

CRS Report for Congress

Iraq-Kuwait: U.N. Security Council Resolutions Texts and Votes--1991

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April 30, 1991
(Updated October 25, 1991)



LTK 91-617

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**IRAQ-KUWAIT:
U.N. SECURITY COUNCIL RESOLUTIONS
TEXTS AND VOTES--1991**

SUMMARY

The United Nations Security Council has adopted twelve resolutions on the Iraq-Kuwait crisis since the war ended in 1991. These resolutions provide for a cessation of hostilities (S/RES/686 (1991)); a comprehensive cease-fire (S/RES/687 (1991)); the plight of the Iraqi civilian population (S/RES/688 (1991)); establishment of the U.N. Iraq-Kuwait Observation Mission (UNIKOM - S/RES/689 (1991)); establishment of the U.N. Compensation Fund and Compensation Commission (S/RES/692 (1991)); plans for the destruction or removal of weapons of mass destruction and Iraqi liability for that destruction (S/RES/699 (1991)); guidelines for implementing arms and related sanctions against Iraq (S/RES/700 (1991)); 30 percent ceiling on Iraqi payments into a compensation fund (S/RES/705 (1991)); authorization of Iraqi oil sale (S/RES/706 (1991)); Iraqi non-compliance on weapons of mass destruction (S/RES/707 (1991)); approval of \$1.6 billion limit on oil sales (S/RES/712 (1991)); and approval of plans for monitoring Iraqi compliance on weapons of mass destruction (S/RES/715 (1991)). The texts of these resolutions, along with the votes by members of the Council, are included in this report, which is updated as new resolutions are adopted. The texts of the 12 resolutions adopted in 1990 may be found in CRS Report 90-513F, December 4, 1990.

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**IRAQ-KUWAIT:
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INTRODUCTION

The Iraqi invasion of Kuwait on August 1-2, 1990, set into motion a series of actions by the United Nations Security Council. Between August 2 and the end of 1990, the Council adopted 12 resolutions on Iraq. The texts of those resolutions may be found in CRS Report 90-513F, December 4, 1990.

In 1991, the Security Council has adopted twelve resolutions. They concern the following issues:

- cessation of hostilities (**S/RES/686 (1991)**);
- comprehensive cease-fire (**S/RES/687 (1991)**);
- the plight of the Iraqi civilian population (**S/RES/688 (1991)**);
- establishment of the U.N. Iraq-Kuwait Observation Mission (UNIKOM - **S/RES/689 (1991)**);
- establishment of the U.N. Compensation Fund and Compensation Commission (**S/RES/692 (1991)**);
- UN/IAEA plans for and Iraqi liability for the destruction or removal of weapons of mass destruction (**S/RES/699 (1991)**);
- approval of guidelines for implementing arms and related sanctions against Iraq (**S/RES/700 (1991)**);
- decision that funds paid by Iraq into a compensation fund will not exceed 30 percent of the annual value of its petroleum exports (**S/RES/705 (1991)**);
- approval of import of Iraqi petroleum and petroleum products under specific conditions and for authorized purposes (**S/RES/706 (1991)**);
- Iraqi non-compliance with S/RES/687 (1991) provisions on weapons of mass destruction (**S/RES/707 (1991)**);
- approval of the sale of \$1.6 billion in Iraqi oil and the U.N. Secretary-General's plans for the purchase and distribution of humanitarian goods (**S/RES/712 (1991)**); and
- approval of plans for ongoing monitoring and verification of Iraq's compliance on weapons of mass destruction (**S/RES/715 (1991)**).

A copy of the U.N. Secretary-General's plan for UNIKOM is included after S/RES/689 (1991). A copy of the Secretary-General's plan for the Compensation Fund and Commission is included after S/RES/692 (1991). A copy of the U.N. and IAEA plans for destruction or removal of weapons of mass destruction, as approved by S/RES/699 (1991), is included after the text of that resolution. A copy of the guidelines drafted by the Secretary-General follows the text of S/RES/700 (1991). Excerpts from the report of the U.N. Secretary-General on

oil sales and humanitarian needs follow the text of S/RES/712 (1991). Excerpts from the U.N. (annexes II-IV omitted) and IAEA (annexes omitted) plans for continued monitoring and verification are included following the text of S/RES/715 (1991).

The numbers and votes of those resolutions are listed below and the full text of each resolution is included in this report. Each vote is listed as follows: the number in favor, the number opposed, and the number that abstained.

The Security Council is composed of 15 members. Five nations are permanent members of the Council: China, France, U.S.S.R., United Kingdom, and United States. The 10 nonpermanent members of the Council in 1991 are Austria, Belgium, Côte d'Ivoire, Cuba, Ecuador, India, Romania, Yemen, Zaire, and Zimbabwe.

LIST OF RESOLUTIONS AND VOTES

- **S/RES/686 (1991), 2 March 1991**
Vote: 11-1 (Cuba) -3 (China, India, Yemen)
- **S/RES/687 (1991), 3 April 1991**
Vote: 12-1 (Cuba) -2 (Ecuador, Yemen)
- **S/RES/688 (1991), 5 April 1991**
Vote: 10-3 (Cuba, Yemen, Zimbabwe) -2 (China, India)
- **S/RES/689 (1991), 9 April 1991**
Vote: 15-0-0
- **S/RES/692 (1991), 20 May 1991**
Vote: 14-0-1 (Cuba)
- **S/RES/699 (1991), 17 June 1991**
Vote: 15-0-0
- **S/RES/700 (1991), 17 June 1991**
Vote: 15-0-0
- **S/RES/705 (1991), 15 August 1991**
Vote: 15-0-0
- **S/RES/706 (1991), 15 August 1991**
Vote: 13-1 (Cuba) -1 (Yemen)
- **S/RES/707 (1991), 15 August 1991**
Vote: 15-0-0
- **S/RES/712 (1991), 19 September 1991**
Vote: 13-1 (Cuba) -1 (Yemen)
- **S/RES/715 (1991), 11 October 1991**
Vote: 15-0-0

TEXTS OF THE RESOLUTIONS

UNITED
NATIONS

S



Security Council

Distr.
GENERAL

S/RES/686 (1991)
2 March 1991

RESOLUTION 686 (1991)

Adopted by the Security Council at its 2978th meeting, on 2 March 1991

The Security Council,

Recalling and reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990), 669 (1990), 670 (1990), 674 (1990), 677 (1990), and 678 (1990),

Recalling the obligations of Member States under Article 25 of the Charter,

Recalling paragraph 9 of resolution 661 (1990) regarding assistance to the Government of Kuwait and paragraph 3 (c) of that resolution regarding supplies strictly for medical purposes and, in humanitarian circumstances, foodstuffs,

Taking note of the letters of the Foreign Minister of Iraq confirming Iraq's agreement to comply fully with all of the resolutions noted above (S/22275), and stating its intention to release prisoners of war immediately (S/22273),

Taking note of the suspension of offensive combat operations by the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990),

Bearing in mind the need to be assured of Iraq's peaceful intentions, and the objective in resolution 678 (1990) of restoring international peace and security in the region,

Underlining the importance of Iraq taking the necessary measures which would permit a definitive end to the hostilities,

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

Acting under Chapter VII of the Charter,

1. Affirms that all twelve resolutions noted above continue to have full force and effect;

2. Demands that Iraq implement its acceptance of all twelve resolutions noted above and in particular that Iraq:

(a) Rescind immediately its actions purporting to annex Kuwait;

(b) Accept in principle its liability under international law for any loss, damage, or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq;

(c) Immediately release under the auspices of the International Committee of the Red Cross, Red Cross Societies, or Red Crescent Societies, all Kuwaiti and third country nationals detained by Iraq and return the remains of any deceased Kuwaiti and third country nationals so detained; and

(d) Immediately begin to return all Kuwaiti property seized by Iraq, to be completed in the shortest possible period;

3. Further demands that Iraq:

(a) Cease hostile or provocative actions by its forces against all Member States, including missile attacks and flights of combat aircraft;

(b) Designate military commanders to meet with counterparts from the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990) to arrange for the military aspects of a cessation of hostilities at the earliest possible time;

(c) Arrange for immediate access to and release of all prisoners of war under the auspices of the International Committee of the Red Cross and return the remains of any deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990); and

(d) Provide all information and assistance in identifying Iraqi mines, booby traps and other explosives as well as any chemical and biological weapons and material in Kuwait, in areas of Iraq where forces of Member States cooperating with Kuwait pursuant to resolution 678 (1990) are present temporarily, and in the adjacent waters;

4. Recognizes that during the period required for Iraq to comply with paragraphs 2 and 3 above, the provisions of paragraph 2 of resolution 678 (1990) remain valid;

5. Welcomes the decision of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990) to provide access and to commence immediately the release of Iraqi prisoners of war as required by the terms of the

/...

