United Nations in the course of its 50 years history, passing through different crises, has taken a form very different from the one mapped out for it at its inception. Today, in terms of its framework, character and performance, the United Nations is an altogether different organization. The fundamental change that has occurred is that, today, the UN is no longer subservient to, or aligned with any particular power or group of powers. Some may talk of 'tyranny of majority' or 'hegemony of super powers' For Iraq has been forging a stable functioning democracy since its establishment in 1920. The legacies that US forces has left the country will make building a sustainable democracy extremely difficult. With ruthless efficiency the US co-opted or broke civil society through violence and patronage, forcing people to interact with the institutions of the state on an individual basis. The UN role in the Iraq-Kuwait conflict and its effort to rehabilitate Iraq on the path of democracy bears ample testimony to the growing effectiveness of the world organization in managing regional conflicts. Currently the Gulf region is passing through a critical phase of crises and tensions as never before.

Clearly, the 1990-91 Kuwait crises did not arise from a vacuum. It was merely the latest, the most dramatic if certainly the most tragic manifestation of a long-established and complex dispute over the international status and territorial definition of the emirate of Kuwait. Because of the intransigence of the border question historically, it is clearly dangerous to assume that the UN demarcation has disposed of all the differences which have consistently separated the Kuwait and Baghdad governments. Likewise, it would be foolish to presume that the successors to Saddam Husain's rule in Baghdad, whenever they accede to power, will be any less concerned with access to Persian Gulf waters than was he or his predecessors. Notwithstanding the recent UN decision on the boundary, Kuwait and Iraq may still need in the long term to find a workable arrangement for access through the border zone. It is ultimately of critical importance for the future stability of Kuwaiti-Iraqi and also Iranian-Iraqi relations that Iraq no longer perceives itself as 'squeezed out' of the Persian Gulf. Given its narrow coastline and the fact that Iraq does not exercise complete sovereignty over either the Shatt al-Arab or the Khor Abdullah, its two means of access to Persian Gulf waters, this will probably prove a very difficult perception to assuage. In future years it remains to be seen whether Kuwait will come under renewed Iraqi pressure to make concessions on the islands issue when Baghdad's relations with Tehran deteriorate seriously over the status of the boundary along the Shatt al-Arab, traditionally for
decades the cue for Iraq to press its territorial demands on the emirate. All of these concerns are every bit as valid in the autumn of 1993 as they were in the spring of 1991, when the UN originally announced its prescription for settling the border question. During the last six decades successive Baghdad regimes have generally argued that Kuwait should compensate Iraq for its geo-strategic misfortune, that is its lack of frontage on the Persian Gulf. The UN demarcation of the boundary, but most pertinently its continuing guarantee of the integrity of Kuwaiti territory against the contingency of moves from the north may have lessened Iraq's expectations in this regard, but it is impossible to say so for sure.

Historically, after a period of generally cooperative relations between Baghdad and Kuwait, following Qasim's overthrow of the Hashimite monarchy in the Free Officers coup d'etat of July 1958, Shaikh Abdullah III of Kuwait was taken aback by the ferocity of Iraq's language in reasserting the historical claim over the emirate on the announcement of Kuwaiti independence during June 1961. The threat on this occasion remained verbal, however. Especially following Iraq's recognition of an independent Kuwait in the 1963 treaty and its acceptance then, on its own merits and for the first time since 1932, of the boundary delimitation introduced by the 1932 exchange of notes, it seemed that the prosecution of Iraqi claims for the annexation of the emirate was a thing of the past. How wrong such a presumption turned out to be. A further factor which probably contributed to Saddam Husain's decision to invade on 2 August 1990 was the conviction that the Kuwaiti Government would never have agreed to the lease or cession of both Warba and Bubiyan and that further attempts to achieve Iraqi desiderata by negotiation were futile. This belief hardened considerably after February 1989.

Regarding historical claims for the absorption of Kuwait, it also needs to be said that Britain had been concerned as early as the turn of the 1920s that the emirate would be swallowed up by its expansionist neighbour. The neighbour in question, however, was Ibn Saud's Najdi state. Had Britain not intervened directly at the height of the Jahra crisis in 1920 it is likely that there would have been no Kuwaiti state for Iraq to lay claim to in 1938, 1961 and 1990-91.

