

Kuwait, would the Secretary General intervene at this point, on the strength of Article 99?

Urquhart: Article 99 is a rather a two-edged weapon, and that is the reason why it has been used so sparingly. Because the trouble with Article 99 is if you use it and absolutely nothing happens, you are making it worse rather than better. Hammarskjöld, who was supposed to be more dashing than the others, only used it over the Congo in 1960. And he only invoked it after getting all of the members of Council to a luncheon and saying to them, over the soup, look boys this is a terrible situation. If I invoke Article 99 are you prepared to do something about it, and they all said yes, including the Soviet Union, incidentally. Waldheim invoked it over the American hostages in Iran, with absolutely no effect whatsoever. The real problem with Article 99 is not the existence of a threat to international peace and security, so much as getting the Security Council to follow up on it.

The Secretary General can be extremely influential – provided he has international stature – in unexpected situations as a warning. After all, everybody knew about Iraq and Kuwait, they [Iraq] nearly took it in 1971 – it wasn't a new problem. So if the Secretary General had invoked Article 99 I wonder what would have happened – not much I think. It just happened to suit everybody not to pay any attention to it, and everybody got it wrong.

Franck: There is an unexamined and partially true assumption here that the future of a sovereign independent Kuwait is somehow top priority for the United States and at the bottom of everybody else's list. And that somehow this has been sold to everybody else by a shrewd bunch of horse traders in the Security Council. I just don't believe that that's correct. Most African and a goodly number of Asian states feel intense interest in the matter of sanctity of boundaries, however irrational, however drawn by whatever heinous colonial forces. The sanctity of those boundaries is of a direct practical importance to those countries. I don't believe that in fact it took a lot of selling to get the principle across or that those countries think that this is all a terrific ploy simply to keep the price of oil down. That undersells the precedential value of what's happening here. And because it has this larger precedential value, perhaps that's my lawyer's perspective, and that an important legal issue is at stake, the world will be different when we come through this.

If this operation fails it is quite clear that the United States will never get involved in another one and there will be many wars over

many boundaries, because it will have become clear that the international system is incapable of stopping a stronger state from redressing what it perceives to be historic grievances against weaker neighbours. If it succeeds there will be some momentum to discourage that kind of activity. The question then is whether it can in some way be institutionalized through the framework of the UN.

I don't exclude the possibility of some kind of reform in the structure of the Security Council. Even at the depth of the Cold War we were able to amend the Charter to bring about an enlargement and some transformation of the membership of the Security Council. It is not totally unrealistic to think of the Japanese proposal, to add five more permanent members without giving them a veto. But it ought to be imagined in terms of what would make the institution more legitimate.

Olivia Ward: I was just going to follow up on what Brian had said about the difficulty of getting the Security Council to take action. In the past, there were very few media representatives hanging around the UN. I was there from time to time in the last two years and I saw tremendous apathy. I was able to alert my organization to the fact that some important things do happen, and ought to be happening, even if they're not. One year ago, when I came down to cover Central America, I found that during a daily briefing the room was maybe a third full, now it is standing room only. So I really think that the media climate is so right now, that should some early warning group within the United Nations go directly to the media, call regular press conferences or irregular ones when they have something to say, and say, alert, eyes up, today we have a major an-

“The Iraq-Kuwait crisis is unique in its clarity, except for Iraq's attack on Iran, about which the Security Council did absolutely nothing.”

nouncement for you. Just put across the information, leave it with the media, and then say to the Security Council, fine if you don't want to take it up, it will be in the *New York Times* on the front page tomorrow.

Wood: Brian will remember when there was a great deal more attention of the media on this place, and in some ways it is again. Everyone who has been watching the system for a long time would say this does reflect an important shift of attention and opportunity that has to be captured because it could slip again. Is it an appropriate thing to ask about other machinery as well – the danger of overloading the Security Council. Now that it has finally been asked to do some of the work it was intended to do, you don't want to throw everything at it all at once. Regional systems [Chapter VIII] were envisaged in the Charter.

Moussa: The regional systems which started around the end of WWII, are moving steadily to be something of a bust – they are not functioning well. The Arab League, for example, did not perform the functions that were intended in its creation. In terms of peace and security in the region, the Arab League hasn't played any role. Perhaps recently on the question of Lebanon, but it came too late – so many years after the beginning. What is the role of the OAS – the Organization of the American States – vis-à-vis the major problems that we have seen from Grenada to Panama to Cuba, let alone the economic and social problems of Latin America? Move to the OAU, the Organization of African Unity – it suffers from the same defects.

There is a new development emerging with the CSCE [Conference on Security and Cooperation in Europe]. But it is in Europe, where it is highly advanced in coordination – it is an industrial society where many of the small matters which we consider big in the Third World have been relegated to the back burner. So the CSCE would be a new form of regional organization for security, economic and social matters. It is a looser kind of organization.

It might not be an organization at all; it is a conference by rule of consensus.

Urquhart: I don't know about this CSCE business – it sounds so plausible when one says it. The CSCE seems to be a state of mind rather than an organization. It is a state of mind which has fitted in remarkably well with historical developments in the European area. If you were to try to do something like that in the Middle East region, I can't envisage quite how it would get going. There isn't a common state of mind.

Wood: It is worth remembering that the CSCE started in the midst of a conflictual relationship that it was intentionally designed to bridge. There was competition over the agenda, one side was insisting that human rights be a large part of the agenda and the other saying that ▷