



# RESEARCH NOTES

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1828 L Street, NW, #1050, Washington, D.C. 20036 • Phone (202) 452-0650 • Fax (202) 223-5364

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## A Chronology of Diminishing Response: UN Reactions to Iraqi Provocations since the Gulf War

by Greg Saiontz

*Recent United Nations Security Council (UNSC) responses to Iraqi violations of UN resolutions (since the Gulf War) have been noticeably forgiving—particularly when compared with Council reactions to similar Iraqi activity in prior years. For example, not since 1993 has the Security Council declared Iraq in “material breach”<sup>1</sup> of its obligations under UN resolutions for obstructing and misleading the United Nations Special Commission (UNSCOM) or the International Atomic Energy Agency (IAEA).<sup>2</sup> Initially, the Security Council harshly rebuked Iraq for impeding the work of these agencies (by denying inspectors access to sites and/or providing false or incomplete information) but a divided Council has grown progressively more timid in its response to Iraq in recent years. The following chronology summarizes UN reactions to Iraq’s most flagrant infractions of relevant UN resolutions since the Gulf War.*

### June-August 1991

**Incident:** In late June, Iraq obstructed the IAEA from conducting inspections of several locations suspected of housing items prohibited under UNSC 687. In some incidents, Iraqi authorities fired guns at IAEA inspectors and their convoys. The president of the Security Council condemned Iraq’s behavior and ordered a high-level mission to Baghdad to obtain guarantees from the Iraqi government that no further obstructions of UN-mandated IAEA and UNSCOM inspections would occur. This mission, however, reported in a letter on July 4 that Iraq’s cooperation did not meet UN requirements. Through the remainder of July and early August,

both the IAEA and UNSCOM continued inspections. IAEA inspectors discovered large stocks of enriched uranium, suggesting the possibility of an ongoing nuclear weapons program, but Iraq asserted that the uranium enrichment was for peaceful purposes only. Later, the IAEA concluded that—in contradiction to Iraqi denials—Iraq had been engaged in a nuclear weaponization program. UNSCOM confronted similar obstructions from Iraq, discovering that Iraq had been conducting a biological weapons program in contravention of initial Iraqi declarations and was in possession of proscribed missile materials, including a “supergun.” Iraq’s deception regarding its programs and its failure to cooperate with the

<sup>1</sup> Since the Gulf War, the term “material breach” has been understood as permitting unilateral military action by UN member states to enforce UN resolutions. The absence of such language suggests that military responses to Iraqi violations are not condoned.

<sup>2</sup> Both UNSCOM and the IAEA are mandated by UN Security Council Resolution 687—the ceasefire resolution—to destroy chemical, biological, and nuclear weapons and ballistic missile programs, and to arrange for verification and monitoring of UN-proscribed Iraqi weapons programs.

IAEA and UNSCOM directly violated UN resolutions that demanded Iraq cooperate with these agencies.

**UN Response:** The Security Council adopted Resolution 707 on August 15, 1991, emphasizing the “grave concern” with which it received news of Iraq’s many and continuous failures to accurately and fully disclose information about its weapons facilities and provide UNSCOM and IAEA inspectors access to them. The resolution demanded that Iraq “[p]rovide without further delay full, final, and complete disclosure, as required by Resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles”; “[h]alt all nuclear activities of any kind”; and “[a]llow the Special Commission, the International Atomic Energy Agency and their inspection teams immediate, unconditional, and unrestricted access” to all sites—among a myriad of other demands. The resolution “condemn[ed] Iraq’s serious violation of a number of its obligations under Section C of Resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitute[d] a *material breach* of the relevant provisions of Resolution 687 that established a ceasefire and provided the conditions essential to the restoration of peace and security in the region” [italics added] and “require[d] the government of Iraq forthwith to comply fully and without delay with all its international obligations.”

