

PERCEPTIONS
JOURNAL OF INTERNATIONAL AFFAIRS

June - August 1999

Volume IV - Number 2

THE FALLACY OF MULTILATERALISM: THE UNITED NATIONS' INVOLVEMENT IN THE GULF WAR AND ITS AFTERMATH

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The military confrontations between the United States and Iraq have now become commonplace. Clearly, the challenge that Iraq poses for the international community has not changed. The threats and actual use of force against Iraq demonstrate both the fragility of the post-Gulf War stability and the shortcomings of the Desert Storm victory. In fact, eight years after the Gulf War, its repercussions continue both in regional tension, discussions about the role of the UN, and justifications for the use of force. The precedents set by the United Nations' involvement in the Gulf War and its aftermath have had wide implications for the future use of force, the UN's credibility and a multilateral world order.

Underlying the central arguments of this article are these overriding questions: What was the justification for the use of military force in the Gulf War and its aftermath? What precedents were set? Has the UN lost credibility or vindicated its status as the organ of the international community with primary responsibility for international peace and security? And finally, what lessons can be drawn from the UN's handling of the Gulf crisis and its aftermath for the future use of military force? Is unilateralism really dead?

The general trends for the use of military force in the post-Cold War era may not be attributed solely to the precedents set by the Gulf War. After all, the United Nations has failed to address subsequent cases of aggression with comparable speed and determination. Yet it is also misleading to describe Operation Desert Storm as the quintessential example of traditional collective security intervention. The Gulf War is by no means an exceptional case; one that can only be repeated under an unusual confluence of events. It, in fact, inaugurates a new model for the use of military force in the post-Cold War era. The allied resistance against Iraqi aggression represents a novel form of unilateralism, a pragmatic adaptation of the classical collective self-defence to the new realities of the post-Cold War.

The Gulf War: Legal Dimensions

The fundamental objective of any collective security system is to confine the permissible occasions for the unilateral use of force to the narrowest range possible. The assumption is that by bringing the resources of all members of the international system to bear upon an aggressor, a collective security system will assure that no aggression goes unpunished. The United Nations Charter does not explicitly refer to collective security, but it does declare that "collective measures against aggression are a major aim of the organisation." Enforcement measures designed to restore or maintain international peace and security are clearly those measures contained within Chapter VII of the Charter. Article 39 permits the Security Council to make "recommendations" to maintain or restore

international peace and security after it has determined the “existence of a threat to the peace, a breach of the peace, or an act of aggression.” Article 41 allows for the taking of measures “not involving the use of armed force” to restore international peace and security. A resolution adopted under Article 41 of the Charter is binding on all member states within the terms of Article 25 of the Charter, which provides that “the members of the United Nations agree to accept and carry out decisions of the Security Council.” The greatest innovation in the Charter, and the one that promises a major step toward collective security, is the proposed collectivisation of the use of armed force. This power, granted to the Security Council, is embodied in Article 42. Article 43 requires that the Security Council conclude special agreements with member states for the provision of armed forces and facilities to be on call for the Council action.

The Cold War antagonisms between the two super powers severely damaged the ideal of collective security: no troops were placed under the control of the Security Council, and the level of a consensus that had to be achieved before actions could be taken proved extremely demanding. The United Nations’ accomplishments, during the Cold War, were modest and only occasionally—when the Soviet Union was absent from the Security Council—significant, major security interests were handled by defensive alliances led by the Superpowers. In Eugene Rostow’s words, “the Charter’s prohibitions against the use of force have been enforced since 1945—when they have been enforced at all—not by the Security Council directly but measures of individual and collective self-defence.”¹ Self-defence as defined by Article 51 of the United Nations Charter has constituted the only legal ground for the unilateral use of force. International aggression has evidently not been eliminated by the legal prohibitions in the United Nations Charter or by its collective security provisions; the right of self-defence has become the only mechanism available to maintain and guard the survival of states. The unprecedented co-operation of the international community in the face of blatant Iraqi aggression has engendered much optimism for the future of collective security. An obvious question raised by the Gulf War is whether Desert Storm can be considered a genuine collective security operation.

