CHAPTER-V

UNITED NATIONS AND KUWAIT – IRAQ WAR

The Iraqi entry and attempt of occupation of Kuwait was the first instance since the founding of the United Nations in which one Member State sought to completely overpower and annex another nation. The United Nations has demonstrated its far-reaching ability to act as powerful instrument for international peace and security through its sustained and decisive response to Iraq’s advance in Kuwait. The breadth of actions taken by the United Nations in more than five years of work—from the immediate, intense worldwide diplomatic activity aimed at ensuring universal support for the restoration of Kuwaiti sovereignty, to the ongoing challenge of building long-term peace and stability in the region—have confirmed the extraordinary relevance of the United Nations in addressing the most complex political issues facing the international community. It was the starting point of a full review and reversal of U.S. policy toward Iraq, which over the previous decade had been indulgent towards Saddam’s dictatorship, taking Iraq’s side in its war against Iran.234

The United Nations’ central role began at the very outset of the crisis. Within hours of the Iraqi entry on 2 August 1990, the Security Council met to demand Iraq’s withdrawal from Kuwait. Acting incrementally in addressing Iraq’s aggression and its aftermath, the Council by late November had adopted 12 resolutions under Chapter VII of the Charter covering various aspects of the situation. No other crisis in the history of the United Nations had elicited such attention and action from the council in such a compressed span of time. The international outcry extended to the General Assembly, where virtually all Member States participating in the general debate during September and October 1990 deplored the invasion and occupation of Kuwait and called for the restoration of Kuwait’s Government and respect for its territorial integrity.

There were many who questioned the nature and extent of the US-led response to Saddam’s invasion. According to John Bulloch and Harvey Morris, there were those who saw the crisis as principally a US affair, focusing on the United States’ desire to establish its domination of the Gulf; and yet a remarkable international consensus backed the American position, reflected in numerous UN resolutions and in the decision of more than twenty countries to participate, alongside US forces, in the international coalition confronting Saddam. Even Iraq’s nominal supporters, the PLO, Jordan and Yemen, did not condone the annexation.  

Pursuant to requests from Kuwait and the United States, the Security Council convened within hours of the initial reports of Iraq’s invasion and unanimously adopted resolution 660 (1990), in which, invoking articles 39 and 40 of Chapter VII of the United Nations Charter, it condemned the invasion, demanded that Iraq immediately and unconditionally withdraw all its forces to the positions they had occupied the previous day and called on Iraq and Kuwait to begin intensive negotiations to resolve their differences. Each of the five permanent members of the Council voiced opposition to the invasion the United States called it a “heinous act”, the Soviet Union expressed “profound concern and alarm”, France “most firmly” deplored Iraq’s use of force, China stated that Iraqi troops should be withdrawn, and the United Kingdom said, “This is an ugly moment in world affairs.” Each also stressed the need for negotiation. Iraq’s representative for his part, stated that Iraqi troops had entered Kuwait solely in response to a request from the “Free Provisional Government of Kuwait” to assist it “to establish security and order so that Kuwaitis would not have to suffer”, and he declared that the Iraqi forces would withdraw “as soon as order had been restored”. Later that day, 2 August 1990 Security General Perez de Cuellar, met with the permanent representatives of Kuwait and Iraq to the United Nations and appealed to the latter for full

236 Letter from the Permanent Representative of Kuwait to the President of the UN, Security Council requesting an immediate meeting of the Security Council. S/21423, 2 August 1990.
implementation of resolution 660 (1990). The outcry beyond the Security Council was just as strong. On 3 August 1990 the Gulf Cooperation Council condemned the “brutal Iraqi aggression against the fraternal State of Kuwait” and called upon Iraq to withdraw its forces immediately and unconditionally. The League of Arab States, the Organization of the Islamic Conference, the European Community, other regional groups and individual United Nations Member State representing the breadth of world opinion also voiced their opposition.

The Security Council returned to action on 6 August when it adopted resolution 661 (1990), imposing under Chapter VII of the Charter comprehensive and mandatory sanctions on Iraq and deciding not to recognize any regime set up in Kuwait by the occupying Power. The Council also established a committee (known informally as the Sanctions Committee) to monitor implementation of the sanctions, which covered the sale and supply of all products and commodities, including weapons and other military equipment, as well as the transfer of funds. Exceptions to the sanctions regime were made for supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs. Nonetheless, Iraq, in a letter to the Secretary-General, described the sanction resolution as “unjust”, “Precipitous”, “iniquitous” and designed to “starve and Iraqi people”.

On 7 August, in response to requests from Kuwait, Saudi Arabia, Bahrain and other Governments in the regions, and in accordance with Article 51 of the Charter, which recognizes Member States’ “inherent right” of “individual or collective self-defence”, the United States, followed by the United Kingdom and other European countries, began dispatching air and naval forces to the region. This operation eventually

\footnote{UN, Security Council Resolution condemning Iraq’s invasion of Kuwait, demanding the immediate and unconditional withdrawal of all Iraqi forces and calling for negotiations for peaceful resolution of their differences. S/RES/660 (1190), See Annexure – II.}

\footnote{UN, Security Council resolution imposing mandatory economic Sanctions against Iraq and establishing a committee (the “Sanctions Committee”) to monitor those sanctions. S/Res/661 (1990), 6 August 1990, See Annexure – III.}

\footnote{Letter from the Deputy Prime Minister and Minister for Foreign Affairs Iraq to the Secretary-General concerning Security Council resolutions on Iraq and Kuwait, S/21503, 13 August 1990, See Annexure – IV.}
grew into a multinational effort involving more than 30 nations. Arab participation was decided upon at an Extraordinary Arab Summit Conference held in Cairo on 10 August at which the League of Arab States adopted a resolution calling upon Iraq to withdraw its forces from Kuwait, insisting on the restoration of the legitimate Kuwaiti Government and starting that the League would comply with the request of Saudi Arabia and the other Arab States of the Gulf that “Arab forces should be deployed to assist” their armed forces in defending their “soil and territorial integrity against any external aggression”.

On 12 August, Kuwait wrote to the President of the Security Council and, invoking its inherent right of individual and collective self-defence and Article 51 of the Charter, informed him that Kuwait “has requested some nations to take such military or other steps as the necessary to ensure the effective and prompt implementation of Security Council resolution 661 (1990).” Kuwait, whose leader has escaped their occupied country and issued a decree that the Government of Kuwait would be convened temporarily in Saudi Arabia, also forwarded a series of reports rejecting Iraq’s claims against Kuwait as well as the “Government” set up by Iraq in Kuwait. The Kuwaiti communications charged that Iraq, in systematically taking over the country, was ransacking houses, plundering public facilities and private homes alike, desecrating houses of worship, stealing vehicles, looting banks and businesses, terrorizing civilians and taking steps to alter the demographic nature of the country so as to buttress its political and territorial claims.

On 7 August, Iraq had declared its “comprehensive, eternal and inseparable merger” with Kuwait. In an initiative announced on 12 August, President Saddam Hussein of Iraq linked any Iraqi withdrawal from Kuwait to the immediate and unconditional withdrawal of Israel from the occupied Arab territories, the withdrawal of Syrian troops from Lebanon, a mutual withdrawal by Iraq and the Islamic Republic of Iran from territory occupied during the war between those two countries, and the withdrawal of United States forces from the Gulf region. President Hussein proposed

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240 Letter dated 12 August 1990 from the Permanent Representative of Kuwait to the President of the UN, Security Council reporting that military assistance has been requested for implementation of resolution 661 (1990) S/21498, 13 August 1990. See Annexure V.
that the same principles by applied to achieving each of these withdrawals, but added that “prior cases of occupation” had to be resolved before, addressing the Iraq-Kuwait question.

With no sign that Iraq planned to withdraw from Kuwait or otherwise comply with resolutions 660 (1990), the Security Council took action on three further occasions during the first month of the crisis. On 9 August, the Council stated in its resolution 662 (1990) that Iraq’s annexation of Kuwait had no legal validity and was “null and void”. On 18 in resolution 664 (1990), THE Co0uncil demanded that Iraq permit and facilitate the departure of third-country nationals, grant immediate and continuing access of consular officials to them and take no action to jeopardize their safety, security or health. An on 25 August, in resolution 665 (1990), the Council called upon Member States cooperating with Government of Kuwait which were deploying maritime forces to the area to use such measures as might be necessary “to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990)”.

The Council also requested Member States to use, “as appropriate”, the Council’s Military Staff Committee to coordinate their actions. Under the Charter, the Military Staff Committee was established to advise and assist the Council on all questions relating to the Council’s military requirements.

