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The Failure of UN Diplomacy: The case of Iraq from the 1991 post – Gulf War to 2003

CHAPTER ONE: MULTILATERAL DIPLOMACY AT THE UNITED NATIONS

Introduction

This research aims at explaining the failure of the UN diplomacy in the case of Iraq. This will be done by analysing the use of diplomatic tools which include; diplomatic negotiations, resolutions and sanctions, and weapons inspections. The research specifically looks at the impact that was made by these diplomatic tools in an effort to peacefully disarm Iraq of weapons of mass destruction. The research also looks at the factors that undermined the use of the diplomatic instruments, which help in explaining the failure of the UN diplomacy in the twelve year long crisis.

Iraq was considered by the UN Security Council, not only, a regional but also an international threat when it invaded Kuwait in August 1990. Iraqi troops were then forcefully withdrawn by the Allied Forces led by the US, and as a condition of surrender, Iraq agreed to rid itself of all lethal weapons by totally rendering them harmless or destroying them. These included nuclear weapons and related components; long range missiles; and biological and chemical weapons. This was then to be enforced by the adoption of UN Security Council Resolution 687(1991), which called upon Iraq to fully disarm.

In order to ensure that Iraq fully complied with its disarmament obligations, the United Nations Special Commission (UNSCOM), which was later to be replaced by the United

Nations Monitoring, Verification and Inspection Commission (UNMOVIC), was formed. The Commission was to cooperate with the UN nuclear 'watch dog', the International Atomic Energy Agency (IAEA) in inspecting and dismantling Iraq's Weapons of Mass Destruction (WMD).

Furthermore, in an effort to prevent Iraq from importing materials that were related to the manufacturing of WMD, an oil embargo was passed, which restricted all transactions with Iraq, except for oil for food and some essential items such as medication, which were to be determined by the United Nations Coordination Committee on Iraq.

In an attempt to secure access for the UN inspectors at some Iraqi sites and resolve some outstanding issues between the UN and Iraq, and between Iraq and certain individual UN members, diplomatic negotiations were employed.

In spite of the fact that sanctions were considered by humanitarian organisations and certain UN member states to be coercive in that they deprived Iraqi civilians of essential commodities and services, consequently, compromising their health, and also weapons inspection activities having been seen by Iraqis to undermine Iraq's territorial integrity and sovereignty, the UN approach in dealing with the Iraq's weapons of mass destruction was pacific in character and was implemented in form of diplomatic tools designed to resolve the issue.

Scholarly and policy literature on preventive diplomacy is drawn upon to form the theoretical orientation of the research. The characteristic nature of the literature that of seeking to prevent disputes from escalating into crises or conflicts helps to analyse the Iraq disarmament crisis.

Preventive diplomacy is defined as effort to prevent potential disputes between parties, to prevent ongoing disputes from spreading into conflicts, and to limit the escalation of conflicts when they occur. Instruments of preventive diplomacy include;

> 1)'confidence-building measures such as the exchange of military missions, risk reduction centres, information exchanges, and monitoring of regional arms control agreements; 2) fact-finding in accordance with the UN Charter; 3) early warning; 4) preventive deployments, that is, inserting armed forces before a crisis develops; and 5) demilitarized zones'.[1]

Mediation and negotiation are also said to be part of the framework of preventive diplomacy. It is argued that preventive diplomacy fundamentally concerns techniques of conflict avoidance and conflict resolution like mediation, peacekeeping, peacemaking, confidence-and trust- building measures, and 'unofficial track-two' diplomacy. Preventive diplomacy is often defined as 'frontline diplomacy' that is undertaken by ambassadors, senior foreign officials, and personal envoy of the UN Secretary-General in a crisis where peace is at stake. In addition, preventive diplomacy may involve 'urgent efforts' through 'bilateral, multilateral, and unofficial channels' to 'pressure, cajole, arbitrate, mediate, or lend 'good offices' to encourage dialogue and facilitate a nonviolent resolution of the crisis'.[2]

In addition, preventive diplomacy involves interventions of diplomatic efforts at a distinct point during the life cycle of conflicts. Preventive diplomacy falls under three categories, 1) developmentalist diplomacy, which involves efforts to address long term societal and international problems from escalating into violent conflicts; 2) Preventive diplomacy that focuses on short-term concerns where there are high chances of violent mass conflict, and the objective being to take quick diplomatic action in order to prevent them from breaking out; 3) War diplomacy involving situations where conflicts are ongoing.[3]

This research is presented in five chapters. The first chapter discusses the concept of diplomacy by looking at its purpose and its nature. The chapter also looks at multilateral diplomacy by discussing its origin and its utility at the United Nations. Finally, the

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[1] Fen Osler Hampson, 'Preventive Diplomacy at the United Nations and Beyond', in Fen Osler Hampson and David M. Malone, From Reaction to Conflict Prevention: Opportunities for the UN System, Lynne Rienner Publishers, Inco., Colorado, 2002, p.140.
[2] loc.cit
[3] Ibid., p.141

chapter looks at coercive diplomacy and persuasive diplomacy within the framework of the United Nations' measures to deal with conflict.

The second chapter assesses the effectiveness of the UN resolutions and sanctions by looking at their aim, consistency, procedure, and accomplishments. This is done by analysing UN Security Council attempts in using resolutions and sanctions to disarm Iraq. In addition, the chapter looks in some detail at the impact of sanctions on Iraq.

The third chapter assesses the management of the Iraqi crisis through weapons inspections. In other words, the chapter analytically attempts to demonstrate how disarmament of WMD that were possessed by Iraq was carried out by the UN weapons inspectors.

The fourth chapter evaluates the role of the UN diplomatic negotiations in an attempt to peacefully disarm Iraq. This is done by looking at the concept of diplomatic negotiation and its purpose; the context of diplomatic negotiations and choosing when to negotiate; preventive diplomacy (as a form of UN diplomacy that was broadly applied in the Iraqi disarmament crisis); powers and limitations of the UN (within the context of the UN's capacity of diplomatic influence); and finally, seeking a diplomatic solution to the Iraqi crisis, in which both the UN's attempts as an institution, and some of its key members, are covered.

The fifth chapter provides an analytical framework that helps to explain the failure of the UN diplomacy in the case of Iraq. The chapter also attempts to provide the lessons learned in applying the UN diplomacy towards resolving the Iraqi crisis, and upon which perspectives are drawn in improving the viability and effectiveness of the world Organisation.

This research deals with a specific issue. It is limited to diplomatic actions which were aimed at disarming Iraq of its lethal weapons and that occurred from 1991 post-Gulf War to 2003, prior to the American led invasion of Iraq.

The research only covers relevant resolutions that are directly related to the Iraqi disarmament process. Moreover, the research broadly treats the UN diplomacy that was applied in Iraq within the context of preventive diplomacy. This is because the UN diplomatic tools covered under the research were utilised or implemented in form of preventative actions-that is, to prevent Iraq in posing a threat to its neighbours and the international security.

Diplomacy and its Purpose

In its classical sense, diplomacy is the conduct of foreign relations between and among states through formal practices and methods. Such practices include exchange of ambassadors, dissemination of communications among official representatives, and participation in face-to-face negotiations. However, the concept of diplomacy in the recent past has been broadened to mean, 'the general process whereby states seek to communicate, to influence each other, and to resolve conflicts through bargaining- either formal or informal-short of the use of armed force'.[4]

'Diplomacy is the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist'.[5] On the other hand, diplomacy is said to be 'a transaction between individuals or groups, and in order for it to be successful depends on three factors; first, producing an environment of opinion which is conducive to the attainment of the desired ends; secondly, providing the forms of agreement through which desired ends can be translated into practical terms; and thirdly, discerning the appropriate moment in which maximum effort can be invested. It is as well important to possess skills in presenting arguments and in-depth knowledge based on facts.[6]

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[4] Pearson, F., and Rochester, M., 'Playing the Game of International Relations: Diplomacy Before Force', in Pearson, F., and Rochester, M(eds), International Relations: The Global Condition in the Late Twentieth Century, McGraw-Hill, London, 1998, p.234

[5] Harold Nicolson, 'Origins of Organised Diplomacy', in Harold Nicolson (ed.), Diplomacy, Oxford University Press, New York, 1964, pp.4-5.

[6] Harold Nicolson, 'Origins of Organised Diplomacy', in Harold Nicolson (ed.), Diplomacy, Oxford University Press, New York, 1964, pp.4-5.

In an attempt to make the definition of diplomacy more comprehensive, purpose is attached: diplomacy involves promotion and defence of the key interests of a nation, applying every honourable means in an attempt to resolve conflicts through negotiation, persuasion, and mutual understanding.[7] In another sense, diplomacy has been regarded as the art of enabling the other party to have his own way.[8] Diplomacy is also defined as the exercise of controlling the use of power.[9]

However, at the United Nations diplomacy is defined as the action undertaken to solve international disputes by peaceful means through the methods of negotiation and conciliation. Diplomacy in this regard is purely an international activity at the United Nations and a basic activity to the purposes provided in the Charter.[10]

Diplomacy is an ongoing process. The skill is measured by obtaining desired ends of one's country; it could be a treaty, an exchange of students, or a trade agreement, while at the same time ensuring the satisfaction of the other country. However, according to diplomats emerging victorious in an agreement on a given issue should not call for contentment, given that there will be a different set of negotiations thereafter, in which the long term achievements are the key determinants of the victor.[11]

Nature of diplomacy

Essentially, the nature of diplomacy involves the management of international relations in order to meet the mutual benefits of all those concerned. The major constraint hindering its effectiveness and capabilities lies in the fact that the decision on what constitutes the mutual benefit is made by governments. The war in Vietnam is a typical example of this;

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[7] Livingston Merchant, 'New Techniques in Diplomacy', in E.A.J., Johnson, The Dimensions of Diplomacy, The Johns Hopkins Press, Baltimore, 1967, p.129.
[8] Geoffrey McDermott, 'Nature and Capabilities of Diplomacy', in Geoffrey McDermott (ed.), The New Diplomacy and Its Apparatus, The Plume Press Limited, 1973, p.37
[9] Ibid., p.53
[10] Pierson Dixon, 'Diplomacy at the United Nations', in David A. Kay (ed.), The United Nations Political Systems, John Wiley & Sons, Inco., New York, 1967, pp.81-82
[11] Eric Clark, 'The Diplomat Today', in Eric Clark(ed.), Diplomat: The World of international Diplomacy, Taplinger Publishing Company, New York, 1974, p.5

all United States diplomats and those of other countries agreed that participation in, and the escalation of, the war mutually benefited both US and South Vietnam. However, it has long been proven that those who opposed the war were actually right, but they were overruled by successive US governments under pressure from various non-diplomatic quarters. [12] Thus, it appears that the exercise of diplomacy is aimed at serving 'national interest' of nations.

In addition, diplomacy depends on the economic, military, social, cultural, and other resources of the concerned nation or group in relation to other nations or groups with whom the diplomat is dealing. For instance, one representing a small and poor nation is limited in terms of exerting a major influence on the world's important decisions. However, skillful diplomacy is likely to extract an important mutual benefit to all concerned regardless of the nature of the problem.[13] However, in some cases diplomacy is not always mutually beneficial- it may benefit one party whilst disadvantaging the other party.

Based on practice, the limitations of diplomacy are clear. Diplomacy is incapable of preventing governments or diplomats who have opted war as 'an extension of diplomacy'. However, there are a number of cases where diplomacy has helped to avert war at its brink: the Berlin and Cuba missiles crises are cases in point. Diplomacy can also help to limit the incidence of war, and can enable governments to reach a pacific settlement of a conflict while ensuring that such a settlement is satisfactory.[14]

However, diplomacy has proven unable at any point in time to prevent arms proliferation. It has also facilitated the formation of rival alliances and blocs. Given that the problems facing the world are increasingly apparent, the challenge is whether any new form of diplomacy can do better.[15]

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[12] Geoffrey McDermott, op.cit., pp.52-53.
[13] loc.cit
[14] Ibid., p.53
[15] Ibid., pp.53-54

Furthermore, the subject matter of diplomacy involves relations of a state to another state or to other states. It also involves relations among numerous states whether in an alliance, regional organisation or in the United Nations as well as relations of states in alliance to other powers or groups of powers. The traditional simplicity of bilateral negotiations remains the most important method of diplomatic activity but multilateral diplomacy including conference and parliamentary diplomacy presently plays a significant role.[16] Indeed the proliferation of multilateral diplomacy in the last 50 years has been perhaps the key characteristic of the changing nature of modern diplomacy

Diplomacy would well 'deserve oblivion' which as a consequence would affect humanity if it did not deal with reality. For diplomacy today the realities are a dynamic world, in which states as well as international organisations act as key agents of change. Diplomacy inevitably and conveniently reflects this rapid transformation. Not only has the subject matter of diplomacy, the interests of states, become numerous and complex, but the actors in the global diplomatic arena, that is, the number of states, have increasingly enlarged and the leading men of the past have been reduced to supporting roles for new principals.[17]

While a considerable degree of contemporary diplomacy involves techniques of negotiation that are practiced by ambassadors and envoys, the nature of diplomacy has evolved with the changing conditions in the international system.[18]

Conceptualising diplomacy simply as a way of solving problems by discussions and reasoning based on the assumption that the best argument will prevail is likely to be misleading. From the outset it is prudent to understand the dynamics of the issue at stake by acknowledging that something more than a mere difference of opinion, or failure to understand the other party's opinion is possible. Initially, diplomacy is found essential because of the apparent conflict of wills, which perhaps result from collision of interests,

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[16] M.A. Fitzsimons and S.D. Kertesz, 'Introduction', in Stephen D. Kertesz and M.A. Fitzsimons (eds.), Diplomacy in a Changing World , University of Notre Dame Press, Indiana, 1959, p.3
[17] Ibid., pp.3-5
[18] Ibid., p.235

each party anxiously pursuing its own way, even though, it is aware of all the realities surrounding the issue and clearly comprehends the viewpoint of the other party.[19]

In such a situation, reason and persuasion are unlikely to suffice because what is required is more than simply appealing to human intellect. It is a case of acting upon human wills probably on their willingness in order that more dynamic issues unfolded are introduced, in which the important thing is to skilfully put to use every possible inducement. In an attempt to implement this, negotiators have often used promises, appealed to interests, attempted at striking a bargain, and tools of cajolery.[20]

On the other hand, diplomats have resorted to the use of coercive means ranging from bullying, bluffing to threats. For instance if one is to prevent a strong country from invading a weaker country, one might have to go beyond doing something more than mere 'reason or beseech'. Therefore, diplomacy may involve anything short of actual war. It is on this basis that diplomacy is regarded to be better than the actual firing of guns.[21]

Multilateral Diplomacy

Despite existing divisions and differences reflected in various systems of ideology, varying levels of economic development and educational standards, the international community as early as the dawn of the nineteenth century, recognised the need for closer cooperation and understanding. This resulted in the creation of a number of organisations. Multilateral diplomacy as a new form of inter- state relations was inherited from the ever-increasing areas of international activity in Europe.[22]

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[19] Herbert Butterfield, 'Diplomacy', in Ragnhild Hatton (ed.), Studies in Diplomatic History , Longman, London, 1970, pp.360-361

[20] loc.cit

[21] loc.cit

[22] Andrestinos N., Papadopoulos, 'Definition, Actors and Factors Affecting Commonwealth Multilateral Diplomacy', in Andrestinos N. Papadopoulos (ed.), Multilateral Diplomacy Within The Commonwealth ,Martinus Nijhoff Publishers, London, 1982, p.3

The multiplication of international organisations after the First World War and the dramatic growth of international conferences and meetings after the Second World War gave a substantial boost to conference diplomacy and new dimensions to multilateral diplomacy. Multilateral diplomacy, therefore, was a result of this new international environment, which can be seen in terms of political, economic, legal, technical, and cultural realm.[23]

Not only does multilateral diplomacy occurs through institutions like the UN, but it occurs also through ad hoc conferences that take place among states sharing similar concerns. Examples of these include a series of international conferences that were held during the 1970s and 1980s on issues related to food, population, and the environment.[24]

While multilateral institutions and conferences are seen to play a significant role in international relations by bringing together a number of key participants, they however, create difficulty in resolving problems and in negotiations, given that they involve large open forums with a significant number of representation …, parliamentary bureaucracy, and open voting procedures.[25]

Multilateral diplomacy can be defined as the practice of international relations and their adjustment between and across a number of international actors in the framework of inter-governmental organisation. These relations include those between governments, governments and international organisations, and international organisations themselves. Their 'management and adjustment' is conducted in the framework of conferences and meetings and through activity cooperation and joint regional missions.[26] The United Nations presents a clear case in point where multilateral diplomacy is practiced. It is thus, worthwhile in the next section to look at how diplomacy at the United Nations is exercised.

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[23] Ibid., pp.3-4
[24] Pearson, F., and Rochester, M., op.cit., pp.241-242
[25] Ibid., p.242
[26] Andrestinos N., Papadopoulos, op.cit., p.4

Diplomacy at the United Nations

The United Nations being an association of sovereign countries in which the members are supposed, according to the Charter, to work toward certain common ends, there should be no place for the conduct of diplomacy, in the classical sense-that is, the conduct of affairs between states on the basis of national interest. As a basic provision not only are members required to use the world organisation in order to further their national interests but also to subordinate those interests to the attainment of certain ends that are seen to be in the common interests of all. These include peace-justice; enhancement of mutual relations among peoples; and the development of the social and economic progress of peoples.[27] However, given the nature of politicians and the fact that national interest is so strong a determinant of the behaviour of states, practice is more likely to diverge from theory

In theory, the members are required to cooperate to the attainment of the common interests, but the practice is far from what the theory provides. It is due to this that, presently diplomacy in the classical sense is broadly exercised at the United Nations.[28]

At the United Nations diplomacy is an international practice and a basic activity to the purposes of the United Nations Charter that aims at resolving international disputes through peaceful means as opposed to war. This is facilitated by negotiation and conciliation.[29]

Although much effort has been invested in utilising the great potential of the United Nations for negotiation and conciliation, with encouraging results, the practice for using the United Nations for national interests has been misused by many member states at the expense of the practice of negotiation and conciliation. Thus, this has undermined the operation of the World Organisation as a whole.[30] The United States and the British

[27] Pierson Dixon, op.cit. p.81
[28] Ibid., pp.81-82
[29] loc.cit
[30] loc.cit

bombings in Iraq in the name of containing Iraq's WMD capability and thereby 'preserve international peace and security' (which is a mandate of the UN Security Council) in the course of the United Nations diplomatic attempts to resolve peacefully the disarmament crisis is a case in point.

As a corrective measure to such obstruction, there is need for designing a mechanism that is based on the Charter provisions and which aims at constraining members in using the United Nations for the pursuance of their national interests. In other words, loopholes in the United Nations Charter that are exploited by some UN members to promote their national interests at the expense of the general interests of the other members, should be blocked.

However, for this to be realistically attainable, some form of balance of power among the key members of the UN is required as a means to check nationalistic actions of the UN member states that are contradictory to, or undermine the provisions of the UN Charter.

In the United Nations, proceedings are public and decisions are made through voting:[31]

This bears meaning when a broad issue of international concern is being debated. However, when the issue involves the vital interests of a major power, this open procedure proves difficult to deal with. A problem, which could be resolved by traditional methods of private diplomacy, tends to be difficult to handle when debated in the United Nations. This is because a seemingly minor issue is dramatised beyond its degree of importance due to opposing views during debate at the United Nations.

On the other hand, not only is private diplomacy 'unfashionable', but also has come to be labeled progressively immoral. This is probably because private diplomacy is associated with secret diplomacy, which is largely seen as 'plotting behind people's backs'. Yet, often Covenants that are made privately suggest that private diplomacy is often the best method of agreement. Covenants are often impossible to be made if they are subjected to

[31] Ibid., pp.88-89

public debate. The moral for diplomacy at the United Nations is seen in terms of the restraint made in advocating the discussion of complex issues in public debate and the extensive use of a number of alternative media present in the flexible organisation of the United Nations.

Nonetheless, private diplomacy is quietly and regularly practiced at the United Nations as well as diplomacy by public debate. It is observed that such preliminary preparation - that is, behind-the-scenes, which is meant for the public debate in Council, Committee or Plenary is normally the best practice in achieving fruitful results. In that regard, the role of the Secretary-General is of paramount importance. However, the view of a significant number in the United Nations seems to be that freedom of public discussion must be unrestricted and that every issue should be subjected to debate in the United Nations provided a member government wishes to raise it.

It is however, suggested that the United Nations should be more selective in its choice of issues to discuss, depending on whether or not the issue is against the Charter provisions. In that regard, consideration should be made to ensure that the discussion of a given issue submitted by a member country is going to promote efforts to reach a peaceful solution, and not an issue whose discussion falls short of the provisions of the Charter and is simply going to give a given group of member nations an opportunity to make propaganda against the other. It would be absurd not to realise that discussion of some given issues at the United Nations may realistically block the interests of peace in specific areas.

The Middle-East conflict involving Israel and Palestine is a typical example that can help to explain the preceding arguments. Discussing the matter at the United Nations (public debate) only blocks the interest of peace - ‘Roadmap to Peace’ since some member countries take ill-informed positions that out rightly compromise the sovereignty and national security concerns of the parties to the conflict.

As a consequence to the indiscriminate discussion at the United Nations, relations between friends are strained since differing positions on questions, which would otherwise demand private approach, are made public. The differences are emphasised by procedure in the United Nations, which is inevitable in public debate, that is, expressing one's position by a vote. A vote can either be for, or against or an abstention. For example, if the United Kingdom votes for and the United States against, on a given issue, this publicises a worrisome difference. Moreover, if one were to vote for, or against and the other abstains, it is apparent to the world that a significant difference exists.

In a world in which public opinion strongly shapes governments' policy, discussion at the United Nations can be such a great and influential force even though it may not produce immediate results. If, therefore, this force of public opinion is used selectively, as indicated in the preceding paragraphs, it can be indispensable in enabling the pressure of world public opinion to produce positive results when it is necessary.

However, the influence by public opinion on governments' policy is less of a factor in undemocratic states. Suggesting that some measures, depending on the prevailing situation, are necessary to bring about change in such cases.

Since private diplomacy facilitates the making of important Covenants and agreement at the United Nations, there is indeed, need to make a choice of issues for discussion either by adopting private diplomacy or public debate system depending on the sensitivity of a given issue - with regard to promoting pacific means of resolving conflicts. In addition, making choice on the approach- that is, private or public to be employed in discussion should depend on the urgency of the matter since some particular cases need quick diplomatic action if at all the situation is to be contained. For instance, considering that very often private discussions are time-saving and less contentious, an issue that needs a quick response should have to be treated under a private approach from which final deliberations are made in the plenary session (public approach).

Coercive diplomacy versus persuasive diplomacy

Coercive diplomacy

There is ongoing debate over the range of techniques and instruments that are relevant to preventive diplomacy:[32]

Whereas some assert that preventive diplomacy is the use of noncoercive diplomatic methods and peaceful means provided under Article 33 of the United Nations Charter (i.e., negotiation, inquiry, and mediation), others take a broader perspective of the available techniques and methods. Drawing from the Bosnia and Rwanda experience, using force on a limited scale and threatening to do so can play a useful role in conflict prevention. Whether the approach is broad or narrow, there is a growing extent of using mixed strategies that combine coercive measures with inducements. For instance some case studies indicate that use of 'credible threats' and/or earlier and effective use of military force would have made a significant difference and contained the situations.

