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ภาคผนวก

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Security Council as soon as possible a further detailed report on his implementation plan, containing, in particular, an estimate of the cost of the United Nations Mission for the referendum in Western Sahara, on the understanding that this further report should be the basis on

which the Council would authorize the establishment of the Mission.

Adopted unanimously at the 2929th meeting.

THE SITUATION BETWEEN IRAQ AND KUWAIT

Decision

At its 2932nd meeting, on 2 August 1990, the Council decided to invite the representatives of Iraq and Kuwait to participate, without vote, in the discussion of the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 2 August 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/21423);¹⁰⁴

"Letter dated 2 August 1990 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/21424)".¹⁰⁴

Resolution 660 (1990)

of 2 August 1990

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. *Condemns* the Iraqi invasion of Kuwait;
2. *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;
3. *Calls upon* Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;
4. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution.

Adopted at the 2932nd meeting by 14 votes to none. One member (Yemen) did not participate in the vote.

Decision

At its 2933rd meeting, on 6 August 1990, the Council proceeded with the discussion of the item.

¹⁰⁴ See *Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990.*

Resolution 661 (1990)

of 6 August 1990

The Security Council,

Reaffirming its resolution 660 (1990) of 2 August 1990,

Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

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

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;
2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;
3. *Decides* that all States shall prevent:
 - (a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;
 - (b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;
 - (c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their

nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. *Decides* that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. *Calls upon* all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls upon* all States to co-operate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose;

9. *Decides* that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any régime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

Adopted at the 2933rd meeting by 13 votes to none, with 2 abstentions (Cuba and Yemen).

Decision

At its 2934th meeting, on 9 August 1990, the Council decided to invite the representative of Oman to participate, without vote, in the discussion of the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 2 August 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/21423);¹⁰⁴

"Letter dated 2 August 1990 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/21424);¹⁰⁴

"Letter dated 8 August 1990 from the Permanent Representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/21470)".¹⁰⁴

Resolution 662 (1990)

of 9 August 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990 and 661 (1990) of 6 August 1990,

Gravely alarmed by the declaration by Iraq of a "comprehensive and eternal merger" with Kuwait,

Demanding once again that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990,

Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Determined also to restore the authority of the legitimate Government of Kuwait,

1. *Decides* that annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;

2. *Calls upon* all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation;

3. *Demands* that Iraq rescind its actions purporting to annex Kuwait;

4. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the occupation.

Adopted unanimously at the 2934th meeting.

Decision

At its 2937th meeting, on 18 August 1990, the Council decided to invite the representative of Italy to participate, without vote, in the discussion of the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 2 August 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/21423);¹⁰⁴

"Letter dated 2 August 1990 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/21424);¹⁰⁴

"Letter dated 8 August 1990 from the Permanent Representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/21470);¹⁰⁴

"Letter dated 18 August 1990 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/21561)".¹⁰⁴

Resolution 664 (1990)

of 18 August 1990

The Security Council,

Recalling the Iraqi invasion and purported annexation of Kuwait, and its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990 and 662 (1990) of 9 August 1990,

Deeply concerned about the safety and well-being of third-State nationals in Iraq and Kuwait,

Recalling the obligations of Iraq in this regard under international law,

Welcoming the efforts of the Secretary-General to pursue urgent consultations with the Government of Iraq following the concern and anxiety expressed by the members of the Council on 17 August 1990,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of third-State nationals and grant immediate and continuing access of consular officials to such nationals;

2. *Also demands* that Iraq take no action to jeopardize the safety, security or health of such nationals;

3. *Reaffirms* its decision in resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore demands that the Government of Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel, and refrain from any such actions in the future;

4. *Requests* the Secretary-General to report to the Security Council on compliance with the present resolution at the earliest possible time.

Adopted unanimously at the 2937th meeting.

Decision

At its 2938th meeting, on 25 August 1990, the Council discussed the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 2 August 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/21423);¹⁰⁴

"Letter dated 2 August 1990 from the Permanent Representative of the United States of America to the

United Nations addressed to the President of the Security Council (S/21424);¹⁰⁴

"Letter dated 8 August 1990 from the Permanent Representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/21470);¹⁰⁴

"Letter dated 18 August 1990 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/21561).

"Letter dated 24 August 1990 from the Permanent Representative of the Federal Republic of Germany to the United Nations addressed to the President of the Security Council (S/21634);¹⁰⁴

"Letter dated 24 August 1990 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/21635);¹⁰⁴

"Letter dated 24 August 1990 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council (S/21636);¹⁰⁴

"Letter dated 24 August 1990 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council (S/21637);¹⁰⁴

"Letter dated 24 August 1990 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/21638);¹⁰⁴

"Letter dated 24 August 1990 from the Permanent Representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/21639)".¹⁰⁴

Resolution 665 (1990)

of 25 August 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990 and 664 (1990) of 18 August 1990 and demanding their full and immediate implementation,

Having decided in resolution 661 (1990) to impose economic sanctions under Chapter VII of the Charter of the United Nations,

Determined to bring to an end the occupation of Kuwait by Iraq which imperils the existence of a Member State, and to restore the legitimate authority and the sovereignty, independence and territorial integrity of Kuwait, which requires the speedy implementation of the above-mentioned resolutions,

Deploring the loss of innocent lives stemming from the Iraqi invasion of Kuwait and determined to prevent further such losses,

Gravely alarmed that Iraq continues to refuse to comply with resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and in particular at the conduct of the Government of Iraq in using Iraqi flag vessels to export oil,

1. *Calls upon* those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to

the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990);

2. *Invites* Member States accordingly to co-operate as may be necessary to ensure compliance with the provisions of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;

3. *Requests* all States to provide, in accordance with the Charter of the United Nations, such assistance as may be required by the States referred to in paragraph 1 above;

4. *Also requests* the States concerned to co-ordinate their actions in pursuit of the above paragraphs of the present resolution using, as appropriate, mechanisms of the Military Staff Committee and, after consultation with the Secretary-General, to submit reports to the Security Council and the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in order to facilitate the monitoring of the implementation of the present resolution;

5. *Decides* to remain actively seized of the matter.

*Adopted at the 2938th meeting by
13 votes to none, with 2 abstentions
(Cuba and Yemen).*

Decision

At its 2939th meeting, on 13 September 1990, the Council decided to invite the representative of Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait".

Resolution 666 (1990)

of 13 September 1990

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990, paragraphs 3 (c) and 4 of which apply, except in humanitarian circumstances, to foodstuffs,

Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering,

Noting that in this respect the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait has received communications from several Member States,

Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen,

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) of 18 August 1990 in respect of the safety and well-being of third-State nationals, and reaffirming that Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Geneva

Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰⁵

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that in order to make the necessary determination whether or not, for the purposes of paragraphs 3 (c) and 4 of resolution 661 (1990), humanitarian circumstances have arisen, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;

2. *Expects* Iraq to comply with its obligations under resolution 664 (1990) in respect of third-State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including, where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;¹⁰⁵

3. *Requests*, for the purposes of paragraphs 1 and 2 above, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;

4. *Also requests* that in seeking and supplying such information particular attention be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;

5. *Decides* that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;

6. *Directs* the Committee that in formulating its decisions it should bear in mind that foodstuffs should be provided through the United Nations in co-operation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision, in order to ensure that they reach the intended beneficiaries;

7. *Requests* the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuffs to Kuwait and Iraq in accordance with the provisions of the present resolution and other relevant resolutions;

8. *Recalls* that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes, but in this connection recommends that medical supplies should be exported under the strict supervision of the Government of the exporting State or by appropriate humanitarian agencies.

*Adopted at the 2939th meeting by
13 votes to 2 (Cuba and Yemen).*

Decision

At its 2940th meeting, on 16 September 1990, the Council decided to invite the representatives of Iraq, Italy and

¹⁰⁵ United Nations, *Treaty Series*, vol. 75, No. 973.

1. *Strongly condemns* aggressive acts perpetrated by Iraq against diplomatic premises and personnel in Kuwait, including the abduction of foreign nationals who were present in those premises;

2. *Demands* the immediate release of those foreign nationals as well as all nationals mentioned in resolution 664 (1990);

3. *Also demands* that Iraq immediately and fully comply with its international obligations under resolutions 660 (1990), 662 (1990) and 664 (1990), the Vienna Convention on Diplomatic Relations of 18 April 1961,¹⁰⁶ the Vienna Convention on Consular Relations of 24 April 1963¹⁰⁷ and international law;

4. *Further demands* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests;

5. *Reminds* all States that they are obliged to observe strictly resolutions 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990);

6. *Decides* to consult urgently to take further concrete measures as soon as possible, under Chapter VII of the Charter, in response to Iraq's continued violation of the Charter of the United Nations, of resolutions of the Security Council and of international law.

Adopted unanimously at the 2940th meeting.

Decision

At its 2942nd meeting, on 24 September 1990, the Council proceeded with the discussion of the item entitled "The situation between Iraq and Kuwait".

Resolution 669 (1990)

of 24 September 1990

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990,

Recalling also Article 50 of the Charter of the United Nations,

Conscious of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter,

Entrusts the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait with the task of examining requests for assistance under the provisions of Article 50 of the Charter and making recommendations to the President of the Security Council for appropriate action.

Adopted unanimously at the 2942nd meeting.

Decisions

In a letter dated 24 September 1990,¹⁰⁸ the President of the Council informed the Secretary-General as follows:

"In informal consultations of the whole of the Council, it was decided to bring to your attention the special report relating to Jordan, and the recommendations contained therein, submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait,¹⁰⁹ which has been approved, and to ask you to proceed to implement the actions contained in the report and in the recommendations.

"As you know, this action is taken in response to a request of the Jordanian Government for relief under Article 50 of the Charter of the United Nations from the effects resulting from implementation of the measures required under Security Council resolution 661 (1990) of 6 August 1990."¹¹⁰

At its 2943rd meeting, on 25 September 1990, the Council decided to invite the representative of Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait".

Resolution 670 (1990)

of 25 September 1990

The Security Council,

Reaffirming its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990 and 667 (1990) of 16 September 1990,

Condemning Iraq's continued occupation of Kuwait, its failure to rescind its actions and end its purported annexation and its holding of third-State nationals against their will, in flagrant violation of resolutions 660 (1990), 662 (1990), 664 (1990) and 667 (1990) and of international humanitarian law,

Condemning also the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law,

Noting with grave concern the persistent attempts to evade the measures laid down in resolution 661 (1990),

Noting also that a number of States have limited the number of Iraqi diplomatic and consular officials in their countries and that others are planning to do so,

Determined to ensure by all necessary means the strict and complete application of the measures laid down in resolution 661 (1990),

Determined also to ensure respect for its decisions and the provisions of Articles 25 and 48 of the Charter of the United Nations,

Affirming that any acts of the Government of Iraq which are contrary to the above-mentioned resolutions or to Ar-

¹⁰⁸ S/21826.

¹⁰⁹ *Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990, document S/21786.*

¹¹⁰ *Ibid.*, document S/21620.

articles 25 or 48 of the Charter, such as Decree No. 377 of 16 September 1990 of the Revolutionary Command Council of Iraq, are null and void,

Reaffirming its determination to ensure compliance with its resolutions by maximum use of political and diplomatic means,

Welcoming the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant resolutions of the Council and noting with appreciation his continuing efforts to this end,

Underlining to the Government of Iraq that its continued failure to comply with the terms of resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 666 (1990) and 667 (1990) could lead to further serious action by the Council under the Charter, including under Chapter VII,

Recalling the provisions of Article 103 of the Charter, *Acting* under Chapter VII of the Charter,

1. *Calls upon* all States to carry out their obligations to ensure strict and complete compliance with resolution 661 (1990) and in particular paragraphs 3, 4 and 5 thereof;

2. *Confirms* that resolution 661 (1990) applies to all means of transport, including aircraft;

3. *Decides* that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Security Council or the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for the United Nations Iran-Iraq Military Observer Group;

4. *Decides also* that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly their territory unless:

(a) The aircraft lands at an airfield designated by the State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary; or

(b) The particular flight has been approved by the Security Council Committee; or

(c) The flight is certified by the United Nations as solely for the purposes of the Military Observer Group;

5. *Decides further* that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;

6. *Decides moreover* that all States shall notify in a timely fashion the Security Council Committee of any flight between its territory and Iraq or Kuwait to which the requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;

7. *Calls upon* all States to co-operate in taking such measures as may be necessary, consistent with interna-

tional law, including the Chicago Convention on International Civil Aviation of 7 December 1944,¹¹¹ to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;

8. *Also calls upon* all States to detain any ships of Iraqi registry which enter their ports and which are being or have been used in violation of resolution 661 (1990), or to deny such ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life;

9. *Reminds* all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets, and the protection of the assets of the legitimate Government of Kuwait and its agencies, located within their territory and to report to the Security Council Committee regarding those assets;

10. *Further calls upon* all States to provide to the Security Council Committee information regarding the action taken by them to implement the provisions laid down in the present resolution;

11. *Affirms* that the United Nations, the specialized agencies and other international organizations in the United Nations system are required to take such measures as may be necessary to give effect to the terms of resolution 661 (1990) and of the present resolution;

12. *Decides* to consider, in the event of evasion of the provisions of resolution 661 (1990) or of the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;

13. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰³ applies to Kuwait and that, as a High Contracting Party to the Convention, Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

*Adopted at the 2943rd meeting by
14 votes to 1 (Cuba).*

Decisions

At its 2950th meeting, on 27 October 1990, the Council decided to invite the representatives of Iraq and Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait".

At its 2951st meeting, on 29 October 1990, the Council proceeded with discussion of the question.

Resolution 674 (1990)

of 29 October 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August

¹¹¹ United Nations, *Treaty Series*, vol. 15, No. 102.

5. Subject to prior notification to the Committee of the flight and its contents, the Committee hereby gives general approval under paragraph 4 (b) of resolution 670 (1990) of 25 September 1990 for all flights which carry only foodstuffs or supplies intended strictly for medical purposes. This procedure applies equally to the civilian and humanitarian imports referred to in paragraph 3, the supply of which is subject to the no-objection procedure laid down in paragraph 4.

6. It notes with satisfaction that the Government of Iraq has assured Mr. Ahtisaari's mission that it would accept a system of monitoring of imports and their utilization. The Secretary-General is requested, in consultation with the Government of Iraq and the International Committee of the Red Cross, to arrange for such a system of on-the-spot monitoring to proceed in conjunction with the despatch of United Nations personnel to Iraq to supervise the effective utilization, for the benefit of the civilian population in all areas, of all imports to be established under the responsibility of the United Nations.