The Security Council addressed the humanitarian situation in Iraq and Kuwait in its resolution 666 (1990), adopted on 13 September 1990, in which it instructed the Sanctions Committee to keep the situation regarding foodstuffs in Iraq and Kuwait under

241 Ibid.
242 UN, Security Council Resolution expanding the sanctions against Iraq and authorizing maritime forces to take “Commensurate” measures to ensure strict compliance S/RES/665 (1990) 25 August 1990. See Annexure VI.
243 UN, Security Council resolution demanding that Iraq permit the departure of third – state nationals from Kuwait and Iraq S/RES/664 (1990), 18 August 1990. See Annexure VII.
constant review, paying particular attention to children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly.\textsuperscript{244}

On 16 September, the Council responded to Iraq’s decision to order the closure of diplomatic and consular mission in Kuwait and to withdraw the immunity and privileges of those missions and their personnel, as well as to Iraq’s abduction of foreign nationals who were present in these premises. In resolution 667 (1990), the Council said it was “outraged” at these violations, declared that such acts “strike[s] at the root of the conduct of international relations in accordance with the Charter”, strongly condemned Iraq’s aggressive act, demanded the immediate release of the abductees and decided to consult urgently on what further measures take “in response to Iraq’s continued violation of Charter of the United Nations, of resolutions of the Security Council and of international law”.\textsuperscript{245}

On 25 September, in its resolution 670 (1990), the Security Council explicitly confirmed that the sanctions against Iraq applied “to all means of transport, including aircraft” and elaborated further measures affecting shipping and air transport.\textsuperscript{246} Specifically, the Council decided that States would “deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstance” and that States were to deny overflight permission any aircraft destined to land in Iraq or Kuwait, and called upon States to detain any ships or Iraqi registry which entered their ports and were in violation of the sanction resolution.

\textsuperscript{244} UN, \textit{Security Council resolution} requesting the Council’s sanctions Committee to determine whether there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait S/RES/666 (1990), 13 September 1990. See Annexure VIII.

\textsuperscript{245} UN, \textit{Security Council resolution} demanding that Iraq immediately release foreign nationals abducted from diplomatic premises in Kuwait or Iraq S/RES/667 (1990), 16 September 1990. See Annexure IX.

\textsuperscript{246} UN, \textit{Security Council resolution} asking the Sanctions Committee to recommend a response to States requesting assistance with economic problems arising from the implementation of those sanctions S/RES/669 (1990), 24 September 1990. See Annexure X.
For the vote and the debate on tightening sanction against Iraq, 13 of the Council’s 15 members, including all five permanent members, were represented at the Foreign Minister level – only the third time in United Nations history that Foreign Ministers of all permanent members had attended a Security Council meeting. In statements, each stressed the need for a peaceful, political settlement to the crisis (S/PV. 2943). Mr. Perez de Cuellar also addressed the Council on 25 September emphasizing that the manner and scale in which the Council was employing Chapter VII enforcement provisions in Iraq was unprecedented and that, therefore, the United Nations needed to demonstrate, among other things, “that the way of enforcement is qualitatively different from the way of war. That it strives to minimize undeserved suffering…. And that it does not foreclose diplomatic efforts to arrive at a peaceful solution....” (SG/SM/4495 – SC/5215).

In October 1990, the Security Council returned to the issue of Kuwaiti and third State national, including diplomatic and consular personnel, who were being held hostage and/or mistreated by Iraq. In its resolution 674 (1990) adopted on 29 October 1990, the Council demanded that the Iraqi authorities and occupying forces cease and desist from such actions, permit the immediate departure of the detainees and ensure their access to food, water and other basic services. The Council also invited States to collate “substantiated information” on the grave breaches by Iraq of Council decisions, the Charter, international law, the Fourth Geneva Convention and the Vienna Convention on Diplomatic and Consular Relations. Further, the Council entrusted the Secretary-General with making available his good offices and, “as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crises”.

In resolution 674 (1990), the Council also condemned Iraq for the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis and the relocation of populations in Kuwait. These actions were part of what the Council subsequently described, in resolution 677 (1990) of 28 November, as an attempt by Iraq to “alter the

247 UN, Security Council resolution demanding that Iraq releases third-State national being held in Iraq or Kuwait. S/RES/674 (1990), 29 October 1990. See Annexure XI.
demographic composition of Kuwait”. In response the Council mandated the Secretary-General to take custody of a copy of the population register of Kuwait, “the authenticity of which has been certified by the legitimate Government of Kuwait”. The following day, the Minister for Foreign Affairs of Kuwait gave to the Secretary-General 32 computer tapes containing the official population register of Kuwait as of 1 August 1990. Under the provisions of resolution 674 (1990), the Secretary-General was to establish, in cooperation with the legitimate Government of Kuwait, an Order of Rules and Regulations governing access to and use of this register.

Convinced of the need to apply even greater pressure on Iraq and determined to secure full compliance with its decisions the Security Council convened again at the ministerial level on 29 November 1990. Acting under Chapter VII of the Charter, the Council adopted resolution 678 (1990), which contained a clear choice for Iraq. Under paragraph 1, the Council decided to allow Iraq “one final opportunity, as a pause of goodwill”, to fully implement on or before 15 January 1991 Security Council resolution 660 (1990) and all subsequent relevant resolutions. Should Iraq fail to do so, said the Council in paragraph 2, the Member States cooperating with the Government of Kuwait were authorized “to use all necessary means” – words understood to mean military force – to uphold and implement the resolutions and to “restore international peace and security in the area”. The vote on resolution 678 (1990) – 12 in favour, 2 against (Cuba, Yemen) and 1 abstention (China) – represented only the fourth time in United Nations history that the Security Council had decided to authorize Member states to use military force.

Speaking after the vote, the United States said, “Today’s resolution is very clear. The words authorize the use of force” (S/PV. 2963). The Soviet Union said the next was “one last sincere attempt to give common sense a chance to prevail” but cautioned that there should not be “any mistake about the collective will of the international community

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248 UN, Security Council resolution condemning Iraqi attempts to alter the demographic composition of the population of Kuwait. S/RES/677 (1990), 28 November 1990. See Annexure XII.
249 Security Council resolution authorizing Member States cooperating with the Government of Kuwait to use “all necessary means to uphold and implement” the Council’s resolutions on the situation unless Iraq fully complies with those resolutions on or before 15 January 1991. S/R#ES/678 (1990), 29 November 1990. See Annexure XIII.
as expressed here, or about its resolve and its readiness to act”. France said that if Iraq chose to remain “locked into the use of force” the Security Council had no other choice “but to resort to this same means, which would appear to be the only one it recognizes”. The United Kingdom said the resolution went “the last mile in search of peace” and that “the military option is reality, not bluff”.

China, in explanation of its abstention from voting, said that it was neither in favour, because the resolution permitted the use of military action, nor against, since China supported the call for Iraqi compliance with relevant Security Council resolutions. Both Yemen and Cuba, opposing the resolution, objected to the Council’s authorization of military action that would not be subject to the command or control of the United Nations.

**Diplomatic Efforts**

The 45-day period between the adoption of Security Council resolution (SCR) 678 (1990) and the deadline for Iraqi compliance saw a number of initiatives aimed at averting an outbreak of war. Among them were a plan (S/21986) submitted by four non-permanent members of the Security Council (Colombia, Cuba, Malaysia and Yemen), separate initiatives by the Movement of the Non-Aligned countries, the League of Arab States and the European Community and a French proposal for an international conference addressing all outstanding questions relating to the Middle East. However, these plans lacked sufficient international support to serve as viable solutions to the crisis.

At no point until the outbreak of military action against Iraq in January 1991 did Saddam Hussein evince the slightest interest in negotiated settlement involving any climbdown by him. Whether this represented his bottomline or simply a negotiating posture in a dangerous game of brinkmanship we may never know. However, his stance
dictated both the substance and pace of a steady escalation of UN decisions against Iraq culminating in SCR 678 authorizing military action.\(^{250}\)

On 9 January 1991, the United States Secretary of State and Iraq’s Deputy Prime Minister and Minister for Foreign Affairs held six hours of talks in Geneva. The meeting did not make any headway and my predecessor’s subsequent mission to Iraq in the days that followed was carried out amid dim prospects for diplomatic breakthrough. To gain support for his initiative, Mr. Perez de Cuellar first held discussions with United States President Bush, the representative of the Non-Aligned Movement, and members of the European Community before flying to Baghdad. Meeting with Minister Aziz on 12 January and with President Hussein on 13 January, the Secretary General urged full compliance with the relevant Security Council resolutions. President Hussein reiterated his country’s positions on various issues, including its claims to Kuwait and its call for “an Arab solution” to the crisis, and reaffirmed the linkage Iraq had made between the Iraq-Kuwait situation and other Middle East questions. Returning to New York just before the 15 January deadline, the Secretary-General stated that the talks in Iraq had been “polite but, unfortunately, unsuccessful”.\(^{251}\)

On the evening of 16 January 1991, President George Bush telephoned the Secretary-General of the United Nations to express appreciation for the latter’s efforts in seeking to find a peaceful solution to the Iraq-Kuwait crisis and to inform him that United States fighter aircraft would soon move into action against Iraqi targets in both Iraq and Kuwait. In a televised address that same evening, the President stated that the countries with forces in the Gulf area had “exhausted all reasonable efforts to reach a peaceful resolution” and had no choice but drive Iraq from Kuwait by force. “when peace is restored”, said President Bush, “it is our hope that Iraq will live as peaceful and cooperative member of the family of nations, thus enhancing the security and stability of the Gulf”.


\(^{251}\) See *The Hindu* (Madras), *The Times of India* (New Delhi) and *Indian Express* (New Delhi) January 10-20, 1990.
The United States reported the launching of the military offensive against Iraq to the President of the Security Council is a letter dated 17 January (S/22090), stating that further delay would only have prolonged the suffering of the Kuwaiti people and increased the risks to the coalition military forces. The purpose of the actions, said the United States, was the liberation of Kuwait, not the destruction, occupation or dismemberment of Iraq, and every effort would be made to minimize civilian casualties. Kuwait wrote to the President of the Security Council on 17 January informing him that, with the expiry of the deadline set by the Council in resolution 678 (1990) and Iraq’s continuing occupation of Kuwait, Kuwait was exercising its right or self-defence and that Kuwaiti forces were cooperating with the forces of “familial and friendly states which are equally determined” to end the Iraqi occupation. Other States, including Egypt, France, Italy, Saudi Arabia and the United Kingdom, likewise reported having taken military action.

