CHAPTER - III

United Nations' Role in Iraq-Kuwait Conflict

Iraq's leader Saddam Hussein ordered the invasion and occupation of Kuwait with the apparent aim of acquiring that nation's large oil reserves. It is now clear that the 39-day relentless, round the clock aerial campaign of the US-led multinational force failed to subjugate Iraq. The focus thus shifted to their stated aim of evicting Iraq from Kuwait by a ground offensive. Hundred hours of a successful multipronged offensive resulted in a complete rout of the Iraqi army and its retreat from Kuwait. On August 3, 1990 the United Nations Security Council called for Iraq to withdraw from Kuwait, and on August 6, 1990 the council imposed a world wide ban on trade with Iraq. Iraq's invasion and the potential threat it now posed to Saudi Arabia prompted the United States and its Western European NATO allies to rush troops to Saudi Arabia to deter a possible attack, Egypt and several other Arab nations joined the anti-Iraq coalition and contributed forces to the military build up.¹


had reached a strength of 700,000 troops, including 540,000 US personnel and smaller numbers of British, French, Egyptians, Saudis, Syrians and several other national contingents. Saddam Hussein steadfastly refused to withdraw his force from Kuwait, however, which he mentioned would remain a province of Iraq (the latter had formally annexed Kuwait on August 8, 1990).2

The Persian Gulf war began on January 16-17, 1991, with a massive US-led air offensive against Iraq that continued throughout the war. Over the next few weeks, this sustained aerial bombardment destroyed much of Iraq's command and communications infrastructure, power-generating capacity, air-fields and air defense network, and chemical weapons and nuclear-research facilities. By mid-February the allies had shifted their air attacks to Iraq's forward ground forces in Kuwait and southern Iraq, destroying fortifications, bunkers, weapons stockpiles and tanks and other armoured vehicles. A massive allied ground offensive was launched northward from north eastern Saudi Arabia into Kuwait and southern Iraq on February 24, 1991. and within three days the allies had retaken Kuwait city in the face of crumbling Iraqi resistance. Meanwhile, the main allied armoured thrust was taking place west of Kuwait, and by February 27, 1990, these forces had destroyed most of Iraq’s elite Republican Guard units after the latter had tried to make a stand south of Basra in south-eastern Iraq. By that time the U.S. President George Bush had declared a cease-fire on February 28, 1991, Iraqi resistance

2. Ibid., p. 309.
had completely collapsed. In the aftermath of its defeat, Iraq was swept by popular uprisings against the government of Saddam Hussein, who managed to suppress them with some difficulty. Kuwait’s independence was restored, but the UN-sanctioned trade embargo on Iraq remained in force even after the end of the war.3

The end of the Cold War has revitalized the United Nations' Security Council and has allowed it to begin to act in the way the authors of the UN Charter intended. In 1990 the Iraq-Kuwait conflict, an unusually clear and unambiguous case of aggression, provided the Security Council with a major challenge which was also the first full-scale test of collective action against aggression by the United Nations through a United Security Council. On this occasion the Security Council demonstrated the decisiveness and sense of urgency which had been notably absent on many previous occasions. Both the post-Cold War political climate and the stark clarity of the aggression itself contributed to this reaction, which was in dramatic contrast to the Security Council’s pusillanimous response to Iraq’s 1980 aggression against Iran. Between August 2 and November 29, 1990, the UN Security Council adopted 12 resolutions on the Iraq-Kuwait conflict.4

The UN Response:

The UN response to the crisis through a multilateral action under

3. Ibid., p. 309.
its centralized direction created a historical watershed as far as its responsibility of maintaining international peace and security is concerned. The UN charter provides different methods for settling international disputes namely, diplomatic, judicial and coercive. The charter explicitly mentions in Article 1 that the purposes of United Nations are, inter-alia to maintain peace and security and to that end take effective collective measures for the prevention and removal of threats to that peace, and the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means and in conformity with the principles of justice and international judgement or settlement of international disputes or situations which might lead to breach of the peace. The security council also empowered to determine the existence of any threat to peace, breach of peace, or an act of aggression and take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. The charter of UN also provides for all members of UN in order to contribute to the maintenance of peace and security, undertake to make available to the security council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace.

