Bringing Iraq out of Chapter VII of the Charter of United Nations
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<tr>
<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>IAEA</td>
<td>International Atomic Energy Agency</td>
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<td>GAP</td>
<td>Southeastern Anatolia Project</td>
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<td>GCC</td>
<td>Gulf Cooperation Council</td>
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<td>KRG</td>
<td>Kurdistan Regional Government</td>
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<td>MDW</td>
<td>Mass Distraction Weapons</td>
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<td>OIC</td>
<td>Organization of Islamic Cooperation</td>
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<td>PLO</td>
<td>Palestine Liberation Organization</td>
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<td>UN</td>
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<td>UNHCR</td>
<td>United Nations’ High Commissioner for Refugees</td>
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<td>UNSC</td>
<td>United Nations’ Security Council</td>
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<td>UNIKBDC</td>
<td>United Nations, Iraqi-Kuwait Boundary Demarcation Commission</td>
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<td>UNSCOM</td>
<td>United Nations’ Special Commission</td>
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<td>UNMOVIC</td>
<td>United Nations’ Monitoring Verification and Inspection Commission</td>
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Abstract

The imposition of sanctions has had a devastating impact on the Iraqi people in particular. Through the sanctions there was a flagrant violation of human rights upon Iraq, regardless of the fundamental reasons and those who caused these sanctions. The Iraqi people were the main victims of the three massive wars, the Iraq –Iran war (1980-1988), the second Gulf War (Iraqi invasion of Kuwait 1990), and the US invasion of Iraq in (2003); along with the wrong measures taken by United Nation and the international community towards Iraq. This study is aimed to illustrate the procrastination of the international community and United Nation to mitigate the catastrophic situation in Iraq after the second Gulf War in 1991 and the post 2003 US-led invasion of Iraq. This analysis’ approach while using the reliable sources and proving real-world events to support the possibility of getting Iraq out of the Chapter VII. This is relevant to the economic sanctions that were imposed upon Iraq since 1991. In this research we will depend on the study of the Iraq’s legal position before and post the 2003 invasion, which should be no longer subjected to the sanctions and remissions, particularly all the sanctions from Iraq after overthrowing Saddam Hussein’s regime. Thus after the big change in Iraq, the Iraqi people were eagerly hoping for a restoration of peace and to the removal of the long term of oppression that extended for three decades by dictatorship of Saddam Hussein. The research also attempts to clarify the situation of the international community of pro-US invasion in Iraq and opening the opportunity for the Iraq’s neighbouring countries to expand their leverage in the region. Instead of maintaining and keeping the international peace and security, they dragged the whole region into endless conflicts and every day’s humanitarian crisis.
Chapter VII is one of the items of the Charter of the United Nations, and the action that is taken in the case of threat of peace and act of aggression, this Chapter include the Articles (39-51). When the Iraqi regime invaded Kuwait in 1990, Article 39 had been achieved for the actions conducted were a threat, a breach to the peace, and the act of aggression towards Kuwaiti state. The other two Articles (41-42) required the UNSC to take suitable measures that demanded the UN members to enforce and take measures. Said measures taken included the suspension of economic relations and cutting off all means of communications, as well as the severance of diplomatic ties. Since the state of Kuwait is a member of the United Nations and the aggression-perpetrated was by Iraqi regime, Kuwait fully had the right to use defence according to the Article 51 of the Chapter VII of the Charter “(United Nation Charter).

The measures taken by UNSC in this case were legally and logic in order to stop the aggression, restoration of the Kuwait sovereignty, and to maintain the international peace and security. The UN resolutions successfully managed to strangle the Iraqi regime to immediately withdraw from Kuwait, and to also demilitarize Iraq from all the kinds of WMD including the biological ones. The economic sanctions are one of the instruments to put pressure upon the aggressor country to retreat it from what they have been conducting. The resolutions upon Iraq, imposed, inter alia, is the decision 687 of the economic sanctions on Baghdad’s Government (Byman, D., 2000. pp.493-516). The United States sought to put all the actions taken against Iraq into an international framework through the IOs in order not to be seen as a unilateral actor and to legitimize its actions and direct its foreign policy (Thompson, A. 2009). It was known that Saddam Hussein used to be unique in his decisions making. Thus all the striking tactics during the occupation of Kuwait were decided by him, despite all the internal and external opponents attempting to stop him from going to Kuwait to avoid the grave consequences. Most of the international community supported the sanctions upon Iraqi regime as a result of imprudent acts caused by Saddam Hussein. The sanctions did not affect Saddam and his entourage, neither the massive air strikes by the coalition forces were fruitful rather they severely hurt the Iraqi people. The sanctions imposed were a means to avoid warfare, but in the case of Iraq they were both war and economic sanctions, to which as the Secretary –General Boutros-Gali said “a blunt instrument which affects the most vulnerable in a
society” (Daponte, B.O. and Garfield, R., 2000). Iraq had been politically and economically isolated. The Iraqi army was mostly destroyed and the programs from the inspections group by UN took place to root out the WMD, this in turn weakened the Iraqi arsenal, which was the most important subjective to United States and international community (Johnson, 2006, p. 22-24). The US administration and United Nations did not consider the situations of Iraqi people when they decided to place the sanctions, it resulted in devastation and widespread hunger and epidemics among people (Odie, R.T., 1997).

We will follow up the incidents from the second Gulf War that began back in 1991 until the post invasion of Iraq in 2003 and along with the change of Iraq’s regime. It is natural that every country in the world seeks to achieve its goals and interests. But that should not be at the expense of innocent and vulnerable people. One of the principles of international law relating to friendly relations and cooperation among the states is the “the principle of equal rights and self-determination of people”. “The principle of sovereign equality of states,” is the principle that states shall fulfil in good faith that the obligations assumed by them is in accordance with the Charter” (UN1970, A/RES/25/2625).

Saddam’s regime breached all the principles of the United Nations; he committed the atrocities in the right of his people first and the right of the Kuwaiti people second. The situation of Iraqi people in all levels of life have continued decline and deteriorate because of the ever severe economic sanctions that have been imposed after the second World War. Subsequently the population in the north and south of Iraq revolted against the tyrannical of Saddam’s regime. However, this did not succeed for Saddam could have regained control in the southern area and committed a various kind of torture and mass executions right within the southern population.

The UN imposed sanctions on other countries in the past few decades on account of them violating the international law as well. However, the circumstances made the sanctions on Iraq more severe. In my opinion it was a silent humanitarian crisis. The circumstances made the situation even worse in Iraq because after the invasion of Kuwait, Iraq did not have a strong ally supporting its economy. Without strong trading partner and along with heavy sanctions, that in turn would overcome the country with poverty. For an example such as the countries North Korea and Syria, were under the sanctions yet they did not face the same severity of consequences in similar sanctions as Iraq did. Both of these countries had violated the international law and therefore the UN sanctions were imposed. However unlike Iraq, North Korea had a strong ally and trading partner. North Korea’s said ally was in fact China. China eased the sanctions and helped to relieve the
economic crisis upon North Korea. China supported North Korea with great sharing of energy needs and food supplies which incorporate more than 60% of its total volume of trade (Albert 2019). Another example is Syria who was also exposed to sanctions as well; still Syria had a strong ally too, which was Russia. Syria had the support from Russia particularly in the military sector and energy supplies (Prados, A.B., 2005). Yet in the end, Iraq was left alone with the sanctions without any allies.

The subject of the study

1. To illustrate the legal position of Iraq from the sanction after 2003 and the massive political change of overthrowing Saddam’s regime in the Iraq, and the ineligibility of Iraq to stay longer under the sanctions.
2. To identify the level of the cooperation by United Nation and the international community in general towards the Iraqi people and the clear procrastination of mitigation the economic burden from the Iraqi people.
3. To analyse the entitlement of Iraq to get totally out of the Chapter VII related to the sanction and its right of claiming its position in the international arena as well as the deprivation from advancing in the main fields (education, health, industry, and agriculture), for almost over three decades.

Research Questions

The main questions that I would like to propose in this paper are:

1- Were the economic sanctions a suitable provision by United Nations and whom should they have affected?
2- After 2003, why did Iraq remain to be under Chapter VII until 2013? Even more why it was partially but not totally then nearly complete in 2017?
3- Did the sanctions end the threats and dangers caused by Saddam’s regime?

The essential aim of the study

The main purpose of this study is to identify the role of international relations in mitigating the crisis among the state. It is to highlight the significant of rapid the act of removing Iraq from Chapter VII, which had been imposed by UN since the Iraqi invasion of Kuwait in 1990. Although a number of researches and articles have discussed every single right for Kuwait’s state and any damages that could have hurt the neighbouring
countries as well or even those who participated to save Kuwaiti people from the Iraqi forces led by Saddam Hussein. This research is concentration on the issues of the sanctions because the matter of fact, that the mainly affected and extremely damaged were, the Iraqi people themselves more than anyone else. In 2003 the Iraqi people had profoundly wanted to change the ruling regime and aspired to live in peace and grace as its fellow peers and neighbours.

Hypothesis

I have formulated two hypotheses:

Hypothesis (1) concerns Iraq’s exit from Chapter VII after 2003. According to this, as long as Iraq adhered to the UN resolutions (between 1991 and 2003) it would no longer have to adhere to Chapter VII.

Hypothesis (2) concerns the different UNSC resolutions the purpose of which was to coerce Saddam’s regime to withdraw unconditionally from Kuwait’s and to relinquish the weapons of mass destruction (WMD) and other armament programs. These resolutions also contained economic sanctions affecting the Iraqi population. According to my hypothesis, the Iraqi people should not have been subjected to economic sanctions. The decision to impose economic sanctions upon Iraq was unfair and unjust because these affected the people and not the regime. Moreover, the sanctions did not achieve the aim of the international community and the UN since Saddam’s regime remained in power long after the Gulf War had ended.

Research Methodology

This paper will follow the descriptive and qualitative approach in analysing, collecting, and drawing conclusions. I choose the descriptive and qualitative approaches for two main reasons. First, the qualitative analysis best conveys a deeper understanding and reasoning of the motivations behind delaying the uplifting of the sanction on Iraq. Second, the descriptive approach is direct towards studying a “what” question and finding the proper answer for it. The scope of the study will focus on the rights of the Iraq people and how were they affected. However, there is some limitations to our study. This limitation occurred because I had no access to high ranked officials from the main three parties; Iraq, Kuwait, and the United States of America. Thus, the main criticism of the study will be that, it is opinion based. Nevertheless, supporters of the study will argue
that there is primary evidence that the International Community harmed deliberately the Iraqi society. The data collection technique was mainly from books, journals, articles, official documents and internet sources due to the limitations mentioned above. I will provide the facts and data in chronological order to make sense and prove the intentional procrastination of the international community towards Iraq. You will assimilation of our study to the principle of realism. Because, realism is the concept according to which states act to their own national interest despite international law and that is the case in our study. At the end of our study, it will be proven that international interests are more important than international relations. And the thesis structure will be divided in to four main chapters. The first chapter will give you a historical background on the issue of mainly the second Gulf War (1991) and the following up sanctions. It will make the argument more coherent to the reader in terms of understanding what happened. The second chapter will focus on the political perspective. It will identify the state actors and–state actors who were the relevant to the case. It is important to highlight the political hidden agenda of the countries involved. The third one will concentrate on the legal perspective. This part is significant because it representing the main core of the argument and the validity of the position of other countries involved in sanctioning Iraq. The final chapter would describe the international community and UN role in the case.
1. The roots of Iraq-Kuwaiti crisis
1.1 The history of the crisis between Iraq and Kuwait

For highlighting on the substantial problem between Iraq and Kuwait, we have to take into consideration the latest position of Iraq after the war with Iran, which had extended for eight years. Iraq became fully affected economically because of the war costs and time frame of the war, which led to the exhaustion of resources specifically on the war.

The country of Iraq has been a part of three Gulf Wars; the first taking place with Iran in 1980, the second in Kuwait in 1990, and in 2003 with the international coalition led by the United States. Although Iraq had faced massive loses in the war with Iran, it also took into account the size of destruction they faced in the war on Kuwait in 1990. The state of Kuwait is in fact under the British colonization for long time. As result of this historic tie Kuwait had singed a protection treaty with the Great Britain since 1899 (Onley, 2005, p. 29-45).

Afterwards Kuwait had changed as a country on their immediate independency due to the friendship treaty with Great Britain. At that time, there was a coalition between Egypt and Syria under the name United Arab Republic. And this coalition attempt to continue the containment of the political systems in the Arab region. In addition, the idea of a Hashemi Royal Coalition between Iraq and Jordan was founded. The Iraqi Prime Minister Nuri Saeed lobbied on Kuwait to join this coalition to make use of its oil resources (Khalidi, 1991, p.5-28).

After Nuri Saeed attempts, the tensions between Iraq and Kuwait had emerged, again few years later. This time during the military coup led by General Qasem in Iraq in 1958. This was appeared clear when General Qasem declared in one of his press conferences that the protection treaty that had been signed by Shaikh Mubarak (head of Kuwait State) with British government was illegal, for Kuwait is a part of Iraq’s territory (Al-Sabah, 1980). Although General Qasem had not expressed in the approach of unifying Kuwait with Iraq, Kuwait had realized the danger of Iraq’s threats. Thus they resorted to the friendship treaty with British government through the utilization of eight thousand British soldiers along with the support of Britain’s air force; the operation was called Vantage (Ashton, 1998, p.5).

After Iraq fought the first Gulf War that is known to be with Iran, Saddam’s regime started to provoke Kuwait’s state by requesting more economical support than
what he is already getting from them. Saddam reasoned his financial request to the number of losses in Iraq-Iran war. Saddam Hussein not only asked them to drop the loans that had reached to $40 billion at that time but also asked for additional amounts of money. He would rather be the beneficiary and be known as defender of the “the Eastern Gateway” (Khalidi, 1991, p.8). When the state of Kuwait and the other, Gulf Cooperation Council countries (GCC) refused Saddam’s demands, he started to escalate the tensions by giving off an offensive attitude towards Kuwait. Saddam claimed that Kuwait was stealing Iraqi petroleum from the Northern Alrumila oil wells. Thereafter to repeat what his ancestors did, the Prime Minster Nuri Saeed and General Qasem had claimed since 1961 that Kuwait is the part of Iraq’s territories (Alsabah, 1980, p.17-19).

