

The Gulf War 1990–91 in International and English Law

Edited by
Peter Rowe

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There is no doubt that international law was of major importance during the Gulf conflict of 1990-91. Military and other actions were repeatedly justified through reference to international law, and disputes about interpretation were frequent.

This book provides a definitive legal analysis of the conflict, with reference both to international and to English law. Some have been tempted to argue that international law is an ineffective means of controlling the activities of a state and its armed forces from the fact that there were no war crimes trials of the leaders of Iraq, or any other state. International law does, however, provide a set of norms either (a) agreed to by individual states through ratification of, or access to, a treaty, or (b) which apply to all states by the operation of customary international law and other secondary sources. This book determines these norms as a means of judging the manner in which individual states recognized the binding nature of them in the conduct of their operations. The contributors are all legal experts in their fields, and include military lawyers from each of the three British armed services.

The Gulf War 1990-91 in International and English Law is aimed particularly at international lawyers and at students of international relations. As it considers the effects of hostilities, not officially amounting to a war, on commercial contracts, and on the rights of foreign nationals in the United Kingdom, it will also be of value to those with an interest in commercial and public law.

Peter Rowe is Professor of Law and Head of the Department of Law at the University of Liverpool, England. He is currently Chairman of the United Kingdom Group of the International Society for Military Law and the Laws Of War.

All authors' royalties from the sale of this book will be donated to The Gulf Trust, which was established in February 1991 to cater for the relief of needs arising amongst the beneficiaries. The beneficiaries of The Trust are members of the Armed Forces involved in military and other operations relating to or in connection with the Gulf conflict, and civilian persons attached to or accompanying such forces, and their respective dependants.

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Defence, second edition (Macmillan for International Institute for Strategic Studies, 1986); ed., with Benedict Kingsbury, *United Nations, Divided World: The UN's Roles in International Relations* (Oxford University Press, 1988); ed., with Richard Guelff, *Documents on the Laws of War*, second edition, (Oxford University Press, 1989); and ed., with Hedley Bull and Benedict Kingsbury, *Hugo Grotius and International Relations* (Oxford University Press, 1990).

Peter Rowe is Professor of Law and Head of the Department of Law at the University of Liverpool. He has run courses for legal officers of the British Army and the Royal Air Force on the laws of war and has published *Defence: The Legal Implications* (Brassey's, 1987) and a number of other books and articles. He is currently chairman of the UK Group of the International Society for Military Law and the Laws of War. He gave a number of television and radio interviews during the Falklands and Gulf wars.

David Travers has taught at the University of Waterloo in Ontario, Canada; the University of Keele; the Open University; and Lancaster University. He has also been a Visiting Scholar at Columbia University, New York. At Lancaster he is a lecturer in Politics and Director of Graduate Studies. He specializes in international institutions, especially international peace-keeping bodies, United States foreign policy, and diplomacy. He has published articles recently about United States foreign policy and the United Nations and the Gulf War. During the Gulf crisis he was a regular contributor to Radio Cumbria and took part in a discussion programme on Radio Scotland.

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Preface

This book is an attempt to analyse whether both international law and English law were effective as guidelines in dealing with the events of the Gulf conflict of 1990–91. It is hoped also that it will form an accurate account of those events that had legal significance and that it will indicate areas where either international or English law might be clarified or amended. The book has been compiled from a British perspective, but it is hoped that much of it will be relevant to those with an interest in such matters from other jurisdictions.

Some may be tempted to argue that international law is an ineffective means of controlling the activities of a state and its armed forces from the fact that there were no war crimes trials of the leaders of Iraq, or indeed, of any other state, at the conclusion of hostilities. International law does, however, provide a set of norms either agreed to by individual states through the ratification of, or accession to, a treaty or which apply to all states by the operation of customary international law and other secondary sources. This book attempts to determine these norms as a means of judging the manner in which individual states recognized their binding nature in the conduct of their operations.

Events unfolding in the Gulf had their effect also on English law. Two groups in particular, prisoners of war and foreign nationals, owed their rights to international law through the Geneva Conventions of 1949, but those who found themselves in the United Kingdom during the conflict had to be dealt with under English law. The way in which this was done is also analysed in this book.

The original idea for this collection developed from discussions held by members of the United Kingdom Group of the International Society for Military Law and the Laws of War, a number of whom have contributed, with others, to it.

I should like to convey my gratitude to all contributors, who bore my many demands with considerable equanimity, and to the publishers for their patience when, like a jigsaw puzzle, missing pieces were gradually put together until this book took its final shape. I am grateful also to Colin Wheeler for his permission to use in Chapter 11 his cartoon, which was first

published in *The Independent*. I should also like to thank Gordon Smith, Senior Editor of my publishers, for his patience and advice, and my secretary, Ann Doherty, for her keen attention to detail which has saved this work from many a blemish.

*Peter Rowe,
Liverpool,
April 1992*

Introduction

The title of this book would seem to suggest that a 'war' had taken place in the Gulf; confusion ensues when it is referred to also as a 'conflict'. The reason for the virtual synonymous use of these terms is that declarations of war, or a formal recognition by states that they are at war, occur rarely in modern international practice. As a means of describing that part of international law applicable when the armed forces of states are involved in an armed conflict the term 'laws of war', or the *jus in bello*, is still commonly applied. In order to avoid confusion the 1949 Geneva Conventions, and indeed earlier treaties that refer to 'war', apply

to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them [and] to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

(Article 2)

As between Iraq and Kuwait these treaties came into operation on 2 August 1990 when the former invaded, and subsequently occupied, the latter. They certainly applied also between Iraq and members of the coalition forces when hostilities began on 16 January. The question as to whether the British, American and other nationals who were held as hostages in Iraq between 16 August and 13 December 1990 were protected persons under the Geneva Convention IV is addressed by Michael Meyer in Chapter 11.

In English law the legal effects of a war have been fairly well developed by Parliament and by the courts to reflect previous practice, especially in both World Wars where there was no doubt that the country was at war. It soon became obvious that English law would have to provide answers to issues raised where the formal state of war did not exist between the United Kingdom and Iraq. These issues are addressed in Part II of this book.

A treaty will be binding on a state if it is a High Contracting Party to it, either by signing and ratifying it or by acceding to it. In addition, Article 38 of the Statute of the International Court of Justice indicates that

international law includes 'international custom, as evidence of a general practice accepted as law; the general principles of law recognized by civilized nations' and such matters as judicial decisions. As between the principal states involved, the following treaties were the most significant, and applied as indicated*:

	<i>Four Geneva Conventions 1949</i>	<i>Additional Protocol I 1977</i>	<i>Geneva Gas Protocol 1925</i>
France	Yes	No	Yes
Iraq	Yes	No	Yes
Kuwait	Yes	Yes	Yes
Saudi Arabia	Yes	Yes	Yes
UK	Yes	No*	Yes
USA	Yes	No*	Yes

*Signed but not ratified.

In addition, the Hague Convention IV and Regulations on Land Warfare 1907 are widely accepted as reflecting customary international law and, as such, are binding on all states.

It will be noted that the First Additional Protocol 1977 to the Geneva Conventions of 1949 was not binding on Iraq, France, the UK or the USA as a treaty, since none of these states was a party to it. Many of its provisions, however, do reflect customary international law, an issue discussed by Christopher Greenwood in Chapter 4 but raised also in a number of other chapters in Part I of the book, especially by Françoise Hampson in Chapter 5 and by Adam Roberts in Chapter 6.

There was no doubt about the applicability of the four Geneva Conventions of 1949 during the conflict itself. These deal with the wounded, sick and shipwrecked, prisoners of war, and civilians. Chapters 8–10 detail the treatment accorded to these 'victims of war' in the Gulf region, while Chapters 14 and 15 discuss how these issues were handled in the UK. The problems encountered by the International Red Cross and Red Crescent Movement both in the Gulf region and within the UK in attempting to assist these 'victims' is explored in Chapter 11.

The impact of international law on the planners of military operations is brought out well in Chapter 7 by Captain Shaun Lyons. Moreover, it should not be thought that military lawyers are consulted only if things go wrong, or that the normal disciplinary procedures are placed in suspension during

*Sources: *Dissemination*, No. 16, July 1991, Geneva, ICRC; Roberts and Guelff (1989), *Documents on the Law of War* (2nd edn) Oxford: Oxford University Press.

military operations. In Chapter 3 Group Captain David Garratt illustrates the extent to which military lawyers were involved in the planning stage of military deployment and action and how what might be considered to be the normal peacetime professional activities of military lawyers continued in the Gulf region.

The fact that no major war crimes trials have, at the time of writing, been instigated to try those alleged to have committed such acts does not detract from the principle that an individual may be held liable for a breach of the laws of war. This issue is discussed by Françoise Hampson in Chapter 12, while in Chapter 13 Lady Hazel Fox analyses the liability of Iraq to pay compensation resulting from its unlawful invasion and occupation of Kuwait through the creation by the UN of a Compensation Commission.

Finally, whilst in British military circles the Gulf conflict was known as Operation Granby, the American terminology of Operation Desert Shield and then Desert Storm is more likely to evoke the true nature of the activities in the Gulf region from 2 August 1990 to 3 April 1991, when the UN Security Council adopted Resolution 687.

