CONCLUSION

The discovery of oil in the beginning of the last century in the Persian Gulf region not only entirely changed the economy but international political scenario of the region as well. In view of the increasing importance of the oil as a source of energy almost all the leading powers have been taking keen interest in the region. Oil is perhaps the most volatile commodity in the world, which has contributed the overthrow of many governments and wars have been fought to secure possession of oil fields in the Gulf. It was again the oil, which in fact became the main cause of the outbreak of Gulf crisis of 1991, which in a way acted as a catalyst for the emergence of a new regional and world order.

A great deal has been written about the causes leading to the Iraqi attack and annexing of Kuwait in August 1990. Some of them undoubtedly lie in the historical claims and counter-claims, boundary disputes, controversy over the quantum of oil production in the Rumailah oil fields, Kuwait's attempt to subvert OPEC's oil prices by over production resulting in the loss of oil revenue to Iraq etc. Iraqi President Saddam Hussein claimed that Arab states of the Gulf had robbed Iraq of $14 billion by depressing oil prices in the international market
and Kuwait had exploited its southern Rumailah oil field stealing oil worth $2-4 billion. But unfortunately the world community including Arab countries either failed to understand the validity of Iraq’s grievances or they did not want to get involved in finding an acceptable solution to the Iraqi claims. Many dubbed Iraqi action motivated by its financial difficulties in the aftermath of the Iran-Iraq war and pursuit of regional hegemony.

Whatever be the causes Iraq fell into the trap by marching its troops into Kuwait on August 2, 1990 violating all rules of international legitimacy, lofty Islamic and Arab values and the principles of good neighbourhood which constitute a pillar in international relations. Paradoxically all this happened at a time when the world was witnessing a most impressive scene of international rapprochement. This mistake of Iraqi leadership led to the beginning of grief and miseries of the innocent Iraqi people - who had hardly any control over decisions taken by their leadership.

The international response to Iraq’s invasion was swift and harsh. Within hours Iraq’s assets were frozen worldwide and the Security Council showing unprecedented unanimity called for an immediate and unconditional Iraqi withdrawal and within days economic sanctions were imposed. But defiant Iraqi leadership instead linked its withdrawal from Kuwait to Israeli withdrawal from the occupied Arab territories, which paid little dividends even among many Arab-Islamic states. In a strategic
move Iraq, hoping to forestall an imminent American attack, took all foreign nationals in Iraq and Kuwait into custody and confined them in strategic places to be used as human shields and their release conditional upon withdrawal of the US forces from Saudi Arabia and end of its economic boycott. All these last minute tactical moves by Iraq could not prevent or deter multinational forces from taking military action against it.

Once Iraq failed to implement the Security Council Resolution 660 of August 2, 1990, UN instruments of peaceful dispute settlement were quickly turned into instruments of coercion. Non-negotiable resolutions that succeeded each other swiftly became tools of waging war. Most notorious of all resolutions passed by the Security Council to dislodge Iraq from Kuwait was Resolution 678 authorizing the use of force as an ultimate action to achieve effective and desired end. There is a great deal of controversy and confusion about the legitimacy of authorization of use of force under Resolution 678. The resolution ignored the provision mentioned in chapter VII of the charter which specially empower the Security Council (not any member state) to involve in use of force and to conduct the operation under the Military Staff Committee and under the UN flag. It was also in contravention of Article 27(3), which requires that an important resolution of the Security Council must have the concurrence of the five permanent members. Since China abstained it implied that it did not concur.
Moreover it was evidently clear from the war that the Security Council had very little control over the war authorized by it. No other than the then UN Secretary General Perez De Cuellar himself admitted that "the council which has authorized all this, is informed only after the military actions have taken place". The disproportionate authority exercised by the United States over decision making and implementation has subverted the authority and credibility of the United Nations. It was also feared that the United Nations was acquiescing too readily in US use of force. For many this authorization was illegitimate, unwise, or merely constituting a multilateral veneer for unilateral action.

