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United States: A Global Criminal

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The purpose of this paper is to argue that the US invasion of the Middle East, particularly Afghanistan and Iraq, were illegal acts under both international and domestic law. The argument being made isn't an anti-American message but rather a look at the US in terms of government crime. The US abused its power, lied to its people and the international community, and killed thousands in an aggressive war. The paper will look into the legality of the both invasions, the justification for war, the absence of a declaration of war by the United Nations (UN), and the stance of America's allies. Detailed emphasis will be given to the 2003 Invasion of Iraq. Being argued is that the US did not have any legal justification for invading and had no intention for a post war phase. The US and its allies were only focused on the removal of Saddam Hussein, and not the reconstruction of the Iraqi state. The United States through its "super power" status has disregarded its own laws, international laws, human life, and its status on the world stage to pursue its exploits in the Middle East.

Governmental crimes are felonies committed in a government context involving abuse of power, corruption, bribery, and scandal. Within governmental crimes there are a number of branches such as state crime, which is relevant to this paper. The US participates directly in state organized crime specifically as a criminal state; one that is used as an instrument to commit crimes against humanity (Friedrichs, 2010). This paper will argue that the former President George W. Bush used his power and the US military to engage in "cleansing" of what he and his administration perceives as evil groups.

This paper used a collection of sources from a number of different places, the majority of the inspiration comes from Vincenzo Ruggiero's article War, Crime, Empire and Cosmopolitanism (2006) where he explains how the US is guilty of state crime with regards to

its invasion of Iraq, as well as its reasons and justifications for war. A number of government and news media sources were used to get a perception of the US governments stance as well as the public's views of President Bush and his administration. In recent years a number of cases have surfaced where US soldiers have engaged in crimes such as murder, rape, and the most protruding being the torture of Iraqi prisoners. This paper will not discuss such crimes but it is important to know in order to get a more complete idea of what happened during the US occupation of Iraq (Davies, Steele & Leigh, 2010).

When the twin tower fell, so did the era of pro-American feeling. The United States, once seen as the model for democracy, had hit its peak and there was only one way to go. Al Qaeda had struck a mighty blow at the largest superpower ever known, some may say that they had awoken a sleeping giant. The "giant" used 9/11 as an excuse to solidify its position in the Middle East by launching the first invasion, Operation Enduring Freedom, in Afghanistan followed by Operation Iraqi Freedom in Iraq.

It began when Osama Bin Laden took credit for the attacks on American soil. This immediately caused the US and its strongest ally, the United Kingdom, to notify the UN security council of their intentions to invade Afghanistan;

"My Government [US] has obtained clear and compelling information that the Al-Qaeda organization, which is supported by the Taliban regime in Afghanistan, had a central role in the attacks [against the World Trade Center, the Pentagon and in Pennsylvania]." (Bush 2003)

The UN was notified that parts of Afghanistan were being used by Al Qaeda as a base of operations, and the current Taliban government was sheltering them. The US used article 51 in the United Nations charter "self-defense" to justify the US invasion of Afghanistan. Article 51 grants any nation that is a member of the UN the right to defend itself against armed attacks, and

allows them under international law to engage in conflict until the peace is restored (Charter of the United Nations, 2012). At the time, no nation opposed the United States' right to use self-defense; it was a legitimate claim. The world had just witnessed the largest terrorist attack on US soil, at a time when they were considered untouchable. The world believed the US should take a war to whoever participated in the September 11 attacks. A poll (Table 1) taken in the United Kingdom, a major ally of the US, shows the majority support the US (Operation Enduring Freedom, 2001).

With the UN's permission, America and its allies on 7 October 2001, invaded Afghanistan; the war on terrorism had begun (Operation Enduring Freedom, 2001). Two years later, the Bush administration would use self-defense in an attempt to justify an invasion of Iraq, but this time the world wouldn't stand idly by.

On March 19, 2003 President George W. Bush addressed the American public informing them that the US military and their allies are "in the early stages of military operations to disarm Iraq, to free its people and to defend the world from grave danger" (Bush, 2003). As the president gave his speech, the bombing of Baghdad began and the US moved from taking on Al Qaeda insurgents to toppling regimes. The US believed Saddam Hussein of Iraq was producing and stockpiling weapons of mass destruction (WMD) and selling them to terrorists. The US attempted to justify their invasion as "the immediate stated goal of removing Saddam Hussein's regime and destroying its ability to use weapons of mass destruction or to make them available to terrorists" (Dale, 2009, p. 2). Two months of fierce fighting would ensue before the Americans would claim victory, and by the end of April 2003 American forces were in control of Baghdad. The 1st of May 2003, President Bush confirmed the victory and the hunt for the so-

called WMD would commence and subsequently fail (PBS, 2004). The legality of the war would now come under question, and President Bush and his administration would be the targets.

