

US, UN AND THE GULF WAR OF 1991

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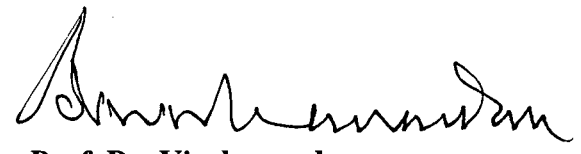
CERTIFICATE

This dissertation entitled 'US, UN AND THE GULF WAR OF 1991' by Miss. SIMI.R. for the Degree of Master of Philosophy is an original work and has not been previously submitted for any other Degree of any University before.

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



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PREFACE

Numerous changes in Eastern Europe and particularly the collapse of Soviet Union in the early 1990's led to the end of the Cold War, heralding a new era of relations among nations. The end of the superpower rivalry and the United States emerging victorious in the ideological conflict meant that the US role in the United nations, especially peace keeping would not be the same in the post Cold War era, as it had been during the Cold War era. Charles Krauthammer's 'unipolar world', Francis Fukuyama's 'end of history' and the presumption of the ordained leadership of the emerging new world order by the United States had an influence on the UN peace - keeping operations.

The United States has established its monopoly over the UN peace keeping operations in the post - Cold War period. It lists 21 missions established since the start of 1988 compared with the thirteen in the previous 40 years. Of these no fewer than 18 may be counted as internal. Moreover, of the three border missions set up during this period only one now subsists - that between Iraq and Kuwait. To meet the internal and border crisis in the post - Cold War era contributor states to peace keeping missions have increased during this period. The UN

lists around 66 contributors to peace-keeping missions including the United States in 1994.

Since the end of the Cold War, peace-keeping responsibilities of the United Nations have notably widened. The accepted understanding of the concept of 'peace keeping mode' is impartial and non-threatening activity in the cause of peace takes place with the consent of the host state or states and the co-operation of all the direct disputants. But we can see that in most of the UN peacekeeping operations, supported by the US, there is a clear picture of White Man's burden of preserving the status quo of American domination in the post-Cost War era.

The Gulf War of 1991 was not a UN operation, but a UN backed operation. George Bush, the President of US while addressing the Congress on 12 September 1990, stated that it was a "unique and extra ordinary moment" because the Gulf crisis offers a rare opportunity to move towards a historic period of Co-operation. Out of these troubled times - a new world order can emerge. The new era would mean the nations of the world - East and West, North and South can prosper and live in harmony."

It is quite clear that the Bush administration could have prevented Saddam Hussein from invading Kuwait. The US

whipped up support for its actions against Iraq not only in the Security Council, but also achieved international support. It even succeeded in making the UN abdicate its responsibilities in such a manner that the US took over the operations. All the members of the Security Council were coerced, persuaded or influenced to back the US stand on the crisis.

The US has certainly succeeded in pushing the UN Security Council to adopt as many as 12 resolutions against Iraq, culminating in 678. Although the Bush Administration portrayed the resolution as a start of a new age of collective international action to oppose aggression, the US administration, more than the Security Council was taking the action against Iraq. On 8 January 1991, President Bush sent to Congress a letter seeking support for military action against Iraq. He wrote, "I therefore request that the House of Representatives and the Senate adopt a Resolution stating the Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Complying with Bush's request, Congress enacted a joint resolution stating that "the President is authorised to use framed forces pursuant to UN Security Council Resolution 678 (1990), in order to achieve implementation of Security Council Resolution 660, 661, 662, 664, 665, 666, 667, 669, 670, 674 and 677."

On January 1991, President Bush initiated military action against Iraq, by air which came to be known as Operation Desert Storm. He informed UN Secretary General Javier Perez De Cuellar that the US intended to implement Resolution 678. Explaining the action to the public, he said it was "taken in accord with UN Resolution".

In starting Operation Desert Storm, the Bush administration apparently held objectives other than getting Iraqis out of Kuwait and hence beyond the scope of Resolution 670. The aim of the administration was not merely to secure Iraqis out of Kuwait but also to diminish Iraq's future military capacity. The US ruling oligarchy has not given up the quest for liquidation and permanent occupation of Iraq. The logic of extremism is still on the horizon creating more and more crisis in the Gulf region.

The main objectives of the study are to discuss; Was the UN charter used to best advantage or was it, in effect, manipulated by the US ? Did the Gulf crisis endanger global peace and security ? Did the UN really have to sanction the use of force in order to resolve the crisis ? How legal were the UN actions in the Gulf War ? Can the UN Charter be used as a mere objective of a Super power ? What were the actual aims of U.S. ? etc. etc.

The first chapter deals with the historical perspective of US and UN. The second chapter tries to analyse the role of US in UN peace keeping operations in the post - Cold War period. The third chapter discusses about the Gulf war of 1991 and the response of US. The fourth chapter describes the role of US and UN in the Gulf War. The fifth chapter, contains some concluding observations.

Chapter 1

UNITED STATES AND UNITED NATIONS : A
HISTORICAL PERSPECTIVE

On 19 December 1945, the seventy ninth Congress of United States in its first session completed its work on an act to "Provide for the Appointment of Representation of US in the organs and agencies of UN, and to Make Other Provisions. With Respect to the Participation of the United States in such Organisation", in short, the "United Nations Participation Act of 1945". The bill was given presidential approval on 20 December, 1945.¹ This statute provides the basis for the US participation in the UN. Edward. R. Stettinus Jr. was appointed by President Harry.S.Truman as the first Representative of the US to UN, with the rank of status of Ambassador Extraordinary and Plenipotentiary. He was also the US Representative in the Security Council of UN. The key actors of UN, from the time of its establishment were the American Presidents since 1945 and the men they have chosen to represent the United States at the United Nations.

The 19th Century foreign policy of the US was characterized by its isolationist trait. Till the First World War, US interest and involvement in the problems confronting the

1. USA Department of State, Foreign Relations of the United States 1946 : General, The United Nations (Washington D.C., 1972, Vol. 1 p.1)

world were infrequently expressed. America returned to its 'disinterested isolationism', once these problems were sorted out.² During the Second World War, President Roosevelt upheld the point of view that an international organisation would be an important element of any post - war settlement. Much of the United Nation's charter was drafted in the US Department of State. Both during the big power negotiations in Washington and at the 1945 founding conference at San Francisco, the United States was the strongest proponent among the major powers of a meaningful UN. The decision to establish the headquarters in the US reflected a concern of other countries to assure full American participation. Less than five weeks after President Truman signed the Charter the US Senate ratified it by a vote of 89 to 2.³ Speaking at the UN General Assembly on October 23, 1946, Truman declared that US policy was "to support the United Nations with all the resources we possess not as a temporary expedient but as a permanent partnership." Equally strong declarations of support were made by President Eisenhower and by three successive Secretaries of State - Byrnes, Marshall and Acheson.⁴

John Foster Dulles spoke about the need to establish a world order based on the assumption that the collective life of nations ought to be governed by law. At the same time, Dulles

2. Houshang Ameri, Politics and Process in Specialised Agencies of the United Nations (Aldershot, 1982, p. 166)

3. Congressional Record, US Senate, July 28, 1945, p. 8190

4. Quoted in Arnold Beichmann, 'The Other' State Department. The United Nations. Its role in the making of Foreign Policy, New York Basic Books, 1967.

was careful to point out that, the UN charter set forth certain general principles. They were expressed as self - defying ordinances and were not laws which the organisation could enforce. The UN General Assembly was directed to develop and codify international law. But neither the Assembly nor the UN Security Council was given any authority to enact these laws.⁵ Senator Arthur.H.Vandenburg described it as a forum where, as far as possible, the Americans can talk these things out instead of shooting them out.⁶ At no stage the United States envisaged the possibility of formally surrendering its sovereignty to an international organisation.

American interest in the UN was initially centered on its potential role in collective security. But later on, concern with economic inter dependence and global survival has assumed an ever growing importance. Indeed, viewed in the long term, these issues are at least as important to the American people as about to the UN in 1945. Harlan Cleveland described this situation well. He said that the community of nations, especially the most concerned will strive to create a food reserve, assure energy supplies, stabilise commodity markets, protect the global environment, manage the ocean and its sea bed, control the modification of weather at human command, rewrite the rules of trade and investment, control conflict in a world of

5. John Foster Dulles, *War or Peace* (London, 1950, p. 198 - 200)

6. Richard.E.Bissel, in Toby Trister Gati (Ed.), *The US, the UN and the Management of Global Change*, (New York, 1983) p. 85

proliferating weapons, keep the peace when it is threatened, and restore peace when it is broken.⁷

On economic and technical issues, the US interest is better served through negotiation in the appropriate specialised agencies than in the UN. Agencies like World Bank, International Monetary Fund etc. in their respective areas of development, financing, monetary issues etc. have a credible operating record. Moreover, because of weighted voting, professional emphasis and decision making procedures, they offer the US a degree of influence comparable to its economic importance. Functional necessity has fostered the development of Organisation for Economic Co-operation and Development, the International Monetary Fund's Interim Committee and various informal meetings of a core group of the major industrial powers to discuss inflation, growth rates, and international monetary issues. Such groups are clearly less cumbersome than universal bodies like the UN. In addition to the inherent advantages of such functional approaches, they also make it clear that no "tyranny of the majority" in the UN can do apparent damage to US interest. Gradually, the issues multiplied which eventually made the division complete. Issues such as the Korean War, treatment of the issue of nuclear weapons, Berlin amongst others, placed the US and Soviet Union on opposite sides. UN

7. Harlan Cleveland, The Third Try at World Order (New York : Aspen Institute, 1976)

performance in this phase, reflected the struggle between the East led by the Soviet Union and the West led by the US. Super power rivalry was the motivating factor in the world affairs and the UN increasingly began to provide an international platform for its manifestation.

Different Phases :

The first phase of the cold war period, can be counted approximately between 1946 and 1962. During this period the dominant confrontation issue which manifested itself in a seemingly unending series of crisis, from Iran (1946) to Greece, Berlin and Palestine (1948) to China (1949), to Korea (1950), to Indo - China (1954), to Suez and Hungary (1956), to Lebanon (1958), to Laos (1959), to Congo (1960), to the Bay of Pigs (1961), and to the Cuban missile crisis (1962). During the first part of this phase, the US could usually muster a solid majority in the General Assembly. From the dawn of 1950's the US cashed in on the membership policy where in newer and newer pro - US members were admitted thereby increasing its clout in the UN. This changed the nature of UN politics from US - USSR confrontation. During the second phase, 1963-68, the U.S. presidents became increasingly preoccupied with Vietnam, and the growing numerical strength of Third World

often critical of US began to have its impact on the role of US in UN. The third phase, 1969-75, was the Detent period, where in Nixon and Kissinger reduced the direct tension between the US and USSR by signing such an agreeemnt such as SALT (Strategic Arms Limitation Treaty) agreeemnt of 1972. The period also saw US opening up relationship with China under the Chinese - 'China card'. Indeed Nixon visited China in 1972. Further there was relaxation of tension in Super power conflict in Europe too. The US greater reservation on West German 'Ost-Politik' policy aimed at relaxation of tension with Soveit Union in Europe. The US - USSR committed to the detente process, convened 35 member CSC (Conference on Security and Co-Operation) in 1975 in Helsinki which ended a major tension in Europe primarily because the existing borders of European states was regained. While direct super power conflict eased an indirect conflict between Soviets and US prusued in such grey areas as Indo China War (1969-75), the Bangladesh War (1971), the Arab - Israeli war (1973), the Angola War, and in growing, tensions throughout South Africa. Anti - UN sentiments in the US increased during this period as well reflected by the attitude of Nixon and Kissinger that it was irrelevant to their global concerns. The fourth and final phase in the cold war started in 1975 and extended till 1990. No longer can it be said that there

is a single dominant issue in international politics. Rather, Soviet - US relations have taken place alongside economic, social, political and security problems of different natures, such as those of Southern Africa, the Middle East, international economic relations, oil resource and Security management and so on.

The late 1940's and the 1950's were characterized by the US promoting the UN machinery to give legitimacy to most of its policies and actions in international politics. The US firmly expressed its view of giving greater role to the UN General Assembly for maintaining peace. During the Cold War period, the US was successful in shifting the discussion from the UN Security Council to the General Assembly. On 12 March 1947, the US President Truman pronounced the famous 'Truman Doctrine' which set forth a programme for the US aid to Greece and Turkey. In the 1948-'49 UN General Assembly debates the Soviet Union tried to get the Assembly to call termination of US economic and military aid to Greece. The efforts were defeated by an overwhelming vote that endorsed the 'Truman Doctrine', in relation to Greece.⁸

This trend was also noticeably through the 'Uniting for Peace Resolution'.⁹ In the early period of the Korean War, the US was eager to use the UN to support its policies especially those involving actions against Soviet Union. But the presence

8. Dulles, no. 5, p. 44 - 46

9. D.W. Bowett, "The General Assembly" in B.A. Worthley (E.D.) The United Nations: The First Ten years (Manchester, 1957, p. 16 - 17)

of Soviet Union in the Security Council as a permanent member with its veto power made it difficult. The solution for the US remained in turning towards the General Assembly. On 3 November, 1950, the Assembly passed the 'Uniting for Peace Resolution'. This was also known as the 'Acheson Plan' since it stemmed from a proposal of the US secretary of State, Dean Acheson. Under this resolution the Assembly assumed the power to recommend action by members to meet any branch of peace or act of aggression which may occur to co-ordinate the actions of the members.

On 1 February, 1951, another General Assembly resolution went in favour of the US, when the Assembly determined that Communist China had committed aggression by intervening in Korea. In May 1951, the Assembly recommended that members place an embargo on the shipment of war materials to the territories under control of communist China.

In November, 1947, the General Assembly passed 'Resolution 181' which envisaged the partition of Palestine providing an Arab and a Jewish State. The plan was rejected by the Palestinians and Arab countries while the Jews accepted it. Despite Arab rejection, Israel was formed. Ever since, there have been four major wars between the Arabs and the Israelis. The UN has not been able to solve the problem because of the

partisan attitude of the super powers. Since 1947, the UN had adopted more than 200 resolutions with regard to Palestine and Arab - Israeli conflict. But the strict observance and implementation of these measures were not obtained. On many occasions, Israelis seemed to openly flout these resolutions. Many have stressed that, the firm support extended by the US to Israel was in part the reason for latter's defiance of the UN resolutions.¹⁰

On many occasions the veto power was used by the US in the Security Council of the UN to negate the views of Soviet Union. Thus there was reason to believe that at that stage, the US influenced and dominated the UN system, and only a handful of Soviet- bloc members provided the opposition to US leadership.

During this period, support from the US Department of State, for the American Commitment in the UN, came in the form of a pledge to the 'Purposes and Principles of the UN Charter'. In the initial years (1945-56), the US Congress consistently appropriated funds to the UN. For example in 1946, the UN budget was 193 million dollars of which US provided 40%. In 1948, 1/3 of total UN budget was provided by the US.¹¹

The Congress however, occasionally criticised the UN.

10. Israel occupies position of strategic importance in the American response to the issues concerning Israel, in the UN and its Specialised Agencies. In most cases, Washington responded favourably to Israel, specially, with respect to Palestine question.

11. Robert.F.Meagher, 'US Financing of the UN' in Toby Trister Gati (Ed.). The US, the UN and the Management of Global Change (New York, 1983, p. 102)

In 1952, the Congress charged the UN Secretariat for employing Americans who were inclined towards communism. It also vehemently opposed the membership of Communist China in the UN. From 1949, when the Communist party seized effective control over mainland China, until 1971, the US followed a policy of obtaining support against the admission of the Peoples Republic of China (PRC) to the UN. The Chinese reacted by calling the UN a puppet in the hands of Western governments. A shift in American policy after, 1971, which called for a process of normalisation of relations between the US and China, minimised the tension between the US and China. On 25 October, 1971, the General Assembly by a vote of 76 in favour, 35 against and 17 abstentions, agreed to recognise the government of the People's Republic of China as a representative in the UN and agreed to restore all rights to it.¹² However the question of 'two Chinas' or 'two systems one China' has not been solved by the US. In 1978, by a Joint Communique, both the US and China agreed that Taiwan was a province of China. Nevertheless, US has so far not abandon Taiwan.

The US influence and control of UN as an instrument in the Cold War to legitimise various aspects of competition started decreasing in the Assembly once decolonisation process began and brought an increasing number of Asian and African

12. Asha Hans, *The United Nations : A saga of Forty Years* (Delhi 1986, p. 52-53)

countries to UN. These countries gradually gained the numerical majority in the UN. In 1945, out of 51 original member states of the UN, only 13 belonged to Asia and Africa. In 1950, this region was represented by 20 countries which made the total membership increased to sixty. The Afro - Asian states called for a speedy termination of colonialism and this view echoed within the UN.

Reacting against their colonial past, the leaders of most of these states on the demonstration of their newly - won independence played a distinctive, independent international role. The result was the emergence of NAM as an important factor in the world politics. The NAM developed when the world was divided by an ideological struggle, and military and political confrontation between the two super powers - US and Soviet Union. Many of the newly independent Afro - Asian states rejected formal incorporation in, or subordination to, either of military alliances led themselves from East - West power blocs eventually led to the growth of the NAM in terms of membership and their role in international politics. The non - aligned states evidently wished to pursue the Jeffersonian policy of "peace, commerce and honest friendship with all nations and entangling alliances with none".¹³

During the Cold War years, the thrust of NAM was mainly

13. Rikshi Jaipal, Non - Alignment : Origins, Growth and Potential for World Peace (New Delhi, 1983, p. 1)

against the West rather than Soviet Union. This tilt was evident from a number of declarations and resolutions passed at the NAM summit conference which directly criticised the US and often included western country.¹⁴ The critical assessment of the US made by the NAM continued to be reflected in their positions in the UN. The Soviet Union emerged as the main supporter of nationalist movements in the developing countries, and identified itself amongst the anti - colonial forces in the UN. The Western powers had to adopt conciliatory measures to counter the challenge of the Soviets within the UN and its Specialised Agencies. Thus significant changes were noticeable in the UN activities since the early sixties. A decline in the dominance of the US within the organisation and the growth of a debate on the economic realities of the 1960's and 1970's became the focus of the UN activities. As the debate progressed, the Conference of the NAM held in Belgrade in 1961, asked the two major powers to re-establish normal relations between them, and also initiated a UN economic conference. The proposal was resisted by the developed countries. Ultimately the UN General Assembly on 8 December, 1962 decided to convene the UN Conference on Trade and Development (UNCTAD). The first session of UNCTAD was held at Geneva from 23 March - 16 June, 1964.

Within the UN system, the Third world nations began to

14. Rabindra Sen and S.N. Ray, "Non - Alignment : The Challenges before It", Paper presented at the International Conference on Non - Alignment, University of Calcutta 25-28 November, 1979, p. 1 - 12.

focus on the problems between the developing and the developed nations in international trade. They represented their ideas and aims by forming a multinational group called G-77. The G - 77 focussed the attention of the industrialised countries on the problems faced by the Third World countries by using the forum of the UNCTAD. The US responded to the pressure from the developing nations by using the UN for financing the large - scale economic development projects in the third world, and by tackling the problems of excessive population in the developing countries by providing technical and educational assistance through the UN.¹⁵ For instance, in 1970, out of a total fund of 15 million dollars to be used by the UN for solving the problems in the area of population and family planning, the US pledged 7.5 million dollars. The funds were to be given to the various UN Specialised Agencies. It was here, that, the role of UNESCO (United Nations Educational Scientific and Cultural Organisation) became significant.¹⁶

In a report to the Congress regarding the US participation in the UN in 1966, President Lyndon Johnson stated that the United States would continue to support UN, and the Americans would help the UN to achieve the lofty goals set forth in its charter.¹⁷

The fiscal importance of the peace keeping operations of

15. Ameri, m. 2, p. 169 - 170

16. USA Department of State, Bulletin (Washington D.C. Vol. LXII, no. 1600, 23 February 1970, p. 214)

17. USA Department of State, Bulletin, Washington D.C., (Vol. LVII, no. 1489, 8 January, 1968, p.p. 59-60)

the UN in the Middle East and the Congo, was highlighted by the US when members like the Soviet Union and France refused to finance these operations. As a result, the US supported the decision to invoke Article 19 of the UN Charter to take away the voting rights of those members in arrears. It requested the International Court of Justice, for an advisory opinion on the assessment for peacekeeping operations.

On 17 December, 1968, President Richard Nixon met the UN Secretary General U.Thant, and reiterated America's support for the organisation. He identified three spheres of UN activity, which Americans considered as important; peace keeping and peace - making, programmes for international development and technical co-operation and disarmament process. In all these areas, the UNESCO became the major forum of disagreement between the US and Soviet Union on the one side, and between the US and the Third World on the other.

The hardening of American attitude towards the developing countries was reflected in most of the UN acts in the 1970's. Though the Americans contributed to many UN development projects, they became increasingly critical of the developing nations attitude of using the UN to pressurise the developed countries on economic reforms. In particular, they dejected to the economic priorities outlined by the third world in what

became increasingly a 'North-South' dialogue. In furtherance of this approach, the US Congress placed restrictions on the US contributions to UN. Financial control imposed over the UNESCO, in 1974, was a case in point. In 1978, the Congress restrictions on the US funds for the UN organisations related to technical assistance.

Another important development in the early 1970's was the admittance of China as a member in the UN. The Americans sponsored a move to retain the seat of Taiwan as well. Domestically, the opinion of the US executive branch was flexible on the issue of 'two - China'. President Richard Nixon was preparing for a visit to Peking to bring about détente in the Sino - American relations. Though they did not openly support the UN decision on membership issue of the People's Republic of China, he did not strongly criticise it either, as it might have impeded the process of normalisation between the two.

