



**IPI MIDDLE EAST POLICY FORUM**  
**20 YEARS LATER:**  
**THE LIBERATION OF KUWAIT AND**  
**THE ROLE OF THE UNITED NATIONS**

**When:**

Thursday, February 24, 2011, 1:00-2:45pm

**Chair:**  
*Institute*

**Warren Hoge**, *Vice President for External Relations, International Peace*

**Speakers:**

**Mansour Ayyad Al-Otaibi**, *Permanent Representative of the State of Kuwait to the UN*

**Giandomenico Picco**, *Chairman, CEO, GDP Associates and former UN Assistant Secretary-General for Political Affairs*

**Jehangir Khan**, *Deputy Director, Middle East and West Asia Division, UN Department of Political Affairs*

**Roy S. Lee**, *Professor (Adjunct), Columbia Law School and former Director, UN Legal Office, Codification Division*

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**[Attendees were shown a short film about the liberation of Kuwait]**

**Warren Hoge:**

Good afternoon. I'm Warren Hoge, IPI's vice president for external relations. And I'm standing in today for our president, Terje Rød-Larsen, who wanted to be here to host this but who was unexpectedly called away to Europe this week.

I'm pleased to welcome you to this policy forum that IPI is cosponsoring with the Permanent Mission of the State of Kuwait on the 1991 liberation of Kuwait from Iraqi occupation and the role the United Nations played in that effort.

As you've just seen [in the short film], today's date marks the 20<sup>th</sup> anniversary of the day that the coalition forces land assault to free Kuwait began. Following more than five weeks of a strategic air campaign, it forced then-President Saddam Hussein to order his troops to ceasefire and retreat, and liberation was declared several days later. The invasion and occupation, which lasted seven months, presented the United Nations, and in particular the Security Council, with an enormous challenge to international peace and security. And it's important to remember that all this occurred at a moment in history when the world was emerging from the Cold War. We wondered then what kind of international cooperation and collaboration might be available in this new world, and whether there would be a chance to establish a new international modus operandi.

For the UN, Saddam Hussein's action in Kuwait presented a clear-cut case of one member state invading and occupying another member state, and in bi- and multilateral terms the circumstances, produced unexpected new alliances. For instance, the American Secretary of State James Baker and the Soviet Minister of Foreign Affairs Eduard Shevardnadze held a joint press conference and together declared the invasion of Kuwait to be aggression. The case offered a real life test of whether the international community could establish a framework around the idea of punishing and rectifying an aggression. It was a historic challenge, one that I think history shows the international community met reasonably well; though I don't want to prejudge what our panelist would be saying.

The coalition attracted more than 30 nations. Of the 22 nations in the Arab League, 19 supported a coalition that was led by the West. Remarkably, it was a time also when the war planners in Washington felt they stood a better chance of getting approval for a military campaign in the United Nations than in the US Congress. From August 1990 through February 1991, the Security Council issued 13 resolutions. The most notable of which were Resolution 661 imposing comprehensive sanctions on Iraq and Resolution 678 demanding that the Iraqis withdraw from Kuwait within 45 days or face "all necessary means" to get them to leave.

To look back at that period, and how the UN and the international community reacted to these dramatic developments, we have assembled a distinguished panel. You have their biographies printed in your program, but let me introduce them briefly in the order in which they will speak: Mansour Ayyad Al-Otaibi is the permanent representative of the State of Kuwait to the United Nations; Giandomenico Picco is the chairman and CEO of GDP Associates, a former UN assistant secretary-general for political affairs and a member of IPI's board of directors; Jehangir Khan is the deputy director, Middle East and West Asia Division of the UN Department of Political Affairs; and Roy S. Lee, who seems not to have arrived yet, is an adjunct professor at Columbia Law School and former director, UN Legal Office, Codification Division.

Ambassador Al-Otaibi, congratulations to you and your fellow Kuwaitis on this significant anniversary of the liberation of your country. The floor is yours.

**Amb. Mansour Ayyad Al-Otaibi:** Thank you very much, Warren. And now, I'd like to extend actually our sincere thanks and express our gratitude to the IPI, the International Peace Institute, and the officials in charge for co-hosting this event with the Kuwait Mission. I also would like to thank you all for attending and participating in this event. Since this occasion, the 20<sup>th</sup> anniversary of the liberation, is of utmost importance for the State of Kuwait and represent a characteristic landmark in its political history.

The process of the liberation of Kuwait from the Iraqi occupation was indeed a historic and unprecedented achievement for the United Nations. It was a living example of the capability of the international community to adhere and commit to the provisions of the UN Charter; thus, embodying the concept of collective security as well as the maintenance of international peace and security.

In 1990, there were many doubts that the UN would be able to confront the challenge that the Iraqi invasion posed to international legitimacy as well as to its ability to assert itself as a multilateral international tool capable of addressing grave violations of the UN Charter. These doubts were due to series of

transformations that were taking place in international relations that time as well as the fact that the Cold War was at the verge of its end. Despite all that, the UN succeeded in repelling this defiance when the member states mobilized their political will, particularly that of the permanent members of the Security Council; thus, proving that the UN is an indispensable organization capable of addressing international problems and issues that are threat to international peace and security.

Twenty years after the liberation, one could ask what effect did this have on the relation of the State of Kuwait with the United Nations and what role does Kuwait perform in support of the various activities of the United Nations, be they in the field of maintaining international peace and security, or in the development and the humanitarian fields.

In this brief intervention, I would like to shed some lights on some these aspects. There is no doubt that the State of Kuwait, its people and its government, are very grateful for the role of the United Nations in getting them from an occupation which aimed to erase the country as an independent entity and identity from the map. Therefore, after the liberation, we became much closer to the UN since our faith and its central and pivotal role in confronting and addressing the issues and the dangers that threaten the international community became stronger.

Based on that, the State of Kuwait supports the principle of multilateralism, and adheres to international legitimacy and international law. Kuwait always warns against any unilateral action that may undermine the authority and competencies of the United Nations, despite the fact that international action often is beset by drawbacks, negativities and slow pace. However, collective action, when the political will exists, remains the ideal means to confront international challenges. Therefore, the UN is the indispensable organization to coordinate our efforts as well as to mobilize our capabilities and resources to ensure a better environment future and world for the future generations.

The State of Kuwait attaches a great deal of attention to support and back the UN work in many areas. In the area of maintenance of international peace and security, for example, Kuwait, after its liberation, contributed troops to the UN mission in Somalia in 1992, and also decided voluntarily to shoulder two-thirds of the cost of the UN observation mission between Iraq and Kuwait from its establishment in 1993 until the termination of the mission's mandate in 2003. In coordination with the UN and the alliance forces after the end of the military operations and the toppling of the Iraqi regime in 2003, Kuwait established a humanitarian operations center with a view to facilitate the entry of humanitarian assistance that international organizations and agencies were transporting to the various regions in Iraq to alleviate the humanitarian suffering of the Iraqi people.