Third Geneva Convention of 1949, under the auspices of the International Committee of the Red Cross;

6. Requests all Member States, as well as the United Nations, the specialized agencies and other international organizations in the United Nations system, to take all appropriate action to cooperate with the Government and people of Kuwait in the reconstruction of their country;

7. Decides that Iraq shall notify the Secretary-General and the Security Council when it has taken the actions set out above;

8. Decides that in order to secure the rapid establishment of a definitive end to the hostilities, the Security Council remains actively seized of the matter.

S

UNITED
NATIONS**Security Council**Distr.
GENERALS/RES/687 (1991)*
8 April 1991

RESOLUTION 687 (1991)

Adopted by the Security Council at its 2981st meeting,
on 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 sent by the Minister for Foreign Affairs of Iraq on 27 February 1991 1/ and those sent pursuant to resolution 686 (1991), 2/

* Reissued for technical reasons.

1/ S/22275, annex.

2/ S/22273, S/22276, S/22320, S/22321 and S/22330.

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", thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which 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 within its borders as specified and accepted 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 Geneva 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, 3/ 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 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, 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, 4/

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this 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,

3/ League of Nations, Treaty Series, vol. XCIV (1929), No. 2138.

4/ General Assembly resolution 2826 (XXVI), annex.

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,^{5/}

Recalling the objective of the establishment of a nuclear-weapons-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 that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages,^{6/} opened for signature at 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 of the Secretary-General of 20 March 1991^{7/} and 28 March 1991,^{8/} 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 recent resolutions of the Security Council,

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

5/ General Assembly resolution 2373 (XXII).

6/ General Assembly resolution 34/146.

7/ S/22366.

8/ S/22409.

1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this 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", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, Treaty Series, 1964;

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 map transmitted by Security Council document S/22412 and to report back to the Security 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 Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah 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" of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and 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 Security 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 Geneva 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,

/...

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;

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;

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

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

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration of 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 passage 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) above, including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above 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) above;
- (iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency required in paragraphs 12 and 13 below;

10. Decides that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above 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 this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of this resolution;

/...

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

12. Decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-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-weapons-usable materials under the exclusive control, for custody and removal, of the International Atomic Energy 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) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, 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 below 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, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, 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 Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval by the Security 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 of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 above, 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 Security Council for approval within one hundred and twenty days of the passage of the present resolution;

14. Takes note that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of the present resolution 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 Security 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 the debts and obligations of Iraq 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 Iraq's 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 above and to establish a Commission that will administer the fund;

19. Directs the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17 and 18 above, including: 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 the exports of petroleum and petroleum products from Iraq 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 above; 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 of the Secretary-General dated 20 March 1991, ^{9/} and in any further findings of humanitarian need by the Committee;

21. Decides that the Security Council shall review the provisions of paragraph 20 above 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 Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. Decides that upon the approval by the Security Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, 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 that, pending action by the Security Council under paragraph 22 above, the Security Council Committee established by resolution 661 (1990) 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 above, 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 a further decision is taken by the Security Council, all States shall continue to prevent the sale or supply, or the promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related materiel 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 above not otherwise covered above;

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

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

25. Calls upon all States and international organizations to act strictly in accordance with paragraph 24 above, 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 Security Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, 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 Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, 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, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage 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 Security Council in resolution 661 (1990) and related resolutions;

G

30. Decides that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country 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 country nationals or their remains present in Iraq on or after 2 August 1990;

H

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

I

33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, 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 area.



Security Council

Distr.
GENERAL

S/RES/688 (1991)
5 April 1991

RESOLUTION 688 (1991)

Adopted by the Security Council at its 2982nd meeting,
on 5 April 1991

The Security Council,

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

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

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

Deeply disturbed by the magnitude of the human suffering involved,

Taking note of the letters sent by the representatives of Turkey and France to the United Nations dated 2 April 1991 and 4 April 1991, respectively (S/22435 and S/22442),

Taking note also of the letters sent by the Permanent Representative of the Islamic Republic of Iran to the United Nations dated 3 and 4 April 1991, respectively (S/22436 and S/22447),

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

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

1. Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, the consequences of which threaten international peace and security in the region;

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

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

4. Requests the Secretary-General to pursue his humanitarian efforts in Iraq and to report forthwith, if appropriate on the basis of a further mission to the region, on the plight of the Iraqi civilian population, and in particular the Kurdish population, suffering from the repression in all its forms inflicted by the Iraqi authorities;

5. Requests further the Secretary-General to use all the resources at his disposal, including those of the relevant United Nations agencies, to address urgently the critical needs of the refugees and displaced Iraqi population;

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

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

8. Decides to remain seized of the matter.



Security Council

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S/RES/689 (1991)
9 April 1991

RESOLUTION 689 (1991)

Adopted by the Security Council at its 2983rd meeting,
on 9 April 1991

The Security Council,

Recalling its resolution 687 (1991),

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

1. Approves the report of the Secretary-General on the implementation of paragraph 5 of Security Council resolution 687 (1991) contained in document S/22454 and Add. 1-3 of 5 and 9 April 1991, respectively;

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

3. Decides that the modalities for the initial six-month period of the United Nations Iraq-Kuwait Observation Mission shall be in accordance with the above-mentioned report and shall also be reviewed every six months.



Security Council

Distr.
GENERAL

S/22454
5 April 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

1. The present report is submitted in pursuance of Security Council resolution 687 (1991) of 3 April 1991. In paragraph 5 of that resolution, the Council established a demilitarized zone along the boundary between Iraq and Kuwait and requested the Secretary-General to submit to the Council, within three days, for approval a plan for the immediate deployment of a United Nations observer unit.

Terms of reference

2. In accordance with paragraph 5 of resolution 687 (1991), the terms of reference of the unit, which I propose should be called the "United Nations Iraq-Kuwait Observation Mission" (UNIKOM), would be:

(a) To monitor the Khor Abdullah and a demilitarized zone extending 10 kilometres into Iraq and 5 km 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 of 4 October 1963; 1/

(b) To deter violations of the boundary through its presence in and surveillance of the demilitarized zone;

(c) To observe any hostile or potentially hostile action mounted from the territory of one State to the other.

General principles

3. Four essential conditions would have to be met for UNIKOM to be effective: first, it would need to have at all times the confidence and backing of the Security Council. Second, it would have to be given the necessary cooperation of the parties. Third, it would have to function as an integrated and efficient military unit. Fourth, adequate financial arrangements would have to be made to cover its costs.

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4. In accordance with established principles,

(a) UNIKOM would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. Command in the field would be exercised by a Chief Military Observer appointed by the Secretary-General with the consent of the Security Council. The Chief Military Observer would be responsible to the Secretary-General. The Secretary-General would report regularly to the Security Council on the operations of UNIKOM and immediately if there were serious violations of the demilitarized zone or potential threats to peace. All matters that might affect the nature or the continued effective functioning of UNIKOM would be referred to the Council for its decision;

(b) UNIKOM would be composed of military contingents provided by Member States at the request of the Secretary-General. The military contingents would be selected in consultation with the parties and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographic representation;

(c) As recommended below, the contingents would comprise armed and unarmed military personnel. UNIKOM and its personnel would be authorized to use force only in self-defence;

(d) UNIKOM would proceed on the assumption that the parties would take all the necessary steps to comply with the decisions of the Security Council. It would have to have the freedom of movement and communication and other rights and facilities that would be necessary for the performance of its tasks. UNIKOM and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations; agreements with the host Governments concerning the status of UNIKOM would have to be concluded without delay. The Governments of Iraq and Kuwait would be expected to provide, free of charge, the land and premises required by UNIKOM.

