



RESEARCH PAPER 98/28
16 FEBRUARY 1998

The Iraq Crisis

This paper examines the crisis in Iraq which has arisen from Saddam Hussein's refusal to allow UN inspectors access to sites where the manufacture or storage of weapons of mass destruction is suspected. It looks at the background to events, attitudes to possible military action and the legal basis for the use of force. It then examines the forces available to both sides, the military options which may be available and the possible implications of any military action, before concluding with a discussion of the wider context.

As of 16th February, diplomatic efforts continue at various levels in an effort to find a peaceful resolution to the crisis.

Tom Dodd and Tim Youngs

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I The Origins of the Current Crisis

On 12 January 1998 Iraq announced its intention to deny United Nations weapons inspectors access to eight so-called presidential sites. The British and American Governments announced that they would resort to the use of force if the inspectors were not granted total and unconditional access to any suspect locations. The international community appears united in insisting that the regime of Saddam Hussein fulfils its obligations under the relevant United Nations Security Council Resolutions, but views differ widely on how to ensure Baghdad's compliance.

There has been mixed support for military action from the members of the coalition that liberated Kuwait in 1991. In the Gulf, only Bahrain, Kuwait and Oman have indicated public support for the United States and Britain. Bahrain and Kuwait have agreed to permit air strikes from their territory and Oman has offered the use of its bases for logistical operations.

Among the five permanent members of the UN Security Council there are differing views on whether a UN mandate exists for military action against Iraq. China, France and Russia have called for a diplomatic solution to the crisis and have expressed their opposition to military action. The United States and the UK stress their desire for a diplomatic solution but maintain that the existing Security Council Resolutions provide sufficient legal framework for military action. The UK has indicated that a further Resolution condemning Iraq's behaviour would be desirable. In contrast, Russia insists that no mandate exists for the use of force.

Diplomatic efforts by the Arab League, France, Russia and the United Nations are under way to resolve the crisis, but the British and American Governments have indicated that if Baghdad does not comply with its international obligations, a concerted campaign of air strikes will be launched within a matter of weeks.

As of 16 February 1998, a Russian proposal to establish a fixed time limit of two months on further inspections prior to the lifting of sanctions has been rejected by the UK and United States as inadequate. The United Nations Secretary-General, Kofi Annan, has indicated his willingness to travel to Iraq in an attempt to seek a diplomatic solution, but warned: "If we maintain fundamentalist or purist positions, we will not find a solution."¹

Since the end of the Gulf War in 1991, claims of Iraqi non-compliance with Security Council Resolutions have resulted in a number of crises. In January 1993 the United States launched cruise missiles and air strikes against Iraqi forces in response to violations of the no-fly zone

¹ *Guardian*, 14 February 1998

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over southern Iraq and Baghdad's attempts to impose restrictions on the movement of UN weapons inspectors. In October 1994 Saddam Hussein moved troops to the border with Kuwait, leading the United States and Britain to deploy reinforcements to the region. In addition, the United States launched further cruise missile strikes against Iraq in September 1996 in retaliation for the intervention by Iraqi forces in fighting between rival Kurdish groups in northern Iraq.

At the end of October 1997 Iraq barred American nationals participating in the UN weapons inspection teams from entering Iraq, provoking the condemnation of the Security Council in Resolution 1137. The confrontation was resolved in November 1997 without recourse to military action, by means of Russian mediation, and Baghdad agreed to permit the return of the UN inspectors.

Over the past seven years, in light of Iraq's failure to comply fully with relevant Security Council Resolutions, the United Nations has continued to maintain a strict sanctions regime. This has led Iraq to protest at what it sees as an indefinite policy of international isolation. Some commentators, including the former British Ambassador to Iraq, have appealed to the United Nations to show Iraq that there is "light at the end of the tunnel" and that sanctions will not be maintained indefinitely.²

² Sir Harold Walker, UK Ambassador to Iraq until 1991, said: "It would be very helpful if the Americans were to state plainly that their objective is simply to achieve compliance, and not to remove Saddam from power." (*Daily Telegraph*, 14 February 1998)

II UN Sanctions Against Iraq

Sanctions were initially imposed on Iraq by the United Nations under Security Council Resolution 661 of 6 August 1990 following Baghdad's refusal to comply with the mandatory demand made by the Security Council that it withdraw from Kuwait. This constituted the most wide-ranging regime of economic sanctions ever imposed by the United Nations, affecting the import and export of all commodities and products including oil, weapons and other military equipment. However, the embargo did not extend to supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs.³

Further Security Council Resolutions refining the economic measures included Resolution 665 of 25 August 1990 imposing a maritime blockade, and Resolution 666, establishing a system to enable permitted food imports into Iraq and Kuwait in humanitarian circumstances.

A. Duration of Sanctions

Paragraph 2 of UN Security Council Resolution 661 states that the sanctions measures were taken "to secure the compliance of Iraq with the demand for the withdrawal of Iraqi forces to their pre-invasion position."⁴ It might have been expected that the suspension of combat operations following the successful expulsion of Iraqi forces from Kuwait would have marked the lifting of the sanctions regime. However, under the terms of paragraph 22 of the comprehensive cease-fire Resolution (*S/RES/687*) adopted on 3 April 1991, the Security Council decided to maintain sanctions to ensure Iraq's full compliance with the cease-fire conditions. As specified by Resolution 687, the UN Security Council reviews the sanctions regime every six months to monitor Iraq's compliance. Thus far, Iraq is deemed not to have fulfilled its international commitments and to have failed to comply fully and unconditionally with the Security Council Resolutions. Sanctions therefore remain in place.

B. Conditions for the Lifting of Sanctions

The United Nations Security Council has imposed a number of conditions that Iraq must fulfil before sanctions can be lifted, including the primary requirement spelt out explicitly in Security Council Resolution 687 that Iraq agree to the elimination of all of its weapons of mass destruction. The UN has placed additional conditions on Iraq, such as recognising the inviolability of the UN-demarcated Iraq-Kuwait boundary, which has already been met.⁵

³ See Annex I for the full text of *S/RES/661* (1990)

⁴ *S/RES/661* (1990)

⁵ Iraq finally agreed in 1994 to recognise the inviolability of its border with Kuwait.

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However, other demands, such as the repatriation of Kuwaiti and Arab prisoners of war missing since the Gulf War, have yet to be fulfilled.⁶

A lack of clarity in the UN Resolutions about the precise requirements placed on Iraq has led to a debate on the legitimacy of maintaining the sanctions regime. Since the end of 1993 differences have emerged between the five permanent members of the Security Council over how and when sanctions should be lifted. Britain and the United States insist sanctions can only be lifted following Iraq's total and unconditional compliance with all Security Council Resolutions, whereas Russia, China and France believe that a timetable should be put in place for the gradual easing of sanctions as Iraq complies with UN demands.

Washington is apparently strongly opposed to the idea of lifting sanctions against Iraq in the foreseeable future on the grounds that the regime of Saddam Hussein cannot be trusted to refrain from restarting its programmes to develop weapons of mass destruction. In a speech on 26 March 1997, the US Secretary of State, Madeleine Albright, spelt out her reservations regarding the lifting of sanctions while the regime of Saddam Hussein remains in power:

We do not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted. Our view, which is unshakeable, is that Iraq must prove its peaceful intentions. It can only do that by complying with all of the Security Council Resolutions to which it is subject.

Is it possible to conceive of such a government under Saddam Hussein?...The evidence is overwhelming that Saddam Hussein's intentions will never be peaceful...Clearly, a change in Iraq's government could lead to a change in U.S. policy. Should that occur, we would stand ready, in co-ordination with our allies and friends, to enter rapidly into a dialogue with the successor regime.⁷

The indication from the US Secretary of State that sanctions would not be lifted while Saddam Hussein was Iraq's dictator coincided with the policy outlined in 1993 by the then US Assistant Secretary of State, Martin Indyk. He stated that the goal of American policy was to "establish clearly and unequivocally that the current regime in Iraq is a criminal regime, beyond the pale of international society, and in our judgement irredeemable"⁸

Furthermore, on 15 November 1997 President Clinton stated his belief that sanctions would stay on Iraq "until the end of time or as long as he [Saddam Hussein] lasts".⁹ However, the White House reportedly hastened to downplay the words of the President by claiming that when Mr Clinton said sanctions would not be lifted "as long as he (Saddam) lasts," his intended meaning was that the Iraqi leader appeared to have no intention of complying with

⁶ Around 600 Prisoners of War from Kuwait and other Arab nations are still unaccounted for since hostilities ended in 1991.

