

Bombing of UN, Shows The U.S. Must Withdraw

by Muriel Mirak-Weissbach

If there is any clear message in the bombing of the United Nations headquarters in Baghdad on Aug. 19, it is that the United States occupying power has lost all control over the situation, and must get out as soon as possible. The United States and its pro-consul Paul Bremer must leave, and the UN must be authorized fully to take charge of rebuilding the nation, in order to attempt to prevent the worst from happening. This is what Democratic Presidential hopeful Lyndon LaRouche has reiterated since President Bush declared the “official” conclusion of the war, and the guerrilla resistance began. LaRouche was the first leading political figure to make this demand, and has remained the only American leader, although on the international scale, his view is gaining major support.

The urgency of a U.S. withdrawal is dictated by both military and legal considerations.

Whether Secretary of Defense Donald Rumsfeld wants to admit it or not, he and his cohorts totally miscalculated the nature of the Iraqi military and people. Following the U.S. takeover of Baghdad on April 9, which came after the Iraqi military had disappeared into the woodwork—either by agreement at some level of command, or by strategic calculation—Rumsfeld believed that the Iraqi people would support a Quisling government (the “Governing Council”) hand-picked by Bremer, and join hands with the occupiers to rebuild the country. This betrays a mindboggling ignorance of Iraqi history, which, stretching back for millennia, has been characterized by repeated rejection of foreign domination. This was true as recently as after World War I, when the Iraqis fought the British, and continued to the time when they overthrew the British-installed Hashemite monarchy, in a military coup led by Abdul Karim Kassem in July 1958. British puppet King Faisal II and other members of the ruling family were shot, and a republic was established.

A Liberation Army

Although the regime of Saddam Hussein was ousted from power on April 9, the massive military apparatus remained, until Bremer stupidly declared it disbanded, thus throwing an estimated 400,000 officers and soldiers into unemployment, and condemning their families, numbering over 1 million citizens, to misery. Had they had no other reason to oppose the occupation, this one act would have sufficed to turn the military into a resistance army. In addition, there are more than 400,000 former security and intelligence operatives on the



“Mistakes have been made on all sides” said UN Secretary General Kofi Annan (left) for the first time, about the occupation of Iraq, at a press conference on Aug. 20. The UN had allowed itself to become a mere facilitator of U.S.-British occupation run by pro-consul Paul Bremer (right), with its increasingly blatant actions in violation of international law.

ground, say regional sources. In total, Iraq disposes of a significant force of trained, armed, motivated fighters who now constitute a partisan guerrilla resistance force. They may not be working under a unified command, as previously, but they do function as an effective force, much like that led by Marshal Josip Broz Tito in Yugoslavia during and after World War II.

This guerrilla resistance force enjoys the support of the Iraqi population, which has been subjected to U.S.-led war twice since 1991, starved through the U.S. and U.K.-imposed sanctions regime since that time, and recently invaded. The rage and sense of humiliation, felt by a people who are proud heirs to a continuous language culture going back thousands of years, cannot be underestimated. Since the occupation began, that rage has been stoked by intrusive search operations into private homes, where Muslim women are subjected to treatment banned by their religion; wanton killings of Iraqis by unprepared, trigger-happy U.S. troops; and worsening conditions of life, including lack of fuel, fresh water and electricity.

Thus, the resistance. In classic guerrilla warfare style, the fighting began with single U.S. troops being targeted, one or two per day (officially); then increased to 10-12 attacks in various parts of the country per day, with no reliable casualty counts. Soon came the first acts of sabotage of the oil pipeline through Turkey, on which the United States depends to export Iraqi crude, and reap revenues to finance the occupation. This was followed by the explosion, by sabotage, of a water main in the capital, which left 300,000 without water. Bigger targets were hit, with the bomb attack against the Jordanian embassy on Aug. 4 and the suicide attack against the United Nations building Aug. 19.

As noted in a UPI commentary Aug. 20, by senior news analyst Martin Sieff, “The most alarming thing about the terror bombing of the United Nations compound in Baghdad is not that it happened, but that it happened so soon.” According

How Many U.S. Casualties?

A Palestinian journalist working for Reuters, Mazen Dana, was killed on Aug. 17 by American soldiers firing from two tanks. His own camera recorded the brutal onslaught. Although U.S. officials claimed the soldiers mistook his camera for a weapon, the Internet publication *islamonline* on Aug. 20 interviewed the victim's brother, who charged that "The U.S. occupation troops shot my brother dead on purpose, although he was wearing his press badge, which was also emblazoned on the car he was driving." Other sources confirm that Mazen Dana had a permit from the American forces to film at the site, which was the Abu Gharib prison in Baghdad.