Considerations relevant to the discharge of the mandate

5. As an observation mission, UNIKOM would be required to monitor and observe and would not be expected and, indeed, would not be authorized to take physical action to prevent the entry of military personnel or equipment into the demilitarized zone. Further, it is my understanding that the clause requiring UNIKOM to "observe any hostile or potentially hostile action mounted from the territory of one State to the other" refers to activities that can be observed in or from the Khor Abdullah and the demilitarized zone.

6. UNIKOM would not assume responsibilities that fall within the competence of the host Governments and would avoid unnecessary interference in the normal civilian life of the area. It is assumed that the Governments of Iraq and Kuwait would each carry out all aspects of civilian administration in their respective part of the demilitarized zone, including the maintenance of law and order. At the same time, if UNIKOM is to be effective, it would need to have certain powers and facilities. In this connection, the two Governments would be expected to extend to UNIKOM full freedom of movement, on land and through the air, across the border and

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throughout the demilitarized zone; to control movement into and out of the demilitarized zone by requiring all traffic to be routed past United Nations observation posts; to notify UNIKOM in advance of sea and air traffic in the demilitarized zone and the Khor Abdullah; and to establish limitations on the right of their citizens to bear arms in the demilitarized zone. Further details regarding the regulation of activities in the demilitarized zone and the Khor Abdullah would be worked out in consultation with the two Governments, including the number and armament of police deployed in the area.

Area of operation

7. The demilitarized zone is about 200 km long, the Khor Abdullah about 40 km. For the most part, the zone is barren and almost uninhabited, except for the oilfields and two towns, Umm Qasr and Safwan. A small airfield is at Safwan. A port and airfield are at Umm Qasr, which became Iraq's only outlet to the sea after the Shatt al-Arab was blocked. A number of roads cross the demilitarized zone, most of them in the eastern part, but the terrain makes cross-country travel easy, and the inhabitants, particularly the bedouins, are accustomed to moving freely throughout the area and across the border.

Concept of operation

8. In order to carry out the mandate defined by the Security Council, UNIKOM would monitor the situation (on a continuing basis) to ensure that no military personnel and equipment were within the demilitarized zone and that no military fortifications and installations were maintained in it. To this end, it would:

- (a) Monitor the withdrawal of any armed forces now in the zone which is to be demilitarized;
- (b) Operate observation posts on the main roads to monitor traffic into and out of the demilitarized zone;
- (c) Operate observation posts at selected locations in the demilitarized zone;
- (d) Conduct patrols throughout the demilitarized zone by land and by air;
- (e) Monitor the Khor Abdullah from observation posts set up on its shores and from the air;
- (f) Carry out investigations.

Requirements

9. The tasks defined above are essentially tasks for military observers. However, in the circumstances obtaining in the UNIKOM area of operations, they could not be carried out by military observers alone. This is for three main reasons.

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10. First, the area of operations, apart from Umm Qasr and territory to the east of it, is currently controlled by the forces of Member States cooperating with Kuwait. As those forces bring their military presence in Iraq to an end, in accordance with paragraph 6 of resolution 687 (1991), there is a risk that disorder would ensue, at least for a period of time. In particular, the forces of Member States cooperating with Kuwait are at present providing humanitarian assistance to some tens of thousands of refugees and displaced persons, many of them in what will become the UNIKOM area of operations. I am taking urgent steps to arrange for the United Nations system to provide such humanitarian support as may be needed by these people. It is also hoped that the host Governments' police forces would soon be in a position to maintain law and order in their respective parts of the demilitarized zone. Nevertheless, during this delicate transitional phase there might well be a threat to the security of UNIKOM personnel, equipment and supplies. My plan therefore includes the provision of an infantry element to ensure UNIKOM's security at that stage.

11. Second, I have been informed by Member States cooperating with Kuwait that mines and unexploded ordnance are a serious hazard in the area. Considerable effort would be required to clear areas required for UNIKOM observation posts and other installations, to make existing roads and tracks safe for patrolling and to establish additional tracks to enable UNIKOM to patrol the length and breadth of the demilitarized zone. Unless satisfactory arrangements can be made to complete this work before UNIKOM is deployed, the mission would have to include a field engineer unit.

12. Third, the demilitarized zone is barren and sparsely populated, the climate is harsh and the infrastructure in the area has suffered greatly. The military observers would therefore need a greater degree of logistic support than is the case in areas that are more settled and have less severe climates. There would thus be a continuing need for a logistic unit.

13. To carry out the tasks described in paragraph 8 above, a group of 300 military observers would be required initially, although this number would be reviewed as the mission gained experience and refined its methods. As regards support for the observers, my plan would be to assign temporarily to UNIKOM five infantry companies drawn from existing peace-keeping operations in the region, with the agreement of the troop-contributing Governments concerned. These units would provide essential security for UNIKOM during the setting-up phase. The Chief Military Observer would be instructed to advise me, approximately four weeks after the beginning of the operation, whether he foresaw a continuing need for an infantry element. If he did, I would seek the Council's authority to replace the units temporarily assigned to UNIKOM with one or more battalions on a more permanent basis. As indicated in paragraph 11 above, a field engineer unit would also be required if the necessary clearance of mines and unexploded ordnance had not been completed by the time UNIKOM was deployed. In addition, UNIKOM would have an air unit with fixed-wing aircraft and light helicopters, a logistic unit responsible primarily for medical care, supply and transport, and a headquarters unit. The maximum initial strength of UNIKOM would be approximately 1,440 all ranks, of which the infantry temporarily attached to it from already established missions would be approximately 680, and the field engineer unit, if it is deployed, approximately 300.

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14. UNIKOM's headquarters would need to be within the demilitarized zone, where Umm Qasr would seem to be the most suitable location. A logistic base would be established in Kuwait. The military observers and the infantry units would be deployed throughout the demilitarized zone. Liaison offices would be maintained at Baghdad and Kuwait City. At the start of the mission, liaison would also need to be maintained with the forces of the Member States cooperating with Kuwait, whose withdrawal through the demilitarized zone would need to be coordinated with UNIKOM.

15. A preliminary estimate of the cost of UNIKOM and my observations on its financing will be circulated in an addendum to the present report.

Consultations with the parties

16. As already stated, UNIKOM would be able to function effectively only with the full cooperation of the parties. In accordance with resolution 687 (1991), I have informed the Permanent Representatives of Iraq and Kuwait of the plan contained in the present report and requested their urgent confirmation that their respective Governments would cooperate with the United Nations on this basis. I will report further to the Security Council as soon as this has been received.

Notes

1/ United Nations Treaty Series, vol. 485, No. 7063.



Security Council

Distr.
GENERAL

S/22454/Add.1
5 April 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

Estimated cost and method of financing

1. Should the Security Council establish the United Nations Iraq-Kuwait Observation Mission (UNIKOM) on the basis set out in the main part of the present report, it is estimated that the cost of the Mission for the first six months would be approximately \$83 million. The costs of continuing UNIKOM for the following six months would be approximately \$40 million. These estimates do not include additional costs that would be incurred if the infantry units temporarily assigned to UNIKOM are replaced with infantry battalions on a more permanent basis; nor do they include the costs that would be incurred if the engineer unit had to be continued beyond six months. These are preliminary estimates, which might be subject to revision as further details are clarified and/or as a result of decisions taken by the Security Council.
2. It would be my recommendation that the costs of the Mission be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter. I would recommend to the General Assembly that the assessments to be levied on Member States be credited to a special account that would be established for this purpose.
3. The capacity of the United Nations to deploy UNIKOM would depend in large measure on the availability of the financial resources necessary to meet the start-up costs of the operation. This in turn would depend not only on the appropriation of the necessary funds by the Assembly but, equally importantly, on the receipt from Member States of their assessed contributions. As is known, the payment of assessed contributions for peace-keeping operations established by the Security Council has been at rates far lower than were necessary to meet cash-flow requirements. In order to meet the start-up costs of UNIKOM, I would therefore appeal to Member States to make voluntary payments, which would be repaid as soon as sufficient assessed contributions have been received. I would also appeal to Member States to make voluntary contributions in cash and in kind for setting up and maintaining the Mission.