The 1994 Rwandan genocide that led to the massacre of up to a million Tutsis and moderate Hutus in only a hundred days demonstrates the fact that, had the UN Forces intervened earlier, then the genocide would have been contained and thus, leading to a number of survivors.

It is argued that most preventive diplomacy interventions by third parties have involved some form of coercive diplomacy. Coercive diplomacy is also seen to have been useful in the Taiwan Strait crisis of 1996 and to have interesting similarities with the Cold War. Similarly the application of coercive diplomacy is observed in the negotiation of the Dayton Peace Accords and the negotiated 'removal' of the Cédras regime in Haiti. Though, these are not classical cases of preventive diplomacy.

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[32] Fen Osler Hampson, op.cit., pp.-145-146

According to the works of a number of scholars[33], the use of sanctions as an instrument of coercive diplomacy is on the increase. Although the use of sanctions has been advocated in some cases, especially targeted sanctions, it is argued that very often sanctions have only entrenched targeted regimes in power and instead hurt innocent civilians. Saddam Hussein's regime is an interesting case in consideration. Despite the twelve year long sanctions that were imposed on Iraq, in which, weakening the regime was among the objectives behind the sanctions, the regime grew stronger with increasing support based on humanitarian concerns in the deteriorating human conditions suffered by the Iraqi civilians.

Indeed the Iraqi situation presents a case where use of both coercive (credible threats) and persuasive measures was inevitable at an earlier phase of the conflict, suitably, immediately after the withdrawal of Iraqi forces from Kuwait. With diplomatic negotiations complementing such measures, would have probably made the situation more manageable.

Persuasive diplomacy: Positive incentives and inducements

David Cortright's study examines the role of positive inducements of the economic, political, and security variety in preventing armed conflict and encouraging more cooperative kinds of behaviour:[34]

It is argued that such incentives can be both conditional and unconditional and transcend traditional ways of reciprocity. The study mentioned above, among others, covers a variety of cases including targeted economic assistance programs, aid and developing packages, trade agreements, access to advanced technology. Among the key variables emphasised are the timing of inducements, sensitivity to the cultural context of conflict, the need to avoid appeasing evil, and avoid compromising morality (through packaged

[33] Ibid., p.146
[34] Ibid., pp.146-147

incentives that follow a systematic process of reciprocity that conditions the provisions of rewards which are contingent on specific concessions made by the recipient).

Moreover, in some cases, the promise to remove sanctions can act as a positive form of inducement. However, one of the challenges faced in any situation is making a decision on whether to emphasise incentives or sanctions in a given situation in order to limit moral abuse.

However, whether international organisations like the UN can effectively sustain an inducement strategy remains a puzzle. It is observed that a key drawback of coalitions or international institutions is that of sustaining policy commitment over time. Especially if the inducement strategy concerns security assurances or financial assistance, sustaining the necessary levels of support among the entire stakeholder nations will be difficult. This perhaps is due to a number of factors that include a weakening position of the hegemony, in case, the inducement strategy was heavily supported by the hegemony; competing interests among coalition parties; and the changing nature of relations between coalitions or international organisations and the recipient party.

Additionally, Preventive diplomacy is affected by the consistency of the objectives (modest rather than comprehensive objectives tend to be more preferred), whether one is aiming at influencing a single actor as opposed to a number of parties, as well as social and political issues in the affected nation (external forces seeking to change policy must first of all influence the political inclinations of key actors within the affected country).

It can then be said that perhaps if persuasive diplomacy was applied in terms of removing sanctions that largely compromised the living standards of the ordinary Iraqi citizens and thereby mobilised international support on humanitarian grounds against the sanctions, and in a sense gave moral support to the Iraqi regime, would have appealed to the behaviour of the regime toward more cooperation with the UN weapons inspectors.

CHAPTER II: EVALUATING UN RESOLUTIONS AND SANCTIONS

UN Security Council

In an effort to ensure timely and effective action by the United Nations, members entrust the Security Council with primary responsibility for the maintenance of international peace and security.[1] The Security Council determines the existence of any threat to the peace, its breach, or act of aggression, and makes recommendations, or decides on what measures need to be taken in accordance with Article 41 and 42, with a view to maintain or restore international peace and security.[2]

In order to enforce its decisions, the Security Council decides on non-military measures to be employed and calls upon members of the United Nations to implement such measures. These range from complete or partial economic sanctions to severance of diplomatic ties.[3]

However, if the Security Council considers that the non-military measures are ineffective or have failed to produce the desired results, it may adopt military measures in order to maintain or restore international peace and security.[4]

It should be noted that, the Security Council enacts resolutions in order to implement its decisions and actions. Meaning that if the Security Council decides to impose sanctions, in line with its mandate, on a targeted country or regime, this is preceded by the UN Security Council resolutions. It is important to look at this process in detail, in the proceeding sections within the context of the Security Council's pursuit of diplomatic options in an attempt to disarm Iraq.

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[1] United Nations, ' Security Council: Functions and Powers', in Charter of the United Nations, New York, USA, 1945, p.19
[2] Ibid., p.26
[3] Ibid., p.27
[4] loc.cit

Security Council Resolutions: From Peace Enforcement to Maintaining Peace and Security

After the liberation of Kuwait in 1991, Iraq continued to violate international norms and rules[5]: It resumed its threat against the state of Kuwait with its forces infiltrating into Kuwait territory and taking some hostages. In reaction to that, the Security Council adopted resolution 687 on 3 April 1991 condemning, among other things, such Iraqi practices, and considered holding hostages, a form of 'international terrorism'.

On 5 April 1991, in resolution 688, the Security Council condemned the acts of repression imposed on the Iraqi population in many parts of Iraq including the Kurdish population areas. The Security Council believed that the results of such acts amounted to a threat to international peace and security in the region. This threat was a result of the repression that caused the exodus of refugees on a large scale across the international border and the occurrence of raids across the boundaries.

On 15 August 1991, the Security Council strongly condemned in resolution 707 the violations made by Iraq regarding its international obligations of the immunity, privileges and facilities enjoyed by the inspectors that were mandated by the Security Council and the International Nuclear Power Agency to inspect Iraq's capabilities relating to nuclear, chemical and biological weapons as well as mobile rockets.

In resolution 806, which was adopted on 5 February 1993, the Security Council condemned a series of border incidents that occurred to the UN observer team in the demilitarised zone on the Iraq-Kuwait borders.

Moreover, resolution 949 adopted on 15 October 1994, strongly condemned the military mobilisations made by Iraq on the borders with Kuwait, which threatened its neighbours and the UN operations in Iraq. In addition to this there is a long list of Security Council

[5] Al Ghunaim, Abdulla, 'The Role of the UN in Settling the Kuwait-Iraq Case', in Al Ghunaim Abdulla(ed), United Nations Role in Mantaining International Peace and Security: Kuwait-Iraq Case Study, Center for Research and Studies on Kuwait, Kuwait, 1995, pp.36-37

resolutions and statements by the Council's president, which denounced Iraq for its partial compliance with the UN resolutions with regard to the Kuwait-Iraq case. The foremost of which being resolution 687(1991) which provided for the conditions of the official cease-fire of the Kuwait's liberation war.

Following these repeated condemnations, Iraq was politically isolated. Such condemnation may be sufficient in itself to constrain acts of aggression given the influencing character of international pubic opinion. However, in some cases, the Council may deem it necessary to take positive measures to restore peace and security. Such measures may range from imposing non-military sanctions to direct military intervention.

Close consideration of the above preceding Security Council resolutions that were imposed on Iraq, reveals a structural problem in form of an enforcement mechanism. The enforcement mechanism could be in form of a credible threat or a carrot aimed at conditioning the behaviour of the targeted entity. This clearly explains Iraq's continual behaviour in breaching its international obligations, obstructing weapons inspectors, and violating the provisions of the United Nations Security Council resolutions.

Halting the Iraqi aggression and liberating Kuwait were not the only aims sought by the Security Council[6]:

There was another more comprehensive aim that was far-reaching in its impact on the future of both the region and international relations in general. This was ensuring that such aggression would not be repeated in the future. In other words, the UN had to move from the stage of peace enforcement by stopping acts of aggression to the stage of maintaining peace and security in the region by seeking guarantees that would deter the future outbreak of other armed conflicts in the region.

As an emphasis to the second aim of guaranteeing that Iraqi aggression would not recur, the Security Council in its resolution 686(1991) provided for the stability of the region by

[6] Ibid., pp.60-66

recognising the need to be sure of Iraq's peaceful intentions for restoring international peace and security in the region. Realising the last aim (ensuring the stability of the region) was relatively complicated than the first aim (halting the Iraqi aggression and liberating Kuwait) because of the 'numerous factors, their interrelationships, and their inseparability from the future of regional and international balances'. Thus, its realisation required consideration of a number of different aspects.

In assuming its responsibility of dealing with the last aim, the UN drew mainly from Security Council resolutions 686 and 678 adopted on 2 March and 3 April 1991, respectively. The first resolution provided for the conditions for halting the combat operations while the second, which is more important, included the provisions for securing the maintenance of peace and security with a view to preventing the repetition of acts of aggression in the future.

Resolution 686(1991) constituted a new stage for the Security Council in managing the Kuwait-Iraq case. The council began to set up arrangements that were required for restoring peace in the region and maintaining security. This was reflected in resolution 687(1991), which outlined 'comprehensively and in detail standardised methods and specific programmes' to effect its implementation with the aim of depriving Iraq of its abilities to pose a threat to regional and international peace in the future.

In addition, resolution 687(1991) called upon Iraq to ratify the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxic Weapons and on their Destruction. The resolution also bound Iraq to unconditionally recommit itself in abiding by the Non-Proliferation Treaty (NPT) of 1968, and affirmed that Iraq should without any condition attached agree not to possess or produce any nuclear weapons or materials that would be used to produce nuclear weapons. The resolution further stated that Iraq should unconditionally permit, under international supervision, the destruction of all chemical and biological weapons, all ballistic missiles with a range greater than 150 kilometres, and related key components and facilities used in their production.

In order to ensure Iraq's compliance with resolution 687(1991), the United Nations Special Commission (UNSCOM) was formed which was also given the mandate to continuously verify the same in the future. The Commission cooperated with the IAEA in inspecting and dismantling Iraq's nuclear facilities. These obligations and tasks were marched with specific schedules of implementation in resolution 707 of 15 August 1991 and resolution 715 of 1 October 1991.

The strictness with which Iraq was treated by the UN was based on the suspicion attached to the Iraqi regime, which had a track record of evading its international obligations. This evasion was reflected in its persistent 'arrogance and adventurous' attitudes which were made known in its periodic pronouncements affirming its intents of realising its ambitions and regional aspirations.

It is then not surprising that the task of disarming Iraq was a big hindrance towards normalising relations with that state and lifting the economic sanctions that were imposed on it. Periodical review of the sanctions was carried out every sixty days in response to Iraq's compliance with the cease-fire and disarmament terms as provided by resolution 687(1991).

On the other hand, disarming Iraq with reference to the provisions of resolution 687(1991) was a prelude to establishing an international or regional standard system of disarmament, especially relating to weapons of mass destruction (WMD). This standard would apply to all states. However, the Western states influenced by the United States of America failed to put enough pressure on friendly states[7] in order to comply with a comprehensive mechanism for reducing armaments and the disarmament of weapons of mass destruction in the region.

This position that was taken by the Western states influenced by the US, seemed likely, in the eyes of Iraqi authorities to be dishonest, impartial, and a move towards totally

[7] An example of a friendly state with the Western States and the US and which was thought to possess WMD is Israel.

incapacitating Iraq in the face of its unfriendly neighbours. Thus, this might broadly explain Iraq's dishonesty and obstructions during the weapons inspections and disarmament activities, if one looked at Iraq's behaviour within the context of seeking to guarantee its national security.

Additionally, calling upon Iraq to agree unconditionally not to possess or produce any nuclear weapons or materials that would be used in the production of nuclear weapons, was seen by Iraq as a violation of its sovereignty and territorial integrity. This requirement is inconsistent with the Nuclear Non-proliferation Treaty (NNPT) which provides for the terms under which a State may withdraw from the treaty[8]-that is, issuance of a three months advance notice should circumstances deemed to compromise its national interests occur.

Moreover, by seeking to establish a regional standard of disarmament of WMD but only implementing the policy on Iraq in the face of unfriendly environment with its neighbours[9], was itself, self-defeating. This would subject Iraq to a state of surrender and thus to a selfless defence situation. Therefore, this forms part of a valid explanation that made efforts toward disarming Iraq an extremely complex exercise. Further, this perhaps explains Iraq's obstructive behaviour in dealing with the UN inspectors.

Relevant Security Council Resolutions: An Analysis

Resolution 686(1991) sought to maintain international peace and security in the region by ensuring that guarantees were put in place to stop any future conflicts. Tasks undertaken by the UN to implement this resolution were very ambitious and controversial. As a corrective measure, the Security Council under Resolution 687(1991) provided for arrangements that were necessary for restoring peace and maintaining security in the

[8] Daryl Kimball, 'The Nuclear Nonproliferation Treaty at a Glance', www.armscontrol.org, Jan 2003

[9] As earlier mentioned, Israel was alleged to possess WMD and largely is regarded an 'enemy of the Arabs' Iraqis inclusive. The relations between Iraq and Iran were still questionable, besides Iran was suspected to possess WMD.

region. The resolution outlined extensive and systematic methods, and specific programs for its enforcement. It aimed at totally disarming Iraq and thereby rendering it unable to threaten regional and international peace in future.[10]

Despite unconditional acceptance of resolution 687(1991) by Baghdad, some of its provisions infringed on its sovereignty and were strongly condemned by the Iraqi authorities. Although the regime in Baghdad had formerly agreed to comply with the resolution, it was deeply reluctant to implement it. This resulted in a conflict of interests between Saddam Hussein and Western leaders concerning the interpretation and implementation of resolution 687(1991) which went on for over nine years.[11]

Most of the 'controversy in the confrontation' between Iraq and the UN stemmed from the disarmament provisions of Resolution 687(1991). The resolution had demanded that Iraq present within fifteen days, full declaration of its entire nuclear, chemical, and biologically related materials and capabilities. In spite of this provision, a full account of Iraq's weapons of mass destruction had not been made in more than nine years.[12]

It should be noted that even though Iraq agreed under pressure accepted to comply with Resolution 687(1991), the fact that it was seen to undermine its sovereignty was a big flaw, in that, it produced fruits of dishonesty and distrust in Iraq. Indeed based on the above premise, conflicts of interest were bound to arise between the Iraqi authorities and Western leaders or the United Nations concerning the interpretation and implementation of the resolution; while Iraq was able to make some steps toward complying with the resolution under pressure, it was naturally determined not to give up its sovereignty by implementing provisions (under disarmament resolution 687 of 1991) that compromised that position. Thus, the failure by the UN Security Council to harmonise provisions in resolution 687(1991), which infringed on Iraq's sovereignty was responsible for the differing interpretation, and consequently, the inadequate implementation of the

[10] Al Ghunaim Abdulla, op.cit., pp.60-61
[11] David Cortright et al, 'Sanctions Against Iraq', in David Cortright et al(eds), The Sanctions Decade: Assessing UN Strategies in the 1990s, Lynne Rienner Publications, Boulder, Colo, 2000, p.42
[12] Ibid., p.43

resolution. Moreover, this was a key factor determining the success or failure of the UN Mission in disarming Iraq.

After Iraq denied UNSCOM teams access to sites under investigation[13] in June 1996, the Security Council passed Resolution 1060 on 12 June 1996. The resolution condemned Iraq for breaching the provisions of the Security Council Resolution. The resolution also required that Iraq immediately permit unrestricted access to all sites that were designated for inspection by UNSCOM.

Despite Iraq accepting Resolution 1060(1996) almost immediately, Iraq again denied access to another inspection team, attaching sensitivity to some sites. Modalities were then established for inspecting sensitive sites with a view to take into account legitimate security concerns submitted by Iraq. As a result Iraq provided 'full, final and complete' disclosure of its prohibited biological, chemical, and missile programme and weapons. Iraq later allowed UNSCOM to remove remnants of missile engines for concrete analysis outside Iraq, although it had initially blocked the move. A year later Iraq again interfered by denying UNSCOM access to certain sites, which had been designated for inspection.

The continued violation by Iraq of its obligations, including its decisions to seek to impose conditions on cooperation with UNSCOM were condemned under Security Council Resolution 1137(1997).[14] The resolution also imposed a travel restriction on Iraq officials who were responsible for instances of non-compliance. The following day after Resolution 1137, Iraq asked the UNSCOM personnel of the US nationality to leave Iraq immediately. The UNSCOM personnel temporarily withdrew from Iraq. Following intensive diplomatic discussions between Iraq and the Russian Federation, Iraq accepted the return of the Commission with its full complement staff to resume its inspection activities.

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[13] UNSCOM: Chronology of the Main Events, http://www.un.org/Depts/unscom/Chronology/chronology.htm, pp.5-6

[14] Ibid., pp.7-9

Moreover, on 22 Dec. 1997 the Security Council issued a statement calling upon Iraq to cooperate fully with the Commission and stressed that failure by Iraq to grant immediate, unconditional and unrestricted access to any site was unacceptable. Despite all this, Iraq continued to block the inspectors from carrying out their work.

In the statement issued by the president of the Security Council on 14 Jan. 1998, Iraq's actions were termed as unacceptable and a clear violation of the relevant resolutions. In addition the Security Council reiterated its demand that Iraq cooperate fully and immediately without conditions. Despite the Council's Statement on the need for unrestricted access to all sites, Iraq insisted that access to eight presidential sites was not to be granted.

In an attempt to convince Iraq to accept the provisions under Resolution 1060(1996) which required that Iraq grant access to all sites, the United Nations Secretary-General had diplomatic discussions with Iraqi authorities. This resulted in a Memorandum of Understanding (MOU). Thus the Secretary-General secured Iraq's reconfirmation of its acceptance of all relevant resolutions of the Security Council, and reiterated its undertaking to cooperate fully with the Commission and the IAEA. Under the terms of the Memorandum, Iraq also pledged to accord to UNSCOM and IAEA immediate, unconditional and unrestricted access in conformity with the resolutions of the Council. For its part, the United Nations reiterated the commitment of all member states to respect the sovereignty and territorial integrity of Iraq.

In addition, the Memorandum included a commitment on the part of the Commission to respect the legitimate concerns of Iraq relating to national security, sovereignty and dignity. Moreover, the Memorandum provided for the establishment of special procedures, which would apply to initial and subsequent entries for the performance of the tasks mandated at the eight presidential sites.

By looking at the preceding resolutions it can be seen that in addition to concerns related to the sovereignty and territorial integrity of Iraq, was that of its national security. It is

also evident under the resolutions that whenever efforts were made toward assuring Iraq of its national security, Iraq responded in the affirmative-that is, by granting access to the UN inspectors, and conversely, whenever there was or seemed to be a threat to its national security. This could be exemplified by the MOU between the UN Secretary-General and the Iraqi authorities, which inter alia, provided for the assurance of Iraq's security and thus prompted Iraq to grant full access to all sites including the presidential residences.

Iraqi partial compliance with disarmament resolution 687(1991) was not acknowledged by the UN Security Council. The resolution required that compliance by Iraq be acknowledged by relaxing the oil embargo**.** Failure by one party to reciprocate after the other party has made effort to meeting its obligations is an unhealthy situation that will tend to lead to the breakdown of relations or commit the conceding party towards adopting a hard stance. This probably explains Iraq's actions of halting cooperation with the UN inspection teams and attaching conditions to the resumption of the UN activities and inspections.

Moreover, the strictness of the UN resolutions specifically the provisions calling upon Iraq to give unconditional access to all sites and cooperate fully with the UN inspection teams, not only undermined Iraq's sovereignty and territorial integrity but also denied it the opportunity to exercise its role as a party in resolving the conflict.

Following that, the Security Council endorsed the provisions of the MOU under Resolution 1154(1991)[15]:

On the 6th of May 1998 the Executive Chairman of UNSCOM informed the Council that its requirements with respect to access to sites were sufficiently implemented to allow for the lifting of the travel ban that was imposed under Resolution 1137(1998). On that basis, Iraq called upon the Executive Chairman to certify to the Security Council that the requirements of section C under Resolution 687(1991), which required that Iraq

[15] Ibid., pp.9-11

unconditionally accept the destruction, removal, or render harmless all chemical and biological weapons and all ballistic missiles with a range greater than 150 kilometres, under international supervision, were met, from which the Executive Chairman responded that he had no authority to do so.

In reaction, Iraq decided to halt cooperation with UNSCOM and the IAEA pending Security Council agreement to lift the oil embargo, reorganise the Commission and move it either to Geneva or Vienna. While in the interim, Iraq would, based on its own terms, permit monitoring under Resolution 715(1991), which demanded that Iraq unconditionally meet all its obligations under the plans approved by the resolution and cooperate fully with the UNSCOM and Director General of the IAEA in implementing the plans.

In a report to the Security Council, the Executive Chairman of UNSCOM said that Iraq had halted all disarmament activities, and that its actions with respect to monitoring had impinged on the effectiveness of the monitoring system to the extent that the Commission was unable to continue to provide the Security Council with the same level of assurances of Iraq's compliance with its obligations- not to re-establish its proscribed weapons programmes. The Security Council reiterated its support for UNSCOM in the full implementation of its mandate, and noted that Iraq was obliged to provide the Commission with cooperation necessary for it to undertake activities, including inspections.

As a result, the Security Council in Resolution 1194(1998)[16] unanimously condemned Iraq's decision to suspend cooperation with UNSCOM, terming Iraq's actions a totally unacceptable contravention of its obligations, and demanded that Iraq rescind its decision. The Security Council also decided not to conduct the sixty days sanctions reviews until Iraq complied with the resolution.[17]

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[16] Ibid., p.11

[17] The Commission was to report to the Council that it was satisfied that it had been able to exercise its full range of activities including inspections.

On 31st October 1998 Iraq announced that it was going to cease all forms of interaction with UNSCOM and its Chairman and halt all UNSCOM's activities inside Iraq, including monitoring. In response, the Security Council in a press statement unanimously condemned Iraq's decision to cease all cooperation with UNSCOM.

On 5 November 1998 Security Council Resolution 1205(1998) unanimously condemned Iraq's actions and demanded that Iraq immediately and unconditionally rescind its decisions of 5th August and 31st October 1998. Through a statement that was issued on the 14 November 1998, Iraq pledged full support with the Special Commission and the IAEA. However, according to the UNSCOM, Iraq did not provide full cooperation as had been promised and the Commission had to withdraw its staff from Iraq.

After halting its disarmament related activities and inspections, for almost four years, the United Nations Security Council passed Resolution 1441(2002):[18]

The resolution was based on the recognition that Iraq posed a threat to international peace and security[19] due to its failure in the past to comply with Security Council resolutions. In addition, the resolution was premised against Iraq's proliferation activities of weapons of mass destruction and possession of long-range missiles. Moreover, the resolution was drawn on the basis of Chapter VII of the United Nations Charter, which mandates the Security Council with the maintenance and restoration of international peace and security.

The resolution's main objective was to ensure that Iraq fully and immediately without any conditions or hindrances complies with its obligations under disarmament Resolution 687(1991) and all the other relevant resolutions.

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[18] Department of Public Information, 'Iraqi Material Breach of Disarmament Obligations', in Resolutions and Statements of the Security Council 2002, United Nations, New York, 2002, pp.76-82

[19] It is worth noting that Resolution 1441 was passed slightly a year after 9th Sept 2001 terrorist attack on the US and after the labeling of Iraq as part of the axis of evil by US President, George W Bush. This was also a period the world had joined forces to combat international terrorism

Further, the resolution aimed resolutely to disarm Iraq and was to be the final opportunity for Iraq to comply with all its disarmament obligations under relevant resolutions of the United Nations Security Council.

