

From Central to Peripheral: The United Nations and the Recent Iraq Crisis

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Abstract

The United Nations was founded on the principles of sovereign equality of its member states. The sovereignty exercised by states in their domestic jurisdiction and external relations was to be upheld in the conduct of international relations especially through the UN. However, the recent developments culminating in the United States-led war in Iraq have raised several doubts about the efficacy of the UN in preserving the sovereignty of its member-states while maintaining international peace and security.

This paper attempts to focus on the recent Iraq crisis. It analyses the close involvement of the UN in Iraq for over a decade beginning from the 1990 Iraqi occupation of Kuwait. Many Security Council resolutions became the basis of the deep entrenchment of the UN in the political, economic and security issues of Iraq. The present crisis in Iraq is a reflection of the enormous potential and capability of the UN to engage itself in resolving a conflict and the limitations of that exercise. The UN, while charting a unique journey in Iraq through Resolutions 660 to 1511, has essentially proved its significance in the face of increasing American attempts to impose a unilateral world order.

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Introduction

The unilateralism embedded in the recent US-led war on Iraq has generated a debate on the relevance of the United Nations in contemporary times. The nature and direction of geo-politics has had a direct bearing on the effectiveness of the UN. The UN was created in 1945, at the end of the second World War, with much optimism and hope for "...saving the succeeding generations from the scourge of war..."¹ The primary

responsibility of the UN Security Council (UNSC) was to preserve international peace and security. Chapters VI and VII of the UN Charter became the basis for undertaking diplomatic as well as coercive measures respectively by the UNSC, in maintaining international peace and security.

The long period of the Cold War had a deep impact on the UN. For almost 40 years, the UNSC “largely operated under Chapter VI (Pacific Settlement of Disputes), relying increasingly on the Secretary-General’s good offices, and using processes of mediation, conciliation and peace keeping (an adhoc extension of chapter VI), which tended to treat the parties to a conflict ‘evenhandedly’ ”.²

An important transformation took place in the working of the UN with the onset of the post-Cold War era. The end of the cold war had ‘revitalized the UNSC’,³ with the big powers agreeing on most issues. The threat of veto by the permanent members of UNSC had receded as the post-Cold War order was still to crystalise. A change could be discerned in the new pattern of conflicts on the UN agenda. The UN adapted itself to meet the increasing number of intra-state conflicts. Secretary-General Boutros Boutros-Ghali’s ‘Agenda for Peace’ (1992) elaborated and clarified “the traditional concept of UN peacekeeping and the conduct of its peace operation forces”.⁴

The UN successfully handled many cases of intra-state conflicts as in El Salvador, Guatemala, Cambodia, Mozambique, etc. It also employed innovative methods in its peacekeeping role in Somalia, Rwanda and the former Yugoslavia. The settlement of the East Timor problem by creating an independent state and undertaking government formation under UN supervision, the US-led/UN approved war against terrorism in Afghanistan and the setting up of an interim government in Afghanistan in 2002 are indicative of the diverse nature of political and security issues with which the UN has been intrinsically involved.

Amongst the issues occupying centrestage at the UN for a relatively long time is the Iraq crisis resulting from Iraq’s invasion and occupation of Kuwait on August 2, 1990. In the last thirteen years the UN has engaged itself in a number of ways in Iraq – from sanctions to humanitarian work, from authorising the use of force to calling for a ceasefire and creating an intrusive weapon inspection programme in Iraq. This was followed by another phase of renewed weapon inspections and an unsuccessful attempt

at preventing the US-led aggression on Iraq.

This paper is an attempt to understand the potential for UN's role in the current Iraq crisis. The paper is divided into four sections. The first section serves as a background to the paper focusing on UN's response to Iraq's invasion of Kuwait in 1990 and the subsequent US-led war on Iraq in 1991, the sanctions regime that was created and enforced through the UN system and the inspection regime set up in Iraq through the creation of UNSCOM and UNMOVIC as well as the role of IAEA in conducting weapon inspections in Iraq. The second section discusses the contemporary phase of the Iraq crisis through an assessment of Resolution 1441 of November 8, 2002 which renewed weapon inspections in Iraq and the deep divisions that followed in the UNSC. Section three is an attempt to understand the possible role that the UN could play in Iraq after the start of hostilities by US-led coalition forces in Iraq. The last section provides the conclusion.

Background

Iraq has been the focus of UN deliberations for a long time of over two decades on account of two regional conflicts. The Iran-Iraq war in the 1980s was brought to an end by the UNSC Resolution 598 of July 20, 1987 calling for ceasefire. This was achieved in August 1988 under the supervision of the Iran-Iraq Military Observer Group (UNIIMOG) established by the UNSC. Iran and Iraq began direct peace talks in 1990.⁵ The same year Iraqi army marched into Kuwait creating a very clear and unambiguous condition of aggression on Kuwait. The UNSC declared that Iraq's aggression on Kuwait constituted a breach of peace. It invoked Articles 39 and 40 of Chapter VII of the UN Charter and a near unanimous vote was given to Resolution 660 on August 2, 1990 which condemned Iraq's invasion and demanded its immediate and unconditional withdrawal from Kuwait. Yemen, the sole Arab state and non-permanent member of UNSC at that time, abstained from voting on the Resolution.

As a result of Iraq's non-compliance with Resolution 660, sanctions and a naval blockade were imposed on Iraq by the US, Russia, Japan, Canada and the European Union. Subsequently, Iraq was placed under a UN-sanctions regime to ensure compliance. Iraq's intransigence gave sufficient reason to the UNSC to authorise the use of force against it. Resolution 678 of November 29, 1990 demanded Iraqi withdrawal from Kuwait by January

15, 1991, failing which it authorised 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.”⁶

Iraq’s occupation of Kuwait was repelled through ‘Operation Desert Storm’. The US-led coalition forces attacked Iraq on January 17, 1991 sidelining UN during the entire military operation. The UN was called to declare a ceasefire between the US-led coalition and Iraq on April 3, 1991. The Gulf War came to an end on February 28, 1991 and Iraq declared its acceptance to comply fully with all the 12 resolutions that were passed by the UNSC. Resolution 687, adopted by the UNSC on April 3, 1991, was meant to outline the conditions of a ‘permanent ceasefire’.