4. I take this opportunity to point out that the above cost estimate covers only paragraph 5 of resolution 687 (1991). The financial implications of the resolution's other provisions will become clearer after the necessary detailed examination of the manner in which these provisions may be implemented by the Secretary-General and of the various commissions to be established under the resolution. It is already apparent, however, that the aggregate financial implications of the resolution are likely to be quite substantial.



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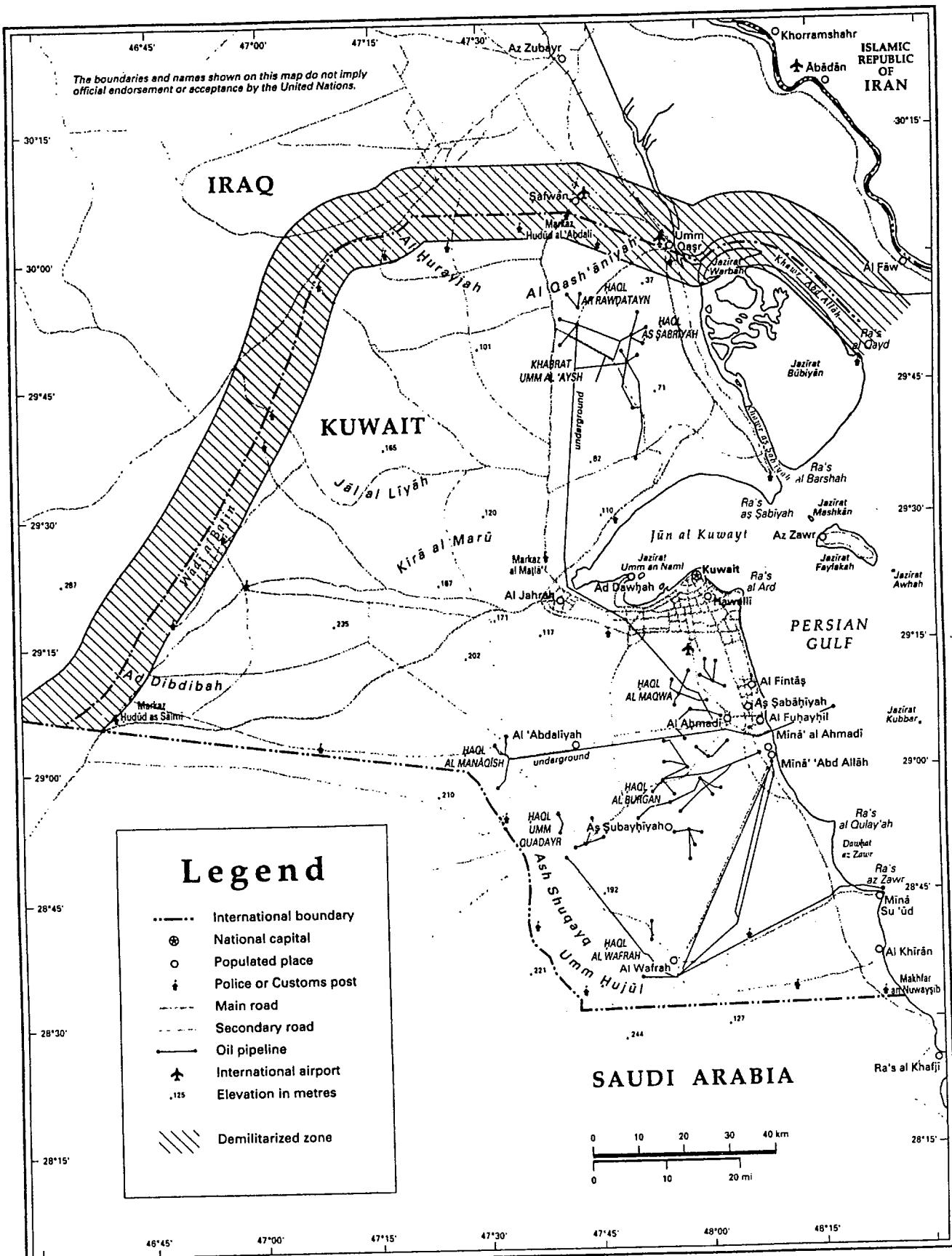
S/22454/Add.2
5 April 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF
PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

MAP





Security Council

Distr.
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S/22454/Add.3
9 April 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

Addendum

1. In reference to paragraph 16 of my report of 5 April 1991 (S/22454), the Permanent Representative of Iraq informed me on 8 April 1991 that his Government accepted the plan contained in my report and would cooperate with the United Nations on that basis.
 2. On 9 April 1991, the representative of Kuwait conveyed to me his Government's acceptance of the plan and its undertaking to cooperate with the United Nations on its implementation.
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Security Council

Distr.
GENERAL

S/RES/692 (1991)
20 May 1991

RESOLUTION 692 (1991)

Adopted by the Security Council at its 2987th meeting,
on 20 May 1991

The Security Council,

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

Taking note of the Secretary-General's report of 2 May 1991 (S/22559), submitted in accordance with paragraph 19 of resolution 687 (1991).

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

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

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

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

1/ S/22559.

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

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

6. Decides that the requirement for Iraqi contributions will apply in the manner to be prescribed by the Governing Council with respect to all Iraqi petroleum and petroleum products exported from Iraq after 3 April 1991 as well as such petroleum and petroleum products exported earlier but not delivered or not paid for as a specific result of the prohibitions contained in Security Council resolution 661 (1990);

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

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

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

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



Security Council

Distr.
GENERAL

S/22559
2 May 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 19 OF SECURITY COUNCIL RESOLUTION 687 (1991)

INTRODUCTION

1. The present report is submitted pursuant to paragraph 19 of Security Council resolution 687 (1991) of 3 April 1991. In paragraph 16 of that resolution, the Council reaffirmed that Iraq "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 Iraq's unlawful invasion and occupation of Kuwait". In paragraph 17 of the resolution, the Council decided "that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void", and demanded that "Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt". The Council also decided, in paragraph 18 of the resolution, "to create a fund to pay compensation for claims that fall within the scope of paragraph 16 ... and to establish a Commission that will administer the fund".

2. In paragraph 19 of the resolution, the Security Council directed the Secretary-General "to develop and present to the Security Council for decision, no later than 30 days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 ..., and for a programme to implement the decisions in paragraphs 16, 17 and 18 ... including: 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 the exports of petroleum and petroleum products from Iraq 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 [in paragraph 18]". In making the following recommendations, I have borne in mind the need for maximum transparency, efficiency, flexibility and economy in the institutional framework that will be required for the implementation of the decisions contained in paragraphs 16, 17 and 18 of the resolution.

I. INSTITUTIONAL FRAMEWORK

A. The Fund

3. The Fund created by paragraph 18 of Security Council resolution 687 (1991) will be established by the Secretary-General as a special account of the United Nations. The Fund will be known as the United Nations Compensation Fund (hereinafter referred to as "the Fund"). The Fund will be operated in accordance with the United Nations Financial Regulations and Rules. As a special account of the United Nations, the Fund, therefore, will enjoy, in accordance with Article 105 of the Charter and the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, ^{1/} the status, facilities, privileges and immunities accorded to the United Nations. The Fund will be used to pay compensation for "any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait" as provided for in paragraph 16 of resolution 687 (1991).

B. The Commission

4. The Fund is to be administered by the Commission established by the Security Council in paragraph 18 of resolution 687 (1991). The Commission, which is to be known as the United Nations Compensation Commission (hereinafter referred to as "the Commission"), will function under the authority of the Security Council and be a subsidiary organ thereof. In accordance with the terms of paragraph 19 of resolution 687 (1991), in carrying out its functions, the Commission will be required to address a variety of complex administrative, financial, legal and policy issues, including the mechanism for determining the level of contribution to the Fund; the allocation of funds and payments of claims; the procedures for evaluating losses, listing claims and verifying their validity; and resolving disputed claims. In the light of the multifarious nature of the tasks to be performed by the Commission, it will, in my view, be necessary to distinguish between questions of policy and the functional aspects of the Commission's work. The Commission should, therefore, operate at a policy-making level and a functional level. A secretariat will be necessary for servicing the work of the Commission at both the policy-making and the functional levels.

