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# **International Sanctions and Consequences**

## **Iraq 1990-2003**

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# Abstract

International sanctions has been the subject of extensive political debate, its effectiveness is highly questioned and its wide implementation even more so. Yet economic sanctions still remain the primary punitive response in the international community, states violation of sovereignty, authoritarianism and/or deviations from the human rights charter are regularly met with international condemnation and sanctions. But do they have the desired effect? Many scholars claim that there is an inherent ineptitude in international sanctions, especially in regard to authoritarian states and dictatorships. Economic sanctions intended to cripple a nation's economy in order to force a state to negotiations, more often than not, have an adverse efficacy on closed states where economic disparity maim the population rather than the ruling elite.

The purpose of this paper will therefore be to achieve a greater understanding of international economic sanctions and their impact on an authoritarian state. The case of international sanctions enacted against Iraq between the years 1990 and 2003 will be the focal point of this analysis where the difficulties of implementing sanctions against an autocrat will be highlighted.

*Keywords:* Iraq, International Sanctions, Gulf War, United Nations, UNSCOM

# Abbreviations

IAEA - International Atomic Energy Agency

OFFP - Oil for Food Program

UNSC - United Nations Security Council

UNSCOM - United Nations Special Commission on Iraq

UNMOVIC - The United Nations Monitoring, Verification and Inspection Commission

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# 1. Introduction

The first round of unilateral sanctions initiated by the US against the Islamic Republic of Iran (hereinafter Iran) set precedence for the International community in its approach and relation to Iran. The newly formed republic went from being a Western friendly state and key regional partner in the U.S., Twin Pillar system to a hostile country which detested the international community and the West in particular. For the years to come, and still today, the security aspect that is an Islamic Iran shaped the interaction between foreign powers and the Middle East. The loss of a regional ally prompted a U.S., move to counteract the new Iranian threat, a counterweight was found in overtly and occasionally openly supporting Saddam Hussein and the Iraqi regime's animosity towards Iran. The central event for the following decade was the Iran-Iraq war of 1980-1988. The war drained the resources of both countries towards the point of bankruptcy, and for Iraq the immense foreign debt accumulated over the years to fund the conflict left the state in a deplorable financial situation at the end of hostilities. The status of Iraq's economy evoked a move partially out of desperation. The Iraqi invasion of Kuwait in 1990 and the start of the Second Gulf War induced a stream of various countermeasures against Iraq, one of the principal being different forms of economic sanctions. Saddam had threatened the geostrategic interests of the West and was subsequently penalized through international UN sanctions and a trade embargo. Upon the expulsion of Iraqi forces from Kuwait a new U.S., policy was created for the region. With both Iran and Iraq now designated hostile states a strategy of 'Dual Containment' was created. The new policy sought to preserve the regional status quo and prevent any one state from reaching regional hegemony. The sanctions against Iraq and Iran resulted in a balancing act between the two targeted states where the U.S.,A. has endeavored to perpetuate an inherent unstable regional balance. The reasoning behind the implementation of sanctions preservation of status quo as well as the disparity between intended and actual effects of the sanctions against Iraq will be the central elements of analysis in this thesis.

## 1.1. The Aim and the Research Question

The aim of this research is to conduct an inquest about the intentions, implementation and effects of sanctions against the state of Iraq between the years of 1990 and 2003. The purpose of which will be to inquire about the creation, implementation and impact of the sanctions enacted during the timespan.

- ❖ How and why were the sanctions against Iraq implemented and what were the effects of the implemented sanctions?

The first parts of the question primarily aspire to analyze how and why the sanctions against Iraq were designed. When the question pose the word ‘why’ I aim to construe the reasoning behind the sanctions in order to examine what the desired effects of their implementation were and as to how I intend to inspect their initiation and realization. The second part seeks to investigate the real effects enacted sanctions, the purpose of which is to examine the effects the sanctions had on Iraq and its internal as well as regional situation.

## 1.2. Theory

In this paper neoclassical realism will be utilized in analyzing the subject of international sanctions against Iraq, its implementation and impact. Neoclassical realism, although similar and evidently based on the foundations of classical realism and neorealism (structural realism) it differs widely in scope and primarily perception of structural/systemic changes. The analytical focus of neoclassical realism lays in the elucidation of states actions within the international system through systemic variables. A fundamental component for neoclassical realism is the perceived perception or misperception of systemic values and thereby a misinterpretation of states intentions.<sup>1</sup> The theory of neoclassical realism adheres to the fallibility of the human

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<sup>1</sup> Edwards, Alex (2013) *A Neoclassical Realist Analysis of American ‘Dual Containment’ Policy in the Persian Gulf: 1991- 2001*, PhD thesis, The London School of Economics and Political Science (LSE) p.34-39.

element in international relations, for states do not create foreign policy, the individuals governing these states does. It is the flawed misconceptions of a states intent that limits the conduct and ability of other states foreign policy decision makers to react. The inability to adequately interpret other states actions, threats and intentions are what make the international system anarchic.<sup>2</sup>

A fundamental part of neoclassical realism is the postulation that the international system configures and constraints the policy choices of states.<sup>3</sup> Given that states movements are misinterpreted through the systemic nature of the international system there are general responses to a states actions laid out by the concept of balance of power. Embraced by neorealism and furthered in neoclassical realism, balance of power theory quantifies four general responses to systemic mistrust and the inability to accurate interpretation between states.

1) Appropriate balancing eventuate when a state correctly apprehend other states intent and balance accordingly. 2) Overbalancing occur when a state incorrectly perceive a threat from another state and allocates a disproportionate amount of resources towards equalization or ascendancy and as a result produces an imbalance. 3) Under balancing befall when a state mistakenly fails to properly balance another states action, either out of incapability or an inaccurate assessment of other states power or intentions as a result of underestimation. 4) Non-Balancing transpire when a state elude balancing through buck passing<sup>4</sup> or other evasions.<sup>5</sup> States unable to respond with internal mobilization or resource allotment may seek a non-balancing alternative due to a disparity between states capacities.

Neoclassical realism offers a tool for analyzing the reciprocation and interaction between distrusting states, it is paramount to analyze the intervening variables affecting the implementation and shaping of policy decisions, and in regards to international sanctions it is therefore significant to assess the different actors at hand and their different motives and intentions. The theory is not without flaws, but the arisen criticism also constructively offers a way forward for this growing analytical field. Rose Gideon notes as following.

Despite the best efforts of neoclassical realists, the link between objective material power

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<sup>2</sup> Steven Lobell, Norrin Ripsman & Jeffrey Taliaferro (eds.), *Neoclassical Realism, the State and Foreign Policy* (Cambridge, Cambridge University Press, 2009), p.1-15.

<sup>3</sup> *Ibid.*, p.19.

<sup>4</sup> Defined as “The practice of shifting the responsibility for something to someone else” (Oxford dictionary).

<sup>5</sup> Edwards, Alex (2013) *Op. Cit.*, p.39-46.

capabilities and policymakers' subjective assessment of them remains murky. Critics might see the school's emphasis on perceptions as a giant fudge factory, useful for explaining away instances where foreign policy and material power realities diverge. Precise theoretical development in this area would be helpful, explicating just how various psychological, ideational, and cultural factors may affect how political actors perceive their own and others' capabilities and how such perceptions are translated into foreign policy.<sup>6</sup>

A clear limitation of the theory is its single-mindedness on perception and the lack of inclusion for factors such as culture, identity and psychology which would offer a greater insight for the background and assist in reaching a conclusion of why things are perceived as they are by different actors.

The theoretical framework revolves, as described, first and foremost around actors' perception of each other. This concept is primarily suitable for the question of 'Why' sanctions were implemented but has less bearing on the other questions stated. The application of the theory will consequently be related to the understanding of 'Why' events transpired as they did and 'Why' the choices that were made were made. This will be done by examining the international political climate of the age, the rhetoric used by noteworthy individuals that were connected to the sanctions and what policy decisions hoped to achieve. The focus of the theory will therefore be allocated to the 'Why' question put and the reasoning behind the decision of maintaining the sanctions in force for a prolonged period of time.

### **1.3. Definition of Sanctions**

Clear problems arise with the attempted definition of international economic sanctions, various scholars use widely different definitions for sanctions ranging from the very broad and inclusive to exceptionally narrow. Issues regarding the inherent meaning of attached penalization and the question concerning what form of rebuke should be included are some of the most prominent questions. Moreover there are several different forms of sanctions that can be implemented by a

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<sup>6</sup> Rose, Gideon. *Neoclassical Realism and Theories of Foreign Policy* (Oct, 1998) *World Politics*, Vol.51, No.1. p.168.



multitude of different actors both unilateral and multilateral.<sup>7</sup> Definitions of international sanctions are frequently idiosyncratic, the most recurring variations in regularly used definitions are as follows, the enforcement of international law, response to a breach of the UN human rights charter, a utensil of economic coercion or an economic instrument used to achieve foreign policy objectives.<sup>8</sup> In 1990 Hufbauer and Schott testified before the U.S., congress that economic sanctions would likely compel Saddam Hussein to retreat from Kuwait.<sup>9</sup> Through their favorable advisement of economic sanctions Hufbauer and Schott actively contributed towards the implementation of sanctions against Iraq.<sup>10</sup> Given the close connection between the authors and the subject at hand, their monumental work *Economic Sanctions Reconsidered* must be included. The definition they provide will be extensively analyzed in the next segment.

