A Gentle Occupation

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Towards Iraq

Mixed feelings: Dutch politics and Iraq

In October 2005, Dutch Minister for Foreign Affairs Ben Bot (CDA) caused political upheaval in the House of Representatives (known in the Netherlands as the Second Chamber) with a remarkably honest statement on the US-UK invasion of Iraq of March 2003: “Looking back at the overall process, it is legitimate to question whether it was sensible for the occupying powers to have invaded Iraq.” Bot said he wondered whether “with the knowledge we have now” – the knowledge that Iraq no longer possessed weapons of mass destruction at the time the war started – it would not have been more sensible to deal with the issue of Iraq’s disarmament “using other, diplomatic means” and whether “it would have been better to have conducted further investigations” rather than to intervene militarily so early. In making these remarks, the Minister both renounced two major allies in retrospect, and questioned the decision of the Balkenende I government – the ‘right-wing conservative’ coalition of the Christian-Democratic CDA, the populist Lijst Pim Fortuyn (LPF) and the conservative Volkspartij voor Vrijheid en Democratie (VVD) – to support the attack on Iraq as wholeheartedly as it did in 2003.

The CDA and VVD parties, which returned to power in the Balkenende II government (on this occasion in a coalition with the small ‘left-wing liberal’ partyDemocrats ’66 – D66) promptly reacted, as daily newspaper de Volkskrant reported the next day, “as if they had been stung by a wasp. ‘The minister is basically saying that the Netherlands’ political support [for the Iraq war] was incorrect,’ VVD Member of Parliament [Hans] van Baalen concluded.” The implication of the reaction was that if Minister
Bot wished to remain in office he should publicly retract his words. He did so that evening on national television. “As a Dutch government minister,” daily newspaper *NRC Handelsblad* wrote, “constitutionally obliged to defend the policy of his predecessors – in this case fellow *CDA* member [Jaap] De Hoop Scheffer – Bot stated on television that if it were now 2003 he ‘would have taken precisely the same decision’ as the cabinet had then.” Nevertheless, the paper reported, “the fact remains that since yesterday we know what the current Minister for Foreign Affairs [really] thinks about the invasion of Iraq: it was ill-judged.” In its leading article, the paper commented that the Minister should be applauded. “In view of the importance of overseas military operations in which the Netherlands is or will become directly or indirectly involved, his comments should give rise to serious debate on how and why a country goes to war, rather than to political bickering.”

Yet, things needed to be smoothed out. On 6 October, Prime Minister Balkenende and Minister Bot told Parliament that the government’s position on the invasion of Iraq was unchanged. “The position was, is and will remain that the Netherlands provided political support to the military intervention in Iraq because Saddam Hussein refused to cooperate with the implementation of the *UN* Security Council resolutions which called on the country to disarm. The crux of the matter is that Saddam Hussein did not cooperate sufficiently and failed to provide convincing answers to those questions identified by the *UN*,” Balkenende stated.

The political upheaval of October 2005 served to emphasise that, nearly three years on, there was still a great difference of opinion in the Dutch political arena between supporters and opponents of the 2003 intervention. Parties such as the *PvdA* and also the ruling *D66* believed that the *US* and *UK* had initiated the war against Iraq prematurely and under false pretences. They therefore thought that a parliamentary inquiry needed to be held into the Dutch government’s decision to support the invasion.

*CDA* and *VVD*, which served in both the Balkenende I and II governments, their former coalition partner *LPF* and some small Christian parties continued to believe that the support for the ad hoc alliance against Iraq was correct, even in retrospect. Saddam Hussein’s regime had been a threat to the world and his own people, had ignored numerous *UN* resolutions and had finally refused to cooperate in its own disarmament; such was the view of this (small) parliamentary majority, which therefore succeeded in preventing an inquiry being set up. The
subsequent stalemate of opinions on Iraq persisted for years. No inquiry was held (until 2009) and the political crisis caused by Minister Bot’s comments abated. But it had once again become clear that autumn, over two and a half years after the war, that people in the Netherlands (as elsewhere in the world) looked back on the Iraq crisis with mixed feelings, to say the least. Even though the Dutch had never really gone to war over Iraq, the stance of the Dutch government was and remained a bone of contention.

**Iraq as an international threat**

Iraq had long been viewed, also by the Netherlands, as a security threat in a region of significant geostrategic importance. Dictator Saddam Hussein and his Baath party conducted a true reign of terror. In the 1970s, thanks to oil revenues and support from the Soviet Union, the country evolved into a heavily-armed military power which threatened its neighbours. In the 1980s, the West nevertheless embraced Iraq as a counterweight against the Islamic regime in Iran, which was considered to be much more dangerous. Throughout Saddam’s war against the revolution-preaching ayatollahs in Teheran, Western countries supported him with arms supplies and intelligence. They ignored his use of chemical weapons and other human rights violations, just as they paid little attention to the reign of terror against his own people, including a genocide campaign against the Kurds. However, his invasion of the small neighbouring state of Kuwait in August 1990 put the Iraqi president on the wrong side of the international order in the eyes of the West. The occupation of this small, southerly neighbour was perceived as an aggressive violation of Kuwait’s sovereignty and giving Iraq potentially the control of too large a part of the oil production capability in the Persian Gulf region.

In the autumn of 1990 a large US-led international force gathered in Saudi Arabia on Iraq’s border. “This will not stand,” US President George H.W. Bush said in response to the Iraqi occupation of the emirate. At the end of 1990, the UN Security Council authorised the multinational force in the Arabian Desert to liberate Kuwait, using force if necessary. As Saddam Hussein refused to budge, this occurred after a steady build-up of military resources in January and February 1991. The combined air and land operation (a lengthy bombing campaign, followed by a short, rapid land war) went down in history as Operation Desert Storm. The Iraqi army was utterly defeated and driven out of Kuwait.
As part of the peace agreement imposed by the international community in resolution 687 and adopted one month after the war on 3 April 1991, the UN Security Council determined that Iraq would in the future be subject to severe restrictions governing the possession and development of weapons of mass destruction and long-range missiles. It was beyond doubt that Iraq had possessed such weapons and continued to develop them. The Security Council demanded that the Iraqi regime destroy its remaining NBC weapon systems, including all means of delivery with a range greater than 150 kilometres. Inspectors from the International Atomic Energy Agency (IAEA) and a United Nations Special Commission (UNSCOM) were to supervise compliance.