The most fundamental and constant characteristic of the Kuwaiti-Iraqi border dispute for the half-century preceding August 1990, however, had undoubtedly been Iraq's refusal to
demarcate the land-boundary according to the provisions of the vague 1932 delimitation. Unless, that is, its desiderata on the islands question were first satisfied. This, allied with Kuwait's traditional determination to hold on to every portion of territory specified as Kuwaiti in the 1932 delimitation but most particularly to Bubiyan Island, had resulted in deadlock being reached on the boundary demarcation/islands issue by the early 1950s. All subsequent attempts to free the dispute from this impasse had ultimately met with failure. Proposals have been made before 1990 to exchange Kuwaiti sovereignty over the islands for relatively well-watered inland strips of Iraqi territory. In his recent work Finnie (1992) comments that "nothing in the British archives indicates that the 1913/1923/1932 boundary was some clever plot to deprive Iraq of meaningful access to the waters of the Gulf. This tends to ignore, however, the whole genesis of Britain's special relationship with Kuwait at the turn of the century and Britain's determination to minimize the Ottoman shoreline on the Persian Gulf."

The UN would no doubt argue that Iraq only had itself to blame for forcing the issue. UNIKBDC's mandate, agreed to grudgingly by a defeated Iraq in the spring of 1991, as had been the Secretary-General's stipulation that the de jure 1932 definition of the boundary constituted the delimitation upon which settlement was to be based, was to demarcate an existing delimitation. When first announced, in April 1992, UNIKBDC's announcement for a boundary was castigated widely, albeit mistakenly, for having reallocated Iraqi territory to Kuwait. This had everything to do with the confusion pertaining over de facto and de jure territorial limits. UNIKBDC's case was harmed further when a map enclosed within its lengthy justification for the land boundary award (an interim report of July 1992), showed a line for its border which generally ran north of all previous cartographic depictions of the de jure boundary, notably the 1990 British Military Survey map series, upon whose authority UNIKOM's demilitarized zone had originally been constructed. The demarcation team has not given an adequate explanation of why this was the case. This having been said, there can be little doubt that UNIKBDC's land boundary demarcation is basically what Britain had in mind with its announcement of the vaguely-described border in identical, unchanging terms in 1913, 1923 and 1932, and with its demarcation proposals of 1940 and 1951. As such, UNIKBDC's decision on the land border must generally be regarded as a faithful interpretation of the 'delimitation formula' of 1932.

Trans-boundary cooperation will remain elusive for years to come and will certainly be a non-starter for as long as Saddam Husain remains in power. Kuwait has made it clear in its recent pronouncements that cooperation on border-related questions will come about only when Iraq gives its unequivocal blessing to the UNIKBDC decision on the border. Clearly this is not likely to happen under the current Iraqi government, whose attitude towards the recent demarcation has been one of consistent denunciation, if not rejection. Yet the emirate almost certainly underestimates the political difficulties which will be involved for any future Iraqi government in giving binding recognition to the recently-demarcated boundary. Since Iraqi administration has now been drawn to positions north of the UNIKBDC line, as noted above, the UN probably takes the attitude that the Baghdad government has done the basic, absolute minimum necessary to comply with the territorial provisions of its settlement of the Kuwait Crisis. Kuwait has given notice of its intention never again to allow large scale Iraqi encroachments into its territory with the announcement of plans to construct an elaborate system of border defences. Its erection will reduce the scope for trans-boundary cooperation and minor territorial adjustments in the future. The section of the boundary along which Kuwait will construct no fortifications - the maritime sector along the Khor Abdullah - is perhaps where trans-boundary cooperation will be most needed in future decades, as Iraq seeks to redevelop Umm Qasr and the Khor Zubair. For the March 1993 announcement of a median line boundary along the Khor Abdullah left its principal navigation channel, which Iraq had dredged and maintained for the three decades or so before the invasion, within Kuwaiti territorial waters.

How have the prospects for territorial stability in the northern Gulf been enhanced by the UN settlement of the boundary question? It is very much to be hoped, in the words of UN Secretary-General Boutros Boutros-Ghali, in prefacing UNIKBDC's final report, that, 'the work performed by the Commission will have a beneficial effect on the restoration of international peace and security in the area concerned...' A few ominous developments suggest, however, that in the medium to long term and despite its reluctant agreement to the aims and mandate of

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2 Comments made by Abdullah Bishara (Former Secretary-General of the Gulf Cooperation Council and currently a senior member of the Kuwaiti Foreign Ministry) at the Royal United Services Institute for Defence Studies (2 August 1993) and at the Royal Institute of International Affairs (3 August 1993).

