HANS C. VON SPONECK, A DIFFERENT KIND OF WAR: THE UN SANCTIONS REGIME IN IRAQ (NEW YORK AND OXFORD: BERGHAHN BOOKS, 2006)

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Like his predecessor Denis Holiday, Hans von Sponeck resigned shortly after assuming his post as UN Humanitarian Coordinator for Iraq because he realized that good efforts and best intentions could not compensate for the deeply flawed and highly politicized UN role in Iraq. In particular, von Sponeck found that the Oil-for-Food Program [OFFP], which was ostensibly intended to alleviate the extreme suffering resulting from UN imposed sanctions, constituted a failure. It contributed to the disintegration of Iraqi society and punished the Iraqi people more so than its intended target, the regime of Saddam Hussein.

The story of Iraq's crimes and punishment are well known. On August 2, 1990, Iraq invaded Kuwait. That same day, the Security Council passed Resolution 660, calling for Iraq’s immediate withdrawal from Kuwait. On August 6, 1990, the Security Council passed Resolution 661, an order for comprehensive trade, financial and military embargo of Iraq with the exception of certain limited humanitarian provisions. It also created the “661 Committee” or the “Sanctions Committee” to oversee the resolution. A coalition of twenty-six countries under American command went to war against Iraq in January 1991; this would prove to be the first of a series of military raids on Iraqi soil. Throughout the fighting, tons of bombs, including a reported three hundred and fifteen tons of depleted uranium, were dropped on Iraq; electrical stations and water purification stations were bombed as military targets, and thousands of civilians were killed.1 A United Nations investigation sent to Iraq shortly after the bombing called the situation, ‘near apocalyptic’ and concluded that ‘life had been reduced to a ‘pre-industrial stage.”2 According to some accounts, as many as 1,600 women and children died on February 13, 1991 alone when they were burned alive during the bombing of the Amariyah Shelter.3

After six weeks of bombing, Iraq participated in a cease-fire agreement. Security Council Resolution 687 created the UN Special Commission [UNSCOM] to oversee the destruction of Iraq’s biological and chemical weapons and the International Atomic Energy Agency [IAEA] to monitor Iraq’s nuclear capabilities. In 1995, Resolution 986 modified the sanctions regime with the Oil-for-Food program that permitted Iraq to sell a controlled quantity of oil so that proceeds from sales could be used, in prescribed proportions, to fund the purchase of humanitarian goods, pay the salaries of United Nations officials charged with distributing humanitarian supplies or monitoring Iraq’s disarmament, and pay reparations to Kuwait.

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3 Bahdi, supra note 1 at 238
A Different Kind of War chronicles von Sponeck’s experiences as UN Humanitarian Coordinator and sets out lessons learned in Iraq. He adeptly demonstrates how sanctions and the flawed OFFP perpetuated misery upon the Iraqi people. He describes how the sanctions regime brought about the almost complete destruction of Iraqi society. The book is divided into chapters which focus on the OFFP, the UN Compensation Commission, the No-Fly Zones and humanitarian coordination, coordination between key UN units in Iraq, the Government of Iraq, its people and their rights and finally offers some conclusions about sanctions in general.

Von Sponeck offers blunt analysis. Simply stated, his thesis is that the Iraqi people suffered because few decision-makers outside Iraq cared enough to stop the suffering. His account of the demise of the Iraqi education system illustrates the tragedy. Vital education supplies could not get through to Iraq and teachers were so poorly paid that most eventually left teaching out of financial necessity. “It was a world of stench from the poor sanitary conditions, overcrowded classrooms, broken furniture and usually long walks from home to school and back. There was a lack of just about anything that primary school children in Europe or in Iraq before 1990 would have taken for granted.”

Von Sponeck documents how individual and institutional failures at the UN and political manipulation by leaders in the US and UK led to the collapse of a system which was once the pride of the Middle East. Perhaps the most poignant quotes come from a young Iraqi girl who simply stated “all we want to do is study in peace with teachers who have up-to-date knowledge” and an administrator in Mosul who angrily observed “they have destroyed our economy and now they want to destroy our minds as well.” Citing the 1989 Convention on the Rights of the Child, which demands “special protection” for children, von Sponeck asks

What did it mean when 109 countries ratified the Convention on the Rights of the Child in 1990 after years of conferences and deliberations and concluded that “There are children living in exceptionally difficult conditions and that such children need special consideration”? Where could this have been more relevant than in Iraq? The issue of special support for education was not even discussed by the UN Security Council as an option. On the contrary, many educational materials meant to be purchased with the

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5 Ibid at c. 1.
6 Ibid at c. 2.
7 Ibid at c. 3.
8 Ibid at c. 4.
9 Ibid at c. 5.
10 Ibid at c. 6.
11 Supra note 4 at 62.
12 Ibid.
13 Supra note 4 at 63.
inadequate Oil-for-Food Programme budgets were blocked by the UN Sanctions Committee, thus further disabling the education sector.

