

Was the iraqi use of  
military force in the  
first gulf war justified?



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Was the Iraqi use of military force in The First Gulf War justified? In the end of Cold War, a new problem for the international community emerged. In the summer 1990 Iraq launched an invasion of Kuwait. Since the establishment of the United Nations, the international law has played a significant role in relations between states and the survival of the fittest has no longer been a legitimate reason for aggression. Hence, as Iraq has been a UN member since 1945, its government must have advocated its use of military force somehow. Thus Saddam Hussein took an advantage of ongoing disputes with his neighbour. The purpose of this essay is to prove that the economic frictions between Iraq and Kuwait could not serve as a justification for the Iraqi invasion. Firstly, this paper will examine financial quarrels between the two countries. Secondly, a dispute over price of oil will be discussed.

Financial issues between Iraq and Kuwait have their roots in the Iraq-Iran war. The eight years of fighting have caused economic instability in Iraq. The local government was suddenly forced to deal with destroyed infrastructure, depleted oil reserves, and mainly, with the third largest debt in the world that accounted for \$80billion (CIA, 2007). In short, local economy got in a dire situation and in order to keep the country going, Iraqi leaders needed to obtain extra money as soon as possible. As a result, Saddam Hussein urged Kuwait to write off the whole Iraqi debt and in addition, provide Baghdad with another \$10billion. As Kuwait belonged to Iraq's biggest creditors, the amount of Iraqi debt was definitely not negligible. In fact, Iraq owed Gulf States approximately \$40billion at the time (Freedman & Karsh, 1993).

Hussein decided to advocate his daring demand by claiming that without Iran-Iraq war, Gulf States would have been forced to pay larger sums in order to protect themselves from Iran and its Islamic revolution. Accordingly, in the <https://assignbuster.com/was-the-iraqi-use-of-military-force-in-the-first-gulf-war-justified/>

Iraqi point of view, Baghdad deserved to be compensated for the war expenditures. Iraqi former foreign minister, Tariq Aziz, elaborated on this topic with pan-Arabic rhetoric. In his memorandum to the Secretary-General of the Arab League, Aziz argued that despite the division into states, all Arabs still remained one country and what belonged to one, belonged to all. Therefore, according to Aziz, financial support provided to Iraq by Gulf States should not have been regarded as debt, but as aid (Salinger & Laurent, 1991). However, since the establishment of the United Nations, the principle of the pan-Arabism has not been legitimate. On the basis of Article 2, paragraph 1 of the UN Charter, all states are sovereign. This means they have full authority over their own territory and cannot be forced into a decision they do not want to make. It seems logical that no country would voluntarily forget a huge debt and render another \$10 billion for no service in return. For this reason, Kuwait considered the Iraqi far reaching demand as bullying (Myroie, 1993; Salinger & Laurent, 1991; Bulloch & Morris, 1991). Moreover, there was possibility that if Kuwait had fulfilled the Iraqi request, more Iraqi demands for additional money would have followed (Myroie, 1993; Karsh & Rautsi, 1991). Hence, Kuwaiti government refused to negotiate with Iraq for most of the time and ignored the Iraqi insistence. Nevertheless, when the situation got more escalated, delegates of both parties finally met at a congress in Jeddah, Saudi Arabia. Here, at last, Kuwait made a concession and offered Saddam Hussein and his cabinet a cancellation of Iraqi debt and a loan of \$500million (Musallam, 1996). However, Saddam Hussein did not accept this offer and immediately the next day, on August 1st 1990, sent Iraqi troops on the Kuwaiti border.

According to Baran and Rubin (1993), Kuwaiti government perceived the <https://assignbuster.com/was-the-iraqi-use-of-military-force-in-the-first-gulf-war-justified/>

meeting in Jeddah as a starting point for bargaining and perhaps even further concessions. Iraq, on the other hand, came only to deliver an ultimatum. This essay will now examine this financial dispute between Iraq and Kuwait in terms of international law. As the law stands, a war must be fought for a just cause. Among other things, it mainly means that a war should be waged only as a last resort, when all possible peaceful options have failed (O'Brien, 1981). With application of this rule to the frictions discussed above, it is plausible to argue that Saddam Hussein and his government did not try to solve the dispute by all peaceful options. On the one hand, they were urging Kuwait to negotiate in the beginning. On the other, when Kuwait finally offered a concession, Iraqi government rebuffed it and immediately launched an invasion of Kuwait. Clearly, this time it was Hussein's turn to make a concession to Kuwait. Even if afterwards the bilateral negotiations would have failed, there would have been still other peaceful ways how to solve the problem, such as for example good offices, conciliation, arbitration or judicial settlement. Meanwhile, none of these were employed. From this, one can see that Iraq should not have advocated its invasion to Kuwait with an argument that Kuwait ignored all his financial needs. As the Iraqi demand was very daring, Hussein should have tried much more to bargain and make a compromise. The second pressing economic problem was the oil price. Since Iraqi oil industry accounted for 95% of country's foreign currency earnings (CIA, 2007), petroleum was very important for Saddam Hussein, especially in the post-war years. In order to raise extra revenues necessary for the reconstruction of the country, Iraqi government needed the oil price to grow as much as possible. However, a constraint in the Iraqi plan became once again Kuwait. The Gulf State was <https://assignbuster.com/was-the-iraqi-use-of-military-force-in-the-first-gulf-war-justified/>