However, the 'two - China' approach found ardent supporters in the US Congress. For instance, Republican Senator James Buckley of New York, pointed out that 'a complete reassessment' of the US financial support to the UN would be made if that international organisation hindered the membership of Taiwan. This opinion, was backed by the support of 21 Senators and 35 members of the House of

Representatives.¹⁸ At the time, the US annual contribution to the UN budget was slashed from 31.5% to 25% by the Congress. The Democratic representative John.J.Rooney, New York, Chairman of the Senate Appropriations Sub Committee, pointed out that, once this cut was approved, the US would further reduce its annual contribution to the UN as a retaliatory measure for the ousting of Nationalist China or Taiwan from the organisation. Contradicting this comment, Samuel - de - Palma, Assistant Secretary of State for International Organisation's Affairs, said that the decision was based on a matter of principle and was not a retaliatory measure.¹⁹

The emergence of the Sino-Soviet rift at that time, heightened the importance of the Sino-US relations. China's influence on the third world provided another dimension in the bi-lateral politics between the two. For instance, Chinese objection to the hegemony of the two great powers was echoed in the Summit meetings of NAM countries.²⁰ This was further reflected in the third world positions, in the UN. The US was concerned about the prospect of third world take up similar positions in the UN. The movement emphasised 'anti-colonial', 'anti - imperialist' arguments against the western powers. It supported a collective movement in trying to change the existing economic order amongst nations.

18. New York Times, 29 September, 1971

19. New York Times, 3 December 1971, and see also, New York Times, 16 May, 1972

20. See : India, Ministry of External Affairs, Documents of the Gatherings of Non - Aligned Countries 1961 - 1979.

As the agenda of the movement shifted to the economic problems of the third world, it was evident that the UN and its agencies would provide forum for arousing public opinion on these issues. The sustained momentum of the debates indicated by the developing countries eventually led to the proposal of 'New International Economic Order' (NIEO).²¹ The main criticisms against the Western powers and the US in particular was that no attempts were made hitherto to redress the structural imbalances in the existing economic system of the world. The NIEO proposal, in main, concentrated on international economic exchanges, including a first and equitable relationship between the prices of raw materials and manufactured goods, preferential treatment for developing countries in all fields of international economic co-operation. Whenever, possible, the restructuring of international monetary system so as to promote the adequate flow of real resources to developing countries, the facilitation of the work of raw materials production associations to promote the growth of the world economy, and the development in and the access to the benefits of modern science and the technology to the developing nations. It also attempted to promote the transfer of technology to those countries and the creation of indigenous technology to the developing nations.

The third world countries achieved their purpose when

21. Jagdish.N.Bhagwati, The New International Economic Order. The North - South Debate (Cambridge, Massachusetts, 1981), pp. 1 - 24, introduction

the Sixth Special session of the UN in 1974 adopted a declaration on the establishment of the NIEO. The programme of action adopted along with was remarkably similar to the 'Charter of the Economic Rights and Duties of the States' of the Algeria Summit of 1973.²² Now the US could not overlook the economic demands of the developing states. But even as the US expressed its willingness to co-operate with the developing nations in restructuring the international economic system, it was not willing to go beyond what could be called as a 'reformist approach'. In the US assessment, the poverty and under-development in the third world were due to the lack of determined national efforts and faulty economic policies rather than the prevailing international economic reforms.

It is not clear, whether the third world nations who supported the 'NIEO' proposals in the NAM Summits were able to pressurise the Western bloc in the UN and its specialised agencies for those proposals to be acted upon. But it became apparent from the 1970's, that the Western bloc led by the US were becoming a minority in the UN. In the past, the Americans tended to follow the policy of non - participation if they were not able to dominate the issue. Yet the US government had never consciously attempted to abandon its role in the UN. But concern over its reduced role was becoming evident.

22. Oksana Reznikova, The West and Non - Alignment (New Delhi, 1988, p. 9 - 10)

The Nixon administration adopted a 'combative stance' against the 'tyranny of the majority' in the UN. Nixon's Secretary of State, Henry Kissinger, pointed out in an interview with the Newsweek, that the Third World should not go against the advanced industrial countries, at the same time seeking co-operation from them. When asked whether USA might support the UN to combat the 'tyranny of the majority', he replied, the US might suspend its activities in the UN in relation to a particular issue if that issue was 'outrageously' decided in that forum.²³ Further describing the US annoyance at the criticism, of the developing countries, Kissinger said before the Institute of World Affairs at the University of Wisconsin in Milwaukee on 14 July, 1975, that this "deplorable trend" permeated the activities of the UN Specialised Agencies as well.²⁴

The US Congress reacted sharply when the Third Committee (Social, Humanitarian and Cultural) of the UN General Assembly passed a resolution equating 'zionism' and 'racism' and 'racial discrimination'. It was perceived as the success of the strong lobbying tactics of the third world countries, especially Arab States in UN. In 1974, the total membership of the UN was one hundred and thirty eight, out of which the third world countries were about eighty in number which included fifteen Arab states. The reaction of the US

23. USA, Department of State, Bulletin, Vol. LXXII, no. 1856, 20 January, 1975, p. 62.

24. Ameri, no. 2, pp. 176 - 177

Congress was to urge the UN General Assembly to reject this committee's proposal. Nonetheless, the General Assembly passed a resolution on 10 November 1975. The US Congress then adopted a resolution calling for the reassessment of American relationship with UN. Senator Richard Stone (Democrat - Florida) who said that, he was preparing a bill that would "cancel voluntary contributions" that is, 'all non - assessed contributions', that is, 'all non -assessed payments, by the US to the UN'.²⁵

In furtherance of this approach the US decided not to participate in, or finance the UN 'Decade for Action to combat Racism and Racial Discrimination'. Representative, Mathew.J.Rinaldo (Republican - New Jersey) said, that he planned to introduce a bill 'suspending US participation in the General Assembly until the Congress had determined that the climate in the UN was no longer politicised in favour of a particular bloc of countries. He further added that, the bill will seek to limit the US contributions to only 5.6% of the UN budget.

In 1975, the US served the notice for withdrawing its membership from the International Labour Organisation and Secretary of State, Henry Kissinger, charged the organisation of becoming 'politicised'. According to him, ILO tended to be used

25. New York Times, 22 October, 1975 also New York Times, 12 November, 1975.



by the Soviet bloc and the developing countries for the furtherance for their causes. The situation created a 'double standard' of ignoring labour violations in totalitarian countries and condemning acts in democratic countries, especially Israel.²⁶ Eventually in 1977, the US withdrew from the ILO. One of the main reasons given was the rejection of Israel in the UN as a racist state.

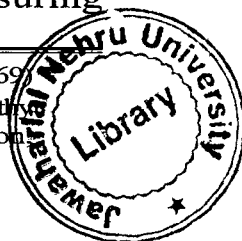
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The US administration's attitude towards the UN underwent some changes when President Jimmy Carter came to the office in 1976. He appointed Andrew Young, the black preacher, as the US Permanent Representative to the UN. It set forth a different trend in the American relationship with the third world within the UN. There was an amicable attitude towards the US position on the issue of Palestine. The third world, many of whom were pro - Palestinian, postponed a vote on a draft resolution concerning Palestine. The appointment of Andrew Young illustrated that Carter, 'out of a combination of politics, character and commitment, was to embrace morality and elevate third world problems to the level of high policy.'²⁷

The US rejoined the ILO in 1980. Secretary of State, Cyrus.R.Vance pointed out that, the Carter administration found that the member nations of ILO were "now intent on assuring

26. USA, Congressional Quarterly, Historic Documents, (Washington D.C.) 1983, p. 969

27. Raymond.A.Moore, "The Carter Presidency and Foreign Policy" in Glen.M.Abernath and others (E.D.), The Carter Years, The President and Policy Making (London 1977, p. 57)



that the organisation will live upto its principles and promises'.²⁸

The election of President Ronald Reagan in 1980 brought in several changes in the US foreign policy in general and towards the UN in particular. The choice of Jeane.J.Kirkpatrick as the US permanent Representative to UN during Regan administration, represented the rise of conservative attitude towards the UN, and the problems faced by the third world countries. In her estimation, "the UN poses a problem for the US. It's expensive, it's often ineffective, it seems particularly inclined to push policies that we do not desire to adopt, decisions from which we dissent, agreement with which we disagree."²⁹ The Reagan administration aimed at pursuing an aggressive policy in the international organisation. The objective was to counter the anti - American voting behaviour that had emerged in the UN General Assembly resolutions. It aimed at reversing what was perceived as the previous administration's conciliatory approach. This attitude was clearly expressed in Gregory Newell, Assistant Secretary' for international organisation, in a statement made before the House Appropriations Committee, Sub - Committee on Foreign Operations on 4 April 1984. He stressed the five policy priorities of the US administration vis-à-vis the UN system. They were, first, the reassertion of American leadership in the international organisation; second,

28. USA, Congressional Quarterly, n. 29.

29. Toby Trister Gati, "Introduction" in Gati, n. 11, p. 3.

budgetary discipline was to be maintained; third, the number and the expenses of the conference held by the UN organisations were to be limited; fourth, the number of US personnel should be increased; and fifth, the role of the private sector should be increased.³⁰

The US policy hardened perceptibly in several related issues as well. It was noticeable in the Israeli issue, despite the growing criticism against the Jewish State. USA strengthened its 'hardline' approach regarding the UN activities against Israel by boycotting the International Atomic Energy Agency (IAEA) Conference in late 1982, as this agency had suspended Israel. It threatened to do the same with the International Telecommunications Union in October 1982.

The administration had the Congress support over this issue. Both the house of the US Congress, adopted resolutions, warning, the UN General Assembly against any attempt to expel Israel. When the UN General Assembly adopted a resolution on 5 February 1982, declaring Israel as a "non - peace-loving state", the Senate retaliated by adopting a resolution on 14 April 1982, sponsored by Daniel Patrick Moynihan (Democrat - New York), the resolution stated that, if the UN General Assembly illegally expelled or suspended Israel from either the General Assembly, or the UN specialised Agencies, the US would

30. USA, Department of State, Bulletin, Vol. 84, no. 2086, May 1984, pp 83-87.

withhold its contribution to the UN and its specialised Agencies in question. The resolution also noted that, a nation could be expelled from the General Assembly, or any UN reGENCY, only with the recommendation of the UN Security Council. It was evident that the US would use its veto power in the Security Council to support Israel. The House adopted a similar resolution in 12 May 1982, by a 401 to 3 vote. Later, on 27 October 1982, the UN General Assembly opposed an attempt made by Iran to expel Israel.³¹

Several other developments also indicated the hardening of the US approach towards the UN. For instance, the US position in the UN indicated that it would not maximise the pressure on South Africa on the issue of 'withdrawal from its occupation of Namibia.' It also strongly criticised the 'NIEO' calling it 'a product of socialist ethos', and reluctantly participated in the UN sponsored 'Global Negotiations', which aimed to restructure the international economy following the principles of 'NIEO' programmes as adopted by the UN in early 1970's. The US also attached great importance to the threat posed to the freedom of the press as outlined in the proposal called the 'New World Information and Communication Order' (NWICO) floated by the third world countries in the UNESCO. The Americans perceived it to be against their fundamental

31. (41 Countries, including Iran, had signed a letter questioning the validity of Israel's membership in the UN on the ground that it was not a 'peace - loving state.)

commitment to the freedom of information and press. Thus they opposed any effort to restrict reporting or licensing of journalists, as urged by some of the third world countries. Ultimately the 'NWICO' issue played a vital role in the American decision to withdraw from 'UNESCO' issue in 1984. It also refused to sign the Law of the Sea Treaty, a document discussing issues such as the right to free passage to ships and mining.

The US policy towards the UN in the 1980's was motivated by the country's basic ideological distrust to state control over economy, trade or information. It also seemed to be moving away from the assumption of any new international obligation. It was further strengthened by a perception that, over the years, the UN had turned away from its original mandate and abused its authority. Further, the UN had allowed its specialised agencies to become over politicised.

Despite America's harsh criticism of the UN, the Reagan administration did support several UN activities.³² In 1982-83, the US share was 25% of UN's yearly budget of 750 million dollars. The US contribution to the UN specialised Agencies are taken together for the same period, it was approximately 300 million dollars.

American public opinion played "somewhat subdued part in shaping the US policy. In the initial years, that is, since the

32. (The US actively involved itself in the work of such organisation as UN High Commission for Refugees, the UNICEF, the WHO, the UNDP as well as technical programmes such as International Civil Aviation Organisation and World Meteorological Organisation)

inception of the UN in 1945, the interest and support shown by the American public towards this world organisation and its specialised agencies was impressive. They believed that the UN would have a profound influence in restoring the peace and security essential for the rebuilding of the war affected political and economic systems of the world. By 1956, public support was as high as 55%. Since 1975, this support began to decrease considerably, as the US started facing opposition to its views in the UN. The public opinion became sceptical and vacillated between 'supreme faith' and 'total ignorance' of the UN system. Public Opinion seemed confused regarding the priority of US policy in the UN - whether importance should be given to the US national interest or the US should agree to the opinion of UN which reflected domination of the third world views, often contradictory to the American one. Those who supported the UN in the US, stressed the need for a strong interconnection between the US and the UN, as they felt that, the latter was the only hope for solving multilateral world problems. On the other hand, a section of the American public considered the UN a 'Communist dominated forum, dangerously hostile to the American interest'. By the 1980's an increasing number of government officials, private groups and citizens began to express strong opinions about the UN. In August, 1980, the Roper Organisation conducted interviews of 2001 Americans

to ascertain US public attitude towards UN.³³

Much of the criticism regarding the UN and its specialised Agencies also came from a large section of the American press. This was mainly over the 'NWICO' issue. American conservatives too, consistently attacked the UN system as ineffective. One leading organisation of conservative opinion, the Heritage Foundation, stated that, since 1962, the Foundation had been reassessing the US role in UN. In about 70 published studies, it had assailed the UN performance and practices, from voting procedures and practices, to the issues relating to the budget and salaries. Its conclusion was that, the US should be in a better position to conduct its foreign relations bilaterally or among 'democracies only'.³⁴

But despite such stresses and strains in the US - UN relationship, it appeared that the Americans to a large extent, accepted the UN as an international forum, and its necessity in an interdependent world. Further, the value of the UN to US was aptly described by Jeanne Kirkpatrick. In a statement before the House of Representative Sub - Committee on Foreign Operations on 12 May 1981, she pointed out that :

"To an extent that I had not fully understood, the UN is a major centre for international politics in which representatives of all the diverse nations in the world meet and discuss all the

33. This survey was commissioned by the UN Association of the USA (UNA - USA). The result showed that 53% of those surveyed believed that UN was doing a 'poor job'. At the same time 66% of them were in favour of maintaining or increasing the US participation in the UN. Obviously, they believed that continued US presence in the UN would strengthen the furtherance of its national interest.

34. Heritage Foundation, Report, "The US and the UN : A Balance Sheet", no. 162, 21 January 1982 (Washington D.C.)

world's diverse problems Obviously, we need to be involved in these interactions it is a place, therefore, not only where we work, but it also has irreducible value for those of us charged with responsibility for making and implementing the US foreign policy.³⁵

After 1990, the USSR disintegrated and a unipolar world emerged. Now the world is one in which America might pursue good intentions in the world body and abroad irrespective of the national - interest or ideology.³⁶ Now the UN is a mere instrument in the hands of US for implementing its foreign policy interests. This is quite evident in the happenings after 1990. Whether it be the Gulf War of 1991, UN sanctions against Iraq, US exercises considerable pressure on different countries including India to sign such treaties that are important for its own interests like the CTBT, WTO etc. In short currently there is lot of convergences between the UN policy and American policies.

35. Toby Trister Gati, "Introduction", in Gati n. 11, p.6

36. Times, 26 July 1993.

CHAPTER II

US AND UN PEACE - KEEPING IN POST COLD WAR
ERA

Why has US Management in UN peace - Keeping expanded so rapidly ? The simplest answer is because the world has changed so much. The collapse of communism in Eastern Europe has led to breath taking changes in the relations among countries and among people. This led to the end of cold war and the super power rivalry, and thus the role of US in UN, especially peace - keeping, got changed from that of the cold war period.

The US role in UN peace - keeping lists 21 missions established since the start of 1988 compared with thirteen in the previous forty years.¹ Of these no fewer than eighteen may be counted as internal. Moreover of the three border missions set up during this period, only one now subsists - that between Iraq and Kuwait. Undoubtedly, therefore, the current trend in peace - keeping has a marked internal emphasis. To meet the internal and border crisis in the post - cold war era, contributor states to peace - keeping mission has increased. The UN lists around 66 contributors to peace - keeping missions, including the US in 1994. According to American Department of Defence

1. Alan James, 'Peace - Keeping in the Post - Cold War Era', International Journal (Canada), Vol. 50, No. 2, Spring 1995, p. 242. Quoted in Christopher S. Raj, "United States and UN Peacekeeping in the post cold war era" in Lalima Varma (Ed.), United Nations in the Challenging world, Radiant Publishers, New Delhi (1997).

support, "over 80,000 US military personnel are indirectly involved in support of the United Nations, including continuing operations against Iraq such as enforcement of the embargo sanctioned by the United Nations against 37,000 troops still in South Korea.² The US contribution to peace keeping includes their army, navy and airforces. Also, the Pentagon supplies operations with logistics, communications, field hospitals and intelligence support.

The accepted understanding of the concept of 'peace - keeping mode' is impartial and non - threatening activity in the cause of peace which takes place with the consent of the state or states and the co-operation of all the direct disputants. This standard responsibility has undergone change with additions in the post cold war era. Hence, the widening of the responsibilities of peace keeping has resulted in calling it second generation peace - keeping.³

The Gulf crisis, contributed to a considerable revitalisation of the UN Security Council.⁴ For the first time of Security Council's history the five permanent members had begun to work regularly together for the solution of major problem, and the result are fairly impressive. Soviet forces were withdrawn from Afghanistan under a plan negotiated by the UN Secretary General. The Iran - Iraq war came to an end on the basis of a

2. Ibid p. (246 - 279)

3. Martha Bills et al, Options for US Military Support to the United Nations' (Washington D.C., p. 3 - 4)

4. Brean Orquhart, "The United Nations from Peace - Keeping to Collective System" Adelphi Papers (IISS, London) Winter 91/92, p.18. Quoted in Christopher S. Raj, Ibid 1.

resolution of the Secretary General devised by the five permanent members. The long -delayed independence of Namibia was successfully and peacefully effected on the basis of 1978 resolution. The Cubans withdrawn from Angola, and the civil war in that country came to an end. The five permanent members developed a plan for the peaceful future of Cambodia. All these successful conflict resolutions soon after the end of the Cold War contributed significantly to the techniques of peace - keeping and conflict resolution.

US Policy of UN Peace Keeping

Since the end of the Cold War American policy - makers from 1991 to 1992 found themselves in a similar situation of disarray as they were at the end of Second World War.⁵ Even the wise men who were 'present at creation' in the late 1940's took some time adjusting to the aftermath of the Second World War. A stable post war international security order, in the words of John Lewin Gaddis, required 'offering Moscow a prominent place in it, by making it so to speak, a member of the club" Gaddis calls this the strategy of "containment of integration" - in contrast to the subsequent US strategy of containing the Soviet by exclusion and exhaustion.

One of the conceptual framework was the liberal

5. Stephen John Stedman, 'The New Internationalists' Foreign Affairs (New York) Spring 1991, p. 2.

internationalism which originated with Woodrow Wilson. As one author has suggested that the collapse of Soviet Union had reunified Wilsonian liberals defined as supporting international organisations and self - determination of people, with those 'cold war' liberals, who projected on interventionist foreign policy to protect the US against the communist threat. The outcome of this reunion has produced a strain of liberalism which supports - intervention by international organisations to reform or remove rogue regimes that are destructive of human rights or international peace.⁶

Opposing these "new interventionists" is a group of what might be called a "new anti - interventionists". This latter group seems largely composed of apostles of 'real politick', who routinely in the past supported US activism and interventionism for reasons of state. Proponents of US military involvement on behalf of the UN may be squeamish at unilateral use of military power for purely American interests. This group, to the contrary, has difficulty imagining its use for any other purpose, and in most cases sees little national advantage to rallying behind UN peace enforcement ventures, particularly in an era of declining force levels.⁷

The end of the Cold War also witnessed a strong new - isolationist group, which argue that, having outlasted Soviet

6. Martin.P.Adams, "Peace Enforcement Versus American Strategic Culture", Strategic Review Winter 1995, p. 18. Quoted in Christopher S. Raj, Ibid 1.

7. Ibid

communism, the US can and should turn away from an active international role, and focus instead on its own urgent domestic needs. This case is strengthened by the gap between America's predominance in annihilator power and its many failures at home - low saving, squalid inner cities, crime and drugs, lagging industrial productivity, racial tension, chronic poverty, deteriorated infra structure, environmental abuse, expensive and mal administered health care, and schools that fail to teach.⁸

Another version of isolationist group also tried to influence the making of American foreign policy soon after the end of the Cold War. This group observed that isolation policy was never so absolute as is commonly believed.⁹ The group observes that many of the founding fathers envisaged extensive involvement with foreign countries, noting, for example, that Washington's Farewell Address, along with its famous warning against infidelity of existing arrangements.' The maintenance of freedom of action, particularly from European military entanglements, represented a more accurate term than isolationism to describe America's initial foreign policy. Such a doctrine rested on a "careful analysis" of American self interest as the new country settled in a continent and sought commercial and strategic hegemony, the similar view represented by the conceptual posture of conservative unilateralists. This position

8. Walter.B.Slocombe, "The Role of United State in International Security after the Gulf War", Adelphi Paper (9988, London) Winter 1991/92, p. 14. Quoted in Chritopher S. Raj.