Resolution 687 also became the basis for the long process of disarming Iraq of its nuclear, biological and chemical weapons. It created the UN Special Commission (UNSCOM) which, along with the International Atomic Energy Agency (IAEA), was given the mandate to implement the resolution. Iraq was to remain under the sanctions regime until the UNSC would agree that Iraq had complied with its disarmament obligations. This resolution also deployed the UN Iraq-Kuwait Observer Mission (UNIKOM) to monitor the Khor Abdullah and a demilitarised zone extending ten kilometres into Iraq and five kilometres into Kuwait from the Iraq-Kuwait boundary agreed between the State of Kuwait and the Republic of Iraq on October 4, 1993.⁷

At the end of the war the UN Secretary-General was authorised to use all resources at his disposal, including those of the relevant UN agencies, to address urgently the critical needs of refugees and the displaced Iraqi population. Consequently, the United Nations High Commissioner for Refugees (UNHCR) undertook the task to lead major relief operations, which lasted until June 1992 when it handed over the ‘long term reconstruction work’ to other UN agencies. UNHCR rendered assistance to Iran which took bulk of the Iraqi refugees.⁸

Resolution 687 also imposed severe economic sanctions on Iraq. Sanctions, linked to the process of weapon inspections in Iraq, were to continue until Iraq got rid of its Weapons of Mass Destruction (WMD). “The sanctions were instrumental in persuading Iraq to comply, to the extent that it did, with the requirements of Resolution 687 and to accept

UNSCOM's large scale destruction of its WMD capacity.”⁹ The sanctions, Operation Desert Storm and UN-administered weapon inspections were together “a means of damaging Iraqi military capabilities generally and unconventional weapons in particular.”¹⁰

On April 3, 1995 the UNSC acting under Chapter VII of the UN Charter adopted resolution 986 establishing the ‘oil-for-food’ (OFF) programme. The OFF programme permitted Iraq to sell oil in order to import products for humanitarian purposes. This was a temporary measure adopted until Iraq fulfilled the relevant UNSC resolutions including Resolution 687. The Government of Iraq signed a Memorandum of Understanding with the UN on May 20, 1996 and the programme was implemented in December 1996. The first shipments of food under OFF arrived in March 1997.¹¹

The OFF permitted Iraq to sell oil worth US\$ 1 billion every 90 days. This ceiling was increased to US\$ 5.256 billion per phase of 180 days by Resolution 1153 of February 20, 1998. Payments under OFF were to be directly sent to an escrow account maintained by the UN to be used primarily to meet the humanitarian needs of the Iraqi people. In December 1999, the ceiling on Iraqi oil exports under the OFF was removed by the Security Council.¹¹ The Office of the Iraq Programme (OIP) administered OFF with the help of nine UN agencies. These were FAO, UNESCO, WHO, ITU, UNICEF, UNDP, WFP, UNOPS, and UN-Habitat.¹¹ The OFF has been an operation “separate and distinct from all other UN activities within the context of the sanctions regime”¹¹ which fell within the purview of UNSCOM, later UNMOVIC, the IAEA and the UN Compensation Commission.

Confrontation between Iraq and UNSCOM over access to inspect presidential sites in Iraq halted the inspections for some time. Iraq accused UNSCOM of being too close to the US. Iraq decided to cease cooperation with UNSCOM in August 1998. UN Secretary General Kofi Annan made a final diplomatic effort and Saddam Hussein agreed to let the UNSCOM resume their inspections. On December 16, 1998 the UNSC met to consider UNSCOM's latest report being presented by Richard Butler. Meanwhile, the US-led ‘Operation Desert Fox’ began which spelt the end of inspections in Iraq.¹² In the period following the end of Operation Desert Fox, the UNSCOM was wound up, and no inspections were possible. The US and

the UK continued to use the unilaterally created no-fly-zone as an instrument of containing Iraq.

The sanctions and weapon inspections in Iraq became the cause for divisions within the UNSC. Iraq also raised the issue of lifting sanctions that were imposed on it. The UNSC debated the twin issues of the nature of the 'Inspection Regime' for Iraq and on the conditions for lifting sanctions. For almost seven years the five permanent members of the UNSC had been united on the issue of maintaining sanctions against Iraq. Russia, China and France did advocate the review of sanctions since in their opinion Iraq was cooperating with the UNSCOM. In post-UNSCOM period they favoured "suspension of the sanctions in return for Iraqi agreement to allow UN arms inspectors to return to Iraq."¹³

A deadlock arose over sanctions and inspections. Saddam Hussein was unwilling to allow the inspectors back until the sanctions imposed on Iraq were lifted. Resolution 1284 of December 17, 1999¹⁴ created the UN Monitoring, Verification and Inspections Commission (UNMOVIC) which replaced UNSCOM. Though Iraq allowed the IAEA to continue with its routine inspections under the Non-Proliferation Treaty (NPT), it did not accept the terms of Resolution 1284 and denied access to UNMOVIC inspectors. The criticism against the sanctions regime and the suspicion that countries were breaking sanctions to buy oil illegally from Iraq prompted the US and UK to overhaul the sanctions and "focus more on military and dual use goods and less on civilian trade."¹⁵ Weapons inspections yielded substantial results in the first phase (1991-98) and operation 'Desert Fox' brought an end to the process of disarmament of Iraq in December 1998.

