

**PREVENTIVE DIPLOMACY:  
A CASE STUDY OF THE IRAQ-KUWAIT CRISIS**

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Certified that the dissertation entitled **PREVENTIVE DIPLOMACY: A CASE STUDY OF THE IRAQ-KUWAIT CRISIS** Submitted by Ms. SAILAJA GULLAPALLI is in partial fulfilment of the requirements for the award of the degree of master of philosophy of this university. This dissertation has not been submitted for any other degree of this university or any other university and is her own work.

We recommend that this dissertation may be placed before the examiners for evaluation.

  
Chairperson

  
Supervisor

**DEDICATED TO MY MOTHER**

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## PREFACE

During the cold war period, regional conflicts did not occur much because of the fear of East-West confrontation. With the end of the cold war, the circumstances changed completely, paving way to many regional conflicts. In this context the United Nations' need to play an effective role in conflict prevention arose. Preventive diplomacy had started drawing much attention as a possible new collective security system. Thus the United Nations responsibility was enhanced in taking initiative for promoting basic security functions.

Conflicts are usually deep rooted and they require solution through confidence-building and negotiated settlements. Whereas some conflicts are resolved with beneficial settlements acceptable to the disputing parties, some cannot be solved, thus stretching the conflict over the years. For the countries which share a border and are involved in conflict, prevention of war becomes very complicated. In some cases the extra regional powers are involved, complicating the situation further. These are also accompanied by the personality factors and deep emotional nationalistic feelings that fail to notice logical arguments and reasoning.

One such conflict of the recent times is the Iraq-Kuwait issue. The crisis was characterized by the absence of the East-West dimension and was purely a regional dispute that escalated into a conflict. It involved various actors - the Arabs, the United Nations and the United States and its coalition partners. It brought into open the dissensions and divisions in the Arab world, established the dominance of the US and also exposed the incapacity of the UN to act on its own. The hope for an Arab unity was fragmented and bestowed on the west the responsibility of its defence and security. The pre-war negotiations utterly failed to prevent a war. Diplomacy, which aims to settle the disputes peacefully, failed and this failure saw the crisis turning into a conflict. It strove to replace war with reason but ultimately it was resolved by the use of force.

The notion of crisis prevention logically derives from the concept of preventive diplomacy but with regard to this crisis no amount of negotiations could prevent the onset of the war. The miscalculations further made it difficult for diplomacy to prevail and the attempts at crisis prevention through preventive diplomacy were foiled.

The present study comprising four chapters is an attempt made towards assessing how preventive diplomacy can be useful for the peaceful resolution of the conflict. Preventive diplomacy is linked to the other factors like peace-keeping, peace making, confidence building measures and preventive deployment as envisaged in the UN Secretary General's report under the title "An Agenda For Peace".

The study brings together various literature on the subject and the analysis of it on the basis of reinterpretation. Having examined the significant role of the preventive diplomacy in crisis situations, chapter one deals with the conceptual framework, definition and a brief introduction on the importance and effectiveness of the concept.

Chapter two deals with the historical background of the crisis and other issues that have escalated the crisis and the international opinion on the same subject.

The third chapter examines the difficulties that were inherent in negotiating the dispute and the role of various states and the UN in resolving the conflict.

The fourth chapter i.e. the conclusion is based on the overall assessment of the study.





## Chapter 1

### INTRODUCTION

In the new international context, we set out together, with determination, to achieve peace and security, economic advancement and social equity, democracy and human rights... Today, we have a deeper understanding of where the sources of trouble lie in our world. We now know that security involves far more than questions of land and weapons. We further realise that the lack of economic, social and political development is the underlying cause of conflict.<sup>1</sup>

The concept of "international security" implies a common interest in the security aspects of the sovereign states. From the very beginning of its establishment, the United Nations primary task has been the maintenance of International peace and security. The two basic requirements of international peace and security are (i) the prevention of armed conflict and the peaceful resolution of disputes between major powers and (ii) the containment, failing the reconciliation, of regional conflicts, to prevent them from escalating to the point where they might affect global stability. Peace should be attained by handling the conflicts in such a way that they do not escalate into violence.

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1. Ghali, Boutros Boutros, "Building Peace And Development" Annual Report on the work of the organization (New York: UN Press, 1994).

The prevention of war through a very tactful and skilled diplomacy is the most complicated feature, of attaining peace. Using this kind of diplomacy instead of military methods, to prevent a conflict or a crisis from expanding into a major conflagration is what is called preventive diplomacy.

"Preventive Diplomacy" is defined as an action to "prevent disputes from arising between parties and to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur."<sup>2</sup> The term preventive diplomacy was coined by the then (late) Secretary-General of the UN, Dag Hammarskjold, in his report of June 1960. Hammarskjold was convinced that in the political area the UN should focus on preventive action rather than on corrective action and this idea, he brought out in his Annual Report that says:

"These efforts to prevent conflict must aim at keeping newly arising conflicts outside the sphere of bloc differences the UN should seek to bring such conflicts out of the bloc sphere through solutions aiming at their strict localisation... Preventive action in such cases must in the first place aim at filling the vacuum so that it will not provoke action from any of the major parties the initiative for which might be taken for preventive purposes but might in turn lead to

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2. Stockholm International Peace Research Institute, SIPRI YEAR BOOK 1993, World Armaments And Disarmaments (London: Oxford University Press, 1992), p.68.

counteraction from the other side... The United Nations enters the picture on the basis of its non-commitment to any power bloc, so as to provide guarantee in relation to all parties against initiatives from others. These special needs and the special possibilities is what I here call preventive UN diplomacy..."<sup>3</sup>

The term came into existence during the cold war period and precisely meant the prevention of conflicts from being dragged into the bloc sphere. Preventive diplomacy, which is not to be found in the substructure of the charter, is the result of the operating experiences of the United Nations. Hammarskjold conceived this as an answer to bring down the hostilities between the two blocs during the cold war period. Preventive diplomacy, as defined by Hammarskjold, is "the UN intervention in an area of conflict, outside of, or marginal to, the sphere dominated by cold war struggle, designed to forestall the competitive intrusion of the rival power blocs into that area."<sup>4</sup> He acknowledged that it became difficult for the UN to exercise influence within the orbit of the conflicts of the power blocs. He turned his attention to the areas which were not committed in the major conflicts. According to him these

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3. Urquhart, Brian, Hammarskjold (London: The Bodley Head Publishers, 1972), p.256.

4. Claude, Inis, Swords into Plowshares: The Problems And Progress of International Organisation, ed., (London: University of London Press, 1964.), p.286

areas were the main field of useful activity of the UN, in its efforts to prevent conflicts or to solve conflicts. This filling of vacuums or the localization of conflicts by the UN, he believed, might prevent the extension of the cold war. In short, he conveyed it as an "international version of the policy of containment, designed not to restrict the expansion of one bloc or the other, but to restrict the expansion of the zone permeated by bloc conflicts."<sup>5</sup>

The power bloc politics had rendered the UN and its organs ineffective with regard to the disputes and conflict areas. In Hammarskjold's view,

"the road to progress lies in the direction of efforts to contain and reduce the area of disagreement by mobilizing such common interests as may exist and as may override other and special interests tending in the opposite direction."<sup>6</sup>

The process to achieve this progress, according to him, was preventive diplomacy. He reported that by preventing the widening of a conflict and by providing solutions, the UN has been making "a significant contribution in the direction of an ultimate solution of the differences between the power blocs ...."<sup>7</sup> But there arose many complications

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5. Ibid., n.4, p.266.

6. Naidu, M.V. Collective Security And The United Nations: A definition of the United Nations Security System (London: MacMillan, 1974), p.80.

7. Ibid., n.5, p.81.

and contradictions in implementing the policies he had initiated.

In the new world order, the UN's role is envisaged as resting on a trilogy of preventive diplomacy, peace-making and peacekeeping. At the instance of the first ever Security Council Summit held in January 1992, the Secretary-General, Boutros Boutros Ghali prepared a detailed outline of his proposals to institutionalize these three techniques under the title "An Agenda For Peace." This meeting focussed on the primary responsibility of the council in maintaining international peace and security and a greater role for the UN in world peace efforts. The means that are adopted towards achieving the preventive diplomacy are confidence building measures, fact finding missions, early warning systems, creation of demilitarized zones and preventive deployment of the UN and other forces. Chapters VI and VII of the UN Charter spell out concrete measures which the UN Security Council, the principal organ vested with the primary responsibility for maintaining international peace and security, can take to achieve this purpose.

The techniques like peace making, peace-keeping and post-conflict peace building measures contribute towards an effective preventive diplomacy. Peacemaking is described as "an action to bring hostile parties to agreement,

essentially through such peaceful means as seen in Chapter VI of the Charter of the UN."<sup>8</sup> Peace keeping is "the deployment of a UN presence in the field, hitherto with the consent of all the parties concerned, normally involving UN military and/or police personnel. This is a technique that expands the possibilities for both the prevention of conflict and the making of peace."<sup>9</sup> The Secretary-General envisaged various post-conflict "peace-building" measures designed to foster confidence between the parties to the conflict." Peace-building is an action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict."<sup>10</sup>

In short, preventive diplomacy seeks to resolve disputes before violence breaks out; peace-making and peace keeping are required to halt conflicts and preserve peace once it is attained; if successful, they strengthen the opportunity for post-conflict peace-building, which can prevent the recurrence of violence among nations and peoples. These techniques contribute towards securing peace in the spirit of the charter.

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8. SIPRI YEAR BOOK, n.2, p.68.

9. Ibid.

10. Ibid.

The most effective employment of diplomacy is to ease tensions before they escalate into conflicts or if conflict breaks out, to act promptly towards containing and resolving the underlying causes. Preventive diplomacy can be performed by the Secretary-General himself or through specialized agencies, or by the Security Council or the General Assembly, or by regional organizations in cooperation with the UN.

The policy of preventive diplomacy depends more on the diplomatic and political management of a crisis situation. It is not necessary that the conflicts with which the preventive diplomacy deals involve military aggression. They could be related to economic or other disputes. Likewise, it is not necessary that the measures taken by preventive diplomacy involve military/police/armed powers. It relies mostly on the pacific settlement like the methods of negotiation and conference, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement, economic or diplomatic sanctions. Whatever tactics the parties might adopt, the main aim is to exclude war as a means of conflict resolution. Minor regional conflicts are likely to expand as a danger to wider international peace and security. Negotiating towards solving the conflicts is an essential means towards a

peaceful settlement. But negotiation is possible only if the parties have confidence in the process and in the mediators. So, the notion of the prevention of the crisis derives from the concept of preventive diplomacy. The effect of this concept can be proved when it brings beneficial settlements that are acceptable to the conflicting parties. Special agreements need to be made through peaceful negotiations (Art-43). The Security Council is entitled to initiate negotiations in accordance with this article. The Security Council is authorized to intervene in regional conflicts (Art-52(3,4)). Though it had been unsuccessful in resolving the conflicts, it often persuaded the parties to a conflict to cease their aggression on the spot, after aggression or restore the pre-conflict situation. In case of a direct threat or breach of peace, it is authorized to take action under Chapter VII of the Charter but only after its legal authority of persuasion fails (Chapter VI). The use of force and the employment of coercion go against the very purposes and principles of preventive diplomacy.

