



# Military interventions: some comparisons

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This note summarises the recent military interventions and the legal justification for them, describes briefly how they progressed and looks at their outcomes.

## Contents

<b>1</b>	<b>Libya</b>	<b>2</b>
1.1	What was happening?	2
1.2	UN Security Council authorisation?	2
1.3	Arming the rebels?	2
1.4	Military action	3
1.5	Controversy	3
1.6	Outcome	4
<b>2</b>	<b>Invasion of Iraq (2003)</b>	<b>4</b>
2.1	Background	4
2.2	Basis for intervention.	4
2.3	NATO involvement	5
2.4	Nature of the intervention	5
2.5	Outcome	6
<b>3</b>	<b>Bosnia</b>	<b>6</b>
3.1	What was happening?	6
3.2	Arms embargo and supply	6
3.3	Military action	7
3.4	UN Security Council	8
3.5	Analysis	9
<b>4</b>	<b>Gulf War (1991)</b>	<b>10</b>
4.1	Background	10
4.2	Basis for intervention	11
4.3	NATO involvement	11
4.4	Nature of the intervention	11

4.5	Outcome	12
<b>5</b>	<b>Kosovo</b>	<b>12</b>
5.1	What was happening?	12
5.2	Military action	13
5.3	UN Security Council	14
5.4	Analysis	15

## **1 Libya**

### **1.1 What was happening?**

In early 2011, demonstrations against the rule of Colonel Qaddafi were brutally suppressed. Starting in Benghazi, in the east of the country, the unrest grew stronger, eliciting a more powerful response from the security forces including live ammunition fired against crowds including, reportedly, the use of anti-aircraft fire against protesters. In February, Qaddafi threatened that “I have not yet ordered the use of force, not yet ordered one bullet to be fired ... when I do, everything will burn.”<sup>1</sup>

The Libyan government’s response encouraged Security Council permanent members, led by France and the UK, to propose action.

### **1.2 UN Security Council authorisation?**

Security Council authorisation was obtained in the form of UNSCR 1973,<sup>2</sup> 17 March 2011. The resolution authorised Member States take all necessary measures to protect civilians under threat of attack in the country and to enforce the arms embargo, while excluding a foreign occupation force of any form on any part of Libyan territory.

### **1.3 Arming the rebels?**

On 26 February 2011 the United Nations Security Council (UNSC) voted unanimously for Security Council Resolution 1970,<sup>3</sup> which imposed sanctions against Libya including an open-ended embargo on the supply of arms and military equipment to and from Libya. This had prevented the arming of the rebels, until the passing of UNSCR 1973, which authorised Member States to take action ‘notwithstanding’ UNSCR 1970. This was taken by some to have lifted the arms embargo, allowing arms transfers in pursuit of 1973 civilian protection objectives.

The UK did not supply arms, at least not overtly, while France said that it had sent light weapons and other countries, particularly from the Gulf region, provided much more.

The arms embargo was lifted in September, when the National Transitional Council had gained control of most of the country.

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<sup>1</sup> ‘Defiant Gaddafi vows to fight on’, *al-Jazeera*, 23 February 2011

<sup>2</sup> ‘Security Council approves ‘no-fly Zone over Libya authorising ‘all necessary measures’ to protect civilians, by vote of 10 in favour with 5 abstentions’, UN Security Council press release, 17 March 2011

<sup>3</sup> ‘In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters’, UN Security Council press release, 26 February 2011

## 1.4 Military action

The coalition of states agreed to take part in the military operation. French, British and US military action began in March under Operation *Odyssey Dawn*. A no-fly zone was successfully established by neutralising Libyan air defences and warplanes. By the end of March command of that operation had been gradually transferred to NATO. On 23 March NATO also assumed command of operations to enforce the UN arms embargo.

The Transitional National Council declared 'liberation' in September and the NATO mission was formally ended at the end of October 2011.

The total additional cost to the UK of the military action was probably more than £300 million. It was seen as a relatively successful operation, with civilian casualties kept relatively low by the precision of the weaponry used, aided by the sparse population and open flat desert terrain in Libya.

## 1.5 Controversy

Although the Security Council had passed two resolutions authorising 'all necessary measures' in Libya (normally the only clear way to establish legality for armed intervention), the legality of the operation was still called into question. This was because the Western powers interpreted the resolution widely, to justify pursuing general support for the rebels and attacking Libya government military assets. Asked during the campaign whether regime change was necessary in order to achieve the objectives of the resolution, David Cameron said in the House of Commons:

"Of course, like many other leaders the world over, we have all said that Gaddafi needs to go in order for Libya to have a peaceful, successful and democratic future, and that remains the case. It is almost impossible to envisage a future for Libya that includes him."<sup>4</sup>

He denied that the aims of the international alliance were any other than those contained in the resolution. It became widely accepted, however, that the coalition of states implementing the Security Council resolution was aiming for a rebel victory, not just for the protection of civilians.