For a number of years now, Kuwait also hosts various offices of the United Nations as well as of its agencies and programs. Most prominent among these are the UN Assistance Mission in Iraq (UNAMI) and the United Nations Assistance Mission in Afghanistan (UNAMA). To further facilitate the activities of the UN and ensure the maximum degree of coordination and achievements, Kuwait has built a modern center to house the UN operations and gave it as a gift to the United Nations in recognition of its part. This center was inaugurated by the SG in January 2009.

The State of Kuwait is also very keen on fulfilling its financial obligations to the regular budget of the UN as well as to the budgets of peacekeeping operations fully on time and without any conditions. It also provides constant voluntarily

annual contributions to numerous international agencies, programs and funds; active in both the developmental and humanitarian arenas.

Recently, Kuwait increased significantly its contributions to a number of international funds, programs and agencies to become fivefold what it used to contribute in the past few years only. In appreciation of the role that the UN and its agencies play in alleviating the plight of the countries that suffer from natural disaster, the State of Kuwait had decided in 2008 to channel part of its humanitarian assistance to the affected countries through UN bodies and agencies.

In general, during the past 20 years, the relation that State of Kuwait maintains with the United Nations has become more close and more solid. Our support to the efforts and endeavors of the UN shall continue unabated. The challenges of development, the environment and security are enormous. And without the commitment of the member states to implement the international resolutions that are taking, we will not achieve the desired aims in development, nor on facing the effects of the phenomenon of climate change, nor combating terrorism and the proliferation of weapons of mass destruction.

As far as our relations with our northern neighbor, Iraq, we are determined together, and have a sincere desire, to turn the page on the past and look towards the future to build relations on solid foundations that respect international legitimacy, the principle of good neighborly relations and noninterference in the internal affairs. There are also visits taking place at the highest level between the two countries to address and fulfill the remaining obligations of Iraq and of the provisions of relevant Security Council resolutions adopted under Chapter VII of the charter. From its side, Kuwait shall spare no efforts to assist and encourage Iraq in order to fulfill these obligations.

This is a very short intervention, but I'm ready to answer questions and hear your comments when we are finished. Thank you.

**Hoge:** Thank you, Ambassador. Our next speaker is Giandomenico Picco.

**Giandomenico Picco:** Thank you, Ambassador. When Warren first called me to this event I thought that there were so many people happy to celebrate my 20 years I left the UN that they wanted to... they're so grateful I left that they wanted to have a celebration for this event, but it was not for me. I should say a couple of things, as they say in this country, for full disclosure so that there will be no misunderstandings about why I say what I'm saying.

Let me, however, first tell you the object of my few remarks in this regard. I do believe, indeed, that 1991 was the end of last century. And numbers aside, I think there are a number of reasons why this comes to mind, and this probably is so, but I would like to add something connected with the events of Kuwait of that year and the previous year. I think 1991 was relevant not just for Kuwait and Iraq and the region, it was relevant for the international system devised in that ship in 1942 and set up in 1945, and it was relevant, indeed, for the United Nations in particular.

The reason for the disclosure I said is the following: I had been exposed to the government of Iraq during the 80s, as some of you here may know, because I was involved in diplomatic efforts to end an Iraq war, which in fact did actually ended eventually. And I want to tell you that I did have one point of view which I shared with the leader of the Iraqi regime, Saddam Hussein. I really had been a

member of the UN negotiating team in a few conflicts and I really felt then, as I do feel now—and of course this is not the place to elaborate further—that impartiality either does not exist or is totally useless. Saddam Hussein once noted in front of myself and a couple of other people that he did not understand the Europeans. “They’re neither enemies nor friends so I don’t know how to handle them. However,” he said to me, “Picco, I know you’re not my friend.” And that actually was not a joke. Events later in my life brought back to my mind this comment in a rather uncomfortable way.

Now having said that, and giving you my disclosure, I did have a point of agreement with Saddam Hussein; I did continue working on this issue for a long time with him, and against him, I suppose, in his mind. And what happened in 1990 on that famous 2<sup>nd</sup> of August night, I remember very vividly, I could tell exactly what happened to me during that night in that room of the Security Council and outside that room of the Security Council talking to the then Secretary-General Pérez de Cuéllar. We had one-on-one long discussion with Pérez de Cuéllar during the night, and having worked with him for a number of years, we had a... not many disagreements, but a few we had. And the disagreement we had that night was “This is not your business, this is the Security Council business.” That title actually was during those events not only a beginning of a split in other respect as well as the many here, and in a better way could say than I can. What happened that night—and you could almost see it physically—two school of thoughts developed both with regard to the role of the Security Council and the Secretary-General on that particular occasion. And unseen by many—and if I surprise you, I’m sorry to shock you—what happened was an immediate split within the people working with the Secretary-General from what newspapers in this country would call the appeasers in the other side. It was a painful division; it was a very true division. And in the months of August, September, and a few other months during that year, that was a division which had a direct effect with regard to the people involved, but also with regard to the organization.

As the Ambassador mentioned, eventually the split between whether this was a business for the Security Council or the Secretary-General was clearly resolved—and the details I will leave aside. I think three months later, by November, it was evidently clear that the efforts of the Secretary-General had been understood as being different in a way, or maybe they were not, and that the Security Council was actually the leading organ in this particular moment.

And by December, I was kind of asked to come back to the fold from which I’d been expelled on that night of August 2<sup>nd</sup>. And that was the reason why in January 13 and 14 I found myself for the last time in Baghdad; and that was three days, as you know, in two days before the events which were shown here in the brief clip. And in that occasion was I think the last time I sat down in a room with of course my boss, Mr. Pérez de Cuéllar, and President Saddam Hussein. At that time, there were many others who were in Baghdad trying to push what has been—I’d been there for long time since August the 2<sup>nd</sup>—the negotiating school. And the negotiating school was given a slap on the face for the last time on those days when—and I will not mention because he’s still alive—somebody mentioned to a few of us and including to the other person who had been present on the same days by accident, in their case the last foreign minister of Yugoslavia, close friend of mine then and even more later. And they were told, of course, that Saddam Hussein had nothing to negotiate about because—and I remind you this was the 14 of January 1991—nobody will attack because the West is coward and people are afraid to lose their lives, not even 48 hours before.