On 2 August 1990, the very day Iraq invaded Kuwait, the Security Council determined that a “breach of the peace had occurred” in Resolution 660. Iraq’s attack against Kuwait also fitted the 1974 General Assembly Definition of Aggression in multiple respects, including the provisions of Article 3 concerning “the invasion or attack by the armed forces of a state or the territory of another state, any military occupation, however temporary, resulting from such invasion or attack,” and “any annexation by the use of force of the territory of another state.”² If this attack were not an act of blatant aggression, then nothing would be. Thus, Kuwait was entitled to immediate self- or collective defence and continued resistance until the Security Council could provide necessary measures for the restoration of peace and security. The question then arises whether the imposition of economic sanctions constituted those ‘measures’ and whether upon their imposition Kuwait was precluded from further military resistance. The controversy was about the meaning of the word ‘until’ in Article 51.

Sanctions are considered prima-facie coercive measures designed to enforce international law or punish breaches of it. Measures within the meaning of Article 51 must mean either the use of armed force or the imposition of mandatory economic sanctions or both. If these means prove to be ineffective, the right of self-defence must revive. By the same token, the Security Council did not just pass any resolution, it imposed mandatory economic sanctions immediately after the crisis (Resolution 661). The imposition of mandatory sanctions by the Security Council was a rare occurrence during the Cold War. Indeed, on many occasions the Security Council simply

recommended to states that sanctions be applied. The voluntary sanctions may show international disapproval of a state's actions, but they are not generally weapons that will be successful for maintaining and restoring international peace and security. Unfortunately, owing to the paralysis in the Security Council caused by the Cold War, there have been only two examples of binding collective economic sanctions being imposed by the Security Council before the Gulf War: those against Rhodesia (1966) and South Africa (1977). In the Gulf case, sanctions were imposed immediately and were supported by all states. Sanctions against Rhodesia were equally comprehensive, but there was no enforcement except Britain's blockade of the Mozambique port of Beira against vessels with Rhodesia-bound oil. Sanctions against Iraq have been the most comprehensive and most effective use of such measures. If the sanctions in the Gulf crisis did not constitute "necessary measures" for the maintenance of international peace and security in the meaning of Article 51, nothing would.

It has long been argued that the Security Council's debating and passing of resolutions about the Falklands crisis did not prevent Britain from using military force in self-defence, and there was no standing objection to the use of force by the international community. The Security Council Resolution 502 simply called for "cessation of hostilities"; it did not impose mandatory economic sanctions to repel Argentinean aggression. A Council decision that calls on an invader to withdraw and to cease hostilities is not the same thing as taking action such as an economic embargo under Article 41. There has to be a legally binding decision to suspend the right of self-defence. Any sanctions resolution adopted under Article 41 is included in this category. The intention behind economic sanctions was to remove Iraq from Kuwait, the basic objective that would be behind an action in self-defence. The Security Council also made it clear in all of its resolutions that it would "keep this item on its agenda and to continue its efforts to put an early end to the invasion of Kuwait by Iraq." The major issue then becomes whether the right of self-defence could have been revived, if sanctions had not removed the aggressor and the Council was deadlocked on the issue of military force. The Gulf crisis did not provide an answer to this question: first, the Security Council eventually authorised the use of force, and second, by affirming the inherent right of individual and collective self-defence, in accordance with Article 51 of the UN Charter, Resolution 661 and subsequent resolutions set the scene for a defensive military action in the future. As in David Scheffer's words, "they reflected a consensus about the continued existence of an inherent right of self-defence."³

The Council's affirmation of the right of self-defence in Resolution 661 justified the case for naval action against Iraq to enforce the embargo. Even before Resolution 665 called upon "those member states co-operating with the government of Kuwait to use such measures as might be necessary to halt and inspect cargoes in order to 'ensure strict implementation'" of Resolution 661, the United Kingdom and the United States were already effectively enforcing the embargo using their naval forces in the Gulf, relying on their right of self-defence on behalf of the government of Kuwait. To a certain extent, it appears that the Security Council legitimised the activities of a few states, as with the Beira patrol of the UK, which is a long way from the Charter ideal of command by the Military Staff Committee and control by the Security Council. Even those states wishing to use force claimed that they already had a legitimate right of self-defence. They then asked for Security Council authorisation to give their actions an additional legal basis and international respectability. Resolution 678 which authorised the use of "all necessary means" to uphold the Security Council resolutions previously adopted was also addressed to "member states co-operating with the government of Kuwait." According to Abram Chayes, "(Resolution 678) implicitly acknowledged that troops were on the scene in the exercise of the inherent right of collective self-defence ...

subsequent use of force in the Gulf was grounded on a combination of collective authority of the Security Council and the right to act 'unilaterally' derived from article 51."⁴