In addition, the resolution aimed at ensuring that no hostile acts or threats were made by Iraq against any personnel of the United Nations or of any Member State during their mandated disarmament activities and inspections. Moreover, in order to comply with its disarmament obligations, the Security Council demanded that Iraq submit biannual declarations. The declarations which were to be done not later than 30 days from the date on which the resolution was passed were to include an accurate and complete account of all aspects of Iraq's programmes related to the development of chemical, biological, and nuclear weapons, and other weapons of mass destruction.

The urgency and nature- explicitly providing for sticks in form of threats in case of non-compliance of Resolution 1441(2002) bore some positive results by committing Iraq to comply with its obligations under disarmament Resolution 687(1991), and also committed Iraq to meeting the initial step of its disarmament obligations, that of, an accurate and complete declaration of all programmes related to the development of weapons of mass destruction.

However, the UN activities and inspections aimed at peacefully disarming Iraq came to be disrupted by the US's military intervention under the guise that Iraq had failed to declare a part of its programmes of weapons of mass destruction, and therefore, had contravened its obligations to comply with the UN resolutions.

Sanctions imposed on Iraq: An Evaluation

Sanctions are non-military measures that seek to exert pressure on a targeted authority in order to comply with Security Council's objectives. Thus sanctions provide an important instrument for the Security Council to enforce its decisions.[20]

The sanctions that were imposed on Iraq in response to its invasion and occupation of Kuwait[21](United Nations Security Council Resolution 661, 1991) were the most comprehensive measures ever devised by the UN. They have been in existence for more than nine years. As a consequence of this prolonged 'economic strangulation', combined with the destruction as a result of the 1991 Gulf War, one of the devastating humanitarian crises of the decade that has resulted in hundred of thousands of premature deaths among Iraqi children, has been witnessed.

In an effort to address this crisis, the UN mobilised the largest humanitarian relief operation ever seen in its history, the oil for food programme. By 1995 the program had cost over $4.5 billion worth of food and medicine to the Iraqis. Despite all this effort, the political results of the UN sanctions seemed insignificant. Resolution 661(1990) failed to achieve its fundamental objective of forcing the withdrawal of Iraq from Kuwait, which gave way to the 1991 Gulf War. Nor were sanctions successful in enforcing full compliance with Gulf War cease-fire Resolution 687(1991), especially its mandate of totally disarming Iraq of its weapons of mass destruction.

In light of the preceding ineffectiveness of UN sanctions- that is, within the context of hurting the Iraqi population rather than the regime of Saddam Hussein, Cortright et al suggest that sanctions in themselves, are dysfunctional and violate human rights. On the other hand, however, it is argued that the 'failings' of sanctions had more to do with the flaws in the overall US/UN policy toward Iraq than the limitation of the instrument. This argument is based on the fact that sanctions imposed pressure against the regime in Baghdad causing it to concede by way of implementing some steps toward compliance,

[20] Department of Public Information, 'International Peace and Security', in Basic Facts About the United Nations, United Nations Department of Public Information, New York, 2000, pp.77-78

[21] David Cortright et al, op.cit., pp.37-39

and that sanctions enabled the UN partially achieve many of its objectives in Iraq. Moreover, the ongoing political hostilities between Iraq and the West (including continuing US/British bombing raids) hindered the 'development of a bargaining dynamic' and as a result prolonged both the political crisis and the suffering of the Iraqis.

It should then be said that, though, the imposition of sanctions creates unintended negative humanitarian consequences, their success or effectiveness largely depends on their specific motives which, in turn, depend on a given approach adopted in order to enable compliance by the targeted authority/entity. This therefore, reveals that sanctions that were imposed on Iraq had mixed motives within the influential members of the UN different from those of the UN as an organisation, with compliance through diplomatic engagement rather than political goals, not being their ultimate goal.

One of the key features of the UN sanctions regime was that which called upon Iraq to apply to the UN Security Council for permission to engage in trade-that is, how much oil it could sell, which terminals such oil was to be transported for export, how much and what to import, among others. In addition, the cease fire Resolution 687(1991) provided for the creation of a special UN-administered compensation fund in which 30 per cent of revenue from Iraq's oil was to be diverted in order to pay compensation for claims against Iraq for any direct loss or damage, including damage to the environment, natural resource depletion, injury to foreign governments, nationals and corporations, as a result of its invasion of Kuwait.[22]

Moreover, in a July 1991 mission report to the UN Secretary General it was estimated that in the following twelve months, Iraq was in need of $6.85billion to cover essential imports. These imports were required in order to provide two- fifths of the pre-war per capita levels of clean drinking water and to repair the damaged sewage treatment plant, to purchase enough imports in order to restore health services to pre-war levels, to import sufficient food to sustain a population that was disaster-stricken, to provide improved

[22] Abbas Alnasrawi, 'Economic Devastation, Underdevelopment and Outlook', in Fran Hazelton(ed), Iraq Since the Gulf War: Prospects for Democracy, Zed Books, London, 1994, p.84

feeding programmes in order to meet the nutritional needs of malnourished children and pregnant and lactating mothers, to restore generation of power to one half of pre-war level, and to repair both refineries in northern Iraq.[23]

However, instead of approving the annual allocation of $6.85billion as was recommended by the mission, the UN Security Council resolved to permit Iraq to sell $1.6billion of oil. The degree of control intended by the UN Security Council over Iraq's economic future was reflected in the restrictions contained in the Security Council Resolution 706 of 15 August 1991 that were imposed on Iraq. The resolution provided that Iraq was 'allowed a limited one- time sale of $1.6billion worth of oil' over a period of 6 months to fund the imports of humanitarian items that were needed by the Iraqis and to repair damages caused by the war. Although, Iraq was to choose buyers, the UN Sanctions Committee was to give approval to each contract.[24]

Furthermore, the UN resolutions provided for other restrictions. These included the deposit of full amount of each transaction by the oil buyer into an 'escrow account' that was set up and managed by the United Nations. In addition, the resolution required that oil be exported via the pipeline which runs through Turkey with full UN monitors to ensure compliance with the resolution. According to the resolution, 'Iraq was not to have access to the full revenue from the sale'; 30 per cent of the revenue, $490million was to be allocated to the compensation fund and 186million was to cover the cost of various activities of the UN agencies in Iraq, while the balance $934million was to be used by Iraq, but with approval from the UN Sanctions Committee, to purchase food, medicine and other essential civilian commodities. Payments for such purchases were to be approved by the Secretary- General from the escrow account. This meant that none of the oil revenue would be handled by Iraqi government.[25]

The strictness with which Iraq was treated clearly implies that Iraq was stripped off its sovereignty as a country since such restrictions on its economic freedom of action

[23] Ibid., pp.84-85
[24] Ibid., p.85
[25] loc.cit

suggest that it was unable to determine the destiny of its people through self- initiated development strategies. In addition, the decision by the Security Council to approve an annual allocation of $1.6billion instead of $6.65billion worth of oil revenue, as was approved by the UN Mission, which in effect was meant for essential imports related to humanitarian needs indicates that there was rather a different agenda of the Security Council with deep political connotations other than that of constraining the regime in Baghdad towards compliance with disarmament demands. Thus, this further blurred any possibility of reaching a negotiated settlement to the Iraq disarmament crisis through diplomatic options, since it further entrenched the hostilities between the parties to the conflict.

Analysing the Impact of Sanctions on Iraq

According to Chesterman and Pouligny sanctions are more effective if the key objective is to cause an impact on actors in the target state. It is important that sanctions are not treated as 'a form of punishment but as a form of economic coercion'. Thus, such coercion is 'most effective when sticks are accompanied by carrots'. On the other hand, if sanctions are to achieve their desired goal, there is need for the sanctions regime to target actors in the developed world, in particular those dealing in arms and money laundering.[26]

Indeed the preceding argument- that is, the need for sanctions to target both actors within and outside the target state, helps to explain the difficulty that was encountered in disarming Iraq. Suggesting that there was need to identify and restrain Iraqi foreign suppliers of WMD related materials as a complementary effort to effectively disarm Iraq.

The key factor for determining the likely success of sanctions lies in the objectives being aimed at. Evidence suggests that sanctions in themselves are often unable to appeal to the

[26] Simon Chesterman and Beatrice Pouligny, 'Executive Summary', in Simon Chesterman and Beatrice Pouligny(eds.), The Politics of Sanctions: Policy Brief, International Peace Academy, New York, 2002, p.i

targeted regime towards changing its major policy. The more ambitious instrumental objectives are, the less likely are sanctions in themselves able to achieve these ends. For instance, if the goal is containing the military aggression, destroying the military resources of an adversary, or bringing about regime change, sanctions alone will fall short of being effective. However, if the goals are more modest, for example aiming at convincing the targeted regime to the bargaining table, prospects for success are increased.[27]

In addition, the success of sanctions is based on a range of economic factors that are objective in character. Most major studies concur with the following conditions to be behind the success of sanctions: in cases where the economic cost of sanctions on the targeted country is immense, more than 2 per cent of gross domestic product; when the country targeted has highly dependent trading ties with the principle countries enforcing the sanctions; and when enforcing countries of the sanctions are larger economies than the targeted regime.[28]

Moreover, timing is another factor in determining the effectiveness of the sanctions. It is stated that successful sanctions require, on average, at least three years to have achieved their political objectives. It is argued that the greatest impact of sanctions should occur during the first year. It is therefore crucial that in order to maximise the effectiveness of sanctions, bargaining with the targeted regime begin in the initial period of the sanctions' enforcement.[29]

Indeed most of the above mentioned conditions necessary for the effectiveness of sanctions were present in Iraq. It is true that the economic cost of sanctions was enormous and the enforcing authority-that is, the influential members of the UN were, by far, larger economies than Iraq, and therefore, as stated if bargaining with the targeted regime in this case Iraq, had began in the initial stages of the sanctions, might have maximised the effectiveness of the sanctions. The strong economic powers would have

[27] David Cortright et al, op.cit., pp.17-18
[28] Ibid., p.18
[29] loc.cit

put to use ‘economic statecraft’ and diplomatic measures to engage the regime in Baghdad in a meaningful disarmament process.

Another factor to consider in assessing the effectiveness, especially of UN multilateral sanctions, is that the major states that dominate the sanctions policy may harbour purposes in mind that are different from the official objectives stated. In the case of Iraq, for example, the officially declared purpose of the UN sanctions was to ensure Iraqi compliance with Resolution 687(1991). However in the case of the United States, Great Britain, and other countries, maintaining comprehensive sanctions also served political motives. Although the declared UN objective of ensuring Iraqi compliance with Resolution 687(1991) was only partially fulfilled, the goal of containing Saddam Hussein regime’s military potential for aggression was achieved.[30]

The official objective of the UN that was to ensure Iraqi compliance with Resolution 687(1991) implicitly provided for the containment of Saddam Hussein regime’s military potential for aggression. By providing for complete disarmament of Iraq in the resolution meant that the regime’s potential to pose a threat or carry out acts of aggression was to be contained. Suggesting that other motives outside the declared UN purpose only exacerbated the diplomatic landscape of resolving the issue.

It is noted that sanctions pose a dilemma for the United Nations’ mandate of promoting peace while ensuring the protection of human needs; humanitarian and human rights policy goals are difficult to reconcile in the course of sanctions enforcement. Economic sanctions are largely a harsh instrument and may impose suffering on a civilian population, which is disproportionate to likely political benefits. Similar concerns about the humanitarian impact of sanctions are expressed; it is questioned as to whether hardships endured by the vulnerable groups in the targeted country are a justified means of exerting pressure on political leaders. A new UN mechanism that would monitor and assess the impacts of sanctions, ensure that humanitarian assistance are delivered to the

[30] loc.cit

vulnerable groups, and help to maximise the political impact of sanctions while ensuring that unintended negative consequences are minimised, is suggested.[31]

In Iraq sanctions contributed to a public health crisis, which resulted in malnutrition, illnesses and deaths. In addition to these direct effects, sanctions also complicate the work of humanitarian organisations, which as a consequence increases the number of people in need and making it more difficult for relief agencies to import necessary supplies into the targeted country.[32]

In addition to the above consequences by the UN imposed sanctions on Iraq, Halliday explains the social costs of the sanctions on the Iraqi children and young adults. Halliday says that; a number of children have been forced to earn their own living, school drop out rate was 20-30 percent, street crime by children had emerged, and a big number of rural children were growing without the benefits of basic education. The uncontrolled illiteracy rates and other educational deficiencies had been estimated to increase, thereby negatively affecting the well being of families and the future productivity of the country.[33]

Moreover, Mueller and Karl Mueller argue that the dangers posed to human well being by comprehensive economic sanctions are by far greater than those posed by WMD and international terrorism. The authors submit that the destructive potential of economic sanctions can be clearly seen in Iraq. They attribute this to the fact that the Iraqi economy was largely dependent on oil exports, and the extensive destruction of Iraqi infrastructure during the first Gulf War, and the Iraqi regime which seemed 'more interested in maximising the nation's suffering for propaganda purposes than in relieving it'. According to various agencies of the United Nations, the Iraqi sanctions had contributed to 'hundred of thousands of deaths'.[34]

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[31] Ibid., pp.23-24
[32] Ibid., p.24
[33] Denis J. Halliday, 'The Impact of the UN Sanctions on the People of Iraq', in Journal of Palestine Studies, vol.28, no.2, Winter 1999, pp.-29-37
[34] John Mueller and Karl Mueller, 'Sanctions of Mass Destruction', in Foreign Affairs, vol.78, no.3, May/June 1999, pp.43-65

The social impact of sanctions not only relate to humanitarian and ethical concerns but are directly connected to the effectiveness of the sanctions. When sanctions inflict serious humanitarian suffering and unbearable hardships on the most vulnerable, political support for these measures declines which as a result may undermine international cooperation that is crucial for the effective implementation and enforcement of sanctions. Reducing severe humanitarian consequences is thus in line with the challenge of improving the effectiveness of sanctions. In order to be more effective, sanctions must also be more humane.[35]

In applying sanctions some degree of civilian inconvenience is perhaps inevitable. The issue is not about the occurrence of the humanitarian impacts but how severe they appear and whether they transcend 'ethical bounds of proportionality' and civilian capacity of endurance. The UN sanctions against the regime in Baghdad severely undermined these ethical considerations. More than 200, 000 children under the age of five have died prematurely in the course of sanctions imposed on Iraq. While this was pursued as a measure of the United Nations Security Council to preserve peace as provided under Chapter VII of the United Nations Charter, some attempts to protect human rights were made. Critics say that major powers have abused the powers of the Security Council by imposing unnecessary suffering on innocent civilians, especially in the case of Iraq.[36]

However, in response to the humanitarian challenge posed by sanctions, measures to mitigate the negative impact of sanctions, and new sanctions strategies that are aimed at limiting severe social consequences, have been adopted by the UN. To that effect, therefore, the Security Council and the UN Secretariat have positively acknowledged the use of 'more humane sanctions policies and increasingly used more selective targeted sanctions'.[37]

On the other hand, responsibility for the humanitarian challenge posed by sanctions rests with the leaders of targeted countries, since they cause the imposition of sanctions by

[35] David Cortright et al, op.cit., pp.17-18
[36] Ibid., p.25
[37] loc.cit

violating international norms. They also determine much of the negative humanitarian impact of sanctions in the way they manage allocation of scarce resources (often to serve their private political interests rather than rendering assistance to vulnerable populations), and in their decisions as to whether or not comply with the UN demands. The former Iraqi leadership is typical of such practices. However, this does not exonerate the sanctions authorities of ethical responsibility for reducing the humanitarian impact of unintended consequences.[38]

For instance, in case of Iraq, it is not worthwhile creating oil for food relief program and then claim that that amounts to meeting humanitarian needs. According to the principles of proportionality and civilian immunity, if malnutrition and preventable deaths continue, as has been the case, it is required that the sanctioning authorities take further measures to address the suffering. Moreover, if 'decision makers in war are bound by just-war moral criteria', those imposing sanctions must equally be bound by ethical constraints. The principle of civilian immunity applies equally in the application of sanctions as in the conduct of war. This implies that sanctioning authorities have a fundamental obligation of mitigating the humanitarian impact of sanctions as well as ensuring that measures enacted to enforce international norms do not cause unnecessary suffering relative to their intended goals.[39]

Therefore, 'the art of sanctions statecraft lies in applying sanctions that are sufficiently forceful to persuade targeted leaders to move toward political compliance while avoiding severe humanitarian impacts that undermine the viability of the policy and of the instrument itself'.[40]

If the social impacts of sanctions are a part of the criteria determining the effectiveness of sanctions, then there is no logic in imposing sanctions whose political outcome is disproportionate with the negative humanitarian consequences caused. Thus imposing sanctions (on a regime having no political accountability to the nationals), without

[38] Ibid., pp.25-26
[39] Ibid., p.26
[40] loc.cit

simultaneously providing for the urgent humanitarian needs, only deteriorates the humanitarian conditions over the intended political benefits, and thereby, undermining their effectiveness.

The success of sanctions and the assessment of their impact is underpinned by two implicit models:[41] traditionally sanctions have been designed, imposed and maintained within the context of a punishment model. According to this approach, sanctions are designed to 'coerce and isolate', to compel targeted authorities into compliance. Measures to influence the target as well as the criteria for imposing pressure are formulated in terms of 'demand, compliance, and ostracism'. Increased dialogue is discouraged, and compliance is regarded as the sole legitimate behaviour and diplomatic response from the targeted authority. Suggesting that if immediate compliance is not secured, then further punishment in form of deeper sanctions or use of military force is the response.

On the contrary, a different approach sees sanctions as a form of persuasion, an instrument aimed at targeted authorities to reconsider their policy decisions. In this model, sanctions increase the cost of non-compliance while offering benefits for cooperative behaviour. The approach treats sanctions as part of the overall 'economic statecraft and diplomacy'. This is termed as the bargaining model of sanctions. The model assumes that sanctions are better put to use as instruments of persuasion, and are most effective when administered within the context of a 'carrot-and-stick diplomacy' aimed at reaching a negotiated settlement. The model also views sanctions not as a policy by themselves but as part of a continuum of policy tools from the negative to the positive, aimed at encouraging political concessions and initiate a process of dialogue and negotiation.

However, bargaining and punishment are related. Punishment, or a threat along that line, can be regarded as an element of the bargaining process. Sometimes only coercive pressure can bring about willingness to engage in negotiation. A bargaining process is

[41] Ibid., pp.27-32

often necessary but not always sufficient by itself to resolve conflicts. Compliance is the key objective, which often requires continued pressure, or to a certain extent, coercion. It should, however, be noted that coercion is unproductive when it is unconditional, when it demands complete submission to be the price for easing pressure. In order for bargaining to be successful, there is need to ease punitive pressures while ensuring their application.

The effectiveness of sanctions, according to the bargaining model, is not to be found in their ability to punish or coerce. Their usefulness is not in the severity of the economic consequences they cause, but in their ability to create dialogue and bargaining. Therefore basing on this perspective, sanctions are said to be successful if they contribute to the bargaining process, and become the diplomatic resource from which a negotiated solution is achieved. Sanctions do not require the imposition of harsh economic conditions in order to possess persuasive influence. They only need to exert tolerable pressure and uneasiness to motivate the targeted regime to engage in a bargaining process. It can then be said that sanctions are effective only when coercive pressure is exercised to encourage negotiation and compliance.

It is clear that the sanctions that were imposed on Iraq were modelled on a punishment approach. Indeed if sanctions that were imposed on Iraq were treated as an instrument of persuasion, and administered within the context of ‘a carrot-and –stick diplomacy’, they would have, more likely, produced a negotiated settlement; since Iraq had partially complied with the UN Security Council resolutions, this was an achievement upon which UN diplomatic craft would base on to extract more concessions from Iraq through the use of credible threats (a stick), while promising immediate lifting of the sanctions and assurances of Iraq’s security concerns.

Moreover, post-Gulf War Iraq after the invasion of Kuwait, was already weak, a feature that was conducive in compelling Iraq, already in possession of minimal negotiation resources, towards total compliance with disarmament demands.

CHAPTER 3: WEAPONS INSPECTIONS REGIME IN IRAQ

This chapter assesses the management of the Iraqi crisis through weapons inspections. In other words, the chapter seeks to demonstrate how disarmament of WMD that were possessed by Iraq was carried out by the UN weapons inspectors.

After Iraq had been defeated in the 1991 Gulf War, it was required, as a condition of surrender, to make a declaration within 15 days of all its nuclear, chemical, and biological, and ballistic missiles, and to subsequently dismantle them. This requirement was to be made enforceable by UN Security Council Resolution 687 of 3 April 1991. The resolution demanded that Iraq, without any condition attached, permit under international supervision the 'destruction, removal, or rendering harmless' of all its WMD, and ballistic missiles ranging over 150 kilometres. Moreover, under the disarmament terms of Resolution 687(1991), Iraq was not to engage in any transaction of oil until UNSCOM verified the total destruction of its WMD.[1]

In addition, the United Nations imposed sanctions on Iraq supposedly to deter it from purchasing equipment and materials necessary to reactivate its programmes of WMD. The UN Inspections were also meant to locate components of these programmes that were remaining, and halt any measures aimed at developing WMD.[2]

Dismantling Weapons of Mass Destruction

The sanctions that were imposed on Iraq played a major role in facilitating the weapons inspections and disarmament programme.[3] In order for UNSCOM, United Nations

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[1] James A. Phillips, 'Disarming Iraq: The Lessons of UNSCOM', http://www.heritage.org/Research/MiddleEast/bg

[2] James A. Phillips, 'Disarming Iraq: The Lessons of UNSCOM', http://www.heritage.org/Research/MiddleEast/bg

[3] David Cortright and George A. Lopez, 'The Sanctions Decade: Assessing UN Strategies in the 1990s, Lynne Rienner Publications, Boulder, Colo, 2000, p.52

Monitoring Verification and Inspection Commission (UNMOVIC), and IAEA to implement their UN mandate of disarming Iraq, had to adopt a method that had to:[4]

> Build a coherent, comprehensive account of Iraq's weapon and missile programmes covering two decades-based on documentary evidence, interviews, defector reports, and other sources of information;
>
> - Verify this picture(especially with regard to the disposition of weapons) as much as possible through inspections and the examination of material evidence; and
> - Oversee the destruction, removal, or rendering harmless of any existing proscribed weapons and their means of production.

Although, Iraq hindered efforts of UNSCOM and subsequently expelled the weapons inspectors allegedly following provocation by US and British bombing raids of December 1998, significant progress had been attained toward disarming Iraq of its deadly WMD[5]:

To this effect, IAEA 1998 report indicated that Iraq had 'satisfactorily completed …its full, final and complete declaration of its clandestine nuclear programme'.

In addition, UNSCOM's report revealed that, 'there are no indications that any-usable nuclear materials remain in Iraq', and that there was 'no evidence in Iraq of prohibited materials, equipment, or activities'. Although, there was some concern related to the accuracy of the information that was provided by Iraq, and some components that were not accounted for, a considerable number of observers attested that the nuclear threat that was posed by Iraq had been completely dismantled or neutralised.

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[4] Carl Conetta, 'Disarming Iraq: What Did the UN Missions Accomplish?', http://www.comw.org/pda/0304bm27.html, April 25, 2003, p.2

[5] David Cortright and George A. Lopez, op.cit, pp.51-58

Further, ballistic missile programmes possessed by Iraq were ‘largely’dismantled. Reports[6] by UNSCOM indicated that the inspection and dismantling of Iraq’s missile capabilities produced ‘significant results’. According to the report, all except two of the SCUD missiles, which existed at the beginning of the Gulf War had been accounted for, and that no evidence proved that Iraq had successfully developed or tested its indigenous ballistic missiles.