The international community thus placed Iraq under legal restraint. UNSCOM and IAEA commenced their detailed inspections of the Iraqi arms industry and armed forces. As long as the country did not meet the disarmament criteria, the economic sanctions which had been imposed the previous year remained in force. These included an export ban on oil, Iraq’s main source of revenue. An arms embargo also remained in place. The five permanent Security Council members held widely differing opinions on the interpretation of these sanctions, however. France, the Soviet Union (subsequently the Russian Federation) and China saw them as a means to influence the Iraqi government and to obtain cooperation for the planned disarmament. The United States and the United Kingdom saw them as a possible catalyst for regime change, a means with which they hoped to stage a coup against Saddam Hussein in the long term.

The dictator and his cronies, however, held a tighter grip on power than these countries realised. Shortly after the Gulf War, for instance, the Baath regime succeeded in crushing two major domestic uprisings, in the south by the Shiites and in the north by the Kurds. The subsequent flood of refugees led to international humanitarian aid operations and to the UN Security Council setting up a temporary safe haven in and no-fly zone above the north of Iraq. In 1992, a similar no-fly zone was created in the south. In the years that followed, the enforcement of these two no-fly zones became an allied instrument for further restricting the Iraqi government’s military freedom of movement.

**Inspections and confrontations**

In the meantime, the inspections relating to the disarmament of Iraq became a game of cat and mouse. The UN inspectors attempted to get to the bottom of things, while the Iraqis did all they could to keep their weapons
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devvelopment programmes hidden from the outside world. UNSCOM was constantly negotiating with the Iraqi regime on access to locations and archives, and in general on the freedom of movement of the inspection teams. These teams, comprising specialists from a group of willing and able UN member states, conducted searches throughout Iraq. They frequently encountered obstacles and were fed incomplete or misleading information. Twenty countries, including the Netherlands, participated in the international inspections. In total, between June 1991 and November 1998, fourteen Dutch specialists in nuclear, biological or chemical warfare contributed to the operation.

In 1995, it became clear that Iraq had spent the previous years successfully hiding large sections of its nuclear, biological and chemical weapons development programmes. The Swedish chair of UNSCOM, Rolf Ekeus (who held the position until 1997), and his Australian successor Richard Butler (1997-1999) repeatedly reported that Iraq continued to sabotage the disarmament process. In early 1998, the situation escalated into a major international crisis. Iraq denied the inspectors access to specific suspect locations. The US and UK amassed troops in the Gulf region. However, the hard line they took was no longer supported by France, the Russian Federation and China. These three countries sought to resume trade with Iraq and pleaded for a phased relaxation of the sanctions and the normalisation of relations. This division in the Security Council encouraged the Iraqi regime to continue calling the international sanctions into question and obstructing UNSCOM. In October 1998, Iraq withdrew all cooperation from UNSCOM. When head of UNSCOM Butler reported in December 1998 that his personnel were no longer able to carry out their tasks properly due to Iraq's conduct, the US and the UK chose the military option.

Operation Desert Fox was a four-day bombing campaign against Iraq's weapons development programme and defence and security apparatus. Targets included suspected weapons factories, defence sites, so-called 'presidential buildings' that UNSCOM had been forbidden from entering, air defence facilities, command & control and communications centres, and barracks of the Republican Guard, the military pillar of the Baath regime. It was a spectacular climax to the many years of inspections, but failed to break the deadlock. The bombings were also not confined to these four days alone. The military option was continued. In the first few months of 1999, the allied air forces attacked Iraqi military installations daily. They attempted to complete – through the use of force – the seemingly
unfinished business of the inspections. Throughout the year, a ‘silent’ air war was played out in the no-fly zones above Iraq.¹²

The chief consequence of this armed confrontation was the end of UNSCOM. Iraq did not permit the UN commission to resume its work. Still, nearly eight years after the end of the Gulf War, it was unclear whether the sanctions, inspections and bombings had led to the full disarmament of the Iraqi rogue state. While Saddam Hussein retained a firm grip on power, the Security Council became even more divided. The US and UK continued to pursue their path of military confrontation, against ever-louder appeals from France, Russia and China to give Iraq the benefit of the doubt. The latter three nations’ argument in favour of the removal of the economic embargo and the creation of a new international inspection mechanism was aided by growing media coverage of a suffering Iraqi population.¹³

Military intervention?

Thus the question whether the containment policy on Iraq had failed or not, and which options were still open, was becoming ever more pressing. By the end of the decade the US was increasingly talking about the possibility of a more robust military approach. Many politicians, experts and commentators thought that what the international coalition had failed to do in 1991 should be done now: the removal of Saddam Hussein and his followers by means of force. Even before Operation Desert Fox, in October 1998, US Congress had adopted a law which released funds for arming Iraqi opposition groups. Earlier still, in 1996, the US Central Intelligence Agency (CIA) had attempted to organise a coup via the Iraqi army. The plot had been foiled by the Iraqi secret service. Hundreds were killed.¹⁴ The administration of President Bill Clinton (1993-2001) held the view that the most radical option of military intervention using ground troops was unnecessary though. In its view, the Iraq issue was a relatively limited security threat which, following the departure of the UN inspectors, could be kept under control using air power.

Undersecretary of State John Bolton were all advocates of a regime change in Baghdad. In 1998, they had called on President Clinton in an open letter to disarm Iraq by military means. They now had the ear of Vice-President Dick Cheney, obviously a man of great influence in the administration. Over the years, Cheney, who had been Secretary of Defense under Bush Senior during the 1991 Gulf War, had also become convinced that the coalition from the first war should have removed the Baghdad dictator.

In the days following the events of 9/11, these foreign policy ‘hawks’ placed tackling Iraq high on the agenda. The hunt was initially on for the perpetrators directly responsible for the attacks on the Pentagon and the New York World Trade Center. Within a few weeks, Washington started a military campaign (Operation Enduring Freedom) against the Al-Qaeda terrorist network headed by Saudi extremist Osama bin Laden and against the Islamic-fundamentalist Taliban regime in Afghanistan. In the longer term however, the Bush administration opted to widen the scope of the conflict, which it called the ‘Global War on Terror’. Sights were set not just on terrorist organisations, but also on those countries which sponsored them and on countries which, according to the Americans, were developing weapons of mass destruction which could potentially fall into the hands of terrorists. The question was not whether, but rather when, Iraq would be included in the new world-wide war.