Present Crisis

The recent Iraq crisis represented an important watershed in international politics. The US President, George W. Bush and his Administration remained very suspicious of Iraq's Weapons of Mass Destruction (WMD) capability and named Iraq as part of the 'axis of evil' along with Iran and North Korea. Not surprisingly, the US considered the removal of Saddam Hussein as top priority and linked it to the effective destruction of Iraqi WMD. Further, the 'war on terrorism' gave the US Administration an impetus to disarm Iraq lest it should provide WMD to terrorist groups like Al Qaida. Iraq had been earlier criticised in Resolution 687 for

threatening to make use of terror tactics against targets outside Iraq. This was again highlighted in Resolution 1441 where the Government of Iraq was deplored for “failing to comply with its commitment pursuant to Resolution 687 with regard to terrorism.”¹⁶

The long-term ill-effects of sanctions on the Iraqi population became the dominant concern of several countries, NGOs and aid agencies. Iraq's frequent appeal to lift the prevailing sanctions was supported in the UNSC by China, France and Russia. The US however, insisted on their continuance. The severity of sanctions was petitioned to the International Court for Crimes Against Humanity in October 1996. The International Court ruled that the sanctions against Iraq were excessively brutal in their effects on children, women and the elderly.¹⁷ The linkage of the disarmament process with the sanctions severely blocked any chances of lifting the sanctions. And, the issue of the humanitarian impact of sanctions could not be resolved. In the 12-year period from 1990 to 2002 the UN remained deeply entrenched in Iraq, enforcing sanctions and running the OFF programme.

In March 2002, after a gap of nearly four years, talks for the renewal of weapon inspections began between Secretary General Kofi Annan, UNMOVIC Executive Chairman Hans Blix and Iraqi officials. President Bush delivered a speech to the UN General Assembly on September 12, 2002 calling on the UN “to enforce its resolutions for disarming Iraq.” There were indications that US was preparing to attack Iraq. Moreover, the Bush Administration kept the pressure on the UNSC “to approve a new UN resolution calling for Iraq to give weapon inspectors unfettered access and authorising the use of force if Iraq does not comply.”¹⁸

The UNSC, after weeks of wrangling over the language of the resolution, unanimously adopted Resolution 1441 on November 8, 2002. Iraq accepted the terms of this resolution which noted Iraq's non-compliance with past UNSC resolutions as well as the pursuit of WMD and long-range missiles that pose a threat to international peace and security. It said that Iraq had been in ‘material breach’ of all earlier resolutions, including Resolution 687 and was being given one final opportunity to comply with its disarmament obligations under an enhanced inspection regime. It added that ‘serious consequences’ would follow if Iraq continued to violate its disarmament obligations.¹⁹

Resolution 1441 paved the way for the second and more intrusive phase of weapons inspection in Iraq. After a lull of 4 years, UN inspections began on November 27, 2002. For almost three months UNMOVIC and IAEA were allowed unfettered access to Iraqi military-industrial sites. Though Iraq was largely given a clean chit on nuclear matters by the IAEA, doubts persisted over Iraq's chemical and biological weapon capabilities and its lack of cooperation with the inspection process. Regardless, Hans Blix and Mohammed El Baradei, in their February and March 2003 reports, confirmed significant progress and Iraqi cooperation while stressing the need for more time to complete the inspection process.²⁰

The five month period, November 2002-March 2003, witnessed an ebb and flow in the disarmament of Iraq through the UN system. The adoption of Resolution 1441 and its implementation clearly led to an unprecedented polarisation within the UNSC.

The inspections took place in an environment that was charged, politically and militarily, with the prospect of war looming large with high military buildup in the region. Iraq also displayed enhanced levels of cooperation. The coercive diplomacy through the military buildup also contributed to the process. Equally, credit needs to be given to the weight of unanimity among almost all members of the UN in calling on Iraq to comply with its disarmament obligations, which caused an inevitable sense of 'isolation' among the Iraqi leadership. Small wonder that accounting and destruction of the Al Samoud missiles commenced, permission was granted for reconnaissance aircraft flights (U-2 of the US and Mirage-IV of France), free private interviews with Iraqi scientists and the enactment of national legislation by Iraq banning the production of chemical, biological and nuclear weapons.

The Debate and Deadlock in UNSC over Inspections

The debate in the UNSC centred on whether the process of inspections should be continued since both UNMOVIC and IAEA urged for more time to complete their mandates, or, since 'material breach of obligations occurred', the threatened 'serious consequences' should follow.

France, Russia, China, Germany and Syria consistently pressed for allowing more time for weapon inspections and said that these have produced results. Further, Blix and El Baradei specifically asked for more time to complete the process. Russia maintained that a political solution

to the Iraq crisis was still possible and there was no need for resorting to force. These states strongly urged Iraq to cooperate fully with the terms of Resolution 1441.²¹

France and Germany proposed through 'Project Mirage' a tripling of the number of weapon inspectors and stationing of thousands of UN troops in Iraq to 'oversee the intensified weapon inspections'.²² The plan acknowledged that the presence of 150,000 US troops that were deployed in the Gulf region at that time would be a source of pressure on Iraq to disarm. Moreover, the plan suggested extension of the existing US/UK monitored no-fly-zone in Northern and Southern Iraq to cover the entire country to enhance ground work of the inspection process. The Franco-German plan also proposed that "French, German and US reconnaissance planes should be allowed to patrol the skies".²² This plan was rejected by the US and the UK.

Thereafter, France proposed a formula for time-bound inspections which envisaged that the inspectors establish a hierarchy of key disarmament tasks and reporting by UNMOVIC and IAEA every three weeks. This would be followed by a schedule for assessing inspections by the UNSC in a short period (Under Resolution 1284 the schedule was 120 days).