To assess the legality of the Iraq invasion, one would have to look at the reasons for the US president to initiate such a war. The Bush administration had been under tremendous amounts of pressure and attacks from the world to explain its motives for war. His administration believed they were fighting a preventive war - a war to prevent further wars. They were able to justify Afghanistan because it was evident that Osama Bin Laden was operating there, but there was no evidence that Iraq was linked to Bin Laden or any terrorist, terrorism, or even WMD.

An article by Jeffrey Record (2008) argues that President Bush was coerced into the invasion by policy makers; that he was convinced that America was the force of good and needed to show evil that they will always win. By which he meant America had failed the world by leaving Hussein in power after the Gulf war in 1991, that Hussein represented the evil of democracy, and that the American military was the power of good. The US also believed they needed to intimidate the dictatorships still left in the world (eg. Iran, North Korea) and create a pro-American base in the middle east as an alternate to Saudia Arabia in order to help Israel with its growing list of enemies and exploit a dying Iraqi nation (Record, 2008). Are any of these a solid reason for a preventive war? How did the US get away with it? At the time, and still to this day, the American military remains the strongest and most advanced force the world has ever known, and no one has the capability to dispute it (Record, 2008).

It is important to note that the US congress never declared war against Iraq, in fact the last time war was declared was the Second World War. Since then congress has only “authorized the use of force”,(Kramer & Michalowski, 2005, p. 450). Why hide the fact that the nation is

going to war? Why shield it? Is it because the US would look poorly in the United Nations, or that the UN Security Council would condemn them? The US basks in its 'superpower' status, and with that in mind the US would point out that Iraq violates a number of UN resolutions, when in fact the US was planning an aggressive campaign against them. The UN's Article 1 states its purpose as an entity is to protect the peace, suppress the aggressors, and find a peaceful way to settle disputes:

"The suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace" (Charter of the United Nations, 2012).

As a result of WWII, an international court was formed to punish the Axis powers, and out of this court came a Charter. The Nuremberg Charter, which "declared that waging aggressive war was a state crime under both treaty and customary law (Charter of the International Military Tribunal at Nuremberg, 1945)" Specifically under article 6 of the Nuremberg charter "crimes against peace: namely, planning, preparation, initiation or waging of a war of aggression" are punishable by international law.

The United Nations charter is the law of the land. It gets its power from the nations that agreed and signed to abide by its rules. At the very core of it is the prohibition of war; "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state..." (Charter of the United Nations, 2012). How did the US and its allies rationalize the war in Iraq? Again they exercised the right of self-defense under Article 51 of the Charter. This time though the world would not accept this irrationality, they instead would riot. A major ally of the US is Canada, as they share one of the largest borders and are each other's largest trading partner. If they were so close, then why didn't

Canada join the US led Invasion of Iraq? The US and its strongest war supporter, the United Kingdom, could not get the UN to pass a resolution to authorize force in Iraq, only under congress was a resolution passed. Therefore the US could not get the international community to agree to take up arms against Saddam Hussien. With no UN resolution, Canada, a longtime member and the only country to participate in just about every UN mission, backed the UN's decision of no resolution for use of force in Iraq. This led the Canadian government to be criticized by its two most important and historic allies, the US and the UK. At the time, Prime Minister Jean Chretien and his liberal party listened to their public's opinion over the Bush administration's (Table 2).

It is safe to say that the Canadian public did not support the war without a UN sanctioned attack. They didn't want their troops being sent in to fight an aggressive war created by the Americans who was believed to be a bully. With the cost of the Iraq war reaching the three trillion dollar mark as reported by the Washington Post (2009) - 3.7 trillion dollars as reported by Reuters (2011), and over 4 trillion according to costsofwar.org (2012) - one could say it was a good thing Canada stayed out. This paper believes that Canada recognized the US as the aggressors, and instead of engaging in the highly controversial war, it instead abided by international law to not engage in an aggressive act.