⁷ "Preserving Principle and Safeguarding Stability: United States Policy Towards Iraq", Speech by U.S. Secretary of State Madeleine Albright, at Georgetown University, Washington D.C. 26 March 1997, p.5

⁸ *Guardian*, 12 June 1997

⁹ Agence France Presse, 15 November 1997

UN Resolutions, and sanctions would therefore stay in place. White House spokesman Michael McCurry said the end of Saddam's rule "has never been listed as a condition by the United Nations Security Council" for the sanctions to be lifted.¹⁰

Some commentators believe a shift has occurred recently in United States policy on the issue of sanctions and that a lack of support from key allies has led the United States to tone down its insistence that Saddam Hussein leave power before sanctions can be lifted¹¹. At a press conference held in Geneva on 20 November 1997 Madeleine Albright stated that: "Our position has been clear, is clear, that Iraq must be in full compliance with all relevant Resolutions."¹² Nonetheless, the United States has also insisted that Iraq must not only comply with all UN resolutions but also assure the UN of its "peaceful intentions" as specified by UNSCR 687 (1991):

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait.¹³

It is unclear how long a monitoring period would be required to satisfy the United States of Iraq's full compliance. In light of Saddam Hussein's past record of failing to declare the full extent of his chemical and biological weapons programmes, Washington seems unlikely to agree to an early lifting of sanctions.

The British Government is slightly less stringent in its demands on Iraq, but has made clear that sanctions will only be lifted once Iraq fully complies with all UN Security Council Resolutions. Foreign Office Minister Derek Fatchett stated: "The position is simple: compliance brings the end of sanctions - no more, no less."¹⁴

C. The Impact of Sanctions on the Population of Iraq

Since the imposition of economic sanctions on Iraq in 1990, the humanitarian situation in Iraq has deteriorated significantly. According to a UNICEF report published on 26 November 1997 there are some 960,000 chronically malnourished children in Iraq, representing a rise of 72% since 1991. Around 23% of children under five are underweight - twice as high as levels in Jordan or Turkey and the UNICEF representative in Baghdad has spoken of "a dramatic deterioration in the nutritional well-being of Iraqi children since 1991."¹⁵ Iraq's Health Ministry released figures on the same day claiming that more than 7,000 children under five

¹⁰ Agence France Presse, 15 November 1997

¹¹ *International Herald Tribune*, 25 November 1997 and 27 November 1997

¹² Press Conference following the UN Security Council Permanent Members Meeting to Discuss Iraq, Palais des Nations, Geneva, Switzerland, November 20, 1997

¹³ *S/RES/687* (1991), 3 April 1991

¹⁴ HC Deb 21 January 1998, c990

¹⁵ *UNICEF PR*, 26 November 1997

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years of age had died in October 1997 because of a "severe lack of medicine and other necessary requirements."¹⁶

However, the extent to which UN sanctions are responsible for the decline in public health in Iraq is debatable, since the UN economic sanctions of 1990 do not prevent the import of medical or other humanitarian supplies. Paragraph 3 (c) of Security Council Resolution 661 states that the embargo does not include "supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait..."¹⁷

D. The Oil-for-Food Scheme

Under Resolutions 706 and 712 of 1991, the UN Security Council proposed the establishment of a scheme whereby Iraq would be permitted to sell a certain proportion of its oil to finance the purchase of humanitarian supplies. Initially, Baghdad refused to enter into negotiations with the UN over what has become known as the 'oil-for-food' scheme, on the grounds that the strict UN monitoring of oil sales and subsequent distribution of humanitarian supplies was an infringement of Iraqi sovereignty. As a result of this objection, in April 1995 the UN modified the procedures under which the 'oil for food' mechanism would work and set this out in UN Security Council Resolution 986, but still failed to gain Iraqi support. In addition to the sovereignty factor, Iraq was also concerned that the Kurds in northern Iraq were to receive their allotted amount of the resulting humanitarian supplies, which in Baghdad's eyes was tantamount to admitting a *de facto* separation. Another Iraqi concern was that if it accepted the terms of the new Resolution 986, the UN Security Council would postpone indefinitely invoking Article 22 of Security Council 687, which provides for the lifting of economic sanctions.

At the beginning of 1996 Iraq finally agreed to negotiate the implementation of the 'oil for food' formula contained in UN Security Council Resolution 986. Middle Eastern commentators attributed this change in attitude to several factors: following the defection of Saddam Hussein's son-in-law to Jordan in August 1995 and the more accurate picture that subsequently emerged of Iraq's programmes to develop weapons of mass destruction, it was seen as extremely unlikely that the UN Security Council would contemplate an easing or lifting of sanctions in the foreseeable future. Another factor, which commentators believe had an impact on Saddam Hussein's thinking, was an awareness that President Clinton was unlikely to contemplate any change in the situation prior to the US presidential elections of November 1996.

On 20 May 1996, after three and a half months of negotiation, agreement was reached on the implementation of Security Council Resolution 986. Iraq and the United Nations produced a Memorandum of Understanding outlining the modalities of Iraqi oil sales and the purchase and

¹⁶ *Associated Press*, 28 November 1997. Iraqi figures should not necessarily be taken at face value.

¹⁷ *S/RES/661 (1990)*

distribution of humanitarian supplies. The agreement provided for Iraq to export up to \$2bn worth of oil (approximately 700,000 barrels a day¹⁸) over an initial six-month period and tasked the UN Secretary-General with establishing an escrow account with a major international bank to control the revenues from the oil sales.¹⁹ Between 100 and 200 international monitors are deployed at entry points and warehouses in Iraq to ensure the equitable distribution of food and medicine.

The UN Sanctions Commission has to approve each proposed purchase of Iraqi oil and oil products, including the price, as well as the export route and other directly related financial issues. The Commission must also approve the supplies intended for importation. The arrangement calls for the bulk of Iraqi oil to be exported via a twin Turkish pipeline with the remainder to be exported via the outlet of Mina al-Bakr on the Gulf.

Implementation was suspended following the Iraqi offensive against the Kurds in northern Iraq in late August 1996 and was finally implemented on 10 December 1996. Iraq received the first shipment of food in March 1997 and the first shipment of medicine in May. Despite American reservations, the UN Security Council voted on 4 June 1997 to adopt Resolution 1111, renewing the oil-for-food deal for a six-month period as a "temporary measure to continue to provide for the humanitarian needs of the Iraqi people, until the fulfilment by Iraq of the relevant Security Council resolutions."²⁰ However, the subsequent decision by Baghdad to suspend the scheme until early August 1997 led to the adoption of Resolution 1129 in September permitting an extension of the scheme by six weeks. On 4 December 1997, a further Security Council Resolution was adopted (*S/RES/1143*) extending the provisions of Resolution 986 for a further six months from 5 December 1997. Although disputes with Baghdad over the distribution procedures resulted in a cessation on 5 December, agreement with the UN was reached swiftly and a deal was finalised on 9 December to restart the pumping of oil.

The UN Secretary-General is tasked with reporting back to the Security Council at three-monthly intervals on implementation of the scheme. However, the report made by Secretary-General Kofi Annan on 28 November 1997 brought to light considerable problems in the distribution of humanitarian supplies. He reported: "The population of Iraq continues to face a serious nutritional and health situation and there is an urgent need to contain the risk of a further deterioration."²¹ He has called for a thorough review of procedures and the United States has indicated that it will not oppose his plan for expanding the 'oil-for-food' programme to permit the sale of up to \$5.2 billion of Iraqi oil.²²

¹⁸ This represents a fraction of Iraq's production of over 3 million barrels a day prior to the imposition of sanctions in August 1990.

¹⁹ Iraq will not have access to the funds generated by oil exports. The international community feared Saddam Hussein would skim off funds to buy weapons illegally.

²⁰ *S/RES/1111 (1991)*

²¹ *S/1997/935 Report by the UN Secretary General pursuant to Paragraph 3 of Resolution 1111 (1997)*, 28 November 1998

²² *Financial Times*, 2 February 1998

III The United Nations Special Commission on Iraq (UNSCOM)

The main reason for Iraq's failure to win a lifting of the sanctions regime relates to its refusal to permit a full investigation of its programmes to develop chemical, biological, nuclear and ballistic weapons. Under the terms of the 1991 cease-fire, embodied in Security Council Resolution 687, intrusive inspections have been conducted by teams of United Nations weapons experts in an attempt to uncover the full extent of Iraq's programmes to develop weapons of mass destruction.

A. Mandate

On 3 April 1991 the UN Security Council adopted Resolution 687, setting out the terms of the cease-fire between the Allied coalition acting under its authority and Iraq. Paragraph 8 of this Resolution states that the Security Council:

8. Decides that Iraq shall unconditionally accept the destruction, removal or rendering harmless, under international supervision, of:
 - (a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;
 - (b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

On the question of Iraq's nuclear weapons programme, Paragraph 12 states that "Iraq shall unconditionally agree not to acquire or develop nuclear or nuclear-weapons-usable material or any subsystems or components..."²³

Resolution 687 obliged Iraq to submit a declaration of the location, amounts and types of all the specified items within fifteen days and instructed the UN Secretary-General to establish a United Nations Special Commission (UNSCOM) to monitor Iraq's compliance. UNSCOM was tasked with selecting teams of international experts to carry out on-site inspections of suspected production sites and to destroy, remove or render harmless all items specified under Security Council Resolution 687.

²³ S/RES/687 (1991)

B. Activities

UNSCOM compiles reports at six-monthly intervals on the state of Iraqi compliance, the last such report covering the period from 11 April to 11 October 1997.²⁴ According to the Foreign and Commonwealth Office, UNSCOM has succeeded in destroying:

- 38,000 chemical weapon munitions,
- 480,000 litres of live chemical weapon agents,
- 48 operational missiles,
- six missile launchers,
- 30 special missile warheads for chemical and biological weapons and
- hundreds of items of Chemical Weapons production equipment.