#### September 1991

**Incident:** Baghdad failed to adequately comply with a request from the Security Council that Iraq provide “formal and written” acknowledgment to the Council of its acceptance of Resolution 707 in addition to Resolution 687. The Iraqi government only made a verbal reply, and even then failed to acknowledge the applicability of Resolution 707, instead mentioning only Resolution 687. Moreover, the Iraqis insisted on placing conditions on their acceptance of UN

resolutions. Iraq also detained a nuclear inspection team at a site where the inspectors had uncovered files documenting Iraq’s nuclear weapons program—Baghdad blocked them from leaving the premises with the documents.

**UN Response:** The president of the Security Council issued several press releases on September 23-24, apprising the public of the Council’s deliberations with regard to Iraq’s actions. The first release indicated that Iraq’s response to the Council’s request fell “short of [the] Council’s demand.” After learning that Iraq had been detaining weapons inspectors, the Council in a second release gave its “full support to the Special Commission”; “reiterate[d] that the Special Commission, acting under the authority of the Council, is the *sole* judge of the definition of the documents, sites or material subject to inspection”; “express[ed] its *strong condemnation* of the way Iraqi authorities ha[d] repeatedly prevented the inspectors from carrying out their duty”; and “*demand[ed]* that the inspection team be immediately allowed to leave the site . . . *without any conditions* and . . . [with] all the documents.” [italics added]

#### January-February 1992

**Incident:** From January 27 to 30, UNSCOM held unsuccessful high-level talks with Iraqi officials, imploring them to abide by their obligations under the relevant UN resolutions concerning biological, chemical, and ballistic missile weapons. On February 14, UNSCOM notified Iraq of what materials had to be destroyed, but Iraq failed to comply. On February 18, a UNSCOM report to the Security Council declared that Iraq had not “unconditionally” accepted its obligations under Resolutions 687, 707, and 715 (passed on October 11, 1991 to approve plans proposed by the UN secretary-general and the director general of the IAEA—as required by 687—for ongoing monitoring and verification of Iraq’s weapons programs). Between February 21 and 28, Iraq continued to

forbid UNSCOM from destroying certain missiles and related material, and, on February 27, UNSCOM again reported Iraq's non-compliance to the Security Council. Iraq refused to grant UNSCOM the sole authority to specify which items to destroy, contrary to Resolution 687.

**UN Response:** On February 19, 1992, a UNSC presidential statement reported that Iraq was in serious violation of its obligations under 687 and other UN resolutions regarding UNSCOM and IAEA activities. "Iraq's failure to acknowledge its obligations under Resolutions 707 (1991) and 715 (1991), its rejection up until now of the two plans for ongoing monitoring and verification and its failure to provide the full, final, and complete disclosure of its weapons capabilities constitute a continuing material breach of the relevant provisions of Resolution 687 (1991)." [italics added] The statement heightened the nature of the Council's responses, authorizing a mission (headed by the executive director of UNSCOM and sent by the secretary-general to secure Iraq's unconditional acceptance of UN obligations) to "stress the serious consequences if agreement to implement [was] not forthcoming." [italics added]

Again on February 28, 1992, the Council issued another presidential statement, highlighting Iraq's violations and confirming the sole purview of UNSCOM to decide what military equipment and facilities to destroy. "The members of the Council deplore and condemn the failure of the government of Iraq to provide the special mission with full, final, and complete disclosure, as required by Resolution 707 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. . . . In the statement made on 19 February 1992 prior to the dispatch of the special mission to Iraq the Council noted that Iraq's behaviour constituted a material breach of Resolution 687 (1991). *Regrettably this continues to be the case. . . . Iraq's refusal to implement the determinations of the special Commission constitutes a further material*

*breach* of the relevant provisions of Resolution 687 (1991)." [italics added] This second statement repeated the warning issued for the first time in the previous statement "that Iraq must be aware of the serious consequences of continued material breaches of Resolution 687 (1991)." [italics added]

### July 1992

**Incident:** On July 5, 1992, Iraq denied an UNSCOM inspection team access to Iraq's Ministry of Agriculture, which UNSCOM had attempted to enter and inspect for proscribed materials.