Before we examine the techniques that contribute to effective preventive diplomacy, it would be better to distinguish the concept of preventive diplomacy from "peaceful settlement", "Collective Security" and "Collective measures".



Both preventive diplomacy and peaceful settlement depend upon the consent of the states that are immediately involved in antagonism. Both share the common objective of contributing to the improvement or stabilization of relations among the conflicting parties. Especially during the cold war period, the sole motive of preventive diplomacy was its preoccupation with avoidance of the spread of the cold war into the affected areas than with the settlement of disputes. It promised the restriction of cold war area if not the solution of the disputes of the cold war. The best example of this dates back to the 1960s when both the United Nations Emergency Force (UNEF) and United Nations Operation in the Congo (ONUC) were identified as instruments of preventive diplomacy. They operated as a means to restrict the intrusion of the major powers into the conflicting zones. They reflect the efforts to prevent the contest by the cold war blocs to exercise their influence in particular zones. These cases had their own basic differences and similarities. Nevertheless they are important in understanding preventive diplomacy.

Preventive diplomacy is distinguished from collective Security by the purpose/mission that is attached to the military forces assembled for maintaining peace and Security. While the function of collective security is designed for military combat and to repel aggression, the

tasks of preventive diplomacy do not include military measures to combat aggression. The theme of preventive diplomacy is to abort the need for the collective security measures. Helping the states to avoid war and to avoid the intensified rivalry is the prime purpose. Collective security too aims at preventing war, but the very strategy towards the purpose differs. Collective security concentrates on aggressive intent, while preventive diplomacy dispels the very thought of a major confrontation. "A collective Security force in action aims to separate an aggressor, forcibly from his victim while preventive diplomacy force in action aims to keep competitive powers, by mutual agreement, separated from each other."<sup>11</sup>

In a conflicting situation, the former projects itself as tempted to strike and uses the threat of resistance to prevent such action. In the case of the latter preventive measures are taken at a much earlier stage and attempts to aid both the parties to bring down the hostilities and inhibit the explosive situation. Unfortunately, much depended on the political choice in the sense that it became evident later that the opinions were divided on the matter of the conduct of the UN operations. There occurred the

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11. Claude, Inis, n.4, p.292.

clash of debates in the Security Council as to whether these operations should be defined in terms of collective security or preventive diplomacy.

Another sharp contrast can be made between preventive diplomacy and a more conventional approach to peace, disarmament. Preventive diplomacy raises no obstacle to the reduction, elimination or control of arms. If it does so, it would only undermine the basis of disarmament. "Preventive diplomacy is a phenomenon arising out of the arms race, a response to the emergence of a situation of mutual deterrence."<sup>12</sup> During the cold war both the blocs moved towards a point where neither could precipitate a showdown with the other. There was also an urge to avoid total war thus paving way for the United Nations to start implementing the technique of preventive diplomacy. All depended on the will of the super powers, where they could allow the UN to take action of sealing the conflicting areas from their competitive intrusion. The bipolar struggle made preventive diplomacy necessary, while the in between sector made its existence possible.

The arms race contributed to strengthening the cold war antagonism. At the same time it also provided an

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12. Ibid., p.294.

opportunity to the supporters and operators of preventive diplomacy to strengthen their efforts to promote the containment of cold war.

For the preventive diplomacy to be effective, it is not only necessary that the states give consent to the UN operations, but also accept the UN as an agency to promote peace. The UN should also display its capabilities for rendering impartial service and represent its contribution to promote international peace and security. The end of the cold war had provided the UN an ample opportunity to solve critical conflicts. Efforts to control regional and intra-state conflicts figured on the international agenda.

The UN Secretary-General, Boutros Boutros Ghali voiced these efforts in his Annual Report on the work of the organization. "An Agenda For Peace", released in June 1992 by the Secretary-General, stressed the role the UN ought to play in promoting the trilogy of preventive diplomacy, peace making and peace keeping. It reviewed the methods of preventing, controlling and resolving disputes and the requirements of the effective UN action, and the need for new initiatives at the global level.

The world had often been plagued by various conflicts, massive human suffering and deprivation. A necessity was

felt to drive away this insecurity and prevent and contain them. Much emphasis was placed on preventive diplomacy as a central instrument for the prevention and resolution of conflicts and for the preservation of peace. Since it is not an easy job to ease tensions before they result in conflict, preventive diplomacy needs to be accompanied by various measures to create confidence. These include early warning systems, fact-finding missions, preventive deployment and sometimes demilitarized zones apart from peace making, peace keeping and peace building measures. These factors are discussed in the following paragraphs.

It is very essential that the states have mutual confidence and goodwill in order to reduce the conflicts between them. They should strive towards reducing the risks and allow free flow of information which includes the monitoring of regional arms agreements. There should be willingness to take preventive action. For this, the UN should be provided information that is based on the accurate knowledge of the facts. There should be a proper understanding of the developments political, economic and social-which lead to increasing tensions. This information enables the UN to establish fact-finding missions which, in turn, helps in defusing a crisis. This helps in deciding what actions could be taken to seize a potential threat. The development of the early warning systems are essential

to assess whether a threat to peace exists and if it does exist to analyse what measures/actions might be taken to alleviate it. A major role can be played by regional organizations in the early warning of threats.

Till date, all the UN operations have been established after the outbreak of the conflict. Preventive deployment can take place in the following cases.

- (a) In conditions of national crisis, it could be placed at the request of the government or of all the parties concerned.
- (b) In inter-state disputes when countries feel the need for the UN presence on both sides of their borders to prevent hostilities.
- (c) When a country feels that its security is threatened and requires the UN presence along its borders alone.<sup>13</sup>

Preventive deployment assists in : -

- (a) alleviating suffering and in controlling violence
- (b) developing conditions in which peaceful negotiations can be held.

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13. SIPRI YEAR BOOK, n.2, p.70.

(c) maintaining security through the military/ police/ civilians.

(d) the conciliation efforts if the parties wish so.<sup>14</sup>

The UN should take into consideration factors such as humanity, neutrality and impartiality and also respect the territorial integrity and national unity of the state before it takes any preventive action.

The establishment of demilitarized zones takes place towards the end of a conflict. It symbolises the concern of the UN that conflict be prevented.

"It is a form of preventive deployment that takes place on both sides of a border as per the agreement of the conflicting parties or on one side of the border, at the request of one party to avoid any pretext for attack."<sup>15</sup>

For the peaceful resolution of a conflict, it is always necessary that the parties to the dispute should commit themselves to some agreements and restore peace. Peacemaking enables the hostile parties to come to agreements by peaceful means. Chapter VI of the UN Charter gives a comprehensive list of such means. This is subjected to various resolutions of the General Assembly on enhancing

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14. Ibid.

15. Ibid.

international peace, security and co-operation in all its aspects in accordance with the UN Charter (Res/44/21 of 15 Nov, 1989). It conflicts remain unresolved, it is mainly because of the lack of will on the part of the parties to seek a solution to their differences through peaceful means; not because the techniques of peaceful settlement are unknown or inadequate but because of the indifference to alleviate the problems. The parties to the conflict need to believe that a fair settlement is possible through the process of negotiations and also realize that a lasting and an ultimate solution lies not in the continuation of a conflict but in pacific settlement.

The efforts of mediation and negotiation can be initiated by the General Assembly or the Security Council or the Secretary-General. Whosoever takes up these efforts should be impartial and inspire confidence in the parties. The main obstacles towards achieving success happen to be the reluctance of one party or the other to accept the help of the UN. The UN cannot impose its preventive and peace making service on members who do not want them. It is only when these peace making efforts fail that the UN is authorized to take military action to restore peace. Greater reliance on the court would be an important contribution to UN peace making. Thus "it differs from



peace keeping, which applies to situations in which there exists a fragile peace, truce, or cease-fire effect."<sup>16</sup>

Another concept that is very well associated with preventive diplomacy is "peace-keeping". Peace-keeping refers to situations where conflict has subsided for the time being and where there is a threat that peace will collapse. Its very presence keeps the parties working together seeking negotiated solutions. The UN Charter does not provide for peace keeping forces though it supports such operations. In other words "UN peace keeping works through persuasion, moral force and diplomatic pressure as opposed to military force and coercion."<sup>17</sup> Peace-keeping should not be confused with the use of force by the Security Council as per Chapter VII of the UN Charter.

Peace-keeping is a military force without military functions. It is mainly concerned with the task of implementation of cease fire agreements, observations of ceasefire, non-violation of the border by the two groups and to function as an impartial intermediary between the conflicting parties. Actions pertaining to threats to

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16. Charles. S. Milligan, "Alternatives to the use of Force And Role of the United Nations", Denver Journal of International Law and Policy, vol. 20, n.1, Fall 1991, p.80.

17. Ibid., p. 79.

peace, breach of peace and aggression are brought under peace-keeping measures. The only object of these operations is to preserve peace, but it also takes recourse to coercive action in given circumstances and for a limited period. There has been an increase in the number of peace keeping operations in order to implement the terms that have been negotiated and agreed upon by the peace makers. These operations are undertaken with the consent of the parties to the crisis. These operations proved to be much more effective than the enforcement action under Chapter VII of the Charter.

When a conflict breaks out, peace efforts are made through peace making and peace keeping techniques. Once peace is attained, it should be sustained by co-operative efforts to deal with various problems - economic, social, cultural and humanitarian. " Prevention diplomacy is to avoid a crisis while post-conflict peace-building is to prevent a recurrence."<sup>18</sup> These measures link the countries in mutually beneficial undertakings which helps in building confidence, an essential aspect to achieve peace. For this, it is important to realize that social peace is as important as political or strategic peace. Through the establishment

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18. SIPRI YEAR BOOK, n.2, p.75.

of demilitarised zones, there will be a greater sense of security and it enables the parties to strive towards a peaceful restoration of their societies. Just as demilitarized zones help the cause of preventive diplomacy, demilitarization helps in post-conflict peace-building.

## Chapter 2

### THE GENESIS OF THE CRISIS AND THE INTERNATIONAL RESPONSE

Every war is a unique historical event and the Gulf War was no exception. The events that have led to the war, the war and its consequences were unprecedented. The crisis in the Gulf that was triggered by Iraq's annexation of Kuwait was regarded as a grave threat to international peace and Security. The international response was against Iraq's aggression on a defenceless country, Kuwait. The origin of the crisis was not recent but more or less it was the continuation of the historical dispute. Various factors like the dissolution of the Ottoman empire and the territorial claims that followed, revival of Arab nationalism, clash of ideological differences among Arabs, political vacuum in the Gulf region etc. all contributed to escalating the crisis.

The crisis was the culmination of a long standing claim of Iraq over Kuwait apart from being a border dispute. The border between Iraq and Kuwait had been defined in an exchange of letters in 1923 between Sheikh Ahmed Al Sabah of Kuwait and Major General Sir Percy Cox, the then British High Commissioner for Iraq. In a subsequent exchange of

letters in 1932 the existing frontiers between the two countries was reaffirmed.<sup>1</sup> Tensions were eased when the regime of General Qasim was overthrown in 1963 and with the new regime's willingness to enter into an agreement with Kuwait recognising the latter's independence and sovereignty of the State of Kuwait with its boundaries. The agreement included the establishment of diplomatic relations between the two states.

