Afterword

Apportioning Responsibility for the Iraq Humanitarian Crisis

by George A. Lopez and David Cortright

No discussion of the severe humanitarian impact of sanctions in Iraq would be complete without at least some reference to the difficult question of culpability. Can analysts assess the responsibility of the relevant political actors for the large number of preventable deaths that have occurred during the sanctions crisis? Officials of the U.S. and British governments acknowledge that sanctions have caused severe hardships in Iraq, but they blame these outcomes on the government in Baghdad. We don't believe that the United States and its Security Council allies can escape responsibility so easily, as we explain below, but the government of Iraq does indeed bear a major portion of responsibility for the crisis. Baghdad not only initiated the Gulf crisis with its invasion of Kuwait, but it has repeatedly acted in the intervening years to prevent a resolution of the confrontation and prolong the suffering of its people. The government could have averted much of the humanitarian crisis at any point during the past eight years by complying with the terms of Resolution 687 and permitting full inspection of its weapons programs. In refusing to do so Baghdad placed a greater priority on preserving its military might and political power base than on preventing the further deterioration of Iraqi society.[1]

Evidence of Baghdad's disregard for its own people can be seen in its spending choices. Despite the sanctions, Iraq has not been without financial resources. It has retained access to hard currency reserves and overseas financial holdings, despite international efforts to seize these assets. It has managed to earn export revenues through a small but lucrative illicit oil trade via Turkey and Iran. Limited oil sales have also been allowed through Jordan. Baghdad could have used the limited but nonetheless significant resources at its disposal to take more vigorous action to address the needs of its people and relieve humanitarian suffering. Instead it has marshaled its resources for such purposes as constructing dozens of "palaces," erecting monuments to its own glorification, and attempting to rebuild its vast military apparatus (including efforts to smuggle military technology and circumvent restrictions on weapons of mass destruction).[2] During the past six years Baghdad has also undertaken a massive civil engineering project and campaign of military oppression against the marsh Arabs of southern Iraq.[3] The tragic irony is that while Basra and other Iraqi cities still lack adequate water piping and sewage treatment facilities, the government has found the resources to drain the marshes and build a 350-mile river channel through the southern region.

The most significant serious rights denial of its people has been Iraq's rejection of the UN's oil for food program and its obstruction of the humanitarian assistance operation once it got underway. The UN Security Council first approved the oil for food relief

effort in September 1991 in Resolution 706. Iraq rejected the resolution. In 1995 the Security Council again approved the oil for food program in Resolution 986. After further delays, the Iraqi government finally agreed and the program started in late 1996, with food deliveries beginning in 1997. Iraqi officials have opposed the oil for food program as overly intrusive and a violation of national sovereignty. They also reject the program because they see it as providing the basis for the UN to maintain sanctions indefinitely. The Iraqis insist that the only proper humanitarian response is to lift sanctions and allow the country to repair its oil industry, resume trade, and rebuild its shattered economy and society. While one might grant Iraq its own policy stance on the sanctions issue, its "all or nothing" position on sanctions removal helped to compound the humanitarian crisis.

If the oil for food program had been accepted when first proposed in 1991, much of the suffering of the Iraqi people in the intervening years might have been avoided. If Resolution 986 had been implemented immediately in 1995, rather than after a delay of nearly two years, humanitarian relief would have arrived sooner.[4] And various reports indicated even at this late date that food and medical supplies did make a difference in 1997. By agreeing to these measures, Baghdad could have avoided much of the humanitarian crisis. Its failure to do so was a cruel act of human rights abuse and shifted much of the responsibility for the crisis squarely onto its own shoulders.[5]

This obstinance has placed the UN in an untenable situation. To offer an analogy with warfare, it is as if the opposing army has brought children to the front lines and allowed them to be massacred. Would a military force facing such a diabolical maneuver be justified in attacking? Is the Security Council justified in maintaining comprehensive sanctions against an opponent willing to make innocent children the primary victim? A policy designed to exert pressure on an aggressor regime has been perverted by that regime into a virtual attack on innocents. It may be correct to say that responsibility for the humanitarian suffering rests with Saddam Hussein, but this does not solve the practical problem of overcoming injustice. The oil for food program has been an attempt to address the humanitarian suffering caused by sanctions in Iraq, but it is not a sufficient answer and does not acquit the members of the Security Council of the obligation to take further steps to prevent the suffering of innocent civilians. Precisely because it is known that the Iraqi government is victimizing its own population, the UN incurs an obligation to adjust its policies and find a different approach to achieving its objectives in Iraq.