There is a great deal of controversy and confusion about the precise legal basis of Resolution 678. The Security Council did not explicitly refer to Article 42, when it adopted Resolution 678; instead, the Council invoked its authority under Chapter VII to authorise military action against Iraq. Article 39, which permits the Security Council to recommend military actions, after it has determined the existence of a "threat to the peace, a breach of the peace and an act of aggression," provided the legal basis for Resolution 678. This was an authorisation, not a legal command; it did not require member states to implement the earlier decisions of the Security Council. It was left to the decisions of each member state whether to commit troops to the military campaign or not. Article 42 is the only provision in the Charter that explicitly empowers the Security Council to take action by armed force. By avoiding a direct referral to this article, the Security Council intended its authorisation to fall clearly within the scope of collective self-defence under Article 51 (also in Chapter VII). Moreover, the armed forces of the co-operating states were not placed under the control of the Security Council. The Council did not designate a unitary command; no reference was made to the use of the UN flag. As the then UN Secretary-General, Perez de Cuellar, complained to the press, his office had no role or responsibility in the operation:

What we know about the war is what we hear from the three members of the Security Council which are involved—Britain, France and the US—which every two or three days report to the Council on the actions that have taken place. The Council which has authorised all this, is informed only after the military actions have taken place. As I am not a military expert, I cannot contemplate how necessary are the military actions taking place now.⁵

The joint military action against Iraq could not represent a model for a genuine collective security operation. For all intents and purposes, the Gulf War was a war of collective self-defence under the aegis of the United Nations. Collective self-defence action did not require the Council's approval or authorisation; there was no legal precondition for the use of force against Iraq within the limits of self-defence. Resolution 678 conferred political legitimacy upon the operation, clarified its objectives and bolstered the solidarity of the Coalition.

The UN was widely seen as being a stronger and more effective organisation after the Gulf War experience. It was important that the Coalition forces referred to and applied the UN Charter, when they had the legal authority to act alone. Yet the co-ordination and control of policy and actions almost exclusively by the United States have cast a shadow over the authority of the United Nations. The United States engineered the Security Council resolutions; it pressured for the adoption of Resolution 678; it provided the bulk of the Coalition forces and retained their command. In other words, the US was given a free hand in determining the means, timing, command and control of the operation. In theory, the Security Council could, if it so decided, order the termination of the allied operation; but in practice, it could not do so over the objection of one or more of its members. The disproportionate authority exercised by the United States over decision-making and implementation has subverted the authority and credibility of the United Nations.

Self-defence, collective or not, is by definition a unilateral exercise. In essence, it is the only form of unilateral use of force allowed in the UN Charter. The use of military force in the Gulf War was a classic case of lawful unilateralism; it was, however, the degree of co-operation among the permanent members and the novel emphasis on the United Nations and sanctity of international law

that represented significant departures from the past. If military force is going to be needed to uphold the UN resolutions in the future, the ad hoc manner in which Iraqi aggression was challenged is likely to serve as a model. There is no doubt that we are further away from a genuinely multilateralist collective security system after the Gulf War experience. In the absence of military forces placed on-call at the disposal of the United Nations, the new precedent set by the Security Council is nothing but settling for the second best.

THE AFTERMATH OF THE GULF WAR

Cease-fire

The Gulf War exposed several weaknesses in the UN system, but what came after the Gulf War posed even more serious challenges to the United Nations than the military campaign waged against Iraq. The dubious legacy of the Gulf War has left its imprint both on regional stability and on the subsequent uses of force against Iraq. Contrary to the popular sentiment that has prevailed since the Gulf War, what has proven more debilitating for the UN system in the aftermath of the war has not been a deadlocked Security Council, unable to pass resolutions as they might become necessary. It is the declining will of the permanent members to carry out the terms of the resolutions that they have themselves approved. The United States has become ever more isolated on its unilateralist stand to compel Iraqi compliance with relevant UN resolutions. The United Nations has lost whatever authority and leverage it retained over Iraq during the Gulf War; its role has been reduced to that of a passive bystander on the several occasions when force has been used against Iraq since the end of the war.

The terms of the cease-fire that ended the Gulf War were made in UN Security Council Resolution 687 on April 3, 1991. This resolution set up a UN Special Commission (UNSCOM) which together with the International Atomic Energy Agency, was to monitor the dismantling of Iraq's weapons of mass destruction. The work of UNSCOM was approved through Resolution 715. Iraq was required to accept unconditionally the removal or rendering harmless of the specified weapons and missiles. It also has had to submit full details of the location of such weapons and undertake not to use, develop or construct such weapons in the future. The resolution allowed for the progressive lifting of sanctions if Iraq's weapons of mass destruction were eliminated, the Baghdad government respected the border between Iraq and Kuwait set in 1963, and Iraq pledged to the Security Council that it would not commit or support any act of international terrorism.