The decision to attack Iraq was taken at the end of 2001. In early 2002, Washington even considered the option of a rapid attack in the summer of that year. Ultimately, the wish to operate within an international alliance prevented this. From the spring of 2002, President Bush indicated in a number of speeches that he viewed the possibility of Iraqi weapons of mass destruction (and the risk of these falling into the wrong hands) as too great a threat to his country in the wake of 9/11. Slowly but surely, a war plan was drawn up in meetings between the White House, the Department of Defense and the military headquarters CENTCOM (Central Command, responsible for the Middle East). The emphasis was on decapitating the Iraqi dictatorship by means of a rapid march on Baghdad. Little thought was given to what should happen afterwards.

In the meantime, the Iraqi regime chose to be deliberately vague about its weapons of mass destruction. It was playing a bluffing game. By sowing doubt about whether it had chemical and biological weapons, and about the possible development programme for an atomic bomb, Saddam Hussein and his followers hoped to deter their regional arch-enemy Iran and prevent any domestic uprisings such as those in 1991. However, the
Baath regime made an error of judgement in pursuing this deterrence-by-doubt strategy by misinterpreting the changed geostrategic situation since 9/11. It did not recognise the reversal in thinking that these shocking events had caused in Washington. It was precisely the smokescreen it put up around the development and possible possession of weapons of mass destruction, aimed at keeping its non-US enemies at bay, which now worked like a red rag to the US bull.

The Bush administration was very open about its intention to remove the Iraqi regime by means of a “pre-emptive strike”. Three months after 11 September 2001 and while the military operation in Afghanistan was still well underway, Vice-President Cheney dropped hints on the Fox News media channel about a possible next round in the global war on terrorism: “If I were Saddam Hussein, I’d be thinking very carefully about the future, and I would be looking very closely to see what happened to the Taliban in Afghanistan,” he said. In his State of the Union address on 29 January 2002, President Bush clustered together the (security) threat of terrorism with the regimes in Iraq, Iran and North Korea in an “Axis of Evil”. He said he believed that the war on terror had only just begun and told his audience that they were in for a long fight. In Bush’s view, the US should be “steadfast” in its pursuit of two objectives: to combat terrorism and prevent terrorists or regimes from threatening the US and the world with nuclear, biological and chemical weapons. Of all the countries in the “Axis of Evil”, Iraq should be the most worried, Secretary of State Colin Powell confirmed a week later during a hearing in the US Senate. The Secretary reported that the White House was studying “a variety of options” for removing Saddam Hussein’s regime.

Senior US officials continued to make these kinds of statements throughout the spring and summer of 2002. In April, when Bush invited British Prime Minister Tony Blair to his ranch in Crawford (Texas), a British television reporter asked the US President about Iraq. “I made up my mind that Saddam needs to go,” the American Commander-in-Chief said. “The worst thing that could happen would be to allow a nation like Iraq, run by Saddam Hussein, to develop weapons of mass destruction, and then team up with terrorist organisations so they can blackmail the world. I’m not going to let that happen.” In August, his National Security Advisor, Condoleezza Rice, told the BBC that the West had to stop Saddam Hussein before he “wreak[s] havoc again on his own population, his neighbours and, if he gets weapons of mass destruction and the means to deliver them, on all of us”. At the end of August, Vice-President Cheney
gave the strongest indication yet during a speech to war veterans: “Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction [and] there is no doubt he is amassing them to use against our friends, against our allies, and against us.” For this reason, Cheney asserted, “The risks of inaction are far greater than the risk of action”.26

Over the course of 2002, everything possible was done to convince the American people and the rest of the world of the threat posed by the Iraqi regime, and of the need to oust it. In doing so, the US government exaggerated intelligence data. It made the supposed possession of weapons of mass destruction by the Iraqi dictator the *casus belli* of a premeditated war, in spite of a severe lack of hard evidence. The decision-making process was dominated by wishful thinking and manipulation. The US intelligence services, especially the CIA, were under great pressure from the White House and the Pentagon to produce the required information. Their often dubious and inflated intelligence estimates were put to use in an extensive media campaign. The US even elevated improbable suspicions about supposed connections between the Iraqi regime and Al-Qaeda into facts.

Parallel to the operational planning phase, US forces started preparing the future battlefield. Under the guise of conducting international supervision in the southern no-fly zone, pressure was increased on the Iraqi armed forces. Instead of eliminating specific enemy installations when attacked, as had been the case in previous years, patrol aircraft started taking out a more comprehensive set of targets. This meant that the US ground down the Iraqi command, control and communications networks which would support the defensive effort in the event of an invasion. The British refused to participate because they believed that the applicable UN resolutions did not sufficiently justify the bombings. The air campaign, which took place largely out of sight, was dubbed Operation Southern Focus and meant that the war against Iraq in fact began with a series of air strikes as early as in 2002.

The US State Department in Washington around this time started to point out a large hiatus in the military blueprints: the post-war phase. This aspect was mostly brushed aside with the assumption that the existing Iraqi administrative system, including army and police, would keep the country running under US control in the weeks following a ceasefire. The Department of Defense foresaw a brief transitional period. They were not so certain of this at the State Department however. The United States would occupy Iraq and would therefore have to run it, Secretary of State Powell argued. How did the US intend to do so? Toppling Saddam Hussein’s
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regime automatically created responsibility for building a secure Iraq in the long term. International support and assistance needed to be sought. Together with their British ally, the State Department pressed for a formal approach to the Iraq question via the United Nations.31

Renewed inspections

Although the decision to remove Saddam Hussein and his dictatorship had already been taken, the United States turned to the UN for international support. In November 2002, at the initiative of the US and the UK and following long negotiations with the French in particular, the Security Council unanimously adopted resolution 1441. The declaration stated that Iraq had failed to comply with earlier international demands. The country was given one last chance to destroy its weapons of mass destruction and related development programmes. The Security Council compelled Iraq to give weapons inspectors from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) – the successor to UNSCOM – unconditional access and demanded that it allow them to do their work unhindered. The resolution also stated that the Iraqi government itself had to provide full disclosure about its arms programmes within thirty days. The next major milestone would be a progress report by UNMOVIC, sixty days after the arrival of the inspectors in Iraq.32 The inspections were led by Swedish diplomat and former Minister for Foreign Affairs Hans Blix, head of UNMOVIC, and by Mohammed El Baradei, the Egyptian director of the IAEA.