In addition, UNSCOM discovered that Iraq had produced four tons of VX nerve gas, 19,000 litres of botulinum, 8,400 litres of anthrax, 2,000 litres of aflatoxin (produces liver cancer) and clostridium (gas gangrene) and was working on the production of sarin, tabun and mustard gas.²⁵

Furthermore, on 9 February 1998 the British Government announced it had obtained new intelligence information suggesting that Iraq may be in possession of further stocks of undeclared chemical weapons. The Secretary of State for Defence, George Robertson, said that "Iraq may have possessed large quantities of a chemical weapons agent known as Agent 15 since the 1980s."²⁶

Despite the success UNSCOM has achieved in eliminating large numbers of weapons, the full extent of Iraq's programmes remains unclear. On 23 January 1998 the UNSCOM Chairman, Richard Butler, told the Security Council:

If Iraq...avoids answering questions ...and prevents UNSCOM from finding answers, it is gravely to be doubted that we would be able to verify Iraq's claims that it has met its disarmament obligations established by the Security Council.

Iraq appears determined to withhold any further information, and to prevent UNSCOM from finding it itself.²⁷

²⁴ "Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9(b) (J) of resolution 687 (1991)", 3 October 1997

²⁵ *FCO Daily Bulletin*, 4 February 1998

²⁶ HC Deb 9 February 1998 c3

²⁷ *FCO Daily Bulletin*, 4 February 1998

C. Inspection Teams

Iraq has accused the United Nations of weighting the composition of the UNSCOM inspection teams in favour of the United States and the UK. Iraq's Deputy Prime Minister Tariq Aziz has complained they are "dominated by Anglo-Saxons".²⁸ The Commission is chaired by an Australian, Richard Butler. A recent 44-member team has been led by Scott Ritter, an American and former marine who served in the Gulf War. 28 of the 44 members are classified as arms inspectors, of whom 10 are American nationals, five Britons, three French, two Austrians and one each from Bosnia-Herzegovina, Brazil, Finland, Germany, India, Ireland, Sweden and Switzerland.

A UN spokesman defended UNSCOM against claims of national bias by pointing out: "There are a limited number of countries in the world who have those experts or have a surplus of those experts that they can lend to the United Nations to carry out these inspections."²⁹ In response to Iraq's complaints France, Russia and China have volunteered more of their arms experts to the UN, but the offers have been rejected by the UNSCOM Executive Chairman on the grounds that Iraq has no right to determine the composition of the inspection team.³⁰

²⁸ *Jane's Defence Weekly*, 11 February 1998

²⁹ *Jane's Defence Weekly*, 28 January 1998

³⁰ It is interesting to note that the United States has itself refused on political and security grounds to grant permission for Iranian and Cuban inspectors to visit US facilities as part of an international inspection team under the Chemical Weapons Convention, *Jane's Defence Weekly*, 11 February 1998

IV Attitudes to Military Action

A. UK and USA

Iraq's refusal to co-operate with the work of the UNSCOM inspection team has led the United States, in concert with Britain, to warn that non-compliance will result in military action. At a joint press conference with the Foreign Secretary, Robin Cook, on 31 January 1998, the US Secretary of State, Madeleine Albright, stressed that "Saddam's continued defiance of the Security Council is unacceptable and his compliance is essential for regional stability and vital to our interests."³¹ At the same press conference, Mr Cook expressed the view that:

This is not a question of diplomatic nicety or the legality of UN Security Council resolutions. This is a straightforward and vitally important matter of preventing a brutal dictator from acquiring the weapons of mass destruction...No option is ruled out but the best prospect of us achieving a solution by diplomatic measures is to leave Saddam Hussein in no doubt about our resolve to win this struggle and no doubt in his mind that all options are open to us.³²

While a diplomatic solution has not been ruled out, Mrs Albright warned on 1 February 1998 that "the time is fast approaching for fundamental decisions" and that the "window of opportunity" for a diplomatic settlement was narrowing.³³

The British Government has expressed its support for efforts to find a diplomatic solution as long as Iraq complies. On 2 February Mr Cook said:

The objective of any action would be to achieve compliance with the Security Council resolutions. That compliance is easily measured by unconditional and unrestricted access to the sites that UNSCOM wishes to visit.³⁴

At a joint press conference with President Clinton on 6 February, Prime Minister Tony Blair claimed the Anglo-American objective was clear:

To ensure either that the weapon inspectors can come in and finish their task, or that the capability that Saddam Hussein undoubtedly has and wants to develop for weapons of mass destruction is taken out. And it is absolutely essential that what we do is focus upon the best way possible that we can do that.

³¹ From transcript of Press Conference given by Robin Cook and US Secretary of State Madeleine Albright, FCO, London, 31 January 1998

³² *ibid*

³³ *Financial Times*, 2 February 1998

³⁴ HC Deb 2 February 1998, c722

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At the same press conference President Clinton added:

I think the precise question should be, that I should have to ask and answer is, 'Could any military action, if all else fails, substantially reduce or delay Saddam Hussein's capacities to develop weapons of mass destruction and to deliver them on his neighbors?' The answer to that, I am convinced, is 'yes.'

In response to a question from Mr Howard on 10 February concerning these differently worded objectives, Mr Cook stated:

I see no conflict between what I have said and what the right hon. and learned Gentleman quotes from the Prime Minister. The objective is, indeed, to achieve compliance with the Security Council resolutions and to deny Saddam Hussein his ambition to develop weapons of mass destruction...If we cannot achieve an agreement by which UNSCOM can effectively hinder Saddam from developing chemical and biological weapons, military force will be applied to ensure that what UNSCOM inspectors cannot achieve can be achieved by direct action...³⁵

The failure of air power during Operation Desert Storm to eliminate Iraq's chemical, biological and nuclear capability has led some commentators to question the ability of air strikes to achieve the stated objectives. On 9 February the US Defence Secretary, William Cohen, acknowledged the limitations inherent in the use of military force:

[T]he most important, most effective means of insuring that Saddam Hussein is not building and increasing his weapons of mass destruction is to have the inspectors on the ground without any restrictions...No one is looking for a military option as the best option...[T]here must be some way of compensating in order to reduce his capacity to develop these horrible weapons...³⁶

The British Government has gained support from the front benches of the main opposition parties. For the Conservatives, Mr Howard said:

I have made it consistently clear, we support the Government in their efforts to ensure that Saddam Hussein respects the will of the UN and the world community. We agree that he cannot be allowed to flout Security Council resolutions - to which he himself agreed - with impunity. We agree that every diplomatic avenue must be pursued, but that if diplomacy fails, it would be right to contemplate military action.³⁷

The Liberal Democrat Foreign Affairs Spokesman, David Heath, asked Mr Cook:

[I]n extremis, does he recognise that Britain must not flinch from joining the international community in taking effective but proportionate action? If he does, he will have our support, but in turn he must make clear the political objectives of such action and the end result that would be desired.³⁸

³⁵ HC Deb 10 February 1998, c146

³⁶ *Transcript: SecDefence Cohen 2/9 Press Conference in Kuwait*, 9 February 1998

³⁷ HC Deb 10 February 1998, c144

³⁸ HC Deb 2 February 1998, c721

Australia, New Zealand and Canada have also expressed their support for military action if diplomatic efforts fail to resolve the crisis.

B. China, France and Russia

China, France and Russia remain opposed to the use of force but they have called on Saddam Hussein to implement all the relevant Security Council Resolutions. On 11 February the French Foreign Minister, Hubert Vedrine, indicated that France was not ready give up hope of a diplomatic solution and called for the UN Secretary-General to attempt to finalise an agreement that conforms to UN Security Council Resolutions.³⁹

Russia has issued strong warnings on the possible consequences of military action. The Russian President Boris Yeltsin has stated his belief that military action could lead to World War Three due to the perceived threat of regional escalation that could draw Israel into the conflict.⁴⁰ On 12 February 1998 the Russian Defence Minister, Igor Sergeev, warned his American counter-part Mr Cohen that military action could damage their bilateral relations. He asked Mr Cohen:

Is America ready for all the possible consequences? Does the uncompromising and tough stand of the United States on the issue of Iraq help to strengthen stability and security in the world?⁴¹

Russia, which played a key role in ensuring a peaceful solution to the crisis of October and November 1997, is eager to bring about an early lifting of sanctions against Iraq due to outstanding debts of around \$7 billion: a lifting of the oil embargo would enable Iraq to generate sufficient revenue for its repayments.