*Peter Rowe,
Liverpool,
April 1992*

Part I

**The Gulf War 1990-91 in
international law**

Chapter 1

A chronology of events

David Travers

1990

1 August Talks between Iraq and Kuwait in Jeddah broke down. Iraqi troops massed on the Kuwaiti border.

2 August Iraq invaded Kuwait at 3.00 a.m. GMT. The Emir and his family fled to Saudi Arabia. The Iraqi government claimed that it had intervened in Kuwait in response to a request from the 'democratic Government of Kuwait' which had overthrown the Al Sabahs. The Security Council, acting under Chapter VII of the Charter, approved Resolution 660 (14-0-0, Yemen absent) which condemned the invasion, demanded unconditional withdrawal and called upon Iraq and Kuwait to begin intensive negotiations to solve their differences.

The United States and United Kingdom froze Kuwait assets; the United States also froze Iraqi assets and suspended purchases of Iraqi oil. The Soviet Union announced an arms embargo against Iraq.

3 August Fourteen Arab League states condemned Iraqi invasion and called for an immediate withdrawal. Iraq announced that it would begin to withdraw troops from Kuwait on 5 August. Gulf Co-operation Council Ministerial Council held an emergency session in Cairo and condemned the Iraqi invasion.

There were press reports that Iraqi troops were deploying on the Saudi border. President Bush warned Iraq not to invade Saudi Arabia. The United States and United Kingdom announced that naval vessels were being sent to the Gulf.

The Soviet Foreign Minister and United States Secretary of State, meeting in Moscow, jointly condemned the invasion and called for a world-wide ban on arm sales to Iraq.

4 August An emergency meeting of the European Community in Rome agreed economic sanctions against Iraq. President Bush met advisers at Camp David; he then called King Fahd of Saudi Arabia to offer aid. Satellite photographs indicated reinforcement, not withdrawal, of Iraqi forces.

4 The Gulf War 1990–91 in international law

5 August Iraq claimed that it had withdrawn some of its armed forces from Kuwait. President Bush stated that the United States and its allies would not allow the setting-up of a puppet regime in Kuwait, and that Iraq had lied about withdrawal.

6 August The United Nations Security Council approved Resolution 661 imposing extensive mandatory economic sanctions against Iraq and Kuwait (13-0-2, Yemen and Cuba abstaining).

A large group of foreigners were moved by the Iraqi government from Kuwait to Baghdad. US Chargé d'Affaires Joseph Wilson met with Saddam Hussein in Baghdad and restated the US demand for the withdrawal of Iraqi forces from Kuwait. Saddam announced that the seizure of Kuwait was irreversible.

6/7 August Richard Cheney, the United States Secretary of Defense, visited Saudi Arabia and Egypt. The Secretary showed satellite photographs to Saudi officials detailing Iraqi troop concentrations along the northern border. King Fahd then invited friendly forces to Saudi Arabia to reinforce its defences. President Bush ordered a squadron of F15 fighter aircraft to Saudi Arabia, as well as the 82nd Airborne Division.

7 August Turkey closed the oil pipelines from Iraq. Iraqi oil exports through Saudi Arabia ceased because the storage tanks at Mu'ajjiz were full.

Switzerland applied economic sanctions against Iraq. A Soviet foreign affairs spokesman stated that the Soviet Union fully supported Security Council Resolution 660.

8 August The United Kingdom announced that British forces would be deployed to defend Saudi Arabia and the Gulf region. President Bush, in a Presidential address to the people of the United States, formally announced the deployment of United States armed forces to defend Saudi Arabia. He stated that the sovereign independence of Saudi Arabia was of vital interest to the United States; that appeasement did not work; that US policy was guided by four principles: the demand for the withdrawal of Iraqi forces from Kuwait; restoration of the legitimate government of Kuwait; a US commitment to peace and stability in the Gulf; and the protection of American lives in the region.

9 August The Security Council unanimously adopted Resolution 662 which declared that Iraq's annexation of Kuwait was null and void.

The Iraqi government announced that diplomatic missions in Kuwait must be closed and their activities transferred to Baghdad by 24 August.

President Mitterrand ordered the French aircraft carrier *Clemenceau* to the Gulf.

10 August Australia stated that two guided missile frigates and a tanker would be sent to the Gulf.

Saddam Hussein called for a *jihad* against the United States and corrupt Arab leaders.

11 August Douglas Croskery – a British citizen – was shot by an Iraqi soldier as he attempted to escape into Saudi Arabia.

A squadron of RAF Tornados was deployed to Dhahran in Saudi Arabia. Egyptian and Moroccan troops landed in Saudi Arabia to deter an Iraqi invasion.

12 August A squadron of RAF Jaguar aircraft arrived in Thumrait in Oman. The United States stated that it would use force if necessary to interdict trade with Iraq.

13 August Saddam Hussein offered a peace initiative: Iraq would withdraw from Kuwait if Israel withdrew from all the occupied territories and if Israel and Syria withdrew from Lebanon.

The Dutch government announced that it would send two frigates to the Gulf. The government of Pakistan stated that it intended to send ground forces to Saudi Arabia.

14 August Italy decided that it would order two frigates and a support ship to the Eastern Mediterranean. Belgium announced that it would send two mine-hunters and a support ship to the Mediterranean. President Assad expressed Syria's support for United States military deployment. The Royal Navy started to challenge Gulf shipping.

15 August It was announced that Saddam Hussein had, the previous day, written to President Rafsanjani of Iran, offering to accept the Iranian conditions for a comprehensive settlement of the conflict between the two states.

US F-117 stealth fighters began deployment to the Middle East.

16 August The Iraqi authorities in Kuwait stated that United Kingdom nationals were required to assemble at the Regency Palace Hotel and United States nationals at the International Hotel. President Bush ordered the US Navy to intercept shipping to and from Iraq and Kuwait.

17 August The Iraqi National Assembly decided that all nationals of those states that were participating in the economic embargo against Iraq and intended to attack the country would be interned until the threat of war against the country ended.

18 August The Iraqi Ministry of Labour and Social Affairs stated that the United States and its allies had begun to impose an economic blockade using force; that this was an act of war under international law; and that foreigners living in Iraq would suffer as a consequence of economic sanctions.

The Security Council adopted Resolution 664 (15-0-0) condemning Iraq's actions against the foreign communities in Kuwait and Iraq.

Iraq ordered all Western nationals in Kuwait to assemble at the Meridien, International and Regency Palace Hotels. They were to be sent to strategic military and civilian sites to prevent 'military aggression'. Iraq would not be responsible for the safety of any who failed to heed the instructions.

19 August Two United States warships fired shots across the bows of two Iraqi tankers in the Gulf.

Iraq stated that it would release hostages from those states which were not sending armed forces to the Gulf.

France ordered its fleet in the Gulf to use force if necessary to ensure compliance with UN sanctions against Iraq.

20 August President Bush referred to Americans detained in Iraq as hostages, in a speech given to the national convention of the Veterans of Foreign Wars. Iraq repeated its threat that if missions in Kuwait were not closed by 24 August, diplomats would lose their special status. The United States, the EC member states and Japan refused to close their missions. Iraq warned Iraqis and Kuwaitis that they risked the severest punishment if they sheltered and helped foreigners.

Greece decided in principle to send her frigate the *Limnos* to the Gulf. Germany stated that a destroyer was to be sent to join mine-hunters in the Eastern Mediterranean.

21 August President Mitterrand announced that French ground forces would be sent to the Gulf. Mrs Thatcher stated in a press conference that there would be no negotiations with Iraq while British hostages were held. A similar statement was made by the United States.

22 August President Bush called up over 40,000 military reservists. Syria announced that its troops had been deployed to Saudi Arabia.

23 August An RAF Squadron of Tornado GR1 strike bomber aircraft was deployed in Bahrain. The European Community announced that it had approved the expenditure of 1.3 m. ECUs to help fly refugees out of Jordan and to provide financial aid to Turkey and other countries whose economies had been badly hit by the Gulf crisis.

Saddam Hussein appeared on television with British hostages.

24 August Twenty-five diplomatic missions in Kuwait ignored the Iraqi demand that they should close. Iraq stated that diplomats from these missions would not be allowed to leave Iraq. Iraqi troops surrounded nine, including the UK and US missions. The United States provided \$1 million to meet urgent humanitarian needs in Jordan.

25 August The Security Council adopted Resolution 665 (13-0-2, Yemen and Cuba abstained). This allowed navies assisting the Government of Kuwait to use force to prevent breaches of the embargo. President Waldheim of Austria visited Iraq and returned with ninety-five released Austrian citizens.

26 August The Emir of Qatar announced an agreement to extend military facilities to friendly states at their request.

27 August The United States decided to expel thirty-six of the fifty-five Iraqi diplomats and non-diplomatic staff members from the Embassy in Washington in response to Iraq's illegal order to close the US Embassy in Kuwait.

28 August The United States deployed armed forces to Qatar. Iraq announced that Kuwait had become the nineteenth province of Iraq. Iraq declared that all foreign women and children would be allowed to depart from Kuwait and Iraq, providing that they had exit visas, beginning on 29 August.

29 August Iraq stated that men as well as women would be allowed to leave Iraq, if the United States promised not to attack.

Japan announced that it would provide \$1 bn. for co-operation with the multinational forces in the Gulf; substantial additional help for front-line states and \$10 m. assistance for refugees in Jordan. It would also send civilian cargo planes to deliver non-military supplies and a team of 100 medical personnel to the Gulf region. Saudi Arabia offered \$100 m. aid to Egypt to resettle Egyptian refugees from Iraq.