So, you understand why I was back a little bit in favor. And what happened at that point in my recollection is that really, not only as it was already mentioned at this table, you had togetherness of the permanent members of the Security Council. But it was evident that the role of the Secretary-General had been fading over the previous weeks, and, indeed, it was the right thing for history and for the United Nations that should have happened. Though I was, of course, working for the Secretary-General, I don't think that one should be oblivious to all the realities that are all about. To me, 1991 and those events, therefore, made clear very importantly that the United Nations Charter could have been and was implemented for the liberation of Kuwait in all its aspects. I mean the Chapter VII was not something that you implement every day if you work for the organization.

Paradoxically—and I will explain why—it came to my mind that the liberation of Kuwait was the opposite apogee than another event which had happened 70 years earlier, and that was the invasion of Ethiopia by the Italians. The invasion of Ethiopia by the Italians was the opposite, in many respects. It was an attack and it was also the destruction of the League of Nations. The liberation of Kuwait was an attack approved by the international law, but paradoxically—and I will explain to you why in my view that's what happened—that was in fact the end of the multilateral system as devised in the genius minds of those three individuals in 1942 and approved by the world in 1945. That system, in my view, ended on that day, but ended successfully, and so the usefulness of the organization as it had been conceived in 1945 in which I call fairness in symmetry of a world which had to become fair—and that symmetry did matter from '45 on because the strong was strong and the weak was weak. And therefore, the UN system introduced a concept of fairness in that symmetry—remember, that's the word which I think is relevant because it's no more.

Now, to me that was reconfirmed not only by what I perceived there and then, but also by what happened later. Just think for a moment with me what happened after 1991—Balkans, Somalia, Central Africa. Please, if you can, tell me if I'm wrong. Where was another similar total complete implementation of the charter after that famous day of 1991 in Kuwait? Never again. Never again for a very simple reason—not for fault of the UN. Because the world, it seems to be symmetric, it becomes asymmetric not just because the Soviet Union disappeared, because asymmetry has changed the world and a multinational system has not changed—in theory but in practice it has changed. What has been the biggest change since the great invasion... the liberation of Kuwait—I'm sorry—and the full implementation of the UN Charter in 1991? What has really changed apart from the symmetry and asymmetry? That every single member state is simultaneously today—which was not due to Cold War—weaker and stronger at the same time. It can be in 24 hours. And second, even more serious, that anybody, even the group of Asia, could become a superpower for 15 minutes; but in that 15 minutes, we can change the world. Fifteen minutes give me, and you and I know what I'm talking about in terms of ability to communicate and most of all, last but not the least, the last taboo left of the system invented in '45—though this element was there much before—the nation state as born in Westphalia in 1648 is actually morphing. I don't say it's dead. I say it's morphing. It's something else, which we do not know what it is yet but it's morphing. Why it's morphing? Because the very meaning of borders which was so relevant in 1648 is no more.

When my grandfather was 20, the border's half an hour from my home where one set. When my father was 20, the borders were different. When I was 20, those borders were yet different. But today, those borders are no more. You

don't see them; they're not there. They're gone. And not just because it is part of European Union, they're just gone in many other respects—and here we go to the invasion of Kuwait by Saddam—because fundamentally, the concept of neighbor that for centuries and millennia had been the same, namely, “The neighbor is he who can affect your daily life; therefore, they're contiguous” is no longer true. Now, a neighbor can be somebody who is a thousand miles away and our life changes because of communications, because of cyber space, because of everything as we all know here. And therefore, if the concept of neighbor changes, he or she who can affect your daily life changes, the world is changed.

And in that respect, the UN of 1945, in my view, ended successfully in 1991. And if you want to be more specific, and I want to be more provocative, I would add... allow me then I'd finish, I would add that how... give me any other five-year period—'86 to '91 is my favorite period. Any other period in the history of UN which has produced more conflict resolution than that? Give me any. Certainly not the last 20. They're not just because of the Iraq War and the Kuwait situation and the Afghanistan agreement of '88 and the New Zealand-France, which is a moral matter but I'll mention. If you want to talk about it, none... with no other five-year before, and certainly not later, the UN was more successful. And that the culmination of '91 was so fitting. It was so fitting because it was then that the UN Charter was totally implemented in front of the world, including Chapter VII, in a way which never before it had been.

So in a way, we celebrate '91, in my view, because it was an important year for the UN, but it was a year when the UN began to morph because the world began to morph—except that a couple of people have not realized this yet. Thank you.

**Hoge:**

Thank you, Gianni. You certainly fulfilled the assignment I gave you a couple of weeks ago. That was great, and I hope that will provoke a lot of questions. Our next speaker is going to be Jehangir Khan.

**Jehangir Khan:**

Well, thank you very much. And I thank IPI for organizing this event. And again, I think on behalf of the UN, indeed, congratulations. The Deputy Secretary-General of the United Nations is flying tonight to Kuwait to lead a delegation on behalf of the Secretary-General to celebrate and commemorate together with the government of Kuwait, his highness, the emir, and the other members of the government on this historic occasion. And in many ways, I wanted to pick up from where Gianni Picco left, which I thought was indeed quite an insightful look from somebody who was really at that time at the cockpit. Now, I myself happen to be a very young delegate with the Saudi delegation, seeing it from another side. I see some old friends here who were there at that time as well, and so we did witness, I think, history in the making in the Security Council.

I would say that this is not just the anniversary for Kuwait, but also for the United Nations I think in some ways, as Gianni Picco has already indicated. Because actually, the engagement of the United Nations (which I should add, and I will highlight later on) continues—the engagement of the United Nations, of the Secretary-General, of the Security Council, of the member states with Kuwait and with Iraq. Iraq today is not the same Iraq that was there in 1991; it has gone a long way. And we as the United Nations have been walking together with Iraq and Kuwait throughout that period.

Now I would like to highlight that actually the engagement of the UN, with Iraq in particular, goes back in fact well before Saddam's invasion because as Gianni Picco, I think, helpfully reminded us. And in fact, I think, in some ways, it's a very

illustrative demonstration of if you can trust what happened when Saddam attacked Iran in 1980, the response of the Security Council and of the international community was different. And in fact, it took eight long years. And there was a distinction between what the Security Council was doing and what the Secretariat was doing, what the Secretary-General was doing under the leadership of Javier Pérez de Cuéllar. And Gianni Picco played a critical role at that time to bring a ceasefire resolution, Resolution 598—which, by the way, is still not fully implemented, between Iran and Iraq. And in fact, it gave the wrong signal to dictators like Saddam Hussein that if there is a tepid, halfhearted reaction by the Security Council to grievous violations of sovereignty and international law that they can get away with it. And it was not, therefore, a surprise in retrospect that just two years later, after the ceasefire resolution, eight years of long war of Iraq with Iran, Saddam decided not only to invade and attack Kuwait but literally to take on the whole international community by extinguishing the whole sovereignty of a member state. It was the first time in the history of the United Nations post-Cold War that one member state had decided to flaunt international law blatantly, and decides to, as I said, extinguish the sovereignty of another member state. So it posed a very fundamental challenge to the very charter of the United Nations, to the very principle of collective security.