**UN Response:** On July 6, 1992, a UNSC presidential statement responded that "Iraq's present refusal to permit access to the Inspection Team currently in Iraq to the premises designated by the Special Commission constitute[d] a material and unacceptable breach by Iraq of a provision of Resolution 687 which established the ceasefire and provided the conditions essential to the restoration of peace and security in the region." [italics added] The Security Council "demanded" that Iraq grant UNSCOM access to the Ministry of Agriculture. Although the statement did not reiterate previous Council threats, it did upgrade its definition of Iraqi violations from "material breach" to "material and unacceptable breach" [italics added].

### December 1992-February 1993

**Incident:** Iraq decided to test the resolve of coalition forces enforcing the southern "no-fly" zone set up in the summer of 1992 to protect the Shi'ite community from Iraqi repression (similar to the no-fly zone established in northern Iraq in the fall of 1991 to protect the Kurdish population). Coalition forces, led by the United States, established the no-fly zones within the context of UN resolutions that forbid Iraq from repressing its own people. On December 27, the United States shot down an Iraqi MiG aircraft for entering the southern no-fly zone. Over the

next several days, the Iraqis continued with zone violations and moved surface-to-air missile units into the southern no-fly zone; Baghdad denied wrongdoing or that it intentionally violated the zones to elicit a coalition reaction. In response to U.S. pressure, Iraq eventually withdrew its anti-aircraft missiles and discontinued its no-fly zone violations. Virtually simultaneous with its acquiescence to U.S. demands, however, Iraq raided a weapons depot within internationally recognized Kuwaiti territory (the Iraq-Kuwait border had been officially fixed by UN monitors from the United Nations Iraq-Kuwait Observation Mission [UNIKOM] in November 1992). In further violation of UN resolutions, Iraq forbade a plane carrying UN weapons inspectors from landing in Iraq to carry out its UN-mandated inspection duties.

**UN Response:** The UN and the international community responded to this series of violations in a number of ways. On January 8, 1993, a UNSC presidential statement reflected how “deeply disturbed” the Council was to learn of Iraq’s specific refusal to allow a UN flight of UNSCOM inspectors to land in Iraqi territory. The statement recalled Iraq’s obligations under various UN resolutions and other agreements, noting that “[t]he implementation of the measures set out in the recent communications of the Iraqi government [refusing landing rights to UNSCOM planes] would seriously impede the activities of the Special Commission, the IAEA and UNIKOM. Such restrictions constitute an *unacceptable and material breach* of the relevant provisions of Resolution 687 (1991), which established the ceasefire and provided the conditions essential to the restoration of peace and security in the region, as well as other relevant resolutions.” [italics added] The statement “demand[ed]” Iraq abide by its obligations and “warn[ed]” the government of Iraq, *as it has done in this connection in the past*, of the serious consequences which would ensue from failure to comply with its obligations.” [italics added] Although the Council had warned Iraq of serious consequences almost one year

previously, it had not followed through on this threat in spite of continued Iraqi violations. The Council was clearly aware, however, that it had made such threats previously.

On January 11, a UNSC presidential statement responded to a January 10 annual report from the executive director of UNSCOM. This statement described the accumulated incidents of Iraqi violations as “*clear cut defiance* by Iraq of the Council.” [italics added] “These latest developments . . . constitute *further material breaches* of Resolution 687 (1991). . . . The Council *demand[s]* that Iraq cooperate fully with UNIKOM, UNSCOM and other United Nations agencies in carrying out their mandates, and again *warn[s]* Iraq of the *serious consequences* that will flow from such continued *defiance*.” [italics added]

Beginning in mid-January, the United States, aided by France and Great Britain, hit Iraq with a series of cruise missile strikes in response to Iraq’s violations of the no-fly zones and its attempts to restrict UNSCOM activities. At midnight, January 19, Iraq unilaterally ordered a ceasefire against allied planes and agreed to allow UN weapons inspectors to fly into Baghdad unimpeded, as long as the United States initiated no further attacks. In spite of several skirmishes throughout January and early February, Iraq maintained its commitment to this unofficial ceasefire. International reactions to the military response revealed weakening in the Gulf War coalition’s consensus on how best to deal with Iraq. While no official dissension was recorded in Security Council fora, the Council never met to discuss the issue, having never been consulted to officially condone the attack. And in private communications, Russia, Italy, Denmark, and other coalition members expressed concern about the military nature of the response; even Britain and France appeared to distance themselves from it after one January 17 U.S. attack on an industrial complex outside Baghdad which they reportedly considered disproportionately harsh.

