

The Privatization of War

By [Niloufer Bhagwat](#)

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Hon'ble members of the Jury, concerned citizens of Turkey and other nations present at this trial, the culmination of a global movement of people for justice against the war, defying the acquiescence of many governments and the Security Council of the United Nations in the continuing war of aggression and military occupation of Iraq which millions the world over continue to oppose; I present before you on behalf of the prosecution this indictment on the criminalized and privatized nature of this brutal war which is the corporate invasion and occupation of Iraq.

I. The decision to wage a war of aggression privatized by the Bush administration representative of and identified with dominant US Corporations, a conspiracy of an oligarchy of US and UK corporations including the Oil majors and armament Corporations major contributors to the Republican and Democratic parties in the United States and to the Labour and Conservative parties in England ; the Congress and British parliament presented with a fait accompli and did not scrutinize the facts.

Since "War is never an isolated act" as the 19th Century German military theorist Karl Von Clausewitz correctly articulated, but "a mere continuation of policy " by other means, the juridical task before this Tribunal will not be complete by declaring that the war against Iraq is a war of aggression, or even by a detailed description of the brutal and horrific nature of the war crimes and crimes against humanity, recalling the worst atrocities of the Second World War. The widespread use of the omnicidal Depleted Uranium weapons, Napalm and Chemical weapons manufactured and used by the military -industrial complex of the United States in Iraq for war profits and for the economic benefits to be derived from the military occupation of Iraq and by the de-population of Iraq. This Trial can only be an effective instrument for laying bare the crimes, if the nature of the economic and political system and the policy behind the invasion and occupation, the precise nature of the war, the participants in the conspiracy, and the ideology they represent are wholly unmasked before the Bar of public opinion.

What is evident in the military aggression against the people of Iraq is the devastating and abject failure of the constitutional and political systems of the United States, UK among other countries, and the checks and balances of these democracies unmasked for the first time, despite the control exercised by the Corporate global media, which was unable to conceal the catastrophic economic crisis faced by collapsing US Corporations with shares being reduced to junk bonds, with the fig leaf of " rule of law", taken over by the fraudulent "war on terrorism" which is a war on people within these countries and even a more brutal war on the people of other societies and nations, in countries like Iraq, Afghanistan and

former Yugoslavia. Invocations such as “freedom and liberty”, lie buried finally in full view of International opinion in Fallujah, in Ramadi, in the province of al Anbar and in the prisons of Abu Ghraib, Guantanamo Bay and Bagram in Afghanistan. Even as evidence emerged from the Weapons Inspectors of the United Nations and the heart of the Intelligence Agencies of these Empires, new and old, that this war was neither declared nor waged in keeping with the Constitution of a Republic where the power to declare war vests only in the Congress, in response to a invasion or insurrection, or after consultation with parliament as in a parliamentary democracy. The war in Iraq was a private war of aggression declared by an oligarchy of financial and Corporate conglomerates of the US and its coalition partners using their soldiers to gather the economic surpluses and raw materials of other countries. Several have borne witness to the absence of weapons of mass destruction and the inability of the erstwhile government of Iraq to launch any attack in full view of legislative Committees, some may have paid for the discloser with their lives, in all probability for having revealed too much.

The global media has concentrated on one Downing Street Memorandum the “Downing Street July minutes” dated 23rd July 2002 by no less an authority than the head of MI 6 Richard Dearlove which recorded the year before the invasion for Prime Minister Blair” that facts were fixed around policy” in Washington. However the press in England has referred to seven documents all of which reveal the nature of the briefing and the fraudulent nature of the decision making of the Bush and Blair governments among others. These documents all Downing Street Memorandums prepared for the briefing of Prime Minister Blair are:

i. Downing Street Memorandum I the minutes of the meeting dated 23rd July 2002 by Richard Dearlove head of MI 6 reporting to Mr. Blair that “facts were being fixed” by the British administration.

ii. Downing Street Memorandum II dated 21st July 2002 memorandum to the Prime Ministers Cabinet discussing how the war on Iraq could be justified by creating conditions to justify military action which might include a request for return of UN weapons inspectors.

iii. Downing Street Memorandum III dated 25th March 2002 the communication of British Secretary Jack Straw recording for the British Prime Minister that” a legal justification is a necessary but far from sufficient precondition for legal action...”

iv. Downing Street Memorandum IV written by Blair’s Political Director Peter Ricketts dated 22nd March 2002 to the effect that “...the best survey of Iraq’s WMD program will not show much advance in recent years...”

v. Downing Street Memorandum V of the British Ambassador to the US, Christopher Meyer dated 18th March 2002 recording his discussions with Paul Wolfowitz informing him that “ a war in Iraq would be difficult to sell in Britain and more difficult in Europe.”

vi. Downing Street Memorandum VI dated 12th March 2002 from British policy adviser David Manning to Prime Minister Blair stating that President Bush had not found answers to several issues among them “how to persuade international opinion that the military action is necessary and justified.”

vii. Downing Street Memorandum VII, eight pages long that looks at the alternative legal justifications for war including WMD and al Qaeda and finds all of them lacking including the Security Resolution which does not authorize war.