Primary issues concerning the definition of sanctions are the goals and stated aims of the sanctions, noted scholars display a perceptible disagreement over which economic policies should be regarded as economic sanctions. Hufbauer, G.J. Schott, and K.A. Elliott (the combined group will hereafter be referred to as HSE) argue for the following definition: “The deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations” added subsequently “We exclude from foreign policy goals the normal realm of economic objectives sought in banking, commercial and tax negotiations between sovereign states”.<sup>11</sup> Robert A. Pape agrees to some extent with this definition in his work *Why Economic Sanctions Do Not Work*, stating that economic pressure can be applied in three different ways. Economic sanctions, economic warfare and trade wars.<sup>12</sup> He clarifies that when a state uses economic pressure to achieve economic goals it’s a trade war and not an economic sanction. For

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<sup>7</sup> Gottemoeller, Rose (2007) *The Evolution of Sanctions in Practice and Theory, Survival: Global Politics and Strategy*, vol 49:4, p.99-110.

<sup>8</sup> Hufbauer, G. J. Schott, & K.A. Elliott. (2007) *Economic Sanctions Reconsidered: History and Current Policy*. Third Edition. Washington, DC: Institute for International Economics. p.1-17.; Drezner, W. Daniel. (2003) The Hidden Hand of Economic Coercion, *International Organization* No.57. p.643-656.

<sup>9</sup> Les Aspin, (1991) *The Role of Sanction in Securing U.S., Interests in the Persian Gulf*. In, Crisis in the Persian Gulf: Sanctions, Diplomacy, and War, Hearings before the Committee on Armed Services, U.S., House of Representatives U.S., Government Printing Office, pp. 6, 10-15; Les Aspin was the U.S., House Committee on Armed Services Chairman and later Secretary of Defense under Bill Clinton 1993-1994.

<sup>10</sup> Hufbauer and Schott were experts called to hearings for the U.S., House of Representatives where they argued for the efficiency of international economic sanctions as a coercive force. Cited in Les Aspin’s report from 1991. Hearing before the Committee on Armed Services, U.S., House of Representatives.

<sup>11</sup> Hufbauer, G. J. Schott, & K.A. Elliott. (2007) Op. Cit., p.1-4.

<sup>12</sup> Regarding the Definition of Trade Wars, see John C. Conybeare, *Trade Wars: The Theory and Practice of International Commercial Rivalry* (New York: Columbia University Press, 1987), pp. 3-6, 21-28.

economic coercion to qualify as a sanction it must serve a political purpose.<sup>13</sup>

Critics of this approach however mean that some economic issues are political; their interconnection cannot always be separated and should therefore be included together in a wide definition for the term economic sanctions.<sup>14</sup> HSE divide economic sanctions into the five different groups 1) Economic policies that aim to promote a modest change in the targets policies 2) Economic policies that aim to destabilize the target government 3) Economic policies that aim to disrupt minor military adventures of the target 4) Economic policies that aim to impair the military potential of the target 5) Economic policies that aim to promote a major change in target policies.<sup>15</sup> This has also faced criticism from scholars for being too wide of a definition, these scholars claim that the proposed subcategories mentioned above function differently and should therefore require different theoretical approaches for assessment.<sup>16</sup> With too wide a definition problem arise regarding the act of penalization through the removal of existing support, such as aid or future pledges of assistance. Academics argue over the issue of benefit removal, withdrawing a reward is a punishment while withdrawing a punishment is a reward, by this logic foreign aid becomes an economic sanction. Many cases analyzed over the years concern the removal of external relive, states accustomed to international assistance may feel they are being punished if the aid was discontinued or cut off.<sup>17</sup> Given the multitude of problematic approaches existing in the analysis of international economic sanctions a prioritization is necessary in order to decide on a preferable definition. In selecting a suitable definition for this thesis the principal concern is finding a good correlation and interconnection with the research question put. The choice of definition must include the international actions taken against Iraq during the stipulated time span as well as the U.S., policy intentions in establishing the sanctions. In order to limit the research to include a reasonable number of cases for study in this B.A. (Bachelor of Arts) it is preferable with a definition that focus on the large international actors and organization that implemented sanctions against Iraq. Despite the criticism presented regarding HSE's definition it would appear a suitable definition for the research question. Given the authors reputable position in the field of international sanctions and the fact that their definition was widely published in the

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<sup>13</sup> Pappé, A. Robert. (1997) *Why Economic Sanctions Do Not Work: International Security*, Volume 22, Issue 2 p. 93-98.

<sup>14</sup> Drezner, W. Daniel. (2003) *The Hidden Hand of Economic Coercion*, *International Organization* 57, p.643-656

<sup>15</sup> Hufbauer, G. J. Schott, & K.A. Elliott. (1990) *Economic Sanctions Reconsidered: History and Current Policy*. Second Edition. Washington, DC: Institute for International Economics. p.35-42 & p.49-55.

<sup>16</sup> Pappé, A. Robert. (1997) *Op. Cit.*, p.95-97.

<sup>17</sup> Hufbauer, G. J. Schott, & K.A. Elliott. (2007) *Op. Cit.*, p.3-7.

early 90's it becomes highly compatible with the pervading theme. Furthermore the definition also serve a secondary purpose, HSE's definition becomes a contemporary lens through which the international sanctions can be analytical for how they were viewed at the time.

## 1.4. Method & Material

The qualitative method offers a stable point of departure for the research that this paper aim to conduct, the questions previously put are primarily qualitative in their formulation and therefore it is suitable to apply a correlating method. The qualitative method centers more around questions regarding the 'how', 'what' or 'why' of a situation rather than 'how much' or 'how many' which is instead better examined with a quantitative method. There are several different definitions on how Qualitative research should be applied, a common opinion is that qualitative researchers should focus on comprehending the meaning people have constructed, that is, how people understand the world and the experiences they have.<sup>18</sup> This definition goes, to a very high degree, in tandem with the theory of neoclassical realism where the international system and balance of power is derived from individuals' perception of systemic change. Another important aspect of qualitative research is the methodical use in itself for collecting data and relating to different settings. Qualitative research can be described as an activity that focuses on the observer in the world. The method is therefore often centered on field notes, interviews, conversations, photographs, recordings and memos. At this stage, qualitative research can engage in an interpretive rapprochement to historical events and sources, or in other words, it can perceive events through the meaning people bring to them.<sup>19</sup> Given qualitative methods inherent focus on the experience of individuals and the conclusions they construe from events and situations, the method can serve as an inclusive narrative and a cornerstone to return to in the analysis. Bearing in mind the qualitative methods correlation to the theoretical framework of neoclassical realism I find it highly fitting to attempt an application of qualitative method for this paper.

Sanctions in general are a widely written and well established subject in which there is a lot of accessible information and sources. This aspect makes the primary topic of this thesis

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<sup>18</sup> Merriam, S. (2009). *Qualitative research: A Guide to Design and Implementation*. U.S.,A. Jossey-Bass. p.13.

<sup>19</sup> Denzin, N. & Lincoln, Y. (Eds.). (2011). *Handbook of Qualitative Research* (4th ed.). U.S.,A. Sage. p.3.

highly advantageous for research since it allows for greater variety in accessing quality material and literature with different viewpoints. As for the facet of sanctions against Iraq and Iran during the time in question, there are numerous scholars who researched the topic during its implementation and lifespan, both arguments for and against the sanctions are in abundance. In order to achieve a well-balanced analysis of the issue the pros and cons of the debate must be weighed together with the more recent literature. A lot of new publications have been printed since after the downfall of Saddam Hussein and must be included.

Contemporary sources offer hindsight on the issue of economic sanctions against Iraq while material published during the 90's present valuable acuity for the reflection of dichotomy between cause and intent. Primarily I will use literature from several prominent scholars, security reports from different state agencies as well as the United Nations Security Council (UNSC) and other international organizations. The value of sources vary a great deal, some are mainly used for background information or in order to highlight certain events that are relevant to the subject at hand while other merit a more prominent note as primary literature for the study. There is a clear limiting factor to the variety of academic sources, with the foremost Universities and scholars residing in Western countries it is only natural to use a bibliography where literature has predominantly been produced at renowned high standard institutions. Certain material is also inaccessible due to linguistic barriers; documents not yet translated to English are beyond the reach for research for those uneducated to a proficient level in Arabic. Furthermore it is exceedingly important to keep a critical position towards all literature, the views and thoughts of an author is often reflected in his or her choice of words and the impossibility of an entirely unbiased research cannot be refuted. It is therefore adamant to remain source critical, especially when analyzing a nuanced topic like economic sanctions where debate and personal opinions related to their viability flourish.

