovereignty and one of the principal authors of its report *The Responsibility to Protect*, and Senior Advisor on Reforms and Principal Writer of the UN Secretary-General's second reform report.

Educated in India and Canada, he has served on advisory bodies on peace and disarmament to the governments of Australia and New Zealand and currently serves on the advisory boards of several research institutions in Africa, Asia, Europe and North America. He is the author/editor of some twenty books, the most recent being *From Sovereign Impunity to International Accountability: The Search for Justice in a World of States* (2004), *Making States Work: State Failure and the Crisis of Governance* (2005), and *International Commissions and the Power of Ideas* (2005). His new book, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*, has just been published by Cambridge University Press. He also writes regularly for the national and international quality press, including the *Australian Financial Review*, the *Daily Yomiuri*, *die tageszeitung*, the *Financial Times*, the *Globe and Mail*, the *Hindu*, the *International Herald Tribune* and the *Japan Times*. In 2007, he will return to Canada to take up a joint appointment with the University of Waterloo and CIGI.

Abstract

In this paper, Ramesh Thakur examines the implications of the Iraq War for the UN, shows how the goals being pursued in Iraq have been undermined by the means, and argues that the liberation of the people from Saddam Hussein's brutal regime was a collateral benefit amidst much damage to principles, institutions and relations. His thesis is that the Iraq War has complicated the international community's efforts to fashion a robust collective response to the nuclear challenge posed by Iran. The war's legacies include diminished Western credibility in highlighting an Iran threat, narrower policy options in responding to the nuclear challenge, and an Iran that is simultaneously politically stronger in Iraq, richer due to rising oil prices, and more emboldened and motivated on national security.

1. Introduction

'We're an empire now, and when we act we create our own reality'.¹

'...truth can be created by assertion, principle can be established by deception and democracy can be imposed through aggression'.²

'The Middle East is burning. From Baghdad to Beirut, the car bombs, suicide attacks, air strikes and a grim tally of civilian deaths are the new currency of daily life...'

'Iraq lies in ruins, Islamist forces are strengthening, and the Palestine-Israel conflict threatens to become a full-scale war. Even more ominously, the Middle East is being polarized along sectarian lines, empowering an Iran with nuclear ambitions. The mistakes of the Bush administration are coming home to roost'.³

Wars are cataclysmic events. Taking a country to war is among the most solemn responsibilities that a government has. First, because it puts one's soldiers at risk of death and injury, second, because it asks one's soldiers to kill complete strangers on government orders, third, because it kills many civilians caught in the cross-fire, and fourth, because the immediate and long-term consequences are both very grave and largely unpredictable. This is shown only too vividly in the transition from the first to the third quote above.

The Iraq war proper proved to be swift and decisive. The most pressing task in 'postwar' Iraq became to stabilise the security situation, establish a transitional political authority, initiate the necessary steps for postwar reconstruction, peacebuilding and reconciliation, and embed these in durable institutions and structures sufficiently resilient to survive the withdrawal of a foreign presence in due course. The larger goal in the region was to assuage the humiliation inflicted on the collective Arab identity, deal with legitimate Palestinian grievances with the same mix of boldness

¹ Unnamed Bush administration official, quoted in Bob Herbert, 'Bush's blinkers', *New York Times*, 22 October 2004, p. A23.

² Gary Younge, 'In a warped reality', *Guardian* (London), 21 March 2005.

³ Charles A. Kupchan and Ray Takeyh, 'Reaping what Bush sowed', *International Herald Tribune*, 20 July 2006.

and firmness shown in Iraq, and impress upon the Arab world in general the need for deep political, social and economic reforms.

My intention in this paper is neither to rake over the passions of the Iraq War, nor to examine the challenge posed by Iranian moves towards uranium enrichment, possibly as a prelude to acquiring nuclear weapons capability. Rather, my purpose is to examine how the Iraq War has damaged the capacity of the international community to fashion a robust collective response to the Iranian challenge.

2. The United Nations and Iraq

Iraq shows that it is easier to win a war without United Nations (UN) blessing than win the peace afterwards - but victory in war is pointless without a resulting secure peace. Reasons for the failure of the world community to support the Iraq war included deep doubts over the justification for going to war; anxiety about the human toll, uncontrollable course and incalculable consequences of war in a volatile and already inflamed region; and profound scepticism about the United States (US) capacity to stay engaged - politically, economically and militarily - for the years of reconstruction required after a war. The war's legality, legitimacy and impact on UN-US relations will be debated for years to come. This matters because the fabric of orderly relations between nations, the health of the human rights norm and the struggle for a better world are built on respect for international law. The belligerent countries insisted that the war was both legal and legitimate, based on a series of prior UN resolutions and the long and frustrating history of belligerent-cum-deceitful defiance of the UN by Saddam Hussein. Others conceded that it may have been illegal, but they were still prepared to support it because it was nevertheless legitimate, as with the Kosovo war in 1999, in its largely humanitarian outcome. This therefore amounts to an unflattering judgment on the adequacy of existing international law. Yet a third group insisted that the war was both illegal and illegitimate, and hence their strong opposition to it.

