

UN, Security Council Resolution 688 on Northern Iraq

[Source: UN Doc. S/RES/688 (April 5, 1991). Available on [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/688\(1991\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/688(1991))]

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

The Security Council,

Mindful of its duties and its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Recalling of Article 2, paragraph 7, of the Charter of the United Nations,

Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region,

Deeply disturbed by the magnitude of the human suffering involved, [...]

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq and of all States in the area,

Bearing in mind the Secretary-General's report of March 20, 1991 (S/22366),

1. *Condemns* the repression of the Iraqi civilian population in many parts of Iraq, including most recently in

Kurdish populated areas, the consequences of which threaten international peace and security in the region;

2. *Demands* that Iraq, as a contribution to remove the threat to international peace and security in the region, immediately end this repression, and expresses the hope in the same context that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected;

3. *Insists* that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations; [...]

6. *Appeals* to all Member States and to all humanitarian organizations to contribute to these humanitarian relief efforts;

7. *Demands* that Iraq cooperate with the Secretary-General to these ends; [...].

Discussion

1. a. Was the situation referred to in the present case an armed conflict? A non-international armed conflict? Is the repression of the Iraqi civilian population a violation of IHL?

b. Is the Council of the opinion that international peace and security are threatened by the non-international armed conflict, or by violations of IHL?

2. Has Iraq an obligation under IHL to allow access by international humanitarian organizations to all those in need? Under which conditions? (GC IV, Art. 23; P I, Art. 70; P II, Art. 18)

3. Is the resolution binding on Iraq? Is it based on Chapter VII of the UN Charter?

4. Was this resolution a sufficient legal basis for Operation Provide Comfort, in which American, British, and French armed forces established “safe havens” in northern Iraq over which military flights were forbidden, and where Kurds could remain without fear of attack by Iraqi forces? Was this operation based on *jus ad bellum* or on IHL? Were those “safe havens” protected zones under IHL?