UNSC remained deeply divided over the draft resolution sponsored by the US, UK and Spain which was in the form of an ultimatum to Iraq. The resolution stated: "Iraq will have failed to take the final opportunity afforded by Resolution 1441 (2002) unless, on or before March 17, 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active cooperation."²³ The expiry of the March 17, 2003 deadline would be followed by the immediate application of force.

Seeking to win the required support for the draft second resolution and to assuage domestic constituents, the UK outlined 6 benchmarks to determine whether Iraq had taken the 'strategic decision' to disarm by March 17, 2003. Prime Minister Tony Blair was also confronted with an increasing opposition from within his own party in the House of Commons for his support to the US-led war on Iraq without UN approval. The US went along with the UK in seeking a vote on the second resolution because it wanted to help Blair to get the crucial domestic support.

The US, UK and Spain were confident of securing the affirmative votes of six uncommitted members of the UNSC (Cameroon, Angola, Guinea,

Mexico, Pakistan, and Chile) for passage of the second amended resolution with the required 9 votes; provided, no permanent member opposed or exercised the veto.

Three permanent members of the UNSC, France, Russia and China did not see wisdom in 'automaticity' of war with Iraq without giving the inspection process due time. They questioned the need to have a second resolution. France remained steadfast in opposing any resolution that automatically authorised war against Iraq. The US objective of regime change in Iraq was also categorically contested by France as outside the purview of Resolution 1441. Russia too remained critical of US threat of war on Iraq and warned that a war on Iraq without a UN mandate would amount to breach of the UN Charter.

The US put forward a comprehensive case for war against Iraq on the basis of moral, political and legal justifications. The US moral high ground remained disputable because of the contentious record of impaired US intelligence operations under the cover of an agenda aimed at a regime change.²⁴ This was also a view shared by most countries in Europe, Asia and Latin America. Moreover, maintenance of the sanctions regime in Iraq on the insistence of USA did not contribute to the US moral high ground.

Politically, too, Iraq had demonstrated to the world, though reluctantly, compliance with the weapons inspections process. But serious progress had occurred after Resolution 1441. Anti-war demonstrations also served as a reminder to the US and UK that a war to disarm Iraq was not justified unless sanctioned by the UN.

Preparing for the Humanitarian Crisis

While the US and its allies made preparations for war, the UN and its humanitarian agencies were preparing to deal with the likely humanitarian crisis. The UNHCR anticipated more than 1 million refugees and 2 million internally displaced persons.²⁵ UNHCR, the Office for Coordination of Humanitarian Affairs (OCHA), World Food Programme (WFP), and World Health Organisation (WHO) stepped up efforts within Iraq and its neighbouring countries to meet any situation arising from the impending war. UNHCR also coordinated contingency plans to deal with the flight of refugees from Iraq to neighbouring states. It secured pledges and commitments from Iran, Syria and Saudi Arabia 'to keep their borders open to receive refugees coming in.'²⁶ OCHA maintained that it did not

receive US\$ 86 million out of US\$ 123.4 million, it had appealed for in February 2003.²⁶ The UNHCR expected 600,000 people to flee Iraq during the war. It made arrangements for non-food stockpiles in neighbouring countries for upto 300,000 people. It also received US\$ 16 million and required another US\$ 44 million for its work.²⁶

WFP, independent of the Oil-for-Food Programme, arranged for 32,000 tonnes of food in the region to help 900,000 people for 10 weeks. The total cost for this stood at US\$ 23.5 million of which the WFP received only US\$ 7.2 million.²⁶ WHO prepared its network of communication and medical experts and placed its medical and surgical equipment in the region. The International Organisation for Migration (IOM), an inter-governmental body that works in collaboration with UN, also geared up to help about 70,000 foreign nationals who would want to leave Iraq in the course of the war.²⁶

Whereas humanitarian agencies worked full swing to put in place all the requisites for humanitarian aid in case war breaks out, the UNIKOM began withdrawing its forces from the Iraq-Kuwait border that it supervised since 1991.

The Politics of the Second Resolution

Extending the time for inspections in Iraq was vigorously debated for one week since the March 7, 2003 report of Blix and El Baradei to the UNSC. The ten-day final extension given as part of a deadline by US was assessed as insufficient and inappropriate by most members of the UNSC — more importantly, due to it being in the form of an ultimatum. France and Russia indicated that they would veto a second resolution authorising war against Iraq.

Hectic diplomatic efforts by the US and UK did not yield the 9 affirmative votes needed for the passage of the second resolution. Meanwhile, the 6 uncommitted members of the UNSC put forth a proposal, which gave Iraq 30-45 more days to disarm. This was rejected by the US. France had indicated it “would be willing to cut down on the 120-day period (it) has seen as necessary for the UN inspectors to do their job.”²⁷

President Bush had maintained that US would go to war against Iraq even if UN does not give the covering sanction. In his view, Resolution 1,441 already provided the needed international legitimacy. The US, UK

and Spain, at their summit meeting at Azores on March 16, 2003, admitted the failure of their efforts to get the resolution passed. Later, on March 17, 2003, they said in New York that the window of diplomacy is closed and did not press for a vote on the second resolution. The avenue to war was opened without the UN resolution.