Later it became apparent that Iraqi recognition of Kuwait did not involve acceptance of the latter's frontiers and it continued to claim certain parts of Kuwait's border territory. Iraq's desire to have an easy access to the Gulf through the acquisition of the islands of Warba and Bubiyan increased in view of the development of the Northern Rumailah oilfield and the expansion of the port of Umm Qasr. The Iraqi forces occupied a border port but were forced to withdraw because of the Arab disapproval and its offer of mediation towards settling the dispute. Iraq wanted the leasing by Kuwait to Iraq of half of Bubiyan for 99 years and the ceding of the Kuwaiti sovereignty over Warba in return for Iraq's recognition of its land border.

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1. Demarcation of the International Boundary between the state of Kuwait and the Representative of Iraq, UN Publishing.

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The negotiations reached an impasse when the Kuwaiti National Assembly stressed its sovereignty over its territories saying that warba and Bubiyan islands belonged to Kuwait as per 1932 exchange of letters and as per the Iraq-Kuwait agreement of 1963 and accused Iraq of crossing the border from time to time. All the bilateral negotiations that were initiated failed with both the countries claiming their interests.

The second factor, relates to the monetary aspects. After Saudi Arabia, in the Gulf, it is Iraq that is the richest country but its war with Iran had ruined its economy so badly that it desperately needed to overcome this weak point. For this, Iraq accused Kuwait of exceeding the oil production quota fixed by the OPEC. Because of the Kuwaiti over production, the oil revenues of Iraq remained low and were inadequate to revive its war torn economy. Though all the Arab countries exceeded their production quotas, Iraq alleged that Kuwait and Saudi Arabia exceeded much more as compared to others. With the annexation of Kuwait, Iraq hoped to become the second largest producer of crude oil in the OPEC and fourth largest in the world. Therefore, Iraq was not ready to lose this advantage.

Iraq demanded that Kuwait should abide by the following factors.

- (1) Cede the southern part of the Rumailah oil field.
- (2) Pay \$ 2.4 billion as compensation for Oil extracted from the Rumailah oilfield.
- (3) Debt write off or additional financial compensation for oil market losses. Kuwait's demand was that loans will be written off and finances paid but Iraq has to sign a favourable border treaty. With Iraqi rejection of this demand, the talks ended in a failure.<sup>2</sup>

Another factor of contention was the leadership of the Arab Gulf. Iraq, with its long history and geography is a prominent state in the Gulf region. But it so happened that Saudi Arabia came to this prominent position because of its oil wealth. Also the Iran-Iraq war had terribly damaged the latter's economy. Since Syria closed the oil line that brought revenues to Iraq, the latter was forced to depend on Saudi Arabia for its monetary support. Also, Saudi Arabia took the initiative of forming the Gulf Co-operation Council comprising the states of Kuwait, Qatar, Bahrain, UAE and Oman (including itself) and prevented Iraq from joining the council thus leading to its further isolation. Saddam Hussein expressed his eagerness to join the GCC on the plea

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2. Kumaraswamy, P.R., US response to the Gulf crisis, Strategic Analysis, vol. 13, no.7, October '90, p.868.

that he was fighting their war against Iran. He stated that,

"Iraq is fighting their war, to block the Eastern gateway to the Arab world in general and Arabian Gulf in particular in the face of Khomeinis hordes; wherefore, it is not acceptable to us that Iraq who fights Iran on your behalf should not be included in the newly formed GCC. It will be obvious to everyone that Iraq has been excluded deliberately."<sup>3</sup>

Even after this, the Gulf countries ignored his plea. Iraq found it hard to accept this humiliation and wanted to assert its position in the Gulf. When Iraq made its move to annex Kuwait, the Arab states, were quite indecisive in coming to the rescue of Kuwait. Iraq made a good use of this opportunity and the unwillingness of the Kuwaiti armed forces to offer resistance further made its job easy. With the Iraqi invasion of Kuwait the rulers were forced to flee to Saudi Arabia where they established a government in exile. It was the common men who fought against the Iraqis. Saddam Hussein, while preparing for the assault on the one hand, concealed his intentions by lying to the United States and by allowing the Egyptians and Saudis to mediate and end the quarrel. This aggression of Iraq was condemned by the larger part of the international community. The result was

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3. Abdulghafour, G.I. "The Tragedy: Iraq's invasion of Kuwait", (New Delhi: Lancers Books, 1995), p.59.



that the UN Security Council passed numerous resolutions, a move almost unknown in UN history and reflected a common stand taken by all the permanent members of the council against the use of force.

The first phase of the Iraqi invasion of Kuwait was characterized by action on the part of the United States. From the very beginning, the reaction of the United States to the Gulf crisis was aggressive. "Its political will, military might and economic incentives were applauded by its allies and it took up the reins of leadership in confronting the crisis."<sup>4</sup> The interest of the US and other western countries was only natural, for, their economies depend on the supply of liquid gold. Thus the survival of the pro-western regimes became important to the US interests. The Bush administration stated that it was America's vital interests that were involved-the unstated vital interest being the oil factor. It was its desire to control the oil prices and to import oil at throw away prices. Since it needs to have a strong hold over the area, the invasion gave it the opportunity it was looking for. "The relevant question was not whether America should go to war but when and how."<sup>5</sup>

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4. Kumaraswamy, P.R., The US Response to the Gulf Crisis, Strategic Analysis, vol. 13, no.7, October '90, p.764.

5. Abdulghafour, G.I., n.3, p.96.

As Thomas L. Friedman put it:

The US has not sent troops to the Saudi desert to preserve democratic principles. The Saudi monarchy is a feudal regime that does not even allow women to drive cars. Surely it is not American policy to make the world safe for feudalism. This is about money, about protecting governments loyal to America and punishing those that are not and about who will set the price of oil.<sup>6</sup>

Also the anti-western steps taken by Saddam Hussein put him at variance with America. Though the US-Iraq relations were extremely good during the Iran-Iraq war, the end of it brought many differences between the two. The factors include Iraq's hostility towards Israel, America's ally in the West Asia, Saddam Hussein's threat of unleashing chemical weapons on Israel, and his logic that his leadership in the Arab world would set things right which was very much despised by the west.

Later on, the Iraqi threat to Kuwait and UAE came as a major excuse. This threat proved to be a threat to the American interests also. The immediate reaction of Bush to the crisis provided the badly needed rationale to the US. All the UN resolutions were co-sponsored by the US and had backing of all the five permanent members of the Security

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6. Thomas L. Friedman, "Confrontation in the Gulf: US Gulf policy Vague vital interest", The New York Times, 12 August, 1990.

Council. The US also needed the Arab support and added an Islamic dimension to the crisis without which it would have become an Arab vs non-Arab issue.

Economic sanctions became an important instrument for the US. The west being the major importer, it brought down the Iraqi exports. Following the adoption of Resolution 661, even Saudi Arabia adopted the oil embargo on Iraq. Kuwaiti assets abroad became the next target - \$ 100-200 billion worth of assets were denied access to by Iraq. A number of economic agreements with Iraq were suspended by different countries.

One of the most important steps taken by the US included military measures and more importantly Saudi Arabia agreed to station the US troops on its territory. Starting with the support of the United Kingdom, the US enlarged its military build-up in the region. Since NATO prohibits out of scope deployment, the US decided to enter into bilateral treaties for this. The bases to the US for support facilities were provided by states like Austria, Denmark, Greece, Italy, Portugal etc. The basic American motive was to contain the leadership of Saddam Hussein in the Arab world and crush the Baathi regime led by him and reduce his influence on Arab nationalism.

The (former) USSR and the Gulf crisis:- The Gulf crisis led to one suprising factor i.e. the US and the USSR working in close collaboration. The grave situation of 2nd Aug '90 made the US secretary of state James Baker to visit Moscow to meet his counter part Eduard shevardnadze to work in "mutual co-operation and help in the resolution of the common problems that have led to the instability and tension in the regions."<sup>7</sup> They decided to work together in condemning Iraqi action that fundamentally goes against the principles of the Charter and the International Law. The joint action included the stopping of Soviet arms to Iraq and the freezing of Iraqi assets in US banks.

The most important aspect was that notwithstanding the 1972 USSR-Iraq Treaty of Friendship and Co-operation, the special relationship that existed between the two countries collapsed in the wake of the Gulf crisis. The Soviet President Mikhail Gorbachev ensured that their stand was not anti-Iraq and preferred the Arab league to settle the conflict. But the presence of Soviet Nationals in Kuwait and Iraq became a factor of Soviet concern. In view of its close ties with Iraq, the USSR was left with a hard option to back all the UN resolutions on the basis of international legal and moral considerations. Also the presence of Soviet

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7. Gupta, Arvind, Soviet Responses to the Gulf crisis, Strategic Analysis, vol. 13, no.7, October '90, p.774.

military advisers in Iraq raised doubts among the west that the USSR was helping Saddam Hussein and it had to face the accusation that it was playing duplicity and complicity in the Iraqi invasion of Kuwait. Regarding the military action that had to be taken against Iraq, the USSR was against the use of force saying that it was not an appropriate instrument to implement sanctions. Despite working in close quarters, it emphasized, the policies of the two powers are not and cannot be identical. It is important to note the statement of Gorbachev that it was unacceptable since the aggression was committed with the help of our weapons.

The Soviet had to work hard to convey to the west that their insistence on a political rather than military solution did not mean that they were appeasing Iraq. The Presidents of the US and USSR met in Helsinki on 9th Sep '90. Their joint statement projected complete US-USSR agreement; it spoke of "additional measures" against Iraq it needed and most importantly, the creation of a "regional security structure" to ensure peace and stability.<sup>8</sup>

The USSR could not play any significant role because of its own internal problems triggered by "Glasnost" and

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8. Report of the State Department, Diplomatic Efforts to resolve the crisis, US Department of State Dispatch, 1990, p. 166.

"Perestroika". Its deep economic crisis and less influence in the politics of the Arab world prevented it from playing a key role. It was more concerned with impressing the west and went along with other hardliners by accepting the use of force against Iraqi targets. All these factors further enhanced the highhandedness of the US.

Great Britain and the Crisis:- For Britain, the Gulf crisis presented itself as a challenge to international law and order. It provided an opportunity to display flashes of its past glory by seeking to present itself as a determined upholder of international law in company with the Americans. It sought to sustain a say in international affairs and was quite happy playing a second fiddle to the US throughout the course of the Gulf crisis. It was the only country apart from America which sent sufficient military equipment. Its forces amounted to 5% of the total allied forces, the number far more than any other of America's allies. It succeeded in gaining support from its public in employing force if Iraq, had not vacated from Kuwait. It managed to re-establish its credentials as America's closest ally and this was reflected when it chided its NATO allies saying that "it is sad that at this critical time Europe has not fully measured up to expectations."<sup>9</sup> Another reason for its

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9. Cooley, John. K., Pre-War Gulf Diplomacy, Survival, vol. 33, no.2, March-April 1991, p.137.

adamant stance was the presence of a lot of Britons in Kuwait and Iraq. It further hardened its stance when Iraq took Britons as hostages. The Gulf crisis was more than a challenge to international peace and order and more of an opportunity to revive its foreign policy on the international stage.