China has also called for a diplomatic solution. The Chinese Vice-Premier and Minister of Foreign Affairs, Qian Qichen, said in a message to the Iraqi Deputy Prime Minister, Tariq Aziz:

China maintains that the Security Council's relevant resolutions should be earnestly and comprehensively carried out...China supports the efforts being made to address the current crisis through diplomatic channels and China is against the use of force.⁴²

³⁹ *Le Monde*, 12 February 1998

⁴⁰ *Financial Times*, 5 February 1998

⁴¹ *Financial Times*, 13 February 1998

⁴² *Summary of World Broadcasts*, 7 February 1998

C. The European Union

The Member States of the EU have thus far failed to formulate a common position, despite the key role that both Britain and France are seeking to play in the current crisis. Jacques Santer, the President of the European Commission, has bemoaned the EU's apparent "non-existence" over the current crisis, but said that Europe had no alternative other than deferring to the "leading role of the United States" and the UN.⁴³

A number of EU Member States have pledged support for the American and British position. Helmut Kohl, the German Chancellor, announced that airbases in Germany would be available to US forces and declared "we must show solidarity for everything that needs to be done."⁴⁴

D. The Middle East, Turkey and the Gulf States

The plans for military action have found little support in the Middle East and Persian Gulf, even among Britain's and America's traditional allies in the region. Only three Arab countries, Bahrain, Kuwait and Oman, have declared public support for air strikes if Saddam Hussein refuses to allow access to the presidential sites. Kuwait and Bahrain have offered the United States and the UK use of bases on their territory from which to mount air strikes. Oman has offered its bases for logistical support to the operation. None has volunteered to contribute forces to any potential air strikes.

Following a meeting of the Kuwaiti Council of Ministers on 2 February, the acting Foreign Minister Abd al-Aziz al-Dakhil stated his Government's support for a diplomatic solution, but spoke of "other options.., which cannot be excluded and which may be required by the situation if the Iraqi regime insists on continuing to challenge the will of the international community."⁴⁵

One of the principal members of the 1991 coalition, Saudi Arabia, has so far remained silent on the issue of military action. During a tour of the region in the first week of February, Mrs Albright was able to obtain only a joint statement stressing the need for Iraq to comply unconditionally with the will of the international community as expressed in the Security Council's Resolutions. Mr Cook subsequently obtained a Saudi statement blaming Iraq for the "dire consequences" that would result from diplomatic failure. The Saudi Foreign Minister, Prince Saud al-Faisal, said: "Both sides agree on the necessity of Iraq's unconditional compliance without delay as the only way to end the suffering of the Iraqi people and

⁴³ *The Times*, 11 February 1998

⁴⁴ *Financial Times*, 9 February 1998

⁴⁵ *Summary of World Broadcasts*, 4 February 1998

preserve Iraq's sovereignty and territorial integrity." He added that Iraq's failure to comply "will lead to dire consequences which the Iraqi regime will bear."⁴⁶ Some American and British diplomats have privately expressed their belief that the Saudi regime will alter its stance as military action draws closer and permit strikes to be launched from its territory.⁴⁷

Another key US ally in the region, Egypt, has called for a diplomatic solution to the crisis and has also refused to provide forces for any military strikes. The Egyptian President, Hosni Mubarak, called on Saddam Hussein to act wisely and rationally and to realise the danger he could face. He said: "We must exert all efforts and use all political and diplomatic means. We call on Iraq to respond and defuse the crisis."⁴⁸

Commentators believe the Turkish Government is split in its support for military action and the Deputy Prime Minister, Bulent Ecevit has reportedly suggested he will oppose any move to allow US bombers to operate from the key Turkish airbase of Incirlik.⁴⁹ Turkey has an interest in ending sanctions against Iraq, which have cost it billions of dollars in lost trade and revenue. In addition, Turkish troops have moved into northern Iraq and established a buffer strip to prevent an influx of Iraqi Kurdish refugees into Turkey during the current crisis.

Public opinion in the Arab world is increasingly opposed both to the continuation of sanctions against Iraq, which are seen as bringing unnecessary suffering on the Iraqi people, and to the prospect of air strikes due to the potential for civilian casualties. The Secretary General of the Arab League, Dr Ismat Abd al-Majid, said, "military action against Iraq would be unacceptable. It will only increase the suffering of the Iraqi people..."⁵⁰ He later warned that the use of force against Iraq "will be extremely dangerous".⁵¹ Commentators have pinpointed Arab frustration over the deadlock in the Israeli-Palestinian peace process as one of the key reasons for the collapse of the Gulf War coalition. The United States is facing criticism for allegedly imposing double standards, by calling for strikes against Iraq as punishment for non-compliance with Security Council Resolutions, yet failing to put sustained pressure on Israel for failing to comply with longstanding Security Council Resolutions on withdrawal from the Occupied Territories.

The Israeli Prime Minister, Benjamin Netanyahu, has declared his country's support for military action and warned Iraq it would face retaliation if missiles were again targeted at Israel as they were in 1991 during the Gulf War.

⁴⁶ *Financial Times*, 6 February 1998

⁴⁷ *The Times*, 11 February 1998

⁴⁸ *Summary of World Broadcasts*, 7 February 1998

⁴⁹ *International Herald Tribune*, 13 February 1998

⁵⁰ *Summary of World Broadcasts*, 4 February 1998

⁵¹ *Summary of World Broadcasts*, 10 February 1998

E. The United Nations Secretary-General

Kofi Annan, the UN Secretary-General, has urged flexibility on both sides. While he has demanded that Iraq comply with all Security Council Resolutions, he has also insisted that Iraq should be offered a way out of the confrontation: “They have painted themselves into a corner and we need to work with them to get them to back down. But I think we should not insist on humiliating them.”⁵²

⁵²*The Times*, 11 February 1998

V The Legal Basis for Enforcement of UN Security Council Resolutions

Iraq's refusal to grant UNSCOM inspectors unrestricted access to all sites under suspicion has been widely condemned by the international community. However, in contrast to the broad coalition assembled in 1990-91, the issue of whether military action is necessary or justified in the current situation has provoked significant debate and has yet to be resolved. In particular the legal basis for military action has provoked discussion.

The scope for the use of force is closely circumscribed under international law and Article 2(4) of the UN charter states:

4. All members shall refrain in their international disputes from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

The exceptions to this are the use of force when mandated by a competent organ of the UN (usually the Security Council acting under Article 42 of the Charter) or the use of force in self-defence (under Article 51). Self-defence is itself subject to qualification.⁵³ Proportionality of response is also a key concept in determining the legality of the use of force.

The United States has indicated its intention to go further than the "pin-prick" strikes of the past against restricted targets, and to conduct a broader campaign against Iraqi military targets.⁵⁴ It cites Iraq's breach of its obligations under the terms of the cease-fire agreed at the end of the Gulf War, and embodied in Security Council Resolution 687 of 1991, as the legal basis for the use of force.

Russia has stated its belief that a further Resolution would be necessary to sanction the use of force. It has argued that only the Security Council has the power to declare Iraq to be in "material breach" of the 1991 cease-fire terms. Russia believes that the sole Security Council Resolution relating to the use of force is Resolution 678 of 1990 authorising the use of "all necessary means" by the Allied coalition to reverse the invasion of Kuwait. Sergey Lavrov, the Russian envoy to the UN, said "There is no authorisation to use force for matters that do not relate to the aggression that has been behind us for many years."⁵⁵

⁵³ See for example *International Law and the Use of Force by States*, I. Brownlie, Oxford, 1963, p.113

⁵⁴ US Defense Secretary William Cohen, *Jane's Defence Weekly*, 11 February 1998

⁵⁵ *Financial Times*, 6 February 1998

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Were a new Security Council mandate to be issued, it would constitute an unambiguous legal basis for military action. Without it, the main basis cited seems to be the breach of the cease-fire agreements of 1991.

Paragraph 1 of the cease-fire Resolution (*S/RES/687*) states that the Security Council:

1. Affirms all thirteen resolutions noted above [including UNSCR 678], except as expressly changed below to achieve the goals of this resolution including a formal cease-fire

The Resolution concludes with paragraphs 33 and 34 stating that the Security Council:

33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States co-operating with Kuwait in accordance with resolution 678 (1990)
34. Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.

The British Government position is that sufficient authority for military action exists under the current Security Council Resolutions. On 5 February 1998 Mr Cook said:

The history and the statute book of the Security Council is full of resolutions which clearly set out what Saddam Hussein has to do...he clearly is not doing it, so the authority is there.⁵⁶

On 10 February Baroness Symons of Vernham Dean, a junior FCO Minister, stated that "the legal justification for the use of force would depend on the precise circumstances at that time."⁵⁷

The Government has indicated that a further Resolution declaring Iraq to be in "material breach" of the 1991 cease-fire terms, though not in its view legally necessary, would be desirable.⁵⁸ In particular this would indicate the strength of opinion arrayed against Iraq.

On 10 February the Foreign Secretary responded to the following question from Mr Dalyell:

⁵⁶ *Financial Times*, 6 February 1998

⁵⁷ HL Deb 10 February 1998, c158w

⁵⁸ *Financial Times*, 6 February 1998

Does the House have the clear, unambiguous undertaking that, before military action is taken, we will return to the Security Council for its clear, unambiguous endorsement of military action?

Mr Cook responded:

A large number of diplomats in the Foreign Office have been working towards precisely that objective for several days. We hope to table the resolution in New York this week and I hope that the resolution will gain the support of the Security Council, so I certainly give my hon. Friend that assurance.⁵⁹

The British Government has not spelled out what its view would be, should the effort to obtain a new and unambiguous Security Council Resolution fail.