The Resolution 678 also created some kind of disillusionment among the Arabs that the UN is not fair or evenhanded. Ordinary Arabs tens of millions of them from Morocco to Iraq, with little sympathy for oil rich oligarchies, feel that the US has never allowed UN action on behalf of the Palestinian Arabs and their territories are still under Israeli occupation. The US always blocked implementation of UN resolutions as it stood by Israel and did exactly opposite to Iraq. The US was determined to implement UN resolution by force on Iraq, yet it ignored other resolutions. In any case Resolution 678 even by its own terms could not be stretched to justify the kind of war the US unleashed on Iraq. The scope and intensity of the American air strikes, the choice of targets and the magnitude of collateral damage to civilian lives in Iraq, revealed a wider purpose than war ostensibly envisaged
by the Security Council. For more than forty days multinational forces, comprising mostly American air power, used their overwhelming superiority to destroy the economic infrastructure and the military power of Iraq. Even after Iraq accepted all the Security Council resolutions the US did not relent on its destructive course. The war proved that the US did not send the troops to the Gulf because Kuwait was being swallowed up, but its motives were different. The same thing had happened in Lebanon, but there was no reaction from Washington. The fact is that if Kuwait had been a poor Third World state without any oil, it is a foregone conclusion that not a single US soldiers would have been deployed to defend it.

The Iraqi invasion of Kuwait undoubtedly represented a blatant challenge to the body of rules governing inter-state behaviour, as laid down in the UN charter. But what the U.S. and its allies did in the name of upholding it and maintaining international peace and security in the region was not less blatant challenge. The way the war was fought by the US and allies not only demonstrated the utter helplessness of the Security Council but also exposed them. It would be a grave mistake to believe that the primary purpose of the US initiated war on Iraq was the eviction of Iraq from Kuwait. The eviction was no more than a means to various ends. It is plain enough that the United States has no principle (as opposed to tactical) objection to aggression by sovereign states against others. and so the reasons for the onslaught on Iraq must
be sought elsewhere. The Iraqi misadventure was not the first or only occasion when a UN member had committed a grave violation of its charter principles. The US did not work to activate the UN in military opposition to the Israeli invasion of Lebanon and other Arab lands, to the Indonesian invasion of East Timor; or various South African invasion of Namibia, Angola and Mozambique. Indeed, there is ample evidence that it conspired, to various degrees, in such invasions; and, of course, the US itself has invaded many sovereign states (notable Grenada and Panama in recent years).

The war on Iraq realistically viewed 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 unimpeded supply of fuel to the world's most energy profligate nation. It was useful also to signal the new global power structure, the 'new world other' in which a post-cold war United States could operate without the bothersome constraint of another global super power. It was to educate the world about post-Soviet political realities.

The war on Iraq also proved the dictum that there is no permanent friend in international relations but only permanent is national interests. The same Iraq which was subjected to wrath of the US once enjoyed the support of the West and particularly USA in all matters during the Iran-Iraq war because it acted as an useful buffer not only between the revolutionary and fundamentalist Iran and the oil rich areas in the
Arabian Peninsula but also between Iran and Israel. However after the end of the Iran-Iraq war and more so after the death of Imam Khomeini and coming into power of a moderate like President Rafsanjani (now Khatmi also a moderate) in Iran, a strong Iraq became a liability. By 1990, Iraq had become strong enough to independently threaten two main Western interests in West Asia. Its arsenal of long-range missiles and chemical warheads could for the first time in many years, credibly jeopardize Israeli security. Also, Iraq could threaten the GCC states and thereby the assured oil supply to the industrialized north. These two factors were seen as complementary and were linked to President Saddam Hussein's quest for ultimate Arab leadership. Iraqi occupation of Kuwait was therefore seen in the context of a domino effect. Hence, not only had Saddam Hussein to be destroyed and Iraqi Baathi regime replaced but also its military capability had also to be totally nullified. There were the targets that were set by most of the coalition partners.