On 20 March 2011, the then Russian Prime Minister Vladimir Putin was sharply critical of the coalition action, comparing the strikes against Libya to the invasion of Iraq and likening it to a "medieval call for a crusade."<sup>5</sup> The remarks were later contradicted by President Dmitri Medvedev, who described them as "unacceptable". The following day, the Russian defence minister Anatoly Serdyukov also called for a ceasefire during a meeting with US defence secretary at the time, Robert Gates.

On 22 March, China called for a ceasefire and suggested that the coalition had exceeded the limits of action authorised by the Security Council resolution. A spokeswoman said:

The U.N. resolution on the no-fly zone over Libya aimed to protect civilians. We oppose abuse of force causing more civilian casualties.<sup>6</sup>

Germany, which abstained from the Security Council vote on Resolution 1973 along with Russia, China, India and Brazil, declared that it would not take part in the military action,

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<sup>4</sup> [HC Deb 18 March 2011, c619](#)

<sup>5</sup> "China Urges Quick End To Airstrikes In Libya", *New York Times*, 23 March 2011

<sup>6</sup> "Allied strikes fail to halt attacks by Gaddafi loyalists", *Washington Post*, 23 March 2011

while it took a lead in calling for stronger economic and other sanctions against the Qaddafi regime. In a statement to the Bundestag, Foreign Minister Guido Westerwelle said:

While it was understandable that some countries, for honourable motives, have chosen to support international military intervention in Libya, Germany has decided – after weighing up the risks involved – that no German soldiers will take part in any such operation.<sup>7</sup>

Mr Westerwelle is reported to have suggested in a European Council meeting that the attacks by the coalition exceeded the authorisation of the UN resolution.<sup>8</sup>

The African Union's panel on Libya called on 20 March for an "immediate stop" to all attacks.<sup>9</sup> Brazil and India have also criticised the coalition strikes.<sup>10</sup>

## 1.6 Outcome

While a new and supposedly more democratic government was installed after the death of Qaddafi, it remains to be seen whether the situation in Libya is genuinely more stable and peaceful. The new authorities have had a lot of difficulty in establishing control over the country, with armed militias controlling towns and often fighting one another.

The instability in Libya did not only affect Libya itself. It is widely blamed for the conflict in neighbouring Mali, where rebels, often armed with weapons looted in Libya, took control of Northern Mali, requiring another Western military intervention to re-establish government control.

Nevertheless, there is still hope that, despite tribal loyalties, a proliferation of weapons, a very weak state and many other problems, Libyans will be able to create a better future.

## 2 Invasion of Iraq (2003)

### 2.1 Background

The US and UK governments claimed that Iraq possessed weapons of mass destruction (WMD), which posed a threat to their security and that of their regional allies. In *Operation Iraqi Freedom* troops from the US, the UK, Australia and Poland invaded Iraq and deposed the Ba'athist government of Saddam Hussein.

The coalition's mission was to disarm Iraq of its stocks of WMD, end the Government's support for terrorism and free the Iraqi people. The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), headed by Hans Blix, found no evidence of WMD, but did not complete its work and so could not verify the accuracy of Iraq's claims not to have any.

### 2.2 Basis for intervention.

The US and the UK supported military intervention, while France and Germany were critical, arguing for continued diplomacy and weapons inspections. The UNSC adopted a compromise resolution, [UNSC Resolution 1441](#), on 8 November 2002, which authorised the resumption of weapons inspections, offered Iraq "a final opportunity to comply with its

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<sup>7</sup> German Foreign Ministry website, Giving effect to the Security Council Resolution [accessed 24 March 2011]

<sup>8</sup> "Nato near to deal on control of military campaign", *Financial Times*, 24 March 2011

<sup>9</sup> "African Union demands 'immediate' halt to Libya attacks", *Agence France Presse*, 21 March 2011

<sup>10</sup> "China Urges Quick End To Airstrikes In Libya", *New York Times*, 23 March 2011

disarmament obligations”, and threatened “serious consequences” for non-compliance, without explicitly referring to military intervention.

In October 2002 the US Congress passed a [Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq](#), which authorised President Bush to “use any means necessary” against Iraq.

The House of Commons [debated](#) going to war on 18 March 2003. The Government [motion was approved 412 to 149](#).

There was no explicit UN authorisation, although some have argued that authorisation was implied by UNSC Resolution 1441.

### **2.3 NATO involvement**

The US’s Special Activities Division (SAD) teams first entered Iraq in July 2002, before the main invasion. In addition to the US and UK, Spain, Poland and Italy contributed to *Operation Iraqi Freedom*. Although some NATO Member States participated in this second Gulf war, “NATO as an organization had no role in the decision to undertake the campaign or to conduct it”.<sup>11</sup> NATO’s role in the region is outlined as follows:

With tensions escalating prior to events, in February 2003 Turkey requested NATO assistance under Article 4 of the North Atlantic Treaty. The Alliance undertook a number of precautionary defensive measures to ensure Turkey's security in the event of a potential threat to its territory or population as a consequence of the crisis.