Resolution 687, which articulated the terms of the cease-fire previously established by Resolution 686, provided the legal framework for the appropriate conduct of Iraq and the Coalition members in the post-Gulf War period. The provisions of these resolutions are still valid today as they are recalled by the latest Security Council Resolutions addressing Iraq. The obligations of Iraq under these resolutions are unequivocal. There is also enough clarity as to what constitutes a material breach of the cease-fire and what measures will follow if violations occur. The problem is one of the unilateral interpretation and implementation of these resolutions by Iraq and the Coalition members alike. Thus going back to the original text of these resolutions in order to comprehend fully what exactly they entail is imperative.

Resolution 686 affirms that all twelve resolutions that were passed preceding the Gulf War, including Resolution 678 that authorises the use of force, "continue to have full force and effect." Among other things, Resolution 686 demands that Iraq "cease hostile or provocative actions by its

forces against all member states including missile attacks and flights of combat aircraft.” The most important provision of Resolution 686 and the one that has ongoing significance is paragraph 4: “(the Security Council) recognises that during the period required for Iraq to comply (with its obligations outlined above) the provisions of paragraph 2 of the Security Council Resolution 678 (1990) remain valid.” In other words, the resolution affirms the right of “the member states co-operating with the government of Kuwait” to resume hostilities, if Iraq violates the terms it accepted in exchange for a cease-fire. Resolution 687 articulates the provisions of Resolution 686 and reiterates the commitment of the Security Council to “remain actively seized of the matter.” Hence the question becomes whether the US has sufficient authority to use force against Iraq if the latter does not comply with its obligations under the relevant UN resolutions. The above-mentioned provisions of Resolution 686 and 687 provide strong evidence that the US can lawfully resume hostilities provided that it satisfies a number of conditions. These resolutions by no means provide an unconditional and automatic warrant to use force. First, the Security Council must decide that a breach of the cease-fire has occurred. No member state can substitute the Security Council by exercising its authority without explicit authorisation. The Security Council reiterates its intention to “remain actively seized of the matter” in each resolution. Thus, it indicates that the Security Council has the sole authority to determine whether Iraq has violated its obligations. There is nothing in the text of these resolutions to suggest that a member state can take upon itself the duty of interpreting Iraqi actions. Consequently, the Security Council on many occasions has declared that a material breach of the cease-fire has occurred. Would it then be lawful for the Coalition to resume hostilities? There is yet another condition that had to be met. Every use of force requires the exhaustion of all viable non-violent strategies of persuasion; even the UN’s authorisation does not provide for an automatic warrant to use force. It serves as a licence to use force only as a last resort. In addition, every lawful use of force must satisfy the conditions of necessity and proportionality.

The United States launched a number of military campaigns against Iraq in the aftermath of the Gulf War. To what extent these uses of force conformed to the above detailed criteria will be discussed in the following section.

Military Strikes

The numerous stand-offs that have taken place between Iraq and the Coalition have resulted either from the formers’ violation of the no-fly zones or its obstruction of the UN inspections. There is no question but that, under the terms of the cease-fire resolution, Iraq must provide the UN weapons inspectors with ‘unrestricted and unfettered’ access to all sites. If the Security Council decides that Iraq has violated its obligations, and after all non-violent measures of persuasion are exhausted, then a member of the Coalition can lawfully use force against Iraq, provided that, of course, it meets the requirement for proportionality.

As for the violation of no-fly zones, these were established by the US, France and Britain pursuant to Resolution 688, which defined the Iraqi government’s repression of its citizens, and the refugee problem it engendered, as a threat “to international peace and security in the region”. There is no doubt that Resolution 688 set an important precedent. As David Scheffer argues, “for the first time, the Security Council directed a member-state to stand aside and let international humanitarian agencies operate on its territory to assist citizens victimised by a government’s repression. It stripped the Iraqi government of any right under international law, to refuse admission to the humanitarian agencies. In fact, it obliged the government to make available all necessary facilities for their operations”⁶. Nevertheless, as the then US ambassador to the United Nations told American