Unlike great Britain, France chose to follow its own course of action thus avoiding America's shadow. Infact, France's well defined Arab policy plunged it into a dilemma, the main factor being wide support for Saddam Hussein. It stressed for a peaceful solution through negotiations and did not wish to give an impression to its Arab friends that it followed Americas footsteps. An important point was that it differed from the US in saying that if Iraq pledged to withdraw from Kuwait before 15th January '91, a war could be averted. The efforts of the French President Francois Mitterand in bringing about a negotiated settlement cost France the faith of its allies. Its six point peace plan was rejected by the US as well as Iraq. The reason for the US rejection of this peace plan was that it included the promise of a peace conference and endorsed the Palestinian demand for an independent state on Israeli-occupied territory. The attack on the French embassy in Kuwait and owing to severe criticism for its ambiguous position

compelled her to support all the UN resolutions against Iraq. The French Prime Minister, Michel Rocard, accused Iraq of turning down the peaceful process and said that the time to use force had come. The frustration of France was evident when its efforts to defuse the crisis failed and it went along with its allies in approving the use of force.

When the Gulf war broke out, Germany was preoccupied with its own domestic problems - unification in October 1990, mounting pressures of reconstructing its economy, its Eurocentric priorities etc. Which resulted in its poor response to the crisis.<sup>10</sup> It wanted to maintain a balance between the Arab and Israeli aspirations and stressed on these Palestinian demands being met with, that were linked to the crisis. The fiscal burdens of the war added to its already torn economic position. Moreover, the European community was not united enough and the members were engrossed in fulfilling their own national needs. This indecisive stance annoyed America which had high expectations from Germany.

In order to dispel this opinion, Germany abided completely by the UN embargo and security council

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10. Eiff, Hansjorg, German Unification And Integration Processes in Europe, Review of International Affairs, vol. 43, April 1991, p.8.



resolutions. It readily gave the allies a prompt military services. In order to express its solidarity with the west it increased its financial contribution. A major part of the US command, control and communications network ran through Germany.<sup>11</sup> For Germany, the crisis came at a very critical period and it found it necessary to redefine its foreign policy beyond Europe.

It was not only Germany but also Japan which disappointed the US. Japan, like Germany, was compelled to contribute to war costs mainly because of the American pressure. The American reaction to the Japanese response ranged from frustration to resentment except for the latter's financial contribution. The Gulf crisis demonstrated the importance of Japanese financial resources in maintaining the world economic order. It joined the rest of the world in imposing an economic embargo against Iraq and landed up in hostile relations with the latter, the evidence being that nearly 500 Japanese were detained in Iraq and Kuwait during the crisis. Since its diplomatic initiatives were very limited, it agreed to all the US demands. The domestic scene opposed sending of military forces and equipment to the Gulf. "Its constitution forbade

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11. Baram, Amatzia And Rubin, Barry, "Iraq's Road to War", (London: MacMillan, 1994), p.282.

involvement in the war and were accused of foot-dragging by the Americans who were dissatisfied with its financial contribution".<sup>12</sup>

From the very beginning China, like any other country, demanded the immediate and unconditional withdrawal of Iraq from Kuwait. It opposed the involvement of the west and preferred an Arab solution to the crisis. Yet it tended to go along with other UN members in using force against Iraq. Its successful economic ties with the Gulf countries and its profits in arms sales made it rethink the foreign policy objectives. Nor did it want to be seen as anti-west lest its technology and financial relations suffered. However it abstained from voting for Resolution. 678 We can say that China reoriented its foreign policy to suit the new international situation. "It could not go against Iraq due to its commercial interests nor could it adopt a confrontationist attitude for displeasing west."<sup>13</sup>

Throughout the crisis, India was more concerned about its nationals in the Gulf and the supply of oil and in the process, ignored certain value-based goals in its foreign policy. India failed to live up to the expectations of

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12. Abdulghafour, G.I., n.3, p.105.

13. Ibid., n.3, p.100.

others as a peace initiator nor could it lead the NAM towards a peace initiative. When the crisis erupted, it did not even condemn Iraq in strong terms thus adopting a non-conformist policy. Though it proclaimed that Iraq should vacate Kuwait, it was against the option of the war. Nor did it contribute any troops to the coalition. It was caught unawares when the pro-Iraq group questioned India regarding the refueling of US military transport aircraft in Bombay. Most of the time it was trying to prepare in case of any damage resulting from the oil crisis and hence it lacked the initiative to resolve the crisis in the Gulf.

These were varied responses from the European community. For most of the states, the crisis did not pose any direct threat, even then they responded because of the involvement of their material and political interests. Britain and France were more actively involved than Germany or Italy. Almost all of them expressed their opinions alike regarding Iraq's unconditional withdrawal from Kuwait, imposed an embargo on oil imports, stopped arms sales and military equipment, froze Iraqi and Kuwait assets, releasing of the hostages etc. Regarding the linkage of the Palestinian issue and International peace Conference there were differences. From the very outset, Britain opted for war; France went on with its peace proposals, Germany lacked initiative and so on. There was no unanimity on whatever

peace proposals were forwarded. Thus their efforts ran into rough weather and could not prevent the war.

The Gulf war proved once again that the Arab-unity is only a myth. Over the years, a number of efforts have been undertaken by the Arabs to stand together and forge a united Arab World. All the efforts remained as efforts only. With the passage of time they became more divided and more fractured. The differences in language, procedures and incompatible communications made the problem of their co-ordination all the more complex. The crisis also exposed the weakness of their regional organizations and their inability to resolve the disputes among themselves. Individually also it exposed their inability to defend themselves from external threats, the very example being that Kuwait failed to defend itself against the Iraqi military aggression. Nor could its counterparts in the GCC be able to convince that the aggression could be countered.

The roles of Arab-nationalism and pan-Arab schemes were found to be replaced by various kinds of sub-nationalism. National interests of the various states gained predominance over pan-Arab issues."<sup>14</sup>

The Gulf Co-operation Council, League of Arab States and the Organisation of Islamic Conference - all failed to bring about a favourable solution to the crisis.

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14. Ibid., n.3, p.179.

At the time of the invasion, the Ministerial Council of the League was in session. Due to their varied responses and acute splits it finally took 36 hours to release a statement when some members openly supported Iraq. The call for convening of an Arab summit meeting met with a failure as there was no unanimity and some members abstained from voting. The Jeddah meeting was a last-ditch effort by the League to achieve peace. The GCC members who were initially against foreign intervention changed their stand and complied with the request of Saudi Arabia and other states to allow the same. The proposal put forward by the PLO that the US and other foreign forces should be replaced by the UN or Arab peace keeping forces was rejected by almost all the Arab states. Libya, Jordan and Egypt put forward more or less the same proposals and that too could not bring any solution as the dissensions among the members prevented the League from reaching any consensus about the peace plans.

All the money spent on the so-called defence purposes of the Gulf states provided no returns. They were also surprised by Iraq's friendly gestures to Iran stating that "if this was the end, then why all the destruction and killing took place, for eight years?"<sup>15</sup> Also they all went

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15. Ibid., n.3, p.106.

along with the US in believing that war could be the only option to resolve the crisis. The Saudi dominance over the GCC further incapacitated its ability to bring out a rational solution. It was said that "While punishing the pro-Iraq group, the GCC was equally keen on rewarding the anti - Iraq Arab group." Thus its inefficiency was exposed during the Gulf crisis. The OIC also expressed its inability by assigning greater role to the Arab League rather than to itself. Nor did it take any special initiative to resolve the crisis.

The greatest disappointment was the role played by the NAM in resolving the crisis. The Gulf crisis provided a very good basis for staunch critics of NAM. It was termed as a movement now without a voice or agenda.<sup>16</sup> It exposed the futility of NAM in preventing aggression between members countries. It was also noted that with the end of the cold war, its importance started declining with it having outlived its "once historic necessity." With the joint working of the US and USSR and with the latter's dependence on the goodwill of the west for loans and credits, NAM was denied access to its traditional role which it enjoyed

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16. Jazic, Zivojin, The Non-Aligned And The Gulf War. Review of International Affairs, vol. 43, no. 1003, April 1991, p.4.

during the cold war days. It became difficult for NAM to push forward its diplomatic initiatives as the whole world went along with the "single minded determination" of the US. Also, the arrogant stance of Saddam Hussein and his justification of his deeds hampered whatever options the NAM could provide. Though all the members of NAM agreed on its basic principles, they finally emphasized their own national interests ruling out the "single community attitude'.

After the end of the cold war, the Gulf war was the first war sanctioned by the UN. Instead of establishing a new world order in which there is less scope for conflicts, the UN and the US made it possible for states like Israel to remain above international law and policies. Major decisions were taken by the US and its allies thus sidelining the UN. Nor did they wait for a negotiated settlement under the UN auspices. Many provisions of the Charter were violated during the crisis. The regional organizations were not given any scope to deal with their disputes nor were the sanctions given time to work. The multinational forces, which were led by the US, did not fight under the UN flag nor was a military staff committee set up. The Secretary-General remained as a mere spectator giving approval to whatever the US proposed. The UN was reduced to an instrument of the US foreign policy and

allowed itself to be manipulated by the latter. what the countries failed to realize was that "war cannot be a solution and peace brought upon by war cannot last."<sup>17</sup>

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17. Abdulghafour. G.I., n.3, p.182.



### Chapter 3

#### THE NEGOTIATING ASPECTS OF THE DISPUTE

The crisis in the Gulf that was triggered off by the Iraqi invasion of Kuwait was regarded by the governments and the public in general as a threat to International peace and Security. The Iraqi demands on Kuwait i.e. the territorial claims, compensation issues, Kuwaiti exploitation of transborder oil fields etc. were the subjects of negotiations at the time of the invasion. The prevention or the termination of the conflict became an important task of the UN. The crisis was an extraordinary development and was the culmination of a longstanding claim of Iraq over Kuwait and not just a border dispute. The aggression took place when the negotiations were still going on and was well prepared military and diplomatically and corresponded to the political objectives of the Iraqi President in his pursuit of regional supremacy. During this diplomatic crisis, neither Saddam Hussein nor the Kuwait, Saudi or any other leader expected a war to emerge. The crisis was basically an intra Arab conflict and it was expected that the Arab league would solve the crisis. The Arab League mismanaged the crisis and its leaders who were negotiating with Hussein misjudged and miscalculated his threat of using force.

Mediation efforts were taken up by some Arab leaders like King Hussein, Yasser Arafat and others. The intransigent attitude of some of the GCC members went against a negotiated settlement. The Crown Prince of Kuwait, Sheikh Saad-al-Abdullah al-Sabah, not only ruled out a peaceful solution but also called for military action to end Iraqi aggression. Had Saddam Hussein limited his military action to the more modest objectives of being content to seize only the border area of the Rumailah oil field and a limited access to the Persian Gulf, the crisis would have been resolved peacefully. Also his miscalculation that he could occupy all of Kuwait without the US intervention, made him miss another opportunity to avoid war.

On 3rd May, 1990, the Iraqi foreign Minister Tariq Aziz complained that the OPEC's overproduction of oil was growing increasingly which brought losses to Iraq in billions. "Iraq accused Kuwait and the UAE of being a part of a Zionist plot aided by the imperialists against the Arab Nation."<sup>1</sup> Kuwait responded by alleging Iraq of projecting falsified reality in a letter to the UN Secretary-General.

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1. Sreedhar, "Iraqi invasion of Kuwait", Strategic Analysis, vol. 13, no.7, October 1990, p.718.