On both sides of Iraq and Kuwait, they witnessed an exchange visits since 1989. When the Iraqi government provoked the issue of demarcation, both sides sought out many negotiations, about the loan from Iraqi side or the demarcation from Kuwaiti side. The main purpose for Iraq was to get the loan, however Kuwait rejected this pledge. Kuwait’s foreign affairs minister at that time, Shaikh Sabah Al-Ahamad, told the Iraqi minister of foreign affairs Sa’dun Hamadi that the loan will not be more than the additional half billion to the previous loans during Iraqi-Iran war (Khaduri and Edmund, 2001). As a consequence, Iraq had responded to Kuwait by rejecting their claims of demarcation. They continued to trade accusations as to who was the responsible for the pointless negotiations not reaching an agreement.

In the early hours on the 2nd of August 1990 Iraqi republican guards had conducted a military attack towards Kuwait territories and within few hours the Kuwait state had totally surrounded by the Iraqi ground forces in violation of the international law and sovereignty (Goodwin, 1991).

1.2 The causes and the consequences of the war

As it was explained in the previous piece of how the sequence of events between the two countries went, it ended with war and destruction. The main reasons behind this war became clear to the whole world. It can be summarized in first, the big bad impact of the first Gulf war with Iran and how the Iraq’s economy had become effected due to the massive size of the losses and casualties in the Iraqi army, infrastructure, and the industrial sectors (Khadduri and Ghareeb, 2001).

The second reason was how wrong Iraq was in its approach in solving the demarcation problem. While they had admitted to the fact that the state of Kuwait has
been independent country since 1963. Third reason which one can regard as more important than the previous reasons, the GCC countries did not follow the containment policy with Iraq’s demands, for several considerations must be taken in this regard (Chaudhry, 1991, pp14-23).

Iraq had fought the war against Iran alone, confronted against the Islamic revolution in Iran, and stopped its dissemination to all of the Gulf countries. All the sacrifices were only made from Iraqi side alone. Iraq became the scapegoat from the Iranian dangers and for the all the GCC countries including the state of Kuwait. It was deemed unfair to neglect the demand of Iraq and their need to obtain loans (Khalidi. 1991, p.5-28). These imprudent methods to say the least were responsible to trigger the second Gulf War in 1990 and dragged the whole region into the current catastrophic situations. Furthermore, we have to go back to the primary cause of the second Gulf War, which was the magnitude of Iraq’s debt. The amount of Iraq’s debt reached to $65-80 billions, half of it to the GCC countries (Long, J.M., 2004, p. 10). Approximately $230 billion had been estimated as the expenses needed for the reconstructions to the Iraqi infrastructures and institutions after the end of its war with Iran. The massive debt that weighed down Iraq’s budget was in fact going to the military developments and acquisitions, estimated at about $20 billion that was basically owed to Union of Soviet Socialist Republics (USSR) and France (Ibid).

1.3 The consequences of the 2nd Gulf War 1990

The outcome of this war was terrifying because of the catastrophic size of the destruction on both sides from the beginning but later on more harshly so on Iraq. The catastrophic consequences were concentrated on the fundamental foundations of Iraq state and its military. After the National Security gave a deadline on 15 of January 1991, it had specified for Saddam’s regime and his military force withdraw from Kuwait (Holland, 1999). In the early hours of dawn on 17 January 1991 the coalition forces led by U.S launched an intensive air raid on the capital of Iraq, Baghdad. The U.S Air Force, Britain, France and Saudi Arabia Air Forces targeted the Iraqi state infrastructure and the communication centres. They did so in order to break the connection between the Iraqi military command and the army, as well as the headquarters of the Iraq defence and the stations of electricity generators (Nordhaus, 2002). The purpose of the air strikes was not only to exhaust the power of Iraqi army, but to also paralyze the command of Iraqi
military. As a result, Saddam Hussein set approximately 730 Kuwaiti oil wells on fire, which had caused the loss of more than one billion barrels of crude oil (Husain, 1995, p. 40).

There is no doubt that aftermath of the 2nd Gulf War resulted in the Iraqi army no longer being the strongest power in the Middle East. A crucial effect on the political economy of the world’s oil was caused by the domination of Saddam Hussein on Kuwait’s oil. Thus instability of the oil prices or even the deficit of exporting oil to an imported oil country was affected (Lieber, 1992, p. 160).

The first gulf war brought upon economic stressors to Iraq. As a result, the primary reason for the Second Gulf war, was economically driven. The first Gulf War proved to be costly on Iraq, it lasted nearly nine years. Following the first Gulf War, Iraq turned to Kuwait and Saudi Arabia for debt forgiveness. Saudi Arabia supported Saddam Hussein and his purpose of the war against Iran, so did the United States. Saudi Arabia supported the war because it was believed that they would avoid a conflict with a Shia-Muslim dominant country (French, LA, & Nikolic-Novakovic, 2011, p. 18-19). While the United States supported Iraq mainly due to the 1979 hostage situation and wanting to establish a strong diplomatic relation with Iraq. The second Gulf War was also carried out as Saddam still believed that Kuwait still belonged to Iraq before it was carved and separated as it own states by Great Britain (Ibid).

After facing a devastating loss, Iraq accepted all the terms enforced by the United Nations. Furthermore, Iraq also recognized Kuwait as a sovereign country. As a result of both Gulf Wars and the loss of structures, Iraq faced more hardships as the country was not prepared for the sanctioned regime that was enforced (Holden, 2012, p. 267). These sanctions have had long-term effect Iraq, which have since led to humanitarian crises.

The obvious economic consequences of the wars have highlighted the vulnerability and the importance of exportation of Iraq’s oil. One of the biggest set back for Iraq was when the lines of exportation and oil. For example, when pipelines were being built from Saudi Arabia stretching to Turkey and back, they were all halted due to the sanctions imposed (EL-Azhary, 2011, pg 52). As a results of these sanctions, Iraq’s contribution to foreign exchange reserves, were scaled back majorly due to the sanctions (EL-Azhary, 2011, p. 59).

Iraq has endured more than two decades of UN economic sanctions since the second Gulf War, more specifically from 1991 to 2003. Iraq, although has high production of petroleum, Iraq’s economy includes chemical production, textile, leather
goods, construction materials, and electronics (Hunt, 2005, p. 28). This is besides the production of other agricultural goods. While Iraq has its own agricultural production, it is not enough to sustain the country and its people. It was not until 2003 did the UN begin to lift sanctions and with the aid of a new developed government. As sanctions were lifted, promotions of developing Iraq’s electricity, oil, gas, and even agricultural programs were also redeveloped and reshaped (Ryder, 2013, pg. 212-213).

1.4 The negative and positive political impact on both sides (Iraq and Kuwait)

The country of Iraq lost its reputation, as a hero of the Middle East, for it was known to be the protector of the Eastern Gateway. Iraq was forced into international political isolation. The Iraqi regime started to drown in external problems like the political isolation and internal rejections from most of Iraqi people, particularly Kurds in the North of Iraq and the Shi’a in the South (Hiro, 2003). On account of what Iraq had done with the extensive strikes by the international coalition forces, leaving a massive devastation in its infrastructure, and along with a broken military force, the internal uprising broke out in March 1991 (Hiro, 2003, p.70). The security situation in most of the Iraqi governorates became out of control. The action of random executions of Iraqi civilians took place at the hands of the Ba’athist officials and element of general security. As for the north of Iraq, the majority of Kurds were being segregated from the rule of Saddam’s regime and considered as no fly-zone area (Hiro, 2003.p73).

It was mostly negative impact on the Iraqi side, but ironically fourteen out of eighteen Iraqi governorates rebelled against Saddam Hussein and his regime. Although Saddam could’ve survived and continued to rule Iraq once again for more than decade. The final outcome of Iraq was an overall destruction in all the state services, both in aspects economically and socially. But the hardest burden was when Iraq was subjected to international and economic sanctions by United Nations due to the resolution 687 (Shehabi, 2015).

1.5 The post-war impact on Kuwait

As a result of the second gulf war of 1991, Kuwait had faced economical and social challenges. As for the societal challenges that attribute to the demographic structure is that the population of Kuwait is mixture of Sunni and Shi’a, even the majority are Sunni including the royal ruling family. There is a group within population in Kuwait called
“Bidune”. This means they have a permanent residency but not Kuwaiti citizenship. They occupied most of the positions in Kuwait’s army and Ministry of the Interior (Barakat and Skelton, 2014). It was difficult to specify who betrayed the state of Kuwait and who supported it during the time of the invasion. Through the oil boom period in the 1970s, Kuwait witnessed a heavy investment in the infrastructure to establish a modern state and rapid social and economic advances (Barakat and Skelton, 2014, p. 9-10). Therefore, Kuwait faced severe economic challenges due to the decline of the foreign assets that the large amount of it had been used for reconstruction.

1.6 The size of losses

The material losses amount had exceeded billions of dollars. In term of the economic damages of the 2nd Gulf War, it was similar to Iraq-Iran war but with greater damages and more cruelty. The air rides campaigns on Iraq was planned for 57 strategic targets, but later on expanded to 400 targets. Many of them were towards the infrastructure centres. Later it was understood that it never had an impact in the scope of the conflict (Alnasrawi, 1992, p. 347). Obviously these targets were intended so that Baghdad will not able to fix this size of the damages without foreign assistance. For example, one of these targets was the electrical power system, by attacking these stations it stopped 90% of the Iraq electricity generating capacity. Available studies have estimated the cost of losses for Iraqi side by approximately $200 billion dollars to reconstruct the damages caused by the 2nd Gulf war 1991. Since Iraq had subjected itself to international economic sanctions, they could not recover or remedy the deficit, especially the military equipment and other services (Alnasrawi, 1992). Iraq had small and limited options to manage its post war economic policy. For the Iraqi assets had been built for five decades based on the oil revenues with the help of foreign expertise had been destroyed. Therefore, these two wars, the first one with Iran and the second with Kuwait, demolished not only the Iraqi assets but caused the poverty to rise to great proportions in Iraq’s society, and underdevelopment in all state sectors from government services, industry, education and deepening their dependency on the west (ibid).

On the Kuwaiti side the major damages which had been remnant of the 1991 war was the environmental pollution caused by Saddam’s military setting it on fire with more than 700 oil wells. As for the humanitarian casualties the reports were conflicting about both the military and the civilians. Starting with the Central Intelligence Agency (CIA) estimated the causalities between 100,000-250,000. Yet General Norman Schwarzkopf
reports, French military intelligence source, Saudi military commander to CNN, and the Muslim institution also stated that approximately 500,000 Iraqi had been killed and injured during this campaigns (Mowlana, H, 2018.p11). Moreover, the political loss, which occupied the biggest part in the whole event and led to a catastrophic position, has continued until now. This war and the way of ending it was in an organized and systematic way from the context of the action and reaction. Instead of maintaining the peace in the region that had already been inflamed since the Iraqi-Iran war in 1980 and sustained the invasion of Kuwait by Iraqi power in 1990. The situation got exacerbated. However not by forcing Iraqi troops withdrawal from Kuwait but by attacking the infrastructures centres in Iraq and deprived the Iraqi people from the simplest rights of living in proper conditions. Besides the west situation towards the war was obviously determined and prepared by the Bush administrations and their allies. Said individuals had changed their policy and diverted their support to the war rather than avoided it (Ibid).

1.6.1 Oil wells and pollution

The Gulf environment area exposed to a huge damage as a result of what Iraqi regime caused of crude oil wastage and spreads in the Kuwait territories and maritime, for long area extended till the Saudi Arabia shores. The oil pools formed of releasing oil into the sea, thus caused an oil slick covered about 600 square miles and blackened a very long area along the coast line (Andrews Jr, 1992. pp. 43-48). The most dangerous thing beside the material losses of blazing the fire in Kuwait oil well was the release and transport, the airborne pollutants, that inrole affected the living creatures on land and maritime. The burning wells also resulted the emissions of gases such as Sulphur, nitrogen oxide, hydrocarbon, that interfere with breathing, particularly those who have issues with their respiratory system and children. Moreover, the black and huge smoke disseminated over Kuwait, Iraq southwestern of Iran and further to the south of Turkey, in this way caused acidic rain and eventually effected the the harvest corps in the whole area starting from Iraq via Iran extended to Turkey (Hooglund, 1991. pp.3-12). As for the marine living resources were sharply influenced by the oil slicks, which were estimated to 3.3 million gallon of oil spilled into Persian Gulf, thus caused the death and contaminated the marine life of the Gulf. Moreover, there were varied remnants of the war materials such as bullets, explosive devices, and many shells fragments in the battle areas (Literathy, 1993.p349).
1.6.2 Territories

The boundaries issue had been raised several times in 1989 during different meetings with the Kuwaiti side. The escalations between the Iraqi side and the Kuwaiti side would occur from time to time. The relations and exchanges during the visit between two countries continued to the level of honouring the ruler of Kuwait Jabir Alahmad Alsabah when he visited Baghdad in September 1989. Although still they did not imagine that dispute would lead to the war (Gause III, F.G., 2002, p.57).

The problem of the territories between Iraq and Kuwait is not a short-term dilemma, but it dates back even before their proclamation of independence in 1961. After Saddam Hussein defeated them in 1991, the United Nations Iraq- Kuwait Boundary Demarcation Commission (UNIKBDC) had been constituted to configure the Iraq – Kuwait boundary. On May 27th, 1993 the Security Council unanimously passed the resolution 833, and Iraq had been forced to confess the independency of Kuwait and its border legitimacy (Karam, J. 2005). After the resolution had been applied, Iraq considered the decision of the UNIKBDC as prejudiced against Iraq because it made lose a lot of its territories and important access points into Gulf water. Ultimately the outcome of the UNIKBDC’s decision in Umm Qaser’s port is that the Iraqi side had to leave the modern settlement of Umm Qaser to Kuwait’s side. The port contains of the naval base, planned housing, and the vital region of the downtown. Furthermore, a number of of Iraqi peasants who had settlements Abdaly in the northern Kuwait were required to leave these territories (Schofield, R., 1993). In this regard Iraq had lost many territories by the reallocation of the UNIKBDC in southern of Rumaila fields, new settlements in Umm Qaser, infrastructures, and vacating of many farmers in the long northern strategic farmlands of Kuwaiti (Ibid).

1.6.3 Military losses in lives and equipment

What we expected out of the military campaign was that bombing of more than two million tons of explosive bombs and two weeks of air strikes. One must also take into consideration of the estimated numbers of deaths and casualties between the Iraqi military and civilians in particular and Kuwaiti people as well. There is no accurate answer regarding the numbers of the dead and injured people, but it’s obvious to everybody what the two million tons of ammunition and explosive materials can do. The incompatibility of the announcement about the size of losses in humanity and military in Iraq by the Iraqi government and US administration made the numbers less important in comparison with
the war consequences (Hooglund, E., 1991 p. 3-12). Then after that the losses in lives due
to the uprising that followed the air campaign approximately two months by the Shi’a in
southern Iraq and the Kurds in the northern areas. The U.S administration announced the
definite numbers of their casualties among 144 dead and 479 injured, along with several
Israeli deaths by Iraqi missiles directly, and those who died by heart attacks caused by the
fear of attacks (ibid).