UNIKBDC back in the spring of 1991, Iraq may not feel able to reconcile itself to the recently demarcated UN line and may, again, become restless about access. First and foremost, denunciation and virtual rejection of the UNIKBDC decision on the course of the boundary (when first announced in the spring/summer of 1992) was not limited to the current Baghdad government but also extended, as has been alluded to, with some unanimity to the very groups which the West would supposedly rather see ruling in Baghdad. The government of the United States in particular has been surprised that its subsequent efforts to persuade Iraqi opposition groups to accept the UNIKBDC verdict on the boundary have been resisted so strongly.

The acid test for the newly-demarcated Kuwait-Iraq boundary will surely come at some point in the future, when UNIKOM no longer polices the border zone and when relations with Iran next seriously sour over the status of the Shatt al-Arab. Though the Shatt al-Arab dispute is currently dormant, it remains some way short of being finally settled. It could, like that other long established and cyclical Irano-Arab dispute over Abu Musa and the Tunbs in 1992, be resurrected at short notice. If and when it is, Iraq may seek to compensate itself for any temporary loss of the Shatt al-Arab by trying to expand once again at Umm Qasr on the Khor Zubair. This is not idle speculation but a proven historical pattern.

Territorial stability will probably come to this part of the world only when Iraq reconciles itself to its disadvantageous position at the Head of the Persian Gulf, when it perceives itself as no longer 'squeezed out'. For the long-term stability of the northern Gulf it is perhaps more important for Iraq to lose its negative consciousness surrounding access than for the Baghdad government to have demarcated boundaries at the Head of the Gulf. Whether or not access is a genuine problem is less important than the fact that successive Baghdad governments and, to an extent, Iraqi public opinion also, has always believed it to be so. Whatever line the UN had nominated to settle the border, de jure, de facto or otherwise, Iraq would still, almost certainly, perceive itself as a 'big garage with a very small door'. In twenty-five years of dealings with Iraq, the Security Council has played a number of roles—Cold War Peacemaker, New World Order Policeman, Weapons Inspector, and Sanctions Enforcer—some with more success than others. The Council received its most euphoric reviews for its performance as a New World Order Policeman.
in Iraq in 1990-91, contrasting starkly with the disillusion widely experienced following its handling of Iraq in 2002-3 in context of Instrumental Multilateralism.\(^4\)

All, save comprehensive isolationism, have been present in US policy toward Iraq, and isolationism sometimes rears its head in discussion of US policy toward the UN.\(^5\) The Iraq case initially shows US foreign policy of the Cold War era addressing the Iran-Iraq war through strategies seeking to contain the protagonists and, perhaps more importantly, the role of the Soviet Union in the Gulf shipping lanes (astutely exploited at the time by Kuwait). Following Saddam Hussein's defeat in Operation Desert Storm, containment through sanctions and inspections was Washington's central goal—and here the UN was given a central role as a framework for multilateral action. However, Washington paid a price in international support for failing to calibrate the inspections-plus-sanctions regime, and, to a degree, for its unilateral military enforcement action such as Operation Desert Fox in 1998. By neglecting the growing opposition of international opinion to policies perceived as taking Iraqi civilians hostage, it creating a growing skepticism—among its allies, no less than in the opinion of the Arab 'street’—as to US motives.

The United Kingdom, increasingly aligned with Washington since the Suez Crisis and the Vietnam War episodes divided them, sought consistently to build bridges between Washington and other Council members on Iraq (and other issues), leveraging its own close ties with the United States. This involved a willingness to shoulder a significant proportion of the military burden on the ground in Iraq (and in the no-fly zones over it), and to lead on much of the diplomatic heavy-lifting in New York, for Foreign Office negotiating skills are widely recognized. When the chips were down in February 2003, London, incapable of finessing positions as starkly delineated as those of Paris and Washington (although it had been open itself to a number of compromise options), opted for Washington. Blair was widely credited with forcing the United States to take the 'UN route', but when the United States and the United Kingdom failed to secure a resolution clearly authorizing military action, his emphasis on


\(^5\) This proposition is countered by John R. Bolton, 'Unilateralism is not Isolationism', in Prins (ed.), *Understanding Unilateralism in American Foreign Relations.*
Security Council authorization worked against his own arguments that the war was legal regardless. By initially insisting on such a Council resolution only later to abandon that position, Blair confused his public and was caught in between the unilateralism of the United States which had seen the elusive Council resolution as an optional extra-and the institutionalism of the British and broader European publics.