(Reference, Kevin Zeese, How much Proof Needed Before the Truth Comes Out? Now Seven British Leaked Documents Raise Questions, Globalresearch.ca.)

These documents conclusively establish that the decision to wage war was taken conspiratorially prior to formal commencement of hostilities, without a legitimate reason for the war, before independent authorization by the Congress which post facto rubber stamped a private backdoor decision. However the evidence that has been overlooked even by perceptive observers is that not only was the decision taken much earlier, the attack itself commenced in 2002 before any authorization by Congress. In September 2002, a month before the Congressional vote and two months before the UN Resolution on weapons inspections, approximately a 100 US and British planes flew from Kuwait into Iraqi airspace and at least 7 aircraft were part of the massive operation which dropped precision guided missiles on Iraq's major western air defence facility. Earlier and thereafter bombing raids were similarly carried out on various installations. (Reported by Jeremy Seahill on The Nation's website)

The war itself has been dictated by a conspiracy of the predatory financial and corporate oligarchy of the United States, controlling both the Republican and Democratic parties. The 2000 flawed elections in the United States, catapulted into office an administration closely allied with and openly representing the Oil and Energy Corporations, Wall Street and the military-industrial complex of the United States; against the backdrop of collapsing US Corporations recording some of the largest bankruptcies in the economic history of the United States (despite creative accounting methods) with the decision taken to devour the national budgets and savings by the military occupation of countries or coercion applied on diverse governments, with a view to capture resources and markets, to revive major US Corporations facing systemic decline and bankruptcy; simultaneously to use oil as a strategic resource to dominate and /or strangulate other rival economies to ensure the continuing inflow of capital from China, Japan, the Arab World and the European Community among others into the USA, not through free market operations, but by the military occupation and political control of regions rich in hydrocarbon resources indicating that several economic power centers, despite the economic distress of their own people have indirectly fuelled the war economy of the United States.

This war of economic aggression of 2003 was a continuation of the policy dictated by Oil and Energy Companies, finance capital on Wall Street and the Military industries and Defense Contractors prior to, during and after the Gulf War of 1991 to attack Iraq despite withdrawal of Iraq forces, to impose war and sanctions on Iraq, manipulating the Security Council, leading to the genocide of half a million Iraqi children, more than the number who died at Hiroshima, denied nutrition and medical care as a consequence of sanctions imposed on Iraq, with a view to prevent the Iraqi government and people from extracting and using petroleum resources for their own development and welfare, to bring the people of Iraq to their knees, to preserve the oil resources of Iraq for future use for the Oil Majors to subsidize the survival of US, UK and other Corporations of the coalition of the willing; and to control hydrocarbon regions of the world to ensure capital inflow into the United States and the primacy of the dollar.

Commenting on the first Gulf War Sukumaran Muralidharan an Indian journalist and political commentator had correctly analyzed.

"The far more fundamental concern is the need to protect the West's preemptive claim on the financial surplus of the Arab world. These are vital for underwriting the political stability

of the US and UK which to-day is irretrievable, in distinct decline and need rentier economies arising from the recycling of these surpluses" (The need to safeguard oil resources, Economic and Political Weekly, March 30th 1991, p. 838)

Denis Halliday former Assistant Secretary General of the United Nations UN Humanitarian Coordinator for Iraq who is present before this Tribunal, in clear terms denounced the amount of 4 to 5 billion dollars received by Iraq through the Security Council from sales of the quota of permitted production for the oil for food program, "as wholly inadequate to meet the requirement of 25 million people" and accused the United States and the Security Council of carrying out "the equivalent of a genocide against the people of Iraq" classifying "sanctions as another war" resigning in protest. The present war is a continuity of the genocidal strategy of war and occupation of countries with hydrocarbon and other resources or strategically situated.

Under the Bush administration the US Oil giants have gained direct access to the planning of military and intelligence operations on their behalf. This has been achieved through the powerful Texas Oil lobby, resulting in the appointment of (former) Oil Company Executives to key defense and foreign policy positions including the President, Vice President, Condoleeza Rice and the then Commerce Secretary Tom Evans among several others. The alliance of the Anglo-American Oil Companies and the firm alliance between British Aerospace with America's largest defense contractor Lockheed Martin and Boeing is reflected in the close military co-operation between the Bush and Blair administrations in the killing fields of Iraq.

Professor Michel Chossudovsky eminent Professor of Economics at Ottawa University and Director of the Centre for Research On Globalization had highlighted in his 'War and Globalization : The Truth Behind September 11" published in 2002, that the Big five defense contractors Lockheed Martin, Northrop Gruman, General Dynamics, Boeing and Raytheon were shifting staff and resources from their troubled commercial /civil aviation sector into the lucrative production of advanced weapons systems, with war orders unleashing "a massive shift out of civilian economic activity into the military -industrial complex at the expense of citizens of the United States" and their social security, i.e. a massive redirection of the resources of the people of the United States towards the profits of the military industrial complex subsidized by military orders from the US administration, initiating a policy for war.