1.6.4 The massive compensations Iraq owed to Kuwait after the war

Iraq drowned in debt because of Kuwait before and after the invasion. The
massive compensation reached to $52 billion allocated by the (UNCC), United Nations
Compensation Commission, $47.8billion for the state of Kuwait, and $5.26 as
indemnification of the environmental and public health not only for Kuwait but all the
neighbouring countries as well. Here in this paper we will not repeat how the
compensation commission applied to the items of the UN resolution, but the huge amount
of money was the cutting of the oil revenues by 30% percentage shares (Sand, 2005).
Iraq’s economy had resulted in total devastation and consequently started to lose its
economic power and its status as a powerful country in the region. This was due to the
economic embargo imposed on Iraq due to the UNSC resolution 687. Moreover, another
six western countries and at the top of them United States of America alongside Australia,
Canada, Germany, Netherland, and the United Kingdom asked for the compensation for
the offering the technical experts and appliances to mitigate the environmental damages
caused by the massive oil spill and the whole remnants of the war in general. With this
also added onto the already very heavy debt’s bill, the total estimated at the end was $8.3
billion for environmental costs (Ibid).
2. The crisis in Iraq from the political perspective
2.1 The neighbouring countries political attitude towards Iraq (1990 – 2003).

After the Iran-Iraq war then the invasion of Kuwait occurred, the political situations changed drastically with Iraq’s neighbouring countries of Iran, Turkey, Syria, and Saudi Arabia. Starting off with Iran, when one mentions Iran and Iraq in a sentence nowadays, it brings forth the memories of the eight year long Iran-Iraq war that occurred between these two nations in 1980. Nevertheless, while sharing both cultural and religious similarities, these two nations continued to collide over a series of political disputes that caused severe conflicts for countless of years. However, despite it all these two countries still managed to find ways to cooperate with each other when necessary since the war.

Although after Iraq invaded Kuwait in 1990, this changed how Iran viewed Iraq under Saddam Hussein’s rule. Iran once again started to take notice that maybe Saddam’s Iraq could be both a politically and military challenging neighbour to the west. Like the United States, Iran started to become wary of discovering appropriate means to solving the problems when it came to security regarding Iraq’s supposed possession of weapons of mass destruction and possible territorial violations upon other neighbouring countries including Iran. Iran also predicted that said actions might result in the Iraqi state to fracture into multiple smaller states, which in turn would cause enormous geopolitical ramifications, while also giving them a more dominating position in the oil market (Ehteshami, 2003. p.115-118).

Moving forward after the 2003 U.S. invasion upon Iraq, a part if Iran’s foreign policy with this “new Iraq” was greatly affected by the previous history of the once dominated Sunni government. Especially when it came to the state’s natural resources, possible economic strength, and it is key geographical position within the Middle East. Despite the abolishment of Saddam Hussein, Iran continued to be wary that nothing about the Iraqi government would change. This worry was later seen in the Islamic Republic's two-pillar policy from the very beginning of the Iraqi crisis in 2003. A part of Iran was against the U.S. invasion and the occupation that followed. Yet at the same time, Iran thought that Saddam Hussein’s regime was violent and ruthless and was rightfully justified in both the punishment and the removal of the former president. However even with the removal of Hussein, Iran was also hoping that a pro-American regime would not take his place. For in their eyes they saw such a regime as always being in favor of U.S. decisions rather than one benefiting the Islamic Republic (Barzegar, 2008).
Again regardless of the new political security additions and changes since the 2003 invasion, both Iran and Iraq still had friendly relations when it came to dictating matters concerning their levels and peace were still heavily based their original ideologies and cultures.

Another factor when it comes to Iran’s relation with the post invasion Iraq, comes down to their past regional rivalry. For these two countries are seen as the core regional states in the Middle East on account of their potential economically, politically and culture wise, which produced a wealth of resources that in turn created rivalry.

Essentially it was Iraq’s forthcoming power along with the daring constitution of the Baath party, which was one of the main reasons behind Iraq’s hostility towards Iran. It came down to how these two countries would go about to lessen the gravity of this state of affairs. Soon in the years to come the foreign powers policies, particularly the United States’ policy resulted in unfavourable consequences when it came to mutual relations.

Taking into consideration the varying views Iran and the U.S. have when it comes to Iraq, that the policy of trying to counterbalance Iran and Iraq would only escort the two into competition yet again. This round of competition would not affect Iran and Iraq but also other great regional states like Saudi Arabia.

During the Bush administration, they had originally sought to create a new political-security order within Iraq by instating similar minded elites and possibly recreating a new democracy in Iraq. However, this only portrayed to Iran that this was just another form of additional U.S. involvement in the region. These new policies appeared to both threaten Iran’s national security and additionally demonize the state in the Persian Gulf.

Now that Iraq’s military had been weakened drastically yet again after the invasion, this now caused different challenges and opportunities to begin to appear to Iran. All the while a range of security threats began to surface, such as the spreading of insecurity and instability, ethnic geopolitical rivalries, Sunni extremism leading to religious and civil war, and the probability of territorial disintegration on account of the war. Thus taking on these emerging challenges will require these two countries to form both close relations and cooperation (Ibid).

Moving on, going back as far as to the early 1970s, it was believed from then on that the Syrian-Iraqi conflict would never truly end or find an agreeable solution. But of course there have been countless attempts to improve relations between these countries such as through symbolic visits. One of the well-known visits dates back during May and
June of 1997, which involved the exchange of Iraqi and Syrian business delegations to Damascus and Baghdad. Like always this visit raised the question concerning matters relating to economics and politics in order reach the state of normal again. Both Iraq and Syria want to expand on any possible relations between one another in order to decrease their regional isolation and to increase their roles together in the coming future (Moussalli, 2000, p. 100).

If one simply took a look back over the past 50 years, one can see that the relations between Iraq and Syria depicts that both states have had a number of ups and downs together. One of the downs that caused a domino like effect to occur was two years after the Arab-Israeli War in 1973; both Syria along with Turkey's dams had decreased the amount of water that flowed from the Euphrates River into Iraq. This in turn outraged Baghdad who retaliated with an open threat to possibly bomb Syria's Al-Thawra dam should they not allow the flow to increase back into Iraq as before. To further prove their seriousness, Iraq also deployed troops along the Syrian border to further intimidate them into submission. Unfortunately, this only made matters worse for them towards the end of 1979, when relations between them were inherently stopped with both making the decision to withdraw their diplomats from one another’s capitals. Then two years later in April 1982, Syria chose to shut off Iraq’s pipeline that ran through their country to the Banias port. This move ended up costing Iraq’s economy billions in losses. The Syrian deputy prime minister at that time, Walid Hamdoun, referred to Saddam Hussein as the "butcher of Baghdad" and a "traitor to the Arab case". To which Saddam replied to this by calling out how then Syria president Hafez Al-Assad’s own regime had forsaken the "elementary values of Arab honor". (Iddon, 2018). This back and forth clearly underlined how ingrained the opposition one had for the other. With Syria not only closing off the pipeline but after supporting Iran in the Iran-Iraq war resulted in the great border between the two to become entirely closed off. Later on in interview in May 1984, Hussein said that the way Assad acted was "in a hostile way" towards Iraq, and yet also confirmed, "that does not make Syria an enemy as such". He also pointed out "if the ruler of Syria changed his position towards us, then Iraq would have good relations with Syria." (Iddon, 2018).

In spite of it all, during the 1991 invasion of Kuwait, a once enemy in the previous war, Iran surprisingly remained neutral yet Syria did not. Syria instead chose to take part with the US-led coalition by sending troops of their own to aid in the struggle to remove Iraq from Kuwait.
However later on after succeeding his father, Bashar Al-Assad was against the Iraq War. For he saw it as also a threat upon his regime based on what Washington was reporting. He feared that a similar fate as Iraq would soon fall upon Syria too. At the start of the 2003 invasion, Syria sent a number of jihadists, including some well-known ones recently released from jails, over to Iraq to aid in the fight against the U.S. One of the main reasons for doing so was that Syria believed this would serve as way to distract the Americans in the neighbouring country and away from Syria’s regime (Iddon, 2018).

When it comes to water resources around the world, it can also become of political and diplomatic importance. However, no one can deny that for years now there has been water source related frustrations emerging even more so in the Middle East compared to other regions in the world. Turkey’s main water source is derived from to two major rivers, the Tigris and Euphrates that originate from the highlands in the southeast region known as the Fertile Crescent. The problems centring around who truly owned the water coming in from the Tigris and Euphrates river basins is what has tied Iraq, Syria, and Turkey in a never ending disputes. These unresolved relationships between all three of these countries comes down to each wanting to increase their access to the rivers’ water.

Negotiations between these three countries actually started back in the 1960s and finally ended in an agreement later in 1987. The agreement restricted the total amount of water that would stream out of Turkey, Syria, and Iraq for usage purposes totalling to the amount of only 500 cubic meters per second. Although since that agreement, Turkey had broken the rules and singlehandedly changed the flow of the water sometimes without warning. This action resulted in conflicts to arise with both Syria and Iraq that in turn caused a surge in the significance for bilateral ships between Turkey and these two countries.

The Gulf War during 1990-91, created a period of growing strains for Turkey who had half heartedly decided to side with the U.S. in its coalition against Saddam Hussein. Nevertheless, despite the invasion Turkey had originally chosen not use GAP, Turkey’s domestic socio-political project, in order to shut off the water supplies to Iraq. Later on in Saddam remaining years, Iraq continued to accuse Turkey of violating the agreement from1987; that they were still not allowing enough water to flow into Iraq. Thus by the time the 2003 invasion rolled around, relations between Iraq and Turkey became even tenser along with the new formation of the Kurdistan Regional Government (KRG). Even though Iraq continued to argue about the quality and amount of water Turkey was
allowing to flow into the country, surprisingly trade relations between these two countries began to grow leading also to overall stabilization (Dohrmann, p.567-568).

In the end the relationship between Iraq and Turkey had its ups and down over the years. But as for main issue concerning the water, they still remain ever the same without any change. The relations between these countries has continued to grow even greater due to problems arising on account of security and regional related matters (Dohrmann, 2014, p.583).

Lastly when it comes to relations between Iraq and Saudi Arabia, they have always appeared to be unstable, even more so on account of the tensions caused by war. Starting off during the Iran-Iraq war, Saudi Arabia was actually impartial on which side it was on. However, Saudi Arabia still supported Iraq with an estimated amount $25 billion in low-interest loans and grants to aid them in that war. Along with the money, Saudi Arabia had also supplied Iraq with customers as part of the production that occurred in the oil fields in the Iraq-Saudi Arabian Neutral Zone. They did this by creating an oil pipeline to help transport Iraq’s oil across Saudi Arabia’s land (Dris-Aït-Hamadouche and Zoubir, 2007.).

Despite what had appeared to be a steady growing association with one another, the invasion of Kuwait only caused the two-sided agreement to come to an end while instilling the thoughts of a minacious Iraq in Saudi Arabia’s mind. Thus Saudi Arabia decided to act right away and ally itself with the US-led coalition by allowing hundreds of thousands of American troops to enter their country. Upon both Arab nations splitting all diplomatic ties, Saudi Arabia allowed its air bases to become the areas for aerial strikes later to be used against Iraq. Saudi Arabia had also volunteered its own personnel armed forces to join in both the bombing and ground offense.

Both the U.S. and Saudi Arabia agreed on the idea that by eradicating Iraq’s president Saddam Hussein would aid in decreasing the risks in the Gulf. Although despite this thought later being carried it did not however entirely remove all threats from the Middle East. Thus in turn, both the U.S. and Saudi Arabia knew that they will soon be expecting uncertainty of possible threats to come in years and maybe decades after (Ibid).

Not all hope was lost for in 2009, Iraq had chosen to nominate an ambassador to Riyadh and in turn Saudi Arabia appointed a non-resident in Baghdad three years later in 2012. This nice turn of events continued in 2014 when Saudi Arabia was still under the rule of King Abdullah, who had decided to open an embassy in Baghdad. Following this action later in 2015, Saudi Arabia had finally chosen to name their first resident
ambassador to Iraq. These new developments between these two countries had occurred for two reasons, first was on account of Iran’s rising entanglements in quarrels with Syria, Yemen, Lebanon, and also in Iraq and Bahrain and second the upsurge of ISIS.

These growing relations between both Iraq and Saudi Arabia were in fact due to the shift in political leadership and perceptions (Zeidel, 2018. p.50-54).

2.2 The position of the permanent members of the Security Council (P5) countries after (1990) about Iraq

From the beginning, the United Nations Security Council (P5) – composed of China, France, Russia, the United Kingdom, and the United States –, was against Iraq’s invasion of Kuwait. Not only had they been opposed to Iraq’s decision from the start, but the UNSC had also ordered for Iraq to withdraw their troops from Kuwait altogether. However, Iraq chose to ignore said order to do so. This action led the UNSC to take drastic actions four days later on August 6, 1990, to sanction an international trade ban on Iraq. But this did not appear to phase the Iraqi government and this in turn lead to the U.S. forces to respond by deploying to the Persian Gulf on August 9. Saddam Hussein answered to this response with his own by increasing his numbers in Kuwait to 300,000 troops. Nevertheless, this did not discourage the UNSC, for they soon established a deadline upon Iraq yet again to withdraw their troops on November 29. This decree permitted the use of force against Iraq if it did not comply in the removal of their troops by January 15, 1991. Yet again Iraq did fulfil the terms enforced by UNSC leading to the launch of US forces on January 16, 1991 known as Operation Desert Storm (Pariona, 2019).

Again with Iraq’s invasion of Kuwait and with the leadership of the United States, the United Nations Security Council approved of the Resolution 661 that also forced a complete system of sanctions upon Iraq. Resolution 661 was the main sanction among the others. Coincidently along with the other sanctions it formed certain restrictions that resulted in Iraq becoming separated from the world’s economy. The sanctions restrictions included bans on all imports, which was also further implemented by blocking them by ways of naval and air. The ban included the oil embargo, suspending the Iraqi government financial assets abroad, an arms embargo, the stoppage of international flights, and restrictions on financial transactions with Iraq. Not only had they enforced both naval and air blockades but also shipping in the south of Iraq via the Shatt Al-Arab waterway were
seized; also including the vessels approaching the Jordanian port of Aqaba were checked. In other words, this ban was implemented in order to stop anything from reaching Iraq in any way. This sanction looked to prove the fact that the UNSC was using deprivation of goods as way to pressure Iraq into compliance (Alnasrawi, 2001).