7. UN Charter, Article 39.
8. UN Charter, Article 42.
9. UN Charter, Article 43.
Thus UN charter provides for both peaceful settlement of a dispute when referred to the UN under chapter VI, as well as active intervention under chapter VII of United Nation’s charter.

The Iraqi invasion on August 2, 1990 and its occupation of Kuwait represented a most blatant challenge to the body of rules governing inter-state behaviour, as laid down in the United Nations. This is not to say that invasion of Kuwait by Iraq is the first and only country to have committed a gross violation of UN charter principles. Indeed, Korea (1950-53), Hungary (1956), Suez (1956), Czechoslovakia (1968), Afghanistan (1979-89), Panama (1989) and many others bear glaring testimony of such violations of UN charter.

Immediately after the Iraqi invasion of Kuwait, the United States called for an emergency meeting of the Security Council under Chapter VI, Article 35(1) which provided that any member of the UN may bring any dispute, or any situation of the nature referred to in the Article 34, to the attention of the Security Council or General Assembly. In the meeting it was decided that the invasion as an unwarranted invasion by a sisterly country (Iraq) against a peace living country (Kuwait). The representative to the UN stated that if the security council could not enforce Iraqi withdrawal, “no country will be safe and the security, sovereignty and territorial integrity of every state will be jeopardized”.10

Whereas, Iraq attempted to justify the invasion on the invitation of the

provisional Free Government of Kuwait that was staging a coup d’etat in Kuwait. Iraq, then declared Kuwait as 19th province of Iraq claiming that the branch has returned to its origin. However, the invasion of Kuwait by Iraqi forces was considered as wrong, brutal and illegal move, as occupying and annexing a country by use of force is not an option open to any country in the community of nation.

There was an unprecedented response to this event within as well as outside the United Nations. The day August 2, 1990, the event took place, Security Council passed the Resolution 660 under the terms of Article 39 and 40 of Chapter VII of UN Charter, in which it condemned the Iraq’s invasion and demanded the complete, immediate and unconditional withdrawal. It also called on Iraq and Kuwait to begin immediately intensive negotiations for the resolution if they have any differences over it. In the council, Yemen, the only Arab country on the Security Council as a non-permanent member, did not take any position. It is very interesting to note that it was for the first time, the United States and Soviet Union were in political consonance at the United Nations Security Council resolution despite Soviet-Iraqi Treaty of Friendship concluded in 1972.

This was not the first time that the provisions of chapter VII of the charter were cited as the basis of resolution. At least two occasions

in the past, in 1948 in order to resolve the conflict in Palestine, and in 1987 to call for an end the Iran-Iraq war, the Security Council has acted under these powers. In this connection, Article 25, Chapter V, provides that the resolutions are binding on member states and their violation will result in imposition of sanctions. Iraq promptly rejected the Resolution 660 and called it 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 its resources and called upon Security Council to ensure the wishes of international community by imposition of sanctions against Iraq for its refusal to withdraw from Kuwait. Indeed, the United States, the European community, Japan, Canada and the Soviet Union had already announced measures like freezing assets, ban on oil supplies, stoppage of export of arms etc., to widen out the net and seek collective endorsement of those unilateral measures. As a result the Iraqi representative vainly warned the Security 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.  

Therefore, on August 6, 1990 the Security Council adopted resolution 661. Acting under Chapter VII Article 51 of the Charter imposed mandatory sanctions against Iraqi and Kuwaiti trade, affecting all purchase or transshipment of oil and other commodities and products, banning new investment, and banning sale or supply of any products, including arms, but excepting medical supplies and foodstuffs “in humanitarian circumstances”. A committee on compliance, set up with representatives of all 15 Security Council member countries, heard on August 28, that well over half of all UN member countries were committed to the embargo. Switzerland, although not a UN member, joined the embargo by banning oil imports and arms sales and freezing Iraqi and Kuwaiti assets - the first time it had associated itself with UN sanctions.\textsuperscript{15}

Even in advance of the Security Council’s August 6 resolution, the Soviet Union on August 2, 1990, and China on August 5, 1990 joined European countries in suspending arms sales to Iraq. Brazil, a significant trading partner of Iraq, joined the embargo but emphasised that this did not cover food for humanitarian use. Iran would also enforce the embargo, according to an announcement by President Rafsanjani on August 24, 1990, despite the unexpected announcement by Saddam Hussein on August 15, 1990 that Iraq would in effect accept Iran’s terms for a peace settlement between two countries.\textsuperscript{16} On 17 August, 1990 the UN Secretary General Javier Perez Decuellar, described the American naval blockade

\textsuperscript{15} Keessen’s Record of World Events, August 1990, p. 37639.