9. Jonathan Clarke, "America Know Thyself". National Interest, Winter 1993/94, p. 19

was originally presented by Henry Cabot Lodge, Wilson's nemesis in the League of Nations ratification fight. In the post war debate this position is exhibited by the then senate majority-leader, (1996) Robert Dole, author of the highly restrictive 'peace power act'. They view international organisation as inevitable constraining rather than enabling the pursuit of American interest.

Finally, practitioners of the 'realpolitik' group, such as former secretary of state Henry Kissinger, reject out right the idea that international organisation can make any significant difference in a world driven by self-seeking power politics. In his latest book (*Diplomacy*), Henry Kissinger signals out president who strongly believed America had real foreign policy interest to achieve them the US must contend with the other great power.¹⁰ Kissinger's statement clearly indicated that Americans were becoming conscious that they had national interest beyond their borders.

Woodrow Wilson was Roosevelt's antithesis. Whereas Roosevelt embraced the European System of nation state competition, Wilson rejected the concept of balance of power in favour of American exceptionalism and mission. In contrast to Wilson's vision of collective security national self-determination, and legal adjudication of international disputes,

10. Henry Kissinger, *Diplomacy* (New York, 1994) p. 38 - 39.

Roosevelt put his faith in great power diplomacy.

The differences between the vision of these two president's foreshadowed those between the new interventionists in the post-cold war debate and conceptual formulation of American foreign policy. From the available records it is clear that the Wilsonian tradition has proved to be more appealing foreign policy posture in the cold war period. Again to quote Kissinger, "Wilson's historic achievement lie in his recognition that Americans cannot sustain major international engagements that are not justified by their moral fair".¹¹

Since Wilson's time, virtually every American President has declared himself to be his disciple. Even Richard Nixon hung a portrait of the 28th President in the cabinet room. Dr. Anthony Lake, the National Security Adviser to president Clinton characterised the foreign policy of the Clinton administration as pragmatic neo-Wilsonism.¹² Some Wilson analysts have gone so far as to characterise the post-cold war era as a "triumph of Wilsonism" declaring that "prospects for a new international order based on a community of power, rather than a balance of power have never seemed so promising."¹³ Eventually it appears that the Wilsonian liberals internationalism has influenced the conceptual formulation of American foreign policy approach in the post - cold war era.

11. Ibid p.50

12. Godfrey Hodgson, "American Ideals, Global Realities", World Policy Journal, Winter 1993/94. p. 2. Quoted in Chritopher S. Raj.

13. Adams. Ibid (6), p. 18-19

Just as the idea of isolationism is not viable, complete unilateral interventionism is also not acceptable.¹⁴ As Ronald Spencer observes, "In a world which has recently made safer for conventional, regional and ethnic wars, Vietnam rather than of Desert Storm (Gulf War) may be the pattern of the future. Even if the former President George Bush 'Kicked the Vietnam Syndrome', Congress and the American people have not. Another legacy of Vietnam is that Congress is unwilling to give any President a free hand in foreign policy. Nevertheless, the emerging post - cold war foreign policy framework for American participation in peace keeping has been selective internationalism - the US should not limit its action to blocking the ambitions of any would-be hegemony, but promote and uphold democracy, human rights and market systems as the hallmarks of a new world order."¹⁵ Finally, it must be recalled that in face of Soviet threat, Washington was able easily to reconcile the eternal conflicting demands of ideals and self - interest and thus fashion a broad consensus among the executive branch, Congress and the people. Such a reconciliation in the post cold war period would be different especially with regard to American involvement in peace keeping.¹⁶

In the 1980's the Republican presidency of Ronald Reagan and George Bush had different approaches towards supporting

14. Joel J. Sokolsky, "Great Ideals and Uneasy Compromise: The United States Approach to peace keeping", *International Journal*, Vol. 50, No. 2, Spring 1995, p. 271

15. Stedman. *Ibid* (5), p. 9

16. Sokolsky. *Ibid* (14) p. 270

the UN. Unilateralism - intervention in Grenada, the bombing of Libya and the arming of guerillas in Afghanistan, Cambodia, Nicaragua and Angola - Systematically supplanted American consideration of multilateral approaches to regional security. In addition to withdrawing or threatening to withdraw from a number of UN agencies, the US began to use the veto with unaccustomed regularity. The Administration's hostility lent encouragement to Congressional opponents to the UN who voted to withhold some assessments, including those for peace keeping.¹⁷

The cold war actually ended for the UN more than two years before the Berlin wall came tumbling down.¹⁸ The catalyst was Mikhail Gorbachev, the last Soviet President, with his new attitude towards the world body and the occasion was the Iran - Iraq war, perhaps the first non-East-West conflict. The five permanent members of the Security Council began a new way of working together in early 1987 and a year later the UN Secretary General brokered the end of the Iran - Iraq war. Additionally, when the Soviet Union by its 1988 aide - memoir declared strong support for UN peace keeping to resolve regional conflicts. Reagan's attitude towards the role on UN dramatically shifted.¹⁹ In his final speech to the General Assembly in September 1988, Reagan noted that the UN has the opportunity

17. Augustus.R.Norton and Thomas.G.Weiss, "Super powers and Peace Keepers" *Survival* (London), Vol. 32, No. 3, p. 212.

18. Giandomenico Picco, "The UN and the use of Force", *Foreign Affairs*, Vol. 93, No.5 Sep. Oct. 1994, p.14

19. Thomas.G.Weiss and Meryl.A.Kessler, "Resurrecting Peace Keeping: The Superpowers and conflict Management", *Third World Quarterly* (London), July, 1990, p. 124. Quoted in Chritopher S. Raj.

to live and breathe and work as ever before. In this remarkable about phase, he specifically stressed the utility of good offices and peace - keeping. Prior to leaving the Presidency, Reagan even promised that the US could pay its arrears.

Thus when Republican President George Bush entered the White House the significant role of UN peace keeping and managing the regional conflict was affirmed and resurrected. US Ambassador to the UN pickering expressed his desire to expand the peace - making and peace - keeping role of the United Nations.²⁰ In September 1989, the US moved in this direction by co - sponsoring with the Soviet Union, for the first time in forty years, a General Assembly resolution aimed at reinforcing the work of the UN. Only a few days after introducing the resolution's text at a joint press conference with the USSR, all other members of the Security Council authorised a force of unarmed military observers in Central America. This significant development occurred when earlier in May 1989, the Soviet Union declared that it would no longer send arms to Nicaragua. Again in September 1989 the Soviet diplomacy helped to pave the way for the complete withdrawal of about 100,000 Vietnamese soldiers from Cambodia. The January 1990 agreement under which the Security Council along with the US agreed to create an interim administration and peace - keeping

20. Ibid p. 4

in Kampuchea.

While increasing its participation in the UN peace keeping operations, the US also indulged in the unilateral intervention in the Iraq - Kuwait conflict of 1990 - 91. Iraq invaded Kuwait on 2 August 1990. In response to the Iraqi attack, President Bush sent a military force to Saudi Arabia. At the same time, he took the issue to the UN Security Council which adopted a series of resolutions directed against Iraq. In Resolution 660, the Council condemned Iraq for aggression. It also imposed trade and financial embargo to force against Iraq, to withdraw from Kuwait. In November 1990, President Bush doubled the US force in Saudi Arabia stating that he wanted the capacity to drive Iraq out of Kuwait. He approached the Security Council for a resolution sanctioning military force against Iraq, and the Council adopted Resolution 678 in December 1990.

To secure the passage of Resolution 678 by the Security Council the Bush Administration used all diplomatic means to persuade the Soviet Union to vote for the resolution. In return, US agreed not to press for self - determination of the Baltic - States, the US administration also convinced Saudi Arabia to give aid to the USSR, as further inducement to the Soviet Union to vote for the resolutions. The administration courted China by keeping silent on the persecution of political dissidents there.

It wooed Third World members of the Security Council by promising financial aid. After Yemen voted against the resolution, the administration cut off its economic aid.²¹ The Bush administration while taking advantage of a weakened Soviet Union tried to impose its own perception of a new world order. Specifically, the US aid to do this while manipulating the UN.

The Bush administration's record of commitment to work through the Security Council was already checkered when Iraq invaded Kuwait. A year earlier the administration intervened military to stop a coup in Phillipines, without consulting the Security Council. It invaded Panama without the consent of either the United Nations, or the Organisation of American States (OAS), and when that invasion was condemned by both the OAS, and the UN, the administration barely took notice of it.

Although the Bush administration portrayed the resolution as the start of a new age of collective international action to oppose aggression, the US administration, more than the Security Council was orchaestening the action against Iraq. On 8th January 1991, President Bush sent Congress a letter seeking support for military action against Iraq. On 8th January 1991, President Bush sent Congress a letter seeking support for military action against Iraq. He wrote, "I therefore request that

21. John Quigley, "The United States and the United Nations in the Persian Gulf War". *New Order or Disorders*", Cornell International Law Journal (Ithaca, New York, Vol.25, No. 1, 1992, p.44)

the House of Representatives and the Senate adopt a Resolution stating the Congress supports the use of all necessary means to implement UN Security Council Resolution 678". Complying with Bush's request Congress enacted a joint resolution stating that "the President is authorised to use US framed forces pursuant to UN Security Council Resolution 678 (1990). In order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674 and 677".²²

On 16 January 1991, President Bush initiated military action against Iraq, by air which came to be known as Operation Desert Storm. He informed UN Secretary General Javier Perez De Cuellar that the United States intended to implement Resolution 678. Explaining the action to the public he said it was "taken in accord with the UN Resolution".²³ With the coalition of American, British and French forces and with the financial support of Japan, Germany and Saudi Arabia and Kuwait to the tune of US \$ 70 billion, the US led coalition had acquired immense lethal potential, war fighting of that sort which was everything but peace keeping - doctrinally, in terms of the ground assets, as well as its command and control requirements. As defined by the US Joint Chief of Staff, the doctrines and rules governing US troop in Desert storm and similar campaigns

22. Ibid p.4

23. New York Times, 17 January 1991, p. A - 14.

are antithetical to standard UN peace keeping practice as these are the decisive, comprehensive, and synchronised application of preponderant military force to shock, discript, demoralise and defect opponents.²⁴

In starting Operation Desert Storm, the Bush administration apparently held objectives other than getting Iraq out of Kuwait, and hence beyond the scope of Resolution 670. In the midst of the campaign, then National Security Advisor Brest Scowcroft explained that the administration hoped to damage the Iraqi forces sufficiently so that Iraq would be left with no offensive capability.²⁵ General Thomas Kelly, Director of Operations of the Joint Chiefs of Staff, had stated that President Bush asked the Joint Chiefs to get the Iraqis out of Kuwait and to 'destroy their ability to conduct offensive operations' outside Iraq. Thus, the aim of the administration was not merely to secure Iraqis withdrawal from Kuwait, but a diminution of Iraq's future military capacity. Secretary of State - Baker acknowledged that the aim fell outside the "full implementation" of Resolution 678. This objective was realised by the US through the "Operation Desert Storm" by the end of February 1991.

For a fleeting moment, the Gulf War indeed appeared to enthuse the American and West European public. Hence, shortly

24. John Gerard Ruggie, "Wandering in the Void! Charting the UN's new strategic role", *Foreign Affairs*, Nov. - Dec. 1993, p. 28.

25. Quigley, No. (21) p. 13

after military victory, Bush began acting more like the "President of the World" than of his own country. Again when the moment came for humbling Iraq he proclaimed humanitarian intervention on the side of Kurds of Iraq, but no such action was undertaken or was rather postponed in the case of Somalia, or Haiti.²⁶ Operation Provide Comfort in northern Iraq was launched by the US for the maintenance of the facts autonomous zone for the Kurds of Iraq. They were protected from Saddam Hussein by the US military presence in neighbouring Turkey and by the enforcement of a no - fly zone directed at Iraqi war planes above the 36th parallel. Thus the Kurds of northern Iraq are now independent in all but name thanks to American military protection.

In a 23 September 1992 speech at the UN, President Bush said that the United States was "ready to do its part to strengthen world peace by strengthening peace keeping."²⁷ Subsequent elaboration of the President's position clarified that the administration was not contemplating any dramatic changes but rather wanted to pursue a steady but cautious approach to increasing US involvement in peace keeping - related UN activities. Eventually this policy resulted in President Bush's decision to proclaim humanitarian operations there along with UN.

26. Michael Mandelbaum, "Reluctance to Intervene", *Foreign Policy* (New York) No. 95, Summer 1994, p.4.

27. Bruce Weinrod, "Peace Keeping : Two views: The US role in Peace Keeping related activities", *World Affairs*(London) Vol.55, No.4, Spring 1993.

After the fall of said Barre's autocratic regime (January 1991), Somalia's rigid political and administrative structure broke down. Rival clans clashed and fought for control of scarce resources. Increasingly, they resorted to looting food and other provisions distributed by various aid agencies to the famine-stricken people. By June, some 2,000 people in the UN Security Council to approve the deployment of armed peacekeeping troops (UNOSOM - I) to guard food convoys, and storage and distribution of food, subject to negotiations with Mogadishu factions. An additional contingent of 3,000 soldiers was approved in August for policing Somalia's four regions. But the renewed outbreak of clan warfare rendered the UN's armed guards hopelessly ineffective. It was this that prompted the US to offer up to 30,000 troops for peace keeping in Somalia. On 9 December 1992, the US led coalition force disembarked in Mogadishu. The father of cold war containment policy, George.F.Kennan observed, "I found the television screen showing live pictures of the Marines going ashore in the grey dawn of another African day, in Somalia."²⁸ Significantly, even before the American Marines were deployed, Congressional leaders from both parties and many in media had for months urged massive intervention.²⁹ Presidential candidate Bill Clinton also supported the Bush Administration's decision to send American troops to Somalia in December 1992 as part of

28. George.F.Kennan, "Intervention in Somalias crisis is Baseless Undesirable" The Times of India (New Delhi) 19 October, 1993.

29. Stedman. Ibid 5 p.2.

a multinational response to famine and political chaos that were ravaging the former American client States.

In January 1993, when Clinton assumed office, he was committed to reversing the previous Republican policies towards the UN. Indeed during the campaign Clinton himself went much further. In April 1992, he called for the establishment of a standing "rapid deployment force" to conduct operations such as "standing guard at the borders of countries threatened by aggression, preventing mass violence against civilian population, providing humanitarian relief and contributing terrorism."³⁰

It is noteworthy that Professor Richard Gardner of Columbia University seems to have considerably influenced Bill Clinton in the formulation of his policy towards the UN and peace keeping through out the election campaign and later.³¹ Gardner favoured the activation of Article 43 of the UN Charter, under that the member states would enter into agreements "designing units of brigade strength (2,000 - 3,000) that would be available for use by the Security Council as a Rapid Deployment Force to deal with threats to the peace and acts of aggression". Designated forces totalling some 100,000 men would be prepared in advance of a crisis with common training, standardised or interoparable equipments and joint exercise under a UN commander.³² Testifying in support of Senate Joint

30. Quoted in Elaine Sciolino, "US Narrow Terms for its peace keepers", New York Times, 23.Sept.1993.

31. Mats.R.Berdal, "Fateful Encounter: The United States and UN Peace Keeping", Survival (London) Vol.36, No.1, Spring 1994, p.31.

32. Joseph.S.Nye and Roger.K.Smith(E.D), What Role for the United Nations? After the Storm: Lessons from Gulf War (New York, 1992) p.40.

Resolution 325 the so called "Collective Security Participation Resolution" introduced by Senator Joseph Biden in September 1992 - Professor Gardner argued that the permanent members could also pledge air and naval units, proposals, envisaging a three - tier UN, which was chaired by R. James Woolsey and endorsed by Democratic Senators David Born and Joseph Biden.

Indication of priority given to US - UN relations was revealed when Madeline Albright, a Washington based academic who was close to Clinton was appointed American Ambassador to the UN.³³ She was given a Cabinet seat and made member of the National Security Council. In early June 1993, Ambassador Albright, speaking of the "need to bring pressure to bear on the belligerents of the post - cold war era" referred to the UN as one of the "collective bodies that increasingly steer the course of world politics". She pointed out that UN should serve as the Chief vehicle for the conduct of "assertive multilateralism" and that American leadership would be forthcoming in formulating border strategy for implementing such multilateral actions. She also took active part in assuring the Secretary General that the US was genuinely committed to strengthening the organisation's resources.

Meanwhile, between February, and August 1993, President Clinton took steps to strengthen bureaucratic policy making

33. Berdal, Ibid 31 p.33.

process essentially to give greater prominence to the UN. This included the new post of Assistant Secretary for peacekeeping and Democracy in the Department of Defence and new office of peace keeping in the Department of State.

In a Congressional testimony in March 1993, Secretary of State Warren Christopher spelled out the Administrator's commitment to enhancing UN peace keeping capabilities. He affirmed the significance and relevance of UN in post Cold War Era inspite of the tragedies in Somalia and Bosnia and stated that for the future. international peace keeping especially by the UN can and must play a critical role. Capabilities must be enhanced to permit prompt, effective, preventive action. And the US must be prepared to pay its fair share. Millions invested in peacekeeping now may save hundreds of millions in relief later.³⁴

A similar view was echoed by Ambassador Albright who testifying before the House Joint sub committees on Europe and the Middle East and International Security, International Organisation and Human Rights of the Committee on Foreign Affairs. She declared that it would be a "top priority of this year to work with the UN Secretariat and key peace - keeping contributors to ensure that the UN is equipped with a robust capacity to plan, organise, lead and serve peace keeping

34. Ibid

activities.³⁵

Against this background of a broad and general commitment to the UN, the Clinton Administration set out to familiarise itself with the UN's peace keeping machinery. Addressing the Council of Foreign Relations at New York in June 1993, Albright reveals that when a peace keeping operation was launched there were many problems, especially absence of contingency planning and knowledge, of existing force structure and almost non - existent centralised command and control capabilities. In her address, she also noted that the American Government was 'pushing' for specific UN reforms which involved the creation an Operation Centre in New York and a revolving stock of peace keeping equipment; the acquisition of data about "Specific forces are capabilities of member states". Albright also disclosed that there could be a major modification in conceding to UN Command over American soldiers serving in peace keeping operations. The desire to maintain control over its own force, especially upholding the chain of command has always been strong in the US. Thus, initial indications that this principle might be modified in order to strengthen the unity of command of UN forces was rightly seen as a sign of genuine commitment on the part of administration to enhance UN field operations.³⁶

35. US Congress 103, Session 1, House, Joint Sub Committee on Europe and Middle East and International Security, International Organisation and Human Rights, Committee on Foreign Affairs, Hearings, "United Nations" (Washington.D.C, 1993) p.165.

36. Berdal. Ibid 31 p.33.

In June 1993, it was announced that Washington was nearing completion of an internal review of US support for UN peace keeping and that the administration 'would try to build a base of support for far reaching reforms that could be pursued this year.³⁷ Presidential Review Directive - 13 (PRD - 13) has been at the centre of modalities of American participation in peace keeping. The policy review was sought by President Clinton in February when he appointed Samuel Berger, his deputy national security advisor, to oversee the progress of this review undertaken by inter agency that would 'formulate a more active policy on peace keeping'. An initial draft approved in July emphasised on multilateralism and multilateral operations under UN auspices, both peacekeeping and enforcement were presented as a way of spreading risks and saving money. The draft also envisaged that American troops would be placed under the 'operational control' of UN commanders on a regular basis'. Other basic elements of the policy review were : the objectives of an operation must be clearly defined in the US 'national interest' and assured by continuing public and Congressional support; the commitment of US troop cannot be 'open - ended', an exit strategy; must consequently be in place before troops are deployed; and operations involving. 45 forces must have effective command and control arrangements. Ultimately the policy review addressed to the central dilemma of US foreign

37. Christopher S. Raj, "United States and UN Peacekeeping in Post cold war Era" in Lalima Varma (Ed.), United Nations in the Challenging world, Radiant Publishers, New Delhi (1997).

policy after the Cold war has to articulate interests and maintain a moral foundation for policy in the absence of direct threat to US strategic interests.³⁸ Indeed PRD - 13 outlined that US should sponsor such operations when only if confronted a breach of international peace and security, such as international aggression, humanitarian disaster, the interruption of an established democracy or a gross violation of human rights.

The policy review PRD - 13 was the basis of President Clinton's speech to the UN General Assembly on Sep. 27 1993. In his address the President laid stress on the following for peacekeeping in the 21st century, the UN must combine "the rigorous of military and political analysis", it should create a genuine peace keeping headquarters with a planning staff, intelligence and logistic unit of modern operation such as global communication; funding of UN operations must be shared and the US should not be over burdened; establish an office of inspector general to root out waste in bureaucracy, and create a high commissioner for human right. The President indicating American national interest thus stated; "In a new era of peril and opportunity, our overriding purpose must be to expand and strengthen the world's community of market - based democracies And we seek to foster the practices of good government that distribute the benefits of democracy and economic growth

38. Ibid.p.35.

fairly to all people." The President concluded this speech with the words : "Let us ensure that the tide of freedom and democracy is not pushed back by the fierce winds of ethnic hatred. Let us ensure that the world's most dangerous weapons are safely advanced and denied to dangerous hands. Let us ensure that the world we pass to our children is healthier, safer and more abundant than the one we inhabit today".³⁹

All these points were duly incorporated in the UN Secretary General Boutros Boutros Ghali's report, 'Agenda for Peace' which was adopted by the General Assembly in October 1993. Significantly, there was a striking convergence of the goals of US and the UN. Both Clinton and Boutros Ghali seem intent upon setting the world right, albeit on the basis of peace, development and democracy. Both used almost identical phrases. Boutros Ghali stated "without development societies will fall into conflict, without democracy, no sustainable development can occur and peace cannot long be maintained". Thus it appeared that there was emergence of an alliance between the world organisation and the world's sole surviving super power. Indeed it was not an alliance between equal partners but an alliance in which US exercised power without responsibility and the UN responsibility without power. Moreover, such an alliance indicated the merger of America's National interests

39. Anirudh Gupta, 'Way to World Disorder', Economic and Political Weekly, 11 Dec.1993. p.2713-2715

with UN's global concerns.