"I have the honour to request that you bring the above-mentioned decision to the attention of all States."

In a letter dated 26 March 1991,⁵⁵ addressed to the President of the Security Council for the attention of members of the Council, the Secretary-General referred to the letter of 19 March 1991 from the President of the Security Council⁴⁷ and informed the President that he had, on 26 March 1991, designated Mr. Richard Foran, Assistant Secretary-General, Office of General Services, Department of Administration and Management, as the official responsible for coordinating the return of property from Iraq to Kuwait.

At its 2981st meeting, on 3 April 1991, the Council decided to invite the representatives of Iraq and Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait".

Resolution 687 (1991)
of 3 April 1991

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

Welcoming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter dated 27 February 1991 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the President of the Security Council⁴⁸ and of his letters of the same date addressed to the President of the Council and to the Secretary-General,⁴⁹ and those letters dated 3 March⁵⁶ and 5 March⁵⁷ he addressed to them, pursuant to resolution 686 (1991),

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters",⁵⁸ thereby formally recognizing the boundary between Iraq and Kuwait and the allocation of islands, which Agreed Minutes were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait with its boundaries as specified in the letter of the Prime Minister of Iraq dated 21 July 1932 and as accepted by the ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,⁵⁹ and of its prior use of chemical weapons, and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Final Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989,⁶⁰ establishing the objective of universal elimination of chemical and biological weapons,

Recalling also that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,⁶¹

Noting the importance of Iraq ratifying the Convention,

Noting also the importance of all States adhering to the Convention and encouraging its forthcoming review conference to reinforce the authority, efficiency and universal scope of the Convention,

Stressing the importance of an early conclusion by the Conference on Disarmament of its work on a convention on the universal prohibition of chemical weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,⁶²

Recalling the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting also that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third-State nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages,⁶³ opened for signature in New York on 18 December 1979, which categorizes all acts of taking hostages as manifestations of international terrorism,

Deploring threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports transmitted by the Secretary-General on 20 March⁶⁴ and 28 March 1991,⁶⁴ and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objective of restoring international peace and security in the area as set out in its recent resolutions,

Conscious of the need to take the following measures acting under Chapter VII of the Charter,

1. *Affirms* all thirteen resolutions noted above, except as expressly changed below to achieve the goals of the present resolution, including a formal cease-fire;

A

2. *Demands* that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters",⁶⁵ signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations;

3. *Calls upon* the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material including the maps transmitted with the letter dated 28 March 1991 addressed to him by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations,⁶⁶ and to report back to the Council within one month;

4. *Decides* to guarantee the inviolability of the above-mentioned international boundary and to take, as appropriate, all necessary measures to that end in accordance with the Charter of the United Nations;

B

5. *Requests* the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khawr 'Abd Allah and a demilitarized zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters"; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone and to observe any hostile or potentially hostile action mounted from the territory of one State against the other; and also requests the Secretary-General to report regularly to the Council on the operations of the unit and to do so immediately if there are serious violations of the zone or potential threats to peace;

6. *Notes* that as soon as the Secretary-General notifies the Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. *Invites* Iraq to reaffirm unconditionally its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,⁵⁹ and to ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;⁶¹

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto;

(b) All ballistic missiles with a range greater than one hundred and fifty kilometres, and related major parts and repair and production facilities;

9. *Decides also*, for the implementation of paragraph 8, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration on the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization, within forty-five days of the adoption of the present resolution shall develop and submit to the Council for approval a plan calling for the completion of the following acts within forty-five days of such approval:

- (i) The forming of a special commission which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the special commission itself;
- (ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a), including items at the

additional locations designated by the Special Commission under paragraph (i) and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b);

- (iii) The provision by the Special Commission to the Director General of the International Atomic Energy Agency of the assistance and cooperation required in paragraphs 12 and 13;

10. *Decides further* that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9, and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the present paragraph, to be submitted to the Council for approval within one hundred and twenty days of the passage of the present resolution;

11. *Invites* Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968;⁶²

12. *Decides* that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapon-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts and types of all items specified above; to place all of its nuclear-weapon-usable materials under the exclusive control, for custody and removal, of the Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b); to accept, in accordance with the arrangements provided for in paragraph 13, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings;

13. *Requests* the Director General of the International Atomic Energy Agency, through the Secretary-General and with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General referred to in paragraph 9 (b), to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Council within forty-five days calling for the destruction, removal or rendering harmless as appropriate of all items listed in paragraph 12; to carry out the plan within forty-five days following approval by the Council and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that

Agency safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Council for approval within one hundred and twenty days of the adoption of the present resolution;

14. *Notes* that the actions to be taken by Iraq in paragraphs 8 to 13 represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. *Requests* the Secretary-General to report to the Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

E

16. *Reaffirms* that Iraq, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage - including environmental damage and the depletion of natural resources - or injury to foreign Governments, nationals and corporations as a result of its unlawful invasion and occupation of Kuwait;

17. *Decides* that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. *Decides also* to create a fund to pay compensation for claims that fall within paragraph 16 and to establish a commission that will administer the fund;

19. *Directs* the Secretary-General to develop and present to the Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the Fund to be established in accordance with paragraph 18 and for a programme to implement the decisions in paragraphs 16 to 18, including the following: administration of the Fund; mechanisms for determining the appropriate level of Iraq's contribution to the Fund, based on a percentage of the value of its exports of petroleum and petroleum products, not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the Fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity, and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16; and the composition of the Commission designated above;

F

20. *Decides*, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990), shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report to the Secretary-General dated 20 March 1991,³³ and in any further findings of humanitarian need by the Committee;

21. *Decides* to review the provisions of paragraph 20 every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. *Decides also* that upon the approval by the Council of the programme called for in paragraph 19 and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8 to 13, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. *Decides further* that, pending action by the Council under paragraph 22, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. *Decides* that, in accordance with resolution 661 (1990) and subsequent related resolutions and until it takes a further decision, all States shall continue to prevent the sale or supply to Iraq, or the promotion or facilitation of such sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related *matériel* of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production for such equipment;

(b) Items specified and defined in paragraphs 8 and 12 not otherwise covered above;

(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in paragraphs (a) and (b);

(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in paragraphs (a) and (b);

25. *Calls upon* all States and international organizations to act strictly in accordance with paragraph 24, notwithstanding the existence of any contracts, agreements, licences or any other arrangements;

26. *Requests* the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for the approval of the Council, guidelines to facilitate full international implementation of paragraphs 24, 25 and 27, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. *Calls upon* all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Council under paragraph 26 as may be necessary to ensure compliance with the terms of paragraph 24, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. *Agrees* to review its decisions in paragraphs 22 to 25, except for the items specified and defined in paragraphs 8 and 12, on a regular basis and in any case one hundred and twenty days following the adoption of the present resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. *Decides* that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Council in resolution 661 (1990) and related resolutions;

G

30. *Decides* that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third-State nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross by providing lists of such persons, facilitating the access of the International Committee to all such persons wherever located or detained and facilitating the search by the International Committee for those Kuwaiti and third-State nationals still unaccounted for;

31. *Invites* the International Committee of the Red Cross to keep the Secretary-General apprised, as appropriate, of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third-State nationals or their remains present in Iraq on or after 2 August 1990;

H

32. *Requires* Iraq to inform the Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

I

33. *Declares* that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the above provisions, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. *Decides* to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region.

Adopted at the 2981st meeting by 12 votes to 1 (Cuba) with 2 abstentions (Ecuador, Yemen).

Decision

At its 2983rd meeting, on 9 April 1991, the Council decided to invite the representatives of Iraq and Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: report of the Secretary-General on the implementation of paragraph 5 of Security Council resolution 687 (1991) (S/22454 and Add.1-3)".¹

Resolution 689 (1991) of 9 April 1991

The Security Council,

Recalling its resolution 687 (1991) of 3 April 1991,

Acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General of 5 and 9 April 1991 on the implementation of paragraph 5 of Security Council resolution 687 (1991);⁶⁶

2. *Notes* that the decision to set up an observer unit was taken in paragraph 5 of resolution 687 (1991) and that the unit can be terminated only by a further decision of the Council; the Council shall therefore review the question of its termination or continuation every six months;

"The members of the Security Council have considered the report of the Secretary-General of 19 December 1991 on his mission of good offices in Cyprus.¹²²

"The members of the Council expressed their deep gratitude to the Secretary-General for his long and tireless efforts in seeking a just and lasting solution to the Cyprus question. They noted with appreciation that thanks to his efforts, progress was made during this year towards achieving an overall framework agreement.

"The members of the Council reaffirmed the Council's position as expressed in its previous resolutions, especially in resolutions 649 (1990) of 12 March 1990 and 716 (1991) of 11 October 1991.

"The members of the Council were unanimous in endorsing the report and observations of the Secretary-General. They fully shared his view that a solution of the Cyprus problem is long overdue. The mere maintenance of the status quo does not constitute a solution. They called on the leaders of the two communities and of Greece and

Turkey to devote their full energies to the early achievement of this objective.

"The members of the Council reiterated the Council's position that the convening of a high-level international meeting chaired by the Secretary-General in which the two communities and Greece and Turkey would participate represents an effective mechanism for concluding an overall framework agreement.

"The members of the Council requested the leaders of the two communities and of Greece and Turkey to cooperate fully with the Secretary-General in completing on an urgent basis the set of ideas on an overall framework agreement.

"The members of the Council requested the Secretary-General to report to the Security Council by April 1992 whether sufficient progress has been made to convene the high-level international meeting and, should conditions not be ripe, to convey to the Council the set of ideas as they will have evolved by that time with his assessment of the situation."

**LETTER DATED 2 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF TURKEY TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

**LETTER DATED 4 APRIL 1991 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF FRANCE
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

Decision

At its 2982nd meeting, on 5 April 1991, the Council decided to invite the representatives of Canada, Denmark, Germany, Greece, the Islamic Republic of Iran, Iraq, Ireland, Italy, Luxembourg, the Netherlands, Norway, Pakistan, Portugal, Spain, Sweden and Turkey to participate, without vote, in the discussion of the item entitled:

"Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435).⁷

"Letter dated 4 April 1991 from the Charge d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)".⁷

**Resolution 688 (1991)
of 5 April 1991**

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 the provisions of Article 2, paragraph 7, of the Charter,

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,

Taking note of the letters dated 2 and 4 April 1991, respectively, from the representatives of Turkey and France to the United Nations addressed to the President of the Security Council,¹²³

Taking note also of the letters dated 3 and 4 April 1991 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General,¹²⁴

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

Bearing in mind the report transmitted by the Secretary-General on 20 March 1991,³³

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 removing the threat to international peace and security in the region, immediately end this repression, and in the same context expresses the hope 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 make available all necessary facilities for their operations;
4. *Requests* the Secretary-General to pursue his humanitarian efforts in Iraq and to report forthwith, if appropriate on

the basis of a further mission to the region, on the plight of the Iraqi civilian population, and in particular the Kurdish population, suffering from the repression in all its forms inflicted by the Iraqi authorities;

5. *Also requests* the Secretary-General to use all the resources at his disposal, including those of the relevant United Nations agencies, to address urgently the critical needs of the refugees and displaced Iraqi population;
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;
8. *Decides* to remain seized of the matter.

Adopted at the 2982nd meeting by 10 votes to 3 (Cuba, Yemen, Zimbabwe), with 2 abstentions (China, India).

CENTRAL AMERICA: EFFORTS TOWARDS PEACE¹²⁵

Decisions

In a letter dated 22 April 1991,¹²⁶ the Secretary-General informed the Security Council that the tour of duty of Brigadier-General Lewis Mackenzie, who had been serving as acting Chief Military Observer since 18 December 1990, would come to an end on 13 May 1991 and that following the usual consultations with the parties concerned, it was his intention to appoint Brigadier-General Victor Suanzes Pardo (Spain) to the post of Chief Military Observer of the United Nations Observer Group in Central America as from 13 May 1991, subject to extension of the mandate of the Group. The Government of Spain had informed the Secretary-General that it was prepared to make the services of Brigadier-General Suanzes available to the United Nations.

In a letter dated 24 April 1991,¹²⁷ the President of the Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 22 April 1991¹²⁶ concerning your intention to appoint Brigadier-General Victor Suanzes Pardo (Spain) to the post of Chief Military Observer of the United Nations Observer Group in Central America has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter."

At its 2986th meeting, on 6 May 1991, the Council discussed the item entitled "Central America: efforts towards peace - report of the Secretary-General (S/22543)".⁷

Resolution 691 (1991) of 6 May 1991

The Security Council,

Recalling its resolutions 637 (1989) of 27 July 1989, 644 (1989) of 7 November 1989 and 675 (1990) of 5 November 1990, as well as the statement made by the President of the Security Council on its behalf on 7 November 1989,¹²⁸

1. *Approves* the report of the Secretary-General of 29 April 1991;¹²⁹
2. *Decides* to extend, under its authority, the mandate of the United Nations Observer Group in Central America, as defined in resolution 644 (1989), for a further period of six months, that is until 7 November 1991, bearing in mind the report of the Secretary-General and the need to continue to monitor expenditures carefully during this period of increasing demands on peace-keeping resources;
3. *Requests* the Secretary-General to keep the Security Council fully informed of further developments and to report

participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: report of the Secretary-General pursuant to paragraph 19 of Security Council resolution 687 (1991) (S/22559)".⁷

Resolution 692 (1991)
of 20 May 1991

The Security Council,

Recalling its resolutions 674 (1990) of 29 October 1990, 686 (1991) of 2 March 1991 and 687 (1991) of 3 April 1991 concerning the liability of Iraq, without prejudice to its debts and obligations arising prior to 2 August 1990, for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations as a result of Iraq's unlawful invasion and occupation of Kuwait,

Taking note of the report submitted by the Secretary-General on 2 May 1991 pursuant to paragraph 19 of resolution 687 (1991),⁸²

Acting under Chapter VII of the Charter of the United Nations,

1. Expresses its appreciation to the Secretary-General for his report of 2 May 1991;⁸²

2. Welcomes the fact that the Secretary-General will now undertake the appropriate consultations requested by paragraph 19 of resolution 687 (1991) so that he will be in a position to recommend to the Council for decision as soon as possible the figure which the level of Iraq's contribution to the United Nations Compensation Fund will not exceed;

3. Decides to establish the Fund and the United Nations Compensation Commission referred to in paragraph 18 of resolution 687 (1991) in accordance with section I of the Secretary-General's report, and decides also that the Governing Council of the Commission will be located at the United Nations Office at Geneva and that the Governing Council may decide whether some of the activities of the Commission should be carried out elsewhere;

4. Requests the Secretary-General to take the actions necessary to implement paragraphs 2 and 3 in consultation with the members of the Governing Council;

5. Directs the Governing Council to proceed in an expeditious manner to implement the provisions of section E of resolution 687 (1991), taking into account the recommendations in section II of the Secretary-General's report;

6. Decides that the requirement for Iraqi contributions will apply in the manner to be prescribed by the Governing Council with respect to all Iraqi petroleum and petroleum products exported from Iraq after 3 April 1991 as well as such

petroleum and petroleum products exported earlier but not delivered or not paid for as a specific result of the prohibitions contained in resolution 661 (1990) of 6 August 1990;

7. Requests the Governing Council to report as soon as possible on the actions it has taken with regard to the mechanisms for determining the appropriate level of Iraq's contribution to the Fund and the arrangements for ensuring that payments are made to the Fund, so that the Security Council can give its approval in accordance with paragraph 22 of resolution 687 (1991);

8. Requests also that all States and international organizations cooperate with the decisions of the Governing Council taken pursuant to paragraph 5, and further requests that the Governing Council keep the Security Council informed on this matter;

9. Decides that, if the Governing Council notifies the Security Council that Iraq has failed to carry out decisions of the Governing Council taken pursuant to paragraph 5, the Security Council intends to retain or to take action to reimpose the prohibition against the import of petroleum and petroleum products originating in Iraq and financial transactions related thereto;

10. Decides also to remain seized of this matter, and requests the Governing Council to submit periodic reports to the Secretary-General and the Security Council.