In addition, Iraqi chemical weapons (CW) capability had been inspected and destroyed. According to the March 1999 report of the UN experts panel, inspectors had supervised, destroyed and rendered harmless ‘large quantities’ of CW, related components and key chemical weapons production equipment. The report further revealed that the major installations of CW had been totally destroyed and closed under the supervision of UNSCOM, and that other uncovered facilities had been subjected to inspection.

Moreover, the UNSCOM report indicated that substantial progress in the same area had been made. Additionally, the 1998 report by the British Foreign Office revealed that UNSCOM had destroyed 38,000 chemical weapons and 480,000 litres of active chemical agents.

Relative success was realised in identifying and dismantling Iraq biological weapons. A 1998 April report by the Panel of international experts, invited by Iraq, indicated that Iraq’s disclosures on biological weapons were ‘incomplete, inadequate and technically flawed’. However, even in this area, considerable progress was made. For instance, UNSCOM supervised the dismantling of Iraq’s key biological weapons manufacture and enrichment installation, and also destroyed ‘equipment and growth media’ at four other installations.

According to the preceding paragraphs, the reports by UNSCOM, IAEA, and the International panel of experts reveal that, by the end of 1998, Iraq’s capability of WMD

[6] These were periodical reports that were submitted by the UNSCOM to the UN Security Council in order to assess Iraq’s extent in complying with its disarmament obligations.

had been significantly weakened or neutralised. This meant that, given its already weakened military position, as an effect of the loss incurred during the Gulf War, and the sanctions imposed on it, which greatly limited its supply of equipment and materials used in the manufacture of WMD, Iraq had been left with little significance or no capacity to pose any credible threat to the region and the world at large.

Further it is evident that though compliance by Iraq had been reluctant and impartial, substantial progress had been achieved. The Secretary of State, Madeleine Albright confirmed the same in March 1997 when she pronounced that UN weapons inspectors had realised 'stunning' progress.[7]

In its last few years, UNSCOM had made significant progress in containing Iraq's capability in nuclear, ballistic missile, and chemical weapons. Iraq's uranium development and other nuclear related facilities had been located and dismantled during the early periods of inspection programme.[8]

Lopez and Cortright argue that the failure of the Security Council to respond to Iraqi compliance by reciprocating was seen, 'from Saddam Hussein's perspective', to imply that his government had little to benefit from making steps toward further compliance. Baghdad, therefore, had to rely on a 'strategy of confrontation', in an attempt to undermine the Security Council's resolve, and thereby, create dissension within the Security Council. Thus, the Security Council should have acknowledged the progress that had since been made and partially lift sanctions as a measure of good will and an incentive for further compliance by Iraq.[9]

The expulsion of UNSCOM and the termination of weapons inspections in the wake of the bombing in December 1998, created a new dilemma in the Security Council and thereby causing delays in resolving the crisis. Major Powers had disagreements on a

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[7] George A. Lopez and David Cortright, 'Trouble in the Gulf, Pain and Promise', in Bulletin of the Atomic Scientists, Vol 54, No.3, March-June 1998, p.40
[8] Ibid., p.40
[9] Ibid., pp.42-43

common programme of resumption of weapons inspections and disarmament, and on whether or not to ease sanctions that were imposed on Iraq. The US opposed any easing of the sanctions pressure, while a number of countries, including the members of the Security Council, motivated by the worsening human conditions, called for total lifting of the sanctions.[10]

The failure to agree on a common programme in the resumption of weapons inspections and disarmament, and on the easing of sanctions that were imposed on Iraq, explicitly demonstrates the different interests that major powers in the Security Council had attached on the UN sanctions objectives. For instance, the US refusal to ease sanctions pressure on Iraq lay in its political goals towards the regime in Baghdad, a move, which contradicted with the UN sanctions objectives, and thereby undermining the effectiveness of the weapons inspections.

Lack of compliance to Iraqi concessions, which concessions had facilitated the progress of the UN inspectors, not only, compelled Iraq to adopt a 'strategy of confrontation', as the only remaining option, but undermined the very purpose of the UN sanctions that were imposed on Iraq**.** This was a clear practice of bad faith, a stance unconducive to the practice of fruitful diplomacy. This was also partly responsible for the subsequent uncooperative Iraqi behaviour that, consequently, prolonged the UN inspection mission in Iraq.

Unacknowledged Progress to Iraqi Compliance with Disarmament Resolution 687(1991)

In November 1993, Iraq permitted the establishment of UN monitoring facilities on its territory. These included cameras and chemical detection equipment at a number of sites. The gadgets were meant to verify the destruction of WMD and to ensure that prohibited

[10] David Cortright and George A. Lopez, 'The Sanctions Decade: Assessing UN Strategies in the 1990s' op.cit, p.54

activities were not reactivated. This was a significant development that enabled UNSCOM to establish data on the capabilities of Iraq's weapons and ensure its future compliance with the weapons elimination program.[11]

The declared purpose of the ongoing UN sanctions on Iraq was to obtain its compliance with Resolution 687. The disarmament provisions drew much of the public attention, though, the other requirements of the resolution were also significant. The overriding importance that was attached to issues related to weapons drew away attention from the progress that had been made in achieving a number of the objectives of the UN.[12]

Even though, Iraq had not fully complied with specific provisions of Resolution 687, and had frequently hindered and blocked the UN mission in Iraq, substantial progress had been registered. However, the failure to reciprocate by responding to the concessions made by Iraq, devalued the objectives of the UN.[13]

According to the bargaining model, as explained in the previous chapter, and the progress that had been made in disarmament, Iraq had made considerable effort towards complying with its disarmament obligations that had to be responded to by ease of sanctions pressure. A scorecard of the eight conditions under disarmament Resolution 687 reveals that Iraq had fully complied or partially with seven out of the eight Security Council requirements:[14]

[11] Ibid., pp.51-52

[12] Ibid., p.51
[13] loc.cit
[14] Ibid., p.55

Scorecard of Iraqi compliance with Resolution 687(1991)

Conditions of Resolution 687	Compliance Status	Comments
Recognition of Kuwaiti territorial integrity and newly Demarcated border	Yes	November 1994 recognition of Kuwaiti sovereignty
Acceptance of demilitarised zone	Yes	Established soon after end of Gulf War
Ongoing monitoring and dismantlement of ballistic missile, chemical and biological weapons of mass destruction	Partly yes	Acceptance of permanent monitoring in November 1993; much progress by UNSCOM on ballistic missiles and chemical weapons; unanswered questions remain on biological capabilities and other issues
Elimination of nuclear weapons capabilities	Yes	IAEA certifies that no nuclear weapons capability remain
Return of stolen property	Partly yes	Some state property returned; military equipment and private assets stolen
Acceptance of war damage liability	Partly yes	No formal admission of responsibility, but acceptance of Resolution 986 provides for compensation fund, which has paid war damages
Repatriation of missing persons	Partly yes	Many prisoners returned,

		but several hundred Kuwaitis remain missing
Renunciation of terrorism	No	No formal pledge, but no evidence of actual Iraqi support for international terrorist acts

***Source**: Cortright David, et al, **The Sanctions Decade: Assessing UN Strategies in the 1990s**, Lynne Rienner Publications, Boulder, Colo, 2000, p.2*

Indeed, by looking at this scorecard, Iraq had made significant efforts toward complying with disarmament resolution 687(1991) that, it could argued, merited a considerable ease of the sanctions pressure. Therefore, the failure to reciprocate to such concessions that was due to the US' refusal to ease the sanctions pressure, not only, devalued the official objectives of the UN, which demanded Iraqi compliance with Resolution 687(1991), but also undermined its credibility as a World Organisation. This revealed the vulnerability of the UN by exposing its limitations in imposing its will, which factor limited the success of the weapons inspection activities.

Within the two categories associated with weapons destruction, three out of four objectives were achieved. The most dangerous programmes, nuclear weapons and ballistic missiles had been successfully contained. In response to this development, many countries on the Security Council called for a formal recognition of Iraqi compliance by way of gradually lifting the sanctions pressure, and thereby, encourage further Iraqi co-operation. However, Iraqi concessions were not reciprocated, which stance, left the Iraqi government with no incentives to make further compliance. This failure to respond to Iraqi concessions was mainly due to the US 'unyielding position'.[15]

[15] Ibid., pp.54-55

Not only did the US rigidity in responding to Iraqi concessions left the Iraqi government with no incentives to make further concessions, but created a disincentive in trusting the UN mission and an act of dishonesty which, in the perspective of Iraq, had to be responded to by similarly acting dishonestly. This explains why Iraqi declarations of its weapons capability were then to be found not genuine or with contradictory overlaps.

According to Cortright and Lopez, the issue was to allow for separation of the various missions of UNSCOM in order to acknowledge Iraqi compliance in the areas where significant progress had been achieved. On that basis, the Security Council was to consider the progress realised in reducing the danger posed by nuclear weapons and ballistic missiles as an evidence for removal of sanctions and as an incentive to permit continual compliance from Iraq.[16]

Moreover, UNSCOM chairman Richard Butler and the Secretary-General Kofi Annan had suggested a fixed schedule for ending UN weapons inspections, in which sanctions had to be removed depending on Iraqi compliance. These proposals offered a prospect for a negotiated settlement of the Iraqi crisis.[17] It is argued that while Iraq had not totally complied with UN resolutions, the partial concession and the level of progress on inspections that had been realised warranted an ease of coercive pressure.[18]

The timetable for ending UN weapons inspections and easing of sanctions were contingent on Iraqi compliance with the disarmament Resolution 687 and all the other relevant UN resolutions, which requirements Iraq had largely met. Implying that lack of the UN Security Council to respond to Iraqi progress that had been made towards disarmament concessions defeated the very purpose of inspection activities and sanctions. This also created a retaliatory move on the part of Iraq that was reflected through partial cooperation and thus undermined any peaceful resolution of the crisis.

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[16] Ibid., pp.55-56
[17] David Cortright and George A. Lopez, Are Sanctions Just?: The Problematic Case of Iraq', in Journal of International Affairs, Vol.52, No.2, Spring 1999, p.748
[18] Ibid., p.748

In reaction to UNSCOM's assertive approach in implementing the weapons inspections programme and associated disarmament provisions, the Iraqi government denied UNSCOM access to presidential sites. This limited the success of UNSCOM's activities. Moreover, this was aggravated by the allegation that an American, Scott Ritter was engaging in acts of espionage, and consequently forcing Iraq to halt cooperation with UNSCOM. However, this was addressed by a Memorandum[19] of Understanding, which was brokered by the UN Secretary-General, Kofi Annan.[20]

Annan's negotiations with the Iraqi authorities which resulted in the Memorandum of Understanding, demonstrates the importance of confidence building and indicates that given the pressures that Iraq had been subjected to, was willing to resolve the disarmament crisis. This also reveals the significance of skilfully employing diplomatic tools in an effort to handle sensitive situations and concerns like security which Iraq had raised.

Inspector Scott Ritter (who had resigned as UNSCOM inspector in August 1998 in protest of the US government interference with the mission of UNSCOM), reveals that the United Nations operations in Iraq had been faced with a challenge:

> 'coordination between the White House and UNSCOM, about UNSCOM's cooperation with Israeli intelligence, and most recently about the Central Intelligence Agency using UNSCOM as a window of events in Iraq, have all undermined the United Nations' role in Iraq disarmament by making it seem like the Organisation was serving the intelligence needs of United Nations member states rather than global interests'.[21]

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[19] The Memorandum of Understanding was signed between the United Nations and the Republic of Iraq on the 23rd of February 1998 in Baghdad. The document committed all member states of the United Nations to respect the sovereignty and territorial integrity of Iraq, while the Government of Iraq was required to cooperate fully with the UNSCOM and the IAEA.

[20] loc.cit

[21] Cecil V. Crabb, et al, 'The Pragmatic Foreign Policy of President William Clinton', in Cecil V. Crabb, et al (eds), Charting A New Diplomatic Course: Alternative Approaches to America's Post-Cold War Foreign Policy, Louisiana State University Press, USA, 2001, P.132

It is argued that the December 1998 American/British bombings on Iraq in response for its hindrance to the operations of UNSCOM inspectors, was seen in light of a bilateral conflict between Iraq and United States and far from the United Nations.[22] Perhaps the interference by some members of the Security Council in the UNSCOM mission was, on the most part, responsible for the unsuccessful efforts of the UN weapons inspectors. This too created suspicion in the Iraqi authorities, a condition unconducive to successful negotiations. Further, this undermined the credibility of the UN inspectors, consequently, affecting the inspection activities.

Tools for Inspections of Weapons of Mass Destruction

The purpose of this section is to assess the capacity of the UN inspection mechanisms that were crucial in enabling the inspectors successfully carry out their inspection activities.

IAEA nuclear inspectors had advanced technologies and were to use a range of high-tech tools as they resumed arms inspections in Iraq after four years. Since 1998, significant improvement in inspection related technology had been made. This included software advances that enhance the capability of inspection equipment and thereby provide faster results. Part of the key tasks of IAEA inspectors was to apply a detection system over Iraq, in form of a net, which had the capacity to provide significant evidence of the nuclear related material. The approach is a 'broad area search', in which, target areas within a given net were selected for closer inspection and fact-finding.[23]

In an effort to gather evidence, inspectors used a broad set of technologies, such as 'hand-held radiation detectors' for nuclear and radioactive materials that are associated with the

[22] United States Institute of Peace, 'Thinking Out Loud: Policies Toward Iraq', http://www.usip.org/pubs/special reports/sr990217.html, February 17, 1999, p.6

[23] WorldAtom, 'Tools For Nuclear Inspections: IAEA Inspectors in Iraq have Advanced Technologies at Hand', WorldAtom Staff Report, http://www.iaea.org/worldatom/Press/News/2002/22-11-22170.html, p.1

making of weapons. While others known as multi-channel analysers, had the potential to identify particular radioactive elements in collected samples in order to permit deep laboratory analysis.[24]

Sample analysis possessed the capacity to determine ‘nuclear fingerprints’, and reveal proof of past and current operations in areas dealing in nuclear materials, specifically those related to Uranium conversion, fabrication, and enrichment. The IAEA had experts and facilities capable of handling the situation. This was facilitated by its Safeguards Analytical Laboratory in Austria, which is experienced in sample measurement and analysis, and which contained hundreds of samples from Iraq inspections of the 1990s. The Laboratory is ‘equipped with highly sensitive instruments’, from which experts can ‘precisely measure even tiny nanogram (one-billionth of a gram) particles’ and are in position to detect nuclear related materials in the environment of apparent or suspected nuclear facilities.[25]

Moreover, the creation of ongoing UN weapons monitoring facilities on the territory of Iraq, enabled the installation of cameras and chemical detectors at many locations and industries meant to locate and eliminate WMD, and monitor the reactivation of prohibited activities. This development was an ‘important breakthrough’ that permitted UNSCOM to provide ‘baseline data’ on the potential for Iraq’s weapons and monitor compliance in the future with the disarmament programme.[26]

As can be noticed in the preceding paragraphs, both the IAEA and UNSCOM had sophisticated instruments and technology to permit for a thorough identification of any nuclear, and biological, chemical and missile materials, as was provided for in their mandate respectively. However, the effectiveness of weapons inspection instruments depended in part on the Iraqi co-operation in accepting their application on suspected sites, and on the other, operational forces in the UN system. This will be further tackled

[24] loc.cit
[25] Ibid., p.1
[26] Ibid., pp.1-2

in the last chapter with a view to analyse the effectiveness of the weapons inspections as part of the UN diplomatic instrument in dealing with the Iraq disarmament crisis.

The Status of Nuclear Inspections in Iraq-After the resumption of IAEA activities in November 27, 2002

Conduct of Inspections

The adoption of Security Council Resolution 1441(2002) strengthened the authority of IAEA inspectors as well as the inspection process. The first goal of the inspection activities was 'reconnaissance', in which inspectors re-established the knowledge base of Iraq's nuclear capabilities. This was aimed at ensuring that key facilities had not been re-opened; to verify the location of both nuclear and essential non-nuclear material; and to identify and begin interviews of key Iraqi personnel.[27]

Most of the inspection activities were conducted either at former locations where key technical facilities existed, or at new sites located by 'remote monitoring and analysis'. All inspection activities were made without prior knowledge of the Iraqi authorities, except where notification was considered essential for obtaining needed support.[28]

Apart from ensuring that Iraq had not reactivated its nuclear activities, the approach increased the degree of acceptability or accuracy of the findings of the inspectors by acquiring impartial information from Iraqi authorities without prior knowledge of interviews.

The reconnaissance work was followed by investigative inspections whose focus was on areas of concern identified by other states, facilities identified through satellite imagery

[27] David Cortright and George A. Lopez, op.cit, pp.51-52
[28] Mohamed ElBaradei, 'The Status of Nuclear Inspections in Iraq', http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n003.shtml, January 27, 2003, p.1

as having been developed since 1998, and other inspection areas independently identified by IAEA. As a complementary effort of these inspection activities, the IAEA conducted broad analysis of the supportive information obtained from various sources. This involved integration of the new information that was submitted by Iraq-including the declaration that was submitted in December 7, 2002 in responding to Resolution 1441(2002). This effort also included accumulated records between 1991 and 1998, and additional information that had been compiled through remote monitoring since 1998.[29]

The Iraqi declaration did not provide new information consistent with certain questions that were outstanding since 1998. In particular, this related to Iraq's progress before 1991 regarding the design of weapons and 'centrifuge development'. It is, however, stated that the information acquired was, 'helpful in assessing the completeness and accuracy of Iraq's declarations'.[30]

Moreover, the inspectors also conducted a significant number of interviews of Iraqi scientists, managers and technicians in the course of unannounced inspections, as an important source of acquiring valuable information about past and present programmes and activities.[31]

In addition, besides onsite inspection and offsite analysis, IAEA employed various instruments in order to effectively carry out their mandate. These instruments helped collection of a broad variety of environmental samples and 'surface swipe' samples from a number of locations across Iraq, which were then analysed in IAEA laboratories.[32]

Whether or not the Iraqi declaration was consistent in providing accurate and complete information regarding its nuclear programmes, the broad approaches and strategies that the IAEA inspectors adopted- including, information from various sources, and of which

[29] Ibid., p.1
[30] Ibid., p.2
[31] loc.cit
[32] Ibid., p.3

were facilitated by a range of high-tech tools, were in themselves, sufficient to provide comprehensive information concerning Iraq's nuclear programmes.

Findings of Inspections

Inspections of all buildings and facilities that had been identified by means of satellite to have been 'modified or constructed' during the past four years indicated that there had been no evidence of prohibited nuclear activities.[33]

The need for continued support for the IAEA by the Security Council was found to be crucial if any peaceful resolution of the Iraq crisis was possible.[34]

Moreover, inspections also revealed need for additional Iraqi co-operation with the inspection process. However, findings revealed that the Iraqi authorities had provided access to all facilities that were required to be inspected- including the presidential sites and private residences- without attaching any conditions, and in time. It is also indicated that on request by IAEA inspectors, the Iraqi authorities had offered necessary co-operation by providing additional original documentation.[35] In addition, it is also revealed that Iraq had continued to 'provide immediate access to all locations'.[36]

The IAEA found out that there had been no evidence suggesting that Iraq had revived its nuclear weapons programme that had been dismantled in the 1990s.[37]

Moreover, according to the IAEA, Director-General Mohamed El-Baradei, by December 1998 Iraq's past nuclear programme had been neutralised and that there were 'no unresolved disarmament issues left at that time'. El-Baradei says that the focus since the resumption of inspections had been verifying whether Iraq had reactivated its nuclear

[33] loc.cit
[34] loc.cit
[35] Mohamed El-Baradei, 'The Status of Nuclear Inspections in Iraq: 14 February 2003 Update', http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n005.shtml, February 14, 2003, p.1
[36] Ibid., p.4
[37] loc.cit

programme in the post-1998 years. El-Baradei indicates that there had been 'no evidence of ongoing prohibited nuclear or nuclear related activities in Iraq'. However, it had been revealed that a number of issues[38] were still under investigation and the IAEA had not yet been in a position to reach a conclusion about them.[39]

Indeed, in light of the steps that Iraq had already made toward disarmament and by looking at the resolve in the provisions of Resolution 1441(2002); In addition, considering the level of progress in the weapons inspections that had been achieved by the inspectors (which was due to the cooperation that had been accorded by Iraq), Security Council action in form of prompt responses - ease of sanctions pressure, perhaps would have further encouraged Iraqi cooperation thereby responding to the outstanding concerns of the post-1998 years, and thus, provided a peaceful resolution of the Iraqi crisis.

It was indicated that information provided by states was important in helping to assess the accuracy and completeness of the information that was submitted by Iraq.[40] As argued earlier, information from states was integrated and analysed with other information from various sources in an effort to provide a complete picture of Iraq's programmes of WMD.

El-Baradei reveals that at a number of Iraqi sites, industrial capacity had substantially deteriorated due to lack of consistent maintenance of sophisticated facilities. El-Baradei suggests that the overall deterioration of Iraqi industrial capacity, naturally, is of direct relevance to Iraq's capability for reviving a nuclear weapons programme.[41] However, industrial deterioration as a measure of lack of consistent maintenance of sophisticated facilities does not, by itself, imply that Iraq was unable to revive its nuclear programme in the intervening years. The indicator should, well then, be backed up with a strong knowledge base, which was largely present.

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[38] These were concerns and questions related to weapons and centrifuge design, and additional documents and hardware relevant to weapons of mass destruction programmes.
[39] Mohamed El-Baradei, The Status of Nuclear Inspections in Iraq, February 14, op.cit, p.4
[40] Mohamed ElBaradei, 'The Status of Nuclear Inspections in Iraq: An Update', http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n006.shtml, March 7, 2003, p.1
[41] Ibid., p.2

El-Baradei, further indicates that Iraqi cooperation had significantly improved- had provided a substantial volume of documentation relevant to issues of concern- that is, whether or not Iraq revived its nuclear programme in the intervening years.[42]

Considerable concerns from a number of states regarding the possibility of Iraq's intention to revive its nuclear programme had mounted based on its procurement efforts. Further, many of Iraq's procurement of commodities and products, including magnets and aluminium tubes, had been conducted in contravention of sanction controls provided under Security Council Resolution 661 and other relevant resolutions. It is noted that, the issue of procurement was under 'thorough investigation and further verification will be forthcoming'.[43]

Based on the high-tech facilities that were used in the weapons inspections, and by looking at the preceding submission by El-Baradei; moreover, given the strict process that was imposed by the UN on Iraqi oil purchases and acquiring of imports, it is highly unlikely that Iraq's procurements efforts would have gone unnoticed.

However, on the other hand, there are possibilities that Iraq would have indeed manipulated the procurement effort (with an aim of reviving its nuclear programs) in order to defend itself since its cooperation in the inspection activities had not been recognised by way of relaxing the sanctions that had been imposed on it. Perhaps, in the eyes of Iraqis, this was a strategy of survival – a means to ensure its security.