The campaign of serial bombardment launched by the international coalition against Iraq on 16 January 1991, followed by a ground offensive into Kuwait and southeastern Iraq commencing on 24 February, achieved the goal of ousting Iraqi forces from Kuwait and reinstating the legitimate Government of Kuwait. Iraq’s agreement on 27 February to comply fully with all relevant Security Council resolutions led the coalition to suspend its military operations and created the long-sought opportunity to restore international peace and security to the region.

Security Council resolution 687 (1991) represents one of the most complex and far-reaching sets of decisions ever taken by the Council. The end of hostilities was to usher in important new negotiations within the Security Council on the terms of Hussein’s surrender, resulting in the adoption on April 3, of SCR 687, which came to be known as the ‘Mother of all Resolutions’ in mockery of Saddam Hussein’s description of

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252 Letter from the Permanent Representative of Kuwait to the President of the Security Council stating that, deadline of resolution 678 (1990) having expired, it was exercising its right to self-defence with the cooperation of friendly states. S/22094, 17 January 1991. See Annexure XIV.
Desert Storm as the ‘Mother of All Battles.’ The Resolution was conscious of the need for demarcation of the said boundary. The longest text ever adopted by the Council, it sought to involve Iraq cooperatively in post-war measures to build lasting peace and stability in the region. At the same time, enforcement measures remained in effect, including the sanctions regime and the Council’s authorization to Member States to use “all necessary means” to uphold Iraqi compliance. Implementation of resolution 687 (1991) sent the United nations into uncharted territory in many areas, among them the Organization’s work is demarcating the international boundary between Kuwait and Iraq its collaboration with the IAEA in the nuclear area, its administration of a compensation fund and the use by the Security Council of subsidiary bodies such as the Special Commission (UNSCOM) and the Sanctions Committee. The focus on the elimination of WMD as a key objective first came from the United Kingdom during negotiations of SCR 686 which provided for a provincial cease-fire, and was agreed in SCR 687.

Resolution 687 (1991), drafted during the month of negotiations following the successful liberation of Kuwait, and adopted on 3 April 1991, was the fourteenth adopted by the Security Council in response to Iraq’s invasion. Sponsored by Belgium, France, Romania, the United Kingdom, the United States and Zaire, the text received 12 votes in favour, 1 against (Cuba) and 2 abstentions (Ecuador, Yemen). In the resolution’s 26 Preamble paragraphs, the Security Council welcomed the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government; restated the Council’s objective of restoring international peace and security to the region; stressed the importance of various international agreements, to which Iraq

256 Security Council resolution establishing detailed measures for a cease-fire, including deployment of a United Nations observer unit; arrangements for demarcating the Iraq-Kuwait border; the removal or destruction of Iraqi weapons of mass destruction and measures to prevent their reconstitution, under the supervision of Special Commission and the Director General of the IAEA; and creation of compensation fund to cover direct loss and damage resulting from Iraq’s invasion of Kuwait S/RES/687 (1991), 3 April 1991. See Annexure XV.
was a party, covering conventional and nuclear weapons; and expressed grave concern about the humanitarian situation in both Kuwait and Iraq. In section A of resolution 687 (1991), the Security Council demanded that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the Agreed Minutes of 1963\textsuperscript{257} and called upon the Secretary General of the United Nations to assist in the demarcation of that boundary. The Council also decided to guarantee the inviolability of the international boundary and to take, as appropriate, all necessary measures to that end in accordance with the Charter.

The Permanent Representative of the United States to the United Nations stated: "This resolution is unique and historic. It fulfills the hope of mankind to make the United Nations an instrument of peace and stability.... It establishes clear incentives for rapid implementation and trade-offs which will in stages produce a return to normalcy and non-belligerency in the Gulf... This is a time of testing for the United Nations and a time of destiny as well. The international community acted through the United Nations to bring an end to aggression and lawlessness. It must now act as well to restore international peace and Security".

The Permanent Representative of the Soviet Union stated: "The Kuwait crisis and the process of eliminating it were a serious test of the soundness of the new thinking, the new system of international relations. I think we can state with some gratification today that the international community, in the person of the United Nations and its Security Council, has passed that test and demonstrated that a considerable path has been traveled between the cold war and the new system of international relations. The Security Council has proved in practice its ability to implement its obligation under the Charter of the United Nations to maintain and restore international peace and security".

The Permanent Representative of United Kingdom said that “the expulsion of Iraq from Kuwait and the latter’s liberation are of far greater and of far more positive significance for all countries in the world, and for this Organisation as a whole than the many regional conflicts with which we have tried to grapple over recent decades. They have marked a clear, firm and effective determination of the world community not to allow the law of the jungle to overcome the rule of law. They have shown that the Security Council, with not only the solidarity of its permanent members but also supporting votes from countries representing every region of the world, has been able to act to repel aggression in the way its founding fathers intended it to do”.

According to Luis Fernando Solano Carrera, in the Iraq case, if there had been more participation, or if the Security Council had not worked on the basis of differentiated groups, we possibly would have quite another scenario before us, in which the UN would act on strong consistent mandates, legitimating interventions in this or any other country. The Permanent Representative of China emphasized the importance of an “early realization of formal cease-fire” as a main factor in his country’s affirmative vote. France, said its Permanent Representative, viewed as essential the provisions of resolution 687 (1991) which were aimed at contributing “in the longer term to re-establishing regional security”, and stressed that the “heavy responsibilities” entrusted to the Secretary-General and United Nations responded to France’s “desire to see our Organization play an important role in re-establishing peace in the region”. Both China and France, in their statements of support for the resolution, also draw attention to the plight of the civilian population in Iraq.

Kuwait said that the liberation of Kuwait proved that the United Nations, with its Security Council, “is an effective instrument for collective security and the maintenance of world peace and security”. Iraq stated that the “destruction wreaked upon Iraq by the United Nations and its partners went beyond the limits and the objectives of resolution 678 (1990)”, and that the maintenance of economic sanctions against Iraq was in

contravention of the Charter. SCR 678, almost certainly the most important text agreed by the Security Council in the immediate post-Cold War period, was adopted by twelve affirmative votes, one abstention (China), and two votes against (Cuba and Yemen).

The provisions of resolution 687 (1991) calling on the United Nations to demarcate the Iraq-Kuwait boundary were among the reasons cited by Cuba for its vote against the resolution and by Ecuador and Yemen for their abstentions. Each contended that the Security Council lacked authority under the Charter to undertake the role that rightfully should either be exercised by the parties themselves or, with their agreement, be brought before the International Court of Justice. In addition, these three States questioned the legality of maintaining the sanctions regime which, Cuba and Yemen stated, had been explicitly tied by resolution 661 (1990) to achieving Iraq's withdrawal from Kuwait. Cuba and Yemen further rejected the provisions of resolution 687 (1991) concerning compensation, on the grounds that determining reparation fell within the exclusive purview of the International Court of Justice under the provisions of Article 36 of its statute.

Among other countries addressing the Council, India stated that its attitude throughout the crisis was governed by two basic considerations: "to being about the speediest possible liberation of Kuwait, and to minimize, to the maximum extent possible, the loss of life and the human suffering in all the countries directly involved in the crisis". Cote d'Ivoire said, "Throughout this crisis Cote d'Ivoire would have wished war to be avoided. Unfortunately, we had to wage war. The Council was obliged to ensure that law would prevail. It now remains for the Council to ensure that peace will prevail throughout the region".

The UN Charter framers stressed concurrence of the five Permanent Members of the Security Council as an essential pre-requisite for collective enforcement action.

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against breaches of peace and acts of aggression. That meant that the enforcement measures with respect to threats to international peace and security and acts of aggression, as envisaged in Chapter VII of the Charter, could not be implemented if breaches of peace and acts of aggression were committed by any one of the five Permanent Members of the Security Council or any other member State which was aided and abetted by one of the Permanent Members. Nonetheless, as a manifestation of its resilience in adopting to the requirement of the changing situation, the United Nations, over the years, has evolved a “non-enforcement” system of what is known as “peace-keeping operations”. The peacekeeping system, in a nutshell, attempted, inter alia, to separate the combatants, oversee observance of cease-fire and provide scope for mediation, negotiations for a peaceful settlement of the cause of conflicts. Despite some deficiencies, the system worked to cool down tensions in various conflict areas of the world. It would be meaningful to note that the peacekeeping operations were launched with the concurrence (explicit or implicit) of the permanent Members of the Security Council; and, of course, the cooperation extended by various sections of the membership of the United Nations if of no mean importance. In other words, the United Nations system of peacekeeping has evolved as a response to the challenges posed by the Cold War atmosphere to the Charter framework for enforcement action for the maintenance of peace and security.\textsuperscript{260} It is against this backdrop that one has to view the unprecedented United Nations response in the Gulf war. The Bush administration resorted to this forum only because it knew in advance that it would get what it wanted and that the United Nations had become a fig-leaf for United States. The Soviet Union was an active participant in the deliberations of the Security Council and often concurred with the US and other Western permanent members. As for China, the only Third World country to have permanent seat on the Council, it maintained a low profile, and in the main went along with what the other four permanent members decided. On the crucial Resolution 678 it abstained. China also abstained on Resolution 688 which pertained to the behaviour of the Iraqi government towards its citizens, particularly the Kurds, and demanded entry of ‘international humanitarian organizations’ into Iraq. So did India,

another important Third World State. The events during the Gulf crisis and war established clearly that Washington was willing and able to use the big stick, and that its memory of defeat by Vietnam was receding fast. In a sense Bush resorted to the military option, confident that moral right was on his side, to exorcize America of the Vietnam syndrome. This could be traced to:

a) a high degree of cooperative spirit among the five Permanent Members (particularly, of course, between the United States and the Soviet Union) to begin with, and then among the fifteen members of the Council in general;

b) The prolonged and varyingly productive informal, behind-the-scene interactions among the various members countries preceding the formal meetings; and
c) The fact that the Security Council, in this case, effectively and consistently reflected the will of the world community as represented in the United Nations for sending unequivocal message to the country concerned (Iraq).