In a matching vein, there were three views on the significance of the war for the UN-US relationship: that it had demonstrated the irrelevance, centrality or potential complicity of the UN.⁴ Driven by moral clarity, the Bush administration

⁴ This is developed in Ramesh Thakur, 'Iraq, UN and Changing Bases of World Order', *Economic and Political Weekly* Vol. 38, No. 23 (June 7-13, 2003), pp. 2261-66.

was determined to distinguish good from evil in order to promote one and destroy the other. For some American neoconservatives, because it exists, the UN deserves to be disinvented. Consider the following prematurely triumphalist passage:

Saddam Hussein's reign of terror is about to end. He will go quickly, but not alone: in a parting irony, he will take the UN down with him... the fantasy of the UN as the foundation of a new world order. As we sift the debris, it will be important to preserve, the better to understand, the intellectual wreckage of the liberal conceit of safety through international law administered by international institutions.⁵

The second point of view acknowledged the need to confront Saddam but ruled out acting without UN authorisation. From a test of UN relevance, the agenda shifted to being a test of the legitimacy of US action. Imperceptibly and subtly, the issue metamorphosed into the question of what sort of world we wish to live in, who we wish to be ruled by, and if we wish to live by rules and laws or by the force of arms. Few outsiders were convinced of the case for war. Little evidence linked Saddam Hussein either to 9/11 or to Osama bin Laden. Saddam had been successfully contained and disarmed and did not pose a clear and present danger to regional, world or US security.⁶ Washington scarcely concealed its real agenda of regime change. Two things were widely believed to follow from the contrasting US policies towards Iraq and North Korea: Iraq lacked nuclear weapons, North Korea does not have oil.⁷

⁵ Richard Perle, 'Thank God for the death of the UN', *Guardian*, 21 March 2003.

⁶ Ironically, not only did the coalition forces fail to find any WMD after invasion; they managed to lose almost 350 tonnes of high explosives stored under IAEA seal at Iraq's Al-Qaqaa military installation, and this despite IAEA warnings to the US; 'IAEA says it warned US about explosives', *USA Today*, 29 October 2004; 'IAEA warned US about arms dump', *Daily Yomiuri*, 30 October 2004. The timing of the news item - in the final week of the US presidential campaign - led to charges that the IAEA and the UN might have leaked the story in revenge at the Bush administration; see Clifford D. May, 'UN manipulation?', *Washington Times*, 31 October 2004. Mohamed ElBaradei, Director-General of the IAEA, described such charges as 'total junk', noting that while the timing may have been unfortunate, it arose from external pressures and events: 'there is a world out there other than the American election'; 'ElBaradei dismisses revenge claim', *BBC News* (<http://news.bbc.co.uk>), 31 October 2004.

⁷ In my view, this common perception is facile, simplistic and erroneous. But it does demonstrate the twin common beliefs that Iraq was attacked because it was a soft target, whereas North Korea has been treated with greater caution because of its possible capacity to wreak nuclear vengeance; and that oil was not an irrelevant consideration in the calculus to attack and occupy Iraq.

The third argument accepted UN authorisation as necessary, but not sufficient, and preferred UN irrelevance to complicity. Had the UN been bribed and bullied into submission and sanctioned war, instead of UN legitimacy being stamped on military action against Iraq, that legitimacy itself would have been eroded. Arguably, the United Nations had already allowed itself to become complicit in the Anglo-US strategy to try to provoke Iraqi defiance as a pretext for war. This is indicated in the now-infamous Downing Street Memorandum.⁸ Because it was necessary to create the conditions that would make an invasion legal, 'the intelligence and facts were being fixed around the policy'. Imagine if the government of any country insisted that someone was guilty and must be hanged. The evidence of his guilt would be produced only after his execution, and the nature of his offence (murder, rape, treason) identified only after the evidence had been collected posthumously. In the same way, Washington reversed the usual sequence of trial, conviction and punishment. The outcome was predetermined: a swift and heavy military defeat leading to regime change in Baghdad. The justification (Weapons of Mass Destruction (WMD), involvement with international terrorism, humanitarian atrocities) came after the fact and was changed from WMD to liberation theology. Hence the following from one US critic as the tumultuous year drew to a close: the United Nations is 'now more than ever reduced to the servile function of after-sales service provider for the United States, on permanent call as the mop-up brigade'.⁹

3. Goals Contradicted by Means

Washington had six great claims for the war on Iraq; each was badly undermined by the means chosen. Their collective damage to the Empire Lite enterprise is greater than the sum of their separate parts.