\textsuperscript{16} Ibid., p. 37639.
of Iraq as "a breach of the UN Charter". This resolution had been passed by 13-0-2 with the abstention of Cuba and Yemen from Security Council.

Despite severely criticising the Security Council resolution, Iraq formally annexed Kuwait on August 8, 1990 and claimed that it was a part of Iraq in the past. The Resolution 662 was therefore unanimously adopted by Security Council on August 9, 1990. It declared Iraqi annexation of Kuwait "null and void" and demanded that Iraq rescind its declaration of merger. Called on all states and institutions not to recognize the annexation and to refrain from actions which might be interpreted as indirect recognition. Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait. Determining also to restore the authority of the legitimate Government of Kuwait.

- Iraq held that all the foreign nationals residing in Iraq and Kuwait into custody and confined them in strategic places thinking to be used as human shields. Again this action of Iraq unanimously led the Security Council to pass Resolution 664 on August 18, 1990. The resolution warned Iraq and demanded that Iraq must permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and grant immediate and continuing access to consular officials of such

nationals and also demanded that Iraq take no action to jeopardize the safety, security or health of such nationals.

Re-affirming its decision in Resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore, demanded that the Government of Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel, and refrain from any such actions in the future.\textsuperscript{19} Iraq accepted the resolution on some conditions but US and its allies had not agreed to those conditions which were placed by Saddam Hussein, and then nothing came out of this resolution and situation was still dangerous for both of them.

Soon after Resolution 665 was passed by Security Council, on August 25, 1990, in 13-0 with Cuba and Yemen abstaining and authorised that the measures as may be necessary including use of force to enforce the trade embargo against Iraq by member nations.\textsuperscript{20} The resolution also invited states to cooperate with minimum use of political and diplomatic measures to ensure compliance with the sanctions set by the council and requested the States concerned to co-ordinate the actions required, using "as appropriate" mechanisms of the Council's Military Staff Committee.\textsuperscript{21}

\textsuperscript{19} Asian Recorder, New Delhi, October 1-7, 1990, p. 21373.


\textsuperscript{21} Asian Recorder, New Delhi, October 15-21, 1990, p. 21391.
China did not agree to the use of force in the name of United Nations. US was favouring these sanctions which were imposed against Iraq. Iraq pointed out that any use of force against a country could only be under Article 42 and other subsequent Articles, under the authority of the Security Council in cooperation with the Military Staff Committee. For the first time in 50 years, Japan joined the Soviet Union in calling on Iraq to release all the foreign hostages and vacate Kuwait if Iraq did not agree to permit food shipment to go directly, providing food and medicines to foreign nationals trapped in Iraq and occupied Kuwait. This situation led the Security Council to adopt another Resolution 666, on September 13, 1990. The resolution drawn upon the parameters for the delivery of food stuffs to Iraq and occupied Kuwait for Asian workers resident in these two countries.\(^\text{22}\) On September 19, 1990, Prince Sadruddin Aga Khan, appointed by Perez de Cuellar to take charge of humanitarian aid, abandoned an attempt to assess the humanitarian needs of foreign refugees in Iraq and Kuwait, having been denied entry to Iraq.\(^\text{23}\) The resolution was passed with vote of 13-2-0, while Cuba and Yemen voted against it. The members of the United Nations agreed that it was unfortunate that civilian population was suffering and blamed Iraq for causing suffering to civilian by its refusal to withdraw from Kuwait.\(^\text{24}\)