However, the allegation that Iraq had sought to buy uranium from Niger was found to be unsubstantiated; documents that formed the basis for the reports of uranium transactions between Iraq and Niger were 'in fact not authentic'.[44]

El-Baradei reveals that there had been no indication of reactivation of nuclear activities as had been indicated since 1998 in the buildings that had been identified through satellite

[42] Ibid., p.3
[43] loc.cit
[44] Ibid., p.4

imagery. El-Baradei further points out that there was no 'indication that Iraq has attempted to import other essential materials used in the manufacture of nuclear weapons. It is thus concluded that there was no substantial evidence or 'plausible indication' of the resumption of a nuclear weapons programme in Iraq.[45]

What the UN Missions Accomplished in Disarming Iraq: An Overview

The Gulf War undermined the progress of Iraq's programmes of WMD. The UNSCOM was established and acknowledged by Iraq with the mandate of inspecting and dismantling Iraq's biological, chemical, ballistic missile programmes. While the IAEA was charged with destroying Iraq's nuclear Programme.[46]

According to the inspection activities by the UNSCOM from 1991-1999, and the efforts of the UNMOVIC from 1999, three things had been achieved:[47]

- A substantial amount of weapons, weapon related material, and weapon manufacturing facilities had been destroyed under UNSCOM supervision or were verified by UNSCOM to have been eliminated either by Iraq or destroyed during the Gulf War. Moreover, a key weapon manufacturing facility was destroyed or converted and was under monitoring;
- UNSCOM was able to provide partial reassurances regarding the disposition of a significant number of weapons claimed by Iraq to have been consumed in war, unilaterally destroyed, or wasted; and
- There was a substantial amount of weapons and weapon related materials whose disposition created concern due to incomplete documentary evidence, or due to lack of material evidence or were unable to be quantified, or as a result of inconsistencies in records and accounts submitted by Iraq.

[45] US State Department, 'Iraq Weapons of Mass Destruction Programme', op.cit, p.1
[46] Carl Conetta, op.cit., p.1
[47] Ibid., pp.1-2

Thus, while the UN disarmament missions made significant progress in disarming Iraq and building confidence, they also left a number of issues unanswered.

However, on balance, the disarmament efforts were crucial to the effect that Iraq had been deprived of its capacity to pose a credible threat to its neighbours. I

The greatest level of confidence had been attained as a result of the disposition of items and facilities that UNSCOM and IAEA were able to destroy, remove, or render harmless. UNSCOM and IAEA together were in position to:[48]

- Destroy or supervise the destruction of 57 prohibited missiles, 50 missile warheads(including 30 for chemical warfare), 69 stationary and mobile missile launchers, and all components of the Iraqi large-caliber, long-range sophisticated guns;
- Seal the uranium mine, dismantled 16 structures that housed the development of nuclear weapons, 11 structures that contained missile production, and the whole biological weapons facility;
- Eliminate more than 38,500 filled and empty chemical munitions, and 760 tones of chemical warfare agents, as well as more than 3,300 tones of chemical warfare precursor chemicals, 17,750kg of biological weapon growth medium, 600 tones of allows useful in the production of nuclear weapons; and
- Thousands of pieces of equipment and components that are useful in the production of nuclear, chemical, and biological weapons.

Conetta states that a significant part of this work was realised by 1996. In addition, UNMOVIC, which succeeded UNSCOM supervised the destruction of almost 65 al-salmoud missiles and had uncovered a small quantity of newly found, though empty, chemical weapon projectiles before its mission was shortened by the American led war.[49]

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[48] Ibid., p.2
[49] Mohamed ElBaradei, The Status of Nuclear Inspections in Iraq, January 27, 2003, op.cit, p.

Conetta also reveals that in September 1991, the 'IAEA seized documents in Iraq that demonstrated the extent of its nuclear programme'. By the end of 1992, Iraqi facilities and equipment essential to the production of nuclear weapons had been 'destroyed, removed or rendered harmless'. In addition, by early 1994, Iraq's materials used in the production of nuclear weapons- enriched uranium and plutonium had been taken out of the country. El-Baradei, says that by December 1998 prior to the expulsion of UN weapons inspectors, 'we were confident that we had not missed any significant component of Iraq's nuclear programme'.[50]

Further, it is clear that from 1991 through 1998, IAEA had succeeded in neutralising Iraq's nuclear weapons development. This was confirmed by President Bush in stating that, 'before being barred from Iraq in 1998, the IAEA dismantled extensive nuclear weapons-related facilities'.[51]

Drawing from the preceding paragraphs, it can be deduced that the UN inspection activities were broadly successful. What lacked was the will on the part of the Security Council to respond to the Iraqi cooperative effort that was largely behind the progress that had been made in the weapons inspections, and partly this was the failure of diplomatic negotiations to create confidence in the conflicting parties, conditions that were essential to increase Iraqi cooperation and thus address the post-1998 concerns regarding Iraq's revival to nuclear programme.

In addition, the following were also achieved by IAEA:[52]

- Removed all the identified weapon related nuclear material, like enriched uranium and plutonium;
- Took custody of all identified uranium sites that were remaining;

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[50] Mohamed ElBaradei, 'Inspections are the Key', http://www.iaea.org/worldatom/Press/Statements/2002/ebWP20031021.shtml , Octber 21, 2002

[51] Iraq Nuclear Verification Office, 'Frequently Asked Qustions', http://www.iaea.org/worldatom/Programmes/ActionTeam/faqs.html, p.2

[52] Carl Conetta, op.cit, p.2

However, there were some serious outstanding issues, whose claim of destruction and conversion had not been adequately verified, by the end of UNSCOM's tenure and during the work of UNMOVIC regarding the disposition of:

- 19- 21 missiles of various types;
- about 50 missile warheads(including two for chemical or biological warfare);
- 17,900 empty and about 650 filled special munitions;
- about 1.6 tones of the chemical agent VX and about 55 tones of a precursor for the production of VX;
- about 2160kg of various biological pathogen growth media.

Furthermore, there were two other outstanding issues of concern:[53]

- the consumption of fewer aerial munitions(6,526) during the Iran-Iraq war than were claimed by Iraq. The concern was based on the overlapping accounts submitted by Iraq; and
- the production of 7000 more litres of anthrax by Iraq in filling munitions that existed during the Gulf War contrary to its claim.

Conetta analyses the 'residual uncertainties' of the UNSCOM/UNMOVIC process that may not have been addressed by the methods that had been adopted by the missions. 'Supplementary confidence and security building measure' are proposed to have been complementary to the UN inspections mission.[54]

Given the improved Iraqi cooperation that had been realised, according to El-baradei, the sanctions pressure that Iraq had been subjected to, and the UN Security Council resolve that was clearly expressed in the Security Council Resolution 1441(2002), outstanding issues that had not yet been verified by the inspectors were, thereby, going to be addressed had the American led war not interfered with the weapons inspection activities.

[53] Ibid., p.2
[54] loc.cit

CHAPTER IV: UN DIPLOMATIC NEGOTIATION IN THE IRAQI CRISIS

This chapter is divided into two key parts that reflect the United Nations negotiation efforts to peacefully resolve the Iraqi disarmament crisis. The first part[1] looks at the mediation mission in Baghdad by the UN Secretary-General Kofi Annan, which culminated in a Memorandum Of Understanding between the United Nations and the Republic of Iraq. The first part also covers diplomatic attempts in resolving the Iraqi crisis by some key UN Security Council member nations. The second part focuses on the round of diplomatic talks on the resumption of weapons inspections that were held between the UN Secretary-General Kofi Annan and the Government of Iraq. In addition, the second part includes the diplomatic contribution by some key Security Council member nations in securing the return of weapons inspectors.

The Concept of Diplomatic Negotiation

It is essential to understand what negotiation is about before tackling the concept of diplomatic negotiation. Negotiation is an effort to resolve and harmonise conflicting positions with a goal of achieving an outcome that is acceptable to both parties. Whatever the results of the outcome which may be in favour of one party, the purpose of negotiation is identifying areas of common interest and conflict.[2]

Diplomatic negotiation is a process of communication between states seeking to achieve an outcome on an issue or issues concerning them and which is acceptable to both states. In the realm of diplomatic activity, on the one hand, it is regarded as the simple exchange of views, and on the other hand, it is an attempt to unilaterally impose wishes by one party seen in terms of the practice of coercive diplomacy.[3]

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[1] This part focuses on Annan's and some key Security Council members negotiation efforts during the 1998 standoff between the US and Iraq that had almost resulted into a military confrontation.

[2] R.P., Barston, 'Negotiation', in R.P., Barson(ed.), Modern Diplomacy, Longman, London and New York, 1989, p.84

[3] Raymond Cohen, 'Negotiation: The Cultural Roots', in Raymond Cohen(ed.), Negotiating Across Cultures: International Communication in an Interdependent World, Institute of Peace Press,

In a world of anarchy without a global governance structure capable of resolving disputes and allocating resources among contending parties, negotiation emerges as an important mechanism for realising peaceful and legitimate change. In another sense, diplomatic negotiation is regarded as a form of 'rite of passage', analogous to the ceremonies by which societies celebrate the transition of individuals or groups from one status to another.[4]

On the other hand, diplomatic negotiation is simply an act of bargaining between states. It sets the context and rules upon which international bargaining between nongovernmental institutions and individuals takes place.[5]

It is not unreasonable to state that, diplomatic negotiation in its classical sense, was far from being practiced between Iraq and the US, which was seen to be the main conflicting party in the Iraq crisis. Even in cases where the UN engaged in diplomatic negotiations with Iraq, the latter seemed a rather insignificant party, in that, it had less choices in exercising its rights as a sovereign party given its former history of violating its internationally agreed norms and practices. In other words, Iraqis had unequal opportunities in determining outcomes that were acceptable to Iraq during the process of negotiations, a condition unconducive to successful negotiations.

Purposes of Diplomatic Negotiation

Diplomatic negotiation seeks to bridge differences between conflicting sovereignties of independent states. It is often conducted through dialogue and negotiation. Its purpose is to obtain agreement between states by influencing them to adjust their relations with a view to promote national interests and resolve national concerns.[6] However, not all

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Washington D.C., 1997, p.9

[4] loc.cit

[5] Chas. W., Freeman, 'Diplomatic Maneuver: Diplomatic Negotiation', in Chas. W., Freeman(ed.), Arts of Power: statecraft and Diplomacy, United States Institute of Peace Press, Washington, D.C., 1997, P.87

[6] Ibid., pp.87-89

negotiation attempts revolve around differences- sometimes common interests are negotiated.

Based on the preceding argument, reconciling the outstanding differences between the US and Iraq through diplomatic negotiations perhaps would have acted as a precursor for the UN in reaching a negotiated settlement to the Iraqi crisis.

The main objective of a negotiation is more likely to focus on addressing fundamental political differences that have undermined strategic cooperation between states rather than to resolve minor issues apparently in dispute between them. When this is the objective, states may prefer to turn to 'creative ambiguity or to a tacit or explicit agreement to disagree'. The precondition for such differences in conflicting issues is the recognition by both parties of key areas of commonality than the dissenting disputes.[7]

Indeed this principle confirms the key conflicting issue between the US and Iraq- that is, fundamental political differences, which required resolution before efforts to resolve the disarmament crisis were made.

Choosing When to Negotiate

One of the most crucial decisions in any form of negotiation is deciding when to negotiate. A number of conflicts have a 'self-sustaining dynamic', which is distinguished from other conflicts. In order for third-party mediation efforts to be effective, the conflict should have reached a level of a 'mutually hurting stalemate'.[8] This is the point at which the use of force is regarded unable to gain a unilateral advantage by both parties, upon which, they consider other options because they perceive the costs and benefits of

[7] Ibid., p.89

[8] Fen Osler Hampson, 'Cooperative Disputes: Knowing When to Negotiate', in I. William Zartman(ed.), Preventive Negotiation: Avoiding Conflict Escalation, Rowman and Littlefield Publishers, Inc., Oxford, 2001, pp.179-180

continued confrontation to be more hurting than the costs and benefits of a pacific settlement.[9]

The notion of ripeness is also consistent with cooperative (a conflict that takes place during peacetime relations between allies), and distributive (a conflict, in which, gains by one party inevitably implies losses for the other) disputes. This means that a number of conditions must be fulfilled before formal negotiation can take place. These include a consensus concerning norms and having a similar attitude on issues of fairness and allotment.[10]

However, for negotiation to achieve preventive diplomacy it needs to precede a conflict in its violent phase, and in order to be effective, it must be initiated before 'the resource and process commitment engendered by escalation has developed its own momentum', otherwise, negotiation will no longer be seen as preventive diplomacy but simply managing a crisis or something else.[11] This could explain the fruitless negotiation efforts by a number of actors including the UN Secretary-General in engaging with the Iraqi authorities in an attempt to resolve the Iraq disarmament crisis. There is, therefore, need for an early warning system in order to determine when effective negotiation is necessary.

The Context of Diplomatic Negotiation

Diplomatic negotiation transcends boundaries to adjust relations and reconcile the interests of states and peoples:[12]

The perspectives of states and peoples are shaped by distinct national histories, languages, and cultures. Their governments are likely to possess diverse views of what is

[9] loc.cit
[10] loc.cit
[11] Ibid., p.4
[12] Chas. W. Freeman, Jr., op.cit., p.92

constituted as just and proper, how disputes should be dealt with, how negotiations should be conducted, and how agreement or disagreement should be expressed.

Given that the bonds between states and peoples are close, then these differences can be more easily overcome. The wider the cultural distinction between the states and the less their experience of progressive interaction with each other, the more difficult it is to achieve a common understanding in a negotiation. The onus is on the diplomats to ensure a common language and to translate diverse perspectives into shared expectations. This is what is necessary for negotiations between states to achieve a durable and negotiated settlement.

Diplomats must be prepared to practice the craft of negotiation as well as the arts of persuasion in situations and on persons and peoples whose moral and political perspective is often different from, and always at odds with their own. It is their skill and the influence of the states they represent, rather than the imposition of principle and precedent that determine the outcome of the negotiation process.

Preventive Diplomacy

It is crucial under this section to look at preventive diplomacy at length as one of the forms of diplomacy that was broadly applied in the Iraq disarmament crisis.

Preventive diplomacy is based on the UN goal of taking effective action in order to prevent and remove threats to peace. In the post-Cold War era, however, preventive diplomacy has been broadened to address the various kinds of conflicts, such as civil, intrastate and interstate from escalating.[13]

[13] Fen Osler Hampson, 'Preventive Diplomacy at the United Nations and Beyond', in Fen Osler Hampson and David M. Malone (eds.), From Reaction to Conflict Prevention: Opportunities for the UN System, Lynne Rienner Publishers, Inco., Colorado, 2002, pp.139-140

Preventive diplomacy serves three purposes. It aims at 1) preventing disputes from arising between states or between governments and minority parties; 2) preventing disputes from being transformed into crises; and 3) limiting a conflict from spreading to a minimum scale.[14] The factors that undermined the UN diplomatic efforts in resolving the Iraq crisis are analysed based on the second purpose of preventive diplomacy.

The preceding paragraphs, demonstrate that had the UN pursued preventive diplomacy in its broad scope in the post-Cold War era, as Hampson states, then interstate and civil conflicts that had manifested earlier in Iraq, of which grossly violated human rights, would have been prevented from escalating and thereby posing no threat to the region. This, however, requires an early warning system as a means to make prompt intervention.

Preventive diplomacy seeks to curtail an individual state's interests for the benefit of international stability. It essentially aims at preserving international stability by preventing individual states from pursuing interests that may not be beneficial to the other states. However, given that vital interests of many states are not directly challenged by the threat of a conflict that seems to them, both geographically and politically remote, states are not always inclined to undertake preventive action whether within an alliance or in the United Nations.[15] This reflects a limitation in the institutional framework of the UN diplomacy and might have affected the implementation of diplomatic tools in the Iraq crisis, and thereby limited their capacity to address the Iraqi crisis.

Preventive diplomacy, in other words, involves applying diplomatic techniques to prevent disputes from arising, prevent disputes from escalating into armed conflict in case they arise, and if that is not possible, limiting the armed conflict to a minimum scale. Article 33 of the UN Charter requires that disputing parties, that could destabilise peace and security, to seek a solution by 'negotiation, inquiry, mediation, coalition, arbitration,

[14] Mohammed Bedjaoui, 'The Fundamentals of Preventive Diplomacy', in Kelvin M. Cahill(ed.), Preventive Diplomacy: Stopping Wars before they start, Routledge, New York, 2000, p.29
[15] Ibid., pp.29-31

judicial settlement, resort to regional agencies or arrangements, or other peaceful means which the protagonists may choose.[16]

Central to the idea of preventive diplomacy is the assumption that the conflicting parties are unable to effectively make use of the techniques on their own initiatives, and that a third party is needed if the threatened conflict is to be prevented by diplomatic means.[17]

This then suggests that Annan's mediation attempts in February 1998 that resulted in an agreement leading to halting of the war, had they been made earlier, would have had long lasting effects. This, in turn, would have been depended on whether identification of the outstanding differences was made.

Negotiation lies at the heart of preventive diplomacy to the extent that it facilitates the resolution of a conflict. Preventive diplomacy virtually functions through negotiation. Preventive diplomacy draws from insights resulting from the deeper study of negotiation. And by the same token, all negotiation efforts involve preventive diplomacy, preventing crises and presenting an alternative to violence, whether potential or ongoing. However, preventive diplomacy possesses specific characteristic challenges that are largely not addressed by negotiation theory.[18]

The UN has a crucial role in preventive diplomacy by 'virtual of its mandate, legitimacy, and wide-ranging capabilities'.[19] It is upon this basis that the UN diplomacy that was applied in an effort to resolve the Iraq disarmament crisis is evaluated.

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[16] Johan Galtung, 'Reflections on the role of the UN and its Secretary-General', in Kelvin M. Cahill(ed.), Preventive Diplomacy: Stopping Wars before they start, Routledge, New York, 2000, p.191

[17] loc.cit

[18] I William Zartman, 'Preventive Diplomacy: Setting the Stage', in I William Zartman(ed.), Preventive Negotiation: Avoiding Conflict Escalation, Rowman & Littlefield Publishers, Inc., MD, 2000, pp.6-12

[19] Ian Eliasson, 'Establishing Trust in the Hearer: Preventive Diplomacy and the Future of the United Nations, in Kelvin M. Cahill(ed.), Preventive Diplomacy Stopping Wars before they start, Routledge, New York, 2000, p.215

Powers and Limitations of the UN

By looking at the powers and limitations of the UN as a World Organisation, and within the context of preserving international peace and security, helps to explain the level of diplomatic influence at the exposure of the UN in dealing with the Iraq crisis.

The Security Council is charged with the responsibility for the maintenance of international peace and security. However, in discharging its duties, the Security Council is required to act in observance of the purposes of the United Nations[20];

> in particular that of taking, 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, … settlement of international disputes or situations which might lead to the breach of the peace'.[21]

The UN, because it is an association of sovereign countries, and not a coalition or an alliance with specific and binding conditions on its members has greatly limited its effective operation.[22] This is a strong evidence forming part of the key explanations in the failure of UN diplomacy in the case of Iraq.

Moreover, Article 2 of the UN Charter, which states that:

> 'Nothing contained in the present Charter shall authorise the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter'.[23]

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[20] Department of Public Information, 'The Security Council: Functions and Powers', in Charter of the United Nations, United Nations, New York, 1945, p.19
[21] Ibid., p.5
[22] Pierson Dixon, 'Diplomacy at the United Nations', in David A. Kay(ed.), The United Nation Political System, John Wiley & Sons, Inc., New York, 1967, p.82
[23] Kurt Waldheim, 'Powers and the Limitations of the United Nations', in Kurt Waldheim(ed.), The

The preceding provision limits any preventive diplomacy initiatives that would be undertaken in a given state to prevent an unfolding conflict situation from escalating into a crisis, and therefore, might explain the development of issues in Iraq, which later resulted in a crisis. This also contradicts with the mandate of preventive diplomacy in the post-Cold War era, which includes dealing with a wide range of conflicts such as ethnic, civil, intrastate, and interstate from escalating.

According to Article 24 of the United Nations Charter, member states of the UN entrust the Security Council with the fundamental responsibilities of preserving international peace and security by acting on their behalf. However, by virtue of the position that the US occupies as a superpower, the UN is often influenced to take positions that reflect the US interests.[24] This in itself undermines the credibility of the UN as a World Organisation representing the general interests of member states. It further threatens international peace and security by creating room for the pursuance of individual state interests at the expense of the general interests of the other states.

The preceding position was clearly demonstrated in the course of the disarmament crisis in Iraq, which was then climaxed when the US unilaterally decided with the help of Great Britain to invade Iraq without the mandate of the UN. For instance, the US' refusal to ease sanctions pressure on Iraq even when the latter had made progress in cooperating in the weapons inspections exercise was endorsed, though, reluctantly by the UN.

Challenge of Peace, George Weidenfeld & Nicolson Limited, London, 1980, p.43

[24] Abdulla Y. Al Ghonaim, 'The United Nations: Its Nature and Role in International Peace and Security', in Abdulla Y. Al Ghonaim(ed.), The United Nations Role in Maintaining International Peace and Security: Kuwait-Iraq Case Study, Center for Research Studies, Kuwait, 1995, pp.17-19

Seeking a Diplomatic Solution to the Iraqi Crisis

The standoff between the United States and Iraq has been one of the most prolonged conflicts that has posed a threat to world peace since the end of the Cold War.[25] The mediation mission in Baghdad by the UN Secretary-General Kofi Annan was an explicit case of 'crisis negotiations' that occurred against a backdrop of potential confrontation. Annan's Baghdad negotiation efforts in February 1998 were seen as a step forward, since at the time of this development, negotiations were regarded of little significance to break the persistent deadlock between the US and Iraq.[26]

According to the principle of choosing when to negotiate, negotiations need to precede a conflict in its violent phase in order to achieve preventive diplomacy. Negotiations also must take place before 'the resource and process commitment engendered by escalation has developed its own momentum'[27]. Implying that Annan's or UN diplomatic negotiations would have begun earlier before disputes between the US and Iraq had not escalated into a crisis.

Indeed, Annan's mission in Baghdad 'represents one of the only true negotiation episodes' in this prolonged conflict. Annan was argued to intervene when it became apparent that Iraq and the US were on the verge of confrontation following Iraq's refusal to permit UNSCOM access to inspect certain sites. This included some presidential and 'sovereign' sites, and a rejection of the American dominance in the inspections process.[28]

Based on the UN goal of taking effective action in an effort to prevent and remove threats to peace by use of preventive diplomacy, and preventing disputes from being transformed into crises as a purpose of preventive diplomacy, Annan's earlier intervention is perhaps

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[25] Brigid Starkey, et al, 'UNSCOM Plus the Suits: Kofi Annan's Mediation Mission to Baghdad', in Brigid Starkey, et al(eds.), Negotiating a Complex World: An Introduction to International Negotiation, Rowman and Littlefield, London, Md., 1999, p.17
[26] Ibid., p.7
[27] Fen Osler Hampson, op.cit., p.4
[28] Ibid., pp.17-18

likely to have generated a negotiated settlement of the disputes and therefore, prevented them from turning into such a global crisis.

According to Zartman, an opportunity for mediation attempt by UN Secretary-General Kofi Annan unfolded only when it was apparent that both the American public opinion and that of the international community was against the proposed US bombing campaign. Annan called for a negotiated settlement of the deteriorating relations, made an effort to promote a 'sense of diplomatic fairness' to the concerned parties, and in particular made 'balanced' remarks concerning the crisis, which contribution, earned him credibility in Baghdad.[29]

Though Annan's intervention at that particular moment looked timely, however, it should be stated that at best his diplomatic efforts were only to bear a partial solution to the heart of the matter, since as earlier argued, the resource and process commitment engendered by escalation had already developed its own momentum**.** In other words, this explains why parties subsequently maintained their rigid positions leading to the breakdown of the agreement.