On February 5, 1993, the Security Council adopted Resolution 806 to emphasize its continuing support for UNIKOM in light of Iraqi

violations of Kuwait's territorial integrity (as defined by UNIKOM's mission). "Deeply concerned at recent actions by Iraq in violation of relevant Security Council resolutions," the Security Council "[u]nderline[d] once again its guarantee of the inviolability of the international boundary between the State of Kuwait and the Republic of Iraq and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of Resolution 687 (1991)." The Council expanded UNIKOM's mandate to include—on the request of a January 26 special report by the secretary-general—the "capacity to take physical action" to prevent and redress violations of the DMZ and violations of the Iraq-Kuwait boundary.

### June 1993

**Incident:** On June 10, Baghdad impeded UNSCOM efforts to install cameras and other monitoring equipment intended to supervise Iraq's weapons programs.

**UN Response:** On June 18, a UNSC presidential statement replied to a report of the executive chairman of UNSCOM outlining Iraq's behavior. The statement noted that the Security Council was "deeply concerned" about Iraq's failure to defer to UNSCOM's authority to install such monitoring equipment and destroy chemical weapons-related material without interference. "The Council reminds Iraq that Resolution 715 (1991) approved plans for monitoring by the Special Commission and the IAEA which clearly require Iraq to accept the presence of such monitoring equipment at Iraqi sites, designated by the Special Commission, to ensure continuing compliance with its obligations under Security Council Resolution 687 (1991)." The statement determined that Iraq's actions constituted "*a material and unacceptable breach* of the relevant provisions of Resolution 687"; "demand[ed]" Iraq's compliance with 687; and "warn[ed]" Iraq "of *the serious consequences of material breaches* of Resolution 687." [italics added]

*June 1993 was the last time that a Security Council resolution or presidential statement found Iraq in "material and unacceptable breach." Moreover, although previous statements had warned Iraq of the "serious consequences" of not cooperating with UNSCOM and the IAEA or of not complying with other ceasefire requirements spelled out in the relevant resolutions, the Council never followed through on these threats*

### October 1994

**Incident:** On October 6, Iraq issued an ultimatum to the international community, setting October 10 as a deadline for lifting sanctions and threatening to discontinue cooperation with weapons inspectors if sanctions were not relieved. This directly violated both the various Security Council resolutions and previous statements insisting that Iraq's compliance with UNSCOM and the IAEA be unconditional. In addition, on October 7, Iraq deployed 10,000 troops to within 30 miles of the Kuwaiti border and by the following day to within 12 miles, endangering the territorial integrity of Kuwait which Iraq had formally recognized as a condition of the

ceasefire agreement. Iraq then publicly announced on October 12 that its recognition of Kuwait's territorial integrity was contingent on the easing of economic sanctions.

**UN Response:** In response to Iraq's lack of cooperation with UNSCOM and its renewed military threat to Kuwait, a UNSC presidential statement on October 8 noted "with grave concern" the suggestion by Iraq that its cooperation with UNSCOM and other UN agencies was in some manner subject to negotiation, and the Council reemphasized the "necessity of full implementation" of relevant UN resolutions. Nevertheless, the Council fell short of finding Iraq in "material breach." Rather, the

Council called on the secretary-general to ensure that UNIKOM “redouble its vigilance.” While “reaffirm[ing]” the Council’s “commitment to the sovereignty and territorial integrity of Kuwait” and “underlin[ing] Iraq’s full responsibility to accept all obligations” set out in relevant resolutions, the statement failed to demand Iraq’s cooperation, harshly condemn its failure to cooperate with UNSCOM, or threaten Iraq with “serious consequences” for its belligerence.