Remaining Diplomatic Options

Several states, which were not members of the UNSC, explored the possibility of activating the UN General Assembly (UNGA), under UN Resolution 377, to assume its logical role in the event of a deadlocked UNSC. The Non-Aligned Movement (NAM) countries also considered proposing a Uniting for Peace resolution.²⁸

UN Resolution 377 empowers the UNGA to undertake collective action when the UNSC is blocked by holding a Special Session that can be called on a 24-hour notice. "Such an emergency special session shall be called if requested by the Security Council on the vote of any 7 members, or by a majority of the members of the UN."²⁹

NGOs like the Greenpeace and the Centre for Constitutional Rights in New York also urged the members of the UN to use the 'Uniting for Peace' resolution to avoid a war on Iraq. Michael Ratner of the Centre stated, "The 'Uniting for Peace' resolution may be the last hope to avert war. If passed, it will put the US and the UK on notice that a war without Security Council authorisation is utterly illegal and a crime against peace."³⁰

While the 'Uniting for Peace' alternative was still in the exploratory stage, the UNSC conceded to the request made by the NAM countries to express their views on the disarmament of Iraq. In an open meeting on March 11-12, 2003, it heard the views of 51 NAM countries and two regional organizations, the League of Arab States and the European Union. Most speakers favoured strengthening of the inspection process and opposed the use of force. A few opined that Iraq could not be accused of not complying fully with the inspection process.³¹ Greece, speaking on behalf of the European Union, called for full and effective disarmament of Iraq in a peaceful way. It expressed that the use of force should be the last resort and Iraq should cooperate fully in that last opportunity that was provided.³²

At the open meeting of the UNSC, India's Permanent Representative to the UN, Vijay Nambiar, said that India was in favour of continuing

with the peaceful disarmament of Iraq, with active and immediate Iraqi compliance. While persevering in 'efforts towards a collective decision' through the UN, he maintained that 'force should be resorted to only as the very last option and when authorised by the Council. He also called for steps to ensure that any measures taken by the Council should not adversely impact on the humanitarian situation,'³³ which was already extremely delicate. He added, "Measures taken by the Council should ensure the sovereignty and territorial integrity of Iraq. If actions by the Council were to be seen as legitimate, they must come from a body that was united and acted responsibly towards ensuring: compliance by Iraq, stability in the immediate neighbourhood, and international peace and security in the region as a whole".³³

Possible Roles for the UN in War-Torn Iraq

After warning Saddam Hussein to leave Iraq within 48 hours, the US and its coalition launched 'Operation Iraqi Freedom' on March 19, 2003. The UN was given notice to withdraw its UNMOVIC and IAEA inspectors for reasons of security. Secretary-General Kofi Annan maintained that their mandate was being suspended but will be resumed later. The OFF programme was suspended and all UN inspectors associated with export of oil and import of humanitarian goods were withdrawn.

On the eve of war, the Kofi Annan asserted that under international law the responsibility for protecting civilians in conflicts falls on the belligerents; in any area under military occupation, responsibility for the welfare of the population falls on the occupying power. He further maintained, "without in any way assuming or diminishing that ultimate responsibility, we in the UN will do whatever we can to help."

The Secretary-General underlined the urgency to hold a UNSC meeting to discuss resumption of the OFF programme calling for suitable adaptations in the programme to meet the humanitarian crisis developing in Iraq. He submitted proposals to an expert group, led by Germany which chaired the UNSC Sanctions Committee, on March 22, 2003. The UNSC adopted Resolution 1472 on March 28, 2003, a modified OFF resolution authorising the Secretary-General 'greater flexibility' in using the OFF funds in meeting the humanitarian requirements of the Iraqi people. The OFF programme was extended for 45 days until June 3, 2003 and was to be reassessed after the emergency phase. The UN Security

Council Resolutions 1472 and 1476 have extended the UN's management of the OFF programme beyond the north of the country, to central and southern Iraq.

The Office of Iraq Programme and UN relief agencies assessed that US US\$ 1 billion worth of humanitarian goods and supplies were to be delivered on a priority to Iraq within the next 45 days. There were 450 contracts for medicines, health supplies, foodstuffs, water and sanitation and other materials to be delivered by suppliers from 40 countries. The UN continued with its humanitarian work by augmenting the reduced food supplies, water, access to health facilities, etc.

The debate over the possible UN role in rebuilding of Iraq was spearheaded by the European Union. The two European members of the UNSC — France and Germany — and Russia were keen to bring the UN at the helm in the process of rebuilding of Iraq. Along with several NAM countries, India too has objected to the US-led war on Iraq and called for UN's role in post-war Iraq.

British Prime Minister Tony Blair, under immense pressure from domestic and European quarters, held two summit meetings with President Bush after the war began to explore what role the UN could have in the future of Iraq. At the Camp David summit on March 27, 2003, Bush and Blair emphasised that the UN could continue the humanitarian work on a priority under a modified OFF programme. They were unwilling to comment on any specific long-term UN role in Iraq. However, at the Belfast summit on April 8, 2003, Bush and Blair again indicated that the UN would play a 'vital role in the reconstruction of Iraq'. These 'promises' only generated more speculations over the probable role the UN could have in post-war Iraq.

The US Administration's announcement of an interim authority to administer Iraq under the leadership of retired Lt. Gen. Jay Garner, also aroused interest over the shaping up of the post-war Iraq. The UN could not be engaged in Iraq under a military administration.

The UN required a fresh mandate to involve itself beyond the humanitarian work in Iraq. The new resolution became a contentious issue with France indicating that it will not allow such a resolution legitimising the US-led war on Iraq. At the same time French President Jacques Chirac was emphatic about the need for the UN to be involved in the

reconstruction and rebuilding of post-war Iraq.

On May 1, 2003 President George Bush officially declared that major fighting in Iraq was over but he did not declare an end to war in Iraq. "The war on terrorism still goes on," he added. The debate over United Nations' potential role in post-conflict Iraq generated deep suspicion amongst the coalition partners US and UK on the one hand, and the states opposing the war on the other. The latter supported a central role for the UN.

States advocating support for the UN maintained that the UN would have to address the nature of political settlement in post-Saddam Iraq similar to its involvement in political reconciliation and formation of governments in Afghanistan and East Timor. For that, it would need to undertake an objective assessment of the structural and immediate causes of conflict within Iraq. But as the US-led war has overtaken a clear understanding of the role of the ethnic and political groups within and outside Iraq, it will take a long time to create the necessary political institutions in order to accommodate diverse political demands in Iraq.