Adopted at the 2967th meeting by 14 votes to none, with 1 abstention (Cuba).

Decision

At its 2994th meeting, on 17 June 1991, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled:

"The situation between Iraq and Kuwait:

"Plan for the implementation of relevant parts of section C of the Security Council resolution 687 (1991): report of the Secretary-General (S/22614);⁷

"Note by the Secretary-General (S/22615);⁷

"Report of the Secretary-General pursuant to paragraph 26 of the Security Council resolution 687 (1991) (S/22660)".⁷

Resolution 699 (1991)
of 17 June 1991

The Security Council,

Recalling its resolution 687 (1991) of 3 April 1991,

Taking note of the report submitted by the Secretary-General on 17 May 1991 pursuant to paragraph 9 (b) of resolution 687 (1991),⁸³

Also taking note of the Secretary-General's note of 17 May 1991⁶⁴ transmitting to the Council the text of the letter addressed to him by the Director General of the International Atomic Energy Agency under paragraph 13 of the above-mentioned resolution,

Acting under Chapter VII of the Charter of the United Nations,

1. Approves the plan contained in the report of the Secretary-General of 17 May 1991;⁶⁵

2. Confirms that the Special Commission and the International Atomic Energy Agency have the authority to conduct activities under section C of resolution 687 (1991) for the purpose of the destruction, removal or rendering harmless of the items specified in paragraphs 8 and 12 of that resolution, after the forty-five-day period following the approval of this plan until such activities have been completed;

3. Requests the Secretary-General to submit to the Council progress reports on the implementation of the plan referred to in paragraph 1 every six months after the adoption of the present resolution;

4. Decides to encourage the maximum assistance, in cash and in kind, from all Member States to ensure that activities under section C of resolution 687 (1991) are undertaken effectively and expeditiously; decides also, however, that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C; and requests the Secretary-General to submit to the Council within thirty days for approval recommendations as to the most effective means by which Iraq's obligations in this respect may be fulfilled.

Adopted unanimously at the 2994th meeting

Resolution 700 (1991)
of 17 June 1991

The Security Council,

Recalling its resolutions 661 (1990) of 6 August 1990, 665 (1990) of 25 August 1990, 670 (1990) of 25 September 1990 and 687 (1991) of 3 April 1991,

Taking note of the report submitted by the Secretary-General on 2 June 1991 pursuant to paragraph 26 of resolution 687 (1991),⁶⁵

Acting under Chapter VII of the Charter of the United Nations,

1. Expresses its appreciation to the Secretary-General for his report of 2 June 1991;⁶⁵

2. Approves the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991);⁶⁶

3. Reiterates its call upon all States and international organizations to act in a manner consistent with the guidelines;

4. Requests all States, in accordance with paragraph 8 of the guidelines, to report to the Secretary-General within forty-five days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991);

5. Entrusts the Security Council Committee, established under resolution 661 (1990) concerning the situation between Iraq and Kuwait with the responsibility, under the guidelines, for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991);

6. Decides to remain seized of the matter and to review the guidelines at the same time as it reviews paragraphs 22 to 25 of resolution 687 (1991) as set out in paragraph 28 thereof.

Adopted unanimously at the 2994th meeting

Decisions

At its 2995th meeting, on 26 June 1991, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: letter dated 26 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22739)".⁶⁷

At its 2996th meeting, on 28 June 1991, the Council discussed the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 26 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22739)".⁶⁷

"Letter dated 28 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22743)".⁶⁷

At the same meeting, following consultations with the members of the Security Council, the President made the following statement on behalf of the Council:⁶⁷

"The members of the Security Council have learnt with grave concern of an incident which occurred today when the Iraqi military authorities denied a joint International Atomic Energy Agency/Special Commission nuclear

Resolution 705 (1991)
of 15 August 1991

The Security Council,

Having considered the note of 30 May 1991 which the Secretary-General submitted pursuant to paragraph 13 of his report of 2 May 1991⁸² and which was also annexed to his letter of 30 May 1991 addressed to the President of the Security Council⁸³,

Acting under Chapter VII of the Charter of the United Nations,

1. Expresses its appreciation to the Secretary-General for his note of 30 May 1991;
2. Decides that, in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note, compensation to be paid by Iraq, as arising from section E of resolution 687 (1991) of 3 April 1991, shall not exceed 30 per cent of the annual value of its exports of petroleum and petroleum products;
3. Decides also, in accordance with paragraph 8 of the Secretary-General's note, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the Secretary-General's letter of 30 May 1991⁸⁴ and other relevant developments.

Adopted unanimously at the 3004th meeting.

Resolution 706 (1991)
of 15 August 1991

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990) of 6 August 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 692 (1991) of 20 May 1991, 699 (1991) of 17 June 1991 and 705 (1991) of 15 August 1991,

Taking note of the report dated 15 July 1991 of the inter-agency mission headed by the Executive Delegate of the Secretary-General for the United Nations Inter-Agency Humanitarian Programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas,⁸⁵

Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in the report and by the risk of a further deterioration of this situation,

Concerned also that the repatriation or return of all Kuwaitis and third-State nationals or their remains present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of

resolution 686 (1991) and paragraphs 30 and 31 of resolution 687 (1991), has not yet been fully carried out,

Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief,

Taking note also of the letters dated 14 April, 31 May, 6 June, 9 July and 22 July 1991 from the Minister for Foreign Affairs of Iraq and the Permanent Representative of Iraq to the United Nations to the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in regard to the export by Iraq of petroleum and petroleum products,

Convinced of the need to ensure equitable distribution of humanitarian relief assistance to all segments of the Iraqi civilian population through effective monitoring and transparency of the process,

Recalling and reaffirming in this regard its resolution 688 (1991), and in particular the importance which the Council attaches to Iraq's allowing unhindered access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and making available all necessary facilities for their operation, and in this connection stressing the continuing importance of the Memorandum of Understanding between the United Nations and the Government of Iraq signed on 18 April 1991,⁸⁶

Recalling that, pursuant to resolutions 687 (1991), 692 (1991) and 699 (1991), Iraq is required to pay the full costs of the Special Commission and the International Atomic Energy Agency in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General, in the report of 15 July 1991 that he submitted to the Council pursuant to paragraph 4 of resolution 699 (1991),⁸⁷ expressed the view that the most obvious way of obtaining financial resources from Iraq to meet those costs would be to authorize the sale of some Iraqi petroleum and petroleum products; recalling also that Iraq is required to pay its contributions to the United Nations Compensation Fund and half the costs of the Iraq-Kuwait Boundary Demarcation Commission; and recalling further that, in its resolutions 686 (1991) and 687 (1991), the Council demanded that Iraq return in the shortest possible time all Kuwaiti property seized by it and requested the Secretary-General to take steps to facilitate this demand,

Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit, for the purposes specified in the present resolution, the import, during a period of six months from the date of adoption of the resolution pursuant to paragraph 5, of a quantity of petroleum and petroleum prod-

ucts originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5, a sum, however, not to exceed 1.6 billion United States dollars, subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, following notification to the Committee by the State concerned;

(b) Direct payment of the full amount of each purchase of Iraqi petroleum and petroleum products by the purchaser in the State concerned into an escrow account to be established by the United Nations and administered by the Secretary-General exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The total sum of purchases authorized in the present paragraph is to be released by successive decisions of the Committee in three equal portions after the Council has taken the decision provided for in paragraph 5 on the implementation of the present resolution; notwithstanding any other provision of the present paragraph, the Council may review the maximum total sum of purchases on the basis of an ongoing assessment of the needs and requirements;

2. *Decides* that a part of the sum in the account administered by the Secretary-General shall be made available to him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991), and to cover the cost to the United Nations of its activities under the present resolution and of other necessary humanitarian activities in Iraq;

3. *Decides also* that a part of the sum deposited in the account administered by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund and to cover the full costs of carrying out the tasks authorized by section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Iraq-Kuwait Boundary Demarcation Commission;

4. *Decides further* that the percentage of the value of exports of petroleum and petroleum products from Iraq authorized under the present resolution to be paid to the Compensation Fund, as called for in paragraph 19 of resolution 687 (1991) and as defined in paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Council in paragraph 2 of resolution 705 (1991) for payments to the Fund, until such time as the Governing Council of the Fund decides otherwise;

5. *Requests* the Secretary-General to submit to the Council, within twenty days of the date of adoption of the present resolution, a report suggesting decisions to be taken on measures to implement paragraphs 1 (a), (b) and (c), on estimates of the humanitarian requirements of Iraq set out in paragraph 2 and on the amount of Iraq's financial obligations set out in paragraph 3 up to the end of the period of the authorization in paragraph 1, as well as on the method for taking the necessary legal measures to ensure that the purposes of the present resolution are carried out and the method for taking account of the costs of transportation of Iraqi petroleum and petroleum products;

6. *Also requests* the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Council within twenty days of the date of adoption of the present resolution a report on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third-State nationals or their remains present in Iraq on or after 2 August 1990;

7. *Calls upon* the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a detailed statement of the gold and foreign currency reserves it holds, whether in Iraq or elsewhere;

8. *Calls upon* all States to cooperate fully in the implementation of the present resolution;

9. *Decides* to remain seized of the matter.

Adopted at the 3004th meeting by 13 votes to 1 (Cuba) with 1 abstention (Yemen).

Resolution 707 (1991)
of 15 August 1991

The Security Council,

Recalling its resolution 687 (1991) of 3 April 1991 and its other resolutions on this matter,

(b) Allow the Special Commission, the International Atomic Energy Agency and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

(c) Cease immediately any attempt to conceal, move or destroy any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities, without notification to and prior consent of the Special Commission;

(d) Make available immediately to the Special Commission, the Agency and their inspection teams any items to which they were previously denied access;

(e) Allow the Special Commission, the Agency and their inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics, without interference of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

(f) Halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes, until the Council determines that Iraq is in full compliance with the present resolution and with paragraphs 12 and 13 of resolution 687 (1991) and the Agency determines that Iraq is in full compliance with its safeguards agreement with the Agency;

(g) Ensure the complete enjoyment, in accordance with its previous undertakings, of the privileges, immunities and facilities accorded to the representatives of the Special Commission and the Agency and guarantee their complete safety and freedom of movement;

(h) Immediately provide or facilitate the provision of any transportation and medical or logistical support requested by the Special Commission, the Agency and their inspection teams;

(i) Respond fully, completely and promptly to any questions or requests from the Special Commission, the Agency and their inspection teams;

4. *Determines* that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. *Requires* the Government of Iraq forthwith to comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons and in its safeguards agreement with the International Atomic Energy Agency;

6. *Decides* to remain seized of this matter.

Adopted unanimously at the 3004th meeting.

Decision

At its 3008th meeting, on 19 September 1991, the Council invited the representative of Iraq to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 706 (1991) (S/23006 and Corr.2)".²²

Resolution 712 (1991) of 19 September 1991

The Security Council,

Recalling its previous relevant resolutions, and in particular resolutions 661 (1990) of 6 August 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 692 (1991) of 20 May 1991, 699 (1991) of 17 June 1991, and 705 (1991) and 706 (1991) of 15 August 1991,

Expressing its appreciation for the report submitted by the Secretary-General on 4 September 1991 pursuant to paragraph 5 of resolution 706 (1991),²⁰

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population and the risk of a further deterioration of this situation, and underlining the need in this context for fully up-to-date assessments of the situation in all parts of Iraq as a basis for the equitable distribution of humanitarian relief to all segments of the Iraqi civilian population.

Recalling that the activities to be carried out by or on behalf of the Secretary-General to meet the purposes referred to in resolution 706 (1991) and the present resolution enjoy the privileges and immunities of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Confirms* the figure mentioned in paragraph 1 of resolution 706 (1991) as the sum authorized for the purpose of that paragraph, and reaffirms its intention to review this sum on the basis of its ongoing assessment of the needs and requirements, in accordance with paragraph 1 (d) of that resolution;

2. *Invites* the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait to authorize immediately, pursuant to paragraph 1 (d) of resolution 706 (1991), the release by the Secretary-General from the escrow account of the first one-third portion of the

sum referred to in paragraph 1 above, such release to take place as required subject to the availability of funds in the account and, in the case of payments to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs that have been notified or approved in accordance with existing procedures, subject to compliance with the procedures laid down in the report of the Secretary-General⁹⁹ as approved in paragraph 3 below;

3. *Approves* the recommendations contained in paragraphs 57 (d) and 58 of the Secretary-General's report;

4. *Encourages* the Secretary-General and the Committee to cooperate, in close consultation with the Government of Iraq, on a continuing basis to ensure the most effective implementation of the scheme approved in the present resolution;

5. *Decides* that petroleum and petroleum products subject to resolution 706 (1991) shall, while under Iraqi title, be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection and to ensure that the proceeds of sale are not diverted from the purposes laid down in resolution 706 (1991);

6. *Reaffirms* that the escrow account to be established by the United Nations and administered by the Secretary-General to meet the purposes of resolution 706 (1991) and the present resolution, like the United Nations Compensation Fund established by resolution 692 (1991), enjoys the privileges and immunities of the United Nations;

7. *Reaffirms also* that the inspectors and other experts on mission for the United Nations, appointed for the purpose of the present resolution, enjoy privileges and immunities in accordance with the Convention on the Privileges and Immunities of the United Nations,¹⁰⁰ and demands that Iraq allow them full freedom of movement and all necessary facilities;

8. *Confirms* that funds contributed from other sources may, if desired, in accordance with paragraph 1 (c) of resolution 706 (1991), be deposited into the escrow account as a sub-account and be immediately available to meet Iraq's humanitarian needs as referred to in paragraph 20 of resolution 687 (1991) without any of the obligatory deductions and administrative costs specified in paragraphs 2 and 3 of resolution 706 (1991);

9. *Urges* that any provision to Iraq of foodstuffs, medicines or other items of a humanitarian character, in addition to those purchased with the funds referred to in paragraph 1 above, be undertaken through arrangements that assure their equitable distribution to meet humanitarian needs;

10. *Requests* the Secretary-General to take the actions necessary to implement the above decisions, and authorizes him to enter into any arrangements or agreements necessary to accomplish this;

11. *Calls upon* States to cooperate fully in the implementation of resolution 706 (1991) and the present resolution, in particular with respect to any measures regarding the import of petroleum and petroleum products and the export of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), and also with respect to the privileges and immunities of the United Nations and its personnel implementing the present resolution, and to ensure that there are no diversions from the purposes laid down in these resolutions;

12. *Decides* to remain seized of the matter.