On 21 May 2003, the Alliance also agreed to support one of its members – Poland - in its leadership of a sector in the US-led Multinational Stabilization Force in Iraq.<sup>12</sup>

On 1 March 2003 the Turkish National Assembly refused to allow Turkish military forces to participate in the invasion of Iraq. The Turkish Government allowed humanitarian flights into and out of Turkey, but refused to allow US forces across its territory into northern Iraq.

The NATO Training Mission-Iraq (NTM-I) established in 2004 at the request of the Iraqi Interim Government under UNSC 1546, helped develop Iraqi security forces training structures and institutions after the invasion.

### **2.4 Nature of the intervention**

The US-led intervention began with an air strike on the Presidential Palace in Baghdad on 19 March 2003. On 20 March coalition forces invaded Basra Province.

The invasion was led by the Coalition Forces Land Component Command (CFLCC), a multinational land force. Operations included ground attacks, amphibious assaults and air and missile strikes.

Coalition forces joined Kurdish rebels against the Iraqi army in Northern Iraq.

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<sup>11</sup> [NATO website](#), “NATO and the 2003 campaign against Iraq”

<sup>12</sup> Ibid.

## **2.5 Outcome**

Most of the Iraqi military was quickly defeated and Baghdad was occupied on 9 April 2003. Subsequent operations resulted in the capture of Kirkuk on 10 April and Tikrit on 15 April, and coalition forces went on to occupy the country. On 1 May 2003 major combat operations were declared ended and the period of military occupation began.

Saddam Hussein and the central leadership went into hiding. Saddam Hussein was found in December 2003, tried by the interim Iraqi Government and executed in December 2006.

The US completed its withdrawal of troops in December 2011 and the UK in May 2011. However, incidents of Iraqi insurgency continue.

The legality of the invasion of Iraq has been challenged on various grounds. An independent commission of inquiry set up by the Dutch Government found that it could not “reasonably be interpreted as authorising individual member states to use military force to compel Iraq to comply with the Security Council’s resolutions”. The Dutch Commission concluded that the 2003 invasion violated international law.

## **3 Bosnia**

### **3.1 What was happening?**

Bosnia and Herzegovina (BiH) – re-established as a republic with its medieval borders in Tito’s Yugoslavia – has always had tensions between its Bosniak (Muslim), Croat and Serb populations. When Yugoslavia started unravelling after the rise to power of Slobodan Milosevic in the late 1980s, BiH’s Croats and Bosniaks would not agree to live in a ‘rump’ Yugoslavia dominated by Serbia. But the Bosnian Serbs voted in a referendum in November 1991 to remain with Serbia if BiH sought independence. Supported by neighbouring Serbia and Montenegro, they had declared their own ‘Serb Republic’ (Republika Srpska) under Radovan Karadzic.

An independence referendum was boycotted by most Serbs, but nevertheless BiH declared independence in March 1992. Bosnian Serbs began using armed resistance in an effort to partition the republic along ethnic lines and join other Serb-held areas to create a ‘Greater Serbia’.

The war was characterized by atrocities on the part of Serb forces in particular, which, through an organized campaign of ‘ethnic cleansing’, removed the non-Serb population from large regions of the country. A similar strategy, on a smaller scale, was also employed by Bosnian Croat and occasionally Bosniak forces. With their significant military superiority, the Serbs besieged several towns controlled by the Bosnian Government, including Sarajevo.

In 1994, Bosniaks and Croats patched up their differences to create the Federation of Bosnia and Herzegovina. When Serb forces captured two UN-protected ‘safe areas’, Srebrenica and Zepa, in July 1995 and massacred several thousand Bosniak civilians under the noses of UN peacekeepers, international forces started large-scale intervention.

### **3.2 Arms embargo and supply**

In September 1991, UNSC Resolution 713 imposed an arms embargo on Yugoslavia, and in January 1992 explicitly extended its coverage to the successor states (Resolution 727). But the embargo came to be seen as disproportionately affecting the new state of Bosnia, violating its right to self-defence. There were calls from the Organization of Islamic

Conference, the UN General Assembly and the US Congress for the embargo to be lifted from Bosnia. But Russia, France and the UK blocked a US draft UNSC resolution to this effect, arguing that lifting the arms embargo would lead to an escalation of the conflict. The then Foreign Secretary Douglas Hurd suggested that lifting the embargo for Bosnia would not level the playing field but “level the killing field”.<sup>13</sup>

The UNSC then imposed a complete economic embargo on the FRY (Serbia and Montenegro) through Resolution 757 (May 1992). The sanctions were intended to convince Milosevic to curtail support for the Bosnian Serbs, thereby making the Bosnian Serb leadership more willing to negotiate an end to the conflict. As the conflict worsened and the FRY continued to support and supply Bosnian Serb forces, the UNSC took steps to strengthen the economic sanctions (Resolution 787 and Resolution 820).<sup>14</sup>