After an absence of four years, UN inspectors returned to Iraqi soil at the end of November 2002. In early December, Iraq reported as required on its weapons programmes. The twelve-thousand page declaration was in fact a denial that the country had any remaining programme of any significance. The US immediately saw this as a sign that the Iraqi government was trying to avoid full disclosure. The American view was that Saddam Hussein and his clique were continuing their old tricks of sabotage and deception. As far as Washington was concerned, Iraq had had its last chance.33 The US was also very dissatisfied with the way the UN inspectors set to work. It thought that UNMOVIC and the IAEA were too hesitant and did not persevere long enough. The Bush administration was afraid of becoming bogged down in a never-ending process of inspections and diplomacy. However, it was alone in this opinion. Few other countries at this point shared the conclusion that war was inevitable. This did not prevent Washington from making concrete war preparations together with its British ally. Large numbers of American and
British troops and military material were already on their way to Kuwait, the starting point for the future invasion.

In December 2002, Generals Tommy Franks – commander of CENTCOM – and David McKiernan – commander of the land forces for the planned invasion – brought about a late, significant change to the US plan of attack. They decided that the air and land campaigns would be conducted simultaneous. This time there would be no prior bombing campaign lasting several weeks, as had been the case in the 1991 Gulf War, but an immediate march on Baghdad. The Pentagon, especially Secretary of Defense Rumsfeld, hoped to keep the invasion force as small as possible, but General McKiernan requested and was ultimately given more units. He considered these troops necessary for both the sustainability of his force and the occupation phase once the fighting was over.

The plan brought no end to the controversy surrounding the post-war phase, however. Rumsfeld continued to press for a minimum number of troops and for dismantling the invasion force as quickly as possible after combat operations ended. This contrasted with the assessments made by the military planners at CENTCOM and elsewhere, who foresaw a lack of manpower for preserving public order and security after the fighting phase. McKiernan and his colleagues therefore had to count on the rapid deployment of military units supplied by allies to fill the gap after the fall of Baghdad. Moreover, they expected the Iraqi security apparatus to remain intact and to continue to be able to provide support.34

In the meantime the diplomatic search for international support for a war, via the UN, was not going as the US and UK had hoped. The diplomatic debate turned into a tug-of-war between the allies and the other permanent Security Council member states. It was clear that the UN weapons inspectors in the field were not receiving the cooperation from Iraq which they required.35 At the end of January and early February 2003, this led to the question being raised whether the inspections should be continued. The international community was divided. On the one hand, the US and UK thought the time had come for military action. Powerful countries such as Russia, France and Germany opposed a war and argued in favour of continuing the work. They believed Iraq could be disarmed properly by the weapons inspectors, i.e. in a peaceful manner.

On 5 February, US Secretary of State Powell addressed the Security Council in an attempt to bring it round to the US-UK position. Iraq was deceiving the international community, the former general claimed, and clearly concealing its armament programmes. Powell presented a list of supposed evidence
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to support this view. The only possible conclusion for the international community was that the regime in Baghdad had wasted its last chance, he stated. The Security Council had to pave the way for military action.

The war coalition, which included countries such as Spain, Italy, Poland and Australia, attempted to obtain formal approval for an attack on Iraq. Yet when the faction led by France, Russia and Germany – countries which were in favour of longer and more intensive inspections – indicated that it would block such a resolution and in doing so form a majority in the UN against the US standpoint, the ‘coalition of the willing’ around the United States decided to push ahead without UN approval. Most countries in this Coalition, such as the Netherlands, supported the invasion merely politically or indirectly. The United Kingdom, Poland and Australia were the only ones providing ground troops.

As war became inevitable at this stage, the planning for the occupation of Iraq became more definite. It was decided in Washington that the Department of Defense would take on this task. General McKiernan and his staff drew up plans for their units to support an allied occupation authority in the post-war situation, via either a civilian administration or a specially created military headquarters which would work together with an Iraqi interim government. For this so-called ‘stabilisation phase’, a Post War Planning Office was set up. It was headed by former general Jay Garner, who was tasked with forming an occupation authority. His agenda contained a wide range of civilian tasks: maintaining public utilities, paying Iraqi civil servants and security troops, providing humanitarian aid, protecting essential infrastructure, creating new political institutions and numerous occupation tasks that tended towards state-building. The US thus recognised the reality of having to create a new Iraq, but had only general plans while providing few resources. In March 2003 Garner arrived in Kuwait with a small team (his office was now called the Office for Reconstruction and Humanitarian Assistance – ORHA) to await the moment at which Iraq would be a country occupied by Coalition troops.

War in Iraq

Operation Iraqi Freedom commenced on the night of 19 March 2003 with an air raid on the suspected location of Saddam Hussein to the south of Baghdad. The bombs missed the dictator, but were the opening salvo for what President Bush called “military operations to disarm Iraq, to free its people and to defend the world from grave danger”. After the failed
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attempt to remove the head of the Baath regime, a rapid attack on the heart of the dictatorship followed. A devastating bombing campaign by allied air forces – dubbed ‘shock and awe’ by Coalition war propaganda – and a simultaneous advance by a fast manoeuvring ground force led to Iraqi resistance collapsing in just under three weeks.40

While the spearheads of the US ground forces – one army and one Marine division – raced northwards through the basin of the Euphrates and Tigris rivers, a large part of the Iraqi army evaporated. Many forces deserted their posts and quietly headed for home. The greatest resistance came from irregular Baath loyalists, known as Saddam Fedayeen, and from foreign – mostly Arab – fighters and, closer to Baghdad, the elite troops of the Republican Guard. These armed pillars of the dictatorship were, however, comprehensively defeated by the Coalition Forces in an unequal battle. On 9 April, the Coalition Forces conquered Baghdad. One day earlier, the southern Iraqi city of Basra fell to the British following a two-week siege. Subsequently, Coalition troops fanned out across the country to eliminate the final pockets of resistance and to occupy Iraq.

