

Notre Dame University
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IRAQ: ASSESSING UN SANCTIONS

From Bush I to Bush II, 1990-2003

M.A. Thesis

By

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After all, politics works nearly everywhere...*

IRAQ: ASSESSING UN SANCTIONS

From Bush I to Bush II, 1990-2003

Abstract

Four days after Iraq's invasion of Kuwait on the 2nd of August 1990, the Security Council subjugated Iraq to a series of financial and trade sanctions. Since then, comprehensive and partial sanctions became the Security Council's favourite arm-twisting tool used at sixteen instances and against eleven countries compared to only two cases during its first forty-five years of operation.

Economic sanctions fall theoretically somewhere between diplomacy and war. Their effectiveness as a coercive measure depends on multiple parameters concerning the socio-economic structure of the sanctioned state. Several characteristics have rendered sanctions against Iraq a case *sui generis* to be studied.

This post-war assessment of sanctions on Iraq aims at:

- Pursuing a comprehensive and objective assessment of the Security Council's sanctions on Iraq;
- Probing the functionality of this coercive means in the light of its subsequent humanitarian, political and economic impacts, given that the humanitarian crises resulting from the sanctions in Iraq were more devastating than the actual war, thus defeating the basic rationale of sanctions as being less tragic than an actual war;
- And assessing the probable future of the UN, and the increasing unipolar influence of the United States. The research also sheds light on the old-new question of realism and legalism as it relates to sanctions.

Based on the analysis of the aforementioned factors and after assessing the legitimacy and morality of imposing such sanctions, the research is concluded by some recommendations that may ameliorate the usage of this tool in future cases.

Chapter I

Introduction

As a Lebanese, who has witnessed the dire years of war and is living in one of the most turbulent areas of the world, the Middle East, I have been compelled during the past years to vehemently witness the sufferings caused by the longest economic sanctions imposed on Iraq by the guardian body of the World Order: the United Nations (UN).

Working as an intern during the summer of 2002 at UN headquarters, New York, in its largest humanitarian relief program, Office of Iraq Programme (OIP), under the direct supervision of Under-Secretary-General and Director of OIP, Mr. Benon Sevan, gave me the opportunity to see the other side of the coin. The intricacies of international power struggle within the UN and the complexity of decision-making were almost around every corner of the department's daily routine work.

The pieces of the jigsaw puzzle of power politics were there: the stark facts about the humanitarian crisis in Iraq exacerbated by the gamut of the United Nations strangulating sanctions since 1990 and the relief-aspiring efforts of the OIP, streamed narrowly by the Iraq Sanctions Committee. These facts along the

blowing horns of war left me bewildered about the classic questions: who guards the guardians and who judges the judges?

The backbones of the aforementioned questions remain: the morality of sanctions, the assessment of the economic sanctions imposed on Iraq and their viability in achieving their objectives in the light of cost-benefit evaluation, including the largest UN humanitarian relief program initiated for Iraq.

From “Bush I to Bush II” is the thirteen-year period of time depicted for this study, which started with President Bush Sr., who triggered the flux of sanctions on Iraq in 1990, and ended with the suspension of sanctions in the wake of the war led by President Bush Jr. on Iraq in March-April 2003.

Characteristics of the case of Iraq:

Four days after Kuwait’s invasion on August 2, 1990, the Security Council subjugated Iraq to the most comprehensive and longest economic sanctions in UN history. Since then, the “Sanctions Decade” took shape with the subsequent full fledge use of this coercive tool against eleven other countries compared to only two during its first forty-five years of operation.¹

The “Sanctions Decade,” which surpassed the actual period of ten years, may be characterized as being the period that carried the amplified scars in the history of sanctions’ use and maybe abuse.

¹ Cortright & Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*. Colorado: Lynne Rienner Publishers, Inc., 2000, p. 1.

Several facts have rendered the sanctions on Iraq a *sui generis* case to be studied. These include:

- The sanctions became a pivot for subsequent sanctions imposed by the Security Council in terms of frequency and diversity of purposes.
- They were the longest and most comprehensive sanctions in the history of the United Nations. By 2003, sanctions on Iraq marked a period of thirteen years, rendering them the most rigorous economic sanctions imposed on a single country since WWII ².
- They were the most forceful and swiftest multilateral sanctions that the Security Council has imposed. UN Resolution 661 that created the sanctions committee and entailed the details of the trade and financial embargo was issued only four days after the invasion of Kuwait.
- They caused one of the most striking tolls of humanitarian suffering.³
- They were characterized with the highest rate of international cooperation in their enforcement and monitoring. This covers the multinational naval force in the Gulf and the air travel ban under the command of the United

² Elias Davidson, *Some Legal Aspects of the Economic Sanctions Against the People of Iraq*, 2001, p. 2.

³ Geoff Simons, *Imposing Economic Sanctions: Legal Remedy of Genocidal Tool?*, Pluto Press, Virginia, 1999, pp. 168-180. Besides Simons, who has dedicated a full chapter in his book about the crisis caused by the sanctions, other scholars and even political figures, who have witnessed those hardships, have written rigorously about the humanitarian crisis caused by the sanctions. In this line, Ramsey Clark, a former US Attorney –General, has issued a “*Criminal Complaint Against the United States of America for Causing the Deaths of More Than 1,500,000 People including 750,000 Children Under Five...By Genocidal Sanctions*,” *The Impact of Sanctions on Iraq: the Children are Dying*, World View Forum, 1996. The United Nations and its affiliate organizations, mainly WHO, FAP and the UNICEF have also issued numerous reports about the domino effect of the sanctions (available on the websites of UN, FAO, NICEF & WHO).

States. For the first time, the UN had legalized the use of military power to enforce further the sanctions' implementation.⁴

- They had the most engaged and active sanctions committee in comparison to the rest of its type, taking into consideration the frequency of their meetings.
- The sanctions initiated the most unique, biggest and longest humanitarian relief operation of the United Nations: Oil-for-Food Programme, whereby a country paid off by its own money the "aid operation" for its people.

Thesis Statement

Following the "Desert Storm" and the defeat of the Iraqi army, the UN Security Council imposed a series of sanctions as punishment to an "outlaw" country that was found guilty on several counts, based upon controversial assumptions that it constituted a permanent danger to its neighbours and at a later stage to the world at large.

Thirteen years of sanctions on Iraq were recently tagged by a short and easy war led over an exhausted country. A war based on conflicting national interests, and diverging interpretations of international ethics and law, was fought despite strong international opposition, as reflected in world public opinion and the demonstrations which spread all over the world and brought together millions of participants joined by one single cause: no war on Iraq.

⁴ Elias Davidson, *The Iraq Sanctions: An Annotated Chronology*, 2002, p. 7. In this report, Davidson quotes Michael R. Sklaire, *The Security Council Blockade of Iraq: Conflicting Obligations under the United Nations Charter and the Forth Geneva Convention*, 1991, pp. 612-3,

This research, in the aftermath of the “Liberation Iraq” war, will make a comprehensive *posteriori* assessment of the sanctions against in Iraq and attempt to find more plausible answers to the following questions than it had been previously possible:

- Did the sanctions against Iraq mark any achievement towards specified overt goals? If no, what were the impediments? If yes, what were these goals or achievements and why was their sunset with the “Liberation Iraq” war?
- Were sanctions against Iraq a coercive, yet fruitful measure or a soft weapon for mass destruction?
- What are the lessons to be deduced from the sanctions on Iraq, in the light of the legitimacy of authority imposing the sanctions, their morality, the circumstances under which they are to be imposed, the functionality, and, more importantly, the viability of this tool for future cases?

Approach

Qualitative approach is adopted for the collection and analysis of data. With major focus on the qualitative, descriptive method, the first- and second-hand materials collected are:

Primary Sources:

that “for the first time in its history, the Security Council authorized the use of military action to enforce mandatory sanctions against a member state of the United Nations.”

During my summer 2002 internship at the United Nations Office of Iraq Programme (OIP) in New York, I had the opportunity of having a "closer look" and better chances of understanding the procedure, administration, and management of the UN's humanitarian program in Iraq: Oil-for-Food Programme, established by Security Council Resolution 986 (1995).

I was given several assignments at the Contract Processing and Monitoring Division (CPMD) and Programme Management Division (PMD). Among those assignments were: compiling, checking and processing applications for exports of goods to Iraq under SCR 661 (1990) and 986 (1995) and processing of new applications under SCR 1409 (2002), which had introduced new measures that tightened further the control of exported goods to Iraq. I had also worked on the verification of reports submitted by the UN end-use observers in Iraq whose assignments were checking the imported goods to the country and reporting to the UN Headquarters.

Furthermore, I was asked to prepare a presentation about the United Nations Contingent Guards in Iraq (UNGCI), who were responsible for providing security and protection to the UN offices, personnel, and equipment in the three northern governorates of Iraq: Dahuk, Erbil and Sulaymaniyah. This presentation was complemented by preparing an archive file about the UNGCI and their unique mandate, covering their historical background, funding, tasks, and operations. This assignment required gathering data from several departments, including interviews with some supervisors who had been a reference in the UNGCI operations.

I have also attended Security Council sessions and Iraq Sanctions Committee formal and informal meetings. These meetings, especially the latter, were by far the most interesting opportunity to analyze the Committee members' differences of approach and interests reflected in the decisions and disagreements forwarded.

The aforementioned tasks and on-site experience have exposed me to a respectable chunk of first-hand information that has become an important resource for this research, especially for the appraisal of the UN organizational chart and the overt and covert decision making mechanisms.

Secondary Sources:

In order to obtain a comprehensive coverage, the first-hand materials gathered are supplemented by the input of several scholars and experts in the field.

Through Internet search engines, a thorough survey of the available sources about "Sanctions on Iraq" has been carried out. Several dedicated websites are a valuable source for comprehensive and specific information.⁵ Through Questia digital library, a list of fifteen books were earmarked,⁶ and after skimming through

⁵ The main websites used for this research are: *Office of the Iraq Programme: Oil for Food* (<http://www.un.org/Depts/oip/background/latest/bvs020925.html>), *UNICEF* (<http://www.unicef.org/media/publications/iraqsitan2002complete.txt>), *Campaign Against Sanctions on Iraq* (<http://www.casi.org.uk/sitemap.html>), *Global Policy* (<http://www.globalpolicy.org/security/sanction/unreports/bossuyt.html>), *Middle East 2002* (<http://journalism.uts.edu.au/studentwork/middleeast/Keyplayers/countries/iraq>), *Middle East Report* (<http://www.merip.org/mer/mer206/mer206.htm>), *NGOs: Iraq Sanctions* (<http://www.ngos.net/iraq.html>), *The Nation* (<http://www.thenation.com/doc.mhtml?i=20011203&s=cortright>), *United States Institute of Peace* (<http://www.usip.org/library/regions/iraq.html>).

⁶ Questia digital library (<http://www.questia.com>) comprises important resources about Iraq and sanctions. The electronic books chosen for this research are mainly those that deal with the issue of

book reviews a selected number of hardcopies were found and read in local libraries and bookstores.⁷ For theoretical, political literature, several specialized reviews, forums and conference transcripts were searched. In sum, the second hand materials can be classified into the following categories: books, internet, forums, and journals.

A number of authors were selected for their continuous output on the subject and/or their objective analyses. Continuously evolving events have shaped the course of this research, and enriched the availability of secondary material on the subject. Complementary detailed information about the secondary material is available in the literature review and references sections.

Literature Review

The previously noted characteristics related to the sanctions against Iraq have produced a controversial case that has attracted scholars and field experts to

Destruction, and the Growing Crisis of Global Security” by Richard Butler (2000), “*Iraq: Sanctions and Beyond*” by Anthony H. Cordesman, Hashim and Ahmed (1997), “*Iraq and the War of Sanctions: Conventional Threats and Weapons of Mass Destruction*” by Anthony H. Cordesman (1999), “*Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World?*” by David Cortright and George Lopez (1995).

⁷ As stated earlier, literature about the sanctions on Iraq is quite rigorous since their initiation in 1990. Nevertheless, for this research hardcopy books were chosen mainly from the pool published in the last five to six years, because many major changes have reshaped the sanctions on Iraq during that period. Consequently, some of the books published earlier did not contain up-to-date material. For this reason, relatively more “recent” hardcopy books used for this research include the following: “*Iraq Under Siege: The Deadly Impact of Sanctions and War*” by Anthony Arrove (2000), “*Sanctioning Saddam: The Politics of Intervention in Iraq*” by Sarah Brown-Graham (1999), “*The Sanctions Decade: Assessing UN Strategies in the 1990s*” by David Cortright and George Lopez (2000), “*Disarming Iraq: Monitoring Power and Resistance*” by Michael V. Deaver (2001), “*Pariah States and Sanctions in the Middle East: Iraq, Libya and Sudan*” by Tim Niblock (2001), “*End Game: Solving the Iraq Problem Once and For All*” by Scott Ritter (1999), “*Imposing Economic Sanctions: Legal Remedy of Genocidal Tool?*” and “*The Scourging of Iraq: Sanctions, Law and Natural Justice*” by Geoff Simons (1999 and 1998 respectively).

write extensively on this subject. Most of the works in this field fall into one of the following major categories:

- **Sanctions:** Various analyses for general use of sanctions, their legality, and humanitarian impact, “Smart Sanctions” and other suggested alternatives.⁸
- **Assessment of the humanitarian and economic crises after the Gulf Wars:** The Iraqi economy and the humanitarian suffering as a result of the economic sanctions.⁹

⁸ Many scholars have reflected criticism and points of view about sanctions. Some, like Elias Davidson and somehow David Cortright and Lopez, have made the issue of sanctions their focal point. Whereas others have dedicated a proportion of their writings to the ethics and legality of sanctions. The main writings of this category chosen for this research include the following **books:** “*Economic Sanctions Reconsidered, 2nd edition*” by (), “*The Deadly Impact of Sanctions and War*” by Anthony Arnove (2000), “*Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World?*” and “*The Sanctions Decade: Assessing UN Strategies in the 1990s*” by David Cortright and Lopez (1995 and 2000 respectively), “*Pariah States and Sanctions in the Middle East: Iraq, Libya and Sudan*” by Tim Niblock (2001), “*Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?*” by Geoff Simons (1999); **websites:** “*Campaign Against Sanctions on Iraq*” (CASI: <http://www.casi.org.uk/sitemap.html>), “*Global Policy*” (<http://www.globalpolicy.org/security/sanction/unreports/bossuyt.htm>); **reports:** “*Ethical Aspects of Sanctions in International Law: The Practice of Sanctions Policy and Human Rights*” by Hans Kochler (1994), “*The Concept of Human Dignity and Economic Sanctions,*” “*The Debate on Economic Sanctions: A Story of Blind Spots and Obfuscation*” and “*Towards A Definition of Economic Sanctions*” by Elias Davidson (2001, 2002 and 2003 respectively); **journals:** “*Sanctions: Some Simple Analytics*” *American Economic Review* (1999); **conferences and forums:** “*Sanctions: An Analysis: Global Policy Forum* (1998), *The Fourth Freedom Forum*.⁹ Most of the references of this category somehow overlap the references mentioned supra in respect to the aspect of sanctions that they cover. Further selected references about the humanitarian and economic impact of sanctions for this project include the following **books:** “*Sanctioning Saddam: The Politics of Intervention in Iraq*” by Sarah Graham-Brown (1999), “*The Scourging of Iraq: Sanctions, Law and Natural Justice*” by Geoff Simons (1998), “*Iraq: Sanctions and Beyond*” by Anthony H. Cordesman and Ahmed S. Hashim (1997) “*Iraq and the War of Sanctions: Conventional Threats and Weapons of Mass Destruction*” by Anthony Cordesman (1999); **websites:** *Campaign Against Sanctions on Iraq* (CASI: <http://www.casi.org.uk/sitemap.html>), *NGOs: Iraq Sanctions* (<http://www.ngos.net/iraq.html>), *UNICEF* (<http://www.unicef.org/media/publications/iraqsitan2002complete.txt>); **reports:** “*Report on Humanitarian Needs in Iraq in the Immediate Post-crisis Environment by a Mission to the Area Led by the Under-Secretary-General for Administration and Management*” (1991), “*Do the Facts Justify the Case for War in Iraq?*” by David Cortright, Alistair Millair, George A. Lopez and Linda Gerber (2003), “*Some Legal Aspects of the Economic Sanctions Against the People of Iraq*” and “*The Iraq Sanctions: An Annotated Chronology*” by Elias Davidson (2001 and 2002 respectively); **journals:** “*Are Sanctions Just? The Problematic Case of Iraq*” by David Cortright and George Lopez (1999) and “*The U.N. Sanctions Against Iraq: Issues Influencing Continuation or Removal*” by Stephen Brannon and Thomas Mattair (1994).

- *Iraq in geopolitical dimensions since 1991: Iraq's relations with other states, US policy towards Iraq, modern Iraqi history and politics.*¹⁰
- *The Iraqi military and disarmament.*¹¹
- *Oil-for-Food Programme.*¹²
- *The Iraqi opposition movement and the Kurds in the post Gulf War period.*

The Iraq case, which has no identical precedents in international politics and has generated a large body of literature on the subject, represents a complex question for which this thesis strives to add another assessment or dimension. Hence, this research goes a step further and aims to assess the functionality of sanctions in the aftermath of the "Liberation Iraq" war, which introduced new dimensions into this cost-benefit evaluation.

Preliminary results

The preliminary, tentative results of this research, which are to be further examined in the following chapters, are as follows:

¹⁰ References excerpted from this category for this project cover material from the following **websites**: *Middle East 2002* (<http://journalism.uts.edu.au/studentwork/middleeast/Keyplayers/countries/iraq>), *Middle East Report* (<http://www.merip.org/mer/mer206/mer206.htm>), *The Nation* (<http://www.thenation.com/doc.mhtml?i=20011203&s=cortright>), *United States Institute of Peace* (<http://www.usip.org/library/regions/iraq.html>); **reports**: "Iran, Iraq, and the Structure of Gulf Alliances" by Anthony H. Cordesman (1998), "Iraq at a Glance: 2002-03" by EIU Country Report (1998); **journals**: "After Saddam, What Then for Iraq?" by Parasiliti Andrew and Rend Rahim (1999); **conferences and forums**: *US Sanctions Policy: Balancing Principles and Interests* (<http://reports.stanleyfoundation.org/SPC97E.pdf>).

¹¹ This category of literature includes; **books**: "Disarming Iraq: Monitoring Power and Resistance" by Michael V. Deaver (2001), "End Game: Solving the Iraq Problem Once and For All" by Scott Ritter (1999), "The Greatest Threat: Iraq, Weapons of Mass Destruction, and the Growing Crisis of Global Security" by Richard Butler (2000); **journals**: *Journal of Military and Strategic* (<http://www.stratnet.ucalgary.ca/journal/2000/index.html>) and "New-Era Threat: Iraq's Biological Weapons" by Ali Venter (1999).

¹² The main source of information for this category is main **website** of *Office of the Iraq Programme: Oil for Food* (<http://www.un.org/Depts/oip/background/latest/bvs020925.html>).

- The comprehensive economic sanctions imposed on Iraq have de-emphasised the issue of human rights, dignity, and ethics.
- Thirteen years of sanctions strangulations have raised the toll of humanitarian crisis and aggravated the economic hardships, while minimal political goals were scored because of reciprocal unwillingness of cooperation between the Security Council and the Government of Iraq.
- The case of Iraq has proven that the "societal transmission belt" effect, based on the hypothesis that economic hardships lead to political change, may not result from imposing economic sanctions. The "rally round the flag" theory has somehow turned out to be more applicable in the case of Iraq, taking into consideration the suppressive nature of the regime.
- In comparison to the other sanctions imposed during the same decade, Iraq's sanctions have been rated as the most successful case in respect to compliance with the terms imposed initially by Resolution 687.
- Despite the fact that Iraq had satisfied partially or completely six out of eight specific conditions of Security Council Resolution 687, needed to lift the sanctions, those sanctions were lifted only after the war. Iraq has marked some success towards the overt specified goals, yet, it has been pushed to fail in fulfilling the covert goals.
- The efficiency of economic sanctions as a coercive tool falling between diplomacy and military action appears very dim in light of the high cost paid throughout the years of sanctions' imposition versus the cumulative costs (human and economic) of the Gulf Wars.

- Sanctions on Iraq could have been more successful had the Security Council taken the practical steps required for imposing sanctions, without being drifted by national interests of its powerful member states and without missing the opportunities of negotiation with the Government of Iraq.
- The efforts done by the United Nations as a neutral "world peace" maintainer have been minimal towards the aggravated situation in Iraq because of the economic sanctions. Even the Oil-for-Food Programme had an incremental effect because of the stalemates created by the United States and the United Kingdom, who were deadlocked with the Iraqi leader, for some thirteen years, while the people of Iraq were the ultimate victims.
- As by-products of the "Liberation Iraq" war, the politically handcuffed United Nations along the cleavages between the leading powers, and the contradictions of regional politics made economic sanctions a rather inefficient tool.

Chapter I: Introduction

Chapter I sets the context of the proposed study and the reasons for choosing it. It explains the background starting from a broad picture narrowing it to the main questions to be answered throughout this research. It also covers the characteristics that have rendered sanctions on Iraq a case to be studied as such. It states the main categories of literature known in this field.

In sum, as the title suggests, "Iraq: Assessing UN Sanctions from Bush I to Bush II, 1990-2003," aims to undertake a comprehensive study in the post war period that evaluates sanctions in the light of their different repercussions.

Chapter II: Sanctions

This chapter introduces the sanctions and their punishing effects on ordinary people, since the concept of punishment or the fear of punishment-to-come are one of the complex amalgam feelings that a human being experiences at different stages of his life. Having introduced the concept of punishment and sanctions, a brief history of their development follows. The latter starts with the siege as the most preliminary mode of military coercive measure, the Megarian Decree, issued in 432 BC by the Athenians who blocked trade with the Megarians (considered as the first economic sanctions in history) until the economic sanctions imposed by the League of Nations.¹³

This section also covers the types and echelon of sanctions, their ethics and purposes for implementation.

A pillar of this section will be defining the conditions for the success or failure of sanctions. In the light of these criteria, sanctions on Iraq will be assessed.

Chapter III: Sanctions Through the United Nations:

"Internationalization" of Sanctions

¹³ Geoff Simons, *Imposing Economic Sanctions: Legal Remedy of Genocidal Tool?* Pluto Press, Virginia, 1999, pp. 13-14.

Chapter III covers the sanctions imposed by the UN, starting with the issues of legitimacy, authority, and the double standards as these relate to protecting human rights and maintaining world peace. It mainly focuses on Chapter VII of the UN Charter that granted the Security Council the authority of using economic and other kinds of non-military, yet coercive measures for maintaining or restoring international peace and security, once it determines that a threat or breach of peace or an act of aggression exists.¹⁴

This chapter analyzes the inherent flaws of this legitimacy and scepticism about the commonly used partial and comprehensive economic sanctions' efficiency in attaining their political objectives. This is complemented by the worries expressed by UN Secretary-General Kofi Anan and Former UN Secretary-General Boutros Boutros-Ghali, who had wondered:

"Whether suffering inflicted on vulnerable groups in the targeted country is a legitimate mean of exerting pressure on political leaders."¹⁵

This chapter is concluded by a historical overview of sanctions imposed by the UN during the periods 1945-1990 and 1990-2003.

Chapter IV: UN Sanctions on Iraq: Consequences

Chapter IV probes into the sanctions' case on Iraq. It starts with Iraq's invasion of Kuwait on the 2nd of August 1990, the Security Council's condemnation of the act and issuance of Resolution 661, followed by a listing and

¹⁴ Hans Kohler, *Ethical Aspects of Sanctions in International Law: The Practice of Sanctions Policy and Human Rights*, Vienna, International Progress Organization, 1994, p.1.

¹⁵ Cortright & Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*. Colorado: Lynne Rienner Publishers, Inc., 2000, p. 23.

analysis of the subsequent resolutions that have framed the sanctions on Iraq throughout the period between the two Bush administrations: that of Bush the father and the son, respectively.

Chapter V: Impact of UN Sanctions on Iraq

Chapter V discusses the impact of sanctions on Iraq at the economic, humanitarian, and political levels. It sheds light on the economic standstill situation and the strangulations, which in their turn have caused one of the most appalling and horrendous humanitarian crisis in the history of sanctions. A cross-sectional exposure of these crises will be revealed from the Security Council's commissioned humanitarian reports prepared by Marti Ahtisaari and Saddruddin Aga Khan and other sources including UNICEF and the Red Cross.

The third dimension of this chapter is the impact of sanctions on the political level, which is based on the analysis of "societal transmission belt" vis-à-vis the "rally round the flag effect" hypothesis. Consequently, this will challenge the view that economic damage pays back with a political change with the opposed theory that economic hardship may have an adverse effect by increasing opposition towards the parties inflicting it and simultaneously fortifying a nationalistic sentiment and furthering the support of the targeted population to its leaders.¹⁶

Chapter VI: The Oil-for-Food Programme (OIFP)

Chapter VI covers the innovative, unique and unprecedented humanitarian relief programme of the UN. The chapter comprises a detailed framework of the

¹⁶ *Ibid.*, pp. 19-23.

Oil-for-Food Programme (OIP) and its positive impact on “reducing” the humanitarian crisis invoked by the Gulf Wars and the sanctions. A focal cornerstone of this chapter is to highlight the deadlocks that the “relief aspiring” program faced. This analysis covers the repercussions of the entanglements caused by the Iraqi government and the leading powers in the Security Council.

Chapter VII: Assessment of the UN Sanctions on Iraq

Chapter VII compares the case of Iraq to other sanctions imposed by the UN during the same period to determine their political effectiveness. Following this cross-sectional analysis, sanctions on Iraq are assessed based on the criteria of success specified earlier in Chapter II.

Consequently, this chapter tries to explain why "the most successful rated sanctions' case"¹⁷ had its sunset in the clouds of war. It also attempts to explain where did the sanctions on Iraq go wrong?

In the light of the humanitarian, economic and political impacts coupled with recent developments in international relations, a posteriori analysis of the war “Liberation Iraq” examines the viability of this coercive tool.

This chapter also touches upon the ethics of sanctions as a coercive measure that goes far beyond the individual responsibility and takes the form of collective punishment.

¹⁷ David Cortright and George A. Lopez have made a comparative analysis of UN Sanctions imposed in the 1990s. According to their findings, which will be discussed further in subsequent chapters, they rate sanctions on Iraq amongst the highest successful cases where the target has complied at most with the conditions of the resolution enforcing the sanctions. This chapter will try to elucidate the paradox of why the sunset clause; i.e. sanctions' removal clause, in case of Iraq came with a war in spite of being rated highly successful case.

With a tendency to tilt the balance towards more realistic interpretations of international relations, this chapter proposes some recommendations that aim at setting frameworks in which sanctions may –if ever- become a more effective coercive tool.

Chapter II

Sanctions

a. Definition of Sanctions

The concept of punishment or the fear of punishment-to-come has been one of the most complex amalgam of feelings that a human being experiences at different stages and under different circumstances of his life.

At early ages, parents use negative punishment with their children as a supplementary mean for attaining a desired purpose: conveying “good” education or behaviour to their offspring. At school, punishment becomes the deterrent for students who fail to fulfil their academic duties, in the hope of preparing learned students and graduates. Fines imposed for violating civil laws eschew man from disrespecting the common norms initiated as safeguards for the collective well-being. Subsequently, the acquired cardinal rule becomes that any wrongdoing is followed by warnings, reprimands, negative strokes and punishments.