The Security Council did respond a bit more harshly to Iraq’s massing of troops on the border with Kuwait. On October 15, the Council adopted Resolution 949, in which the Council stressed its determination “to prevent Iraq from resorting to threats and intimidation” and underlined “that it will consider Iraq fully responsible for the serious consequences of any failure to fulfill the demands in the present resolution”; the Council “demanded” that Iraq withdraw from the south and refrain from redeploying there again in the future, and also demanded Iraq cooperate with UNSCOM. But again, the resolution failed to cite Iraq for “material breach” of its obligations, nor did it “warn” Iraq of “serious consequences” for its actions as in past resolutions. The statement only indicates that Iraq would be “responsible” for such consequences *if* they were to occur. It did not state that serious consequences *would* occur if Iraq did not comply with relevant resolutions.

#### April-May 1995

**Incident:** On April 6-7, a seminar of international biological weapons experts convened by UNSCOM concluded that Iraq had an undeclared full-scale biological weapons program. Then, on April 10, UNSCOM reported to the Security Council that Iraq had not fully disclosed its biological weapons program—specifically that Iraq had not accounted for 17 of 22 tons of biological weapons material. Again, Iraq’s deception violated relevant UN resolutions.

**UN Response:** On May 12, the Security Council extended sanctions against Iraq in light of Baghdad’s continued failure to completely disclose the extent of its biological and chemical weapons programs. The Council did not, however, issue a statement or adopt a resolution. The Iraq sanctions come up for renewal every sixty days, and have been renewed after every evaluation since their imposition in 1990. The Council’s continuation of sanctions, therefore, did not constitute any additional punishment on Iraq.

#### May-August 1995

**Incident:** From May through August, Iraq repeatedly contradicted its statements and changed positions regarding weapons disclosures—inconsistencies that constituted clear violations of UN resolution demands that Iraq comply fully and unconditionally with UN weapons-inspection agencies, including UNSCOM and the IAEA. On May 1-3, a seminar of international chemical weapons experts convened by UNSCOM concluded that Iraq had not adequately disclosed its past chemical weapons program. On June 1, UNSCOM reported that Iraq still had not accounted for 17 tons of biological weapons material. On July 1, Iraq admitted to having had a full-scale offensive biological weapons program in 1989-90 but claimed that both the programs had already been destroyed. On July 17, Saddam Hussein threatened to end all cooperation with UNSCOM and the IAEA if there were no progress toward lifting economic sanctions, and on July 19 Iraqi Foreign Minister Mohammed Saeed al-Sahaf set a deadline of August 31 for ending sanctions. On August 4, Iraq handed over documentation of its biological weapons program, but continued to deny that it had weaponized biological warfare agents. On August 17, Baghdad finally admitted that it had produced biological weapons, had a crash program to acquire nuclear weapons, and had made greater progress in producing the nerve agent VX and developing indigenous

ballistic missiles than it had previously divulged. However, the Iraqis blamed their lapses on Saddam's son-in-law, Lt. General Hussein Kamel Hasan al-Majid, who had headed up Iraq's unconventional weapons programs before defecting to Jordan in August 1995. Iraq then renewed its pledge to cooperate with UNSCOM and rescinded the deadline of August 31 set one month earlier. Nevertheless, UNSCOM and the IAEA maintained their positions that Iraq's disclosures remained incomplete.

**UN Response:** The Security Council passed no resolutions and issued no statements in direct response to these developments. The Council did, however, renew economic sanctions on July 11.

### March 1996

**Incident:** On March 8, Iraq again barred UN weapons inspectors from a site suspected of holding pertinent military documents. The inspectors were finally permitted access a day later, but after examining the facilities, they reported that all important information had been recently removed. Again, on March 11, UN weapons inspectors were denied access for 12 hours to a Republican Guard base suspected of concealing proscribed weapons. Similar incidents occurred on March 14 and 15.