Moreover, Iraq has been subjected to the rigours of sanctions for the last 13 years resulting in human misery and distortions in the Iraqi economy. The war and its attendant destruction has lent an urgency to the issue of reconstruction and rebuilding of Iraq. The need to have UN involved in this exercise would bring legitimacy, impartiality and the involvement of the international community. The EU and other donors would be willing to earmark more funds for the immediate reconstruction of Iraq if it is undertaken under the aegis of the UN.

The UN could also be useful in providing protection through peacekeeping forces or monitoring missions, while humanitarian work is being undertaken as well as in the transition phase. A genuine process of political reconciliation and government formation is more likely in a UN framework than under an occupying power's military and civilian administration.

The US President's unilateral declaration to end major fighting in Iraq undermined the need to adopt a ceasefire resolution. The US still needed the UN in order to rally international support for its objectives in Iraq. The foremost requirements were the winding up of the OFF programme and the lifting of sanctions on Iraq. Iraq's oil revenues were tied up with the sanctions and were totally under UN control. The US needed to free

the Iraqi oil revenues to pay for the rebuilding of Iraq. There was an intense debate over the question of lifting sanctions on Iraq. The anti-war states maintained that the most urgent reason given by the US/UK to go to war with Iraq was to hunt for the WMD. Yet, after six months the coalition forces were still not able to trace the WMD in Iraq. The debate also focused on the future of UNMOVIC and IAEA-led inspections in Iraq. The US appointed the Iraq Survey Group, led by former UNSCOM nuclear weapons inspector David Kay, to investigate Iraq's WMD. On October 2, 2003 in an interim report presented to the US House of Representatives and Senate Intelligence Committees, David Kay hinted at the absence of tangible evidence of WMD capability in Iraq.⁴³

The ruptured trans-Atlantic alliance came together when the UNSC adopted Resolution 1483 on May 22, 2003 by 14 votes to nil as Syria was absent and did not vote. The UN Resolution 1483 did not give legitimacy to the coalition's act of war on Iraq, but recognised the occupying powers as the Authority. A framework was established under Chapter VII of the UN Charter, within which the US-led Coalition Provisional Authority (CPA), the UN and others in the international community were to participate in the administration and reconstruction of Iraq. They were to assist the Iraqi people in determining their political future, establishing new institutions, and restoring economic prosperity.³⁵

Resolution 1483 ended 13 years of sanctions on Iraq, leaving intact the ban on weapons. It provides for the winding up of the OFF programme in six months and creating a Development Fund for Iraq where the oil revenues will be deposited. "The Development Fund will be monitored by an international board that includes the representatives of the UN Secretary-General, the International Monetary Fund (IMF), the Arab Fund for Social and Economic Development, and the World Bank."³⁵ The resolution also called for the appointment of a Special Representative of the UN Secretary-General to Iraq for four months who was required to coordinate with the occupying powers and the people of Iraq in the establishment of a representative government in Iraq. The resolution is subject to a review after one year.

The appointment on May 6, 2003 of Paul Bremer III, an ex-diplomat and expert on counter-terrorism and homeland security, as Presidential envoy and civilian administrator in Iraq in place of retired Lt. Gen. Jay Garner, signals the US desire to retain political and economic control over

Iraq. On May 27, 2003, the UN High Commissioner for Human Rights, Sergio Vieira de Mello, was appointed as the Special Representative of the Secretary-General in Iraq for four months. His appointment raised hopes for a possible UN role in balancing the interests of all parties concerned with the conflict while promoting aspirations of the Iraqi population.

The mandate given by Resolution 1483 to the UNSG's Special Representative to coordinate between the UN system and NGOs inside Iraq was to be facilitated by the Council for International Coordination (CIC) created by CPA. The CIC was to act as the interface between the CPA and the international donors. The UN was allowed to receive donor funds separately, on the condition that it would act in coordination with the CIC.⁴⁶

On July 13, 2003, the Coalition Provisional Authority in Iraq appointed the 25-member Iraqi Governing Council as the first step to possible self-rule by Iraqis. While hailing the formation of Iraq's new Governing Council, Sergio Vieira de Mello conceded, "We have been active, discreetly so, in the formation of the Governing Council..."³⁷. As mandated under Resolution 1483, the UN Envoy to Iraq was expected to report to the UNSC on the progress made in restoring political power to Iraqi people. In a briefing to the UN Security Council on July 22, 2003, he stressed that though Resolution 1483 provided considerable scope for the UN to play an effective role in Iraq, it was not a clear mandate. "Its lack of clarity allows for latitude and for the United Nations' role in Iraq to emerge and develop as the situation on the ground develops."³⁸

The UNSC Resolution 1,500 of August 14, 2003 established the United Nations Assistance Mission in Iraq (UNAMI) and welcomed the creation of the Iraqi Governing Council. The UNAMI was authorised for one year to support the Secretary-General in fulfilling his mandate under Resolution 1483 and to consolidate UN activities. There appeared to be some coordination between the UN and US authorities in bringing about a marginal transfer of power in Iraq. The UN activism in Iraq at this stage was viewed as collusion with the occupation forces. The general resentment against the occupying powers in Iraq was seen in the increasing number of attacks on American and British forces.

On August 19, 2003, a truck bomb destroyed the UN headquarters in Baghdad killing 22 people including the Secretary-General's Special

Representative, Sergio Vieira de Mello. This was the first time the UN was targeted in such a fatal manner in Iraq.