In spite of significant American policy formulation (PRD - 13) on peace keeping and perfect harmony with UN, the adverse course of events in Somalia and Haiti affected the active participation in the UN peace keeping role in both states. Indeed, President Clinton even announced withdrawal of American peace keeping mission from Somalia. The Administration and the Congress were deeply divided over the future participation in the UN peace keeping mission. Indeed, even the Congress was deeply divided over the future direction of American foreign and defense policies. Neither Democrats nor Republicans were prepared to give the Clinton Administration the exclusive prerogative of determining American national security interests even in support of United Nations humanitarian operations. Senator John McCain of Arizona, a critic of the Clinton administration's peace keeping policy, asked:

"Conflicting definitions and sometimes obscure purposes, someone in a position of command over a United Nations peace making operations, who may or may not be an American would clearly identify and define in advance of the commitment of US forces to that operation a compelling of US national interest to be served by our commitment ? What assurances do we have that all the rules of engagement for US forces that American

have learned to respect in tragic lessons of past military involvements will be respected in the cause of 'assertive multilateration".⁴⁰

This attitude was reflected in the 1994 Department of Defence Appropriations Act passed by the Congress in November 1993. The Act included funding for American forces in Somalia only till 31 March 1994, effectively setting a deadline for troop withdrawal. Congress directed that American forces in Somalia should remain for American command and control - which can be seen as vote of no - confidence in the United Nations military leadership. However the Act did not entirely prevent American forces from being under foreign commanders. By attaching a condition the Act required the President to report to the Congress within 48 hours after placing US forces under operational control of a foreign commander. The act also established the American involvement in future operations. Under chapter VI and VII of the United Nations Charter was contingent on the conduct of bipartisan consultation with congressional leaders not later than 48 hours after such a deployment.⁴¹

In the Senate, the Minority leader, Robert Dole, in January 1994 introduced a series of amendments in the 1994 State Department Authoritarian Bill seeking to restrict United States

40. Quoted in So kolsky. Ibid 14. p.283.

41. Ibid p.283 - 284.

military and financial participation in United Nations peace keeping operations.⁴² Referred to as the "Peace Powers Act of 1994", the Dole amendment called upon the United State to press the United Nations to establish an independent office of the Inspector General to oversee United Nations Finances. It demanded that the United States reduces its share of the annual United Nations peace keeping budget. Under international law, it also called for the protection of Americans captured during peace operations, and a Congressional role in determining whether United States troops should be put under foreign command.

Other leading Congressionals also voiced similar sentiments. Senator Sam Nunn, Chairman of the Senate Armed Service adjusted politically or militarily to the increasing role of UN peace operations in foreign policy. While emphasizing the importance of waging peace and leaving "how to Operate in the context of internationalism", Congressman Dellums also noted that Americans have yet to internalise peace keeping into their psyche and do not understand the peace keeping mission.⁴³

Significantly, more ardent proponents of greater American support for peace keeping by early 1994 acknowledged that the situation that might call for the United Nations peace keeping

42. Robert Dole; "Peace keepers and politics" New York Times, 24 January 1994. p.A-15.

43. Adams. Ibid 6 p.15.

actions in future would not be that most immediately threaten the vital interests - of the United States, would be short and long - term activities; the proliferation of nuclear and chemical weapons' the spreading of conflict which would destabilise neighbouring countries; mass movement of refugees and the undermining of economic development. On the one hand, the study observes that such threats would not be compelling enough to elicit military action by United States alone. On the other hand, the United States may want to do something. In this context, the study suggests that peace keeping provides an alternative to having to choose between "Unilateral action and standing helplessly when international conflict and atrocities occur".⁴⁴

It is noteworthy that the general public too were divided on the proper degree of US involvement in peace keeping. The public opinion polls indicated that the overall concept of US involvements in support of UN military action generated considerable approval. A New York Times from early April 1994 revealed that a margin of 58 to 31%. Americans felt that the US "Has a responsibility to contribute military troops to enforce peace plans - when it is asked by the United Nations."⁴⁵ Such general sentiment notwithstanding, Americans appear more cautious when considering what to do about specific problems.

44. Sokolsky. Ibid 14 p.285.

45. Steven Green House, "Polls shows 4 Nations Differ on the Main Threat to Peace", New York Times, 2 April, 1994, p.17.

Illustrative of this tendency are the results of various polls tracking sentiments urging Washington to "do something" or "avoid doing something" in Bosnia, for example, a CNN strikes about Serbian positions. A second CNN poll just before the February 1994 mortar attack in a Serajevo troops. A CBS/New York Times poll in late April 1994 found that 49 to 41% felt that US had no responsibility "to do something about the fighting between the Serbs and Bosnians".⁴⁶

Press reports indicate that, in response to Congressional prodding, the Administration considerably modified its Presidential Decision Directive (PDD - 13) on peace keeping, which required placement of US troops under UN control. The new PDD - 25 announced in May 1994 entitled, 'US policy on Reforming Multinational Peace Operations', PDD - 25 is most succinct public enunciation of United States Policy concerning UN peace operations. Significantly, the reading of PDD - 25 indicated that the Administration was seeking to de-emphasize UN peace operations as a part of its foreign policy arsenal. Its public pronouncements, however, are misleading. Rather than heralding the early demise of United Nations peace operations, as foreign policy tool, the Administration is attempting to provide a more realistic and domestically acceptable approach. PDD - 25 already set the direction of modifying the domestic

46. Adams. Ibid 6 p.17

criticism by providing policy guidelines. The guidelines included regular consultations and pledges to keep Congressional leaders informed of both unanticipated Security Council votes and the command and control programmes for operations involving American troops in UN peace keeping operations.

The PDD - 25 lists the reasons why United Nations operations will continue to play a major role in United States foreign policy. "The US benefits from having to bear only a share of the burden. We also benefit by being able to invoke the voice of the community of nations on behalf of a cause and support.⁴⁷ The directive goes on to list advantages of direct American involvement in United Nations peace operations, and how they serve United States interests, including the ability to "exercise US influence over an important UN mission. The directive observes that the current threat to peace or territorial disputes, armed ethnic conflicts, civil war and the collapse of government. Many of these crisis according to the directions may not threaten American national security interest but they may have significant cumulative effect for the US. Hence it provided a policy approach to the crises Regional instability, once a justification for covert American operations, could be better operated according the PDD - 25 through the United Nations, adding legitimacy and public support.

47. Sokolsky. Quoted in Chritopher S. Raj, Ibid 37

PDD - 25 is designed to provide the Clinton administration with the greatest possible flexibility to address international crises. When discussing conflicts that threaten the United States' interests, the directive is careful to point out that multilateral peace operations will not be permitted to detract from the main mission of the United States armed forces to maintain their ability to fight and win two simultaneous international conflicts. The United States will pick and choose, accepting some missions and eschewing others; basing its decision on the potential costs of each mission and its relevance to the United States national security. Flexibility also avoids the spectra of open ended long term commitments. The PDD - 25 is not subjected to any commitment to stand by or earmarked forces envisaged in Article 43 of Chapter VII of the United Nations Charter.

The directive also covers six further issue areas: the criteria for voting in support of the United Nations peace operations; allocating United States costs for such operations; defining parameters for the command and control arrangements governing operations involving American troops; reforming the UN peace operations apparatus, the division of bureaucratic and budgetary responsibility for such operations, and as discussed earlier, ensuring executive/legislative co-operation in the decision

making process in considering United Nations Operations.

PDD - 25 also provides procedural approach in evaluating possible participation in peacekeeping operations. The directive established three levels of criteria to be taken, into account in considering support for UN peace keeping operations. The first pertains directly to non - proliferation of American Armed forces. Prior to deciding on how to vote in the Security Council, the administration will consider whether the operations has a specified time limit tied into intermediate or final objectives, an integrated political/military strategy co-ordinated with humanitarian assistance efforts, specified troop levels and a firm budget estimate.

At the second level, the Administration will apply stricter criteria when considering operations involving direct participation of US troops. These include: (1) positive risk assessment; (2) the availability of resources; (3) the existence of clear operational objectives and a time limit for ending American participation; (4) the existence of sufficient domestic and Congressional support; and (5) acceptable command and control arrangements.

At the third level, if the operation involves a risk of combat, a third criterion will be applied, which requires the

implementation of an appropriate plan with clearly defined objectives and a determination to commit sufficient forces to it.

Bureaucratic and administrative efficiency were also primary goals to PDD - 20. For this purpose the conduct of operations are divided between the Department of State and the Department of Defense would assume budgetary and bureaucratic control of the operations. Otherwise the Department of state would retain control.

Course of Events

President Clinton came to office facing a full plate of foreign concerns. They included various media saturated wars in Bosnia; American troops groping to understand their mission in Somalia; and rafts of Haitian boat people trying to escape a military fieldom. During the presidential campaign, Clinton had positional himself to the right of George Bush, and had called for action to stop the genocidal "ethnic cleansing" in Bosnia and an end to returning the boat people; he also condemned the "cuddling" of Iraq's Saddam Hussain and the Chinese Communist who had massacred student protestors at Tiannanmen.

Candidate Bill Clinton had supported the Bush Administration's decision to send American troops to Somalia in December 1992 as part of a multinational response to famine was no longer a major problem for Somalia. With little calculation or oversight, it was decided that multinational troops try their hand at rebuilding a Somalic state.

Right from the US military word go, US military personnel began taking sides in Somalia's faction squabbles. This naturally raised doubts about their impartiality. Besides, Washington refused "to code to extra bit of sovereignty which troops at UN disposal."⁴⁸ Quite to the contrary, it kept tight control over the peace keeping action. Most UNOSOM II military officials were Americans. So was Admiral Jonathan Howe, the UN supreme in Somalia. Further, the American Officials hindered efforts to reach a political settlement and after the June 1993 killing of 24 Pakistani Soldiers - they turned the UN operations into a hunt for General Aided, who was suspected of having instigated the violence. Conducted by the US Rangers, a special Delta Force invisible black helicopter and an Orion Spy plane, the hunt turned into a savage outbeast of vidictiveness. A hospital in Mogadishu was razed to the ground; US planes bombed civilian targets and an ever larger number of people were killed.

48 The Economist (London) 2 October, 1993.

This was savagery behind a humanitarian mask.

Then came the first shock in August 1993 when four American soldiers were killed. This led to immediate call in Congress for a complete withdrawal of American forces from Somalia. According to Senator Robert Byrd, the Democratic Chairman of the Senate Appropriations Committee "deaths of four soldiers in Mogadishu was a sign that the operations was crumbling".⁴⁹ Subsequently, the killing of 18 American Soldiers in Mogadishu on 3 October, 1993, led to the demand by the Congress for the withdrawal of all US forces. Meanwhile, the screening of US soldiers on television aroused great public indignation. As a result, on 3 October, 1993, Clinton announced that all American soldiers would return home by March 1994.

The history of US involvement in Somalia under Clinton clearly indicated the limits of public and Congressional support for a policy and Congressional support for a policy based solely on humanitarian interests. The Somalian experience suggests that the humanitarian principle alone is an insufficient justification for long - term involvement, particularly if it is likely to enter both casualties and extremely difficult for Clinton to explain to the public at home as to why lines should be risked when there is no vital national interest involved.

49. Robert .C. Byad, "Don't Blindly follow the UN Lead" International Herald Tribune, 21-22 Aug. 1993.

The image of Mogadishu were quickly followed by those explaining Harlan County incident, in which an American troopship was shown exiting Haiti's Port - au - Prince Harbour after a small group of supporters of the military govt. protested against its arrival. The two came as a catalyst to Clinton's future policy. However, the Americans have always thought only as a winner. Clinton was no doubt aware of this attitude. His rating on foreign policy already low before Mogadishu and Port - au - Prince, the President began to immerse himself in foreign affairs. The Administration declared Somalia as a "failed state" beyond American help. In July 1994, the American Ambassador to the United Nations, Madeline Albright asked the Security Council for permission to remove the military junta by whatever means. This was conceded by the Security Council in the Resolution 940. Thus Clinton was the first American President to ask permission to intervene in Haiti from the UN prior to that of the Congress, which in any case was opposed to intervention. Against public sentiment and without Congressional backing. Haiti was invaded and ousted, President Jean Beatrand Aristide was restored to power.

"Operation Uphold Democracy" - the mission for the American military intervention in Haiti in September 1994 - has entered the political lexion. Of greater significance is the

precedent set in using force to implant or restore democracy. This 'denial-of-democracy' was added to the list to rationales for intervention which the security council approved, in addition to humanitarian concerns. These interventions differ from those of the cold war and imply an erosion in the norm of non-intervention in the domestic affairs of other states. As Thomas Buergenthal pointed out; "Once the rule of law, human rights and democratic pluralism are made the subject of international commitments, there is little in terms of governmental institutions that is domestic."⁵⁰

President Clinton had summarised the reasons for US intervention in Haiti four days before. He Stated : "In Haiti we have a case in which the right is clear, in which the country in question is nearby in which our own interests are plain, in which the nations of world stand with us."⁵¹ These identified reasons fit well into the PDD - 25 and the Clinton Administration in collaboration with UN invaded Haiti and subsequently committed American forces to peace keeping operations in Haiti.

The release of PDD - 25 in May 1994 coincided with the Rwanda Nightmare. The US response to Rwanda was criticised for delay, inadequacy, and lack of leadership. It was a response in which elements of the directive, and some of the problems it

50. Quoted in Karin Von Hippel, "Democratisation as Foreign Policy : The Case of Haiti", World Today (London) January 1995, p.11.

51. William.W.Finan, "American and the World; Drift and?" Current History (Philadelphea) March 1995, p.137.

identified, were clearly evident. Conscious of Congressional pressures and domestic criticism over Somalia, the White House did not support an immediate Security Council authorisation for peace keeping forces. Instead, it pressed for a more specific mandate and careful military assessment before deploying United Nations forces. While the United Nations debated, the slaughter continued and the refugees showered over the borders of neighbouring countries. Finally it was humanitarian ideals, not careful assessment of national interests, that prompted Washington to act. The Clinton Administration offered massive relief support while calling upon other countries to contribute troops for a United Nations peace keeping force to enter Rwanda.

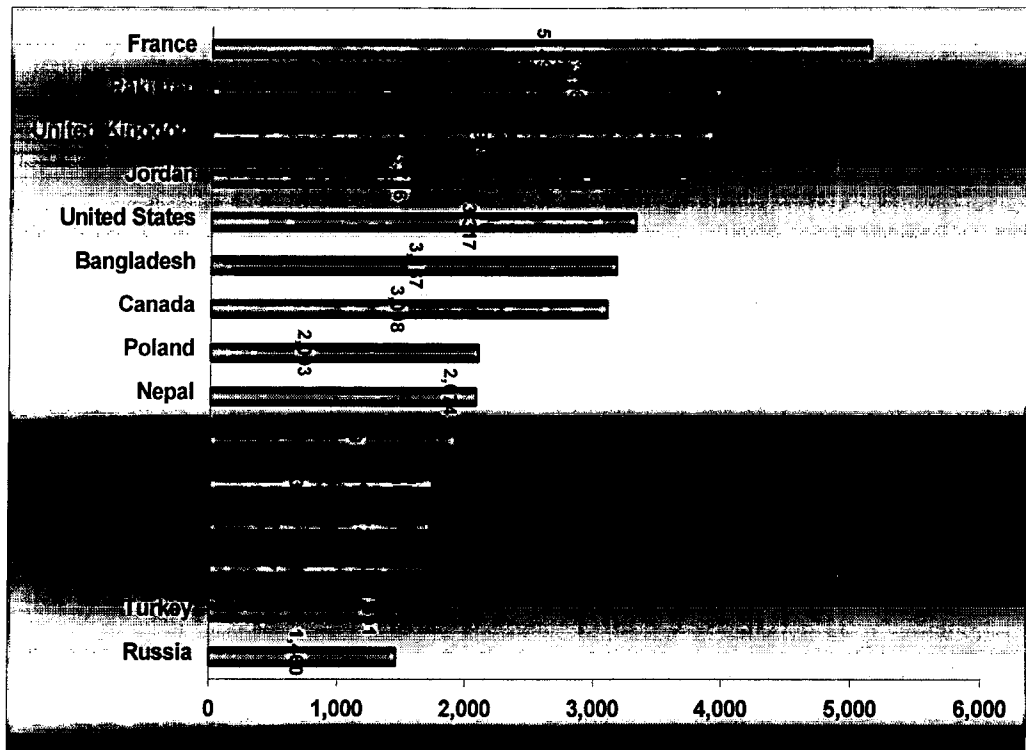
US Peace Keeping troops.⁵²

Haiti	2,267
Macedonia	494
Croatia	361
Western Sahara	30
Kuwait - Iraq border	15
Jerusalem	11
Ex - Soviet Georgia	4
Bosnia	3
<i>Total</i>	<i>3,185</i>

Figures as on October 31, 1995

52. Van Atta Dole, "The folly of UN peace keeping", *Veterans of Foreign Wars Magazine*, Vol.83, 288, 5, January 1996, p.16.

Troops contributions to UN peace keeping Operations. March 31, 1995.⁵³



53. "Focus on United Nations, UN peace keeping Operations", US Department of State Despatch, May 1, 1995, Vol.5, No.18, p.377.

CHAPTER III
IRAQI AGGRESSION AND OCCUPATION OF KUWAIT
AND US RESPONSE

On 2 August, 1990, the Iraqi army seized Kuwaiti ruler's palace and other government buildings. Various political, economic and strategic factors lie behind what occurred to Kuwait during August 1990 - April 1991.

Iraqi Claims over Kuwait

In the 19th century, Kuwait was administered, as a part of Ottoman province of Basra, by the Sabah dynasty of Anaiz tribe of Bedowin which got in 1871 the title of 'Qaim Maqam' (Deputy Governor, Prefect) by Midhat Pasha, the Turkish Governor of Baghdad. This acceptance of title by the Sheikh of Kuwait has been interpreted as his 'acknowledgement of sovereignty' but actually Kuwait had never been under any effective control of Turks, and in 1896 Sheikh Mubarak the Great seized power in Kuwait. Killing his pro - Turkish half brother, Sheikh Muhammad proclaimed Kuwait's independence from Ottoman Empire. To make his throne safe, Sheikh Mubarak sought protection from British which was also interested owing to increasing Russian

and German threats. This resultant congruence of interests led to the signing of a secret Exclusive Agreement on 23 January 1899 between Britain and Kuwait's binding the Sheikh not to cede, sell, lease or mortgage or given for occupation, or for any other purpose, any portion of his territory to the government or subject to any other power and not to accept representatives of foreign countries without the previous consent of the British government. In return British assured the Sheikh of their protection.¹

These agreements were recognised by Germany, Russia (Anglo - Russian Agreement, 1907), Turks (Anglo - Ottoman Draft Convention on the Persian Gulf Area 29 July 1913). In 1914, on the outbreak of the world war, British established its protectorate over Kuwait, a status which continued till 19 June 1961, when Britain and Kuwait decided to terminate the 1899 agreement and a new agreement was signed envisaging bilateral relations based on a 'spirit of close relationship consulting on matters of mutual concern and British assistance as and when desired by Kuwait'.²

Iraq was also under the rule of Ottoman empire since 16th century. When Ottoman empire was dissolved in 1918, it was decided that Iraq should form a self governing state. In April 1920, the Allied powers at San Remo gifted Iraq (formed after amalgamation of three erstwhile Vilayats of Mosul, Baghdad and

1. A.H.H Abidi, "Back grounder" in A.H.H Abidi and K.R singh (Ed.) The Gulf Crisis (Delhi 1991) p.6.
2. Keesings Contemporary Archives, 1961-62, p18159.

Basra) to Britain as Mandate which created a monarchy in 1921 and installed Faisal, son of Sharif Hussain of Mecca, as the King of Iraq. The British installed monarchy ended on July 14, 1958 after a Coup d'etat by army and a republic was proclaimed in its place.

Border Disputes

The border between Iraq and Kuwait was first defined in an exchange of letters dated 19 April 1923 between the Al - Sabat ruler of Kuwait and Sir Perry Cox, the British High Commissioner for Iraq. In his book, 'The House of War', John Simpson says, that in 1923 Britain's political agent in that country, Major More, marked the frontier between Iraq and Kuwait by putting up a notice board in the desert, approximately one mile south of the most southern palm tree of Safwan. In 1939 it was discovered that Iraqi police patrols have moved the board and the political agent of the day was told to replace it. He did so but moved it several hundred yards into Iraqi territory. The Iraqi police moved it again. By 1946 the picture was further complicated by the realisation that there was a new southern most palm tree at Safwan. The Iraqi had planted some more. In this desert, the absence of any precision about the border had always been trouble some.