The United Nations Secretary-General asked the United Nations Disaster Relief Office to co-ordinate humanitarian assistance arising from the Gulf crisis.

30 August President Bush announced a plan to persuade allied states to share the financial burden of sanctions and the expenses of the deployment of US armed forces to the Gulf.

The first Pakistani troops were sent to Saudi Arabia. HMS *Gloucester* was deployed to the Gulf.

31 August The Danish parliament approved the deployment of a corvette to the Gulf. The Norwegian government approved the deployment of a coastguard vessel to the Gulf.

United Nations Secretary-General Perez de Cuellar and Foreign Minister Aziz of Iraq held discussions in Amman, Jordan.

1 September Evacuation of British women and children from Iraq began.

2 September The Iraqi government insisted that foreign evacuees from Kuwait must leave via Baghdad and that all foreigners must depart only on chartered Iraqi Airlines aircraft. At his press conference in Amman, the Secretary-General revealed his disappointment with the position adopted by Iraq.

4 September Mr Shevardnadze called for an international conference on the Middle East; he stated that Israeli agreement could exert a positive influence on the Gulf crisis.

The International Organization for Migration and the United Nations Disaster Relief Office began the airlift of Bangladeshi refugees from Amman to Dhaka.

Iraq announced that it would not be held responsible if foreigners faced food shortages.

Senegal announced that it would send troops to Saudi Arabia. They left on 17/18 September.

Pakistan announced the temporary closure of its Embassy in Kuwait, due to 'difficult circumstances'.

5 September The Turkish parliament authorized the government to permit the stationing of foreign troops and the deployment of the army abroad.

6 September The United Kingdom parliament reconvened for a two-day debate on the Gulf crisis.

7 September The United States placed Iraq on a list of states sponsoring terrorism.

8 September Mr Lilley, the United Kingdom Secretary of State for Trade and Industry, announced that it would be permissible under Security Council Resolution 661 to export medical supplies to Iraq and Kuwait.

10 September Presidents Bush and Gorbachev, after their summit meeting in Helsinki, demanded the complete and unconditional withdrawal of Iraqi troops from Kuwait and reaffirmed their support for all the five United Nations Resolutions. They agreed that if the current measures were not successful then additional measures, under the Charter, would be considered.

Iraq announced that free oil would be made available to third world states if they could arrange to collect it. Iran and Iraq agreed to renew full diplomatic relations.

11 September Navies in the Gulf agreed to co-ordinate patrols to enforce better United Nations sanctions against Iraq. Greece withdrew its remaining diplomats from its mission in Kuwait.

12 September The Secretary-General appointed Saddruddin Aga Khan his personal representative for humanitarian assistance. Iraqi soldiers entered the residence of The Netherlands' Ambassador to Kuwait and removed the Dutch flag. The Swiss and Austrian Ambassadors left Kuwait.

United Nations officials state that Iraq was refusing to allow direct food shipments to foreign nationals trapped in Kuwait and Iraq.

13 September The Security Council adopted Resolution 666 (13-2-0 Cuba and Yemen opposed). Iraqi troops entered the Canadian Embassy in Kuwait.

14 September The United Kingdom announced that the 7th Armoured Brigade would be sent to Saudi Arabia and a further eighteen Tornado aircraft to the Gulf. Italy announced the deployment of additional naval vessels and eight Tornado aircraft to the Gulf. Canada announced the deployment of up to eighteen CF-18 fighter aircraft to the Gulf. Japan announced

a further contribution of \$2 m. in aid to Egypt, Jordan and Turkey, and \$1 bn. to financing the multinational force.

Iraqi troops entered the residence of the French Ambassador to Kuwait. French diplomats and nationals in the residence were abducted.

15 September France announced that it had deployed 4,000 troops and thirty combat aircraft to the Gulf.

Belgian diplomats in Kuwait were forbidden to move between the Residence and the adjacent Chancery building.

16 September The Security Council unanimously approved Resolution 667. Germany announced a DM 3.3 bn. financial contribution to the US military effort in the Gulf and to Egypt, Jordan and Turkey.

17 September The Foreign Affairs Council of the European Council met in Brussels. It agreed to the expulsion of Iraqi military attachés and restrictions on the freedom of movement of Iraqi diplomats in protest against the Iraqi invasion of the diplomatic missions of France, Belgium and The Netherlands in Kuwait. The United Kingdom ordered the expulsion of the Iraqi military attaché and staff and the deportation of twenty-three other Iraqis.

The Indian ship *Vishhva Siddhi* left with food for Iraq and Kuwait, the distribution of which would be under international supervision.

Saudi Arabia and the Soviet Union re-established diplomatic ties.

18 September Argentina announced that it would despatch a combined force to the Gulf.

19 September Prince Sadruddin Aga Khan abandoned the United Nations aid mission after Iraq refused to admit him.

20 September Iraq ordered the expulsion of the British Defence Attaché and staff.

21 September Iraq ordered the expulsion of about forty diplomatic staff from Baghdad, including the military attachés from the United States, France, Germany, Italy, The Netherlands, Spain and Greece.

22 September Saudi Arabia ended oil supplies to Jordan. It ordered the departure of Jordanian and Yemeni diplomats for activities which undermined the security of the Kingdom and its safety, and which were not compatible with the code of conduct and rules of diplomatic service.

23 September Saddam Hussein warned that he would retaliate against Saudi Arabian and Kuwaiti oilfields and Israel if attacked.

24 September The Security Council unanimously adopted Resolution 669. President Mitterrand addressed the United Nations General Assembly and proposed a four-stage peace plan.

25 September Soviet Foreign Minister Shevardnadze addressing the United Nations General Assembly indicated that the Soviet Union would support the use of force if Iraq did not withdraw from Kuwait. The Security Council approved Resolution 670 (14-0-1, Cuba opposing).

The United Kingdom announced that two of the four staff left in the British Embassy in Kuwait were being withdrawn.

27 September The United Kingdom and Iran resumed diplomatic relations.

28 September The Foreign Office summoned the Iraqi Ambassador in London to clarify reports that Iraq intended to deny food rations to foreigners.

1 October President Bush told the United Nations General Assembly that an Iraqi withdrawal from Kuwait could provide opportunities for solving other disputes – such as the Arab-Israeli problems.

3-5 October Yevgeniy Primakov, Soviet Middle East expert and personal envoy of President Gorbachev, met with King Hussain and Mr Arafat in Amman and Saddam Hussein and Tariq Aziz in Baghdad.

4 October British Foreign Secretary Douglas Hurd stated that there was no hope of progress in the Palestinian issue until Saddam Hussein was driven out of Kuwait, but that it must be tackled as soon as the Gulf crisis was resolved.

6 October Two British diplomats left the Embassy in Kuwait and arrived in Baghdad. The Ambassador and another official remained.

7 October Israel began to distribute gas-masks to all civilians except Palestinians.

8 October President Mitterrand called for an international conference to deal with all Middle East conflicts.

Israeli security forces killed at least twenty-one Palestinians at the Temple Mount in Jerusalem. Saddam Hussein, commenting on the incident in Jerusalem, warned that Iraq had missiles that were capable of striking targets well within Israel.

9 October Japan revoked its invitation to Iraq to send a high level official to Emperor Akihito's enthronement ceremony on 12 November.

Bolivia announced that because of an Iraqi troop raid in September it would close its Embassy in Kuwait.

15 October Mr Shevardnadze told the Supreme Soviet that the Soviet Union would not send troops to the Gulf. Iran and Iraq resumed diplomatic relations and reopened embassies in each other's capitals.

16 October The first British combat troops from the 7th Armoured Brigade arrived at the Saudi port of Al Jubayl on the Persian Gulf.

17 October Mr Primakov met the Italian President in Rome, then visited Paris to consult with French officials.

18 October Mr Primakov discussed the Gulf crisis with Secretary of State James Baker and National Security Adviser Brent Scowcroft in Washington.

19–23 October Mr Edward Heath, former British Prime Minister, visited Jordan and Iraq. He obtained the release of thirty-seven sick and elderly Britons and the promise that another thirty would be allowed to leave at the end of their contracts.

20 October Canada withdrew diplomats from its Embassy in Kuwait.

23 October General Powell met General Schwarzkopf to discuss force deployment.

27 October Mr Gorbachev, in Spain, warned Iraq that it would not be able to upset the resolve of the world community, which wanted to see the crisis settled in accordance with United Nations resolutions.

27/28 October The European Council, meeting in Rome, declared that government representatives would not be sent to Iraq to negotiate the freedom of the hostages.

29 October The United Nations Security Council, by 13-0-2 abstentions (Yemen and Cuba), adopted Resolution 674.

31 October The British Foreign Secretary, speaking in London, said that the knowledge that the international community was prepared to use force was the most potent pressure.

4 November Iraq's Minister of Information ruled out talks linked to a withdrawal from Kuwait.

4/10 November United States Secretary of State James Baker visited Bahrain, Saudi Arabia, Egypt, Turkey, the Soviet Union, the United Kingdom and France.