The only Dutch military unit present in the region at this point was a detachment of air defence batteries in Turkey, which borders Iraq to the north. Remembering the Iraqi missiles fired on Israel and Saudi Arabia in 1991, in early February NATO member Turkey had requested three units equipped with Patriot air defence missiles. The Dutch government agreed to this deployment on a bilateral basis. Two Patriot batteries were deployed to the southern Turkish air base at Diyarbakir, a third was positioned close to the town of Batman. The detachment, from the Royal Netherlands Air Force’s Guided Missile Group, had at its disposal two types of missile: its own PAC-2 and a more modern version, which was made available by Germany for the duration of the operation.41 The Dutch units, totalling 370 military personnel, were operational as of the start of March 2003. They saw no action during the war as Turkey did not come under attack. The deployment ended on 16 April. The majority of the military personnel returned to the Netherlands on 1 May.42

On that same date, US President Bush declared an end to major combat operations in Iraq. The Baath regime had been deposed and its leaders and frontmen were either dead, imprisoned or had fled. The US now planned to withdraw from Iraq as quickly as possible. The Bush administration had a well-known aversion to peacekeeping and nation-building and planned to leave the occupation and stabilisation of Iraq to troops from other foreign powers: in the south led by the British, in the centre by the Poles, and around
Baghdad and in the north by a force comprising Arab allies from the Persian Gulf region. A new Iraqi government was to be set up within thirty to sixty days. In September, the US occupying force could then be reduced to about 30,000 men. Until that time, the idea was to restrict the deployment of US units for the stabilisation of the country to a minimum.

This plan quickly proved to be a fantasy however, as there was very little outside help. Few Western allies sent forces and most Arab countries remained on the sidelines. The US and UK clearly paid the price for their unilateral behaviour prior to the war. In May and June, the occupying forces were spread thinly across the vast operational area while combat operations and weeks of lawlessness and plunder left the Iraqi state apparatus in ruins. Coalition troops – insofar as they were able – did not sufficiently fill the power vacuum that emerged in the wake of battle in most parts of Iraq. Moreover, the invasion force was confronted with the first stirrings of a resistance movement organised by the Baathists, who had gone underground, and by groups of foreign Muslim extremists.

As the occupying authorities in Iraq, the Americans and the British inherited a bankrupt and impoverished country. They were now confronted with their inadequate planning. The general chaos and anarchy quickly turned the mood. Former general Garner and his ORHA were out of touch with the situation during the first chaotic weeks, as were the US and British ground troops. The Coalition was forced to change its policy. The US sidelined Garner and appointed diplomat L. Paul (‘Jerry’) Bremer as the highest administrator in Iraq, at the head of what the US and the UK now called the Coalition Provisional Authority (CPA). In his capacity as custodian of the country, Bremer’s task was, in short, to employ state-building methods to help post-war Iraq become a viable state again.

**The Netherlands: political rather than military support**

One of the allies eligible to give a helping hand in this critical phase was the Netherlands. Since the start of the Iraq crisis in 2002, the Dutch government had pursued a policy similar to that of the British, but without a concrete military contribution. The Dutch position was that Saddam Hussein’s regime needed to be tackled, preferably via the UN, but if necessary without it. In adopting this policy, the Dutch government positioned itself squarely behind the Coalition.

When the issue became pressing in September 2002, Minister for Foreign Affairs Jaap de Hoop Scheffer explained to Parliament that the
Dutch government shared the view that Saddam Hussein posed “a life-sized threat to the region and beyond”. The Minister argued that the “legitimacy for action [lay] ... firmly embedded in the issue of weapons of mass destruction”. He stressed that the required disarmament of Iraq should preferably be conducted through the UN Security Council. At the same time, he believed that the international community could not afford to be dependent on the veto of one or more uncooperative permanent Security Council members. He therefore advanced what he called the “formal legal argument” that intervention was possible on the basis of existing, older Security Council resolutions. New resolutions would be welcome, but were not essential. De Hoop Scheffer emphatically repeated this viewpoint during the debate on 19 November 2002, in which the by now outgoing Minister and the Dutch Parliament discussed resolution 1441, which gave Iraq a final chance to provide disclosure.

That same month, the US approached the Netherlands with a request for support. This entailed making available Patriot air defence systems and assistance in transporting military material to the Middle East via Dutch territory. The appeal also included the request to the Dutch to make “an active contribution of some kind if action was taken against Iraq”, Minister Henk Kamp – caretaker VVD Minister of Defence in the outgoing government – told Parliament some weeks later. The request from the US embassy, dated 15 November and subsequently reiterated by US Deputy Secretary of State Marc Grossman during a visit to The Hague on 5 December, in fact encompassed a very concrete list of Dutch military assets for possible combat operations on Iraqi territory. The wish list included military resources such as air assault and mechanised infantry combat units, F-16 fighter jets with precision guided weapons, frigates, minesweepers, submarines, maritime patrol aircraft, Apache attack helicopters and transport aircraft.