## **1.5. Delimitations**

Among many restrictions is the limit of the paper in itself. Given that this is a B.A. thesis there is not an overabundance of space afforded and it is necessary to define clear boundaries regarding the assayed subject. First is the geographical and temporal delimitation. Since the question is put

in regards to a specific state and its actions during a time span of 13 years, an analytical concentration will consequently be dedicated to the prominent areas of importance for Iraq during the aforementioned of time, i.e., Iraq itself and Kuwait in the early years of the 1990's. The selected timeframe has the span of 13 years for one primary reason; it offers a natural beginning and an end with the implementation of international sanctions following the Iraqi invasion of Kuwait in 1990 and the discontinuation of sanctions after the U.S., invasion of Iraq in 2003. A focus is allocated to U.S., involvement in the creation and preservation of economic sanctions against Iraq as it was the primary initiator of the sanctions and the main reason for their longevity through the promise to use Veto in the UNSC to counter any proposed dissolution of sanctions. There was a multitude of Resolutions passed by the UNSC relating to Iraq under the 13 years in question, it would be highly impractical to analyze all of the Resolutions and surely result in a brief and sweeping walkthrough that would be of very little analytical value if all were included. The Resolutions examined in this paper were selected because they resulted in an alteration for the conditions stipulated in the previous Resolutions. The establishment of new conditions and directions for the sanctions is thus the key factor linking the chosen Resolutions together.

## 1.6. Previous Research

In order to establish a solid background William Cleveland & Martin Bunton's *A History of the Modern Middle East* has been recurrently cited as it is a well noted and part of the mandatory historical course literature for Middle Eastern studies at Lund University. In choosing literature for the definition of sanctions a choice was made to focus on the definition and books of Hufbauer, Schott and Elliott and their work *Economic Sanctions Reconsidered: History and Current Policy*. Their problematization of the definitions and Robert Pappé's retort create a good dichotomy regarding the issues faced in defining the term.

The international sanctions implemented against Iraq during the period of time in question have been widely analyzed and studied by numerous scholars. Primary among the sources of this paper is one most recent in the field, Alex Edwards PhD dissertation from 2013, *A Neoclassical Realist Analysis of American 'Dual Containment' Policy in the Persian Gulf:*

1991- 2001, strikes at the very core of the stated questions and is thoroughly used throughout the background and analysis. Of further note is the momentous work of Anthony Cordesman & Ahmed Hashim from 1997 named, *Iraq: Sanctions and Beyond*. This book offers a good balance to more contemporary sources as it depicts the situation and impacts of economic sanctions against Iraq as they were unfolding. In addition several articles from academic journals such as *Middle East Journal*, *International Institute for Strategic Studies*, *Foreign Policy*, *International Journal of Contemporary Iraqi Studies*, *Third World Quarterly* and *The International Journal of Human Rights* will be utilized extensively throughout the entire paper. Key to properly assessing a situation and remaining objective is obtaining a plurality of sources. Through variation and contradictory views the author performs a self-service facilitating the weighing of the pros and cons of an issue.

Furthermore speeches, policy hearings and quotes from prominent statesmen and women is greatly beneficial to the field of study as it allows for a glimpse into the minds of decision makers and shows a reflection of past postulation.

## 1.7. Disposition

A section for the historical background will immediately below give an account of conditions existing in Iraq before the Second Gulf War after which a short periodical of U.S., regional security concerns for the Middle East will be presented.

A chronological approach will guide the reader through the initial implementation of international sanctions against Iraq and its immediate consequences. Here the theory finds its primary base of accordance with the research question as it seeks to answer the question ‘Why’. A brief walkthrough of key United Nation Security Council (UNSC) Resolutions will then be provided. At this point the analysis switches direction towards the sanctions reception and the general unwillingness from Iraq to comply with international demands. In the next segment the humanitarian and financial impact that the sanctions had on Iraq will be the main analytical focus. The Oil for Food program (OFFP) will be discussed and central aspects of the initiative will be inspected. Consequently the international fragmentation regarding the issue of prolonged

sanctions and their deplorable adverse humanitarian effects that the OFFP sought to counteract will be analyzed. Lastly Iraq's final attempts for having the sanctions repealed at the end of the decade is brought up and concluded with the culmination of the 2003 invasion.

Afterwards the results that have emerged will be discussed and conclusions will be made in order to clearly answer the questions put.

## 2. Background

### 2.1. Iraq 1958-1990 and U.S., Regional Interest

The Hashemite monarchy in Iraq had reined the country since before the Second World War and was backed by the British who had enthroned the family. This key pillar of the Western alliance system crumbled in a bloody coup which overthrew the monarchy and installed Brigadier Abd al-Karim Qasim as ruler. For the international politics of the age this represented a shift away from the previous Western sympathetic rule towards close ties with the Soviet Union after Qasim withdrew Iraq from the Baghdad Pact established just a few years earlier.<sup>20</sup> The following decade was laden with internal turmoil as new political ideologies and civil unrest came and went as the rain.<sup>21</sup> Saddam Hussein rose to domestic prominence in 1968 as a strong political man of the Ba'ath party as they seized power in Iraq.<sup>22</sup> His work as secretary general to the Ba'ath in the years prior to the revolt of 68 credited him with a salient position in the newly formed regime under president al-Bakr. Saddam came to control the flow of information from an elaborate formation of security agencies; this in return gave Hussein immense influence over the political life in Iraq as he was informed of everything that occurred.<sup>23</sup>

The years that followed the Ba'athist acquisition of power was the culmination for Iraqi-Soviet relations, their pro-communist stance attracted the support of the USSR who sought increased regional standing. Iraq was included in the soviet sphere of influence and the Soviet Union became the Iraqi states primary arms supplier for the decades to come. The atavism that ensued came as a great backlash for the Ba'ath. Increased Soviet support for Iraq enabled the shah of Iran to portray conflicting interests with Iraq in a great power perspective of East-Western terms where Iraq was portrayed as a threat to the regional stability.<sup>24</sup> Saddam subsequently consolidated his grip of power within the Ba'ath through his control of security organizations and increased his influence at the expense of the diminishing presidential figure

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<sup>20</sup> Cleveland, William L., Bunton, Martin, (2009) *A History of the Modern Middle East*, Westview Press, Fourth Edition, p.309-310.

<sup>21</sup> *Ibid.*, p.327-330.

<sup>22</sup> Hourani, Albert. (2001) *A History of the Arab Peoples*, Alhambra Publishing, Third Swedish Edition, p.328

<sup>23</sup> *Ibid.*, p.408-409.

<sup>24</sup> Edwards, Alex (2013) *Op. Cit.*, p.76.



that was al-Bakr. Hussein was named president in 1979, a title which he retained despite many adversities, especially in the coming years.<sup>25</sup>

In 1979 with the Iranian Revolution and collapse of the American Twin Pillar policy the U.S., had been without diplomatic relations with Iraq for 12 years, something that now had to be taken under consideration.<sup>26</sup> Iran had with the revolution shifted from the West's strongest regional ally to its foremost adversary. An overabundance of U.S., arms, supplied to the Shah by the West, was now under the control of what was interpreted as a radical fundamental religious regime. Iran was thus perceived as a major threat to the regional stability, an urgent concern which had to be balanced. The U.S., now had to reevaluate its Middle Eastern policy.

It was deemed exceedingly detrimental and a threat to the status quo that the U.S., sought to preserve and create if the Soviet Union was victorious in Afghanistan or Iran defeated Iraq in the newly started war. The conflict ridden region now posed a clear problem but also an opportunity. Key to the U.S., new regional policy was the obstruction of both Soviet and Iranian efforts throughout the 80's by sponsoring their opponents, effectively tying down both states in a perpetual state of conflict in order to inhibit their goals. The result of this was a clear U.S., 'tilt' towards the sponsorship of Iraqi military interests so as to counterbalance Iran on the regional stage.<sup>27</sup> Diplomatic relations were restored in 1984 and Iraq was removed from the State Department's list states sponsoring terrorism. Iraq was provided essential aid and assistance from the U.S., in a wide variety of fields, including the facilitation of Iraqi arms importation while simultaneously taking steps to restrict Iran's.<sup>28</sup> As a direct result of the U.S., support of Iraq during the 80's Saddam Hussein had a powerful military at his disposal at the end of the Iran-Iraq war. This in turn enabled Iraq to invade Kuwait in massive force in 1990.<sup>29</sup>

International actors have during the 20<sup>th</sup> century placed great strategic value on the domination of the Middle East, involvement and influence in the region has been paramount for the great powers of the cold war. Since the conclusion of the second world war and increased global dependence on oil, friendly relations with the oil rich countries of the world has been of utmost importance.

US early realized it could no longer sustain itself and its allies demand for petroleum

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<sup>25</sup> Cleveland, William L., Bunton, Martin, (2009) Op. Cit., p.397-398.

<sup>26</sup> Edwards, Alex (2013) Op. Cit., p.77.

<sup>27</sup> Ibid., p.75-78.

<sup>28</sup> Ibid., p.77.

<sup>29</sup> Ibid., p.78-83.

products as it had done during the Second World War, it now required a new concourse of oil, this paradigm created a shift in the importance of oil reservoirs in the Persian Gulf, altering its significance from a commercial to strategic commodity.<sup>30</sup> The influx of international involvement generated by the strategic importance of continual oil exports emanating from the Persian Gulf became the main American interest in the Middle East during the second half of the 20<sup>th</sup> century. Subsequently the containment and exclusion of Soviet Union's influence in the region, the unhindered access to oil and Israel were placed at the top of the policy agenda. Above and in direct correlation with other concerns came the primary U.S., objective in the Middle East. The direct prevention of any one state reaching regional hegemony as this would severely impede U.S., influence and movability in the area. This paradigm was threatened by the Iraqi invasion of Kuwait in 1990.