As a result of this ban in turn showed how Iraq’s reliance on oil turned out to be irreparable. For Iraq is in fact an oil dependent economy based on several reasons. Such as from being the economy’s source of income for various funding outlets such as security and social services to means of investment in things like the industry, agriculture, health and education and the overall nation's infrastructure. But most of all it gave the state the opportunity to longer depend on its citizens through the process of collecting taxes when it required funds for governmental needs (Ibid).

2.3 The political variables in Iraq after (2003)

With the U.S. invasion in 2003, numerous political variables began to surface throughout Iraq. Originally the Iraqi people had hopeful thoughts of a new prosperous government on the horizon after the execution of former president and dictator Saddam Hussein in 2003. However, said beliefs were sadly short lived in the years to come. For all government related matters were centred on ethno-sectarian agendas. This resulted in merciless militias to rise up. That in turn then awakened conflicts that split apart cities and towns and thus causing a civil war to arise between both the Shia and Sunni communities. The Iraqi government as of the 2005 election continued to strive to pioneer an operative legislation to help solve the everyday problems the Iraqi people continued to struggle with, for example the lack of simple electricity (Hasan, 2018).

The apprehensions within Iraq continued to grow more and more with the passing time. Following the U.S. occupation, the civil war within Iraq was an effort by a number of players seeking to get control over the state of the country and shape its identity to their own mind-sets. Soon after with state power now in the Shia parties’ hands, Sunnis began to feel greatly marginalized and then radicalized. Till this day most of the Iraqi state’s activities have continued to reinforce this notion instead of trying for a more united tactic (Al-Qarawee, 2014, p.19).

Following 2003, the amount of parties and political entities in Iraq swelled into even greater numbers. At first the U.S. thought it was nothing more than political pluralism, however when it was actually more sectarian growth yet again that continued to add wood to the fire of the same growing struggle within Iraq. Thus by the year of
2016, the amount grew to 300 political parties and groups that had been validated by the Independent High Electoral Commission. Both the analytical and political backdrops of those parties had been proven to be that 80 percent were in fact based on religion alone. Nonetheless, most of these organizations were volatile, each facing a number of internal divisions and splits (Aljamra, 2018).

After the fall of Hussein, Iraq started to hurt from the lack of democratic governance. Now the life in the “new and modern” Iraq is instead portrayed by its political, economic and physical insecurities, with the estimation of the growing civilian deaths rising on account of the war and violence since the 2003 U.S. invasion range in great numbers from 111,153 to 121,466 as of January 18, 2012. According to a study published in 2006 by *The Lancet*, unearthed that a much higher number of 601,027 deaths was due to violence alone (Cammett, 2013).

With an unstable government crucially affecting Iraq so negatively, soon a divided society based on sectarian and ethnic divisions affected Iraq. Iraq’s society began and continued to crumble, fracturing into a great number of views and opinions, several parties, divided sides, and minority groups. Prior to the 2003 invasion, Iraq had continued to uphold a long-standing period of secularism and with an equally secure national identity amidst its Arab citizens regardless of the sectarian differences that were already present. Not only had one of the supposed reasons for the invasion failed, which was to create a more efficient democracy in Iraq, yet neither U.S. military or the U.S.-supported Iraqi government in Baghdad had been able to deliver the basic security that the Iraqi people needed. As a result, this led a great number of their everyday citizens to instead turn to sectarian extremist groups for protection. This in turn further weakened the Bush administration’s reasons that their U.S troops were still needed in Iraq to avoid a civil war from breaking out. Soon the danger of Iraq fracturing into three religious groups known as the Sunni Kurdish state, a Sunni Arab state, and a Shiite Arab state, started to become more and more of a reality. Also with the fact that these individuals are already intermixed throughout Iraq in places such as Baghdad, Mosul, Kirkuk, with scores of more in other cities, the possibility of a violent breakup in the country is thought to be in even greater than what occurred in the partition of India sixty years ago. In the years post the invasion, signs of this started to show itself on an immense scale as great numbers of Shiite families had no choice but to flee the once mixed neighbourhoods in and around Baghdad they once lived in (Zunes, 2006).
The most crucial issue behind Iraq’s difficulties has been the failure of the Iraq’s Sunni Arabs and its Sunni neighbours to reach an agreement with the government mainly ruled by Shias. For the Shias hold the main role in the Iraqi government on account of their large numbers in Iraq’s population. This was demonstrated from the beginning during Iraq’s first parliamentary elections when Sunnis had chosen not to partake in the voting. Thus after the 2003 invasion and with the fall of Saddam Hussein, Sunnis chose to rebel almost straightway. In the first years following Saddam’s fall, Sunnis had taken into account their mistake by originally refraining from being involved in politics in the first place. Thus the Sunnis made extreme demands of the new government in order for their participation, such as acquiring the defence portfolio (Hunter, 2014).

Not only was the once respected government of Iraq broken and left without a leader but also the once powerful Iraqi military was diminished into drastic numbers yet again, this time even more so during the US invasion. Back during the Invasion of Kuwait, despite Iraq being the first to make its move, still when the U.S.-led military coalition known as Operation Desert Storm began, this was the first downfall of the Iraqi military. During that operation an estimated number of at least 25,000 soldiers were killed, followed by more than 75,000 who were wounded (History, 2009).

Then moving forward to the 2003 U.S invasion and the years to follow, the Iraqi military was hit yet again however this time around the numbers were not as clear. This was due to two factors, the first being the result of undocumented records and in the words of a US commander, General Tommy Franks, "We don't do body counts." (Steele, 2003). The second was during the invasion there were also great numbers in civilian causalities mixed in with the military losses, thus post-war calculations were hard to collect. However, what had been discovered was that a mass number of units had desertions occur up to 90%, while roughly 5% were killed. Most infantry units were small and held roughly 1000 troops while the air force troops guarding the perimeter were composed of only 950 men. Prior to the start of the invasion, the Iraqi military supposedly had 389,000 men, including 80,000 members of the Republican Guard. Iraq was also alleged to have up to 60,000 paramilitaries and 650,000 reservists. Yet these said numbers of troops were nowhere in sight at the time of the invasion and the years to follow. Later when deducing the number of Iraqi troops related deaths, they ranged between 3% and 10% discovered in the units around the city of Baghdad. The numbers of dead roughly reached between 13,500 and 45,000 among troops and paramilitaries (Steele, 2003).
With the downfall of the Iraqi government and military, the country’s economy began to diminish even further. The effect of the UN sanctioned Gulf War by the US armed forces resulted in a domino effect upon the Iraqi people till this day. The consequences of the war resulted in colossal civilian deaths with some due to both local political and military carelessness, as well as international. This further resulted into the collapse of Iraq’s law and opening the door to crimes from looting to downright destructions everywhere. Despite being aware of the situation the UN did nothing as days and months started to pass and the Iraqi people began to suffer from lack of everyday needs such as food, housing, water, electricity, health care, education and employment. Furthermore, with limited resources and with the costs of living rising faster than the Iraqi people can keep up with, they simply could not keep up anymore with anything especially with UN sanctions and military invasion. Additionally, on top of all that the occupying Americans eliminated the Oil for Food Programme, for after the invasion it was 85% of the main source of food and necessities such as medicine, and other basic living needs for around 24 million Iraqis. With the unemployment rate reaching over 70%, demobilization of the defence personnel, damage from the invasion’s war, rising homelessness, both social and economy crisis of the people of Iraq began to decline more and more (Halliday, 2005).

2.4 The legality of the United States invasion of Iraq in (2003)

Following the 2003 invasion, deliberations continued into the following year concerning about whether said invasion was considered legal or not. During a BBC interview in September 2004 then UN Secretary-General Kofi Annan himself said, "from our point of view and the U.N Charter point of view, it was illegal." (Anon, 2005). However, U.S. Permanent Representative to the United Nations, Ambassador John Danforth shortly after on September 16 said otherwise, that “we don't agree with the Secretary-General.... Consider there were 16 Security council resolutions and Resolution 1441 held that the then government of Iraq was not compliance with the previous resolutions, which is clearly the case, and promised that would be serious consequences if they were not in compliance. Then the question those countries that were part of the coalition was ... do all these UN resolutions nothing, does the Security Council mean nothing, is it totally ineffectual.... It undercut the rule of law had there been no action, had we just said: well, so we passed resolutions but they're so much waste paper. So I think that action we took ... was required if we're going to maintain a rule of law” (Anon, 2005).
Later in early October Charles Duelfer, head of the U.S. Iraq Survey Group having organized the Comprehensive Report into Iraq’s weapons of mass destruction program, resulted in stirring up more controversy when it came to the legality of the U.S.-led invasion yet again. In his report to Congress, Duelfer had pointed out previous dues when it came to Iraq. For instance, he recounted that back during the Gulf war in 1991, certain UN control actions had been done in order to destroy any of Iraq’s potentials for weapons of mass destruction despite their not being any evidence regarding any efforts for such a program. Duelfer ended his report with the conclusion that Saddam Hussein did have the desire but in fact had no means to develop the so-called weapons of mass destruction in the first place (Ibid).

Nevertheless, most of the lawyers except for a few had deemed the invasion of Iraq in 2003 by the U.S. to be illegal. This was further supported later on when evidence of certain members of the U.S. military had violated international humanitarian law with how they treated Iraqi prisoners.

Another clarification of the international law to further prove the U.S. foreign policy legitimacy for the invasion was the failure to discover any weapons of mass destruction. This in turn removed the grounding source for the U.S. legal and ethical reasoning for said invasion from the start. Over and over again the world had continued to be told that this war was crucial on account of Iraq failing to conform to the Security Council resolutions such as to disarm its supposed weapons of mass destruction based on the U.S.’s ‘smoking gun’ evidence. Although no weapons of mass destruction were discovered and over time it showed the world that it might’ve been perceptively misinformed. Following the invasion, in 2004 a Senate Intelligence Committee report regarded that the U.S. administration’s motives had been a wrongly characterized intelligence (Scott and Ambler, 2007. p.69-70).

Returning to UN Security Council Resolution 1441, some particular facets about it are surprisingly unclear, except for a couple of things. The first was that Saddam Hussein had to achieve a set of ordered tasks within the designated months ordered to do so or Iraq had to face serious consequences, which was the possibility of an invasion led by the U.S. The second should the Iraqi government result in not complying with requested tasks that alone did not necessarily mean it automatically gave the U.S. the right to take military actions to force the order and change. Instead this second aspect of Resolution 1441 meant that another meeting with the Security Council was to be held to discuss said matters yet again (O’Connell, 2002).
Nonetheless, the Security Council had never consented to the idea of using physical force when it came to the inspection of Iraq’s weapons. The ceasefire resolution originally stated that the sanctions would continue until the inspectors declared that Iraq did not have weapons of mass destruction. Even the debates back in 1991 was focused on either lifting or leaving said sanctions but not if the states had the right to use military force to stop Iraq’s weapons of mass destruction or other ways of making them do so. In turn no agreements were ever made to enable one to use force to impose things such as the inspections of weapons and neither were any made to allow the expelling of Saddam Hussein.

This resolve was further emphasized by then President Bush during his UN speech back on September 12, 2002. He spoke of how the U.S, would seek for crucial resolutions within the Security Council, particularly new ones that would allow for the U.S. or any other country to use lawful enforcement actions in defence to any Iraqi weapons of mass destruction. Yet Resolution 1441 offers no new authorization to use force. In fact, in paragraph 12 it presents that the first step will be a meeting upon receiving the report by the inspectors of whether Iraq had halted their activities and then and only then would consequences will follow after.

In a letter to Syria from then US Secretary of State Colin Powell continued to point out that “…that there is nothing in the resolution to allow it to be used as a pretext to launch a war on Iraq.” (’Connell, 2002). In better terms, if the need to call a meeting and when it occurred, the Security Council would have the chance to present their opinions and decide whether serious consequences would be needed or not.

Still the resolution again does not actually state that the outcome of the meeting will lead to future action. To which Bush replied on September 12, “if Iraq regime defies us again, the world must move deliberately, decisively, to hold Iraq to account.” (Connell, 2002) During the negotiations of Resolution 1441 the U.S. continued this claim while pointing out that unlike the past ceasefire Resolution 687, again does not technically sat it will up to the Security Council to choose on what actions they should take in regards to Iraq not complying with previous demands. Yet a number of other members of the Security Council actually believe that they should indeed decide on the consequences. In the end it was still clear that even with Resolution 1441, neither the U.S. nor the U.K. had any approval to use force in order to enforce Iraq to comply (Ibid).

Still there remains a great problem that it’s not simple to prove that there is in fact an automatic authorization to use force based on any of UNSC’s resolutions. Yet the U.S.
administration continued to depend on how Resolution 1441 was created only because Iraq had failed to agree to the conditions of a cease-fire originally regulated in Resolution 687. In the end it came down to how the UNSC chose to phrase the resolution with “serious consequences” rather than “use all necessary means.” This choice of words resulted in this problem to arise since they failed to make clear what “serious consequences” actually entitled from the beginning (Gunes, 2012. p. 5-6).

Again it came down to the wording of the resolution as to whether it technically allowed for UN member states the right to use force to get results from a noncomplying state. Thus upon the invasion of the U.S. and U.K. in March 2003 was done so under the pretence that these two states had the authorization to do so. However, two of the other permanent members of the UNSC, both France and Russia soon after declared that no authorization of this sort was given. This opinion was also clear amongst the other non permanent members of the UNSC, which were a total of 176 members and along with the addition of academic international lawyers as well. Today the contrasting opinions on Resolution 1441 proved how there is a true problem that needs to be addressed when it comes to international peace and security (Byers, 2004. p.165).

The outcome of the Iraqi war along with the unsuccessful U.S.-led weapons inspection to find the supposed weapons of mass destruction only further showed how Resolution 1441 or any other one was interpreted by the U.S. and the U.K. This alone furthers shows how the other states had continued to try to prove that they did not support nor share in the same opinions as theses two states over the course of the invasion (Byers, 2004. p.181).