By 1994 the US had withdrawn from enforcing the arms embargo against Bosnia.<sup>15</sup> The US Government later acknowledged that it had allowed deliveries to Bosnian and Croatian forces to take place, even though it knew that these violated the UN arms embargo. There were also allegations that the USA participated directly in the shipping of arms to Bosnian forces.<sup>16</sup> SIPRI has listed the countries suspected of supplying arms to Bosnian forces during the arms embargo:

- Source of arms: Argentina, China, Central and Eastern Europe
- Secondary support: Brunei, Croatia, Slovenia, Iran, Malaysia, Pakistan, Saudi Arabia, Sudan, Turkey, the USA
- Non-state actors: TWRA (the Third World Relief Agency), brokers<sup>17</sup>

### 3.3 Military action

Military action in Serbia was carried out by NATO under UN Security Council resolutions.

NATO had taken the decision in August 1993 that it would be prepared to launch air strikes against Bosnian Serb artillery ringing Sarajevo (although the UK and France circumvented this citing the concern of UN commanders for the safety of their troops on the ground as the main inhibiting factor). This commitment was reaffirmed at a NATO summit meeting in Brussels in January 1994.

On 6 February 1994, the day after the first Markale massacre which killed 68 people in Sarajevo, the Secretary-General of the United Nations wrote to his NATO counterpart asking NATO to authorise air strikes on request from the United Nations.

The EU Foreign Affairs Council meeting in Brussels on 7 February 1994 asserted that NATO and the UN should try to lift the siege of Sarajevo "using all means necessary, including the use of air power".<sup>18</sup> EU foreign ministers insisted that there was no need for any decision about the use of force to be referred back to the UN Security Council, since UN Security Council Resolution 836 (4 June 1993) sanctioned the use of force (see below).

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<sup>13</sup> Mark Bromley, “United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour. Case study: Former Yugoslavia, 1991–96”, *Stockholm International Peace Research Institute*, 2007

<sup>14</sup> *Ibid*

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid*

<sup>18</sup> Agence Europe, 7/8 February 1994

A NATO communiqué of 9 February authorised NATO to launch air strikes on Sarajevo, at the request of the UN, and for all heavy weapons within the Sarajevo exclusion zone to be placed under the control of UN peacekeepers. The ultimatum marked a departure in the policy of NATO, which had never before planned to intervene in a war beyond its members' borders. This was also the first time that the demand for the withdrawal of weaponry had been tied to a specific deadline and the first time that NATO has committed itself to using force according to a clearly defined set of criteria.

The UK government, aware of parliamentary reservations about the safety of British troops on the ground in Bosnia and misgivings about the dangers of air strikes, offered parliament assurances that full contingency plans were prepared to protect British troops, including air support, troops reinforcements or alternatively withdrawal.<sup>19</sup>

NATO's first active involvement came when its jets shot down four Serb aircraft over central Bosnia on 28 February 1994 for violating the UN no-fly zone.

The Bosnian Serb bombardment of Gorazde led to the first NATO air strike on the afternoon of 10 April 1994. The legal basis used to justify this NATO intervention was UNSC Resolution 836.

On 22 April 1994 NATO authorised air strikes against Bosnian Serb heavy artillery and other military targets if three conditions were not met: if there was not an immediate cease-fire, if the Bosnian Serb forces had not pulled back from the centre of Gorazde and if all heavy weapons had not been withdrawn from a military exclusion zone around Gorazde. There were more small-scale NATO airstrikes in August to November 1994.

The war continued through most of 1995.

On 30 August, after the fall of Srebrenica and another large-scale attack on Sarajevo, NATO announced the start of Operation Deliberate Force: widespread airstrikes against Bosnian Serb positions supported by UNPROFOR rapid reaction force artillery attacks. This was the biggest combat mission undertaken by NATO since its foundation and was hailed as a 'defining moment' in the Bosnian conflict. In accordance with its newly-defined guidelines which broadened the scope for air strikes to protect the safe areas, NATO carried out strikes on air defence missile and radar sites, communications facilities, ammunition depots and local command posts, not only around Sarajevo, but also around Gorazde, Tuzla and Mostar. The Bosnian Serbs accused the UN and NATO of crossing the so-called 'Mogadishu line' between peace-keeping and participating in the war on the side of the Bosnian Muslims.

The air-strikes did not destroy the Bosnian Serbian military, but the Bosnian Serbs lost control of large tracts of territory. On 14 September 1995, air strikes were suspended to allow Bosnian Serbs to withdraw heavy weapons from around Sarajevo. Despite a continuing Muslim-Croat offensive in north-west Bosnia, this paved the way for a cease-fire in October. On 21 November 1995 in Dayton, Ohio the warring parties initialled a peace agreement, and the final agreement was signed in Paris on 14 December 1995.