The goal of 'regime change', so often articulated in Washington (and occasionally London) after 1997, was unpopular among many governments at the UN, who suggested it shifted SCR 687's goalposts. Some were preoccupied with their own regime survival; others were fearful of where such policies might lead for weaker countries. In fact, SCR 687 sought to stigmatize the Iraqi regime and to deter others in the region and beyond from similar behavior. When Washington and London moved to implement regime change in Baghdad in 2002-3, this long-running and sour debate handicapped their arguments. Indirectly and for some, SCR 687 might also have been intended to promote regional stability and societal change in the Middle East. It did undermine Iraq's capacity for aggression against neighboring countries. That, in turn, created the possibility for developing countries (the overwhelming majority at the UN, and sometimes the majority in the Council) to develop serious and vocal reservations over the stringent sanctions punishing Iraq's population with little apparent effect on Baghdad's leaders.

As Stephen Schlesinger notes, France at first turned down the invitation to be a Permanent Member of the Security Council in 1945, only changing its mind halfway through the San Francisco Conference. Sixty years later, the United States may regret extending that invitation. Paris characteristically sought a central role in the Council's dealings with Iraq on numerous occasions, including during the lead-up to Operation Desert Storm in 1991, signaling its unwillingness to cede the stage to Washington. By 1996, it had claimed that central role, as its defection from the Western P-3 fuelled international opposition to Iraqi sanctions and, ultimately, to military intervention.

The reasons for Paris's shift in the mid-1990s on Iraq policy are not entirely clear, but spawned from an increasingly assertive nationalism under the newly elected Jacques Chirac, possibly combined with a rereading of French strategic and commercial interests in Iraq. On Iraq, while the French intelligentsia took quiet delight in the excesses of US anti-French rhetoric (talk
in the United States of an 'Axis of Weasels' involving Germany, France, and other false friends), roaring business was done in France and elsewhere in caricaturing not only the Bush Administration but American values and culture as well. It took the nominally left-wing daily Le Monde to point this out in a stinging response to lazy anti-Americanism. The confrontation between France and the United States over Iraq in early 2003 was not inevitable—it required a degree of political mismanagement by both. The Canadian 'process' initiative of February 2003 to bridge Council differences was scuttled by both Washington and (less publicly) Paris.

While France triumphed for a period in UN circles for its opposition to the United States, it fared less well in the European Union, where the split between London and Paris soon generated a firefight of its own for approval of EU governments. The Cold War between the United States and USSR had long divided much of the world into rival 'spheres of influence'.

Moscow seemed prepared to leave Washington a free hand, so long as situations clearly within its own sphere of influence—as in Chechnya did not find their way onto the Council's agenda, despite the egregiousness of the human rights violations there. The same approach was evident when it convinced the Council to acquiesce in its approach to conflict in Georgia in 1994.

In the 'hierarchy of decision-making' revealed by the US's treatment of the Council in 2002 and 2003, the Security Council was not at the apex. The question for the Bush Administration was not whether the Security Council would allow a return to military action in Iraq, but whether military action in Iraq would allow a return to the Security Council. Why accept a world powered by rules when it could have a world ruled by power? But, as noted by James Traub, 'the United States can determine the agenda of the Security Council, if it wants to, even if it can not quite dictate outcomes'. France's former ambassador to the UN, in the fall of 2002, described the United States as the 'first among equals' within the Security Council, and there is no doubt that President Bush altered the Council's agenda instantly through his forceful September 2002 address to the General Assembly.