According to many people, if the terms of the agreement, in particular, inspection procedures that were brokered by the UN Secretary-General Kofi Annan in February 1998 were not interfered with, then sanctions would have been lifted. However, this would have required skillful use of sanctions as leverage by the UN negotiators.[30]

Adhering to the terms of the agreement (Memorandum of Understanding) and skillfully using sanctions as leverage in themselves were insufficient to lifting of the sanctions that had been imposed on Iraq. There was need to identify areas of common interest and differences between the US and Iraq. This also required that the issue concerning

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[29] Ibid., pp.20-21

[30] George A. Lopez and David Cortright, 'Trouble in the Gulf: Pain and Promise', in The Bulletin of the Atomic Scientists, Vol.54, No.3, May/June 1998, p.43

sanctions objectives be resolved since the declared UN sanctions objectives were contradictory to those of some key members of the UN.

A number of factors are attributed to the success of Annan's mission in Baghdad. First, direct negotiations with Saddam Hussein rather than his representatives. To be sure, this was the first agreement that Saddam Hussein was directly involved in relation to the Gulf War and its aftermath. Second, Annan's 'objectivity' created a sense of trust in Saddam Hussein and his deputy Tariq Aziz. Thirdly, according to Annan's comments after brokering the agreement, the Iraqi key concerns had been identified. Annan, therefore, called for respect of Iraq's dignity and sovereignty in the course of inspection activities.[31]

Given the very short period(three days) in which Annan brokered an agreement with the participation of Saddam Hussein, suggests that past negotiations attempts might have been blurred by communication breakdown between the key parties to the conflict. In addition, by identifying the major concerns of the Iraqi government and not those of the other party to the conflict- US was only part of the solution to resolve the crisis.

Starkey et al reveal that 'the Clinton administration was strongly criticised at home and abroad over the climate negotiations and in the lead-up to the Annan negotiations'. It was then to be concluded that the final agreement 'lacked vigor and was not workable in the long run because it was little more than face-saving devices for the participants'.[32] This might have been one way through which the US was expressing its concerns, especially its national security, and the fact that appropriate diplomatic measures to address them was lacking, might broadly explain as to why the final agreement was not workable in the end.

[31] Brigid Starkey, et al, op.cit., pp.24-25
[32] Ibid., pp.7-8

Though, Kofi Annan's negotiation efforts were unable to resolve all the existing issues between the US and Iraq, nonetheless diplomatic negotiation had proven to be a viable alternative to war, even in such a very disputed matter.[33]

Indeed, had diplomatic negotiation been put to use earlier as a complementary effort to other tools like sanctions and weapons inspections, it is more likely that the disputes would not have escalated into a crisis and thus, a negotiated settlement to the conflict would have perhaps been possible.
In response to the last Iraqi standoff with UNSCOM, the Security Council in February 1998, threatened 'serious consequences' in the event of future Iraqi violation of the agreement that had been signed by UN Secretary- General Kofi Annan and Iraqi Deputy Prime Minister Tariq Aziz on the 24th of February 1998.[34]

However, in less than a year Iraq suspended cooperation with UNSCOM, which hindered UN inspection activities at the Iraqi sites. Security Council President Danilo Turk remarked that this was 'totally unacceptable. It contravened the relevant Security Council resolutions and the Memorandum of Understanding signed in February' by Annan and Aziz. However, in order to avoid any excuse for a military solution to the crisis, Turk's statement was interpreted by the Security Council to imply that Iraq's action amounted to a contravention but not a violation of the February agreement.[35]

In an attempt to deal with the crisis, Ambassador Qui Huasun of China stated that the only viable solution would be achieved through 'dialogue and negotiation'. This was in line with Annan's plans to increase negotiations with Iraq and launch a comprehensive review of the outstanding issues between Iraq and the UN.[36] However, this proved

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[33] Ibid., p.25
[34] Farhan Haq, 'Politics-Iraq: No War Talk in New Weapons Standoff', http://www.oneworld.org/ips3/aug98/04_01_005.html, August 9,
[35] loc.cit
[36] Ibid., p.2

difficult since the US policy towards Iraq focused on 'economic sanctions and bombing-not diplomacy'.[37]

Indeed the solution to the crisis lay in the need to engage in dialogue and negotiation, though, with commitment from both sides, not only, to respect the terms of the agreement but also the conditions that were set for easing of the sanctions pressure imposed on Iraq. Launching a comprehensive review of the outstanding issues only between Iraq and the UN, and not the US and Iraq was an oversight since it was apparent that the crisis was more of bilateral in character (between the US and Iraq) than multilateral. It was essential, therefore, if any meaningful resolution of the conflict was to be possible, to question and respond to the US' policy towards Iraq.

It should be, however, noted that Iraq's suspension of cooperation with UNSCOM was based on the failure of UNSCOM to acknowledge the progress that had been made by Iraq in disarmament areas. Annan's promise of a comprehensive review of the inspection process was aimed at ensuring that it was fair and dependent on Iraq's revival of cooperation with UNSCOM.[38]

Since the February agreement together with earlier deals required that Iraqi progress in disarmament areas be acknowledged by ease of sanctions, of which was not the case, indicates a case of bad will, which precipitated Iraq's suspension of cooperation with UNSCOM.

Indeed, recognising Iraqi progress in disarmament areas was among the key points in the February agreement between Annan and Deputy Prime Minister Tariq Aziz, of which was to improve cooperation of the parties.[39]

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[37] Phyllis Bennis, 'Iraq and Kosovo: Two Regional Wars and a Global Pentagon Budget', http://www.globalpolicy.org/security/issues/kosovo19.htm, April 6, 1999, p.2

[38] Max Ruston, 'UN/Iraq Crisis', Correspondent Report, http://www.fas.org/news/iraq/1998/10/981001-iraq.htm, October 1, 1998

[39] Kofi A., Annan and Tariq Aziz, 'Memorandum of Understanding between the United Nations and the Republic of Iraq', http://www.org/Newlinks/uniraq.htm, February 23, 1998, p.1

In an attempt to search for a diplomatic solution to the Iraqi arms crisis, Russia called for 'more patience' and stressed the need to 'continue to persistently look for a political way out of the impasse'.[40] While the US threatened that time was 'running out for a diplomatic solution'.[41] The UN Secretary-General stated that it was important for more time allotment as a requirement necessary for diplomacy to yield results.[42]

In order to break the impasse, UNSCOM Plus Suits proposal that was drafted by France had to be adopted. The proposal called for the appointment of impartial inspectors by the UN Secretary-General who would work with UNSCOM inspectors and who were more acceptable to the Iraqis.[43]

This implies that Iraq's concerns were attached to fairness in the inspection activities and trustworthiness or impartiality of the inspectors, conditions that were essential for accurate appraisal of the Iraqi progress in disarmament areas, consequently, leading to lifting of sanctions.

Rewards for Diplomatic Negotiations in the Iraq Crisis

United Nations Secretary-General Kofi Annan's negotiations with Saddam Hussein was a timely diplomatic move, which resulted in an agreement over UN site inspections. However, this was not without criticism from some members of the Security Council. This came as a response to the impasse over UNSCOM inspections of Iraqi sites and amassing of troops in the Persian Gulf, a situation that demanded immediate intervention.[44]

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[40] 'BBC News\World/Russia in new Mediation Bid', http://news.bbc.co.uk/1/hi/world/52255.stm, January 31, 1998, p.1
[41] loc.cit
[42] loc.cit
[43] Brigid Starkey, et al, op.cit., p.21
[44] Ian Williams, 'As the United Nations and Iraq look beyond the brink, hope appears on the horizon', in UN Chronicle, Spring 1998, Vol.35, il p4(4)

In addition to easing tensions in the Middle-East, Annan argues that his personal meeting with Saddam Hussein had permitted diplomacy to play its role in enabling Iraq to comply with the UN's demands on disarmament.[45] Moreover, it is said that failure to intervene risked untold consequences, not only, to the conflicting parties but the United Nations and the world at large.[46] Lone argues that the Secretary-General's trip to Iraq averted a war that was looming in the Middle- East by managing to convince President Saddam Hussein in complying with the UN Security Council resolutions by signing an agreement committing Iraq to the terms therein.[47]

Besides being diplomatically timely, Annan's successful mission in Baghdad was based on addressing key Iraqi concerns by use of carrots-that is, promises to ensure that Iraq's sovereignty and integrity were respected, commitment to ease sanctions depending on Iraqi progress in disarmament and the trust as being an honest and independent broker that Annan had earned in the eyes of the Iraqi authorities.

According to Tariq Aziz, the success of the negotiations lay in 'the goodwill that Kofi Annan brought with him… In fact there was no crisis between Iraq and the UN… the crisis was with the US. Moreover, Annan's diplomatic and negotiation skills clearly expressed in his statements created a sense of restraint in both parties: 'you can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed up by firmness and force'. While, in New York he implicitly backed the US and UK's tough stance by describing their leaders as 'perfect UN peace-keepers', who operated on the principle that 'the best way to use force is to show it, in order not to use it'.[48]

Based on Aziz's statement, any total and realistic settlement of the Iraq disarmament crisis lay in searching a diplomatic and political solution of the conflict between the US and Iraq. Given Iraq's weaker military position in the period immediately after the first

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[45] Kofi Annan and Tariq Aziz, op.cit., p.1
[46] Ian Williams, op.cit., p.2
[47] Salim, Lone, 'A War averted(United Nations Secretary-General Kofi Annan's Negotiations with Iraqi President Saddam Hussein)', in UN Chronicle, Spring 1998, Vol.35 il p2(1)
[48] Ian Williams, op.cit., p.3

Gulf War, and the embargo on its oil transactions, diplomatic negotiations would have gone a long way in addressing disputes between the US and Iraq before they escalated into an unmanageable crisis.

In addition, the agreement 'was neither a victory nor a defeat' for any party. The UN and the world community had nothing to lose, concede nor give away any thing of substance. Preventing a military confrontation in the Gulf was a victory for peace and a diplomatic remedy to the conflict.[49]

In the end, Annan calmed down tempers and within a month after signing the agreement, the first inspection of a presidential site was successfully carried out. Hostilities against UNSCOM inspectors had ceased and credibility of the UN enhanced, though, not with some politicians who had opted for a military solution.[50]

The Iraqi commitment to allow inspections of presidential sites was, to a certain degree, a sign of surrender given its earlier stance regarding the same. Similarly, by improving cooperation with UNSCOM inspectors was a commitment to good will, a condition essential for any diplomatic endeavour.

Moreover, Annan says that his search for a peaceful solution to the crisis, not only, averted war but reaffirmed the mandate of the Security Council, expanded access of United Nations inspectors to include any site that was suspect to contain WMD.[51]

Annan's short term successful mission in Baghdad, which later unraveled, at least, indicates the extent of positive results that diplomacy based on impartiality, fairness, goodwill and skillful use of carrots and sticks can bear.

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[49] Kofi Annan, 'Nothing Lost, nothing Conceded, nothing given away', Excerpts from a statement released by United Nations Secretary-General Kofi Annan on his talks with the government in February, 1998, in UN Chronicle, Spring 1998 Vol.35 il p3(1)

[50] Ian Williams, op.cit., pp.5-6

[51] Kofi Annan, op.cit., pp.1-2

However, Annan attributes part of the success behind his mission in Baghdad to a stick (threat) in form of a military presence- by the United States and the United Kingdom.[52] Annan therefore, argues that total compliance of the Security Council's demands by Iraq was the sole and only aim of the February agreement. He further says that the completion of the disarmament process, which would then lead to lifting of the sanctions, depended on Iraq's commitment towards the agreement.[53]

By stating that Iraq's total compliance with the Security Council's demands was the sole and only aim of the February agreement signed between Annan and the deputy Prime Minster Tariq Aziz, and also by saying that completion of the disarmament process as a condition to lifting sanctions depended on Iraq's commitment towards the agreement, clearly implies that it was one party to the agreement, in this case, Iraq and not the UN Security Council, that was to honour its obligations. This one-sided commitment to the terms of the agreement falls short of any fair deal aimed at reaching a negotiated settlement or achieving a peaceful solution to a conflict. Thus, this partly explains the breakdown of the February agreement in the course of inspection activities.

Denisova notes that Russia's diplomatic efforts were essential in averting a war in Iraq; Russian Minister of Foreign Affairs Yevgeny Primakov discussions on Iraq's compliance with UN resolutions with foreign officials from China, UK, France and the US, resulted in a call for Iraq to permit UNSCOM inspectors to carry out their mandated disarmament activities.[54]

It is true that, had diplomatic attempts by individual UN members and the UN as an institution adopted a balanced approach of appealing to the key parties to the conflict-that is, the US and Iraq, a diplomatic solution may have been more likely. This would have ensured that, while Iraq cooperated in the disarmament process, reciprocity on the other hand would be made by way of easing the sanctions pressure.

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[52] Salim Lone, op.cit., p.3
[53] Kofi Annan, op.cit., p.2
[54] Irina Denisova, 'Primakov Credited with averting new Gulf War', in The Current Digest of the Post-Soviet Press, December 27, 1997, Vol.49, No.47, p1(6)

Further, diplomatic mediation is credited to have played a major role in ensuring that Iraq's threats to expel members of the United Nations weapons inspections of American origin had not resulted in a military confrontation.[55]

Perhaps lack of trust in the American weapons inspectors was one of the key concerns of the Iraqis that had to be addressed by diplomatic intervention in avoiding a military confrontation. This suggests that, had diplomatic attempts been made earlier to address outstanding issues of differences, a diplomatic solution to the conflict would have been realised.

Limiting UN Diplomatic Efforts in Resolving the Iraq Crisis

The misgivings declared publicly by some members of the Security Council created an opportunity for the success of Annan's mission; their earlier disapproval of Annan's mission created an impression in the Iraqi leadership that Annan was 'an independent agent of good will', rather than an ultimatum bearer of the apparent military conflict.[56]

As can be observed, disagreement by the members of the Security Council was a key limiting factor to diplomatic attempts aimed at resolving the Iraqi disarmament crisis. Perhaps in both parties to the conflict there existed a deeply entrenched degree of mutual distrust, which required diplomatic action in form of confidence building, and thereby, create a diplomatic environment suitable for addressing the outstanding issues.

Determined to find a 'formula out of war in the face of rigid bilateral positions and the no-less rigid Security Council resolutions which allowed him virtually no room for maneuver, leave alone concessions', Annan's success of his mission was highly doubted.

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[55] Unauthored, 'Weapons Inspection Crisis in Iraq: Still a long way to go', in Beijing Review, January 12, 1998, Vol.41, No.2, p6(1)

[56] Ian Williams, op.cit., p.5

However, within a very short period, negotiations with Saddam Hussein had produced a 'breakthrough agreement', which helped to avert the war.[57]

The rigidity manifested in the conflicting parties, and in the Security Council resolutions which presented no room for concessions, created a scenario in which any diplomatic attempt, in whatever form, was only to achieve a partial solution to the crisis. Implying that any diplomatic effort that would have produced a viable and long lasting solution had, as a pre-condition got to reconcile the bilateral relations of the parties to the conflict, and 'softened', though not render indecisive, the Security Council resolutions.

Iraqi Foreign Minister Naji Sabri, in defence of his government's refusal to the return of UN weapons inspectors, argues that Baghdad's significant progress towards reaching a settlement with the UN had not been reciprocated by the Security Council. Sabri attributes the impasse encountered in negotiations with the UN to 'Washington's obstruction and pressure on UNMOVIC, the UN inspection agency'.[58]

In order for any successful diplomatic endeavour, it is required that concessions offered by a given party are reciprocated. It is not, therefore, unreasonable that the failure by the Security Council to respond to Iraqi concessions were met with a retaliatory response-by halting cooperation with UN weapons inspectors.

Moreover, by obstructing and pressuring UNMOVIC inspectors (on the assumption that this was the case) limited and undermined the impartiality of the inspectors and thus the possibilities of a diplomatic solution of the crisis.

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[57] Salim Lone, op.cit., p.2

[58] Naji Sabri, 'Iraq-July 29-Sabri Ridicules US Intentions to Oust Saddam', in APS Diplomat Recorder, August 3, 2002, Vol.57 i5 PNA

The following paragraphs provide a brief account of the US's mistrust of the UN weapons inspections in Iraq that significantly limited the UN diplomatic efforts in resolving the Iraqi crisis:[59]

The President's assertion that, 'I am not willing to stake one American life on trusting Saddam Hussein… the follow-up rhetoric contributes to an illusion around the world that an unfettered unconditional inspection regime will protect us from the menace of Iraq's weapons of mass destruction'. The President further contended that, 'I'm not willing to stake one American life on trusting a UN inspector'. It is said that the President's assertion was a clear reflection of the convictions of the inspectors that had worked with UNSCOM for a period more than seven years prior to their expulsion.

Bush's statements were clear. Weapons inspections as a diplomatic tool aimed at resolving Iraq's disarmament crisis had been rendered ineffective and therefore, unable to rid Saddam's regime of WMD. Therefore, any diplomatic measure to address the crisis, required, first and foremost, to convince the Americans of the credibility of the weapons inspections as a viable UN diplomatic tool.

It was believed that given the small number of the UN weapons inspectors in a country as large as Iraq, Saddam was always able to defeat the inspection activities. In addition, the US argued that although UNMOVIC, the new inspection team had expertise to discover Saddam's weapons of mass destruction, but its inspectors had no experience in Iraq and that, therefore, were unable to manage and process intelligence information from various sources.

Further, it is argued that with an advanced and experienced counterintelligence system in obstructing previous UN inspectors, the new inspection team 'hands will be tied even

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[59] Mortimer B. Zuckerman, 'No more Cat and Mouse', in US News and World Report, October 28, 2002, pp.1-3

more than UNSCOM's working as they will for a UN administration that has no heart for an armed conflict in the event the inspectors are thwarted'.

The preceding paragraphs clearly indicate that the Americans had no trust in Saddam's regime intentions to comply with the Security Council resolutions and thereby, disarm. Regardless of the advanced technology and massive information from various sources that the UN inspectors accessed, they were equally not to be trusted. This only left diplomatic efforts to resolve the crisis in a state of quagmire, given America's position as the sole world superpower.

Zuckerman says that, even though, the UN passed a resolution that was resolute enough and which strengthened the mandate of inspectors, they would nonetheless, encounter delays in inspections, obstructions and diversions. It is thus, argued that it would be impossible for the Security Council to permit a military solution in such a situation if the authority for a military action was entrusted to the UN Secretary-General's judgments as the overseer of the inspection activities.

Moreover, the Secretary-General's action of coauthoring the letter from Saddam was discomforting; this 'took the steam out of the Security Council pressure' by promising unconditional inspections that later turned out to be largely conditional. It is apparent that the Americans had lost faith in multilateralism and had already decided to pursue a policy of unilateralism in form of preventative action. The American position to pursue a military intervention, portrays the importance of diplomatic action through negotiations before a conflict has reached its violent phase.

It was thought that Saddam's aim was to provoke a dispute thus calling for Security Council decision to end the sanctions, in which, Russia, China, and France would vote in favour of the same with a view to resume trade relations with Iraq. It was 'unlikely that they would be terribly interested in finding anything that might justify toppling Saddam'. The crisis had caused divisions in the permanent members of the Security Council that were a result of conflicting UN objectives behind the sanctions that were imposed on Iraq

and that of the US-of toppling Saddam. This made any diplomatic effort a difficult project, if not an impossible one.

In addition, Zuckerman reports that even if inspectors were to locate and render harmless a substantial amount of weapons of mass destruction, it was more likely that Iraqi scientists would develop new weapons after the inspectors left the country. Implying that the problem was the regime. Nothing would be achieved as long as Saddam was in charge of the country.

In other words, inspections were seen as a trap;

> 'this will enable Saddam to play rope-a-dope with the international community, fencing with inspectors until the crisis atmosphere dissipates and the political will to bring Iraq to heel expires, thus ultimately impeding development of international support for military action'.[60]

It was then resolved that 'the only way to force Iraq to get rid of its terrible weapons is to rid the country of the regime that builds them. Washington must not pause, then, in its push to depose Saddam'. It is thus asserted that the US' national security was not to be compromised in invoking veto power by countries whose interests were to gain economic and political benefits by opposing the US.[61]

The previous paragraphs demonstrate a crush between multilateralism and unilateralism that was based on a conflict of interests, and which greatly undermined diplomatic attempts that were designed to enhance a diplomatic solution to the Iraq disarmament crisis.

[60] Mortimer B. Zuckerman, op.cit., p.3
[61] loc.cit

The Post-1998 Round of Talks on the return of Weapons Inspections

Seeking a diplomatic solution to the Iraqi Crisis

A series of discussions were held between the UN Secretary-General and the Iraqi Government aimed at resolving the Iraqi crisis by implementing the relevant Security Council resolutions. The discussions took place in New York on 7 March and 2 May and in Vienna on 4 July 2002. In addition, talks on the same issue were held in the Secretary-General's Office in New York on 14 and 15 September 2002 with the participation of the Secretary-General of the League of Arab States.[62]

First Round of talks

The round of talks on the return of weapons inspectors that were held between the UN Secretary-General and the Iraqi Foreign Minister at the beginning of March 2002 were the first in three years. Since 1998 Iraq had refused to cooperate with the UN on any further weapons inspections or the destruction of its WMD and related programmes.[63]

The long- awaited talks had been initiated by Iraqi President Saddam Hussein. According to the UN report, both Iraqi Foreign Minister and the UN Secretary-General agreed that the first round of talks had been 'positive and constructive'. In addition, Annan's spokesperson reported that the talks had been focused and that discussions had covered key issues. The issues included UN sanctions imposed on Iraq after its invasion of Kuwait, and the destruction of WMD and long-range missiles, a condition which would permit lifting of the sanctions. However, Iraq did not show any sign of ever allowing the return of weapons inspectors. It had been nevertheless, anticipated that the talks would not have achieved a 'major breakthrough'.[64]

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[62] UN Security Council, 'Letter dated 16 September 2002 from the Secretary-General addressed to the President of the Security Council', http://www.un.org/Depts/unmovic/new/documents/S-2002-1034.PDF

[63] Judy Aita, 'UN, Iraq Begin New Round of Talks on Weapons Inspections: Annan Wants to focus on Return of Inspections', http://usinfo.state.gov/topical/pol/terror/02050108.htm, 1 May 2002, p.1

[64] United Nations, 'U.N. Holds Talks With Iraq', http://www.cbsnews.com/stories/2002/03/07/world/main503234.shtml

Indeed given that these were the first round of talks in over three years after Iraq had dismissed the UN weapons inspectors, the success of the negotiations was limited. This is based on the fact that for negotiations to achieve a negotiated settlement of a difficult conflict such as the Iraqi disarmament crisis, there must have been ongoing negotiations.