Iraq's interest in Kuwait was expressed first by King Ghazi

in the late 1930's, when British still controlled Kuwait. King Ghazi wanted to consolidate and expand Iraq all over the Al Hilal - Al Khaseeb (Fertile Crescent) from Syria to the Arabian Gulf. He demanded that Kuwait should be united with Iraq. Ghazi made a lot of efforts to induce union of Kuwait and Iraq, and he was rewarded when the Advisory Council to the Kuwaiti ruler advocated such a move. But under British pressures, the Sheikh of Kuwait dismissed and disowned the council. The people of Kuwait said to have vote for Union. The British then successfully deterred the force Ghazi sent to invade Kuwait.

In another exchange of letters dated 21 July and 10 August 1932, Sheikh Ahmed and Iraqi Prime Minister Nuri - Al - Said, reaffirmed the existing frontier between Iraq and Kuwait on the basis of the 1923 letters as follows :

"from the intersection of the Wadi - Al - Aufa with the Batin and thence northwards along Batin to Safwan wells, Jabal Sanam and Umm Qasa of the Khor Zobeir with Khor Abdullah. The Islands of Warbah and Bubiyan, Maskan, Failakah, Auhah, Kubber, Qaru and Umm - at - Aardin appertain to Kuwait".³

During the mid 1950's, when Kuwait raised the question of demarcating its borders with Iraq, it seemed as though the

3. Text of exchange of letter between Kuwait and Nuri-Al-Said, 1932

countries might agree to solve the border dispute in a manner favourable to Iraq. Under this proposal, Kuwait would have granted Iraq a ninety nine year lease over the most northerly part of its territory, together with the island of Warba. Iraq was to guarantee supplies of fresh water to Kuwait in exchange. "This was the first occasion when an Iraqi government linked the question of its border with Kuwait with certain territorial adjustments, and demanded transfer of certain islands by its southern Sheikdom".⁴ However the Amir rejected the idea of any change in the border as he was worried that by giving up control over his state's water supplies - especially to Iraq in the past - he would provide Iraq with a powerful instrument of blackmail that could be used anytime by Iraq.

In 1958, Nuri - al - Said suggested the accession of Kuwait during a meeting of the Baghdad Pact. But the Ruler of Kuwait, Abdullah Al - Salim, rejected this because Kuwait had no desire to join the pact. He also rejected Nuri - al - Said's call to Kuwait to join a Hashemite Federation of Iraq and Jordan to counter the Egypt - Syria foundation.

It was clear that Sheikh of Kuwait wanted to keep his state away from any political alliance with Iraq. He rejected the Iraqi demands of unity of federation. He did so in order to avoid giving any kind of opportunity to Iraq to establish its leadership which

4. Ibid no 1

may eventually lead to Iraqi influence or domination over Kuwait, or even of giving Iraq another excuse which may be used by Iraqi leaders to justify their claims over the state of Kuwait.

On 25 June 1961, just six days after Kuwait gained independence, Iraqi Premier Qasim stated that "Kuwait is an integral part of Iraq". The expected Iraqi congratulations turned into a confrontation when the Iraqi Premier laid irrelevant claims on the whole territory of Kuwait.⁵ In a press conference on 25 June 1961, Qasim announced that he did not recognise a 'forged treaty' imposed on Kuwait by Britain. He also claimed that Sheikh Mubarak was bribed to sign the treaty of 1890. He said that a decree would be issued appointing Kuwait's rulers as Governors of the Kuwait district of Iraq. He stated that Iraq's border extended from "North of 'Zago' (Zaikho) to South of Kuwait".⁶

Qasim's claims were based on shaky historical grounds. These were: (1) Kuwait had been part of the Basra Vilayat in the Ottoman Empire and (2) that Britain and other powers had recognised Ottoman sovereignty over Kuwait both before and after the signature of the 1899 agreement under which Kuwait became a British protectorate. So Iraq, as the successor of the Empire, was legitimately and rightfully the proprietor of territories. The above historical ground even if it is fully valid, did not justify Qasim's claim over Kuwait because Kuwait is not

5. Abdul Reda Assiri. Kuwait foreign policy, city state in world politics, Western Press, Boulder, San Francisco 1990, p.19

6. United Nation Security Council, Official Records (New York, 957th meeting, July 2, 1961) p.5

a new state which was created by foreign power. Applying the rule of historical rights as a criteria for international relations paves the way of Turkey and Iran to demand the annexation of Iraq. The agreement that Qasim pointed at and tried to use as evidence to justify his claim, was signed between two states in various stages, either the ruler of Kuwait and the Ottoman Empire or between Britain and the Ottoman Sultan. The two were the colonial powers of the area and Iraq was not a signatory to this agreement. If the Sheikh of Kuwait had submitted at a time to the terms of an Ottoman rule of Basra it was because the entire Arab region was under the Ottoman domination. It is true that Sheikh of Kuwait once accepted the title of Governor in order to protect his state from external threats. Thus, the claim on territory which is based on the concept of "historical right" if agreed to, would lead to chaos not only in the Arab countries, but in the whole world.

On 30 June 1961 Sheikh Abdullah al - Salim at Sabah, asked for British help in order to counter Iraqi pressure. The king of Saudi Arabia too was requested to stand in defence for the infant state. From July, Britain and Saudi forces started amassing troops in Kuwait.

On the inconvenient date of Sunday, 2 July 1961, the Security Council met. The British representative to the UN

welcomed Kuwait to the family of nations which was widely supported. But the Iraqi representative did not approve of it. He insisted that Kuwait is not and never has been an independent state. It has always been considered, historically and legally part of the Basra Province of Iraq. There can be no question of an international dispute arising between Iraq and Kuwait, since the latter is an integral part of the Iraqi Republic.⁷

The Security Council failed to defuse the crisis or to pass a resolution condemning the Iraqi act due to veto by the Soviet Union. Mediation was then started by the Arab League. On 20 July Kuwait was admitted as a member of the Arab League. On 12 August the Arab League members, except Iraq, signed an agreement with Kuwait under which British forces were to be replaced by a force from the League members itself, to protect Kuwait's independence and integrity.

Thus Qasim failed in his attempt to annex Kuwait. Although his claim to Kuwait only represented a continuation of longstanding Iraqi claims, in its timing and manner of approach, it represented a serious error of judgement".⁸ On February 1963, Qasim was overthrown in a military Coup d'etat which materialised out of an alliance between nationalist army officers and the Ba'ath party.

7. United Nation Security Council, S/4844 (New York: 16th year, Supplement for July, August and September 1961) p.3

8. Edith E, F Penrose: Iraq: International Relations and National Development, (London, West View Press, 1978) p.276

It was on 4 October 1963, that Iraq's first short lived Ba'athist government (February - November 1963) recognised Kuwait's independence and sovereignty. It decided to establish diplomatic ties in return for some financial assistance.

But as time rolled by, it became evident that the Iraqi recognition of Kuwait is not mere recognition of the borders and frontiers of Kuwait. Iraq has had long standing claims to certain parts of Kuwait. Iraq desired to improve its access to the Gulf at Kuwait's expense. It specifically wanted Warba and Bubiyan islands, which would facilitate development and expansion of its port of Umm Qasa. In March 1973, the Iraqis launched a brief attack on Kuwaiti border post of Al - Samita, resulting in the death of two Kuwaitis. This showed, once again, the Iraq's attention and interest in the islands, particularly Warba. From that time onwards the Kuwaitis became increasingly defensive about their islands and borders. Many places and centres in Kuwait city were named 'Bubiyan, Warba and Al - Samanta.'

Over the years a number of meetings between Kuwait and Iraq took place to settle the border problem, but no agreement could be reached. Thus Saddam's 2 August 1990 invasion was nothing but a new ring added to the chain that the former Iraqi leaders wanted to capture Kuwait with.

Oil factor

One of the chief grievances Iraq had against Kuwait was that the latter exceeded the petroleum production quota fixed by the OPEC which resulted in the lowering of the 'spot market price' of crude oil to 13 - 14 dollar per barrel against OPEC benchmark price of \$ 18.72. This according to Iraq, reduced the Iraqi revenue and hampered its post - war reconstruction programme. But informed analysts dismissed these charges and pointed out that hardly any OPEC countries, except Qatar and Indonesia, could be absolved of the charge, including even Iraq.

With OPEC crude price -falling to \$ 14 a barrel, Iraq would have to sell 2.02 million b/d to earn enough to pay its debt of \$ 11.2 million per annum. If the annual liability was \$14.34 billion, the figure of oil production would go upto 2.6 million b/d. With more than 90% of export earnings dependent on oil, the margin to meet the normal import requirements of the country would thus practically vanish or become so small as to be of little real value. The end result, Iraqi economy would be collapsed and the Iraqi President's war grind to a halt.

Eight year long Iran - Iraq war ended with a huge debt of about \$ 8 billion on Iraq as estimated by Economic Intelligence Unit, London. At the time of the end of the war rate of inflation

was about 45% in Iraq and its debt serving obligation was mounting. It has been estimated that on that day of invasion every man, woman and child of Iraq owed \$ 4824 to the outside world. By annexing Kuwait, Iraq would write off Kuwaiti loans to Iraq which was estimated to be around 15.20 million dollars. And control over Kuwaiti assets abroad estimated around \$ 150 billion would also give Iraq an opportunity to pay off its debts to others and feed its other ambitions with financial foods.

Struggle for Arab Leadership

Leadership of the Arab world served another reason for this crisis. Other competitors to Iraq are Saudi Arabia, Egypt and Syria, Iraqi ambitions are not new; they had just been cold - stored for a decade, as the Gulf war raged. After the disappearance of Shah of Iran from the scene, Iraq attempted to realise its dreams in the name of prevention of Islamic fundamentalism of Iranian style. The war left behind a large battle - hardened armed forces in Iraq. Saudi Arabia as well as Kuwait further tried to isolate Iraq by forming the Gulf Co-operation Council and by their attempt to thwart the Iraqi desire to enter in the Council.

In 1989, Iraq joined Egypt, Jordan and North Yemen - bordering states of Saudi Arabia - in setting up an Arab Co-operation Council. In 1990, in none too - well publicised move at ACC - Summit, Saddam Hussein lashed out at those having ties with the US, without spelling out who he was referring to, also called out for the withdrawal of US navy from Gulf, the force that had saved Iraq from the Gulf from Iranian sway and control oil routes.

2nd August invasion

The invasion of Kuwait by Iraq was not an isolated event. It had its causes rooted in the past and the current development as well. At the domestic level, there was a major contributory factor latent in the economy and polity of Iraq. Saddam was confronting a difficult situation at home after the protracted and inconclusive war with the Islamic Republic of Iran. He was struggling to overcome a critical economic situation. Internally, Saddam faced a potential threat both from the Kurds and Shiah's. The Iraqi's people were very disillusioned with the assumed 'victory' of Iraq over Iran. They perceived that the long and costly war did not yield any gain for their country. Thus, the domestic situation was as intense as a volcano ready to erupt. Saddam desperately needed

to divert the attention of the disgruntled Iraqi's to prove that Iraq, under his leadership, could still regain its lost glory. He picked up Kuwait as a probable panacea of his problems.

In May 1990 at the Arab summit of Baghdad, Saddam Husséin clearly identified Kuwait as an enemy by saying, "Wars can be started by armies, and great damage is done through bombing, through killing, or attempted coup. But at other times as war can be launched by economic means "To those countries which do not really intend to wage war against Iraq, I have to say this is itself a kind of war against Iraq". By saying so Saddam wanted to remind Kuwait of his power if it refused Iraqi demand. The Iraqi Foreign Minister, Tariq Aziz, claimed that, Iraq protected the Arabian Gulf states, especially Kuwait, from the Iranian threat. To do so had cost Iraq dear, and the help Kuwait provided had been nothing like enough to pay its debt. This was another indication of the Kuwaiti Amir, to come forward with some offer of help as Iraq expected. Throughout June the dispute continued. But the Amir, knowing that he had the support of Saudi Arabia and the United States, showed no sign of giving into Iraq's demand.

As a prelude to the crisis, on 16 July Iraqi Foreign Minister Tariq Aziz delivered a letter to the Arab League Secretariat in Tunis, in which he accused Kuwait of deliberately engineering a lower price for oil in order to damage the Iraqi economy.

The conviction that Kuwait, with Saudi and American encouragement, was out to damage Iraq, was reinforced by the interception of telephone conversation on 1 July between King Fahd and the Ruler of Qatar about the increase in Kuwait's production and the real effect it would have on Iraq's economy. Next day 17 July, which marked the anniversary of Ba'athist seizure of power in 1968, Saddam Hussain accused Kuwait and the UAE of exceeding production level set by the Organisation of Petroleum Exporting Countries (OPEC) and driving down the price of crude. Saddam Hussein claimed that the move cost Iraq \$ 14,000 million in lost oil revenue. Also, Saddam Hussein made a vague statement accusing certain Arab countries of joining anti - Arab conspiracy.

It was on that day that Saddam Hussein in a speech on television first threatened use of force to halt over production. He said :

"If words do not give us sufficient protection then we will have no option but to take effective action to put things right and ensure that our rights are reserved."

This threat formed the basis of his act of 2 August 1990. Thereafter, events moved fast in quick succession. On 18 July, Hussein reasserted Iraqi claim to oil in a disputed border area

inside Kuwait. The National Assembly of Kuwait voted to send various high officials to Arab capitals to present the Kuwaiti position King Fahd of Arabia urged Saddam to observed restraint. On 19 July, the Kuwaiti Foreign Minister delivered, a letter to the Arab League responding to the Iraqi charges and calling for Arab league the arbitration on the border dispute. Kuwait offered to pay \$ 1 billion as compensation but refused to write off the war time loans. It put its paltry armed forces on alert on 20 July. In the same day the League Secretary General arrived in Kuwait for consultation. The following day consultations took place between President Hosni Mubarak, President Saddam Hussein and King Hussein of Jordan. On 22 July, the Iraqi foreign minister met Mubarak in Cairo. The NATO military attaches in Kuwait and Iraq reported seeing Iraqi tanks on railway wagons 2,000 to 3,000 trucks and 30,000 troops moving towards Iraq's southern border. Responding to such militarisation, Saudi Arabian military forces in northern and eastern command areas were put on alert. Mubarak travelled to Baghded and Kuwait on 24 July in order to meditate. He proposed a meeting of Arab Foreign Ministers in Cairo. Saddam assured Hosni Mubarak that Iraq did not plan to attack Kuwait. Meanwhile, at an emergency OPEC session in Geneva on 26 July an agreement was reached on production levels acceptable to all thirteen members including Kuwait and UAE.

Kuwait and UAE pledged to abide by the agreement. On 25 July the US Ambassador, April Glaspie met Saddam Hussein, while she assured the Iraqi President that the US was not inclined to take position in inter Arab disputes, the US Senate on 27 July voted to cut off all farm credits to Iraq and to prohibit transfer of munitions and military applicable technology. On 31 July, Intelligence sources reported enormous Iraqi troop build up, with nearly 100,000 troops massed along the border with Kuwait. Representatives of Iraq and Kuwait met in Jeddah (Saudi) to begin negotiations on the oil fields along the border but talks broke down after two hours. The meeting was resumed on 1 August but it also collapsed as the Iraqi representative left abruptly for Baghdad. Iraqi troops were concentrated on the Kuwaiti border. Thus a number of events occurred during 16 days before the actual invasion of Kuwait. Iraq and Kuwait were not the only actors in this complicated scenario. Arab and foreign states also participated in the melodrama.

Saudi Arabia and other gulf states did not want Iraq to be a powerful state. After the end of the Iran - Iraq War (which was launched by Saddam who was backed by the same Gulf countries) these states were worried that Iraq would now be too powerful and that was considered a threat to them. In the version of the phone call which was broadcasted by the Iraqi television, King

Fahd expressed his readiness to back Kuwait by all means if it produced more oil than that of its OPEC quota. This would have not only lowered the oil price but also cut down the Iraqi revenue from oil sales. In his speech of 17 July Saddam held a sort of threat by taking effective action to restore his rights that he claimed. According to some observers Saddam at first did not envisage a full scale invasion of Kuwait. He hoped that his vague threat would be enough for Kuwait to submit to Iraqi demand of economic help. If it did not achieve that, then it might oblige the other oil - producing countries to fix a more favourable price of this valuable commodity. In case this strategy did not work he would take an effective action he had hinted at, namely seizure of part of Rumailah oil field and positioning of Iraqi troops along the line of Mutla Ridge. He might as well have hoped for controlling Warba and Bubiyan islands which Iraq claimed before. Saudi Arabia and Kuwait rejected Saddam's accusations and demands in a letter to the Secretary General of the Arab League. Saddam did not relish the Kuwaiti response he opted for pressing ahead. To demonstrate the 'effective action' he had hinted at, he ordered his troops to move closer to the border with Kuwait. This action of Saddam was viewed by some states (US, UK and members of GCC) as a threat to their interests and security. Another view was that it was a pressure tactic by Saddam to secure

agreement for higher price of oil.

The move worked as it yielded a price rise from 18 - 25 dollars per barrel. However, the gain was neutralised by the OPEC which put limits on Iraq's quota of production. By and large the OPEC accord did not satisfy Saddam. Yet, he raised the stake by demanding cancellation of debts incurred during Iraq's war with Iran. This was summarily rejected by his creditors. That infuriated Saddam and he took the fateful decision.

The Arab League's leaders wanted to contain the crisis. King Hussein and President Mubarak made last ditch effort by offering their good office. Despite the fact that Saddam assured President Mubarak that he will not invade Kuwait, he just did that . Yassar Arafat, PLO Chairman, was worried that the conflict might endanger the Palestine problem. So he offered his service as peace maker. He flew from one country to another to find a solution to the crisis but all in vain.

It was suspected in some quarters that the US policy was crucial in fermenting the crisis. Thus US manouvering it was believed, lured into a trap, which America had laid. On 18 July, the State Department reiterated that US policy in the Gulf is "to ensure the fresh flow of oil through the Strait of Hormuz and to defend the principle of freedom of navigations". This statement,

if it is compared with the statement of Ambassador Glaspie, would show to some extent the manouvering of US during this time.

The US satellites had noted the concentration of Iraqi troops on Kuwaiti border, but no warning was issued. A State Department spokes person said that US does not have any defense treaty with Kuwait and had no special defense of security commitments to Kuwait. On 24 July, the Pentagon confirmed that the US was carrying out a "short notice exercise" with the UAE in the Gulf. The UAE criticised the American announcement for, according to UAE, it contained "unjustified exaggerations".

On 25 July, Ms. April Glaspie, said to Saddam in the meeting that President has directed her that she should work on expanding and deepening relations with Iraq. She assured Saddam that, "the US took no official position on Iraq's border with Kuwait," and that the US had no opinion on Iraq - Kuwait border conflict. In fact, Ms. Glaspie had assured Saddam that the US was not disturbed by his territorial claims over Kuwait. Despite Saddam's blunt statement of taking any action needed to stop Kuwait's 'economic war against Iraq". The US showed no sign of warning Iraq against disrupting peace in case it used force against Kuwait. In fact, Ambassador Glaspie said, "..... we hope you can solve this problem using any suitable method via Klibi (the Secretary General of Arab League) or President Mubarak. All we hope is

that these issues will be solved quickly.⁹

President Saddam drew optimistic conclusion from US Ambassador's carefully worded remarks. He seemed to have felt encouraged that US would not react harshly if he vexed his muscles against Kuwait. One is really not sure about the actual situation, whether the US laid a trap for the Iraqi President or the latter was trapped by his own attitude and ambition.

US response

On August 8, 1990, six days after Iraq's invasion of Kuwait, President Bush addressed the nation from the Oval office and announced the deployment of US troops to Saudi Arabia. Specifically the President explained, "I took this action to assist the Saudi Arabian government in the defence of its homeland".¹⁰ Bush listed four goals. Iraq's immediate unconditional and complete withdrawal from Kuwait, the restoration of Kuwait's legitimate government, achieving the security and stability of the Persian Gulf and the safeguarding of American lives.

Giving a pep talk to the Pentagon Staff, on August 15, Bush repeated the American objectives in the gulf as outlined a week earlier in his TV address and added "the free flow of oil was necessary to protect our jobs, our way of life, our freedom and

9. John Simpson, From the House of war, Hutchinsom, (London,1991),p.103

10. International Harald Tribune, August 9,1990)

the freedom of our friendly countries and the world which would all suffer if control of the world's oil reserves fall into the hands of Saddam Hussein".¹¹

Henry Kissinger, former US Secretary of state wrote in an article in the Los Angeles Times of August 19, "By deploying so many troops, and stating categorically that it would accept nothing less than Iraq's complete and unconditional withdrawal from Kuwait, the US had passed 'the point of no return'. So now it was essential either to topple Saddam Hussein or obliterate his military power. If it should be concluded that sanctions are too uncertain and diplomacy unavailing, the US will need to consider a surgical and progressive destruction of Iraq's military assets especially as an outcome that leaves Saddam Hussein in place and his military machine unimpaired might turn out to be an interlude between aggressions".¹²

On October 31, Bush secretly approved a timetable for mounting an air offensive against Iraq in mid January 1991 and large scale land offensive in mid - February.¹³ It was after making detailed plans for the war that Bush decided to secure a UN mandate.

Once the mid - term to the US Congress were out of the way, on November 6 President Bush made public his secret

11. International Herald Tribune, August 16, 1990.

12. Los Angeles Times, August 19, 1990

13. Bob Woodward's The Commanders, Simon and Schuster, New York, 1991, p319

decision of October 31. On November 8, he ordered the despatch of extra troops to the Gulf. The Washington Post estimated that the final overall total of US forces in the Gulf would be 4,30,000 twice its strength at the end of October.

Soon after Iraq's invasion of Kuwait, the US President had opted for the use of force, preparations were made and the UN mandate authorising such use of force was sought after the administration had decided upon a timetable for military action.