Kuwait presented the situation as an “unwarranted invasion” by “a sisterly country” (Iraq) against a “peace-loving country” (Kuwait) and warned that, if not deterred in a decisive manner by the Council, “no country will be safe after this, and the security, sovereignty and territorial integrity of every State will be jeopardized.”261 Iraq, on the other hand, contended that new “Free Provisional Government” of Kuwait had taken over in a coup and sought Iraq’s assistance to restore order; that Iraq was pursuing no goal or objective in Kuwait and only desired cordial and good neighbourly relations with Kuwait; and that Iraq would withdraw its troops “a few days, or at the most a few weeks”.

Members of the Council considered Iraq’s explanation as unacceptable and unbelievable. As the British representative remarked,262 “we have an invasion from outside; we have a phoney coup d’etat from within; and we have the purported

establishment of a puppet government.... (and) the plot was botched because the timing was back to front”.

The United States informed the Council that it was in touch with many countries in the region for bringing an end to this “heinous act”. Colombia’s expression of “disgust and dismay” adequately reflected the mood at the Council. Observing that the Council had the primary duty to protect the small, vulnerable and the defenceless states, the representative of Colombia stated: “The Security Council represents a focus of world opinion. It is the way in which the international community can mobilise itself to maintain the purposes and ideals of the Charter and ensure that acts of this kind do not succeed”.

No wonder, then, the Council, in a strongly worded resolution adopted under the terms of Articles 39 and 40 of the mandatory Chapter VII of the Charter, determined the existence of a breach of peace as regards the Iraqi invasion, condemned the invasion, and demanded immediate and unconditional withdrawal of the Iraqi troops to the positions as located before the invasion.

Iraq had rejected the Security Council resolution 660 (1990) and described the action as “iniquitous and unjust” taken “without allowing itself sufficient time to comprehend the situation and to acquaint itself with the facts from the parties concerned”. On the contrary, Kuwait, which welcomed the resolution, accused Iraq of plundering and looting Kuwait’s resources and rebutted Iraq’s claims of commencement of withdrawals. Kuwait called upon the Security Council to ensure that the will of the international community is exerted, through the imposition of sanctions against Iraq for refusing to abide by the will of the world community. Indeed, the United States, the European Community, Japan, Canada, and the Soviet Union had already announced measures like freezing of bank accounts, ban on oil supplies, stoppage of export of arms

264 The 8-Power draft was adopted as UN Security Council Resolution 660 (1990), 2 August 1990. 14 members voted in favour, while not participate in the vote “for lack of instructions”.
265 Letter from the Foreign Minister and Deputy Prime Minister of Iraq to the Secretary-General, Doc. S/21503, 13 August 1990.
etc. To widen the net and seek collective endorsement of those unilateral measures, the United States with the assistance of its close allies like Canada and the United Kingdom worked on a text for consideration by the Security Council.

The Iraqi representative vainly warned in the Council that any move for economic sanctions, instead of helping resolution of the crisis, would exacerbate it and might create a heavy, negative impact on the economies of the developing countries. Nonetheless, the council adopted the 9-power text imposing “one of the broadest set of sanctions ever put in place” covering all aspects of military, economic and financial relations with Iraq and occupied Kuwait.

Yemen, the only Arab country represented on the Council as a non-permanent member, abstained with an explanation that it wished to avoid any negative effect on the diplomatic efforts. Yemen has undertaken to find a peaceful solution to the conflict. Cuba, the only other abstainer, argued that the decision to impose sanctions would tend to complicate the situation further and noted that the resolution merely endorsed sanction already imposed unilaterally by some countries. Let it be noted that neither Cuba nor Yemen – nor any other member of the Council for that matter – ever justified Iraqi invasion of Kuwait. They were all agreed on achieving immediate withdrawal of troops of Iraq. But notable differences arose as to how to pursue that objective, especially in the context of the question of supply of foodstuffs to foreign national stranded in Kuwait and Iraq, the “special economic problems” experienced by a number of countries as a consequence of implementation by them of the sanctions resolutions and the need to further tighten the modalities of implementation of the sanctions.

Iraq justified the annexation on the ground that the Arab nations was one and indivisible. It claimed that:

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266 For the statement of the representatives of Iraq and Kuwait. See UN Security Council Official Records, Verbatim, 2933rd mtg, 6 August 1990.
A part of the region cherished by Iraq – Kuwait – was separated from Iraq (by colonial Powers in the past). This was our country’s area of strategic access…. This is why the Iraqi Revolutionary Command Council decided to restore to our country the portion taken away from it, thus re-establishing the eternal, indestructible unity of our country.

The ominous claims of Iraq made countries wonder where does it end? Does it end in Kuwait? Does it move on to Saudi Arabia? Does it move to Jordan? Or does it move beyond, to other countries.268

No wonder, the Security Council unanimously pronounced that Iraqi annexation of Kuwait had no legal validity and declared it null and void.269

Iraq’s illegal annexation and its efforts to sustain it led to series of violations by it of international obligations especially as regards the rights of foreign nationals in Kuwait and Iraq, and the preservation of immunities of diplomatic personnel. To pre-empt any American attack on military/strategic installations, Iraq took into custody foreigners in Iraq and Kuwait and converted them into human shields against any American attack. This Iraqi action in mid-August 1990 again led to a unanimous demand by the United Nations that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and grant immediate and continuing access of consular officials to such nationals and further demanded that Iraq took no action to jeopardize the safety, security or health of such nationals.270

Likewise, in response to Iraqi troops’ entry into the French Ambassador’s residence in Kuwait, the Council unanimously expressed its outrage at the Iraqi transgression and strongly condemned Iraqi actions against diplomatic missions and the abduction of foreign nationals who were present in the premises of those missions and demanded immediate release of foreign nationals.271

Ironically it was the US and not the UN which took over the leadership of the multinational forces. A number of developing countries were outraged by this development but they found themselves utterly helpless in face of the demonstration of power and influence by the US. The coalition troops neither worse the UN nor fought under the UN flag, and was the military staff committee directed the operations.

Once American troops had begun arriving in Saudi Arabia, the Arab countries had divided on the simple question of the presence of non-Arab forces in the Saudi Kingdom. After meeting the Iraqi president in Baghdad on 28 August, Yasser Arafat expressed the need to fight the American and foreign presence in the region. Libya’s leader, Colonel Muammar Qadhafi, an Arab nationalist, was opposed to this military intrusion of the US into the Arab world. So too was president Zine al Abidine ben Ali of Tunisia, who had until recently been a favourite of Washington. Responding to the Islamic fundamentalist pressures at home, he had decided to change the overall direction of Tunisia’s policies away from economic affairs and the US to political matters and Europe and the Arab world. The regime of Colonel Masyouya Ould Sidi Ahmad Taya in Mauritania had been friendly with Baghdad and its ruling Baath Party for several years, and had reportedly allowed the use of its territory for the testing of Iraqi intermediate and long-range missiles. In Algeria the government condemned the Iraqi invasion of Kuwait while deploring the presence of alien forces in Saudi Arabia and the UN sanctions against Iraq. It was aware of the popularity of the Iraqi leader among ordinary citizens, and of the strength of the Islamic fundamentalists in Algeria, who as elsewhere in the Arab and Muslim world were backing Saddam Hussein. The military junta in Sudan, led by General Omar al Bashir, being of Islamic fundamentalist hue, was sympathetic towards Baghdad. In both parts of the recently unified Yemen, north and south, the bias was also in favour of Saddam Hussein. Iraq had provided military officers and training to North Yemen for many years. And the Marxist state of South Yemen had been staunchly anti-American. Unsurprisingly, an official radio broadcast in Yemen stated that "the main threat to the region is the build-up of US and NATO forces, and the escalation of
psychological and propaganda warfare against Iraq and the Arab nation with the objective of pushing our region to the brink of military confrontation.\textsuperscript{272}