The culpability of U.S. officials arises from their misuse of the sanctions instrument in Iraq. We have addressed this issue at greater length elsewhere but suffice it to say here that officials in Washington have been excessively rigid and unyielding in their use of sanctions and have refused to offer incentives to encourage Iraqi cooperation. Iraq has made some minor concessions over the years, however reluctantly, and substantial progress was made by UN weapons inspectors in dismantling Baghdad's nuclear and ballistic missile capabilities.

While Iraq has not fully complied with UN resolutions, and many uncertainties remain, its partial concessions and the progress achieved inspections merit a partial easing of coercive pressure. The effective use of sanctions requires the reciprocation of partial concessions. An easing of economic pressure in response to partial compliance can produce further concessions. In part this is a recognition of the limits of sanctions and what they can be expected realistically to accomplish.[6] Sanctions should not be used in a purely punitive manner to starve an opponent into submission. Sanctions work best in combination with incentives and other forms of external influence as part of a carrots and sticks diplomacy designed to resolve a conflict through negotiation.[7] In the Iraq case, however, there has been no reciprocation of Baghdad's concessions, and thus no incentive for the government to take further steps toward compliance.

The Security Council's refusal to reciprocate Iraq's partial concessions suggests that the purpose of the continuing sanctions, at least for the United States, is no longer (or was never merely) to enforce Resolution 687. The political goal posts have been moved. Resolution 687 states explicitly that the ban on Iraqi exports will be lifted when Iraq complies with UN weapons inspections, but U.S. Secretary of State Madeleine Albright declared in March 1997 that the United States does not accept this view.[8] The larger objective has become to impose political and military containment on the regime of Saddam Hussein. This is implicit in the many statements from U.S. officials that the sanctions will not be lifted until Saddam Hussein is removed from power. In November 1997 President Clinton remarked that "sanctions will be there until the end of time, or as long as he lasts."[9] While many UN member states disagree with this view, they have been unwilling or unable to prevent the United States and Great Britain from dominating UN policy toward Iraq and maintaining a rigid and unyielding posture toward the continuation of sanctions.

Under these conditions sanctions quickly lost the carrots and sticks leverage so crucial to their effectiveness. If Baghdad's conciliatory gestures, however partial, had been reciprocated earlier, a different political dynamic might have evolved between the UN and Iraq. The lack of such reciprocation has meant, from Iraq's perspective, that the government has little to gain from further steps toward compliance. Baghdad relied instead on strategies of obstruction and confrontation, attempting to wear down UN resolve and widen the political differences within the Security Council. Ultimately that strategy failed. The result has been a persistent political impasse and the continuation of the humanitarian crisis. Saddam Hussein may be the target of these measures, but it is the human shield of innocent and vulnerable people in Iraq who continue to bear the brunt of the sanctions.

The American and British bombing strikes of December 1998 have further eroded the justice of UN sanctions policy in Iraq. By using military force without provocation, Washington and London sacrificed whatever potential effectiveness or morality may have remained in the continued use of sanctions. By acting without the approval of the Security Council and against the wishes of key member states, the United States and

Britain undermined the authority of the United Nations and the legitimacy of the UN mission in Iraq.

The resort to bombing indicated that Washington and London no longer have confidence in the ability of sanctions to pressure Iraq to comply with weapons inspections. They have rejected the option of using sanctions as an instrument of carrots and sticks diplomacy to obtain a just resolution. Sanctions have now become secondary to the use of military force and have lost their claim to ethical purpose. They have become merely instruments of punishment that cause suffering for the vulnerable. U.S. officials seem to be aware of the moral difficulties of such a policy and have responded by offering to expand the oil-for-food program, but this ameliorative program cannot resolve the underlying immorality of continuing comprehensive trade sanctions.