\(^{22}\) \textit{UN Security Council Resolution 666}, September 13, 1990.  
\(^{23}\) \textit{Keesing’s Record of World Events}, (London), September 1990, p. 37695.  
\(^{24}\) \textit{SCOR (Prov.)}, Verbatim, 2939th mtg., September 14, 1990.
When the Iraqi troops entered into the residence of Ambassador of France, the UN Security Council unanimously adopted Resolution 667 on September 17, 1990 and condemned Iraq for the violation of the diplomatic premises and personnel in Kuwait and resolve to discuss measures to tighten the embargo on Iraq. The resolution made a strong demand for immediate release of all foreign nationals. Iraqi National Assembly condemned Resolution and the Security Council has not, in the first place, tried to make sure the facts. On September 20, 1990, Saddam Hussein warned that it would launch an all-out war against coalition forces, if it is convinced that the UN trade embargo was about to struggle the Iraqi people. Then, the Security Council passed another Resolution 669 on September 24, 1990 in a meeting, defining the role of the sanction committee. The Resolution 669 calls that the sanctions committee is empowered to permit food, medicines or other humanitarian aid to be sent into Iraq or Kuwait.

Despite above all these endeavours, Saddam Hussein continuously emphasised that Kuwait was a part of Iraq and said that “we will not give it up even if we have to fight for thousand years”. Thereafter, Security Council adopted Resolution 670, by vote of 14-1, which confirmed that sanctions would apply to all means of transport, including all air cargo.

25. UN Security Council Resolution 667. September 17, 1990 and also see Keesing’s Record of World Events, n. 23, p. 37695.
traffic, except UN authorised humanitarian aid against Iraq and occupied Kuwait. The UN member states were directed to detain Iraqi shipping that may attempt to break the embargo, for the effective implementation of the resolution.\textsuperscript{28} The resolution condemned the treatment by Iraqi forces of Kuwait nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law\textsuperscript{29} and also condemned Iraq's "grave breaches" of the fourth Geneva Convention on the rules of war, a reference to its holding of foreign nationals as a "human shield" at key installations.\textsuperscript{30} All the member states voted in favour of the resolution while Cuba voted against it.

The Resolution 674 which was passed on October 29, 1990 by Security Council held Iraq liable for the war damages, relating to invasion of Kuwait, including human rights violations. It also demanded that all western embassies be restocked with food, waters and protection of Kuwaitis and foreign nationals in Iraq and Kuwait, it further demanded an immediate release of all hostages.\textsuperscript{31} The voting in the Security Council was 13-0 with Cuba and Yemen abstaining.

The Security Council also urged that Iraq must implement all the other resolutions immediately after the cease-fire, agree to an exchange

\textsuperscript{28} UN Security Council Resolution 670, September 25, 1990.
\textsuperscript{29} SIPRI Year Book, 1991. p. 631.
\textsuperscript{30} Keesing Record of World Events, September 1990, p. 37695.
of POWs of all nationalities, including Kuwaitis taken prisoner since August 2, 1990, arrange to locate the missing (Kuwait said it had a list of more than 8,000 Kuwaiti POWs and more than 20,000 missing), and pay full reparations to Kuwaitis and third-state nationals as specified by resolution 674 (1990). Iraq must abrogate all legislation concerning Kuwait’s annexation as the nineteenth province of Iraq. Kuwait called on the Council to demand that Iraq immediately cease its escalation of inhuman practices, including torture and murder, against the defenceless people of Kuwait, cease committing crimes against Kuwait’s economy and environment by setting fire to its oil wells and installations, and cease destroying what was left of its social and economic infrastructure.\textsuperscript{32}

Iraq attributed the three-week delay in conveying the council after the meeting had first been requested to United States objections and claimed that resuming the meeting in private was aimed at denying some member States the opportunity to unmask the crimes being perpetuated in the name of the Council against the people of Iraq. It said that since the crisis began, the Council had become an American instrument representing American interests and that the United States would continue its aggression even if the Council were to adopt a resolution on a cease-fire or on halting the rain of bombs on Iraq’s defenceless civilians. It stated that in the first three weeks of the aggression against it, 45,000 sorties dropped 85,000 tons of explosives, destroying hospitals, schools,

\textsuperscript{32} UN Year Book -1991 (New York: Department of Public Information, 1991) p. 169.
mosques and Iraq's cultural monuments and archaeological sites, nuclear and other industrial facilities for peaceful purposes, releasing radiation and other pollutants into the environment, killing many innocent civilians and perhaps causing deformities in future generations.\textsuperscript{33}