During the discussions, the UN chief weapons inspector Hans Brix who was in company with the Secretary-General explained how UNMOVIC would carry out its activities in order to identify the unresolved disarmament issues that Iraq must answer before sanctions could be lifted.[65]

Annan desired that the ongoing differences be diplomatically resolved, and that Iraq would comply with the UN imposed resolutions. If this was fulfilled, Annan expressed optimism that the Security Council would not 'take any further action'.[66]

In an attempt to search for a diplomatic solution to the Iraqi crisis, Russia hosted a one day separate talks with Iraqi Foreign Minister Naji Sabri and UN chief weapons inspector Hans Blix. The Moscow talks were considered significant in the sense that they took place just before negotiations between Iraq and the United Nations were scheduled to take place in New York.[67]

While Russian Foreign Minister Igor Ivanov implicitly opposed US threats of a military attack on Iraq by drawing attention to Moscow's belief that the Iraq crisis could be resolved by political means, he at the same time strongly called upon Iraq to accept the return of UN weapons inspectors. Ivanov argued that it was only when this requirement was fulfilled that the UN resolutions imposed on Iraq would be satisfied, consequently leading to the lifting of sanctions against Iraq.[68]

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[65] United Nations, 'UN-Iraq Talks Have Little Chances of A Breakthrough', http://www.srcf.ucam.org/~jjs32/CASI%20stuff/weapons%20inspections.doc, 2 July 2002, p.5

[66] United Nations, 'U.N. Holds Talks With Iraq', op.cit., p.1

[67] 'Iraqi Foreign Minister in Moscow', http://www.jamestown.org/publications_details.php?volume_id=25&&issu_id=2249, 30 April, 2002, p.1

[68] Ibid., p.2

In line with the Russian stand, Chinese Foreign Minister Tang Jiaxuan in his speech to the UN 2002 General Assembly said that China stood for a political option to the Iraqi issue. Jiaxuan urged the United Nations to play a key role in achieving this. The Foreign Minister also argued Iraq to fully comply with all relevant Security Council resolutions.[69]

Given that Iraq had taken the initiative of inviting discussions on the return of weapons inspectors, which it had dismissed in December 1998, and the fact that the talks had been 'positive and constructive', suggests that Iraq had perhaps the will to seek a diplomatic solution to the disarmament crisis.

Second Round of Talks

The second round of talks aimed at resuming weapons inspections began on 1 May 2002. The talks were held between the UN Secretary-General Kofi Annan and Iraqi Foreign Minister Naji Sabri, and took place in New York from 1-3 May 2002. According to the UN Secretary-General, the purpose of the talks was to discuss the implementation of the Security Council resolutions and the return of the weapons inspectors. However, the Iraqis were also expected to table proposals.[70]

Annan reported that the talks were 'very useful and frank'. The Secretary-General said that the Iraqis were concerned with no-fly zones, discussion of regime change[71] and the impact this was likely to have, and the likely difference in the US stance, if inspectors were to be allowed to resume their work[72]

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[69] Stewart Stogel, 'U.N. Speeches Urge Caution', http://www.newsmax.com/archives/articles/2002/9/14/153015.shtml, 14 September 2002, pp.1-2

[70] Judy Aita, op.cit., p.1

[71] By the time of the discussions, Washington had been in the process of discussing regime change in Baghdad and the mechanics of the war with Iraq

[72] Disarmament Diplomacy, 'UN-Iraq Talks Continue as Security Council Agrees to Reshape Sanctions', http://www.acronym.org.uk/dd/dd65/65nr14.htm, July-August 2002

In addition, the Press release by the Russian Ministry of Foreign Affairs reported that the second round of talks was constructive and that a number of issues of concern were discussed. These included the prospects of the return of weapons inspectors. Iraq's main concern was the respect of its sovereignty and territorial integrity. The Press release further reveals that the fruitful dialogue,

> Marked an important step on the road toward settlement of the situation around Iraq which must be comprehensive and must include the restoration of all-round cooperation between Baghdad and the UN in the disarmament sphere to be followed by a lifting of economic sanctions against Iraq.[73]

Based on the principles of international law in particular those that provide for sovereignty and territorial integrity of an independent state, Iraq's concerns related to the no-fly zones and a change of regime were valid. The no-fly zone prevented the Iraqi regime from exercising its legitimate authority in all parts of Iraq's territory. The no-fly zone also compromised Iraq's national security. In addition, changing the Iraqi regime through an invasion by any foreign power clearly was also a breach of international law.

Moreover, a pacific response in the event that the Iraqis had allowed the resumption of weapons inspections was a key provision through which diplomatic settlement of the conflict was possible.

The statement by the Russian Foreign Ministry recognises the significance by the parties in having agreed further consultations.[74]

Moreover the UN Secretary-General Kofi Annan reported some 'progress but no breakthrough' and he was optimistic that in the next round of talks Iraq would have 'some positive news'.[75]

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[73] 'Press Release on the Talks Between UN Secretary-General Kofi Annan and the Foreign Minister of Iraq Naji Sabri' Ministry of Foreign Affairs, Moscow, Russia, http://www.iraqwatch.org/government/Russia/russia-mfa-05-06-02.htm, 6 May 2002

[74] Ibid

Russia pledged actively to pursue both political and diplomatic options that conform with UN Security Council resolutions that were imposed on Iraq toward contributing to the negotiation process - in an attempt to reaching a mutually acceptable outcome of the Iraqi problem.[76]

Third Round of Talks

The third round of talks between the UN Secretary-General Kofi Annan and Iraqi Foreign Minister Naji Sabri was held in Vienna from 4-5 July 2002. Among the participants in the talks were Hans Blix the Executive Chairman of UNMOVIC and Mohamed El-Baradei, the Director-General IAEA.[77]

The Press Release by the Russian Foreign Ministry reveals that the talks were conducted in a cordial atmosphere, and that a number of issues related to the settlement of the Iraqi conflict had been discussed. These included the prospects for UNMOVIC inspection and monitoring activity in Iraq, and a mechanism of reaching agreement on the issues that were unresolved in areas of disarmament. In addition, the issue related to the return of Kuwait's property was also discussed. However, real progress was only achieved in resolving the issue of returning Kuwait's property.[78]

During the discussions, Iraq re-emphasised the need to respect its sovereignty and territorial integrity, and supported a comprehensive settlement of the problem. Reacting to the talks, Moscow was strongly 'convinced that such a settlement ought to provide for the suspension, and then lifting of the economic sanctions imposed on Iraq as cooperation is restored between Baghdad and the UN in the field of disarmament'. Moscow further

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[75] United Nations 'UN-Iraq Talks Have Little Chances of A Breakthrough', op.cit., p.5

[76] 'Press Release on the Talks Between the UN Secretary-General Kofi Annan and Foreign Minister of Iraq Naji Sabri', op.cit.

[77] 'Press Release on UN Secretary-General Kofi Annan's Talks with Iraqi Foreign Minister Naji Sabri', Russian Ministry of Foreign Affairs, http://www.iraqwatch.org/government/Russia/russia-mfa-070802.htm, 8 July 2002

[78] Ibid

believed that the Iraqi problem could only be resolved by 'politico-diplomatic methods' based on the implementation of relevant UN Security Council resolutions.[79]

According to CNN correspondent Richard Roth, in the Vienna talks on the weapons inspections, Baghdad refused to allow the return of the UN weapons inspectors. The Iraqis asserted that the UN Security Council and the US in particular, had 'violated international law against Iraq'.[80]

In the search for a diplomatic solution to the Iraqi disarmament issue, on 1 August 2002, Iraqi Foreign Minister Naji Sabri wrote to the UN Secretary-General Kofi Annan requesting for 'technical talks in Baghdad at the earliest possible date' together with a team of experts headed by Hans Blix[81] and the Director-General IAEA who was at the time head of UNMOVIC. According to Sabri the purpose of the Baghdad talks was to conduct a 'comprehensive review'[82] of the outstanding issues between Iraq and the UN as Annan had earlier demanded.[83]

Sabri submitted that, the 'review will be an important step towards the appropriate legal and technical assessment and treatment of the issue of disarmament and … establish a solid base for the next stage of monitoring and inspection activities'. Moreover Sabri was optimistic that the outcome of the discussions would lead to an agreement on 'practical arrangements to resume cooperation and prevent misunderstandings or delay when the inspection regime returns to Iraq'.[84]

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[79] loc.cit

[80] Richard Roth, 'Iraq, U.N. hold Weapons Inspections Discussions; U.S. Threatens to Block U.N. Peacekeeping Missions', in Diplomatic License http://www.cnn.com/TRANSCRIPTS/0207/06/I_dl.00.html, 6 July 2002

[81] Hans Blix is a former Swedish Diplomat and was then UN Chief weapons inspector.

[82] A comprehensive review was meant to very whether or not Iraq had complied with disarmament resolution 687(1991) and all the relevant resolutions. This would the lead to lifting of the sanctions that were imposed on Iraq.

[83] Disarmament Diplomacy: Iraq Offers Talks, UN Demands Inspections as US Debates War, http://www.acronym.org.uk/dd/dd66/66nr05.htm, September 2003, p.1

[84] loc.cit

However, on 4 August 2002 Blix declined Iraq's invitation in the absence of an invitation for UNMOVIC to carry on with weapons inspections. Responding to Blix's refusal, on 5 August 2002 Sabri sent a second letter to Annan reissuing the invitation. The Iraqi Foreign Minister argued that:

> We cannot think of starting a new stage without solving the pending issues of the previous stage, because that will surely mean that we are going back once again into the mine fields, and the return of the inspectors will only be for a few weeks, and the crisis will return. Such a sequence of events would result in the departure of the inspectors and then the United States will call for aggression on Iraq, as was the case during 1991-1998.[85]

Annan rejected Iraq's invitation citing inadequacy in the agenda. The Secretary-General said that all Security Council members unanimously agreed to get the inspectors back. However, Annan argued that by rejecting Iraq's invitation was not intended to legitimise any subsequent military intervention.[86]

In order to allow for a thorough and successful inspection exercise, it was essential to identify and address fundamental areas of concern or differences between the UN and Iraq that had caused the breakdown of the previous inspections regime. Reference to the Security Council resolutions that were imposed on Iraq with a view to assess the extent to which Iraq and the UN Security Council had honoured their obligations, would have perhaps boosted the diplomatic discussions and thus facilitated the return of weapons inspectors.

After days of intense lobbying and diplomatic negotiations on the return of weapons inspectors in the UN General Assembly, Iraq allowed the return of the weapons inspectors without conditions. This was facilitated by a series of meetings that Saddam

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[85] Ibid., p.2
[86] loc.cit

Hussein had held with his senior officials for 24 hours in which the regime then resolved to write a letter to the Secretary-General permitting the return of the inspectors.[87]

However according to the Secretary-General's letter addressed to the president of the Security Council on 16 September 2002, Iraqi Foreign Minister Naji Sabri had indicated readiness of his government in discussing the practical arrangements that were essential in facilitating immediate resumption of the weapons inspections.[88]

On account of the Iraqi letter allowing the return of the inspectors, Annan delivered the letter to the Security Council for action to be taken, and recognised readiness of the inspectors to carry on their work. However, Washington dismissed the letter by arguing that this was a 'tactic that will fail to prevent strong UN Security Council action to disarm Iraq'. Thus Washington called for prompt action to be taken by the Security Council.[89]

The unwillingness exhibited by Washington in giving a chance for a diplomatic option – allowing the return of weapons inspectors - was a clear demonstration of the US resolve in opting for a military solution. In other words, Washington had subjected diplomatic options in resolving the Iraqi disarmament crisis to an impossible state.

In an open debate on Iraq by the Security Council, the Non-Aligned Movement argued the Security Council to allow the immediate return of weapons inspectors in Iraq in order to enable the peaceful resolution of the Iraqi issue. The representative of the Non-Aligned Movement said that 'it would be tragic if the Council were to prejudge the work of the inspectors before they set foot in Iraq'. The representative raised his concerns regarding the exclusion of elected members of the Council from consultations on a possible resolution on Iraq that was being negotiated among Security Council permanent members.[90]

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[87] Leigh Sales, http://www.abc.net.au/worldtoday/s678463.htm, 17 September 2002, pp.1-2
[88] United Nations Security Council, 'Letter dated 16 September 2002 from the Secretary-General addressed to the President of the Security Council, op.cit., p.1
[89] Leigh Sales, op.cit., p.2

[90] Press Release, Security Council 4625th Meeting, 'Return of United Nations Inspectors, without

In an opening speech, the Secretary-General Kofi Annan said that the failure of Iraq to fully comply with Security Council resolutions 'posed a great challenge to the Council but it also presented an opportunity to strengthen international cooperation, the rule of law, and the Organisation itself'. In addition, while Annan recognised Iraq's decision to allow the return of the inspectors without conditions as a crucial step, he suggested the making of a new resolution aimed at empowering the inspectors.[91]

In response, the representative from Iraq argued that it was unnecessary to draft a new Security Council resolution since there had been no WMD in the country. The representative informed the meeting that Iraq had complied with the disarmament Security Council resolution 687(1991).[92]

However, in order to end the impasse over the issue Iraq's representative said that Iraq had initiated dialogue with the Secretary-General in an attempt to implement Security Council resolutions in a 'balanced manner' but the United States had 'prevented the Council from participating in finding a comprehensive resolution of the situation'. According to the Iraqi representative, the 'American Administration had declared unabashedly its intentions to invade Iraq and put its hands on the oil resources'.[93]

Rewards for Diplomatic Negotiations in the Iraqi Crisis

After nearly four days of intense lobbying and diplomatic negotiations in the UN General Assembly on the return of inspectors, Iraq permitted their return without condition.[94] However, according to MacAskill, Iraq's willingness to accept[95] the return of the inspectors after more than three years blocking their return was precipitated by

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conditions, is Key to Solving Arms Impasse with Iraq, Security Council is told', http://www.un.org/News/Press/docs/2002/SC7534.doc.htm, p.1

[91] Press Release, Security Council 4625th Meeting, 'Return of United Nations Inspectors, without conditions, is Key to Solving Arms Impasse with Iraq, Security Council is told', http://www.un.org/News/Press/docs/2002/SC7534.doc.htm, p.1

[92] Ibid., p.2

[93] loc.cit

[94] Leigh Sales, op.cit., pp.1-2

[95] This however should partly be attributed to a series of meetings on the return of the weapons inspectors that Saddam Hussein had held with his Senior Officials.

Washington's is debate of a military strike against Iraq in the beginning of the following year.[96]

Whether or not Iraq had allowed the return of the inspectors under pressure of an imminent invasion of its territory by the US, that in itself, demonstrates the importance of skilful use of a stick (threats) as a diplomatic tool aimed at pushing parties to a conflict towards its settlement. Suggesting that if Washington had employed this strategy (without actually implementing the strategy) in the earlier phases of Iraqi disarmament crisis, perhaps a negotiated settlement would have long been realised.

In addition, this draws attention to the significance of realistic diplomatic negotiation concerning a disputed issue within individual parties. Implying that had Saddam Hussein earlier engaged his officials concerning the return of the UN inspectors and appraising the likely impact on his regime in the face of a refusal, perhaps that could have appealed to the US by not opting for a military solution in resolving the Iraqi disarmament issue.

Limiting UN Diplomatic Efforts in resolving the Iraqi Crisis

The conclusion by the US that Saddam Hussein would never comply with the 1991 post-Gulf War UN resolutions that require Iraq to declare its WMD programmes[97], made any diplomatic effort a complex exercise. The remarks by the US National Security Advisor Condoleezza Rice further put diplomacy in a state of jeopardy. Rice stated that:

> … The President has felt that it is extremely important to make clear that the status quo is not acceptable with this regime. … Saddam Hussein is not likely to ever convince the world, in a reliable way, that he is going to live at peace with

[96] United Nations, 'UN-Iraq Talks Have Little Chances of A Breakthrough', op.cit., p.2
[97] Barbara Slavin, 'U.S. Demands on Iraq may be tough to meet', http://www.usatoday.com/news/world/2002/02/27/usat-iraq.htm

> his neighbours, that he will not seek weapons of mass destruction, and that he will not repress his own people.[98]

In addition, the US Vice President Dick Cheney's statement that:

> It is the judgment of many of us that in the not too distant future Saddam Hussein will acquire nuclear weapons. … And a nuclear-armed Saddam Hussein is not a pleasant prospect for anyone in the region, or for anyone in the world. Saddam Hussein has gotten very good at denial and deception. A debate with him over inspectors … would be an effort by him to obfuscate and delay and avoid having to live up to the accords that he signed at the end of the Gulf War.[99]

Therefore, the US Secretary of State Colin Powell explicitly revealed that the 'US is intent on war, whatever happens with inspectors: US policy is that regardless of what the inspectors do, the people of Iraq and the people of the region would be better off with a different regime in Baghdad'. Powell asserted that the issue concerning inspectors was a 'separate and distinct and different' matter from the view point of the US on the regime of Saddam Hussein.[100]

Powell further stated that 'inspectors are not part of the solution, they are part of the problem, as far as the Bush Administration is concerned'. As the 1991 Gulf-War proved, without inspectors, Iraq cannot be verifiably disarmed. However, according to the US 'preventing the development of weapons of mass destruction is secondary to overthrowing Saddam Hussein'. Inspectors are a hindrance to a military option and thus 'must be undermined'.[101]

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[98] Disarmament Diplomacy: UN-Iraq Talks Continue as Security Council Agrees to Reshape Sanctions, op.cit., p.5
[99] Disarmament Diplomacy: Iraq Offers Talks, UN Demands Inspections as US Debates War, op.cit., p.5
[100] Milan Rai, 'Torpedoing the Inspectors: The US Undermines the UN weapons Inspectors', http://www.zmag.org/content/print_article.cfm?itemID=2108&sectionID=15, 13 July 2002, p.2
[101] loc.cit

Powell's statements clearly reveal that in the eyes of the U.S., Saddam Hussein's regime was synonymous with weapons of mass destruction. Implying that deposing Saddam Hussein's regime was the only way to rid Iraq of WMD. This however, contradicted with the UN objective of diplomatically containing Saddam Hussein's regime and thereby preventing it from destabilising Iraq's neighbours.

On the other hand, Germany and France position is that negotiations and a resumption of UN weapons inspections are the only viable options in dealing with the Iraqi issue. Key figures in the White House believed that 'demands on Saddam Hussein to re-admit United Nations weapons inspectors should be set so high that he would fail to meet them unless he provided officials with total freedom'. On the contrary however, 'inside the administration, there is general consensus on one issue: there will be no further effort to revive the UN inspection regime withdrawn in late 1998'.[102]

Responding to the US position on Iraq, Britain said that Saddam Hussein had a 'long history of playing games'. President Bush's unambiguous position on Iraq is regime change, in which the return of the weapons inspectors will not achieve that goal. It is instead going to buy time for the regime of Saddam Hussein. Since Iraq had permitted the return of weapons inspectors, Britain cautioned the White House to encounter difficulty in convincing the UN member nations to support a military intervention.[103]

In his address to the UN General Assembly that was held on 13 September 2002, Bush condemned Iraq as a member of an 'axis of evil' and openly declared his intentions to depose Saddam Hussein from power. The President called Saddam Hussein's regime 'a grave and gathering danger'. Bush declared that Security Council resolutions 'will be enforced-the just demands of peace and security will be met-or action will be unavoidable'.[104]

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[102] Milan Rai, op.cit., pp.1-2
[103] Leigh Sales, op.cit., p.2
[104] 'Bush Challenges UN Over Iraq', http://onenews.n200m.com/onenews_detail/0,1227,131142-1-9-,00.html, 13 September 2002, p.1

The Iraqi Vice President Taha Yassin Ramadan blamed the US for hindering the dialogue between Iraq and the United Nations on the resumption of weapons inspections. Ramadan said that Iraq wanted further discussions on the issue and cited the three round of talks that Iraqi Foreign Minister Naji Sabri and UN Secretary-General Kofi Annan had held in 2002 concerning the return of the weapons inspectors.[105]

Ramadan further stated that 'we believe that dialogue is still continuing, but the freezing and the suspending of it, and the failure to set dates for new sessions, came as a result of pressure by the US administration'.[106]

While the UN focus in the third round of talks with Baghdad was limited to the return of UN weapons inspectors to Iraq, Baghdad was interested in dealing with the Iraqi issue comprehensively.[107]

In the second round of talks, Iraq tabled a list of nineteen issues in three categories to be discussed. These were, 'disarmament and the terms of weapons inspections; United Nations and Iraq relations; the repeated threat of force against the Iraqi regime and compensations Iraq claims it is due'. In response, the UN Secretary-General Kofi Annan addressed some of the technical questions and said that the UN Security Council had yet to respond to concerns over the 'no-fly' zones that had been imposed on Iraq by the United States and Britain, and the US goal of deposing President Saddam Hussein.[108]

According to ABU DHABI TV correspondent Talal Al-Haj, in the third round of talks the Iraqis had wanted responses to their issues of concern that had been raised in the second round of talks. The Iraqis were 'forcing the United Nations to Security Council' since Annan had no mandate to respond to their concerns. Iraq wanted a comprehensive

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[105] 'Iraq Says it Won't fall as easily as Afganistan', http://www.japantoday.com/gidx/news228486.html, 31 August 2002, p.1
[106] loc.cit
[107] 'UN-Iraq Talks Have Little Chances of A Breakthrough', op.cit., p.1
[108] loc.cit

response of its concerns. Moreover, the UN Spokesman Richard Roth said that the Iraqis also wanted the lifting of sanctions.[109]

Even though Iraq had exaggerated issues of concern that complicated the diplomatic process, some of the questions needed to be responded to, if any genuine diplomatic solution to the Iraqi disarmament issue was possible. Some of the key issues included 'the repeated threat of force against the Iraqi regime' by the US; the no-fly zones that had been imposed on Iraq by the US and Britain; and previous issues that had forced Iraq to suspend weapons inspections in 1998.

While Baghdad continued to offer discussions on a possible resumption of UN inspections, Annan had expressed 'increasing frustration at Iraq's requests for broader, or even protracted technical talks'. Even though Baghdad had expressed through letters and statements an interest in the return of the UN weapons inspectors, President Bush continued to 'signal that even a full, unconditional resumption of inspections is now considered a separate and lesser issue to the burning priority of regime change-the complete replacement, by military means if necessary, of the government of Saddam Hussein'.[110]

According to Rai, among the key problems that constrained the UN-Iraq negotiations was a list of nineteen questions that Iraq had submitted to the UN Secretary-General Kofi Annan in the beginning of 2002. The questions were both technical and political. As Annan had no mandate of responding to the questions, he referred them to the Security Council but received no response.[111]

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[109] Diplomatic License, 'Iraq, U.N. Hold Weapons Discussions; U.S. Threatens to Block U.N. Peacekeeping Misions', op.cit., p.3
[110] Disarmament Diplomacy: Iraq Offers Talks, UN Demands Inspections as US Debates War, op.cit., p.1
[111] Milan Rai, op.cit., p.3

The central question was the assurances that the US would call off its planned military assault if Baghdad cooperated with the UN weapon inspectors. However, the US 'refused to respond undermining the inspection efforts'.[112]

Considering the September 2001 terrorist attack on the world trade centre and the Pentagon, and the danger posed by WMD, and given Saddam Hussein's 'skill' at 'denial and deception', the US unwillingness to accept Iraq's offer of the return of weapons inspectors should not totally be dismissed as an act of undermining the inspection effort. Thus, in order for the US to have legitimised its actions of a military solution over Iraq, it had to win the overwhelming support of the UN Security Council members.

In a televised address on 8 August 2002, Iraqi President Saddam Hussein referring to the nineteen questions that Iraq had posed the UN in the first round of talks in March, submitted that the 'right way forward was for the Security Council to reply to the questions raised by Iraq and honour its obligations under its own resolutions'. In response, Annan stated that he did not 'see any change in attitude or flexibility from their previous position. At this stage it seems as if they are not giving an inch'.[113]

The rigidity exhibited by Iraq in its nineteen issues of concern and the failure on the part of the UN Security Council to respond to, at least, key Iraqi concerns that were directly relevant to the success of any possible diplomatic effort inhibited a peaceful resolution of the Iraqi disarmament crisis.