Adopted at the 3008th meeting by 13 votes to 1 (Cuba) with 1 abstention (Yemen).

Decisions

In a letter dated 25 September 1991,¹⁰¹ the President of the Security Council informed the Permanent Representative of Iraq to the United Nations as follows:

"I have transmitted to the Security Council your letter of 24 September 1991.¹⁰²

"The Council notes the terms of this letter concerning the implementation of resolution 687 (1991) of 3 April 1991 and other relevant resolutions and considers that they constitute acceptance by Iraq without reservation of resolution 707 (1991) of 15 August 1991 and that the Iraqi Government is thus giving its unconditional consent to the use by the Special Commission of its own aircraft.

"Accordingly, the Special Commission intends to avail itself of this possibility without delay with a view to proceeding with the inspection programme that it has established."

After the consultations held on 2 October 1991, the President of the Security Council made the following statement to the media on behalf of the members of the Council:¹⁰³

"The members of the Security Council held informal consultations on 2 October 1991 pursuant to paragraph 21 of resolution 687 (1991) of 3 April 1991.

"After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution."

On 2 October 1991, the Secretary-General submitted his report on the United Nations Iraq-Kuwait Observation Mission for the period 9 April to 2 October 1991.¹⁰⁴ In his report, the Secretary-General stated that during the previous six months, the Mission had deployed in its area of operation and carried

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GENERAL

S/RES/778 (1992)*
2 October 1992

RESOLUTION 778 (1992)

Adopted by the Security Council at its 3117th meeting,
on 2 October 1992

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 706 (1991) and 712 (1991),

Taking note of the letter of 15 July 1992 from the Secretary-General to the President of the Security Council on Iraq's compliance with the obligations placed on it by resolution 687 (1991) and subsequent resolutions,

Condemning Iraq's continued failure to comply with its obligations under relevant resolutions,

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population, and the risk of a further deterioration of this situation, and recalling in this regard its resolution 706 (1991) and 712 (1991), which provide a mechanism for providing humanitarian relief to the Iraqi population, and resolution 688 (1991), which provides a basis for humanitarian relief efforts in Iraq,

Having regard to the fact that the period of six months referred to in resolutions 706 (1991) and 712 (1991) expired on 18 March 1992,

Deploring Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991), which puts its civilian population at risk, and which results in the failure by Iraq to meet its obligations under relevant Security Council resolutions,

* Reissued for technical reasons.

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Recalling that the escrow account provided for in resolutions 706 (1991) and 712 (1991) will consist of Iraqi funds administered by the Secretary-General which will be used to pay contributions to the Compensation Fund, the full costs of carrying out the tasks authorized by section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, half the costs of the Boundary Commission, and the cost to the United Nations of implementing resolution 706 (1991) and of other necessary humanitarian activities in Iraq,

Recalling that Iraq, as stated in paragraph 16 of resolution 687 (1991), is liable for all direct damages resulting from its invasion and occupation of Kuwait, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through the normal mechanisms,

Recalling its decision in resolution 692 (1991) that the requirement for Iraqi contributions to the Compensation Fund applies to certain Iraqi petroleum and petroleum products exported from Iraq before 2 April 1991, as well as to all Iraqi petroleum and petroleum products exported from Iraq after 2 April 1991,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all States in which there are funds of the Government of Iraq, or its State bodies, corporations, or agencies, that represent the proceeds of sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6 August 1990, shall cause the transfer of those funds (or equivalent amounts) as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991); provided that this paragraph shall not require any State to cause the transfer of such funds in excess of 200 million dollars or to cause the transfer of more than fifty per cent of the total funds transferred or contributed pursuant to paragraphs 1, 2 and 3 of this resolution; and further provided that States may exclude from the operation of this paragraph any funds which have already been released to a claimant or supplier prior to the adoption of this resolution, or any other funds subject to or required to satisfy the rights of third parties, at the time of the adoption of this resolution;

2. Decides that all States in which there are petroleum or petroleum products owned by the Government of Iraq, or its State bodies, corporations, or agencies, shall take all feasible steps to purchase or arrange for the sale of such petroleum or petroleum products at fair market value, and thereupon to transfer the proceeds as soon as possible to the escrow account provided for in resolution 706 (1991) and 712 (1991);

3. Urges all States to contribute funds from other sources to the escrow account as soon as possible;

4. Decides that all States shall provide the Secretary-General with any information needed for the effective implementation of this resolution and that they shall take the necessary measures to ensure that banks and other

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bodies and persons provide all relevant information necessary to identify the funds referred to in paragraphs 1 and 2 above and details of any transactions relating thereto, or the said petroleum or petroleum products, with a view to such information being utilized by all States and by the Secretary-General in the effective implementation of this resolution;

5. Requests the Secretary-General:

(a) To ascertain the whereabouts and amounts of the said petroleum and petroleum products and the proceeds of sale referred to in paragraphs 1 and 2 of this resolution, drawing on the work already done under the auspices of the Compensation Commission, and report the results to the Security Council as soon as possible;

(b) To ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991); and

(c) to take the following actions:

(i) transfer to the Compensation Fund, from the funds referred to in paragraphs 1 and 2 of this resolution, the percentage referred to in paragraph 10 of this resolution; and

(ii) use of the remainder of funds referred to in paragraphs 1, 2 and 3 of this resolution for the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991), taking into account any preference expressed by States transferring or contributing funds as to the allocation of such funds among these purposes;

6. Decides that for so long as oil exports take place pursuant to the system provided in resolutions 706 (1991) and 712 (1991) or to the eventual lifting of sanctions pursuant to paragraph 22 of resolution 687 (1991), implementation of paragraphs 1 to 5 of this resolution shall be suspended and all proceeds of those oil exports shall immediately be transferred by the Secretary-General in the currency in which the transfer to the escrow account had been made, to the accounts or States from which funds had been provided under paragraphs 1, 2 and 3 of this resolution, to the extent required to replace in full the amounts so provided (together with applicable interest); and that, if necessary for this purpose, any other funds remaining in the escrow account shall similarly be transferred to those accounts or States; provided, however, that the Secretary-General may retain and use any funds urgently needed for the purposes specified in paragraph 5 (c) (ii) of this resolution;

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7. Decides that the operation of this resolution shall have no effect on rights, debts and claims existing with respect to funds prior to their transfer to the escrow account; and that the accounts from which such funds were transferred shall be kept open for retransfer of the funds in question;
8. Reaffirms that the escrow account referred to in this resolution, like the Compensation Fund, enjoys the privileges and immunities of the United Nations, including immunity from legal proceedings, or any forms of attachment, garnishment or execution; and that no claim shall lie at the instance of any person or body in connection with any action taken in compliance with or implementation of this resolution;
9. Requests the Secretary-General to repay, from any available funds in the escrow account, any sum transferred under this resolution to the account or State from which it was transferred, if the transfer is found at any time by him not to have been of funds subject to this resolution; a request for such a finding could be made by the State from which the funds were transferred;
10. Confirms that the percentage of the value of exports of petroleum and petroleum products from Iraq for payment to the Compensation Fund shall, for the purpose of this resolution and exports of petroleum or petroleum products subject to paragraph 6 of resolution 692 (1991), be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991), until such time as the Governing Council of the Compensation Fund may decide otherwise;
11. Decides that no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the sub-account of the escrow account, established pursuant to paragraph 8 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq;
12. Decides that, for the purposes of this resolution and other relevant resolutions, the term "petroleum products" does not include petrochemical derivatives;
13. Calls upon all States to cooperate fully in the implementation of this resolution;
14. Decides to remain seized of this matter.

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Security Council

Distr.
GENERAL

S/RES/986 (1995)
14 April 1995

RESOLUTION 986 (1995)

Adopted by the Security Council at its 3519th meeting,
on 14 April 1995

The Security Council,

Recalling its previous relevant resolutions,

Concerned by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation,

Convinced of the need as a temporary measure to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the

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State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

2. Authorizes Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk-Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

3. Decides that paragraphs 1 and 2 of this resolution shall come into force at 00.01 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

4. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and expresses its intention, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;

5. Further decides that the remaining paragraphs of this resolution shall come into force forthwith;

6. Directs the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph 1 of this resolution, and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;

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7. Requests the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;

8. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:

- (i) Each export of goods is at the request of the Government of Iraq;
- (ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;
- (iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;

(b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;

(c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;

(d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;

(e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);

(f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities

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directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;

(g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;

9. Authorizes States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

(a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;

(b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;

10. Decides that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1991) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution 661 (1990), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;

11. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial 180 day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;

12. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of this resolution and to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the initial 180 day period on the implementation of those arrangements;

13. Requests the Secretary-General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;

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14. Decides that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

15. Affirms that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;

16. Affirms that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and requires the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

17. Affirms that nothing in this resolution affects Iraq's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

18. Also affirms that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

19. Decides to remain seized of the matter.

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Security Council

Distr.
GENERALS/RES/1111 (1997)
4 June 1997

RESOLUTION 1111 (1997)

Adopted by the Security Council at its 3786th meeting,
on 4 June 1997

The Security Council,

Recalling its previous resolutions and in particular its resolution 986 (1995) of 14 April 1995,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Determined to avoid any further deterioration of the current humanitarian situation,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 11 of resolution 986 (1995) (S/1997/419), as well as the report submitted in accordance with paragraph 12 of resolution 986 (1995) (S/1997/417) by the Committee established by resolution 661 (1990) of 6 August 1990,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 00.01 hours, Eastern Daylight Time, on 8 June 1997;

2. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of

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paragraph 1 above and again prior to the end of the 180 day period, on receipt of the reports referred to in paragraphs 3 and 4 below, and expresses its intention, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 3 and 4 below indicate that those provisions are being satisfactorily implemented;

3. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180 day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);

4. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180 day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

5. Directs the Committee established by resolution 661 (1990) of 6 August 1990 to process expeditiously contract applications submitted under the present resolution as soon as the Secretary-General has approved the new Plan submitted by the Government of Iraq, guaranteeing equitable distribution and including a description of the goods to be purchased with the revenues of the sale of petroleum and petroleum products authorized by the present resolution;

6. Decides to remain seized of the matter.

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Security Council

Distr.
GENERALS/RES/1143 (1997)
4 December 1997

RESOLUTION 1143 (1997)

Adopted by the Security Council at its 3840th meeting,
on 4 December 1997

The Security Council,

Recalling its previous resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 3 of resolution 1111 (1997) (S/1997/935) and his intention to submit a supplementary report, as well as the report submitted in accordance with paragraph 4 of resolution 1111 (1997) by the Committee established by resolution 661 (1990) of 6 August 1990 (S/1997/942),

Noting with concern that, despite the ongoing implementation of resolutions 986 (1995) and 1111 (1997), the population of Iraq continues to face a serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

Noting with appreciation the recommendation of the Secretary-General that the Council re-examine the adequacy of the revenues provided by resolution 986 (1995) and consider how best to meet the priority humanitarian requirements of the Iraqi people, including the possibility of increasing those revenues,

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Noting also with appreciation the Secretary-General's intention to include in his supplementary report recommendations on ways to improve the processing and supply of humanitarian goods under resolution 986 (1995),

Welcoming the efforts made by the Committee established by resolution 661 (1990) to refine and clarify its working procedures and encouraging the Committee to go further in that direction in order to expedite the approval process,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 00.01 hours, Eastern Standard Time, on 5 December 1997;
2. Further decides that the provisions of the distribution plan in respect of goods purchased in accordance with resolution 1111 (1997) shall continue to apply to foodstuffs, medicine and health supplies purchased in accordance with this resolution pending the Secretary-General's approval of a new distribution plan, to be submitted by the Government of Iraq before 5 January 1998;
3. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 4 and 5 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 4 and 5 below indicate that those provisions are being satisfactorily implemented;
4. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);
5. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

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6. Welcomes the intention of the Secretary-General to submit a supplementary report, and expresses its willingness, in the light of his recommendations, to find ways of improving the implementation of the humanitarian programme and to take such action over additional resources as needed to meet priority humanitarian requirements of the Iraqi people, as well as to consider an extension of the time-frame for the implementation of this resolution;

7. Requests the Secretary-General to submit his supplementary report to the Council no later than 30 January 1998;

8. Stresses the need to ensure respect for the security and safety of all persons appointed by the Secretary-General for the implementation of this resolution in Iraq;

9. Requests the Committee established by resolution 661 (1990) to continue, in close coordination with the Secretary-General, to refine and clarify working procedures in order to expedite the approval process and to report to the Council no later than 30 January 1998;

10. Decides to remain seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1153 (1998)
20 February 1998

RESOLUTION 1153 (1998)

Adopted by the Security Council at its 3855th meeting,
on 20 February 1998

The Security Council,

Recalling its previous relevant resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997 and 1143 (1997) of 4 December 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions, and emphasizing the temporary nature of the distribution plan envisaged by this resolution,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Welcoming the report submitted on 1 February 1998 by the Secretary-General in accordance with paragraph 7 of resolution 1143 (1997) (S/1998/90) and his recommendations, as well as the report submitted on 30 January 1998 in accordance with paragraph 9 of resolution 1143 (1997) by the Committee established by resolution 661 (1990) of 6 August 1990 (S/1998/92),

Noting that the Government of Iraq did not cooperate fully in the preparation of the report of the Secretary-General,