### **3.4 UN Security Council**

The UN Security Council created a peacekeeping force, UNPROFOR, in February 1992 (Security Council Resolution 743). It originally covered Croatia, but was extended several times, including to cover Bosnia later in 1992. Resolution 770 (3 August 1992) placed

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<sup>19</sup> HL Deb, 14 February 1994 c29



UNPROFOR's mandate in BiH under Chapter VII of the UN Charter, demanding that all parties "take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance".

Resolution 816 (31 March 1993) enforced the no-fly zone created through Resolution 781 (9 October 1992) and authorised UN members "acting nationally or through regional organisations or arrangements, to take, under the authority of the Security Council [...] all necessary measures in the airspace of the Republic of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights".

Resolution 824 of 6 May 1993 created five more "safe areas" in Bosnia (in addition to Srebrenica), and demanded that the taking of territory by force cease.

**Resolution 836** of 4 June 1994 authorised the use of air power to defend the safe areas. Most of the international community (with the notable exception of Russia) believed that this gave authority for the legal use of force in Bosnia. Paragraph 10 said:

...Member States, acting nationally or through regional organisations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate...

The use of NATO structures and forces to implement UNSCR 836 was seen as being in accordance with the UN Charter, with NATO is being used as the UN's agent for enforcement.

On 22 April 1994 the Security Council passed Resolution 913 which demanded an immediate cease-fire, condemned the Bosnian Serb attacks against the safe area of Gorazde and demanded the withdrawal of these forces and their weapons to a distance to be agreed by UNPROFOR. It also called for an end to provocative action by all parties in and around the safe areas, demanded the immediate release of all UN personnel and unimpeded freedom of movement for UNPROFOR.

### 3.5 Analysis

One of the reasons often cited for the continued violence was the failure of UN member states to contribute troops to ensure the implementation of the safe areas concept. Mr. Rifkind told the House of Commons:

In June 1993 the UN suggested that up to 36,000 troops could be necessary to implement the safe areas concept. The United Kingdom, France and the Netherlands responded well, but many others did not. The total committed amounted to only 7,500 - a significant shortfall. This has had substantial implications for the safe areas policy.<sup>20</sup>

Evaluating the success of the safe area policy in a report issued on 30 May 1995, Boutros Boutros-Ghali wrote that UNPROFOR had "mixed results", largely dependent on the consent and cooperation of the parties.<sup>21</sup>

The 2007 judgment of the International Court of Justice in *Bosnia and Herzegovina v Serbia and Montenegro*<sup>22</sup> held that the prevention of genocide is a legal obligation that one State

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<sup>20</sup> HC Deb, 12 July 1995 c951

<sup>21</sup> S/1995/444, 30 May 1995

owes to the citizens of another. The Court stressed that the scope of the responsibility to prevent is one of conduct and not one of result, essentially declaring that states should employ all reasonable means to prevent genocide. It found that the obligation to prevent genocide arose at the instant that the state learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.

The Dayton Peace Agreement ended BiH's 1992-95 war, but the complex political structures it set up<sup>23</sup> appear to have frozen rather than resolved the tensions between ethnic Serb, Croat and Bosniak citizens.

Dayton retained BiH's international boundaries but recognised two autonomous entities within it: the **Federation of Bosnia and Herzegovina**, principally comprising the Bosniak (Muslim) and Croat-majority areas, and **Republika Srpska**, principally comprising the Serb-majority area. Each entity has its own president, government, parliament, police and other bodies.

There are also central institutions for the whole of BiH – a parliament, government and a three-member rotating presidency – each of which is designed to prevent the majority from imposing decisions on other groups.

Above these entity and central institutions are the multi-national Peace Implementation Council and the UN-mandated High Representative whose extensive powers include the ability to dismiss elected officials and to impose or revoke legislation. The Office of the High Representative (OHR) was supposed to have been shut by 2008, with the emphasis shifting to a reinforced EU Special Representative who would take the lead co-ordinating role for the international community. But not enough progress has been made so the closure has been delayed.

Critics of Dayton said the two entities come too close to being states in their own right, and that the arrangement reinforced separatism and nationalism at the expense of integration. Much of the problem is the distribution of seats and chairs according to the ethnic proportional representation that marks all agreements for power sharing in BiH. Most of the main political parties are set up along ethnic lines; only one major party, the Social Democrats (SDP), draws multi-ethnic support from moderate Bosniaks, Serbs and Croats. And almost every party which has a share of power also has important administrative positions allowing it to block decisions.