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<sup>30</sup> Palmer, *Guardians of the Gulf*, p.41-2 and p.44-5, Cited in Edwards. Alex (2013) Op. Cit., p.61.

## 3. Implementing UN Sanctions

### 3.1. The Second Gulf War

The immediate precursor to the Iraqi invasion of Kuwait was a meeting between Saddam Hussein and U.S., Ambassador to Iraq, April Glaspie, their session touched on the subject of Kuwait and Hussein promptly shared his view. Glaspie responded.

We have no opinion on Arab-Arab conflicts, like your border disagreement with Kuwait. I was in the American embassy in Kuwait during the late 60's. The instruction we had during this period was that we should express no opinion on the issue and that the issue is not associated with America. James Baker has directed our official spokesmen to emphasize this instruction.<sup>31</sup>

In light of the recent favorable and lenient treatment of Iraq by the U.S., Saddam Hussein incorrectly perceived U.S., intentions and acted a week later on his assessment that the U.S., would not oppose Iraqi movements on Kuwait.<sup>32</sup>

#### 3.1.1. UNSC Resolution 661

Iraq's invasion of Kuwait on the 2<sup>nd</sup> of August, 1990 promptly resulted in an international response through UNSC Resolution 661. Economic sanctions were introduced in order to counteract the Iraqi infringement on the sovereignty of Kuwait.<sup>33</sup> The unified acceptance of the initial sanctions against Iraq marked a significant change for the UNSC, the historical incapability to generate consensus through the Security Council was broken. During the final days of the cold war the pertinacious bipolar world order was crumbling, the ongoing dilapidation of the Soviet Union created an opportunity for joint action, something which was

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<sup>31</sup> Transcript of U.S., Ambassador April Glaspie's Interview with President Saddam Hussein, July 25 1990.

<sup>32</sup> Askari, Hossein. *Conflict and Wars: Their Fallout and Prevention*. (2012) Palgrave Macmillan, New York. p.101.

<sup>33</sup> UN Security Council Resolution 661 (6 August 1990) UN Doc S/RES/0661.

previously unattainable.<sup>34</sup> Resolution 661, in addition to reaffirming Resolution 660 and the international condemnation of Iraq's action calling on it to withdrawal from Kuwait, it established the principal outlay for the first round of international economic sanctions against Iraq.

The Resolution foremost stipulated that the all states should prevent the importation of commodities and products originating from Iraq and Kuwait. Furthermore a general ban of export for all goods and military equipment to Iraq was established and in tandem with a financial freeze of Iraqi assets and funds the aspiration was to isolate and contain Iraq completely.<sup>35</sup> Resolution 661 and later sanctions did however allow the sale of “supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs”.<sup>36</sup> The initial purpose of implementing extensive economic sanctions against Iraq was, as stated in the resolutions, to bring about an Iraqi withdrawal from the occupied territories of Kuwait and thereby “putting an early end to the invasion by Iraq”.<sup>37</sup> Further notable addendums to the sanction implemented in 1990 was Resolution 665, enforcing previous Resolutions by increasing the sanctions trade embargo to include the halt and inspection of all inward and outward shipping in order to assert rigorous implementations of the provisions established in Resolution 661.<sup>38</sup> Iraq's acquiescence with the sanctions was close to non-existent, the unwillingness to comply with the demands of the international community promptly generated a volley of extended UNSC Resolutions, the culmination of which was Resolution 678.

### 3.1.2. UNSC Resolution 678

Passed on the 29<sup>th</sup> of November 1990, Resolution 678 authorized UN Member States “to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area”.<sup>39</sup> Further the Resolution

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<sup>34</sup> Gordon, Joy (Nov, 2009) *Economic Sanctions & Global Governance: The Case of Iraq*. Global Crime. Vol. 10 No.4, p.358.

<sup>35</sup> Sick, Gary. (1998) *Rethinking Dual Containment*, The International Institute for Strategic Studies, Survival, vol.40 no.1, p.5-8.

<sup>36</sup> UN Security Council Resolution 661 (6 August 1990) UN Doc S/RES/0661.

<sup>37</sup> Ibid.,

<sup>38</sup> Cordesman, Anthony & Hashim, Ahmed (1997) *Iraq: Sanctions and Beyond*, Boulder, CO: Westview Press, p.138; UN Security Council Resolution 665 (25 August 1990) UN Doc S/RES/0665.

<sup>39</sup> UN Security Council Resolution 678 (29 November 1990) UN Doc S/RES/0678.

posed an ultimatum on Iraq, if Iraq was found not to be in full compliance with Resolution 660 by the 15<sup>th</sup> of January 1991 the provisions for member states to ‘use any means necessary’ would come in effect. Iraq’s refusal to leave occupied territories subsequently culminated in Operation Desert Storm where an alliance of state pushed Iraq out of Kuwait through military action.<sup>40</sup>

### 3.2. The Containment of Iraq, Perception of Threat

The decision to impose economic sanctions in order to contain Iraq and later through a military intervention repel Iraqi forces from Kuwait was in many ways spearheaded by the U.S.

Although the economic sanctions were implemented under the management of the UNSC they were in several aspects a continuation of previous U.S., Cold War policies for the Middle East.<sup>41</sup>

Neoclassical realism regard perception as an intervening variable in the formation of foreign policy, the perception of threat and the relative power of Iraq were primary concerns for U.S., foreign policy makers and thereby a fundamental facet in determining U.S., policy. The Second Gulf War of 1991 was consequently fought, from a U.S., perspective, to preserve and return to a favorable status quo with no existing regional hegemon.<sup>42</sup> This view can be validated for the case of Iraq during the 1990’s, the course of action adopted by U.S., strongly reflect the perception of threat to the regional balance of power originating from the actions of Saddam Hussein.<sup>43</sup> This perception was expressed by Anthony Lake, National Security Advisor to Bill Clinton 1993-1997. “The basic strategic principle in the Persian Gulf region is to establish a favorable balance of power, one that will protect critical American interests in the security of our friends and in the free flow of oil at stable prices.”<sup>44</sup>

This jargon is further elaborated in the words of Martin Indyk, one of the principal architects of dual containment.<sup>45</sup> “The United States needed to prevent each of the stronger

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<sup>40</sup> Askari, Hossein. (2012) Op. Cit., p.101-106.

<sup>41</sup> Mazaheri, Nimah (2010) *Iraq and the Domestic Political Effects of Economic Sanctions*, Middle East Journal, Volume 64, No.2, p. 255-258.

<sup>42</sup> Edwards, Alex (2013) Op. Cit., p.113.

<sup>43</sup> Ibid., p.111-119.

<sup>44</sup> Lake, Anthony (1994) *Confronting Backlash States*, Foreign Affairs Vol.73.No.2, p.47-48.

<sup>45</sup> Martin Indyk served as special advisor to President Clinton on Middle Eastern affairs, Senior Director for the Middle East and South Asia on the National Security Council, US Ambassador to Israel and Assistant Secretary of State for the Middle East and Near Eastern Affairs.

regional powers from achieving a hegemonic position in the Gulf that would enable it to dictate the policies of the lesser states.”<sup>46</sup> Arguments for this stance of containment can be found in the decision to not “go to Baghdad” in order to oust Saddam Hussein from power after the expulsion of Iraqi forces from Kuwait.<sup>47</sup> Analysts regarded the possible overthrow of Saddam Hussein as a further threat to the regional status quo; it was argued that if the Iraqi Ba’ath regime was toppled it would serve up the entire Middle East for Iranian domination given that Iraq was its greatest challenger.<sup>48</sup> It was instead favored by U.S., policymakers to create a dual containment towards both Iraq and Iran, enacting sanctions on both states in order to prevent any one state from gaining hegemony over the Persian Gulf.<sup>49</sup>

### 3.3. Post War Developments, Additional Sanctions

Following the catastrophic defeat of Iraqi forces and their ejection from Kuwait by the UNSC coalition of states the situation remained in limbo for close to a month after the end of hostilities. UNSC Resolution 687, passed on 8<sup>th</sup> of April 1991, came to have tremendous impact in the shaping of postwar life in Iraq, with its effects felt across all of society.<sup>50</sup> Resolution 687 stipulated that Iraq unconditionally surrendered all its weapons of mass destruction, biological and toxic for their dismemberment. Permanently discontinue any research into weapons of mass destruction and remove all infrastructure related its development while reaffirming its commitment to the Geneva Protocol and the Non-Proliferation Treaty.<sup>51</sup> Submit to verification and monitoring of aforementioned process by UN observers from International Atomic Energy Agency (IAEA) and newly established United Nations Special Commission (UNSCOM) so that

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<sup>46</sup> Indyk, Martin (2009) *Innocent Abroad: An Intimate Account of American Peace Diplomacy in the Middle East*, New York City, NY: Simon & Schuster, p.30.