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C. Structure and composition of the Commission

5. The principal organ of the Commission will be a 15-member Governing Council composed of the representatives of the current members of the Security Council at any given time. The Governing Council will be assisted by a number of commissioners who will perform the tasks assigned to them by the Governing Council. The precise number of commissioners will be determined by the Governing Council in the light of the tasks to be performed. The commissioners will be experts in fields such as finance, law, accountancy, insurance and environmental damage assessment, who will act in their personal capacity. They will be nominated by the Secretary-General and appointed by the Governing Council for specific tasks and terms. In nominating the commissioners, the Secretary-General will pay due regard to the need for geographical representation, professional qualifications, experience and integrity. The Secretary-General will establish a register of experts which might be drawn upon when commissioners are to be appointed.

6. A secretariat, composed of an Executive Secretary and the necessary staff, will be established to service the Commission. The Executive Secretary's primary responsibility will be the technical administration of the Fund and the servicing of the Commission. He will be appointed by the Secretary-General after consultation with the Governing Council. The staff of the secretariat will be appointed by the Secretary-General. The Executive Secretary and staff will serve under the United Nations Staff Regulations and Rules.

D. Status, privileges and immunities of the Commission

7. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 ^{1/} will apply to the Commission and its secretariat. The members of the Governing Council will have the status of representatives of States, the commissioners will have the status of experts on missions within the meaning of article VI of the Convention and the Executive Secretary and the staff of the secretariat will have the status of officials within the meaning of articles V and VII of the Convention.

E. Expenses of the Commission

8. The expenses of the Commission will be borne by the Fund. More detailed recommendations regarding the budgetary administration of the Commission are set out in paragraph 29 below.

F. Headquarters of the Commission

9. For reasons of economy and practicality, particularly in the secretariat servicing of the Governing Council and the commissioners, the headquarters of the Commission should be in New York. Alternatively, it might be located at the site of one of the two Offices of the United Nations in Europe, i.e.

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Geneva or Vienna. The Governing Council may decide whether some of the activities of the Commission should be carried out elsewhere.

G. Functions of the Commission

1. The Governing Council

10. As the policy-making organ of the Commission, the Governing Council will have the responsibility for establishing guidelines on all policy matters, in particular, those relating to the administration and financing of the Fund, the organization of the work of the Commission and the procedures to be applied to the processing of claims and to the settlement of disputed claims, as well as to the payments to be made from the Fund. In addition to its policy-making role, the Governing Council will perform important functional tasks with respect to claims presented to the Commission. Except with regard to the method of ensuring that payments are made to the Fund, which should be decided upon by consensus, the decisions of the Governing Council should be taken by a majority of at least nine of its members. No veto will apply in the Governing Council. If consensus is not achieved on any matter for which it is required, the question will be referred to the Security Council on the request of any member of the Governing Council. The Governing Council may invite States that it considers to have particular interest in its work to participate without a vote in its discussions. It may also invite members of the United Nations Secretariat or other persons to supply it with information or to give other assistance in examining matters within its competence. The Governing Council will, on behalf of the Commission, report periodically to the Security Council.

2. The commissioners

11. The commissioners will, under the guidelines established by the Governing Council, carry out such tasks and responsibilities as may be assigned to them by the Governing Council.

3. The secretariat

12. Under the direction of the Executive Secretary, the secretariat will carry out such tasks as may be assigned to it by the Governing Council and the commissioners, in particular the technical administration of the Fund, and the provision of secretariat services to the Governing Council and the commissioners.

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II. THE IMPLEMENTATION OF THE DECISIONS CONTAINED IN PARAGRAPHS 16, 17 AND 18 OF RESOLUTION 687 (1991)

A. Mechanisms for determining the appropriate level of Iraq's contribution to the Fund

13. In accordance with the institutional framework outlined in section I above, it would be for the Governing Council to establish the mechanisms for determining the appropriate level of Iraq's contribution to the Fund in accordance with the criteria laid down in paragraph 19 of Security Council resolution 687 (1991). In carrying out this task, the Governing Council should consider the probable levels of future oil export revenues of Iraq, the amounts of military spending and arms imports in the past, the service of Iraq's foreign debt and the needs for reconstruction and development in the country. The objective should be to settle compensation claims within a reasonable period of time. The Governing Council will, of course, be free to draw upon expert advice as it sees fit. It might wish to be assisted by one or more commissioners who, under the guidance of and within the terms of reference provided by the Governing Council, might give advice with regard to the appropriate level of Iraq's contribution to the Fund as well as to the periodic monitoring of that level of contribution. Simultaneously with the establishment of the Governing Council, I will undertake the appropriate consultations as required by paragraph 19 of resolution 687 (1991) so that, as soon as possible, I will be in a position to suggest the figure not to be exceeded by the Iraqi contribution.

B. Arrangements for ensuring that payments are made to the Fund

14. The arrangements for ensuring payments to the Fund are among the most technical and difficult of the tasks that have been entrusted to the Commission. The decisions taken in this regard will determine, inter alia, the financial viability of the Fund and its capacity to meet the compensation claims decided upon by the Commission as well as the size and organization of the secretariat.

15. In addressing the question of the possible arrangements for ensuring payments to the Fund, there is an obvious necessity for securing constant and reliable financing of the Fund, without which the essential purpose of the Fund will be defeated. It is also desirable to seek modalities for the financing of the Fund that avoid the necessity of legal and other proceedings in a multiplicity of third countries and jurisdictions.

16. The legal basis for the payments by Iraq to the Fund is to be found in paragraph 19 of resolution 687 (1991). Iraq has officially notified the United Nations of its acceptance of the provisions of the resolution, including paragraph 19, in accordance with paragraph 33 of the resolution. It follows from paragraph 19 of resolution 687 (1991) that the method envisaged by the Security Council for the financing of the Fund is a contribution by Iraq based on a percentage of the value of its exports determined in

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accordance with the mechanism referred to in paragraph 13 above. It also follows from the resolution that the Security Council did not envisage using "frozen assets" of Iraq held in third countries for the financing of the Fund.

17. Under these circumstances, there are several options for ensuring that Iraq makes payments to the Fund. These options include the following:

(a) Iraq would pay to the Fund the established percentage of the market value of its exports of petroleum and petroleum products; the market value to be calculated on the day of the export. The payment would be effected in United States dollars and made within 30 days of the export from Iraq;

(b) An escrow account would be opened into which Iraq would deposit advance payments of lump sums equivalent to the estimated quarterly or semi-annual contribution required of it. These lump-sum payments would be re-evaluated periodically;

(c) A physical share of the exports would be taken and sold on the market on behalf of the Fund;

(d) The Fund would be designated as either the sole or co-beneficiary on the bill of lading or other title document and any letter of credit issued. The Fund, in turn, would retain its share and remit the remainder to Iraq;

(e) An escrow account provided with the appropriate privileges and immunities (e.g. at a central bank or an appropriate international institution) would be designated as beneficiary on the bill of lading or other title document and any letter of credit issued. The escrow agent would remit to the Fund the sum designated to be used to satisfy claims and the remainder to Iraq.

It would be for the Governing Council to decide among these various options.

18. All of these methods presuppose cooperation by Iraq and strict supervision of the exports of petroleum and petroleum products from Iraq. To this end, the Commission should arrange for appropriate monitoring. Whatever approach is adopted, should Iraq fail to meet its payment obligation, the Governing Council would report the matter to the Security Council.

19. It must be recognized that, in all probability, it may be some time before Iraq is able to resume oil exports. In the short term, the Fund is therefore unlikely to receive revenues, and some consideration will have to be given to the financing of the work of the Commission, a problem which is addressed in paragraph 29 below, but more particularly to the financing of the Fund in the near term from assets other than resumed oil exports by Iraq.

