

Resolution 1483:

Legalizing an Occupation

By Ian Williams | May 28, 2003

If you assume that the United States is unstoppable, then resolution 1483 makes a certain kind of sense in that it oozes oleagiously into the hole that the Iraq invasion made in the UN Charter, and gives it at least the surface appearance of integrity. But by bowing down so quickly, the Security Council actually relinquished one of its last opportunities to get serious concessions.

Instead, it can safely be said the U.S. got everything it wanted out of 1483, which lifts sanctions and effectively allows the U.S. to spend the oil revenue. On May 22, Security Council members legalized the results of an invasion that most of them had considered illegal. In effect, the UN recognized that the U.S. stole Iraq fair and square and can do with it what it wants.

As Kofi Annan said some years ago about dealing with Iraq, diplomacy backed by the credible threat of force goes a long way. And as Teddy Roosevelt said, speaking softly and carrying a big stick can help as well. Washington's diplomatic victory with resolution 1483 reaffirmed the applicability of these principles.

In looking at developing events like these, sometimes the sound of silence is tremendously important. Unusually for this administration, there has been a noticeable lack of the predictable, rabid barking against the French, Germans, Russians, and the UN from the usual suspects around the Pentagon. While that passes for speaking softly, the credible threat of force—the big stick—can be taken as read after recent events.

The unaccustomed amiability of the American approach should have alerted the Security Council members that they had their own big stick, in the form of leverage over the legal title to Iraqi oil. But even the French sold the issue short, presumably hoping to avert future American wrath.

This time, armed with the tactful and presumably tactical silence of their administration colleagues, all that Powell and Negroponte had to do was to listen carefully to the concerns of a somewhat chastened France and Russia, and offer verbal reformulations of their initial draft, some 90 of them, to euphemize the same hardline content that they had initially presented.

Instead of the overtly hardline approach that was originally threatened, the resolution went through many drafts, and many minor details were added and subtracted to keep the parties happy. But while the U.S. occupation's right to use of oil revenues were entrenched and protected,

its obligations were much softer: it was invited and encouraged to cooperate with the UN.

Ironically, one of the last of the many cosmetic concessions the French wrung from the Americans was the change of the word “collaborating,” to “working together” to describe what the United Nations Special Representative was to do with the Occupiers. The French ambassador pointed out that the collaboration has some pretty nasty connotations in French. But it does in English as well, and in many ways it describes accurately what the SC members were doing with the occupation. In effect, the French and Russians decided that their self-interest outweighed any of the principles of international law that they had been invoking, and so collaborated with the resolution.

A New UN Coordinator

In return there were indeed some concessions. The UN Special “Coordinator” became a Special Representative, even if most of his job description was still about coordinating with no mention of executive powers at all over the occupation regime.

Kofi Annan has since appointed to Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights, who will undertake the task for four months. The good news is that he is an unusually strong-minded individual by UN standards. The bad news is that the U.S. lobbied hard for him. His only power is naming and shaming, and sadly, one wonders whether there is that much shame left in Washington that bears naming.

The French had asked for a sunset clause ending the resolution in a year. Instead the U.S. conceded that Security Council would review it in twelve months. But typically, the U.S. could veto any attempt to actually change it.

The Russians were insisting that the UN weapons inspectors declare Iraq disarmed before sanctions were lifted as previous resolutions had demanded. But they went



Foreign Policy In Focus (FPiF)

www.fpi.org
A Think Tank Without Walls

along with a promise in 1483 to review the functions of UNMOVIC and the IAEA in some months, and the fact that the latter were mentioned at all was, in the category of small victories—the only size of those on offer in fact—something to grasp at.

The sideshow over the inspectors is highly revealing about the motivations and the powers involved. The British would very much like to see the UN inspectors in, since they realize that the refusal to admit them makes nonsense of their entire legal case for the war. They are also aware that in the unlikely case that any WMD will be found, no one will believe it unless the UN is involved.

Sadly, on a personal grudge level, the Pentagon has never forgiven Hans Blix for being right about the weapons in Iraq, and so it seems that they will not consider allowing UNMOVIC in until after Blix's retirement in June. On the other hand, the Americans are prepared to let in the IAEA immediately, because they are worried about what might have gone missing from the looted Iraqi nuclear plants, and only the IAEA can tell them.

However, the message is not only that the Pentagon is petty, but that it is powerful: enough to override their British allies, not to mention enough to ignore common sense.

Reality did prevail however, in the prolonging of the time for disbanding the UN Oil For Food program from the proposed four to six months. There is considerable doubt about whether the Occupation Authority is in a position to feed the vast majority of Iraqis dependent on the UN's organization of the food supply. Even there, they did not make allowances for the semi-autonomous deal the Kurdish provinces had with the UN.

The price for this concession was a heavy one, however. The Program immediately hands over a billion dollars in walking-around money to the Iraq Development Fund, whose spending is at the complete discretion of the occupiers, provided, of course, it is spent on the welfare of the people of Iraq. While that will be monitored by an

allegedly independent board, which will include representatives from the UN, the IMF, the World Bank and the Arab Fund for Development, 1483 does not specify how many other representatives the Authority can appoint. In any case, the Fund, and any subsequent Iraqi government, will still have to pay 5% of oil revenues for reparations to Kuwaiti and other claimants from the last Gulf War.

The resolution welcomes the willingness of other states to provide troops, thus giving a UN fig leaf for Coalition members who want to ingratiate themselves further with the White House by sending troops, without themselves having the obloquy and legal obligations of occupying powers. It also gives a green light for the host of UN agencies to work with the occupiers, thus relieving them of some of their burden of responsibilities under the Geneva Conventions.

And then there is the deafening sound of silence. While the resolution calls for the "bringing to justice" of all Iraqi leaders against whom crimes are alleged, it does not mention any international involvement in any judicial process for any Iraqi leaders accused of crimes, which is somewhat ominous in view of reports about the preparation of a Death Row in Guantanamo Bay.

So is there any up-side? Well, up to a point. The U.S. was forced to come back to the UN because it could not sell the oil and because even alleged Coalition countries wanted a UN resolution before they would join in the occupation. It had to admit that it was in fact an Occupying power. For many apprehensive members of the Council the fact that the U.S. returned to the UN at all was at least a step forward after so many backward somersaults. By ignoring the illegality of the invasion, and tacitly condoning its outcome, they hoped that it would at least not be a precedent for anyone else.

(Ian Williams <uswarreport@igc.org> contributes frequently to Foreign Policy in Focus (online at www.fpif.org) on UN and international affairs.)

Published by Foreign Policy In Focus (FPIF), a joint project of the Interhemispheric Resource Center (IRC, online at www.irc-online.org) and the Institute for Policy Studies (IPS, online at www.ips-dc.org). ©2003. All rights reserved.

Foreign Policy In Focus

"A Think Tank Without Walls"

Recommended citation:

Ian Williams, "Resolution 1483: Legalizing an Occupation," (Silver City, NM & Washington, DC: Foreign Policy In Focus, May 28, 2003).

Web location:

<http://www.presentdanger.org/commentary/2003/0305unres.html>

p. 2

www.fpif.org

A Think Tank Without Walls