President Bush's main reason for the invasion was to halt and recover Saddam Hussein's alleged WMD arsenal. With the war ending in only a few months, Bush was obligated to find those WMD caches. It should be noted that to this year, 2012, no WMDs have been found. In 2005, the CIA issued a statement;

“ In his final word, the CIA's top weapons inspector in Iraq said Monday that the hunt for weapons of mass destruction has “gone as far as feasible” and has found nothing, closing

an investigation into the purported programs of Saddam Hussein that were used to justify the 2003 invasion” (The Associated Press, 2005).

The United States' main reason for war was a preventive action to rid Saddam Hussein of his WMD capabilities, and yet there was never any to begin with. The US then lied to the world, their justifications for the loss of thousands of its own troops and of the Iraqi population were based on false facts. This paper believes that US went to war because they were humiliated by Saddam's ability to stay in power after the Gulf War, the oil that Iraq was sitting on, its dependence on Saudi oil, and Saddam's weakening state. This belief is supported by Ruggerio:

“In relation to Iraq neither Saddam’s regime nor his army (worn out by years of heavy sanctions) posed a serious threat to the West. The invasion did not take place because Saddam was powerful, but because he was weak,: Iraq did not constitute a menace, but a strategic opportunity" (Ruggerio, 2006).

Ruggerio also believes that the strongest nation is one who controls the majority of resources, most importantly oil. Who in the middle east has one of the largest oil reserves? Saudi Arabia. Not only a sea of oil but they are also one of the major oil suppliers to the US. In 2011, Saudi Arabia was second among oil shipments to the US, with 1, 400, 000 barrels per day (US Energy Information Administration, 2011). By taking out an anti-American Iraq, the US can install a pro-American regime that would sell them a greater amount of oil at a cheaper price, reducing the United States' dependence on Saudi Arabia's oil industry. The world knows and sees that the US craves more influence in the Middle East, and it is evident in their foreign policy. Ruggerio believes that the US could use Iraq as a base of operations if it were to expand further into the Middle East (Ruggerio, 2006).

In conclusion, the US invasion of Afghanistan could be justified as “self-defense” under Article 51 in the UN charter, but the 2003 Invasion and occupation lasting over 10 years cannot. The 2003 Invasion cannot be justified by Article 51 or any other Article for that matter. The US,

President Bush, and its allies committed crimes both internationally and domestically with their illegal invasion and occupation of Iraq. This paper introduced a number of arguments that the US had no right or justification to act aggressive towards Iraq. Iraq had not attacked the US, nor threatened them directly but yet they were accused of a number of crimes and were later invaded (Ruggerio, 2006). The reason for war given by the US was the removal of Saddam Hussein (believed to be holding WMDs and supplying Al Qaeda), to create a pro-American base in the Middle East as an alternate to Saudia Arabia, to help Israel with its growing list of enemies, and to exploit a dying Iraq. This paper goes as far as saying that the US was after oil and a friendly Iraq, and to solidify both its position and influence in hopes that they may continue to exploit the Middle East's resources. The US is known to the world as the source of good, freedom, and democracy. They were well trusted in their position as a superpower and they were motivated by economic and positional gain. The invasion and occupation of Iraq has cost the US over \$3 trillion by a number of sources (Washington Post, 2005; Reuters, 2011), the lives of thousands of soldiers on both sides and Iraqi civilians, and a large beating to its infrastructure also. Therefore the US action in the Middle East wasn't a war against terror, or self-defense but a war of aggression.

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Appendix A

Table 1. The UK's support for US action

%	14 Sept 2001	21 Sept 2001	9 Oct 2001	18-22 Oct 2001
Support	74	73	72	66
Oppose	20	20	22	28
Don't Know	6	7	6	6

("Operation Enduring Freedom," 2001 p. 87)

Appendix B

Table 2. Canadian Public Opinion Polls about Iraq and the United States, 2002-2003

Date	Source	Main Result
August 2002	Ipsos-Reid	54 % opposed the war
September 2002	The Economist	Majority questions United States justification for the war
December 2002	Maclean's	22% describe Americans as "family" or "best friends" (dropped from 33% in 2001); 67% believes the United States behaves "like a bully"
January 2003	Ipsos-Reid, Leger, Gallup	Between 10% and 26% support the war without UN approval
February 2003	Ipsos-Reid, Leger	67% against an attack on Iraq without proper UN approval (60% supported a UN-sanctioned attack); 50% Canadians described the United States as Canada's "best friend" (25% said it was Britain)
March 2003	Pollara	56% support the war
April 2003	Compas	41% support "verbal support"; 31% support troop deployment

(Vucetic, 2006, p. 9)