

Dutch Commission Spells Trouble for Tony Blair

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Jan. 21—An independent commission in The Netherlands on Jan. 12 became the first such body in the world to declare that the Iraq War violated international law. The Davids Commission was appointed by Dutch Prime Minister Jan Peter Balkenende and chaired by Willibrord Davids, a former chairman of the Supreme Court. The commission's report puts the heat on former British Prime Minister Tony Blair, who will testify at Great Britain's own Iraq War inquiry, led by Lord Chilcot, on Jan. 29.

The Davids Report is unambiguous on the fact that the Balkenende government acted as a full partner with Blair and the George W. Bush Administration, and used the same lies to bring the Netherlands into a war that the vast majority of the population did not want. "The Dutch government lent its political support to a war whose purpose was not consistent with Dutch government policy," the report said. "The military action had no sound mandate in international law."

It charged that there was "a certain insincerity" in the way the government insisted that the dismantling of Iraq's weapons arsenal was the goal of the invasion, while it knew full well that the objective was "regime change"—the overthrow of Saddam Hussein.

It further stated that the government did not inform the parliament that its own intelligence service had a more "nuanced" assessment of the allegation that Iraq had weapons of mass destruction. While the report claims it found no evidence of Dutch military involvement in the invasion itself, it contested the claim that the Patriot missile launchers it stationed near the Iraq border were purely for defensive purposes, noting that their deployment without parliamentary consent was a violation the Constitution.

The report's harsh conclusions have sent shock waves through the political landscape in The Netherlands, and could bring down the government of Prime Minister Balkenende, who can be considered the Tony Blair of The Netherlands, and who was also Prime Minister when

the invasion began.

The British daily *The Guardian* reported on Jan. 13 that the commission was unable to acquire a letter Blair had sent to Balkenende in 2003, which influenced the latter's decision to back the war. The letter had been sent "personally" from Blair, with instructions that it be returned after Balkenende read it, so it would not end up in the Dutch government's archives. A spokesman for the commission told the newspaper: "It was a surprise for the committee when we discovered information about this letter.... We asked the British government to hand over the letter, but they refused." The contents of this letter has never been revealed.

First Independent Assessment

Philippe Sands, professor of International Law at University College, London, who was interviewed by the Davids Commission, told Radio Netherlands Worldwide that the findings of the Dutch inquiry are unambiguous. "They concluded that the war was unlawful, so I think the findings are very helpful on the international issue of legality," said Sands. "It's the first independent assessment by anybody, anywhere in the world, of the view of the legality of the war. The fact that the report has been written by distinguished law experts gives it authority."

As for Blair, Sands said, "It can't be helpful for him that the Davids Commission has concluded in the opposite direction. They've even gone further; they've said the UN resolutions were used as unreasonable arguments."

Sands is the author of *Lawless World*, which documents how Bush and Blair conspired to invade Iraq, in violation of international law.

The Davids Commission was convened in February 2009, after six years of stalling by the Balkenende government. While refusing to convene a parliamentary commission, Balkenende named Willibrord Davids to establish an independent body. Davids pulled together a prominent group, which included Prof. Dees Fasseur, retired civil servant and expert in international law; Tim

Koopmans, former Advocate General at the Supreme Court; and Prof. Dr. Nico Schrijver, professor of international Law at Leiden University.

In addition to concluding the war was illegal, they noted that, until the government entered the war, there was very little public debate, because of the "turbulent social and political developments" in the country at the time. This is a



Committee of Inquiry Iraq
Committee Chairman
Willibrord Davids



UN Photo/Sophie Paris

The British government refused to give the Davids Commission access to former Prime Minister Tony Blair's secret 2003 letter to Dutch Prime Minister Jan Peter Balkenende, which influenced the latter's decision to back the invasion of Iraq.

reference to the after-effects of the assassination of the populist Pym Fortuyn in May 2002, while he was campaigning in the national elections, which were held later that year. (See "Strategy of Tension Now Targets the Netherlands," *EIR*, May 17, 2002.) Fortuyn's party was expected to be a big winner, perhaps becoming the largest or second-largest party. He was anti-immigration as well as anti-European Union, and wrote, at the time, that Blair was "an extremely dangerous man, candidly a threat to world peace."

According to the report, in this "politically unstable situation," then Foreign Minister Jaap De Hoop Scheffer, was able, without consulting any other member of the government, to draft, in August 2002, what would become the government's policy for entering the war. De Hoop Scheffer was a true believer in the war from the beginning, and, in 2004, he was named Secretary General of NATO.

Balkenende has refused to acknowledge much of the criticism in the report, especially the charge of illegality. A government crisis has developed, since his current coalition partner, the Labor Party, was not in the government at the time Balkenende backed the war. Balkenende was forced to issue a statement admitting that a better mandate in international law was required. His political future remains in question, as the latest polls give him a 17% approval rating.