Iraq's WMD ambition had been checked and contained by UN inspectors. Its arsenal of chemical and biological weapons was negligible, its nuclear weapons program was virtually nonexistent and it had little ability to revive the weapons programs. As recognised by Senator Robert Byrd, 'we may have sparked a new international arms race as countries move ahead to develop WMD as a last ditch attempt to ward off a possible preemptive strike from a newly belligerent US which claims the right to hit where it wants'.¹⁰

⁸ 'The secret Downing Street memo', *Sunday Times* (London), 1 May 2005.

⁹ Alexander Cockburn, 'It Should Be Late, It Was Never Great', *The Nation*, 22 December 2003, p. 9.

¹⁰ Robert C. Byrd, 'The Truth Will Emerge', 21 May 2003, available at <http://byrd.senate.gov>.

Second, how is it possible to achieve victory in the war on international terrorism against American targets by inciting a still deeper hatred of US foreign policy? Iraq became a hotbed of terrorism as a result of the war: 'There was no al-Qaida in Iraq before the arrival of US and British troops. Now fundamentalists are descending like spores of anthrax on the gaping wounds torn open by the war'.¹¹

Third, how does one instill democracy in an inhospitable terrain by punishing friends and allies who dared to exercise their democratic right to dissent from a war whose justification still remains contentious, while rewarding dictators who lent ready support?¹² Democracy cannot be imposed in Iraq by bombers, helicopter gunships and tanks, especially while other regimes with equally questionable democratic credentials are not just tolerated, but in many cases remain solid US allies. The global expansion of democracy has not been a pillar of American foreign policy; the rhetoric of democracy is an expedient justification in support of other more traditional goals. What answer to those who claim that aggression abroad was matched by repression at home, with serious cutbacks to many liberties that US citizens, residents and visitors alike had come to take for granted for decades?¹³ The role of business cronies in shaping public policy had a corrosive impact on public faith in the government: 'The Russians were mocked for protecting their economic self-interest, while Halliburton positioned itself at the center of Iraqi reconstruction'.¹⁴ This too failed to inspire Iraqi confidence in US-style democracy. Even former Secretary of State Madeleine Albright sadly concluded that 'democracy is getting a bad name because it is identified with imposition and occupation'.¹⁵ And in the United Kingdom (UK), the Iraq war laid bare the democratic deficit that failed to check a policy of belligerence against the expressed preference of the majority of the people.

¹¹ George Galloway, 'These are Blair's last days', *Guardian*, 3 May 2005.

¹² After General Pervez Musharraf reneged on his promise to give up his military post as army chief, the *Washington Post* commented in an editorial that 'the general has become a classic example of the sort of US ally Mr. Bush has repeatedly vowed to repudiate: an authoritarian ruler who offers tactical security cooperation with the United States while storing up trouble for the future'; 'Another Pass for Pakistan', 31 December 2004. See also the trenchant analysis by a leading Pakistani journalist Farhan Bokhari, 'Musharraf's penchant to stay in charge', *Japan Times*, 7 January 2005.

¹³ One of the best accounts of the human rights debacle in the aftermath of 9/11 is Joseph Margulies, *Guantanamo and the Abuse of Presidential Power* (New York: Simon and Schuster, 2006).

¹⁴ Paul Heinbecker (Canada's ambassador to the UN at the time of the Iraq war), 'Washington's Exceptionalism and the United Nations', *Global Governance* 10:3 (July-September 2004), p. 277.

¹⁵ Deborah Solomon, 'Questions for Madeleine Albright: State of the Secretary', *New York Times*, 23 April 2006.

Fourth, the legal basis for going to war continues to haunt the three belligerent governments. In her resignation letter submitted on the eve of the Iraq war, Elizabeth Wilmshurst, the deputy legal adviser to the Foreign Office, described military action in Iraq as 'an unlawful use of force' that 'amounts to the crime of aggression'.¹⁶ Nor is it possible to promote the rule of law and the role of international law in world affairs, to act as the world's policeman, by hollowing out some of the most important parts of international law that restrict the right to go to war except in self-defence or when authorised by the UN.