Dana's brother told *islamonline* that the photographer had informed him, a few days before his death, that he had found—and filmed for a TV program—evidence that American casualties in Iraqi resistance attacks have been higher than acknowledged. "The American forces had killed Mazen knowingly to prevent him from airing his finding," he said. The Palestinian information ministry and press syndicate condemned the murder and the continued targetting of journalists in Iraq. They urged a probe by international press groups into the killing.

The report of Dana's filmed evidence comes only from his brother, but the manner of his killing also raises the question, "Did the American military have a reason to murder him, in order to shut him up?" And the further question, "How many American dead?"

to what Sieff calls the "learning curve of guerrilla terror," violence characteristically does escalate, but not rapidly as in Iraq. The analyst compares this "strikingly fast" learning curve of the Iraqi resistance, with other examples, concluding that the Iraqis, in "little over four months after the U.S. occupation of Baghdad . . . have carried off a far more devastating attack than anything like the Irish Republican Army ever managed against British forces . . . or the Basque ETA organization." Sieff even notes that it took years for Menachem Begin's Irgun, or Hamas's and Islamic Jihad's fighting, "to reach that level of boldness, competence and ruthlessness simultaneously." In conclusion, the stark reality of the situation is laid bare: "Not only does the United States have a wolf by the ears in Iraq, but the muzzle is off and the wolf has learned to bite. Fast."

Why Target the UN?

Although many expressed amazement that the UN should be targetted, since it was performing a "humanitarian" role, the plain truth is that the UN went into "post-war" Iraq, effectively as an appendage to the occupying forces. The UN made itself a target, officially, on Aug. 14, when the Security Council voted 14-0 (with Syria abstaining) a resolution which de facto recognized ("welcomed") the formation of the Qusling government, as a step towards sovereign rule.

Even prior to that capitulation, the Iraqis had an ambivalent view of the UN. As reported in a background piece in the *Frankfurter Allgemeine Zeitung* on Aug. 19, the people had distinguished between the "good" UN and the "bad" UN; to the former belonged the UN Development Program and UNICEF, which tried to provide humanitarian aid; to the latter, the weapons inspectors and those coordinating distribution under the hated oil-for-food program. Moreover, the UN has been identified, since 1990, with the sanctions regime pushed through by the United States, and the misery it has

produced. Finally, there is justified anger at the fact that Iraq's own oil resources have been looted, to finance not only reparations to Kuwait, but also the costs of the UN operations.

Just how much the UN over the last decade had allowed itself to become the errand-boy and espionage agency for the Americans and British, was made manifest in the series of resignations of high-ranking UN personnel—such as Hans von Sponeck and Scott Ritter—in protest against the U.S. sabotage of humanitarian aid and the utilization of weapons inspectors, as in UNSCOM, as spies.

Despite the Security Council's Aug. 14 day of infamy, the United Nations remains the only organization which has the mandate under international law, to assist in the process of forming a legitimate, independent, sovereign government in Iraq. Any attempt by any occupying power, to set up a government, is a blatant violation of international law, as many experts have testified. Dr. Hans Köchler, President of the International Progress Organization (IPO) based in Vienna, issued a memorandum on Aug. 12, detailing the legal implications of the war and subsequent occupation. Köchler, whose organization is linked to the UN, is an expert in international law, active over the last 12 years in campaigning to re-establish legality and justice for the Iraqi people.

Dr. Köchler noted that the war and invasion were unauthorized by the UN Security Council, and thus constituted "an act of aggression and a violation of Article 2 (4) of the United Nations Charter. . . . The continued occupation of Iraq . . . constitutes a serious threat to international peace and security in the meaning of Article 39 of the Charter." Köchler argued that the UNSC resolution of May 22, 2003 "acknowledges the occupation as *fait accompli*" and defines the duties of the occupiers; but this "can in no way be construed as justifying, *post factum*, the war of aggression and the subsequent occupation of the entire territory of Iraq."