While ignoring all the resolutions by Iraq, the Security Council passed the Resolution 677, on November 28, 1990 which directed Secretary General to take possession of Kuwaiti census and citizenship record for safe keeping.\textsuperscript{34}

**Resolution 678 and Use of Force Against Iraq:**

Thus, all these resolutions passed by UN Security Council and sanctions imposed on Iraq by UN could not achieve any effective and desired end. Then, the most important and controversial Resolution 678 was passed by UN Security Council under the Chapter VII authorizing the use of force to dislodge Iraq from Kuwait as an ultimate action. This resolution was passed with the voting 12-2-1 in which China, a permanent member, abstained and Cuba and Yemen were voted against it. The resolution under Chapter VII of the Charter of UN paragraph 1 demanded for Iraqi withdrawal from Kuwait as stated earlier in Security Council resolutions. Paragraph 2 of the resolution, authorized member states to cooperate with the Government of Kuwait, unless Iraq on or before January 15, 1991, fully implements, as set forth in paragraph

\textsuperscript{33} Ibid., p. 169.

\textsuperscript{34} UN Security Council Resolution 677, November 29, 1990.
1 above the foregoing resolution “to use all necessary means” to uphold and implement Security Council resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area. Paragraph 3, requested all states to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of 678 (1990) resolution.35

The words “use of force” did not obviously contain in the paragraph. The “use (of) all necessary means” in Resolution 678 (1990) was interpreted by US and its allies as an authorization to use armed force against Iraq in order to compel it to withdraw from Kuwait and liberate all foreign detainees. This interpretation is, however against the established terms of interpretation. The Security Council could have use the term armed forces, if it intended so. Nevertheless, there can be any doubt that the words “all necessary means” denoted the use of force. The absence of these words in context of the charter of the UN and earlier resolutions of the Security Council means that it has in fact sanctioned use of all measures other than armed force.36 The wordings of the Resolution 678 were not so distinct that it was very difficult to determine whether the action against Iraq to be taken was to be under Chapter VII of the UN or not. The military action was to be directed by Security Council under


Article 46 and 47 by creating a military staff. In this connection the resolution just appeared as an excuse to give authority and legitimacy to any military action taken by members against Iraq on the pretext of assisting and giving help to Kuwait.\(^{37}\) So, the nature of the resolution was vague and unclear under the Chapter VII of UN charter.

Iraq immediately reacted to both the Resolution 678 (1990) and deadline of January 15, 1991 and said that “it is illegal and invalid”. The Iraqi newspaper *Al-Thawarh* said the resolution was a blatant violation of all humanity, peace and legality and accused the Security Council members of having succumbed to pressures, threats and monetary aid to the tone of millions of dollars to comply with it.\(^ {38}\)

The Security Council adopted the resolution under chapter VII of the UN charter which lays down the complete procedure in Article 42 to 49 for the use of armed forces to restore and maintain international peace and security. The charter of the UN permits the use of armed force by one member state against another. But the entire charter prohibits the use of force. It is only the Security Council which is authorised to use of armed force against a member of the UN. It is also mentioned in the Chapter VII that all forces of the UN must be operated under the UN flag.

However, conditions were not mentioned in resolution 678 (1990) nor these were carried out in the Gulf crisis. The coalition forces did

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37. Gazil Ibdewi Abdul Ghafour, no. 5. p. 38.
not fight under UN flag, thus it could not legitimately be called a UN war.\textsuperscript{39} In the Gulf war all UN sanctions were the blatant violation of human rights and humanitarian laws and it brought the world on the edge of an environmental disaster. It made a dangerous atmosphere for the survival of mankind and UN charter prohibits any threat to the survival of mankind. Hence, the legitimacy and legality of Resolution 678 has been questioned on certain grounds:\textsuperscript{40}

1. It was in contravention with the spirit of the UN charter which promises to eliminate the scourge of war.

2. The Resolution 678 made no mention on how long the application of "all necessary means" can continue and the type of amount of armed forces was to be used.

3. The resolution ignored the provisions mentioned in Chapter VII of the charter which specifically empower the Security Council (not any member state of the UN) to involve in use of force and to conduct the operations under the military staff committee and under the UN flag.