<sup>47</sup> Edwards, Alex (2013) Op. Cit., p.112-113.

<sup>48</sup> Alex Roberto Hybel & Justin Matthew Kaufman (2006) *The Bush Administrations and Saddam Hussein: Deciding on Conflict*, Palgrave Macmillan, p.80-82.

<sup>49</sup> Ruspini, Paolo (1999) *Iraq and the Strategy of Dual Containment*. Defense Analysis Vol.15.No.1, Taylor Francis, p.93-96.

<sup>50</sup> Further discussed in 4.1. Financial and Humanitarian Effects.

<sup>51</sup> Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare <http://www.un.org/disarmament/WMD/Bio/1925GenevaProtocol.shtml>.

<sup>51</sup>Treaty on the Non-Proliferation of Nuclear Weapons (NPT) <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>.

they ensure that necessary steps are implemented and in compliance with the Resolution. The UN further confirms the prohibition for the export of commodities and products originating from Iraq and the importation of goods into Iraq with the exception of medical supplies and humanitarian foodstuffs.<sup>52</sup> The adhered condition expressed in the Resolution for lifting the economic sanctions was foremost the complete compliance with UNSC demands and the full accommodation of the inspectors from IAEA and UNSCOM. This signified that sanctions would not be abolished until Iraq had been disarmed to a satisfactory level and all weapons of mass destruction and means of production for these had been eliminated. These conditions were never fully met and Iraqi defiance against UNSC Resolutions and hindrance of inspectors resulted in the sanctions remaining in place until the U.S., invasion of Iraq in 2003.<sup>53</sup>

The first addendums, extending the provisions of the existing sanctions, were implemented in 1996. Previous Resolutions adopted over the first years primarily regarded the non-compliance of Iraq and the impediment of UNSCOM inspections. Resolution 1051 approved on the 27<sup>th</sup> of March 1996 responded to a proposal from the previous year in which all dual use-items were banned from export to Iraq.<sup>54</sup> The Resolution stipulated that items imported for civilian usage which had a potential secondary application or could be reused in the creation of non-conventional arms should be restricted.<sup>55</sup> The list of such items was exceedingly comprehensive and as a direct result it severely complicated and obstructed the acquisition of spare parts, items crucially necessary for maintenance and reparations of sewage treatment systems and general Iraqi infrastructure crucial for the public.<sup>56</sup>

## **3.4. Iraqi Non-Compliance**

### **3.4.1. UNSCOM and Non-Conventional Arms**

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<sup>52</sup> UN Security Council Resolution 687 (8 April 1991) UN Doc S/RES/0687.

<sup>53</sup> Mazaheri, Nimah (2010) Op. Cit., p.255-256.

<sup>54</sup> Proposal from the Security Council Committee, the Sanctions Committee Agrees on Export/Import Mechanism for Iraq 6th of November 1995; <http://www.un.org/News/Press/docs/1995/19951206.sc6137.html>.

<sup>55</sup> UN Security Council Resolution 1051 (27 March 1996) UN Doc S/RES/1051.

<sup>56</sup> Edwards, Alex (2013) Op. Cit., p.124.

Despite the best efforts of the weapons inspectors from UNSCOM and IAEA to rid Iraq of its non-conventional weapons arsenal they were constantly faced with resistance from the Iraqi government.<sup>57</sup> The main goal for Iraq's diplomacy post 1991 has been aimed at a repeal of the economic sanctions and a return to its pre Gulf War status and power. In accordance with this ambition Iraq strived for a reversal of the sanctions while complying with a minimal amount of the Resolutions prerequisites, as complying was in direct opposition to Iraq's aspirations. The unwillingness of Iraq to accommodate with international sanctions and the demands to surrender all weapons of mass destruction repeated itself throughout the entire decade, with Saddam Hussein only making concessions in cases where it was advantageous for furthering Iraq's short term goals.<sup>58</sup> Iraq continuously tested the boundaries and response of the international community, provoking military movements. The ceaseless refusal to comply with UNSCOM and IAEA demands demonstrated this clearly.<sup>59</sup> Iraq was hopeful in early 1995 that sanctions could soon be lifted as they had reluctantly revealed and dismantled parts of its non-conventional arsenal through sporadic cooperation with inspections. Iraq however maintained a position that they had no biological weapons program. UNSCOM raised disbelief over these claims and stated that they could not report the complete compliance of Iraq in its disarmament until it revealed the full extent of its program for biological weapons. These concerns forced the states that were positive towards a repeal of sanctions to silence their intent. Antecedent to a UNSC meeting on the topic of sanctions Iraq publicly acknowledged the existence of its biological weapons program while claiming that all of the agents developed (Anthrax and Botulinum) had now been destroyed.<sup>60</sup> The unilateral elimination of weapons was however in direct violation with the conditions set up by the UNSC resolutions which dictated that arms be handed over for inspection and dismantling.<sup>61</sup>

The principal breach of UNSC Resolutions was the restriction of movement for inspectors and the declination of immediate and unrestricted access to sites marked for examination, over the years this breach prompted the UNSC to issue 16 different Resolutions where they

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<sup>57</sup> Alex Roberto Hybel & Justin Matthew Kaufman (2006) Op. Cit., p.81-83.

<sup>58</sup> Cordesman, Anthony & Hashim, Ahmed (1997) Op. Cit., p.182-183.

<sup>59</sup> U.S., Government Accountability Office, GAO Report, Published: May 23, (2002) *Weapons of Mass Destruction: U.N. Confronts Significant Challenges in Implementing Sanctions against Iraq.*

<sup>60</sup> *More Continuity Than Change in the Gulf.* International Institute for Strategic Study, Strategic Survey. Oxford Uni. Press. Vol. 96, Iss. 1, 1995. p.160-161.

<sup>61</sup> UN Security Council Resolution 687 (8 April 1991) UN Doc S/RES/0687. §C.8. "Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision."



continuously called on Iraq to fully cooperate with IAEA and UNSCOM. Stating in the Resolutions that “failure by Iraq to provide immediate, unconditional and unrestricted access to any site is unacceptable and a clear violation of Security Council Resolutions”.<sup>62</sup>

### 3.4.2. Prolonged Sanctions, Diluted by Time

The constant defiance of the Iraqi government is expressed by several high ranking officials as being based on a presumption that prolonged sanctions would be ineffective and eventually watered down by international fragmentation. Iraq’s Minister of Information, Hamad Youssef Hammadi stated in 1995, "We are realistic. The sanctions will be eroded gradually. We know the U.S., administration is adamant because it failed to realize its objectives by military means."<sup>63</sup> Concerns over the effectiveness of prolonged sanctions were similarly raised in the U.S., administration as early as 1990 with Les Aspin, Chairman of the Committee on Armed Services stating.

I believe our coalition is too vulnerable, both economically and politically, to remain cohesive over the time it will take sanctions to work. Keeping up the requisite political, military and psychological pressure to make sanctions works [*sic*] is the stumbling block. Can we keep the alliance together and focused long enough for sanctions to work politically? I judge the probability of that to be very low.<sup>64</sup>

The UN sanctions undoubtedly had a great impact on the financial situation of Iraq, but there has been a lot of doubt and hesitancy regarding who the sanctions were penalizing. The eventual regime change, transition to democracy and overthrow of Saddam Hussein were official U.S., policy objectives stated during the 90’s. Though never incorporated in official UN sanctions they remained internal U.S., arguments against the discontinuation of sanction.<sup>65</sup> Were these goals achievable solely through the prolonging of economic sanctions against Iraq? The debate on this

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<sup>62</sup> UN Security Council Resolution 1441 (8 November 2002) UN Doc S/RES/1441.

<sup>63</sup> Interview in *the Washington Post*, 17th of January, 1995; Anthony Cordesman & Ahmed Hashim. (1997) *Iraq: Sanctions and Beyond*, p.183-184.

<sup>64</sup> Les Aspin, (1991) *Op.Cit.*, p.15.

<sup>65</sup> Alex Roberto Hybel & Justin Matthew Kaufman (2006) *Op. Cit.*, p.81-88; Mazaheri, Nimah (2010) *Op. Cit.*, p.255-256.

issue has been centered on the apparent inefficiency of sanctioning authoritarian regimes with rulers who show little to no regard for the wellbeing of the general public.<sup>66</sup> Saddam Hussein's disregard for human lives was adamantly clear and demonstrated on through such grievous events as the Halabja chemical attack during Al-Anfal in 1988.<sup>67</sup> It was highly unlikely that this authoritarian ruler with control of state finances would crumble due to the economic sanctions, given his history of indifference to human suffering the plight of his people became a chip to play against western powers. He used, as will be shown, the anguish of the Iraqi public to create disunion and opposition among Security Council states because he was hopefully it would bring about a repeal of economic sanctions.<sup>68</sup>

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<sup>66</sup> Ahmed Shehabaldin & William M. Laughlin Jr (1999) *Economic Sanctions Against Iraq: Human and Economic Costs*, The International Journal of Human Rights, Vol.3 No.4, p.15-16.

<sup>67</sup> Ofra Bengio, (2012). *The Kurds of Iraq*. USA: Lynne Rienner Publishers, Inc. p.186-191; Chemical weapons attack from the Iraqi government against a Kurdish village resulting in at least 3000 dead and many more wounded.