Commenting on the BBC's Gulf wars documentary series the 'Guardian' wrote "The majority reaction in the White House to Saddam's invasion was that the US could live with it, rather than they must repel it, influenced by the unpopularity of Vietnam Colin Powell wanted to give sanctions two years to bite before mounting a military offensive".¹⁴

The Resolution 661 called for economic sanctions under articles 41 and 42 of the charter, the committee of the whole, set up by the Security Council to monitor the sanctions, suggested no mechanism to determine how long the sanctions might continue and no criteria to measure their success or failure. Again, while a later Resolution (665 of August 25) gave permission for ships of the US coalition to stop ships from Iraq or going there to inspect their cargo, no machinery was created to ensure any accountability

14. 'Gulf war getting closer to the Truth', Guardian weekly, January 21, 1996.

to the UN.

In August and September of 1990, while articulating a strictly military policy, Bush expressed strong optimistic support for the economic sanctions approved by the UN Security Council. He told the nation on August 8, "these sanctions, now enshrined in international law, have the potential to deny Iraq the fruits of aggression, while sharply limiting its ability to either import or export anything of value, especially oil. I pledge here today that the US will do its part to see that these sanctions are effective and to induce Iraq to withdraw without delay, from Kuwait".¹⁵ A week later at the Pentagon, Bush reported that Iraq had been cut off from most of the world. "Sanctions are working ... And ships of numerous countries are sailing with ours to see that UN sanctions are enforced". Speaking to a joint session of Congress on September 11, Bush gave a rousing progress report on sanctions, while urging patience over the protracted time required for sanctions to achieve their objective : Iraq's withdrawal from Kuwait.¹⁶

There was intense debate within the US military and political establishment about the sanctions strategy. During Senate committee hearings, while Kissinger urged the Senate to support the resort to war and "the destruction of the Iraq military complex". Robert Mc Namara declared to the Senate foreign relations

15. Alan Geyer and Barbara G Geyer , Lines in the Sand (John Knox press, Westminster, 1991) p.89

16. Ibid.

committee on December 4, "Surely we should be prepared to give the sanctions 12 to 18 months to work, if we wish to achieve our political objectives".¹⁷ Henry Kissinger who passionately advocated military action against Iraq, wrote four years after the war.

"In the Gulf war of 1991, not waiting for an international consensus the US had unilaterally despatched a large expeditionary force. Other nations could gain influence only by joining what was in effect an American enterprise."¹⁸

17. Ninam Koshy, 'The United Nations and the Gulf crisis', Economic and Political weekly, Nov. 22, 1997 (vol xxx11, no.47) p 3013.

18. Henry Kissinger, Diplomacy, Simon and Schuster. London 1995, p.424.

CHAPTER IV

INTERVENTION OF US AND UN IN THE GULF WAR

After the campaign and war against Iraq led by the US coalition was over the secretary general of the UN, Perez de Cuellar said, "It was not a UN war, General Schwarzhkopf was not wearing a blue helmet".¹

At Strasbourg in the European parliament in April 1991 the Secretary General pleaded for a "UN which does not resort to the use of double standards, a UN whose impartiality ensures its credibility".²

He was clearly sensitive to the charge that the UN (or the nations dominating the UN) had indeed practiced double standards in dealing with the world's conflicts, a fact blatantly exposed by the UN's response to the Gulf crisis which diminished its moral authority.

Meanwhile, the US President George Bush who led the coalition against Iraq on March 6, 1991 addressed a joint session of Congress to announce that "Aggression is defeated. The war is over". He said, "It was a war in which there were clear - cut objectives. A war that enabled to fulfill the historic vision of its founders".³

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1. Ninam Koshy, 'The United Nations and the Gulf crises' Economic and Political Weekly, November 22, 1997, P.3011, (vol . xxx11, No . 47)
 2. International Document Review, vol . 2, no . 13, April 1991, P . 15
 3. New York Times, March 7, 1991.

He added, "Now we can see a new world coming into the view. A world in which there is the very real prospect of a new world order. A world in which freedom and respect for human rights find a home among all nations."⁴

The chain of unusual events in the Gulf vaulted the UN to a political position for the first time in its forty five years of history. It was required "to employ all its mandate authority in the advancement of international peace and security. This was a historical watershed for the UN concept of peace through multilateral action under its centralised direction."⁵

Initially, the UN's response to the Iraqi annexation of Kuwait was regarded as an opportunity for UN to enforce peace and to maintain security as the framers of the charter envisaged. Hopes were pinned on the UN to work out a peaceful resolution of this conflict. But, as events unfolded it was observed that the UN could not live up to the expectations.

Hardly few hours had elapsed since the Iraqi invasion of Kuwait, when the US called for an emergency meeting of the Security council under Chapter VI, Article 35(1) which provided that 'any member of the UN may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or the General Assembly.' During emergency

4. Ibid.

5. John . Q . Blodgett, "The future of UN Peace Keeping". The Washington Quarterly, (Washington) vol. 14, No.1, Winter 1991, P.207.

session of the Security Council, both Iraq and Kuwait presented their own cases. Kuwait called the invasion as an "unwarranted invasion" by "a sister country" (Iraq) against a "peace loving country" (Kuwait). He stated that if the Security Council could not enforce Iraqi withdrawal, "no country will be safe after this and the security sovereignty and territorial integrity of every state will be jeopardised.⁶ Iraq attempted to justify its action stating that, it was invited by a group of revolutionaries who has successfully staged a coup d'etat and Iraq was staying on to assist the "free Provisional government of Kuwait" to restore order. The Council then passed the Resolution 660 on August 2 under the terms of Articles 39 and 40 of Chapter III of the UN Charter. It condemned Iraq's invasion and demanded its unconditional withdrawal. Resolution 660 was passed by 14 members of the Security Council. Yemen, the only Arab country represented on the Council, as a non - permanent member did not take any position. The Yemen's representative in the Council stated : "We received no instructions" Yemen wished to avoid any negative effect on the diplomatic efforts that it had undertaken to find a peaceful solution to the conflict. Yemen was thus the first Security Council member which differed from the normal voting pattern. The resolution also called on Iraq and Kuwait to begin immediate intensive negotiations for resolving their differences. This was

6. Security Council Official Records, 2 August, 1990, P.6

not the first time that the provisions of Chapter VII of the Charter were cited as a basis of the resolution. At least twice before in 1948 to resolve the crisis in Palestine and in 1987 to end the Iran - Iraq war, the Security Council had acted upon Chapter VII, of the Charter.

Article 25, Chapter V, provides that resolutions are binding on member states and their violation will result in imposition of sanctions. Iraq rejected Resolution 660 and called it "inequitable and unjust" taken "without allowing itself sufficient time to comprehend the situation and to acquaint itself with the facts from parties concerned."⁷ Kuwait welcomed the resolution, accused Iraq of expropriating its resources and called upon the Security Council to see that the wish of the international community are carried out by imposition of sanctions against Iraq for its refusal to withdraw.

Meanwhile, the US and the European Community, Japan, Canada and Soviet Union had already declared measures like freezing assets, ban on oil supplies etc. to widen the net and seek collective endorsement of these unilateral measures. As a result, "the Iraqi representative vainly warned in the council that any move for economic sanctions, instead of helping resolution of the crisis, would exacerbate it and might create a heavy negative impact on the economies of the developing countries."⁸ Therefore,

7. Letter from the foreign minister and Deputy Prime Minister of Iraq to Security General, UN Document (13 August 1990)

8. Security Council Official Records, 6 August 1990

on 6 August 1990, Resolution 661 was adopted which imposed world - wide oil embargo and comprehensive sanctions banning economic and financial dealings with Iraq and Kuwait and prohibiting imports from, and exports to, the two oil - rich Gulf countries. Resolution 661, allowed supply of food stuffs and medical goods under "humanitarian circumstances", but a controversy arose over the ambiguous words regarding this. The 661 resolution envisaged a broad set of sanctions enveloping all aspects of economic, financial and military relations with Iraq and Kuwait. It also set up a committee to oversee the progress of implementation of these sanctions. The committee included all members of the Security Council. The voting was 13 - 0 - 2 with Cuba and Yemen abstaining.

There were two previous instances of such sanctions being imposed - on South Rhodesia in 1967 and South Africa in 1977, but the sanctions did not work as expected. This time, the US and its allies took upon themselves to interdict all ships succour from the US.

Conforming with the UN Security Council resolutions 660, 661, 662 the Arab Summit voted to send a pan - Arab force to defend Saudi Arabia. In fact, once the US troops were invited by Saudi Arabia, and were deployed, all hopes of finding an Arab solution to the crisis was dashed to the ground.

Iraq, hoping to forestall an American attack, took all foreign nationals in Iraq and Kuwait, into custody and confined them in strategic places to be used human shield. This Iraqi action led to a unanimous Resolution 664 passed by the Security Council on 18 August. It demanded that Iraq should release all foreign nationals held in Iraq and Kuwait and that Iraq should permit and facilitate the departure of foreign nationals from Kuwait.

While addressing the people of Iraq in 19 August, Saddam blamed the US and Britain for the plight of the trapped foreigners. He offered to release foreign detainees if President Bush offered written guarantees that the US forces will be withdrawn from Saudi Arabia and the economic boycott against Iraq would end. Thus Saddam left no doubt that the foreigners would be used as shields, "their presence, along with Iraqi families, as vital targets, may prevent military aggression" he said. President Bush called Iraq's restrictions on "innocent civilians from many countries" unacceptable and an "offence against all norms of international behaviour". Bush referred to the detained foreigners as 'hostages'. Iraqi troops began rounding up Western nationals from their homes at gunpoint. On 22 August, Foreign Ministers of the European Community rejected Iraq's 24 August deadline for the closure of all foreign embassies in Kuwait. On 24 August, Gorbachev sent an urgent message to Hussein warning him that the Gulf situation

was "extremely dangerous" Gorbachev signalled that he was ready to back additional measures to toughen the UN embargo against Iraq.

On 25 August, the UN Security Council in a sweeping 13 to 0 vote with Cuba and Yemen abstaining, adopted Resolution 665 authorising "measures As may be necessary" including military action to enforce the economic embargo against Iraq. Several members expressed their concern and reservation on several grounds. Yemen was alarmed to note that for the first time in the history of UN, unclear powers are being granted to undertake unspecified actions without clear definition of the Security Council role and powers of supervision over those actions.⁹

Colombia's representative made a debatable point that through Resolution 665, the Council would be establishing "a naval blockade, even though it may not say so, and that though the Council may not say so, it is acting pursuant to Article 42 of the Charter". While France stressed that it did not imply "a blanket authorisation for the indiscriminate use of force." China did not favour using force in the name of UN. But the US was quite obviously pleased with these sanctions. The Soviet Foreign Minister, Edward Shevardnadze said that while Moscow will not object other countries including the US, used military means to

9. K.P Saksena and C S R Murthy, "The United Nation and The Gulf Crisis in The Gulf crisis, A.H.H.Abidi K. R. Singh(e.d) Lancers Book, N.Delhi, 1991,P.31

back up the UN embargo. The Soviets "have no such plans to use force or take part in such an operation". Iraq tried to exploit these different perceptions and expressed doubt about the applicability and appropriateness of the text. It also pointed out that any use of force could only be under Article 42 and subsequent articles under the authority of the Security Council in co - operation with the Military Staff Committee.

In response to Iraq's illegal order closing the US Embassy in Kuwait, the state Department announced that the "number of authorised Iraqi personnel at Iraq's Embassy in Washington will be reduced from the current 55 of 19". The US measures was taken "in strict accordance with UN and International law", the State Department said. On 28 August, Kuwait was formally absorbed into Iraq's administrative structure. Iraqi authorities continued to put obstacles in the path of foreign nationals who wished to leave Iraq and Kuwait. Japan joined Soviet Union in calling on Iraq to free all foreign hostages and withdraw its troops from Kuwait. It was the first time in more than 50 years that these two countries issued a joint statement on international issue. President Bush and President Gorbachev, following their meeting in Helsinki, warned Saddam that they will consider unspecified "additional" steps against Iraq if he did not hear UN demands to withdraw his army from Kuwait.

But Iraq continued to refuse to comply with the UN Security Council resolutions. It refused to permit food shipments to go directly to foreign nationals trapped in Iraq and Kuwait. This led the Security Council to pass another resolution, 666, on 13 September 1991 which sets procedures for determining the extent of humanitarian need for food supplies among the civilian population of Iraq and Kuwait. The vote was 13 - 2 - 0 with Cuba and Yemen voting against.

In response to the Iraqi order of closure of diplomatic missions in Kuwait, and to the entry of Iraqi troops into the French Ambassador's residence in Kuwait, the UN Security Council unanimously passes Resolution 667 on 16 September, condemning Iraq's violation of the diplomatic premises in Kuwait. It demanded the immediate release of all foreign nationals. Iraqi national Assembly condemned Resolution 667 and said it "is based on false information and the Security Council has not in the first place tried to make sure of the facts. On 13 September, the 45th UN General Assembly opened. The nine - nation West European Union decided to ask the Security Council to extend the UN to ask the Security Council to extend the UN embargo to air traffic. The Soviet Union backed an air embargo and called for the Foreign Ministers of five permanent Security Council members to act. The US Defense Secretary David Cheney said that he had obtained

permission from the UAE for all military forces to operate from the bases then. And on September 20, French forces began troop movement to Saudi Arabia to join the multinational force. On 23 September, the Iraqi government warned that it will launch an all out war against multinational forces arrayed defensively against Iraq, if it judged the UN trade embargo was about to "strangle" the Iraqi people. On 24 September, the French President, Francois Mitterand, condemned Iraq for its invasion into Kuwait. He addressed the General Assembly and outlined a four stage peace plan for resolving the Gulf Crisis. The Security Council passed Resolution 669 on 24th September, defining the role of the sanctions committee. The vote was 15-0-0.

Saddam stressed that Kuwait was a part of Iraq and added : "We will not give it up even if we have to fight for it thousand years". Thereafter, the Security Council by a vote of 14 to 1, adopted Resolution 670 which required each member state to impose an air transport embargo against Iraq and occupied Kuwait. It called for air embargo, allowed the possibility of taking action against the state evading the embargo, and reaffirmed the liability of Iraq and Iraqi officials for acts taken in contravention of 4th Geneva convention. The vote was 14 - 1 - 0, Cuba voting against. Speaking in the Security Council on the air embargo

resolution, the Chinese Foreign Minister, Qian Qichen, declared that "the use of force in any war is unacceptable to us."

In Resolution 674 of 29th October, Iraq was held responsible for damages relating to the invasion of Kuwait, including human rights violation. The resolution also demanded an immediate end to hostage taking and called on Iraq to ensure immediate access of food, water and protection to Kuwait nationals in Iraq and Kuwait. The vote was 13 - 0, with Cuba and Yemen abstaining. On the same day the UN Secretary General, stressed the need for diplomatic solution to the crisis. Iraqi information Minister, Latif - al - Jassem, stated on 4 November that Kuwait no longer exists and that the world should forget about Kuwaiti independence."

A state of deadlock was reached when Iraq ignored all the resolutions of the UN Security Council. Therefore on November 28, Resolution 667 was passed which directed the Secretary General to ensure the safe keeping of Kuwait's population statistics. It condemned the Iraqi attempt to alter the demographic composition of the population of Kuwait and to destroy the civil records of the Kuwaiti government.

Thus most of the UN sanctions failed. The US seemed to have bulldozed the UN to a corner and took upon itself to lead the war against Iraq. The UN stood a hopeless spectator. The

ultimate act was the passing of Resolution 678 under Chapter VII which authorised the "use of force" to dislodge Iraq from Kuwait.

Legality of the War

The legality of the action was less clear, however, President George Bush's administration relied on Security Council Resolution 678. On 29 November 1990, the use of force was endorsed by the Security Council when it adopted Resolution 678 under Chapter VII of the UN Charter. This resolution was voted 12 - 2 - 1, China abstained and Cuba and Yemen voted against. Paragraph I, of the resolution reiterated the demand for Iraqi withdrawal as stated in the earlier Security Council resolution on Kuwait. Paragraph 2, authorised "member-states to co-operate with the government of Kuwait, unless Iraq, on or before January 15, 1991, fully implement as set forth in paragraph One of the above, the foregoing resolution, to use all necessary means to uphold and implement Security Council Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area."¹⁰

To properly understand the terms of Resolution 678, it must be studied against the background of earlier resolutions. Views

10. UN Security Council resolution 678, 29 Nov., 1990 [UN documents](#).

in this perspective, it seems obvious that the Security Council could not have meant anything else but 'use of force', by 'all necessary means', since it had already desired nearly all means short of force. Eg : economic sanctions, embargo etc. And, secondly, the Security Council need not authorise the use of a solely political initiative. The resolution was unclear on the mode of its implementation.¹¹ It was specifically mentioned whether the action to be taken was to be under chapter VII of the UN Charter. The Security Council was to direct military operations by creating the Military Staff Committee under Articles 46 and 47. Was the resolution just an excuse which would lend authority and legitimacy to any military action taken by members against Iraq on the pretext of helping Kuwait ?

The unclear and vague wordings of the resolution gave the opportunity to interpret it in different manners as desired. "This resolution allowed the attacking forces to by pass the existing provisions of the UN Charter dealing with collective action under Chapter VII and helped to legitimise the use of force by great powers to the purpose of securing their specific goals in the region. This precedent would have grave repercussions for the south in the years to come."¹²

Iraq's reaction to both the resolution and January 15 deadline was a blunt rejection. It called the resolution "illegal and invalid."

11. "Post script" *Gulf Crisis*, Abidi Singh (E D) n.(9), p.255.

12. *Ibid* p.225.

The Iraqi newspaper, Al Thawrah said the resolution" is a blatant violation of all humanity, peace and legality" and accused the security council members of having succumbed to "Pressures, threats and monetary aid to the tune of millions of dollars" to comply with it.¹³ Latif Jassaim, the Iraqi Information Minister, said that any talk of Iraqi withdrawal is 'nothing but dreams and wise thing". The records of the debates which preceded the adoption of the resolution indicate that it was clear to the sponsors that, use of force was being sanctioned in 678 because this point was repeatedly stressed upon throughout the debates both by the sponsors (Britain, Canada, France, Romania US and Soviet Union) and other Security Council members including Cuba and Yemen. There were certain quarters which heralded this resolution and called it an achievement of the UN. They also admiringly stated that at long last the Security Council was finally exercising the right of collective self defense. "This is a landmark decision which may be used as a precedent to deal with future cases of aggression. It certainly provides a pattern for action to implement security council Resolution on Israeli aggressions.¹⁴

There was another opinion prevalent which felt the UN served as a premature legitimacy for a policy which the US preferred to adopt and had persuaded or coerced the rest of the members to agree. "The Security Council, thus, played fast and

13. 'Iraq rejects Ultimatum', Times of India, (30 nov 1990)

14. Rikhi Jaipal, " The Moral link ,"Hindustan Times, Feb.11,1991

loose with the provisions of the UN Charter. No time was given for sanctions to work and no use was made of the Military Staff Committee, which under Article 47, is supposed to direct any armed forces at the Security Council disposal.¹⁵

The Security Council adopted the resolution under Chapter VII of the UN Charter. Which lays down the complete procedure in Article 42 to 49 for the use of armed force to restore international peace and security. Article 42, authorises the council to take action by restoring the use of armed force, provided the action under Article 41 fails to prove adequate. Thus, it implies that only if embargo and blockade (Article 41) has failed military forces could be restored. Article 42 requires the members of the UN to make available to the Council their armed forces. Article 44, enables the Council to call for arms aid from non - members after it had decided to use force. Article 45, speaks about the process where it becomes necessary to take urgent military measures. Article 46, stipulates that "plans for the application of armed forces shall be made by the Security Council with the assistance of the Military Staff Committee. Article 47 deals with the establishment and functioning of Military Staff Commission. Article 48, directs that, "action required to carry out the decisions of the Security Council for the maintenance of international peace

15. Stephen Lewis Interviewed by Jim Wurst, "The UN After the war", World Policy Journal, vol. VII, no.4 Feb. 1991, p. 539.

and security shall be taken by all "members of UN or by some of them as the Security Council may determine.

The Charter of the UN nowhere permits the use of armed forces by one member against another. Rather, the whole Charter prohibits the use of force. Only the Security Council is permitted to authorise use of armed force against a member of the UN. It may take help from members but the action must be a Security Council action. It would thus be a violation of the UN Charter to allow individual members to use armed forces against anyone and more so under the excuse of doing a job which the Security Council alone has been authorised to do under the UN Charter.

Moreover, Resolution 678, did not refer to the establishment of the Military Committee, which is incumbent under Article 47. Another aspect which was not in conformity with the Charter was that there was no special agreement with member states to create a military force, nor had the permanent members consulted each other or other UN members prior to launching the Gulf Operations. Was this an abdication by the Security Council of its duties and functions of planning, controlling and directing its military operation ?

It is also mentioned in Chapter VII that all forces of UN must be operated under the UN flag. This was not mentioned in

Resolution 678, nor was it carried out in the Gulf Operations. In fact, this resolution authorised use of arbitrary force by some members. The manner of military deployment or the operational problems were never discussed or stated. "It is therefore, void abnatio".¹⁶ The coalition forces did not wear blue UN uniforms, did not fight under the UN Flag, and were not under the joint military command of the Security Council. Thus, this could not legitimately be called a war waged by the UN.

A fact which the world soon became aware of was that the aims of the coalition forces were not limited to ensuring the liberation of Kuwait. The latest aim was total destruction of Iraq as the war showed. Destruction of Iraq was disliked by the Muslim and Arab forces who were in the coalition forces but they were helpless to do anything. No where does the UN Charter talk of total destruction of a member who has launched an aggression on another state.