C. Claims procedure

20. The process by which funds will be allocated and claims paid, the appropriate procedures for evaluating losses, the listing of claims and the

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verification of their validity and the resolution of disputed claims as set out in paragraph 19 of resolution 687 (1991) - the claims procedure - is the central purpose and object of paragraphs 16 to 19 of resolution 687 (1991). It is in this area of the Commission's work that the distinction between policy-making and function is most important. The Commission is not a court or an arbitral tribunal before which the parties appear; it is a political organ that performs an essentially fact-finding function of examining claims, verifying their validity, evaluating losses, assessing payments and resolving disputed claims. It is only in this last respect that a quasi-judicial function may be involved. Given the nature of the Commission, it is all the more important that some element of due process be built into the procedure. It will be the function of the commissioners to provide this element. As the policy-making organ of the Commission, it will fall to the Governing Council to establish the guidelines regarding the claims procedure. The commissioners will implement the guidelines in respect of claims that are presented and in resolving disputed claims. They will make the appropriate recommendations to the Governing Council, which in turn will make the final determination. The recommendations that follow have been divided for the sake of convenience under three main headings: the filing of claims; the processing of claims; and the payments of claims.

1. Filing of claims

21. With regard to the filing of claims, the Governing Council must first decide in what manner the claims of foreign Governments, nationals and corporations are to be filed with the Commission. It is recommended that the Commission should entertain, as a general rule, only consolidated claims filed by individual Governments on their own behalf or on behalf of their nationals and corporations. The filing of individual claims would entail tens of thousands of claims to be processed by the Commission, a task which could take a decade or more and could lead to inequalities in the filing of claims disadvantaging small claimants. It will be for each individual Government to decide on the procedures to be followed internally in respect of the consolidation of the claim having regard to its own legal system, practice and procedures. The Governing Council may, in addition, consider whether, in exceptional circumstances involving very large and complex claims, a somewhat different procedure could apply. The question might be considered whether such claims, the character of which, of course, would have to be defined by the Governing Council, could be filed individually with the Commission by Governments, nationals or corporations and whether the individual Government, national or corporation could be authorized to present these claims.

22. In this context, there is another matter that requires consideration by the Commission and, regarding which the Governing Council should establish guidelines, namely the question of the exclusivity or non-exclusivity of the claims procedure foreseen in paragraph 19 of the resolution. It is clear from paragraph 16 of the resolution that the debts and obligations of Iraq arising prior to 2 August 1990 are an entirely separate issue and will be addressed "through the normal mechanisms". It is also clear from paragraph 16 that the

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resolution and the procedure foreseen in paragraph 19 relate to liability under international law. Resolution 687 (1991) could not, and does not, establish the Commission as an organ with exclusive competence to consider claims arising from Iraq's unlawful invasion and occupation of Kuwait. In other words, it is entirely possible, indeed probable, that individual claimants will proceed with claims against Iraq in their domestic legal systems. The likelihood of parallel actions taking place on the international level in the Commission and on the domestic level in national courts cannot be ignored. It is, therefore, recommended that the Governing Council establish guidelines regarding the non-exclusivity of claims and the appropriate mechanisms for coordination of actions at the international and domestic levels in order to ensure that the aggregate of compensation awarded by the Commission and a national court or commission does not exceed the amount of the loss. A particular problem might arise in this regard concerning default judgements obtained in national courts.

23. In addition to deciding on the consolidation of claims, the Governing Council may also wish to establish a categorization of claims according to both type and size. The categorization of claims according to type might, for example, distinguish between claims for loss of life or personal injury and property damage, environmental damage or damage due to the depletion of natural resources. The categorization of claims by size might for example, differentiate between small-, medium- and large-sized claims. A further categorization might be to distinguish between losses incurred by Governments, on the one hand, and losses incurred by nationals and corporations, on the other hand.

24. Governments could be requested by the Governing Council to use these categorizations when filing their consolidated claims. The Governing Council should also establish guidelines regarding the formal requirements for the presentation of claims such as the type of documentation to be presented in support of the claim and the time-delays for the filing of claims. The time-delays should be of sufficient length to permit Governments to establish and implement an internal procedure for the assembling and consolidation of claims. It is recommended that a fixed time period be established for the filing of all claims. A period of two years from the adoption of the filing guidelines would appear to be adequate. Alternatively, the Governing Council could set different filing periods for different types of claims in order to ensure that priority is given to certain claims, for example, loss of life or personal injury. In this respect, I am of the opinion that there would be some merit in providing for a priority consideration of small claims relating to losses by individuals so that these are disposed of before the consideration of claims relating to losses by foreign Governments and by corporations.

2. Processing of claims

25. The processing of claims will entail the verification of claims and evaluation of losses and the resolution of any disputed claims. The major

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part of this task is not of a judicial nature; the resolution of disputed claims would, however, be quasi-judicial. It is envisaged that the processing of claims would be carried out principally by the commissioners. Before proceeding to the verification of claims and evaluation of losses, however, a determination will have to be made as to whether the losses for which claims are presented fall within the meaning of paragraph 16 of resolution 687 (1991), that is to say, whether the loss, damage or injury is direct and as a result of Iraq's unlawful invasion and occupation of Kuwait. It is recommended that the Governing Council establish detailed guidelines regarding what constitutes such direct loss for the guidance of all claimants as well as the commissioners.

26. Claims will be addressed to the Commission. The Commission will make a preliminary assessment of the claims, which will be carried out by the Secretariat, to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to verification and evaluation by panels normally comprised of three commissioners for this purpose. In carrying out these tasks, it is recommended that the commissioners be given the necessary powers to request additional evidence, to hold hearings in which individual Governments, nationals and corporations can present their views and to hear expert testimony. The Governing Council might wish to address the question of possible assistance to ensure the adequacy of the representation of countries of limited financial means. Iraq will be informed of all claims and will have the right to present its comments to the commissioners within time-delays to be fixed by the Governing Council or the Panel dealing with the individual claim. Recommendations of the commissioners regarding the verification and evaluation of claims will be final and subject only to the approval of the Governing Council, which shall make the final determination. The Governing Council should have the power to return claims to the commissioners for further revision if it so decides.

27. Where a dispute arises out of the allegation made by a claimant that the Panel of Commissioners, in dealing with its claims, has made an error, whether on a point of law and procedure or on a point of fact, such disputes will be dealt with by a board of commissioners who for this purpose should be guided by such guidelines as have been established by the Governing Council and the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The UNCITRAL Arbitration Rules will be modified as necessary. The final decision will be made by the Governing Council.

3. Payment of claims

28. It is to be anticipated that the value of claims approved by the Commission will at any given time far exceed the resources of the Fund. It will, therefore, be incumbent upon the Commission to decide on an allocation of funds and a procedure for the payment of claims. It is recommended that the Governing Council establish criteria for the allocation of funds, taking into account the size of claims, the scope of the losses sustained by the

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country concerned and any other relevant factors. In this connection, it might be necessary to distinguish between Kuwait, on the one hand, and other countries on the other hand. As far as the payment of claims is concerned, it follows from the consolidation of the claims and their filing by individual Governments that payments will be made exclusively to Governments. Individual Governments will be responsible for the appropriate distribution to individual claimants. The Governing Council should establish further guidelines regarding the payment of claims, for example, whether claims should be paid in full or whether percentages should be paid. In the latter case, the unsatisfied portions of the claims will remain as outstanding obligations.

D. Expenses of the Commission

29. The expenses of the Commission, including those of the Governing Council, the commissioners and the secretariat, should in principle be paid from the Fund. However, as some time will elapse before the Fund is adequately financed, consideration must be given to the financial implications of the programme outlined. It is recommended that urgent consideration be given to the means by which the initial costs of the Commission will be met.

Notes

1/ General Assembly resolution 22 A (I).