To facilitate the conspiratorial nature of the decisions being taken, the National Security Strategy published on 20th September 2002 of the US administration was never placed for discussion before the people in the 2000 Presidential elections by the Presidential candidate or his Vice President running mate; a wholly different posture and position was taken before the US electorate as per recorded televised speeches and debates. This National Security Strategy announced in 2002 is an extension of the 1992 Pentagon Defense Guidelines and the Project for the New American Century 2000 paper on Rebuilding America's Defenses which interalia advocated for US business an accelerated globalization in the interest of US Finance Capital and Companies, translated in military policy terms as the military opening up of markets and the forcible seizure of resources with direct and implied statements that that the US administration in the pursuit of these policies was not bound by International law or conventional morality.

Thomas Friedman a vocal propagandist of this phase of privatized military globalization articulated the use of the armed forces of the United States Republic in Corporate private

interest as follows:

“The hidden hand of the market will never work without the hidden fist. McDonalds cannot flourish without McDonald Douglas”(the armament Corporation) “and the hidden fist that keeps the world safe for the Silicon valleys technologies to flourish is called the US army, Air Force, Navy and Marine Corps” (The Lexus and the Olive Tree: Understanding Globalization, 1999 publication) This was the militarization which was to accompany globalization.

II. The role of the Energy Task Force Appointed by the US administration in 2001.

The articulation by Thomas Friedman of the use of US armed forces in achieving the objectives of Corporate America, is supported by the evidence of the secret role played by the Energy Task Force constituted by the President and Vice President Dick Cheney in 2001, in the decision that led to the Corporate invasion of Iraq, whose members included the major Oil and Energy Corporations with their names and recommendations concealed from Congress. This is not the first time in the history of the United States, that the decision to launch a military invasion or carry out a coup has been taken by and dictated by oligarchies and Corporate interests ; the difference between the earlier decision making and the Iraq war of 2003 is that the nature of the incestuous relationship between the administration of the United States and its dominant Corporations can no longer camouflaged or concealed from the world, the identification is absolute and complete. It is “Corporate rule” using as its political base the born again Christian Evangelical religious fascist movement as a diversion from policy, with homeland security and the Patriot Acts required to secure the political system against internal revolt.

On 17th July 2003 after the military aggression and occupation of Iraq was an accomplished fact, the Commerce Department of the United States turned over to Judicial Watch the public interest group, under a court order, as a result of a lawsuit filed by Judicial Watch (Judicial Watch Inc. v. Department of Energy, et al., Civil Action No. 01 -0981) under the Freedom of Information Act, some documents dated March 2001, relating to the activities of the Cheney Energy Task Force, containing a map of Iraqi oilfields, pipelines, refineries and terminals, as well as two charts detailing Iraqi oil and gas projects and the list of “Foreign suitors for Iraqi Oil Field Contracts” including documents relating to the oil fields of Saudi Arabia and the UAE (Documents available at www.JudicialWatch.org)

The concealment of the members, recommendations and documents of this Energy Task Force by the Bush administration and its Vice President from Congress upheld by the US Supreme Court, establishes the undisputed control of the dominant Corporations over the political and economic system of the United States.

III. Two distinct features of this Privatized War - the war not waged against a standing army or combatants - and the civilian non military infrastructure deliberately targeted for widespread destruction to award “Reconstruction” Contracts to US Companies in the immediate aftermath of the bombing.

The distinct and barbaric feature of this war is that this privatized war in Iraq has not been waged against a standing army or combatants. The shock and awe campaign against all established rules of warfare, to the knowledge of President Bush and Prime Minister Blair, and heads of the coalition of willing governments and senior US and UK military leaders, targeted as the ‘enemy’ the civilian population of Iraq under the continuing military occupation. It is not an aberration that 90 % of victims of the US and UK military forces are

non-combatants and those sympathizing with the Iraqi Resistance, deliberate and premeditated violations of the Geneva and Hague Conventions, the logical outcome of measures taken to depopulate Iraq, in the economic interest of US Corporations, on the lines of the fate of people in occupied countries of East Europe militarily occupied by Nazi Germany in pursuance of the policy of German Fortune 500 Companies and Banking institutions for what was termed as lebensraum. Permanent genetic damage has been caused in areas using Depleted Uranium Weapons, with scientifically and medically investigated carcinogenic effects, leading to silent killings by cancer in particular among children; apart from the fatalities inflicted by the deliberate targeting of the water supply, sewage system and hospitals deliberately creating a health catastrophe as a measure of depopulation. The economic objective of the war and occupation is lebensraum for US and UK among other corporations in Iraq.

IV. Lockheed Martin, Halliburton, Bechtel, Aegis, BKSH Associates, BearingPoint, Custer Battles, Loral Satellite, Qualcomm, CACI and Titan and several US and UK Companies apart from the Oil majors, the top 10 direct beneficiaries of the Iraq War Which include other Corporations.