Infact, as early as in July, Saddam Hussein issued a threat to act if Kuwait did not meet his demands. The American Ambassador to Iraq. Ms. April Glaspie's confidential report of her conversation with Saddam Hussein conveyed a message that the latter would settle his dispute with Kuwait peacefully. She maintained that the United States would assume a neutral stand in case of the hostilities between Iraq and Kuwait. It was also stated that the US had no opinion on the Arab conflict and that it would not take sides. Saddam Hussein accused "the US in League with Kuwait and the UAE, of pursuing a deliberate policy to drive down oil prices, and deprive Iraq of its rights to higher economic standards." He could understand that the US "wants an easy flow of oil... but cannot understand the attempt to harm Iraq's interests."<sup>2</sup>

All through this, the US government was aware of the Iraqi military preparations and strategic plans to occupy Kuwait. Yet it did not attempt to avert the crisis either through diplomacy or by warning. Precisely, the US refrained from warning off Saddam Hussein. It seemed that if Saddam Hussein annexed just Northern Kuwait, the US would

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2. Noorani, A.G., "US Refrained from warning Off Saddam" The Gulf Wars, (New Delhi: Konark Publishers, 1991), p.138.

not have objected. Since he occupied the whole of Kuwait, the US interfered on the protest of defending the Gulf states. The Arab Leaders insisted that it was an Arab matter which they could deal with themselves and that Washington should not become involved. Also, Saddam Hussein sharply downgraded the possibility of the US intervention in the belief that Saudi Arabia and others would not agree to the deployment of the US forces on their territory. This proved wrong and was among the first of his many miscalculations.

King Hussein of Jordan and the Palestine Liberation Organization Chief Yasser Arafat shuttled between Baghdad and Kuwait during this period. The Kuwait government decided to continue seeking an Arab solution to the crisis. Saddam decided to postpone the Jeddah meeting and finally agreed to meet on 31 July 1990. According to the US State Department information, on 30th July, 1,00,000 Iraqi troops were massed on the Kuwait frontier while diplomacy was still continuing.

The Arab diplomacy had a final chance to end the crisis on 31st July and 1 Aug '90 at the Jeddah meeting. It was clear to the Iraqis from the very beginning that their assumption of the Kuwaitis looking for a solution to the crisis was wrong. The Iraqis blamed Kuwait of coming to the

meeting in bad faith, with no intention of solution to the crisis.<sup>3</sup> Kuwait blamed Iraq of intransigence inspite of their assuring to write off Iraqi debts. Both the parties blamed each other for the failure of the talks. The Iraqis walked out of the meeting and the meeting broke abruptly. Another attempt was made suggesting a mini summit in Cairo or in Riyadh on 4th August. Saddam Hussein reminded that if negotiations failed, he would have to use other means. He found a major threat in the foreign intervention which he termed as 'American intransigence and ignorance of the Arab world.' The failure of the Jeddah meeting was a prelude to the 2nd Aug invasion. At a crucial meeting in Baghdad, king Hussein secured Saddam's agreement to attend a mini summit in Riyadh but Saddam threatened that if the Arabs condemned him, he would announce Kuwait's annexation. Since there was no evidence of the Iraqi with drawal, Washington accused the Arab states of inactions to defend Kuwait. The US threatened to reconsider it arms sales to Egypt and other countries if they did not take a tough position on Kuwait's defence.

The Arab League condemned Iraq in Cairo. The US troops began landing at Dhahran in Saudi Arabia on 8th August. The

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3. Kemp, Geoffrey, *The Gulf Crisis: Diplomacy or Force? Survival*, vol.32, no.6, 1990, pp.513-514.

Cairo meeting was a meeting of 20 Arab Chiefs of State called at Syria's request. Final resolutions supported sovereignty and independence of Kuwait, upheld the UN resolutions and supported Saudi Arabia's self-defence in its call for the foreign forces as well as formation of a pan - Arab force for the same purpose. Resolutions were adopted by a majority, with Iraq, Libya and the PLO voting against. Algeria and Yemen abstained while Jordan, Sudan and Mauritania expressed reservations. From 9-20 August pro-Iraqi demonstrations were seen across Jordan, Yemen, Mauritania, Libya, the occupied West Bank and Gaza strip and in various places. On 13th and 14th August king Hussein visited Baghdad, and then Washington where he conducted fruitless talks with President George Bush. He assured Bush that Jordan, although opposed Iraqi occupation of Kuwait and supported at considerable economic sacrifice, the embargoes and boycotts, would not cease efforts at seeking an Arab diplomatic solution.

Saddam Hussein linked the crisis with the Arab - Israeli conflict. He claimed that the occupation of Kuwait had to be solved in relation to all other Middle Eastern occupations. President Bush countered this by insisting on a low-key Israeli involvement. Saddam's threats of frying half of Israel further escalated the threat. Restraints on

the part of Israel made Saddam choose the religious card. He appealed to the Arabs to rise against the foreign troops in the Gulf in the "Jihad" - the holy war. When this did not work well, he used the Palestinian factor. This worked to a certain extent. It not only won him the sympathy and support of the Arabs and Palestinians, but also put moral pressure on some of the coalition partners.

The US called for an emergency meeting of the Security Council under Chapter VI, Art 35 (1), of the UN Charter which says that, "any member of the UN may bring any dispute, or any situation of the nature referred to in the Art. 34, to the attention of the security council or of the General Assembly."

The Kuwaiti representative at the UN said that if the Security Council cannot ensure Iraq's withdrawal from Kuwait, "no country will be safe after this and the security, sovereignty and territorial integrity of every state will be jeopardized."<sup>4</sup> The Council then passed Resolution 660 (Art. 39 & 40 of Chapter VII of the UN Charter) condemning Iraq's invasion and demanded its unconditional withdrawal. It also called for intensive negotiations for resolving their differences. Kuwait

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4. Kuwait Diplomacy Against Iraq's Invasion, (DOC: S/21997) Kuwait Information Centre, Cairo, 1992, p.47.

welcomed the resolution and accused Iraq of exploiting the resources and called upon the security council to see that the wishes of the international community are carried out by the imposition of sanctions against Iraq for its refusal to withdraw.

By then the US, the European community, Japan, Canada and the Soviet Union declared the freezing of assets, ban on oil supplies etc. On 6th August under Resolution 661, the Council imposed world wide oil embargo and sanctions banning economic and financial dealings with Iraq and Kuwait, but allowed food supplies and medicines under humanitarian grounds.

Despite the imposition of Security Council Resolutions, Saddam Husseins formally annexed Kuwait claiming that it was a part of Iraq. Resolution 662 declared it null and void and said that the claim had no legal validity. Hoping to resist an American attack, Iraq took all foreign nationals into custody and confined them in strategic places to be used as human shields. The Security Council unanimously passed Resolution 664 demanding the release of all foreign nationals held in Iraq and Kuwait and asked Iraq to permit and facilitate the departure of foreign nationals from Kuwait. Resolution 665 was adopted authorizing "measures as may be necessary" including military action to enforce the



economic embargo against Iraq. China did not favour using force in the name of the UN but the US was quite pleased with the sanctions; the Soviet while not objecting to others using force said that it will not be a part of such operations. The more surprising factor was that both the US and the USSR jointly stated that they would consider the UN specified steps if Iraq did not heed to the UN demands to withdraw from Kuwait. In a rare gesture, even Japan and the USSR - jointly called on Iraq to release foreign nationals and vacate Kuwait.

A series of other UN resolutions followed. Resolution 666 was passed on 13 September when Iraq refused to permit food shipment to go to the foreign nationals who were entrapped. In response to the Iraqi order of closing diplomatic missions Resolution 667 was passed on 17 September condemning its violation of the diplomatic premises in Kuwait and demanded the release of all foreign nationals. Later on Resolution 670 was passed which imposed air transport embargo against Iraq. It was also held responsible for damages relating to invasion of Kuwait including human rights violations and passed Resolution 674 calling it to ensure immediate access to food, water and protection of foreign nationals. Resolution 677 was passed which directed the Secretary-General to ensure the safe keeping of Kuwait's population statistics.

President Bush stated that the only way to secure peace in Kuwait was the immediate and unconditional withdrawal of the forces.<sup>5</sup> By 19th August Saddam proposed that all foreigners would be allowed to leave Iraq and Kuwait in return for the evacuation of US forces from the Gulf. This was Iraq's response to the UN Security Council Resolution 664 directing Iraq to allow all foreigners to leave.

After a series of disappointing contacts between the Iraqi Foreign Minister Tariq Aziz on one hand and the UN Secretary-General, Perez De Cuellar and the USSR on the other, the Arab League met again in Cairo on 29th August but accomplished nothing. The Iraqi forces, after the occupation of Kuwait were organised in a defensive manner towards the frontlines. The talk of Iraqi plans of invading Saudi Arabia was nothing but mere propaganda in order to ensure the building up of the US forces in the Gulf region. It was not just for defending the Gulf but was aimed at the destruction of the Iraqi military and strategic places and the overthrow of Saddam Hussein. President Bush carried on hectic rounds of diplomacy to win allies to ensure their support for the stationing of the US forces in the Gulf. He

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5. Prados, Alfred.B., & Mark, Clyde R., Iraq-Kuwait Crisis: US Policy and Options. CRS Issue Brief Dt. 19, December 1990.

had to secure an agreement regarding the same from king Fahd of Saudi Arabia. The American Secretary of Defence, Dick Cheney took the initiative to remind the Saudis how important it was to station the US forces in the Gulf. This would, he said, ensure the safety of Saudi Arabia. He suggested a military alliance for the defence of Saudi Arabia and embarked on a need to check Iraq through economic measures. The US showed the Saudis the satellite pictures of Iraqi troop movements and military installations. The king had to consider the allegation that Saddam was a liar, who, despite his assurances attacked Kuwait and would do the same to Saudi Arabia also. Thus the king was persuaded and coerced to invite the American troops. This was another miscalculation on the part of Saddam Husseins. He was confident that no Arab state would invite the foreign troops on its soil. But when Saudi Arabia did so, he turned to other issues.

The only possible State which could have objected and vetoed this was the USSR. "Mr. Baker's tireless diplomacy to keep the USSR friendly to the allied efforts was rewarded on 9th September by a tacit agreement reached in Helsinki between the President of the US, George Bush and the Soviet President Mikhail Gorbachev."<sup>6</sup> A joint communique upheld a

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6. Cooley, John K., "Pre-War Gulf Diplomacy", Survival, vol. 33, no.2, March-April 1991, pp. 125-39.

peaceful settlement but added that if diplomacy failed, both parties prepared to envisage each others initiatives in accordance with the UN Charter -

"We are united in the belief that Iraq's aggression must not be tolerated. We call upon the entire world community to adhere to the sanctions mandated by the UN, and we pledge to work, individually and in concert, to ensure full compliance with the sanctions. Our preference is to resolve the crisis peacefully, and we will be united against Iraq's aggression as long as the crisis exists. However, we are determined to see this aggression end, and if the current steps fail to end it, we are prepared to consider additional ones consistent with the UN Charter."<sup>7</sup>

The US successfully bulldozed the United Nations into passing a number of resolutions against Iraq. All the resolutions were co-sponsored by the US. It compelled the UN into sanctioning a war for peace. The US cornered the UN and took the initiative of leading a war against Iraq in the name of maintaining international peace and security. It also tried to defend itself for stationing its troops in Saudi Arabia. As President Bush put it :

Along with others we have dispatched military forces to the region to enforce sanctions; to deter and if need be defend against further aggression. We seek no advantage for ourselves. Nor do we seek to maintain our military forces in Saudi Arabia for one day longer than is necessary. US forces were sent at the request of the Saudi government... We hope military forces will never have to be used. We seek a peaceful outcome - a diplomatic outcome... The US was committed to

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7. Noorani A.G., n.2, pp. 127-128.

playing its part, helping to maintain global security, promoting democracy and prosperity... We are fully committed to supporting the UN... and paying what we are obliged to pay by our commitment to the Charter.<sup>8</sup>

On 6th October, Tariq Aziz addressed the UN General Assembly. It sounded little hope of compromise. He accused the US of manipulating Gulf politics to its advantage of increasing oil prices.