Fifth, against the backdrop of US rejection of the International Criminal Court and active efforts to undermine it, the denial of basic justice to prisoners at Guantánamo Bay and the history of supporting and arming repressive regimes in the Middle East and elsewhere, justice dispensed by such an occupying power, including Saddam's trial, will be 'of dubious legality and questionable legitimacy'.¹⁷

Finally, it is difficult to see how one country can enforce UN resolutions by denying the authority of the world body, denigrating it as irrelevant and belittling its role in reconstruction efforts after the war.

4. Liberation As a Collateral Benefit

Saddam Hussein is gone, and the people of Iraq are freed of his tyranny - that is a decided benefit. But this does not trump all other considerations. He may be gone from power, but the death and disappearance squads are back on the streets as the country spirals downwards inexorably into civil war. Saddam's removal is a collateral benefit amid the carnage of destruction to the agreed principles and established institutions of world order. It is difficult to be joyous at the descent from the ideal of a world based on the rule of law to that of the law of the jungle - though one can see why the lion would welcome such a change.

Victory in Iraq came at the price of re-legitimising wars of choice as an instrument of unilateral state policy. How are we going to prevent the proliferation of the unlawful

¹⁶ 'Iraq war "crime of aggression"', *BBC News*, 24 March 2005 (http://news.bbc.co.uk/2/hi/uk_news/politics/4377469.stm).

¹⁷ Hanny Megally and Paul van Zyl, 'US justice with an Iraqi face?', *International Herald Tribune*, 4 December 2003.

and unjustified use of force, of going to war as an instrument of state policy by other countries?¹⁸ To argue that military victory bestows legitimacy is to say that might is right, and that ends justify the means: two longstanding Western taboos. It also begs the question: Will others politely accept the new US imperial order, or will they begin to arm and align themselves so as not to become tomorrow's Iraq? Few will accept the doctrine that the administration of the day in Washington can decide who is to be which country's leader, and who is to be toppled. Nor has Washington been known to urge the abolition of the veto power of the five permanent members because it is an obstacle to effective decision-making by the UN. The veto may be an outmoded relic of the Cold War - but the US is in no position to criticise others. Since the end of the Cold War Washington has wielded the veto most frequently.

Not only do claims advanced to justify the war not stand up; the balance sheet has also to include the many and substantial damaging effects of the war. First, of course, are the casualties. More than 2,000 US soldiers have been killed. People usually frame an argument in terms of the risks to the lives of their own soldiers. Yet arguably, an even greater moral cost is asking one's young soldiers to kill large numbers of others on the basis of suspect claims. Is the total civilian-military casualty 100,000, 200,000, fewer, or more? What precautions should be taken to ensure that a coalition of the willing does not become the coalition of the killing? According to the most recent UN report, a total of 14,338 civilians had died violently in Iraq in the first six months of 2006, jumping 77 percent from 1,778 in January to 3,149 in June.¹⁹ That is, the daily toll has reached an average of 100 civilians. To try and minimize the political damage from civilian casualties, the coalition forces from the start have refused to collect and release such statistics. While this may have been an initially understandable decision, the scale of civilian killings has been such that by now it has exacted yet another moral price by painting the coalition countries as seemingly heartless and indifferent to the deaths and sufferings of a people they had supposedly meant to liberate from Saddam's tyrannical regime.²⁰

The UN stands doubly damaged. Many say it failed the test of standing up to a tyrant who had brutalised his own people, terrorised his neighbours and thumbed

¹⁸ See for example, Rami G. Khouri, 'Chickens Coming Homes to Roost,' *Newsweek* (international edition), 24 July 2006, p.11

¹⁹ Kirk Semple, 'Iraq's civilian toll: Over 100 a day'. *International Herald Tribune*, 20 July 2006.

²⁰ See for example, Andrew J. Bacevich, 'What's an Iraqi Life Worth?', *Washington Post*, 9 July 2006.

his nose at the UN for twelve years. Many more say it failed to stand up to the superpower in defence of a country that posed no imminent threat to any outsider.

The relationship between the UN and the US is badly frayed. Yet they need each other, not just in Iraq, but also in Afghanistan, Haiti and elsewhere. A completely pliant UN would indeed become irrelevant, even to the US.

Transatlantic relations have been damaged. When the major European nations objected that the case for war had not been proven beyond reasonable doubt, instead of dialogue they got bad-tempered insults. The neoconservative ideologues 'regard allies not as proof of diplomatic strength but as evidence of military weakness'.²¹ If friends and allies are to be useful, they must avoid both slavish obedience and instinctive opposition; be prepared to support Washington when they are right despite intense international unpopularity; but be willing to say no to Washington when they are wrong, despite the risk of intense American irritation.