Noting with concern that, despite the ongoing implementation of resolutions 986 (1995), 1111 (1997) and 1143 (1997), the population of Iraq continues to face a very serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

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Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 00.01 hours, Eastern Standard Time, on the day after the President of the Council has informed the members of the Council that he has received the report of the Secretary-General requested in paragraph 5 below, on which date the provisions of resolution 1143 (1997), if still in force, shall terminate, except as regards sums already produced pursuant to that resolution prior to that date;
2. Decides further that the authorization given to States by paragraph 1 of resolution 986 (1995) shall permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum, in the 180-day period referred to in paragraph 1 above, not exceeding a total of 5.256 billion United States dollars, of which the amounts recommended by the Secretary-General for the food/nutrition and health sectors should be allocated on a priority basis, and of which between 682 million United States dollars and 788 million United States dollars shall be used for the purpose referred to in paragraph 8 (b) of resolution 986 (1995), except that if less than 5.256 billion United States dollars worth of petroleum or petroleum products is sold during the 180-day period, particular attention will be paid to meeting the urgent humanitarian needs in the food/nutrition and health sectors and the Secretary-General may provide a proportionately smaller amount for the purpose referred to in paragraph 8 (b) of resolution 986 (1995);
3. Directs the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj pilgrimage, to be met by funds in the escrow account;
4. Requests the Secretary-General to take the actions necessary to ensure the effective and efficient implementation of this resolution, and in particular to enhance the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council of the equitable distribution of the goods produced in accordance with this resolution and that all supplies authorized for procurement, including dual-usage items and spare parts, are utilized for the purpose for which they have been authorized;
5. Requests the Secretary-General to report to the Council when he has entered into any necessary arrangements or agreements, and approved a distribution plan, submitted by the Government of Iraq, which includes a description of the goods to be purchased and effectively guarantees their equitable distribution, in accordance with his recommendations that the plan should be ongoing and should reflect the relative priorities of humanitarian supplies as well as their interrelationships within the context of projects or activities, required delivery dates, preferred points of entry, and targeted objectives to be achieved;

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6. Urges all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of this resolution;
7. Appeals to all States to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and taking all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;
8. Stresses the need to ensure respect for the security and safety of all persons directly involved in the implementation of this resolution in Iraq;
9. Decides to conduct an interim review of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and a thorough review of all aspects of its implementation prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 10 and 14 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably the renewal of the provisions of this resolution as appropriate, provided that the reports referred to in paragraphs 10 and 14 below indicate that those provisions are being satisfactorily implemented;
10. Requests the Secretary-General to make an interim report to the Council 90 days after the entry into force of paragraph 1 above, and to make a full report prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 above;
11. Takes note of the Secretary-General's observation that the situation in the electricity sector is extremely grave, and of his intention to return to the Council with proposals for appropriate funding, requests him to submit urgently a report for this purpose prepared in consultation with the Government of Iraq to the Council, and further requests him to submit to the Council other studies, drawing upon United Nations agencies as appropriate and in consultation with the Government of Iraq, on essential humanitarian needs in Iraq including necessary improvements to infrastructure;
12. Requests the Secretary-General to establish a group of experts to determine in consultation with the Government of Iraq whether Iraq is able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above and to prepare an independent report on Iraqi production and transportation capacity and necessary monitoring, also requests him in the light of that report to make early and appropriate recommendations and expresses its readiness to take a decision, on the basis of these recommendations and the humanitarian objectives of this resolution, notwithstanding paragraph 3 of resolution 661 (1990), regarding authorization of

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the export of the necessary equipment to enable Iraq to increase the export of petroleum or petroleum products and to give the appropriate directions to the Committee established by resolution 661 (1990);

13. Requests the Secretary-General to report to the Council, if Iraq is unable to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above, and following consultations with relevant United Nations agencies and the Iraqi authorities, making recommendations for the expenditure of the sum expected to be available, consistent with the distribution plan referred to in paragraph 5 above;

14. Requests the Committee established by resolution 661 (1990), in coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

15. Requests further the Committee established by resolution 661 (1990) to implement the measures and take action on the steps referred to in its report of 30 January 1998, with regard to the refining and clarifying of its working procedures, to consider the relevant observations and recommendations referred to in the report of the Secretary-General of 1 February 1998 in particular with a view to reducing to the extent possible the delay between the export of petroleum and petroleum products from Iraq and the supply of goods to Iraq in accordance with this resolution, to report to the Council by 31 March 1998 and thereafter to continue to review its procedures whenever necessary;

16. Decides to remain seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1284 (1999)
17 December 1999

RESOLUTION 1284 (1999)

Adopted by the Security Council at its 4084th meeting,
on 17 December 1999

The Security Council,

Recalling its previous relevant resolutions, including its resolutions 661 (1990) of 6 August 1990, 687 (1991) of 3 April 1991, 699 (1991) of 17 June 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, 1051 (1996) of 27 March 1996, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999,

Recalling the approval by the Council in its resolution 715 (1991) of the plans for future ongoing monitoring and verification submitted by the Secretary-General and the Director General of the International Atomic Energy Agency (IAEA) in pursuance of paragraphs 10 and 13 of resolution 687 (1991),

Welcoming the reports of the three panels on Iraq (S/1999/356), and having held a comprehensive consideration of them and the recommendations contained in them,

Stressing the importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions regarding Iraq and the need for Iraqi compliance with these resolutions,

Recalling the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons as referred to in paragraph 14 of resolution 687 (1991),

Concerned at the humanitarian situation in Iraq, and determined to improve that situation,

Recalling with concern that the repatriation and return of all Kuwaiti and third country nationals or their remains, present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991) of

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2 March 1991 and paragraph 30 of resolution 687 (1991), have not yet been fully carried out by Iraq,

Recalling that in its resolutions 686 (1991) and 687 (1991) the Council demanded that Iraq return in the shortest possible time all Kuwaiti property it had seized, and noting with regret that Iraq has still not complied fully with this demand,

Acknowledging the progress made by Iraq towards compliance with the provisions of resolution 687 (1991), but noting that, as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision pursuant to resolution 687 (1991) to lift the prohibitions referred to in that resolution,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait, Iraq and the neighbouring States,

Acting under Chapter VII of the Charter of the United Nations, and taking into account that operative provisions of this resolution relate to previous resolutions adopted under Chapter VII of the Charter,

A.

1. Decides to establish, as a subsidiary body of the Council, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991);

2. Decides also that UNMOVIC will undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions, that UNMOVIC will establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues, and that UNMOVIC will identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification;

3. Reaffirms the provisions of the relevant resolutions with regard to the role of the IAEA in addressing compliance by Iraq with paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions, and requests the Director General of the IAEA to maintain this role with the assistance and cooperation of UNMOVIC;

4. Reaffirms its resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1154 (1998) and all other relevant resolutions and statements of its President, which establish the criteria for Iraqi compliance, affirms that the obligations of Iraq referred to in those resolutions and statements with regard to cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of UNMOVIC, and

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decides in particular that Iraq shall allow UNMOVIC teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with the mandate of UNMOVIC, as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC wishes to interview so that UNMOVIC may fully discharge its mandate;

5. Requests the Secretary-General, within 30 days of the adoption of this resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of UNMOVIC who will take up his mandated tasks as soon as possible, and, in consultation with the Executive Chairman and the Council members, to appoint suitably qualified experts as a College of Commissioners for UNMOVIC which will meet regularly to review the implementation of this and other relevant resolutions and provide professional advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General;

6. Requests the Executive Chairman of UNMOVIC, within 45 days of his appointment, to submit to the Council, in consultation with and through the Secretary-General, for its approval an organizational plan for UNMOVIC, including its structure, staffing requirements, management guidelines, recruitment and training procedures, incorporating as appropriate the recommendations of the panel on disarmament and current and future ongoing monitoring and verification issues, and recognizing in particular the need for an effective, cooperative management structure for the new organization, for staffing with suitably qualified and experienced personnel, who would be regarded as international civil servants subject to Article 100 of the Charter of the United Nations, drawn from the broadest possible geographical base, including as he deems necessary from international arms control organizations, and for the provision of high quality technical and cultural training;

7. Decides that UNMOVIC and the IAEA, not later than 60 days after they have both started work in Iraq, will each draw up, for approval by the Council, a work programme for the discharge of their mandates, which will include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance, and further decides that what is required of Iraq for the implementation of each task shall be clearly defined and precise;

8. Requests the Executive Chairman of UNMOVIC and the Director General of the IAEA, drawing on the expertise of other international organizations as appropriate, to establish a unit which will have the responsibilities of the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the export/import mechanism approved by resolution 1051 (1996), and also requests the Executive Chairman of UNMOVIC, in consultation with the Director General of the IAEA, to resume the revision and updating of the lists of items and technology to which the mechanism applies;

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9. Decides that the Government of Iraq shall be liable for the full costs of UNMOVIC and the IAEA in relation to their work under this and other related resolutions on Iraq;

10. Requests Member States to give full cooperation to UNMOVIC and the IAEA in the discharge of their mandates;

11. Decides that UNMOVIC shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the Special Commission's part in agreements existing between the Special Commission and Iraq and between the United Nations and Iraq, and affirms that the Executive Chairman, the Commissioners and the personnel serving with UNMOVIC shall have the rights, privileges, facilities and immunities of the Special Commission;

12. Requests the Executive Chairman of UNMOVIC to report, through the Secretary-General, to the Council, following consultation with the Commissioners, every three months on the work of UNMOVIC, pending submission of the first reports referred to in paragraph 33 below, and to report immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq;

B.

13. Reiterates the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of resolution 687 (1991), to extend all necessary cooperation to the International Committee of the Red Cross, and calls upon the Government of Iraq to resume cooperation with the Tripartite Commission and Technical Subcommittee established to facilitate work on this issue;

14. Requests the Secretary-General to report to the Council every four months on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third country nationals or their remains, to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq, and to appoint a high-level coordinator for these issues;

C.

15. Authorizes States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of any volume of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, as required for the purposes and on the conditions set out in paragraph 1 (a) and (b) and subsequent provisions of resolution 986 (1995) and related resolutions;

16. Underlines, in this context, its intention to take further action, including permitting the use of additional export routes for petroleum and petroleum products, under appropriate conditions otherwise consistent with the purpose and provisions of resolution 986 (1995) and related resolutions;

17. Directs the Committee established by resolution 661 (1990) to approve, on the basis of proposals from the Secretary-General, lists of humanitarian

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items, including foodstuffs, pharmaceutical and medical supplies, as well as basic or standard medical and agricultural equipment and basic or standard educational items, decides, notwithstanding paragraph 3 of resolution 661 (1990) and paragraph 20 of resolution 687 (1991), that supplies of these items will not be submitted for approval of that Committee, except for items subject to the provisions of resolution 1051 (1996), and will be notified to the Secretary-General and financed in accordance with the provisions of paragraph 8 (a) and 8 (b) of resolution 986 (1995), and requests the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken;

18. Requests the Committee established by resolution 661 (1990) to appoint, in accordance with resolutions 1175 (1998) and 1210 (1998), a group of experts, including independent inspection agents appointed by the Secretary-General in accordance with paragraph 6 of resolution 986 (1995), decides that this group will be mandated to approve speedily contracts for the parts and the equipments necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipments approved by that Committee for each individual project, and requests the Secretary-General to continue to provide for the monitoring of these parts and equipments inside Iraq;

19. Encourages Member States and international organizations to provide supplementary humanitarian assistance to Iraq and published material of an educational character to Iraq;

20. Decides to suspend, for an initial period of six months from the date of the adoption of this resolution and subject to review, the implementation of paragraph 8 (g) of resolution 986 (1995);

21. Requests the Secretary-General to take steps to maximize, drawing as necessary on the advice of specialists, including representatives of international humanitarian organizations, the effectiveness of the arrangements set out in resolution 986 (1995) and related resolutions including the humanitarian benefit to the Iraqi population in all areas of the country, and further requests the Secretary-General to continue to enhance as necessary the United Nations observation process in Iraq, ensuring that all supplies under the humanitarian programme are utilized as authorized, to bring to the attention of the Council any circumstances preventing or impeding effective and equitable distribution and to keep the Council informed of the steps taken towards the implementation of this paragraph;

22. Requests also the Secretary-General to minimize the cost of the United Nations activities associated with the implementation of resolution 986 (1995) as well as the cost of the independent inspection agents and the certified public accountants appointed by him, in accordance with paragraphs 6 and 7 of resolution 986 (1995);

23. Requests further the Secretary-General to provide Iraq and the Committee established by resolution 661 (1990) with a daily statement of the status of the escrow account established by paragraph 7 of resolution 986 (1995);

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24. Requests the Secretary-General to make the necessary arrangements, subject to Security Council approval, to allow funds deposited in the escrow account established by resolution 986 (1995) to be used for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the cost of installation and training services;

25. Directs the Committee established by resolution 661 (1990) to take a decision on all applications in respect of humanitarian and essential civilian needs within a target of two working days of receipt of these applications from the Secretary-General, and to ensure that all approval and notification letters issued by the Committee stipulate delivery within a specified time, according to the nature of the items to be supplied, and requests the Secretary-General to notify the Committee of all applications for humanitarian items which are included in the list to which the export/import mechanism approved by resolution 1051 (1996) applies;

26. Decides that Hajj pilgrimage flights which do not transport cargo into or out of Iraq are exempt from the provisions of paragraph 3 of resolution 661 (1990) and resolution 670 (1990), provided timely notification of each flight is made to the Committee established by resolution 661 (1990), and requests the Secretary-General to make the necessary arrangements, for approval by the Security Council, to provide for reasonable expenses related to the Hajj pilgrimage to be met by funds in the escrow account established by resolution 986 (1995);

27. Calls upon the Government of Iraq:

- (i) to take all steps to ensure the timely and equitable distribution of all humanitarian goods, in particular medical supplies, and to remove and avoid delays at its warehouses;
- (ii) to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill among others, and to allow freer access, without any discrimination, including on the basis of religion or nationality, by United Nations agencies and humanitarian organizations to all areas and sections of the population for evaluation of their nutritional and humanitarian condition;
- (iii) to prioritize applications for humanitarian goods under the arrangements set out in resolution 986 (1995) and related resolutions;
- (iv) to ensure that those involuntarily displaced receive humanitarian assistance without the need to demonstrate that they have resided for six months in their places of temporary residence;
- (v) to extend full cooperation to the United Nations Office for Project Services mine-clearance programme in the three northern Governorates of Iraq and to consider the initiation of the demining efforts in other Governorates;

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28. Requests the Secretary-General to report on the progress made in meeting the humanitarian needs of the Iraqi people and on the revenues necessary to meet those needs, including recommendations on necessary additions to the current allocation for oil spare parts and equipment, on the basis of a comprehensive survey of the condition of the Iraqi oil production sector, not later than 60 days from the date of the adoption of this resolution and updated thereafter as necessary;

29. Expresses its readiness to authorize additions to the current allocation for oil spare parts and equipment, on the basis of the report and recommendations requested in paragraph 28 above, in order to meet the humanitarian purposes set out in resolution 986 (1995) and related resolutions;

30. Requests the Secretary-General to establish a group of experts, including oil industry experts, to report within 100 days of the date of adoption of this resolution on Iraq's existing petroleum production and export capacity and to make recommendations, to be updated as necessary, on alternatives for increasing Iraq's petroleum production and export capacity in a manner consistent with the purposes of relevant resolutions, and on the options for involving foreign oil companies in Iraq's oil sector, including investments, subject to appropriate monitoring and controls;

31. Notes that in the event of the Council acting as provided for in paragraph 33 of this resolution to suspend the prohibitions referred to in that paragraph, appropriate arrangements and procedures will need, subject to paragraph 35 below, to be agreed by the Council in good time beforehand, including suspension of provisions of resolution 986 (1995) and related resolutions;

32. Requests the Secretary-General to report to the Council on the implementation of paragraphs 15 to 30 of this resolution within 30 days of the adoption of this resolution;

D.