9 The phrase is Mark Danneis: 'The Secret Way to War', p. 48.
11 Traub, Who needs the UN Security Council?, p. 47.
UNMOVIC chief Hans Blix could not translate suspicions he seemed for a time to share with Washington into facts (the IAEA's Mohammed El Baradei having largely debunked allegations that Iraq was pursuing actively a nuclear weapons program). And so, Washington suffered a defeat in the Council that has cost the UN dearly. Fearing electoral backlash for the plight of the Kurds, James Baker and George H. W. Bush engineered SCR 688 providing a (thin) basis for US-led humanitarian intervention. Many speculated that US policy on Iraq at the UN and elsewhere in 1998 was driven in part by Bill Clinton's plight in relation to the Lewinsky scandal. Accounts of senior Bush Administration officials calling for an attack on Iraq in response to 9/11 also point to domestic political considerations influencing US policy on Iraq in that period. While such interpretations doubtless short-change Clinton and both Presidents Bush, the complex interplay between domestic politics and international initiatives has been a constant in our narrative, often confounding the diplomacy of successive UN Secretaries-General.

The appeal for support of its strategies on Iraq in early 2003 based on purportedly airtight intelligence that proved false carries its own costs, not least to US credibility next time it advances an intelligence-based claim. The lasting 'blot' on his record of which Colin Powell candidly spoke in September 2005, further to the 'devastating' realization that his assertions to the Council in February 2003 had been misleading of course extends to the international credibility of the Washington Administration as a whole-and also to that of the UK government, for which Tony Blair has already paid a price in his domestic popularity. Taken together with the Abu Ghraib events, these were serious and unnecessary self-inflicted wounds.

In the chapter titled Post-Iraq Kuwait war dynamics, US-led coalition in 1991 was intended to serve a number of purposes. It was useful to demonstrate to the world that any grave threat to American interests would not be tolerated, particularly where these required the

12 See Christopher Hitchens, 'Weapons of Mass Distraction', Vanity Fair, March 1, 1999. In his last weekly 'Letter from America', in early 2004, Alistair Cook reminded his BBC audience that Clinton might well have invaded Iraq but for the Monica Lewinsky affair. 'By the time Clinton was ready to mobilize an American or allied force, he didn't possess the moral authority to invade Long Island.' ('Alistair Cook', The Economist, April 3, 2004.) Conversely, 9/11 gave his successor all of the authority he needed.

13 Clinton was also dogged by suggestions that his forceful reaction to the Kosovo crisis of 1999 was politically motivated. See Elaine Sciolino and Ethan Bronner, 'How a President, Distracted by Scandal, Entered Balkan War', New York Times, April 18, 1999, p. 1.

unimpeded supply of fuel to the world's most energy-profligate nation. The chapter discusses other purposes: some obvious and some less so. The Americans did not disguise their delight at being able to experiment with a new generation of high-technology weapons. It was helpful to be able to test such devices on the flesh and fabric of a vulnerable state that was obligingly bellicose and conveniently racially-different from the United States. Another factor, rarely discussed, concerned strategic matters of an altogether different kind. Japan remains massively dependent on the huge oil tankers that ply the routes from the Gulf: how prudent for the United States to maintain a stranglehold on the crucial energy supply to a principal economic competitor in the rapidly developing tripolar system of world commerce.\(^\text{15}\) It would be a mistake to believe that the primary purpose of the US initiated war on Iraq was the expulsion of Saddam Hussein from Kuwait. The US did not work to activate the United Nations in military opposition to the Israeli invasions of Lebanon and other Arab lands; to the Indonesian invasion of East Timor; or to the various South African invasions of Namibia, Angola and Mozambique. Indeed, there is evidence that it conspired, to varying degrees, in such invasions; and, of course, the US itself has invaded many sovereign states (notably Grenada and Panama in recent years). Moreover, in order to protect the war on Iraq, the US sanctioned fresh contemporary or subsequent aggressions: further Israeli incursions into Lebanon, the Syrian onslaught on East Beirut, and the (post-Gulf War) Turkish invasion and occupation of northern Iraq. The war on Iraq, realistically viewed, was designed to protect US hegemony over oil (with the broad strategic aims that this implies), to educate the world about post-Soviet political realities, to test new anti-personnel and other weapons, and to justify the absurdly high levels of investment in US military power. Thus some discussion was provoked by the revelation that the American army had used earthmovers and ploughs mounted on tanks to bury thousands of Iraqi soldiers alive.\(^\text{16}\) One attack of this sort resulted in thousands of Iraqi dead and wounded, with not a single American fatality.