There is a direct historical continuity from the support extended by prominent US Corporations and Corporate players to the Corporate rule of the Nazi party and its pillage of the occupying countries of Europe, and the role of the dominant US Corporations in the decision to launch wars of aggression. It is necessary to recall that from 1949 -1942 Ford Motor Company produced a thousand combat vehicles for the Nazis, central to the military strategy of blitzkrieg and special fuels were supplied by US Oil majors to the Nazi Army. Of the 35000 trucks used by the motorized German Army as of 1942, one -third were Ford Products. IBM received lucrative contracts from the Nazis that would be used to determine population demo graphs to track down Jews and other threats to the Nazi party. General Motors, Ford, Standard Oil, Dupont, Union Carbide, Westinghouse, General Electric, Gillette, Eastern Kodak among others had close business and political relations with the Third Reich of the Nazi party which was the Corporate rule of the German Corporations and banking and Financial Institutions, the real economic and political force behind Hitler and the Nazi party. Prescott Bush was only one of the several representatives of the Banking institutions and US Corporations associated with Union Bank of New York with close financial and business dealings with Thyssen, the German steel Magnate, who along with prominent German Banks and companies, bankrolled the Nazi party for and on behalf of the Corporations.

Apart from the substantial war contracts obtained as a direct result of the war in Iraq amounting to billions by Lockheed Martin, whose Vice President Bruce Jackson is a key player of the Project for the New American Century and had helped draft the Republican party foreign policy platform in 2000, benefiting to the extent of 21.9 billion in 2003 alone in contracts and war profits, from just about every phase of the war along with other Defense Companies and contractors, with its stock tripling directly due to war ; the distinctive feature of this war is the satanic, premeditated, and systematic destruction of most of the civilian infrastructure of Iraq of power generation units, electrification, water systems and reservoirs, roads, sewage systems, hospitals, schools, government buildings (except the Oil ministry) irrigation and transportation systems with a view to justify the grant of construction contracts to US Companies. The top 10 US and UK Companies deriving war profits from Iraq among several others are Lockheed Martin, Bechtel, Halliburton, BKSH Associates, Custer Battles, Aegis, Loral Satellite, Qualcomm, CACI and Titan.

Halliburton Vice President Dick Cheney's old Company from whom he received deferred wages even as Vice President of the United States, now one of the largest oil services company of the United States, and its subsidiary Kellogg, Brown and Root which provides extensive security and military support in Iraq, has been the focus of considerable media attention in the United States and internationally for the extensive contracts granted by the Department of Defense and the US Army, for the reconstruction of oil terminals and pipes worth approximately 7 billion in a secret no bid process from the Defense Department and US army, granted even before the commencement of the war; excluding the payments made to Kellogg, Brown and Root for services as Private Military Contractors.

In 2002 Halliburton was saddled with multibillion asbestos liability and the Company was affected by a slow down in domestic oil production, as a consequence Halliburton's stock prices rapidly plummeted to \$12.62 from a high of \$22 the year before with rumours that the company would be filing for bankruptcy. With the no bid contract awarded a few months before of the invasion and occupation of Iraq, the fortunes of Halliburton have undergone a dramatic change. In fact Kellogg Brown and Roots the subsidiary of Halliburton is a beneficiary of most of the wars waged since 1991 with contracts ranging from former Yugoslavia, to Afghanistan to Iraq including the construction of new prison facilities at Guantanamo Bay which require inmates irrespective of the justification for their incarceration. (Reported by Centre for Public Integrity International Consortium of Investigative Journalists)

Apart from Halliburton the Bechtel Corporation was immediately singled out for a no bid contract by USAID, for the repair and rebuilding of destroyed power generation facilities, electrical grids, municipal water systems, sewage systems, airport facilities, dredging and repair of Umm Qasr seaport before the seaport was occupied; and for reconstruction of schools, ministries, irrigation structures and transport links, after the deliberate destruction of a substantial part of the civilian infrastructure by targeted precision bombing only with a view to justify these reconstruction contracts. Never before in history has one company been granted a contract for the reconstruction of an entire country which will eventually be worth up to \$100 billion. Since 2003 more than one third of the annual revenues of Halliburton and Bechtel are derived from the no bid contracts in Iraq, conclusively establishing the real objective of the war.

Several other Companies figure in the list of those who have directly benefited from the war, such as Research Triangle Institute (RTI) of North Carolina for the "strengthening of management skills and capacity of local administration and civic institutions to improve delivery of essential municipal services. The President and CEO of this Corporation see RTI as a vehicle for advancing Corporate interests. RTI also received a contract from USAID via Creative Associates International Washington for "education system reform". The contracts to RTI signify the taking over of Iraq's system of education, infiltrating its local administration and civic institutions. The former Director of the Voice of America, Robert Reilly has been appointed to "overhaul" Iraq's radio services, newspapers and TV and to manage Iraq's media to "sell" US policies in Iraq and to the world media. The newly created Iraqi Media Network (IMN) established in April 2003 is being administered by Paul Reilly and the press edict decrees and their implementation is similar to that of Saddam Hussein's regime.

V. Extraordinary Presidential Executive Order No. 13303 signed by President Bush eliminating the judicial process in respect of the Development Fund for Iraq to which the revenues from the Oil for Food Program had been credited and for all commercial operations

relating to Iraqi oil.