## **4 Gulf War (1991)**

### **4.1 Background**

In 1990 Iraq accused Kuwait of stealing Iraqi petroleum, and some analysts attribute the ensuing conflict to this. Other sources suggest Iraqi President Saddam Hussein's decision to attack Kuwait had been made a few months before the invasion, and that the reasons included Iraq's inability to pay back money borrowed to finance the earlier Iran-Iraq war, and Kuwaiti overproduction of petroleum which had kept Iraqi oil revenues down. Many in the West believed Iraq wanted to take control of Kuwait's vast oil reserves.

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<sup>22</sup> Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro) [2007] ICJ Rep

<sup>23</sup> See [Bosnia's political structures](#), Commons Library Standard Note 5989, 2 June 2011

The Iraq-Kuwait war resulted in a seven-month long Iraqi occupation of Kuwait. The invasion began on 2 August 1990, and within two days most of the Kuwaiti Armed Forces had been overrun by the Iraqi Republican Guard or had escaped to Saudi Arabia and Bahrain.

Saddam Hussein occupied and annexed Kuwait, announcing that it was the 19<sup>th</sup> province of Iraq. He installed an Iraqi Prime Minister of the Provisional Government of Free Kuwait, deposed the Emir of Kuwait and made Ali Hassan al-Majid the *de facto* governor of Kuwait.

The major world powers, NATO and even traditional Iraqi allies such as France and India, condemned the invasion. Several countries, including the USSR and China, issued an arms embargo against Iraq. Most of the 21 members of the Arab League also condemned Iraq's act of aggression.

#### **4.2 Basis for intervention**

Following the invasion the UN Security Council (UNSC) passed 12 resolutions demanding the immediate withdrawal of Iraqi forces from Kuwait. [UNSC Resolution 660 of 3 August 1990](#) condemned the invasion and demanded that Iraq unconditionally withdraw all forces in Kuwait, but negotiations failed. By late 1990, the US had issued an ultimatum to Iraq to withdraw its forces from Kuwait by 15 January 1991 or face war.

On 29 November 1990, in [UNSC Resolution 678](#), the UNSC authorised the use of “all necessary means” of force against Iraq if it did not withdraw from Kuwait by the 15 January 1991. Thus, *Operation Desert Storm* was mandated in international law by the explicit authorisation of the UNSC in pursuit of clear and limited objectives.

#### **4.3 NATO involvement**

*Operation Desert Storm* was conducted by a US-led military coalition of 34 countries. The US contributed about 70% of the total military forces in the region, with the European allies contributing about 10%. The US and European deployments were supported by NATO infrastructure but there was no NATO military command in the Gulf.

NATO ministers met on 10 August 1990, gave strong political support for the national action of its members, agreed to make additional national military deployments and to assist and support US deployments. They also warned Iraq that NATO was committed to the territorial integrity of Turkey. In *Operation Anchor Guard* NATO dispatched Airborne Early Warning aircraft to operate in south eastern Turkey, and in *Ace Guard* in 1991, NATO deployed the ACE Mobile Force (Air) and air defence packages to Turkey, but NATO has described its involvement in the first Gulf War as “indirect”.<sup>24</sup>

The UK in *Operation Granby* committed the largest contingent of any European state in the combat operations (followed by France). The coalition committed around 540,000 troops and some 100,000 Turkish troops were deployed along the Turkey-Iraq border.

#### **4.4 Nature of the intervention**

The allied intervention involved ground, air and sea attacks. The ground campaign, initially designated *Operation Desert Sword* and later *Desert Sabre*, began on 24 February 1991, and the first units to move into Iraq were three patrols of the British Special Air Service's B

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<sup>24</sup> In November 1991 in Rome NATO Heads of State and Government decided “to open a new chapter in the history of (the) Alliance...” and approved a new “Strategic Concept” which underlined the importance of crisis management and noted that “Allies could ...be called upon to contribute to global stability and peace by providing forces for United Nations missions”.

squadron. US planes were accompanied by troops from NATO allies, Egypt and several other Arab nations that wanted to guard against a possible Iraqi attack on Saudi Arabia.

Ground forces from the US, UK and France fought under a unified command, as did air forces from the US, UK, France, Canada and Italy, and naval forces from the US, UK, France, Belgium, Canada, Denmark, Greece, Italy, the Netherlands, Norway, Portugal and Spain. The now defunct Western European Union (WEU) had a coordinating role.

Iraq deployed Scud missiles during the war, while the US used Patriot missiles for the first time in combat.

#### **4.5 Outcome**

The 1991 Gulf War achieved its immediate objectives. On 25 February 1991 Kuwait was officially liberated from Iraq. On 26 February Iraqi troops began retreating from Kuwait, setting Kuwait's oil fields alight as they left. US, UK and French forces pursued retreating Iraqi forces over the border into Iraq. On 15 March 1991 the Emir returned and Kuwait's sovereignty was restored.

The aim of the coalition intervention was not regime change in Iraq but the liberation of Kuwait, so Saddam Hussein remained in power. No-fly zones, economic sanctions and a trade embargo on Iraq were imposed after hostilities had ended.