The UN response to the Iraqi invasion confirmed the international ascendancy of the United States. The US seemed to have exploited the Council and the UN Charter as a tool of foreign policy goals and the UN was an instrument in American hands. Entire operation was controlled by the United States. With the break up of the Soviet Union as an effective deterrent power to the US the latter emerged as supreme international actor in new international order. During the whole Gulf crisis Security Council functioned under the US's will. Not even a
single veto was exercised by any permanent member to avoid incurring US ill will. The whole world was clamouring against the shameful role of the UN in the Gulf Crisis. The UN was deaf and dumb, limp, and life-less - a rubber stamp in the hands of the major powers of the world. It was for the first time an individual had been authorized to take military action against another member under the umbrella of the UN. The US was a singular importance in the Gulf war as the sole surviving super power with the military superiority to conduct such a military operation even with little or no support of its allies. The UN was made a scape goat and had to take the blame for unlawful acts, omissions and commissions of its member states. The UN role was ineffective and inadequate.

The US role in Gulf War suggests that despite the changing international environment, the present international system still remain unjust as it poses constant threat to the security of small states. Undoubtedly, it was the end of the cold war that the UN acted in an unusually speedy way in this crisis, yet it was neither the prevention of the crisis, nor the resolution of the problem in a peaceful way, nor it was a collective security action, rather it was a selective security action. In the Gulf War the US acted under the cover of the UN which could not be justified on strategic, political or on moral grounds. The US action in the Gulf War illustrates how a modern western state uses the concept of just war to make its foreign policy acceptable to its public and the world.
The issue that whether the war on Iraq could be considered a just war sparked a vigorous international debate. Politicians, academics and commentators were uncertain as to whether or not it was appropriate and just to go to war before the economic sanctions had been given ample time in which to succeed or fail. Elaborating upon the criteria set down by Aquinas, William O’Brien enumerates the conditions under which war may be deemed permissible. First, only ‘competent authority’ may wage a just war. Secondly, war must be waged for ‘a just cause.’ O’Brien further elaborates just cause (i) it must be ‘serious and weighty’ (ii) the war must be defensive (iii) proportionately must exist ‘between the just ends and the means’. (iv) War should be waged only as a last resort, whether all peaceful options have been tried and have failed.

Was the coalition’s attack on Iraqi positions permissible, a justifiable and proportional use of force on the victim’s side by a competent authority as a last resort, and under serious and weighty circumstances? The answer to this question would probably go in negative keeping in view the entire scenario of the Gulf War in mind.

The Gulf War exposed several weaknesses in the UN system, but what came after the Gulf War posed even more serious challenges to the United Nations that the military campaign waged against Iraq. The dubious legacy of the Gulf War has left its imprint both on regional stability and on the subsequent uses of force against Iraq. The United Nations has lost whatever authority and leverage it retained over Iraq
during the Gulf War; its role has been reduced to that of a passive bystander.

The cease-fire agreement (Resolution 687 of April 3, 1991) signed between the United Nations and the Iraqi government, which ended the Gulf War failed to bring any relief to innocent Iraqi people who were forced to pay the price of madness of their leadership. The resolution 687 put yet another 'unjust and hard' conditions on the Iraqi people. The unconditional acceptance of various provision contained in it was made a precondition to formal cease-fire. The main provisions of the resolution included payment of reparation by Iraq, continuation of the sanctions, UN guarantee of the boundaries and Iraq’s co-operation in the destruction of it nuclear, biological weapons or weapons based technology and facility. These conditions were never freely negotiated but rather formulated unilaterally and imposed on Iraq under chapter vii. of the UN charter.

The resolution 687 would go down in history as one of the most unfair cease-fire frameworks. Iraq had to accept terms, which meant it, would have to give up almost all its earning to fund war reparation. Thus, the future of the succeeding generations in Iraq has been mortgaged. Such draconian measures - and there are others - have no precedent in the post-World War II era, even though the Iraq is not the only country to have been guilty of grave crimes. Iraqi government has rightly characterized the provisions of Resolution 687 as biased, iniquitous.
vengeful, an injustice, a severe assault on the Iraqi people’s right to life and flagrant denial of its inalienable rights to sovereignty and independence and to free choice. However, Iraq had no choice but to accept the resolution.