Up until the time of the 2003 invasion of Iraq, a number of reasons had been given in order to defend Bush’s reason to invade. However soon it was proven that first of all there were no weapons of mass destruction, whether they were of nuclear, chemical or biological of sort. Second it was also confirmed that Iraq and no links whatsoever to with the Al-Qaeda terrorists. Lastly, it was believed that this war would result in a new “democracy” for the Iraqi people upon the removal of the dictator, former president of Iraq Saddam Hussein. The last was former U.K. Prime Minster Tony Blair, main reason to invade Iraq. In the end, there was no authorization from the Security Council for this illegal act of war upon Iraq. Even by Chapter VII of the Charter of the UN could not defend the reasons for this invasion for it was not even eligible as self-defence. This was because Iraq had not been the ones to originally attack the United States in the first place thus it was not an imminent threat. There was no need for this war as a number of
international individuals, officials, and lawyers have continued to stress in the years after. Again former UN Secretary-General Kofi Annan and even the head of the weapons inspection commission for the UN Hans Blix have both outright stated that this war was illegal under the grounds of international law (Adriaensens, 2013).
3 The legal position of Iraq, after 1990 and after 2003

3.1 The legal conditions which exposed Iraq to the sanctions according to the international law and the UN Charter

The legal position of Iraq after 1990 and post 2003 has changed largely due to the sanctions imposed, heavy influences by foreign policy or invasions, and sectarian influences. Today, Iraq is split between sectarian groups, which all have imposed and collectively created their own policies and laws. At this point the sanctions have not been unease from Iraq due to several obstacles that were met following the 2003 invasion. One of the main obstacles that Iraq faced following the invasion is the lack of stabilization within leadership roles. Removing the sanctions would have caused the state to reduce its chances to be enhanced and redeveloped (Von Sponeck, 2000).

The sanctions originally placed on Iraq was to limit the nuclear, ballistic, and chemical weapons production capacities. After nearly ten years, the sanctions continued presence presented a grim outcome as the majority of the civilian industrial enterprises, have been reduced significantly. What the sanctions of chapter VII cost the country of Iraq is the extensive loss of monetary and structured economic loss for the country and its people. When the invasion first occurred the U.S. State Department criticized the United Nations for not producing the correct data that would show what the sanctions have done to the Iraqi people. For example, some of the sanctions lead lack of clear water and sanitation within the country. The U.S. State Department noted that lifting some of the sanction would be welcoming and signs of improvements can be shown for the people of Iraq. However, it can only be done should sanctions should be regulated more and lessened as far as allowing for economic development to occur.

The legal implications of the sanctions were really focused towards the human-rights violations and the breach of international treaties by the Iraqi regime. The U.N. Security Council was heavily criticized towards the ten-year sanctions against Iraq have resulted in a serious of breaches of provisions. Chapter VII of the U.N. Charter was compared to other articles of the U.N. and preservation of the human rights were questioned. It was revealed that over 5,000 children died every month in Iraq as a direct result of the sanctions. This is mainly due to the policies that infringed on economic and humanitarian watch (Ibid).

The other form of sanction focused on the oil imports of Iraq. The lifting of the sanctions was regarded as timely as the invasion occurred. In other words, the Bush Administration believed that it was important that some of the sanctions such as imports
be nearly taken away. The U.N. had backed the U.S. outlook on the sanctions that would lift the ban of imports specifically more focused on oil imports (Anon, 2003). The number of resolution continue to be scrutinized until today. The U.N. Security Council is reluctant to lift all the sanction or even reduce some, mainly due to the continued political unrest and the emergences of interjections of foreign influences.

3.2 The resolutions which adopted by UNSC, and how served the case.

On December 17, 1999, after nearly 11 resolutions, the United Nations Security Council resolution of 1284. The UNSC established the UNMOVIC. This resolution was initially rejected by Iraq, as it did not lift the other sanctions imposed from 1990. Resolution 1284 was divided into four parts where it was meant to reaffirm mandates, rights, privileges, facilities and immunities and the International Atomic Energy Agency’s mandate in Iraq. The resolutions main focus was to establish ongoing monitoring and verification, which requires Iraq to meet humanitarian needs and other enhancements of the program. In addition, resolution 1284, required Iraq to export oil for humanitarian needs and return stolen Kuwaiti property (United States, President, 2000, pg. 3-4).

In part the resolution 1284 was divided into four sections, the first part of the resolution required Iraq to give immediate access to any area installation, equipment, documents or person to the Security Council. The second part of the resolution was to address the return of any Kuwaiti and personas from other countries to their respected country. The second part also required that Iraq report the progress and cooperate with the International Committee of the Red Cross. Part three of the resolution permitted countries to import unlimited amount of petroleum and petroleum products from Iraq, which was previously limited. Finally, the fourth part of resolution included the prohibition against sale, supply and delivery of civilian commodities and products to Iraq (United States, President, 2000, pp. 11-12).

3.3 The legal and logical time to lifting Iraq from the sanctions

In 2003, following the invasion of Iraq, former President George W Bush, had called on the United Nations to lift economic sanctions that were imposed on Iraq. However, the proposed lifting of sanctions could have only occurred should the UN Security Council deem Iraq free of weapon of mass destruction. The purpose for the push
to lift sanction so quickly in Iraq, was mainly so that the U.S. could have better access in ruling over Iraq Oil. In addition, it would also allow them to develop a new Iraqi administration and free range to control exports of Iraqi oil. However, this is only the beginning of drawbacks that Iraq faced with all the sanction that would either need to be lift or partially lifted (Oil Daily, 2003).

The main purpose of the sanctions was placed after the invasion of Kuwait. The sanctions were meant to have the Iraqi forces withdraw their position and have the Kuwaiti power of government returned. The UN also wanted to weaken the Iraqi military and their authority forces. In terms of the Iraqi forces and having them withdraw was a success for the UN. However, when it came to the sanctions imposed to change the domestic and regional part of Iraq, it proved to be more complex to implement. However, the sanctions placed on Iraq always fell short of achieving the actual purpose for the UN. In other words, the sanctions were causing more damage to the country of Iraq and its people. The UN is known to have imposed sanctions on other countries around the world, however, the UN received serious backlash for the harsh sanctions placed against Iraq. Should those sanctions continued then the state of Iraq would face further repercussions and impact the rest of the world with regards to oil distribution (Khadduri, 2000). Today, more than ever the UN continues to draw back on the sanctions as they hinder the future of the country and mass production of oil.

3.4 obstacles that prevented the complete end of sanctions from Iraq

Part of the problem found after the invasion of 2003, was lifting some of the sanctions. The prospect of lifting some of the sanctions or improvising on some of the sanctions implemented was unwelcomed given the relationship between Iraq and the U.S. Opposing opinions ultimately ensured that sanctions remained in place in the meantime. In the past it was deemed that Iraq must cease all makings of mass destructions and destroy all weapons that exist. Now that it was found that no weapons exist or creation of them, sanctions can be lifted (Knott, 1997). The U.S. and its allies are deemed responsible for their inability or even their resistance to ease some of the sanctions. Furthermore, Iraq and its government are also responsible for now following through to improve some of the humanitarian safety provisions that were imposed (Lopez, 1998).

Despite the sanction, following the 2003 war Iraq managed to export revenues of $700-800 million through small and illicit oil trade with neighbouring countries, such as Turkey and Iran. Despite the sanctions, many impositions lacked in their ability to keep
imports in check, as the U.S. backed some of these imports. In effect, revenues rose for the country of Iraq and have also suggested that it was manipulated the oil markets. The Iraqi sanctions still face several issues that are up to debate. The sanctions face several obstacles such as the new government implemented, the rise of many leaders within the country, and the overall divide within the country (Ibid).

Since the collapse of the previous Iraqi government under Saddam Hussain in 2003, Iraq has gone through several reformations of the current government since 2003. However, because of sectarian divide, ethnic tensions, internal political conflict, and foreign involvement, all have hindered the establishment of a cohesive government. As the state looks to rebuild and form a new constitution the four factors mentioned are affecting the state of Iraq’s democracy and ability to establish an all-inclusive government. From 2003 until 2011 U.S. coalition forces had invaded Iraq and occupied the state with several impending operations. As a new government was established, several groups have emerged as a result that either wanted to form their own government or simply create a state of their own. For example, terrorist groups such as ISIS or Al-Qaida were two organizations that emerged and formulated their own rules and laws because they disagreed with the current and past government. Some groups who have rebelled against any of the forming government Iraq, have taken measures to into their hand and are attempting to reclaim territories. It is important to note that the Sunni groups were often accused of terrorist activities, since many of the terrorist groups such as ISIS and Al-Qaida are Sunni based (Al-Ali 2014, 104). Other groups such as Sunni, Shia, and the Kurds have all emerged and wanted to be part of an all-inclusive government, however with the elections it excluded more group rather than encompass them. Although Arab Sunni’s make up only 20 percent of in Iraq, they have held the longest reigning power in the country. This is a considerable low number to the Shia group who make up 65 percent, and the Sunni Kurds are approximately 17 percent in population (Country Report 2017). The research focuses on several variables that have further highlighted the divide between the two sectarian groups. These variables include the lack of democracy, sectarian divide and foreign influences.

3.4.1 Democratization in Iraq

Iraq is known to be a diverse country with various ethnic and religious groups. Although, for decades now the state does was not operating in a unified state manner. This is mainly because each group has their own specific interest that want to be
accomplished. In other words, the state was not operating in a cohesive form of government or state of being. For example, the Kurdish people did not have the same rights that Arabs have in being able to participate as part of the parliament. In Iraq following the invasion, the state, under the guidance of foreign powers, attempted to become a self-governing system that intended to include Kurdish, Shia, and Sunni Arabs. Although the intention was to create an all-inclusive government, which means that each group is able to participate and be diverse, this was not the exact plan that was maintained. For example, instead of having a diverse group of parliaments that consist of Shia, Sunni, and Kurds, each have their own self-governing region to lead. Iraq’s transitional government plan however did not clarify that it would mean that each group would have their own region to govern and not be a part of one large government entity (Day 2006, 121-122).

The problem with establishing democracy in Iraq as the research points out, is that many of the difficulties was coming to an agreement between the groups or otherwise known as parties. The parliament and government formation in Iraq proved to be an extreme slow process, made even more complex by the sectarian and personal interest that were guiding Iraq’s interests (Barns 2011, 101). Furthermore, researchers have shown that in order to have democracy it must be established to protect the rights of majorities and minority groups alike. To have democracy succeed, the government would need to focus on consistence of cultural views, compromise, negotiation, and balance of power. Researchers point out that democracy can also be a negative aspect to a government. Stephen Day suggests that democracy can be achieved, but it is done so in the interest of one group and not the other. Furthermore, the author also suggests that democracy can also abused depending on how power is distributed amongst groups. For example, Kurds, Shia, and Sunni’s all have a part in the Iraqi government and an equal political office is distributed. However, geographical distribution is an obstacle and it is fixed. In other words, depending on where a specific group resides they hold the power to control the resources that is within their territorial land (Day 2006, 130-132).

Another obstacle that is preventing democracy in Iraq is that democracy is being forced, which has led the people of Iraq to disarray. Scholars have argued that the invasion did not create the democracy that was hoped to be gained. Democracy was not achieved because of several objections (Dawisha 2004, 5). One of the objections is that the Iraqi society was too fragmented as a country to have election and create an equalized government. Another objection is shown that several groups were repressed and were
excluded from participating in the government, or if they were they would be given a minimal role. In order to have democracy exists in Iraq, time and commitment is needed to be used to achieve democracy. The state of Iraq was not given proper time to achieve democracy nor was there long-term commitment plans implemented to achieve this goal. The research suggests that it was expected that the state of Iraq would return to a stability and take on a functioning state. However, with the continued distress of Iraqis and the split between societies this mission outlook was not achieved as part of the plan (Dawisha 2004, 9-10).

3.4.2 Sectarian Divide

Sectarian divide has been evident in Iraq since it gained independence from the British government. The situation between the two groups intensified even further following the invasion of 2003. Scholars point out that this ensuing civil war began with the collapse of the previous Iraqi government under Saddam Hussain, while others point out that this civil tension has been present even well before the 2003 invasion. Furthermore, the research indicates that there are several events that contribute to the divide and not one particular event (Barns 2011, 96). After the fall of the Ottoman Empire, Sunni minorities have gained control as a result of empowerment by the British. Sunni’s became more effective since they increased in power with the rise of the Baath Party in 1963. It was not until the Iranian Revolution from 1978-1979 did the Shia begin to gain power and some semblance of control (Blatt 2017, 45-46).

The political impasse occurring in Iraq is not as new nor was it designed to be democratic as much as it was pushed to be. When the U.S. invaded the state, the influences in the country began with that invasion. Instead of establishing a democracy, the U.S. instead created a one-party political system that created a division between ethnic and religious groups. Researchers further elaborate that Iraq is a divided state based on territorial entity not only because of sectarian divide. In 2003, the elections in Iraq along with the newly reformed constitution excluded several groups from participating in forming the new constitution. Similar accounts were reoccurring in the 2005 election, where the Sunni groups along with the Kurds were still being excluded from having an input on the reformation of the constitution. The newly elected government was mainly Shia base, which excluded the Kurds and Sunni’s from participation or having a voice in the parliament. This led the transition process of Iraq’s political and economic system to be delayed and prevent the government from being an all-inclusive institution
Iraq faced one of the most violent protests during the 2005 elections; however, Iraqi citizens pushed through to and voted for an inclusive government that would include all three groups. Although Iraq has faced an inconsistent system of political play, they have somewhat begun to establish a solid entity (State Department 2006). The events of the Arab Spring have highlighted the disconnection between the citizens and the government, but it also pointed out the divide between sectarian groups. This is particularly so as we see the Kurdish community being excluded from the formation of the government in Iraq. This in turn affected the outcome of 2014 parliamentary election in Iraq, as it highlighted that the divide has only increased conflict and eventually fed terrorist groups agendas (Scheibel 2014,152).

3.4.3 Kurdish Group

Following the fall of Saddam Hussain, violence, conflict, and tensions between Shia, Sunni, and Kurds continue to threaten Iraq’s ability to become stable and achieve democracy. In a state that is dominant by Arabs, Kurds have been repressed time and time again in this ever-divided society. After the collapse of the previous government, Kurdish leaders Masoud Barzani and Jalal Talabani, urgently participated in rebuilding the government and the states well-being. Barzani and Talabani were amongst the very first leaders that attempted to engage in the re-establishment of the government, which also included their support on Iraq’s new constitution.