⁵⁹ HC Deb 10 February 1998, c150

VI The Balance of Forces

A. Anglo-American Forces in the Gulf Region

Following the liberation of Kuwait in 1991, US forces remained in the Gulf as a military element of the strategy of dual containment of Iran and Iraq. Military aircraft have been sent on rolling detachments to Saudi Arabia to help to police the UN air exclusion zone over southern Iraq established under UN Security Council Resolution 688.⁶⁰ A Patriot surface-to-air missile battery is also based in Saudi Arabia. US naval forces in the Gulf and Indian Ocean, usually of at least carrier battlegroup strength, are commanded from the headquarters of the US Fifth Fleet in Bahrain. The US Army has pre-positioned sufficient material to equip two armoured brigades, one batch stored in Kuwait and the other in Bahrain. Further afield, equipment for a US Marine brigade is stored afloat at Diego Garcia. There are other important US communications and support facilities on this island, which is part of the British Indian Ocean Territory (BIOT). Separately, US military aircraft are based at Incirlik in south eastern Turkey, where they assist in patrolling the no fly zone established over northern Iraq above the 36th parallel.

During successive military confrontations with Iraq, US forces in the region have been expanded. The US operations, known as Operation Desert Thunder, are co-ordinated by US Central Command from Florida, which is currently led by Gen. Anthony Zinni. Since the beginning of the latest crisis various reinforcements have been dispatched to the region. The USA now deploys around 300-400 military aircraft; about 150 are at sea on two carriers, with the remainder based in Bahrain, Kuwait, Oman and Saudi Arabia. B52 bombers have been sent to Diego Garcia. Some of the up to 30 US warships in the area carry precision-guided Tomahawk missiles. The force has also been supplemented by the addition of an amphibious US Marine Expeditionary Units (MEU) of about 2,000 men. A US infantry battalion is already located in Kuwait and is being joined by the remaining 3,000 troops of its brigade.⁶¹

Britain also has long-standing military contingents in the Gulf. Since 1980, the Armilla Patrol, usually consisting of two destroyers and/or frigates and a ship of the Royal Fleet Auxiliary, has maintained a presence in the region. As part of its duties, it has helped to enforce the maritime trade embargo against Iraq under UNSCR 665. RAF detachments of six Tornado bombers, based in Saudi Arabia and Turkey, respectively, have helped to police the UN air exclusion zones over Iraq, along with aircraft from France and the USA. These missions are known as Operation Warden (N. Iraq) and Operation Jural (S.Iraq). Along with their US and French counterparts, RAF forces based in Saudi Arabia have moved from Dharhan to the Prince

⁶⁰ In response to Saddam Hussein's intervention in Kurdish factional fighting in northern Iraq in September 1996, the USA, with British support, extended the southern no fly zone from the 32nd to 33rd parallel.

⁶¹ *Jane's Defence Weekly*, 11/2/97, *The Independent* 11/2/98 and *The Financial Times* 12/2/98

Sultan Airbase at Al Kharj. The latter is felt to be more secure following the terrorist attack in June 1996 on US installations at Dharhan, where the RAF detachment was also based.

Britain has dispatched additional forces to the Gulf in response to the latest crisis. The carrier *HMS Invincible* arrived in the Gulf in mid-January. In the first operational use of a new joint force concept, it deploys both RAF and RN aircraft: 7 RN Sea Harrier FA2s, mainly used for air defence, and 7 or 8 RAF Harrier GR7s. The RAF Harriers are strike aircraft and carry Thermal Imaging and Laser Designation (TIALD) equipment. This allows, in theory, each aircraft to mark a target with great accuracy, either for its own laser-guided bombs or those of a companion.⁶² Earlier this month, an additional 8 Tornado bombers, also equipped with TIALD, were sent to Kuwait.⁶³ An RN nuclear attack submarine, *HMS Spartan*, together with Special Forces detachments, are also reported to be in the Gulf.⁶⁴ A further carrier, *HMS Illustrious*, similarly equipped with both RN and RAF Harriers, has been working up in the Mediterranean, presumably with a view to relieving *HMS Invincible*. British operations in the Gulf are overseen by the Permanent Joint Force HQ at Northwood, under the command of Lt. Gen. Christopher Wallace, and are known as Operation Bolton.⁶⁵

Although the USA deploys a wide variety of military assets in the Gulf, and is capable of launching any air campaign by itself, the UK forces do bring some assets of additional military value. The RAF Tornados have night reconnaissance equipment apparently not available to the US Air Force; Diego Garcia is an important logistical base; and British intelligence may provide additional sources of information on events inside Iraq.⁶⁶ Despite this, the UK's importance to Washington in this crisis is primarily political, proving that the USA is not acting alone and using its influence in the UN, in the Gulf and elsewhere to persuade countries to join the group of states in favour of an ultimate use of force.

The traditional reason for the UK's close military alliance with the USA, now the world's only superpower, is not only that they have defence and security interests in common, but also that the UK thereby gains access to US decision-making. For example, during the Gulf War, Gen. de la Billiere, the British theatre commander, maintained a close relationship with the overall US force commander, Gen. Schwartzkopf. More importantly, a British staff officer was closely involved with the mission planning.⁶⁷ It is perhaps worth asking how much influence British officers will have, on this occasion, over the conduct of any military operation against Iraq and, in particular, over any targeting list. Secondly, it is unclear whether, as in the Gulf War, although deferring to overall US tactical command, the British field commander would have the right to appeal up the chain of command to a higher military or political level if he felt that his forces were either in

⁶² *The Financial Times* 3/2/98

⁶³ HC Deb 6/2/98 c 810w

⁶⁴ *The Daily Telegraph* 11/2/98

⁶⁵ In 1994, in reaction to the Iraqi move of two armoured divisions towards its southern border, the UK dispatched the Spearhead Battalion, the Services' standby ground force, to Kuwait (*SDE* 95, p. 52). A similar move is a possible contingency.

⁶⁶ *The Daily Telegraph* 11/2/98

⁶⁷ P. de la Billiere, *Storm Command: A Personal Account of the Gulf War*, pp. 89-91

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danger or were not being used in the most appropriate manner. The Secretary of State for Defence was recently questioned on these points: -

Mr Wilkinson: What are the exact arrangements for defining the rules of engagement of British troops in the Iraqi theatre, and what are the command and control arrangements? Would British forces in that theatre come directly under the command of an American general or flag officer, or would the British take their orders direct from Northwood.

Mr Robertson: As the hon. Gentleman would predict and as I know he will accept is reasonable, I have no intention of being drawn into any details about military action that might have to be taken if all the diplomatic options were exhausted. The use of force and the deployment of our forces in the Gulf today are simply the mechanisms by which we hope Saddam will realise that he must comply with the United Nations Security Council resolutions. The arrangements for that force, if that force has to be used, will not be speculated on from the Dispatch Box. Saddam Hussein and the Iraqi regime should be left under no illusions that if we have to deploy, there will be a fairly firm response to what he is doing.⁶⁸

B. Military Support from Other Countries

Since the onset of the crisis a number of countries have indicated their support for military action against Iraq, if all other measures prove fruitless. Although countries such as Denmark, Germany, Italy, Portugal, and Spain have offered passive support, permitting US forces intended for the Gulf to use their bases, to date, only two states Australia and Canada, have dispatched military contingents. Australia is sending about 250 SAS and support troops. Canada has re-routed a frigate from the Mediterranean and is also sending transport aircraft. New Zealand is reported to have offered transport aircraft and medical assistance should an attack begin.⁶⁹ The Czech Republic, Hungary and Poland have also suggested that they could send small contingents of medical or support personnel.⁷⁰ Those Gulf states which have supported the possibility of military action, and those that have not, have potent air forces, but it would seem unlikely, for the moment, that any Arab states will contribute forces to any bombing campaign. Collectively, the forces that the USA has managed to assemble in the Gulf are far weaker than those of the 1991 coalition. Then, the Allied force disposed of over 2,000 aircraft, nearly 100 ships, half a million soldiers and 2,500 tanks. 32 countries contributed combatant and non-combatant forces.⁷¹ In 1998, by comparison, the air contingent is about a quarter and the maritime force about a third of the size, while the land contingent is negligible.

⁶⁸ HC Deb 9/2/98 c 2

⁶⁹ *The Independent* 11/2/98 There are unconfirmed reports that the Netherlands is sending a frigate to the Gulf (*The Guardian* 12/2/98).

⁷⁰ *The International Herald Tribune* 14/2/98

⁷¹ IISS *The Military Balance 1991-1992*, pp. 238-242.

C. The Iraqi Armed Forces

The Iraqi armed services are in differing states of effectiveness. The Iraqi Navy was virtually destroyed in 1991 and has never recovered. The Iraqi Air Force is also in a poor condition. It deploys about 300 combat aircraft. Serviceability rates are low. The air defence system has not been entirely rebuilt since the 1991 air offensive and was again degraded by US Tomahawk attacks in 1996. With about 350,000 men, the Iraqi Army is about half the strength of that of 1991. It is still, however, one of the strongest armies in the Middle East, with 2,700 tanks. Over the last seven years and despite the arms embargo, the Iraqi regime has had some success in maintaining and reconstructing its weaponry. The state-owned arms factories have been restored to operation. By using smuggled components and by cannibalisation, tanks and other armed vehicles are kept functioning. The Republican Guard has continued to receive the best of the remaining equipment. Although deemed not to pose a serious threat to any of its neighbours in conventional terms, the Iraqi armed forces are of sufficient strength to maintain internal security, as shown by the successful offensive against the Patriotic Union of Kurdistan (PUK) in 1996.⁷²

⁷² J. Wylie, 'Saddam's Prospects' and S. Boyne, 'How Saddam Rebuilt His Forces', *Jane's Intelligence Review*, November 1996.