European unity itself was shattered and the single European project badly shaken. The characterisation of old and new Europe was, in fact, quite mistaken. Considering the past few centuries of European history, France and Germany standing together in resisting war is the new Europe of secular democracies and welfare states, built on peaceful relations embedded in continental institutions. The former Soviet satellites that sided with the US represent the continuity from the old Europe built on balance of power policies that had led to the world wars.

The US has been deeply divided from world opinion, with a startlingly precipitous worldwide decline in global leadership. US soft power has been eroded. The problem of US credibility with the Islamic world is still more acute. Muslims are embittered, sullen and resentful of a perceived assault on Islam. One of the more poignant comments came from outgoing Deputy Secretary of State, Richard Armitage in an interview with an Australian newspaper. His biggest regrets, he said, were that they did not stop 9/11 and afterwards, 'instead of redoubling what is our traditional export of hope and optimism we exported our fear and anger. And presented a very intense and angry face to the world'.²²

²¹ Robin Cook, 'Bush will now celebrate by putting Falluja to the torch', *Guardian*, 5 November 2004.

²² Greg Sheridan, 'Reflections of a straight shooter', *Australian*, 20 January 2005.

US credibility suffered a calamitous collapse with the publication of abuse photographs from the Abu Ghraib prison, graphically depicting the extent to which the war had brutalised the US military. The abuses were not isolated incidents, but reflected a systemic malaise. Washington is yet to regain the moral high ground lost with the pornography of torture.

The US people are domestically divided with an edge to their opinions that is quite disheartening for all well-wishers of the country and all who recognise that the American role in world affairs as a great and virtuous power has been historically unique, essentially beneficial, generous to a fault, and both vital and necessary.

The military has been damaged as an institution in a manner reminiscent of the Vietnam War. In April, Marine Lt. Gen. Greg Newbold, who served as Director of Operations of the Joint Chiefs of Staff from 2000 and left in 2002 when the Defense Department was deep into planning the March 2003 Iraq offensive, became the third retired general to call for the head of Defense Secretary Donald Rumsfeld. (The other two were General Anthony C. Zinni, who led the military's Central Command, and Maj. Gen. Paul D. Eaton, who commanded the training of Iraqi security forces in the year after Baghdad's fall.) Newbold wrote that the decision to invade Iraq 'was done with a casualness and swagger that are the special province of those who have never had to execute these missions - or bury the results'.²³ Within days, two more - Maj. Gen. John Batiste, who commanded the 1st Infantry Division in Iraq in 2004-05, and Maj. Gen. Charles Swannack, who commanded the elite 82nd Airborne Division during its mission in Iraq - joined the call.²⁴ The consequence of the military's silence was that 'a fundamentally flawed plan was executed for an invented war', in Newbold's words, 'while pursuing the real enemy, al-Qaeda, became a secondary effort'.²⁵ Many other officers who have served in Iraq say privately that regardless of flawed prewar planning and postwar mistakes by civilian and military planners, the American public would hold the current officer corps responsible for failure in

²³ Lt. Gen. (ret'd) Greg Newbold, 'Why Iraq Was a Mistake', *Time* (Asia edition), 17 April 2006, pp. 30-31, on p. 31.

²⁴ Thomas E. Ricks, 'Rumsfeld Rebuked by Retired Generals', *Washington Post*, 13 April 2006; David S. Cloud and Eric Schmitt, 'More Retired Generals Call for Rumsfeld's Resignation', *New York Times*, 14 April 2006, 'Generals speak out on Iraq', *PBS Online NewsHour*, 13 April 2006, http://www.pbs.org/newshour/bb/military/jan-june06/iraq_4-13.html.

²⁵ Newbold, 'Why Iraq Was a Mistake', p. 31.

Iraq. In 2005, fully one-third of West Point's class of 2000 left active duty at the earliest possible moment, after completing the initial five-year obligation.²⁶ There are signs of strains in the relationship between uniformed soldiers and civilian leadership which could be politically damaging.

The credibility of the British and US media has also suffered slow but steady erosion on their coverage and analyses of the Iraq War. Media critics were held accountable for minor flaws and gaps in stories, but officials whose spin, dissembling and incompetence caused large-scale deaths and killings in an unnecessary war got medals of freedom. 'Embedded journalists' and 'Judith Millered' will be among the memorable journalistic legacies of this war.