The Dutch government granted the US an overflight permit and permission for the transit of US army material and personnel via Dutch territory. It did not comply with the request for a contribution to any combat operation, however. An appeal from the British to send the Dutch First Marine Battalion and the amphibious transport ship HNLMS Rotterdam to the region as part of the UK/NL Amphibious Force was also rejected. This was due to a strategic analysis by officials at the Ministries of Defence and Foreign Affairs having concluded that planning the participation of Dutch units in potential offensive operations against Iraq was not – yet – expedient for the Netherlands as long as uncertainty remained about the legitimacy and timing of the Coalition’s invasion.
This rather non-committal policy was the result of the complex and rapid evolution of international events, as well as the specific political situation in the Netherlands that winter. The government had resigned in October 2002 as a result of squabbles within one of the governing parties, the political newcomer LPF. General elections were held in January 2003. From February onwards, the largest government party, CDA (44 of the 150 seats), held talks on forming a new government with the biggest winner of the elections, opposition party PVDA (42 seats). The Labour party was very critical of the US and UK policy on Iraq and thought that UN inspectors should be given sufficient time to do their jobs. It considered UN Security Council approval not just desirable for further (military) action, but essential.54

In spite of the changed political relations, the caretaker coalition government of the CDA, LPF and VVD parties meanwhile continued to pursue the Anglo-American policy line, as war without the explicit mandate of the UN Security Council became increasingly more likely. For instance, the Dutch government took the data from the presentation by Secretary of State Powell on 5 February 2003 in the Security Council “exceedingly seriously,” as CDA Minister De Hoop Scheffer wrote in a letter to the Second Chamber. Because “much of what Powell has revealed has been known in intelligence circles for some time and is in line with what Dutch intelligence sources have shown”.55

The Minister claimed that he could not go into detail about the nature and origin of this intelligence, suggesting that Dutch ministers possessed independent information via their own services (the Military Intelligence and Security Service, MIVD, and the General Intelligence and Security Service, AIVD) confirming the US-UK allegations against Iraq. However, an official inquiry would later show that the Netherlands was guided almost completely by (biased) US and British intelligence on this matter. According to a 2010 inquiry report, Dutch ministers also used the analyses provided by the AIVD and MIVD selectively to serve their political goal of loyalty to the US and the UK. For instance, the Dutch cabinet neglected to inform Parliament about specific “misgivings which quickly arose about the reliability of the evidence presented by Powell”. Information from reports by UNMOVIC was used selectively as well.56

At this stage, on the eve of battle, the Dutch government did not rule out participation “in some form or other” in a possible military action against Iraq either. Defence Minister Kamp told the Second Chamber on 19 February 2003 that he and his colleagues would make an “independent assessment” if the weapons of mass destruction, which
Kamp was convinced existed, were not “handed over” and the threat posed by Saddam’s regime was not “eliminated”. The government kept open the option of sending emergency response forces. It also considered the possible ‘relabelling’ of military forces which were already deployed to the region as part of Operation Enduring Freedom (Afghanistan), such as a frigate and a submarine. While Security Council members spent February and March wrangling over a new resolution on the use of force, the Dutch government concluded on the basis of reports by UNMOVIC and the IAEA that it remained doubtful whether “Saddam Hussein [was] willing to do what the global community demanded of him”. Minister for Foreign Affairs De Hoop Scheffer asserted on 18 March, the day before the war began, that the lack of consensus in the UN Security Council should not result in the Iraqi regime being left in peace. The Netherlands therefore supported the US and the UK when they took unilateral action.

This cabinet decision immediately caused a crisis in the already difficult talks between the CDA and PVDA on forming a new government. The CDA and both other governing parties VVD and LPF supported the imminent invasion; the opposition did not. Wouter Bos, leader of intended government participant PVDA, was critical of the way in which the UN Security Council was being sidelined. In the view of Bos and the Labour party, this was “the wrong decision at the wrong time”. Nevertheless, a compromise was eventually reached. The Dutch government would not make “an active military contribution” due to the lack of support in the Netherlands in general and as a concession to the opposition and in particular the PVDA.

The caretaker Balkenende I government was now free to communicate resolutely about the desired hard line on Iraq. In doing so, however, government ministers did have to conceal some doubts. In particular with respect to the legitimacy of the war, opinions were not as solid as they appeared to the outside world. On 28 January 2003, for instance, the Ministry of Defence’s Directorate of Legal Affairs reported to Minister Kamp that a new UN resolution containing a mandate from the Security Council was required to make an attack on Iraq legal. The reasoning propagated by the government that existing resolutions were sufficiently legitimate did not stand up to scrutiny, the Defence ministry’s lawyers concluded. They reported that careful reading of the resolutions showed that only the UN Security Council itself, and therefore not just one or two of its members, was authorised to establish a violation and to determine any consequences. Fellow lawyers at the Ministry of Foreign Affairs also failed to see a valid mandate for the intended use of force in existing resolutions.
Nevertheless, the Dutch government decided to keep up appearances and supported US-UK unilateralism.65

On 18 March, Prime Minister Balkenende again explained the reasoning during a heated debate in Parliament about the imminent war. In his opinion, the authorisation to use force could indeed be found in the ‘old’ resolutions 678 of 1990 (the legal basis for the liberation of Kuwait), 687 of 1991 (the conditional ceasefire after the First Gulf War) and 1441 of 2002 (the ‘last chance’ resolution on disarmament). As it had since become clear, Balkenende claimed, “that Iraq [had] not cooperated actively as obliged by resolution 1441 and the Security Council had failed to reach a consensus on a [new] resolution, the way was open for UN member states to take the necessary measures [by themselves] to enforce compliance on the basis of resolution 678”.66 The Prime Minister also referred to the fact that the previous Dutch government had supported the Desert Fox bombing campaign in 1998 using the same arguments. He regretted the fact that a unilateral ‘reactivation’ of old UN resolutions had to lead to war, but in his view “the essence” was “the disarmament of an aggressor which possesses weapons of mass destruction”.67

Into the desert

When announcing Dutch support for the invasion, Minister De Hoop Scheffer at the same time expressed the intention that the Netherlands would focus on the post-combat phase of operations, and not just politically. “In this respect, the desirability of a military contribution is also being considered,” he wrote.68 Prime Minister Balkenende added in his statement to Parliament that as far as he was concerned the Netherlands would actively participate in winning the peace. “The Netherlands is fully prepared to contribute under the flag of the United Nations,” the Prime Minister said. At that time, the Ministries of Defence and Foreign Affairs were already busy considering Dutch participation.69 According to the head of the Defence Staff’s Operations Division it was clear that participation would be challenging, due to the complex relationship with the occupying powers, the fact that the CPA was not yet established, the unclarity on the nature of Iraqi government structures and the lack of UN involvement. The Dutch contribution would be embedded in the British division that deployed in the south of Iraq.70 The Chief of the Defence Staff (CDS), Lieutenant Admiral Luuk Kroon, decided on the basis of availability that the core of the Dutch contribution would consist of an infantry battalion of the Royal Netherlands Marine Corps.71
On Friday 11 April, just two days after the fall of the Iraqi capital Baghdad, daily newspaper *de Volkskrant* reported that the government wanted to make available “about six hundred military personnel for an international ‘stabilisation force’ in Iraq”.72 The article stressed that Minister Kamp had not said a word about the intended Dutch contribution to what *de Volkskrant* called a ‘peacekeeping force’ during a debate in the Second Chamber on the previous day. It added that Minister for Foreign Affairs De Hoop Scheffer had expressed a preference for the deployment of military forces with a sound UN mandate, or possibly within a NATO operation, and noted: “Parliament has so far not been averse to a Dutch military contribution after the war ends. In the opinion of the government and Parliament, the UN will [have to] play a key role in the post-Saddam Hussein era.”73