An extraordinary Presidential Executive Order was signed by the President of the United States of America on 22 May 2003. The Executive Order No.13303 is titled "Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq has an Interest". It begins with the declaration that the possibility of future legal claims on Iraq's oil wealth constitutes "an unusual and extraordinary threat to national security and foreign policy of the United States ".....that "anyjudicial process in prohibited and shall be deemed to be null and void "with respect to the Development Fund for Iraq, as well as any commercial operation conducted by US Corporations involved in the Iraqi Oil industry.

Section 1 (b) of the Executive Order eliminates all judicial process for "all Iraqi petroleum and petroleum products and interests therein and proceeds"

Tom Devine, Legal Director for the Government Accountability Project (GAP) a non-profit legal firm has stated that:

"In terms of legal liabilitythe Executive Order cancels the concept of Corporate accountability and abandons the rule of law". The EO exempts US oil Companies operating in Iraq not only from International Law, but from American civil law and criminal liability. Consequently the production of US oil by US and other Corporations is not even being metered.

In the context of Executive Order No.13303 would anyone anywhere in the world accept that the war was waged because of non-existing weapons of mass destruction or to restore democracy in Iraq. In this context it must be emphasized that the true content of democracy is not a "managed election". A democratic society is one where citizens are a part of the process of decision making in all spheres, and includes sovereignty over natural resources and over the production and distribution of resources of the nation's economy in the interest of the entire people. Governments who are managing their economies in the interest of foreign or national Corporate entities cannot be deemed to be democratic merely because elections are held as the most basic right of livelihood, the first right of any human being, without which there can be no freedom is denied to people Bread and freedom are not incompatible as propoganda would have us believe.

VI. Pillage of the Development Fund of Iraq constituted from the revenues of the Oil for Food Program and its use to pay among others Halliburton by the CPA.

It has been reported by Christian Aid, a charity organization in the UK that the occupying powers have failed to account for 20 billion dollars of Iraqi Oil revenues. These were oil revenues from Iraqi Oil and gas exports permitted to be deposited by the Security Council into the "Development fund for Iraq". According to an independent audit by the Multilateral International Advisory and Monitoring Board For Development in Iraq created by the United Nations Security Council Resolution No.1483 to audit the said fund, billions have disappeared from the said fund, not subject to Judicial scrutiny as a consequence of Executive Order No.13303 of the President Bush referred to above, whereas the amounts voted on by Congress for the war, remain largely unspent. The audit in respect of the Development Fund has recorded that - " ...of particular concern ...were contracts with sometimes billions of dollars that were awarded to Halliburton for Iraqi Oil fields without calling for tenders..."

VII. The Military Objective of the war to privatize the entire economy of Iraq evidenced by Paul Bremer's 100 orders issued in June 2003 and renewed in 2004 to maintain varying degrees of economic and political control by the Occupying power - and the transformation of the constitution and laws of Iraq and control over the entire economy including the State owned Oil Companies for the benefit of US, UK, Australian and other Companies of the Coalition partners all guilty of participating in the pillage and spoliation of Iraq.

A leaked memorandum by British Attorney General Lord Goldsmith acknowledges that Paul Bremer and the Coalition Provisional Authority in issuing the 100 executive orders, may have overstepped its limits, warning the British Prime Minister Tony Blair that "major structural economic reforms could not be authorized by International Law."

The real policy executed by Paul Bremer among others by the Bush and Blair administrations was to transform Iraq's economy into one acceptable to US and UK Corporations, while eliminating local industries and local businesses, public and private, and to that purpose Iraq's legal system was to be transformed.

For every Iraqi Industry "advisers" representative of US Corporate interest were appointed. To give only two examples of direct US and UK Corporate control over vital sectors of the economy of Iraq. For the Iraqi Oil Industry the US appointed Chairman of the advisory committee is Philip.J. Carrol, a major Corporate player in Texas, former head of Shell Oil and Flour (a firm invited to bid on Iraqi Construction projects). The role of Shell in Nigeria has been associated not with democracy but with violation of human rights of the Nigerian people, severe damage to the ecology of the region and several dictatorships. UN Resolution 1472 dated 28th March 2003 transferred legal control "over Iraq's Oil industry from the United Nations (Oil for food program under sanctions lifted immediately after the attack to permit bonanza for the US and UK Oil Majors) to the United States and its allies. As explained earlier in this indictment the only purpose of sanctions was to prevent the development and use of Iraqi oil by the government and people of Iraq from 1991 -2003 until total control was handed over to US and UK Oil majors.

The second example which I cite as evidence of the privatized economic objectives of this war is the appointment of Dan Amstutz, former Senior Executive of the Cargill Corporation, the biggest grain exporter in the world and President of the North American Grain Export Association, as adviser to the ministry of agriculture. Amstutz drafted the original text of the main international agreements governing the trade of agricultural goods which permits wealthy countries to devastate farmers in the developing countries by dumping their subsidy -backed agricultural surpluses on world markets, pushing down prices to levels that farmers in poorer countries cannot compete with.