The Yemen’s president Ali Abdullah Saleh, a pan-Arab nationalist, was ideologically close to Baathism, and his country (North Yemen, before May 1990) had been a traditional recipient of aid from Baghdad. Saleh stated that Yemen was opposed to Iraq’s invasion of Kuwait, but was strongly opposed to the build-up of US led forces in the Gulf, arguing that it endangered (Arab) sovereignty, oil resources and Arab national security. He refused to sell the loyalty of Yemen, a thinly disguised reference to the Saudi way of conducting diplomacy – through the chequebook. Saudi Arabia expelled many Yemeni diplomats claiming as in the case of their Jordanian counterparts, that they were helping the Iraqi diplomats to gain access to areas off-limits to them since the invasion. Also, Riyadh withdrew exemptions to Yemenis who hitherto had been allowed to enter the Saudi Kingdom without visas or sponsors and allowed to engage in commerce. The forces repatriation of tens of thousands of Yemenis inflamed public opinion in the republic against Riyadh, thus reinforcing the policy their government was pursuing.\textsuperscript{273}

Yemen was in some respects in the most difficult position of all. At the time, it was ideologically closer to Saddam Hussein than to his opponents within the Arab world, including Saudi Arabia, Yemen’s powerful neighbour with which it entertained complex, often strained relations. Yemeni officials were conscious of representing a deeply split Arab World on the Council, and thus tactically were often drawn to seeking refuge behind the NAM shield as a first line of defence.\textsuperscript{274}

Yemen even refused to yield to Baker’s threat, during his meeting with President Ali Abdullah Saleh in Sanaa on 22 November, to cancel $70 million US aid to it if it

\textsuperscript{272} Independent, 30 August 1990.
failed to support the US-sponsored resolution at the Security Council. Responding to the pressure from Baker, the Yemeni leader said that his country was opposed to the presence and possible use of forces by foreign troops in the Gulf. He explained his position a few days later in an interview with the Washington Post. Confident that it was still possible to find a peaceful solution for the complete withdrawal of all Iraqi troops from Kuwait and all foreign forces from the region, President Saleh said: ‘I know Iraq is ready for dialogue. Why doesn’t President Bush send a personal envoy to Baghdad or Geneva or any Arab capital to meet with a representative of the Iraqi leadership?’ He was critical of US threats against Iraq. First the US says it is coming to protect Saudi Arabia from aggression, and now the US says it want to use force against Iraq and destroy its military capability. The entire world was against Iraq’s invasion of Kuwait, but the foreign intervention and threats of force are leading some Arabs now to support Iraq.^^^  

Saleh was not swayed by the threat of Washington to withdraw its aid to Yemen – just as he was not intimidated by the vendetta of Riyadh against the nearly 1.6 million Yemenis resident in the Saudi Kingdom which meant a loss in the expatriates remittances home of $ 2 to $ 3 annually. During the initial stages of the Gulf crisis Sanaa balanced its condemnation of the Iraqi invasion with criticism of Saudi Arabia for inviting foreign forces. Angered by the criticism, Riyadh retaliated. On 19 September it announced that every Yemeni resident in the Kingdom must find a Saudi sponsor (a requirement waived in the past for Yemenis) within two months, or leave. By the deadline, 6,51,000 Yemenis had left Saudi Arabia, with another estimated 1,50,000 crossing the border unofficially. That meant in effect expulsion from the Saudi Kingdom of half of the Yemenis who, as manual workers, shopkeepers, drivers and petty contractors, served an economically beneficial purpose. Most of those leaving were obliged to sell their property at a fraction of its value. This engendered much bitterness against Saudi Arabia, and provided further backing for the principled stand that their government was taking on the crisis.^^^  

^276 Independent, 24 November 1990. Relations between Yemen and Saudi Arabia had begun to sour before the crisis when Sanaa refused to sign a treaty resolving a border dispute in a region where over one billion barrels of oil reserves had been discovered.
President Saddam Hussein articulated his strategy in an interview with French television. He argued that Western victory in the Gulf would require not only defeating Iraq's military and destroying its economy, but also overthrowing his regime: a monumental task. He would 'win' just by hanging on, he maintained. Time was on his side, and ultimately the Americans would have to withdraw, humiliated, he concluded. His unexpressed estimation was that with time the US-led coalition would fall apart, providing him with the chance to compromise by accepting an 'Arab' solution' the sort he had offered to the US through back-channels.

Meanwhile, he and his government tried to use US televisions networks to get their message across directly to the America people. His hour-long interview with Dan Rather of CBS-TV on 29 August, conducted like a summit between two leaders, was a propitious start for him. Every signal he sent out, including his body language, said that he is not feeling cornered, and indeed he thinks George Bush is the one cornered, Rather said 'He’s not a person I’d want to fight. Nonetheless, there was strong case to be made that the Iraqi leader's strategy was flawed. He had made series of miscalculations. He had clearly underestimated the reaction of the world community, especially the Western powers, to his invasion of Kuwait. This was pointed out by no less a regional leader than President Rafsanjani, who referred to the time during the last stages of the (Iran-Iraq) war when Iran began harassing Kuwaiti ships. 'No sooner had we turned against Kuwait than the Americans, the English and all other satanic forces arrived in the region and stood against us, he said in his sermon on 24 August. The same number of ships and navies came (as now) and they even entered into war with us ... It could have been foreseen (by Saddam Hussein) that any aggression against Kuwait would brag about a similar development.  

277 *Sunday Times*, 2 September 1990.  
278 *Daily Telegraph*, 31 August 1990. In contrast, the Iraqi government had no qualms about periodically jamming the BBC's Arabic broadcasts.  

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Saddam Hussein’s second major miscalculation was that he failed to see that with the termination of the Cold War in favour of the US, Moscow would not veto any anti-Iraq resolutions at the UN Secretary Council. His thinking had not caught up with the contemporary political situation.

The month of November was largely given over by the Permanent Members to discussing the form any authorization of the use of force would take. Presidents Bush and Gorbachev met in Paris on November 19 with the Soviet Union mainly focused on building in a grace period so that the leverage provided by an authorization for the use of force could be fully exploited in diplomacy before any trigger was actually pulled. Within weeks Saddam Hussein’s disappointment with Moscow had reached such a level that on 25 August, Baghdad Radio announced that the previous day President Gorbachev had sent him a message at 5.30 p.m. calling for the adoption of measures of a radical nature, and asking for reply the same day by 7.00 p.m. failing which the presented to the Security Council concerning the embargo against Iraq. (Later it transpired that what was described by Baghdad Radio as Gorbachev’s call for ‘the adoption of measure of radical nature’ was indeed a warning by him to Saddam Hussein that if Iraq failed to evacuate Kuwait it would face more rigorous enforcement of economic sanctions, and asking him pointedly whether he proposed to withdraw or not) Baghdad replied that the short time given to respond showed that the letter was just an excuse for Soviet inaction on the Security Council resolution. The exchange of letters between the two Presidents had begun soon after the Iraqi invasion, with Saddam Hussein rebuffing Mikhail Gorbachev’s calls for the evacuation of Kuwait, rationalizing the Iraqi action in Cold War language by condemning Kuwait’s royal rulers as ‘greedy capitalists’. Sadoun Hamadi visited Moscow on 20 August but failed to bring a change in Soviet policy. Now, Gorbachev was under mounting pressure by President Bush to back the US-drafted resolution, allowing ‘minimum force’ to enforce sanctions against Iraq, that was to be presented to the Security Council.

The economic penalty for the Kuwaiti invasion was mounting daily, fuelling inflation and crippling Iraq’s forty-plus major capital projects, including the world’s largest petrochemical complex, due to lack of supplies and spares. Its oil wells were functioning at 20 per cent of capacity, producing just enough to meet the domestic demand. In its battle to overcome the ill effects of the UN economic embargo, Iraq instituted rationing for brad, sugar, tea and cooking oil (all of which were wholly or largely imported) – something it had done during its war with Iran. Having endured rationing for the best part of eight years, most Iraqis adjusted without much difficulty. Monthly rations for heavily subsidized essentials cost about three Iraqi dinars per adult in a family where the major breadwinner earned ID 85 a month. The government had large stocks of wheat, and its policy of confiscating food and other supplies from Kuwait eased the situation. By exempting peasants from military service, providing cheap credits and ordering farmers to plant 80 per cent of their land with wheat or maize, the government took steps towards self-sufficiency in food.

In a way, Iraq had no choice but to withstand the consequence of the UN embargo on its own – after the failure of its attempt to persuade Iran not to participate in sanctions. During a clandestine visit to Tehran in early September 1990 the Iraqi foreign Minister, Tariq Aziz, had offered a set of economic proposals to President Rafsanjani. These included Iraq paying $35 billion as war reparation to Iran, and the establishment of an ‘Iran-Iraq Economic Cooperation Council’, which would co-ordinate supplies to Iraq while selling Iraqi oil abroad through the pipelines of Iran. While Rafsanjani was reportedly non-committal, his later words and deed made plain his rejection.\textsuperscript{281}

It can be pointed out that the United Nations could act swiftly and in accordance with the expectations of the founding fathers of the Organisation. The Security Council adopted six, out of a total of nine, resolutions under the mandatory provision of Chapter VII, that too in a matter of seven weeks. This would have been impossible, but for the collegial spirit demonstrated by the five Permanent Members of the Security Council and

especially the unprecedented cooperation the Soviet Union extended by voting for – not vetoing – the resolutions aimed against its ally, Iraq.