33. Expresses its intention, upon receipt of reports from the Executive Chairman of UNMOVIC and from the Director General of the IAEA that Iraq has cooperated in all respects with UNMOVIC and the IAEA in particular in fulfilling the work programmes in all the aspects referred to in paragraph 7 above, for a period of 120 days after the date on which the Council is in receipt of reports from both UNMOVIC and the IAEA that the reinforced system of ongoing monitoring and verification is fully operational, to suspend with the fundamental objective of improving the humanitarian situation in Iraq and securing the implementation of the Council's resolutions, for a period of 120 days renewable by the Council, and subject to the elaboration of effective financial and other operational measures to ensure that Iraq does not acquire prohibited items, prohibitions against the import of commodities and products originating in Iraq, and prohibitions against the sale, supply and delivery to Iraq of civilian commodities and products other than those referred to in paragraph 24 of resolution 687 (1991) or those to which the mechanism established by resolution 1051 (1996) applies;

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34. Decides that in reporting to the Council for the purposes of paragraph 33 above, the Executive Chairman of UNMOVIC will include as a basis for his assessment the progress made in completing the tasks referred to in paragraph 7 above;

35. Decides that if at any time the Executive Chairman of UNMOVIC or the Director General of the IAEA reports that Iraq is not cooperating in all respects with UNMOVIC or the IAEA or if Iraq is in the process of acquiring any prohibited items, the suspension of the prohibitions referred to in paragraph 33 above shall terminate on the fifth working day following the report, unless the Council decides to the contrary;

36. Expresses its intention to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items in the event of suspension of the prohibitions referred to in paragraph 33 above, to begin the elaboration of such measures not later than the date of the receipt of the initial reports referred to in paragraph 33 above, and to approve such arrangements before the Council decision in accordance with that paragraph;

37. Further expresses its intention to take steps, based on the report and recommendations requested in paragraph 30 above, and consistent with the purpose of resolution 986 (1995) and related resolutions, to enable Iraq to increase its petroleum production and export capacity, upon receipt of the reports relating to the cooperation in all respects with UNMOVIC and the IAEA referred to in paragraph 33 above;

38. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the termination of prohibitions referred to in that resolution;

39. Decides to remain actively seized of the matter and expresses its intention to consider action in accordance with paragraph 33 above no later than 12 months from the date of the adoption of this resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

**Security Council**

Distr.: General
29 November 2001

Resolution 1382 (2001)

**Adopted by the Security Council at its 4431st meeting, on
29 November 2001**

The Security Council,

Recalling its previous relevant resolutions, including its resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001 and 1360 (2001) of 3 July 2001, as they relate to the improvement of the humanitarian programme for Iraq,

Convinced of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) on 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12 and subject to paragraph 15 of resolution 1284 (1999), and the provisions of paragraphs 2, 3 and 5 to 13 of 1360 (2001) shall remain in force for a new period of 180 days beginning at 0001 hours, Eastern Standard Time, on 1 December 2001;
2. *Notes* the proposed Goods Review List (as contained in Annex 1 to this resolution) and the procedures for its application (as contained in Annex 2 to this resolution) and decides that it will adopt the List and the procedures, subject to any refinements to them agreed by the Council in light of further consultations, for implementation beginning on 30 May 2002;
3. *Reaffirms* the obligation of all States, pursuant to resolution 661 (1990) and subsequent relevant resolutions, to prevent the sale or supply to Iraq of any commodities or products, including weapons or any other military equipment, and to prevent the making available to Iraq of any funds or any other financial or economic resources, except as authorized by existing resolutions;

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4. *Stresses* the obligation of Iraq to cooperate with the implementation of this resolution and other applicable resolutions, including by respecting the security and safety of all persons directly involved in their implementation;
5. *Appeals* to all States to continue to cooperate in the timely submission of technically complete applications and the expeditious issuing of export licences, and to take all other appropriate measures within their competence in order to ensure that urgently needed humanitarian supplies reach the Iraqi population as rapidly as possible;
6. *Reaffirms* its commitment to a comprehensive settlement on the basis of the relevant resolutions of the Security Council, including any clarification necessary for the implementation of resolution 1284 (1999);
7. *Decides* that, for the purposes of this resolution, references in resolution 1360 (2001) to the 150-day period established by that resolution shall be interpreted to refer to the 180-day period established pursuant to paragraph 1 above;
8. *Decides* to remain seized of the matter.

Annex 1

06/29/01

Proposed Goods Review List (GRL)

(Note: Arms and munitions are prohibited under UNSCR 687, para. 24 and thus are not included on the review list.)

- A. Items subject to the provisions of UNSCR 1051 (1996).
- B. The List contained in document S/2001/1120, annex (to the extent, if any, the items on these lists are not covered by UNSCR 687, para. 24). The list includes the following general categories and includes clarifying notes and statements of understanding: (1) advanced materials; (2) materials processing; (3) electronics; (4) computers; (5) telecommunications and information security; (6) sensors and lasers; (7) navigation and avionics; (8) marine; and (9) propulsion.
- C. The following individual items, as further described in the annex:

Command, Control, Communication and Simulation

1. Specific advanced telecommunications equipment.
2. Information security equipment.

Sensors, Electronic Warfare, and Night Vision

3. Specialized electronic instrumentation and test equipment.
4. Image intensifier night vision systems, tubes, and components.

Aircraft and Related Items

5. Specialized radar equipment.
6. Non-civil certified aircraft; all aero gas turbine engines; unmanned aerial vehicles; and parts and components.
7. Non-xray explosive detection equipment.

Naval-related Items

8. Air independent propulsion (AIP) engines and fuel cells specially designed for underwater vehicles, and specially designed components therefor.
9. Marine acoustic equipment.

Explosives

10. Charges and devices specially designed for civil projects, and containing small quantities of energetic materials.

Missile-Related Items

11. Specialized vibration test equipment.

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Conventional Weapons Manufacturing

12. Specialized semiconductor manufacturing equipment.

Heavy Military Transport

13. Low-bed trailers/loaders with a carrying capacity greater than 30 metric tonnes and width equal to or greater than 3 meters.

Biological Weapons Equipment

14. Certain Biological Equipment.

06/29/01

Annex to Proposed Goods Review List (GRL)

Technical Parameters for Individual Items

#1. Specific advanced telecommunication equipment

- a. Any type of telecommunications equipment, specially designed to operate outside the temperature range from 218 K (-55° C) to 397 K (124° C);
- b. Phased array antennae, containing active elements and distributed components, and designed to permit electronic control of beam shaping and pointing, except for landing systems with instruments meeting International Civil Aviation Organization (ICAO) standards (microwave landing systems (MLS));
- c. Radio relay communications equipment designed for use at frequencies of 7.9 through 10.55 GHz or exceeding 40 GHz and assemblies and components therefor;
- d. Optical fiber cables of more than 5 meters in length, and preforms or drawn fibers of glass or other materials optimized for manufacture and use as optical telecommunications transmission medium. Optical terminals and optical amplifiers;
- e. Software specially designed for the development or production of the components or equipment in a-d above;
- f. Technology for the development, design or production of the components, software, or equipment in a-d above.

#2. Information security equipment

Information security equipment having any of the following characteristics:

- a. a symmetric encryption algorithm;
- b. an asymmetric encryption algorithm;
- c. a discrete-log encryption algorithm;
- d. analog encryption or scrambling;
- e. TCSEC B1, B2, B3, or A1 or equivalent Multilevel Secure (MLS) computer systems;
- f. Software specially designed for the development or production of a-a above;
- g. Technology for the development, design or production of a-a above.

Note 1: This entry does not require review of items that meet all of the following:

- a. Generally available to the public, by being sold, without restriction, from stock at retail selling points by means of any of the following:
 - a.1. Over the counter transactions;
 - a.2. Mail order transactions;
 - a.3. Electronic transactions;
 - a.4. Telephone call transactions;

- b. The cryptographic functionality cannot easily be changed by the user;
- c. Designed for installation by the user without further substantial support by the supplier; and
- d. When necessary, details of the items are accessible and will be provided, upon request, to the appropriate authority in the exporter's country in order to ascertain compliance with conditions described in paragraphs a-c above.

Note 2: This item does not require review of:

- a. Personalized smart cards where the cryptographic capability is restricted for use in equipment or systems excluded from control under entries b-f of this note. If a personalized smart card has multiple functions, the control status of each function is addressed individually;
- b. Receiving equipment for radio broadcast, pay television, or similar restricted audience broadcast of the consumer type, without digital encryption except that exclusively used for sending the billing or program-related information back to the broadcast providers;
- c. Equipment where the cryptographic capability is not user-accessible and which is specially designed and limited to allow any of the following:
 - c.1. Execution of copy-protected software;
 - c.2. Access to any of the following:
 - c.2.a. Copy-protected contents stored on read-only media; or
 - c.2.b. Information stored in encrypted form on media (e.g. in connection with intellectual property rights) where the media is offered for sale in identical sets to the public; or
 - c.2.c. One-time copying of copyright-protected audio/video data.
- d. Cryptographic equipment specially designed and limited for banking use or money transactions;

Technical Note: "Money transactions" includes the collection and settlement of fares or credit functions.

- e. Portable or mobile radiotelephones for civil use (e.g. for commercial civil cellular radiocommunications systems) that are not capable of end-to-end encryption;
- f. Cordless telephone equipment not capable of end-to-end encryption where the maximum effective range of unboosted cordless operation (i.e., a single, unrelayed hop between terminal and home basestation) is less than 400 meters according to the manufacturer's specifications.

#3. Specialized electronic instrumentation and test equipment

- a. Signal analysers from 4 through 31 GHz;
- b. Microwave test receivers from 4 through 40 GHz;
- c. Network analysers from 4 through 40 GHz;
- d. Signal generators from 4 through 31 GHz;

- e. Travelling wave tubes, pulsed or continuous wave, as follows:
 - e.1. Coupled cavity tubes, or derivatives thereof;
 - e.2. Helix tubes, or derivatives thereof, with any of the following:
 - e.2.a.1. An instantaneous bandwidth of half an octave or more; and
 - e.2.a.2. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.2;
 - e.2.b.1. An instantaneous bandwidth of less than half an octave; and
 - e.2.b.2. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.4;
- f. Equipment specially designed for the manufacture of electron tubes, optical elements and specially designed components therefor;
- g. Hydrogen/hydrogen-isotope thyratrons of ceramic-metal construction and rate for a peak current of 500 A or more;
- h. Digital instrumentation data recorders having any of the following characteristics:
 - h.1. A maximum digital interface transfer rate exceeding 175 Mbit/s; or
 - h.2. Space qualified.
- i. Radiation and radioisotope detection and simulation equipment, analysers, software, and Nuclear Instrumentation Module (NIM) componentry and mainframes;
- j. Software specially designed for the development or production of the components or equipment in a-i above;
- k. Technology for the development, design or production of the components or equipment in a-i above.

Note: Items a-e do not require review when contained in contracts for civil telecommunications projects, including ongoing maintenance, operation, and repair of the system, certified for civil use by the supplier government.

#4. Image intensifier night vision systems, tubes, and components

- a. Night vision systems (i.e., cameras or direct view imaging equipment) using an image intensifier tube that utilizes a microchannel plate (MCP) and an S-20, S-25, GaAs, or GaInAs photocathode.
- b. Image intensifier tubes that utilize a microchannel plate (MCP) and an S-20, S-25, GaAs, or GsINAs photocathode with a sensitivity of 240 micro Amps per lumen and below:
- c. Microchannel plates of 15 micrometers and above.
- d. Software specially designed for the development or production of the components or equipment in a-c above;
- e. Technology for the development, design or production of the components or equipment in a-c above.

#5. Specialized radar equipment

a. All airborne radar equipment and specially designed components therefor, not including radars specially designed for meteorological use or Mode 3, Mode C, and Mode S civilian air traffic control equipment specially designed to operate only in the 960-1215 MHz band;

Note: This entry does not require initial review of airborne radar equipment installed as original equipment in civil-certified aircraft operating in Iraq.

b. All ground-based primary radar systems that are capable of aircraft detection and tracking.

c. Software specially designed for the development or production of the components or equipment in a and b above;

d. Technology for the development, design or production of the components or equipment in a and b above.

#6. Non-civil certified aircraft; all aero gas turbine engines; unmanned aerial vehicles; and parts and components

a. Non-civil certified aircraft and specially designed parts and components therefor. This does not include parts and components solely designed to accommodate a carrying of passengers including seats, food services, environmental conditioning, lighting systems, and passenger safety devices.

Note: Civil certified aircraft consist of aircraft that have been certified for general civil use by the civil aviation authorities of the original equipment manufacturer's government.

b. All gas turbine engines except those designed for stationary power generation applications, and specially designed parts and components therefor.

c. Unmanned aerial vehicles and parts and components therefor with any of the following characteristics:

- c.1. Capable of autonomous operation;
- c.2. Capable of operating beyond line of sight;
- c.3. Incorporating a satellite navigation receiver (i.e. GPS);
- c.4. A gross take-off weight greater than 25 kg (55 pounds).

d. Parts and components for civil-certified aircraft (not including engines).

Note 1: This does not include parts and components for normal maintenance of non-Iraqi owned or leased civil-certified aircraft that were originally qualified or certified by the original equipment manufacturer for that aircraft.