<sup>68</sup> Gottstein, Ulrich. (1999) *Peace Through Sanctions? Lessons from Cuba, former Yugoslavia and Iraq*, Medicine, Conflict and Survival, Vol.15 No.3, p.279-282.

## 4. The Impact of International Sanctions

### 4.1. The Financial and Humanitarian Effects

UNSC resolution 1051 from 1996 necessitated, as previously mentioned, that all importation and sales of possible 'dual-use' items to Iraq be approved by a UN sanctions committee, this extensive list contributed greatly to the drastic decline of public health and standards of living in Iraq. Primarily this reversion is attributed to the fact that it made it exceedingly difficult to procure and import spare parts for amelioration or reparation of vital state infrastructure.<sup>69</sup> Before the Gulf War of 1990-1991, socio-economic indicators placed Iraq among the upper middle income countries of the world with a relatively high standard of living. The World Bank placed Iraq as an advanced Third World state, comparable with countries like Greece, Venezuela and Czechoslovakia, economic and social development was deemed to be at a high level and above average for upper middle income countries. After the Gulf War and the imposition of UNSC economic sanctions against Iraq, the standard of living plummeted towards the ranks of Fourth World states like Yemen, Sudan and Rwanda.<sup>70</sup> WHO ended its 1996 reported with the following.

The vast majority of the country's population has been on a semi- starvation diet for years. This tragic situation has tremendous implications for the health status of the population and on their quality of life, not only for the present generation, but for future generations as well. The world community should seriously consider the implications of an entire generation of children growing up with such traumatized mental handicaps, if they survive at all.<sup>71</sup>

This concern expressed by international humanitarian organizations correlates to the sentiment voiced in the general debate regarding the continuation of sanctions i.e., sanctions are making life unbearable for the Iraqi people but not hurting Saddam personally.<sup>72</sup> Sanctions were far from the

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<sup>69</sup> Alnasrawi, Abbas (2001) *Iraq: Economic Sanctions and Consequences, 1990–2000*, Third World Quarterly, Vol.22, No.2, p.214-215.

<sup>70</sup> Cordesman, Anthony & Hashim, Ahmed (1997) Op. Cit., p.127-128.

<sup>71</sup> Cited in, Gottstein, Ulrich. (1999) Op. Cit., p.282.

<sup>72</sup> Dunn, M.C. (March 1996) *Five Years After Desert Storm*. Middle East Policy Vol.4, No.3, p.34; Sick, Gary.

only thing that was plaguing Iraq's economy during the 90's but it was the primary reason for its financial crisis as well as rapid decline in standard of living and public health.<sup>73</sup>

The implementation of economic sanctions bereft Iraq of its principal source of revenue and in effect isolated Iraq from the world economy. Prior to the trade embargos initiation the importation of food accounted for 70%-80% of Iraq's caloric intake, the sanctions promptly caused a general food shortage and a spike in domestic food prices, increasing the cost of foodstuffs by up to 1800% in just three months' time.<sup>74</sup> The subsequent rationing program initiated by the Iraqi government only accounted for around 37% of the monthly caloric intake, barely enough to sustain the population who had to endure widespread famine. It has been argued that the rationing program and increased isolation of Iraq helped Saddam Hussein to consolidate his authoritarian grip of power over the state; with explicit control of the food supply he could exert even greater influence over the people than before.<sup>75</sup>

The immediate financial blow struck to Iraq was not done by the sanctions but rather the Gulf War. While expelling Iraqi forces from Kuwait wide ranging strategic bombings were executed on vital infrastructure as well as factories and military targets in Iraq. The destruction devastated and severely crippled Iraq to such an extent that for two months after the war Baghdad and other cities were living in a medieval conditions with no electricity or drinking water available, the proximate cost of the Gulf War was estimated to U.S.,\$270 billion for Iraq.<sup>76</sup> The sanctions instead served a perpetual purpose, impeding and preventing attempts of reparation or reconstruction due to the loss of revenue and ban on importation of materials. The containment of these deplorable conditions and the seclusion of Iraq functioned to greatly aggravate the situation, domestic isolation left rampant internal problems to escalate. Iraqi inflation went through the roof, with an increase assessed at an 8000% annually even common items came to cost an entire month's salary resulting in a direct impoverishment of the general public who depleted their savings in order to survive.<sup>77</sup>

Due to the sanctions Iraq lost more than 70% of its GDP, (which at a pre-war level was low to begin with due to the lingering effects of the Iran-Iraq war) a breakdown of private

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(1998) *Rethinking Dual Containment*, The International Institute for Strategic Studies, Survival, vol.40, no.1, Spring 1998, p.11-12.

<sup>73</sup> Cordesman, Anthony & Hashim, Ahmed (1997) Op. Cit., p.137.

<sup>74</sup> Abbas Alnasrawi (2001) Op. Cit., p.208-209.

<sup>75</sup> Mazaheri, Nimah (2010) Op. Cit., p.256-258.

<sup>76</sup> Ahmed Shehabaldin & William M. Laughlin Jr (1999) Op. Cit., p.3.

<sup>77</sup> Ahmed Shehabaldin & William M. Laughlin Jr (1999) Op. Cit., p.3-5.

incomes came about as a result of the rapidly rising inflation and in combination unemployment soared. Consequently a brain-drain occurred in Iraq with more than three million skilled and educated workers leaving the country in search for better opportunities and an escape from the adverse economic and humanitarian conditions.<sup>78</sup>

#### **4.1.1. The Oil for Food Program**

The sanctions severely limited Iraqi trade, the enacted embargo prohibited, as previously mentioned, all commerce except that of essential foodstuffs and medicine. The already financially unstable and economically depleted Iraq which had drained its resources during the Iran-Iraq war of the 80's saw its primary source of revenue blocked by the ban of oil trade. The OFFP, initiated under UNSC resolution 706 in 1991 granted Iraq the ability to sell \$1.6bn worth of oil in order to meet the humanitarian needs of its people. Funds raised through the OFFP were to be placed in an UN-administered account as to ensure that solely material necessary for humanitarian needs was purchased.<sup>79</sup> Although initially declined by Saddam Hussein and the Iraqi government for four years the OFFP was eventually accepted by Iraq in 1995 after Resolution 986 was passed.<sup>80</sup> The plight of the Iraqi people had by this point in time become a matter of ongoing public debate and concern regarding whether the sanctions were having a desired effect or simply causing needless suffering.<sup>81</sup> The restrictions enacted on Iraq's oil trade for the OFFP were subsequently altered in UNSC resolution 1153, as the previous limit was deemed too low to have real effect on the increasingly dire humanitarian situation.<sup>82</sup> The Resolution raised the sales limit to \$2.6bn and UNSC resolution 1284 propounded a rescission of the limitation in its entirety.<sup>83</sup>

The program can be noted as a little too little and a little too late, with real alleviation of tough restrictions on dual-use items first occurring well after the situation necessitated it,

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<sup>78</sup> Abbas Alnasrawi (2001) Op. Cit., p.214.

<sup>79</sup> UN Security Council Resolution 706 (15 August 1991) UN Doc S/RES/0703.

<sup>80</sup> UN Security Council Resolution 986 (14 April 1995) UN Doc S/RES/0986.

<sup>81</sup> Cordesman, Anthony & Hashim, Ahmed (1997) Op. Cit., p.147.

<sup>82</sup> UN Security Council Resolution 1153 (20 February 1998) UN Doc S/RES/1153.

<sup>83</sup> UN Security Council Resolution 1284 (17 December 1999) UN Doc S/RES/1284; Edwards, Alex (2013) Op. Cit., p.124.

primarily in regard to maintenance of vital infrastructure and industrial repairs.<sup>84</sup> The OFFP was despite its flaws one of the main attempts for remitting the humanitarian effects of sanctions and a palliation for the Iraqi people who was in many ways ‘stuck between a rock and a hard place’. The general unwillingness of Saddam Hussein to ease the suffering of the Iraqi population by making concessions to UNSC, has been argued, was a part of his domestic propaganda offensive where the anguish of the people was blamed on the west.<sup>85</sup> It was perceived as advantageous to the Iraqi regime to perpetuate the humanitarian impact by not responding to the situation, with a direct link between the reduced financial income for Iraq and the rise in domestic food prices it was asserted that sanctions were causing deaths and human suffering. The regime wanted to foment western states human rights concerns and bolster claims that urged for an annulment of economic sanctions due to its adverse humanitarian impact.<sup>86</sup>

## 4.2. International Fragmentation

As the years went on the detriment inflicted on the Iraqi public became better documented and by the second half of the 90’s the humanitarian effects and general impact of the UNSC sanctions were in full debate. The attention of the western media was turned towards the situation in Iraq and a wide accession of support was created for a repeal of the economic sanctions enacted against Iraq.<sup>87</sup> By 1996 three of the permanent members of the UNSC were in favor of easing or lifting the sanctions, Russia, China and France, the U.S., promised to veto any such attempts. The opponents of sanctions insisted that the conditions stipulated by the Resolutions for repealing the sanctions would be adequately met if Iraq complied with the elimination of its weapons of mass destruction.<sup>88</sup> Saddam was however, still perceived as a threat to the regional stability by the U.S., and his unwillingness to comply with the UNSC Resolutions should not be rewarded with their repeal. The U.S., continued with their outspoken policy objective of keeping the sanctions in place as long as Saddam Hussein remained in power. Senior government officials expressed

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<sup>84</sup> Ahmed Shehabaldin & William M. Laughlin Jr (1999) Op. Cit., p.12-13.