It was there, I think, a do-or-die moment for the United Nations, whether it was going to live by the principle of collective security. Because as we all know, that was what the charter was all about and here was a very, very fundamental challenge to the international community. And in some ways, to pick up on the theme that Gianni highlighted, I think there were a number of firsts in terms of the role of the United Nations at that moment, at that very, very critical moment. Not only was there the first that they're a living extinction of the sovereignty of a member state, but I will say to you—I guess I would pose you a question—that until 1991, until Saddam decided to invade Kuwait, actually the UN had been hampered and paralyzed almost, particularly the Security Council, by what we might call the Cold War syndrome. Let's not forget that in 1991, we were still... there was still a Soviet Union; there was still a United States; there was still, if not a very Cold War, but certainly a sort of cool war. And like everything else in the UN, we are sometimes a little bit behind the tempo outside. And certainly... and what happened there was that there was a unanimous response, underline it, unanimous response by the major powers, by the P5, and even in the General Assembly, that this action by Saddam Hussein was going to not stand. It was not going to be tolerated, and the UN had to act unanimously.

And so that was a first. And then the other first in that context was how it was going to react. Was it going to be through some mild presidential statement, through some tepid Security Council resolution of which we have many? Or was it going to be through some enforcement action, enforcement measures—Chapter VII of the United Nations, the one that until 1991 everybody knew was on the books. The professors of international law were very happy to educate their students on, but had not really been acted upon in any collective manner. And so, Resolution 678 was adopted, warning Iraq to vacate Kuwait or then all necessary measures, authorizing the use of all necessary measures. Those are the critical operative words to evict the forces of Saddam Hussein from Iraq. And when he did not, there were twelve resolutions under Chapter VII that were adopted from the point of the invasion of Kuwait in August to January, the launch of a multinational action on the basis of Chapter VII resolutions to enforce and implement the resolutions of the Security Council—which then, in a matter of weeks, led to the reversal and the expulsion of Iraqi forces from Kuwait.

So here, I would say that in some ways, you could say that at the UN, the Cold War actually ended as a result of this collective action; and ever since, the Security Council has never been the same, either in terms of its procedures. If you look now, even some of the innovative mechanisms that were established at that time—for example, closed-door consultations going late into the night—it was an innovative mechanism. So there were a number of quite innovative approaches developed by the Security Council not just in having a whole slew of Chapter VII resolutions but there was a very powerful, probably the most—and here's another first—one of the most powerful regime of sanctions ever applied to any member state where there had been previous regimes of sanctions against Rhodesia, against South Africa, but never enforced with the might and the will power. And I think here, the emphasis is the political will that existed in the international community, which prevailed not just at the moment of aggression but that prevailed then for after the end of hostilities. That from 1991 to 2003, there was a whole sort of a cat and mouse game between the United Nations, between the Security Council and the regime of Saddam Hussein. There was, unfortunately, not enough political will at the end by the regime of Saddam Hussein to fulfill its obligations. And serious doubts, as you know, crept in the international community, particularly on some key provisions of Chapter VII resolutions with regard to weapons of mass destruction and the like. And that then, of course, we all know the history of what led to the final conflict, again, where the Security Council was involved.

I know time is limited. Let me just highlight a number of the innovative mechanisms that were developed at that moment in terms of the response of the Security Council. As I mentioned to you, there was a number of disarmament provisions, WMD provisions, whereby a very, very important subsidiary organs of the Security Council was established—and that's another first. Subsidiary organs in the Chapter VII of the UN, in particular UNSCOM and UNMOVIC, which were charged with searching for, monitoring and inspecting weapons of mass destruction programs in Iraq.

In addition, there was subsequent... the ceasefire resolution, and that's a very historic first, and it's still very important that we keep this in mind, the boundary between Iraq and Kuwait. For the first time in the history of the United Nations, the UN was asked to demarcate the boundary between Iraq and Kuwait. And subsequent with that, a resolution was adopted by the Security Council to guarantee... it's the only boundary in the world which is guaranteed by Chapter VII provisions of the United Nations to this day. And in fact, we are continuing to engage the parties with Iraq and Kuwait to ensure that the provisions of Resolution 833 remain valid and respected by both sides.

And in addition, there was a... because of the very comprehensive sanctions regime, there was also, as a result of Saddam's damage—the damages, not just the people that he killed but the damages that were inflicted—the economic damages that were inflicted and the personal damages that were inflicted on individuals, a whole compensation regime, and that still exists up to now. The United Nations Compensation Commission is still working in parceling out the remaining compensation funds related to that.

Now, of course, the other aspect was that there was tremendous suffering amongst the Iraqi people themselves. The world was not at war with the Iraqi people; it was their regime. And there was a tremendous suffering. And so as a result of that, the UN also developed a very important humanitarian program. The Oil for Food Program was established by which proceeds from the oil of Iraq were allocated to help the Iraqis feed them, provide medicine, et cetera. And that

also, again, was a first in terms of the UN provide being the focal point for such massive humanitarian assistance.

And then there were finally a number of sort of intrusive human rights issues: special reporters were established to look into the human rights aspects; the residual aspects in terms of missing persons, the archives, the property of Kuwait which was plundered by Iraq; a special coordinator was appointed, Ambassador Vorontsov first and now Ambassador Tarasov who has continued to engage the parties. And so, all this machinery was really centered on the Security Council and the political will of the member states. And unfortunately, despite this very, very intrusive machinery, it did not help in the end to settle the outstanding issues. And it required another conflict, the conflict of 2003, which, by the way, did not have consensus in the Security Council. And in fact, ironically, almost broke up the Security Council because there was no clear agreement and in some ways, echoes what Gianni Picco said, there were different schools of thought and which in the end led to a coalition action—which, by the way, was still based, and they did invoke and they made it a point to invoke the standing Chapter VII resolutions—in launching the military operations against Saddam Hussein, and eventually which led to the collapse of his regime, and now today a new Iraq.