What in fact unfolded the façade of UN sanction was the blatant violation of human rights, humanitarian laws, and it brought the world on the brink of an environmental disaster. It endangered the survival of mankind. This was an infringement of the Article 2, paragraph 4 of the UN Charter, which prohibits any threat of the survival of mankind.

16. Gurdip Singh, "Abdication by UN", Hindustan Times, 14 March 1991)

The legitimacy of Resolution 678 was questioned on a number of grounds. Firstly, it was in contravention with the spirit of the UN Charter, which promises to eliminate the scourge of war". Secondly Resolution 678 made no mention on how long the application of "all necessary means" can continue and the type or amount of forces that was to be used. Thirdly, it ignored the provisions mentioned in Chapter VII of the Charter which specifically empower the Security Council (not any member state of UN) to indulge in use of force and to conduct the operations under the Military Staff Committee and under the UN flag. Finally it was also in contravention of Article 27(3) which requires that an important resolution of the Security Council must have the 'concurrence' of the five permanent members. Since China abstained it implied that it did not concur and, as such, meant that Resolution 678 was not perfect and its follow up action was not legitimate. This point was raised during the Korean Crisis when in the three successive resolutions of the Security Council which sanctioned enforcement measures against North Korea were adopted, the Soviet Union boycotted the Council. On the basis of Article 27(3) which asks for 'concurrence' of permanent members of Soviet Union challenged the legality of these resolutions in the 482nd meeting of the Security Council. It maintained that because of its boycott the resolution had no legal force.

There are some more controversial issues regarding the legality of Resolution 678. It is pointed out that it was an imperfect legal form vis-à-vis the Charter. The preamble of the resolution stated that this decision of the Security Council was taken under Chapter VII of the Charter, but the same chapter includes, besides the provisions of collective measures by the UN (Articles 41 and 42), provision on self - defense (Article 51). Some scholars have interpreted this provision to mean that the Council could allow the coalition to take collective action against Iraq on behalf of the UN in defense of Kuwait. So, it was felt that the UN was merely indulging in a formality by giving its blessing to an operation which was based on the right of self defense. Thus, it was a legal operation.

Critics point out that the Security Council did not give the sanctions enough time to yield the desired result. It is countered by others who maintain that Article 42 empowers the Security Council to take military action to restore international peace and security, if it feels that economic sanctions "would be inadequate or have proved to be inadequate". The Council in this way is not required always to wait 'to observe whether the economic sanctions will prove to be inadequate. It can take recourse to military action.

Scholars who regard the Resolution 678 as legally valid also maintain that Article 42's provisions do not require that the UN has to control the military operation. This Military Staff Committee need not direct the military operations now. More so because the UN did not possess the machinery for controlling the military operation of a scale as the Operation Desert Storm. Thus, there is no reason in law why the UN should restrain a group of states either to use force or to decide a command structure amongst themselves. "The UN action seemed to be based more on Article 43 than 51".¹⁷ The action could not be confined only to the doctrine of self defence as enshrined in Article 51. "Security Council was taking a form of collective action, rather than confirming its approval for a self - defense action".¹⁸ But if this use of military force against Iraq is called enforcement action and not collective self - defense, then it will lead to some legal consequences. For instance, the use of force will not be confined to defence or liberation of Kuwait, but it would include all measures to restore international peace and security in the area. In this way, the coalition force was given an opportunity of not only indulging in complete destruction of Iraq but also to end the threat to international peace and security. Thus, we see that an analysis of Resolution 678 vis - a - vis the UN Charter reveals a vagueness in the languages of the Charter which exposed it to conflicting interpretations.

17. Christopher Greenwood, "Iraqi invasion of Kuwait : Some Legal Issues" The World Today, vol . 47, no. 3 March 1991, The Royal Institute of International Affairs, U.K.

18. Ibid

Resolution 678 adopted by the UN Security Council on 29 November, 1990 triggered of varied responses from different nations. The US and Britain were the sponsors of this resolution. Their forces stationed in the Gulf were put on alert even before the resolution was adopted. The first ever sanction of UN to use of force to enforce peace and security was adopted on 7 July, 1950 when it did so to help South Korea from the aggressive North Korean troops. The second time was in 1961 to prevent a civil war in Congo (Zaire) to make possible the withdrawal of Belgian troops and mercenaries.

The Soviet Union favoured Resolution 678 but stayed away from the coalition force and the armed conflicts. It had been Iraq's friend in the pre - August 1990 period and its major arms supplier. It went along with all the UN resolution in the Gulf crisis. The Soviet Union was in a precarious position. Because of its cordial relations with Iraq it did not contribute forces to the fight against Iraq. The internal turbulence in Soviet Union prevented it from playing a more important role in the Gulf crisis.

Another permanent member of UN Security Council; France supported all resolutions. Though President Mitterand had urged search for a peaceful solution through negotiations, France endorse Resolution 678. But France differed from the US in respect of the fact that Mitterand gave the impression that if Iraq pledged to

withdraw from Kuwait before January 15, a war could be avoided. But he made it clear that France was with the international community against the postponement of 15 January deadline. Mitterand included France in the conference because according to him, France "must be worthy of its responsibility as a major power that cannot be absent from the Gulf crisis.

China had voted for the initial UN resolutions but it abstained on 678. The Chinese Foreign Minister, Qian Qichen, did not endorse the use of force. However, since Iraq had steadfastly ignored all resolutions calling for withdrawal, China did not wish to torpedo the resolution by using veto. This stance of China was predictable. Though it had maintained good relations with Iraq, just a few days before the outbreak of the crisis, China had established relations with Saudi Arabia on Ambassadorial level from 21 July 1996 and with UAE after a long lasting gap. Regarding the suggestion of oil as a determining factor it never influenced China's policy much because China is self sufficient in oil and does not depend on oil imported from the Gulf countries.

Cuba and Yemen continued the early trend they had set a being the only dissenting member of the Security Council. Though they voted against the annexation of Kuwait, demanded Iraqi withdrawal, both voted against Resolution 678. They were the only non -permanent members of the Security Council who voted

against it. This policy was predictable. Cuba, being a communist country was against imperialism and West hegemony. Yemen was the only Arab country in the Security Council. It was remarkable that whereas the Yemen's role fluctuated on various Security Council resolutions, Cuba remained consistent in its dissent. It was not possible for both countries to endorse Resolution 678, though their negative votes did not prevent the war. The Cuban Foreign Minister said that the resolution was a violation of the UN Charter and 'practically a declaration of war' against Iraq.

The adoption of Resolution 678 had to be acknowledged as a major diplomatic victory of the US troops and Britain. Since the day its troops landed in Saudi Arabia, the US was trying hard to get a sanction of the kind from the UN. The US categorically stated that "all necessary measures" include the use of military forces. On November, the US President proposed to send Secretary Baker for 'face -to-face' talk with Saddam Hussein. This was surprising because the UN had sanctioned use of force and now Bush had put forward the idea of peace through talks. This showed that President Bush was trying to hold out both the carrot and the stick. This offer for peace talks was viewed in some quarters as a last chance for peace. According to a report from the UN, the Secretary General of the UN welcomed this move.

He observed, "I welcome very much President Bush's statement because I am persuaded that if these contacts take place we will be really leading to a peaceful solution of the problem".

The ruling Revolutionary Command Council of Iraq accepted "in principle this offer for talks" saying 'we accept the idea of invitation and the meeting. When we receive the invitation officially, those concerned in Iraq and those concerned in US will agree on the timing and practical arrangement of the exchange of visits to suit both the sides.'²⁰ Iraq put down the condition that this dialogue must be based on Saddam Hussein's August 12 initiative of linking the Iraqi withdrawal with Israeli withdrawal from occupied territories. In a telephone interview by Jordanian radio, the Iraqi ambassador to the UN, Al - Anbari, said, "Iraq has always called for peaceful solutions and negotiations provided they include all problems related to the region."²¹

But here also there existed a feeling that this offer of peace talks would endanger the Iraqi withdrawal from Kuwait. The former US Secretary of States, Henry Kissinger, said about this : "I have not been this worried in decades as I am tonight. This act today fills me with foreboding".²² The hope of achieving a breakthrough by talks never materialised. Ultimately, was the use of force sanctioned by Resolution 678 which triumphed. Thus Resolution 678 left in limbo all arrangements for organising the

20. "Iraq accept US offer for talks", Times of India, 2 Dec 1990.

21. Ibid

22. Ibid

effort for solving the crisis through negotiations. The net result of all this was a loss of credibility of the Security Council as an instrument working in the general interest of the world.

Resolution 678 was the only basis of US led coalition made to justify their crucial action. Thus, Resolution 678 went against the UN Charter, which not only places on the Council, the "primary responsibility for maintenance of internal peace and Security (Article 24) but also lays down a precise scheme by which the responsibility should be discharged. (Chapter VII).

US intervention on UN activities

George Bush, the President of US, while addressing the Congress of 12 September 1990, stated that it was "a unique and extraordinary moment" because the Gulf crisis", offers a historic opportunity to move towards a historic period of co - operation. Out of these trouble times a new world order can emerge. The new era would mean the nations of the world East and West, North and South can prosper and live in harmony.²³

What President Bush left unsaid was that USA would be the most powerful state in this "New World Order" where what the US will say will be done. The end of the Cold War, the strategic refrain of Soviet Union from the centre of world affairs and the

23. USIS Wireless File, 12 september, 1990

Gulf war threw the US into a whirlwind of activities. The US lost no time in taking advantage of this opportunity. It launched a strategy to lead a global alliance. James Baker III, Secretary of State, spelled out this policy blatantly. He said that "We (USA) remain the one nation that has the necessary political, military and economic instruments at our disposal to catalyse a successful response by the international community. Only American engagement can shape a peaceful world".

Thus the US assumed that it is currently in the driver's seat in world affairs. One of the most apt assessment of the New World Order came from Stanley Hoffman of Harvard who wrote in his paper "A New World Order",²⁴ that the nature of power has become very complex today. He stated that while Japan and Germany could claim economic and technological power, the Soviet Union had military power, India and China could use the double edged power of demographic weight, only the US was still "unmistakably and simultaneously a great economic, military and political power. We too present US as a new world order's head. The US thus adopted a "we are number 1" bravado.

Since 1945, the US provoked initiated or participated in most armed conflicts in the Third World be it the civil war in Afghan, Iran - Iraq war or any other. It also staged numerous interventions like in Cuba, Libya, Granada and Panama etc. The

24. Stanly Hoffman, New World order "Foreign Affairs, vol . 69, no 4, Fall 1990.p(15.22)

October 1983 US invasion of Granada violated all international laws, and violated the UN Charter. Thus although it has been decades since the Third World countries have got their independence, they are bound to restrictions in fully exercising their sovereignty as nation states. Apparently these nations are free and equal participants in international development, but in reality the imperialist powers, especially the US maintain a strong grip over international politics and international organisations, like the UN. In spite of its professed benefits in non - interference and non - intervention, the US can still invade, attack, interfere under a lot of excuses such as self - defense (as in the Gulf crisis in 1990 - 91) The US does not wait for UN resolution to give legitimacy to its action as President Bush himself declared : "I might have said, "to hell with the UN" and sent US troops anyway into Iraq if the Security Council has not authorised the use of force against Iraq.²⁵

The US strives to champion Pax - Americana, whether it was Monroe Doctrine, the Truman Doctrine or the New World order of President Bush, all have one common aim - to expand the influence of America. This same Pax - Americana was the crux of the operation 'Desert - Storm' a Pax - Americana imposed by American weapons of war.

25 "I might have said to hell with UN : Bush", Times of India, 16 March 1991

Operation Desert Storm won by the US and coalitions against Iraq was a demonstration of the fantastic and destructive military might of the US which can always be applied against a Third World Country. This war, a near holocaust, staged after the end of the Cold War will continue to haunt the Third World's psyche for a long time to come.

The US had stated various principles of liberating Kuwait, of seeking Iraqi withdrawal, of protecting Saudi Arabia, and safeguarding American life as its goals in the Gulf. If its motives were so altruistic - to preserve and promote international peace and security - then why did the US not take action at the right time to prevent Saddam Hussein from entering Kuwait ? There is evidence to suggest that the US knew of Iraqi military plans by late July if not earlier, but ignored them and may be intentionally misled Iraq into believing that the US was far from hostile to it. American satellites had spotted the concentration of Iraqi troops on Kuwait's border but it did not issue any warnings.

In fact, it seems to have lured Iraq into a trap because :

- Ms. April Glaspie, the American Ambassador to Iraq, reassured Saddam Hussein that the US was not disturbed by his territorial claim on Kuwait nor were they opposed to the demand of higher prices of oil ;

- In July, a State Department spokesperson said that US does not have any defense treaty with Kuwait and has no special defense or security commitments to Kuwait.²⁶

- Ms. Glaspie assured Saddam Hussein that "the US takes no official position on Iraq's border with Kuwait and US had no opinion on your border conflict with Kuwait. This was said after the US knew that 30,000 Iraqi troops had been gathered near the border of Kuwait.

- - During the conversation, Saddam Hussein had also stated that he would take whatever action he felt was needed to stop Kuwait's 'economic war against Iraq'.²⁷ Despite this blunt statement of Saddam Hussein, the US showed no sign of warning Iraq against disrupting peace'.

Thus, it is seen that the US knew about Saddam's motives and his readiness to risk a war in pursuance of his objectives but the US did not take any steps to dissuade him. It was then not interested in stopping a budding conflict in the scene in the guise of a protector and defender. The US whipped up support for its action not only in the Security Council but also achieved international support in the armed action taken in the Gulf. It even succeeded in making the UN abdicate its responsibility in such a manner that the US took over the operations. All the

26. John Simposen From the House of War (London, Hutchinson, 1991) p102-103.

27. International Herald Tribune, 14 Sep. 1990.

members of the Security Council were coerced, persuaded or influenced to back the US stand on the crisis. The Soviet Union obviously did not condemn the Iraqi action, but was very ambivalent about its stand in the crisis. It believed that Iraq must withdraw but did not know how to bring about the withdrawal. The Soviet Union wanted time for sanctions to continue but it had to fall in the American line. It could not afford to oppose the American stand since it needed US help in solving its internal problems. It needed emergency aid. It needed the US on its side while it was dealing with Lithuania, Estonia, Latvia and other republics. It could not take any chances which may result in the US cutting off of aid or harassing it.

China was very reluctant to tow the US line but it refrained from using its veto because after the Tiananmen Square massacre, China had to bear the international criticism and it wants to avoid being treated as an outlaw in international affairs. It openly opposed the UN sanctioned measures. Thus, it abstained in a major resolution like 678.

The UK needed very less persuasion Mrs. Thatcher in the initial stage, saw a "potential Falkland" in the Gulf. France, though ambivalent in its stand ultimately gave into the pressure exerted by NATO judiciously. Other countries were also wooed by the US gradually. It won Egypt between the Ethiopian govt. and the

rebel groups. Thus, the US whipped coalition into time. American action took the cynical stand that war was inevitable. They go further in the name of President Bush an the initiator of war because a war in which US would be a winner was very important for Bush domestically. The Repuclicans were not doing well, the midterm elections were approaching, scandals of the Republican rule were brought to light. Bush was being involved in a savings and loan scandal etc. Thus, the domestic scene was not very favourable to Bush. What he needed to do was to divert American attention and Saddam Hussein provided the excuse. The probable victory of the US over the Third World countries were regarded as establishing US hegemony over the international system.

The American success in leading the coalition to a successful war against Iraq, the response of other great powers - Soviet Union's timidity, Chinese opportunism, West European disarray and Japan's paralysis could be seen as symbolic of the new unipolar world.

In view of above development, US turned to the Security Council, the chief organ of the UN which entrusted with the responsibility of maintaining international peace and security. "The US knew fully and that it could whip the Security Council into line if it wanted to and it did".²⁸ The Security Council was never even convened to meet and discuss the conduct of war.

The Military Staff Committee was never formed. The US practised deceit. It never told the Security Council the might of the coalition. It knew that Iraq's nuclear and chemical weapons would not be used. There were a lot of other details why the US never shared with the Security Council but used this UN organ as an arm of its foreign policy. "The Security Council is functioning as an effective instrument of US foreign policy. No vetoes have been cast since USA took it over.²⁹ There existed the threat 'of the US using its veto to ensure that only its initiative succeeded. Thus the US moulded the Security Council to suit its own policy ends. There was widespread dissatisfaction with the subserviant role that the Security Council was playing. The Baghdad radio went to the extent of calling the Secretary General, Perez de Cuellar as "an agent of the US". The Secretary General is often called the "first citizen of the world". He should use his power befitting the first citizen of the international community. He could not adopt a more appropriately aggressive role and was thus pushed to the sidelines and remained a mere spectator. Article 99 of the UN Charter empowers the Secretary General "to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. This Article makes it possible for the Secretary General to play a very assertive role.

29. Rikhi Jaipal, "UN Revisted ", Hindustan Times, 18 September, 1991.

Steven Lewis, one time Canadian Ambassador to the UN, stated in his interview to Jim Wurst : "I think the world interpreted his or her role in an aggressively assertive fashion". This expected him to stress on the US and Iraq to give a higher priority to diplomacy. The Secretary General is expected to take tough stand which will prevent the Security Council from being bull dozed by a single nation or a group of nations. It seems the powers of Secretary General were paralysed. Thus, the result was a general disillusionment about the role of the Security Council and the Secretary General.

But it would not be fair to state that the UN Security Council and Secretary General watched mutely while US rode roughshod. The Secretary General did voice some protestations throughout the crisis. Even as early as 17 August, de Cuellar had described the US naval blockade of Iraq as "a breach of the UN Charter", while addressing a press conference in Lima (Peru) he said : "Any intervention, whatever the country, would not be in accordance with either the letter or spirit of the UN Charter". This controversy arose over the question of use of military forces to impose whether the action taken by the US government, had been approved by the Security Council". He also said that only the Security Council is to decide if and when military force should be used.³⁰

30. "Breach of UN charecter, say Cuellar", Times of India, 18 August 1990.

Resolution 678 of the UN Security Council authorised the use of "all necessary measures" which was taken to mean the use of force. Iraq was issued an ultimatum to withdraw or face a war. The deadline expired in 15 January 1991. But Iraq showed no sign of withdrawal. War broke out when the deadline expired. The US led coalitions waged a war against the sole belligerent state of Iraq.

The Secretary General of the UN stated in an exclusive interview to PTI - TV that 'we are informed through the Security Council about military operations but after they have taken place. He regrets the failure of his visit to Baghdad shortly before January 15 deadline. He categorically stated that a careful distinction would be made between a war fought under UN control and the war that has UN authorisation. He, however, clarified that the war in the Gulf was not a UN war nor had its sanction. The world body has no control over it. "We cannot consider it as a UN war in the sense that there is no UN flag. They are not in blue UN helmets. There is no UN control over military operations." But he added that he did not mean that the war was illegitimate. According to him, it was a legal war because it has the authorisation of UN. But though he regretted that members of the UN had to resort to force to enforce its decisions, this development had a 'positive side' in the sense that the UN has

been able to enforce.

The sudden invasion of Kuwait by Iraq in violation of all international laws seemed to have given a new lease of life to UN. It could have diffused the conflict by peaceful means and started new life and activities. The UN failed to be an effective apparatus to solve problems through co - operation as it was made to sanction war. A superficial view would reveal that the UN at last became an effective voice of humanity or of peace lovers and that it exercised the principle of collective security fairly. But the deeper analysis will indicate that the UN in fact bowed to American President's pressure, be it the use of force by the US to impose Security Council getting resolutions passed to suit its aims and purposes. Thus it implies that the end of the Cold war and the provisional success of the UN were not due to the UN, but due to the agreement of the Super powers.

An important point which is to be considered today by all nations is whether UN should be dictated to by any super power pursuing its selfish goals or whether the UN is to function continuously as a peace - promoting organisation serving all countries, big or small, powerful or weak. The danger of monopoly of power is not desirable. The UN should not collapse like the League of Nations which failed due to its members pursuing narrow interests while ignoring those of world as a

whole.

The most often repeated allegation against the UN during the Gulf Crisis was that the Security Council resolutions on Iraq were passed under the virtual dictations suit American national interests and monopolise the Security Council through subtle manouvers. Thus US seemed in command of the UN, and was not likely to approve any resolution/action adopted, the US as has 'support' of got the USSR and other powers. But critics say that it could be adopted only because the US managed to bully the UN Security Council. The US hijacked the UN. But this was not the first time the US had done so. Nor is the Security Council the only UN organ to have been used by the US. The US has always tended to give importance to the UN only when it suited its interest. Whenever the UN disapproved of the US policy, the latter bypassed it. Even in the initial period of the UN, John Foster Dulles and Dean Acheson tried to use the UN as an instrument of US state policy. In the years from 1945 to this day, the US has been hostile to, and has been attacking, UN agencies like General Agreement for Trade and Tarrifs, UNCTAD, International Labour Organisation, World Health Organisation etc. US lobbying had led to a change in policy orientations of these agencies. The USA has absorbed the independence of the UN. Dag Hammar Skjold was the most assertive Secretary General of

the UN who had given the UN an independent character but he died in an air crash - which is believed to have been a sabotage. The US bypassed the UN whenever it desired so. For example, the Vietnam war was never brought before the UN. Another, instance was when it refused a visa to Yassar Arafat who was to address the UN General Assembly.

"The US has certainly succeeded in pushing the UN Security Council to adopt as many as 12 resolutions against Iraq, culminating in 678. There has been little resistance to restraining influence on the US.³² Whatever may have been the pressure acting on the UN during the Gulf crisis, a feeling prevailed that the UN could not do its job independently. A lot of criticism has emerged from different quarters. The UN was never taken to task so badly by the critics for anything it had ever done.