Raymond Naimy, an official of the United Nations Children's Fund (UNICEF), commented that Baghdad's water supply had been cut by 90-95 per cent, and a World Health Organisation (WHO) delegation noted a fourfold increase in the number of children being treated for diarrhoea. On 26 August 1991 Iraq reported that more than 14,000 children had died because

\(^{15}\) In the early 1990s there were many signs of escalating commercial tensions between the United States and Japan. In 1992 there were growing threats of a trade war between the US and Europe. With the Cold War over, the leading commercial players of the world were increasingly able to revert to their traditional practices of economic confrontation.

of the lack of drugs since the United Nations imposed the trade embargo. A month later, publicity was given to the results of the study carried out by the 87-member Harvard Study Team which investigated some 6000 Iraqi households.

On 14 November the Iraqi agriculture minister, Abdul Wahab al-Sabagh, declared that thousands more children and old people would starve unless UN sanctions were lifted soon: '... only fifteen per cent of our people can afford to buy food on the free market. The rest must accept hunger. That is the reality of the embargo'. Iraq had been allowed to import 100,000 tonnes of grain over the eight-month period since the end of the war, but the normal national requirement was 200,000 tonnes a month: 'Today we have a great lack of food and medicines. We lack spare parts for agricultural machinery. We lack fertilisers and pesticides as well as spares to get our power stations and oil refineries working again. We are a country that lives in the dark... we need pumps to bring the water to the fields and these require electricity which we do not have.' On 22 June 1993, Shibib al-Maliki, Iraq's Justice Minister, told the UN World Human Rights Conference in Vienna that the United Nations was violating human rights by retaining sanctions: 'The people of Iraq suffer today from shortages of food, medicine and medical requirements... the blockade is causing thousands of lives to be lost among women and the elderly.'

At this time the United Nations was expressing a willingness to allow Iraq to raise revenues to buy food and other essential goods, provided that the UN was allowed to supervise food distribution and secure reparations for the victims of the Iraqi aggression. The Council might also learn, from its experiences with Iraq, that economic sanctions are unlikely to be effective if neighboring states conduct covert trade with the embargoed state.

The thesis follows in as comprehensive a manner as possible all developments which have affected the status and definition of the UN Iraq-Kuwait boundary up to August 1993. By this time, the land boundary had been demarcated in its entirety by the UN, while delimitation had been announced between the two states for the Khor Abdullah, although the UN would insist, contentiously, that its delimitation for this stretch of water was a demarcation. The subjects covered in this chapter are: the border in the UN settlement of the Kuwait Crisis, April-
May 1991; UN Iraq-Kuwait Observer Mission (UNIKOM) and incidents in the border zone, April-August 1991; the 'northward migration' of Kuwait's international borders with Iraq, February-March 1992; the land boundary demarcation ruling and reactions to it, April-June 1992; the UN and the UN Iraq-Kuwait Boundary Demarcation Commission (UNIKBDC) verdict on the land boundary, July-August 1992; resurrection of the Iraqi claim to the entirety of Kuwait on the second anniversary of the invasion of the emirate, July-August 1992; the demarcation of the Kuwait-Iraq land border, the resignation of the UNIKBDC chairman and delays in announcing a water boundary for the Khor Abdullah, October-December 1992; border incidents and the expansion of UNIKOM's terms of reference, January-February 1993; border defences, 'returned' oil wells and compensation for displaced Iraqis, February-June 1993; a median line for the Khor Abdullah, March 1993; and the UNIKBDC's final report, May 1993. Iraq communicated its grudging acceptance of the cease-fire resolution. The Security Council was accused of having 'determined in advance the boundary between Iraq and Kuwait' while Iraq sought to remind the Secretary-General 'that in international relations boundary issues must be the subject of an agreement between States, since this is the only basis capable of guaranteeing the stability of frontiers'. Iraq continued to adopt its well-worn line that the 1963 'Agreed Minutes' were null and void since ratification of this instrument had never taken place in Baghdad. Hence it considered the boundary question as 'pending and unresolved'. The letter further complained that the Security Council had 'imposed on Iraq the line of its boundary with Kuwait' despite originally calling, in Resolution 660, for the two sides to settle their differences, which implicitly included the border question Iraq argued, directly through bilateral negotiations. Iraq concluded that in dealing with the boundary, 'the Council resolution is an iniquitous resolution which constitutes a dangerous precedent.