The US forces landed in the Arabian Peninsula. The US was the side that put the Arab mechanisms out of action and decided to control the political situation on its own. It pushed its men in the region to hold a meeting in Cairo, not to discuss the issue and the ways by which Arab problems are usually solved, but to obtain support from its allies for the US occupation and control of the political situation. This led to a sharp division among Arabs. Some Arab parties have been seeking a return to the Arab mechanisms and methods for solving the issue but the US is suppressing and defaming these attempts threatening the leaders that make them, and using the security council as an instrument to thwart every earnest Arab endeavour... The rulers of the US and its western allies are not defending international law and charter; they are seeking to gain control over the oil reserves in the Gulf so as to have a free hand in manipulating the needs of the world... The US is seeking in a dangerously coercive manner, to impose its leadership over the world.<sup>9</sup>

President Bush offered to send Baker to Baghdad and said that he would invite Tariq Aziz to Washington. President Saddam Hussein accepted it but used the word "negotiation" instead of "discussion" as proposed by the US.

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8. Ibid., n.2, p.78.

9. Ibid., n.2, pp.166-170.

Thus negotiations became a more complex alternative and as long as the negotiations took place, the US came under a tremendous pressure not to use military force. James Baker in his speech on 29 October at the "Los Angeles World Affairs Council said that "the US administration was exhausting every diplomatic avenue to achieve a solution without bloodshed." He said that

Every day as the sun sets, Iraq get weaker.  
Everyday as the sun rises, the international  
community remains firmly committed to  
implementation of the Security Council  
resolution.<sup>10</sup>

Saddam also believed that every day as the Sun rose, his position was stronger.

In the meantime, serious efforts at mediation were launched by the EC and others but all proved to be futile. The ultimate act was the adoption of Resolution 678 under Chapter VII which authorized the use of force to dislodge Iraq from Kuwait. This Resolution adopted on 29 November 1990, sounded a little hope of bringing a solution to the crisis. Iraq rejected it, refused to comply with it and called it as "illegal and invalid". It is important to note that the Security Council did not give enough time for the

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10. Baram, Amatzia And Rubin Barry, Iraq's Road to War, (London: The MacMillan, 1994), p.266.

sanctions and embargoes to work. Secondly, it is the council, and not a particular member, who can run the operation. It was in contravention with the spirit of the UN Charter and did not have the approval of one permanent member (China abstained from voting). This became a diplomatic victory for the US. "All throughout the period from 2 August to 29 November, the US moved vigorously to block all efforts to resolve the crisis diplomatically, restricting its contacts with Iraq".<sup>11</sup> The crisis handling efforts passed on to the hands of the US and its allies thus making the war option more distinct. Thus diplomacy was sidelined giving space for the use of force to enter.

The overwhelming votes in the security council for hard options against Iraq greatly constrained the peace efforts of the Secretary-General, Javier Perez De Cuellar. His efforts at personal mediation were hampered by the non-negotiable position of the concerned parties. That was one reason for the failure of his peace efforts on 1 September '90 when he met Tariq Aziz in Amman. His efforts towards crisis management took a more dynamic turn when Resolution 678 of 29 November posed the question not of Iraqi withdrawal from Kuwait but of the broader threat to

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11. Abdulghafour, G.I., *The Tragedy: Iraqi invasion of Kuwait*, (New Delhi: Lancers Books, 1995), p.19.

"international peace and security" if war started against Iraq. That was the main reason for his second and a more determined effort at crisis management i.e. to find a formula to avert war especially after the failure of the Geneva talks between James Baker and Tariq Aziz. He sought to co-ordinate his efforts with those of the other members and visited Baghdad and met Saddam. Alongwith the proposal of the withdrawal of the Iraqi forces from Kuwait there would also be a withdrawal of the coalition forces from the Gulf. The UN, he said, would not only depute observers to supervise these withdrawal but would also deploy peacekeeping forces to guarantee the security of the borders.

De Cuellar also gave an assurance that Iraq would not be attacked. On the crucial and most disputed question of holding an International conference on major issues of West Asia, he assured that it would take place in 1991. These peace proposals were turned down not only by Iraq but also by the US.

Finally, the meeting took place between the Foreign Ministers of the US and Iraq on 9th January 1991. James Baker and Tariq Aziz met for over six hours but achieved no success. The conditions laid down in the Geneva talks by the US were totally alien to the desire for peace. The US



firmly declared that there will be no linkage and its three conditions, were non-negotiable viz. a complete pullout from Kuwait, the restoration of its legitimate rulers and the releasing of all hostages by Iraq. The meeting was designed to give the final ultimatum to Iraq to withdraw from Kuwait or face war. The tone was such that the Iraqi Foreign Minister even refused to accept the letter that Baker brought, mainly because "the language of that letter was contrary to the traditions of correspondence between heads of state."<sup>12</sup> Thus the talks failed. Both the sides accused each other for not compromising to bring about a peaceful solution.

The next hurdle that Bush wanted to cross before going for a war against Iraq was the approval of the congress for military action in the Gulf region. Bush scored a major political victory when the US senate authorised him to use military force in the Gulf. The authorization came after a hectic debate on whether to continue the reliance on diplomatic methods or to allow an immediate military strike.

**The UN Secretary-General's efforts at crisis management:**

The UN Secretary-General, Perez De Cuellar's meeting with the Iraqi Foreign Minister Tariq Aziz, in Amman, ended

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12. Noorani, A.G., n.2, p.198.

in failure with no sign of a breakthrough. According to Aziz, "such a situation cannot be resolved by dramatic diplomacy... it needs quiet diplomacy and patience."<sup>13</sup> He gave no hint that Iraq was ready to bow to the UN demands to leave Kuwait and release all foreigners saying that the Gulf crisis needs an Arab solution. "There is no other solution," he said

At the same time, some of the Arab leaders offered peace plans. Jordan's king Hussein's act of peace and new push for "a diplomatic solution" to the crisis reflected a growing desire for seeking consenses on a formula for the Iraqi pullout from Kuwait. Egyptian President, Hosni Mubarak, assured that "if Iraq accepts to evacuate from Kuwait, we the Arabs, will ask the foreign troops in the area to leave and withdraw from Saudi Arabia."<sup>14</sup> He met President Assad of Syria to find a diplomatic solution to the crisis and toured the Arab nations but without much of a success.

Iraq offered to withdraw on the condition that the UN Security Council lift sanctions, guarantee access to the

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13. Rai Singh, Peace Moves Before Guns Boom, Link, vol. 33, no.5, September 1990, p.14.

14. Ibid., p.16.

Gulf and allow sole control of an oilfield that dips into Kuwait. It also included the offers to negotiate for an oil agreement with the US satisfactory to both nations security interests and jointly work on the stability of the Gulf.

De Cuellar embarked upon a diplomatic initiative to defuse the explosive situation. His main aim was to get full implementation of the resolutions asking Iraq to withdraw from Kuwait and release foreigners. The US showed no signs of backing down and Iraq too showed little evidence towards the same."<sup>15</sup> The release of hostages by Iraq did not bring the Gulf crisis nearer to any solution. Saddam reiterated that his only reward for pulling out of Kuwait would be avoiding a US attack. He said that

"it would be important that the negotiations covered all the problems of the region so that "the peace would be a real and a global one in order to relieve the people involved and so that the region would no longer be exposed to misfortune and troubles, to injustice".<sup>16</sup>

The UN resolutions had given Bush a free hand to wage war. The US said that by diplomatic shuttling and military exercises, it would make it clear to Iraq that if it (Iraq) does not unconditionally vacate Kuwait, the US would use force to accomplish the objective and the use of force "in

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15. Ibid., p.16.

16. Ibid., p.16.

all probability". He warned that there would be:

"no negotiations, no compromises, no attempts at face saving and no reward for aggression" and if there is no negotiation, what there will be if Iraq accepts this offer is simply and importantly an opportunity to resolve this crisis peacefully."<sup>17</sup>

Baghdad was sure that it had no real chance for defending itself against the US might for long but Saddam preferred to play hard for one last deal before the deadline expired, hoping that the Europeans or someone else would secure a few advantages for him before he backed out.

Washington reminded consistently that the proposed talks would make no concession on the part of the US and would be plain speaking. It reminded Baghdad of the 15 January deadline, after which forceful eviction of Iraq from Kuwait would be the only course of its actions approved by the UN Security Council. The divergence between the two approaches - Iraqi and American - was so big and evident that the chances of a reconciliation seemed to be slim. Even the Arab efforts proved useless, thus exposing the myth of Arab unity.

The UN Secretary-General arrived in Baghdad on 12 January for talks with Saddam. He aimed at averting war

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17. Ibid., p.15.

before a UN deadline for an Iraqi withdrawal from Kuwait ended on 15 January. "I bring not only good will and the wish for a peaceful solution but I am also bringing the wishes of the International Community for a peaceful solution."<sup>18</sup> But after his talks with Saddam on 13 Jan, he concluded that "God only knows if there will be peace or war in the Gulf."<sup>19</sup> Tariq Aziz spoke at length about the US bias in dealing with the region issues particularly, its decision of not dealing with the Palestinian issue according to the principles of International Law and its support for Israel at the expense of the legitimate rights of the Palestinian people.

The Iraqi parliament met one day before the 15 January deadline to reiterate the oft-repeated stand on Kuwait and against Israel, the US and the UN. It described De Cuellar as "the last messenger of peace." With virtually no hope of a diplomatic breakthrough in sight, despite the UN Secretary-General's visit to Baghdad, Washington prepared the nation for a war. President Bush, in an effort to muster support for his Gulf policy, said that he might need to use force in the "good vs evil conflict." In short, nothing was

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18. Rai Singh, Only Miracle can avert Gulf War, Link, vol. 33, no.24, January, 1991, p.5.

19. Ibid.,

left to chance should the US decide to use force against Saddam Hussein. In spite of Saddam Hussein having ruled out a withdrawal from Kuwait, the quest for peace continued along with preparation for war. "The Five point package programme agreed upon by the talks with the UN Secretary-General were:

- Iraq must withdraw from Kuwait in pursuance of the Security Council Resolutions and this provision to be non-negotiable.
- The coalition forces also to withdraw from the region.
- The UN to depute observers to supervise the withdrawal and afterwards, the deployment of a UN peace keeping Force to guarantee the Security of Borders.
- A guarantee that Iraq would not be attacked.
- An International Conference on Israeli-Palestinian dispute and other issues in West Asia to be convened at the earliest possible time."<sup>20</sup>

This was basically what the UN Secretary General discussed with Saddam in Baghdad but all of this package proved to be a failure in bringing about some compromise.