Congress, Resolution 688, which demands that Iraq halt its repression of Iraqi civilians, “does not include any authority to enforce prohibition”⁷. It does not directly authorise the use of force to stop such repression. The authorisation for the enforcement of the no-fly zones over southern and northern Iraq cannot be drawn from the previous resolutions ending the Gulf War, as the US and its allies later argued⁸. Even if the Coalition’s declaration of a no-fly zone might have been justified in view of Saddam Hussein’s deplorable record of human rights violations, the decision should have been a genuinely multilateral effort, accountable to the Security Council and under the supervision of the Secretary-general. This would have avoided the criticism of many governments that the no-fly zones are illegal, it would refute the Iraqi claim that the Western powers imposed these unilaterally, and it would make it impossible for Saddam Hussein to exploit the issue as one of Islam versus the West. Unfortunately, neither the US nor its allies have had much regard for such sensitivities, for the concerns of the states and peoples in the region or for the credibility and overall interest of the United Nations.

In January 1993 the US attacked missile sites and a nuclear facility near Baghdad in response to Iraq’s violation of the southern no-fly zone. There was no prior consultation with the Security Council, let alone a decision by the Security Council that the cease-fire was extinct; only a month after the incident the Security Council gathered to condemn Iraq for its defiance of the relevant UN resolutions⁹.

In July 1993 the US launched cruise missile attacks against targets in Iraq in response to an alleged Iraqi plot to assassinate former President Bush while he was in Kuwait. Despite strict provisions of international law that say that terrorist and subversive activities do not constitute an armed attack that justifies an act of self-defence, the US cited its right of self-defence to justify its military campaign¹⁰. Again, there was no prior consultation with the Security Council and evidence that allegedly linked the Iraqi president to the plot was presented to the Council after the end of the attack. The fact that the US took such action three months before the suspects’ trial ended, and based its case on “circumstantial but compelling”¹¹ evidence raised serious doubts as to the true motives of the US in this instance.

In September 1996, after the Iraqi government had dispatched troops to the city of Irbil (in northern Iraq) to exploit a small war between two groups of Kurds, the US attacked Iraq’s air defences in Tallil, Nasiriya, Kut and Iskandariya (all in southern Iraq), and extended the no-fly zone by sixty miles from the 32nd parallel to the 33rd¹². These strikes are especially controversial, since the targets were unrelated to the offence and had no effect on Iraq’s occupation of Irbil in northern Iraq. A central problem with the US action was that it seems unlikely that the US’s use of force was intended to protect the Kurds. The US attacks were disproportionately targeted at the south, away from the Kurdish zone, in an effort to “materially (reduce Iraq’s) ability to mount a threat to the Gulf states”¹³. This only makes sense if the actual US intent in this use of force was not to protect Kurds, but Kuwait. As for the unilateral extension of the no-fly zone, even the closest allies of the United States deplored this. French warplanes have continued to help patrol the previously established no-fly zones, but not in the area unilaterally added to the southern zone by Washington¹⁴.

Taken as a whole, there is ample evidence to suggest that the US and a few of its European allies have arrogated to themselves the exclusive right to interpret and implement the UN resolutions without recourse to the Security Council. This constitutes a clear usurpation of the functions and authority of the United Nations. During the February 1998 crisis with Iraq over the weapons inspections, the United Nations was allowed to function as it was designed to do for virtually the first

time since the end of the Gulf War. First, the Security Council declared that Iraq was in defiance of its obligations under the cease-fire resolutions, then it employed all means of pacific settlement to avert any use of military force. If the UN Secretary-general failed in his efforts to induce Iraq to comply with its obligations, it would then be lawful for the US or any other member of the Coalition to resume hostilities. Whether this incident will remain an exception to the rule or mark the beginning of a new chapter in America's relations with the UN remains to be seen.

Overall, the blatant unilateralism of the US that marks the entire post-Gulf War period has led to its estrangement even from its closest allies. The readily diminishing cohesion of the coalition and increasing number of abstentions in the Security Council resolutions have revealed the deep divisions over Iraq. In each crisis with Iraq, the US has spent almost as much energy—and arguably more clout—dealing with its friends as it has with the Iraqi government. This has not often or necessarily resulted from the desire of the US to impose its will upon the Security Council. The permanent members have also lacked the will to carry out the resolutions they themselves have approved. In the end, the United Nations has come out the biggest loser. The false pretence of multilateralism that has pervaded the entire Gulf affair has had serious consequences for the credibility and autonomy of the United Nations.