## **5 Kosovo**

### **5.1 What was happening?**

The ethnic-Albanian population in what was the Yugoslav province of Kosovo represented around 90% of the population, but the Serbs maintain strong emotional ties to what they see as the cradle of the Serbian nation.

Under Tito, Kosovo had enjoyed extensive autonomy, but that status was revoked in 1990 by the nationalist President of Serbia, Slobodan Milosevic. In response, the Kosovar Albanian leadership adopted a policy of passive resistance and established a parallel shadow administration. The Kosovar Albanians declared independence in September 1991, but did not gain international recognition. Mounting frustration led some Kosovars to adopt a more militant strategy of violent confrontation with the authorities of the Federal Republic of Yugoslavia (FRY), with a rise in support for the Kosovo Liberation Army (KLA).

KLA activity increased steadily from 1996, with increasingly severe crackdowns by FRY security forces. The international community responded by imposing sanctions on the FRY, and called for talks between the two sides on restoring Kosovo's autonomous status. Negotiations were started in April 1998, but failed to make progress.

Some observers have claimed that Western governments refrained from condemning the start of the counter-offensive by FRY forces in July 1998, in the hope that it might force the Kosovars into negotiations. *The Economist* wrote that, initially at least, the FRY offensive was "quietly condoned by western governments," on the assumption that "the Albanian side could be brow-beaten into co-operation with western mediation efforts if it was exposed to a taste of Serbia's wrath."<sup>25</sup>

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<sup>25</sup> *Economist*, 8 August 1998

## 5.2 Military action

NATO – without specific authorisation from the UN Security Council – considered military action to limit or resolve the crisis after peace talks in April 1998 failed. The options under consideration included deploying forces to neighbouring countries to prevent the conflict from widening, and launching air strikes against FRY forces in Kosovo itself.

Russia and China opposed air strikes. But NATO made clear it would act militarily to prevent a humanitarian catastrophe without a resolution from the UN Security Council explicitly authorising the use of force. Early on 12 October the new Italian caretaker government and the outgoing German cabinet became the last two NATO countries to approve the use of force.

Negotiators in Kosovo used the NATO threat of military action to put pressure on the FRY government to comply with the demands of the Security Council (see below). On 12 October 1998, as NATO ministers authorised air strikes to start in four days, the US special envoy, Richard Holbrooke announced he had obtained an undertaking from Milosevic to comply with the demands of the UN Security Council and reach a political settlement.

Western officials accepted that additional justification could be necessary in the future if the humanitarian situation in the province improved. Nonetheless, for the time being NATO maintained that humanitarian necessity constituted sufficient basis for military action and announced it would keep the activation order for air strikes in place indefinitely, to ensure the compliance of Belgrade.

When further peace talks at Rambouillet ended without agreement in March 1999, President Clinton justified the need for action in the following terms:

We must also understand our stake in peace in the Balkans, and in Kosovo. This is a humanitarian crisis, but it is much more. This is a conflict with no natural boundaries. It threatens our national interests. If it continues, it will push refugees across borders, and draw in neighboring countries. It will undermine the credibility of NATO, on which stability in Europe and our own credibility depend. It will likely reignite the historical animosities, including those that can embrace Albania, Macedonia, Greece, even Turkey. These divisions still have the potential to make the next century a truly violent one for that part of the world that straddles Europe, Asia and the Middle East.

I do not believe that we ought to have to have thousands more people slaughtered and buried in open soccer fields before we do something.<sup>26</sup>

In his statement to the House on 23 March 1999, the Prime Minister, Tony Blair, gave the same three main reasons for the possible use of force in this case. It was "primarily to avert what would otherwise be a humanitarian disaster in Kosovo," but also because "instability and civil war in one part of the Balkans inevitably spills over into the whole of it, and affects the rest of Europe too." Finally, following the "promise" that "we would not tolerate the brutal suppression of the civilian population",

to walk away now would not merely destroy NATO's credibility, more importantly it would be a breach of faith with thousands of innocent civilians, whose only desire is to live in peace and who took us at our word.<sup>27</sup>

NATO air strikes began the following day, codenamed Operation 'Allied Force'.

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<sup>26</sup> Press conference by the President of the United States, 19 March 1999

<sup>27</sup> HC Deb 23 March 1999 c161

On 10 June 1999 NATO suspended its air operations in the Federal Republic of Yugoslavia (FRY) after Yugoslav forces began their withdrawal from Kosovo in accordance with a peace package agreed by the G-8 group of nations. Under the terms of the agreement, which was formalised by the UN Security Council in Resolution 1244 of 10 June, Yugoslav forces were granted eleven days to complete their withdrawal. An international peacekeeping force known as KFOR, consisting of NATO forces, began deploying into Kosovo on 12 June.

After conflict ended in 1999, Kosovo legally remained a province of Serbia but was put under the control and governance of a UN-led civil administration (UNMIK).