The aforementioned continuum is a mere extension to the macro-political world, which is framed by a set of internationally agreed norms and laws. Any infringement of the latter by local or international actors generally lends to the discontent of the international community, which in turn expresses its indictment by one of the measures

of the wide spectrum, ranging from denouncement, warning, siege, boycott, blockade, embargo, or sanctions.

Consequently, sanctions, placed at the upper level of the hierarchy of coercion measures, are defined as:

*“an economic or military coercive measure adopted usually by several nations in concert for forcing a nation violating international law to desist or yield to adjudication.”*¹

It can be noted from the above stated basic definition that coercion is done either through military or economic means. These two means usually follow the failure of diplomacy in resolving a crisis or instigating compliance of the target state with the international norms.

The usage of force has been the most primitive way to settle disagreements and disputes between two persons or groups. The awareness of dependence on food and basic supplies and the impact of their deprivation increased with the parallel development of communities. As economic dependence and interdependence of nations had become inescapable, consequently tightening or blocking that interaction served as a powerful coercion tool beneath the military alternative and/or sometimes as a prelude for it.

Elias Davidson, a scholar who has made sanctions and their viability a main interest of his fieldwork, has described economic sanctions as

“a set of non-military measures adopted with the intention to impair the economic well-being of a civilian population for coercive or other purposes when such impairment

¹ Merriam-Webster Online Dictionary, accessed through <http://www.cabrillo.cc.ca.us/divisions/english/290/dict/sz.html>

is inflicted at the instigation of or with the consent or acquiescence of one or more states.”²

Barry E. Carter in his book *International Economic Sanctions: Improving the Haphazard U.S. Legal Regime*, defines economic sanctions as follows:

“coercive economic measures taken against one or more countries to attempt to force a change in policies, or at least to demonstrate the sanctioning country’s opinion of another’s policies.”³

The author of *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?* Geoff Simons proposes the following definition for economic sanctions:

“actions initiated by one or more international actors (the “senders”) against one or more others (the “targets”) with either or both of two purposes: to punish the targets by depriving them of some value and/or to make the “targets” comply with certain norms the senders deem important.”⁴

Several scholars have stated their own definitions of “economic sanctions” and other generic labels that are used interchangeably, such as economic hardship, economic coercion, economic warfare, and economic aggression. The common denominator of all definitions is that economic hardship pays back political results.

Thus, economic sanctions, primarily based on causing economic strangulations, aim at pushing the suffering of the population of the target state to an intolerable threshold of pain that would lead them to rise against their government and exert pressure on it to comply with the required international terms for lifting the sanctions.

² Elias Davidson, *Towards a Definition of Economic Sanctions*, 2003, p. 4.

³ *Ibid.*, p. 1.

⁴ Geoff Simons, *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?*, Pluto Press, Virginia, 1999, p. 10.

Although the purposes for imposing economic sanctions, the body imposing them and the moral considerations justifying them have changed over the years, nevertheless, their usage dates back to the early stages in history.

b. Sanctions in a Linear Time Frame

The concept of economic sanctions has developed gradually overtime. In a historical frame, active or passive siege is considered as the “oldest mode of total war.”⁵ Stories of cities falling under the siege of aggressors are seen recurrently in the historical annals of many nations and civilizations.

Active siege has involved the battering of the attacked city or the fortress of citadels by catapult, cannon or other weapons of the time, breaking down the shields of the besieged city and infiltrating to impose military power and control. Whereas passive siege has involved the camping of the “besieging” troops outside the target city or fortress walls, blocking the inflow of munitions, food, water and medical supplies into the city and waiting for the depletion of the provisions of the besieged population. Hence, cutting off the besieged population from their basic needs was a commonly practised *modus operandi* to twist the arm of the attacked city or nation to succumb.

For this purpose, aggressors took into consideration the military and fortification capabilities and equally the food and water supplies for long-term resistance of the target state. They even adjusted the time of their attack accordingly --before the gathering of the fresh harvest or after burning the crops of food-- and used all means towards the

⁵ Ibid., p. 16.

exhaustion of provisions and resistance, including diversion or contamination of the water supply going to the besieged area.

Thus, a target that was difficult to be defeated through military coercion was doomed to surrender through economic warfare entailing slow and deliberate starvation of its warriors and population.

Many historical events, such as the siege of Jerusalem by the Romans in 72 AD, or yet centuries before that the siege of Tyre for thirteen years by Nebuchadnezzar indicate that this technique in warfare had long been in use.

The earliest economic sanction in history, which is the closest to the contemporary economic sanctions imposed unilaterally or multilaterally, is the Megarian Decree issued in 432 BC by Pericles, leader of Athens. This enacted decree is considered as the pioneer economic sanction in history that had contributed to the outset of Peloponnesian War (431-404 BC) between Athens and Corinth, ally of Sparta supported by Megara.⁶

The Megarian Decree blocked trade with Megara and forbade Megarians from docking in the harbours of the Athenian Empire. Although the decree came as a response to the intrusion of Megara into Athenian territory, historians consider that the covert reason was to punish Megara for supporting Corinth against Athens. Despite the fact that Pericles issued this decree in peacetime and did not intend a military provocation, Megarians regarded the act *per se* an “economic imperialism” leading to an inevitable war, unless the Athenians withdrew the decree. Athenians refused to compromise and since the opportunity of negotiation was lost, the inexorable war was at the gates.

⁶ Ibid., p. 13.

Throughout the following centuries blockade of basic supplies and land siege became frequently practised warfare tactics that were continuously developed with horrendous manifestations.

Starting with the Napoleonic Wars of the early nineteenth century, economic sanctions underwent remarkable developments. The scope of economic sanctions was broadened to maritime tide. The belligerents further expanded the blockade of shipments to intercepting and inspecting neutral ships in the high seas in search of probable smuggled supplies to the target state.

Such encounters took place repetitively between France and/or Britain, on the one hand and, the United States, on the other. This was also the main reason for the development of the American navy, aiming at protecting the maritime economic interests that were at stake specifically after the punitive maritime blockade of 1814, imposed by France and Britain throughout the American coastline.⁷

In sum, the major developments of the nineteenth century were that land siege techniques acquired over centuries were equally extended to maritime areas and even to states across the oceans. Moreover, the parameters of the blockaded materials surpassed the provision of military and basic supplies, including food and other means of sustenance for combatants and non-combatants. By the end of that century, the devastating consequences of one or another form of economic sanctions had become an important tool to exert pressure on enemies, actual or potential ones.

President Abraham Lincoln imposed economic blockade and other sanctions against the Confederacy during the American Civil War (1861-1865). Severe coastal

⁷ Ibid., pp. 20-22.

blockade involving around five hundred ships and one hundred fifty one patrols at any given time had an important affect on hampering and narrowing the supplies of goods, and consequently weakening resistance and military strength of the Confederacy.⁸

Similar practices of blockading basic supplies and shipments, siege and other forms of economic strangulations continued to be a mean for political confrontations between countries throughout the Franco-Prussian war in the nineteenth century until the First World War.

With the break of World War I, the magnitude of economic warfare had expanded considerably. A complete economic blockade was cordoned by Britain on Germany, which retaliated by German submarine attacks on British merchant ships. Besides the drastic effect on the German economy the British blockade lead this war technique into a new sophisticated level characterized by the large scope of the blockade mandatory even on neutral states, the list of goods to be included on the contraband, and the number of countries involved in the process.

With the establishment of the League of Nations and later the United Nations, there were new attempts for seeking alternatives to elude from wars and to set the international order. Consequently, economic sanctions were upgraded to an *international level*.

The League of Nations, which did not have a precedent, legalized the right of imposing collective sanctions against recalcitrant states to maintain world order. Article 16 of the Covenant detailed the usage of blockade, embargo, prohibition of supplies and prohibition of loans as measures to be taken before resorting to force. Whereas the last

⁸ Ibid., pp. 23-26.

option (resorting to force) was an alternative not excluded neither in the Covenant of the League of Nation nor in the Charter of the United Nations.

Indecisiveness and inability of reaching a collective concession about when and how to enforce sanctions were among the main reasons of the short-living of the League of Nations. Although it had been successful only thrice at exerting threat of economic sanctions against relatively small countries (Yugoslavia, Turkey and Bulgaria), the League of Nations had been inefficient at cases that involved relatively stronger countries such as Japan's attack on Manchuria (1931), Italy's invasion of Abyssinia (1935) and the Spanish Civil War⁹.

The vagueness of the Covenant and the conflicting interests of the member states were reflected in the League's inability of resolving the Manchurian crisis and Italy's invasion, which subsequently lead to the dissolving of the first collective essay of avoiding wars.

In contrast to the League of Nations, the "internationalised economic sanctions" notched a new fold in the history of sanctions with the establishment of the United Nations, which will be illustrated in Chapter III.

c. Types and Purposes of Sanctions

Many factors shape the imposition of unilateral and multilateral sanctions.

Unilateral sanctions are imposed by one country against another. Countries that enjoy political and economic strength are in a favored position to enforce as well as to protect recalcitrant states from economic sanctions. The United States, the surviving

⁹ Ibid., pp. 52-55.

superpower after the fall of the Soviet Union in 1991, has become inexorably the power that enjoys the upper hand in exercising this tool as means for attaining its political objectives. It is estimated that two thirds of the world's population has been subject to US sanctions in one form or another.¹⁰

For instance, sanctions on Cuba since 1959 are the longest unilateral sanctions imposed by the United States on any country. A number of other countries are or have been at one time on the sanction-list of the United States. The latter's disproportionate economic power has extended it with political success over countries whose economies are dependent or affected by the US economy. However, such decisions also have their drawbacks on American firms, which are prevented from investing in the boycotted target states in spite of their growing potentials.

Multilateral sanctions are imposed by two or more countries against one another, such as the one imposed by the United States and the United Kingdom against Egypt in 1956. Multilateral sanctions are also enforced through international organization, which has binding rules on its member states. This category includes sanctions imposed by the United Nations against countries which violated the UN Charter.

Unilateral and multilateral sanctions may be limited or comprehensive. Limited sanctions, commonly known as "sanctionettes" may vary from arms to certain trade

¹⁰ Ibid., p. 2. In his book of *"Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?"* Simons discusses the various forms of sanctions that the United States has practised unilaterally throughout years. He has also highlighted on the vast Presidential authority in gearing sanctions like imposing limits on US government programs such as foreign aid, landing rights, US export, US imports and influencing activities of international financial institutions through vetoing UN Food Aides/ famine relief to countries and blocking access of states to Commodity Credit Corporation (CCC). President Reagan froze food for Peace aid to Nicaragua in 1981 and blocked a \$9.6 million wheat sale to that country. US unilateral sanctioned list of countries include or has included at a point or another: Cuba, North Korea, Vietnam, Libya and Iran (D'Amato Act), India, Pakistan, Japan, Colombia and China.

embargo, freezing of assets, placing extra tariffs on imports from the target country, blocking of aids or loans and other similar constrains.

Limited and unilateral sanctions imposed by a powerful state may have drastic consequences on the target state. Nevertheless, the effect may be further amplified when multilateral comprehensive sanctions are imposed on a state rendering it more volatile and apt to comply with the external pressure. Such consequences are the result of the interdependence of the global economy, which has rendered autarky nearly impossible.

Thus, the major categories on the echelon of economic sanctions are embargoes on: export and import of arms and munitions for war, raw material and technology necessary for arms production and the progress of the economy and the industry of the target state. Financial sanctions are the second broad category within the economic sanctions and they include: suspension or cancellation of aids and grants (cash, food, medical supplies or others), prohibition of getting loans from international monetary organizations, confiscating or freezing of assets in international banks, refusal of rescheduling debt payments and other pressuring policies.

In spite of their differences, boycott, embargo and sanctions are used interchangeably to imply punitive acts against a target state. Margaret Doxey, a reference in the field of sanctions, has defined eight main goals for international sanctions, which include deterrence, compliance, punishment, destabilization, limitation of conflict, solidarity, symbolism and signaling.¹¹

¹¹ Elias Davidson, *Towards a Definition of Economic Sanctions*, 2003, p. 1.

Almost all cases of sanctions have had one or sometimes more than one of the goals that Doxey has defined. However, achieving these political ends depends on the means applied which in turn are affected by a number of variables. Therefore, economic sanctions do not guarantee political results. It is more like a balance tilting from success to failure based on the weight put in each palm.

d. Criteria for Success or Failure of Sanctions

Prior to delving into setting criteria for success or failure of sanctions for this thesis, I researched existing work about the assessment or study of sanctions. There are two important studies in this field. The first one, carried by the Institute for International Economics (IIE), has examined 170 cases of sanctions covering the period 1914 through 1999. The United Nations had imposed 12 out of those 170 cases, whereas the United States and the European Union have imposed the rest¹².

The second important assessment of sanctions' effectiveness is the study done by David Cortright and George Lopez as a project for the International Peace Academy. The authors in *The Sanctions Decade: Assessing UN Strategies in the 1990s* narrowed their study to the UN sanctions implemented in the 1990s against eleven targets in an effort toward resolving political conflicts and restoring peace without military force.

The IIE study suggests that the success rate of the 170 sanction cases studied by empirical methods is around 35 percent. The criterion for success stated by the

¹² David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 7.

researchers was comparison of the results achieved vis-à-vis the “declared” goals of the sanctions.

David Cortright and George Lopez have criticized the criterion adopted by the IEE researchers for assessing the effectiveness of sanctions, mainly because not all pursued goals of sanctions are often declared. Besides, sanctions imposed for deterrence purposes cannot be measured as the one imposed for compliance or limitation of violence. Furthermore, they have argued that unilateral, bilateral and multilateral (mainly UN) sanctions cannot be put in one category without making separate analysis for each type¹³.

Criticizing the unrealistic benchmark for the assessment of sanctions, Cortright and Lopez have set more practical and “realistic” criteria for their eleven case studies. They rated sanctions as success if “they had a positive, enduring impact on bargaining dynamics or if they helped isolate or weaken the power of an abusive regime.”¹⁴ Based on these criteria, the study revealed three to four cases that have scored moderate to high success, and these include Iraq, Libya and Yugoslavia. Consequently, the average success rate of this study is around 36 percent, which is somehow very close to the findings of the IEE study.

There have been few other modest attempts to assess the effectiveness of sanctions; however, they have been criticized for the flaw of their criteria or mode of analysis. In sum, one common thing that most academic studies about sanctions is the

¹³ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 15

¹⁴ *Ibid.*, p. 204.

agreement about the low rate of success that sanctions have marked, whereas disagree about the level of that low rate¹⁵.

In spite of the criticism and disagreements about the criteria for the appraisal of sanctions, setting specific criteria as benchmark for this study is an imperative step for assessing UN sanctions on Iraq.

i. Criteria for assessing sanctions

After checking the above mentioned studies and scrutinizing their major criticisms and weaknesses, a set of criteria has been tailored as a benchmark for this specific study. These include:

- The achievements of sanctions towards the “*declared*” objectives, which are commonly one -or more than one- of the eight purposes of sanctions stated by Margaret Doxey. These achievements are measured by the target state’s compliance with the conditions stated by the Security Council in the resolution that mandates the sanctions.
- International support and concord of the majority of Security Council members in condemning the aggression and taking an aggregate action against the violator of the international norms.
- Cost-benefit analysis of the sanctions on the humanitarian, economic and political levels.
- Cost-benefit analysis of using military force instead of sanctions.

¹⁵ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 13. The authors quote from the paper presented by Andrew Mack and Asif Kahn, “*A Glass Half Empty? UN sanctions in the 1990s*,” Strategic Planning Unit, Executive Office of the Secretary-General, United Nations, New York, March 1999.

- Cost-benefit analysis of the situation if the international community had not taken action and imposed sanctions in response to the violation.

The above-mentioned criteria are essential for assessing the UN sanctions on Iraq; nevertheless, satisfying certain conditions is equally necessary for the successful implementation and assessment of sanctions.

ii. Conditions for Success

The probable success or failure of economic sanctions is highly dependent upon some pivotal conditions that shape and determine the likely outcome of sanctions and these include:

- *Clear and defined goals of the sanctions.*
- *Attainable and realistic goals.* Previous studies have shown that sanctions score low success rate in bringing forth a drastic policy change in a country and in demising the military power of the target. On the other hand, sanctions have marked higher success rates in bringing the target to the negotiation table. Hence, goals pursued must be within practical range.
- *The economic conditions of the country.* This is important, but not a sufficient factor for success. Target states that depend heavily on trade will respond quicker to the conditions. Whereas states with lesser trade dependency and more autarky are less likely to respond to external pressure. This condition is linked to two controversial theories: “societal transmission belt” and the “rally round the flag effect” theories that will be elaborated in Chapter V.

- *Period of the sanctions.* Cortright & Lopez have stated that sanctions need an average of three years in order to attain acceptable results, while the probable maximum impact echoes during the first year.¹⁶
- *Modus operandi of the economic sanctions.*

Incremental or rapid enforcement of sanctions? Incremental sanctions begin with the lowest type of sanctions, warnings or threats signaling about upcoming more severe sanctions if the target does not refrain from wrongdoing. Whereas rapid enforcement of sanctions is the “at-once” imposed severe economic sanctions that do not follow a certain crescendo. Each of the alternatives has its supporters and critics. Supporters of incremental enforcement of sanctions, who mainly prefer peaceful solutions to crises, claim that the threat of escalating sanctions is an adequate coercive deterrent by itself. Nevertheless, this alternative has been criticized for offering plenty of time to the target state to formulate new policies to evade the sanctions or to circumvent.

The situation and nature of the crises are the key determinants for the pace of sanctions to be practiced, since at certain situations incremental enforcement may or may not be effective and the case is the same with the rapid enforcement option.

Bargaining or punishment? / Carrot and stick policy.

Cortright and Lopez focus in their study on the models of commonly practiced sanctions: bargaining or punishment. Most of the sanctions are imposed as a punitive response for a wrongdoing, and in return, the only acceptable

¹⁶ Ibid., p. 18.

reaction would be compliance with the conditions of the sanctions' senders. On the other hand, sanctions may serve to bring the violator to negotiations, and consequently, to bargaining. Furthermore, the results of their study have shown that sanctions have scored higher rates when the "carrot and stick" tactic was part of the overall bargaining strategy. Target states have responded to sanctions when their acts of compliance were reciprocated by loosening of sanctions as an incentive and any further wrongdoing or non-change of attitude was countered by further tightening the grip of the sanctions.¹⁷

- *Sunset clause.* The "carrot and stick" and bargaining model have to be complemented by a clear statement of the "sunset clause," which clearly indicates the steps required to remove the sanctions. The "sunset clause" is important for the sanctioned state to see a light at the end of the tunnel. Otherwise, without definite time for their removal, sanctions become like the horizon, which is seen, yet never achieved. It is equally important that the body or states imposing the sanctions respect the "sunset clause" and "carrot and stick" tactic, or else a feeling of distrust will grow between the two parties, which in turn will not yield to constructive results.

After stating the criteria for the assessment of sanctions and the conditions for their success, the last critical stage is the application of sanctions. Even if sanctions fulfill all the required criteria for their success and take into consideration all the aforementioned conditions, without proper enforcement, the outcome would be flawed

¹⁷ Ibid., p.18.

sanctions. Therefore, proper monitoring and enforcement of sanctions are substantial steps towards successful results. It requires cooperation of the sanction-senders, perseverance in attaining the aspired objectives, and initiation of ad hoc creative means to closely scrutinize any evasion of the process.

The criteria and the conditions set forth in this chapter will be the benchmark to assess the sanctions imposed on Iraq by the United Nations at the end of this research. Before that, it is important to look into the authority in which the world has vested the legitimacy to impose “international economic sanctions.”

Chapter III

Sanctions through the United Nations: "Internationalization" of Sanctions

a. Authority of the Security Council and its Legitimacy

Before the end of World War II and prior to the total collapse of the League of Nations, the Allied powers had already started to plan for a new international body that would maintain the peace in the aftermath of war.

On April 19, 1945, during the last meeting of the General Assembly of the League of Nations, Sir Robert Cecil declared:

“The League is dead. Long live the United Nations”¹

Economic sanctions, whose effects had been acknowledged even by the pacifist Woodrow Wilson as a “peaceful, silent and deadly pressure that no modern nation could resist,”² marked on that day the onset of their “internationalisation” phase.

¹ Geoff Simons, *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?*, Pluto Press, Virginia, 1999, p. 10.

² Elias Davidson, *The Debate on Economic Sanctions: A Story of Blind Spots and Obfuscation*, 2002, p. 3.

The authority of imposing sanctions was vested in the UN Charter - Chapter VII, considering the UN the legitimate and authoritative body eligible to impose sanctions on a government or nation, because it represented the will of the international community.

Article 39 of the UN Charter granted the Security Council the authority of using economic and other kinds of non-military, yet coercive, measures for maintaining or restoring international peace and security once it determines that there is a threat or breach of peace or an act of aggression.³ Consequently, sanctions have become for the UN a “means for exerting international influence that is more powerful than diplomatic mediation but lies below the threshold of military intervention.”⁴

Partial and comprehensive economic sanctions have been the most prominent coercive tool used by the Security Council against various targets for different purposes. Article 41 of the UN Charter determined the contours of the economic sanctions within the authority of the Security Council, which entailed:

*“... complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communications, and the severance of diplomatic relations.”*⁵

Acknowledging the “collateral damage” that sanctions bear on the neighbouring countries of the sanctioned state or its major trade partners such as losing trade markets,

³ Hans Kohler, *Ethical Aspects of Sanctions in International Law: The Practice of Sanctions Policy and Human Rights*, Vienna, International Progress Organization, 1994, p.4.

⁴ Elias Davidson, *The Debate on Economic Sanctions: A Story of Blind Spots and Obfuscation*, 2002, p. 1. In this report, Davidson quotes the responses of Manfred Kulesa and Dorothee Starck for why such measures (sanctions) have become a popular tool for the UN? *Peace through Sanction?* Policy Paper 7, Presented at a Conference in Bonn, January 15, 1988.

⁵ UN Charter, Article 39-41. According to Article 39 of the UN Charter “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression” and “to make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

revenues and employment opportunities, Article 50 in Chapter VII of the UN Charter has addressed the right of these countries to appeal for financial assistance as compensation for their losses when sanctions are applied.

Authority to impose sanctions has been criticised for its inherent flaws starting with the criteria to what may be objectively considered as “threat,” “breach of peace” or an “act of aggression.” It may be relatively easy to deem an action as a violation to a set of norms or a clear breach of contract; nevertheless, the case may be more complex upon classifying an act as a threat.

Sanctions have also been criticized for their ethical and legal considerations in the light of human rights and international law. Moral concerns have surfaced during the past years as human suffering became a catalyst in achieving the disproportional and questionable political objectives of economic sanctions.

Secretary-General Kofi Anan has expressed his concern about this matter as a dilemma for the dual mandate of the United Nations: guardians of peace and protectors of human rights.⁶ Former UN Secretary-General Boutros Boutros-Ghali has expressed a similar worry and scepticism about the efficiency of sanctions in attaining their political end, wondering

“whether suffering inflicted on vulnerable groups in the targeted country is a legitimate means of exerting pressure on political leaders.”⁷

⁶ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 23.

⁷ *Ibid.*, p. 24,

Another major criticism of the United Nations' legitimacy to imposing economic sanctions is the disagreement regarding the Security Council representing the will of the "International Community." Five of the fifteen permanent members of the Security Council (US, UK, France, Russia and China) have a permanent seat in the Security Council and possess the right of veto. The other ten members are elected from the UN membership on rotating basis. With the fall of the Soviet Union the rivalry between the superpowers ended, consequently, the leading power in the United Nations as well as in the financial institutions (International Monetary Fund and World Bank) was delineated towards the survivor of the Cold War. Hence, with this new twist of power politics in the United Nations, many members of the organization with lesser influence have found themselves carrying decisions approved by the majority of the Security Council that may be contrary to their national interests and/or political line, or incongruent with multilateral treaties that they are part of.

Despite the controversies they comprise, economic sanctions have been favoured by the Security Council as a grey zone coercive tool between diplomacy and military intervention to exert pressure to change policy or signal an upcoming escalation due to multilateral discontent of a state's violation of the international norms. Due to their characteristic and frequency of usage, the "internationalised" phase use of sanctions by the United Nations is classified into two main periods: 1945-1990 and 1990-2003.

b. Sanctions Imposed by the UN during the period: 1945-1990

Between the period 1945 and 1990, the United Nations had imposed economic sanctions only twice: against Rhodesia (1966) and South Africa (1977). Nevertheless,

Rhodesia and South Africa were not the only cases that had necessitated the UN involvement.

The Berlin Blockade (1948-1949)⁸, which was the first significant event of the Cold War, involved the United States, Britain and France on one side of the conflict and the Soviet Union on the other. It all started in 1948 as the four-power Allied Council of Germany began negotiations about introducing a new currency in Germany to stop the growing inflation and unemployment. Later the Soviets were denied access to reports that had resulted from the three-power negotiations in London regarding the same matter. The Soviet delegate withdrew and the currency reform was implemented without their approval. The situation deteriorated. Each party took measures (blockade and air lift) that contributed to the escalation of the crisis; however, it never reached the United Nations because four of the five permanent members of the Security Council were already involved in it.

The Korea Question (1945-1953) was another “indirect field” of the Cold War for the United States and the Soviet Union. In 1945, the United States divided the country on the 38th parallel and maintained a permanent military presence in the South⁹. The Korean War (1950-1953) and the Korean nationalists pursuing the unification of the country sharpened the political friction between the United States and the Soviets. The US preferred to take the matter to the General Assembly where it knew that it could rely on the overwhelming majority support for its interests. Whereas the Russians, counting on

⁸ Geoff Simons, *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?*, Pluto Press, Virginia, 1999, pp. 71-72. Simons in this section details the events that had led to the aggravation of the Berlin Blockade and how this “classic case of another city under siege” was subjugated to sanctions imposed by sovereign states and not the Security Council of the United Nations.

⁹ *Ibid.*, pp. 72-75.

the substantial support that the North enjoyed in the South besides the latter's unpopular regime, suggested that all foreign troops withdraw and leave the matter for the Koreans to resolve their differences. Washington, keen on protecting its strategic position in the South, was alarmed by the proposal. It turned to the United Nations to seek action. The Soviet Union boycotted the Security Council for not seating the representative of the People's Republic of China; consequently, it missed the opportunity to veto the US-backed resolution authorising military action and stipulating a range of economic sanctions against North Korea. The case of Korea spilled out and involved later China, which felt provoked by the US threats. President Truman imposed economic embargo against China and froze Chinese assets in the United States. The Soviet Union and the other Communist countries kept on providing banned material by the United Nations to the sanctioned North Korea and China. Consequently, the Korean Question emerged as the second case whereby the United Nations could not impose "internationalised" sanctions.

Nevertheless, the United Nations imposed collective economic sanctions during the same period on South Africa and Rhodesia amid the apartheid crisis that shook the African continent. The United Nations efforts for reaching political solution through economic sanctions were largely hampered by the commercial and strategic interests of its members –mainly US, UK and France- in those countries. Although by 1979 the Black Africans were able to overthrow the white racist government in Rhodesia proclaiming instead the independent Zimbabwe and in 1994 the apartheid was doomed in South Africa and non-racial elections were administered over three days and, UN economic sanctions had moderate effect in achieving these political outcomes.

With the fall of the Soviet Union in 1990 and the cessation of political “rivalry” between the United States and the Soviet Union/Russia, the “internationalised” sanctions also had their share of change during the coming epoch.

c. Sanctions imposed by the UN during the 1990s.