4. It was also in contravention of Article 27(3) which says that an important resolution of the Security Council must have the concurrence of the five permanent members. Though China had abstained from Security Council, it implied that it did not concur

\textsuperscript{39} Gazi Ibdewi Abdul Ghafour, n. 5, pp. 40-41.

\textsuperscript{40} Ibid., pp. 42-43.
and as such meant that the Resolution 678 was not perfect and its action was not legitimate.

5. It is pointed out that Resolution 678 was an imperfect legal form vis-a-vis the charter. The chapter VII of the charter includes, besides the provision of collective measures by the UN (Article 41 to 42) provision of self defence (Article 51).

But the use of armed forces against Iraq was called enforcement action and not collective self defence. For instance, the application of force will not be confined to defend or liberate Kuwait, but it would also include all measures to restore international peace and security in the region. Thus, the analysis of Resolution 678 vis-a-vis the UN charter revealed a vagueness in the framework of the charter which exposed it to conflicting interpretations.

The Iraqi refusal to comply with the Security Council resolution by January 15, 1991 led the coalition countries to promptly avail the authority of Security Council under Resolution 678 (1990) to attack on Iraq on January 16, 1991 to evict Iraq from Kuwait. Thereafter the biggest and most powerful air attack in history was launched on January 17, 1991 on Iraq by US-led coalition forces. The Gulf war was coded as Operation Desert Storm.  

But, Persian Gulf war was not the UN war against Iraq, as it was observed by the then Secretary General Perez De Cuellar. The Secretary

General had said that the war in Gulf was not UN war and the world body had no control over it. We were informed through Security Council about military operation but after it had taken place. The coalition force did not fight under UN flag and the directions of Security Council, in fact, the war fought against Iraq, was the actually US action. Moreover, it was obviously clear from the war that the Security Council had very little control over the war authorized by it.

During the war President Bush said that the objective of war was very clear. He further said that we want that Saddam’s troops will leave Kuwait and the legitimate government of Kuwait will be independent and free. He added that the US and its coalition forces had operated under the UN resolution.

Cuba on the other hand, reacting on Security Council resolution, demanded an immediate cease-fires in the Gulf war. The Cuban Ambassador thus commented that “the Council members are obliged to do something to put an end to the war”. He further added that “the role of UN was to promote peace and international security and not to authorize war”. But as the war progressed and continued it was clear that the UN had no control over it, nor over the military operation against Iraq. The US was very much determined to knock out Iraqi military capability.

42. Gazi Ibdewi Abdul Ghafour, n. 5, p. 31.
43. Ibid., p. 66.
44. Ibid., p. 67.
Thus, the US real and clear aim was the complete destruction of Iraq and to overthrow of Saddam's regime.

While the Gulf war was started against Iraq, Kuwait informed Security Council that it was exercising its right to self defence and to restoration of its right and cooperating with the forces of fraternal and friendly states which were equally determined to end Iraqi illegal and illegitimate occupation over it. 45

As the war progressed and continued with ups and down up to March 2, 1991, the Security Council held several informal consultations among the member states. Therefore, throughout the period of war, the Security Council did not discuss formally the situation except in a few close door meetings. 46

The Cease-fires:

The Gulf war continued till March 2, 1991 when the Resolution 686 was passed by the Security Council. In the mid night of February 28, 1991, coalition forces were ordered to stop offensive operation by United States. Thus, military operations were suspended against Iraq and temporary cease-fires was declared and war was ended with destruction of Iraq and victory of coalition forces. After all Kuwait was liberated and was given to its previous government. Iraq declared that it would

comply fully with all Security Council resolutions and announced that its all troops evacuated Kuwait.

On March 2, 1991, an emergent meeting was convened to consider the US drafted resolution at the forum of United Nations. Then the Security Council adopted Resolution 686, setting the terms for cease-fires. It was passed by 11-1-3 votes. Cuba voted against the resolution while China, Yemen and India were chosen abstention. The resolution did not talk about cease-fires, but laid down pre-conditions namely Iraq's requirements to annul Kuwait annexation to accept liability for financial losses etc. It neither declared formal cease-fires nor did it order coalition forces out of Kuwait or lift sanctions against Iraq. It also could not provide even time-table for the withdrawal of external forces from Iraq. The resolution authorized the US-led coalition forces to use all necessary means to ensure Iraqi compliance with the UN resolutions and terms of the formal cease-fire. This was inadequate because it did not mention that the Security Council should play an important role in monitoring and arranging peace and cease-fires in the region. Instead, it authorized the use of force again to bring about formal cease-fire. On March 3, 1991, Iraq agreed to fulfill its obligations under the terms of Resolution 686, by sending letters to Security Council President and the Secretary

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49 Gazi Ibdewi Abdul Ghafour, n. 5, p. 73.
General. On March 22, sanction committee decided to lift the embargo on civilian and humanitarian imports, and on March 24, UN announced to lift the ban on supply of food and fuel to Iraq.