Iraq also contributed to a dramatic narrowing of the humanitarian space for nongovernmental actors. When governments overstep the line or are viewed locally as foreign occupiers, NGOs share the opprobrium.²⁷

Finally, the net result of all this has been a distraction from the war on terror. The administration indulged its *idée fixe* on Saddam Hussein at the cost of letting many of the real culprits behind 9/11 get away.²⁸ For months, with the focus sharply and almost solely on Iraq's Saddam Hussein, Osama bin Laden in effect became Osama bin Forgotten, while Washington was drawn into fighting a war on the terrorists' terms. Al-Qaeda and their fundamentalist fellow-travellers were on the run, badly demoralised and universally stigmatised after 9/11 and the internationally supported war in Afghanistan. Iraq fragmented their enemies' military and political efforts, ensnared the US in a military and diplomatic quagmire, regained sympathy to their cause and fresh recruits to their ranks, renewed their sense of mission and purpose, and generally turned a strategic setback into a fresh opportunity. And now even the commitment to Afghanistan, originally so uncontroversial, is coming under scrutiny.

²⁶ Thom Shanker, 'More Army officers bailing out', *International Herald Tribune*, 11 April 2006.

²⁷ See John S. Burnett, 'In the Line of Fire', *New York Times*, 4 Aug. 2004; Isabel Hilton, 'When does aid become a weapon of war?', *Age* (reprinted from the *Guardian*), 14 July 2004.

²⁸ 'When it comes to going after the men who were behind 9/11 and who continue to wage a jihad against the US, Bush has repeatedly turned a blind eye to the forces behind terrorism, shielded the people who funded al-Qaida, obstructed investigations and diverted resources from the battle against it'; Craig Unger, "'War president" Bush has always been soft on terror', *Guardian*, 11 September 2004. See also Craig Unger, *House of Bush, House of Saud: The Secret Relationship between the World's Two Most Powerful Dynasties* (New York: Scribner, 2004).

5. Does the Line in the Sand Run from Iraq to Iran?

Those in favour of the war option tend to dismiss doubters as wimps. Curiously, their self-sketched profiles in courage fail them in a frank and honest assessment of the consequences of their past choices. The Iraq war's legacy includes diminished Western credibility in highlighting an Iran threat, narrower policy options in responding to the nuclear challenge, and an Iran that is simultaneously politically stronger in Iraq, richer due to rising oil prices, and more emboldened and motivated on national security. The biggest external political victor of the ongoing developments in Iraq is Iran, riding on the coat-tails of the Iraqi Shia majority.²⁹ Washington has eliminated Iran's two big regional rivals, the Taliban government in Kabul and the Saddam regime in Baghdad. With an enemy like the US, why should Iran wish for friends? Given its strategic location between them, and its vast population, Iran could make life vastly more interesting for foreigners in both Afghanistan and Iraq.

The stated justification for the Iraq war was the threat of weapons of mass destruction in the hands of Saddam Hussein. It is not for those who oppose war to prove their case, but for proponents to prove it beyond reasonable doubt. Having cried wolf - more accurately, having been caught out crying wolf - should leaders complain about a ho-hum response to the newest dire warnings of the same threat?

Conversely, with nuclear neighbours to its west, north and east, and large numbers of American military forces all around it, what is a prudent national security planner to recommend to the Iranian government? To abandon or accelerate the nuclear program if one exists? A *Guardian* columnist writes of 'belligerent machismo' as 'the default mode' of US engagement with the world.³⁰ Tehran could even cloak its actions in arguments since the Kosovo war that legitimacy is different from and on a higher plane than mere legality. In going to war against Iraq, a major argument was that in the international jungle, international law, if there is such a thing,

²⁹ As indeed was predicted by those with knowledge of the region. Thus Saudi Arabian Foreign Minister, in an interview to John Simpson of the BBC just weeks *before* the invasion of Iraq, warned that US and British troops would be bogged down in Iraq for years, there would be civil war between Sunnis and Shias, and the real beneficiary would be the Iranian regime - but the Americans were in no mood to listen. John Simpson, 'How predictions for Iraq came true', *BBC News*, 10 April 2006; http://news.bbc.co.uk/2/hi/middle_east/4894148.stm.

³⁰ Simon Jenkins, 'If this is Ahmadinejad's bluff, it is bluff worth calling', *Guardian*, 10 May 2006.

cannot trump national security. Advocates of robust national postures argue that global regimes are unreliable instruments of security, international law is a fiction, and the UN is an irrelevant nuisance. Countries have to rely on their own military might to avoid becoming the victims of others. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was negotiated for another time and another world. In the harsh world of the international jungle, the only reliable route to ensuring national security is through national military might, including nuclear weapons.