THE FALLACY OF MULTILATERALISM

The collective use of force by more than thirty nations acting under the aegis of the United Nations has engendered an elusive image of the military campaign against Iraq as one of a multilateral affair. This stems largely from the fact that multilateral and multinational are often used interchangeably in academic circles. The Gulf War may have been a multinational operation, but it clearly is not a multilateral one. The practice of co-ordinating policies among three or more nations can be defined as multinationalism and this is where the Gulf Coalition belongs. Multilateralism embodies more than a 'nominal' qualification. As defined by Ruggie: "at its core multilateralism refers to co-ordinating relations among three or more states ... in accordance with ... generalised principles of conduct—i.e., principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence ... (multilateralism) in security relations is the requirement that states respond to aggression whenever and wherever it occurs—whether or not any specific instance suits their individual likes and dislikes"¹⁵. Multilateralism requires above all impartiality and consistency; its central underpinnings remain intact regardless of the changing conceptions of what states perceive to be their national interests. A multilateral security system operates on uniform rules for the use of sanctions to deter and punish aggressions and employs collectively designed procedures for implementing them; traditional alliances, on the other hand, are governed by ad hoc procedures and respond to aggression on the basis of "a priori particularistic grounds and situational exigencies"¹⁶. Responding to aggression indiscriminately with equal speed and determinism is what differentiates multilateralism from multinational institutions and diplomacy. As Kevin Hartigan argues, "multilateralism is a demanding organisational form. It requires its participants to renounce temporary advantage and the temptation to define their interests narrowly in terms of national interests, and it also requires them to forego ad hoc coalitions and to avoid policies based on situational exigencies ..."¹⁷

In addition to impartiality and consistency, multilateralism requires respect for international law and restraint in the use of force. This does not allow for the selective application of international law nor does it allow for its use as an ideological tool. Unilateral or arbitrary use of force, except perhaps

within the explicitly drawn boundaries of self-defence, is tantamount to the collapse of the central underpinnings of a multilateral order. Multilateralism above all reflects a genuine belief in the superiority of a world order based on international law and obligations.

Such is the gist of the notion of multilateralism in international affairs. Based on our earlier discussion on the use of force in the Gulf War and its aftermath, depicting Operation Desert Storm and the subsequent air strikes against Iraq as the quintessential examples of multilateralism would be erroneous. Simply, the fact that the Gulf Coalition was an ad hoc one and that it has existed only on a case by case basis in the aftermath of the war contradicts the underlying assumptions of multilateralism. Moreover, the commitment of the United States and its coalition partners to the rule of law has proven less than perfect. On every occasion, the US has claimed to represent a global consensus against Iraq. Washington's consistent undermining through selective enforcement and the rewriting of the UN's decisions, however, has belied this claim. In the words of Richard Hottel, "no country more loudly proclaims its devotion to the rule of law, yet none has been more selective in the law it accepts"¹⁸. The United States' double standard toward the UN resolutions has been a common practice. The US is the one country that so diligently championed international law during the Gulf War yet that overrides its basic treaty obligation to pay its share of the UN's expenses. It is true that the US has paid greater respect to international law than in the recent past, but it has not renounced its right to determine policies unilaterally. "Multilateral when we can, unilateral when we must"¹⁹ outlines the latest strategy of the Clinton administration toward its dealings with Iraq.

CONCLUSION

Taken as a whole, there is ample evidence to suggest that international law is no more than a rhetorical convenience for the United States. The multilateral façade provided by the United Nations for unilaterally mandated and co-ordinated American affairs also serves the same purpose. There is no doubt that unilateral action can seldom, if ever, possess the legitimacy that multilateral action can enjoy: that is the main reason the US so often reverts to the United Nations to provide a legal cover for its affairs. In addition, the pretence of applying the principles and procedures of international law makes it easier for the US to garner the support of the rest of the world. In the final analysis, as in the Gulf War and its aftermath, the UN suffers from the consequences. At a time when most people in the world turn to the UN for meaningful solutions to the new threats and challenges of the post-Cold War era, the permanent members of the Security Council continue to stand in the way of allowing the UN to fulfil its original peace and security mission. The new precedent set by the Security Council in the Gulf War is a far cry from what the founding fathers of the UN had in mind; it is not a viable alternative to collective security and it is certainly not of benefit to the international community. The UN must be accorded full scope to act as it was intended to act, with any ultimate decision to employ force being made by the Security Council in accordance with the Charter. For this to be a genuinely multilateralist collective security system, the permanent members must remain indiscriminate and consistent in the law they uphold.

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