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## UN SECURITY COUNCIL RESOLUTIONS ON IRAQ, 1990-2001

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1. Following the invasion of Kuwait on 2 August 1990, the UN Security Council sought:
  - To bring an end to the Iraqi occupation of Kuwait and protect Kuwait from further Iraqi aggression;
  - To protect Iraq's Shia and Kurdish communities from Saddam's repression;
  - To disarm Iraq, via an inspections-and-sanctions regime; and
  - To provide for the essential humanitarian needs of ordinary Iraqis affected by sanctions.
2. Between 2 August 1990 and the end of 2001, the Security Council passed almost 60 resolutions on Iraq.<sup>1</sup>

### **Ending Iraq's occupation of Kuwait; protecting Kuwait from further aggression**

3. Following the invasion of Kuwait, the Security Council called for Iraq's immediate withdrawal (Resolution 660 of 2 August 1990). When Iraq failed to comply, the Council imposed economic sanctions by means of Resolution 661 of 6 August 1990. Iraq maintained its defiance, leading the Council to pass Resolution 678 (29 November 1990), which authorised member states to use "all necessary means" to impose earlier Resolutions, once a deadline of 15 January 1991 had passed.
4. The Council adopted further Resolutions following Iraq's ejection from Kuwait in early 1991. These contained provisions aimed at protecting Kuwait from further Iraqi aggression. Resolution 686 of 2 March 1991 laid the basis for this effort, with more detailed requirements being set out in Resolution 687 (3 April 1991). In respect of Kuwait, this Resolution demanded that Iraq:
  - Recognise Kuwait;
  - Compensate Kuwait for damages caused by the invasion and occupation;
  - Respect the inviolability of the international boundary (land and maritime) as set out in the minutes signed by the two states in 1963;<sup>2</sup>
  - Accept UN demarcation of the Iraq-Kuwait border; and
  - Accept a demilitarised zone and UN observers to monitor it, on its as well as Kuwait's side of the border. (SCR 689 of 9 April 1991 established UNIKOM, the UN Iraq-Kuwait Observation Mission.)

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<sup>1</sup> A total of 58, not counting three Resolutions renewing the mission of UNIIMOG (the UN Iran-Iraq Military Observer Group).

<sup>2</sup> SCR 687 made the same demand of Kuwait. For the text of SCR 687, see:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/596/23/IMG/NR059623.pdf?OpenElement>

5. Iraq accepted the last of these demands, and UNIKOM operated smoothly until it was withdrawn in March 2003. But Iraq put obstacles in the way of the implementation of the first four of these demands. And in October 1994, Iraq moved troops towards its border with Kuwait. In response, the US began a troop build-up in the Gulf and the Security Council passed SCR 949 (15 October 1994), which demanded that Iraq withdraw its military units recently deployed to southern Iraq, and refrain from using its forces to threaten its neighbours. Iraq complied. Iraq then (in November 1994) recognised Kuwait as an independent sovereign state within the borders demarcated by the UN's Iraq-Kuwait boundary demarcation Commission.<sup>3</sup>

### **Protecting Iraqis from Saddam's repression**

6. Following the ceasefire between Iraq and the Coalition on 28 February 1991, the Shia (in the South) and Kurds (in the North) rose in rebellion. Saddam's forces moved to repress both communities. In response, the Security Council passed Resolution 688 of 5 April 1991. This demanded that the Government of Iraq stop oppressing its own people and also called for "humanitarian relief efforts".

### **Disarming Iraq**

7. Resolution 687, adopted in April 1991, imposed on Iraq the obligation to destroy all its chemical, biological and nuclear weapons and all its ballistic missiles with a range of more than 94 miles. To oversee Iraq's disarmament, the Council created the UN Special Committee (UNSCOM), and charged it with monitoring the destruction, removal or neutralisation of all Iraqi chemical and biological weapons. The Resolution requested the IAEA to do the same with respect to Iraq's nuclear-weapons programme.
8. The cornerstone of 687 was disarmament controlled by inspections and monitoring. Inspections were the mechanism for the verification of disarmament, with the incentive for Iraq to disarm being provided by sanctions – which were still in place, Resolution 661 being open-ended. The architects of 687 had assumed that Iraq would voluntarily disarm, in order to secure the lifting of sanctions. And for the system to work effectively, such Iraqi cooperation was vital.
9. Iraq complained about the intrusive nature of Resolution 687, but nevertheless accepted it on 6 April 1991. Baghdad provided an "initial declaration" to UNSCOM on 17 April. This fell well short of the complete disclosure which the Resolution required. May 1991 saw the first visit of an UNSCOM weapons-inspection team to Iraq. In June and July, Iraq began to obstruct the work of both UNSCOM and IAEA inspectors. In September 1991, Iraqi officials prevented UNSCOM from investigating a weapons site.
10. In response to Iraq's non-cooperation, the Council passed SCR 715 (11 October 1991), which approved a more intrusive inspection regime – OMV (Ongoing

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<sup>3</sup> The Commission was set up pursuant to SCR 687 (see para 4 above). SCR 833 of 27 May 1993 welcomed the successful conclusion of the Commission's work and reaffirmed that its decisions regarding the demarcation of the boundary were final. Iraq's letter of 27 November 1994 to the President of the Security Council accepting the border as demarcated by the Commission referred explicitly to Resolution 833.