The Security Council adopted another Resolution 687 (1991), on April 3, 1991 by which the Gulf war would formally come to an end. The resolution was drafted very carefully in a document containing 36 paragraphs. It was sponsored by Belgium, France, Romania, UK, US and Zair. The vote was 12-1-2. Cuba voted against and Ecuador and Yemen were abstained in this resolution. The resolution has nine sections which set out specific conditions thereby international peace and security would be restored in the Persian Gulf region. These nine parts of the resolution are as follows:

A. asked Iraq and Kuwait to respect the inviolability of the 1963 international boundary and called upon the Secretary General to help demarcate that boundary.

B. requested a UN observer unit to monitor a demilitarized zone established under the resolution.

C. Resolution 687 (Paragraph 7-14) addresses Iraq’s weapons of mass destruction and disposal, and the establishment of a monitoring system to ensure that they not be reintroduced to Iraq, either internally or from abroad.

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50. Ibid., pp. 74-75.
Resolution 687 required Iraq to declare the location, amount and type of all items specified under paragraphs 8 and 12 within 15 days of adoption of the resolution. The item thus to be eliminated were all of Iraq’s Chemical Weapons (CW), Biological Weapons (BW), Stocks of agents, related subsystem and components and all research, development support and manufacturing facilities. Also included were all ballistic missiles with a range greater than 150 km and related major parts, as well as repair and production facilities. Disposal was to be carried out under international supervision through destruction, rendering harmless or removal of the prescribed items. As regards Iraq’s nuclear capability, the cease-fire resolution provided that nuclear weapons usable materials, any sub-systems or components and any research, development, support and manufacturing facilities related to nuclear weapons and ‘nuclear-weapons-usable material’ shall be subject to destruction, removal or rendering harmless. These provisions in Part C of the resolution were linked to the economic sanctions against Iraq which were outlined in paragraphs 21 and 22, and the Security Council will make its decision to lift its embargo ‘against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661’, dependent upon Iraq’s completion of the actions defined in Part C of Resolution 687. The resolution provided for future monitoring and verification that Iraq does not use, develop, construct or acquire anew, any items specified for

elimination.\textsuperscript{52}

D. asked the Secretary General the return of all Kuwait's properties by Iraq.

E. reaffirming Iraq's liability under international law for any direct loss, damage or injury for foreign government, nationals and corporations, as a result of its occupation of Kuwait. Mechanism to be adopted for this was specified.

F. stated that all prohibitions against sale or supply of food and other necessities for civilians were to be lifted and that other bans would be lifted methodically.

G. called upon Iraq to extend all necessary cooperation to the International Committee of the Red Cross to facilitate the repatriation of all Kuwaiti and third country nationals.

H. called upon Iraq to inform the Security Council that it would not commit / support any act of international terrorism.

I. declared that a formal cease-fires between Iraq-Kuwait and coalition countries would come into effect, when Iraq accepted Resolution 687.

Iraq sharply reacted to the resolution as it was expected. The Iraqi ambassador to the UN said these conditions imposed upon Iraq was very dangerous and would jeopardize its sovereignty and independence and

\textsuperscript{52} Ibid., p. 509.
also would paralyse its economy. Iraq, by identical letters of April 6, 1991 to the Secretary-General and the Council President, stated that it had no choice but to accept the resolution. In what it said were preliminary comments on the judicial and legal aspects of the resolution, Iraq variously characterized its provisions as biased, iniquitous and vengeful, an injustice, a severe assault on the Iraqi people’s right to life and a flagrant denial of its inalienable rights to sovereignty and independence and to free choice. Iraq asserted that boundary issues were the subject of agreement between states, the only basis capable of guaranteeing the stability of frontiers. It reiterated that the Agreed Minutes between the state of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters, referred to in paragraph 2, had not been subjected to the constitutional procedures required for its ratification by the legislative branch and Iraq’s President, thus leaving the boundary question unresolved. Obliging Iraq to destroy its weapons could not but seriously endanger the regional balance; depriving it of the right to acquire weapons for defence directly contributed to the threat to its internal and external security.\(^{53}\)