And as I said, the Iraq of today is not the Iraq of 1991. It is now a full sovereign member state of the United Nations. In fact, just at the end of December last year, the Security Council acted to remove a number of outstanding Chapter VII resolutions, and the Secretary-General has put forward a report under Resolution 1859 highlighting what are now the remaining outstanding obligations. And we continue to work with Iraq and with Kuwait to ensure that the remaining issues between them... we're very happy to see that the Kuwaiti prime minister visited Iraq just recently. The Iraqi prime minister just last week, Prime Minister Maliki was just in Iraq. President Talabani, we believe, will be visiting Kuwait on this historic anniversary, the 20<sup>th</sup> anniversary between the two countries. But still, the Secretary-General and the United Nations and the Security Council remain engaged because this is a responsibility of the UN, because of the legacy of the last 20 years to ensure that we are not just there as peacemakers or peacekeepers but ultimately peace builders. And as we know, that is ultimately up the parties to develop a strong bilateral relationship. It requires that Iraq should complete and fulfill all its obligations to the Security Council with regard to reiteration of the boundary and the Resolution 833, land and maritime boundaries, the compensation provisions which are still there with regard to...and the return of Kuwaiti property. But we can say that there's a new political will in both Iraq and Kuwait to resolve these issues.

In conclusion, I would say that from a historical point of view, it would be remiss to say that the UN in some ways is gone back to doing business as usual. I think that we have benefited inadvertently—because it was a very tragic experience—in making the UN more relevant to the international collective security system even though, as Gianni Picco has mentioned, the Westphalian state system is in some ways morphing, and that in fact will inevitably affect the way in which the UN, which was established during 1945, will have to respond to the new challenges of the day. Thank you very much.

**Hoge:**

Thank you very much. I must say when we began to put this together two or three weeks ago, I was aware that 1991 was an important year but I'm learning an awful lot today about just how important it was. I mean very, very interesting both you and Gianni. Roy, can you speak now? Thank you.

**Roy S. Lee:**

Thank you very much. I will put on my hat as a professor of international law and talk about the legal consequence, significance of the actions taken by the Security Council before and after the invasion of Kuwait. At that time, I was in the legal office, in the Office of the Legal Counsel. Of course, this is a highly political issue, and the Secretary-General is a first-class international lawyer advised by also first-class lawyers around him and also political advisors like Gianni Picco. So the legal office had not much to do, but we did, on a number of occasions, give some legal opinions. One thing was really quite controversial regarding the no-fly zones and the safe havens and which later on was also introduced into the Balkans conflict and that was a quite controversial issues.

Now my first point is that the United Nations is a political institution, and the actions or inactions are very often influenced by the political environment that the security finds itself in. Before 1990, political environment is the most important thing and political consideration is overwhelming; and it was not possible to take actions even when there's every legal justification to do so. But in 1990 when Saddam Hussein's soldiers marched into Kuwait, the political environment was such that the Security Council was enabled to take the necessary actions, but this is only part of it. What to me is more important is that, thereafter, the Security Council followed the provisions of the charter, took all the necessary actions and then all states supported the action taken, and then eventually were able to expel Saddam Hussein's forces.

Let me just give you a few examples. So, first, the Security Council condemned the invasion, and then determined that there was this threat; two, and a breach of peace; then thirdly, demanded the Iraqi regime to withdraw from Kuwait. And all this is consistent with Articles 39, which has never been used in the UN Charter that the Security Council has the legal competence to declare and to determine whether there was a threat to peace or breach of peace. Now three days later, the Security Council ordered comprehensive sanctions and embargoes. The intention was to cut off the contact of Iraq with the outside world and isolate Iraq completely—financially, commercially, militarily and logistically—and then all the states complied with that of course, but there were some violations as well.

The fourth point is that in order to enforce this complete embargo, states were authorized to take necessary commensurate—in other words proportional—measures to stop ships, to inspect ships, inspect the cargoes, and to find out whether there was a violation of the sanctions or of the embargoes. Now this is very unusual because under normal international law that will not be permitted. But here, with the compulsory power of the Security Council under Chapter VII, this was so authorized, and it was considered by all the international lawyers that was consistent with international law.

Now, fifthly, with the intent to deter and prevent any possible attack by Iraq against Saudi Arabia and other neighboring countries, the group of states organized a substantive military buildup in the Arabian Gulf; and Egypt, Saudi Arabia, Argentina, US, UK, France, they all participated in deploying forces.

Now, when all these failed—I'm not going to mention the other details—the Security Council set up a final deadline. And then, at the same time, authorized states to take all necessary means—which means use force—to expel Iraqi forces from Kuwait. Now, of course, on 24<sup>th</sup> February, the coalition of the states succeeded and expelled Iraqi forces from Kuwait.

Now moving to the other aspects, that is that under the UN Charter, Chapter VI says very clearly that all disputes should be settled peacefully and the charter

also has outlawed use of force except in two exceptions: self-defense and collective enforcement. Now, to many military incidents involving use of force before 1990 and most of these incidents, if not almost all of them, tried to justify it under the pretense of self-defense, either collectively or individually. Since the collective enforcement as envisaged under Chapter VII what had not been, could not be and had not been implemented since 1945. Self-defense, whether it's individual or collective, became the only legal tool or a legal instrument to justify use of force.

Now, this has, of course, the necessary implications. You may think that because we have not been able to enforce to use what was intended in the charter of collective enforcement... I'm sorry. Now here, raised the question of what is then the legal basis for the United Nations to authorize states cooperating with the government of Kuwait to expel the invasion. Some international lawyers think it's characterized under what is called the collective self-defense. Well, under Article 51, self-defense as it's defined in Article 51 refers to armed attack and it does not need authorization.

So I personally do not think that is a good explanation. I think the authorization by the Security Council is an innovation and falling within the ambit of Article 42 which authorized states with the blessing of the Security Council to take a range of actions which included this military authorization of the states. And here the important interesting thing is that the Security Council is not directly involved in the providing or deployment of forces, but it just authorized the states to do so. And this I think is a very important, a new way of looking at Article 42.

I now turn to the last aspect, the comprehensive settlement plan set out by the Security Council. Many of the measures taken and imposed on Iraq was also of far-reaching consequence in international law, and as had been mentioned by previous speakers, in the practice of the Security Council and the United Nations. Let me just mention a few things.

First, establish a demilitarized zone. And two, Iraq was ordered to demarcate a boundary by a commission and the boundary is final and binding on both parties. Three, there was total elimination and denunciation of possession and the manufacturing of nuclear weapons, chemical weapons, and biological weapons. Now later on, whether Iraq had complied with this requirements became controversial and formed the basis for those states who decided to use force against Iraq in 2003. Fourthly, Iraq was required to return all Kuwaiti property and assets seized.