Iraq’s invasion of Kuwait on August 2, 1990, and four days later the imposition of comprehensive sanctions on Iraq paved way to the “sanctions decade” that became remarkable for the frequency and variety of purposes of sanctions’ enforcement. During that period, the Security Council imposed sanctions against different target states, six folds more than it had done during its first forty-five years of operation.¹⁰

Two major characteristics distinguish the 1990s sanctions decade. First, the cases of sanctions proliferated strikingly during this decade. As mentioned earlier, the United Nations had imposed only two collective sanctions between the period 1945 and 1990, whereas after 1990 it imposed comprehensive or partial sanctions against twelve countries and sixteen instances. These include:¹¹

- Iraq (1990): *comprehensive sanctions*.
- Former Yugoslavia (1991, 1992 and 1998): *comprehensive sanctions (1992 to 1995) and limited arms embargo (1998)*.
- Libya (1992): *aviations sanctions, partial assets freeze and ban on oil equipment imports*.

¹⁰ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 1.

¹¹ Elias Davidson, *The Debate on Economic Sanctions: A Story of Blind Spots and Obfuscation*, 2002, p. 2.

- Liberia (1992): *arms embargo*.
- Somalia (1992): *arms embargo*.
- Parts of Cambodia - Khmer Rouge (1992): *oil embargo and ban on exports of timber, minerals and gems*.
- Haiti (1993): *comprehensive sanctions*.
- Parts of Angola -UNITA (1993, 1997 and 1998): *oil and arms embargo (1993), travel and diplomatic sanctions (1997), financial sanctions and diamonds embargo (1998)*.
- Rwanda (1994): *arms embargo*.
- Sudan (1996): *diplomatic sanctions, aviation sanctions threatened but not imposed*.
- Sierra Leone (1997): *oil and arms embargo and travel ban*.
- Afghanistan (1999): *aviation and financial sanctions*.

Second, the Security Council resorted to this tool for diverse purposes, including: reverse territorial aggression, restore democratically elected leaders, promote human rights, deter and punish terrorism and promote disarmament. The number of UN peacekeeping forces' deployment and the types of their mission increased in parallel during this sanctions decade.

As it can be noticed, the “internationalised” sanctions underwent a new period of evolvement during the 1990s. These new dimensions that shaped the sanctions during this decade reflected a breakthrough in the international collaboration in contrast to the

period of 1945-1990. However, the heavy reliance on this coercive means to resolve conflict, restore peace and enforce international legal norms without the use of military force, put back the efficiency of this tool into question following the political outcomes of the sanctioned countries especially the case of Iraq that not only shaped the sanctions decade, but also shook the international political arena and sanctions' philosophy.

Chapter IV

UN Sanctions on Iraq: Consequences

a. Historical Background

On August 2, 1990, the Iraqi forces invaded Kuwait and occupied it. The UN, the Gulf Cooperation Council, the League of Arab States, the Organization of Islamic Conference, the European Union and many international organizations and individual states denounced the aggression.

Few hours after the invasion, President Bush declared a national emergency to deal with the "*unusual and extraordinary threat to the national security and foreign policy of the United States.*"¹ Consequently, the President signed two executive orders and initiated unilateral US trade embargo and froze all Iraqi assets in US banks. Soon, similar actions were taken by the British Treasury, the European Union and other states.

Just eleven hours later the Security Council met and determined according to Article 39 of the UN Charter that Iraq has made an act of aggression. In response, the

¹ Elias Davidson, *The Iraq Sanctions*, 2002, p. 3. Davidson quotes from the Executive Order 12722 signed by President George Bush in accordance with section 202 (d) of the National Emergencies.

Security Council unanimously adopted Resolution 660, demanding that Iraqi forces withdraw immediately and unconditionally back to their positions of August 1, 1990.

Four days later the Security Council met again and adopted Resolution 661 under Chapter VII of the UN Charter with 13 votes to 0, with Yemen and Cuba in abstention.

The Resolution enforced mandatory and comprehensive sanctions on Iraq (See detailed information about Resolution 661 in section “b”) and set up Iraq Sanctions Committee (ISC) to monitor the implementation of the measures taken.

In parallel to these comprehensive sanctions that ranged from an oil embargo to a ban on all imports and exports –including food at the first stage- from and to Iraq and Kuwait, the US unilaterally ordered on August 12, 1990 to halt Iraqi ships in international waters.

On August 25, 1990, the US measures were post-facto legalized by Resolution 665, which upgraded the measures of sanctions’ implementation by the member states and left the maritime blockade enforcement under the coordination of the United States.

Resolution 661 that was initially instigated to buttress Resolution 660 --to pressure Iraq to withdraw from Kuwait unconditionally-- remained in effect even after the United States and its coalition partners liberated Kuwait by force in March 1991.

Although the aggression of Iraq was reversed and the sovereignty of Kuwait was restored, Resolution 661 laid the ground for the first and the longest UN sanctions imposed in the 1990s and in its overall history that was characterized by:

- Comprehensiveness of the sanctions (detailed below in section “b”).
- Unprecedented collectiveness and support it received from member states in taking swift action.

Despite the comprehensiveness of Resolution 661, the UN progressively tightened further the sanctions through new Resolutions that were adopted in the following period. Resolution 661 was the impetus for the UN to open its 1990s chapter of sanctions and seek innovative ways to upgrade this tool and its enforcement measures, which --until then-- were unparalleled in the UN experience.

b. Stages of the Sanctions: Security Council Resolutions

The aggression of Iraq on Kuwait and the “breach of peace” created an international emergency at the UN.

Sanctions that were adopted to restore peace and to tackle the subsequent complications that had surfaced as a result of their implementation put the members of the Security Council in front of several “first time” situations. As a result of these intricacies and the spilling of the sanctions’ consequences, the Security Council and the Iraq Sanctions Committee (ISC) had to meet frequently and adopt new resolutions in order to deal with the upcoming situation and sometimes emergencies. Consequently, the ISC had become the most active committee of the UN that had surpassed all other existing committees in the quantity/frequency of their meetings and resolutions that they have adopted.

As this study aims at assessing the sanctions on Iraq, below are some of the chronologically annotated Resolutions whose impact has shaped the stages of sanctions in Iraq. It is worth noting that the Security Council has issued other resolutions available in the appendices; nevertheless, those mentioned in this section are sanctions-related resolutions only.

- *SC Resolution 660 (1990)*²

Hours after the occupation of Kuwait, the Security Council adopted on August 2, 1990 the Resolution 660 condemning Iraq's invasion and demanding the withdrawal of its forces swiftly and unconditionally.

- *SC Resolution 661 (1990)*³

Four days after the adoption of Resolution 660, the Security Council imposed comprehensive economic sanctions on Iraq and set the Iraq Sanctions Committee (ISC) whose main tasks were gathering information from member states on their implementation of the sanctions and processing requests for humanitarian waivers.

Thus, Resolution 661 that was adopted on August 6, 1990 to enforce Resolution 660 entailed the measures to be taken by all States against Iraq, including:

- Ban on all trade. This involved import/export of all commodities from/to Iraq or Kuwait
- Oil embargo. All pipeline shipments through Turkey and Saudi Arabia were cut off soon after the imposition of sanctions.
- Suspension of international flights.
- Freezing of Iraq government financial assets.
- Prohibition of financial transactions.

This Resolution that was adopted by 13 votes to 0, with Yemen and Cuba in abstention, did not include any exemption in its ban on trade. Educational materials were barred for the first time in the UN history of sanctions. Health supplies were reduced to

² United Nations, Security Council Resolution 660, S/RES/660 (1990), August 2, 1990. See *Appendix I-1*.

³ United Nations, Security Council Resolution 661, S/RES/661 (1990), August 6, 1990. See *Appendix I-2*.

minimal and for strictly medical purposes. As for the most substantial category, food supplies were equally not exempted during the first several months.

- *SC Resolution 665 (1990)*⁴

Following Resolution 660, the US had already taken unilateral measures to tighten the enforcement of sanction such as intercepting Iraqi imports and exports in international waters. On August 25, 1990, the Security Council adopted Resolution 665 and allowed member States to « halt all inward and outward maritime shipping, if necessary by force » to inspect the contents and ensure strict implementation of provisions of SC Resolution 661 (1990).

The naval blockade was coordinated by the United States in collaboration with Great Britain. All vessels on the Shatt El Arab in the south of Iraq and ships near the Jordanian port of Aqaba were intercepted and thoroughly inspected.

- *SC Resolution 666 (1990)*⁵

On September 12, 1990, the Security Council adopted Resolution 666 through which it urged the ISC to keep the issue of food import to Iraq and occupied Kuwait under “close eye” as humanitarian crisis were foreshadowed in the light of the sanctions and food embargo put in place through Resolution 661 (1990). Furthermore, this Resolution granted the ISC the sole authority to determine upon the reports received from

⁴ United Nations, Security Council Resolution 665, S/RES/665 (1990), August 25, 1990. See *Appendix I-3*.

⁵ United Nations, Security Council Resolution 666, S/RES/666 (1990), September 12, 1990. See *Appendix I-4*.

the Secretary-General if an urgent need of food supply exists and specify the quantity of food import to the population of sanctioned areas.

Cuba suggested the inclusion of clause stating that access to foodstuff and medical supplies is a “fundamental human right” that should be allowed at all circumstances. Despite the opposition of Cuba and Yemen, the original resolution, without the proposed amendment of Cuba, was adopted by 13 to 2.

- *SC Resolution 670 (1990)*⁶

On September 25, 1990, the Security Council coupled the naval blockade with an air blockade. Member States were asked to obstruct all aviation links with Iraq. The only exceptions were the humanitarian flights approved by the ISC.

- *SC Resolution 678 (1990)*⁷

On November 29, 1990, the Security Council authorized member states to use “all necessary means” to liberate Kuwait. It also gave Iraq “a pause of goodwill” until January 15, 1991 to comply with the UN SC Resolution terms.

One day after the ultimatum expired, the United States and its allies launched the 42 days’ “Gulf War” that began by a massive air campaign followed by a relentless ground bombing, which drove back Iraqi forces out of Kuwait. SC Resolution 660 (1990) was attained; the Iraqi aggression was reversed.

⁶ United Nations, Security Council Resolution 670, S/RES/670 (1990), September 25, 1990. See *Appendix I-5*.

⁷ United Nations, Security Council Resolution 678, S/RES/678 (1990), November 29, 1990. See *Appendix I-6*.

Secretary-General Perez de Cuellar dispatched a mission to Iraq lead by the Under-Secretary-General Marti Ahtisaari to assess the humanitarian needs in the aftermath of the Gulf War. On March 20, 1991 the mission forwarded its findings to the Secretary-General in the “Ahtisaari Report.”⁸ Despite the narrow mandate of the mission to assess only urgent humanitarian needs and not the requirements for the reconstruction of Iraq’s infrastructure, the report relayed information about the disastrous humanitarian situation and stressed on the eminent international assistance and immediate removal of sanctions on food and agricultural supplies. The report also touched upon the consequences of ban on health, medical and telecommunication supplies and furthermore identified problems that the sanctions would deteriorate such as blocking the import of water-treatment chemicals.

- *SC Resolution 687 (1991)*⁹

On April 3, 1991, one month after the end of the Gulf War, the Security Council adopted its –ever approved- longest and most complicated Resolution 687, which is frequently referred as “the mother of all resolutions.”¹⁰

This resolution that had followed the “Ahtisaari Report” had thirty-four operative paragraphs that set the terms of the cease-fire and the conditions for lifting the sanctions.

Resolution 687 clearly specified the eight conditions upon the Government of Iraq as prerequisites for the suspension of sanctions¹¹:

⁸ Marti Ahtisaari Report, UN Doc. S/22366, March 20, 1991; accessed through UN website (www.un.org).

⁹ United Nations, Security Council Resolution 687, S/RES/687 (1991), April 3, 1991. See *Appendix I-7*.

¹⁰ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 42.

¹¹ *Ibid.*, p. 42.

1. Recognition of Kuwait's territorial integrity and newly demarcated international borders with Kuwait.
2. Acceptance of the demilitarized zone with UN peacekeepers along the Iraq-Kuwait borders.
3. Destruction of all chemical, biological and ballistic missile weapons under the supervision of UN Special Commission (UNSCOM). Acceptance of the presence of permanent monitoring "weapons inspectors" in Iraq.
4. Elimination of all nuclear weapons and capabilities under the constant monitoring of International Atomic Energy Agency (IAEA).
5. Return of Kuwaiti stolen properties and prisoners of war.
6. Acceptance to pay war damage liability and compensation to Kuwaiti victims through funds managed by the UN.
7. Repatriation of all Kuwaiti and third-party nationals.
8. A pledge not to support international terrorism or commit another violation of peace.

The Resolution also demanded upon the Government of Iraq to present a full report about its nuclear, ballistic missile, chemical and biological weapons within fifteen days after the Council's adoption of the Resolution.

Whereas in response of the recommendations of the "Ahtisaari Report," Resolution 687 comprised some aspects that addressed the humanitarian needs of Iraq, such as allowing the import of food supplies and other civilian needs to Iraq with the approval of the ISC. The latter also was entitled the authority to approve all Iraqi oil sales

to member states as a means to raise funds required to buy the humanitarian necessities of the country.

Zimbabwe and India voted for the draft resolution in spite of their remarks for overlooking the other recommendations of the “Ahtisaari Report.” Cuba opposed while Ecuador and Yemen abstained from the meeting. Resolution 687 was adopted by the Council.

On April 6, 1991, Iraq’s Minister of Foreign Affairs Ahmed Hussein addressed a letter to the Secretary-General of the UN and condemned harshly the biased stand of the UN and labeled SC Resolution 687 an assault on the sovereignty of Iraq.

Few days later, Iraq announced that it had no other alternative but to accept SC Resolution 687.

The UN Secretary-General sent his Executive Delegate Sadruddin Aga Khan for an inter-agency mission to Iraq between the period June 29 and July 13, 1991. Having the “Ahtisaari Report” as a preliminary approximation for the humanitarian needs, this mission aimed at making more thorough assessment of the various sectors through its experts and longer period of stay in Iraq.

On July 17, 1991, the Secretary-General forwarded “The Aga Khan Report”¹² to the Security Council. The mission had assessed four major sectors that were identified as crucial for improving the exacerbated humanitarian situation in Iraq:

- a. Water, sanitation and environment.
- b. Health.
- c. Food.

¹² Aga Khan Mission Report, UN Document S/22799 (1991), July 17, 1991.

d. Energy.

This report has added to the “Ahtisaari Report” the further detailing of the sectorial problems and quantifying in monetary terms the projected funds required to restore the infrastructure of Iraq.

- *SC Resolution 706 (1991)*¹³

In response to the “Ahtisaari” and “Aga Khan” Reports, the Security Council adopted Resolution 706 on August 15, 1991.

This Resolution specified the conditions under which Iraq could import humanitarian goods. It authorized the oil for food program allowing the Government of Iraq to sell oil for up to \$1.6 billion for one-time period of six months. Buyers of Iraqi oil had to pay directly to UN-managed escrow accounts to finance purchase of foodstuff, medicines and other basic civilian needs approved by the ISC. Furthermore, the ISC had to approve on each sales of Iraqi oil. Iraq had to accept that “part of the sum” of the escrow account should be used by the Secretary-General to cover:

- a. The full operating costs of UN missions in Iraq and other necessary humanitarian activities in the country.
- b. The costs incurred by the UN for importing the humanitarian needs and distributing them.
- c. The costs incurred by the UN for facilitating the return of Kuwaiti property seized by Iraq.
- d. Half the costs of the Boundary Commission.

¹³ United Nations, Security Council Resolution 706, S/RES/706 (1991), August 15, 1991. See *Appendix I-8*.

The Government of Iraq considered the amount of oil sales authorized by the ISC insufficient to cover 1 percent of the amount needed to rebuild the facilities destroyed in the “Gulf War.” Consequently, it refused to comply with the terms of Resolution 706 (1991) regarding it as an infringement on the sovereignty of Iraq.

- *SC Resolution 712 (1991)*¹⁴

Following the rejection of Iraq to comply with SCR 706 (1991) and in an attempt to establish a mechanism to allow through it the inflow of funds to the Compensation Fund, the ISC expressed its “intention to review” the ceiling of Iraqi oil sales proposed in SC 706 (1991).

Although this Resolution did not make specific indications neither about the scope of time nor the amount of the ceiling increase, it was adopted on September 19, 1991 by 13 votes. Cuba voted against it and Yemen abstained from the meeting. The Government of Iraq rejected this Resolution, too, specifically objecting on partial usage of their oil revenue for financing the UN missions and war repatriations.

- *SC Resolution 778 (1992)*¹⁵

Confronted with the reluctance of the Government of Iraq to comply with the SC Resolutions 706 and 712 (1991), the Security Council adopted Resolution 778 in October 1992 allowing member states to “unfreeze” part of the proceeds (up to \$200 million)

¹⁴ United Nations, Security Council Resolution 712, S/RES/712 (1991), September 19, 1991. See *Appendix I-9*.

¹⁵ United Nations, Security Council Resolution 778, S/RES/778 (1992), October 2, 1992. See *Appendix I-10*.

from pre-Gulf crisis Iraqi oil sales and transfer them to the UN escrow account. The purpose of this Resolution was to provide funds in the UN account to meet purchase of humanitarian needs in Iraq. Besides the disagreement about the ceiling of the amount to be released by member states, by the end of 1993 there was only the amount of approximately \$100 million in the UN escrow account, mostly from voluntary contributions by Saudi Arabia and Kuwait and some transfer of \$50 million frozen Iraqi assets from the United States.¹⁶

As the news of deteriorated humanitarian situation in Iraq was propagating, the Food and Agricultural Organization of the United Nations (FAO) sent three missions to Iraq in 1993, 1995 and 1997 to assess the crop and food availability and to investigate the nutritional status of the population.

The three mission reported severe decline in food availability, sharp increase in malnutrition and hunger and aggravation in public health. The missions stated that the UN sanctions are responsible for the humanitarian crisis in Iraq. In order to prevent worsening of the situation they recommended the lifting of the sanctions and allowing the Government of Iraq to import and export to regenerate the economy.

- *SC Resolution 986 (1995)*¹⁷

The alarming humanitarian situation reported by the FAO missions and the growing criticism of the UN for the situation led the Security Council to reconsider

¹⁶ Elias Davidson, *The Iraq Sanctions*, 2002, p. 20. Davidson quotes Hazel Fox and C. Wickremasinghe, *UK Implementation of Economic Sanctions*, 42 *International and Comparative Law Quarterly* (1993) and explains how member states remained uncommitted to this resolution.

¹⁷ United Nations, Security Council Resolution 986, S/RES/986 (1995), April 14, 1995. See *Appendix I-11*.

Resolutions 706 (1991) and 712 (1991). The new version of these proposals was Resolution 986 (1995). This Resolution put forth an amended “Oil-for-Food” mechanism that would enable the inflow of funds to cover the humanitarian needs through:

- Allowing Iraq to export oil for a ceiling of \$2 billion every 6 months. Then again, every sale had to be approved by the ISC.
- Buyers of Iraqi oil had to pay directly to the UN-managed escrow account.
- The Secretary-General had the authority to disburse from the escrow account the allocated budget for the following:
 - 53% of the oil proceeds: to buy humanitarian goods -listed in the Resolution- to be delivered to Iraq.
 - 13% of the oil proceeds: to purchase goods to the three Kurdish governorates, Dahuk, Erbil and Sulaymaniyah that were outside the control of Baghdad government.
 - 30% of the oil proceeds: to be transferred to the Compensation Fund.
 - 4% of the oil proceeds : to cover the expenses of UN operations in Iraq.

Taking into consideration the main objections that had led to the failure of Resolutions 706 and 712 (1991), the Security Council gave the Government the responsibility of distributing the goods in Iraq under the monitoring of UN personnel. Nevertheless, the UN maintained the provision of implementing humanitarian programs in the three Kurdish territories in northern Iraq.

The Government of Iraq once again showed its discontent towards the terms of the Resolution; nevertheless, after months of negotiations it reluctantly accepted.

However, it took almost a year to agree upon the modalities of the “Oil-for-Food”

program. As the negotiations were in their last phase, the Iraqi military forces marched to the Kurdish zone in August 1996. Consequently, the negotiations were suspended with the UN officials and the implementation of the program delayed until November 1996 when the dialogue between the Government of Iraq and the UN was resumed and the final arrangements of the program done. Thus, Resolution 986 officially became effective in December 1996. Food and medicine supplies were delivered to Iraq few months later.

Nevertheless, allocating cash money budget to the Government of Iraq was one of the controversial issues of Resolution 986. The Government –just like other governments- needed cash to finance its social programs, maintain its facilities and pay to its personnel working in the public sector and ministries. Despite the UN and various humanitarian agencies' appeal to include this cash component to the clauses of this Resolution, the Security Council refused to yield in.

– *SC Resolution 1111 (1997)*¹⁸

During the first months of the program, the Government of Baghdad cooperated with the UN relief operation. In June 1997, the Security Council extended the “Oil-for-Food” program, but the Government failed to submit the needed distribution plan for the humanitarian goods. Furthermore, it suspended sales of oil from June 8 to August 17, 1997, causing a great shortfall of funds to purchase the humanitarian necessities of the population.

– *SC Resolution 1153 (1998)*¹⁹

¹⁸ United Nations, Security Council Resolution 1111, S/RES/1111 (1997), June 4, 1997. See *Appendix I-12*.

Iraq's decision of halting oil exports hampered at the brink UN relief operation. In February 1998 the Security Council adopted Resolution 1153 (1997) in response to the inability of "Oil-for-Food" program to deal with the emergency situation. The Resolution extended the program, raised the ceiling of oil export to \$5.25 billion every six months and for the first time it allocated a budget for urgent development needs. The latter mainly targeted the electricity sector which functioned at 40% of its prewar level.²⁰

– *SC Resolution 1210 (1998)*²¹

When the Security Council adopted Resolution 1153 (1998), the Government of Iraq and other independent experts pointed out that pumping of oil for export had become nearly impossible, because of the bad conditions and lack of spare parts in the oil industry. Worldwide drop of oil prices did not help either in generating funds in the escrow account. In November 1998, the Security Council Resolution adopted Resolution 1210 and authorized the purchase of spare parts for the oil industry as part of the humanitarian relief program.

– *SC Resolution 1284 (1998)*²²

¹⁹ United Nations, Security Council Resolution 1153, S/RES/1153 (1998), February 20, 1998. See *Appendix I-13*.

²⁰ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 50.

²¹ United Nations, Security Council Resolution 1210, S/RES/1210 (1998), November 1998. See *Appendix I-14*.

²² United Nations, Security Council Resolution 1284, S/RES/1284 (1999), December 17, 1999. See *Appendix I-15*.

Cooperation between the UN/ISC and the Government of Iraq had also been strenuous regarding the condition of dismantling weapons of mass destruction, a prerequisite for lifting the sanctions (SC Resolution 687 (1991)).

Despite Iraq's efforts to impede the mission of UN Special Commission (UNSCOM), the latter reported "significant results"²³ in neutralizing Iraq's nuclear, ballistic missile and chemical weapons' (CW) threat. However, less headway was done in case of the biological weapons. The UNSCOM supervised the destruction of Iraq's main biological weapons development facility, Al Hakim, and destroyed equipment at four other facilities. Due to the dual-use nature of most agents used in biological weapons, experts could not definitely rule out Iraq's capabilities for developing new biological weapons. This uncertainty led to confrontations between the Security Council and the Government of Iraq. In December 1998, the USA and UK initiated Operation Desert Fox and carried four-day air strikes against suspected WMD infrastructure. Following Operation Desert Fox, the Government of Iraq expelled the UNSCOM and weapons inspectors and cooperation between the two parties came into stagnation. In 1999, France, Canada, Russia and China proposed lifting of the sanctions, oil embargo and UN financial control in return of developing a new and less intrusive weapons inspection program. These attempts of curbing the situation were opposed by the US and UK, who refused categorically lifting the oil embargo.

In December 1999, the Security Council drafted Resolution 1284 to break the deadlock. It established a new UN Monitoring and Verification and Inspections

²³ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 53. The Authors quote from the *Report of the Executive Chairman on the Activities of the Special Commission Established by the Secretary-General Pursuant to Paragraph 9(b)(i) of Resolution 687 (1991)*, S/1998/332, April 16, 1998, 10.

Commission (UNMOVIC) and outlined the procedures for the weapons verification program. It removed the ceiling for Iraqi oil export and eased the restrictions on humanitarian, medical and agricultural supplies imports. Resolution 1284 also exempted the Hajj pilgrimage flights and stated the Council's intention to suspend sanctions for renewable 120 days if Iraq cooperated with UNMOVIC and IAEA. However, if Iraq did not cooperate or found importing military goods, the sanctions would automatically be reinforced.

After weeks of negotiations, Russia, France and China abstained from the Security Council meeting, and the Resolution was adopted by two of the permanent five members, the US and UK.

The Government of Iraq rejected the SC Resolution 1284 and reinstated that it would allow the return of UN weapons inspectors only when the Security Council lifted all sanctions imposed on Iraq.

- *SC Resolution 1409 (2002)*²⁴

On May 14, 2002, while the sanctions on Iraq remained unaltered, the Security Council adopted Resolution 1409 and extended the mandate of the Oil-for-Food Programme for another 180 days to meet the humanitarian needs of the population.

After revising the Goods Review List (GRL) and the procedures for its application proposed in the annex of Resolution 1382 (2001), Resolution 1409 adopted the GRL and set a new framework for the sale or supply of commodities to Iraq. This framework that will be explained in detail in Chapter VI authorized all states to sell non-

²⁴ United Nations, Security Council Resolution 1409, S/RES/1409 (2002), May 14, 2002. See *Appendix I-16*.

military products that are not listed on the GRL and approved the financing of these purchases by the funds available in the escrow account.

Furthermore, the Security Council suggested reviewing regularly the GRL to consider any necessary adjustments. It also requested that the Secretary-General present an assessment report by the end of the extended period of the Resolution about the implementation of the GRL and recommendations for necessary amendments.

On January 29, 2002, the President Bush delivered the State of Union Address and included Iraq in the "Axis of Evil." He stated that Iraq has developed nuclear weapons and weapons of mass destruction that justifies the ousting of the international inspectors. The President affirmed that Iraq is a "*regime that has something to hide from the civilized world*" and that regimes like Iraq "*pose a grave and growing danger*" and "*The United States of America will not permit the world's most dangerous regimes to threaten it with the world's most destructive weapons.*"²⁵

On September 12, 2002, President Bush addressed UN General Assembly and tried to secure support for US position in Iraq. Four days later, Iraq accepts the unconditional return of the UN weapons inspectors.

On October 11, 2002, President Bush receives congressional support to disarm Iraq by force with or without the UN support.

²⁵ *The President's State of the Union Address*, The United States Capitol Washington, D.C., January 29, 2002, accessed through: <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

- *SC Resolution 1441 (2002)*²⁶

In response to the worldwide uproar against the United States insistence on action even without the UN support and the cleavage among the permanent Security Council members about the military use to disarm Iraq, the Security Council adopted Resolution 1441 on November 8, 2002.