5 November The United States announced that more reservists would be called up.

7 November The Prime Minister told the House of Commons that time was running out for Saddam Hussein.

8 November President Bush announced that the United States would deploy additional armed forces to provide the coalition forces in the Persian Gulf with an offensive option. The President stated that the coalition forces in the Persian Gulf did not need additional United Nations approval for the use of military force to remove Iraq from Kuwait.

9 November The Second Secretary at the British Embassy, James Tansley, was expelled from Iraq.

10 November The Iraqi Second Secretary, Wajdi Mardan, was expelled from the United Kingdom in retaliation.

After her meeting with Secretary of State Baker at 10 Downing Street, Mrs Thatcher stated that there was no need for a United Nations resolution granting authority to use force to remove Iraq from Kuwait, because the coalition forces already had such authority.

13 November Secretary of State Baker said that Iraq's invasion and occupation of Kuwait threatened the economic lifeline of the West and that United States efforts to contain Saddam Hussein were to protect United States jobs.

14 November Defense Secretary Richard Cheney authorised the call up of 72,500 reservists.

15 November Saddam Hussein told ABC News that he was willing to negotiate a resolution of the Gulf crisis with Saudi Arabia and the United States but that he would not agree to a precondition that Iraqi forces be withdrawn from Kuwait before the negotiations.

Secretary of State Baker arrived in Brussels to begin a three-day visit to members of the Security Council. It was reported that he would discuss the need for a United Nations resolution granting authority to use military force to remove Iraqi forces from Kuwait.

President Bush told CNN that the world remained united against Saddam Hussein and Iraq's aggression against Kuwait; and that he had not made a decision to launch an offensive action against Iraq, but maintained all options.

18 November Iraq announced that it would free the remaining 2,000 foreigners held hostage or trapped in Kuwait and Iraq in groups beginning on 25 December 1990 and ending on 25 March 1991, providing nothing was done to disturb the situation in the Gulf.

Allied forces began an amphibious and air assault training exercise in Saudi Arabia, some eighty miles south of the Kuwaiti border. US marines, navy and air force, Saudi marines, and British and French aircraft took part in the exercise. Iraq stated that the exercise was a provocation.

19 November Press reports stated that Iraq was to send 250,000 new troops to Kuwait.

20 November Iraq introduced the death penalty for hoarding grain.

22 November The British Defence Minister, Tom King, said that the 14,000-strong 4th Armoured Brigade would be transferred from Germany to Saudi Arabia to join the 7th Armoured Brigade as the 1st Armoured Division. The division would have 30,000 men, 175 Challenger tanks, 96 Scorpion or Scimitar light tanks, and 135 Warrior armoured fighting vehicles by mid-January 1991. A further two naval vessels were also to be deployed to the Gulf.

26 November Press reports stated that President Gorbachev had informed Iraqi Foreign Minister Tariq Aziz that Iraq should withdraw from Kuwait or face the consequences.

All British hostages held in Iraqi installations in Kuwait were moved to Baghdad.

27 November The United States Department of Defense stated that a total of 4,162 ships had been intercepted in the Gulf, whilst the navies were implementing United Nations sanctions against Iraq and Kuwait. Five hundred boardings had taken place and nineteen ships had been diverted. The US had been responsible for 320 of the boardings, coalition forces 162, and combined forces eighteen.

28 November The International Atomic Energy Agency announced after its inspection of Iraq's reactors that it had found no evidence of the diversion of nuclear fuel from civilian to military purposes.

The United Nations Security Council unanimously adopted Resolution 677. The Iraqi Press Bureau in London stated that Iraq was threatened with famine and disease because of the United Nations embargo.

The United Kingdom and Syria resumed diplomatic relations.

29 November The United Nations Security Council adopted Resolution 678 by twelve votes to two (Cuba and Yemen), China abstaining.

30 November Iraq rejected Resolution 678, claiming that it was illegal and invalid.

President Bush invited Iraqi Foreign Minister Tariq Aziz to visit the United States in mid-December and offered to send James Baker to see President Hussein between 15 December and 15 January. The President said that he was willing to 'go the extra mile' for peace.

1 December Iraq accepted in principle President Bush's invitation for talks, but stated that the Arab-Israeli problem would have to be at the forefront of the issues which Iraq would discuss in any dialogue.

An adviser to President Gorbachev stated that the USSR would not send troops to the Persian Gulf.

3 December Defense Secretary Richard Cheney informed the Senate Armed Forces Committee that Iraq would probably outlast the embargo, and that war was the only certain means of forcing an Iraqi withdrawal from Kuwait. The Iraqi Minister of Health claimed that 1,416 children under the age of five had died as a result of 'the blockade of medicines'.

4 December A Soviet Ministry of Foreign Affairs statement appealed for energetic efforts to find a peaceful solution to the Gulf crisis and welcomed President Bush's initiative.

The European Community decided that Tariq Aziz should be invited to meet the President during his return trip from Washington.

5 December CIA Director William Webster told the House of Representatives Armed Services Committee that the international trade embargo against Iraq had dealt a serious blow to the Iraqi economy; that mounting shortages would close everything but Iraq's energy and military industries by the summer of 1991; that Iraqi armed forces could maintain their current levels of readiness for as long as nine months; and that there was no guarantee that economic hardship would compel Saddam Hussein to change his policies or would lead to internal unrest that would threaten his regime. Secretary of State Baker, appearing before the Senate Foreign Relations Committee, stressed the need to prepare for the possible early use of force.

6 December Saddam Hussein proposed that all foreigners should be allowed to go home in time for Christmas and the New Year. President Bush welcomed the hostage release but repeated that Iraq still had to withdraw from Kuwait without reservation and without condition.

7 December Iraq's National Assembly approved the proposal that all foreigners should be allowed to leave Iraq if they wished.

9 December The text of the Decree permitting all foreigners to leave Iraq was published.

10 December In a press report attributed to Soviet sources, it was stated that Soviet Foreign Minister Eduard Shevardnadze had told Secretary of State James Baker that the Soviet Union would not deploy troops with the coalition forces in Saudi Arabia, because of opposition at home.

11 December France stated that it would send an additional 4,000 troops to reinforce the 6,000 troops already in the Gulf.

13 December The evacuation of Western nationals from Kuwait was virtually completed. The US Ambassador and four other diplomats left Kuwait; the Embassy remained technically open. The five diplomats had been confined to the Embassy, eating tinned food and drinking swimming-pool water. Harold Walker, British Ambassador to Iraq was recalled for consultations.

16 December The British Ambassador and Consul left Kuwait; the Embassy remained technically open.

17 December The NATO Foreign Ministers, meeting in Brussels, issued a statement that there could be no partial solution to the demand for complete Iraqi withdrawal from Kuwait. Earlier, Secretary of State Baker had told his

NATO allies that Iraq might partially withdraw from Kuwait as a ploy to divide the coalition against it.

US deployment reached 260,000.

18 December Amnesty International published a document detailing Iraqi atrocities in Kuwait.

21/22 December John Major, the new British Prime Minister, visited Washington. After meeting with the President he stated that the West was serious about its position that Iraq would have to withdraw from Kuwait.

23 December Secretary of Defense Richard Cheney and Colin Powell stated at a news conference in Saudi Arabia, at the end of a five-day tour of the Gulf, that the 300,000 American troops in Saudi Arabia and the Persian Gulf were ready to fight.

26 December Saddam Hussein addressed Iraqi Ambassadors recalled for consultations.

27 December According to a press account, coalition shipping enforcing the blockade had intercepted 5,833 cargo ships since August, requesting identification, cargo and destination; about thirty vessels had been diverted from the region, either because of faulty documents or cargo manifests, or because they were carrying cargoes bound for Iraq. About 90 per cent of the interceptions had taken place in the northern Red Sea, near the mouth of the Gulf of Aqaba and the access point to the Jordanian port of Aqaba.

29 December The Ministry of Defence in London confirmed that it was preparing to inoculate troops in the Gulf against biological warfare agents. The Armed Forces Minister threatened 'massive retaliation' if Iraq used biological or chemical weapons against coalition forces in the Gulf.

31 December The British Ambassador returned to his post in Baghdad. French government sources stated that the additional 4,000 French troops being deployed to the Gulf would be ready for combat by 15 January, the deadline set out in the United Nations Resolution 678.

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2 January NATO's Defence Planning Committee agreed to a request from Turkey for the deployment of forty-two aircraft from the Allied Mobile Force contributed by Belgium, Italy and Germany. Iraq had about 530,000 forces in Kuwait. The United States now deployed 325,000 troops and the coalition about 245,000.

3 January The staff at the British Embassy in Baghdad were reduced to six UK-based officers. The United Kingdom declared eight members of the Iraqi Embassy in London *persona non grata*. Sixty-seven non-diplomatic Iraqis were also required to leave.

President Bush invited Tariq Aziz to have talks with Secretary of State Baker in Geneva on 7, 8 or 9 January.

4 January Iraq accepted a meeting in Geneva on 9 January. EC Foreign Ministers invited Aziz to talks in Luxembourg, but both this, a further offer on 6 January and yet another offer on 9 January for talks in Algiers were rejected.

5 January President Bush, in a nationwide television address, stated that during the meeting with Iraq's Foreign Minister Tariq Aziz in Geneva, Secretary of State Baker would restate in person a message to Saddam Hussein – withdraw from Kuwait unconditionally and immediately, or face the terrible consequences.