producing more oil than Organization of the Petroleum Exporting Countries (OPEC) quotas allowed and this overproduction led to a slump of oil prices. Whereas in January 1990 a barrel of petroleum cost \$20.5, two months later it was only \$18 (Freedman & Karsh, 1993). For this reason, Saddam Hussein was losing a prospect of future revenues. Consequently, Iraq demanded Kuwait to reduce its quotas in exporting oil so that the prices could grow again. This request was completely ignored from the Kuwaiti side. In fact, instead of abiding the oil limits to make more space for increased Iraqi production, Kuwait continued to far exceed them by 0.6 million barrels a day (Salinger & Laurent, 1991). It was as if Kuwait kicked into the hornets' nest. Iraqi foreign minister immediately declared that Kuwait was utterly and knowingly trying to bring Baghdad to its knees" (Salinger & Laurent, 1991, 37). On a meeting of Arab monarch in the spring 1990, Saddam Hussein even escalated the situation further by aggressively stating that "war doesn't mean just tanks, artillery or ships. It can take subtler and more insidious forms, such as the overproduction of oil, economic damage and pressure to enslave a nation" (Salinger & Laurent, 1991: 31). In this way, he directly accused Kuwaiti leaders of waging a war against Iraq. Even though Kuwait never publicly acknowledged being in an economic war with Hussein's regime, from a leaked letter between a Kuwaiti statesman and the Kuwaiti king, it became clear that a part of the Iraqi accusations was justifiable. The letter showed that Kuwait was, indeed, purposely taking an advantage of the dire economic situation in Iraq in order to put pressure on Hussein's regime (Salinger & Laurent, 1991). But still, it was OPEC's rules and OPEC quotas that Kuwait did not adhere to. Therefore, it was OPEC's responsibility to deal with the problem, not Hussein's. A lack of consensus

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among OPEC members about how to deal with the overproduction led to lengthy negotiations and no tangible result for a long time. At last, a few days before the invasion at an OPEC meeting, Kuwait finally agreed to abide the quotas. Nonetheless, it did not change the Iraq's violent intention. This suggests that Hussein used his argument about the economic war only as a pretext for annexation of Kuwaiti territory. Furthermore, looking at these frictions around the oil price in terms of international law again, according to the Article 2, paragraph 3 of the UN Charter, all members must in their international relations refrain from the threat or use of force. However, there is one exception to this rule and that is self-defence. Saddam Hussein was probably well aware of the right of self-defence. Therefore, he tried to make himself look insecure and claimed that Kuwait was waging an economic war and that he was only protecting his country. Nevertheless, in the article 51 of UN Charter, it is clearly stated that a UN member has a right to self-defence " if an armed attacks occurs". Armed is a very important word in the discussed case, because Kuwait did not use army to intimidate Iraq and so Saddam Hussein could not justify his invasion in Kuwait with an argument of waging economic war as well. Based on the previous discussion, it can be concluded that Iraqi use of military force in The First Gulf War was not justified. In regard to the financial disputes and the issues of oil price, none of these can serve as an argument for invasion. In the first case, Saddam Hussein should have put in a more effort to make a compromise with Kuwait. In the second one, OPEC had a responsibility to solve the problem, not the Iraqi government. Moreover, as the international law stands, both Iraqi arguments were not legitimate. In general, Saddam Hussein only confirmed Aristotle's idea, according to which tyrants are trying to make themselves

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look insecure but this is only because they want to obtain what is justly not theirs. Reference List: Aristotle. (1995) Politics. Oxford: Oxford University Press. Baran, A & Rubin, B. (1993) Iraq's Road to War. London: Macmillan Press Bulloch, J & Morris, H. (1991) Saddam War: The Origins of the Kuwaiti conflict and the International Response. London: Faber and Faber Central Intelligence Agency. (2007) Iraq Economic Data (1989-2003). Retrieved 16 August 2012 from: [https://www. cia.](https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/chap2_annxD.html)

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