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20. Ibid., p.5

On 15th January, ended the deadline set by the UN Security Council in its Resolution 678 for the Iraqi regime to pull out from Kuwait by peaceful means. In defiance of the whole world, the Iraqi National Council proclaimed the annexation of Kuwait and Saddam said after meeting his military commanders, "No retreat. Iraq is ready for war." The hopes for a peaceful resolution of the crisis were dashed when the coalition forces, led by the US launched massive air strikes on 16st January, thus plunging into a war.

The war broke out because of the failure of the negotiations. The negotiations failed because neither Iraq nor the US went to Geneva with any intentions of negotiaitons. They tried to pursue goals which were unattainable. It was only to show the world that neither of them were war mongers.

The crisis could not be resolved because of various reasons. The US and its allies gave no time for Saddam either to opt for an alternative or to retreat with honour. The basic purpose of the diplomacy failed when it was evident that both the parties adopted non-negotiable positions. Neither the UN nor the regional organizations came out with an effective solution. From the very beginning, the key elements of the crisis were prepared for

war, thus opting for the use of force instead of a peaceful negotiations process.

Iraq could no longer withstand the allied military might and was under military and diplomatic pressure to end the crisis. Moreover, some major Arab-Islamic states supported the US military against Iraq. It was only after the ground attack was launched did Iraq decided to pull out from Kuwait. Bush said that Saddam tried to gain a political victory that would help 'him' (Saddam) to stay in power. The security council decided to resume its meetings and deliberations on a cease-fire agreement. The allies announced a cease-fire in the Gulf on 28th February '91 after Iraq's announcement of accepting all the security council Resolutions. The acceptance followed the heavy defeat of Iraq that resulted in distorting the Iraqi military machine and installations that were militarily strategic. The US and its allies proclaimed their victory. According to President Bush: "It was not only a victory for Kuwait, but a victory for all the coalition partners. This is a victory for the UN, for all mankind, for the rule of law, and for what is right".<sup>21</sup>

Whatever the peace process might have been, it should be remembered that peace was imposed on Iraq and that Iraq

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21. Noorani, A.G. n.2, p.341.



did not pull out from Kuwait voluntarily. This was evident where Saddam Hussein's broadcast on withdrawal was announced:

"The Iraqis will remember and will not forget that on 8th August '90, Kuwait became part of Iraq legally, constitutionally and, actually... Today certain circumstances made them withdraw as a result of ramifications, including the combined aggression by 30 countries..."<sup>22</sup>

The US reacted to this sharply saying that "Saddam is not interested in Peace but only to regroup and fight another day, and he does not renounce Iraq's claim on Kuwait...He still does not accept the UN security council resolutions..."<sup>23</sup>

The formal ceasefire resolution was passed on 3rd April 1991, declaring the end of the Gulf war. The resolution called for an UN observer unit to monitor a demilitarized zone.

The war could have been avoided if only there were some patience and initiatives on the part on both the sides. The failure of negotiations proved that the involved parties approached the process of negotiations

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22. Prados, Alfred.B., and Mark, Clyde, R., n.14, p.9.

23. Ibid., p.10.

with distrust towards each other, not complying to at least minimal demands. It was not just one actor but many others that were responsible for the outbreak of war. Let us examine in detail who were all responsible for these unsuccessful attempts at resolving the crisis.

1. Iraqi Diplomacy in the Gulf War:

"Iraqi diplomacy was marked by failure - it failed to prevent the UN resolutions and embargoes, halt the deployment of coalition forces in Saudi Arabia, secure an active commitment from any nation to support it against the coalition, link its occupation of Kuwait to Israel's occupation of the west Bank and Gaza, convince the Arab world that the foreign deployments were an intrusion into the Islamic world and prevent the war."<sup>24</sup>

The failure of renegotiations over Iraq's war debts by Kuwait gave the former a ground for invasion. Before the war, Saddam Hussein said that he did not want a US-Iraq dispute and also told President Hosni Mubarak that he would not invade Kuwait but did not abide by his word. The Saudis later said that during negotiations, they felt that President Saddam Hussein would invade them and it would be followed by the utter failure of negotiations. Hence, they decided to defend themselves thus allowing the deployment of the foreign troops on their lands.

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24. Watson, Bruce W., Military Lesson of the Gulf War (New Delhi: Lancers International, 1991). p.53.

President Saddam failed to use the hostage issue to dissolve the coalition and hence released them later on. Also he attempted to reconcile with Iran by offering the release of all the prisoners of war and get all the occupied Iraqi territory in return. Though Iran and Iraq resumed diplomatic relations, Iran was not prepared to support Saddam Hussein because of the costly Iran-Iraq war. Also the traditional enmity towards Iraq, Saddam Husseins duplicity made Iran to step back. Iran, even if it was to support Iraq, was militarily very inferior compared with the strength of the coalition forces. In order to improve its economic situation at home, Iran needed to take assistance from the west. So, the attempts of President Saddam Hussein with regard to dragging Iran into the war foiled.

President Saddam Hussein tried to discredit the coalition by depicting it as an intrusion into the Islamic world and called for a 'Jihad' (Holy war) to expel the coalition forces. He hoped to establish himself as a caliph but his call for Jihad failed to convince the Muslim majority. Though there was some popular support for Iraq, this failed to influence national policies. The leading Islamic figures not only refused to support Saddams Jihad, but also authorized Kuwait to proclaim a Holy war against Iraq.

Saddam Hussein wanted to break the oil embargo by offering free oil to the third world nations. It came under severe criticism and also the coalition said that even if the oil were free it violated the embargo and ships would not be allowed into Iraqi ports to collect it.

President Saddam Hussein attempted to link the seizure of Kuwait with the Israeli occupied territories and prepared to resolve the crisis if Iraq withdrew without force being imposed on it. He said that he would attack Israel if it continued to occupy the Arab lands. But this diplomatic theme of Saddam Hussein was countered by a skillful coalition diplomacy of putting pressure on Israel to temper its treatment of the Palestinians and it was defeated.

An uncompromising Iraqi diplomatic stance scuttled many opportunities for a peaceful resolution of the crisis. When talks with Jordan and the Un secretary General Perez De Cuellar failed Saddam Hussein proposed that he and president Bush publicly address each other's nations. But this proved to be ineffective. The Baker - Aziz meeting also failed to produce any result. Thinking that it had exhausted all other options, the coalition began its air campaign.

President Saddam's most assertive and least compromising attitude made all the chances to resolve the

crisis futile. "His inability to compromise brought all negotiations to unsuccessful ends and it lost all it had seized and also suffered great destruction."<sup>25</sup>

#### **The Role of The Arabs:**

The Arab countries were used more as information agencies and support bases for the US/coalition interests rather than as effective mediators of a peaceful negotiated settlement.

The Arab diplomacy failed also due to the personality clashes and deep rooted political and sectarian quarrels and suspicions. The crisis also highlighted the individual Gulf State's inability to defend themselves against threats to their sovereignty.

The conflict, first of all, is a regional conflict.

- a. The antagonism between the Arabs and Israel over unsettled palestinian question.
- b. Encounter between the rich and the poor in terms of the oil wealth.
- c. The most deep rooted aspect being the revived and inflated fanaticism on the part of the Islamic camps.

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25. Watson, Bruce W., n.24, p.49.

All these factors made the people in the region involve in bitter conflict though they are close to each other geographically. The Palestinian question was the centre point of the generation of passions. Moreover the arrogant boasts of Saddam Hussein that he could unite the Arab world in spreading the war and even to the whole of Islam were seen as the aggressive conduct of a local power and the world community pledged to eliminate it.

The Arab world was very well manipulated by the US/coalition in achieving their ends, their motto being "support our war and we will support your demand for something for the Palestinians."<sup>26</sup> An important fact that negotiations are crucial for peace was put aside and military power was deployed to achieve the peace process thus sidelining diplomacy and replacing war with it. Another need was to strive towards making Middle East a nuclear weapon free zone. Also a limitation to the conventional arms trade in the Middle East was higher on the international agenda.

We cannot blame only the Arab states of looking after their own interests. The extra-regional powers scrambled for their benefits the moment the crisis started. Their

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26. Mates, Leo, The Last War? Review of International Affairs, vol. 43, no. 1003, April 1991, p.3.

responses contributed towards escalating the crisis to a large extent. Thus the failure of regional organizations gave an ample opportunity for the non-regional actors a chance to interfere in the crisis situation.

#### **The Role of the US and The EC:**

The interests of the US and its allies were nothing but their interests in the oil wealth and its usefulness for their economies and sometimes even the survival of some of them hinges upon this factor. From the very outset of the crisis the US tried to convince both the world and its own public that the crisis is not between the US and Iraq but it is an expression of condemnation of Iraqi aggression over Kuwait. Since it had taken up the reins of leadership, it sought to create an impression that it was supported in its endeavour by the international community.<sup>27</sup> It projected that it had given ample opportunity to Iraq to "backout" but finally it succeeded only in leading the military confrontation over Iraq. It not only manipulated the UN but also the USSR. Not even once the veto power was used by the USSR regarding the crisis. It could have atleast hampered the preparations for war and it would have given diplomacy a

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27. Report of the State Department. "Diplomatic Efforts to Resolve the crisis", US Department of state Dispatch, p.166.

chance to prove its worth. The US deliberately ensured their absolute superiority over its adversary by engaging the maximum international/multinational troops. But they lacked a suitable adversary in the sense it was more or less a "unilateral war" as some called it mainly, "because there was no resistance against the multinational forces. They actually welcomed this war since it enabled them to establish their military presence in the region."<sup>28</sup>

The EC's initiative was to prevent the war and contribute to constructive diplomacy was not evident early in the crisis. An emergency meeting of the NATO's 16 Foreign Ministers (on 10th August, 1990) only reaffirmed their military support to the US and called for enforcing UN sanctions against Iraq.

Serious efforts of mediation were taken up at a much later stage with the "seven point peace proposal" of France supported by Germany. One important point was that the EC was in favour of discussing the west Asian question along with the Kuwaiti question. The French proposal, if accepted, would have brought about a peaceful solution but the failure of talks at various levels had a negative impact, all

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28. Manojlo Babic, "Lesson of the Gulf War", Review of International Affairs, vol. 43, no. 1003, 1 April, 1991.



through and France opted to follow its own course of action. The crisis saw the Europeans acting according to their own interests, with the UK acting as the US's most reliable ally, France and Italy being supportive, Japan and Germany providing more of humanitarian and financial help etc. Ultimately everyone depended on the US for military action. The EC could have taken a more independent stand and defuse the crisis to some extent.

The Role of the UN: The most critical role in the Gulf crisis was that of the UN. As the main forum for international peace and security, it failed to achieve its basic aim of solving the crisis. The crisis was a test to the UN. It could have played a more effective role if it was not for the US's dominant attitude. The US successfully managed to get an approval by the UN, to act on its behalf in terminating the crisis. The UN security council passed a number of resolutions in a very short span of time, a swift move unknown in the history of the UN. This would have been impossible but the solidarity that was expressed by the five permanent members by voting for and not vetoing the resolutions against Iraq, had changed the whole course of action."<sup>29</sup>

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29. Murthy, C.S.R., & Saksena, K.P., The United Nations And the Gulf Crisis, Gulf Crisis, (New Delhi: Lancers Books, 1991), pp. 20-39.