The vital instrument for the domination of US and UK Corporations in Iraq and their complete immunity under Iraqi law are what are known as the "100 orders issued by L.Paul Bremer of the CPA pursuant to the so called Iraqi interim Constitution, the Transitional Administrative Law, never accepted by the people of Iraq which are violations of International Law and the Hague and Geneva Convention on the laws of War and the Nuremberg Principles, prohibiting pillage of an occupied country and the altering of the laws of an occupied country, the divesting of the ownership of the Iraqi people and State owned enterprises, by providing 100% foreign ownership for Iraq's businesses and Companies, Bremer's orders in effect Re- colonize Iraq and directly violate Article 46, 47, 48,49,52 53, 55 and 56 of the Hague Convention IV of 1907 (to which the US and UK governments are both signatories) and the US Army's Rules of Land Warfare. Article 46 of the Hague

Convention IV of 1907 specifically prohibits the pillage of an occupied country.

To ensure the implementation of the 100 orders it is estimated that 200 mostly US and other international advisers are embedded in each ministry. A review of a few of these orders expose the real objectives of the war :-

1. Order 39 provides for the alteration of existing Iraqi laws in respect of the following :

Privatization of Iraq 's 200 state-owned enterprises;
100 % foreign ownership of Iraqi businesses ;
"National treatment "of foreign firms ;
Unrestricted, tax free remittances of all profits and funds;
40 year ownership licenses

The implication of this order is that all businesses are to be operated by US or UK or Coalition partners companies, with repatriation of total profits to the home country without restriction or any requirement for reinvestment of any amount to service the Iraqi economy, with no guarantee of employment or public services to citizens of Iraq or the protection of workers rights; with Corporations free to pull out without any obligations or restrictions.

2. Order 81 on "Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety "by executive fiat of the US proconsul Paul Bremer, amends Iraq's original Patent law of 1970. Historically Iraq's Constitution and laws prohibit private ownership of biological resources whereas order 81 makes it illegal for Iraqi farmers to reuse their own seeds, to permit the penetration of Iraq agriculture by MONSANTO, Sygenta, Bayer, Dow Chemicals the Corporate giants who control seeds across the globe and for the introduction of genetically modified seeds hitherto resisted by the Iraqi government and people. Pushing for agricultural reforms is the US Agency for International Development with a contract given to the US consulting firm Development Alternatives Inc with the Texas A.M. University as an implementation partner. Part of the work has been subcontracted to Segrum International of Australia.

3. Order 17 grants foreign companies, contractors, including foreign Private Security Firms, full immunity from Iraq's laws even for the killing of or injuring an Iraqi or causing damage including to the environment or collectively to groups of citizens.

4. Order 40 turns the banking sector from a state-run to a market driven system by overnight allowing foreign banks to enter the Iraq market and to purchase up to 50 percent of Iraqi banks.

5. Order 12 suspends "all tariffs, customs duties, import taxes, licensing fees and similar surcharges for goods entering or leaving Iraq and all other trade restrictions that may apply to such goods". As a consequence of this order local businesses have been wiped out for the same products as the order has led to an inflow of cheap consumer products. This has long term implications for domestic production."

6. Order 49 reduces the tax rate for Corporations from 40% to a flat rate of 15%. The income tax rate is also capped at 15%.

7. Order 77 establishes a board of Supreme Audit with a President and two Deputies with powers to oversee inspectors in every ministry and authority to review Government

contracts, audit classified programs and prescribe regulations.

8. Order 58 creates and appoints an inspector within every ministry with five year terms who can perform audits, write policies and have full access to all offices, materials and employees in the ministry.

These are only some of the 100 orders which provide for a complete takeover of the economy of the people of Iraq by dominant US, UK and other Corporation with a view to establish not a democracy but Corporate fascist rule, recalling the words of Benito Mussolini an authority on fascism who emphasized that "fascism was corporate rule."

VIII. Privatized violence perpetrated on the people of Iraq using mercenaries and Private Military Companies outsourcing military functions of the US and UK armed forces, with no accountability to any authority in Occupied Iraq except the Private Companies not liable to any military chain of command.

The hiring of Private Military Companies and outsourcing of several functions including training, logistics and supply operations traditionally performed by the armed forces is not unique to the Iraq War. What was once a function of mercenaries is now being performed by Private Military Companies hiring mercenaries on the direction of the Defense Department of the US, UK, Australia and other countries in Iraq. Outsourcing of several functions of the US armed forces is part of a continuing policy of privatizing the armed forces, for which the initiative has been taken by members of the Bush administration. Vice President Dick Cheney as Secretary of Defense in the administration of President Bush Senior encouraged outsourcing, and Donald Rumsfeld presently Secretary Defense desires that most military functions be outsourced. It is not a coincidence that Kellogg, Brown and Root the subsidiary of Halliburton is one of the Private Military Companies with the largest contracts from former Yugoslavia to Iraq, spanning several countries and military theatres, referred to earlier in the indictment. More than one in every five soldiers in Iraq to -day is a mercenary. It is estimated that apart from Private Military Companies there are 20,000 private security contractors in Iraq.