<sup>85</sup> Cordesman, Anthony & Hashim, Ahmed (1997) Op. Cit., p.150-160.

<sup>86</sup> Ibid., p.182-184.

<sup>87</sup> Edwards, Alex (2013) Op. Cit., p.124-125.

<sup>88</sup> Dunn, M.C. (March 1996) Op. Cit., p.34-35.

this view repeatedly, reaffirming the position towards Iraq for all three U.S., presidents serving in office between 1990 and 2003. Under Bill Clinton, Secretary of State Madeleine Albright worded the opinion during a foreign policy address. “We do not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted.”<sup>89</sup> Colin Powell, successor to the position during the second Bush administration confirmed the stance further when he stated.

Sanctions and the pressure of sanctions are part of a strategy of regime change, support for the opposition, and reviewing additional options that might be available of a unilateral or multilateral nature.<sup>90</sup>

The animosity and erratic cooperation of Iraq under Saddam Hussein affirmed the picture that he was unpredictable and prone to violence and repression. The Iraqi regime continued efforts to complicate and obstruct the UNSCOM weapons inspectors were extensive to say the least, the falsification of documents, claims to have unilaterally destroyed weapons (in clear violation with the resolutions which stipulated that they should be handed over for dismantling) and restriction of access to suspected sites were frequent. The persistence of inspectors in turn frustrated Saddam Hussein and the Iraqi regime, their reports of non-compliance created new international hesitancy over the possible repeal of economic sanctions. A good example was Hussein’s inclination to accompany concessions with threats, in 1995 in connection with the revelation of Iraq’s biological weapons program he stated that if sanctions were not abolished in their entirety after this ‘there will be no further cooperation with UN weapons inspectors.’<sup>91</sup>

First in 1998 was this threat acted upon, Iraq announced that it was terminating its cooperation with UNSCOM and demanded changes in the structure of inspections. This action was one of Iraq’s last attempts for deepening the rift between the five permanent members in order to obtain a relief or repeal of sanctions. This unilateral move was not well received, even states in the UNSC who were sympathetic to Iraq marked the initiative deplorable, and the resulting backlash was operation Desert Fox which was the most comprehensive bomb raid of Iraq since 1991.

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<sup>89</sup> Madeleine Albright, U.S., Secretary of State. “Speech at Georgetown University,” 21th of March, 1997, <http://www.fas.org/news/iraq/1997/03/bmd970327b.htm>.

<sup>90</sup> Colin Powell, “Interview,” The Financial Times, February 12, 2002. Cited in Nimah Mazaheri (2010) *Iraq and the Domestic Political Effects of Economic Sanctions*, Middle East Journal, Volume 64, No. 2, p.256.

<sup>91</sup> *More Continuity than Change in the Gulf*. International Institute for Strategic Study, Strategic Survey. Oxford Uni. Press. Vol. 96, Iss.1, (1995). p.160-161.

In return increased concerns were voiced from France and Russia for lifting the sanctions or considerably amending their design as the international consensus was non-existent. The issue of the U.S., veto was nevertheless still present and the sanctions remained in effect.<sup>92</sup>

#### 4.2.1 The Final Years

In resolution 1284, adopted the 17th of December 1999, it was decided to offer a review of sanctions and the condition for their abolishment in regard to creating a clearer path forward if Iraq reestablished cooperation with inspectors and the newly formed UN Monitoring, Verification and Inspections Committee (UNMOVIC) which replaced UNSCOM and assumed their work towards disarmament.<sup>93</sup> Iraq however rejected the Resolution eventuating in no alteration of current sanctions.<sup>94</sup>

The September 11<sup>th</sup> attack on the World Trade Center in New York placed terrorism and the sponsorship of terrorist groups as a primary concern for the U.S.,<sup>95</sup> As the issue rose to the top of the international agenda fears regarding the proliferation of weapons of mass destruction was raised. Iraq's previously asserted unwillingness to comply with disarmament and deficient disclosure of biochemical weapons program prompted international unease. The second President Bush expressed his view on the matter in a direct fashion stating.

The worst thing that could happen would be to allow a nation like Iraq, run by Saddam Hussein, to develop weapons of mass destruction, and then team up with terrorist organizations so they can blackmail the world. I'm not going to let that happen.<sup>96</sup>

U.S., policymakers subsequently created a picture where it was argued that if Saddam Hussein had not already provided terrorist groups with funds and arms he might very well do so in the future. Rhetoric against the dictator became increasingly inflamed in the following year with Saddam Hussein's regime being dubbed one of the 'Axis of Evil' by the second Bush president.

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<sup>92</sup> Edwards, Alex (2013) Op. Cit., p.122-123.

<sup>93</sup> UN Security Council Resolution 1284 (17 December 1999) UN Doc S/RES/1284.

<sup>94</sup> Edwards, Alex (2013) Op. Cit., p.123-124.

<sup>95</sup> Alex Roberto Hybel & Justin Matthew Kaufman (2006) Op. Cit., p.57.

<sup>96</sup> Cited in, *ibid.*, p.83.



The days of the Ba'ath regime was numbered and no concessions made by Iraq after the 9/11 attack could deter a U.S., that was on a warpath.<sup>97</sup>

Further addendums to the sanctions were made in its final years; Resolution 1409 was passed in 2002 and created more leeway in the importation of spare parts and previously listed dual use items. This increased the possible effectiveness of the OFFP and humanitarian aid by greatly facilitating the restoration of public infrastructure and service intended edifice.<sup>98</sup> The introduction of 'smart sanctions' however came at a late part of the sanctions regime, with very little space and time for them to be in effect before the US invasion of Iraq in 2003 it is difficult to assess their impact.<sup>99</sup>

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<sup>97</sup> Ibid., p.82-88.

<sup>98</sup> UN Security Council Resolution 1409 (14 May 2002) UN Doc S/RES/1409.

<sup>99</sup> Gordon, Joy (Nov, 2009) Op. Cit., p.366.

## 5. Conclusions

The sanctions implemented over the years by the UNSC had, as we have seen, a clear correlation to the U.S., policy of containment and a desire for a perpetual regional status quo. The perceived threat of Saddam Hussein and the Iraqi Ba'ath regime can be related to the cold war mentality of balancing actors against each other. For the U.S., the case of Iraq was an occurrence of overbalancing, this is especially relevant for the final years of the sanctions which preceded the invasion in 2003. A disproportionate amount of resources and attention was awarded to the maimed and subjugated Iraq which never recovered from U.S., bomb raids on infrastructure and the major defeat of the Second Gulf War.

The application of neoclassical realism to the question put showed that misconceptions, miscommunication of intentions and a definite perception threat greatly added to the implementation and preservation of economic sanctions. It was reasoned an auspicious course of action that would dilute and possibly bring about the downfall of the Ba'ath regime in Iraq. As this did not come to pass it was paramount to analyze the endurance of economic sanctions, even as the perception of a positive outcome was emaciated they remained in force, the previous misconception had lead the international community to a dead end. The most difficult part of operationalizing the theoretical framework in this paper was the limit of sources influencing policymakers. It would have helped a great deal to have access to more internal documents, talks and briefs in order to better recognize what perceptions led to the creation of misconceptions and confusion regarding the interpretation of intentions. It would have been interesting to study the advisers of the respective world leaders and their perception of the situations discussed and what impelled them to offer the advice and recommendations that they did. This would add a second layer to the theory and discussion which would serve to deepen the understanding of events.

The continued enforcement of international sanctions against Iraq was in a way a catch 22 situation for the Western world. Smart Sanctions were regrettably implemented at a very late stage of the sanctions timeline and came to have limited effect due its short period active. The humanitarian catastrophe and anguish for the Iraqi population can be compared to a game of chicken between the U.S., and Saddam Hussein. Neither wanted to be the first to budge from the path and policy they had set out to pursue, regardless of the fact that their persistence cost human

lives. The U.S., was determined to refuse rewarding non-compliance and resistance with a repeal or alleviation. Saddam Hussein on the other hand had a history of disregard for human suffering and was disinclined to alter its position while there was no threat to the personal wellbeing of the regime. No one set out to create agony for the population, but it did become an integrated part of the conflict and U.S., aspirations. Regional stability and security concerns were closely tied to the sanctions against Iraq, which regrettably, could not be separated from the humanitarian crisis.

The U.S., had cornered itself due to the language used in formulating the sanctions and the rhetoric used in condemning Iraq. The outspoken policy of regime change and the demands adhered in the Resolutions that stipulated that sanctions would not be lifted until Iraq had met the requirements set forth by the UNSC appeared unattainable. If the sanctions were abolished before their objective was fulfilled it would signify U.S., failure to pursue a foreign policy. This would set an unacceptable example for the international community and would illustrate that opposition to the world's hegemonic state is worthwhile.