6 January Saddam Hussein promised 'the mother of all battles' if war broke out.

7 January James Baker began a European tour. He met the Foreign Secretary in London. They reaffirmed 15 January as the final withdrawal date.

8 January President Bush submitted a letter to Congress asking for authorization to use 'all necessary means' to drive Iraq from Kuwait.

9 January Baker and Aziz talked for six-and-a-half hours in Geneva. No progress was made. Aziz refused to accept a letter from President Bush addressed to Saddam Hussein.

10 January Secretary-General Perez de Cuellar flew to Baghdad.

United States Congress opened its debate on the Gulf crisis.

The British Embassy staff, except for the Deputy Head of the Mission, left Baghdad.

11 January United States State Department warned that Iraqi terrorists were planning attacks around the world if there was war over Kuwait.

Saudi Arabia informed James Baker that it agreed to war if necessary.

12 January US Congress authorized the use of force against Iraq. The vote was 250–183 in the House of Representatives and 52–47 in the Senate. The last British and US diplomats left Baghdad; France, however, maintained diplomats. The United States expelled all but four Iraqi diplomats.

13 January The Secretary-General met the President of Iraq. Twenty-eight more members of the Iraqi Embassy in London were expelled: the Ambassador and a skeleton staff of four were allowed to remain.

14 January French efforts to prevent war did not receive support in the Security Council.

Turkey temporarily suspended its diplomatic operations in Baghdad. The Ambassador and twenty staff returned to Turkey.

The Israeli Supreme Court ordered the free issue of gas-masks to Palestinians.

15 January The UN Secretary-General made a final appeal to prevent war. He stated that he was prepared to deploy United Nations forces to monitor a withdrawal, and that every effort would be made to resolve the Palestinian question after the existing crisis was resolved. The United Nations deadline for Iraqi withdrawal from Kuwait expired at midnight New York time (EST).

16 January Operation Desert Storm began shortly before midnight GMT. Large-scale air and missile attacks were made on targets in Iraq and Kuwait by the Kuwaiti, Saudi, United States, British and French air forces. Military targets included communication systems, airports, transport systems, military installations and nuclear and chemical weapon facilities. French forces were placed under United States control. Greece agreed to the United States using Greek bases and airports for logistic support.

17 January Turkey authorized the use of its air bases by the coalition for air-strikes against Iraq.

The first Iraqi Scud missiles struck Israel. Six surface-to-surface missiles, carrying conventional high-explosive warheads, were aimed at population centres and not military targets; twelve people were injured. Another missile fired at Dhahran was destroyed by a Patriot missile.

Iraq claimed that forty coalition aircraft had been shot down.

18 January Coalition air forces dropped over 2,500 tonnes of bombs in the first twenty-four hours. Seven coalition aircraft were lost; all the crews were listed as missing.

United States troops attacked offshore oil platforms and captured the first Iraqi prisoners of war.

The Soviet Union reported that it was attempting to persuade Saddam Hussein to stop fighting.

19 January The USA airlifted Patriot missiles to Israel after three Scud missiles injured seventeen people in the Tel Aviv area.

India, Algeria and the Soviet Union offered peace proposals to Iraq. Coalition aircraft flew over 4,700 sorties. Ten Iraqi aircraft were destroyed.

The Iraqi Ambassador was summoned to the Foreign Office in London to be reminded of the obligations to prisoners of war. He was again summoned on 21 January.

20 January Iraq fired ten Scud missiles at the Saudi cities of Riyadh and Dhahran. Patriot missiles destroyed nine; one Scud fell into the sea. Seven captured coalition aircrew were shown on Iraqi television.

Deputy Secretary of State Eagleburger arrived in Israel to co-ordinate the US-Israeli response to the Scud missile attacks. Coalition aircraft from Incirlik Base, Turkey, attacked Iraq. Iraq had now lost fifteen aircraft, the coalition ten.

21 January A shot-down US pilot was rescued in Iraq. Iraq stated that it would use coalition prisoners of war as human shields against air attacks. Coalition aircraft losses had now risen to fourteen.

Saddam Hussein rebuffed the peace proposals put forward by President Gorbachev the previous week.

22 January President Gorbachev called for a peaceful solution to the Gulf crisis.

Iraqi troops set fire to oil storage tanks and facilities in Kuwait and began to release crude oil into the Gulf from the Kuwaiti terminal off Mina al-Ahmadi.

There were further Scud attacks on Saudi Arabia and Israel. The attack on Tel Aviv killed three and injured more than ninety Israelis. Two Scuds were destroyed by Patriots in the air over Riyadh, and another four fell into the sea. Twelve people were injured by falling debris.

EC Foreign Ministers meeting in Luxembourg expressed their profound concern at the unscrupulous use by Iraq of prisoners of war.

23 January United States officials announced that the coalition had achieved air superiority in the war theatre, and denied the claim by Saddam Hussein that coalition aircraft had attacked a baby-milk factory; they stated that it was a chemical weapons plant. The Minister of State at the Foreign Office, Mr Hogg, had talks with senior officials of the International Committee of the Red Cross on British prisoners of war and Iraqis detained in the United Kingdom.

United States naval jets attacked Iraqi naval vessels. There were Scud attacks on Israel and Saudi Arabia: Iraq fired one Scud at Israel and five at Saudi Arabia. All six were intercepted and destroyed by Patriot missiles. The Qatari Air Force flew its first combat mission.

24 January Japan announced increased contributions to the allied war effort at a Group of 7 meeting.

Iraqi forces fired rockets at United States marine positions near Kjfaji, a Saudi coastal town.

The International Committee of the Red Cross in Geneva expressed concern to the Iraqi government about the treatment of allied airmen taken prisoner during the Gulf War. The Committee reminded Iraq of its obligations under the Third Geneva Convention relating to the treatment of prisoners of war, especially Article 13 which states that prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Germany expelled twenty-eight Iraqi diplomats and government officials employed at the Iraqi Embassy in Bonn and Iraq's mission in Berlin, as a precaution against the diplomats ordering terrorist attacks.

The Egyptian President Hosni Mubarak said that Iraq's Scud missile could not win the Gulf War and appealed to Saddam Hussein to end the bloodshed by withdrawing from Kuwait.

25 January The United States accused Iraq of pumping oil into the Gulf. Two Scud missiles aimed at Saudi Arabia were destroyed by Patriot missiles, but falling debris killed one Saudi and injured thirty others. Iraq fired seven Scuds at Israel, but all were shot down by Patriots. Falling debris killed one Israeli and injured forty.

French aircraft flew their first combat missions into Iraq. Coalition forces attacked and captured the island of Qaruh, taking prisoner fifty-one Iraqis.

26 January The oil slick increased in size, threatening Saudi desalination and industrial plants, and the environment of the Gulf. Coalition forces bombed the Mina al-Ahmadi installations to halt the flow of crude oil into the Gulf. The Pentagon confirmed that the first cruise missile launched in combat from a submarine was fired from the USS *Louisville*. A Patriot missile intercepted one Scud fired at Saudi Arabia. President Bush ordered a team of United States government oil pollution and environmental experts to Saudi Arabia to assist the Saudi government to minimize the environmental damage from the oil slick.

27 January Iran announced that twelve Iraqi planes had been detained. By the end of the month the number had increased to 100. The Iranian government stated that any aircraft defecting to Iran would be detained until the war ended. At this point, twenty-seven coalition personnel were missing; there were 110 Iraqi prisoners of war.

28 January Iraq claimed that allied prisoners of war had been injured in coalition bombing raids. Iraqi air losses twenty-six, coalition losses nineteen.

29 January Iraq started to pump oil into the Gulf from Mina al-Bakr in Iraq. United States marines fired artillery mortars and TOW missiles at Iraqi bunkers in Kuwait.

Secretary of State Baker and Soviet Foreign Minister Bessmertnykh met in Washington: a joint statement claimed that coalition bombing would end if Iraq would make an unequivocal commitment to withdraw from Kuwait.

Such a commitment had to be backed by immediate concrete steps leading to full compliance with Security Council resolutions.

The German contribution to the war effort was increased.

29/30 January Iraqi tanks and troops attacked and seized Khafji. United States marines, Saudi and Qatari forces contained the attack. Eleven marines were killed.

30 January Iraq's Ambassador left London; the Chargé d'Affaires and two other officials remained.

The first US female soldier was reported missing. King Fahd and President Mubarak offered Saddam Hussein an immediate ceasefire if he announced the withdrawal of Iraqi forces from Kuwait.

31 January Saudi and Qatari troops, assisted by United States artillery, recaptured Khafji. B-52s operating from NATO bases in Spain bombed Iraq.

A Red Cross convoy carrying nineteen tonnes of emergency medical supplies for Iraqi civilians crossed from Iran into Iraq. The International Committee said that it was the first mission since the war began.

A Scud missile hit the Israeli-occupied territory of the West Bank. No damage or injuries were reported. No patriot missiles were fired.

1 February France granted permission for B-52 overflights from the United Kingdom to Iraq.

2 February A Scud missile fired at Riyadh was intercepted and destroyed by a Patriot missile; twenty-nine people were injured by falling debris. Two Scud missiles hit the Israeli occupied territory of the West Bank. No injuries or damage were reported. No Patriot missiles were fired at the missiles. Pope John Paul II criticized the violence and the deaths in the war.

3 February It was claimed that the United States had now dropped more bombs in the campaign than in the whole of the Second World War.