Recalling all the previous relevant resolutions and the authority that SC Resolution 678 (1990) granted its members to uphold SC Resolution 660 (1990) and subsequent resolutions to restore international peace and security, deploring the fact that Iraq has failed to disclose its programmes of weapons of mass destruction and has repeatedly obstructed the unconditional and unrestricted mission of the UNSCOM—later UNMOVIC—and the IAEA, the Security Council gives Iraq “ *a final opportunity to comply with its disarmament obligations.*”

Resolution 1441 set the framework of an enhanced inspection process to complete the disarmament of Iraq, as requested in SC Resolution 687 (1991). Consequently, it demanded that the Government of Iraq submit within thirty days a full, accurate and detailed report of its ballistic missiles, nuclear, chemical and biological weapons (programs, related material and equipment, stocks, research and facilities).

It also stated that the UNMOVIC and the IAEA shall resume inspections not later than 45 days following the adoption of Resolution 1441 and that the Council be updated of their findings 60 days later. In the meantime, the Government of Iraq shall provide the inspectors unimpeded and unconditional access to all facilities and persons that they wish to interview inside or outside Iraq. Along the detailed inspection latitude that the

²⁶ United Nations, Security Council Resolution 1441, S/RES/1441 (2003), November 8, 2002. See *Appendix I-17*.

Resolution requested for the inspectors, it stated that in case of false declaration or obstruction, Iraq “*will face serious consequences as a result of its continued violations of its obligations.*”

Pursuant to SC Resolution 1441, Iraq submitted the weapons declaration report on December 7, 2002, and on January 27, 2003, Heads of UNMOVIC and IAEA, Dr. Hans Blix and Dr. Mohamed El Baradei, updated the Security Council about the inspection process.

On February 5, 2003, US Secretary of State, Colin Powell, made a presentation to the Security Council to take action and claimed that Iraq was unwilling to disarm and was deceiving the inspectors. In the meantime, the US and UK had already upgraded their military deployment around Iraq.

On February 24, 2003, the US, UK and Spain introduced a draft resolution to the Security Council, which laid ground for military intervention in Iraq. France, Russia and Germany opposed it and submitted a memorandum. While Drs. Blix and El-Baradei briefed the Security Council about the inspection process, the US, UK and Spain introduced another draft resolution. Few days later, President Bush declared the end of the ultimatum given to Iraq and on March 20, the US, UK, Spain and other allied forces launched the military “Liberation Iraq” operation.

- *SC Resolution 1483 (2003)*²⁷

On May 22, 2003, the Security Council adopted Resolution 1483 by 14-0 votes (Syria absent), ending nearly thirteen years of economic sanctions on Iraq.

²⁷ United Nations, Security Council Resolution 1483, S/RES/1483 (2003), May 22, 2003. See *Appendix I-18*.

The Resolution reaffirmed the disarmament of Iraq from weapons of mass destruction and stressed that the Iraqi people have the right to “*determine their own political future and control their own resources.*”²⁸ Given the responsibilities and specific authorities to the US and the UK, the Resolution recognized these states “under applicable international law as occupying powers under unified command (the “Authority”).”

The Resolution in general focused on putting a framework for the economic and infrastructure “reconstruction” of the country. It requested from the Member States to help in the rebuilding of Iraq and to respond to the humanitarian appeals of the United Nations for food, medical and other necessities to the Iraqi population.

It also requested from the Secretary-General that he appoint Special Representative for Iraq, whose main task is to coordinate the responsibilities mandated in the Resolution and to report regularly to the Council. Moreover, it demanded from the Secretary-General—in coordination with the Authority—to terminate operations of the “Oil-for-food” Programme, and transfer its responsibilities to the Authority within six months “*in the most cost effective manner.*”

As part of the overall reconstruction of Iraq, the Resolution gave the Authority the responsibility to collaborate with the people of Iraq and the Special Representative to form Interim Government until a democratically elected Iraqi Government takes over the responsibilities of the Authority. Furthermore, the Resolution established a Development Fund for Iraq to be held by the Central Bank of Iraq, but audited by independent public accountants. Money in the Development Fund of Iraq were to be used by the direction of

²⁸ Ibid.

the Authority and in consultation with the Interim Government towards the economic reconstruction of Iraq, reparation of the infrastructure, disarmament of Iraq, covering the costs of the Interim Government and other requirements of the Iraqi people.

The Resolution allowed the Government of Iraq to sell oil according to the prevailing international market prices; nevertheless, all proceeds had to be deposited in the Development Fund for Iraq until a government of Iraq was formed. However, five percent of these revenues had to be allocated for the Compensation Fund, established by Resolution 687 (1991).

The Resolution also detailed some of the steps to be taken towards the reconstruction of Iraq, the responsibilities of the Special Representative and the Secretary-General for implementing Resolution 1483.

The Security Council decided to review the implementation of the Resolution within twelve months after its adoption.

SC Resolution 1483 (2003) is not the last resolution to shape definitely the post-Saddam Iraq; nevertheless, its importance lies in ending the longest UN imposed economic sanctions.

In fact, the political upheaval that erupted in the post-Saddam period not only did it go beyond the expectations of the Authority, but also hampered the UN's efforts of implementing its share from the SC Resolution 1483.

The opposition, often referred as the insurgents or Saddam-loyalists, created havoc in different parts of the country. Their targets were not limited to American-British military. Frequent sabotage acts on the oil pipelines affected generating steady oil revenues. Whereas the long series of bombings that targeted the Iraqi civilians and

humanitarian agencies, followed by the wave of abduction and beheading of foreigners, crippled reconstruction efforts of the country.

The UN got its heavy blow on August 20, 2003, when a truck exploded in the UN headquarters in Baghdad-the Canal Hotel. The blast killed around 17 people and wounded dozens. This attack that killed the senior UN Representative, Vieira de Mello, and UNICEF program coordinator, Christopher Klein-Beekman, was the worst in the international organization's history in the magnitude of its human casualties.

Following the blast, the UN—like the Red Cross that had been also a soft target earlier- reduced the volume of its operations and staff in Iraq.

The SC Resolution 1483 (2003) that contained the hope of relief for the Iraqi people to recover from the humanitarian, economic and political impacts of the UN sanctions –to be discussed in detail in the coming chapter-- left them in merely a different continuum of chaos.

Chapter V

Impact of UN Sanctions on Iraq

The Desert War (January 16-February 27, 1991), led by the US and its allies, achieved the objective of SC Resolution (1990) --reversing the aggression of Iraq on the Kuwaiti territories-- while the comprehensive sanctions failed to do so. Despite this fact, the comprehensive sanctions on Iraq discussed in detail in Chapter IV remained in effect for nearly thirteen years and their impact was three-dimensional: humanitarian, economic and political.

a. Humanitarian Consequences

Since the 1950s the exports of oil started to dominate the Iraqi economy and generate considerable revenues to the government. This helped to improve the living standards of the majority of Iraqi population. The Government offered to its people provisions of healthcare and other services which by the late 1970s became among the best in the developing countries.

SC Resolution 661 (comprehensive sanctions) imposed on August 6, 1990, followed by the “The Desert Storm” led by the US and its allies to draw Iraqi forces out of Kuwait, drastically led to a regressive deterioration in the human conditions and standards of living that had prevailed in Iraq before 1990.

The first blow of comprehensive sanctions paved the way to a humanitarian crisis, because Iraq’s economy mainly depended on exporting oil and importing most of the supplies of its population. However, the 42-day war devastated the civilian infrastructure of the country, including electrical power stations, factories, roads, water and sewage treatment plants.¹ Consequently, the scene was set for a tormented population left in a devastated country with inadequate food, water and capabilities of producing its subsistence.

The humanitarian crisis in Iraq became the center of attention of many political and academic observers: NGOs and above all the United Nations’ and its humanitarian agencies. Many panels were organized, books and reports written, missions sent to Iraq to assess and inform the World about the magnitude of the humanitarian crisis in Iraq. Nevertheless, for the sake of objectivity and in an attempt to avoid the authors’ compassionate information, I have chosen to rely on data conveyed by: UN Security Council, United Nations Children’s Fund (UNICEF), UN World Food Programme (WFP), UN Food and Agriculture Organization (FAO), United Nations Development Program (UNDP), UNESCO, World Health Organization (WHO) and International Committee of Red Cross (ICRC).

¹ Anthony Armove, *Iraq Under Siege: The Deadly Impact of Sanctions and War*, Virginia: Pluto Press, 2000, pp. 151-2.

Following the news of the war's consequences, the UN Secretary-General dispatched the first UN commission, led by Marti Ahtisaari, UN Under-Secretary-General for Administration and Management to assess the situation in Iraq. The famous "Ahtisaari Report" was published subsequent to the findings of the mission from 10 to 17 March 1991, stating: *"nothing had prepared us for the particular form of devastation which has now befallen the country. The recent conflict has wrought near apocalyptic results..."*²

Since the Ahtisaari Commission, almost on a yearly basis one of the UN agencies reported about the worsening humanitarian situation in Iraq. The common findings of all missions may be summarized as follows:

1. Infant Mortality Rate:

As a result of the improved living standards and the health-care services provided by the Government, Infant Mortality Rate (IMR) had dropped in Iraq from 120 per 1,000 live births in 1960 to 45 per 1,000 by late 1980s. However, following the war and the sanctions, the IMR surpassed 100 per 1,000 by 1998.³ Consequently, the UN ranked the IMR of Iraq as one of the highest in the world.

2. Infant and Maternal Health:

The "Humanitarian Panel's" report set by the UN on March 30, 1999 noted that 25% of the newborn babies weighed less than 2.5 kg, while the percentage was only 4% in 1990. While maternal malnutrition was regarded as the main reason for the increase in the rate of "Low Birth Weight Babies," the ICRC and the Red Crescent reported that almost 70%

² Marti Ahtisaari Report, UN Doc. S/22366, 20 March 1991; accessed through UN website (www.un.org).

³ UNICEF, "Child and Maternal Mortality Surveys: Southern and Central Iraq, August 1999" (www.unicef.org/reseval/pdfs/irou5est.pdf).

of Iraqi women suffered from anemia. Certainly, the catalyst for such mishaps remained: malnutrition.

3. Malnutrition:

Malnutrition was one of the most grave findings of all commissions.

Due to the economic prosperity and advanced living standards, Iraq imported two-thirds of its food requirements before the Gulf War. Consequently, Iraq had one of the highest per-capita-food availability ratings in the region. Several nutrition assessments and surveys conducted in Iraq prior the 1990 had shown that children below age of eight enjoyed height-weight ratio within the highly acceptable ranges of international standards.⁴

Following the war and the sanctions, which forbade most food imports into the country, malnutrition prevailed and affected mainly children, the mothers and the elderly. The death toll increased and food became a scarce commodity. A growing number of children were fed on nothing but water with added sugar, giving way to a new generation of “bloated Iraqi sugar babies.” As a result of this sever malnutrition, kwashiorkor or marasmus—characterized by swelling/edema and severe wasting visible in the ribs, face and limbs—were widespread throughout the country.

In 1997, the FAO reported that food/energy supply had fallen from 3,120 to 1,093 kilo calories per-capita per-day by 1995. As for children, malnutrition had increased from 12% to 23%.⁵

⁴ FAO 1997: FAO, *The Nutritional Status Assessment Mission to Iraq, Technical Cooperation Program TCP/IRQ/2356*; and FAO, *Evaluation of the Food and Nutrition Situation in Iraq, Technical Cooperation Program TCP/IRQ/4552*. (<http://www.fao.org>).

⁵ Ibid.

In April 1997, The UNICEF conducted a nutrition-survey on 15,000 children under the age of 5 and the results showed that almost the whole child-population was suffering from malnutrition.⁶

While the annual death tolls differed slightly among the UN agencies, one thing could not be contended: the malnutrition had taken its toll on the Iraqi population and mainly on its most vulnerable portion: the children.

4. High cost of living:

Regarding the conditions of the country, it was not surprising that skyrocketed prices --along scarcity of food and other basic products-- stood as a considerable factor for malnutrition.

The inflation was triggered by the imposition of sanctions and was aggravated with the Gulf War. Even the "Ihtisaari Report" noted that food prices in 1991 were already beyond the purchasing reach of most Iraqi families. Whereas in July 1995, the UN World Food Programme (UN WFP) reported that average shop prices of basic and essential commodities were 850 times more expensive than the levels of July 1990.⁷

5. Infrastructure:

Another reason for malnutrition was the devastation and deterioration of the basic infrastructure, mainly the water supply and waste disposal systems. This problem was at its peak in Basra and the south-central area.

Two factors had exacerbated this problem: the war and the sanctions. The latter had forbidden the importation of spare parts required for reparation of the damaged

⁶ UNICEF 1998: *Nutritional Status Survey of Infants in Iraq*, 7 November 1998. (<http://www.unicef.org>).

⁷ UN WFP 1995: (<http://www.wfp.org>).

pumps, machinery and equipment. Chlorine needed for water purification was not allowed by the Sanctions Committee to be imported. Consequently, the population and in particular children under age of five were exposed to unhygienic conditions. Infectious diseases such as typhoid fever, malaria, infective hepatitis and gastroenteritis were very common aspect.

Furthermore, in 1995, the UN WFP reported that access to potable water was 50% of the 1990 level in urban areas and merely 33% in rural areas⁸.

6. Health Facilities:

Another reason for not containing the humanitarian crisis was the poor health facilities in Iraq. Following the sanctions and the Gulf War, Iraqi hospitals and health centers remained without repair and maintenance. While the sanctions put hurdles for the inflow of medical supplies, shortages of water and power supply, lack of transportation and telecommunication systems degraded further the laming health facilities.

7. Education:

Poverty and below-standard living conditions forced many of the families to rely on their children to provide household incomes. Consequently, the number of working children increased remarkably, so did the number of school dropouts.

According to a field survey conducted by UNESCO in 1993, 83% of the school buildings needed rehabilitation, while 8,613 out of 10,334 schools were seriously damaged. Furthermore some of the schools suffered from over-density by

⁸ UN WFP 1995: (<http://www.wfp.org>).

accommodating students far beyond their planned capacity, e.g. schools for 700 students had 4,500 enrolled students.⁹

Unfortunately, illiteracy rates –mainly of adults and female- regressed to mid-1980 levels.

8. Society:

The new social conditions of the country gave way to psycho-social effects on the population. The most common aspects found were: increase in juvenile delinquency, criminal acts, theft, prostitution, begging, lack of motivation, uncertainty, and a sense of deprivation and isolation from the outside world and disruption of family life. In parallel, the drop in the economy and educational standards lead to scientific and cultural impoverishment.

9. Mental Health:

In 1998, The World Health Organization reported that the number of mental patients admitted to health facilities had strikingly increased from 197,000 in 1990 to 507,000 in 1998; i.e. at an increase rate of 157%.¹⁰

10. Toxic Pollution:

The impact of depleted uranium (DU) used in the Gulf War along other toxic materials created a mixture of electromagnetic, radiological and chemical pollution. This toxic pollution, which is often undetected, was transferred to humans through contaminated water, food or animals living on contaminated plants/water.

⁹ UNESCO 1993: (<http://www.unesco.org>)

¹⁰ WHO and FAO, International Conference on Nutrition: Nutrition and Development – A Global Assessment—Rome: FAO 1998: (<http://www.fao.org>).

Compounded by the poor medical care services, the toxic pollution increased the rates of cancers –mainly leukemia-- , congenital abnormalities, genetic defects, infertility, renal and hepatic dysfunction, cardiovascular diseases, malnutrition, spread of infectious disease, pregnancy problems, depression, anxiety and eventually death.

Having stated the main aspects of the humanitarian crisis, the coming section will expose the second dimension of the sanctions' consequences.

b. Economic Consequences

Before 1990, Iraq was classified among Group III nations with an annual income of around \$3,000 per capita. However, by the end of the 1990s, the GNP was estimated at \$500 per capita and Iraq had subsided to Group I nations; i.e. among the poorest countries in the world.¹¹

Furthermore, by 1990 the Iraqi economy was already facing some difficulties despite of the prosperity that the oil sector had provided to the country between the late 1950s and 1980s mainly because of:

The decade long Iran-Iraq war, which had loaded the economy by loans.

The over supply of oil in the international markets by late 1980s, which in turn had affected the value of Iraqi Dinar.

¹¹ Anthony Armove, *Iraq Under Siege: The Deadly Impact of Sanctions and War*, Virginia: Pluto Press, 2000, pp. 155.

The 1990s sanctions and the war came at difficult times and their consequences accelerated the deterioration of the economy.

The direct effects of sanctions and the war were:

1. Disruption of the Oil Exports:

The embargo on Iraqi oil trade had devastating impact on the economy, because before 1990, crude oil exports counted for almost 96% of Iraq's total exports¹².

The oil production declined from 3.12 million barrels per day (mbd) in the first half of 1990 to 0.53 mbd, mostly for domestic consumption¹³. However, the decline rate turns out to be sharper when mining and quarrying (mainly oil extraction) are taken into account whose contribution to the Iraqi GDP dropped from 19% in 1989 to 0.7% in 1991¹⁴.

This disruption of production and nearly total standstill of oil exports caused shortage in the government budget and collapse of the currency.

Furthermore, while the war had heavily damaged the oil industry and the pipelines, the sanctions had aggravated their situation by prohibiting the import of spare parts required for their reparation and maintenance.

Even when the Security Council allowed the limited export of Iraqi oil –mainly under the Food-for-Oil agreement- the revenues faced several challenges. These included

¹² Kamil Mahdi, Dr., *Rehabilitation Prospects for the Iraqi Economy*, University of Exeter: Centre for Arab Gulf Studies, 1998, p. 2. CASI internet version of November 1999 (<http://www.casi.org.uk/info/mahdi98.html>).

In his research, Dr. Mahdi relies on the data provided by “Central Statistical Organization, Annual Abstract of Statistics” (Baghdad: CSO), known as “AAS.”

¹³ Ibid, p 3.

¹⁴ Ibid, p 3.

discounted selling price and around 40% deductions for the UN Compensation Fund (SCR 687; 1991) and UN operational costs.

2. Halt of Imports:

The Iran-Iraq war damaged many of the industrial plants, while skills and finance were shifted in the 1980s towards developing the military industry. The sanctions and the 1991 war paralyzed further the manufacturing industry, mainly because Iraq needed to import nearly 80% of its inputs, intermediates and spare parts¹⁵.

As for agriculture, 28% of the total 43.5 million hectares (total land area of Iraq), is arable while most of the rest is desert. However, around 8 million hectares are only within the irrigated facilities¹⁶. Despite the efforts of the Government to become self dependent in food, the majority of the supplies were imported. Just like the manufacturing industry, the halt of imports had drastic effects on the availability of local food supply while the local production suffered from lack of machinery, spare parts, fertilizers, pesticides and herbicides. The livestock, poultry and fish sub-sectors suffered equally from the sanctions and the war mainly because of the contaminating diseases caused by the toxic pollution and lack of means to contain their spread.

3. Inflation and Currency Depreciation:

Shortages in food and goods availability as a result of the embargo accelerated the inflation. Prices had already gone beyond the reach of most Iraqis purchasing power. Simultaneously, price subsidies on many items were removed above the ration system, while the rapid currency depreciation in its turn accelerated the inflation.

¹⁵ Ibid, p 10.

¹⁶ Anthony Arnove, *Iraq Under Siege: The Deadly Impact of Sanctions and War*, Virginia: Pluto Press, 2000, pp. 153.

Despite the fact that the Iraqi Dinar (ID) lost 50% market value against the US Dollar between 1990 & 1991, a gradual “Dollarisation” of the economy had become a noticeable aspect.¹⁷

4. Income Levels:

Income levels dropped sharply following the sanctions. Basic subsistence to the majority of the population was through Government ration at nominal prices. The situation was relatively better in the 3 Northern Kurdish Governorates (Sulaymaniyah, Dahuk & Erbil), where the UN agencies and international humanitarian organizations provided the basics for a large number of the locals.

Parallel to the drop in income, there was also the drop in the number of skilled/educated workers and professionals. Consequently, services provided by the Government such as health, education and administration did also deteriorate.

5. Budget Deficit, Finance and External Debt:

Excessive Government spending, lack of proper budgeting and accrued debts because of the Iran-Iraq war had already worn out the Iraqi economy and created a budget deficit before the invasion of Kuwait.

While the external debt of Iraq, which according to a Government memorandum presented to the United Nations stood at \$42.1 billions by the end of 1990 --excluding the

¹⁷ Kamil Mahdi, Dr., *Rehabilitation Prospects for the Iraqi Economy*, University of Exeter: Centre for Arab Gulf Studies, 1998, p. 4. CASI Internet version of November 1999 (<http://www.casi.org.uk/info/mahdi98.html>). Despite the Iraqi Dinar's loss of value against the US Dollar, the latter gradually became the most circulating currency in the economy and exchange.

\$40 billion questionable loans from the GCC that Iraq considered as grants—carried 8% of interest rate and 97% of it had maturity within 5 years.¹⁸

Thus, the economic sanctions of 1991 and halt of all trades fast-paced the decline of the GDP and the increase in the budget deficit, and fueled the hyperinflation.

While the aforementioned consequences were the result of direct impact of the sanctions and the war on the Iraqi economy, there were several indirect effects as well. These included lack of new investments and inflow of capitals to the country, and rise in cost of business in Iraq.

c. Political Consequences

The third dimension of the sanctions is the political one. Actually, it is somehow difficult to state clearly the political consequences of the sanctions as in the cases of humanitarian and economic aspects. However, the political distrust that was built between the UN SC and the Iraqi Government was the reason for 13 years' prolongation of the UN sanctions (this issue will be analyzed in detail in Chapter VII). This prolongation of sanctions and unwillingness to compromise complicated further the humanitarian and economic consequences of the sanctions.

As it could have been noticed, I have stated that the effects of the sanctions had been three-dimensional, mainly not because of their impact on the three levels, but also because of their intertwining nature. Indeed, it is very difficult to talk about one of them without looking for the reason in another, such is the case with high infant mortality rate,

¹⁸ Ibid., p 15.

poor infant and maternal health, malnutrition, devastated infrastructure, halt of imports, disruption of oil exports, deficit and budget problems, etc...

Nevertheless, the situation in Iraq –mainly humanitarian and economic- improved relatively with the Food-for-Oil agreement that came in effect as of 1996 and whose framework, positive impact on Iraq as well as the deadlocks shall be detailed in the coming chapter.

Chapter VI

The Oil-For-Food Programme (OIFP)

a. Framework of the OIFP (Detailed)

Although the “Oil for Food” programme started in December 1996, the basis of the agreement had been established in 1991. Prince Sadruddin Aga Khan, who led the UN Mission to assess the situation in Iraq in the aftermath of the war and sanctions, stated in his report of July 17, 1991, that Iraq would need to sell oil for US\$ 2.63 billion over four months period in order to restore a “minimum emergency measure.”¹ While the estimated budget for a full and sustainable recovery required a huge budget, the Security Council responded with Resolutions 706 (August 15, 1991) and 712 (September 19, 1991) that permitted –only– oil sales of \$1.6 billion over a period of six months. Furthermore, the oil revenue was not solely dedicated for humanitarian supplies; it had to cover the payment of war-compensations, costs of the weapons inspection and UN administrative

¹ Aga Khan Mission Report, UN Document S/22799 (1991), July 17, 1991.

expenses and demarcation of the boundaries with Kuwait. In sum, the approximate sum for “emergency” humanitarian needs were around \$930 million over six months.

On July 12, 1992, after almost one year of negotiations, the GOI refused SCRs 706 and 712 calling them intrusive and incompatible with the national sovereignty. Consequently, “Oil-for-Food” offers remained dormant until 1995.

With the aggravation of the humanitarian situation and the pressing need for an imminent action, the GOI and the SC agreed on Resolution 986 (1995). In 1996, the GOI and the UN Secretariat agreed on Memorandum of Understanding (MOU) that entailed the details of implementation of the “Oil-for -Food” programme.

The UN Secretariat described the “Oil-for-Food” programme as:

“A unique programme, established by the Council as a temporary measure to provide for the humanitarian needs of the Iraqi people, which is being implemented within the context of a sanctions regime with all its attendant political, psychological and commercial dimensions, until the fulfillment by Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991.”²

SCR 986 was adopted on April 14, 1995. It laid the foundation of the “Oil-for-Food” programme as follows:

- The program is organized for a period of 6 months called “phases.”
- Iraq could sell oil up to US\$ 2 billion during a “phase” (180 days).
- All revenues from oil sales were to be deposited in an escrow account under the auspices of the UN.

² The Supplementary Report of the Secretary-General of February 1, 1998- S/1998/90.

- Every six months the GOI submits a proposal for required imports. The UN Sanctions Committee studies the proposal and accordingly approves or declines the forwarded contracts.
- As for the distribution of the oil revenue,
 - 66% of the revenue goes to the Humanitarian Program; i.e. purchase of humanitarian requirements. Out of which, 53% is allocated for the needs of the fifteen Central and Southern Iraqi Governorates while the remaining 13% for the three Northern Kurdish Governorates.
 - 30% of the revenue goes to the Compensation Commission in Geneva, which handles the claims arising from the Gulf War.
 - 4% of the revenue covers the administrative costs of the UN.
- The United Nations administers the Humanitarian Program in the 3 northern Kurdish governorates of Dahuk, Erbil and Sulaymaniyah, while the GOI implements the Program in the center and the south³.

Several SC Resolutions modified the “Oil-for-Food” programme throughout the subsequent years. On December 17, 1999, SC 1284 endorsed:

- Removal of cap on oil sales.
- Creation of “Green Lists” for food, educational, agricultural and medical sectors.

Consequently, the GOI could import items of the “Green Lists” without the individual approval of the 661 Sanctions Committee.

³ United Nations, Security Council Resolution 986, S/RES/986 (2002), April 14, 1995.

- The possibility of the “cash component” for the GOI. This was substantial to cover the payrolls of the locals responsible for administering the humanitarian program.

Despite the removal of the cap on oil sales, the humanitarian program suffered from lack of funds because of reasons that will be discussed in detail in section “c” of this chapter. The creation of “Green Lists” cut few steps from the bureaucratic and time-consuming process of the approval of contracts; however, the “cash components” did not materialize.

Another change to the “Oil-for-Food” programme came in December 2000. SC Resolution 1330 (2000) amended mainly the distribution of the oil revenue according to the following⁴:

- 72% of the revenue goes to the Humanitarian Program (previously 66%); out of which 59% is allocated for the needs of the fifteen Central and Southern Iraqi Governorates while the remaining 13% for the three Northern Kurdish Governorates.
- 25% of the revenue goes to the Compensation Commission in Geneva (previously 30%).
- 2.2% of the revenue covers the administrative costs of the UN (previously 4%).
- 0.8% of the revenue covers the administrative costs of the UN Monitoring and Inspection Commission (UNMOVIC).

⁴ United Nations, Security Council Resolution 1330, S/RES/1330 (2000), December 5, 2000.

Nevertheless, relatively the major modification to the mechanism of the programme came with the initiation of what the UK and the US called “smart sanctions.” The latter’s main objective was to minimize the number of “oldhold” (on-hold) contracts that were on none of the “green lists” –previously set up under SCR 1284 (1999)-- and needed to be approved by the 661 Sanctions Committee. Consequently, the UNSC introduced Resolution 1409 in May 2002 and outlined new procedures for processing contracts of three main categories of imported goods as follows:

- Contracts containing arms and munitions: these include all material and facilities related to nuclear, biological and chemical weapons and ballistic missiles of range greater than 150km. Contracts falling into any of this category will automatically be refused.
- Contracts containing potential “dual-use” items enlisted in “Goods Review List” (GRL) as per SCR 1051 and other telecommunication and technology related items. Contracts of this category need to be reviewed by the 661 Sanctions Committee.
- Contracts that do not contain items of neither of the aforementioned two categories. This type of contracts is automatically approved.