The objective behind the Kurds support is to create a more federalist state in Iraq. In other words, they wanted to be part of the government of Iraq and recognized as an ethnic group with their own lands. The Kurds suggested that the Iraqi government should follow a multi-ethnic federalist system (Rafaat 2008, 405-406). This would allow all forms of groups to participate and establish their own rules and land. However, this federalist idea was rejected since no apparent agreements was reached. Additionally, officials argue that having a multi-ethnic federalism would create further divisions and may lead to ethnic cleansing, and favoured a mono-national federalism state (Rafaat 2008, 408-409). The idea of a mono-national federalism was pushed because it would prevent any separation of territories within Iraq, or have any of the three major groups (Shia, Sunni, Kurds) create their own state.

Historically, the Shia and Kurds were the two groups that were repressed in Iraq during Saddam’s regime. During Saddam Hussain’s regime, Iraq operated under a strong and centralized government, which was mainly Sunni based. Sunni’s rejected the idea of
a building a federalism, fearing that it would create a divide of the state of Iraq. Following
the collapse in 2003, when the new constitution was drafted the Shia and Kurds pushed
for a democratic federal system. This would have allowed the Kurds to be more
independent; however, Sunni oppositions opposed the new constitution (Khalil and
Sanders 2005). Another reason why the constitution was rejected was because the Kurds
along with the Shia attempted to implement a new article (known as Article 140) within
the constitution. This new article would allow the Kurdish region right to manage their
own oil resources. By implementing this article, the Kurds would not be going against the
constitution or by passing the laws. Rather, it would fall under the constitution provisions
section that focus on resource management and does not conflict with federal government
laws. Article 121, Section 2, of the Iraqi constitution, allows superiority regional law over
federal law, when it comes resource management, which falls out of the constitution
provisions. In other words, Kurds would be able to take control of their own land and the
resources that come with (Stansfield and Anderson 2009, 140-141).

Iraq has a history of repressing and excluding Kurds from gaining positions of
power or even allowing them to assimilate into the state. Since 2003, it was apparent that
three major groups in Iraq all had one idea in mind, and it is to rebuild a stable and
democratic state. However, each group also does not support either a mono-national or
multi-ethnic federalism. For example, the Shia group rejected federalism all together
since it serves outside influences then their own. The Sunni groups whether they be
radical, former Ba’athists, or secular simply see federalism as undermining everything
they have built and established. Finally, the current Iraq government simply want a strong
a centralized government (Rafaat 2008, 410-413). Each of these groups have their own
vision in mind when comes to the state of Iraq. This form of mind set and interests have
deepened the divide between the groups.

The Kurds have always had an active role in the re-establishment of Iraq. Since
the war in 2003, Kurds have actively joined in assisting U.S. forces with security and anti-
terrorism measures. Today, the Kurds continue to be active in the government of Iraq.
However, with political unrest and continued ethnic and security problems that seems to
continue to plague Iraq, it is a gray area on how long the Kurds can continue to participate.
Since the Kurds have been excluded for so long from government formation, they have
now been pushing for independence. In other words, the Kurds are pushing to become an
independent state from Iraq and establish their own state (Yildiz and Blass 2004, 155-
156). This maybe a long process until Kurds are able to achieve their independence. The
Kurds occupy most of Northern Iraq, which houses many natural resources including oil. With legal rules to overcome along with a balance of power, the road to independence will be long (Ibid 2004, 158). The Kurds in Iraq cannot achieve independence because of how the region is currently divided. Furthermore, their independence would lead to a centralized and tyranny system based on the role that the national army plays and the oil reserves in the region (Rafaat 2008, 421).

3.4.4 Foreign Influence

It comes to no surprise that the U.S. has continued to influence the state of Iraq following the invasion. The research has shown that the U.S. led coalition has received differences of views due to their presence in the country. In 2003 the U.S. struggled to put together and elite government system. However, as a new government was established, the U.S. also pushed for a new permanent constitution to be drafted (Dodge 2009, 96). For the Kurds, they established themselves as allies with the U.S. and have joined in the fight against Saddam and his supporters. Today, the Kurds have continued their support of the current Iraqi government and its military in the fight against ISIS. The Shia group on the other hand was previously repressed much like the Kurds. With the aid of the U.S., the Shia group felt indebted to the U.S., as they believe that they were liberated from Saddam Hussain and his regime. The Shia also feared that if the U.S. were to pull-out they would most likely face remnants of the Baathist party again. The Shia makes up 65 percent of the population in Iraq. They have been repressed and have waited to confirm their chance in the government following the new Iraqi government establishment. Finally, the Sunni group are analysed and known to be on the fence when it comes to the invasion. This is mainly due to the frequent attacks against the U.S. and civilians that were carried out by individual sub-Sunni terrorist groups. However, despite the attacks, Sunni communities have attested that they are not associated nor affiliated with the attacks on U.S. troops (Dawisha 2004, 10-11).

Following the war, the U.S. continued to influence the Iraqi government by providing both aid and reforming the government. The U.S. encountered continuous insurgency, economic stagnation, a divided political entity, sectarian and ethnic division, and ongoing terrorist attacks that still continue today. Researchers have all questions as to why the U.S. could not control or how the situation deteriorated so quickly (Flibbert 2013, 67-68). One of the main facts that still can be found is that following what was considered to be a successful election, the U.S. failed to resolve the pre-existing conflict
within Iraq. The main conflict being the ethno-sectarian divide that has been brewing for decades. Furthermore, when more power was given to Shia leaders, Sunni’s took to their own hand and fought back against Shia dominated communities (Katzman 2013, 510-511).

Many believe that the situation worsened due to the lack of security that the U.S. provided for citizens following the dismantling of the Saddam Hussain and the military. Furthermore, researchers believe that the Bush Administration lacked security measures to prevent such attacks from occurring (Flibbert 2013, 68). Other researchers believe that determining an actual cause to the worsening situation in Iraq is due to the uncontrolled sectarian divide, which intensified during the surge. The foreign influence in Iraq failed to address the tension between sectarian groups, especially of those previously repressed. Furthermore, weak government institutions were established, nonetheless these new institutions were empowered and focused strictly on their own agenda and excluded the majority of citizens (Blatt 2017, 43-45).

3.4.5 Iraq Today

The sanctions against Iraq began in the 1990 and were the longest running, most controversial, and punitive of all forms of sanctions imposed on other countries. Many have argued that prior to the war, many of the sanctions were a failure. While others argued that the sanctions were successful in monitoring the weapon movements and the ending of such weapons. When the 2003 war occurred, it was clear to the U.S. that the Iraqi military did not have anything that would be considered as mass destructing or threatening.

The greatest success the U.N. faced was the disarmament of nuclear realm. Following the war, the U.N Security Council inspectors found that no nuclear weapons or programs were evident to exist or built. Despite the success in monitoring the weapon and nuclear programs, the sanctions failed impeccably when it was revealed that it was ineffective when it came to humanitarian costs. It was revealed that hundreds of thousands of preventable deaths were mainly caused by the sanctions, which cut off the trade and oil exports (Lopez and Cortright, 2004). This was deeply devastating the economy and society of the Iraqi people.

The Bush administration deemed the sanctions as a useless as the administration believed that they offered better strengths and ideas for the state of Iraq. The Bush administration wanted to focus on strengthening the country and its systems by
rebuilding. This would in turn rebuild a new military, which would ally the U.S. and strengthen the economy for the country. This idea by the Bush administration allowed for acceptance of renewed inspection and the U.N. Security Council agreeing to improve their monitoring over the state of Iraq (Ibid).

The Bush administration along with U.K. and Spain drafted a proposal to the U.N. Security Council that would adopt Resolution 1438 to lift the sanctions and contains some of the resolutions previously adopted. Some of the rules that the U.N Security Council wanted to implement was to have U.S./U.K. role in Iraq be even and compliant with international law. Other provisions were implemented to improve the sanctions include to first have the occupying powers to promote welfare and ensure that restoration and conditions for the Iraqi people. Second, the occupying powers were to recognize and create the Development Fund to be held by the Central Bank of Iraq. Third, the concern over U.S. treatment of Iraqi oil resources was addressed and that would be left to the Iraqi people to control their own resources (Ibid).

The lifting of the sanctions particularly focused on import and exports of oil have been significant impact on Iraq’s economy. Many neighbouring countries depended heavily on Iraqi oil. For example, the state of Jordan benefited greatly from Iraq’s oil and were on a short-term plan to receive oil from other Arab nations that produce oil. However, these other Arab nations do not produce the same quantity as Iraq. With the sanctions lifted the Iraqi government, despite the unrest views, are resuming with normal trade. As of 2007, oil revenues for the country have brought about 25 billion annually for the country (Martin, 2003).

September 8, 2014, following the parliamentary election, the current Iraqi government prime minister is currently Haider Al-Abadi who represents the Shia group. Today the Iraqi government includes all major parties. The three dominant groups include Shia, Sunni, and Kurds. Each of these parties now have major key leaders that are active in the role of government movements. However, it is important to note that lingering sectarian divide still very much exists, just as insurgent/terrorist groups along with formed militias. Iraq today has a government with a president, vice-president, and prime minister. Along with the government leaders, minister is selected from each of the three major groups. Rounding out the government establishment, there is also a parliamentary speaker and central bank governor selected as well (Country Report 2017).
4 Iraq’s international relations altered by the Sanctions
4.1 The role of United Nations and the applicable of the principles of the UN towards humanitarian crisis in Iraq, which left over from the war

The approach of United Nations in Iraq was in two opposite directions. The positive side was when they constituted the United Nations’ Special Commission (UNSCOM) to destroy and eradicate any weapons of mass destruction. Iraq perceived this as a threat to the whole region. Because the fact was a finding mission and UNMOVIC soon realized that Iraq not only produced a chemical weapon, but also worked intensively to improve a bacteriological elements and weaponized them (Sutterlin, J.S., 2003. p 106-07).

Saddam Hussein was stubborn in his response to the inspections group by UNMOVIC and IAEA, which was one of the core reasons of the United States and the United Kingdom to invade Iraq in 2003. The permanent members in Security Council concluded that there must be a military action to limit Saddam’s ambition of using MDW in the region as a whole and towards his own people as he did in Halabja 1988. The UN would have to find while taking a bold step towards Saddam’s regime to mitigate the humanitarian risks and continued violations of international law. One of the two major insurgencies in Iraq was by Kurdish people in the north of Iraq in 1991. Saddam believed that if he could counter-insurgence and recapture some cities in the south; then he could do so in the north too. Hundreds of thousands of Kurds fled towards the Iranian and Turkish borders. This matter conducted a big concern about the tragic situation of refugees and their numbers, from the international community. The Kurds could have gained the support from the international community. Although those in the favor of the majority of Security Council members adopted the Resolution 688, which condemned the repression of Saddam’s regime against Iraqi people, notably those of Kurdish ethnicity in the northern Iraq. The resolution demanded Iraq to facilitate the access of the international humanitarian organizations into the effected zone (Malanczuk, 1991).

Moreover, Iran showed unwillingness to receive or cooperate with the refugees. The Kurdish people and their leaders repeatedly tried to appeal to the Security Council to provide them the assurance of protection against Saddam’s repression. Indeed, after a great effort from France resulted the adoption of the decision 688.

When military actions ended in the areas between Iraq and Kuwait and along with the accordance of the Resolution 688, the UNSC decided to demilitarize the area between the two disputing countries. In addition, United States took a significant step to protect
the Kurds by demanding Iraq to halt all the military activities in the large area of the north, excluded the oil region in Kirkuk. They also cautioned Iraq of using of force against any interference in humanitarian relief efforts (ibid).

In this regard United States, United Kingdom and France established a no-fly zone in the north of Iraq under the pretext of the Kurds protection, thus through the Resolution of 688 they used this authorization of using force. Although, using force was not included in the resolution. Still, the usage of force was a way to prevent the grave humanitarian crisis or as they so claimed (Gray, C., 2002.).

The other rebellions against Saddam’s regime started in the south of Iraq after the end of Desert Storm Operation. The insurgents in the city of Basra began to attack the Ba’ath’s offices and their administrators, then after they continued onto all the other Iraqi southern governorates. The Shi’a called for help from the US administration but on account of the past experience with Iran, it created new thoughts about the Shias. Moreover, after the attack on the marines’ headquarter in Lebanon in 1983, resulted in the US administration hesitating to reply or even help. The United States did not respond to the Shia insurgency because all of the Arabic countries’ opinions objected the idea of Shia’ controlling and ruling in Iraq, especially Saudi Arabia and Egypt (Mylroie, L., 1991).

In the mean time, cautiousness arose against ending Saddam’ regime. Many thought it might lead Iraq into ethnic and sectarian divisions, particularly in the main parts of Iraq. Saudi Arabia was concerned about new Shia spot of Iran can constitute forms in the north of their borders with Iraq. From the other side Turkey, Syria and Iran, were worried about the possibility of a new Kurdish State rising up. They were concerned that should the Kurdish minorities get enough supporters and back up from their own countries and in turn might affect their state’s unity and integrity (Cockayne, J. and Malone, D., 2006).

The efforts of humanitarian relief were concentrated on the Kurdish people areas. This was due to the pressure and insistence of the powerful states within the Security Council. They could create a “safe havens “as a part of the operation Provide Comfort; to facilitate the home returns of the Kurds refugees through safe corridors. Thereby it was secured 5,500 square kilometres in the Dohuk governorate as safe refugees’ camps. The United Nations’ High Commission for Refugees (UNHCR) were responsible for maintaining the protection and aiding functionalities. 20,000 troops of 13 different countries were participated and contributions of 30 states (ibid). The extraction of the
authorization from the UNSC for the establishing a fly zone in the northern of Iraq had both a significant impact and beneficial effects. Here one can touch upon the shortage of the UN’s performance in the southern areas of Iraq. These areas were not equal as the north was in the terms of humanitarian relief and international protection.

The United States disregarded the repeated call for help from the southern people (the Shia) due to the preference of many Arab countries, especially Saudi Arabia. Thus this enabled Saddam Hussein to eliminate the southern rebellion and re-controlled the main cities after a short time of its eruption. He did so by using helicopters and tanks committed atrocities without any objection from the coalition forces or the UN police (Ibid).

The other direction of the UN approach that was conceived as being not appropriate is the imposition of economic sanctions against Iraqi people. This is the matter holds merit on account of how the Iraqi people were the essential victims of these provisions. It would exacerbate the humanitarian suffering instead of reduce it (Sutterlin, J.S., 2003., p 106-07).