In the aftermath of the bombing, divisions and uncertainty about the UN mission in Iraq have increased. American officials oppose the completion of weapons inspections and argued instead for a policy of containment enforced through continued sanctions and the threat of military force. Members of the Russian Duma, angered by the U.S. and British military action, argued for unilaterally abrogating the sanctions, and resuming trade with Iraq. French policymakers spoke vaguely of a new mission for UNSCOM and an easing of trade sanctions. The bombing seems to have pushed UN policy further away from securing Iraqi compliance with weapons inspections, and toward a narrowly punitive mission directed exclusively by the United States and Great Britain with yet again Iraqi citizens being the victims. Such a policy cannot meet the standards of effectiveness, morality, and authority.

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Notes

1. Some, such as Joy Gordon, "Using a Pick-Axe for Brain Surgery: The Ethics of Economic Sanctions and Their Predictable Consequences," *Ethics and International Affairs* 11 (forthcoming), would contend that outsiders cannot find fault with a government that seeks to use its resources for national defense when it is besieged by sanctions.

2. House Committee on International Relations, *U.S. Policy Toward Iraq: Hearing Before the Committee on International Relations*, 104th Cong., 2d sess., 28 March 1996, pp. 40-45; Vladimir Orlov and William C. Potter, "The Mystery of the Sunken Gyros," *The Bulletin of the Atomic Scientists* 54, no. 6 (November/December 1998), 34–39.

3. Kenneth Katzman, "Iraq: Marsh Arabs and U.S. Policy," report to Congress by the Congressional Research Service, Library of Congress, Washington, D.C., 13 April 1994.

4. The government continued to impede the program even after it began by interrupting oil sales and delaying the submission of distribution and pricing plans. From June through August 1997 Iraq halted all oil exports, creating a substantial shortfall in revenues for humanitarian relief. According to the Secretary General, Iraq's decision to forego oil deliveries during this period was the most important factor in slowing the pace of aid deliveries. See *Report of the Secretary General Pursuant to Paragraph 7 of Resolution 1143 (1997)*, S/1998/90, 1 February 1998, p. 5. When the relief program was extended in December 1997 Baghdad again failed to provide the required distribution plan and interrupted oil exports for a month. The Secretary General's September 1998 report on the program noted additional delays resulting from the failure of the Iraqi government to submit simplified pricing mechanisms that would expedite the delivery of supplies. See *Report Pursuant to Resolution 1153,* S/1998/823, 8.

5. These and other incidents remind us that the Iraqi government is one of the most abusive on earth. The February 1997 report of the UN Special Rapporteur describes Iraq as "a dictatorial, totalitarian state which allows no political dissent." The corruption and criminality of the regime have rendered "the whole population subject to the arbitrary, widespread, and self centered interests of a privileged class of government officials and Baath party leaders." Recent abuses by the regime include "mass arrests followed by many executions" reportedly numbering in the thousands in response to an assassination attempt against Saddam Hussein's eldest son Uday in December 1996. The UN observer also reports more than 16,000 unresolved cases of disappearances, which gives Iraq "decidedly the worst record in the world" in this grisly category. See UN Commission on Human Rights, *Report on the Situation of Human Rights in Iraq, Submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Max van der Stoel, Pursuant to Commission Resolution 1996/72*, E/69.4/1997/57, 21 February 1997, 3–4.

6. See our previous writing on these matters in George A. Lopez and David Cortright, "The Sanctions Era: An Alternative to Military Intervention?" *The Fletcher Forum of World Affairs* 19, no. 2 (May 1995); and Cortright and Lopez, *Economic Sanctions*.

7. See David Cortright and George A. Lopez, "Carrots, Sticks, and Cooperation: Economic Tools of Statecraft," in *Cases and Strategies for Preventive Action*, edited by Barnett R. Rubin (New York: Twentieth Century Fund, 1998), 113–34.

8. Albright, "Preserving Principle and Safeguarding Stability."

9. Quoted in Barbara Crossette, "For Iraq, A Doghouse with Many Rooms," *The New York Times*, 23 November 1997.