The Ministers informed Parliament by letter that same day that the government had decided “to investigate the desirability and possibility of a Dutch military contribution to a stabilisation force in Iraq”.74 To this end, among other things, the Defence Staff conducted a “strategic reconnaissance”. From 8-12 May, an inventory team, led by the Head of the Operational Planning Division, travelled through the south of Iraq to review the potential deployment options for the Dutch Marine battle group in the British division sector. Lieutenant Colonel Dick Swijgman, commander of the First Marine Battalion, the unit which was to be deployed first, was a member of this team.

At this stage, there were several options on the table. One was deployment under the command of a British brigade, either in Maysan province near the Iranian border or at As Zubayah to the south of the city of Basra. Another option was deployment to Al Muthanna province, with two variants: either under the command of a Spanish brigade, or as an independent battle group with a direct line of command to British division headquarters.75 If the latter option were chosen, the Dutch operation would start on 1 August, the date on which a US Marine battalion in Al Muthanna was due to leave. The province would then be part of the area of operations of the newly-created, UK-led Multinational Division South-East (MND South-East) of the Coalition Forces.

The Dutch reconnaissance team visited the British division staff near the city of Basra, the US Marines in Al Muthanna and the British Duke of Wellington’s Regiment in As Zubayah. The team was told that the population in the south of Iraq at that time generally had a positive or neutral attitude towards the occupation. It was noted, however, that this could change if food or fuel supplies were to come to a halt or the restoration
of public utilities were delayed. Lieutenant Colonel Swijgman reported that the allied forces devoted a great deal of time to “static security tasks” (relating to buildings, infrastructure, supply lines, as well as mass graves and locations which might be connected to weapons of mass destruction) and patrols.76

The Dutch inventory team compared the two most likely deployment options: one in Basra province and the other in Al Muthanna. In the opinion of the team, the benefit of deployment under a British brigade in As Zubayah near Basra was that the Dutch unit would receive logistical support from the British and would therefore require fewer personnel for this itself. Other benefits included proximity to a British military hospital, short supply lines from the sea and airports to the deployment area, and the small requirement for engineer support as the unit could immediately move into a camp constructed by the British. The Al Muthanna option was in fact tougher with respect to logistics and personnel. The reconnaissance team did, however, estimate the security threat to be higher in Basra than in sparsely populated Al Muthanna. The advantage of the latter option would also be that the Netherlands could independently oversee its ‘own province’, and by doing so would conduct a higher profile operation. Yet, as Lieutenant Colonel Swijgman wrote, his preference on the basis of the comparison was for the, in military terms, more challenging option of As Zubayah. He advised his superiors accordingly.77

In The Hague the responsible policy makers nevertheless came to prefer the option of an independent Dutch operation in Al Muthanna. First, the British had urged the Al Muthanna option at a coordination meeting in London on 30 April.78 Second, the idea appealed to many in The Hague because, as mentioned above, an independent operation would make the Dutch effort internationally much more visible. The more autonomous and visible the operation the better. The enthusiasm for the Al Muthanna option was so great that within the Defence Staff the inventory mission of May was generally perceived as chiefly serving to investigate this scenario.79 Third, a security analysis backed the choice of Al Muthanna. In Basra and its surroundings, a Dutch unit could find itself in a complex urban environment with all the risks that that entailed. The Basra region was also strategically more important (and therefore more vulnerable) due to the oil and gas fields and corresponding installations, its access to the Persian Gulf and its proximity to neighbouring Iran. The Defence Staff therefore recommended opting for deployment in the less complicated environment of Al Muthanna. Lieutenant Colonel Swijgman
Towards Iraq

and his men were told to prepare “on the basis of the risk analysis and political profile” for an operation as an independent battle group in the remote desert province. 80

In order to study the details of this type of deployment, groups of military specialists conducted tactical and technical reconnaissance in late May and early June. In the meantime, Minister Kamp told Parliament on 20 May that the Dutch government, “in view of its caretaker status, the progress of government formation talks and the fact that the desirability and feasibility study has not yet been completed,” had decided “to leave decision-making on the stabilisation force in Iraq to the next government.” This administration, which became known as the Balkenende II government, was sworn in on 27 May 2003. On 6 June, it approved the military deployment to Iraq, in spite of the fact that it had since become clear that the UN would play only a minor role.

Ministers Kamp and De Hoop Scheffer – who both returned to their former posts – informed Parliament that the Dutch contribution to the Coalition was to comprise “a battalion of Marines and associated support units”. 81 The government announced that the Dutch unit would be stationed in Al Muthanna province “at the request of the British”. As this region came under the responsibility of British-led MND South-East, the “operational line of command [would] ... [run] via the British division headquarters and subsequently via US headquarters in Baghdad to the US Central Command (CENTCOM), which coordinates military direction”. The Netherlands based its participation, in line with the previously formulated objective of desired UN authorisation, on Security Council Resolution 1483, which had been adopted a few weeks earlier on 22 May. In this resolution, the Council welcomed the willingness of member states to contribute “personnel, equipment and other resources” to “stability and security in Iraq”. The Council also appealed to member states and organisations to assist the people of Iraq in reconstructing their country. 82

Although the resolution did not mention the creation and status of a multinational force, as the Netherlands would have liked and as is common in these cases, the Dutch government’s view was that the text contained a sufficient “political and legal basis for participation in the stabilisation force” that was created under the guidance of the occupying powers in Iraq. 83

The Dutch government furthermore stated that its contribution would focus on “assisting in the reconstruction of Iraq by creating a secure and stable environment” as well as the support of “specific tasks for which the administrative responsibility” would lie with the CPA, such as humanitarian
actions, reconstruction and the provision of security for other Coalition partners. Although Dutch military personnel would be full members of the occupying force’s military organisation, the Dutch government emphasised the explicit reservation in UN resolution 1483 determining “that countries which provide this type of contribution are [themselves] not defined as occupying powers.” In doing so, the Netherlands distanced itself from its major allies. The politically-desired status of ‘non-occupier’ was translated into two distinct caveats, laid down in a Memorandum of Understanding with the UK: under no circumstances would Dutch military personnel be allowed to conduct administrative tasks (as was common elsewhere in the country due to the lack of sufficient CPA personnel), nor would they be allowed to take the lead with respect to law enforcement. The Dutch battle groups therefore conducted no executive police tasks and were for instance prohibited from interning people.