The death of UN's top envoy to Iraq precipitated a new crisis in the UN. Questions were raised on the need to send UN personnel under US/UK military occupation in Iraq without a UN resolution guaranteeing security to them. The UN was engaged ostensibly to stabilise the situation in Iraq and to garner international support for its reconstruction. Ironically, the future of UN involvement in any such role came under severe criticism following de Mello's demise. The UN Secretary-General Kofi Annan came under intense pressure to withdraw UN personnel from Iraq due to the insecure environment.

Unable to guarantee a secure and stable Iraq, the US again embarked on seeking a new UN resolution which would give the required legitimacy to countries like France, Germany, India, Pakistan, Turkey, etc., to contribute troops to assist in the stabilisation of Iraq. The US Deputy Secretary of State, Richard Armitage hinted at a " plan to boost the number of countries sending troops to Iraq while still retaining US military command."³⁹

The 58th UN General Assembly Session, which opened on September 23, 2003, provided the platform for US President George W. Bush to ask for broader international support in the stabilization and reconstruction of Iraq by providing more troops and wider funding. The US Administration was keen to get a UN resolution approved before the October 23-24, 2003 Aid Donors' Conference on Iraq in Madrid. The proposed new resolution on Iraq tested the conflicting positions of the permanent members of the UNSC. France, Germany and Russia insisted on a fixed time table for the handing over of political power to the Iraqi people. The European Union foreign ministers called for the restoration of Iraqi sovereignty but did not insist on a time table like France and Germany.

The US move to get a UNSC resolution authorising member states to send troops to help in the stabilisation of Iraq under US command and to contribute financially towards the rebuilding of Iraq, once again set off a debate on the nature of the role the UN could undertake in post-war Iraq. The debate set in motion power politics in the UNSC. The pre-war stance of states like France and Germany was again reflected in their demand for

an important role for the UN in the post-war administration and reconstruction of Iraq.

Resolution 1511 was unanimously adopted on October 16, 2003 signaling the desire of the members of the UNSC to lend an air of international legitimacy to the occupation of Iraq so that reluctant states could contribute through financial pledges and troops to ultimately help the Iraqi people.⁴⁰ UN Secretary-General Kofi Annan appreciated the UNSC's commitment "to place the interests of the Iraqi people above all other considerations."⁴¹

The latest UN resolution on Iraq, adopted under Chapter VII of the UN Charter, gives 'continued exclusive American control over Iraq's political affairs and the authorisation of a multinational peacekeeping force under American control.'⁴² It calls upon the UN, acting through the Secretary-General, his Special Representative, and the UNAMI to strengthen the 'vital' role of the UN in Iraq by 'providing humanitarian relief, promoting the economic reconstruction of and conditions for sustainable development in Iraq, and advancing efforts to restore and establish national and local institutions for representative government.'⁴³

Resolution 1511 also sets a deadline of December 15, 2003 by which the Iraqi Governing Council, in consultation with the CPA and the UNSC's Special Representative, is to lay before the UNSC for review, a time table and a programme for the drafting of a new constitution for Iraq and for the holding of democratic elections under that constitution.⁴³

Meanwhile, the UN and the World Bank also put forth a proposal to set up a trust fund to aid in the reconstruction of Iraq. The Reconstruction and Development Fund Facility for Iraq, to be operational from January 2004, is distinct from the Development Fund for Iraq controlled by the CPA and the Iraqi Governing Council. This has been done to cater to such donors as the European Union, Japan and other potential states which "could contribute either to UN programmes and agencies or to the World Bank and ... could specify the type of projects they wanted to fund."⁴⁴

The Madrid International Conference on Reconstruction in Iraq held on October 23-24, 2003 had a target of US\$ 36 billion — the cost of rebuilding Iraq over a four-year period set forth in a report issued by the World Bank and the UN.⁴⁴ The Secretary-General urged nations to "give and give generously" emphasising that reconstruction needed urgent

attention. Though the conference was attended by participants from 71 countries and 20 international organisations as well as the CPA and the Iraqi Governing Council, despite assurances of “broader participation in Iraq’s reconstruction” by the US, the conference could muster only US \$13 billion mostly in the form of loans, not grants.

The inability to raise the targeted amount and the increasing number of fatal attacks on US officials and occupation forces, UN officials and staff, aid NGOs as well as Iraqis in the recent period, may have been instrumental in getting the US Congress and Senate to approve the US\$ 87.5 billion aid package requested by the Bush Administration for reconstruction in Afghanistan and Iraq.

The report of the independent panel investigating the August 19, 2003 bombing of the UN headquarters in Baghdad, reviewed the security provided to UN staff in the period of conflict in Iraq and the security mechanisms, procedures and measures of the UN in Iraq. The report stated, “In particular, the UN security system failed adequately to analyze and utilize information made available to the system on threats against UN staff and premises. The security awareness within the country team did not match the hostile environment...Before the decision to resume the activities in Iraq is made, a thorough and professional security assessment should be undertaken in order to determine whether the return of international staff is possible and if so, under what kind of security arrangements. These security arrangements should be set in place prior to the return of UN staff.”⁴⁵

The continued targeting of all groups seen to be collaborating with the occupation forces in Iraq has resulted in the pulling out of the UN international staff. Numerous humanitarian organisations like the ICRC have also withdrawn staff, and countries like Bulgaria, Spain and the Netherlands have ordered their diplomatic staff out of Baghdad. Moreover, one of the pillars of UN humanitarian operations in Iraq, the OFF programme, is to be handed over to the CPA as prescribed in Resolution 1483 on November 21, 2003.

Conclusion

The Iraq crisis represents an important watershed in international politics. Iraq has been in focus for over a decade. The international community became involved in Iraq through the United Nations since

1991. The crisis resulting in the US-led war on Iraq has threatened the credibility of UN, driven a wedge in the trans-Atlantic alliance and brought into play the US doctrine of pre-emptive strike.