4 February United States State Department claimed that Iraq was transporting military material, including some Scud missiles, in convoys of civilian oil trucks, which made them legitimate military targets.

Syrian troops repelled an Iraqi probe on the Saudi-Kuwaiti border. USS *Missouri* shelled Iraqi shore installations in Kuwait for the first time.

5 February President Bush announced at his press conference that he was sceptical that the air war alone would remove Iraq from Kuwait; that the United States was not attempting to destroy Iraq; that he was sending Secretary of Defense Cheney and General Powell to Saudi Arabia to meet General Schwarzkopf to assess the military situation, and that no specific Iranian peace proposal had been received by the United States.

6 February Iraq severed diplomatic relations with Egypt, France, Italy, Saudi Arabia, the United Kingdom and the United States.

US F-15s shot down two Iraqi jets as they attempted to flee to Iran. There were 120 Iraqi planes in Iran.

United States Secretary of Defense Cheney and General Powell flew to the Gulf to assess the progress of the war. Secretary of State Baker gave testimony to the House of Representatives Foreign Affairs Committee, which emphasized that the main responsibility for the post-crisis arrangements would rest with regional countries.

7 February USS *Wisconsin* joined USS *Missouri* in firing at the Iraqi positions in Kuwait. This was the first time since the Korean War that the *Wisconsin* had fired its guns in combat. United States officials stated that 109 Iraqi fighter aircraft and twenty-three Iraqi transport planes had been flown to Iran. The United States had lost fifteen aircraft, and the allies seven, to Iraqi ground fire. Iraq had lost thirty-three aircraft and three helicopters in air-to-air combat, and another ninety-nine aircraft on the ground.

8 February Coalition aircraft shot down at least two Iraqi aircraft. Thirteen more Iraqi aircraft flew to Iran. A Scud missile attack on Saudi Arabia was thwarted by two Patriot missiles.

Cheney and Powell met with Schwarzkopf and other military leaders in Riyadh for more than eight hours. White House spokesman Marlin Fitzwater stated that despite being a party to the Geneva Convention, the Iraqi government had refused the International Committee of the Red Cross requests to visit coalition prisoners of war.

9 February President Gorbachev warned that the military operations in the Gulf threatened to exceed the United Nations mandate. He intended to send an envoy to Baghdad for talks with Hussein. The Emir of Kuwait requested that Kuwaiti ground forces be included in the liberation of Kuwait.

A Scud missile aimed at Israel was destroyed by Patriot missiles. Falling debris injured a number of people and damaged buildings.

10 February Saddam Hussein, in a nation-wide address, pledged victory and praised the people for their steadfastness and their faith. Iraq ordered all seventeen-year-old males to sign up for military service or face legal action.

One Scud was launched against Israel and another against Saudi Arabia. Two people were injured in Riyadh by falling debris. Sixty-one Scud missiles had now been launched.

12 February Coalition forces commenced a combined air, land and sea bombardment on Iraqi staging areas in Southern Kuwait. Soviet envoy Yevgeniy Primakov met Saddam Hussein in Baghdad. The President stated that Iraq was prepared to negotiate a solution to the war.

Iraqi Deputy Prime Minister Saadoun Hammadi stated that Iraq was ready to engage in the land battle at any time.

President Bush denied Saddam Hussein's allegations that coalition forces were indiscriminately bombing civilian targets in Iraq.

Two Scud missiles were fired at Israel, injuring six people and destroying a house. It was not known whether the injuries and damage were caused by the Scuds or by debris from Patriot interceptions.

13 February A US F-111 dropped two bombs on what the Iraqis claimed was a public air-raid shelter, and which the coalition argued was a fortified underground military command and control centre (the Amiriya bunker). Civilian deaths were estimated to be between 300 and 500. The White House spokesman Marlin Fitzwater expressed sadness at the loss of life, but stated that it was a legitimate military target, a well-documented command and control centre that fed instructions directly to Iraqi armed forces. The Iraqis had a history of using civilians as military shields, and were now placing tanks and artillery beside private houses and small villages, and had located command and control centres on top of schools and public buildings.

14 February The United Nations Security Council met in closed session to discuss the war.

Iraq fired two Scud missiles at Kafr al-Batin, a Saudi city close to the Kuwait-Iraq-Saudi border and the site of a major military base. There was some damage but no casualties.

15 February Iraq announced the conditions on which it would withdraw from Kuwait: Israel must withdraw from all Arab territory, Iraqi debts must be waived, and the coalition states must pay for the rebuilding of Iraq. President Bush described the Iraqi offer as a cruel hoax; Mr Major called it a bogus sham.

16 February United States helicopters launched night raids against Iraqi positions.

Iraq's Ambassador to the United Nations warned that his country would use weapons of mass destruction if the coalition bombing continued.

The Pentagon announced that United States troops were prepared to launch a ground, sea and air assault. The United Nations Children's Fund announced a joint humanitarian mission with the World Health Organization to deliver \$600,000 worth of emergency medical supplies to Baghdad which would be used to help care for children and mothers. It would also explore essential health-care needs.

A Scud missile fired at the Saudi city of Al Jubayl on the Persian Gulf coast missed its target and fell into the sea.

17 February Two Scud missiles were fired at Israel. Coalition and Iraqi troops engaged along the Saudi-Kuwaiti border. Twenty Iraqis surrendered to an Apache helicopter.

President Bush stated that the Iraqi takeover of Kuwait would end very, very soon.

United States military intelligence estimated that 15 per cent of Iraqi fighting forces in Kuwait had been either killed or wounded.

18 February President Gorbachev met Foreign Minister Aziz in Moscow and announced a peace plan.

The British Foreign Secretary, Douglas Hurd, told the House of Commons that proof that Iraq was withdrawing from Kuwait would be needed before there was any pause in coalition operations. France expelled the Iraqi Ambassador. The envoy and most of his staff also departed.

19 February Coalition aircraft bombed Baghdad for the first time in daylight.

President Bush stated that the Soviet peace plan fell short of what was required to end the war.

There was another Scud attack on Israel. This was intercepted by a Patriot missile. A total of sixty-eight Scud missiles had been launched: thirty-two at Saudi Arabia and thirty-six at Israel. Over 83,000 coalition air sorties had been flown.

20 February One American was killed and seven were wounded in fighting along the Saudi-Kuwaiti border. A US helicopter destroyed an Iraqi bunker complex and about 500 Iraqis surrendered.

United States officials warned Iraq that it should announce a timetable for the withdrawal from Kuwait as a condition for a peace settlement.

The Turkish Foreign Ministry stated that nearly 900 Iraqi soldiers and more than 1,000 civilians had crossed the mountains from Iraq into Turkey, nearly half of them in the previous four days. Many demonstrated on a hotel roof against the possibility of being sent back to Iraq.

21 February Three Scud missiles were launched at Saudi Arabia, but no damage was reported.

Secretary of Defense Cheney stated that the coalition forces were preparing one of the largest land assaults of modern times.

22 February After a second meeting with Gorbachev, Aziz announced the Iraqi acceptance of the Soviet eight-point peace plan. President Bush, however, rejected the Soviet Plan, deplored the Iraqi destruction of the Kuwaiti oilfields and stated that a ground campaign would not be initiated if Iraq accepted the following terms and communicated that acceptance to the United Nations:

- It had to begin to withdraw troops from Kuwait by midday EST (1700 GMT) on 23 February and complete it in one week.
- It had to remove all its forces from Kuwait City within forty-eight hours and allow the prompt return of the legitimate government of Kuwait.

- It had to withdraw from all prepared defences along the Saudi-Kuwait and Saudi-Iraq borders, from Bubiyan and Warbah Islands, and from Kuwait's Rumailah oilfield within one week.
- It had to return all its forces to their positions of 1 August, in accordance with Resolution 660;
- It had to release all prisoners of war and third country civilians being held against their will.
- It had to return the remains of killed and deceased servicemen.
- The release process must commence immediately and must be completed within forty-eight hours.
- All explosives or booby traps must be removed.
- Iraq had to designate military liaison officers to work with coalition forces on Iraq's withdrawal.
- Data on the location and nature of all land and sea mines had to be provided.
- There had to be a cessation of combat aircraft flights over Iraq and Kuwait, except for transport aircraft carrying troops out of Kuwait, and coalition aircraft had to be allowed exclusive control over and use of all Kuwaiti air space.
- All destructive actions against Kuwaiti civilians and property must cease, and all Kuwaiti detainees must be released.

The United States and its coalition partners reiterated that their forces would not attack unarmed retreating Iraqi forces and would exercise restraint so long as the withdrawal proceeded in accordance with the guidelines.

Mr Major stated that the Soviet proposals were an improvement on previous proposals but they still seemed to fall a significant way short of the United Nations resolutions. The Department of State ordered the departure of one of the four remaining Iraqi diplomats, for activities incompatible with his status as a diplomat.

22 February Iraqi troops destroyed Kuwaiti installations, setting alight twenty-five pumping stations and oil wells.

23 February A new Soviet plan was accepted by Aziz, but it did not meet the terms of President Bush's ultimatum.

About 200 Kuwaiti oil wells and facilities were burning. World Health Organization officials who had just returned from their fact-finding mission and delivery of medical supplies to Baghdad, stated that they had seen no malnutrition among Iraqi children during their one-week visit.