Whereas the resolution provided mechanisms for obtaining redress from Iraq, it made no reference to Iraq’s right to claim redress for the considerable losses it had sustained and the massive destruction inflicted on civilian installations and infrastructures as a result of the

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\(^{53}\) *UN Year Book*, 1991, p. 176.
abusive implementation of resolution 678 (1990). The progressive lifting of sanctions over an unspecified period left broad discretionary authority to certain council members. The lack of an explicit mention of the withdrawal of foreign troops from Iraq despite the resolution's declaration of a formal cease-fire was tantamount to authorizing occupation of Iraqi territory in violation of Iraq's sovereignty, independence and territorial integrity, unjustifiable by any provision of resolution 678 (1990). The stipulation for the deployment of United Nations observer force was inequitable, as were the numerous mechanisms for the resolutions, in which Iraq's participation was not at clear.\textsuperscript{54}

The National Assembly of Iraq, at its session on April 6, 1991 adopted a decision by which it agreed to resolution 678 (1991). The Security Council President, by a letter of April 11, 1991, to the Permanent Representative of Iraq to the United Nations, acknowledged Iraq's communication of April 6, 1991 containing official notification of its acceptance irrevocable and without qualifying conditions, of resolution 687 (1991), in accordance with paragraph 33 of that resolution. The Council President pointed to the Permanent Representative's confirmation to him at their meeting on April 8, 1991, that the communication constituted Iraq's irrevocable and unqualified acceptance of the resolution: and to further confirmation, in the name of Iraqi government, that the Resolution Command Council had used its constitutional powers to make the National Assembly's acceptance of the resolution legally binding\textsuperscript{54}. \textit{Ibid.}, p. 176.
in Iraq. Accordingly, the Council President noted that the conditions established in paragraph 33 of resolution 687 (1991) had been met and that the formal cease-fire was therefore effective.

Kuwait, on April 6, 1991, informed the Secretary-General that it welcomed resolution 687 (1991). It would scrupulously comply with its provisions and cooperate to ensure its implementation.\(^55\)

The UN cease-fire resolution on the subject of Iraq confirmed the international ascendancy of United States. The US seemed to have exploited the Council and UN Charter as a tool for its foreign policy goals and the UN was an instrument in American hands. It is very clear that UN had no control over the course of military operation in Gulf war. It was USA which actually had control over whole military operation during war. As President Bush said that “we are going to make such an example for Saddam Hussein that no one else will ever dare again”. At the UN, the US was confident of its ability to influence all the 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 Gulf crisis the Security Council functioned under the US’s will. Not even a single veto was cast by any permanent member to avoid incurring US ill will. In other words the Security Council functioned as an effective instrument of US foreign policy during Gulf crisis.\(^56\)

\(^{55}\) Ibid., pp. 176-177.

The whole world was clamouring against the shameful role of UN in the Gulf crisis. It was deaf and dumb, limp and lifeless - a rubber stamp in the hands of the major powers of the world. The military operation against Iraq was not UN war but a war by coalition of about 27 states. There was no difference between UN resolutions and US initiatives. It was for the first time an individual state had been authorized to take military action against other state under the umbrella of UN. The US was a singular importance in this 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.

UN on its own is an inadequate and ineffective institution to handle and resolve the dispute among the states. It is also true that the UN was made a scapegoat in the Gulf crisis. UN had to take the blame for unlawful acts, omissions and commissions of its member states. Hence, UN did not work as peace maker in Gulf crisis.

In short, one can conclude that the role of United Nations during the Gulf crisis was ineffective and inadequate because it had not functioned according to its framework (UN Charter). The entire performance, in the Gulf crisis, the United Nations was the role of United States. Thus, the role of United Nations in the Gulf crisis was extremely formal but the actual and real role was played by the United States.