The irony of the situation is that in accordance with a recent report of the United Nations, South Africa is among the top three suppliers of personnel for private military companies operating in Iraq, next to the USA and UK. At least 10 South African Companies have been sending people to Iraq and several South Africans mercenaries it is reported have fought alongside the Americans and British in Fallujah. The South African Company Erinys International has been performing a vital role for the US and UK lead coalition in the recruitment of mercenaries to serve as bodyguards to US and UK top military officials and even to protect the "Green Zone". The most heavily recruited are the Apartheid era Security groups, many of whom received an amnesty from the Truth and Reconciliation Commission to be once again used against humanity in Iraq in what is a brutally racist war.

The policy of the Bush administration and earlier administrations of the United States is to outsource vital military functions to allow Corporations to profit from government contracts. The Blair government equally, on basis of advise received from Corporate advisors has decided to outsource functions of the military at the cost of the exchequer and the serving soldier who comes cheap and earns in the lowest rank in the US army \$15,489 a year, a thousand dollars more than the average pay for a movie usher in the United States and a Corporal with three years experience earns \$19,980 a year. Whereas the US and UK government pay private firms between \$500 to & 1500 a day for the mercenary they

supply.

The hiring of mercenaries and the use of Private Military Companies of the US, UK, Australia and South Africa among others in Iraq, is a logical extension of the privatized brutal and illegal nature of the war and the secret agenda for Iraq and its people drawn up by the dominant US and UK Corporations to rake in war profits, through establishing Private Military Companies who can be hired from one war to another, from one covert operation to another. Moreover though the deployment of mercenaries is forbidden in accordance with the laws and customs regulating war and by article 47 of the Additional Protocol to the four Geneva Conventions 1949, there is a reluctance to deploy skeptical and disillusioned US and UK soldiers and reserves, suspicious of the real reasons for their deployment and operating increasingly more reluctantly, and a preference for the deployment of the mercenaries of Private Military Companies as “Death squads” against the civilian population.

A confidential Army report in respect of the shocking revelations of American abuse of Iraqi inmates at Abu Ghraib and other prison centers has reported that employees of Private Military Companies CACI and Titan among the top 10 Companies given contracts for interrogation and translation among other functions were involved in the abuse of prisoners. Even though termination of employment was recommended neither Corporation removed them as there is no legal liability whatsoever for the extreme brutality of the employees of Private Military Companies operating in war zones.

Mercenaries are the second largest group of soldiers in Iraq to -day, which is one reason for the extreme brutality with which the war is being conducted as witnessed in the destruction of Fallujah in several operations with the use of DU, NAPALM and prohibited CHEMICAL weapons. The reprisals in the ratio of 100:1 for the killing of four mercenaries of the Private Military Company, Blackwater Security Consulting, which supplies mercenary military personnel on a contract basis, indicates the brutal military strategy and tactics of the Private Military Companies reaping the bonanza of military aggression and occupation determined to root out the resistance of the people of Iraq.

The real character of this war is revealed in the nature of security provided to Paul Bremer and other highly placed officials which was entrusted to Private Military Companies in preference to the US soldiers indicating who is running the war in whose interest. Though the hiring of Private Military Companies is “military expenditure”, it is estimated that as much as one quarter of the Reconstruction Budget of \$ 18 billion voted on by the US legislature, that is the money of the American people was not spent on reconstruction, but is being paid out to these Private Military Companies ; apart from the fact that the Iraqi Development Fund of the people of Iraq has been used for similar purposes including the military outsourcing to Halliburton as mentioned in the official audit, which according to the Presidential order 13303 referred to earlier is not subject to judicial scrutiny.

IX. The ‘El Salvador ‘and ‘Colombian options ‘ namely the use of private militias of thugs and mercenaries being funded, trained and utilized as private armies and death squads by the US against the people of Iraq and the Resistance, to fan fratricidal civil war between Shias, Sunnis, Turkmen and Kurds to criminally balkanize Iraq recalling the partition of countries under colonial rule by covert operations to create ethnic /religious conflict in keeping with the geo -strategic and economic objectives of the colonial powers. The balkanization of Iraq would seriously impact countries like Turkey and Iran.

The Bush and Blair administrations having failed to subdue the national resistance of the

people of Iraq, have been resorting to criminalized tactics and the use of what is being termed as the 'Salvador or Colombian option', with the use of private militias of thugs and mercenaries referred to by various names such as the Muthana Brigade, Defenders of Khadamiya, Special Police Commandoes and other diverse names using torture, kidnapping and sectarian killings falsely attributed to one ethnic /religious group or another to ignite a fratricidal civil war among Kurds and Arab /Turkmen, Shias and Sunnis, with a view to break the unity of the national resistance of the people of Iraq and to resort to an El Salvador or Colombian situation where mass executions were carried out against various sections of the population. In Iraq all over the country mass graves are now being found of civilians whom the Resistance does not target, with bodies floating down rivers, hooded and with hands tied behind them. This covert criminal policy which has been used before in many countries in Latin American and during British colonial rule to partition countries and recently in former Yugoslavia, to balkanize and alter the political boundaries of existing states by inciting religious or ethnic warfare in the economic interest of the colonial power, poses a threat not only to the integrity and unity of Iraq but also of countries in its neighborhood such as Turkey and Iran among others.