The role of the United nations in the Gulf situation has led some commentators to hope that it would augur well in future for an effective role by the United Nations for enforcement of peace on the lines envisaged by the Charter.
Letter from the Permanent Representative of Kuwait to the President of the Security Council requesting an immediate meeting of the Security Council

S/21423, 2 August 1990

Upon instructions from my Government, I have the honour to request an immediate meeting of the Security Council to consider the Iraqi invasion of Kuwait in the early morning of 2 August 1990.

(Signed) MOHAMMAD A. ABULHASAN
Ambassador
Permanent Representative
ANNEXURE – II

Security Council resolution condemning Iraq’s invasion of Kuwait demanding the immediate and unconditional withdrawal of all Iraqi forces and calling for negotiations for peaceful resolution of their differences.

S/RES/660 (1990), 2 August 1990

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. Condemns the Iraqi invasion of Kuwait:

2. Demands that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;

3. Call upon Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and

4. Decides to meet again as necessary to consider further steps to ensure compliance with the present resolution.
ANNEXURE – III

Security Council resolution imposing mandatory economic sanctions against Iraq and establishing a committee (the “Sanctions Committee”) to monitor those sanctions

S/RES/661 (1990), 6 August 1990

The Security Council,

Reaffirming its resolution 660 (1990) of 2 August 1990

Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter,

1. Determines that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. Decides, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. Decides that all States shall prevent:
   a. The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

   b. Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in
Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealing;

c. The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, food-stuffs, to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. Decides that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. Call upon all States, including States non-members of the United Nations to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of present resolution;

6. Decides to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations;
   a. To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

   b. To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. Call upon all States to cooperate fully with the Committee in the fulfillment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for the purpose;
9. Decides that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States;

   a. To take appropriate measure to protect assets of the legitimate Government of Kuwait and its agencies;

   b. Not to recognize any regime set up by the occupying Power;

10. Requests the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. Decides to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.
ANNEXURE – IV

Letter from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq to the Secretary-General concerning Security Council resolutions on Iraq and Kuwait

S/21503, 13 August 1990

Letter dated 13 August 1990 from the Permanent Representative of Iraq to the United Nations addressed to Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter from Mr. Tarqi Aziz, Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have the present letter and its annex circulated as document of the Security Council.

(Signed) Abdul Amir A. Al-ANBARI
Ambassador
Permanent Representative

Annex
Letter dated 13 August 1990 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the Secretary-General

As you know, the Security Council has, within a small number of days, adopted a series of iniquitous resolutions against Iraq with a dispatch that is unprecedented in the history of the Organization.

In the first resolution it adopted, the Council leaped immediately to the stage of invoking the provision of Chapter VII of the Charter without allowing itself sufficient time to comprehend the situation and to acquaint itself with the facts from the parties concerned and in complete disregard of the position of Iraq and clarifications it could provide. In a period of no more than a few days, the Council then leaped to the stage of adopting a resolution on comprehensive and mandatory sanctions, once again in total disregard of the position of Iraq and any of its clarifications. There has never been such a procedure in the history of the Council, and it renders the resolutions adopted against Iraq unjust and out of keeping with the most elementary procedural notions in accordance with which the Council’s work has been conducted in the past.

What has thus far transpired in the Council would not have taken place had it not been for the methods of pressure and deception employed by the United States with number of Council members in order to induce them to vote for the said resolutions. The
United States is thus endeavouring to establish itself as the controller of the world and of its destiny. These unjust resolutions, which were prejudged by certain States members of the Council and which the United States has endeavored to impose, are evidently an ominous phenomenon in the history of the Organization, namely that of the imposition of double standards and selective judgments by force intimidation and otherwise.

It is the United States, more than any other country in the world, that has regularly violated the Charter of the United Nations, the resolutions of the Security Council and the General Assembly and international law, and particularly so in our region. The United States has used the big stick in addressing international issues, and it has imposed its tyrannical will by force of arms, intimidation and campaigns of disinformation. We see no need to demonstrate that fact by means of examples drawn from the dark record of the United States in the Security Council, which is well known to the international community and which some fair-minded members of the Council have recently recalled in the course of its meetings.

We view the measures adopted by the Council as a flagrant injustice and as a denial of the facts of history and of contemporary events in the international community.

In this connection, we have an important observation to make. Security Council resolution 661 (1990), unjust and precipitous as it is, stipulates, inter alia, that the iniquitous sanctions should not include supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs.

The United States has, however, had the intention from the very outset of preventing the delivery of such supplies for the purpose of starving and intimidating the people of Iraq, which is, however, a proud people, one that has fashioned civilizations throughout history and one which rejects humiliation and subjection. The United States has also incited a number of other States to follow its example, just as it has sought to impose a blockade on Iraq's exports and imports, thereby appointing itself the policeman of the world. Its trifling with words and designations does not alter this fact. Iraq calls upon the international community to reject these hostile and inhuman life in this crude fashion.

In another respect, it must be said that the embargo process itself has the objective from the practical point of view of starving the Iraqi people, which would not alter its stance or affect its staying power. How can the Iraqi people obtain foodstuffs and medical supplies when its major resource, namely oil, is cut off? If the Security Council had been thinking along sound humanitarian lines, it would have been in keeping with a true humanitarian approach, to have allowed a certain amount of oil to be exported which would, at the least, suffice to provide for normal humanitarian needs, principally foodstuffs and medicine.

Reference must be made to the fact that the United States has endeavored by all possible means to induce certain States to close the pipelines that carry Iraqi oil, although these pipelines represent Iraqi investments made prior to recent events and despite the
fact that the decision on closure does not in any way enter into the scope of the resolutions adopted by the Security Council and that it was resorted to only at the inducement of the United States.

In conclusion, I must say to you, Mr. Secretary General, and through you to the entire international community that the Iraqi people, the Arab nation and all free peoples of the world who are proud of their sovereignty and independence will reject by all legitimate means the attempts of the United States to extend its domination over the world by force, intimidation and deception.

(Signed) Tariq Aziz
Deputy Prime Minister
Minister for Foreign Affairs of Iraq
Letter dated 12 August 1990 from the Permanent Representative of Kuwait to the President of the Security Council reporting that military assistance has been requested for implementation of resolution 661 (1990)

S/21498, 13 August 1990

Upon instructions from my Government, I have the honour to inform you of the following:

Kuwait is grateful to all those Governments that have taken a principled stand in support of Kuwait’s position against aggression and occupation by Iraq. It is considered essential that these efforts be strengthened so that the provisions of the relevant Security Council resolutions be fully and effectively implemented.

In the exercise of its inherent right of individual and collective self-defence and pursuant to Article 51 of the Charter of the United Nations, Kuwait should like to notify you that it has requested some nations to take such military or other steps as are necessary to ensure the effective and prompt implementation of Security Council resolution 6661 (1990).

I would be grateful if you could circulate this letter as document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative
ANNEXURE - VI

Security Council resolution expanding the sanctions against Iraq and authorizing maritime forces to take “commensurate” measures to ensure strict compliance

S/RES/665 (1190) 25 August 1990

The Security Council,


Determined to bring to an end the occupation of Kuwait by Iraq which imperil the existence of a Member State and to restore the legitimate authority and the sovereignty, independence and territorial integrity of Kuwait, which requires the speedy implementation of the above-mentioned resolutions,

Deploring the loss of innocent lives stemming from the Iraqi invasion of Kuwait and determined to prevent further such losses,

Gravely alarmed that Iraq continues to refuse to comply with resolution 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and in particular at the conduct of the Government of Iraq in using Iraqi flag vessels to export oil,

1. Call upon those Member States cooperating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to insure strict implementation of the provision related to such shipping laid down in resolution 661 (1990);

2. Invites Member States accordingly to cooperate as may be necessary to ensure compliance with the provision of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;

3. Requests all States to provide, in accordance with the Charter of the United Nations, such assistance as may be required by the States referred to in paragraph 1 above;
4. *Also requests* the States concerned to coordinate their actions in pursuit of the above paragraphs of the present resolution using, as appropriate, mechanisms of the Military Staff Committee and, after consultation with the Secretary General to submit reports to the Security Council and the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in order to facilitate the monitoring of the implementation of the present resolution;

5. *Decides* to remain actively seized of the matter.
ANNEXURE – VII

Security Council resolution demanding that Iraq permit the departure of third-State nationals from Kuwait and Iraq

S/RES/664 (1990), 18 August 1990

The Security Council,


Deeply concerned for the safety and well-being of third-State nationals in Iraq and Kuwait,

Recalling the obligations of Iraq in this regard under international law,

Welcoming the efforts of the Secretary-General to pursue urgent consultation with the Government of Iraq following the concern and anxiety expressed by the members of the Council on 17 August 1990,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of third-State nationals and grant immediate and continuing access of consular officials to such nationals;

2. Also demands that Iraq take no action to jeopardize the safety, security or health of such nationals;

3. Reaffirms its decision in resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore demands that the Government of Iraq rescind its orders for the closure of diplomatic and consular mission in Kuwait and the withdrawal of immunity of their personnel, and refrain from any such actions in the future;

4. Requests the Secretary-General to report to the Security Council on compliance with the present resolution at the earliest possible time.
Security Council resolution requesting the Council's Sanctions Committee to determine whether there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait

Se/RES/666 (1990), 13 September 1990

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990, paragraphs 3 (c) and 4 of which apply, except in humanitarian circumstances, to foodstuffs,

Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering,

Noting that in this respect the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait has received communications from several Members States,

Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen,

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) of 18 August in respect of the safety and well-being of third-State nationals, and reaffirming that Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/

Acting under Chapter VII of the Charter of United Nations,

1. Decides that in order to make the necessary determination whether or not, for the purposes of paragraphs 3 (c) and 4 of resolution 661 (1990), humanitarian circumstances have arisen, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq

and Kuwait shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;

2. Expects Iraq to comply with its obligations under resolution 664 (1990) in respect of third-State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; ¹

3. Requests, for the purposes of paragraphs 1 and 2 above, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;

4. Also requests that in seeking and supplying such information particular attention will be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;

5. Decides that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;

6. Directs the Committee that in formulation its decisions it should bear in mind that foodstuffs should be provided through the United Nations in cooperation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision, in order to ensure that they reach the intended beneficiaries;

7. Requests the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuffs to Kuwait and Iraq in accordance with the provision of the present resolution and other relevant resolutions;

8. Recalls that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes but in this connection recommends that medical supplies should be exported under the strict supervision of the Government of the exporting State or by appropriate humanitarian agencies.