Where we teach and lead, will others not learn to follow? Iran's nuclear ambitions show a surprising continuity since the Shah. It was attacked by chemical weapons - a weapon of mass destruction - by Saddam Hussein during a war in which Baghdad's aggression remained unpunished by the West, but a commercial Iranian airliner was shot down with no penalty for the officers and country responsible. How different would have been the region's and world history if the West had supported Iran in fighting and defeating Iraqi aggression in the early 1980s!

Tehran portrays its actions as consistent with its NPT right to acquire nuclear technology and materials for peaceful purposes. The NPT requirements, for all its brilliant success in having contained the nuclear genie for over three decades, reflect the technical and political world of a bygone era. One of its core bargains is assistance with nuclear energy for peaceful use in return for giving up nuclear weapons. Today, it is possible to stockpile materiel and acquire the technology and skills to cross the threshold from peaceful to weaponised capability with relative ease and in short time. More and more countries are bumping against the nuclear weapons ceiling even while the world energy crisis is encouraging a move to nuclear power. In the meantime, the escalating price of oil, fuelled by the ongoing Iraq insurgency and resulting interruptions of oil production and supply with fears of further shortages, has swelled Iranian coffers and strengthened their bargaining position against threats of international sanctions.

What if President Mahmoud Ahmadinejad agreed to seek an advisory opinion from the World Court on Iranian and US compliance with NPT obligations, on condition that both undertook to abide by the Court's legal conclusion? The NPT assumes that nuclear weapons themselves are illegitimate. Those who had them already in 1968 promised to give them up in due course while others promised not to get them. The five NPT-licit nuclear powers regard their Article 6 promise as rhetorical

but treat nonproliferation as a binding and enforceable obligation. The contradiction has come to a head. If any one country can justify nuclear weapons on grounds of national security, so can others. Given the spread and deployment of nuclear powers and hostile military forces all around it, and the history of belligerent statements directed at it, purely on security calculations, Iran's pursuit of nuclear weapons as the ultimate deterrent is not beyond comprehension.

If we are serious about putting a stop to the developing nuclear threats, then the nuclear powers must promise faithfully, and act promptly, to dismantle their nuclear stockpiles to a publicly declared timetable.³¹ This would convert the NPT from a nonproliferation into a prohibition treaty. Or they must articulate a post-NPT worldview that discriminates between responsible and criminal regimes, showing why some are less nuclear-equal than others. The nuclear cooperation deal between India and the US begins to do just this. This transcends an anachronistic NPT and bases the threat on a series of inflammatory statements and incendiary steps by Ahmadinejad since he became president. But the political cost of a military option against yet another Islamic country will be much higher because of Iraq.

6. Conclusion

The Iraq experience confirms that, as with terrorism, a war of aggression is an unacceptable tactic no matter how just the cause. The fall from grace of an America that was the object of everyone's sympathy and support after 9/11 is nothing short of astonishing. That support understood and backed the war against the Taliban government of Afghanistan. It fractured when Washington turned its attention to Iraq whose links to 9/11 were tenuous at best. Robert Tucker and David Hendrickson argue that the Bush administration pulled down the four pillars of post-1945 US foreign policy: a commitment to international law; consensual decision-making; moderation; and the preservation of peace.³² Instead the radical agenda amounted to a revolutionary attempt to overthrow the post-1945 order.

³¹ The linkage has been strongly reinforced by the just-published report of the Blix Commission on weapons of mass destruction; *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*. Report of the Commission on Weapons of Mass Destruction (Stockholm: WMDC Secretariat, 2006).

³² Robert W. Tucker and David C. Hendrickson, 'Iraq and US Legitimacy', *Foreign Affairs* 83:6 (Nov/Dec 2004), pp. 18-32.

The ouster of Saddam Hussein flowed from strategic not ethical calculations of foreign policy. The United States is a great power, and a great power has strategic imperatives, not moral ones. To accuse it of double standards and hypocrisy thus misses the point. The State Department and Pentagon are not branches of Human Rights Watch or Amnesty International. Washington is motivated to act internationally not because it cares about foreign peoples, but because it cares about its own interests. The US is consistent in its foreign policy, remarkably so: but strategically consistent, not morally so.³³