The economic sanctions had been imposed on all commercial moves, banned all the international transportation and travelling to Iraq by land, air and sea. The economic sanctions have had a direct impact on trade; such as the access to essential daily needs of goods, and health and medical equipment (Daponte, B.O. and Garfield, R., 2000.). The sanctions had severe impacts on the ability of the Iraqi government to import the essential goods, thus it affected the purchasing power of Iraqi people. The lack of the goods led to the rising costs of food and basic goods to 25-fold, which was not considered affordable by the Iraqi people. Nutrition and health care are the fundamental elements need for the people’s survival and any deficit would affect human lives. Therefore, the foremost impact of the sanctions in Iraq was the health care system. One must also take note of the fact that Iraq had a weak and less developed health system and often will be affected by sanctions. The war in 1991 destroyed much of the electricity, water stations, sanitation, and communications centres. There was a colossal shortage in food and medical supplies as soon after the sanctions had been imposed. That resulted in rising of Typhoid cases to 5-fold, because the destruction of sewage system and low-birth weight had increased among the births reached to 17% from 4%, This was due to the lack of nutrition available for pregnant women as well as the outbreak of measles and polio because the lack of vaccinations. Furthermore, the infants’ mortality rose in Iraq due to the declining levels
of health care available and the mortality between the people who were also suffering from the increase in chronic diseases too because of the lack of insulin (Ibid).

4.2 The role of international relation for the countries related to the war and the bad massive impact of sever ties with Iraq

Iraq’s relationship became very complicated starting with its crisis in Kuwait during the invasion in 1990. Where the Arab –pan had split up between supportive and opponents, where each one followed their own interests. These countries that opposed the foreign intervention to solve the Gulf crisis and took Iraq’s side were Jordan, Palestine Liberation Organization (PLO), Sudan and Yemen (Lesch, A.M., 1991).

Diving in further, one can illustrate each state’s situation towards Iraq and their prospective. Jordan had a great concern about Israel, for their fear was that Israel was applying the concept of “Jordan is Palestine” and ousting the Palestinians to Jordan, and destabilize the new democratic political system in Jordan. Aside from that, Jordan does not have the power that Israel appears to posses, such as to defend their resources along their frontier with Israel. Therefore, the senior officials and the Jordanian people too were so obsessed with the possibility of the protection by Saddam’s regime that could act as a deterrent to Israeli attacks.

In Baghdad’s Summit in May 1990, King Hussein frankly said, “we exhausted all our materials capabilities” (Lesch, A.M., 1991) Simultaneously, Saddam was fascinated by the Jordanian and Palestinians situation for it depicted similarities to what he was talked about regarding the Arab peoples’ rights. The European colonialism intended the disparity of the region’s resources to deprive the many Arab populations from their resources while being under the western control and their exploitation. Jordan was one of the countries that absented from the decision to use foreign forces to solve the Iraqi –Kuwait crisis beside Mauritania, PLO, Yemen and Sudan in the foreign ministers meeting on August 3d 1990 as apart of Organization Islamic Cooperation (OIC) meeting. Yemen was the only Arab voice in the Security Council at that time and because of its sensitive position, Yemen chose to abstain rather than to be biased with Iraq. Thus Yemen reluctantly accepted the decision regarding the sanctions upon Iraq. Yemen’s situation towards Iraq was supportive in the issues regarding Arab unity and objected the foreign forces presence in the region (Ibid).
Saddam Hussein had critiqued Egypt’s strategy in regards to the peace efforts with Israel. Saddam described the Egyptian model of negotiation with Israel as a weak and with no credibility. Thus, it was clear that Egypt needed a strong credible military in order to be strong enough in the face of Israeli attacks. Egypt newly restored its relation with Syria and Libya, and profoundly looked forward to encouraging the GCC to invest in Egypt. In addition of establishing a safe zone in the Red Sea, Mubarak’s government gave up on the idea to use military force against Israel and followed Washington’s wishes (Ibid). At the regional level, the GCC, Egypt, and Syria, all cut off their diplomatic ties with Iraq; along with a number of other countries at the international level.

4.3 Is their any genuine efforts to help Iraq get out of the Chapter VII?

After Iraq had invaded Kuwait, the U.S. had continued to seek the support from other nations to enforce the strictest sanctions ever inflicted upon another nation on account of global governance. Iraq is known as country whose economy is tremendously reliant on trades such as oil sales, which was the majority of where Iraq’s income derived from. Although there was also domestic production through means of agriculture and manufacturing, nevertheless a majority of the goods used within Iraq was actually imported goods. Yet when the sanctions were imposed, they barred the sales of oil and did not allow the imports of goods other than medicine and food to come in from other countries that were also told to compel and implement said measures as well (Gordon, 2009, p. 358).

When Iraq had invaded and started to occupy Kuwait, on Aug. 2, 1990 the UNSC decided to pass Resolution 661. This particular resolution enforced international sanctions upon Iraq that also froze all its overseas assets as well. This move resulted in not allowing Iraq to import any goods not first approved by the U.S beforehand. It also forbade outside companies from doing any business with Iraq either other than rare special cases. Prior to the start of this struggle around 70 percent of Iraq’s food, medicine, and chemicals for agricultural needs was actually imported. Despite its infinite wealth on account of its oil reserves, now that the country did not have its international trade to fall back on for other means; thus Iraq could no longer feed or support its transitioning modern advancing society (Rieff, 2003).

The sanctions that were enforced upon Iraq during the years of 1990 till 2003 were thought to be some of the strictest sanctions forced upon a country under the pretence of international governance. Thus as a country that is greatly reliant on both oil and imported
goods, the sanctions reduced Iraq into a far weaker state. At the time of the Persian Gulf War back in 1991, the immense amount of bombing of the state ended up damaging tremendous amounts of Iraq’s infrastructure and the sanctions only further hindered the country from rebuilding itself again. These sanctions also caused vast amounts of destruction to various Iraqi industrial productions such as damage to the electrical generators, water and sewage treatment plants, and telecommunications facilities. Then U.N. Secretary General Boutros Boutros-Ghali described Iraq’s humanitarian condition after the Gulf War to be "near apocalyptic” (Gordon, 2006). Then by 1995 the amount of malnutrition and deteriorating health in Iraq reached crisis levels. Thus the Oil for Food Programme (OFFP) was created in the following year of ’96 to permit the importation of humanitarian goods into Iraq to help ease some of the troubling crisis that continued to unfold within the country. The program was agreed upon by a number of political agendas and did in fact help the country considerably when it came to things such as nutrition and health, including a bit of restoration of electricity and other critical public services. Although the following two years after its inception, a number of attacks against the program began to prove that it’s actually corrupt (Gordon, 2006, p.19).

Now many know that the sanctions that were enforced upon Iraq have lasted for more than 20 years now. Former U.S. Vice President Joe Biden spoke of them as a means to “an end to the burdensome remnants of the dark era of Saddam Hussein.” However the sanctions were even more so than just a burden inflicted upon Iraq. These sanctions elicited a great humanitarian crisis upon this nation. The first major one was the resulting numbers ranging in the hundreds of thousands when it came to children deaths alone. The second huge crisis to hit Iraq was the downfall of all systems needed to maintain human life in Iraq’s modern society (Gordon, 2010).

Yet Biden had failed to state the fact that amid the other nations within the Security Council, the U.S. alone was in fact the one to make sure that titanic like numbers of human casualties would occur randomly. This was all resulted by an unclear Security Council committee that many knew little of, they were later identified as the 661 Committee. Yet it was this committee the would decide on matters such as if the Iraqis would receive any clean water, basic electricity within their homes, or even fuel for transportation purposes. Within this particular committee the U.S. had an exclusive position in it; they had met in private and said meetings’ records were never made public. Although over time when Iraq’s situation began to worsen further, so did the support of the sanctions within Security Council itself. For instance, other members within the
Security Council had wanted to get permission to send even more humanitarian related goods to Iraq, yet the U.S. chose to veto this idea. Even during the first eight months after said sanctions were imposed, again the U.S. did not give the consent to Iraq to even import food. Yet when the committee finally did agree, once again the U.S. was opposed to using trucks to import food and later irrigation equipment for agriculture needs for Iraq to start over again.

The policies instituted by the U.S. were both severe and never-ending. They also prevented things like refrigeration, which the Iraqis would have used it as way to preserve certain medicines. Whereas the U.S. thought they would be used in manner to store agents used for biological weapons. The other items that were blocked were things such as plywood, fabric, glue and glass; all harmless in nature yet the U.S. believed the Iraqis would use them to rebuild its military. However, the U.S. did not stop there, for they also blocked out the child vaccines and yogurt-making equipment, again assumed that the Iraqi government would implement them into making weapons of mass destruction. Then later on when Iraq had thoughts to begin increasing its livestock of small animals for meat, cheese, and milk again, the U.S. stopped the vaccines needed for the animals for the same reasons as before, that Iraq would use them to make biological weapons. Finally, when Iraq had sought to bring water tankers into the country when a serious drought occurred especially when widespread levels of sickness befell the Iraqi people from drinking the contaminated waters; but yet again the U.S. prohibited them from doing so. The list of blocking Iraq from importing goods grew even more to include things such as water pipes for irrigation, light switches, telephones, ambulance radios, and fire trucks, all under the assumption that Iraq would use them for rebuilding the military and making weapons again (Gordon, 1999, p.388).

As result of the sanctions the numbers when it came to children deaths, water-borne diseases from contaminated waters, malnutrition in great areas of the Iraqi population, etc., had erupted into unfathomable amounts. The estimated amount of children deaths was around 237,000 children dead under the age of five alone as result of the sanctions along with estimations as high up as one million back 1999. These deaths turned out larger in numbers than the Iraqis that had been killed during the Persian Gulf War, which was an estimated 40,000 in both military and civilian casualties. Still the sanctions were not just distressing the amount of deaths but the continued suffering of the Iraqi citizens, from women and children to the sick elderly, and the poor. Even the state of the wealthy citizens within Iraq had appeared to be disrupted by these events despite
having been spared from these severe hardships. In the end it is plain and simple to see how these sanctions have continued to cause harm to individuals of all ages on equal grounds of a war on a country (Ibid).

Fast-forwarding to the U.S. occupation of Iraq in 2003, around $8 billion U.S. dollars had been transferred to a “Provisional Authority” commanded by an American, supposedly done by the U.N. only for it turn out not to be the U. N’s money. In fact, this money turned out to be the Iraqi government’s oil revenue that been attained from the oils sales from the Oil for Food Programme. Complications only became worse concerning this matter when it was later discovered that the U.N. had never took not off or kept track of this disbursement. Thus this $8 billion was misdirected and disregarded by U.S. officials. Around $4 billion was also passed over without the assistance of competitive bidding to an American corporation Haliburton that was linked to the White House through then former Vice President Dick Cheney. The amounts in the form of hundreds of millions had been paid out in cash to the supposedly “new Ministries” that had been created, staffed and managed by the Americans but without any proper bookkeeping done. This again had proved how the United Nations had floundered in its responsibilities yet again (Halliday, 2005).

With its ill-fated occupation of Iraq, the great costs that had been lost along with loss of many lives, the U.S. appeared to have it sights on the Oil for Food Programme. This in turn resulted in the U.N. overlooking certain parts such as the careless contracting and accounting of Iraq’s money that resulted in the country being robbed of around $150,000. Although one can not overlook that despite the theft that occurred, the program was still effective in raising $65 billion that helped to feed and deliver the basic necessities to roughly 24 million Iraqis from 1997 to 2002.

However again, the problem was not caused by the United Nations’ mishandling of those assets but that Washington permitted billions of dollars in oil sales outside the boundaries of the program. Washington had conceded to 30% of the Iraqi oil revenue under the program and given it to Kuwait while the Iraqi children continued to die from basic provisions such as electricity and drinkable water. The United Nations inflicted a form of genocide upon the Iraqi people on account of the never-ending sanctions for well over a decade.

Till this day Iraq is close to being in a complete political and social pandemonium. The occupation of a foreign military only resulted in temporary changes that did not serve to build any assurance within a number of Iraqis that had thoughts that a better future was
ahead. Instead there is turmoil and despair upon the Iraqi people who became homeless on account of the actions taken by the U.S./U.K. military in civilian areas, towns, and in the neighbourhoods Baghdad and Fallujah, for it resulted in devastating civilian casualties. Those who survived now had to deal with being homeless, unemployed, and had to try to live off whatever little means they could get. The health care and education of the country continued to fall into chaos. It had reached to the point where families became too afraid to even send children to either clinics or schools because they were terrified of bombs dropping on them or they had been kidnapped.

The mayhem within Iraq began to manifest in a series of horrific predicaments that continued to occur nonstop. The first as mentioned before was the escalation of malnutrition that affected a great number of children. Another major issue was the decline in all forms of security that instilled fear in a number of Iraqis of all ages. For example, even young adults became too afraid to attend classes at their universities. Third the deterioration of the police force opened the door to intense amounts of crime such as unlawful murders and killing throughout Iraq; the particular targets included civil servants, intellectuals, doctors and educators. Yet during all of this the U.N. remained silent.

Despite the obvious corruption within the Security Council among the permanent five members, they still took advantage of the U.N. Charter and allowed the invasion and occupation of Iraq. They let things continue on only to end up with catastrophic consequences in the end, yet they were never held accountable for them. Particularly both the U.S. and the U.K., were never blamed for the aftereffects either; instead they were able to hold onto their permanent seats within the Council and their powers of veto. Both countries were not asked to stop what is now considered to be an illegal form of military force upon Iraq. They were also not asked to withdraw their forces either, despite having failed to accomplish the goals originally set down under international law. Not only had they failed to achieve said goals but also took and abused Iraq’s already limited financial resources after under spending their own funds that were supposed to be used for the purpose of rebuilding the country.

The U.N. simply sat back and watched as over 100,000 of innocent Iraqis lost their lives due to the careless bombing, the use of uranium devices, and war related crimes committed by the U.S. and U.K. As mentioned before, the U.S. forces never bothered to count the amount of civilian casualties. The U.N. yet again did not do anything when the U.S. also employed around 80,000 hired guns to aid them in the occupation of Iraq under
no known law. The U.N. continued to stay silent when evidence of American soldiers was brought forth displaying Iraqi prisoners being abused, tortured, and killed after they were arrested and put in jail. They did so with little to no regard for their human rights or explanation to their families as to why either.

After catastrophically weakening the country of Iraq for many years under numerous sanctions, the U.N. has not even bothered to stop nor hold the U.S. and the U.K. accountable for their wrongdoings of the UN Charter, crime against human rights, and other actions committed under international law (Ibid).