Fifthly, to pay compensation—Jehangir Khan had mentioned that—and very importantly not, there were 2.7 million claims and over \$100 billion were awarded to the claimants. And also interestingly, the compensation included environmental damage. You may recall at the end...at the beginning, the Iraqi forces dumped a large amount of quantities of oil into the gulf and before it left, it also burned oilfields. And that is recognized there, and that sets also a precedent in international law.

Sixth, the repatriation of nationals of Kuwaitis and other third parties. Seventhly, the Iraqi Government, Saddam Hussein's regime, was required to cease the repression of Iraqi civilians—the Kurds and Shias—and also it established safe havens and no-fly zones by certain states. And that was controversial, whether that was under the authority of the Security Council and where the Legal Counsel took a different view. But be that as it may, in terms of precedent, it was later on

introduced by the Security Council in the gulf conflicts, so it is a recognition of the means.

Now, to conclude, the international community was able to take all actions deemed necessary in response to the invasion and annexation of Kuwait in full conformity with the requirements of the UN Charter and international law. This is unprecedented, and hence, the significance of the event in international and the UN law will continue to be recognized in future decades. Thank you.

**Hoge:** Thank you, Mr. Lee. I'd like to take some questions and comments from the floor. If you will just raise your hand, we'll get a microphone to you. I see in the back. Could I ask you to stand and identify yourself, please?

**Yuvan A. Beejadhur:** Yes, good afternoon. My name is Yuvan Beejadhur. I'm from the World Bank. Thank you very much for putting such an interesting intellectual powerhouse for us today. I'm very curious to hear the views of the panel on pan-Arabism as a whole. It seems to me that Saddam Hussein had killed the idea of pan-Arabism by invading Kuwait and while even some would argue that Saddam Hussein was a very strong supporter of pan-Arabism. Now with the events in the Middle East, what we're seeing in Egypt, in Bahrain, in many parts of Middle East where there is a spiral effect on how events are taking forward, there is a sense that... and then that's what I want to ask you, what is your sense. Is there going to be a surge in pan-Arabism again in the Middle East coming forward, especially when we see what's happening, how this is a spillover effect? In which itself supports the view of Edward Saïd's view in treatises on orientalism, which challenges the view that the Islamic world is an unchanged inversion of Western civilization. So I'd be very curious to hear your views, especially Mr. Picco mentioned some interesting points on borders. Thank you very much.

**Hoge:** Thank you. I think I may take a few more questions—we'll answer them all at once—here in the third row. You can remember that on the question that just came?

**Roma Stibravy:** Okay. My name is Roma Stibravy. I am now president of the NGO Sustainability, but I am a student of the United Nations and international law. And I think the elephant in the room is the big question of why we didn't go that step further into Iraq, the excuse being that it was not authorized by the Security Council. I would like to know the opinion of the member states if they would have opposed this if President Bush had decided to go ahead, and today, do they have regrets?

**Hoge:** Very good. Do I have a third question? Peter Gastrow?

**Peter Gastrow:** Thank you. The name is Peter Gastrow from the IPI. A question to Mr. Picco, I find your comments on the importance of 1991 and your views on the dramatic changes which were brought about to the concept of multilateral, or the death of multilateralism, very interesting. Now would you have views on how the United Nations could perhaps be remodeled, brought in line with developments now, with no borders, etc., it warrants a whole new conference, but still, very briefly, I think it would be very interesting to hear your views on that, or does one just sit and hope that something will happen sometimes? A mission that ought to be taking, should they come from within the UN system, or is it also from the outside, or a combination of both, and what would it be? Thank you.

**Hoge:** I'm going to ask to add a fourth question, because Colin Keating raised his hand, and then we'll answer them all.

**Colin Keating:**

Thank you very much. I'm Colin Keating, I'm currently the executive director of Security Council Report, but this topic is of huge personal interest to me, because of, in the early 1990s, I was the New Zealand permanent representative, and on the Security Council, served as the chairman for two years of the Iraq sanctions committee. But my question is, really flows out of what both Mr. Khan and Ambassador Al-Otaibi said about the current importance of peacebuilding. I mean, peacebuilding was not a word we used back in the Security Council in the 1990s, but I think there's now a very wide acceptance of the fact that you don't simply get peace by reversing the physical consequences of war. Our ejecting Saddam Hussein's forces from Kuwait was not enough to create the healing necessary for sustainable peace in the region, and both Mr. Khan and Mr. Lee and Ambassador Otaibi have all talked about the important healing things that happened, and it seemed to me, looking forward, one of the most really significant things that the Security Council did in 1991 was to establish the Compensation Commission and the associated processes which enabled not only pushing the military forces out of the country, but also the restoration of the economic and social needs of the people who were suffering, and this is what is still not yet accomplished in terms of finalization of the implementation of those resolutions, and also are still not fully understood in so many of the other conflicts that the Security Council is dealing with at the moment. The model that was created in 1991 is a hugely important one, and we talk about peacebuilding, but we don't do enough, it seems to me, to learn the lessons of what we both did in 1991 and have yet failed to completely implement from 1991, and I'll be interested in the panel's thoughts on that.

**Hoge:**

Thank you, Colin. We have 1, 2, 3, 4, 5 questions. I'm going to select a couple that were directed to individual members of the panel, but I thought I would start with Ambassador Al-Otaibi and basically take two of the questions, Ambassador. One of them is the question about what would have happened had the coalition kept going to Baghdad? Is that something the Kuwaitis would have wished to see happen, and number 2, is that something the membership of the United Nations would have supported, or would they have thought that that went beyond the mandate that they had from the UN, and the second question I would like to put to you is, have the lessons been learned? We were all talking about the significance of that year, and there's been some very interesting commentary on all the innovations and different parts of the charter that came into effect, maybe for the first time. Have the lessons been learned? And I'll go to you first for that, and then we'll involve the other panel members and a few other questions.

**Al-Otaibi:**

Okay, thank you very much. Concerning the question you raised, for us as Kuwaitis, we actually, we supported the whole operation, and when it stopped, it was inside Iraq, actually, we wished that they continued until they finished Saddam Hussein. This was our position, and that was, as you know, also our position in 2003, even though there was no consensus in the Security Council, we actually allowed the alliance forces to use the land, the sea, and the air of Kuwait to liberate Iraq, even though there was no consensus and a lot of arguments about the legality of using force that time, 2003. But 1991, we wished that they used the force all the way, but we have to respect the decision of the alliance forces, because they have no authorization from the Security Council to continue. We respect that, and I think, we didn't know what would happen at that time, but no one actually wanted, the mission was to liberate Kuwait, and Kuwait was liberated that time, and that's it.