According to international law regarding occupying pow-

ers, “specifically the Geneva Conventions” the “Governing Council . . . cannot be seen as a source of legitimate new constitutional order in Iraq,” its members having been appointed by Bremer, wrote Köchler. Furthermore, “Although hailing from various sectors of Iraqi society (in terms of religion, ethnicity, etc.) they do not in any way represent the *people* of Iraq in the true meaning of constitutional representation.” Köchler criticized statements made by UN Secretary General Kofi Annan as “mistaken,” when Annan called the Governing Council “an important first step towards the full restoration of Iraqi sovereignty.” (Clearly, the same judgment applies to the UN vote of Aug. 14.) Instead, the IPO president stressed, “In real terms, the formation of this ‘Council’ was a decisive step in a strategy to legitimize the occupation of Iraq by ‘coalition forces.’ ”

What should be done is the following: “The basis for *legitimate* authority on the territory of Iraq can only be created through a general referendum on the future constitution of Iraq and through general elections to be held on the basis of such a new constitution.” This cannot be done by the occupying powers, but “must be organized under the auspices of the United Nations Organization. This will require a new Security Council resolution to be adopted on the basis of Chapter VII, formulating the authority for (a) the setting up of an advisory committee, representative of all sectors of Iraqi society, for the drafting of a constitution; (b) the organization of a general referendum on the proposed new constitution for Iraq; and (c) the organization of general, free and fair elections.” Among the precedents Köchler cites is Cambodia.

At present, the Governing Council has no right to represent Iraq in any international forum; if the Security Council were to recognize it as “legitimate authority,” this “would undermine the international rule of law,” Köchler wrote.

A Perfect License To Loot

In light of Köchler’s IPO memorandum, it is also clear, that the Executive Order issued by President Bush on May 22 is in blatant violation of international law. Executive Order (EO) 13303, entitled, “Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest,” allows U.S. companies active in Iraq blanket immunity. The order was passed just hours after the UN Security Council had okayed the U.S. occupation, *de facto*, by its resolution for protecting oil revenues for Iraqi reconstruction. The Iraqi Development Fund had been set up for this purpose. That UN resolution removed obstacles to trade with occupied Iraq.

According to a report in the Indian daily *The Hindu* on Aug. 18, “The Security Council ended the sanctions on Iraq and asked member-states to provide immunity to petroleum, petroleum products, and natural gas originating in Iraq from legal actions resulting in attachments or other similar judicial processes. Although this protection was to continue till Dec. 31, 2007, it was limited in scope.” The UNSC did this with the idea that the oil would be protected “only as long as the oil was in Iraq’s possession. The Security Council did not

envisage, or ask member-states to ensure, that any subsequent purchaser of Iraqi crude would enjoy the same immunity.”

Bush’s Executive Order extended the scope of the immunity far beyond what the UN prescribed, to protect U.S. companies holding and trading Iraq’s crude oil. It does not prevent any party from initiating legal proceedings, but effectively guarantees they will fail, since “it prohibits, and declares ‘null and void,’ any attachments or other court decrees or a similar nature.”

In addition, the EO is not limited to crude oil, but includes “petroleum products,” thus providing immunity for various “downstream hydrocarbon-based commodity producers.” These would include, for example, producers of plastic toys, if it could be shown that the petroleum used, came from Iraq. *The Hindu* notes: “Since petroleum from different sources is blended at the refining stage, a liberal interpretation of the order could extend its immunities to the whole of the petroleum sector in the U.S.”

Bush’s rationale for the immunity, is in the preamble to the order, which states that the threat of obstacles to Iraqi oil trade, “obstructs the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and development of political, administrative, and economic institutions in Iraq.” This was considered as constituting “an unusual and extraordinary threat to the national security and foreign policy of the United States,” such that Bush even felt bound to declare, in the order, a national emergency.

It appears that, although relatively little has been reported in the press about this order, there are some NGOs ready to fight it. The Government Accountability Project (GAP) assessed the legality of the EO as follows: “In terms of legal liability, the Executive Order cancels the concept of corporate accountability and abandons the rule of law.” It “is a license for corporations to loot Iraq and its citizens.”

The Lawful Way Out

There are no ambiguities as to what *should* be done. The United States should admit its folly, and hand over the entire Iraq matter to the UN, which must annul EO 13303 and move to re-establish legality. The current stance of the Bush Administration, even in the wake of the UN bombing—though it is deeply divided—has been to demand international help, more troops, and funds, but without ceding an inch of power. Rumsfeld, Cheney, et al. clearly harbor the illusion, that they can maintain the military occupation with the complicity of the international community. In short, they seek to establish their empire, and expect other nations to be willing satraps. Not only will this not work politically, as the French, Russian, and Chinese governments have indicated in their repeated calls for the UN to move in. It will not work militarily. If the U.S. does not get out, renouncing its status as occupying power, then the brutal reality of the Iraqi resistance will force them out, to the tune of hand grenades, snipers’ bullets, and suicide bombings.