¹ United Nations, Treaty Series, Vol. 75, No. 973
Security Council resolution demanding that Iraq immediately release foreign nationals abducted from diplomatic premises in Kuwait or Iraq

S/RES/667 (1990), 16 September 1990

The Security Council,


Recalling the Vienna Convention on Diplomatic Relations of 18 April 1961\(^1\) and Vienna Convention on Consular Relations of 24 April 1963,\(^2\) to both which Iraq is a party,

Considering that the decision of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the privileges and immunities of these mission and their personnel is contrary to the decisions of the Security Council, the international conventions mentioned above and international law,

Deeply concerned that Iraq, notwithstanding the decisions of the Council and the provisions of the conventions mentioned above, has committed acts of violence against diplomatic missions and their personnel in Kuwait,

Outraged at recent violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who were present in these premises,

Considering also that these actions by Iraq constitute aggressive acts and a flagrant violation of its international obligations which strike at the root of the conduct of international relations in accordance with the Charter of the United Nations,

Recalling that Iraq is fully responsible for any use of violence against foreign nationals or against any diplomatic or consular mission in Kuwait or its personnel,

Determined to ensure respect for its decisions and for Article 25 of the Charter,

\(^1\) United Nations, Treaty Series, vol. 500. No. 7310
\(^2\) Ibid., vol. 596, No. 8638
Considering further that the grave nature of Iraq's actions, which constitute a new escalation of its violations of international law, obliges the Council not only to express its immediate reaction but also to consult urgently in order to take further concrete measures to ensure Iraq's compliance with the Council's resolutions,

Acting under Chapter VII of the Charter,

1. Strongly condemns aggressive acts perpetrated by Iraq against diplomatic premises and personnel in Kuwait, including the abduction of foreign nationals who were present in those premises;

2. Demands the immediate release of those foreign nationals mentioned in resolution 664 (1990);

3. Also demands that Iraq immediately and fully comply with its international obligations under resolutions 660 (1990), 662 (1990) and 664 (1990), the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 24 April 1963 and international law;

4. Further demands that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests;

5. Reminds all States that they are obliged to observe strictly resolutions 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990);


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2/ Ibid., vol. 596, No. 8638
Security Council resolution asking the Sanctions Committee to recommend a response to State requesting assistance with economic problems arising from the implementation of those sanctions

S/RES/669 (1990), 24 September 1990

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990,

Recalling also Article 50 of the Charter of the United Nations,

Conscious of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter,

Entrusts the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait with the task of examining requests for assistance under the provisions of Article 50 of the Charter and making recommendations to the President of the Security Council for appropriate action.
ANNEXURE – XI

Security Council resolution demanding that Iraq release third-State nationals being held in Iraq or Kuwait

S/RES/674 (1990), 29 October 1990

The Security Council,


Stressing the urgent need for the immediate and unconditional withdrawal of all Iraqi forces from Kuwait and for the restoration of Kuwait’s sovereignty, independence and territorial integrity and of the authority of its legitimate Government,

Condemning the actions by the Iraqi authorities and occupying forces to take third-State nationals, and the other actions reported to the Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment, in violation of the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949,1 the Vienna Convention on Diplomatic Relation of 18 April 19612 the Vienna Convention on Consular Relations of 24 April 19633 and international law,

Expressing grave alarm over the situation of third-State nationals in Kuwait and Iraq, including the personnel of the diplomatic and consular missions of such States,

Reaffirming that the above-mentioned Geneva Convention applies to Kuwait and that, as a High Contracting Party to the Convention, Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches,

Recalling the efforts of the Secretary-General concerning the safety and well-being of third-State nationals in Iraq and Kuwait

2/ Ibid., vol 500, No. 7310
3/ Ibid., vol 596, No. 8638
Deeply concerned at the economic cost and at the loss and suffering caused to individuals in Kuwait and Iraq as a result of the invasion and occupation of Kuwait by Iraq,

Acting under chapter VII of the Charter,

Reaffirming the goal of the international community of maintaining international peace and security by seeking to resolve international disputes and conflicts through peaceful means,

Recalling the important role that the United Nations and the Secretary-General have played in the peaceful solution of disputes and conflicts in conformity with the provision of the Charter

Alarmed by the dangers of the present crisis caused by the Iraqi invasion and occupation of Kuwait, which directly threaten international peace and security, and seeking to avoid any further worsening of the situation,

Calling upon Iraq to comply with its relevant resolutions, in particular resolutions 660 (1990), 662 (1990) and 664 (1990),

Reaffirming its determination to ensure compliance by Iraq with its resolutions by maximum use of political and diplomatic means,

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1. Demands that the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage, mistreating and oppressing Kuwaiti and third-State nationals and any other actions, such as those reported to the Council and described above, that violate the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the Vienna Convention on Diplomatic Relations of 18 April 1961 the Vienna Convention on Consular Relations of 24 April 1963 and international law;

2. Invited States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq as per paragraph 1 above and to make this information available to the Council;

3. Reaffirms its demand that Iraq immediately fulfill its obligations to third-State national in Kuwait and Iraq, including the personnel of diplomatic and
consular missions, under the Charter, the above-mentioned Geneva Convention, the Vienna Convention on Diplomatic Relations, the Convention on Consular Relations, general principals of international law and the relevant resolutions of Council;

4. Also reaffirms its demand that Iraq permit and facilitated the immediate departure from Kuwait and Iraq of those third-State nationals, including diplomatic and consular personnel, who wish to leave;

5. Demands that Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of Kuwaiti nationals and of third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions in Kuwait;

6. Reaffirms its demand that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq, take no action to hinder these diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests, and rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of immunity of their personnel;

7. Requests the Secretary-General, in the context of the continued exercise of his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait, to seek to achieve the objectives of paragraphs 4, 5 and 6 above, in particular the provision of food, water and basic services to Kuwaiti nationals and to the diplomatic and consular missions in Kuwait and evacuation of third-State nationals;

8. Reminds Iraq that under international law it is liable for any loss damage or injury arising in regard to Kuwait and third-States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq;

9. Invites State to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq, with a view to such arrangements as may be established in accordance with international law;

10. Requires that Iraq comply with the provisions of the present resolution and its previous resolutions, failing which the Council will need to take further measures under the Charter;

11. Decides to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council.
12. Reposes its trust in the Secretary-General to make available his good offices and, as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crisis caused by the Iraqi invasion and occupation of Kuwait on the basis of resolutions 660 (1990), 662 (1990) and 664 (1990), and calls upon all states, both those in the region and other, to pursue on this basis their efforts to this end, in conformity with the Charter, in order to improve the situation and restore peace, security and stability;

13. Requests the Secretary-General to report to the Security Council on the results of his good offices and diplomatic efforts.
Security Council resolution condemning Iraqi attempts to alter the demographic composition of the population of Kuwait

S/RES/677 (1990), 28 November 1990

The Security Council,


Reiterating its concern for the suffering caused to individuals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

Gravely concerned at the ongoing attempt by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the attempts by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;

2. Mandates the Secretary-General to take custody of a copy of population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. Requests the Secretary-General to establish, in cooperation with the legitimate Government of Kuwait, an order of rules and regulations governing access to and use of the said copy of the population register.
ANNEXURE – XIII

Security Council resolution authorizing Member States cooperating with the Government of Kuwait to use “all necessary means to uphold and implement” the Council’s resolutions on the situation unless Iraq fully complies with those resolutions on or before 15 January 1991

S/RES/678 (1990), 29 November 1990

The Security Council,


Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter.

1. Demands that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. Authorize Member States cooperating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. Requests all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above,
4. Requests the States concerned to keep the security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 above

5. Decides to remain seized of the matter.
Letter from the Permanent Representative of Kuwait to the President of the Security Council stating that, the deadline of resolution 678 (1990) having expired, it was exercising its right to self-defence with the cooperation of friendly States

S/22094, 17 January 1991

On instructions from my Government, I hereby transmit the following information to you:

Following the expiry of the deadline set by the Security Council in its resolution 678 (1990) for the full implementation of its pertinent resolutions, Kuwait notified the Secretary-General of the United Nations that Iraqi forces continued to occupy all territories of the State of Kuwait. Accordingly, and pursuant to paragraph 4 of resolution 678 (1990), Kuwait wishes to inform you that it is exercising its right to self-defence and to the restoration of its rights, first and foremost among which is the recovery of its territories, occupied by Iraq since 2 August 1990. In doing so, the Kuwaiti forces are cooperating with the forces of fraternal and friendly States which are equally determined to end the obdurate Iraqi occupation.