About the lesson learned, this is my personal point of view. I think the UN learned a lot of lessons. Let's start first with the sanctions, for example. The

Security Council imposed comprehensive sanctions, unprecedented, historical, and after years, the UN found out that these sanctions has a lot of collateral damage on civilians, and they moderated the sanctions. A lot of improvements have been made on sanctions. Countries like Switzerland, Germany, Sweden took the initiatives, and they had a lot of workshops too, refined sanctions, and now, this is why the Security Council is leaning more towards the smart sanctions, the targeted sanctions. We are not hearing about comprehensive sanctions anymore. Last time, they applied the comprehensive sanctions, I believe that was in Yugoslavia. So now the sanctions is more targeted, smart sanctions, let's say, like a travel ban, freezing assets or arms embargo, not more than that.

The second lesson, I believe, that benefited from the situation in 1991 was the UN also created the Oil-for-Food Programme, and it was also unprecedented, very complicated, the humanitarian program. The UN learned a lot from that program. What did they learn? Scandals were there, you know. Mishaps from some officials, so a lot of reforms went, the UN went through a lot of reforms because of the oil for food program. We don't have to forget that. A lot of organs has been established over sides of the thing, and this is because of the Oil-for-Food, and for example, in Vienna, the IEA, also because of, Iraq violated its obligation and BTE, they found out that there's gaps in the treaty itself, so they came up with additional protocol. That was one of the reasons. This is all lessons learned from the situations. I can go on on that. Even sometimes I repeat the whole discussions or the initiative on reform of the Security Council because of what happened in Iraq. After two years, we came up with the reform of the Security Council, that the Security Council is not representing legitimacy, and its resolution sometimes contravene with international law, so they started their discussions with reform of Security Council and both, and working methods and its conversation. Thank you.

**Hoge:** Jehangir Khan, I think there was a question put to you about, also sort of about lessons learned. You said at one point, the UN afterwards went back to business as usual. That sounds like a little different response than the one the Ambassador just came up with.

**Khan:** Well, I didn't exactly mean that we were going back to business as usual. I'd like to, before addressing that, just quickly pick up on the last point that the Ambassador pointed out, and then a question of whether, in addressing the question of whether the UN, we should have gone all the way into Baghdad, 2003, I think we have to put things into context, which is that after the eviction of Saddam Hussein's forces from Iraq, as I mentioned earlier, very comprehensive, unprecedented, with teeth, sanctions were imposed, a whole regime, and I don't think, of course, 20/20 hindsight, one can always look back and say, well, could have, would have, should have, but I don't think at that moment, given the unprecedented nature of that regime, that we, the international community, whether the Secretariat and the Security Council and the various world capitals could have ever imagined that any government, any regime, would have sustained for, from 1991 to 2003, through such measures. I mean, the type of regime that it was, which, of course, in the first instance, was a regime that murdered its own people, quite apart from what it did to the region, was not the kind that the international community was able to understand, and we should not forget the tremendous suffering that Saddam Hussein's forces also inflicted on the Iranian people. So many people died in that conflict, that this, that it would require, not a military action in the end to get rid of him, and as I think, as we all pointed out, the fact that there was not a resort to the use of force beyond what had been authorized in terms of international law, and in terms of the credibility

and relevance of the United Nations, I would submit to you in some ways, from that principle perspective, it was probably the right thing to do at that moment that there was not, because it would have really broken up that very strong consensus that led to that very comprehensive regime of sanctions that lasted 12 years, and nobody could have known what military action beyond what had been authorized could have led to, certainly in terms of the impact on the international system, which in some ways has said, has been allowed us now to engage in, not business as usual, and if I could be just clear about that, but into a new type of business where, you know, increasingly now, the Security Council, let's face it, doesn't engage, doesn't deal with interstate disputes.

If we'd been talking about first, in some ways, that engagement, and to pick up on Gianni Picco's point, increasingly, what we're dealing with, and we all know that, as practitioners of international relations, is intra-, most of the agenda of the Security Council today is not to do with the disputes between member states and territorial disputes, etc, it's really with regard to the situations inside countries or inside particular regions, and we see that right now with what's going on in the Middle East. The founding fathers of the UN would probably turn in their graves if they saw what the order of business of the Security Council is. So no, it's not business as usual, because I think the nature of the business has changed, but what has prevailed, I think, still, even though the consensus is not easy, the emphasis on the council still is. I mean, let's face it. Since 1991, the resort, the veto is an exception, rather than the rule, and admittedly, it does lead to resolutions of the Security Council, which might not have teeth, might not have Chapter 7 provisions. It might lead to a lower common denominator, rather than the highest common denominator, but at the end of the day, what we've been seeing since 1991 is that the Security Council makes inordinate efforts to reach decisions and resolutions by consensus, and it's the exception that there is a vote, and that, in itself, I think is again a hangover, if you like, a positive hangover of the principle of collective security that the permanent members, and all the other members of the Security Council recognized that they have to work together to reach outcomes that enjoy the broad support of the international community, so no, it's not business as usual. It's a different type of business, partly because of what Gianni Picco said in terms of the evolving international system, and we are still benefiting, as I said, just in terms of the practices of the council in terms of its decision making.

**Hoge:** Very good. Want to give Gianni Picco a chance to respond to a few of the questions that were put to you directly, and then Roy Lee will be our last speaker. Gianni?

**Picco:** Well, very, very briefly, if you look at what's happening in the international system over the last 15 years, the feature which has emerged as the tool of choice of the international community has not been multilateralism, has been unilateralism, and I think that that makes sense to... just that we are just at the beginning of unilateralism. In other words, the choice always being for unilateralism, from the Kosovo case to North Korea, to Iran, whatever, 5+1 or 6 or whatever, or the 20, the group of 20 for economics, very small numbers, and I think that that is, by the way, a small number without institutions in a way, a very spontaneous kind of thing, well spontaneous, so to speak. And I think that that is, in a way, is a much more practical way to proceed in today's world where, as I said, the question is no more symmetry, is asymmetry, so the way of measuring who should sit where is really dictated by what is the subject matter, because on some subject matter, you can offer some that they cannot offer, and so this is, I think what is the seeds of the change that they are, in my view, and we should use, start using probably the word unilateralism and see how it can evolve. I'm not saying that I have the

answer, but I have the name, which, by the way, is not my invention. I think it was first used by Governor Patton, not when he was in Hong Kong, only recently last year in a piece on the FT. But it is actually what's happening in every practical way, so if you want to be practical, what we have discovered is that, unfortunately, and I'm sorry to say, I spent my life at the UN, but I think that it's just, you cannot manage decisions by 192 countries, and unless you want to be just very, very naïve. I mean, to get 192 votes on anything, what you need, you still need a leading group to do it. So it's, in a way, sometimes it's just a façade, so one has to be more realistic about this and to accept that very, very small actors who can be very significant in some issues, and vice versa. So that is, the symmetry which we are dealing with was not there in '45 and alone in '42 when the geniuses of the leaders who invented the system of the UN, in the middle of the fires of war, imagine that, and the second answer, were I to leave here, is that, my life, both in the UN and after, I came to my personal conclusion, which doesn't have to be either right or wrong, is my personal conclusion, and one of the 6 billion people who are, I'm entitled to one, is that, like of course, the question of impartiality, I think is baloney.