The Iraq war and its fallout have also exposed the inability of the international community to resolve a crisis, eventually succumbing to unilateral action by the US and its allies. The period also witnessed stated relegation of UN to irrelevancy by all major components of the US Administration, including George W. Bush. Quite ironically, during the last six months, most debates on the crisis repeatedly brought the focus back to the need for a UN role in Iraq.

Post-war Iraq has been a unique case of regime change with no viable alternative structure of governance. The destruction of Iraq has political, social, cultural, economic and strategic dimensions. The fact that the US-led coalition is contemplating formation of an elected and indigenous government in Iraq, is an indicator of the non-representative nature of the present governing council. This leads to questions like who would eventually be in charge of the formation of an elected government in Iraq and how will this be achieved? Can the occupying powers successfully transfer power to such a government? Will the transition phase in Iraq be successful? Could Iraq become a secure and stable country soon? Will the US be able to manage it alone? Will international assistance through the UN be viable in a situation where an occupying power exercises total control? What will be the complexion of sustained support for the re-evolved, post-Saddam and post-coalition Iraq?

Traditionally, a UN mission in any war-ravaged state is undertaken under the guarantee of a UN security umbrella. The UN humanitarian assistance programmes are likewise protected. The onus to protect the UN missions/activities in Iraq falls on the occupying powers, i.e., the US and the UK. In post-war Iraq the coalition is itself a target of the Iraqis who oppose continued US occupation and its control of Iraq's oil wealth. In such a situation the probability of terrorists seeking a space in Iraq cannot be ruled out. The growing insecurity only adds to the vulnerability of those international actors/forces seen to be assisting the occupying powers.

The killing of Sergio Vieira de Mello exactly five months after the US attack on Iraq, has also sent mixed signals to the UN and the US. The continued presence of the UN in Iraq since 1991 for enforcing sanctions,

running the Oil-for-Food programme, providing humanitarian assistance and conducting weapon inspections made it a highly intrusive body. Yet, resentment towards the UN never got translated in such a violent manner as the recent attack on the UN headquarters has demonstrated. A number of questions are raised now as to why the UN was targeted. Is it being identified with the occupying powers? Or are UN intentions and current activities under suspicion?

The US interest in Iraq needs to be harmonised with the interest of all members of the UNSC especially the three other permanent members, France, Russia and China. The governments in both the US and the UK are undergoing a credibility crisis on the issue, which would further add to their respective domestic, political compulsions and shape the debate in UNSC.

The latest move to employ UN legitimacy to mobilise states like France, Germany, India, Pakistan, Turkey, Bangladesh, etc., to contribute troops and aid in the process of stabilising Iraq has become a basis for advocating an equal role for the UN alongside that of the coalition forces.

The US-led war has enabled latent divisions between communities to surface. Can these be peacefully channelised in a democratic process through elections to create structures of governance? Military occupation provides a negative context for nation-building to progress. It will take a long time to create the necessary political institutions in order to accommodate diverse political demands in Iraq.

The UN is seen as an impartial facilitator of the transition and transfer of power to Iraqi people. It could become an important actor in the process of rebuilding Iraq. It provides the neutral context to undertake the complex task of peace-building, rebuilding/reconstruction, political stabilization, building of political institutions and transfer of political power. It remains to be seen whether the Resolution 1511 would create the positive responses from the states that matter who would take into consideration the fact that the perils of an occupation force could be mitigated through a concerted effort of the entire international community.

India's response to the Iraq crisis has raised several questions. Should India have supported the US-led war in Iraq? Would it have been pragmatic to contribute to the US/UK military action in the post-Saddam period? Resolution 1483 calls upon member states to cooperate in the stabilization

of Iraq. Resolution 1511 urged member-states to provide financial and military help by sending troops to assist in the stabilisation of Iraq. Should India send its forces, as requested by the US, to assist in the process of restoring stability in Iraq? The Indian Parliament debated the issue of US-led war in Iraq and passed a resolution, *ninda prastav*, deploring/criticizing US actions. The current debate in India on whether Indian troops should function under US command in an undefined operation in Iraq has ironically brought us to the main debate over the relevance of the UN in contemporary international politics. As in Afghanistan, most member-states of the United Nations would have contributed to restoring order in Iraq as well as in its rebuilding and reconstruction, had the UN not been bypassed by the US and UK in waging war in Iraq. The latest resolution appears to pay lip-service to the demand made by states like France, Germany, Russia as well as a number of EU and OIC members for a rapid transfer of political power to the Iraqi people. India has cited its own domestic security requirements as a constraint in its ability to help the US by sending troops to Iraq. However, India has offered an additional US\$ 10 million towards rebuilding Iraq, taking its total contribution to US\$ 40 million.⁴⁶

The current Iraq crisis and the US-led war have exposed the UN system and more specifically, the peace and security enforcement provisions under Chapters VI and VII of the Charter to a critical scrutiny. Despite various imperfections, the UN system has functioned reasonably well after the Second World War. Until the UN system is reformed to make it adequate to address the current realities as opposed to of 1945, its capability in managing security crises would remain limited. In the present crisis, the US and its allies have bypassed the UNSC on the basis of selective interpretation of Resolution 1441. Resolution 1483 is reflective of the multilateral support, which the US requires for its unilateral agenda in Iraq. Despite frequent US domination of the UNSC agenda, the UN has retained its constructive role in various crisis resolution endeavours worldwide.

To an extent, US unilateralism in Iraq and the subsequent polarisation of the UNSC have challenged the role of the United Nations. Democratisation and meaningful reforms in the UN could strengthen its role in establishing a democratic world order. With the shift of human priorities from power dominance to betterment of the human development

index, it remains prudent that the UN needs to take charge of affairs in Iraq. The fact that this would ensure future coherence of the international community while dealing with contentious issues, would be stating the obvious.

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