The implementation of economic sanctions against Iraq was, and remains, a poor decision for preserving an unstable status quo. The inefficiency of such actions to achieve a policy goal of regime change has been demonstrated repeatedly throughout this paper. A way forward would be to further investigate the matter of smart targeting sanctions. Sanctions remain a force to be reckoned with which has enormous capacity for desolation and destruction. If not properly administrated and implemented in a deliberated manner the adverse effects will reap human lives. Broad spectrum sanctions enacted to cripple an entire state and its population is crude and ineffective, the way forward is clear, sanctions need to target the regime while sparing civilians.

Additional study on how to achieve this is undoubtedly necessary. For the field of smart sanctions it would be a good analytical vantage point to start by drawing a lesson from Iraq. Further study could thereby provide a clear humanitarian benefit for the people living in states under enacted international sanctions.

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## 7. Appendix

### Resolution 661 (1990)

of 6 August 1990

*The Security Council,*

*Reaffirming its resolution 660 (1990) of 2 August 1990,*

*Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,*

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

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

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

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

*Acting under Chapter VII of the Charter,*

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

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

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

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

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

nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

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

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

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

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

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

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

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

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

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

(b) Not to recognize any régime set up by the occupying Power;

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

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

*Adopted at the 2933rd meeting by 13 votes to none, with 2 abstentions (Cuba and Yemen).*

**Resolution 678 (1990)**

of 29 November 1990

*The Security Council,*

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

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

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

*Determined* to secure full compliance with its decisions,

*Acting* under Chapter VII of the Charter,

1. *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. *Authorizes* Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above;

4. *Requests* the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 above;

5. *Decides* to remain seized of the matter.

*Adopted at the 2963rd meeting by  
12 votes to 2 (Cuba and Yemen),  
with 1 abstention (China).*





**United  
Nations**

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S/RES/986 (1995)

14 April 1995

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### **RESOLUTION 986 (1995)**

*Adopted by the Security Council at its 3519th meeting,*

*on 14 April 1995*

*The Security Council,*

*Recalling* its previous relevant resolutions,

*Concerned* by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation,

*Convinced* of the need as a temporary measure to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

*Convinced also* of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

*Reaffirming* the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Authorizes* States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum

products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

2. *Authorizes* Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk- Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

3. *Decides* that paragraphs 1 and 2 of this resolution shall come into force at 00.01 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

4. *Further decides* to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and *expresses its intention*, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;

5. *Further decides* that the remaining paragraphs of this resolution shall come into force forthwith;

6. *Directs* the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph 1 of this resolution, and will verify that the purchase price of the petroleum and

petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;

7. *Requests* the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;

8. *Decides* that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and *requests* the Secretary-General to use the funds deposited in the escrow account:

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:

(i) Each export of goods is at the request of the Government of Iraq;

(ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;

(iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;

(b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;

(c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;

(d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;

(e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);

(f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;

(g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;

9. *Authorizes* States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

(a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;

(b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;

10. *Decides* that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1991) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution 661 (1990), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;

11. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial 180 day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;

12. *Requests* the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of this resolution and to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the initial 180 day period on the implementation of those arrangements;

13. *Requests* the Secretary- General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and *requests* him to report to the Council when he has done so;

14. *Decides* that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

15. *Affirms* that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;

16. *Affirms* that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and *requires* the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

17. *Affirms* that nothing in this resolution affects Iraq's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

18. *Also affirms* that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

19. *Decides* to remain seized of the matter.

**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/RES/1051 (1996)  
27 March 1996

ORIGINAL: ENGLISH

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**RESOLUTION 1051 (1996)**

Adopted by the Security Council at its 3644th meeting,  
on 27 March 1996

The Security Council,

Reaffirming its resolution 687 (1991) of 8 April 1991, and in particular section C thereof, its resolution 707 (1991) of 15 August 1991 and its resolution 715 (1991) of 11 October 1991 and the plans for ongoing monitoring and verification approved thereunder,

Recalling the request in paragraph 7 of its resolution 715 (1991) to the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including resolution 715 (1991) and the plans approved thereunder,

Having considered the letter of 7 December 1995 (S/1995/1017) to the President of the Council from the Chairman of the Committee established under resolution 661 (1990), annex I of which contains the provisions for the mechanism for export/import monitoring called for in paragraph 7 of resolution 715 (1991),

Recognizing that the export/import monitoring mechanism is an integral part of ongoing monitoring and verification by the Special Commission and the IAEA,

Recognizing that the export/import mechanism is not a regime for international licensing, but rather for the timely provision of information by States in which companies are located which are contemplating sales or supplies to Iraq of items covered by the plans for ongoing monitoring and verification and will not impede Iraq's legitimate right to import or export for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development,

Acting under Chapter VII of the Charter of the United Nations,

S/RES/1051 (1996)  
Page 2

1. Approves, pursuant to the relevant provisions of its resolutions 687 (1991) and 715 (1991), the provisions for the monitoring mechanism contained in annex I of the aforementioned letter of 7 December 1995 (S/1995/1017), subject to the terms of this resolution;

2. Approves also the general principles to be followed in implementing the monitoring mechanism contained in the letter of 17 July 1995 from the Chairman of the Special Commission to the Chairman of the Committee established under resolution 661 (1990) which is contained in annex II of the aforementioned letter of 7 December 1995 (S/1995/1017);

3. Affirms that the mechanism approved by this resolution is without prejudice to and shall not impair the operation of existing or future non-proliferation agreements or regimes on the international or regional level including arrangements referred to in resolution 687 (1991), nor shall such agreements or regimes impair the operation of the mechanism;

4. Confirms, until the Council decides otherwise under its relevant resolutions, that requests by other States for sales to Iraq or requests by Iraq for import of any item or technology to which the mechanism applies shall continue to be addressed to the Committee established under resolution 661 (1990) for decision by that Committee in accordance with paragraph 4 of the mechanism;

5. Decides, subject to paragraphs 4 and 7 of this resolution, that all States shall:

(a) Transmit to the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the mechanism the notifications, with the data from potential exporters, and all other relevant information when available to the States, as requested in the mechanism on the intended sale or supply from their territories of any items or technologies which are subject to such notification in accordance with paragraphs 9, 11, 13, 24, 25, 27 and 28 of the mechanism;

(b) Report to the joint unit, in accordance with paragraphs 13, 24, 25, 27 and 28 of the mechanism, any information they may have at their disposal or may receive from suppliers in their territories of attempts to circumvent the mechanism or to supply Iraq with items prohibited to Iraq under the plans for ongoing monitoring and verification approved by resolution 715 (1991), or where the procedures for special exceptions laid down in paragraphs 24 and 25 of the mechanism have not been followed by Iraq;

6. Decides that the notifications required under paragraph 5 above shall be provided to the joint unit by Iraq, in respect of all items and technologies referred to in paragraph 12 of the mechanism, as from the date agreed upon between the Special Commission and the Director General of the IAEA and Iraq, and in any event not later than sixty days after the adoption of this resolution;

7. Decides that the notifications required under paragraph 5 above shall be provided to the joint unit by all other States as from the date the Secretary-General and the Director General of the IAEA, after their consultations with the members of the Council and other interested States,

/...

report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism;

8. Decides that the information provided through the mechanism shall be treated as confidential and restricted to the Special Commission and the IAEA, to the extent that this is consistent with their respective responsibilities under resolution 715 (1991), other relevant resolutions and the plans for ongoing monitoring and verification approved under resolution 715 (1991);

9. Affirms, if experience over time demonstrates the need for new technologies so require, that the Council would be prepared to review the mechanism in order to determine whether any changes are required and that the annexes to the plans for ongoing monitoring and verification approved under resolution 715 (1991), which identify the items and technologies to be notified under the mechanism, may be amended in accordance with the plans, after appropriate consultations with interested States and, as laid down in the plans, after notification to the Council;

10. Decides also that the Committee established under resolution 661 (1990) and the Special Commission shall carry out the functions assigned to them under the mechanism, until the Council decides otherwise;

11. Requests the Director General of the IAEA to carry out, with the assistance and cooperation of the Special Commission, the functions assigned to him under the mechanism;

12. Calls upon all States and international organizations to cooperate fully with the Committee established under resolution 661 (1990), the Special Commission and the Director General of the IAEA in the fulfilment of their tasks in connection with the mechanism, including supplying such information as may be sought by them in implementation of the mechanism;

13. Calls upon all States to adopt as soon as possible such measures as may be necessary under their national procedures to implement the mechanism;

14. Decides that all States shall, not later than 45 days after the adoption of this resolution, be provided by the Special Commission and the Director General of the IAEA with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism;

15. Demands that Iraq meet unconditionally all its obligations under the mechanism approved by this resolution and cooperate fully with the Special Commission and the Director General of the IAEA in the carrying out of their tasks under this resolution and the mechanism by such means as they may determine in accordance with their mandates from the Council;

16. Decides to consolidate the periodic requirements for progress reports under its resolutions 699 (1991), 715 (1991) and this resolution and to request the Secretary-General and the Director General of the IAEA to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996;

17. Decides to remain seized of the matter.

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