By the way, when I speak to students I say for the simple reason, if you put this glass in the geometrical center of a square table, and you sit there and I sit here, I will always say, this is closer to you, and vice versa. So anybody who says that impartiality is useful for negotiation has never had negotiations. But anyway, this is also good to know, because this appears in the professor's book, which are not always very useful.

The last point I want to make is simply this: that the, how can I say, evolution of the international system is not something that we will find, because we look backward. This Italian who invented the repetition of history was simply a very fearful guy. I mean, we fear the future because it's by definition, the archetype of unknown. So we say, we look back to see, that will be the same in the future. I wish! Never is the same. Are you kidding? If not only because, one, they mention would be different, which is that of time, there is no repetition. So you have leaders, you have statesmen and politicians, and you have idiots, and those who look more backwards are the idiots. Why? Because if you look backward, you only see something which is simple, and simplicity, as you know, attracts everybody. All of us, want to talk about simplicity, but as this great writer wrote, every difficult problem has a simple answer and is always wrong.

But I think that the real future has to be invented. But who are the invention, the inventors of this? Those who can write the new page, the white page of the future? How many? They're called leaders. No leader who invents a country has a national project based on the existential need of their enemy. That's what Saddam did. He invented a national project based on the negative concept of enemy. How can that resist? As long as we go ahead with that, forget it. So, but you have simply a national project, built not on the existential need of the enemy, because if you look backward, you don't see any. I mean, even the Catholic Church needed an enemy, and poor Galileo had to go chopping around. But, I mean, this is the whole thing. Now the '45 system is great. But the charter is not the last thing we will ever write about. To imagine that that was the last thing we invent would be to be demeaning vis-à-vis us! Human beings will invent more. Politicians will not, I'm sorry to say that, but it's true, because they don't, they have no idea, so they look backward, and that's when they go, because tomorrow does not exist yet, and tomorrow contains something that nobody will know, even if they read the entire history of humankind.

So unilateralism is emerging, is much more practical, and the other thing, as I said, that we can be affected by anybody, even if it's 10,000 miles away, without even knowing the person will affect us, and with that reality, a reality which did not exist in 1945 and '42. In '42, we had Germany, in '45, we had the U.S. and the Soviet Union, and tomorrow, we'll see. You see, now to give a provocative example, the Austro-Hungarian empire, which is very close to my heart, had seven nationalities, and they were, paradoxically, fairly organized, and they, one could argue that it was a non-Westphalian state, because a Westphalian state was based on the secret weapon, a taboo for countries to this day, and therefore, I should follow Mark Twain's advice, freedom of speech is the freedom of the tomb, but anyway, of the grave, I'm sorry, but the Austro-Hungarian empire was not a purely Westphalian state, because a Westphalian state needed to be a choiceless identity, so you get your identity because your mommy in your land where you're born makes you that. Now the Austro-Hungarian empire was not that. It did not have only one choiceless identity. They had more choice, but there were more. The future of the state will be that, that the choiceless identities will come to an end, but not because there will be, you can be German and French at the same time, because there are different dimensions of identity, and indeed, you can have two parents from two different countries, so paradoxically, this country was established, not on the base of Westphalia, because people came here and chose to be Americans, not because mommy and daddy were born in the Alps like me. Thank you.

**Hoge:** Roy Lee, Gianni, by going so empirical, excuse me, imperial, has left you one minute.

**Roy S. Lee:** Thank you. Since you want to close the meeting, I will not, not to take on Gianni's philosophy, and perhaps you can organize another meeting, we can debate about it. I will just start focusing on several specific points. I think the first question raised is a quite important one, whether or not at the time we should have gone into Iraq. My own view is that no, because we must follow the charter, and we followed the legal rules. The rule of law is most important, even though subsequently, or even at that time, was expedient and obvious that military actions should have continued, and then we solve a lot of problems. The Security Council started from the very beginning, asked, established there was a threat, and condemned the invasion, and wanted to expel Iraq. That was the objective. When that objective was achieved, you do not have a legal basis anymore to continue, and I'm glad that the, from the legal point of view, the Security Council or the forces, the coalition forces did not go further. I think it's important, we must, even when there's something, rightly, we have to do, but we should follow the rules. Otherwise, once you throw away the rules, then there's no, it will have bad consequences.

**Hoge:** Mr. Lee, I've got to interrupt you. My rules, unfortunately, my charter is that this should have ended five minutes ago, so forgive me, if you have any –

**Roy S. Lee:** Yes, well, I'm sorry, you put me in the last one! I should have the right to speak! Thank you. About the sanctions, I think Colin is right that we should have learned the lessons in Iraq. Indeed, at that time, there was a lot of hardship, and I think the security is improving, and the smart sanction, as the Ambassador mentioned, indeed, is working, I think, if you compare as in fact, your reports has shown, demonstrate amply that, as the Security Council has been proving in the field of sanctions. And on the third question is about the question of border. I think it will continue to be important. Just look at the recent newspapers that the conflict between Thailand and Cambodia, and between Bangladesh, India about maritime boundaries, so it's not just boundary on land, but also boundary in the

maritime areas, and I am not talking about the invisibility of the boundary that maybe Gianni Picco had in mind, but I think that will continue to be of importance, and it is also important for the UN to take a position on those issues.

Finally, the question of decision making in the Security Council, I think that is a very important one, but in 1990 and '91 did start a very, in my view, it's a very important trend, that is that we are trying to seek, if you like, the word, consensus among the P5s, so there's no veto, but I think it's more important to see that even at that time, there was the beginning of trying to, abstentions, from the legal point of view, that's important, that abstentions is not a veto, is not a lack of consensus, and then allow the decision to be going on, and this is quite important in subsequent events to show that you, the Security Council, are able to take actions without, with the consent, but the absence of objections. Thank you.

**Hoge:**

Ambassador Otaibi, other panelists, thank you for this lively conversation. Thank you all for your good attention and your good questions.