President Bush declared that the liberation of Kuwait had now entered a new phase. He directed General Norman Schwarzkopf, in conjunction with coalition forces, to use all forces available, including ground forces, to eject the Iraqi army from Kuwait.

United States 2nd Armoured Cavalry Regiment bulldozers breached the Iraqi sand defensive positions along Saudi Arabia's northern border. The United States First Infantry Division conducted Apache Helicopter raids near to the breached sites.

24 February The coalition ground offensive began at 1.00 a.m. GMT (4.00 a.m. Saudi time). The states participating in the action were the United States, Saudi Arabia, the United Kingdom, France, Egypt, United Arab Emirates, Bahrain, Qatar, Oman, Syria and Kuwait.

25 February The United Nations Security Council met in private to discuss a Soviet peace plan which, in accordance with UNSC Resolution 660, would set a date for the Iraqi withdrawal, establish a short withdrawal period, and allow no other conditions. The Council members concluded that it could not act until Iraq officially notified the United Nations of its compliance with the Council's resolutions.

Baghdad Radio broadcast a statement that orders had been issued to the armed forces to withdraw to their positions held before August 1 1990. A White House spokesman stated that the war went on, although United States forces would not attack unarmed soldiers in retreat.

Mr Hurd, in evidence to the House of Commons Foreign Affairs Committee, said that the allies might have to remain in partial occupation of Iraq immediately after the liberation of Kuwait.

Debris from a Scud missile fell upon a United States military barracks near Dhahran, Saudi Arabia, killing twenty-eight servicemen and women and wounding over 100. A Scud missile fired at Bahrain was intercepted in flight by a Patriot missile.

26 February The ICRC in Geneva again appealed to Iraq to respect the Third Geneva Convention and allow the ICRC access to coalition prisoners of war held by Iraq. The coalition had taken over 30,000 Iraqi prisoners of war.

A Scud missile was fired at Duha, Qatar; no injuries or damage were reported. Iraq fired two Scuds at Bahrain, which were both destroyed by Patriots.

26/27 February Kuwait City was liberated by Kuwaiti, Saudi, Egyptian, Qatari, United Arab Emirates, Omani and Syrian armed forces; Iraqi forces fled from Kuwait.

27 February At 1800 GMT the United Nations Security Council received a letter from Foreign Minister Aziz in which Iraq accepted Resolutions 660, 662 (declaring the Iraqi annexation of Kuwait as null and void) and 674 (making Iraq responsible for war reparations) if there was a cease-fire and if Resolutions 661, 665 and 670 (on economic sanctions against Iraq) were no longer operable. The Council President demanded an unconditional, explicit acceptance of all twelve resolutions.

President Bush, on behalf of the coalition, announced that fighting would cease at midnight Eastern Standard Time (0500 GMT). He warned that the coalition would resume the assault if Iraq continued to fight, or launched missiles at any country. He stated that a permanent ceasefire would depend upon Iraq's immediate release of all coalition prisoners of war and Kuwaiti detainees, third country nationals and the remains of those who had fallen, and complied with all relevant United Nations resolutions on Kuwait.

28 February The Security Council met to discuss the letter setting out Iraq's compliance which had been delivered to the United Nations the previous evening. It stated that Iraq sought a cease-fire, that Iraq's withdrawal from Kuwait was complete, that Iraq accepted all the Council's resolutions unconditionally, and that Iraq would return prisoners of war to their home countries within a very short period of time. Saddam Hussein ordered his forces to cease firing, and Iraq agreed to begin discussions on how to arrange a permanent ceasefire.

Reconnaissance photographs released by the Pentagon confirmed that the holy shrines in the cities of An Najaf and Karbala remained intact, despite six weeks of coalition air attacks against strategic and military targets in Iraq. The Deputy Assistant Secretary of State David Mack stated that the photographs were taken and released to disprove Iraqi claims that coalition pilots had deliberately destroyed religious structures in Iraq.

The British Ambassador reoccupied the Embassy in Kuwait.

The United States Defense Department reported that during the period of hostilities between 16 January to 27 February:

- Coalition forces had destroyed or rendered ineffective forty-two Iraqi divisions.
- More than 50,000 Iraqi POWs had been captured (this was increased by the United States Central Command on 3 March to 80,000).
- More than 3,000 Iraqi tanks out of the 4,030 that were located in Kuwait and Southern Iraq when hostilities started had been destroyed (later increased on 3 March to 3,300).
- 962 armoured vehicles out of 2,870 (increased to 2,100) had been destroyed.
- 1,005 artillery pieces out of 3,110 (increased to 2,200) had been destroyed.
- 103 aircraft out of 639 located in Iraq had been destroyed. Another 100 combat planes were in Iran.
- Coalition forces were continuing to destroy captured and abandoned Iraqi armour and artillery.
- The coalition had flown over 110,000 sorties over Iraq and Kuwait, one half of which were combat and one half support (reconnaissance, air-refuelling and search and rescue).

1 March The United States Ambassador and twenty of his staff returned to the Kuwait Embassy, which had been evacuated on 14 December 1990.

2 March The Security Council approved Resolution 686, which was its thirteenth on Kuwait, by 11 to 1 (Cuba), with three abstentions: China, India, and Yemen.

3 March The Military Commanders met at Safwan, on the border between Kuwait and Iraq, and reached agreement on how prisoners of war were to be released; how information on minefields was to be provided; and how further incidents were to be prevented between the respective armed forces.

The Security Council approved requests for flights of food, medicine and water purification equipment into Baghdad.

4 March Ten coalition POWs were released to an International Red Cross representative in Baghdad: one Italian, three British and six American, one of whom was a female soldier.

After seven months in exile, Crown Prince and Prime Minister Saad Abdullah Sabah returned to Kuwait to be the temporary military governor.

5 March Iraq released thirty-five more POWs: nine British, nine Saudis, one Italian, one Kuwaiti, and fifteen United States, including a second female POW. Iraq claimed that all POWs had been released.

7 March The British government announced that thirty-six British armed forces personnel had been killed in the Persian Gulf, seventeen in combat. Eight others (five RAF and three Army) were missing, and forty-three had been wounded.

19 March The Pentagon stated that 182 United States military personnel had been killed between 16 January and 1 March 1991. The United States had deployed 539,000 troops to the Persian Gulf.

3 April The United Nations Security Council passed Resolution 687 by 12 votes to 1 (Cuba), Yemen and Ecuador abstaining.

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Chapter 2

The United Nations and the *jus ad bellum*¹

Marc Weller

On 2 August 1990, the government of the state of Iraq issued an invitation to the world to reorganize itself. The international community, represented at the United Nations, was challenged to find a response to the invasion of Kuwait which would not only restore the territorial integrity and political independence of that state, but which would also contribute a further building-block towards the edifice of world order based on a strong system of collective security.

The world organization had solid foundations to build upon. Despite the challenges posed during the Cold War years, its institutional structure had survived unimpaired. The thaw in superpower relations had opened up the possibility that consensus could be achieved in the Security Council, which had hitherto been vulnerable to the veto of one of its permanent members. And there had been some modest successes already in the attempted settlements of regional conflicts, from Namibia to Angola and Cambodia to Afghanistan. In fact, the conclusion of another conflict involving Iraq, the Iran-Iraq war, appeared to be one of the jewels in the crown of achievements of the organization during this period of reawakening.²

This chapter touches upon the question of whether the international community was able to extend these successes into the area of actual enforcement measures of the United Nations. After all, Chapter VII of the UN Charter provides for a comprehensive system of collective security which has long been dormant, and which could have been activated in the new climate of co-operation to face and defeat challenges such as that issued by the Iraqi government. In addition, this chapter seeks to set the stage for the chapters which follow, giving an overview of the major legal aspects of the Kuwait conflict other than those concerning the *jus in bello*.

The international community, including the former victims of colonialism, spoke on the issue of the invasion of Kuwait with unprecedented unity. Even the few supporters of Iraq, such as Yemen and Cuba, rejected the purported annexation of the territory as illegal and supported unreservedly the demand for the restoration of the territorial sovereignty and political independence of Kuwait. In fact, international law provided the focal point of agreement

which allowed the United Nations to act decisively. Although the actions carried out in the name of the organization might be subject to critical discussion, the initial goals of the organization in this crisis were uncontested and universally agreed. These goals were defined authoritatively by the Security Council only hours after the invasion had commenced.

THE IMMEDIATE RESPONSE TO THE INVASION IN THE UN SECURITY COUNCIL

At about midnight local time, on the night of 1/2 August 1990, a massive Iraqi force crossed the border into Kuwait. Almost immediately, delegates to the UN Security Council in New York were alerted. They met for an informal session at UN headquarters at around 3.00 a.m. and quickly hammered out the essential elements of a draft resolution. The Council convened formally at 5.08 a.m.,³ the debate being opened by a passionate speech from the Ambassador of Kuwait. He described the desperate situation in his country, stating that his government was still in control, although the Emir and most of his family had sought refuge in Saudi Arabia, adding that:

It is now incumbent on the Council to shoulder all its responsibilities and to maintain international peace and security. The Council is responsible for the protection of Kuwait and its security, sovereignty and the territorial integrity, which have been violated. In order to shoulder all its responsibilities and to carry out its tasks, the Council is urgently requested to demand that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990.

Iraq, on the other hand, rejected the intervention of the Council in the affair. The ambassador put forward the following view:

First, the events taking place in Kuwait are internal matters which have no relation to Iraq.