**UN Response:** A UNSC presidential statement on March 19 noted with "growing concern"—as opposed to "grave concern"—these "unacceptable" delays. Although the statement reiterated support for UNSCOM and for the Council's declarations in previous resolutions and statements, and it labeled Iraq's delays in granting UNSCOM access as "clear violations by Iraq of the provisions of Resolutions 687 (1991), 707 (1991) and 715 (1991)," the Council did not find Iraq in "material breach." It merely demanded Iraq's compliance and did not threaten Iraq with "serious consequences" for not complying.

### June-August 1996

**Incident:** Between June 11 and 15, Iraq repeatedly barred UN weapons inspectors from investigating several military sites believed to be holding prohibited materials. Iraq offered to allow non-military diplomats to visit the sites, but refused access to military personnel. On June 15, UNSCOM investigators finally withdrew from the military sites, where they had posted 24-hour guards for several days. Iraq continued to deny access to several sites at different times in July and early August. Ambassador Rolf Ekeus, head of UNSCOM, accused Iraq of also concealing weapons and other proscribed military materials. On August 23, Ekeus traveled to Baghdad to consult with high-level Iraqi officials about these incidents.

**UN Response:** On June 12, the Security Council adopted Resolution 1060, responding to Iraq's denial of access on June 11-12 as well as the incidents that occurred in March. The resolution emphasized the "importance" of Iraq's "full compliance" with its obligations as well as the "unacceptability" of Iraq's failures to cooperate. Yet again, while condemning Iraq's behavior and noting the "clear violation of the provisions of Security Council Resolutions 687 (1991), 707 (1991) and 715 (1991)," the resolution did no more than demand Iraq's cooperation and express the Council's support for UNSCOM. The resolution made no reference to "material breach" or to "serious consequences" for Iraq's non-compliance.

On August 23, a UNSC presidential statement was issued in response to further Iraqi violations after the adoption of Resolution 1060, expressing its support for UNSCOM as Ekeus traveled to Baghdad to seek high-level assurances of Iraqi cooperation. The statement did not, however, spell out the nature of Iraqi violations—in contrast to most previous UN responses. Moreover, although the statement noted that the unspecified Iraqi actions constituted a "gross

violation of [Iraq's] obligations," it did no more than "urge" Iraq to respect its commitments, and "remind" Iraq that full compliance is essential for satisfying its ceasefire obligations.

#### August-September 1996

**Incident:** In late August 1996, Iraqi forces overran the Kurdish-controlled city of Irbil in northern Iraq. Iraq deployed two mechanized and three infantry divisions, with 30,000-40,000 troops from the army and the Republican Guard, to northern Iraq to assist the Kurdistan Democratic Party (KDP) in its battle with the Patriotic Union of Kurdistan (PUK).

The United States argued that Baghdad's attack on Irbil violated UN resolutions passed in 1991 (UNSC 688) that forbid the Iraqi regime from repressing its population—providing legal basis for a military response. The United States responded with cruise missile attacks on Iraqi targets and extended the no-fly zone in southern Iraq to the outskirts of Baghdad. The international community was divided in its response to the U.S. actions: Great Britain, Germany, and Japan voiced support for the response, while Russia and China criticized it; the Arab League condemned it as a violation of Iraq's territorial integrity; France withheld support; and Spain expressed reservations about the timing of the U.S. attack.

**UN Response:** The United Nations Security Council took no official action in the form of a resolution or a presidential statement. The UN secretary-general was at that time, however, close to finalizing a report that would have commenced implementation of UNSC 986, the "oil-for-food" resolution. Finalization of that report was temporarily "suspended," pending the outcome of the situation in northern Iraq until such time that the secretary-general could confirm that the necessary conditions for implementation were in place. The report was eventually issued in December 1996.

#### December 1996

**Incident:** In mid-December 1996, Ambassador Ekeus reported to the Security Council that Iraq had prevented him from removing 130 Scud missile engines from the country for analysis by international experts, to determine whether these were the original engines sold to Iraq by the Soviet Union as Baghdad claimed. UNSCOM suspected that Iraq had hidden the original engines and substituted low-quality, Iraqi-produced engines for UNSCOM's inspection and destruction.