### 5.3 UN Security Council

Security Council Resolution 1160 (1998) condemned the excessive use of force by government forces and imposed a comprehensive embargo on the sale of arms and related materiel of all types to the FRY.

Later that year, resolution 1199 on Kosovo invoked Chapter VII of the UN Charter, implicitly finding that there was a threat to the peace, breach of the peace or act of aggression of an international character. It demanded that FRY forces withdraw from Kosovo and called for negotiations between Belgrade and the ethnic Albanian leadership. But it did not expressly authorise forceful intervention.

On 24 October 1988, Resolution 1203 endorsed the peace agreements reached with Belgrade, demanding that both sides “comply fully and swiftly” with the previous resolutions and cooperate fully with the OSCE verification mission in Kosovo and the NATO Air Verification Mission over Kosovo. It did not give explicit authorisation for action by NATO forces if they failed to comply with UN demands. But NATO aircraft in the Air Verification Mission could use force in self-defence under customary international law.

On 26 March 1999, just after NATO air strikes had begun, Russia put forward a draft resolution in the UN Security Council calling for an immediate halt to NATO attacks and an urgent resumption of negotiations. The motion was supported by two permanent members, Russia and China, and also by Namibia. However, the other three permanent members (France, the UK and the US) all voted against, as did the remaining nine members of the Council. As the motion failed to win the minimum nine votes required, the votes against of France, the UK and the US did not count as vetoes. NATO leaders expressed satisfaction with what they perceived to be extensive support for their position.

The Secretary-General of the United Nations, Kofi Annan, made the following statement on the NATO action:

It is indeed tragic that diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace...As Secretary-General I have many times pointed out, not just in relation to Kosovo, that under the [UN] charter the Security Council has primary responsibility for maintaining international peace and security - and this is explicitly acknowledged in the North Atlantic Treaty. Therefore, the council should be involved in any decision to resort to the use of force.<sup>28</sup>

Security Council in Resolution 1244 of 10 June 1999 formalised the peace package agreed by the G-8 group of nations which led to Yugoslav forces beginning their withdrawal from Kosovo, NATO suspending its air operations, and the deployment of an international peacekeeping force, KFOR, into Kosovo.

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<sup>28</sup> *Guardian*, 25 March 1999

## 5.4 Analysis

The report of the [Independent International Commission on Kosovo](#), published in 2000, stated that the intervention was “**illegal but legitimate**”:

It was illegal because it did not receive prior approval from the United Nations Security Council. However, the Commission considers that the intervention was justified because all diplomatic avenues had been exhausted and because the intervention had the effect of liberating the majority population of Kosovo from a long period of oppression under Serbian rule.

Amongst the report's other conclusions were:

- Insufficient support was provided to the non-violent resistance movement before 1998.
- Much more effort needs to be devoted to prevention. It is not necessarily a matter of early warning; it is a matter of political will, readiness to expend resources, and having a presence on the ground.
- In the first phase of the conflict, from February 1998 to March 1999, casualties were relatively low. But from 24 March 1999 to 19 June 1999, around 10,000 were killed, with the vast majority of the victims being Kosovar Albanians killed by FRY forces. Hundreds of thousands more were displaced, and there was also evidence of widespread rape and torture, as well as looting, pillaging and extortion. The NATO air campaign did not provoke the attacks on the civilian Kosovar population but the bombing created an environment that made such an operation feasible.
- Unarmed international monitors did succeed in reducing the level of violence.
- Multiple and divergent agendas and expectations and mixed signals from the international community impeded effective diplomacy.
- The international community's experience with Milosevic as not amenable to usual negotiations created a dilemma. The only language of diplomacy believed open to negotiators was that of coercion and threat. This led to legal and diplomatic problems - such threat diplomacy violates the Charter and is hard to reconcile with peaceful settlement. The credibility of the threat must, in the final analysis, be upheld by the actual use of force.
- It is impossible to conclude, however, despite these weaknesses, that a diplomatic solution could have ended the internal struggle over the future of Kosovo. The minimal goals of the Kosovar Albanians and of Belgrade were irreconcilable.
- Russia's contribution to the process was ambiguous. Its particular relationship with Serbia enabled crucial diplomatic steps, but its rigid commitment to veto any enforcement action was the major factor forcing NATO into an action without mandate.
- The NATO war was neither a success nor a failure; it was in fact both. It forced the Serbian government to withdraw its army and police from Kosovo and to sign an agreement closely modeled on the aborted Rambouillet accord. It stopped the systematic oppression of the Kosovar Albanians. However, the intervention failed to achieve its avowed aim of preventing massive ethnic cleansing. Milosevic remained in power. The Serbian people were the main losers. Kosovo was lost. Many Serbs fled or were expelled from the province. Serbia suffered considerable economic losses and destruction of

civilian infrastructure. Independent media and NGOs were suppressed and the overall level of repression in Serbia increased.