Pursuant to SCR 1409 (2002), the UN in consultation with UNMOVIC and the International Atomic Energy Agency (IAEA) determines to which category a contract falls and subsequently approves or rejects it⁵. Furthermore, the new procedures prohibited

⁵ United Nations, Security Council Resolution 1409, S/RES/1409 (2002), May 14, 2002.

the “on-hold” option for forwarded contracts. Thus, the Committee had ten working days to:

- i. Approve the sale.
- ii. Approve the sale with conditions.
- iii. Deny the sale.
- iv. Request further information from the suppliers.

Appendices II (*SCR 1409 – 986 Applications Processing Chart*) and III (*Reconsideration Procedure Chart*) summarize the steps through which a contract goes under SCR 1409.

Although the main purpose of SCR 1409 (2002) was to facilitate the import of goods, it, too, had its stalemates that hindered the achievement of its main objective⁶.

Nevertheless, in general, the “Oil-for-Food” programme had largely prevented the worsening of the humanitarian crisis in Iraq, as it will be noted in the coming section.

b. Positive Impact of the Programme

The time between refusal of SCRs 706 & 712 (1991) and agreement on SCR 986 (1995) had already deepened the humanitarian crisis in Iraq. Upon the agreement on the “Oil-for-Food” programme, the first oil was exported on December 15, 1996, and the first contract financed by the sale of oil was approved in January 1997. The first shipments of food and medicines arrived in Iraq in March and May 1997 respectively.

⁶ See section “c” –Deadlocks of the Programme—of this Chapter.

As stated in SC Resolution 986, the “Oil-for-Food” programme was initiated as a “temporary measure,” to contain the humanitarian crisis in Iraq⁷. In 2000, Tun Myat, the UN Humanitarian Coordinator in Iraq, stated that due to the “Oil-for-Food” programme and new food Distribution Plan the average daily food ration had gradually increased from around 1,275 calories per person per day in 1996 (before the programme) to about 2,257 calories.⁸

The programme helped to provide an improved food ration for ordinary Iraqis and reduced malnutrition among children under age of five. In 2002, UNICEF reported that preliminary figures had shown that acute and general malnutrition were less than half of the levels of 1996, yet child malnutrition remained high compared to 1991 levels, which were already very high after one year of sanctions⁹.

Furthermore, the GOI imported spares and equipment for the oil industry. This was pursuant to SC’s agreement on increasing Iraq’s oil sales from \$2 billion to \$5.265 billion, allocating \$3.4 billion for a broader humanitarian program. Nevertheless, oil industry experts reported that the oil production level authorized by the SC was beyond Iraq’s capacity because of the poor status of the oil industry. Consequently, SC Resolution 1175 (1998) was issued and accordingly spares and parts worth of \$300 million were imported for phase IV to recover the oil industry¹⁰. This limit was increased to \$600 million by Phase VI and onwards. The latter helped to boost the oil production especially when SCR 1284 (1999) removed the limit of oil sales per phase.

⁷ United Nations, Security Council Resolution 986, S/RES/986 (2002), April 14, 1995.

⁸ Press briefing of Tun Myat, the UN Humanitarian Coordinator, in New York upon his return from a mission of six months in Iraq.

⁹ UNICEF; Press Centre Fact Sheet, *Children and Women in Iraq, 2003*, Chronology.

¹⁰ United Nations, Security Council Resolution 1175, S/RES/1175 (1998), June 1998.

In spite of the fact that the “Oil-for-Food” programme was launched as a “temporary measure,” its scale of operation was big. By May 2003, the Office of the Iraq Programme (OIP) reported that humanitarian and medical supplies worth \$28 billion had been delivered to Iraq, including \$1.6 billion of oil industry and spare parts and equipment. Furthermore, an additional \$10 billion of supplies was in the process of production and/or delivery phase¹¹.

The “Oil-for-Food” programme helped to contain the humanitarian crisis and improved incrementally the lives of average and below average Iraqis in the aftermath of the war and sanctions. The UN Secretary-General Kofi Anan had repeatedly noted that the programme was never intended to meet all the needs of the Iraqi people and that it could not be considered as a substitute for the normal economic activity in Iraq. Nevertheless, within its scale, the Programme certainly could have achieved more of its objective had it not been entangled by certain deadlocks.

c. Deadlocks of the Programme

As stated earlier, several impasses impeded the “Oil-for-Food” programme since its inception; some were borne with its structure and others had surfaced throughout the following years of operations. Here are some of the major ones:

¹¹ Office of the Iraq Programme; Oil-for-Food; www.un.org/Depts/oip/backgroundindex.html.

- **Delay in agreeing on SCR 986 (1995).** The deadlock in this case was two-fold: upon the suggestion of Resolutions 706 and 712, the Security Council offered to Iraq arrangements of “Oil-for-Food” without taking into consideration the recommendations stated in the report of Prince Sadruddin Aga Khan. The amount of oil allowed to sell was well below the amount advised by the Report and was not even adequate to purchase quarter of the supplies that Aga Khan’s report said it needed to avert a humanitarian crisis. Furthermore, the overall mechanism of the program was more intrusive than that proposed by the Report. On the other hand, the GOI refused categorically Resolutions 706 (1991) and 712 (1991), and called them humiliating and incompatible with the sovereignty of the Iraqi Government. The SC, mainly the UK and US, held the GOI responsible for obstructing efforts to ease the suffering of the Iraqi civilians; the GOI justified its decision by the intrusive and unacceptable nature of the suggested proposals. Neither parties made compromises until the agreement of SCR 986 (1995); meanwhile the scope of the humanitarian crisis had already deepened and some aspects of the economy had been irreversibly damaged during these four years of “blames.”

- **Improper use of “Oil-for-Food” programme by the GOI.** In order to solve the bypass of intrusion, SCR 986 (1995) left the choice to the GOI to decide what to import by the oil sales revenue. However, the GOI submitted proposals for imports that did not fall within the needs of the humanitarian program. For example, on November 24, 2002, the Foreign Office press release detailed Iraq’s

submitted proposal that included 22,000 tons of chewing gum machines, 12,000 tons of mobile phones, 36,000 dishwashers and over three quarters of a million TVs¹².

During my internship in summer of 2002 at the OIP office in New York, I personally had a glimpse of similar import proposals. As part of my training, I was assigned to work for few weeks under the supervision of Mr. Darko Mocabeb, who along his responsibilities within the OIP was also somehow a negotiator with the GOI. During my training, Mr. Mocabeb traveled to Iraq almost on weekly basis. When I asked him about the purpose of his trips, he said that the GOI had submitted an import proposal for the coming phase that included items like several state-of-the-art indoor golf courses, tennis courts and latest in technology tennis-referee high-chairs that could be adjusted automatically along other similar requests. The OIP had criticized the import-proposal; however the GOI had explained that based on SCR 986 (1995) it upholds the authority to decide what to import. Furthermore, they had refused to discuss the proposal with the administration of the OIP. Few weeks later, due to his good contacts with some key figures in the Iraqi administration, Mr. Mocabeb was requested in person by the GOI as the only person they would like to discuss the matter with. Mr. Mocabeb explained that the main purpose of his intensive trips to Iraq was to dissuade the Government from its current proposal and instead shift the budget to pressing needs mainly in the sectors of education and housing.

¹² Campaign Against Sanctions in Iraq (CASI); *"Guide to Sanctions; Are Sanctions to Blame?"* p 4; www.casi.org.uk/guide/blame.html.

- **Lack of the “cash component.”** Despite the fact that SCR 1284 (1999) stated the possibility of allocating some cash from the oil revenue to the GOI, this component did not materialize. Consequently, the GOI did not have cash to pay the wages of the public sector and the local labor required for the distribution of the humanitarian supplies. As a result, the implementation of the Programme was hampered.

- **Halt of contracts.** Contracts of items to be imported to Iraq were first forwarded by the supplier to the Mission of its country at the UN and then the Mission in its turn submitted it to the OIP/UN. After reviewing the contracts, The 661 Sanctions Committee decided whether to approve or deny the contract. However, before SCR 1409 (2002), the 661 Sanctions Committee –mainly the UK and the US-- put on-hold a big proportion of submitted contracts under the “dual military use” category, these included some indispensable items like chemicals necessary for sanitization of potable water, various categories of medicine, generators for electricity, water pumps, etc¹³. Some items were put on-hold irreversibly, whereas as others –especially medical supplies-- were approved following long delays.

When I started my internship, the Office was in a transitional phase of standards and procedures pursuant to SCR 1409 (2002). As a first step to this change, the Department had to accumulate within 60 days of adoption of SCR

¹³ Ibid; p 16.

1409 (2002) all relevant documents of “oldhold” contracts, photocopy them and send copies to UNMOVIC and the 661 Sanctions Committee for a final review. (See *Appendix IV* for a copy of daily list of “Oldhold” contracts sent to 661 Sanctions Committee and UNMOVIC).

As part of my internship, I was assigned for a week to help the group responsible for compiling the “oldhold” contracts. Indeed, most of the contracts were put on-hold by the US and the UK and the reason for most of them were “dual military use” despite the detailed information of their components and purpose of use. (See *Appendices V-1 (File name: 702651-OLDHOLD; Thursday, 11/07)* and *V-2 (File name: 702403-OLDHOLD; Wednesday, 10/07)* for samples of two “Oldhold” contracts with all relevant documents that were compiled and sent to UNMOVIC and 661 Sanctions Committee for a final review).

- **Bureaucratic and time-consuming procedures:** As it can be seen in *Appendix II: SCR 1409 – 986 Applications Processing Chart* and *Appendix III: Reconsideration Procedure Chart*, that even under SCR 1409 (2002), the processing of contracts/applications had to go through a long course of actions especially that in most of the cases, either the OIP or the UNMOVIC/IAEA required more information about the applications at hand. Consequently, as the charts elaborates, in some cases the processing of some important applications of humanitarian supplies could take up to one year.

- **Shortage of funds:** Despite the removal of the cap on oil sales following SCR 1284 (1999), the “Food-for-Oil” programme suffered repeatedly from shortage of funds. In November 2002, the OIP reported that there were \$3.3 billion contracts of supplies that had been approved for which no funds were available in the escrow account¹⁴. The reasons for this shortfall of funds were because of:
 - ***Smuggling oil outside the programme:*** The GOI of Iraq smuggled trucks of oil to the neighboring countries: Syria, Turkey and Jordan. The smuggled oil was sold at cheaper price than that set by the Security Council and the revenue was pocketed by the GOI. The Security Council was aware of this activity that was going on through the “porous” borders; however, at times they turned their blind eye as an indirect damage compensation to the neighboring countries –mainly Jordan and Turkey—whose economy and trade-balance were affected by the economic sanctions imposed on Iraq. Whereas for the times that the Security Council did not want to turn their blind eye, the deadlock of setting oil-price was put on the table (to be discussed in the subsequent paragraphs).
 - ***Periodic halt of oil production/sales:*** The GOI of has periodically stopped sales of oil for political reasons. In April and May 2002, the GOI of Iraq unilaterally suspended sales of oil in protest for the continuing violence

¹⁴ Campaign Against Sanctions in Iraq (CASI); “*Guide to Sanctions; Are Sanctions to Blame?*” p 7; www.casi.org.uk/guide_blame.htm.

between the Palestinians and the Israelis. As a result, an estimated loss of \$1.2 billion was reported by the OIP¹⁵.

- ***Traders concern over reliability of Iraqi oil supply:*** Pursuant to periodic suspension of oil export, traders have been suspicious about the reliability of uninterrupted Iraqi oil supply amid political developments in the area.
- ***Disagreement between the 661 Committee and the GOI on pricing of the Iraqi oil:*** Starting in December 2000, the GOI charged for oil sold under the “Food-for-Oil” programme below the market prices and then demanded a surcharge of 25-30 cents per barrel from the traders. The surcharges were levied by the GOI of Iraq as a source of cash that was initially banned by the sanctions. The 661 Sanctions Committee tried to contain these practices by adopting “retroactive pricing” based on average market prices and making a stringent selection of “contract-holders.”

During my internship I attended some of the 661 Sanctions Committee whereby the oil-pricing topic was the main issue on the agenda. Nevertheless, the most interesting one that I had attended was the unofficial closed meeting at the Mission of Norway that was chairing the 661 Sanctions Committee at that time. This meeting was set up following an official meeting at the UN regarding oil pricing that had ended up in clashes and to no avail. The Director of the OIP, Mr. Sevan told me that he did not want to attend the meeting because the situation had been the same over the past year and still the Committee was meeting in official and unofficial meetings without any

¹⁵ Ibid, p 4.

tangible advancement in agreeing on the pricing of the Iraqi oil. The US and the UK had been strongly backing the “retroactive pricing” solution while France and China promised to veto the proposal. The US and the UK pushed for pricing the Iraqi oil after the oil tankers left Iraq and at an average market price of the previous month, yet high enough that the traders could not afford paying a surcharge to the GOI. Furthermore, they proposed that a very narrow list of trading companies/organizations are selected to handle the sale and resale of Iraqi oil based on their legitimacy, reputation and record of business. Besides the personal trade interests of France, China and Syria, the main objection of these countries to the proposed suggestions was that most purchasers were unwilling to purchase the “high priced” oil from Iraq while they could buy it from elsewhere at market prices. Furthermore, many reputable trade and oil companies did not want to get involved by the “mess” of the Iraqi oil pricing and simply avoided buying the Iraqi oil in the first place. Whereas other traders were reluctant to buy the oil from Iraq because of the uncertainty over the price they will pay and the reduced profit margins that were enforced. As protest to the lifting of the surcharges, the GOI had at times halted the sales of oil under the suggested pricing modes and as a result the problem of shortage of funds in the escrow account had compounded. Even when in 2002 the GOI abandoned the surcharge pricing, the 661 Sanctions Committee pushed for the “retroactive pricing” method and the sales of Iraqi oil were reduced because of the stringent conditions that were imposed.

The “Oil-for-Food” programme remains the largest and most unique humanitarian programme in the history of the United Nations. Its uniqueness does not derive only from the fact that it was the first auto-funded humanitarian relief programme, but also for the things that it achieved and did not achieve.

The programme --besides the accomplishments discussed in detail in section b of this chapter— contributed to other vital sectors, including: agriculture and irrigation, education, transportation, telecommunication, water and sanitization, housing, settlement rehabilitation, mine action, special allocation for especially vulnerable groups, construction, industry, labor and social affairs, culture, etc... In sum, its agenda was extended from the basic food and medicine supply to some other twenty-plus sectors to help rehabilitate the Iraqi infrastructure. However, it is very difficult to measure the progress that it achieved because the supply of food and medicine is one out of the many necessary basic requirements to improve the lives of the Iraqis in the aftermath of the war and the sanctions. The biggest challenge were the overall heavily damaged infrastructure and the low social and moral status of the poverty-stricken population. For example, many Iraqis consumed a small portion of their food ration and sold the rest of it to provide an income to buy the other necessities for their families.

Nevertheless, the programme could have achieved more than it had done had the stalemates detailed in section c were overcome. The programme was politicized far beyond its initial humanitarian objectives.

And soon after its termination, the programme became target to political clashes that spurred the UN to carry investigation to look into the alleged fraud scandals of the

programme. The Independent Investigation Committee (IIC) lead by Volker recently submitted its findings about the scandal of the “Food-for-Oil” programme blaming primarily the Secretariat for delegating power and authority to the OIP to carry an operation of that magnitude without passing through a central auditing.

While the investigation regarding the kickbacks and improper use of the Iraqi oil continues, sadly the negative aspects of the programme are surfacing in the political arena and the media rather than the achievements it made in Iraq.

Chapter VII

Assessment of UN Sanctions on Iraq

- a. **Comparison of Sanctions on Iraq to other sanctions imposed in the same decade: (Yugoslavia (1991, 1992 and 1998), Libya (1992), Liberia (1992), Somalia (1992), parts of Cambodia (1992), Angola (1993, 1997 and 1998), Haiti (1993), Rwanda (1994), Sudan (1996), Sierra Leone (1997) and Afghanistan (1999)).**

Having discussed the sanctions in general and UN sanctions on Iraq in detail throughout the past chapters, it is important that before assessing the case of Iraq, a comparison be made among the UN sanctions imposed during the 1990s.

As stated earlier, the UN had sanctioned twelve countries during the past decade. The type of sanctions (partial/selective or comprehensive), mode (incremental or swift), duration and other particularities of each case certainly differed from the other. Nevertheless, the outcome—whether the sanctions succeeded in attaining the objectives they were initially imposed for—and the

humanitarian impact they caused in parallel could be regarded as indicators for this tool's effectiveness.

For the purpose of comparison, I have referred to the study made by David Cortright and Georges Lopez, who have analyzed thoroughly the twelve cases of UN sanctions and have summarized them as can be seen in Table a.1¹.

According to this study, the authors have regarded the sanctions successful if they had achieved target compliance, brought the target to bargaining table or helped in isolating or weakening the power of an abusive regime. While they acknowledge that none of the cases had marked a full success, yet, they consider that Iraq, Yugoslavia and Libya have achieved moderate to high success. In the cases of Haiti, Angola, Sierra Leone and Somalia, sanctions succeeded in sparking negotiations; however, they could not contain the armed violence nor guarantee compliance from the targeted regimes. As for Sudan, Liberia and Rwanda, the authors consider that the UN sanctions were a complete failure since they neither achieved compliance nor had any effect on changing the policies of the target-regimes.

If the "moderate-to-high" and "moderate" success cases are taken into account, i.e., Iraq, Yugoslavia, Libya and Cambodia, the success rate of sanctions according to this study would be around 33 percent.

¹ The table attached is the work of authors David Cortright and Georges A. Lopez, and their conclusions are based on the case studies compiled in their book *"The Sanctions Decade: Assessing UN Strategies in the 1990s."* Lynne Rienner Publishers, Boulder, London, 2000, pp. 205-207.

Table a.1 Summary of Impacts of UN Sanctions in the 1990s.

Target and Type of Sanctions	Political Effectiveness of UN Sanctions <i>(success in pressuring the target rated as high, moderate, low or none.)</i>	Humanitarian Impacts	Special Factors/ Other Considerations
Iraq 1990 Comprehensive	Moderate to high Of eight provisions in SCR 687, six partially of fully met.	Severe social impacts, especially on children; significant rise in rates of malnutrition and child mortality.	Longest, most comprehensive UN sanctions; accompanied by major use of military force; oil for food program largest relief operation in UN history.
Yugoslavia 1991, 1992 and 1998 Comprehensive, 1992 to 1995; Limited arms embargo, 1998	Moderate to High Sanctions were major bargaining chip in negotiations leading to Dayton accord.	Major economic damage and weakening of civil society, but no evidence of significant humanitarian consequences.	Croatian military offensive/NATO bombing contributed to Dayton negotiations; SAMs regional monitoring and enforcement system was the most effective ever mounted.
Haiti 1993 Comprehensive	Low UN sanctions led to Governors Island agreement, but inconsistency and hesitancy reduced impact.	Significant humanitarian consequences; evidence of rise in child mortality.	Preceded by OAS sanctions; gave way to US-led military force; major international relief effort.
Libya 1992 Aviations sanctions; partial assets freeze, and ban on oil equipment imports.	Moderate to high Sanctions played a factor in negotiations that brought suspected terrorists to the Netherlands for trial in 1999; Libyan support for international terrorism reportedly reduced.	Libyan claims of negative consequences, but no independent confirmation of major social or humanitarian effects.	Threat of withdrawal from sanctions by OAU and Arab League sparked negotiating flexibility by Western Powers.

Sudan 1996 Diplomatic sanctions; aviation sanctions threatened but not imposed.	None No response to demand for extradition of terrorist suspects; no reported change in support for international terrorism.	No social impacts since travel sanctions never imposed.	Humanitarian preassessment mission cautioned against sanctions imposition.
Cambodia (Khmer Rouge) 1992 Oil embargo and ban on exports of timber, minerals, and gems.	Moderate Paris accord and sanctions contributed to isolation and weakening of Khmer Rouge.	No evidence of humanitarian impacts from UN sanctions.	Accompanied by large UNTAC mission and nation-building effort; UN stood firm against Khmer Rouge resistance.
Angola (UNITA) 1993, 1997 and 1998. Oil and arms embargo, 1993; travel and diplomatic sanctions, 1997; financial sanctions and diamonds embargo, 1998.	None Sanctions provided little or no bargaining leverage and did not prevent UNITA from waging war and becoming a large well-armed military force.	Hundreds of thousands died from war and political violence; no discernible evidence of additional impacts from sanctions.	Crisis linked to widening war in Congo and central Africa; almost complete lack of enforcement; 1999 mission by chair of UN sanctions committee attempted to gain greater compliance.
Sierra Leone 1997 Oil and arms embargo and travel ban.	None Sanctions sparked negotiations but did not prevent rebel movement from accumulating arms and launching military offensives.	Tens of thousands died from war and political terror; ECOWAS sanctions contributed to shortages; Sierra Leone factions denied food to civilian populations; no evidence of additional impacts from UN sanctions.	ECOWAS trade sanctions; major ECOMOG military intervention; cooperation between UN sanctions committee and ECOWAS in sanctions monitoring; humanitarian assessment report.
Somalia 1992 Arms embargo	Low UN embargo sparked limited cease-fire; fighting in 1996 ended due to lack of ammunition.	300,000 died in famine and military conflicts; no evidence of additional impacts from UN arms embargo.	Accompanied by major UNOSOM and UNITAF missions; overall UN mission weakened by divisions among participating states; linked to Ethiopia/Eritrea conflict.

<p>Liberia 1992 Arms embargo</p>	<p>None UN arms embargo ineffective in constraining NPFL; threat of ECOWAS sanctions following NPFL military rampage in 1996 put peace process back on track and led to elections.</p>	<p>Tens of thousands died from military conflicts; ECOWAS sanctions imposed economic and social hardships on NPFL-controlled territory; no discernible impacts from UN arms embargo.</p>	<p>Accompanied by major ECOWAS sanctions and major ECOMOG military intervention; linked to conflict in Sierra Leone.</p>
<p>Rwanda 1992 Arms embargo</p>	<p>None UN arms embargo came too late & too little to prevent genocide; unable to halt widening of conflict to eastern Congo.</p>	<p>More than 500,000 died in genocide, and hundreds of thousands more died in widening war in Congo; no evidence of additional impacts UN arms embargo.</p>	<p>Linked to conflicts in Democratic Republic of Congo and Angola; UNICOI established precedent of violations.</p>

Thus, it can be noted that the success rate of sanctions -- according to this in-depth study-- is not high. In spite of that, the case of Iraq remains one of the most complex and unique, and one of the relatively few successful cases. Prior to assessing the functionality of this tool, it is important to assess the "success" rate of the sanctions on Iraq according to the criteria set forth for this study²

b. "Success" Rates

Five criteria were set in Chapter II to evaluate the case of Iraq. Here are the main findings:

- *The achievements of sanctions towards the "declared" objectives*

Although Baghdad did not fully comply with the eight provisions of UN SCR 687 (1991), a substantial progress was achieved in most of them as follows:

1. Recognition of Kuwaiti territorial integrity and newly demarcated border.

In November 1994, Baghdad accepted the findings of the UN Boundary Demarcation Commission and declared its irreversible recognition of the sovereignty of Kuwait and the redrawn international borders³.

2. Acceptance of the demilitarized zone.

This was fulfilled soon after the end of the Gulf War.

² See Chapter II, *Sanctions*, for detailed explanation of these criteria, pp 28-31.

³ United Nations Department of Public Information: "*The United Nations and the Iraq-Kuwait Conflict, 1990-1996*" The United Nations Blue Book Series, Volume IX

3. Destruction of all chemical, biological and ballistic missile weapons under the supervision of UN Special Commission (UNSCOM). Acceptance of the presence of permanent monitoring “weapons inspectors” in Iraq.

In November 1993, Iraq agreed on the installation of cameras and chemical detection equipment at several sites and industries to verify the destruction of chemical, biological, ballistic and mass destruction weapons and to monitor any prohibited activities. By the end of 1994, all the monitoring equipment and personnel were operational. This allowed UNSCOM to prepare a baseline of the available weapons that Iraq possessed and needed to be destroyed as per Resolution 687.

Although Iraq at several instances impeded the work of the UNSCOM by not facilitating their access to certain monitoring points and eventually by expelling the weapons inspectors following the US-British bombing raids, the UNSCOM reported that they had achieved “stunning results” in the weapons’ dismantlement process.⁴

4. Elimination of all nuclear weapons and capabilities under the constant monitoring of International Atomic Energy Agency (IAEA).

This provision remained the highlight in the case of Iraq. Despite the reports of the IAEA about the progress in the dismantlement process and the assurance of the Executive Chairman of UNMOVIC, Dr. Hans Blix, about the progress in the inspection, this provision became the alibi of war

⁴ United Nations Security Council, Report of the Executive Chairman on the Activities of the Special Commission Established by the Secretary-General Pursuant to Paragraph 9(b)(i) of Resolution 687 (1991)”, S/1998/332, April 16, 1998. Accessed through: http://www.un.org/Depts/unscocom_sres98-332.htm.

in 2003. Even after almost two years, the assumption of Iraq's possession of nuclear weapons remains without tangible proofs.

5. Return of Kuwaiti stolen properties.

As is the case in general with wars, some state property was returned to Kuwait. Many military equipment and private assets remained stolen.

6. Acceptance to pay war damage liability and compensation to Kuwaiti victims through funds managed by the UN.

As detailed in Chapter VI, almost 30%—later modified to 25%—of the oil revenue of the “Oil for Food” programme was allotted for the Compensation Commission in Geneva, which handled the claims arising from the Gulf War.

7. Repatriation of all Kuwaiti and third-party nationals.

Some prisoners of war were released, while others' fate remained unknown.

8. A pledge not to support international terrorism or commit another violation of peace.

Throughout the subsequent years of the sanctions' imposition on Iraq, there was no evidence of Iraq's link or support to international terrorism. After the events of September 11, 2001, all eyes regarding international terrorism were turned to another direction: Afghanistan.

- ***International support and concord of the majority of Security Council members in condemning the aggression and taking an aggregate action against the violator of international norms***

In spite the fact that at a later stage the Security Council members' points of view differed regarding the prolongation/iteration of sanctions,

the case of Iraq marks one of the unique instances in UN history whereby there was an international concord in condemning the act of aggression and cooperation to reverse it.

- *Cost-benefit analysis of the sanctions on the humanitarian, economic and political levels.*

Chapter V, *Impact of UN Sanctions on Iraq*, detailed the humanitarian, economic and political consequences of the sanctions.

In sum, the humanitarian costs were very high at all levels. The Iraqi economy was and is overburdened with loans and it needs a nearly miracle-like shake up to recover. As for the political achievement, it could not isolate the dictatorship of Saddam nor bring a political change from within the country; nevertheless, it helped to reduce Iraq's military threat to the neighboring countries as well as contained its military power.

Thus, since sanctions were not eased in response to the political progress they achieved, the cost at humanitarian and economic levels remains higher than the benefits it achieved at the political level.

- *Cost-benefit analysis of using military force instead of sanctions.*

Despite the fact that sanctions initially were imposed on Iraq as a non-military mean to attain political objectives, sanctions remained for thirteen years—record in the history of UN sanctions—and in parallel, military force was used even until the final burst of “Liberation Iraq” war.