At the initial stage, the rapid flow of resolutions passed by the UN Security Council was criticised as being dictated by the US. Thus, when resolution 678 was passed it was said that UN was being unfair since it gave no time for the sanctions to work before authorising force. However, it was widely felt that the UN had failed as a peacemaker since it had sanctioned war in a sense.

USA, it was felt was using the UN as a tool for its foreign policy goals and the UN was most planted in American hands.

32. Praful Bidwai, "How US black mailed United Nations?" The Sunday Times of India, 17 February 1991.

Once the war broke out and the world witnessed the horrific massacres caused by the coalition forces. There was widespread criticism. The carpet bombing of Iraq, the killing of civilians, of women and children was condemned all over the world.

Once the war broke out, it became apparent that the UN had no control or influence over the course of armed action. The UN also could not confine the coalition forces to the precise purpose for which it was launched, ie., the liberation of Kuwait. The forces aimed at total destruction of Iraq, which was a violation of UN principles. No aggressive member states deserves total destruction. The aim of coalition should have been confined to repel, punish the aggressor and liberate Kuwait. It is clear that the "military operations came to be identified with the policy, of the nation leading the effort rather than with the UN.³³ The UN could not stop the divisive forces within itself being encouraged by the dominant role of a particular member who was pursuing goals which were not universally shared. The UN was pushed to the sidelines and the war seemed to be waged by the US against Iraq and not by the international community under the UN. A few days of the war proved that the allies were aiming at elimination of Iraqi war making capability and not just liberation of Kuwait. Thus the UN resolutions were paid no heed.

33. Bruce Russel and James. S. Sulterlin, "The UN in a New World Order " Foreign Affairs, spring 1991, vol. 70, no. 2, p. 72.

The UN action was taken under the provisions of "collective security" of the UN Charter. But the victory of the coalition forces did not, in any way, resemble a victory of "Collective Security" as enshrined in the Charter. The framers of the UN Charter had no way of knowing that one day the UN will be used as an instrument of foreign policy by a super power like the US. The Charter nowhere allow any member or coalition to take over the responsibility of implementing Security Council resolution.

It is suggested that the UN should not have given legal status to a war which was not fought under the UN flag and which was not under UN control. The UN had no control over this war which was being fought under its name. The UN did not possess the machinery to direct a war on such a large scale which it had sanctioned "UN was utterly inconsequential to the process once the ground war began".³⁴

The Security Council could not prevent the ground war even after Iraq had accepted the modified Soviet proposals incorporating most of the American conditions. It is also true that the UN was made a scape goat in the Gulf Crisis. Yet again, the UN had to take the blame for the unlawful acts, omission and commission of its member states. Whenever the states of this world cannot arrive at an agreed course of action, they call on the

34. Ibid 15

Secretary General to use his good offices and solve the problem, created and aggravated by them. When the Secretary General cannot do this, since he is not a magician who can perform miracles while disputing parties do not compromise, the UN Secretary General was condemned and called impotent and irrelevant.

The Recent Iraq Crisis

Hypocrisy is the guiding light of US international relations. From the inception of the UN, US personnel have been systematically subjected and victimised by IBI clearance and security checks. To claim that UNSCOM 'inspectors' were selected because they were the best for the job is correct at one level : they were set by US administration because of their ideological commitments and past work in the business of spying and destabilising the third world countries. UNSCOM's creation is one of the biggest dwindles perpetrated on gullible souls who know nothing of the UN's operations. The 'inspectors' use their alibi were in the services of that even more nebulous entity, 'the international community'. Who are the constituents of this community ? Who confers on them power ?

The designation 'inspectors' itself is a gimmick to dissimilate

the domination of an organisation whose sole and unquestioned goal is Iraq's permanent occupation. Ten out of 12 inspectors were Americans and British with Asians, Latin Americans and Arabs seduously excluded, on the grounds that they had no technical expertise. The Pentagon, the CIA, and the National Defense Agency selected UNSCOM 'inspectors'.

When the US delegation made claim that more weapons of mass destruction were discovered by the 'Inspectors' than were destroyed during the first Gulf War, there arises the Question, on what evidence such statement was made.³⁵

The UNSCOM team's composition was itself revelatory. Richard Butler, its Chairman is an Australian who began his career in the spy business by 'investigating' as one civil servant point out "the forces of international communist subversion in Australia and South East Asia". During the after the Vietnam earange the qualities of this racist witch - hunter was deeply valued by M16 and the CIA. Likewise, the deputy chairman is an American wall street investment banker serving a start in the State Department. Scott Ritter, the Leader of the UNSCOM team was a farmer member of US Marine Comps Intelligence Agency.

The second destruction of Iraq has not happened and the US and its agents in UNSCOM have not given up. But things have changed. The agreement of February 26 has altered the game

35. Frederic .F. Clairmont, 'Iraq: Logic of Extermism', Economic and Poliltical Weekly, April 4-10-1998.

can. Whether the far reaching changes demanded by Russia, France and China will bring a greater degree of accountability and lead to an end of the US imposed sanctions and a full restoration of Iraqi sovereignty is speculative.

The US ruling oligarchy has not given up the quest for the liquidation and permanent occupation of Iraq. The logic of extremism is still on the horizon and hence the final solution of exterminators has not gone. Saddam has won a temporary victory but its brief, they claim. The implications of this US set back were clearly articulated by the first Gulf Secretary of State James Bucker. "It is a sobering reminder of the need to prepare now for the next - and in my opinion, inevitable - confrontation with Iraq."³⁶ Following the collapse of the East Asian wonder boy, the events leading up February 26 mark perhaps one of the most decisive phases in the debate of US imperialism.

36. Ibid.

CONCLUSION

The present day UN can hardly hide the fact that the world body is at the cross-roads, with the western nation led by the US campaigning for a reduced role for it and the rest of the majority developing nations seeking to make it more responsive to their need and aspiration. Beyond the promise of reform and revitalisation is one unmistakable undercurrent, an apprehension that in the post cold war era, the UN under the influence of United States may find itself unable to fulfill its Charter responsibilities as it enters its sixth decade. A fear, compounded by the realisation that evolving a consensus of reform, to reassess and reset the priorities in the changing world may have become near impossible. So often in the past few year has the UN seen the hijacking of its Charter role and surrendered its authority to the world super powers, especially the United States.

" Its a reign of terror" said a diplomat on the United Nation's Security Council, describing the post cold war pressure the United States applies on their members to vote with it. He explained that the leverage is not exercised at the UN itself but in Washington and in the Capitals of the countries involved. That message was repeated by many other third world diplomats, all of whom declined to speak on the record for fear of US retribution.

UN is a valuable instrument for extending US influence for protecting US interest more effectively in an increasing complex and at times chaotic world. Because virtually all countries of the world are members, they can work co-operatively to find solutions to problems that have a global impact. Through active participation and leadership in the UN and its bodies, the US can influence world development more effectively than it could if it had to deal with countries individually on every issue.

The key actors of UN from the time of its establishment are the American Presidents since 1945 and the men they have chosen to represent the US at the UN over the past three decades. Quite from the time of its inception till now, the UN policy is understood as US policies.

The American pre-eminence and monopoly in the UN during the post cold war period seem to intent upon setting the world right, albeit on the basis of peace, development and democracy.

The Clinton administration gave priority to formulation of a policy with regard to US role in UN peace-keeping operation. The Presidential Decision Directive (PDD-13) and PDD-25 provided the outline of the type of UN operation that US should sponsor, especially those that confront as breach of international peace and security, such as international aggression, humanitarian disaster, the interruption of an established democracy or a gross

violation of human rights. It is clear from the PDD-13 and PDD-25 that US would reserve for itself the option of using UN and more specifically maneuvering the UN Security Council for intervention in domestic affairs of state in the grab of UN peace keeping missions, the scale of casualties in such operation would determine the American domestic support or opposition. Humanitarian principles alone provide insufficient justification for a long term involvement, particularly if it is likely to entail both casualties and major economic cost " Operation Desert Storm", "Operation Provide Comfort", and "Operation Uphold Democracy" were American success stories because of limited casualties and repetition would be rare indeed , " Operation Restore Hope" was a debacle in Somalia as President Clinton could not explain to the public at home why American lives were lost for no vital or national interest. Moreover, after Somalia US has become wise and has chosen to selectively intervene in domestic affairs of states which contribute to breach of international peace and security. In Rwanda, US provided material support and left to other members of UN to provide troops for UN peacekeeping operation there. In Somalia after the US troops withdrawal, UN peacekeeping operations, essentially tried to uphold the relevance of NATO in the post-cold war era. In sum, it may be observed that PDD-13 and PDD-25,are the post-cold war version of White

Man's burden of preserving the status quo of American domination in the post-cold war era.

The Gulf crisis which resulted from Iraqi invasion of Kuwait was justified by Saddam Hussein on grounds of history Iraq's historical claim on Kuwait that since Kuwait was a part of Basra province of the Ottoman empire, it should belong to Iraq, the successor of the Ottoman rule. What Saddam chose to overlook was that historical rights are not tenable in today's world. There would be international chaos if history is made the base for territorial claims. What would happen if Turkey and Iran (erstwhile Ottomans and Persians) asserted their claim on the territory of Iraq on the basis of this very historical right claiming that, in the past, Iraq was a part of the Persian and Ottoman empires. Therefore, Saddam Hussein's historical linkage was not sustainable, as far as Kuwait was concerned.

The Gulf crisis brought the UN into the arena. The UN's task has been to concentrate challenges to peace. It was also a chance for the UN to overcome the paralysis generally demonstrated when confronted by military conflicts in the past. For the UN, this crisis became a touchstone for its means of resolving conflicts. The UN's task is to prevent or terminate armed conflicts but in the Gulf crisis the UN could only authorise the use of force. It was a challenge to the UN to find multilateral

solutions to supra national problem. Since the second world war, the solidarity in Security Council was nil due to the east west conflict. Through the covert support of the Soviet Union or the U.S.A for the conflicting parties, some of the war turned out to be proxy war for the super power, leaving the UN helpless. The UN could act in a befitting way this time only, because none of the powers used its veto to block the UN proceedings.

There was a two fold significant interplay in the options open to the UN during the crisis-between the bigger power and the UN, and between UN's military and diplomatic possibilities. In both cases, the principle of a clear and forcible solution clashed with the principle of a negotiated compromise solution. The first option was favoured by the major powers since it included ultimatum - radical style, and the UN compromising demands. The second principle would have meant to resort multilateralis which is based on consensus.

The most out standing feature of the UN in this crisis was that the Security Council's solidarity in its handling of the crisis. The members stood together due to their identical motives, and also due to the changed attitude of USSR towards UN, and of China which was anxious to break its isolation and to move closer to the West.

The Gulf crisis was ultimately resolved by military power of the north who bypassed the UN and did not prefer to wait for negotiated UN settlement. This kind of solution arrived at in the UN would considerably weaken the UN and its credibility. It has potential implications for future UN peace-keeping operation in the face of military threat.

The fog of war got cleared up and many unpleasant things became visible - the high magnitude of destruction, the enormous loss of life, millions of refugees and destroyed economies all these make us think about the role the UN played in this crisis. The mood at the UN, after the war ended, was reflective not celebratory. In the earlier step, the UN's prompt action was appreciated and diplomatic efforts were applauded.

But things changed when Resolution 678 was adopted. It authorised the use of force. Thus diplomacy was abandoned and war became inevitable. This also pushed the UN from centre stage and the attention was focussed on the US politics in Washington and coalition force's military action in Iraq. The UN was totally out of the picture till the day the war ended when it came back to pass ceasefire resolutions to keep peace on the Iraq-Kuwait border, to resettle refugees and to assist the reconstruction of the devastated countries. Thus the UN was back doing the

traditional reactive work it had always done. Thus, the question being asked today is whether the best use was made of the world organisation.

The UN itself is not sounding its victory bugle, rather it is wondering whether the charter was used to its best advantage, or was it actually manipulated by the US?

In terms of collective security the UN could not act in a praiseworthy manner. It was the US and not the UN which took over the leadership of the multinational forces. A number of developing countries were outraged by this development but they found themselves utterly ineffective in face of the demonstration of power and influence by the US.

President Bush emerged the victor in the Gulf War. Of all his 'achievements' his handling was rather 'manhandling' of the UN. America had the powers, the weapons, the military leadership, technology etc. The only thing it needed was international legitimacy meaning. For consensus and coalition in support of US action for this, it successfully bulldozed the Security Council to fall into this line. The first evidence of American one - manship was when De Cuellar dissociated the UN from the use of force by the US in imposing sanctions which resolution 661 did not provide. The US in a series of very smart moves, made the UN

and then the coalition partners to toe its line. It successfully persuaded the UN to adopt resolutions successfully against the Iraqi regime. It was rather sad to note how the super power was riding rough shod over the UN. It seemed as though the UN had completely abdicated its powers in favour, of the US. The victory in the war is being interpreted as the reiteration of American hegemony over the international community. The Security Council made to function as an effective instrument of US foreign policy. No veto was cast since US took over the reins of crisis. The threat of US veto ensured that US initiatives succeeded.

The whole world watched a dismay as the US enlarged the war aims. The declared war aim was the liberation of Kuwait but Bush, in pursuit of his designs, went in for total destruction of Iraq. Even the bombing in Iraq stopped after the war, the UN cease-fire resolution 687 was passed and Iraq confirmed the international ascending of the US. During the course of the war the US emerged not only as the chief among equals but as an effective leader of the permanent members of the Security Council. The twelve resolutions that were passed, mostly in accordance with the US's specification, legitimised the allied military action. Some American policy planners saw the UN providing the diplomatic and judicial framework for a global Pax-Americana.

Three broad political lessons were made apparent by the war. First, in all wars, the participants fight for various goals and these goals changed as the war progresses. The initial motives in the Gulf war were political and economic. The shifting of war aim was very much in evidence. Secondly, the relations between allies before and after the war are never easy, and there is always an element of competition among them. The Arab participants in the coalition had their own variety of agenda as did the non-Arab states. The US tried to use its display of strength in the war and its predominance as leverage against its allies. Thirdly, even when wars do not alter frontiers, they do bring about great strain within countries which may in the aftermath of war produce political and ideological changes. The impact of this war on the Arab world is not visible fully even years after it ended.

The Gulf crisis and the war exposed the weaknesses in the UN and US hegemony over it. The UN Charter did not envision that the UN would function as a vehicle for a super power like the US to make foreign policy decision. Nor did it envision that such a coalition would assume all authority for the implementation of those decisions.

The crucial Resolution 678 which authorise the use of force against a member state, cannot be considered a UN resolution. The US was determined to impose implementation of UN

resolution by force on Iraq. Resolution 678 even by its own terms cannot be stretched to justify the kind of war the US unleashed on Iraq. It was clear with the outbreak of the war that the scope and intensity of the US air strikes, the choice of target and the magnitude of "collateral" damage to civilian lives on Iraq, revealed a wider purpose than was ostensibly envisaged by the Security Council. For more than 40 days multinational forces comprising mostly of American air power, used their overwhelming superiority to destroy the economic infrastructure and the military power. Even after Iraq accepted all the Security Council resolutions the US did not relent on its destructive course. The war prove that the US did not send troops to the Gulf only because Kuwait was being swallowed up. The same thing had happened in Lebanon, but there was no reaction from Washington. If Kuwait had been a poor Third world state without any oil, it is a foregone conclusion that not a single US soldier would have been deployed to defend it.

The UN cease-fire Resolution 687 (3 April 1991) put yet another "unjust and hard" condition on the Iraqi people, especially the provision on destruction of weapons, payment of repartion and continuing of the embargo. Now, Saddam is defeated, Iraq is afflicted with a calamity, totally ruinous army and dilapidated economy .Yet US is still spitting it venom in one way or the other.

Resolution 687, can be criticised in a number of points. The expectation was that, the resolution would lift economic blockade, unfreeze Iraqi assets etc. Regarding the blockade that is a clear indication of the American Sovereignty over the world and the country's exploitation of the council and the UN character as a tool to "lend legitimacy" to ruinous actions of other countries' resources in the New World Order.

The use of force against Iraq on the basis of Article 2, paragraph 4 of the UN Charter which prohibits the threat or use of force by states, in their international relations, only if such threat or use of force is directed against the territorial integrity or political independence of any state or is inconsistent with the purpose of the UN. It does not prohibit the use of armed force absolutely. It may therefore be argued that the use of multinational coalition is directed neither against the political independence nor the territorial integrity of Iraq. The argument appears untenable in view of such an enormous and massive use of armed force aimed at the total destruction of Iraq not merely forcing Iraq to withdraw from Kuwait.

The resolution 687 which formalised the cease-fire will go down in history as one of the most unfair cease-fire frameworks.

Iraq had to accept terms which meant it would have to give up almost all its earning to the escrow fund as war reparation. Thus, the future of the succeeding generation in Iraq had been mortgaged. Despite such harsh condition, the sanctions on Iraq have not yet been fully abolished.

According to Saddam Hussein the resolution was "unjust" contained "inequitable and vengeful measures" and constitute "an unprecedented assault on the sovereignty and rights of his country" thus, Iraq was made to pay large reparation when no one would pay anything to Iraq. Without the sale of its oil, the Iraqi economy stands shattered. The nuclear checks are also unfair, since Iraq's enemies like Israel are sitting on huge nuclear stockpiles. If Iraq alone has to destroy its weapons, it is a sign of UN upholding the desire of certain powers, and is being selective in such a serious problem which is a threat to the security of the region. The UN, as an international organisation, should not indulge in act detrimental to the security of Iraq. Disarming Iraq alone would create a military and security vacuum and would render the area subject to instability and violence.

Blockade, is another decision harsh on the basic right of the Iraqi people. Iraqis are suffering but the UN is doing nothing but endorsing the will of the US. This is in itself a clear violation of the basic principle of the UN Charter and of the concept of

human rights and humanitarian law on which the Charter is based.

Resolution 687 is unjust and an abuse of the UN Charter because it does not go along with the aims and objectives of the Charter. Going by its wording we find that it repudiated the sovereignty and territorial integrity of Iraq - a member state of the UN. Nowhere in the Charter is such a thing allowed.

There is nothing in the UN Charter which prevents any organs of the world body from either amending or annulling its earlier resolution. Therefore, keeping in view the critical situation of the Iraqi people and considering of the destruction that Iraqi people affiliated with, the UN should take another step to impose its will, in conformity with its principles and bring about the revocation of Resolution 687, or at least amend it.

The UN as an international organisation working for international peace and security, should not surrender itself to the will of a super power or allow itself to be used as an instrument for achieving certain self interests of that power. The UN has to play its role reflecting the wishes of the international community. It should bring an end to the dilapidation that Iraq is afflicted with. The Iraqi people should not be punished for the misdeeds of Saddam. They are the victims of Saddam's insanity and Bush's vindictive attitude. The situation that the Iraqi people are passing through now is more than what human being can bear. Thus the

UN must do something to ameliorate their condition. It should be the UN's will which should prevail and not the US desire.

The Gulf crisis demonstrated that the UN does not possess the mechanism to manage a crisis of such magnitude. Its capacity is limited. The UN could not manage to stop the crisis from escalating into a conflict. The UN could not control the military operations. The military Staff Committee which according to Articles 46 and 47 is to direct the military operations is moribund now. It was not even formed to tackle this crisis. Moreover, the UN does not possess the machinery of controlling a military operation of a magnitude like the 'Desert Storm'.

The ultimate result of this lack in the UN's capacity was that it had to hand over and authorise a group of states to carry out the military action, thus abdicating its responsibilities. These states proved further the ineffectiveness of the UN when they did not restrict themselves to the war goals as decided in the UN. The party which was acting in place of the UN enlarged the war aims and indulged in extensive use of power to destroy Iraq. Ideally, the UN never can authorise a total destruction of a member state.

The UN is a body comprising nearly all the countries of the world. It is an organisation established to maintain peace and security in the world. The Gulf war made it clear that the UN can

only carry out its Charter responsibilities if it suits to the super power. It also made it apparent that the UN cannot take any action against US. In the Gulf crisis, one common accusation leveled against the UN was that it sanctioned the use of force through Resolution 678 too early. The Charter stipulates that force could be authorised only when all other methods like mediation, negotiations, arbitration, and imposition of sanctions have failed. Sanctions imposed on Iraq were not given time to work. In fact, the strategy of sanctions was not given a fair chance. Even if sanctions ultimately proved insufficient, it was argued, Iraqi forces would have been significantly weakened by the embargo.

But sanctions were promptly declared a failure and use of force was authorised. This too was manipulated by the US because Americans were fearful that if the use of force was postponed, or if the interval time was fearful and enlarged, the coalition might disintegrate. The US was in a hurry to use force because it also feared that if the wait was long the Arab countries or the former USSR or NAM might seek a separate peace.

The US needed to display a show of its force. It looked like it was geared to go to war from day one. America's economic and social decline gave birth to the 'Bush Doctrine', a strategy promised on vigorous exploitation of the leverage available to the US now that the Soviet's had retired form the international

arena. The US was having a window of opportunity and Saddam Hussein gave the perfect opportunity to the US war machine to impose a war. The US used this chance to establish strategic bridge-heads, secure the Gulf and ensure that it retain a virtual monopoly on global violence.

So it's clear that the US already maintained as a policy that it alone could lead the world to greater freedom and dignity than the UN, and it violated the UN Charter frequently, in the name of 'freedom', 'liberty', 'democracy' etc. The less powerful member states of UN have to organise together to voice against the curtailment of any of their common cause at the UN. Together they are more powerful than the so called super power - United States. The US has to remember that the United Nations represents 185 sovereign nations and not the United States alone.

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