Note 2: For Iraqi-owned or leased civil aircraft, review of parts and components for normal maintenance is not required if the maintenance is performed in a country other than Iraq.

Note 3: For Iraqi-owned or leased aircraft, parts and components are subject to review except for equivalent one-for-one replacement of parts and components that have been certified or qualified by the original equipment manufacturer for use on that aircraft.

Note 4: Any specially designed parts or components that improve the performance of the aircraft remain subject to review. e. Technology, including software, for the design, development and production of equipment and parts/components for the items in sub-items a-d above.

#9. Marine acoustic equipment

a. Marine acoustic systems, equipment and specially designed components therefor, as follows:

a.1. Active (transmitting or transmitting-and-receiving) systems, equipment and specially designed components therefor, as follows:

a.1.a. Wide-swath bathymetric survey systems designed for sea bed topographic mapping designed to measure depths less than 600 m below the water surface

a.2. Passive (receiving, whether or not related in normal application to separate active equipment) systems, equipment and specially designed components thereof as follows:

a.2.a. Hydrophones with sensitivity better than minus 220 Db at any depth with no acceleration' compensation;

a.2.b. Towed acoustic hydrophone arrays designed or able to be modified to operate at depths exceeding 15 meters but not exceeding 35 meters.

a.2.b.1. Heading sensors with an accuracy better than +/- 0.5 degrees.

a.2.c. Processing equipment specially designed for towed acoustic hydrophone arrays.

a.2.d. Processing equipment, specially designed for bottom or bay cable systems.

b. Correlation-velocity sonar log equipment designed to measure the horizontal speed of the equipment carrier relative to the seabed.

Technical Note: Hydrophone sensitivity is defined as twenty times the logarithm to the base 10 of the ratio of rms output voltage to a 1 V rms reference, when the hydrophone sensor, without a pre-amplifier, is placed in a plane wave acoustic field with an rms pressure of 1 p2a. For example, a hydrophone of -160 Db, reference 1 V per uPa) -180 Db.

#10. Charges and devices specially designed for civil projects, and containing small quantities of the following energetic materials:

1. Cyclotetramethylenetetranitramine (CAS 2691-41-0) (HMX); octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine; 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane; (octogen, octogene);
2. Hexanitrostilbene (HNS) (CAS 20062-22-0);
3. Triaminotrinitrobenzene (TATB) (CAS 3058-38-6);
4. Triaminoguanidinenitrate (TAGN) (CAS 4000-16-2);
5. Dinitroglycoluril (DNGU, DINGU) (CPS 55510-04-81: tetranitroglycoluril (TNGU, SORGUYL) (CAS 55510-03-7);

6. Tetranitrobenzotriazolobenzotriazole (TACOT) (CAS 25243-36-1);
7. Diaminohexanitrobiphenyl (DIPAM) (CAS 17215-44-0);
8. Picrylamino-dinitropyridine (PYX) (CAS 38082-89-2);
9. 3-vitro-1,2,4-triazol-5-one (NTO or ONTA) (CAS 932-64-9);
10. Cyclotrimethylenetrinitramine (RDX) (CAS 121-82-4); cyclonite; T4; hexahydro-1,3,5-trinitro-1, 3, 5-triazine; 1, 3, 5-trinitro-1, 3, 5-triazacyclohexane (hexogen, hexogene);
11. 2-(5-cyanotetrazolato) penta amine-cobalt (III) -perchlorate (or CP) (CAS 70247-32-4);
12. cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate (or BNCP);
13. 7-Amino-4,6-dinitrobenzofurazane-1-oxide (ADNBF) (CAS 97096-78-1); amino dinitrobenzofuroxan;
14. 5,7-diamino-4,6-dinitrobenzofurazane-1-oxide (CAS 117907-74-1), (CL-14 or diamino dinitrobenzofuroxan);
15. 2,4,6-trinitro-2,4,6-triazacyclohexanone (K-6 or Keto-RDX) (CAS 115029-35-1);
16. 2,4,6,8-tetra-nitro-2,4,6,8-tetraazabicyclo [3,3,0]-octanone-3 (CAS 130256-72-3) (tetranitrosemiglycouril, K-55 or keto-bicyclic HMX);
17. 1,1,3-trinitroazetidine (TNAZ) (CAS 97645-24-4);
18. 1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin (TNAD) (CAS 135877-16ⁿ=6);
19. Hexanitrohexaazaisowurtzitane (CAS 135285-90-4) (CL-20 or HNIW); and clathrates of CL-20;
20. Trinitrophenylmethylnitramine (tetryl) (CAS 479-45-8);
21. Any explosive with a detonation velocity exceeding 8,700 m/s or a detonation pressure exceeding 34 GPa (340 kbar);
22. Other organic explosives yielding detonation pressures of 25 GPa(250 kbar) or more that will remain stable at temperatures of 523 K (250°C) or higher for periods of 5 minutes or longer;
23. Any other United Nations (UN) Class 1.1 solid propellant with a theoretical specific impulse (under standard conditions) of more than 250 s for non-metallized, or more than 270 s for aluminized compositions; and
24. Any UN Class 1.3 solid propellant with a theoretical specific impulse of more than 230 s for non-halogenised, 250 s for non-metallized and 266 s for metallized compositions.

Note: When not part of a charge or device specifically designed for civil projects in small quantities, the energetic materials above are considered military items and are subject to UNSCR 687, para. 24.

#11. Specialized vibration test equipment

Vibration test equipment and specially designed parts and components capable of simulating flight conditions of less than 15,000 meters. a. Software specially designed for the development or production of the components or equipment above; b. Technology for the development, design or production of the components or equipment above.

#12. Specialized semiconductor manufacturing equipment

a. Items specially designed for the manufacture, assembly, packaging, test, and design of semiconductor devices, integrated circuits and assemblies with a minimum feature size of 1.0 micrometers, including:

a.1. Equipment and materials for plasma etch, chemical vapor deposition (CVD), lithography, mask lithography, masks, and photoresists.

a.2. Equipment specially designed for ion implantation, ion-enhanced or photo-enhanced diffusion, having any of the following characteristics:

a.2.a. Beam energy (accelerating voltage) exceeding 200 keV; or

a.2.b. Optimized to operate at a beam energy (accelerating voltage) of less than 10 keV.

a.3. Surface finishing equipment for the processing of semiconductor wafers as follows:

a.3.a. Specially designed equipment for backside processing of wafers thinner than 100 micrometer and the subsequent separation thereof; or

a.3.b. Specially designed equipment for achieving a surface roughness of the active surface of a processed wafer with a two-sigma value of 2 micrometer or less, total indicator reading (TIR);

a.4. Equipment, other than general-purpose computers, specially designed for computer aided design (CAD) of semiconductor devices or integrated circuits; a.5. Equipment for the assembly of integrated circuits, as follows:

a.5.a. Stored program controlled die bonders having all of the following characteristics:

a.5.a.1. Specially designed for hybrid integrated circuits;

a.5.a.2. X-Y stage positioning travel exceeding 37.5 x 37.5 mm; and

a.5.a.3. Placement accuracy in the X-Y plane of finer than + 10 micrometer;

a.5.b. Stored program controlled equipment for producing multiple bonds in a single operation (e.g., beam lead bonders, chip carrier bonders, tape bonders);

a.5.c. Semi-automatic or automatic hot cap sealers, in which the cap is heated locally to a higher temperature than the body of the package, specially designed for ceramic microcircuit packages and that have a throughput equal to or more than one package per minute.

b. Software specially designed for the development or production of the components or equipment in a. above;

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c. Technology for the development, design or production of the components or equipment in a. above-

#14. Certain Biological Equipment

a. Equipment for the microencapsulation of live microorganisms and toxins in the range of 1-15 micron particle size, to include interfacial polycondensers and phase separators.

Annex 2

Procedures

1. Applications for each export of commodities and products should be forwarded to the Office of the Iraq Programme (OIP) by the exporting States through permanent or observer missions, or by United Nations agencies and programmes. Each application should include technical specifications and end-user information in order for a determination to be made on whether the contract contains any item referred to in paragraph 24 of resolution 687 (1991) or any item on the Goods Review List (GRL). A copy of the concluded contractual arrangements should be attached to the application.

2. Each application and the concluded contractual arrangements will be reviewed by customs experts in the OIP and experts from UNMOVIC, consulting the IAEA as necessary, in order to determine whether the contract contains any item referred to in paragraph 24 of resolution 687 (1991) or included on the GRL. The OIP will identify an official to act as a contact point on each contract.

3. In order to verify that the conditions set out in paragraph 2 above are met, the experts may request additional information from the exporting States or Iraq. The exporting States or Iraq should provide the additional information requested within a period of 60 days. If the experts do not require any additional information within four working days, the procedure under paragraphs 5, 6 and 7 below applies.

4. If the experts determine that the exporting State or Iraq has not provided the additional information within the period set out in paragraph 3 above, the application will not proceed further until the necessary information has been provided.

5. If the UNMOVIC experts, consulting the IAEA as necessary, determine that the contract contains any item referred to in paragraph 24 of resolution 687 (1991), the application shall be considered lapsed and returned to mission or agency which submitted it.

6. If the UNMOVIC experts, consulting the IAEA as necessary, determine that the contract contains any item referred to in the GRL, they will forward to the Committee full details of the GRL listed items, including the technical specifications of the items and the associated contract. In addition, OIP and UNMOVIC, consulting the IAEA as necessary, shall provide to the Committee an assessment of the humanitarian, economic and security implications, of the approval or denial of the GRL listed items, including the viability of the whole contract in which the GRL listed item appears and the risk of diversion of the item for military purposes. OIP shall also provide information on the possible end-use monitoring of such items. OIP will immediately inform the missions or agencies concerned. The remaining items in the contract, which are determined as not included in the GRL, will be processed according to the procedure in paragraph 7 below.

7. If the UNMOVIC experts, consulting the IAEA as necessary, determine that the contract does not contain any item referred to in paragraph 2 above, the Office of the Iraq Programme will inform immediately the Government of Iraq and the exporting State in written form. The exporter will be eligible for payment upon verification by Cotecna that the goods have arrived as contracted in Iraq.

8. If the mission or agency submitting a contract disagrees with the decision to refer the contract to the Committee, it may appeal against this decision within two business days to the Executive Director of OIP. In that event, the Executive Director of OIP, in consultation with the Executive Chairman of UNMOVIC, will appoint experts to reconsider the contract in accordance with the procedures set out above. Their decision, endorsed by the Executive Director and Executive Chairman, will be final and no further appeals will be permitted. The application shall not be forwarded to the Committee until the appeal period has expired without an appeal being filed.

9. Experts from OIP and UNMOVIC who review contracts should be drawn from the broadest possible geographical base.

10. The Secretariat will report to the Committee at the end of each 180-day phase on the contracts submitted and approved for export to Iraq during this period and provide to any member of the Committee at the member's request copies of applications for information purposes only.

11. Any Committee member may call for an urgent meeting of the Committee to consider revising or revoking these procedures. The Committee will keep these procedures under review and, in light of experience, will amend them as appropriate.

**Security Council**Distr. General
14 May 2002

Resolution 1409 (2002)**Adopted by the Security Council at its 4531st meeting, on
14 May 2002***The Security Council,*

Recalling its previous relevant resolutions, including resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001, and 1382 (2001) of 29 November 2001, as they relate to the improvement of the humanitarian programme for Iraq,

Convinced of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

Recalling its decision in resolution 1382 (2001) to adopt the proposed Goods Review List and procedures for its application annexed to resolution 1382 (2001), subject to any refinements to them agreed by the Council in light of further consultations, for implementation beginning on 30 May 2002,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, and the provisions of paragraphs 2, 3 and 5 to 13 of resolution 1360 (2001), and subject to paragraph 15 of resolution 1284 (1999) and the other provisions of this present resolution, shall remain in force for a new period of 180 days beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002;

2. *Decides* to adopt the revised Goods Review List (S/2002/515) and the revised attached procedures for its application for implementation beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002 as a basis for the humanitarian

programme in Iraq as referred to in resolution 986 (1995) and other relevant resolutions;

3. *Authorizes* States, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, to permit, notwithstanding the provisions of paragraph 3 of resolution 661 (1990) and subject to the procedures for the application of the Goods Review List (S/2002/515), the sale or supply of any commodities or products other than commodities or products referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the Goods Review List (S/2002/515) pursuant to paragraph 24 of resolution 687 (1991) whose sale or supply to Iraq has not been approved by the Committee established pursuant to resolution 661 (1990);

4. *Decides* that, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, the funds in the escrow account established pursuant to paragraph 7 of resolution 986 (1995) may also be used to finance the sale or supply to Iraq of those commodities or products that are authorized for sale or supply to Iraq under paragraph 3 above, provided that the conditions of paragraph 8 (a) of resolution 986 (1995) are met;

5. *Decides* to conduct regularly thorough reviews of the Goods Review List and the procedures for its implementation and to consider any necessary adjustment and further decides that the first such review and consideration of necessary adjustment shall be conducted prior to the end of the 180-day period established pursuant to paragraph 1 above;

6. *Decides* that, for the purposes of this resolution, references in resolution 1360 (2001) to the 150-day period established by that resolution shall be interpreted to refer to the 180-day period established pursuant to paragraph 1 above;

7. *Requests* that the Secretary-General and the Committee established pursuant to resolution 661 (1990) submit at least two weeks prior to the end of the 180-day period the reports referred to in paragraphs 5 and 6 of resolution 1360 (2001);

8. *Requests* the Secretary-General, in consultation with interested parties, to submit an assessment report on the implementation of the Goods Review List and its procedures by the end of the next period of implementation of resolution 986 (1995) beginning on 30 May 2002 and to include in the report recommendations on any necessary revision of the Goods Review List and its procedures, including the processing of contracts under paragraph 20 of resolution 687 (1991) and the utility of the Distribution Plan as referred to in paragraph 8 (a) (ii) of resolution 986 (1995);

9. *Decides* to remain seized of the matter.