In a cost-benefit analysis of using military force instead of sanctions, in the case of Iraq, the costs of both means turn out to be almost equally high. The sanctions throughout the thirteen years caused a lot of damage. Equally, the military alternative -- “Liberation Iraq” war-- so far has not

proven that its costs are cheaper both for the Iraqis as well as for the Coalition.

- ***Cost-benefit analysis of the situation if the international community had not taken action and imposed sanctions in response to the violation***

Certainly, the cost would have been very high had not the international community condemned Iraq's invasion of Kuwait and imposed the sanctions in response to the aggression. The ultimate benefit of the sanctions had been demising Iraq's military threat and restoring the political stability in the Gulf area.

c. Evasion of the Sanctions: *Where Did the Sanctions Go Wrong?*

As it can be noted from the aforementioned analysis, sanctions --in spite of their high cost--, were able to attain some political progress. This indeed makes the following question bolder: then, where did the sanctions go wrong?

Sanctions in the case of Iraq had a great potential to succeed. However, the evasion was rather in the conditions⁵ that contributed to their success, mainly in the following areas:

- ***Clear, defined, attainable and realistic goals***

The goals of sanctions on Iraq changed before and after the Desert Storm war. In the prewar stage, the main goal of sanctions -- as stated in Resolution 661 (1990) -- was to reverse the military aggression on Kuwait. Since this purpose had been nearly unrealistic, military intervention was

⁵ The conditions for sanctions' success have been discussed in detail in Chapter II, *Sanctions*, section (ii).

inevitable to liberate Kuwait. In the cease-fire resolution, a new framework was introduced and sanctions pursued different and diverse goals; SC Resolution 687 (1991) stated eight provisions and requested that Iraq comply with all of its terms in order to ease the sanctions. Having put all the conditions in one basket, these goals turned out to be somehow unrealistic and unattainable. Instead, the UN Security Council could have mandated each of the provisions under different resolution and thus bargained on each one of them separately.

Furthermore, sanctions also pursued some undeclared goals. Although the main objectives of Resolution 687 (1991) were to gain Iraqi compliance and contain its military power, the United States, for example, sought the removal of Saddam's dictatorship. In November 1997, President Bill Clinton stated that "*sanctions will remain until the end of time or as long as Hussein lasts*⁶."

- *The economic conditions of the country*

As stated earlier, the economic conditions of the country are an important, yet not a sufficient factor to guarantee a political change. Nevertheless, in this case, Iraq had vulnerability towards the sanctions, because its economy relied heavily on the oil-trade. Furthermore, by the time of invading Kuwait, Iraq was in an arms-buying spree. It needed to replenish its military force after the long and costly Iran-Iraq war. The latter had also its effect on the economy by loading it with loans. Thus, the well-enforced economic and arms embargo had been in favor of the

⁶ David Cortright & George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, Boulder, London, 2000, p. 18.

sanctions even if they did not succeed to create a “societal transmission belt” that would in turn pressure and bring forth a political change from within.

- *Period of sanctions*

Although David Cortright and George Lopez mentioned in their study that sanctions in general require an average of three years to attain acceptable results, while the most effective results echo during the first year⁷, the case of Iraq went far beyond this acceptable period. Instead, the humanitarian casualties peaked while the sanctions created nothing but a political stalemate for an unprecedented period of thirteen years.

- *Modus operandi of the economic sanctions.*

1. Incremental or rapid enforcement?
2. Bargaining or punishment? (Carrot and stick)

Sanctions on Iraq were enforced without following a crescendo. Furthermore, they were rather used for punishing a wrong-doing rather than using it as a bargaining tool. Actually, this was the main reason for creating distrust and a political deadlock between the Security Council and the Government of Iraq. By not acknowledging the progress and the concessions made by the GOI in response to the provisions of SCR 687 (1991), the Security Council lost the opportunity of bargaining. Consequently, The GOI became reluctant to cooperate with the SC since it received no incentives and impeded the work of OIP and the weapons’ inspectors at every opportunity it had, until the threats of war mounted in 2003.

⁷ Ibid.

- ***Sunset Clause***

Following the same argument of losing the sanctions' bargaining power, the Security Council did not state clearly the time-frame or the requirements for incrementally easing the sanctions upon fulfilling certain conditions. Thus, the GOI had no glimpse of light at the end of the sanctions' tunnel.

d. Conclusion and Recommendations: Tilting the Balance

Below are some of the conclusions drawn from the specific case of Iraq, followed by some recommendations that may help to improve the effectiveness of sanctions as a means for political ends.

- In the case of Iraq, the UN/Security Council overlooked the assessment of damages caused by the comprehensive sanctions on the population and the recommendations for an emergency relief, submitted by the Mission Reports of Martti Ahtisaari and Prince Sadruddin Aga Khan (1991).
- The comprehensive sanctions on Iraq were too harsh and inhumane. Based on previous history of Saddam Hussein, the Security Council did not take into account that Iraq's ruler –with its dictatorship- was willing to sacrifice his own population without giving way to compromises.
- As seen, comprehensive economic sanctions do not guarantee political success. Furthermore, they also target the groups that are already unhappy with the authoritarian regime; yet, are unable to do anything about it.

- Sanctions have serious unintended/collateral damages. This spills out not only to the local population, but also to the neighboring countries and/or the trade partners.
- The United Nations lacks the resources and the capacity to properly administer the sanctions. Appendix e. "*Committee Report -59% Account-End Use Verification*" is one of the verification reports that I worked on during my internship. These reports were sent to the UN office from the UN border monitoring staff in Iraq. They detailed the monitoring activities of goods imported to Iraq and their up six-month periodical follow-up checks. As it can be noted from this sample, the reports were either incomplete or full of discrepancies.

Another corrosion of the sanctions' administration was the trucks of oil that were smuggled through Iraq's loosely monitored borders nearly on a daily basis.

- There is an implicit tension between the UN goals and those of member states.

Thus, in order to render the sanctions more efficient, certain essential changes must be undertaken:

- *Fundamental reform of the United Nations.* This is a crucial step to restore the United Nations authority and credibility that were affected by its inability to circumvent the decision of using military force on Iraq, as well as by the scandal of the OIP that has touched many of its high-profile personnel.

- *Establish a new office for sanctions affairs at the UN* that would learn from the past experiences and with the help of professional in this field, formulate and administer sanctions more effectively in future instances.
- *Set a better mechanism of imposing and administering sanctions* with the help of UN member states. This is crucial for proper monitoring and enforcement of the sanctions.

The case of Yugoslavia became a success story because of the introduction of Sanctions Administering Missions (SAMs). NATO and the Western European Union contributed remarkably to the success of the sanctions against Belgrade. Unlike Iraq, the borders were firmly monitored due to the commitment and involvement of the member states and the regional forces.

- *Adequate financing for the administration and enforcement of UN sanctions.*
- *Central auditing coupled with periodic external auditing of all UN sanctions and humanitarian relief programmes* in order to avoid another “OIP”-like scandal(s).
- *Set attainable and realistic objectives for the sanctions.*
- *Use sanctions as means to bargain.* This entails clear identification of specific steps needed from the target state to take in order for the sanctions to be lifted or eased.
- *Make a pre-assessment of the country and its population’s capability of enduring the impact of sanctions to be imposed.* Unlike the case of Iraq,

these assessments should be taken into consideration in order to avoid or at least allay the humanitarian crisis.

- *Make humanitarian exemptions.*
- *Use “smart”/ targeted sanctions instead of comprehensive sanctions.*

These include:

- **Financial sanctions:** This is the cornerstone of “smart”/targeted sanctions.

The key for success is the ability to identify and target the entities whose assets are to be frozen. This does not include only those in the leadership, but also the key decision makers.

Furthermore, it requires quick action –with very little or no warning at all- for freezing the assets taking into consideration the quick money transfers that can take place or the offshore financial transfers that can render this tool inefficient.

Nevertheless, international cooperation for tracking assets and monitoring are indispensable conditions for the success of financial sanctions.

- **Arms embargo:** This is another important measure if the sanctions seek for the target’s compliance or its military threat’s isolation. However, this means becomes obsolete in the cases whereby the target is already saturated with arms (e.g. Cambodia (Khmer Rouge), Angola, Sierra Leone, Liberia and Rwanda).
- **Travel and aviation sanctions on targeted elite and decision makers.**
- *Active sanctions committee –as in the case of Iraq- and prolonged*

commitment and concord among the member states in order to avoid reluctance towards the sanctions' enforcement.

- *Assistance to third states that are affected by the sanctions*, in order to avoid porous borders as was the case of Iraq that in turn would ultimately lead to the failure of the sanctions.

As a conclusion, the 1990s have indeed been a decade full of new and different UN sanctions' experiences. Despite the low level of success that sanctions have marked, they may still have the potential to become an effective alternative for military force, if lessons can be learned from past experiences. Otherwise, the balance will not be tilted, and sanctions will remain a nearly inefficient and inhumane tool that will become only "second worst" to wars.

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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

Q-1

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.*

Q-2

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

α-3 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,

Deploing 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".

Q-4 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".

Q-5 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 1949,¹⁰⁵ 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.

which the Council will need to take further measures under the Charter;

11. *Decides* to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council.

B

12. *Reposes its trust* in the Secretary-General to make available his good offices and, as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crisis caused by the Iraqi invasion and occupation of Kuwait, on the basis of resolutions 660 (1990), 662 (1990) and 664 (1990), and calls upon all States, both those in the region and others, to pursue on this basis their efforts to this end, in conformity with the Charter, in order to improve the situation and restore peace, security and stability;

13. *Requests* the Secretary-General to report to the Security Council on the results of his good offices and diplomatic efforts.

Adopted at the 2951st meeting by 13 votes to none, with 2 abstentions (Cuba and Yemen).

Decisions

At its 2959th meeting, on 27 November 1990, the Council decided to invite the representatives of Bahrain, Egypt and Saudi Arabia to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided, at the request of the representative of Egypt,¹¹² to extend an invitation to Mr. Engin Ansay under rule 39 of its provisional rules of procedure.

At its 2960th meeting, on 27 November 1990, the Council decided to invite the representative of Qatar to participate, without vote, in the discussion of the question.

At its 2962nd meeting, on 28 November 1990, the Council decided to invite the representatives of Bangladesh, the Islamic Republic of Iran and the United Arab Emirates to participate, without vote, in the discussion of the question.

Resolution 677 (1990)

of 28 November 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 662 (1990) of 9 August 1990 and 674 (1990) of 29 October 1990,

Reiterating its concern for the suffering caused to indi-

¹¹² Document S/21968, incorporated in the record of the 2959th meeting.

viduals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

Gravely concerned at the ongoing attempt by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

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

1. *Condemns* the attempts by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;

2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. *Requests* the Secretary-General to establish, in co-operation with the legitimate Government of Kuwait, an order of rules and regulations governing access to and use of the said copy of the population register.

Adopted unanimously at the 2962nd meeting.

Decision

At its 2963rd meeting, on 29 November 1990, the Council proceeded with the discussion of the question.

Q-6

Resolution 678 (1990)

of 29 November 1990

The Security Council,

Recalling and 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, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990 and 677 (1990) of 28 November 1990,

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

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

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter,

1. *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. *Authorizes* Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary

means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above;

4. *Requests* the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 above;

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

*Adopted at the 2963rd meeting by
12 votes to 2 (Cuba and Yemen),
with 1 abstention (China).*

Decision

In a letter dated 21 December 1990,¹¹³ the President of the Security Council informed the Secretary-General as follows:

"By resolution 669 (1990), adopted at its 2942nd

meeting, on 24 September 1990, the Council, recalling its resolution 661 (1990) of 6 August 1990, entrusted 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 of the United Nations, and making recommendations to the President of the Council for appropriate action.

"By letters dated 19 and 21 December 1990,¹¹⁴ the Chairman of the Committee transmitted the recommendations of the Committee with regard to the following 18 States: Bangladesh, Bulgaria, Czechoslovakia, India, Lebanon, Mauritania, Pakistan, Philippines, Poland, Romania, Seychelles, Sri Lanka, Sudan, Tunisia, Uruguay, Viet Nam, Yemen and Yugoslavia.

"At consultations of the whole of the Security Council held on 20 December 1990, it was decided to inform you of the above-mentioned recommendations of the Committee pursuant to resolution 669 (1990) in connection with requests for assistance under the provisions of Article 50 of the Charter and to request you to implement the actions contained in the recommendations."

¹¹³ S/22033.

¹¹⁴ S/22021 and Add.1.

THE SITUATION IN CAMBODIA

Decision

At its 2941st meeting, on 20 September 1990, the Council discussed the item entitled "The situation in Cambodia".

Resolution 668 (1990)

of 20 September 1990

The Security Council,

Convinced of the need to find an early, just and lasting peaceful solution of the Cambodia conflict,

Noting that the Paris Conference on Cambodia, which met from 30 July to 30 August 1989, made progress in elaborating a wide variety of elements necessary for reaching a comprehensive political settlement,

Taking note with appreciation of the continuing efforts of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which have resulted in the framework for a comprehensive political settlement of the Cambodia conflict,¹¹⁵

Also taking note with appreciation of the efforts of the countries of the Association of South-East Asian Nations and other countries involved in promoting the search for a comprehensive political settlement,

Further taking note with appreciation of the efforts of Indonesia and France as Co-Presidents of the Paris Con-

ference on Cambodia and of all participants in the Conference to facilitate the restoration of peace to Cambodia,

Noting that these efforts are aimed at enabling the Cambodian people to exercise their inalienable right to self-determination through free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia,

1. *Endorses* the framework for a comprehensive political settlement of the Cambodia conflict¹¹⁵ and encourages the continuing efforts of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America in this regard;

2. *Welcomes* the acceptance of this framework in its entirety by all the Cambodian parties, as the basis for settling the Cambodia conflict, at the informal meeting of the Cambodian parties at Jakarta on 10 September 1990 and their commitment to it;

3. *Also welcomes* the commitment of the Cambodian parties, in full co-operation with all other participants in the Paris Conference on Cambodia, to elaborating this framework into a comprehensive political settlement through the processes of the Conference;

4. *Welcomes*, in particular, the agreement reached by all Cambodian parties at Jakarta¹¹⁶ to form a Supreme National Council as the unique legitimate body and source of authority in which, throughout the transitional period, the independence, national sovereignty and unity of Cambodia is embodied;

5. *Urges* the members of the Supreme National Coun-

¹¹⁵ *Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990*, document S/21689, annex.

¹¹⁶ *Ibid.*, document S/21732, annex.

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 Council⁵⁷ 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 Council⁵⁸ and of his letters of the same date addressed to the President of the Council and to the Secretary-General,⁵⁹ 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 1925,³⁹ 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;⁴⁰

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;⁴¹

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 1991,⁵³ 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;

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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;

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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;

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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 2983rd 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)".⁷

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;

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 1991⁴² and which was also annexed to his letter of 30 May 1991 addressed to the President of the Security Council⁴³,

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 1991⁴⁴ and other relevant developments.

Adopted unanimously at the 3004th meeting.

Q-8
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,⁵⁰

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 1991,⁵¹

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),⁵² 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

A-9

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),²³

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



Security Council

Distr.
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.



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

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-Yumurtaalik 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.



Security Council

Distr.
GENERAL

S/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

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.



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,

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.



Security Council

Distr.
GENERAL

S/RES/1210 (1998)
24 November 1998

RESOLUTION 1210 (1998)

Adopted by the Security Council at its 3946th meeting,
on 24 November 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, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of 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 supplies to all segments of the Iraqi population throughout the country,

Welcoming the positive impact of the relevant resolutions on the humanitarian situation in Iraq as described in the report of the Secretary-General dated 19 November 1998 (S/1998/1100),

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, shall remain in force for a new period of 180 days beginning at 00.01 hours, Eastern Standard Time, on 26 November 1998;

2. Further decides that paragraph 2 of resolution 1153 (1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

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 continue to take the actions necessary to ensure the effective and efficient implementation of this resolution, and to review, by 31 December 1998, the various options to resolve the difficulties encountered in the financial process, referred to in the Secretary-General's report of 19 November 1998 (S/1998/1100), and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with this resolution are distributed equitably 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. 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 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of this resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. 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 observations of United Nations personnel in Iraq, and 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 which 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 of resolution 1153 (1998);

7. Requests the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for in paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of the sum expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153 (1998) and with the distribution plan referred to in paragraph 5 of resolution 1175 (1998);

8. Decides that paragraphs 1, 2, 3 and 4 of resolution 1175 (1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

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9. Requests the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 31 December 1998, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

10. Requests the Committee established by resolution 661 (1990), in close 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);

11. Urges all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of this resolution;

12. Appeals to all States to continue 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 to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

13. Stresses the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of this resolution in Iraq;

14. Decides to remain seized of the matter.



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);

/...

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;

/...

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;

/...

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
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

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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.

- 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.

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)
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
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)

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)

16. ADDITIONAL INFORMATION: (Attach additional sheet if necessary)

**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)

**Security Council**Distr.: General
8 November 2002

Resolution 1441 (2002)**Adopted by the Security Council at its 4644th meeting, on
8 November 2002***The Security Council,*

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

Recognizing the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security,

Recalling that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

Deploring the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons

inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

Deploring the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

Deploring also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

Noting that the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Council resolutions,

Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter,

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

Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard,

Determined to secure full compliance with its decisions,

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

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);
2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;
3. *Decides* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material;
4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;
5. *Decides* that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;
6. *Endorses* the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;
7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks

set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
 - All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;
 - UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
 - UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;
 - Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;
 - UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;
 - UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
 - UNMOVIC and the IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof; and
 - UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage;
8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;
9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands

further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;

11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

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

Annex

Text of Blix/El-Baradei letter

**United Nations Monitoring, Verification
and Inspection Commission**

International Atomic Energy Agency

The Executive Chairman

The Director General

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council.

In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past. As we noted, however, eight presidential sites have been the subject of special procedures under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

H.E. General Amir H. Al-Saadi
Advisor
Presidential Office
Baghdad
Iraq

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request.

UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews.

The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises.

The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel.

UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications.

Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past.

As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez-Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.

Yours sincerely,

(Signed)
Hans Blix
Executive Chairman
United Nations Monitoring,
Verification and Inspection Commission

(Signed)
Mohamed ElBaradei
Director General
International Atomic Energy Agency

**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,

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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;

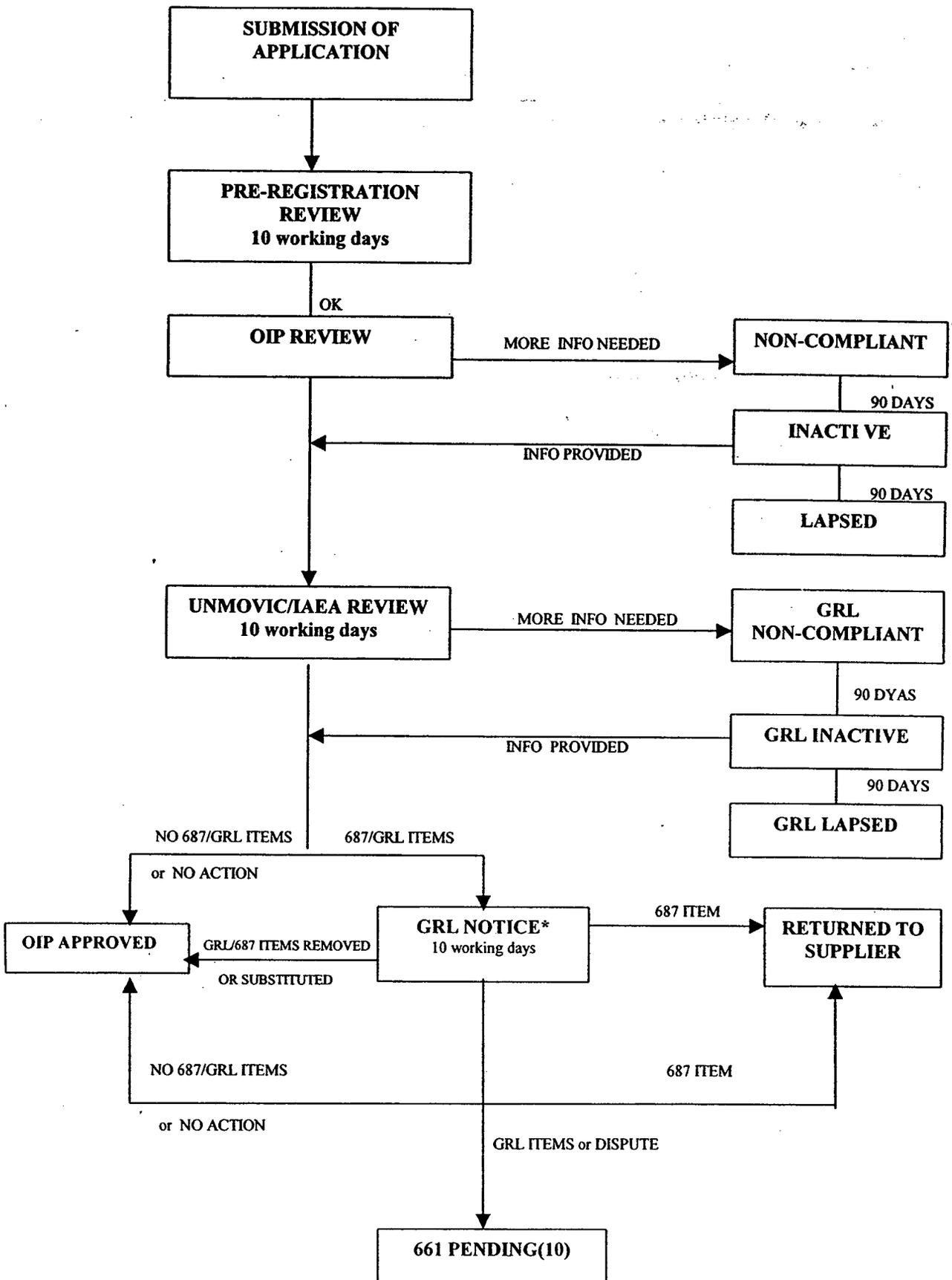
24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and *encourages* the United Kingdom of Great Britain and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

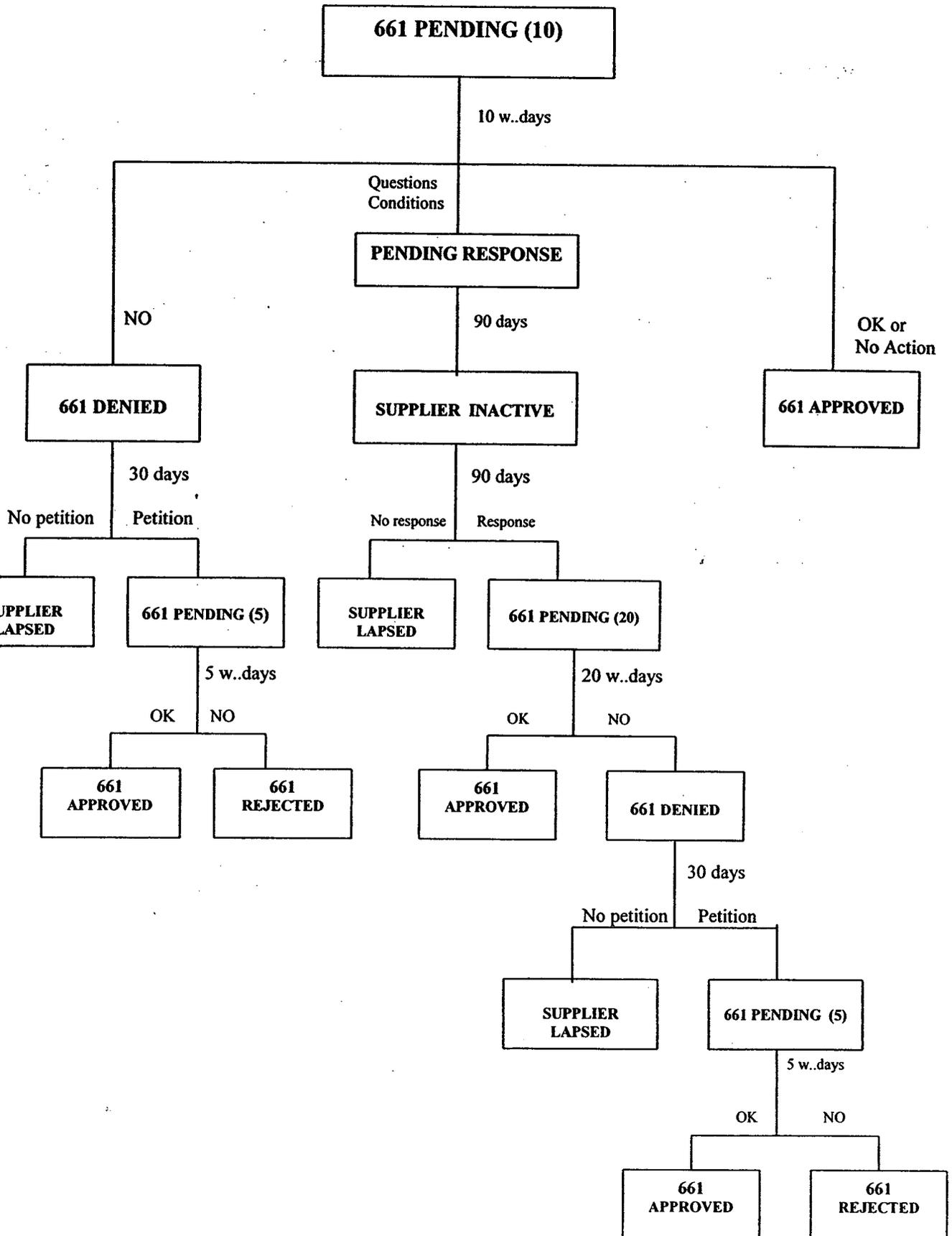
26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of this resolution;

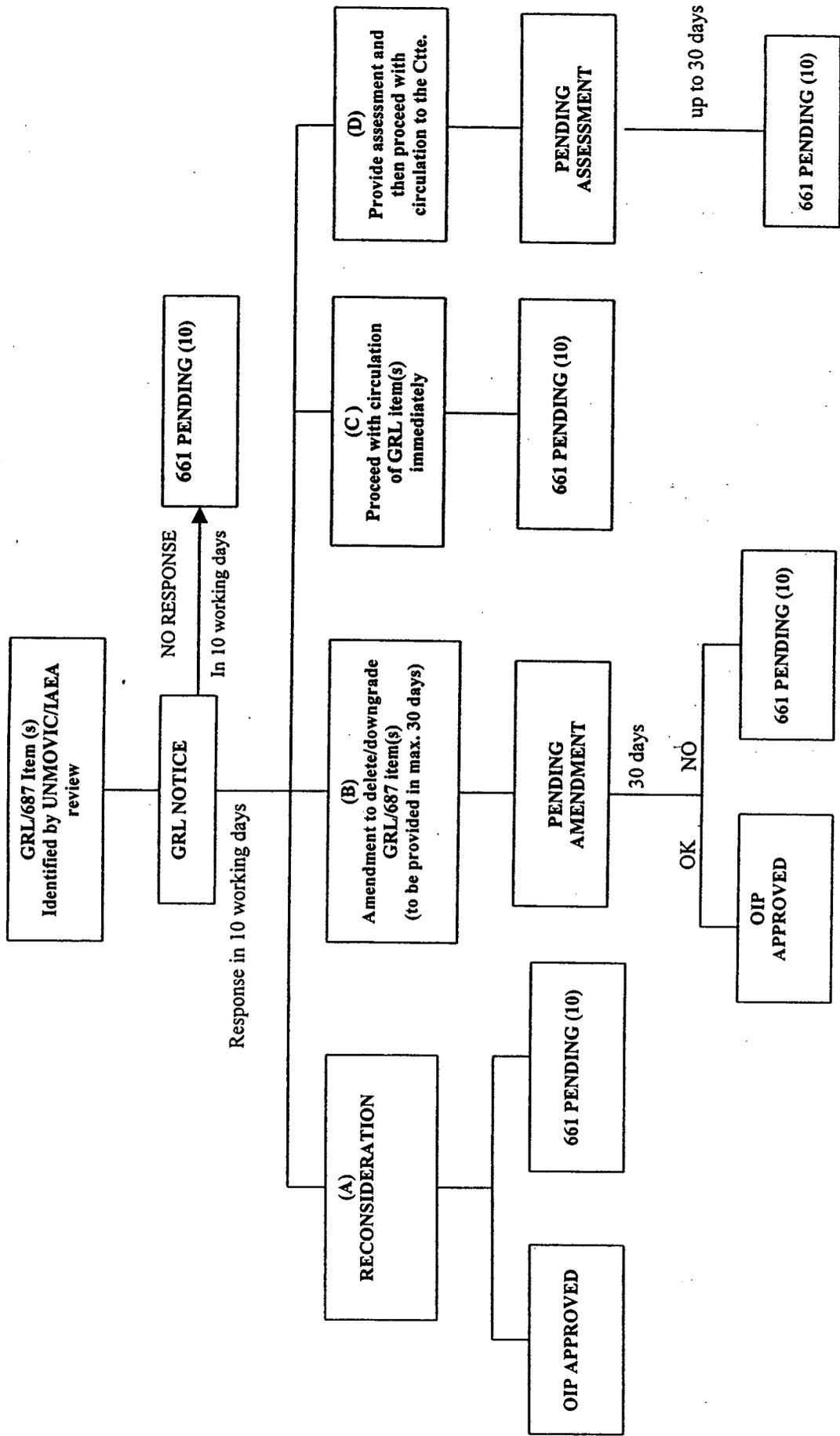
27. *Decides* to remain seized of this matter.

b.- SCR 1409 - 986 APPLICATIONS PROCESSING CHART



* See Reconsideration Processing Chart





* In case of 687 items, application is returned (687 RETIRNED)

e-Samples of "Oldhold" Contracts



Office of the Iraq Programme
Contracts Processing and Monitoring Division

1. - **File name: 702651-OLDHOLD**

Notes:

\$ 1.334 M

COMM. # 702651 (LEBANON)	SECTOR: AGRICULTURE
	TYPE OF GOODS: GENERATOR SETS / PARTS
Placed on hold (date): 19 APRIL '01	
By (Mission): US	
Reason for hold: GOODS HAVE DUAL MILITARY USE	
ACTION TAKEN: (1) Mission Informed: 20/04/01 2) END-USE / USER INFO (not requested) att. 3) ANSWER FR THE SUPPLIER (21/06/01) att.	
Change of reason:	
Release of hold:	

Comm. No.	Comm Assigned Date	Initiation Date:	Approval Dates	
<input type="checkbox"/> A-702651 <input type="checkbox"/> /Ext.	05/04/2001	17/04/01	Effective date: Date Issued: Expiry Date:	19/04/2001

No of Corrections = 0

No of Extensions = 0

No of Amendments = 0

Mission or International Organisation	Request Type
Permanent Mission of Lebanon to the United Nations	Other Humanitarian Supplies

Request Status: On Hold	Format: Application Form
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Date Received by OIP 02/04/2001	Mission Reference No. 270/01
EXPORTER Name and Address HASSAEIN CO. FOR TRADING AND INDUSTRY SAIDA GHAZIEH LEBANON	RECEIVING COMPANY/ ORG Name and Address STATE CO. FOR AGRICULTURAL SUPPLIES BAGHDAD, IRAQ
Origin of Goods (if different from applicant State) lebanon and italy	Port of Entry into Iraq Al_Waleed
Means of Transportation By Truck	Other Information (e.g. route, major ports, etc.)