**UN Response:** On December 30, the president of the Security Council issued a presidential statement in which the Security Council "deplore[d] the refusal by Iraq to allow the Special Commission to remove approximately 130 missile engines from Iraq. . . . The Council note[d] that such action *complicate[d]* the implementation by the Special Commission of its mandate." [italics added] The statement proceeded to declare that the Security Council "fully support[ed] the intention of the Special Commission" and "remind[ed] the government of Iraq of its obligation to comply with the provisions of the relevant resolutions and the need to cooperate fully with the Special Commission."

#### April 1997

**Incident:** On April 9, 1997, Iraq violated both a ban on international flights and the U.S.-sponsored no-fly zone in southern Iraq by transporting Muslim worshippers to Saudi Arabia for the right of the Hajj, the annual Muslim pilgrimage to Mecca. These flights directly contradicted UNSC Resolution 670 adopted on September 25, 1990, which extended UN sanctions to apply to all means of transportation, including air travel, and established what is now commonly known as the ban on international flights. Resolution 670 states,



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

1. Calls upon all States to carry out their obligations to ensure strict and complete compliance with Resolution 661 (1990) and, in particular, paragraphs 3, 4 and 5 thereof;
2. Confirms that Resolution 661 (1990) applies to all means of transport, including aircraft;
3. Decides that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Council or the Committee established by Resolution 661 (1990) and in accordance with Resolution 666 (1990), or supplies intended strictly for medical purposes or solely for the United Nations Iran-Iraq Military Observer Group (UNIIMOG);
4. Decides further that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly its territory unless:
  - (a) The aircraft lands at an airfield designated by that State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of Resolution 661 (1990) or the present resolution, and for this purpose the

aircraft may be detained for as long as necessary; or

(b) The particular flight has been approved by the Committee established by Resolution 661 (1990); or

(c) The flight is certified by the United Nations as solely for the purposes of UNIIMOG;

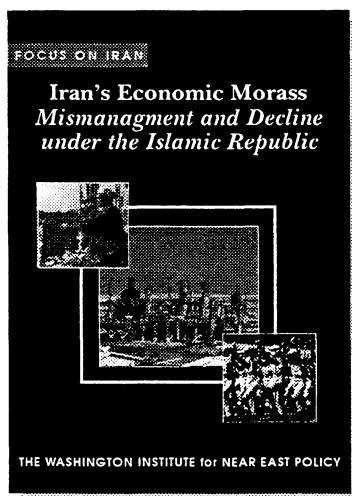
Iraq again violated the flight restrictions by transporting the Muslim worshippers via helicopter back to Iraq on August 22.

**UN Response:** The Security Council required four days to respond to the first violation, and the statement finally issued was particularly weak and ambiguous. The Council's "consider[ation]" of Iraq's flight determined that "[t]he government of Iraq [had] proceeded with this particular flight without specific consultation with the Committee. Such consultation would have allowed the Committee to consider the matter and to determine whether the flight required committee approval under the relevant resolutions." The resolution then "draws to the attention of Member states their obligations under Resolutions 661 (1990), 670 (1990) and other relevant resolutions." And finally, the Council concludes by underlining "its respect for the obligation of Muslims to perform Hajj pilgrimage."

After this response, the Council refrained entirely from commenting on Iraq's second violation. Even the United States, which had leveled threats warning Iraq not to violate the no fly zones a second time and indicating it would "respond appropriately," failed to respond decisively; Washington noted that it would continue to "watch" the zones and enforce UN embargoes, but went no further.

*Greg Saiontz is a senior research assistant at The Washington Institute.*

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E-mail: [info@washingtoninstitute.org](mailto:info@washingtoninstitute.org) • Internet: [www.washingtoninstitute.org](http://www.washingtoninstitute.org)

THE WASHINGTON INSTITUTE  
1828 L Street, N.W., Suite 1050  
Washington, D.C. 20036