The three optimistic assumptions behind Washington's Iraq folly can be summed up as follows: the people of Iraq will welcome and love the Americans as liberators with the ouster of Saddam Hussein; the UN will fall flat on its face and the countries of the world will flock to join the coalition as soon as we find and display the weapons of mass destruction in Iraq; and Iraq will virtually rebuild itself with petrodollars. All three proved to be wrong. What was meant to have been an awesome demonstration of limitless American firepower and willpower turned out to prove the limits of American power in defeating even a small band of insurgents fighting urban warfare with their own bodies as the primary weapon-delivery system. And an Iraq that was meant to showcase the birthplace of the democratic crusade in the Middle East became its graveyard instead. Thus President Vladimir Putin responded to President Bush's suggestion that Russia should become more democratic with the wry comment that 'We certainly would not want to have the same kind of democracy as they have in Iraq'.³⁴

The crucial question now is whether, because of the series of mis-steps and errors of judgment, the US has become so much a part of the problem that its forces must withdraw from Iraq as a precondition for stabilising the country. Their presence has become a focus of grievance and a lightning rod for terrorists and jihadists. This presents an acute dilemma: should they withdraw and risk an immediate descent into chaos, anarchy and civil war, or will their continued presence ensure a slow but steady slide into an insurgency-fuelled chaos and anarchy?³⁵ The coalition allies

³³ See George Monbiot, 'The moral myth', *Guardian*, 25 November 2003.

³⁴ *Newsweek* (international edition), 24 July 2006, p.5.

³⁵ See Ahmed S. Hashim, *Insurgency and Counter-Insurgency in Iraq* (Ithaca: Cornell University Press, 2006).

can neither stay put, taking casualties for no apparent purpose; nor go forward militarily in an unwinnable war; nor turn back politically for fear of the damage to their military and political credibility.

Finally, fidelity to international regimes, laws and institutions must be required of and demonstrated by all countries. Trashing global institutions and cherry-picking norms and laws when inconvenient is incompatible with trying to use them as compliance and enforcement mechanisms on others. To those who uphold the law themselves shall be given the right to enforce it on others.

All of which might put the ball firmly back in the UN's court. But has the UN's authority been enhanced or diminished by the Iraq war?³⁶ What is to stop other leaders from mimicking the bumper sticker argument about not needing a permission slip from the UN to defend one's country? Tehran could lay a substantial legal challenge to the five nuclear powers-cum-permanent members of the Security Council sitting in judgment on it when their own nuclear stockpiles are in defiance of the World Court's advisory opinion in 1996. The idea that the five should concentrate legislative, executive and judicial powers to themselves violates elementary notions of due process. Imagine if abuser regimes, and only they, had permanent membership and veto powers in the Human Rights Commission! For legality and legitimacy to come together again in the Security Council, its composition and procedures must be changed urgently to reflect today's military and ideational realities.

The United Nations, built to preserve peace, is not a pacifist organisation. It was created on the fundamental premise that sometimes force will indeed have to be used, even to defend peace, against international outlaws. It has not always done so, and so peace has had to depend much more on US power than UN authority. But the abiding lesson is that if force is used unwisely, prematurely or recklessly,

³⁶ Consider: (i) 'The world's carefully constructed international system for maintaining peace and security, built around the UN charter, is now on its last legs. It tackles crimes by the weak but is mute and unresponsive in the face of lawless behaviour by the powerful.' Salim Lone (a former UN official). 'The [UN] charter is on its last legs.' *Guardian*, 22 July 2006; and (ii) 'global justice is selectively applied, Saddam Hussein can be brought to book for "gassing his own people" and various other alleged atrocities, but Messrs Bush and Blair get away scot-free inspite of launching a war on the false claim that the dictator had weapons of mass destruction.' Imtiaz Muqbil, 'A law unto itself'. *Bangkok Post*, 23 July 2006. The two examples demonstrate just how wide the gulf is between 'mainstream' Western and Muslim opinions.

the possibility of its use plummets when it is both necessary and fully justified. In the end, this is the most damning indictment of those who entangled us in the Iraq misadventure: that it distracted attention from the real threats and dangers, sapped the will, corroded the collective capacity to confront genuine challenges, and emboldened those who might otherwise have remained more cautious to become more brazen. The UN cannot contemptuously be brushed aside as irrelevant and disposable in one crisis, only to be lifted out of the rubbish bin of history, dusted off and put to use in another.

The world is a better and safer place for all of us: (1) because the Cold War was fought, how it was fought, and who won - US power prevailing in defence of American values; and (2) because the UN exists, what it does, and what it symbolises - the ideal of an international society based in human solidarity, grounded in law and ruled by reason. Therefore, the world will be a better and safer place for all of us if the indispensable superpower and the indispensable international organisation work in tandem, not at cross-purposes, with force put to the service of law.

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