Furthermore, the former UN weapons inspector Scott Ritter reveals that in his tenure as head of UNSCOM a number of men from US Special Forces, or from Central Intelligence Agency (CIA) paramilitary teams were placed under his command. In June 2002 when information emerged that the CIA had been instructed to 'capture or kill Saddam Hussein', Ritter commented that;

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[112] loc.cit
[113] Disarmament Diplomacy: Iraq Offers Talks, UN Demands Inspections as US debates War, op.cit., p.4

> 'the Iraqis will never trust an inspection regime that has already shown itself susceptible to infiltration and manipulation by intelligence services hostile to Iraq, regardless of any assurances the UN Secretary-General might give'. Moreover, Ritter said that the operations of the CIA 'effectively kills any chance of inspectors returning to Iraq'.[114]

Indeed based on Ritter's remarks regarding the operations of the CIA in Iraq, any attempt to secure the return of the weapons inspectors required that assurances of Iraq's sovereignty and territorial integrity be guaranteed. This also required designing of a mechanism that would provide for a smooth weapons inspection exercise and which would be free from any external influence.

While the UN Secretary- General Kofi Annan with Iraqi diplomats had been attempting to negotiate the return of weapons inspectors during the third round of talks, the US 'leaked a detailed Pentagon war planning document to the press' which spelled out part of the military strategies that were being considered in the war with Iraq.[115]

Not only did the leaked war plan by the US undermined the UN as an organisation in resolving the Iraqi disarmament crisis, but rendered insignificant the diplomatic – peaceful option as a substitute to a military option.

[114] Milan Rai, op.cit., p.2
[115] loc.cit

CHAPTER V: ANALYSIS, LESSONS LEARNED AND RECOMMENDATIONS

The Failure of UN Diplomacy in Iraq: An Analysis

With the exception of Resolution 1441(2002), UN Security Council resolutions imposed on Iraq, lacked an enforcement mechanism explicit enough to impose the will of the Security Council and thereby, condition the behaviour of Saddam Hussein's regime in disarming without much delay. This should have been in the form of a credible threat or a carrot with an aim of appealing to the regime to comply with the Security Council resolutions

Moreover, provisions for disarmament Resolution 687(1991) were controversial and contentious. This limited its interpretation and thereby, its effective implementation. Some of the clauses of the resolution infringed on Iraq's sovereignty and thereby led Iraq to comply only partially with the resolution in defence of its sovereignty. While Iraq was able to comply with its international obligations to disarm under pressure, it was unwilling to surrender its sovereignty by implementing provisions that compromised that position. It is not, therefore, unreasonable that most of the 'controversy in the confrontation' between Iraq and the UN mainly stemmed from the disarmament provisions of Resolution 687(1991).

In addition, the use of sanctions as an instrument of coercive diplomacy without complementing it with persuasive incentives and diplomatic negotiations at an earlier phase of the conflict, rendered the diplomatic instrument less effective.

The American and British bombings of December 1998 in an effort to contain Iraq's weapons capability was seen to undermine the United Nations practice of negotiation and conciliation. This was a clear case of using the UN to further their interests at the expense of pacific measures to address the crisis. Subsequently, the move resulted in the expulsion of weapons inspectors and consequently halting the weapons inspection activities.

Additionally, the failure to implement a regional system of disarmament (that had been proposed by the UN Security Council), which would apply to all states without exception was partly responsible for Iraq's reluctance in disarming. Since Iraq was surrounded by 'potential enemies', it was natural that in defence of its sovereignty, Iraq had to use all means possible at its disposal to ensure its survival. This perhaps, largely explains the much difficult process that was encountered by the UN inspectors in disarming Iraq.

Furthermore, the UN Security Council's failure to reciprocate Iraqi efforts to comply with the disarmament obligation by easing sanctions, was not only responsible for continued Iraqi obstruction in the inspection activities, but the ultimate decision of halting cooperation with the UN inspection teams. Thus, the failure to respond to the Iraqi progress in disarmament by the UN prevented any voluntary concessions, with no incentives to make further compliance, thereby, prolonging the disarmament process.

Although sanctions were allegedly dysfunctional and violated human rights, their ineffectiveness had more to do with the flaws in the overall US/UN policy toward Iraq as compared to their weaknesses. This is because sanctions had imposed pressure against Saddam Hussein's regime forcing it to implement some steps towards compliance, and also sanctions enabled the UN to achieve a number of its objectives.

Moreover, the deeply entrenched hostility between Iraq and the West especially US and Britain was a very big hindrance to any diplomatic solution to the Iraqi crisis. This stance conflicted with the UN mandated sanctions' objectives to undermine the effectiveness of the sanctions. In other words, major states implemented purposes that were differing with the official objective stated; while the declared purpose of the UN sanctions was to enforce Iraqi compliance with Resolution 687(1991), for the US, Britain, and other countries, maintaining comprehensive sanctions served other objectives that included political and military containment of the regime in Baghdad.

On the other hand, the social impact of sanctions on Iraq contributed to the ineffectiveness of the sanctions as a diplomatic instrument. Sanctions inflicted severe

humanitarian suffering and unbearable hardships on the most vulnerable of Iraqi population. This shifted political support (of some UN Security Council members and Iraq's neighbours) toward the regime in Baghdad on humanitarian grounds, and thereby, undermined international cooperation that was necessary for the effectiveness of the sanctions.

In addition, sanctions that were imposed on Iraq were modelled within the context of a punishment instead of a 'carrot-and-stick' diplomacy. While this approach regarded compliance as the sole legitimate behaviour, it discouraged crucial diplomatic dialogue and negotiation that were necessary to reach a negotiated settlement of the disarmament crisis. This perhaps explains why serious negotiations, though, in form of crisis negotiations, only started in 1998.

The disagreement in the Security Council over a common programme to resume weapons inspections and disarmament following American/British bombings that forced Iraq to expel the United Nations inspectors, and on whether or not to ease sanctions that had been imposed on Iraq, led to the delay in resolving the crisis. This also hindered the prospect for any diplomatic solution to the crisis. It was thus, crucial for the undivided support by the Security Council if any peaceful resolution of the Iraqi crisis was possible.

According to Scott Ritter[1], interference by the US with the mission of UNSCOM undermined the United Nations' role in the disarmament of Iraq by making it seem like the Commission was serving the intelligence needs of United Nations' member states rather than global interests. This undermined the credibility of the UN inspectors and thus, rendered weapons inspections from being impartial, which condition was unconducive to promoting a successful mission of UNSCOM in Iraq.

Furthermore, the failure for diplomatic negotiation to engage US and Iraq in discussions, since the crisis appeared to be more of bilateral, was a big diplomatic flaw. Even in cases

[1] Scott Ritter was a UNSCOM inspector of American origin and resigned in August 1998 in protest of US Government interference with the mission of UNSCOM.

where the UN engaged Iraq in diplomatic negotiations, the latter was not treated as an equal party due to its history of violating its international obligations. Iraq was, therefore, unable to participate in determining outcomes that were in favour of its national interests, a condition that is essential to any successful negotiations.

More importantly, the UN nature of being an association of sovereign countries, and not a coalition or an alliance with specific and binding conditions on its members significantly limited diplomatic efforts to resolve the Iraqi crisis. For instance, the UN was unable to enforce its disarmament objectives on Iraq when they conflicted with those of some key members of the Security Council. Moreover, the UN was not in position to halt American led military intervention that was purely in violation with its purposes.

Moreover, limitations in the UN Charter, which prohibits the UN from intervening in matters which are within the domestic jurisdiction of any state, prevented any preventative actions that would have been launched in order to address some internal disputes in Iraq, which had contributed to the crisis. However, the UN has downplayed this by intervening in some conflicts like in Somalia in an effort to perform its obligations that are provided under Article 2, clause 4 of the UN Charter.

The use of the UN by the US to pursue positions that reflect its interests was carried out, in which any attempts to pursue a diplomatic solution to the crisis were sabotaged. For instance, according to disarmament resolution 687, Iraqi concessions were supposed to be responded to by ease of the sanctions, and thereby, encouraging further compliance with the resolution, but because this did not appeal to the US's interests, it was out rightly rejected. Probably as the research reveals, this was based on the US's policy toward Iraq which focused on 'economic sanctions and bombing, and not diplomacy'.

According to Annan, identifying the key Iraqi concerns was among the factors that were attributed to his successful mission in Baghdad-that is, signing an agreement that permitted UN inspectors access to all Iraqi sites. The concerns included respect for Iraq's dignity and sovereignty, and ensuring its security. However, the issue was whether the

key concerns of the US, as a major party to the conflict were identified. Appropriately responding to such an issue, lay the source of any viable diplomatic solution to the Iraqi disarmament crisis.

Moreover, the rigidity that was apparent in the conflicting parties, and in the Security Council resolutions, which presented no room for concessions, created an environment in which any diplomatic manoeuvre would only bear a partial solution to the crisis. Suggesting that any viable and lasting diplomatic solution required as a pre-condition to reconcile the conflicting parties, and re-design the Security Council resolutions in a more flexible manner.

The research also reveals that the general distrust of the weapons inspections that was extensively expressed by the American highest authority undermined the diplomatic tool as being ineffective to disarm Saddam Hussein's regime. Accordingly, the US had lost faith in a multilateral approach and was already determined to pursue a policy of unilateralism in form of preventative action in order to disarm Iraq.

Furthermore the Iraqi disarmament crisis had caused divisions between the permanent members of the Security Council that were due to disputes over the UN sanctions objective, and weapons inspections with the US objective of toppling Saddam and rid Iraq of weapons of mass destruction. This, therefore, presented a difficult situation for any fruitful diplomatic endeavour.

The following analysis covers some of the key factors that led to the failure of UN diplomacy in Iraq in the post-1998 round of talks between the UN Secretary-General Kofi Annan and the Iraqi Foreign Minister Naji Sabri:

The failure by the UN Security Council to appeal to key Iraqi concerns (such as the no-fly zones – respect of Iraq's sovereignty and territorial integrity and discussions on regime change that had been taking place within the US government and its likely impact in the event that inspectors had been allowed to resume weapons inspections) deprived

Iraq of its international recognition of an independent state and thereby entitled to rights associated with such a status. Thus, this blocked any genuine prospect for a diplomatic solution to the Iraqi disarmament crisis.

In addition, the 12 year long sanctions that had been imposed on Iraq, and the breakdown of the Memorandum of Understanding that had been reached in February 1998 by the Secretary-General Kofi Annan and the Government of the Republic of Iraq, required that, if there was going to be any viable solution to the Iraqi disarmament crisis, a thorough assessment of the outstanding issue between the UN and Iraq be undertaken. This would have addressed key areas of difference – that had caused the breakdown of the previous inspections regime and therefore laid the ground for an effective monitoring and inspection activities.

Further, the US scepticism in Iraq's acceptance of the return of UN weapons inspectors and its subsequent call for Security Council action to forcefully disarm Iraq, clearly implied that the US had given up any diplomatic attempts to resolve the Iraqi disarmament crisis and therefore had opted for a military solution.

The US unwavering determination for regime change undermined any diplomatic attempt that was aimed at resolving the Iraqi disarmament crisis. For the US, eradicating Saddam Hussein's regime was the ultimate objective to rid Iraq of WMD. This created a conflict of interest in the UN Security Council and the UN in general since the UN objective had been simply to contain the regime in Baghdad from posing a threat to its neighbours and the international security. Thus failure to reconcile the two positions was a major limiting factor toward addressing the Iraqi disarmament issue.

On the other hand, Iraq's rigidity that was expressed in its list of nineteen questions that it demanded to be responded to was a big hindrance to diplomacy- that is, readmission of the weapons inspectors and thereby diplomatically resolve the Iraqi disarmament issue.

Lessons Learned

Replacing the UN primacy with the policy of unilateralism in Iraq, clearly undermined and marginalised the UN. For example, when some members of the UN Security Council emphasised that Security Council Resolution 1159 of 1998 which called for 'severest consequences' in the event that Iraq violated the agreement permitting access to Iraqi sites by UNSCOM inspectors, did not explicitly authorise the US to launch military strikes, in response Ambassador Bill Richardson asserted that the US believes it has the authority. This by itself, 'degraded and ridiculed' the UN's role in Iraq.[2]

The Cold War provided opportunities for a UN Secretary-General's successful intervention between contending blocs, however, in the post-Cold War era it is increasingly clear that the Secretary-General has been reduced to implementing instructions from the member states especially permanent members of the Security Council. For instance, it is observed that Annan's involvement was merely,

> 'a process of tying the Secretary-General down with instructions that would reduce his freedom of manoeuvre to the point of making him more of a speaking telegram than a diplomat…, although he did not go with instructions, his implied terms of reference were defined by words of advice read to him by British Ambassador Sir John Weston'[3]

This perhaps demonstrates why the impasse over Iraqi inspections required 'a moral strength, as well as all Kofi Annan's political and diplomatic skills'.[4]

Even though, Annan was under pressure to intervene, his mediation attempts 'risked annoying' a number of key members of the UN, and were thus deemed to a failure.[5] It is

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[2] Phyllis Bennis, 'Iraq and Kosovo: Two Regional Wars and a Global Pentagon Budget', http://www.globalpolicy.org/security/issues/kosovo19.htm, April 6, 1999, p.1
[3] Ian Williams, 'As the United Nations and Iraq look Beyond the Brink, Hope Appears', in UN Chronicle, Spring 1998 Vol.35 il p4(4)
[4] Ibid., p.2
[5] loc.cit

then clear that, the post-Cold War era has undermined the mandate of the UN Secretary-General as provided in the UN Charter. This, therefore, calls for a review in the Charter by empowering the office of the Secretary-General as a corresponding attribute in the changing nature of international relations.

The February 1998 agreement covering the UN inspections that was the first to be negotiated with President Hussein [6], clearly portrays the significance of direct negotiation with a key party to the conflict. This helps uncover a lot of uncertainties. For example, contrary to what the outside world knew of Saddam as being ill-informed and isolated, says Annan, he was well informed and that it was his decisiveness that enabled the success of the February agreement.[7] This also reveals great possibilities of securing a breakthrough on an impasse when negotiations directly involve the main contending parties.

Moreover, not only does the unraveled agreement that Annan brokered and, therefore, averted a war which had all but started, reveal the importance of an early intervention before parties are already committed to confrontation, but also the need for continued negotiations to ensure that the terms of the agreement are honoured and thus implemented.

Much can be achieved by diplomacy, however, far more can be achieved when diplomacy has the backing of force.[8] Indeed, this was manifested in the Iraqi crisis, in which the use of force in form of credible threats (amassing of troops in the region) was an essential strategy in dealing with an unyielding regime of Saddam Hussein, but yet diplomacy ultimately failed in spite of this.

The failure of UN diplomacy to peacefully resolve the Iraqi disarmament crisis, resulting in a military intervention by the US and Britain, is a clear revelation of the irrelevance of the veto power in the post-Cold War. Effort by some permanent members of the Security

[6] Kofi Annan, 'Diplomacy can be Effective', in UN Chronicle, Spring 1998, vol.35 il p71(2)
[7] Ibid., p.2
[8] Ibid., p.1

Council to veto any decision that involved a military solution to the Iraqi crisis were rendered fruitless. The failure of such an international security instrument thus, poses an international security threat.

Despite attempts by some members of the UN Security Council to ease sanctions by way of responding to Iraqi partial compliance with disarmament Resolution 687 and other relevant resolutions, as had been provided for, the US made it clear that it was unwilling to ease the sanctions. This poses a serious security challenge for the international community, since the US demonstrated to the world that there was no superior authority to overrule its decisions, and to prevent it from pursuing its national interests, even if it contravened norms and purposes of the UN during its pursuit.

The Iraqi disarmament crisis illustrates the fact that modest sanctions' objectives increase the prospects of success of the sanctions policy, and reveals the need for complementarity with other diplomatic instruments in order to achieve ambitious instrumental objectives. For instance, to some members of the Security Council maintaining comprehensive sanctions on Iraq was a means to bring about the collapse of the regime in Baghdad, which was not the case.

In addition, the disarmament crisis in Iraq reveals the importance of trust as a key ingredient of any cooperative behaviour that is essential in the peaceful resolution of a conflict. For instance, whenever key Iraqi concerns were addressed, the more Iraq trusted the inspection process in cooperating with the UN inspectors and vice-versa. Similarly, trust in the credibility of the weapons inspections in being able to disarm Saddam Hussein's regime, was a key concern of the Americans and of which, failure to address, forced them to opt for a military solution in disarming the regime.

Moreover, the crisis in Iraq demonstrates clearly that in order for negotiation to achieve preventive diplomacy, it must precede a conflict in its violent phase, and in order to be effective, it must be launched before the resource and commitment necessary for

escalation have been determined. The breakdown of Annan's February agreement with Iraq permitting access to all Iraqi sites by the UN inspectors is a typical example of this. The Iraqi disarmament crisis further demonstrates the importance of having an agenda that is agreed upon by all conflicting parties; for instance, though the first and second post-1998 round of talks between Annan and the Iraqi Foreign Minister Naji Sabri had been encouraging, but given that parties – the UN on one hand and on the other Iraq, had different agendas during the discussions was in itself a limitation to reaching a negotiated settlement of the conflict.

Furthermore, the need for a mechanism of reaching agreement on issues that were unresolved in areas of disarmament appear to have been among the determining factors that was essential if at all any diplomatic solution to the Iraqi disarmament crisis was possible.

The twelve year long Iraqi conflict unveiled an important international dynamic that may affect the nature of contemporary international relations-that is, the primacy of unilateralism over multilateralism. Propositions to reverse this could include a new design in international security apparatuses, and a move towards equipping the UN with executive powers, at least in the meantime, in security matters.

Recommendations

Considering that the international environment has not improved to permit major countries to work together and to grant the UN executive powers to ensure collective security, open discussions at the UN should be much emphasised in order to subject countries under the influence of the opinions submitted by other countries and by world opinion. This is premised on the force behind public opinion in influencing change of policy by governments.[9] However, this be facilitated by entrenchment of democratic norms in countries since it cannot apply in non democratic countries.

[9] David A. Kay, 'Diplomacy at the United Nations', in David A. Kay(ed.), The United Nations Political

In response to failure to give attention to most disputes before they reached crisis proportions, and where third party intervention becomes ineffective, it is crucial that regional centres operating under the UN Department of Political Affairs be established with a mandate to offer a more appropriate approach to early prevention.[10]

Such an initiative mentioned above, would enable regular surveillance and monitoring of the region in an effort to gain a better understanding of the outstanding issues that could pose a threat to peace and security, could forge a better working relationship with regional parties, and provide innovations and assistance designed to resolve disputes before they break into crises.[11]

Alternatively, expanding the mandate of the Security Council in terms of the power it wields is crucial to a strong UN that will stand a test of time. Thus, in order for the Security Council to play a more meaningful role, methods of rendering assistance to parties in dispute to reach a settlement should be established with a view to avoid a situation where the dispute will go out of proportion.[12]

Further, there is need to mobilise the UN staff and diplomats on a long term basis and equip them for a greater focus on prevention. Establishing an ongoing training programme in peacemaking and preventive diplomacy should be done.[13] As a supportive effort Bennis, therefore, calls upon mobilisation of significant resources in terms of financial, political and intellectual that are crucial in strengthening a UN capacity for preventive diplomacy.[14]

Syetem, John Wiley & Sons, Inc., New York, 1967, p.89

[10] Unauthored, 'Preface', http://wwics.si.edu/subsites/ccpdc/pubs/role/pre.pdf, pp.xvii-xviii

[11] Ibid., p.xviii

[12] Nicholas deB. KatzenBach, et al, 'The Future United Nations Political role', in KatzenBach Nicholas deB, et al, Report on The United Nations in the 1970s: A Strategy for a Unique era in the affairs of Nations, United Nations Association of the United States of America, New York, 1971, p.21

[13] 'Preface', op.cit., p.xviii

[14] Phyllis Bennis, op.cit., p.3

Considering that the effectiveness of sanctions is compromised unless they are mixed with incentives, a 'sanctions-incentive mix' as key to a successful sanctions policy should be adopted.[15] This is important in encouraging cooperative behaviour that is prerequisite to compliance with resolutions.

There is need for negotiations to precede a conflict in its violent phase if at all they are to achieve preventive diplomacy. In other words, negotiations must be launched before an irrevocable commitment to confrontation has already been made.[16] This explicitly supports this study-the fruitless negotiation efforts by a number of actors, including the UN Secretary-General in the Iraqi disarmament conflict - largely seen to have been between the US and Iraq fits well in this criterion.

The weapons inspections standoff in Iraq, which led to an agreement that was brokered by the UN Secretary-General, demonstrates the need for a shift in some of the UN Security Council's responsibilities to the UN Secretary-General's Office, especially where prospects for a peaceful settlement of a conflict are at stake. However, this can only bear lasting effects if intervention is made earlier on before a standoff results.

In addition, in order for a given diplomatic instrument to promote the prospects of a successful settlement of a conflict, it must be impartial or fair, and credible in the eyes of the contending parties. For instance, while the Iraqis were concerned with the impartiality and fairness of the inspection process, the Americans were concerned with its credibility-in ridding the Iraqi regime of WMD.

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[15] David Baldwin, 'Iraq Sanctions: What Have We Learned?', http://www.usip.org/events/pre2002/dsw_iraq-sanctions.html, July 17, 2000, p.3

[16] I William Zartman, 'Preventive Diplomacy: Setting the Stage', in I William Zartman(ed.), Preventive Negotiation: Avoiding Conflict Escalation, Rowman & Littlefield Publishers, Inc., MD, 2000, p.4

In order to protect the misuse of the UN by member states in pursuing their interests, there is need to review the UN Charter by providing constraining guidelines that limit members in furthering interests that are outside the purposes of the UN.
Use of sanctions policy as an international security instrument that is designed to impose change on policies of member states that contravene the purposes of the UN, can go a long way in promoting pacific settlement of conflicts. For example, in March 2003 President Bush imposed tariffs on steel imports, which decision was declared illegal by the World Trade Organisation. Despite the pronouncement, the US refused to change its policy. However, Bush had to scrap off tariffs on steel in the face of a potential threat of European Union retaliatory sanctions on US exports.

In an effort to enhance the effectiveness of sanctions, not only, should ‘more humane’ sanctions policies and targeted sanctions be designed and implemented, but a humanitarian aspect should be part of the comprehensive policy to ensure that the humanitarian impacts of sanctions are reduced to a minimum. This would ensure political support for the sanctions and, therefore, increase pressure on the targeted entity in complying with the demands of the sanctions authority.

Moreover, in order for sanctions to promote a diplomatic solution in a given conflict, they should be designed and implemented within the context of creating dialogue and bargaining between contending parties. In that regard, sanctions should be treated as instruments of persuasion, and administered in terms of a ‘carrot-and-stick diplomacy’ with a view to reaching a negotiated settlement.

As a UN principle, close coordination of the diplomatic instruments should be undertaken in order to allow for complementarity of the tools in promoting a diplomatic solution to a conflict. For instance, lack of a coordinated approach in the implementation of the UN diplomatic tools in Iraq was seen to be one of the key limiting factors in the overall effectiveness of the tools.

As has been indicated in the research, the analysis undertaken on the UN diplomatic instruments that were applied in disarming Iraq reveals a number of factors that are attributed to the failure of the UN diplomacy. They include; United Nations institutional limitations, limitations in the design and implementation of the UN diplomatic instruments, and policy influences by some key members of the United Nations. However, findings in the research significantly reveal that policy influences by some permanent members of the United Nations Security Council as being responsible for the failure of the UN diplomacy in the attempt to peacefully disarm Iraq. This was mainly done by using the United Nations in pursuing individual member interests.

It should, however, be stated that on the whole, the impact made by the UN diplomatic tools was massive, in that, Iraq's capability of weapons of mass destruction was substantially neutralised.

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