X. The deficiencies of the Nuremberg and Tokyo trials - camouflage of the economic and political systems of the allied and axis powers which had led to the rivalry for economic domination and seizure of resources with certain exceptions; failure to convict the Directors of Krupp, I. G. Farben and other Conglomerates and Companies for the conspiracy to wage a war of aggression and to regard the nuclear bombing of Hiroshima and Nagasaki and the fire bombing of undefended towns and cities like Dresden as war crimes.

The following facts were established by the International Military Tribunal at Nuremberg in the case of Goering and the political and military leaders of the Third Reich -

- (1) That the Reich adopted and pursued a general policy of plunder of occupied territories in contravention of the provision of the Hague Regulations with respect to the plunder of both public and private property.
- (2) That territories occupied by Germany had been ruthlessly exploited, without consideration of the local economy and as a consequence of deliberate design and policy.
- (3) That in the occupied territories in the East and West the exploitation had been carried out by putting local industries under German control, forced labour used, and raw materials and goods transported to Germany.

The trial of the political and military leadership of some of the Nazi leaders was followed by the trial in 1948 of the Directors and Executives of a few of the German Fortune 500 Companies mainly Krupp the armament company and the Chemical giant I. G. Farben and a few others charged with " the participation in the planning, preparation, initiation and waging of wars of aggression and invasions of other countries" and the "plunder of public and private property ...conspiracies to commit crimes against peace, war crimes and crimes against humanity" including the use of slave labour.

However, while the Tribunal in the case of the United States V Flick (Case No.5) held that "...Acts adjudged criminal when done by an officer of the government are criminal also when done by a private individual ...the application of International Law to individuals is no novelty..." Yet the Directors and Executives of these Companies were acquitted of the far more serious charge of conspiring to wage a war of aggression and convicted and given minor sentences for the spoliation and pillage of property and the use of slave labour, in what was a major miscarriage of justice. This is for jurists the incomplete task of the

Nuremberg trial and Tokyo trials. The reasons for this failure is to be found in the common economic and political system of the Allied and Axis powers with the exception of the former USSR and the manner in which these economic and political systems had been operating, using war as a means for the seizure of resources and markets both during the two world wars, and the colonial and other wars inflicted on the developing nations. The Nuremberg and Tokyo trials failed to focus attention on certain serious war crimes committed including the bombings of Hiroshima and Nagasaki and the fire bombing of undefended towns like Dresden by the allied powers.

While the propaganda systems post the second world war focused on the Gulag in the former USSR and the restrictions on civil liberties which undoubtedly was legally and morally inexcusable for a socialist society which must always be firmly rooted in democracy with peoples participation; the serious pillage and murder of the peoples of the world was concealed by the world media controlled by the Corporations. As a consequence humanity continues to be the victim of the barbaric economic and political system which has been described in the indictments at this trial and humanity is already facing an apocalypse with the technological superiority of weapon systems conceived by the mind of men/women who have hired themselves out to an anti-human economic system destroying the species to which they belong, with devastating effects on the ecology of this planet, a common home for the people of all nations.

XI. Democracy not compatible with economic systems which allow dominant Corporations to control the economic and political space within and across nations.

It is a contradiction to hold that Corporate Oligarchies with dominant control over the economic and political life of a country and with financial resources several times the size of the annual budgets of many countries are compatible with or can usher in democracy and the rule of law in any part of the world, their capacity to keep the systems they operate as democratic can be comparable to the democratic tendencies if any, in absolute monarchies. Political philosophers the world over and citizens concluded that absolute monarchies were antagonistic to the rights of the citizen and defeated these systems by revolutions in which the entire people participated; in this context can political systems in which dominant and monopolistic Corporations financial and industrial control the economic and political space meet the democratic test judging from historical experience of these systems.

No trial of the Bush and Blair administration and others who have collaborated with them will be complete without an analysis of the symbiotic relationship these government have forged through the existing political and economic system with their fortune 500 companies to oppress their own citizens along with the rest of humanity.

It is necessary for me to cite Professor Samir Amin, an eminent economist in support of this indictment. In 'Confronting the Empire' (Monthly Review April 2005) referring to the military aggression and occupation of Iraq, Professor Amin highlights that the United States government is openly in the service of satisfying the "demands of the dominant segment of capital made up of US multinationals"...if it is the question of making additional fifteen million dollars in profit for the American multinationals at the expense of 300 million victims, then there will be no hesitation ...instead it aims only at looting their resources...in the short term putting the military at the disposal of capital and delinking this capital from any system of human values ...it is infinitely more brutal ...and it is closer to the Nazi program ...the US advantage is that of a predator whose deficit is covered by loans from others, whether obtained by consent or fraud... nothing to do with the laws of the market... there is a single

party of Capital which includes Republicans and Democrats.”

Hon’ble members of the Jury, we are before the Bar of humanity, let it not be said that we lacked the courage, honesty or the perspective to speak the truth. In conclusion I submit that the Resistance of the people of Iraq to the tyranny described in the indictments before this World Tribunal, is sanctioned by a constitutional document maintained in the archives of the United States -the Declaration of the Independence of the United States from British Colonial Rule.

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