A UNIKBDC team of 13 New Zealander surveyors and 45 Swedish constructors assisted a construction crew contracted from the Eastern Asphalt and Mixed Concrete Company (EAMCO) in positioning each boundary monument. By the end of October they were emplacing pillars at the rate of three a day. On 23 November 1992 the UN announced that the last of the 106 pillars demarcating the line announced on 16 April 1992 had been laid, somewhat ahead of

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18 For a through treatment and convincing dismissal of this argument see Finnic, (1992).
schedule. A UNIKOM spokesman confirmed that there had been 'full cooperation from both sides' in the marker-laying operation, perhaps a little surprising given Iraq's withdrawal from UNIKBDC in July and the resurrection of its historical claim to the entirety of Kuwait soon afterwards.

Troubles began when, on 7 January 1993, Kuwait accused Iraqi forces of attacking one of its established frontier posts. Over the next four to five days, Iraq crossed the newly demarcated boundary with increasing regularity, employing ever greater numbers to retrieve everything it could lay its hands on before the UN deadline of 15 January 1993 was reached. Though Iraq argued that it had been given permission on 29 December to mount these 'smash and grab' raids, a charge denied by UNIKOM spokesman Abdullatif Kabbaj, it was the manner, intensity and scale of the Iraqi actions that most concerned the Kuwaitis and the UN.

Iraq and Kuwait retained, of course, civil authority on their respective sides of the border. UNIKOM used the boundary line shown on the 1990 British Military Survey maps though, awaiting the deliberations of UNIKBDC, it could not and did not take a position on the precise location of this territorial limit. In the early stages of its operations at least, UNIKOM observed three types of border violations: minor incursions on the ground by typically small groups of soldiers; overflights by military aircraft; and the carrying by Kuwaiti and Iraqi policemen of weapons other than side arms.

A flurry of articles in February 1992 in the respected British broadsheets predicted the loss of strategically-placed Iraqi territory to Kuwait with the impending announcement of the UNIKBDC verdict on the precise course of the land boundary, a decision which was not actually communicated until mid-April 1992.

After twenty-five years of dealings with Iraq, the Security Council at the end of 2005 was much changed that quarter-century of Council activity paints a remarkable portrait of political developments at the global level, and of their effect on the practice and prospects of the Security

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19 Reuters round-up by Inal Ersan, Kuwait, 7 January 1993.
Council. In the chapter, I highlight four major trends derived from this narrative: (a) the instrumental multilateralism of all five permanent members on the Council; (b) the manner in which its encounters with Iraq forced the Council to confront new threats, and to address questions of legality and legitimacy, representation, and democracy; (c) the underlying evolutionary trajectory of Council practice, away from a politico-military mode in which it mediated between warring states, to a mode in which it sits at the apex of a global legal-regulatory architecture; and (d) the emergence of a comprehensive approach to peace, justice, security, and development, in which the Council occasionally and controversially legislates for all states on critical new security threats such as terrorism and WMD.

In order to secure Iraqi compliance with its decisions, the Council repeatedly threatened Iraq with serious or severe consequences of non cooperation, perhaps most famously in its ambiguous Resolution 1441 of November 8, 2002. In fact, serious consequences occurred all around when the Council failed to demonstrate unity in following up on that Resolution: the UN, trans-Atlantic relations, the European Common Foreign and Security Policy, the Arab League, and Iraqis soon found themselves rent by the fallout of the Council's divisions. The Council's credibility, always under a degree of attack, was seriously undermined by its inability to unite on a strategy for Iraq in early 2003, and prospects for its continued relevance to the hardest security challenges at the end of 2007 seem uncertain. Most of the political parties now being used as the cornerstone of the new Iraqi government were imported into the country after regime change and have had a short period of time to gain the attention of the population, much less win their trust or allegiance. Attempting to build organized, institutionalized party politics in Iraq is certainly impossible with US intervention, but it will take both time and effort. Those who run the state may feel they have neither the resources nor the support to take this route.