VII Air Strikes and Their Possible Consequences

A. Targets and Difficulties of an Air Offensive

If a decision is taken to attack Iraq, the question is what should be attacked and what the effect might be. An air campaign could last several days at least and involve a complex target list. The options include air strikes or even commando raids on: weapons of mass destruction (WMD) manufacturing or storage sites; the Iraqi leadership; the Republican Guard, infrastructure (telecommunications, electricity generation, etc.) and air defences.⁷³

Air strikes mounted against WMD sites might carry risks. Firstly, US intelligence is not confident as to their location. The US Assistant Secretary of State for Intelligence and Research reported to a US Senate hearing that, “We are not confident that we know where they are, what has been destroyed, [and] what it would take to get back to their production and development of all of these weapons of mass destruction”.⁷⁴ Secondly, as with any form of bombing, there is the potential for causing civilian casualties, particularly if Iraqi civilians are lodged at WMD sites or if chemical or biological agents are released into the atmosphere.⁷⁵ Although media coverage during the Gulf War supported a belief that so-called ‘smart’ weaponry provided great accuracy with the potential for minimal collateral damage, subsequent analysis indicated that such claims were exaggerated. For example, the hit rate of the F-117 Stealth fighter was no better than the thirty-year old F-111. Furthermore, instead of one laser-guided bomb per target, it was discovered that on average four bombs were utilised per target.⁷⁶ Although ‘Smart’ technology has improved since 1991, it is debatable whether complete accuracy can be guaranteed. A further complication is that some WMD facilities are believed to be buried in hardened underground bunkers.

Prior to the Gulf War, the US Air Force commissioned work on laser-guided penetration bombs. A special deep penetration variant was used on at least one occasion during the air campaign. More of these bombs are now available.⁷⁷ Since 1991, the Pentagon has carried out further research on deep penetration bombs, on fuses able to explode in a designated bunker compartment, and also on high incendiary materials, perhaps using magnesium. Much of this work remains, however, at the trials or prototype stage. In a submission to the US

⁷³ *The Independent on Sunday* 8/2/98

⁷⁴ *Jane’s Defence Weekly* 11/2/98

⁷⁵ The problems of accuracy are displayed by two separate incidents, which both occurred in February 1991. In one an RAF attack on a bridge at al-Fallujah went wrong when a bomb landed on a local market, killing at least 50 people. In another, at least 300 civilians were killed at Amiriya in Baghdad when US aircraft attacked an Iraqi command bunker, which, at the time, was being used as a civilian bomb shelter (Brown & Shukman, *All Necessary Means: Inside the Gulf War*, pp. 53-53). Separately, it has emerged that US troops destroyed bunkers at Kamisiyah in Iraq in March 1991 which were used for the storage of chemical weapons, thereby possibly contaminating their own forces (HC Deb 6/2/97 c 682w).

⁷⁶ C.Beal, ‘One Target, One Bomb?’, *International Defense Review*, August 1997, quoting GAO 1996 report.

⁷⁷ GBU-27 and GBU-28 Penetration Bombs, *Jane’s Air-Launched Weapons*

Congress, the Defense Special Weapons Agency reported that the US Air Force did not have the capability to destroy WMD in hardened underground bunkers. It has neither a bomb to strike deep enough, below a depth of more than 3.5m of concrete, nor an incendiary weapon capable of vaporising any chemical or biological agents, nor any means of modelling the effects of any strike.⁷⁸ In short, air power alone is not capable of destroying the Iraqi WMD arsenal, notwithstanding its possible reconstruction after the conclusion of any air campaign. In this light, the targeting list may be directed more towards attacking structures supporting WMD production, such as electricity generation and telecommunications, and 'punishment' raids against the Iraqi regime itself, to include secret police barracks, bases of Republic Guard, etc. One difficulty here is that attacks on infrastructure could be seen as also further worsening the physical conditions of the Iraqi people.

Besides the technical problems of any Anglo-American air offensive, the fact that both Turkey and Saudi Arabia have so far, at least in public, refused to allow their air bases to be used by aircraft attacking Iraq could add further complications. The Saudi bases, in particular, are veritable storehouses of war and were one of the key factors in the Allied victory in 1991. Without their resources, the US-led force will be forced to rely more on carrier aviation, necessarily prolonging any air campaign. The longer the air strikes last, the greater the chances of aircraft being shot down and their aircrew being captured, and of errors being made in attacking targets, due to physical and equipment fatigue.⁷⁹

B. Possible Reactions in Iraq to Air Strikes

It can not be presumed that Saddam Hussein will not take some form of retaliatory action, if Iraq is attacked. If, as has been maintained, a number of Iraqi Scuds remain in working order, then Iraq could in theory launch conventionally armed or even WMD-armed ballistic missiles against Allied bases in Kuwait, for example, or against Israel. Terrorist attacks in the Middle East, particularly against Anglo-American bases, or elsewhere are another possibility. Israel, an undeclared possessor of nuclear weapons, has made its position clear on the former point. In a recent statement Mr Netanyahu, the Israeli Prime Minister, declared that:

We reserve the right of self-defence, which is the natural right of any state, any nation, under potential or real attack. It is our assessment that the risk of Iraqi attack on Israel is low, is very low. But it is our responsibility to protect the people of Israel and to take all the measures of civil defence that are necessary.⁸⁰

⁷⁸ B. Starr, 'USA Conventionally Challenged by Saddam's Hidden Weapons', *Jane's Defence Weekly*, 19/11/97

⁷⁹ One potential role for British Special Forces may be the rescue of downed British pilots.

⁸⁰ Quoted by *AFM* 7/2/98. The Israeli Government has distributed gas masks to its citizens. During the Gulf War 39 Scud missiles were fired at Israel, killing two people.

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As during the Gulf War, a key element of US strategy may be to restrain Israel from launching any pre-emptive or retaliatory strikes against Iraq, for fear of the adverse impact that such action might have on supportive Arab states.

In the approach to the Gulf War, the US government implicitly threatened Iraq with nuclear weapons if it used its WMD.⁸¹ This threat has been renewed, with a “swift, devastating and overwhelming” response promised to any WMD attacks.⁸² An alternative tactic for Saddam Hussein might be the seizure of UNSCOM and other UN aid personnel in Iraq as human shields.⁸³ The above scenarios, whatever the military response, might prove highly counterproductive diplomatically, and only assist in the expansion and solidification of the international coalition against the Iraqi dictator.⁸⁴ Within Iraq, Saddam Hussein might mount punitive operations against the Kurds in the north, although these could have similar results. Another possible move might be to attempt to lay mines in the Persian Gulf. The vulnerability of Allied warships to mines was proved during the Gulf War, when US warships were so damaged.

Saddam Hussein may also use the pretext of an extended air campaign to expel the UNSCOM inspectors and refuse to readmit them, hoping that support for sanctions will continue to erode and the sanctions regime ultimately collapse. The UNSCOM teams have been successful in their task of uncovering Iraqi WMD sites. This is precisely why Saddam Hussein wishes to restrict their activities. After previous air strikes in 1993, 1994 and 1996, the UNSCOM teams were able to resume their work. It would be ironic if, this time, air attacks, far from persuading the Iraqi regime to allow UNSCOM access to all suspected WMD facilities, led to the termination of the UN inspection mission.

Perhaps an easier strategy for Saddam Hussein would be not to take any counter-measures, apart from that of air defence, but to rely instead on diplomatic and political instruments. Whatever their effect, Anglo-American air strikes, particularly if of long duration, may do no harm to the Iraqi dictator’s role in the Arab world as a lightning rod for anti-Western sentiment. Short of taking an Anglo-American army to Baghdad, which President Bush was singularly unprepared to do in 1991, the use of air power alone may be unlikely to topple Saddam Hussein. Opposition groups may not be in a position to capitalise on any temporary military weakness caused by an air offensive, without external support. The August 1996 Iraqi offensive into northern Iraq in support of the Kurdish Democratic Party (KDP) had the

⁸¹ In advance of the meeting in January 1991 in Geneva between the then US Secretary of State James Baker and his Iraqi counterpart, Tariq Aziz, a letter was sent from President Bush to Saddam Hussein. It included a paragraph stating that “the United States will not tolerate the use of chemical or biological weapons, support of any kind of terrorist actions ... The American people would demand the strongest possible response. You and your country will pay a terrible price if you order unconscionable action of this sort” (quoted in Freedman & Karsh, *The Gulf Conflict 1990-1991*, p. 255).