Secondly, the Free Provisional Government of Kuwait requested my Government to assist it to establish security and order so that the Kuwaitis would not have to suffer. My Government decided to provide such assistance solely on that basis.

Thirdly, the Iraqi Government energetically states that Iraq is pursuing no goal or objective in Kuwait and desires cordial and good-neighbourly relations with Kuwait.

Fourthly, it is the Kuwaitis themselves who in the final analysis will determine their future. The Iraqi forces will withdraw as soon as order has been restored. This was the request made by the Free Provisional Government of Kuwait. We hope that it will take no more than a few days, or at the most a few weeks.

Fifthly, there are reports that the previous Kuwaiti Government has been overthrown and that there is now a new Government. Hence, the person in the seat of Kuwait here represents no one, and his statement lacks credence.

Sixthly, my Government rejects the flagrant intervention by the United States of America in these events. This intervention is further evidence of the co-ordination and collusion between the United States government and the previous Government of Kuwait.

My country's Government hopes that order will be swiftly restored in Kuwait and that the Kuwaitis themselves will decide upon their future, free from any outside intervention.

It is interesting to note that Iraq did not attempt to justify the invasion with reference to the claim to the territory of Kuwait, the alleged 'theft' of oil from the Rumaila oilfield or to the claim that Kuwait had flooded the international market with cheap crude, thus depressing prices and hurting Iraq's economic interests. These points were made in the political arena, but it was apparently recognized even by Iraq that they would not furnish a legal argument when addressing the Security Council.⁴ Instead, its justification was based on the alleged invitation to intervene by a provisional revolutionary government. This argument was swiftly rejected by the Council, as it had been rejected by a large majority of the UN membership in the cases of Hungary, Czechoslovakia and Afghanistan.⁵ And, in terms of fact, there was no evidence of a significant revolutionary movement within Kuwait itself.⁶ As the US delegate to the Council pointed out:

While the Iraqi invasion was carefully planned and professionally executed, the Iraqis at one salient point made a serious mistake. Instead of staging their *coup d'état* and installing this so-called free provisional government before the invasion, they got it the wrong way around: they invaded Kuwait and then staged the *coup d'état* in a blatant and deceitful effort to justify their action – like the effort they have just made here.

The condemnation of the Iraqi action in the Council was virtually unanimous, although Yemen failed to participate in the vote on Resolution 660, having been unable to receive instructions from its capital. The resolution determined that there existed a breach of international peace and security as regards the Iraqi invasion of Kuwait. Initially, the draft text had indicated that an act of aggression had taken place, but at the urging of the Soviet delegation that wording was changed. In substance there was no difference, as both formulations constituted a finding under Article 39 of the Charter, which must precede enforcement measures under Articles 41 and 42.

Still, as opposed to the diplomatic and imprecise language usually employed when urging 'the parties' or some other unspecified entity to cease hostilities,

the resolution clearly named Iraq as being responsible for the invasion. It condemned the invasion, and, by way of a provisional measure adopted explicitly under Article 40, it demanded 'that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on August 1, 1990.'

By adopting this wording, the Council avoided having to make a pronouncement on the validity of territorial claims in the context of the withdrawal.⁷ Thus, even if Iraq had a valid claim to certain territories, such as Warba and Bubiyan Islands, it was required to withdraw fully and re-establish the status quo. The resolution did, however, indicate that certain issues could be made subject to immediate negotiations.

The government of Iraq precluded negotiations when it announced the annexation of Kuwait less than a week after the invasion. Again, this measure was rejected by the Council with unanimity in Resolution 662, which demanded that it should be rescinded.⁸ In that resolution, the Council also affirmed the legitimacy of the government of the state of Kuwait, by then in exile in Saudi Arabia.⁹ In calling upon all states, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation, the resolution in effect mirrored the consequences arising from the unlawful acquisition of territory in general international law.

Iraq challenged this action of the Council when it required the closure of diplomatic and consular missions in Kuwait. Under the 1961 Vienna Convention, the termination or suspension of diplomatic relations is a sovereign act of the respective states which had established such relations.¹⁰ Acceptance of the order to close the missions would have amounted to an acknowledgement of the authority of the State of Iraq to act on behalf of Kuwait. Although a protest would have been enough, a number of states kept their embassies open in Kuwait to underscore the refusal of the international community to accept the validity of the annexation. The Council supported this attitude, demanding, in Resolution 664 (1990), that Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of diplomatic immunity of their personnel, and refrain from any such actions in the future.

When Iraq attempted to enforce its decision concerning the closure of embassies and consulates, the response in the Council was once more unanimous.¹¹ In Resolution 667 it expressed outrage at the violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and of foreign nationals who were present in these premises, and it issued a veiled threat that non-compliance might trigger further enforcement measures, in addition to economic sanctions.¹²

ECONOMIC SANCTIONS

Iraq had initially announced its desire to withdraw quickly from Kuwait. Before adopting enforcement measures, the Council gave the government of Iraq four days to furnish evidence of the seriousness of its declarations. Much hope was placed in inter-Arab efforts of mediation in this respect, but there was no success. Hence, in Resolution 661 (1990), the Security Council imposed comprehensive economic sanctions. The Secretary-General was requested to report within thirty days from the adoption of Resolution 661 (1990) on the progress made in its implementation. To examine these reports, and to seek further information from states concerning the actions taken, a committee with membership identical to that of the Security Council was established.¹³

The request directed at the Secretary-General to report within thirty days on implementation was somewhat misunderstood by a few members of the organization. Jordan, for example, initially appeared to interpret this stipulation as allowing for a thirty-day period within which to decide upon the adoption of sanctions. However, Resolution 661 (1990) was binding from the moment of its inception and demanded immediate implementation. Similarly, the right of member states to consult the Council with respect to special economic hardship in accordance with Article 50 of the Charter did not imply that, pending a grant of relief, sanctions would not have to be implemented. This was made clear at the very first substantive session of the Sanctions Committee.¹⁴

Generally, however, compliance with Resolution 661 (1990) was astonishingly solid.¹⁵ National measures implementing sanctions were adopted in some 140 jurisdictions.¹⁶ Allegations concerning violations of the embargo were comparatively rare, and seldom substantiated.¹⁷

On one issue, however, consensus within the Council and the Sanctions Committee was soon threatened. A large number of foreign workers were stranded in occupied Iraq and Kuwait. Many of those were not permitted or were unable to leave and were lacking in supplies of food and medicine. Whereas the sanctions committee was able to grant certain exemptions, for example with respect to the use of aircraft, including Iraqi aircraft, to return mostly Western nationals out of the country, it had more difficulty in accepting that relief shipments for the remaining foreigners should be permitted. This issue was complicated by Iraq's demands that it would only permit entry of food shipments if they were made available to Iraqi civilians at the same time. This demand was contextually linked with the view, put forward in the Council by Yemen and Cuba, that food supplies were generally exempt from the application of Resolution 661. Reference was made to the provision in that resolution for exceptions in case of 'humanitarian circumstances'.¹⁸

However, the Council determined that it had to make a specific finding as to the existence of humanitarian circumstances within Iraq before being able to permit food supplies. The Sanctions Committee requested the Secretary-

General to ascertain whether such circumstances prevailed in Iraq. Perhaps unwilling to participate in this highly emotional debate, he reported back that he did not have the means to furnish such a finding. He was then requested to seek relevant information from United Nations and other agencies, with particular reference to children under fifteen years of age, expectant mothers, maternity cases and the sick and the elderly.¹⁹ At the same time, the Sanctions Committee began to authorize individual food shipments to supply the foreign nationals in Kuwait, provided that the supplier country could guarantee, through the involvement of agencies like the respective national Red Cross Societies, that this food would only be used for its intended purpose.²⁰

Upon the adoption of the conditions for cease-fire in Resolution 686 of 2 March 1991, the Council endorsed a fact-finding mission by Under-Secretary-General Martti Ahtisaari, whose report indicated that great suffering was setting in among the Iraqi population.²¹ On 23 March, the Sanctions Committee determined that relevant humanitarian circumstances prevailed within Iraq.

THE NAVAL AND AERIAL BLOCKADE

The United States and Great Britain, which had deployed significant naval forces in the region, decided to institute a naval 'interdiction' campaign a week after the adoption of Resolution 661. This measure engendered some controversy. It was taken under the following request of the Emir of Kuwait, made from his exile in Saudi Arabia:²²

Kuwait is grateful to all those Governments that have taken a principled stand in support of Kuwait's position against aggression and occupation by Iraq. It is considered essential that these efforts be strengthened so that the provisions of the relevant Security Council resolutions be fully and effectively implemented.

In the exercise of its inherent right of individual and collective self-defence and pursuant to Article 51 of the Charter of the United Nations, Kuwait should like to notify you that it has requested some nations to take such military or other steps as are necessary to ensure the effective and prompt implementation of Security Council Resolution 661.

This request had been made to the United States, Great Britain and a number of other states, and it was immediately accepted by the former two. Both states stressed that the operation was undertaken in the exercise of the right to self defence. Britain, in addition, added that

the Kuwaiti request is put firmly in the context of the economic sanctions, as was given in the drafting of it which I read out: ' . . . other steps as are necessary to ensure that economic measures designed to restore our rights are efficiently implemented'.²³