Contract Information:	
Contract No. m(mou)555/2000	Date: 15/03/2001

Additional Information and Comments:

POH, 19/04/01, tl.

Sub Account: Transfer:**Special Handling:** Monitoring SA

Service Authentication:	Monitoring:	Other operational services:
--------------------------------	--------------------	------------------------------------

Mission Hold:

Incorrect data type for operator or @Function: Text expected [US or UK]

Mission Block:

Error: Keywords must be text! [US or UK]

Reason for Block/Hold: Goods have dual military use.

Contract Value in Original Currency	ISO Code	Conversion Rate	Contract Value in USD\$
1,509,055	EUR	1.131	\$1,334,266.14
Sum Total of Line Items \$1,334,266.14	Additional Costs minus Discount \$0.00	View details	Line Items Total, plus Costs/Discounts \$1,334,266.14

Comm Goods Category: GENERATOR SETS/PARTS
Estimated Time of Arrival: 4 months**Total Tonnage:****Sector/Annex:** Agriculture

SCR 1284 Info

Notification list determination	<input type="radio"/> List Non-List
SCR 1051 list determination	<input type="checkbox"/> None <input type="checkbox"/> Ctte. <input type="checkbox"/> N/A <input type="checkbox"/> Sect. <input type="checkbox"/> Under Determination <input type="checkbox"/> 1051/Sect Deletion
Approving Authority	<input checked="" type="radio"/> C <input type="radio"/> S <input type="checkbox"/> Legacy
Name of OIP customs officer	Reviewed/Customs report issued/11.04.01/ley
UNMOVIC Information	
Name of evaluating officer(s)	
Date submitted to UNMOVIC	05/04/2001
Date of interim report from UNMOVIC	
Date returned to OIP	10/04/2001
Comments	

S/AC.25/2001/986/COMM. 702651A

REPORT CONCERNING REQUEST TO SHIP GOODS TO IRAQ IN ACCORDANCE WITH RESOLUTIONS 986 (1995) & 1284 (1999)**MISSION: LEBANON****EXPORTER: HASSANEIN CO. FOR TRADING AND INDUSTRY****RECEIVING COMPANY: THE STATE COMPANY FOR AGRICULTURAL SUPPLIES****GOODS: GENERATOR SETS 500 KVA AND SPARE PARTS**

.....

This application has been examined to determine its conformity with the provisions of paragraphs 17 and 25 of Security Council resolution 1284 (1999) and all related procedures and guidelines. In addition the application has been examined, taking into account paragraphs 32 and 33 of the Procedures of the Security Council Committee established by Resolution 661 (1990) concerning the situation between Iraq and Kuwait in the discharge of its responsibilities as requested by paragraph 12 of Security Council Resolution 986 (1995). Specifically, the application has been examined to establish whether the price and value are credible; whether the items to be exported are in the distribution plan annexes; whether all relevant details have been submitted with the application; and whether the application includes items which are included in the list to which the export/import mechanism approved by resolution 1051 (1996) applies.

.....

SCR 1284 (1999):

The application has been examined in accordance with paragraph 25 of Security Council resolution 1284 (1999) and the goods are not included in the list to which the export/import mechanism approved by Security Council resolution 1051 (1996) applies.

GOODS ON THE DISTRIBUTION PLAN: Yes, and are within the amounts requested.

PRICING: The item price and value have been examined as per paragraph 33 of S/1996/636 and appear reasonable and acceptable.

COMMENT: The contract is for the supply of 25 units of Generator sets 500 KVA and 394 pieces of Spare Parts for a total amount of Euro 1,509,055. The Committee may wish to be aware that the price of goods includes also a one year warranty. The supplier should be aware that, in the event that there becomes a need to supply warranty replacement goods for those found to be deficient or broken, these goods must be approved by the Committee prior to shipment to Iraq. Therefore, the supplier will be responsible for the presentation of an amended application in conformity with the procedures as published in the UN website "Information for the Suppliers". The generator sets and Spare Parts included on the application are intended for the use of the State Company for Agricultural Supplies to generate power for pumps and irrigation machinery.

DATE OF CIRCULATION REPORT: 17.04.01

Reporting Officer: Luis Esteban Yrazu

Check Officer: Hervé Mathevet

CUSTOMS CONTROL SHEET

Comm No

702651

Sector Item codes OK:

YES

NO

Within DP limit:

YES

NO

(spare parts include)
Yes No

Within amount remaining:

YES

NO

L/C beneficiary: Supplier
Other(state)

YES

NO

Delivery timescale:

4 months

Contract/Application legible

Yes

NO

Origin of goods:

LEBANON - ITALY

Phase

VII

Sector

A

Border point

AL-WALJED

Mission

LEBANON

Price comments:
(acceptable/method of verification)

Notes

date

Officer: _____

APR 04 2001

August 1997 REVISED

SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ

(TO BE COMPLETED BY THE SECRETARIAT)

MM No. REGISTRATION DATE DEADLINE FOR OBJECTIONS

702651

(TO BE COMPLETED BY PROSPECTIVE EXPORTING COUNTRY or INT'L ORG)

MISSION OR INTERNATIONAL ORGANIZATION CERTIFYING SIGNATURE AND OFFICIAL SEAL

Permanent Mission of Lebanon to the UN



DATE OF SUBMISSION

04-02-2001

3. MISSION REFERENCE No.

270

EXPORTER/ITEM CODE (SCR 986)	5. GOODS TO BE SHIPPED (Name and/or description) <i>Attach additional sheet if necessary</i>	6. QUANTITY IN NUMBERS	7. UNIT OF MEASUREMENT	8. VALUE PER ITEM	9. TOTAL VALUE	10. CURRENCY ISO CODE
MOU 7-er 555/2001- le : 05-01-05.	Generator sets 500 KVA	25	UNITS	54.326	1.358.150	EURO
MOU 7-er 555/2001- le : 05-01-05.	Spare Parts-As per attached list in Annex2	LOT	As per attached list Annex 2	150.905	150.905	EURO

EXPORTER Name and Address

Hassani Co. For Trading and Industry
Jda, Ghazieh, Lebanon. P. O. Box : 380
Phone : 00961 7 223064
Fax : 00961 7 223063

12. ORIGIN of GOODS (if different from applicant State)

Lebanon - Europe.(Italy)

RECEIVING COMPANY / ORG Name and Address

The State Company for Agricultural supplies.
Baghdad-Iraq.

14. SHIPPING ARRANGEMENTS:

a) Border Point or Port of Entry into Iraq
Al-Waleed.

b) Means of Transportation

14 c) Other information (e.g. route, major ports, etc.)

Trucks from Lebanon-Syria then to Baghdad via Al-Waleed border between Syria and Iraq.

15. METHOD OF PAYMENT

From the Iraq Account in accordance with SC resolution 986 (1995)

By other arrangement (Provide as many details as possible)

Relevant documentation including contract(s) must be attached)

ADDITIONAL INFORMATION: End-use and End-user

(Attach additional sheet if necessary)

End User is The State Company for Agricultural supplies. The use is to generate power for pumps ,Irrigation machinery.

IMPORTANT NOTICE

Provide only one item per line in Box 5.

Export/Item Codes (Box 4a) are mandatory, and are found in the Annexes to the Distribution Plan of SCR 986.

Tariff Codes (Box 4b), if used, must be 6 digit codes of the International Harmonised System of Tariff Nomenclature as determined by the Customs Co-Operation Council in Brussels, Belgium.

Information entered must match shipping documents presented to customs officials.

Incomplete, incorrect or illegible applications will be returned by the Committee's Secretariat for completion.

HASSANIEN Co. For Trading & Industry

Agreement between:

State company for agricultural supplies.

Baghdad - Iraq

As ... Buyer

&

M / s

HASSANEIN CO.

FOR TRADING & INDUSTRY

As seller

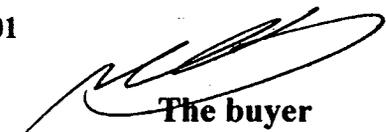
The two parties agreed upon the following:

Art - 1-

**The seller undertakes to submits contract
M (M.O.U) 555/2001 to the UN committee (661)
Through the official channels within a period
Not more than (3) three weeks from date of
Signing contract and confirm that to buyer,
By sending copy of the application.**

Art- 2-

**In case seller fails to act as per above art,
The Buyer has the right to cancel the contract.
Signed in Baghdad 15.3.2001**


**The buyer
State company for
Agricultural supplies**

**Dr. Mohammed m. Jassem
Director general &
Chairman of board**

The seller

M / s

HASSANEIN CO.

FOR TRADING & INDUSTRY

R.C. :Saida, 9581

Fax :961 7 223063


**HASSANEIN Co. For
Trading & Industry**

Contract of supplying
25 UNIT (500K.V.A)generator set

No. M (M.O.U)555 /2000 phase 7 (seven)

Date: 15.3.2001

The present contract has been concluded and signed in Baghdad between:

State company for agricultural supplies
Wazeriah, Baghdad / Iraq
Referred to hereinafter as the buyer

&

HASSANEIN CO.
FOR TRADING &INDUSTRY
R.C. :Saida, 9581
Fax :961 7 223063
Referred to hereinafter as the seller


 **HASSANEIN Co. For**
Trading & Industry

According to the memorandum of understanding between the secretary of the united nations and the government of Iraq on the implementation of security council resolution 1281 / 2000

The seller undertakes to supply and the buyer undertakes to purchase the goods referred To hereinafter as the, on the terms and conditions specified below.

Article 1- subject of the contract.

The seller hereby agrees to sell, convey and deliver and the buyer agrees to purchase and accept in accordance with the technical specifications list out In annex (1) on an c.i.f. Baghdad

Article 2- prices

The prices of the goods which are subject of this contract have been fixed by the seller and accepted by the buyer as follows:

Code no. 05-01-00005

Unit Price with 10% of spare parts c.i.f. Baghdad (60362.2) Euro

Total c.i.f. Baghdad 1509055 Euro

say (only one million five hundred nine ,thousand ,fifty five) Euro

Article 3- freight

The seller undertakes to ship the goods from Lebanon By trucks to Baghdad via alwaled . In good method not less than the international measurements to avoid any damage or loss upon transportation. Any damage or loss due to bad package would be the responsibility of seller.

The origin of the goods Lebanon .

Article 4- delivery period

The goods under this contract will be delivered within (4) four months from the date of receipt of operative letter of credit by the seller.

The goods will be delivered on c.i.f. Baghdad according to incoterms 1990.

The hand over of the goods to the buyer will take place immediately after inspection provided by united nations inspectors, place of the inspection will be given by united nations.

Partial shipments (more than one) are acceptable.

Article 5- notification of shipment

The seller shall advise the buyer about the shipping schedule and routes 10 days before the arrival time of each shipment And it shall remain the responsibility of the buyer to follow up the arrival and custom clearance of the goods and transport to his stores.

Article 6- shipping marks

Each consignment shall bear the following marks:

State company for agricultural supplies, Wazeriah, Baghdad, republic of Iraq.

Contract no. M(M.O.U) 555/2001

Number of l / c.

Security council committee permission number

Gross & net weight.

Article 7- terms of payment

In cash l / c (covered by u.c.P.1993 revision of I.C.C. Publication no. 500) opened by Banque national de Paris s.a. New York branch (Iraq account) according to the request of central bank of Iraq for the benefit of the seller payable from the cash collateral required under l / c amount and its fees pursuant to the (M.O.U) Agreement according to the submission of the following documentation.

- 1- a copy of the 661 letter stating that the seller is eligible for payment from UN. Iraqi account.
- 2- a confirmation of receiving the delivered Goods at final destination in Iraq.
- 3- proper commercial invoices showing in detail the goods origin as well as unit price and total value of the goods.
- 4- certificate of origin.
- 5- insurance policy against all risks.
- 6- full set of clean on board negotiable bill of lading issued to the order of state company for agricultural supplies notifying the state company for agricultural supplies – Baghdad. Bills to be marked freight prepaid also weight in the bill of lading to be the same as in other documents.
- 7- Packing list.

Copy of the documents should be submitted to the buyer immediately after Shipping of relative goods.

Name of bank :

**B N P PRIBAS - BNPI
LEBANON – SAIDA BRANCH**

ACC. NO. : 610.158-13.291

Article 8- warranty

The seller guarantee that all the goods will come from the current production. All components are guaranteed against faulty workmanship or premature failure for 12 months from the date of bill of lading or 1000 hours of work whichever come first.

The guaranty cannot be called if the failure is due to usage non conform to the specifications of the seller or due to carelessness or neglect or due to normal wear or due to an Accident.

Article 9- penalties

The seller should pay penalties 1% of the delayed goods for each delayed week (part of the week considered as one week). Total value of the penalties should not exceed 5% of the total value of this contract.

Article 10- force majeure

Neither party shall be responsible for any failure of the fulfillment of their obligation.

If such failure is due to an event, which is beyond each party's control.

 HASSANEN Co. For
Trading & Industry

Article 11- arbitration

Any dispute or differences arising out of execution of the contract should be settled amicably between the two parties according to Baghdad chamber of commerce rules, but if not, then it should be finely settled under the rules and regulations of the Iraqi courts.

Article 12- validity

This contract will become valid upon signature of both parties, and it will come into force after the approvals of Iraqi, and UN Authorities and when it meets the conditions in article. 7. Terms of payment.

Article 13- amendments

Any Amendments and / or additions to this contract shall be made in writing and shall be confirmed by both parties.

Article 14- enclosures

The enclosures, to which this contract refers, are considered an integral part of this contract.

Article 15- general

The seller undertakes to pay all taxes, customs duties, harbor charges, and all other expenses related to this contract except what is otherwise agreed else where in this contract, out of the Iraqi borders. The buyer undertakes to pay all taxes customs duties and All other expenses arising in the country of the buyer.

Article 16- bank charges

All Bank charges within Iraq are on the account of the Iraqi Buyer. While Bank Charges outside of Iraq are on the account of the Beneficiary.

BNP Paribas charges are as follow:

Opening / issuing fee (15 base points flat) minimum Euro 1,800.

Amendment fee Euro 120 each .


 HASSANIEN Co. For
Trading & Industry

This contract has been signed in Baghdad on 15.3.2001
Between:


The buyer
state company for agricultural supplies
Dr. Mohammed m. Jassem
Director general & chairman of board

&


HASSANIEN Co. For
Trading & Industry

M/S

HASSANEIN CO.
FOR TRADING & INDUSTRY
R.C. :Saida, 9581
Fax :961 7 223063

The seller

ANNEX (1)

500 KVA : CUMMINS -
LEROYSOMMER

ENGINE
SPECIFICATION:

MAKE : CUMMINS HEAVY DEUTY DEISEL ENGINE
MODEL : KTA 19-G4
RATING : 448 KW PRIME, 504 KW ST.BY
TYPE : DIRECT
INJECTION
ASPIRATON : TURBO CHARGED- AFTERCOOLED
COOLING SYSTEM : WATER COOLED
NO. OF CYLINDERS : 6 CYL IN LINE
GOVERNER : ELECTRONIC GOVERNOR
SPEED : 1500 RPM
STARTING : 24Vdc

ALTERNATOR
SPECIFICATION:

ALTERNATOR : LEROY SOMER
MODEL : LSA 47.1 L 11
NO. OF WIRES : 12
RATING IN KVA : 540
KVA
POWER FACTOR : 0.8
VOLTAGE : 231/400 V
FREQUENCY : 50 Hz
INSULATION CLASS : H

SPARE PARTS 10%

CABLES 4x240mm
LENGTH:50m
WEATHER PROOF CANOPY
10% of spare parts (annex 2)

 HASSANEN Co. For
Trading & Industry

Control panel: electric control panel type

The control panel includes the following safety shutdown devices:

- lubricating oil pressure
- cooling temp gauge
- over speed ,over current.
- engine starting kit switch

And indicator : starting failure gauge

- lubricating oil pressure gauge
- 72-din voltmeter
- three 72 din ammeter
- Voltmeter phase selector, shutdown ,under voltage, shutdown, lamp signal
- 72-din frequency meter
- running hour counter
- main molded case circuit breaker, 4 poles, 3d.
- Manual change over switch

Note that all of the mentioned above is of European Origin and are of appropriate size for each gen. set.

Attachments:

- Set of led acid battery
- Protection cover battery
- Sufficient fuel tank.
- Heavy duty exhaust
- Circuit diagram
- Antipads joints (antivibration)

Weather proof canopy:

The canopy is made of:

Upper plate(covering the head)
Connected to 2 plates covering completely the
sideways of the gen. set and are
Professionally made to be doors on both
Sides of the canopy,
In addition to 2 protective covers from the front
and rear of the gen. set to protect it
From sun and sand ,etc...

Paint smoothened ,undercoated and treated with anti-rust.

- Installed on antivibration mountings
- Doors for operation, maintenance and repair work
- Both doors are equipped with handles to lock and unlock.
- All plates are of 3.25mm thickness in order to resist the nature of the Iraqi weather.



Annex 2

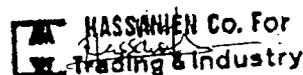
OUR REF: IRH968/03/01

Messers: **MINISTRY OF AGRICULTURE**
ST. CO. FOR AGRICULTURAL SUPPLIES
GENSETS

Recommended Spare Parts List

Genset Model: CUMMINS
Engine Model: KTA19-G4
Alternator Model: LSA 47.1 L11 540 KVA

ITEM	DISCRITION	QTY	UNIT PRICE	TOTAL AMOUNT
1	LUBE FILTER	52	45.00	2,340.00
2	LUBE FILTER	25	48.00	1,200.00
3	FUEL FILTER	52	48.00	2,496.00
4	AIR FILTER	25	350.00	8,750.00
5	SEAL, OIL	10	140.00	1,400.00
6	SEAL, OIL	10	270.00	2,700.00
7	KIT SEAL	10	140.00	1,400.00
8	SET MAIN BEARING	7	1,990.00	13,930.00
9	SET MAIN BEARING 0.10	7	1,990.00	13,930.00
10	PISTON	15	1,100.00	16,500.00
11	PISTON RING SET	18	302.00	5,436.00
12	BUSHING CONNECTING ROD	12	550.00	6,600.00
13	SET CONN. ROD BEARING	2	370.00	740.00
14	SET CONN. ROD BEARING 0.10	2	384.92	769.84
15	VALVE, EXHAUST	12	160.00	1,920.00
16	VALVE, INTAKE	12	80.00	960.00
17	GUIDE	24	28.48	683.52
18	INSERT VALVE SEAT	24	73.70	1,768.80
19	INSEAT VALVE	24	71.77	1,722.48
20	SET UPPER ENGINE GASKET	10	825.00	8,250.00
21	SET GASKET ENGINE	10	797.90	7,979.00
22	OIL PUMP	5	2,453.00	12,265.00
23	GRANK SHAFT	3	11,561.00	34,683.00
24	SELONOID AUT. ON-OFF	3	59.12	177.36
25	a.v.r	5	330.00	1,650.00
26	Voltmeter	5	27.50	137.50
27	Ammeter	5	27.50	137.50
28	diodes	5	75.80	379
TOTAL AMOUNT FOR SPARE PARTS LIST			EURO	150,905



	complementary items (if applicable)	user) (if applicable)	unit	Holding size, previous distribution, production index	Application	delivery
05-01-00003	Harvesters various models with 15 % spare parts - Combine Harvesters for different crops - Walking Reapers - Corn Huskers - Threshing Machine	Crop harvesting (farmer in the 15 Governorates)	200 pcs 250 pcs 100 pcs 250 pcs		ALL YEAR ROUND	Feb. March
05-01-00004	Water pumps with engines (with spare parts) Water Pumps with out engine Deep well pumps	Crop Irrigation (farmer in the 15 Governorates)	10,000 Pcs. 5000pcs 3000pcs	Holding size, type of used irrigation system.	ALL YEAR ROUND	Feb. March
05-01-00005	A. - 30 - 40 KVA Generating Sets B - 350 - 750 KVA generating set with spare parts	A. To drive submersible Pumps in the governorates B - to be used for generating electricity in seed processing plants .	1500 Pcs 25 Pcs	A. According to holding size , to farmers using submersible pumps B - to be distributed to seed processing plant serving the (15) governorate .	All Year Round All Year Round	as soon as possible as soon as possible
05-01-00006	Drip irrigation complete unit with 15 % spare parts	Irrigation in fruit and vegetable fields (farmers in orchards and vegetable)	1500 unit.	According to the holding size and need	ALL YEAR ROUND	Feb. March

** amended 11 May 2000
* amended 29 March 2000 .

*Permanent Mission of Lebanon
to the United Nations*

Ref: 270/01

702651

Ref: Comm. No. 701243

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Security Council Committee established by Resolution 661 (1990) and with regards to an application submitted on behalf of **Hassanein Co. for Trading and Industry**, has the honor to quote here below a response given by the supplier further to the notification sent by the Office of the Iraq Programme informing that the transaction was placed on hold by the Permanent Mission of the United States to the United Nations for the given reason that the "goods have dual military use.

"We (the supplier) are the full disposition of any official representative assigned by the 661 Committee to investigate, check and prove on Iraqi site the domestic use of these generators. Moreover, we are ready to support and to bear his trip with all relative expenses."

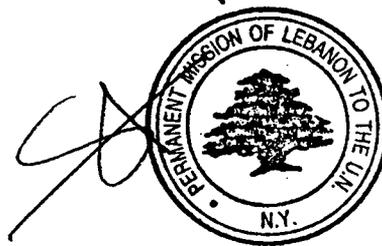
"The Ministry of Agriculture, State company for Agricultural supplies has insisted that these gensets shall be used for civilian purposes only."

The Permanent Mission of Lebanon to the United Nations avails itself of this opportunity to renew to the Security Council Committee established by resolution 661 the assurances of its highest consideration.

New York, June 18, 2001

Contract Processing Section
The Security Council Committee
Established by Resolution 661 (1990)
United Nations, Room DC1530
New York, N.Y. 10017

CC: The United States Mission
To the United Nations
799 United Nations Plaza
New York, N.Y. 10017
Attn. Ms. Diatta



*Permanent Mission of Lebanon
to the United Nations*

Ref: 270/01

702651

Ref: Comm. No. 701243

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Security Council Committee established by Resolution 661 (1990) and further to an application submitted on behalf of **Hassanein Co. for Trading and Industry, Lebanon**, has the honor to enclose herewith an official letter (in Arabic) from the Iraqi Ministry of Agriculture, State Company for agricultural supplies, further to the hold placed on the transaction by the Permanent Mission of the United States to the United Nations ("goods have dual military use") stating the following:

Quote

These 25 generators shall be used in corn factories in different governates in Iraq and for civilian purposes only Unquote (attached is the Iraqi letter)

Furthermore, additional technical information will be forwarded in the near future to give evidence to the non military usage claim.

The Permanent Mission of Lebanon to the United Nations avails itself of this opportunity to renew to the Security Council Committee established by resolution 661 the assurances of its highest consideration.