⁸² See Martin Woollacott, ‘Small risk in bombing’, *The Guardian* 7/2/98

⁸³ ‘Human Shields Fear in Iraq’, *The Guardian* 31/1/98

⁸⁴ See Martin Woollacott, ‘Small risk in bombing’, *The Guardian* 7/2/98 for a discussion of possible Iraqi responses to an air offensive.

effect of splitting the Kurdish opposition. It not only restored much of Saddam Hussein's influence in the autonomous Kurdish regions but also forced the evacuation of a CIA operation, active in the area since 1994, and flushed out Iraqi opposition groups. In any case, a coup attempt involving the Iraqi National Congress had already proved abortive in 1995. Another coup plot, led by the Iraqi National Accord, the latter largely composed of dissident Iraqi Army officers, was uncovered in June 1996 after it had been penetrated by Iraqi intelligence.⁸⁵

⁸⁵ S. Boyne, 'Saddam moves to exorcise the enclaves', *Jane's Intelligence Review*, October 1997

VIII The Wider Context

Since the Second World War, Britain and the USA have shared two broad strategic aims in the Persian Gulf. Firstly, they have sought to maintain a free flow of oil, deemed to be a necessary component of the world economy. Secondly, they have sought to prevent any single power from gaining control of the Gulf oil reserves, which would both destabilise the region and provide that power with monies to construct a powerful military machine. Up until 1971 and its withdrawal from its East of Suez role, the UK provided security in the Gulf, by sending, for example, British forces to the defence of Kuwait in 1961 when it was threatened by Iraqi invasion. Thereafter, Britain and USA sought to build up the armed forces of Iran as a friendly proxy, a bulwark against Soviet influence and regional stabiliser. This strategy backfired in 1979 with the Iranian Revolution. The West and the wealthy Gulf States then turned to Iraq as a counter weight to the pan-Islamism of Tehran. Whilst officially neutral, western Europe and the USA favoured Iraq during its long war with Iran (1980-1988). Funding from the Gulf States underwrote Iraqi war costs. The tilt to Iraq also ultimately proved misguided, with Iraq itself proving a threat to the wider Middle East, as demonstrated by its invasion of Kuwait in 1990.⁸⁶ Iran has rebuilt its armed forces since 1988, acquiring, for example, conventional submarines from Russia, and the Gulf states continue to fear that it is sponsoring subversion.⁸⁷ There has also been evidence of Iranian involvement in international terrorism. For example, in 1997 members of the Iranian security services were found guilty by a German court of involvement in the murder of Iranian Kurdish opposition leaders in the Mykanos restaurant, Berlin in 1992.⁸⁸

One of Saddam Hussein's main points of strength is that many countries have seen a key interest in maintaining the unity of Iraq. During his statement to the House on 10 February, the Foreign Secretary stated that "We support the territorial integrity of Iraq".⁸⁹ An excessive weakening of the power of Baghdad could help Iran emerge as the dominant state in the region. Without strong control from the centre, Iraq could collapse into its three components: the Kurdish north, the Sunni centre and the Shia south. Fears of a break-up of Iraq were one reason why Coalition forces stopped well short of Baghdad in 1991 and did not support the uprisings which followed the end of the Gulf War. The establishment of a Kurdish statelet in northern Iraq could prove highly provocative to Turkey, which might see no alternative to military intervention. The Shia south and its oil fields might come under the influence of neighbouring Shia Iran. Certainly, it has been suggested that the optimum outcome of the current crisis for the West in security terms would be for Saddam Hussein to be replaced by a more moderate Iraqi nationalist, possibly from the Army. Such a figure might hold Iraq together but, at the same time, adopt a more benign policy to the West, end WMD

⁸⁶ See *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions* (the Scott Report), February 1996

⁸⁷ S. Simon, 'US Strategy in the Persian Gulf', *Survival*, Autumn 1992

⁸⁸ *The Financial Times* 28/1/98 The *fatwa*, issued in 1989 by Ayatollah Khomeini calling for the murder of Salman Rushdie, the author of *The Satanic Verses*, was recently reaffirmed by an Iranian religious leader and the Iranian foreign affairs ministry (*The Guardian* 16/2/98).

⁸⁹ HC Deb 10/2/98 c 144

programmes and allow greater political freedom, perhaps bolstered by the ending of sanctions and foreign economic assistance.⁹⁰ However, one of the main aims of Saddam Hussein has precisely been to prevent a challenger emerging from within his armed forces. A regional analyst has remarked: -

As long as Saddam retains a firm grip on the army and security services inside Iraq, there is little prospect of him being removed by force. Ruthless purges of his high command have been the norm in recent years and the cruel efficiency with which he removes even members of his own family when they pose a risk to his regime demonstrates his will to stay in power.⁹¹

The Iraqi dictator has held onto power in Iraq with great guile and ruthlessness for nearly two decades. After the conclusion of any air campaign, it is not unreasonable to believe that he may not continue to do so for many years to come.⁹²

Despite sharing common interests in the Gulf region, Britain and Europe, on the one hand, and the USA, on the other, have adopted different approaches to dealing with Iran and Iraq. While Washington has followed a policy of dual containment, that is the political isolation and levying of sanctions against both Iran and Iraq, which may or may not include a policy aim to remove Saddam Hussein, Europe has shown a more flexible approach. The EU would seem prepared to tolerate the Iraqi dictator as long as he abided by UN Security Council Resolutions and did not threaten his neighbours. The EU has also engaged in a policy of critical dialogue with Iran, which has included the promotion of non-military trade. Although the dialogue is currently suspended, following the Mykanos trial, the overall approach has been encouraged by the election of the moderate cleric, Mohammad Khatami, as Iranian President in May 1997 and the overtures that he has since made to the West.⁹³ Tensions between the EU and the USA over trading relations with Iran may partly explain the reluctance of some EU states to support the Anglo-American approach to the latest Iraq crisis. Via the *Iran-Libya Act*, the US Congress has sought to impose extraterritorial sanctions on foreign companies which invest in the Iranian energy sector. In a deal announced in autumn 1997, the French oil company, Total, the Russian gas combine, Gazprom, and the Malaysian oil firm, Petronas, agreed a \$2bn investment in Iran. The US government is currently considering whether this agreement is contrary to the US sanctions legislation and, if so, whether to levy penalties against the above companies' US subsidiaries. Needless to say, such a move would not be well received in France or Russia.⁹⁴

⁹⁰ *The Observer* 8/2/98

⁹¹ J. Wylie, 'Saddam's Prospects', *Jane's Intelligence Review*, November 1996

⁹² In December the US Gulf Commander, Gen. Zinni, was quoted as saying: "It's a very rock-solid dictatorship, run ruthlessly, where it's hard for opposition to take hold" *The Financial Times* 12/2/98

⁹³ A. Saunders, 'Containing Containment: The European Perspective', *The New International Security Review* 1998, RUSI

⁹⁴ *The Financial Times* 9/2/98 It is notable that while the EU has maintained a common front against US attempts to extend its legal jurisdiction overseas, the dissonant response of the Fifteen to the Iraq crisis has again demonstrated the weaknesses of the Common Foreign and Security Policy.

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The current Iraq crisis, the fifth since the Gulf War, may, however, have a more fundamental cause. The history of the Gulf over the last twenty-five years has demonstrated the inherent insecurity of the region. Tensions exist not only between states but also within them, with many fractured by confessional, ethnic and political divisions. Efforts to promote greater mutual co-operation and co-ordination amongst the Gulf States via the Gulf Co-operation Council (GCC), established in 1981, have not been entirely successful. Attempts to promote Gulf collective security, for example, via the Peninsula Shield force, a composite army unit of elements from GCC armed forces, have, arguably, been of only limited military value. The Gulf States are mutually rivalrous and have proved unwilling to curb their sovereignty by subordinating their forces to a common defence.⁹⁵ In any case, with a combined population of only 24m (including a substantial proportion of expatriates) compared with Iraq (22m) and Iran (70m), they are incapable of generating armed forces of any size. Whatever advanced military equipment they procure from the West, they may always be at a military disadvantage compared with the more numerous forces of Iran and Iraq. Hence, the Gulf states formation of alliances with Britain, France and the USA and their willingness to allow foreign military forces to be stationed on many of their territories, despite domestic political opposition.⁹⁶

It has often been suggested that one way to promote wider security in the Gulf region would be to launch a process analogous to the CSCE/OSCE process, the institution for political co-operation and military confidence building and disarmament in Europe, founded in 1975, which did much to reduce Cold War tensions.⁹⁷ However, for any Conference on Security and Co-operation in the Gulf to be established, some of the great mistrust which permeates the region might first need to be overcome.

⁹⁵ C. Tripp, 'The Gulf States and Iraq', *Survival*, Autumn 1992

⁹⁶ The arms sales associated with these alliances have been of benefit to Western arms manufacturers.

⁹⁷ See Z. Khalilzad, 'The United States and the Persian Gulf: Preventing Regional Hegemony', *Survival*, Summer 1995

**Annex 1 Texts of the Most Relevant UN Security Council Resolutions:
661, 678 and 687**

Resolution 661 (1990), 6 August 1990

Adopted at the 2933rd meeting by 13 votes in favour, none against, Cuba and Yemen abstaining

The Security Council,

.....