The Netherlands’ desire to profile its military contribution as being separate from that of the Coalition which fought against Iraq was also expressed by the distinctive, individual Dutch name for the operation. As the UK and the US had used the same code name for the occupation phase as they did for the spring offensive (Operation Iraqi Freedom for the US and Operation Telic for the UK), CDS Kroon decided that this was unsuitable for the Dutch. A solution was found in the informal terms ‘stabilisation operation’ and ‘stabilisation force’. In the legal agreements with the British, the name Stabilisation Force Iraq, at times abbreviated to SFOR, was increasingly used in an official sense. As there was obvious potential confusion with the NATO operation in Bosnia of the same name, the Dutch Defence Staff introduced the acronym SFIR.

The government’s letter to Parliament did not explain in any further detail how the separate status in Iraq stressed by the Netherlands related to the formal command structure, either in the military line of command of the allied force or with respect to the CPA. The government did state, however, that a Committee of Contributors would be set up for the British sector, which was aimed at enabling “those countries which provided troops to be sufficiently involved in determining general politico-military policy ... and the exchange of information.” The “stabilisation force” in which the Netherlands was to participate, “should play an essential support role”. The idea was to conduct the operation in such a way as to enable a rapid handover of responsibilities to the Iraqis.

The government’s interpretation of the new military operation in Iraq was not readily accepted by everyone. During a number of hearings in
Parliament on 19 June, for instance, Professor of International Law Nico Schrijver stated that he regarded Resolution 1483 as sufficient legitimation for the planned multinational stabilisation force and the Dutch participation in it, but pointed out that the text contained no specific appointment or mandate for such a force. His interpretation of the situation therefore was that it was not the UN Security Council but the British and Americans who would determine the rules (including instructions on the use of force) for the Dutch deployment. The principle for the Dutch contribution therefore did not lie in explicit authorisation by the UN Security Council for this specific operation, but in fact in the recognition by the Council of the US-UK occupation of Iraq as a fait accompli.89

Military expert Frank van Kappen, a retired Marine Corps Major General, also called SFIR a mission that differed sharply “from the usual spectrum”. He called it “unprecedented, whereby in my opinion the key point is that operations will be conducted under the command of two occupying powers which have been formally identified as such by the Security Council”. Van Kappen implied that the decision on the deployment failed to comply with the government’s previous objective of a ‘key role’ for the UN. The SFIR mission was therefore certainly not a peace operation in the classic sense – whereby peace support troops adopt an impartial role on behalf of the international community. The general referred to the risks to Dutch forces who, whichever way one looked at it, would be “the only visible component” and “visible representatives” of the occupying authorities in their area of operations. He asserted that if the CPA were to function poorly, it would be military personnel, including the Dutch, who would pay the price. Local Iraqis “would not give a damn that military personnel bore no direct responsibility for this”.90

Ultimately, these complications, which would strongly determine the nature of the Dutch operation, made little difference to Parliament. Only two small left-wing parties voted against participation in the Coalition’s stabilisation force. In spite of harbouring major doubts, opposition party PVDA largely shared the idea that a new reconstruction phase had started in Iraq. The sharp distinction created in the UN Security Council resolution and stressed by the Dutch government between the occupying and non-occupying powers within the Coalition – a first in international law – was accepted as political reality by all those who voted in favour. On 26 June 2003, a majority in the Second Chamber approved the government decision to deploy a battle group to Al Muthanna in Iraq.
A Gentle Occupation

Party to the conflict

In the summer of 2003, the Netherlands discovered a new, fashionable term when it came to describing its planned post-invasion contribution to the occupation of Iraq: stabilisation force. Press officers and journalists frequently used the term once it had been generally accepted in the official communications between government and Parliament. The undefined term conveniently left open for all parties whether this deployment was a peace operation (in the sense of a classical, impartial peace support deployment), a more robust and not necessarily neutral peace enforcement operation, perhaps a post-conflict peacebuilding operation, or participation in or support for an occupation.

The Netherlands therefore did not really know how to view its own contribution to the multinational campaign in Iraq. In spite of minimal commitment from the UN, the Dutch government, the Ministry of Defence and – displaying remarkably little criticism – the media constantly classed the new operation as a ‘normal’ crisis response operation. This classification was misleading, however, and ignored the fact that the stabilisation force for Iraq had been created and led by the countries which had invaded and occupied it in March – without there being any agreed UN mandate to do so. Moreover, there was also the question whether the armed conflict in Iraq was indeed over. Many predicted an armed uprising and civil war.

The crisis in Iraq certainly did not result in an international follow-up operation led by the UN (as the Netherlands and others had hoped and argued for). This placed the Netherlands – which specifically wanted to participate – in a dilemma. How could a Dutch military contingent join the alliance formed by the US and the UK to occupy Iraq and yet adopt the desired role of a non-occupying peacekeeping force? Actually, this was impossible, even though the government tried to ignore the problem by coming up with a rather contrived interpretation of UN resolution 1483. The government in its letter to Parliament on SFIR, however, could not conceal the fact that the Netherlands was participating in the occupation phase of Operation Iraqi Freedom. Experts made that perfectly obvious in the parliamentary hearings. It would therefore have been clearer if the Netherlands had adopted an open stance and admitted that – just like during the combat phase in March and April – it was a full member of the Coalition and therefore party to the conflict.