New York, 14 of 8 2001



Customs Officer, Contract Processing Section
The Security Council Committee
Established by Resolution 661 (1990)
United Nations, Room DC1530
New York, N.Y. 10017

CC: The United States Mission
To the United Nations
799 United Nations Plaza
New York, N.Y. 10017
Attn. Ms. Diatta

End-use/user info
(not requested) - att
on 08/01

e 2.- File name : 702403-OLDHOLD

Wednesday, 10/07

22403 A →

22405 A

22417 T

22418 E

22424 WS

22430 M

22443 L

22445 Q

22457 A

22463 M

22464 Q

22467 A

22483 L

22488 M

22493 L

22513 A

22518 Q

22526 E

22530 E

22533 A

22540 WS

22541 WS

22548 A

22558 Q

22567 E

Comm. No.	Comm Assigned Date	Initiation Date:	Approval Dates	
<input type="checkbox"/> A-702403 <input type="checkbox"/> /Ext.	24/10/2000	01/11/00	Effective date: Date Issued: Expiry Date:	03/11/2000

No of Corrections = 0

No of Extensions = 0

No of Amendments = 0

Mission or International Organisation	Request Type
Permanent Mission of Italy to the United Nations	Other Humanitarian Supplies

Request Status: On Hold	Format: Electronic Submission
--------------------------------	--------------------------------------

Date Received by OIP 16/10/2000	Mission Reference No. 4642
EXPORTER Name and Address NUOVO PIGNONE SPA (OMISERVICE SRL) VIA MERCANTESSE, 3 BARANZATE DI BOLLATE (MI) ITALY	RECEIVING COMPANY/ ORG Name and Address STATE CO. FOR AGRICULTURAL SUPPLIES BAGHDAD, IRAQ
Origin of Goods (if different from applicant State) Italy	Port of Entry into Iraq Trebil
Means of Transportation By Truck	Other Information (e.g. route, major ports, etc.)
Contract Information:	
Contract No. M(MOU)333/2000	Date: 05/09/2000

Additional Information and Comments:

POH 3/11/00, sw. Reason for hold changed, 01/02/01, by US (for tech specs on gearboxes & detailed end use), tl.

Sub Account: **Transfer:**

Special Handling: Monitoring SAP

Service Authentication:	Monitoring:	Other operational services:
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Mission Hold:

Incorrect data type for operator or @Function: Text expected

Mission Block:

Error: Keywords must be text!

Reason for Block/Hold: provide previously requested specifications of the gearbox (gear ratios, shaft rotation speeds, torques, etc) and a description of the specific equipment connected to it (item 3); clarify what medium will be used with the compressors (application states C02, additional information NH3) (items I & 2).

Contract Value in Original Currency	ISO Code	Conversion Rate	Contract Value in USD\$
279,400	USD	1	\$279,400.00
Sum Total of Line Items \$279,400.00	Additional Costs minus Discount \$0.00	View details	Line Items Total, plus Costs/Discounts \$279,400.00

Comm Goods Category: COMPRESSOR SPARE PARTS Total Tonnage: Sector/Annex:
 Agriculture
 Estimated Time of Arrival:

SCR 1284 Info	
Notification list determination	<input type="radio"/> List <input checked="" type="radio"/> Non-List
SCR 1051 list determination	<input type="checkbox"/> None <input type="checkbox"/> Ctte. <input type="checkbox"/> N/A <input type="checkbox"/> Sect. <input type="checkbox"/> Under Determination <input type="checkbox"/> 1051/Sect Deletion
Approving Authority	<input checked="" type="radio"/> C <input type="radio"/> S <input type="checkbox"/> Legacy
Name of OIP customs officer	Reviewed/Customs report issued/30-10-2000/vm
UNMOVIC Information	
Name of evaluating officer(s)	
Date submitted to UNMOVIC	26/10/2000
Date of interim report from UNMOVIC	
Date returned to OIP	27/10/2000
Comments	

Comm. No.	Comm Assigned Date	Initiation Date:	Approval Dates	
<input type="checkbox"/> A-702417 <input type="checkbox"/> /Ext.	30/10/2000	02/11/00	Effective date: Date Issued: Expiry Date:	06/11/2000

No of Corrections = 0

No of Extensions = 0

No of Amendments = 0

Mission or International Organisation	Request Type
Permanent Mission of France to the United Nations	Other Humanitarian Supplies

Request Status: On Hold	Format: Application Form
-------------------------	--------------------------

Date Received by OIP	Mission Reference No.
26/10/2000	IK 3204
EXPORTER Name and Address	RECEIVING COMPANY/ ORG Name and Address
EUROMARK VENTURES SARL. 183, RUE LEON JOUHAUX 78500 SARTROUVILLE FRANCE	MINISTRY OF TRANSPORT AND COMMUNICATION STATE COMPANY FOR TRANSPORTATION OF DELEGATES BAGHDAD IRAQ
Origin of Goods (if different from applicant State)	Port of Entry into Iraq
UAE	Umm Qasr
Means of Transportation	Other Information (e.g. route, major ports, etc.)
By Vessel	

Contract Information:	
Contract No. M (MOU) 7/23/2000-B	Date: 14/05/2000

Additional Information and Comments:

Difference in the figures due to discount, Im. POH 6/11/00, sw. Amend.1(S/2001/561 circ 12/10/01, 1051 status redetermined by UNMOVIC as per S/2001/561, saw Amend 1 approved by the US and UK, 18/10/01. The application remain on hold by UK and US. The US has changed reason for hold (goods on 1051 list as indicated by Sec't).sap. Rel by US as per amend 22/10/01 (Pending further technical review.) la. Change of reason for hold by UK 21/12/01 (pending expert consideration)la.

Sub Account: Transfer:

Special Handling: Monitoring SAP

Service Authentication:	Monitoring:	Other operational services:

Mission Hold:

Incorrect data type for operator or @Function: Text expected

Mission Block:

Error: Keywords must be text!

Reason for Block/Hold: UK: Our experts have dual-use concerns with the goods in this contract. We therefore cannot consider approving this until, as a minimum, UNMOVIC are present in the country.

Contract Value in Original Currency	ISO Code	Conversion Rate	Contract Value in USD\$
14,454	USD	1	\$14,454.00

Sum Total of Line Items
\$14,600.00

Additional Costs **View details**
minus Discount
\$0.00

Line Items Total,
plus Costs/Discounts
\$14,600.00

Comm Goods Category: TESTING EQUIPMENT **Total Tonnage:** **Sector/Annex:**
Telecommunications

Estimated Time of Arrival: 3 months from the opening of the I/c

SCR 1284 Info	
Notification list determination	<input type="radio"/> List <input checked="" type="radio"/> Non-List
SCR 1051 list determination	<input checked="" type="checkbox"/> None <input type="checkbox"/> Ctte. <input type="checkbox"/> N/A <input type="checkbox"/> Sect. <input type="checkbox"/> Under Determination <input type="checkbox"/> 1051/Sect Deletion
Approving Authority	<input checked="" type="radio"/> C <input type="radio"/> S <input type="checkbox"/> Legacy
Name of OIP customs officer	mz
UNMOVIC Information	
Name of evaluating officer(s)	db
Date submitted to UNMOVIC	30/10/2000
Date of interim report from UNMOVIC	
Date returned to OIP	31/10/2000
Comments	

Comm. No.	Comm Assigned Date	Initiation Date:	Approval Dates	
<input type="checkbox"/> A-702540 <input type="checkbox"/> /Ext.	21/12/2000	20/04/01	Effective date: Date Issued: Expiry Date:	24/04/2001

No of Corrections = 0

No of Extensions = 0

No of Amendments = 0

Mission or International Organisation	Request Type
Permanent Mission of the United Arab Emirates to the United Nations	Other Humanitarian Supplies

Request Status: On Hold	Format: Application Form
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Date Received by OIP 18/12/2000	Mission Reference No. 1319/2000
EXPORTER Name and Address RENTEC L.L.C. PO BOX 13407 DUBAI/UAE	RECEIVING COMPANY/ ORG Name and Address GENERAL ESTAB. FOR WATER AND SEWERAGE AL ADHAMIYA BAB AL MUASTHAM PO BOX 14470 BAGHDAD, IRAQ
Origin of Goods (if different from applicant State) UAE	Port of Entry into Iraq Umm Qasr
Means of Transportation By Vessel	Other Information (e.g. route, major ports, etc.)
Contract Information:	
Contract No.	Date: 02/12/2000

Additional Information and Comments:

POH, 24/04/01, tl. Rel by the UK 1/5/01 (Pending consideration by experts.)sap. Amend.1(S/2001/560) circ on 26/7/01. 1051 status redetermined by UNMOVIC as per S/2001/560, saw Reason for hold changed by the US 30/7/01 (Goods are on the 1051 list as indicated by the Secretariat. Provide specifications including drawings of the system and components, material composition of all components, and flow rates and droplet size for the nozzles for items #7 and #10. Provide specifications including drawings, photographs, belt pore size, and description of the process for the sludge dewatering system (item #15). Provide specifications including photographs, material composition of all probes, type, principle of operation, sensitivity, accuracy and range for the flow meter, DO measuring system, and pH controller (item #16), and chemical oxygen demand sensor (item #20). Provide the material composition and dimensions of all piping (item #24). Itemize components and provide specifications for the air conditioning facilities (item #25) and the tools and measuring devices (item #27); provide the specifications for all pumps including dimensions, weight, type, material composition of all components and linings, inlet/outlet pressure (in Bar), rotation speed, and drawings (items #1, #12, #13, #14, #15, and #28). Provide complete specifications for the PLC system including manufacturer's data sheets, number of analog and digital lines, and identify any computers associated with the system (item #17); provide the specific material composition for all scrapers and screens (items #2, #8, #9, and #11). Provide the material composition and a description of the purpose and use of the concrete protection material (item #26). Provide the specifications for all computers and microprocessor controllers associated with the system including processor model and manufacturer, maximum certified clock speed, certified thermal operating range, and the MTOPS rating; provide all requests for alloy material compositions as either an ASTM or DIN standard alloy or as a percentage composition by weight for each alloy component.)sap. Amend.2 circ 23/10/01, an addendum has been submitted changing the materials for the construction of the Solution tanks to polyethylene (PE). All other terms and conditions remain unchanged, saw.

Amend 2 approved by US on 25/10/01 but application remains on hold due to change of reason (Provide the precise material composition of the wetted surfaces of the fiber reinforced glass tanks (items #5.1 -5.4, #18) (concern related to 1051 list item: S/2001/560, Page 18, Paragraph 10.4.1.5); Provide previously requested, specifications including drawings of the system and components, material composition of all components and flow rates and droplet size for the nozzles (item #10); provide previously requested specifications for chemical oxygen demand sensor (item #20) including photographs, material composition of all components, the principle of operation and the analytes tested for with sensitivity, accuracy and range for each analyte; provide all requests for alloy material compositions as either an ASTM or DIN standard alloy or as a percentage composition by weight for each alloy component. PLC system (item #17) is OK - it is a programmable logic controller; Nozzles on item #7 appear OK; Sludge dewatering system (item #15) is a belt press - appears OK; Pumps (items # 15) appear OK; Flow meter, DO measuring system and pH controller (item #16) appear OK; Piping (item #24) appears OK, Air conditioning facilities (item #25) and

the tools and measuring devices (item #27) appear OK; Pumps (items #1, #12, #13, #14 and #28) appear OK; Scrapers and screens (items #2, #8, #9 and #11) appear OK; Concrete protection material (item #26) appears OK; Pending further technical review.)la/sap.

Amend 2 placed on hold by UK 25/10/01 - Pending technical experts consideration.sap. Amend 2 reason for hold changed by UK 05/11/01-

(Confirmation of monitoring required.) UK will lift its hold on this contract provided the following criteria are met for the Solution Tanks (material of construction amended to polyethylene). Observation: Initial-Observers ensure goods go to correct end location, and those that are not immediately utilised are stored in a secure location. Follow on-Random monitoring of end user locations and/or stores as appropriate, at discretion of OIP. Reporting: Initial-to verify observation, and provide information on number of items not utilised. If freely available they should provide further details on their expected utilisation. Follow on- at discretion of OIP. However, require that we are informed immediately of discrepancies or irregularities.la. Released as per amend 2 by UK 06/11/01 la.

Sub Account: **Transfer:**

Special Handling: Monitoring SAP

Service Authentication:	Monitoring: End use verification	Other operational services:
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Mission Hold:

Incorrect data type for operator or @Function: Text expected

Mission Block:

Error: Keywords must be text!

Reason for Block/Hold: US: Provide previously requested, specifications including drawings of the system and components, material composition of all components and flow rates and droplet size for the nozzles (item #10); provide previously requested specifications for chemical oxygen demand sensor (item #20) including photographs, material composition of all components, the principle of operation and the analytes tested for with sensitivity, accuracy and range for each analyte; provide all requests for alloy material compositions as either an ASTM or DIN standard alloy or as a percentage composition by weight for each alloy component. PLC system (item #17) is OK - it is a programmable logic controller; Nozzles on item #7 appear OK; Sludge dewatering system (item #15) is a belt press - appears OK; Pumps (items # 15) appear OK; Flow meter, DO measuring system and pH controller (item #16) appear OK; Piping (item #24) appears OK, Air conditioning facilities (item #25) and the tools and measuring devices (item #27) appear OK; Pumps (items #1, #12, #13, #14 and #28) appear OK; Scrapers and screens (items #2, #8, #9 and #11) appear OK; Concrete protection material (item #26) appears OK; Pending further technical review.

Contract Value in Original Currency	ISO Code	Conversion Rate	Contract Value in USD\$
1,300,000	EUR	1.1561	\$1,124,470.20
Sum Total of Line Items \$1,124,470.20	Additional Costs minus Discount \$0.00	View details	Line Items Total, plus Costs/Discounts \$1,124,470.20

Comm Goods Category: WATER TREATMENT PLANT **Total Tonnage:** **Sector/Annex:** Water And Sanitation

Estimated Time of Arrival:

SCR 1284 Info	
Notification list determination	<input type="radio"/> List <input checked="" type="radio"/> Non-List
SCR 1051 list determination	<input type="checkbox"/> None <input type="checkbox"/> Ctte. <input type="checkbox"/> N/A <input type="checkbox"/> Sect. <input type="checkbox"/> Under Determination <input type="checkbox"/> 1051/Sect Deletion
Approving Authority	<input checked="" type="radio"/> C <input type="radio"/> S <input type="checkbox"/> Legacy
Name of OIP customs officer	reviewed, customs report issued on 20/04/01wlp
UNMOVIC Information	
Name of evaluating officer(s)	db/ db/ db/ db

Date submitted to UNMOVIC	22/12/2000, 31/01/2001, 01/03/2001, 12/04/2001, 18/10/2001
Date of interim report from UNMOVIC	
Date returned to OIP	28/12/2000, 02/02/2001, 06/03/2001, 18/04/2001, 18/10/2001
Comments Resubmitted to UNMOVIC due to clarification	Technical clarifications. Additional info. Amendment.

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
2	600239	VETERINARY INSTRUMENT	17/5/00	22/1/01	24/1/01	23/7/01 29/7/01 26/8/01 10/9/01 23/9/01 29/10/01 7/11/01 8/11/01 12/11/01 25/11/01 17/2/01 23/12/01 27/1/02 13/2/02 17/2/02 28/2/02 25/3/02 14/4/02 28/5/02 23/6/02 28/3/01 29/4/01 14/5/01 6/6/01 12/6/01 25/6/01 15/7/01	UN monitoring. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
3	600476 ✓	PESTICIDE <i>Corrected</i>	18/7/00	2/11/00	5/11/00	15/3/01 14/4/01 28/6/01 2/9/01 2/9/01 2/9/01 30/10/01	UN to control material, which will be in small shipments. (US) ✓
4	600658 ✓	MOBILE CRANE WITH SPARE PARTS	17/5/00	6/10/00	9/10/00	23/10/00 22/7/01 12/2/02 5/3/02 17/5/02 18/3/02	UN to provide periodic observation. (US)
5	600773 ✓	PORTABLE CENTRIFUGAL PUMPING SET ACCESSORIES <i>Corrected</i>	17/5/00	9/10/00	21/10/00	23/11/02 10/3/01 14/7/01	UN observation of installation & periodic checks. (US)
6	600981 ✓	AGRICULTURAL SUPPLIES	18/7/00	8/2/01	3/4/01	29/1/02 27/2/02 27/3/02 14/4/02 27/5/02 24/6/02 15/5/01 24/6/01 30/7/01 26/8/01 23/9/01 28/10/01 25/11/01 24/12/01	UN observation and control of the storage of the spare part. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
7	601703	HYDRAULIC EXCAVATORS W/ SPARE PARTS <i>Discrepancy</i>	26/5/00	29 Oct. 2000 17/12/00	7/11/00	26/3/02 1/4/02 7/4/02 15/11/00 * 13/12/00 16/12/00 18/2/02 20/2/02 4/3/02 5/3/02 6/3/02	UN monitoring. (US)
8	601740	AGRICULTURAL EQUIPMENT	2/17/00	5/5/01	25/6/01	20/10/01 29/1/02 11/2/02	UN observation of installation and end use and periodic checks. (US)
9	601852	SPARE PARTS FOR DRILLING EQUIPMENT	16/6/00	30/9/00	2/10/00	9/10/00	UN periodically observing end use. (US)
10	602049	CATALYSTS	25/1/02	?	?	?	UN to observe end use and report back to the committee indicated ammonia output and chemical material balance. (US)
11	700038	BROILER PROTEIN CONCENTRATE	5/4/00	2/16/00	3/1/01	23/10/01 23/10/01 21/10/01 3/4/01 29/4/01 30/5/01 15/7/01 23/10/01 24/10/01 22/10/01 24/10/01	UN Monitoring (US)
12	700212	VERTICAL TURBINE PUMPS/SPARES	19/4/00	6/10/00	11/10/00	29/11/00 20/12/00 1/9/01	UN to observe proper use. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
13	700238	CORN SILO PLANTS	3/18/00	2/19/01	2/12/01	3/12/01 4/12/01 12/12/01 8/1/02 16/1/02 19/2/02 18/3/02 2/4/02	UN to observe installation. (US)
14	700631	CENTER PIVOT IRRIGATION SYSTEM	2/19/00	1/1/01	2/12/01	9/10/01 10/12/01 17/2/02 19/3/02 26/3/02 23/5/02	UN to observe end use. (US)
15	700657	TRACTOR SPARE PARTS	7/6/00	22/9/00	19/9/00	#####	UN to observe end use. (US)
16	700741	POWER TRANSFORMER; SWITCH GEAR WITH ACCESSORIES	15/9/00	3/6/01	25/6/01	5/11/01 6/11/01 14/1/02 10/2/02 9/7/01 22/7/01 25/7/01 7/8/01 12/8/01 19/8/01 27/10/01 28/10/01	UN to observe installation & end use. (US)

17/18 Sept

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
17	700851	HYDRAULIC EXCAVATORS W/ SPARE PARTS	16/6/00	26/10/00	18/12/00	15/4/02 7/5/02 25/1/01 8/1/01 30/1/01 22/2/01 3/3/02 17/3/02 18/3/02 18/3/02	UN to observe end use. (US)
18	700870	ARTIFICIAL INSEMINATION REQUIREMENTS	12/6/00	8/1/01	21/1/01	28/10/01 26/11/01 23/12/01 26/3/02 29/5/02 17/2/01 1/4/01 2/5/01 15/5/01 26/6/01 29/7/01 27/8/01 25/9/01	UN to observe end use. (US)
19	700879	TRUCK MOUNTED DIESEL COMPRESSOR	12/6/00	25/4/01	5/5/01	19/7/01 10/9/01 4/3/02	UN periodic observation of end use. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
20	700880	PUMPS AND SPARE PARTS	28/6/00	13/1/01	11/1/01	3/7/01 7/8/01 12/8/01 19/9/01 5/3/02 6/3/02 17/3/02 18/3/02 25/3/02 4/2/01 19/3/01 9/4/01 9/5/01 13/5/01 29/5/01 30/5/01 26/6/01	UN to observe proper use of equipment & spares. (US)
21	700897	EXCAVATORS & SPARE PARTS	16/6/00	3/1/01	24/6/01	29/7/01 30/7/01 19/3/02 26/6/01 27/6/01 27/6/01 27/6/01 27/7/01 15/7/01 16/7/01 18/7/01	UN to monitor end use. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
22	700956	CENTER PIVOT IRRIGATION SYSTEM	21/6/00	31/1/01	27/1/01	17/3/01 5/11/01 12/12/01 18/2/02 8/4/02 20/5/02	UN to monitor proper use of pumps. (US)
23	700958	CENTER PIVOT IRRIGATION SYSTEM	21/6/00	4/3/01	17/3/01	5/11/01 12/12/01	UN to monitor proper use of pumps. (US)
24	701058	HYDRAULIC EXCAVATORS W/ SPARE PARTS	6/7/00	17/1/01	13/1/01	##### UN to observe proper use. (US)	Discrepancy
25	701088	TIP TRUCKS	21/7/00	6/12/00	26/12/00	21/3/01 16/4/01 15/5/01 12/6/01 4/7/01 28/8/01 25/2/02 3/3/02 17/3/02 18/3/02 31/1/00 27/3/02 7/5/02 8/1/01 14/1/01 15/1/01 15/1/01 13/2/01 20/2/01 25/2/01	UN to verify delivery & end use. (US)
26	701156	VETRY-PHARMACEUTICALS	NO Arrival Date				UN to observe of end use of the vaccines.(US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
27	701245 X	GENERATING SET/SPARE PARTS	10/8/00	7/5/01 <u>25.2.01</u>	28/2/01	28/4/01 27/5/01 7/8/01 24/10/01 5/2/02	UN to observe end use. (US) Discrepancy
28	701274 X	ELECTRIC MOTORS	June 2001 28/7/00	10.12.01 10/2/01	10/12/01	? ? " "	UN to observe installation & periodic observation of proper use. (US)
29	701275 X	GEAR BOX	28/7/00	15/3/01	11/12/01	?	UN to observe installation & periodic check of end use. (US)
30	701328 X	MIXING PLANT FOR CONCRETE; ACCESSORIES; SPARE PARTS	3/8/00	5/2/01	4/2/01	12/2/02 13/2/02 3/3/02 18/3/02 18/5/02 7/5/02 8/7/01 3/8/01 5/8/01 27/8/01 29/8/01 30/10/01 5/12/01 11/2/02	UN to observe proper use. (US) Discrepancy



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No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
31	701453	SPRINKLER IRRIGATION SYSTEM	9/10/00	2/14/01	9/10/01	20/2/02 19/3/02 26/3/02 7/4/02 8/4/02 10/4/02 19/5/02 20/5/02 24/5/02 5/11/01 20/11/01 11/12/01 12/12/01 10/12/01 13/12/01 19/2/02 19/2/02	UN to observe end use. (US)
32	701458	PESTICIDE	12/12/00	17/7/01	21/1/01	24/1/01 #####	26.06.02 UN to observe end use. (UK)
33	701546	DIESEL GENERATING SETS W/ SPARE PARTS & ACCESSORIES	17/8/00	6/2/01	4/2/01	16/4/01 12/6/01 30/6/01 15/7/01 6/11/01 6/2/02 1/11/01 11/2/02	UN to observe end use (US)

445

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
34	701605	GENERATOR AND SPARE PARTS	17/8/00	5/3/01	14/3/01	23/5/01 11/6/01 11/6/01 14/6/01 17/6/01 19/6/01 3/7/01 8/7/01 22/7/01 25/7/01 29/4/01 9/8/01 11/2/02 11/2/02 12/2/02 18/2/02 19/2/02 3/3/02 4/3/02 4/3/02 6/3/02 6/5/01 1/4/02 1/4/02 7/5/01 15/5/01 15/5/01 20/5/01 21/5/01 22/5/01	UN to observe installation. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
35	702092 ✓	MOBILE CRANE WITH SPARE PARTS	7/12/00	8/7/01	1/7/01	5/3/02 25/3/02 12/8/01 27/8/01 19/9/01 22/9/01 1/11/01 4/2/02 9/1/02 11/2/02	UN to observe end use. (US)
36	702093 ✓	MOBILE CRANE WITH SPARE PARTS	9/1/01	26/6/01	26/6/01	30/9/01 26/2/02 27/2/02 28/8/01 9/9/01 15/9/01 29/9/01 29/9/01 30/9/01 30/9/01 30/9/01	UN to observe end use. (US)
37	702118 ✓	MOBILE CRANE WITH SPARE PARTS	7/12/00	10/9/01	9/9/01	20/9/01 20/9/01 25/3/02	UN to observe end use. (US)
38	702149 ✓	SPRAYERS <i>No arrival date.</i>	3/15/01	?	26/3/02		Monitoring of goods: Observers ensure goods to correct end location; Those unutilised stored in secure location; Random monitoring of end-user locations at discretion of OIP; Report to verify initial obs. & give info on number of unused items & expected use if possible. Further report at OIP discretion. Any irregularity to be reported. (UK)
39	702195 ✓	COMPRESSOR SPARE PARTS	7/11/00	28/2/01	3/3/01	10/3/01 17/3/01 29/12/01	UN to observe end use. (US)

No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
40	702214 ✓	MOBILE SUBSTATION	13/10/00	3/12/01	5/12/01	13/12/01 3/2/02	UN to observe end use. (US)
41	702407 ✓	FIRE FIGHTING VEHICLES WITH SPARES	7/11/00	15/6/02	?	?	UN observation. (US)
42	702409 ✓	GEAR BOXES	14/2/01	11/1/02	?	?	UN observation of installation. (US)
43	702521 ✓	AGRICULTURAL SUPPLIES	15/3/01	— ?	?	?	UN observation of installation. (US)
44	702655 ✓	STAINLESS STEEL PIPE AND FITTINGS	10/10/01	— ?	?	.	UN to observe delivery & installation & periodic end use. (US)
45	702687 ✓	GENERATING SET/SPARE PARTS	28/8/01	7/7/02			UN to observe the permanent installation of the generator sets at poultry farms & irrigation sites & periodic observation of their use. (US)
46	800592	VETERINARY VACCINE	21/6/01	5/2/02	28/2/02	15/4/02 28/5/02	UN to observe end use of vaccines. (US)
47	800665 ✓	VETY-PHARMACEUTICALS DISC + G.I.P. No	28/11/00	2/9/01	28/3/01	✗	UN to observe end use. (US) *v1 is Pre-Arrival observation.
48	800686 ✓	VACCINE	9/5/01	23/9/01	23/9/01	23/6/02 29/10/01 25/11/01 23/12/01 27/1/02 28/2/02 25/3/02 14/4/02 27/5/02	UN to observe end use. (US)

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No.	Comm.	Type of Goods	Date Approved	Arrived in Iraq	Initial Obs. Report	Follow-Ups Obs.	Special Handling Comments
49	800719	VETY-PHARMACEUTICALS <i>Discrepancy V Initial Report & Arrival Date</i>	12/12/00	17/4/01	28/3/01	4/12/01 5/12/01 9/12/01 10/12/01 23/12/01 23/12/01 13/5/01 25/6/01 28/7/01 26/8/01 24/9/01 29/10/01 25/11/01 2/12/01	UN to observe end use. (US) *v1 is Pre-Arrival observation.
50	800881	PESTICIDE	22/12/00	17/8/01	21/11/01		UN to observe end use. (US)
51	801241	GENERATING SETS AND PARTS	?	?	?	?	UN to observe receipt, permanent installation and periodically observe the use of all generators sets. (US)
52	801430	ELECTRO MAGNETIC VIBRATOR	?	?	?	?	UN to observe delivery and permanent installation. (US)
53	801548	CENTER PIVOT IRRIGATION SYSTEM	?	?	?	?	Monitoring of impex-rated fiberglass tanks: Observers ensure goods to correct end location; Those unutilised stored in secure location; Random monitoring of end-user locations at discretion of OIP; Report to verify initial obs. & give info on number of unused items & expected use if possible. Further report at OIP discretion. Any irregularity to be reported. (UK)