The effectiveness of the efforts by the secretary General of the UN were constrained by the hard options taken by the members against Iraq. He also tried hard to make his efforts more effective towards the crisis management but they too failed. He could have made a good use of his non-political stance but the upper hand of the US prevented any effective role by him.

Taking into account all the above reasons for the outbreak of war, we can say that Preventive Diplomacy could have been effective at two stages one at the early prevention stage i.e before July 1990 where there were no real attempts to resolve the border disagreements that led to later problems. Also the tensions escalated mainly because of the failure to address specific issues of oil prices, Rumailah oil field, warba and Bubiyan island issue, debt write off etc. "Iraq found it attractive to invade Kuwait to answer its financial problems."<sup>30</sup>

The later prevention stage i.e. after July 1990 also failed to reduce any tension. "Iraqi intentions were misread by the international community inspite of knowing that threats should be considered to be an important early

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30. Gareth Evans, *Co-operating for Peace: The Global Agenda for the 1990s & Beyond*, (Australia: Allen & Unwin, 1993), p.74.

warning indicator."<sup>31</sup>

Neither the security council nor the Secretary General could respond in a better way to the rapidly escalating problem except for passing numerous resolutions under the guidance of the US. All these misreadings rendered Preventive diplomacy ineffective.

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31. Ibid.,

## Chapter 4

### CONCLUSION

The failure of the negotiations and the outbreak of war that followed shows that the regional conflicts do assume wider dimensions and it is no longer possible to localize the conflicts. The whole world became aware of the fact that "war does not solve disputes on a lasting basis and unilateral acts of force cannot wipe states from the map." Neither side would have expected a war especially because there was a hope and a possibility of a peaceful solution. Definitely, the war in the Gulf was not an ordinary war but a local, regional and global war. It was a local war because it began with Iraq's occupation of its neighbouring microstate of Kuwait. It was a regional war because it was part of the unresolved political, economic, social, psychological Middle Eastern problems. It was a global war because it saw the participation of the UN as a system of the collective security and also it saw the leadership traits of the US together with its European, Asian and other allies.

In this context, let us examine why exactly did preventive diplomacy fail. The events that took place during the course of the war did not fit into the basic

principles of preventive diplomacy. The basic principle includes the prevention of disputes from arising between the parties or prevent the existing ones from turning into conflicts and check the latter's spread when they occur. When it does not meet this end, there is a need to question its validity.

- Since preventive diplomacy seeks to resolve the disputes before the violence breaks out, it depends heavily on the peaceful negotiation process. It calls for diplomatic techniques that are characterized by patience and building of confidence between parties. This implies that military techniques should be abandoned and peaceful resolution of the crisis should be pursued.
- Preventive diplomacy is envisaged as a means of peace and security. It is an important means of conflict resolution. So the basic purpose is to avoid war and also to avoid the use of force in order to meet its ends.
- Economic diplomatic sanctions come under the pacific settlement of peaceful methods as long as they are non-military methods. They remain as part of preventive diplomacy but cease to be so once they escalate into military sanctions.

- Since the UN is expected to play a major role towards this purpose, the nations of the world need to mobilize the United Nations with good intentions and faith. The purpose of the UN is to maintain international peace and security which means to avoid conflicts or wars.

Taking into consideration the above factors with reference to the case study "Iraq - Kuwait crisis", we can say that preventive diplomacy proved to be a failure. Let us discuss this in terms of the case study and examine why it was a failure.

(1) Firstly, the Iraq - Kuwait crisis arose from a border dispute apart from other reasons. The dispute was a product of history with strong roots in the past, combined with the compensation issues from Kuwait and craving for Arab leadership by Saddam Hussein. If these issues had been solved peacefully, there would not have been a chance for it to become severe. Since the negotiations between the parties over these issues met with a failure, the crisis became all the more severe. A crisis is said to be resolved when it doesnot recur on the same issue. But the dispute recurred again and again between the two states thus making it impossible to arrive at a permanent solution. So, the basic contention never died. This contradicts the very first characteristic of preventive diplomacy, where it has

to prevent disputes from arising and check them when they start spreading.

(2) Preventive diplomacy relies intensively on peaceful negotiation process. In the case of the Iraq - Kuwait crisis, there took place hectic negotiating sessions to resolve the crisis from the very beginning. Ever since Iraq complained that Kuwait and UAE were exceeding the oil production, causing losses to Iraq, there had been efforts to come to a proper agreement in order to check the problem. In spite of these hectic efforts, no proper solution seemed to be possible thus leading to Iraq's annexation of Kuwait. The invasion took everyone by surprise and it immediately cried for an Arab solution in order to restore Kuwait to its legitimate rulers. Almost all the Arab leaders attempted at a negotiated settlement, established contacts among themselves to discuss the gravity of the situation, sent delegations to Baghdad and held meetings in almost all Arab capitals to arrive at a solution. The Cairo and Jeddah meetings were only futile attempts to resolve the crisis. Soon, it became evident that Iraq would not pull out of Kuwait until and unless its terms were agreed upon by all, something which were not acceptable to Kuwait.

The negotiations were characterized neither by patience nor by confidence. The failure of the regional

organizations like the GCC and the Arab League in solving inter-Arab disputes gave a chance to the outside powers to interfere in the Gulf crisis. Due to their mismanagement, the crisis could not be solved at its very inception. The west installed its military forces in the Gulf on the pretext of defending it. This is very much against the principle of preventive diplomacy. The military forces which need to be avoided were invited on the pretext of defence. Thus the option of a peaceful resolution of the crisis was sidelined paving way for military methods. So neither were diplomatic techniques adopted nor were military techniques abandoned.

(3) For diplomacy to be successful, it is necessary that the force should not be applied. It is also important to avoid war at all costs. But it so happened in the Iraq-Kuwait crisis that war was chosen by the extra regional powers to resolve the crisis. The US dominated the scene and successfully won allies to support it in its endeavours. For its own ends, it managed to internationalize the crisis and thus further complicated matters. The US and its allies opted for the use of coercive diplomacy to compel Iraq to pull out of Kuwait. Coercion replaced diplomatic and judicial settlements. The US lobby in the UN succeeded in brushing aside the negotiations and efforts at peaceful



resolution.

"The military option was regarded as the only way to resolve the conflict and war was ordained to be the only method of resolution of this crisis." For all this, there was an approval from the UN and war was declared as a UN war. There is no doubt that the Iraqi invasion of Kuwait was a violation of the International Law and the Charter of the UN. But the immediate mobilization towards this was enormous. In many other cases too there was a violation of the principles of international Law and UN Charter. For example, Israeli occupation of Arab territories. No steps were taken against it. It was mainly the impatient attitude of the US that led to the use of force against Iraq. The US relied heavily on the threats and the use of force rather than on diplomacy. The collective will was nothing but the unilateral action of the US. It preferred to destroy Iraqi military capability rather than involve the other parties to resolve the crisis amicably. Nor did it give time for the emergence of a peace plan acceptable to all.

The use of force and the declaration of war on Iraq was nothing but the Americans' virtual invitations to war to consolidate their military supremacy in the region. For this, the US secured what it wanted - the support of the allies and the consent of the UN. Thus it is very much a

violation of the principle of preventive diplomacy where the use of force is abhorred.

(4) Economic sanctions were imposed on Iraq by the UN in order to compel it to pull out from Kuwait. The UN Security Council on 6th Aug, 1990, under Res.661, imposed world wide oil embargo and sanctions banning economic and financial dealings with Iraq and Kuwait but Iraq refused to comply with the UN resolutions regarding these sanctions. Infact, enough time was not given for the sanctions to work. Since there was no attempt at making the whole process peaceful, it took a different dimension in the sense they became coercive. Even after the announcement of the cease-fire agreement, sanctions were not lifted, thus making it difficult for Iraq to reconstruct its wartorn economy. The imposition of sanctions itself means a coercive step which goes against the preventive diplomacy. The basic purpose of making the aggressor to co-operate with the decisions of the council with regard to sanctions failed. It became all the more difficult for diplomacy to achieve peace.

(5) Preventive diplomacy relies much on the UN for its success. It is the UN security council that is responsible for maintaining International peace and Security. During the Gulf crisis the UN as well as the UN Secretary-General were manipulated to the core. The US used the security

council by calling it into session after session according to its needs and making it opt resolutions to condemn Iraq. The UN Charter was used to its best advantage. In turn, the UN Secretary General was blamed for playing a more passive role. The UN could do nothing but sanction the war. The US actions could have been objected to by the USSR but because of the latter's sorry state of intense domestic crisis, the US continued its domination over the UN. The crisis severely jeopardized the UN reputation. Infact, the crisis had given the UN an opportunity to prove its effectiveness. But it could do nothing but bless the American intentions for a war thus assuming no accountability nor control. The meetings of the Security Council were seized and the decisions confined only to the premises of the Security Council. The Secretary-General played a docile and timid role and was held back by the UN. Neither was he consulted nor informed of the course of action that the US and its allies took during the crisis. In such a situation it is obvious that preventive diplomacy could not have worked. Infact it is the UN that can successfully carry on preventive diplomacy. But owing to its ineffective stand, it could not have been successful at all.

It is sad to note that all through the crisis, one of the most important organs of the UN, International court of Justice, was simply forgotten. It remained as an under-used

resource for the peaceful resolution of the disputes. Greater reliance on the world court, perhaps could have lessened the gravity of the situation. The dispute was not at all referred to the ICJ, arbitration or other peaceful settlement mechanisms. This led to the doubts whether or not the ICJ had any role in preventing the war or call on the UN to prevent the war. Thus one of the means to resolve the crisis was totally discarded.

According to Article 12 of the UN Charter, the General Assembly is not prevented from discussing a matter that is in control of the Security Council. Especially regarding matters pertaining to the maintenance of international peace and security should be discussed by the General Assembly too. During the period of Iraq Kuwait crisis, the General Assembly played a low key role.

For an effective preventive diplomacy the UN could have made proper utilization of the following institutions - the General Assembly, Military Staff Committee, UN collective Security Force, Guidelines for UN peace keeping system, the International Court of Justice, the Non-Governmental Organizations etc.

Peace keeping, reconciliation, good offices of the Secretary General are all the activities of the highest

priority of the UN. The UN needs to play a more effective role in defusing the crisis situations from erupting into major conflicts, especially in the Middle East.

Various disagreements and lack of co-ordination among its members rendered the UN ineffective to create a framework for International peace and security. Though the UN succeeded in other social and economic activities, it has not created a new security environment in which every member feels safe and derives strength from the principle of collective security. It needs to dispel the fears, disorder and disagreements for a smooth functioning of the organisation. The most important factor of all it needs to build up confidence and win over the trust of all without which it would become difficult to achieve the success of preventive diplomacy, peace making and peace keeping.

The current UN peacekeeping operations come into picture only after the conflicts occurs. It is necessary that the UN develop a global method to prevent regional conflicts. With this as a goal, the UN must review several key issues concerning the security council system, the Secretary General's authority and other actions that co-ordinate with that of the UN. In order to encourage a more active participation of the UN in peacekeeping efforts, the member nations as well as the regional organizations must

push their own initiatives and programs for the purpose of security. With the end of the Cold War the New World order needs to move closer to a more structured multilateral framework and it is the primary responsibility of the UN to make preventive diplomacy serve as a catalyst for this transition.

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