4.4 The real reasons behind the procrastination of getting Iraq out of the Chapter VII

When it came down to it in the end not everyone believed what the U.S. chose to do when it came to Iraq was reasonable. The U.N.’s weapons inspectors (UNMOVIC) were in fact doubtful of the U.S.’ reasons when they decided to stop the delivery of humanitarian goods into Iraq. Even the U.S.’ number one ally the U.K., who would later stand with them during the 2003 Iraqi invasion, did not appear to agree with the U.S.’ views on this particular matter. However, the U.S. continued to stand its grounds on the idea that these policies were meant strictly for Saddam Hussein yet they did not appear to be about him. This fact was later proven when the sanctions that were implemented by those in political roles and military leadership and along with the wealthy elite were shielded from the effects of the sanctions whereas the everyday Iraqi citizens were not (Gordon, 2010).

It soon appeared that these policies where a means to demolish a once prospering country by attacking its infrastructure in ways to diminish it to a less advanced state too weak for individuals to live in. It was proven later by the U.N.’s own agencies and international organizations like the Red Cross that the U.S. was aware of how the damages caused by their policies were affecting Iraq.

Again former U.S. Vice President Biden tried to describe the sanctions in a positive light, that when they will finally come to end Iraq will once again rise up to a better future. However, what he again failed to mention was how the sanctions had also caused irreparable damages to Iraq, numerous child deaths, and prevented proper growth in the population due to malnutrition. Not only that but he also failed to point out the other areas that got damaged such as, the downfall of Iraq’s infrastructure, the dreadful
deterioration in the industry, agriculture, electricity, along with health, and education, all of which were not due Saddam Hussein actions as the U.S. had previously claimed. Nevertheless, when compared side by side, the damage Saddam had inflicted upon the Iraqi people is nowhere near as catastrophic as what was done by the U.S. over the years (Ibid).

Going back to January 1991, Congress had given permission for its administration to use military action in Iraq, and so the Security Council had done so under Chapter VII. Later during the winter of 1991, an immense bombing operation was carried out that targeted not just the military facilities but various regions of Iraq’s infrastructures such as its oil refineries, the electrical grid, water and sewage treatment plants, telecommunications facilities, bridges and roads were also either targeted, destroyed, and/or crippled. After this Iraq had right way withdrawn its forces from Kuwait, although the sanctions continued along with the demilitarization plan that was already in effect. After an emissary was sent to Iraq by then U.N. Security General in the summer of 1991, he described it as what was once the most modern and prospers country in the Middle East was now a state as “near apocalyptic”.

The envoy that was sent by the Security General in order asses the damages and how much it would cost to return Iraq to its former pre-war state was said to be over $20 billion. Originally the Security Council had presented Iraq with the option for oil for food exchange back in 1991, although they had declined it. However, it did cause a bit of change, for the plan would have allowed Iraq to sell around $3 billion worth of oil yet they would only be allowed to keep $2 billion of it. Consequently, that would have been too little of an amount to even cover the costs of the restoration of Iraq’s infrastructure (Gordon, 2009. p.360-361).

Despite there being a certain amount of supplies for humanitarian exclusions, they however did very little to aid in relieving the crisis in Iraq. This was mostly on account of the Security Council’s system of enforcement. As mentioned before when the sanctions had first been enforced, the Security Council had created committee known as the 661 Committee to overlook and implement the sanctions. The committee was made up of 15 members each one represented by a different nation of the Council. A past U.N. official described the Committee’s structure as ‘schizophrenic’ in appearance on account of how it had the duty to impose the sanctions while also having the power to permit humanitarian related exclusions. For example, Iraq was not allowed to sell its oil for goods until the programme was erected in 1996. Thus back in 1990 they were permitted to import food
and other goods using their own funds or the donations given to them from other nations and/or organizations. Nevertheless, each and every purchase first had to be validated every time through the 661 Committee. Surprisingly the committee allowed every member to have the power of veto for every single decision. In other words, should one member be opposed to a request from Iraq, then they had the power to reject it.

The outcomes of some of the decisions that were made were ridiculous. A good example of this was how Iraq was permitted to import medication without any restrictions yet it could not import just any food other than the ones that were considered to be “under humanitarian circumstances.” Iraq was only allowed to bring in two-thirds of the food it needed, which resulted in an instant ill effects upon the country. Even though Iraq decided to increase its agriculture productions it was still not quick enough, for they needed an entire season in order to increase their numbers. Yet from August 1990 until March 1991, the committee still could not see to settle on what qualified as necessary ‘humanitarian circumstances.’

Although the United States had decided that only widespread famine with documented evidence would count under the grounds of ‘humanitarian circumstances.’ Whereas the other in the committee such as Cuba and Yemen believed that any food shortages should qualify as ‘humanitarian circumstances’ and allow Iraq to purchase food from abroad. Yet the United States still got their way for all members had the power of veto, thus they could single handedly block such requests like the importing of food. But then in March 1991, once the U.N. agencies began to distribute reports on the various ‘humanitarian circumstances’ throughout Iraq, it was then the country was allowed to import food without the need for prior consent first. Nonetheless from 1991 to 1996, the humanitarian related conditions did not improve within Iraq due to not having the necessary equipment and supplies needed. Hence from 1991-93, Iraq’s infrastructure had collapsed into an irreversible state.

With the continued deterioration of Iraq’s public services, the numbers of child and infant deaths continued to rapidly grow. Not to mention Iraq’s middle class had vanished almost completely. Therefore, the remaining middle class Iraqis had resorted to selling off things such as professional textbooks and doorframes to acquire the money for food. With the rising inflation in Iraq, state salaries became valueless therefore leading to a multitude of teachers, engineers, and doctors to either leave their jobs or the country altogether to find work elsewhere. Consequently, with the mass departure of teachers, Iraq’s educational system started to collapse to the point where children were sent to work
instead of school. Because of this, in 1993 constant demands were being made to the
Security Council to remove the sanctions. This in turn began to show both the U.S. and
the U.K. that they were quickly losing support on this matter (Gordon, 2009. p. 362-363).

As mentioned before, despite the start of the Oil for Food Programme in the mid-
90s that allowed Iraq to sell a certain amount of its oil was still not 100% effective on
account of the U.S. later restricting certain types of much needed imported goods. Thus
even with the OFFP imports helping a little with nutrition and health care, the country’s
infrastructure and public services continued to be critically damaged (Gordon, 2009. p.
365).

Originally the reason for the implications of the sanctions was on account of Iraq’s
invasion upon Kuwait. However, when it comes down to the numbers, there were fewer
deaths that occurred in that invasion in comparison to those that transpired because of the
sanctions. Even after Iraq had withdrawn from Kuwait the sanctions continued to remain
in place even though the reasons for said sanctions were not justifiable anymore. Yet the
reasons for the continuation soon changed to be about Iraq supposedly having the means
to manufacture chemical and biological weapons. Although in reference to UNSCOM’s
assertions on the matter, it turned out Iraq was not actually using them but in fact just had
the abilities to make them if they had originally wanted to. Thus it did not appear to make
sense anymore how millions of civilian deaths were justifiable in reaction to what was
not an act of aggression by Iraq, but under the false claims of them supposedly possessing
weapons of mass destruction (Gordon, 1999, p.389).

Eventually by mid-2002 after numerous efforts, the sanctions upon Iraq were
finally updated to enable the importing of humanitarian goods to be permitted and
distributed faster than before. But little did that help to fix things on account of the
destruction that was already done to Iraq. The supposed positives that came from this
change was finite and then a few months after the U.S. began its military-led invasion

Others have debated that the actual reasons behind the collapse of Iraq was not on
account of Saddam Hussein’s cruelty but instead on account of the UNSC economic
sanctions that they continued to enforce on Iraq. With the restrictions on all types of trades
caused by the sanctions, a once wealthy and prosperous country has been brought down
so low. A number of people saw the sanctions as one of the greatest crimes to be
committed against this country, similarly as dreadfully as to what occurred in Bosnia and
Rwanda. Resentment began to grow against the United States and Britain, as they were
the two who pushed the most for these policies. Former Assistant Secretary of State for Public Affairs James Rubin once asked, “what should we have done, just lift sanctions and hope for the best? I believed then and believe now that that was just too risky, given Saddam Hussein's past, his repeated attempts to invade his neighbours, his treatment of his own people and the weapons we knew he was developing” (Rieff, 2003). In other words, Rubin believed that the sanctions were the only choice they had to keep Saddam Hussein in check so that he would not cause any more damage. General Brent Scowcroft, the former National Security Adviser for the former President George H. W. Bush, had said similarly to Rubin that “what we were trying to do by putting sanctions in was to prevent Hussein from threatening the region” and that “they worked in the sense that he was never able to rebuild his conventional army. When this war started, the Iraqi Army had no more than one-third of the strength it had possessed at the beginning of the first gulf war. But imagine that there had been no sanctions. Is it reasonable to suppose that the weakened Iraqi Army we just faced would have been so weak? I doubt it” (Rieff, 2003).

Despite the U.S.’ beliefs, during the General Assembly the governments of most of the nations in the developing world were passionately disapproving of said sanctions. All those nations referred to the sanctions as being deliberately cruel and only harmed the Iraqi people instead of diminishing Saddam Hussein’s power. Soon others back in Washington started to worry that the sanctions that they continued to defend might have dug them into a deep hole that they would not be able to escape from (Rieff, 2003).

Nevertheless, the five permanent members of the UNSC were divided on the differences on relinquishing Iraq of its military and toppling a corrupt regime. Whereas the two main components of the U.S.’ policy had been the restraints of the regime and the humanitarian program concerning Iraq. The U.S.’ ways to control the regime under the U.N. sanctions had been to deny Iraq of the financial and imported goods it would need for its weapons, ensuring no fly zones in the north and south of Iraq despite not being permitted to do so by the Security Council, and by keeping its own military within the country. The U.S. believes that the sanctions are a form of strong control, for without them the Iraqi regime would regain its power in oil sales, be able to rebuild its WMD abilities, increase its security, and once again threaten its neighbouring countries.

For years now Washington has been trying to get rid of Saddam’s regime. But having failed time and time again, it instead resorted to the use of sanctions on account of their international legitimacy. By keeping Iraq under the sanctions, the U.S. trusted in
them as a way to control the regime in order to fully take care of it more, especially once the Arab-Israeli peace process was complete and/or reestablishment of better relations with Iran. It was the misuse and continuation of the sanctions for years instead of using other means to solve the problems with Iraq that resulted in the rifts within the Security Council; and deterioration of their agreement with one another and political effectuality on the world (Khadduri, 2000).

In the end, the only problems continuing to connect Iraq to matters of its invasion of Kuwait under Chapter VII is the arms embargo and its compensation still owed to Kuwait in the amount of $52 billion. By 2015 Iraq had only $11 billion left to pay, which they had planned to continue to pay off. Despite it all, diplomats have continued to argue that there are still a great many issues in regards to Chapter VII and its continued enforcement upon Iraq even after the removal of Saddam and his regime in 2003. These issues include the freezing and finally returning the assets taken during the Saddam-era; along with the trades ban that was implemented on the Iraqi cultural property (Nichols, 2013).
Conclusion

As we could see in the foregoing chapters, the economic sanctions were not a suitable provision in the way that was imposed. It should have been imposed on military production and targeting key figures in Saddam’s regime only. After 2003, Iraq remained under the sanctions due to few reasons, the international community was concerned that Iraq would recover and rebuild its military rapidly. This quick recovery would impose danger for the coalition forces situated in Iraq. Also, neighboring countries such as Kuwait played a critical role in delaying the process, because Kuwait has the same concern as the international community regarding Iraq’s military power. However, the difference between Kuwait’s concern and that of the international community is that Kuwait’s fear is permanent because of its geographic position vis-à-vis Iraq. Furthermore, the sanctions were lifted partially not totally due to the international community’s evaluation of Iraq’s political process, despite the fact that political evaluation cannot be considered a valid reason to maintain the partial sanctions. Indeed, Iraq’s parties dragged the country into sectarian chaos, and the sanctions affected the people and not the regime or the parties. Again the way of the sanctions imposed did not end the threats and dangers caused by Saddam’s regime.

The purpose of analysing the events and facts in the period of time between 1991 and 2003 and gathering the evidence was to figure out the genuine reasons for the second Gulf war 1991. This analysis also proved that wrong decisions were made by the UNSC concerning the right of Iraqi people by exposing them to the heaviest sanctions after World War II. After analysing and monitoring the events, it became clear that most of the resolutions of the UNSC for Iraq were not stipulated for the use of force against Iraq, except when they needed to expel Iraqi troops from Kuwait territories in 1990. Yet the Allied Coalition Forces led by United States targeted Iraq and damaged it severely. Putting Iraq under Chapter VII and subjecting its people to the harsh embargo for almost two decades can be considered in itself a violation of human rights. Saddam Hussein was the foremost responsible for the second Gulf war, and economic sanctions did not appear to affect him or his entourage. He then remained in power for more than a decade until he was ousted in 2003.

The UN committee and the Inspections group as well known as the IAEA particularly after 2003 were unanimously convinced that Iraq was free of all kinds of WMD. By not achieving any of the conditions that had the potential to impose upon Iraq
under chapter VII, there was no legal obligation to keep Iraq under the aforementioned sanctions. After 2003, Saddam Hussein had been removed, the Iraqi army became weak, and thus Iraq no longer constituted a threat to any country. Moreover, under the new political system that was full of defections and bipartisanship, the neighbouring countries were safer. Thus what are the benefits of keeping Iraq under chapter VII other than the impairment of the Iraqi people? The economic sanctions proved to be a failure in provisions since they lack the components under which the sanctions would be considered as being effective. Again when the United States invaded Iraq in 2003, they helped Iraq to overthrow Saddam from power and changed the entire regime in Iraq. Consequently, many casualties and victims were occurred within the country just to oppose the regime’s policy. It means that the majority of Iraqi people did not approve of the Gulf War.

The international community and the UN procrastinated and instead increased the burden of everyday living on the Iraqi people in order to keep them under Chapter VII. It is crystal clear that the UNSC procrastinated by not issuing any resolution to condemn the US administration for its wrongdoing in Iraq after 2003. Also it is obvious in how they delayed terminating Iraq from Chapter VII until the negotiation between Iraqi side and the UN took place in 2017 that had yielded the resolution 2390 (S/RES/2390(2017).

Both of my hypothesis are justified. First, Iraq should have been removed from chapter VII after 2003, because the main goal of the UNSC resolutions were achieved. The same applies to the second hypothesis. However, the main goals and purposes of these sanctions were achieved by other measures. Again these resolutions damaged Iraq’s citizens.

In the end, there are several important points in this paper. First, the Iraqi people were not responsible for the second Gulf War. Second, exposing the Iraqi people to the economic sanctions is a flagrant violation of the human rights. Third, Iraq should have been removed from Chapter VII after 2003. Lastly the fourth and final point in this paper is that the international interests between countries appear to be way more important than international relations.
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