Perhaps the most challenging implication of events in Iraq for these interlocking debates on legality and legitimacy, representation, and democracy has, however, been largely overlooked. The growth in support of ideologies or faiths rejecting the UN's basic tenets has been present—if obscured—in the Council's dealings with Iraq for the last twenty-five years.
The Security Council's inability to manage successfully the Iraq crisis of 2002-3 was sobering, especially as the costs of this failure have been high for all concerned. An inability, perhaps an unwillingness, to see the pattern of Iraq's dangerous behavior as a shared problem requiring a shared solution an approach central to the concept of collective security-highlighted the tendency of each of the P-5 to view the value of the Council as at least largely instrumental. The crisis pointed to two contending forms of instrumentalism possible for the P-5: one realist, treating the Council as just one available legitimizing resource among many; the other, institutionalist, treating the Council as a long-term investment in international stability. The positions of the five permanent members represent five different variations on these two basic leitmotifs.

It is instructive to review how the strategies of the P-5 on Council membership as an instrument of foreign policy (including in relation to each other) have played out during the Council's quarter-century of dealings with Iraq. Non-permanent members, often colorful but rarely central to the action, play a significant role in Council decision-making only when the P-5 split, a rare occurrence as they have every interest in agreeing to the extent necessary to 'control the game'-though the crisis of 2002-3 precipitated just such a split.\(^1\)

The normative systems the UN has done so much to help develop since 1945 are here truly challenged. As 9/11 made clear that the very concept of 'collective security', forcing the Security Council to adopt a more preventive stance.\(^2\) Examples of the Council taking action in this mode in Iraq include its approach to the Iran-Iraq war, the establishment of UNIIMOG, UNIKOM, and the political aspects of UNAMI. In the legal-regulatory mode, the Council typically establishes detailed rules governing the behavior of States, individuals, or other subject entities. Examples of the Council taking action in this mode in Iraq abound: UNSCOM, UNMOVIC, the sanctions regime, the OFF Program, and the UNCC. UN Deputy Secretary-General Louise Frechette recognized the need for transformation following the release of the Volcker Inquiry's September 2005 Report: Everyone today agrees that the UN faces very different management challenges than those of the Cold War period. The UN was then mainly a deliberative body. Our major task was to support negotiations. Our administrative systems have

\(^1\) On the dilemmas this created for non-permanent members, see Mahbubani, *Beyond the Age of Innocence*, pp. 147-8.

\(^2\) Correspondence with James Cockayne.
not adapted to new mandates and activities. On management, the Secretariat and Member States have failed to adjust. Problems can arise when the Council establishes what it seems to intend as an independent delegate, but then fails to allow that delegate to exercise truly independent discretion. In Iraq, this problem arose with political interference on a number of levels in the administration of the OFF Program, UNSCOM, and during the US-UK contestation of UNMOVIC's work in 2003. The mandate and operations of the 661 Committee proved particularly problematic. A failure to adopt an impartial decision making procedure risks producing illegitimacy, as the UN Compensation Commission's refusal to give Iraq standing in its claim process risked aggravating Iraq's victim mentality. In the long-term, that can only hurt the UN.

The Security Council itself is implicated in the collapse of the Iraqi state. Combined with this, the Council's assertive role in supporting the fight against terrorism, through SCR 1373 and subsequent decisions, contributes to a sense among many peaceable Arabs that the UN is an instrument of a self-serving P-5 dealing in double standards and aiming to marginalize the Muslim world.

Thus, the Council's decisions on Iraq came to seem decreasingly legitimate to much of the UN membership. For many, the root of the Council's 'legitimacy' deficit is its unrepresentative membership, slighting the developing world and thus undermining the Council's authority. Such an analysis spurred attempts to reform the membership of the Council in 2005, predictably sucking oxygen away from other important reform initiatives. Debate on possible models for Council reform became both vexed and heated in the spring of 2005. The removal of Saddam Hussein has proved to be the beginning, not the culmination, of a long and very uncertain process of occupation and state building. The lawlessness and looting that greeted the US force's seizure of Baghdad on 9 April 2003 have evolved into a self-sustaining dynamic that combines violence, instability, and profound uncertainty. US troops and the nascent Iraqi security services now face an insurgency that has managed to extend its geographic scope, while increasing the level of violence and the capacity for destruction and instability. The Iraq saga is replete with lessons for actors in and students of international relations, some of which this thesis has attempted to distil.

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23 See Louise Prechette, 'L'ONU doit reformer sa gestion', Le Figaro, September 8, 2005. original in French.
24 Such was the nature of the indictment of the UN made by Osama bin Laden in his address broadcast on Al Jazeera on November 3, 2001 in the wake of the invasion of Afghanistan.