Security Council

Distr.
GENERAL

S/RES/699 (1991)
17 June 1991

S

RESOLUTION 699 (1991)

Adopted by the Security Council at its 2994th meeting,
on 17 June 1991

The Security Council,

Recalling its resolution 687 (1991),

Taking note of the report of the Secretary-General of 17 May 1991
(S/22614), submitted to it in pursuance of paragraph 9 (b) of resolution
687 (1991),

Also taking note of the Secretary-General's note of 17 May 1991
(S/22615), transmitting to the Council the letter addressed to him under
paragraph 13 of the resolution by the Director-General of the International
Atomic Energy Agency (IAEA),

Acting under Chapter VII of the Charter,

1. Approves the plan contained in the report of the Secretary-General;
2. Confirms that the Special Commission and the IAEA have the authority
to conduct activities under section C of resolution 687 (1991), for the
purpose of the destruction, removal or rendering harmless of the items
specified in paragraphs 8 and 12 of that resolution, after the 45-day period
following the approval of this plan until such activities have been completed;
3. Requests the Secretary-General to submit to the Security Council
progress reports on the implementation of the plan referred to in paragraph 1
every six months after the adoption of this resolution;
4. Decides to encourage the maximum assistance, in cash and in kind,
from all Member States to ensure that activities under section C of resolution
687 (1991) are undertaken effectively and expeditiously; further decides,

however, that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C; and requests the Secretary-General to submit to the Council within 30 days for approval recommendations as to the most effective means by which Iraq's obligations in this respect may be fulfilled.



Security Council

Distr.
GENERAL

S/22614
17 May 1991

ORIGINAL: ENGLISH

Plan for the implementation of relevant parts of section C
of Security Council resolution 687 (1991)

Report of the Secretary-General

Introduction

1. The present report is submitted in pursuance of Security Council resolution 687 (1991) of 3 April 1991. In paragraph 9 (b) of that resolution, the Council decided that the Secretary-General, within 45 days of the adoption of the resolution, should develop and submit to it for approval a plan calling for the completion of the tasks enumerated in paragraphs 9 (b) (i to iii) and 10.

2. For the purpose of developing this plan, consultations were held with appropriate Governments, as called for in paragraphs 9 (b) and 13 of the resolution, and, where appropriate, with the Director General of the International Atomic Energy Agency (IAEA) and the Director-General of the World Health Organization (WHO). Furthermore, in order to assess the information submitted by the Government of Iraq and to assist me in developing the plan for the implementation of the tasks enumerated in section C of the resolution, I set up a Special Commission as described in my report of 18 April 1991 to the Security Council (S/22508), which the Council accepted on 19 April.

3. I appointed 21 experts as members of the Special Commission. I have requested Ambassador Rolf Ekeus (Sweden) to serve as its Executive Chairman and Dr. Robert Gallucci (United States of America) to serve as its Deputy Executive Chairman. The other members of the Special Commission are as follows: Dr. Paal Aas (Norway), Lieutenant General (ret.) Ken Adachi (Japan), Professor B. N. C. Agu (Nigeria), Lieutenant-Colonel Andrzej Badek (Poland), Professor Bryan C. Barrass (United Kingdom of Great Britain and Northern Ireland), Mr. Peter von Butler (Germany), Colonel Armando Caputo (Italy), Mr. Ronald Cleminson (Canada), Dr. John Gee (Australia), Professor Helmut Höning (Austria), Mr. B. A. Kuvshinnikov (Union of Soviet Socialist Republics), Dr. A. J. J. Ooms (Netherlands), Dr. Marjatta Rautio (Finland),

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Mr. Michel Saint Mleux (France), Mr. Roberto Sanchez (Venezuela), Lieutenant Colonel B. Simandjuntak (Indonesia), Dr. Miroslav Splino (Czechoslovakia), Mr. Emile Vanden Bemden (Belgium), Dr. Yuan Renfeng (China).

4. In order to enable the Special Commission as well as IAEA to discharge their responsibilities properly, a number of technical arrangements are being made to facilitate their work. They include the establishment of a field operations office and a support office. After consultations with the Governments concerned, the Field Operations Office is being set up in Bahrain. The Office will become fully operational by the end of May 1991. The Support Office is being established at Baghdad, Iraq.

I. THE PLAN

5. The provisions of section C of resolution 687 (1991) lend themselves to a three-stage implementation procedure: gathering and assessment of information; disposal of weapons and facilities and all other items specified in paragraphs 8 and 12 of resolution 687 (1991); and monitoring and verification of Iraq's compliance in the future.

A. Gathering and assessment of information

6. The first stage of the plan is of crucial importance for the success of the entire operation. It requires input from both the Iraqi Government and the Special Commission. Pursuant to paragraphs 9 (a) and 12, Iraq is responsible for the submission, within fifteen days of the adoption of the resolution, of information on the locations, amounts and types of all items specified in paragraphs 8 and 12, which are to be destroyed, removed or rendered harmless. The Special Commission, pursuant to paragraphs 9 (b) (i) and 13, is responsible for designating any additional locations of these items in Iraq. In carrying out the immediate on-site inspections envisaged in paragraphs 9 (b) (i) and 13 of the resolution, the Special Commission and IAEA respectively must retain the right to choose the timing and locations of the inspection.

7. On 18 and 28 April and 4 May 1991, the Government of Iraq forwarded to the Secretary-General information relating to its chemical and biological weapons and ballistic missiles. On 18 April, the Government of Iraq also forwarded to the Director General of IAEA information of relevance to the responsibilities entrusted to the Agency as stated in paragraphs 12 and 13 of resolution 687 (1991). Further information was communicated to the Agency on 27 April. In communications both to the Secretary-General and the Director General, the Government of Iraq also conveyed its acceptance of on-site inspections as called for in paragraphs 9 (a) and 12. There has also been a continued exchange of communications between the Special Commission and the Government of Iraq with a view to obtaining additional information and clarifications.

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8. Based on the information received so far from the Iraqi authorities, as well as taking into account additional locations designated by the Special Commission, the process of on-site inspections by the Special Commission and IAEA has been initiated. In the course of the inspections, the Special Commission will check the information that has been gathered earlier against the actual situation in the field (i.e. establishing a database); assess the magnitude of the task of disposal of weapons and facilities that it will perform in the second stage of the plan; and determine, with the advice of WHO, the requirements and modalities for carrying it out. The Special Commission is also rendering assistance and cooperation to the Director General of IAEA in connection with on-site inspections for which the Agency is responsible.

9. The on-site inspections to be carried out by both the Special Commission and IAEA cover a large number of sites with different numbers of facilities at each site. For the purpose of ensuring safe access to sites subject to the measures specified in paragraphs 9 (b), 12 and 13 of resolution 687 (1991), teams of explosive ordnance disposal (EOD) experts, construction engineers and security personnel have been engaged to assist the Special Commission and IAEA in the process of carrying out the on-site inspections. The safety of all such personnel is a major consideration. Detailed arrangements covering these and related aspects and governing the precise modalities for carrying out the inspections are embodied in an agreement between the United Nations and the Government of Iraq. The volume of work as well as the physical state of the various objects, installations and facilities subject to inspection, and the paramount concern regarding the safety of the inspection teams and the local population, make it difficult to establish, at the present stage, the exact time-frame within which the first stage can be concluded. Early assessments of the tasks involved make it possible, nevertheless, to outline the general framework of the second stage of the plan, which is described below.

B. Disposal of weapons and facilities

10. The main purpose of the second stage of the plan, as specified in paragraphs 8, 9 and 13 of resolution 687 (1991), is to dispose of weapons, facilities and all other items specified in paragraphs 8 and 12 of the resolution. Owing to the highly different nature of the weapons, material and facilities involved, separate procedures are envisaged for their actual disposal, with different teams of experts carrying them out.

11. Regarding chemical weapons and biological weapons-related items and facilities, technical modalities are being worked out with a view to ensuring the complete and safe yielding of possession by Iraq of all items referred to in paragraph 8 (a) of the resolution, for their subsequent destruction, removal or rendering them harmless. Regarding ballistic missiles, procedures

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for the identification and securing of all items referred to in paragraph 8 (b) of the resolution are being developed with a view to ensuring the supervision of their complete destruction by Iraq. The Special Commission will further assist and cooperate with IAEA in carrying out inspections and in the destruction, removal or rendering harmless of all items referred to in paragraph 12 of the resolution.

12. As far as the disposal process itself is concerned, Iraq will destroy, under the supervision of the Special Commission, all its missile capabilities, including launchers, as specified under paragraph 8 (b) of resolution 687 (1991). The Special Commission and IAEA respectively, with appropriate Iraqi assistance, will dispose of all other items specified under paragraphs 8 (a) and 12 of the same resolution, including missile warheads fitted with chemical warfare agents. It should be noted that under the resolution the Special Commission has the authority to conduct activities related to inspection, yielding and disposal of the items specified in paragraph 8 (a) of the resolution and the inspection and disposal of the items specified in paragraph 8 (b) of the resolution after the expiration of the 45-day period that follows the approval of this plan, if such activities have not been completed.