Procedures

- 1 – The following procedures replace paragraphs 29 to 34 of document S/1996/636* and other existing procedures, notably for the implementation of the relevant provisions of paragraphs 17, 18 and 25 of resolution 1284 (1999) related to the processing of applications to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995).
- 2 – Each application (the “Notification or Request to Ship Goods to Iraq,” as attached to these procedures, hereafter referred to as “the application,”) for the sale or supply of commodities or products, to include services ancillary to the supply of such commodities and products, to Iraq to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) must be forwarded to the Office of the Iraq Programme (OIP) by the exporting States through permanent or observer Missions, or by United Nations agencies and programmes. Each application should include complete technical specifications, as requested in the standard application form, concluded arrangements (e.g., contracts), and other relevant information, including, if known, whether the application contains any item(s) covered by the Goods Review List (GRL), in order for a determination to be made on whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL.
- 3 – Each application will be reviewed and registered by OIP within 10 working days. In the case of a technically incomplete application, OIP may request additional information before transmitting the application to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). If OIP determines that the requested information is not provided within 90 days, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not received within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The OIP will identify an official to act as a contact point on each application.
- 4 – After OIP registration of the application, each application will be evaluated by technical experts from UNMOVIC and IAEA in order to determine whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL (“GRL item(s)”). At their discretion and subject to the approval of the 661 Committee, UNMOVIC and IAEA may issue guidance regarding what categories of applications do not contain any item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL. UNMOVIC, IAEA and OIP, working in consultation, may develop a procedure whereby OIP may evaluate and approve applications that, based on this guidance, fall within these categories.
- 5 – Military goods and services are prohibited for sale or supply to Iraq under paragraph 24 of resolution 687 (1991) and are not subject to review under the GRL. For consideration of dual-use goods and services referred to in paragraph 24 of resolution 687 (1991), UNMOVIC and IAEA should process these goods and services pursuant to paragraph 9 of these procedures.
- 6 – Upon receipt of a registered application from OIP, UNMOVIC and/or IAEA will have 10 working days to evaluate an application as set forth in paragraphs 4 and 5. Absent action by UNMOVIC and/or IAEA within the 10-working-day period, the application will be considered approved. In the course of conducting the technical evaluation as set out in paragraphs 4 and 5 above, UNMOVIC and/or IAEA may request additional information from the submitting Mission or United Nations agency. The submitting Mission or United Nations agency should provide the additional information requested within a period of 90 days. Once UNMOVIC and/or IAEA receive the requested information, UNMOVIC and/or IAEA will have 10 working days to evaluate the application under the procedure set forth in paragraphs 4 and 5.

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- 7 – If UNMOVIC and/or IAEA determine that the submitting Mission or United Nations agency has not provided the requested additional information within the 90-day period set out in paragraph 6 above, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application.
- 8 – If UNMOVIC and/or IAEA determine that the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, the application shall be considered ineligible for approval for the sale or supply to Iraq. UNMOVIC and/or IAEA will provide to the submitting Mission or United Nations agency through OIP a written explanation of this determination.
- 9 – If UNMOVIC and/or IAEA determine that the application contains any GRL item(s), they will immediately inform through OIP the submitting Mission or United Nations agency. Pursuant to paragraph 11 below, absent a request by the submitting Mission or United Nations agency for reconsideration within 10 working days, OIP will forward the application containing the GRL item(s) to the 661 Committee for the purpose of evaluating whether the GRL item(s) may be sold or supplied to Iraq. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of this determination. In addition, OIP, UNMOVIC and/or IAEA, at the request of the submitting Mission or United Nations agency, will provide to the 661 Committee an assessment of the humanitarian, economic and security implications, of the approval or denial of the GRL item(s), including the viability of the whole contract in which the GRL item(s) appears and the risk of diversion of the item(s) for military purposes. The assessment provided by OIP to the Committee should be transmitted in parallel by OIP to the submitting Mission or United Nations agency. OIP will immediately inform appropriate United Nations agents of the finding of a GRL item(s) in the application and that the GRL item(s) may not be sold or supplied to Iraq unless otherwise notified by OIP that the procedures set forth in paragraphs 11 or 12 have resulted in approval for sale or supply of the GRL item(s) to Iraq. The remaining items in the application, which are determined as not covered by the GRL, will be considered approved for sale or supply to Iraq and, at the discretion of the submitting Mission or United Nations agency, and with the consent of the contracting parties, will be processed according to the procedure in paragraph 10 below. The relevant approval letter may be issued for such approved items under request from the submitting Mission or United Nations agency.
- 10 – If UNMOVIC and/or IAEA determine that the application does not contain any item referred to in paragraph 4 above, OIP will inform immediately the Government of Iraq and the submitting Mission or United Nations agency in written form. The exporter will be eligible for payment from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) upon verification by United Nations agents that the items in the application have arrived in Iraq as contracted. OIP and the United Nations Treasury will inform the banks within five working days that the items in the application have arrived in Iraq.
- 11 – If the Mission or United Nations agency submitting an application disagrees with the determination that an application contains an item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL, it may request a reconsideration of this decision, based on the provision of technical information and/or explanations not previously included in the application, within 10 working days to OIP. In that event, UNMOVIC and/or IAEA will reconsider the item(s) in accordance with the procedures set out in paragraphs 4 to 6 above. The decision of UNMOVIC and/or IAEA will be final and no further reconsideration will be permitted. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of the final decision of the reconsideration process. Applications shall not be forwarded to the 661 Committee until the reconsideration period has expired without a request being filed.

- 12 – Upon receipt of an application pursuant to paragraphs 9 or 11 above, the 661 Committee will have 10 working days to determine under existing procedures whether the item(s) may be sold or supplied to Iraq. The Committee may take a decision on an item(s) according to the following options: (a) Approval; (b) Approval subject to conditions as stipulated by the Committee; (c) Denial; (d) Request for additional information. Absent action by the Committee within the 10-working-day period, the application will be considered approved. A Committee member may request additional information. If the additional information is not provided in a 90-day period, the item(s) will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will be considered lapsed. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The Committee will have 20 working days to evaluate the requested additional information once provided by the submitting Mission or United Nations agency. Absent action by the Committee during the 20-working-day period, the item will be considered approved.
- 13 – Where the 661 Committee does not approve an item(s) for sale or supply to Iraq, the Committee will notify the submitting Mission or United Nations agency with an explanation through OIP accordingly. The submitting Mission or United Nations agency will have 30 working days to petition OIP to have the 661 Committee reconsider its decision based on new information not previously included in the application as reviewed by the 661 Committee. A decision by the 661 Committee on a petition received during this period shall be made within five working days and shall be considered final. Absent such a petition within 30 working days, the item will be considered ineligible for sale or supply to Iraq and OIP will notify the submitting Mission or United Nations agency accordingly.
- 14 – If an item(s) is found ineligible for sale or supply to Iraq or is considered lapsed, the supplier may submit a new application based on either a new or an amended contract, and the new application will be evaluated under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).
- 15 – If an item(s) is substituted for an item(s) that is either found ineligible for sale or supply to Iraq or is considered lapsed, the new item(s) will be submitted as a new application under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).
- 16 – Experts from OIP, UNMOVIC and IAEA who evaluate applications should be drawn from the broadest possible geographical base.
- 17 – The United Nations Secretariat will report to the 661 Committee at the end of each phase on the status of all applications submitted during this period, including contracts recirculated pursuant to paragraph 18 below. The Secretariat will provide to members of the 661 Committee at their request copies of applications approved by OIP, UNMOVIC and IAEA, within three working days after their approval, for information purposes only.

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18 – OIP will divide contracts currently on hold into two categories — category A and category B. Category A will contain contracts on hold that have been designated by UNMOVIC as containing item(s) on one or more of the UNSCR resolution 1051 lists. Category A will also contain contracts that were both processed before the Security Council adopted UNSCR resolution 1284 and assessed by one or more members of the Sanctions Committee as containing item(s) on one or more of the UNSCR resolution 1051 lists. OIP will consider contracts in category A to be “returned to the submitting Mission or United Nations agency” and will notify the submitting Mission or United Nations agency accordingly, including national comments if possible. The submitting Mission or United Nations agency may submit a contract in category A as a new application under the GRL procedures. In category B will be all other contracts currently on hold. Contracts in category B will be recirculated by OIP under the GRL procedures. OIP will append the original committee registration number and national comments, for information purposes only, to any recirculated contracts. OIP should start this recirculation procedure within 60 days of adoption of this resolution and should complete the recirculation process within 60 days thereafter.

May 2002 - REVISED

**SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT
NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ**

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

(TO BE COMPLETED BY THE SECRETARIAT)

COMM. No.	REGISTRATION DATE	DATE RECEIVED BY UNMOVIC/IAEA (if applicable)	DATE SENT TO THE COMMITTEE (if applicable)
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(TO BE COMPLETED BY PROSPECTIVE EXPORTING COUNTRY or INTERNATIONAL ORGANIZATION)

1. MISSION OR INTERNATIONAL ORGANIZATION	2. CERTIFYING SIGNATURE AND OFFICIAL SEAL
3. DATE OF SUBMISSION	4. MISSION REFERENCE No.

5. GOODS TO BE SHIPPED (General description of the goods)	6. NUMBER OF LINE ITEMS ON THE EXCEL FORM ATTACHMENT	7. TOTAL VALUE	8. CURRENCY ISO CODE

9. EXPORTER Name: Address: Country: Phone/Fax/E-mail:	10. ORIGIN of GOODS (if different from applicant State)
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11. RECEIVING COMPANY/ORG. Name: Address: Phone/Fax/E-mail:	12. SHIPPING ARRANGEMENTS: Select ONE Point of Entry into Iraq <input type="checkbox"/> Trebil <input type="checkbox"/> Al Waleed <input type="checkbox"/> Zakho <input type="checkbox"/> Umm Qasr
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13. END USER entity (if different from receiving company/org.) Name: Address: Phone/Fax/E-mail:	14. END USE Provide details of intended end-use. (attach additional sheets if necessary)
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15. METHOD OF PAYMENT <input type="checkbox"/> From the Iraq Account in accordance with SC resolution 986 (1995) In this case, please fill out PAGE 2 (Relevant documentation including contract(s) must be attached)	<input type="checkbox"/> By other arrangement (in this case, disregard page 2)
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16. ADDITIONAL INFORMATION: (Attach additional sheet if necessary)

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**IF THIS NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ
IS TO BE PAID FROM THE IRAQ ACCOUNT
IN ACCORDANCE WITH SC RESOLUTION 986 (1995)
PLEASE FILL OUT THESE ADDITIONAL BOXES**

(see box 15 on page 1)

MISSION REFERENCE No. : **17. IDENTICAL GOODS PREVIOUSLY SUBMITTED:**

Indicate whether or not you have previously submitted an application(s) for IDENTICAL goods.

 YES NO UNABLE TO DETERMINE

If YES provide Comm. number reference(s) with respective item number(s).

18. DETAILED LIST OF GOODS:

Indicate whether or not the scope of supply includes any spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables.

 YES NO

If YES indicate whether or not all components of the spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables have been listed as separate line items with the relevant description, quantity and price on the attached Excel form application.

 YES NO (in this case, the document will not be registered by the Secretariat)**19. TECHNICAL INFORMATION:**Indicate whether or not the scope of supply includes (separately or as part of larger item) any of the goods and/or technology specified on the OIP web site (www.un.org/Depts/oip/cpmd/delays) YES NO

If YES indicate whether or not the relevant technical specification form for each item has been completed and attached to the application.

 YES NO

20. GRL RELATED ITEM(S) AND/OR TECHNOLOGY:

Indicate whether or not the scope of supply includes any item included in the Goods Review List (GRL). The GRL may be accessed via the OIP web site (www.un.org/Depts/oip...).

YES NO UNABLE TO DETERMINE

If YES indicate below the line item number and description as from the Excel sheet of these goods considered to be included on the GRL.

Line Item No.

Description

GRL Ref. No.

(attach additional sheets if necessary)

IMPORTANT NOTICE

The following attachments are compulsory

- 1) Excel form application listing IN DETAIL all goods (including all spare parts, accessories ...) + diskette
- 2) Contract signed by both parties with all attachments, enclosures and annexes
- 3) All relevant documentations and/or technical specifications of the goods (e.g. brochures, pictures, diagrams, chemical composition, material composition, etc.)

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

United Nations

S/RES/1483 (2003)

**Security Council**

Distr.: General

22 May 2003

Resolution 1483 (2003)**Adopted by the Security Council at its 4761st meeting, on
22 May 2003***The Security Council,**Recalling* all its previous relevant resolutions,*Reaffirming* the sovereignty and territorial integrity of Iraq,*Reaffirming also* the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,*Stressing* the right of the Iraqi people freely to determine their own political future and control their own natural resources, *welcoming* the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and *expressing* resolve that the day when Iraqis govern themselves must come quickly,*Encouraging* efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, *recalls* resolution 1325 (2000) of 31 October 2000,*Welcoming* the first steps of the Iraqi people in this regard, and *noting* in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,*Resolved* that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,*Noting* the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,*Welcoming also* the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,*Welcoming* the appointment by the Secretary-General of his Special Adviser on Iraq,

03-36853 (E)

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Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments,

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

Noting further that other States that are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Appeals* to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;

2. *Calls upon* all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. *Appeals* to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. *Calls upon* the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. *Calls upon* all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;

6. *Calls upon* the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, *directs* the High-Level Coordinator, in consultation with the

International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;

7. *Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and *calls upon* the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;

8. *Requests* the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:

(a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;

(c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;

(d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;

(f) encouraging international efforts to contribute to basic civilian administration functions;

(g) promoting the protection of human rights;

(h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and

(i) encouraging international efforts to promote legal and judicial reform;

9. *Supports* the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally

recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. *Reaffirms* that Iraq must meet its disarmament obligations, *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and *underlines* the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;

12. *Notes* the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

13. *Notes further* that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. *Underlines* that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. *Calls upon* the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and *welcomes* the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;

16. *Requests* also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives

designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472 (2003);

(b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) all known and projected costs associated with termination of the Programme;

(iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and

(iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;

(d) to consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995);

(e) to fulfil all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);

(f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all

relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. *Requests further* that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and *decides* that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. *Decides* to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. *Decides* to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and *further decides* that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. *Decides* that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and *decides further* that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. *Decides further* that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;

22. *Noting* the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, *further decides* that, until December 31, 2007, unless the Council decides otherwise, petroleum, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and

immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;

23. *Decides* that all Member States in which there are:

(a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

(b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction,

shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and *decides further* that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;

25. *Decides* to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary;

26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of this resolution;

27. *Decides* to remain seized of this matter.

ประวัติผู้เขียนวิทยานิพนธ์

นายอาคม ชนิตวัฒน์ เกิดเมื่อวันที่ 17 กุมภาพันธ์ พ.ศ. 2520 ที่กรุงเทพมหานคร สำเร็จการศึกษาหลักสูตรปริญญาวิทยาศาสตรบัณฑิตจากคณะนิเทศศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย ปีการศึกษา 2541 และได้เข้าทำงานเป็นนายความประจำสำนักงาน ณ สำนักงาน ชัยวัชร-บัณฑุรย์ นายความ ตั้งแต่ปี พ.ศ. 2546 จนถึงปัจจุบัน