- Monitoring and Verification). Iraq rejected OMV, eventually accepting it only in November 1993.
11. In Autumn 1994, Iraq announced its own deadline of 10 October 1994 for the completion of weapons inspections, after which it would (it said) cease cooperation. SCR 949 of 15 October 1994, passed in response to this announcement (and to the move of Iraqi troops towards Kuwait described in para 5 above), demanded that Iraq “fully cooperate with UNSCOM”. In March 1995, Iraq made what it called a “Full, Final and Complete” disclosure of its CW and BW programmes to UNSCOM.
  12. In November 1995, UNSCOM uncovered an Iraqi programme to obtain sophisticated missile guidance and control systems.
  13. During the course of 1996, the Council repeatedly called on Iraq to cooperate unconditionally with UNSCOM and the IAEA. Two further SCRs (1051 of 27 March and 1060 of 12 June) did not produce better Iraqi behaviour. Tensions between Iraqi officials and UNSCOM inspectors rose steadily. Inspectors were barred from several “sensitive” sites, destroying files and interfering with UNSCOM helicopter flights.
  14. In 1997 Iraq expelled six inspectors. SCR 1137 (12 November 1997) warned Iraq of “serious consequences” if it failed to comply with earlier Resolutions. A deal brokered by Russia subsequently secured the return of all UNSCOM inspectors.
  15. Iraq adopted even more defiant tactics in 1998.<sup>4</sup> In January, it withdrew its cooperation from several inspection teams, on the pretext that they included too many inspectors of US or UK nationality. Despite a Security Council Presidential Statement describing its actions as “unacceptable”, Iraq also refused access to eight “Presidential sites”. In February, Secretary General Annan gained Iraq’s agreement (in a Memorandum of Understanding) for “unlimited access” by UNSCOM to these sites. UNSCOM and IAEA inspectors visited the Presidential sites in March and April.
  16. This period of Iraqi cooperation lasted only a few months. There was a further breakdown in October 1998, followed by the re-admission of UNSCOM inspectors in November, followed in turn by further Iraqi obstruction. This persistent non-compliance by Iraq was set out in a report (on 15 December) by Richard Butler, Executive Chairman of UNSCOM. On the night of 15-16 December, UNSCOM withdrew its inspectors from Iraq. Immediately afterwards, US and UK forces conducted air strikes on Iraqi targets in Operation Desert Fox.
  17. Iraq then launched an all-out campaign of defiance and obstruction. In early 1999, UNSCOM ceased operations altogether. It was not until December that an alternative inspections regime was put in place, by SCR 1284 (17 December 1999).
  18. This Resolution set up the UN Monitoring, Verification and Inspections Commission (UNMOVIC) to carry out the functions previously undertaken by UNSCOM. (Under 1284, the IAEA would remain responsible for nuclear inspections.) The Resolution also offered the suspension of sanctions, if Iraq cooperated with this new weapons inspection regime.
  19. UNMOVIC was different from UNSCOM in certain key ways:
    - Its inspectors would have to meet UN standards and rules on impartiality and professionalism;
    - It would be controlled by a college of commissioners;
    - It would accept intelligence information from member states but not share intelligence it had gained through its own activities.

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<sup>4</sup> Five members of the Council abstained over 1137, including Russia, China and France.

20. Iraq rejected the Resolution and refused to allow UNMOVIC inspectors into Iraq. The regime only relented in November 2002, following the adoption of SCR 1441.

### **Providing for essential humanitarian needs**

21. Although Iraq was subject to sanctions (as a result of its non-compliance over disarmament), the international community recognised and tried to ease the suffering of ordinary Iraqis. The main mechanism by which it sought to do so was the oil-for-food formula (OFF), under which Iraq's oil revenues would be controlled by the UN and used to purchase food and medicine. (It was also to be used for compensation, to reimburse the UN for the costs it incurred in destroying Iraqi arms in accordance with SCR 687 and for other non-humanitarian purposes.)
22. Oil-for-food was first embodied in SCR 706 of 15 August 1991, which was reaffirmed and elaborated by SCR 712 of 19 September 1991. Iraq rejected both Resolutions. It maintained this stance until 1995, when the Government of Iraq was given primary responsibility for the distribution of humanitarian goods under the OFF programme (except in the North). This modification of the formula was embodied in SCR 986 of 14 April 1995.
23. Iraq eventually accepted the Resolution in May 1996. Even then, the first oil flows under OFF did not start until 10 December 1996. The OFF formula was again modified in late 1999, by SCR 1284 (17 December 1999). This Resolution removed the ceiling on the volume of oil which Iraq could export and also removed almost all restrictions on imports of food and medicine.

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