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter,

1. Determines that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait

exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. *Decides* that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

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5. Call upon all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls upon* all States to co-operate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be sought by the

Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose;

9. *Decides* that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognise any regime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

SIRES/678 (1990)
29 November 1990

RESOLUTION 678 (1990)

Adopted by the Security Council at its 2963rd meeting on
29 November 1990

The Security Council,

Recalling, and reaffirming its resolutions 660 (1990) of 2 August (1990), 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990 and 677 (1990) of 28 November 1990.

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter,

1. Demands that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;
2. Authorises Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;
3. Requests all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of the present resolution;
4. Requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 of the present resolution;
5. Decides to remain seized of the matter.

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Resolution 687 (1991), 3 April 1991

Adopted at the 2981st meeting by 12 votes in favour, 1 against (Cuba), Yemen, and Ecuador abstaining.

The Security Council,

Recalling its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990), 669 (1990), 670 (1990), 674 (1990), 677 (1990), 678 (1990) and 686 (1991),

Welcoming the restoration to Kuwait of its sovereignty, independence, and territorial integrity and the return of its legitimate government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States co-operating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter sent by the Foreign Minister of Iraq on 27 February 1991 (S/22275) and those sent pursuant to resolution 686 (1991) (S1/22273, S/22276, S/22320, S/22321 and S/22330),

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 'Agreed Minutes Regarding the Restoration of Friendly Relations, Recognition and Related Matters', thereby recognising formally the boundary between Iraq and Kuwait and the allocation of islands, which were registered with the United Nations in accordance with Article 102, of the Charter and in which Iraq recognised the independence and complete sovereignty of the State

of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical Weapons and that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held at Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling further that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this Convention and

encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the convention,

Stress the importance of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,

Recalling the objective of the establishment of a nuclear-weapons-free zone in the region of the Middle East,

Conscious of the threat which all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979, which categorises all acts of taking hostages as manifestations of international terrorism,

Deploring threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of *the reports of* the Secretary-General of 20 March 1991 (S/22366) and 28 March 1991 (S/22409), and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objective of restoring International peace and security in the area as set out in recent Council resolutions,

Conscious of the need to take the following measures acting under Chapter VII of the Charter.

1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal cease-fire;

A

2. *Demands* that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations Treaty Series, 1964;

3. *Calls on* the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait, to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. *Decides* to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter;

B

5. *Requests* the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarised zone, which is hereby established, extending 10 kilometres into Iraq and 5 kilometres into Kuwait from the boundary referred to in the 'Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters' of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarised zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace;

6. *Notes* that as soon as the Secretary-General notifies the Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States co-operating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. *Invites* Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in, War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 10 April 1972;

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of.

(a) all chemical and biological weapons and all stocks of agents and all related subsystems and components and all h, development, support and manufacturing facilities;

(b) all ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. *Decides*, for the implementation of paragraph 8 above, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of this resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) the General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organisation (WHO), within 45 days of the passage of this resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within 45 days of such approval:

(i) the forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself,

(ii) the yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a) above including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above and the destruction by Iraq, under supervision of the Special Commission, of all its missile capabilities including launchers as specified under paragraph 8 (b) above;

(iii) the provision by the Special Commission of the assistance and co-operation to the Director-General of the International Atomic Energy Agency (IAEA) required in paragraphs 12 and 13 below;

10. Decides that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Council for approval within 120 days of the passage of this resolution;

11. Invites Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968;

12. Decides that Iraq shall unconditionally agree not to, acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the International Atomic Energy Agency (IAEA) within 15 days of the adoption of

this resolution a declaration of the locations, amounts, and types of all items specified above, to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the IAEA, with the assistance and co-operation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal, or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. Requests the Director-General of the International Atomic Energy Agency (IAEA) through the Secretary-General, with the assistance and co-operation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, to carry out immediate onsite inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within 45 days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within 45 days following approval by the Security Council; and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968, for the future ongoing, monitoring and verification of Iraq's compliance with paragraph 12 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that IAEA safeguards cover all relevant nuclear activities in Iraq, to be

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submitted to the Council for approval within 120 days of the passage of this resolution;

14. *Takes note* that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of this resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. *Requests* the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property which Kuwait claims has not been returned or which has not been returned intact;

E

16. *Reaffirms* that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Government nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. *Decides* that all Iraqi statements made since 2 August 1990, repudiating its foreign debt, are null and void, and demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt;

18. *Decides* to create a Fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the Fund;

1.9 *Directs* the Secretary-General to develop and present to the Council for decision, no later than 30 days following the adoption of this resolution,

recommendations for the Fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17, and 18 above, including: administration of the Fund; mechanisms for determining the appropriate level of Iraq's contribution to the Fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the Fund, the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

F

20. *Decides*, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto, contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Committee established by resolution 661 (1990) or, with the approval of that Committee, under the simplified and accelerated 'no-objection' procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991 (S/22366), and in any further findings of humanitarian need by the Committee;

21. *Decides* that the Council shall review the provisions of paragraph 20 above every sixty days in light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. *Decides* that upon the approval by the Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12, and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against social transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. *Decides* that, pending action by the Council under paragraph 22 above, the Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. *Decides* that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Council, all States shall continue to prevent the sale or supply, or promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) arms and related *materiel* of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

(b) items specified and defined in paragraph 8 and paragraph 12 above not otherwise covered above;

(c) technology under licensing or other transfer arrangements used in the production, utilisation

or stockpiling of items specified in subparagraphs (a) and (b) above;

(d) personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. *Calls upon* all States and international organisations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any contracts, agreements, licences, or any other arrangements;

26. *Requests* the Secretary-General, in consultation with appropriate Governments, to develop within 60 days, for approval of the Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. *Calls upon* all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organisations to take all appropriate steps to assist in ensuring such full compliance;

28. *Agrees* to review its decisions in paragraphs 22, 23, 24, and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case 120 days following passage of this resolution, taking into account Iraq's compliance with this resolution and general progress towards the control of armaments in the region;

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29. *Decides* that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

G

30. *Decides* that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary co-operation to the International Committee of the Red Cross, providing be of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals still unaccounted for;

31. *Invites* the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection

with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in UN on or after 2 August 1990;

H

32. *Requires* Iraq to inform the Council that it will not commit or support any act of international terrorism or allow any organisation directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods, and practices of terrorism;

33. *Declares* that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States co-operating with Kuwait in accordance with resolution 678 (1990);

34. *Decides* to remain seized of the matter and to take such further steps as may be required for the implementation of this resolution aid to secure peace and security in the area.

Annex 2 References to Significant Debates and Statements in the House on Iraq since 1990

Session 1989-90

HC Deb Vol. 170, 5.4.90 c.1348-54

HC Deb Vol. 177, 6.9.90 c.734-834 and 7.9.90 c.836-906 [Emergency recall of Parliament]

HC Deb Vol. 178, 24.10.90 c.335-47; 30.10.90 c.869-91

Session 1990-91

HC Deb Vol.180, 8.11.90 c. 150-223

HC Deb Vol.181, 28.11.90 c.869-85

HC Deb Vol.182, 11.12.90 c.822-911

HC Deb Vol.183, 18.12.90 c.157-74; 15.1.91 c.734-825; 16.1.91 c.866-908

HC Deb Vol.184, 21.1.91 c.23-113

HC Deb Vol.185, 13.2.91 c.859-948

HC Deb Vol. 186, 19.2.91 c.152-204

HC Deb Vol.190, 2.5.91 c.450-524

HC Deb Vol.193, 27.6.91 c.1166-1231

HC Deb Vol. 196, 14.10.91 c.50-120

Session 1991-92

HC Deb Vol.200, 12.12.91 c. 1212-20 [Consolidated Fund debate]

Session 1992-93

HC Deb Vol.214, 23.11.92 c.631-712 [Arms exports]

Session 1993-94

HC Deb Vol. 241, 12.4.94 c.181-8 [Sanctions]

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Session 1995-96

HC Deb Vol.267, 29.11.95 c.1308-14 [Sanctions]

HC Deb Vol. 271, 7.2.96 c.443-50 [Sanctions]

Session 1996-97

HC Deb Vol.291, 28.2.97 c.598-606 [Sanctions]

Session 1997-98

HC Deb Vol.304, 21.1.98 c.985-92 [Adjournment debate - sanctions]

HC Deb Vol.306, 13.2.98 c. 740-46 [Adjournment debate]

MINISTERIAL STATEMENTS ON IRAQ

Session 1989-90

HC Deb Vol.170, 18.4.90 c.1426-32

Session 1990-91

HC Deb Vol.181, 22.11.90 c. 425-32

HC Deb Vol.182, 3.12.90 c. 27-36; 6.12.90 c. 468-74

HC Deb Vol.183, 17.1.91 c.979-96; 18.1.91 c.1113-22

HC Deb Vol.184, 28.1.91 c.655-57; 31.1.91 c.1107-25

HC Deb Vol.186, 18.2.91 c.19-33; 25.2.91 c.645-58; 28.2.91 c.1117-33

HC Deb Vol.189, 15.4.91 c.21-39; 17.4.91 c. 419-42; 18.4.91 c.571-83; 22.4.91 c. 773-86

Session 1992-93

HC Deb Vol.216, 13.1.93 c. 1012-29

HC Deb Vol.217, 18.1.93 c.23-30

Session 1993-94

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