Clearly, the author remains angered at what he regards as the unnecessary destruction of Iraqi institutions through reckless disregard even on the part of individuals and institutions who were supposed to care.

To be sure, warning signs appeared early in the life of the OFFP and should have indicated to its designers that the program would prove a normative and institutional failure. Von Sponeck identifies the various problems throughout the book. For example, the OFFP was misleadingly called “a humanitarian programme” although all the funds came from the sale of Iraqi oil supplies; UN employees were paid high salaries out of Iraqi oil sales to administer the OFFP and this understandably generated significant resentment amongst the Iraqi population; members of the international community imposed sanctions to destroy Iraq's capacity to build weapons of mass destruction which Western and Eastern companies helped develop; the OFFP essentially replaced a defunct Iraqi economy but had no provisions for infrastructure or development projects; some United Nations agencies, especially the Security Council, which were responsible for upholding international law and promoting international security remained focused on deposing Saddam Hussein in the name of international law but proved blind to their own violations of international law.

Von Sponeck’s central lesson is that things could have been different – Iraq's suffering was well documented and known to decision-makers at the time. However, it was in the interest of the US and UK to dismiss as “propaganda” any argument that did not fit their strategy of weakening Iraq through sanctions. In the end, the US, UK and the UN Security Council as a whole were more interested in securing the surrender of Saddam Hussein than protecting the rights of the Iraqi population. Von Sponeck does not spare the Iraqi government from criticism. For example, he laments the tendency of government officials to put off planning because they were waiting for an end to sanctions. Yet, he makes clear that he is not part of the chorus of international observers and leaders who blame Saddam Hussein for Iraq's demise. Von Sponeck clearly directs most of his criticism at the UN Security Council and its members especially the US and UK. He concludes that “the design, funding and implementation of the Oil-for-Food Programme reflect a remarkable cold bloodedness on the part of the UN Security Council”14.

The claims made in the book are well documented though von Sponeck does occasionally -- presumably out of necessity -- rely solely on his own correspondence and accounts of meetings. He does not refrain from naming names. The Deputy Secretary-General of the UN, Canadian Louise Frechette, is portrayed as a bureaucrat who does not appear to care enough for Iraqi civilians. We are told, for example, that her office did not provide the courtesy of a response to a letter von Sponeck wrote detailing the violations of
children’s rights. By contrast, Former Canadian Foreign Affairs Minister, Lloyd Axworthy, is portrayed as someone who tried his best to inject human rights discourse into Security Council decision-making.

A Different Kind of War ends with warnings about the dangers of sanctions in general and advocates ‘targeted sanctions’ and ‘pre-sanction assessments’ rather than wide-ranging sanctions of the scale imposed upon Iraq. These ideas represent the author’s main recommendations and more elaboration would have proven helpful.

Ultimately, the Iraq experience argues for a radical conceptual inquiry into the meaning of security. Von Sponeck’s text reveals the extent to which the UN Security Council and its key members, the US and UK, operate within a military-style definition of security which posits security and human rights as a zero-sum analysis. Under this model, security and human rights are traded off against each other so that the greater the security needs, the less human rights claims should be considered. In the end, the sanctions against Iraq cast doubt on the claim that human rights and security need necessarily be juxtaposed. Although it never explicitly makes the point, Von Sponeck’s book suggests the need to move beyond military and statist approaches to security towards what can be called “relational security,” or the recognition that security may be cultivated through the promotion of human rights and dignity. This would mean in part that the UN Security Council needs to consider the human rights dimensions of its decision-making.

Yet, sadly, A Different Kind of War reads like a familiar script. The script is familiar because it is yet again being played out in Palestine where sanctions have been imposed to crush leaders despite the social costs and the destruction of infrastructure.

A Different Kind of War belongs in the libraries of all international lawyers, policy-maker and elected official engaged in international affairs. It is a history book as well as an insightful “what not to do” manual.