We shall also transmit to you the statement issued by the Kuwaiti Council of Ministers concerning the beginning of the operation to liberate Kuwait.

I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(signed) Mohammad A. ABULHASAN
Permanent Representative
ANNEXURE – XV

Security Council resolution establishing detailed measures for a cease-fire, including deployment of a United Nations observer unit; arrangements for demarcating the Iraq-Kuwait border; the removal or destruction of Iraqi weapons of mass destruction and measures to prevent their reconstitution, under the supervision of Special Commission and the Director General of the IAEA; and creation of compensation fund to cover direct loss and damage resulting from Iraq’s invasion of Kuwait


The Security Council,


We coming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq’s peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter dated 27 February 1991 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the President of the Security Council 1/ and of his letters of the same date addressed to the President of the Council and to the Secretary-General, 2/ and those letters dated 3 March 3/ and 5 March 4/ he addressed to them, pursuant to resolution 686 (1991),

2/ Ibid., documents S/22275 and S/22276.
4/ Ibid., document S/22330.
Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 “Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognizing and related matters”, thereby formally recognizing the boundary between Iraq and Kuwait and the allocation of islands, which Agreed Minutes were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait with its boundaries as specified in the letter of the Prime Minister of Iraq dated 21 July 1932 and as accepted by the ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical weapons, and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Final Declaration adopted by all States participating in the Conference of States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling also that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,

Noting the importance of Iraq ratifying the Convention,

Noting also the importance of all States adhering to the Convention and encouraging its forthcoming review conference to reinforce the authority, efficiency and universal scope of the Convention,

Stressing the importance of an early conclusion by the Conference on disarmament of its work on convention on the universal prohibition of chemical weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

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7/ A/44/88, annex.
8/ General Assembly resolution 2826 (XXVI), annex.
Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, rec

Recalling the objective of the establishment of nuclear-weapon-free zone in the region of the Middle East,

Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting also that despite the progress being made in fulfilling the obligations of resolution 676 (1991) may Kuwait and third-State nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages, opened for signature in New York on 18 December 1979, which categorizes all acts of taking hostage as manifestations of international terrorism,

Deploring threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports transmitted by the Secretary-General on 20 March and 28 March 1991, and conscious of the necessity to meet urgently the humanitarian needs in Kuwait in Iraq,

Bearing in mind its objective of restoring international peace and security in the area as set out in its recent resolutions,

Conscious of the need to take the following measures acting under Chapter VII of the Charter.

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10/ General Assembly resolution 34/146, annex.
1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of the present resolution, including a formal cease-fire;

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2. Demands that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes between the State of Kuwait and Republic of Iraq regarding the restoration of friendly relations, recognition and related matter", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations;

3. Calls upon the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material including the maps transmitted with the letter dated 28 March 1991 addressed to him by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, and to report back to the Council within one month;

4. Decides to guarantee the inviolability of the above-mentioned international boundary and to take, as appropriate, all necessary measures to that end in accordance with the Charter of the United Nations;

B

5. Requests the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khawr 'Abd Allah and demilitarized zone, which is hereby established, extending ten kilometers into Iraq and five kilometers into Kuwait from the boundary referred to in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matter"; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone and to observe any hostile or potentially hostile action mounted from the territory of one State against the other; and also requests the Secretary-General to report regularly to the Council on the operations of the unit and to do so immediately if there are serious violation of the zone or potential threats to peace;

6. Notes that as soon as the Secretary-General notifies the Council of the completion of the deployment of United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with

13) Ibid., document S/22412
resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. Invites Iraq to reaffirm unconditionally its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention on Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:
   a. All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto;
   b. All ballistic missiles with a range greater than one hundred and fifty kilometers, and related major parts and repair and production facilities;

9. Decides also, for the implementation of paragraph 8, the following:
   a. Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration on the locations, amounts and types of all items specified in the paragraph 8 and agree to urgent, on-site inspection as specified below;
   b. The Secretary-General, in consultation with the appropriate Governments and, where appropriate with the Director-General of the World Health Organization, within forty-five days of the adoption of the present resolution shall develop and submit to the Council for approval a plan calling for the completion of the following acts within forty-five days of such approval:
      i. The forming of special commission which shall carry out immediate on-site inspection of Iraq’s biological chemical and missile capabilities, based on Iraq’s declarations and the designation of any additional locations by the special commission itself;
      ii. The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a), including items at the additional locations designated by the Special Commission under paragraph (i) and the destruction by Iraq,


8 General Assembly resolution 2826 (XXVI), annex.
under the supervision of the Special Commission of all its missile capabilities, including launchers as specified under paragraph 8(b);

iii. The provision by the Special Commission to the Director General of the International Atomic Energy Agency of the assistance and cooperation required in paragraphs 12 and 13;

10. Decides further that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9, and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the present paragraph, to be submitted to the Council for approval within one hundred and twenty days of the passage of the present resolution;

11. Invites Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968;\(^\text{69}\)

12. Decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear weapon-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9(b); to accept, in accordance with the arrangements provided for in paragraph 13, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 for future ongoing monitoring and verification of its compliance with these undertakings;

13. Requests the Director General of the International Atomic Energy Agency, through the Secretary General and with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General referred to in paragraph 9(b), carry out immediate on-site inspection of Iraq’s nuclear capabilities based on Iraq’s declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Council within forty-five days calling for the destruction, removal or rendering harmless as appropriate of all items listed in paragraph 12; to carry out the plan within forty-five days following approval by the Council and to develop a plan, taking into account the rights and obligations or Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons, for the future ongoing monitoring and verification of Iraq’s compliance with paragraph 12, including an inventory of all

\(^\text{69}\) United Nations, Treaty Series, vol. 729, No. 10485
nuclear material in Iraq subject to the Agency's verification and inspections to confirm that Agency safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Council for approval within one hundred and twenty days of the adoption of the present resolution;

14. Notes that the actions to be taken by Iraq in paragraphs 8 to 13 represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

15. Requests the Secretary-General to report to the Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

16. Reaffirms that Iraq, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage-including environmental damage and the depletion of natural resources – or injury to foreign Governments, nationals and corporations as a result of its unlawful invasion and occupation of Kuwait;

17. Decides that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. Decides also to create a fund to pay compensation for claims that fall within paragraph 16 and to establish a commission that will administer the fund;

19. Directs the Secretary-General to develop and present to the Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the Fund to be established in accordance with paragraph 18 and for a programme to implement the decisions in paragraphs 16 to 18, including the following; administration of the Fund; mechanisms for determining the appropriate level of Iraq’s contribution to the Fund, based on a percentage of the value of its exports of petroleum and petroleum products, not to exceed a figure to be suggested to the Council by the Secretor-General, taking into account the requirements of the people of Iraq, Iraq’s payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the need of the Iraqi economy; arrangements for ensuring that payments are made to the Fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluation losses, listing
claims and verifying their validity, and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16; and the composition of the Commission designated above;

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20. Decides, effective immediately that the prohibitions against the sail or supply to Iraq of commodities or products other than medicine and health supplies, and prohibition against financial transactions related thereto contained in resolution 661 (1990), shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report to the Secretary-General dated 20 March 1991,\textsuperscript{11/} and in any further findings of humanitarian need by the Committee;

21. Decides to review the provision of paragraph 20 every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. Decides also that upon the approval by the Council of the programme called for in paragraph 19 and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8 to 13, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have not further force or effect;

23. Decides further that, pending action by the Council under paragraph 22, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. Decides that, in accordance with resolution 661 (1990) and subsequent related resolutions and until it takes a further decision, all States shall continue to prevent the sale or supply to Iraq, or the promotion or facilitation of such sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of:

a. Arms and related material of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production for such equipment;

b. Items specified and defined in paragraphs 8 and 12 not otherwise covered above;

c. Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in paragraphs (a) and (b);

d. Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in paragraphs (a) and (b);

25. Calls upon all States and international organizations to act strictly in accordance with paragraph 24, notwithstanding the existence of any contacts, agreements, licences or any other arrangements;

26. Requests the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for approval of the Council, guidelines to facilitate full international implementation of paragraphs 24, 25 and 27, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. Calls upon all States to maintain such national controls and procedures and to take such other action consistent with the guidelines to be established by the Council under paragraph 26 as may be necessary to ensure compliance with the terms of paragraph 24, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. Agrees to review its decisions in paragraphs 22 to 25, except for the items specified and defined in paragraphs 8 and 12 on a regular basis and in any case one hundred and twenty days following the adoption of the present resolution, taking into account Iraq’s compliance with the resolution and general progress towards the control of armaments in the region;

29. Decides that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Council in resolution 661 (1990) and related resolutions;

G

30. Decides that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third-State nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross by providing lists of such persons, facilitating the access of the International Committee to all such persons wherever
located or detained and facilitating the search by the International Committee for those Kuwaiti and third-State nationals still unaccounted for;

31. Invites the International Committee of the Red Cross to keep the Secretary-General apprised, as appropriate, of all activities undertaken in connection with facilitating the repatriation of return of all Kuwaiti and third-State nationals or their remains present in Iraq on or after 2 August 1990;

H

32. Requires Iraq to inform the Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

I

33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the above provisions, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region.