The impact of sanctions has been well documented over the years. All the reports from journalists, oil agencies, UN-officials and others convey a consensual picture of a civilian population facing unprecedented catastrophe. Sanctions have maximized human suffering in all manifestations. They have resulted in dramatic increase in child and maternal deaths; malnutrition; polluted water; shortage of basic human needs and medicines; collapse of educational system, increasing unemployment and diseases, and de-industrialization of Iraq. Sanctions have proved to be the most suicidal and destructive instrument to the human beings.

Theoretically, the Security Council has authorized the unlimited import of food and medical products, the so-called “humanitarian goods”. But that has been nullified by the ban on all Iraqi export. It became clear that the ‘exemption’ of medical supplies and foodstuffs was in fact a matter of political packaging rather than humanitarian intent. In reality, only aid agencies and humanitarian NGOs could bring some supplies to Iraq, and the resolution ensured that Iraq would have neither the revenues nor the permission to buy medical supplies and food stuffs in other countries. Even the UN “food for oil” arrangement prescribed
in resolution 986 of April 95 has proved highly inadequate to meet out the humanitarian needs of the Iraqi people.

The Iraqi experience reestablishes the fact that sanctions generally tend to miss a country’s leadership and hit the innocent. They impact most on democratic societies but fail to impress the dictatorial regimes whose leaders often remain untouched and whose civilian pay the price. They are in toto notoriously unsuccessful. World community should now realize that the continuation of sanctions in the present form would only hurt the innocent Iraqi people not weakens Saddam Hussein - whose removal has always been sought by the United States as main political goal of the sanctions. But unfortunately sanctions have missed the target. It is not a prudent policy to target the helpless people for the sins of their leaders. The tragedy with the hapless Iraqi people is that on the one side they are the victims of Saddam’s insanity and on the other America’s vindictive attitude.

The current sanction policy towards Iraq is rigid and increasingly counter productive. Members of the Security Council now must sit together and evolve a fresh initiative not only to defuse the rising tensions but also to strive for an ultimate solution to end misery on Iraq. For more than a decade, injustice has been done to the Iraqi people for none of their faults. Any further extension of embargo in present form would further violate international law and human rights in Iraq. Any further move to suppress Iraqis would be mockery of the UN and
international watchdogs. Let us retain the all possible control over arms manufacture and sales of arms to Iraq. Let us retain the capacity to monitor and observe but give up the UN weapons of mass destruction - economic sanctions.

The UN cease-fire resolution 687 made it obligatory upon Iraq to destroy all its weapons of mass destruction under international supervision and monitoring. Despite almost a decade of hard work of inspecting every nook and corner of Iraq in search of weapons of mass destruction the UN team has failed to give a certificate, so that sanctions could be lifted. The process has now reached a worrisome impasse, setting Iraq, the US and Britain and for that matter, the UN on a prolonged course of military confrontation, at the cost of making the region more unpredictable and volatile than has been the case historically and imperilling the chances of creating a stable Post-Cold War World Order.

The UN weapons inspection resolutions are so punitive and humiliating that any slight attempt to erode them by Saddam Hussein has led air attacks and bombings by the US and its allies. Air strikes; through misinterpreting the UN resolutions, on Iraq has become almost a routine feature. Taken as whole, there is ample evidence to suggest that the US and a few of its European allies have arrogated to themselves the exclusive right to interpret and implement the UN resolutions without recourse to the Security Council. This constitute a clear usurpation of the functioning and authority of the United Nations.
The UN as an international organization working for international peace and security, should not surrender itself to the will of a superpower or allow itself to be used as an instrument for achieving certain self interests of that power. The UN has to play its role reflecting the wishes of the international community. It should bring an end to the dilapidation that Iraq is affected with. The Iraqi people should not be punished for the madness of Saddam. They are the victim of Saddam's insanity and US' vindictive attitude. The situation that the Iraqi people are passing through now is more than what human being can bear. Thus the UN must do something to ameliorate their condition. The UN will and not the desire of the US should prevail. The UN must be accorded full scope to act as it was intended to act, with any ultimate decision to employ force being made by the Security Council in accordance with the Charter.