1. Ballistic missiles

13. The disposal of ballistic missiles and related items and facilities raises a relatively smaller number of problems as compared to other types of weapons and facilities. In principle, their disposal should not pose any danger to public safety as it involves a largely mechanical operation. Consequently, the disposal of missiles and related major parts including launchers will be carried out in situ and, if possible, it will be done concomitantly with the initial on-site inspection process. Those items not disposed of immediately will be secured, sealed and appropriately documented for later disposal. Furthermore, items such as warheads and fuel might be moved to a special destruction location or facility and disposed of there.

14. As regards repair and production facilities, many of them appear no longer operational as a result of the hostilities. The Special Commission will ascertain the extent to which these facilities are permanently affected, with a view to determining what other steps, if any, are necessary to comply with paragraph 9 (b) (ii) of the resolution.

15. In order to carry out the responsibilities regarding this category of weapons and related facilities, the Special Commission will require individuals with expertise in such fields as launching and guidance systems, propellants and warheads. Teams of experts will be needed to conduct both the on-site inspections and the supervision of the disposal process. The number of teams and their exact composition is currently under study.

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2. Chemical weapons

16. As regards chemical weapons, in view of the practical problems inherent in their destruction, including possible safety and environmental hazards, the Special Commission, in consultation with WHO, has focused its attention on determining the best methods for their disposal. Taking into account the paramount importance of maintaining acceptable safety standards for the disposal teams and for the local population, the Special Commission will identify and evaluate safe destruction techniques that could be made operable within stringent time-frames.

17. Given the danger chemical weapons represent, their disposal will be initiated only after thorough on-site inspection and assessment of the conditions of stocks and facilities. In this connection, the Special Commission has requested the inspection teams to mark munitions and relevant facilities, to the extent possible, with tamper-indicating devices. In addition, the Special Commission foresees monitoring, between the time of the inspections and the disposal process, by inspectors at relevant locations.

18. The disposal methods will involve neutralization and/or incineration. Movement of chemical weapons and agents will be minimized. In this connection the Special Commission is investigating the use of transportable or mobile destruction equipment. The Special Commission may also consider the possibility of the construction of a destruction facility which would have greater capacity than that offered by transportable or mobile equipment. In this and other options the question of costs will need to be kept under review.

19. As regards research, development, support and manufacturing facilities in connection with chemical weapons, information available to the Special Commission at present suggests that a number of them may have been destroyed as a result of the hostilities. Upon establishing firm data the Special Commission will determine its requirements, both in terms of equipment and human resources, for complying with provisions of paragraph 9 (b) of resolution 687 (1991).

3. Biological weapons

20. In the area of biological weapons, it is noted that, in accordance with paragraph 7 of Security Council resolution 687 (1991), Iraq has become a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. ^{1/} The Government of Iraq deposited, on 8 April, its instrument of ratification in Moscow.

21. However, as required by the Security Council in its resolution 687 (1991), the Special Commission is seeking to determine whether Iraq possesses any biological weapons-related items that should be disposed of pursuant to the resolution and whether there remains in Iraq a capability to produce such weapons that would also be subject to disposal. In this context,

the Special Commission has brought to the attention of the Government of Iraq the report of the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Biological Weapons Convention held at Geneva from 31 March to 15 April 1987 and contained in document BWC/CONF.II/EX/2 of 21 April 1987 and has requested the information called for in section II of that report.

22. Biological warfare agents can be destroyed through either standard laboratory equipment or special mobile units.

4. Nuclear weapons-related items

23. In the area of nuclear-weapons-usable material and related items and facilities, the Special Commission will assist IAEA in the removal of weapons-usable material from Iraq and in the disposal of all other relevant items and facilities covered by resolution 687 (1991), by removal or destruction as appropriate.

24. An inspection team, composed of experts from IAEA and the Special Commission, is currently in Iraq to carry out a first inspection based on declarations by the Government of Iraq and the designation by the Special Commission of additional locations. Further inspections will follow prior to the disposal of weapons-usable-material and other items subject to paragraph 12 of resolution 687 (1991).

C. Monitoring and verification of compliance

25. The third stage of the plan represents a long-term operation. Its main purpose is to ensure ongoing monitoring and verification of Iraq's compliance with paragraphs 8, 9, 10 and 12 of resolution 687 (1991). A detailed plan as called for in paragraph 10 of resolution 687 (1991), will be submitted to the Security Council for its approval, subsequent to the establishment of a complete database. In developing the plan, the Special Commission will also take into account the provisions for permitted activities in the framework of the Biological Weapons Convention and by the monitoring/verification methods under discussion in the context of a future Convention on the Prohibition of Chemical Weapons. With the eventual entry into force of such a Convention, the inspectorate envisaged in it should at an appropriate time take over the function of monitoring and verification of compliance in the area of chemical weapons.

26. The verification will be conducted through full and effective on-site inspections including those on short notice. The inspections will cover, as appropriate, military bases, production facilities and storage, as well as research facilities and laboratories. The frequency of on-site inspections will vary considerably for each category of weapons, facilities and activities in question. It will be contingent on previous findings and also on Iraq's clear and continuous demonstration of compliance with resolution 687 (1991).

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II. GENERAL CONCEPT OF OPERATIONS

27. The Special Commission, under the guidance of its Executive Chairman, will use a small staff at United Nations Headquarters in New York to prepare detailed plans for field operations in Iraq with regard to all items related to chemical and biological weapons and to ballistic missiles, and together with IAEA with regard to items related to nuclear weapons and nuclear-weapons-usable materials. The plans will describe the composition of teams of experts, drawn from a number of countries, and their movements and activities in Iraq - whether survey, inspection or disposal. The teams will assemble for briefing at the field office in Bahrain and move by dedicated aircraft to Baghdad or some other point-of-entry in Iraq. Vehicles or rotary-winged aircraft will be used to move the teams within Iraq to the sites concerned. Teams will leave the area via Bahrain following debriefing and initial analysis of any samples or data collected in Iraq.

Notes

1/ General Assembly resolution 2826 (XXVI).



Security Council

Distr.
GENERAL

S/22615
17 May 1991

ORIGINAL: ENGLISH

Note by the Secretary-General

The Secretary-General has the honour to submit to the members of the Security Council the attached letter addressed to him under paragraph 13 of Security Council resolution 687 (1991) by the Director General of the International Atomic Energy Agency (IAEA), and its enclosure containing a plan for the destruction, removal and rendering harmless of items specified in paragraph 12 of that resolution.

Annex

Letter dated 16 May 1991 from the Director General of the International Atomic Energy Agency (IAEA) addressed to the Secretary-General

Under paragraph 13 of Security Council resolution 687 (1991), the Director General of the IAEA is requested, through the Secretary-General of the United Nations, to develop within forty-five days of the adoption of the resolution a plan for the destruction, removal and rendering harmless of the items specified in paragraph 12 of the resolution.

May I accordingly kindly ask you to submit the attached plan to the Security Council.

(Signed) Hans BLIX

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Enclosure

Plan for the destruction, removal and rendering harmless of
the items specified in paragraph 12 of Security Council
resolution 687 (1991)

Introduction

1. Paragraph 13 of Security Council resolution 687 (1991) inter alia requests the Director General of IAEA through the Secretary-General, with the assistance and cooperation of the Special Commission ... to develop a plan for submission to the Security Council within 45 days calling for the destruction, removing or rendering harmless of all items listed in paragraph 12 of the resolution.
2. In order to implement the actions required of the Agency pursuant to paragraphs 12 and 13 of the resolution, the Director General of IAEA established on 15 April 1991 an action team placed under the direction of an Agency Deputy Director General and composed of a Deputy Director for Administration and Management and a Deputy Director for Operations.
3. The Agency established contact with the Special Commission set up by the Secretary-General following the approval by the Security Council on 19 April 1991 of the Secretary-General's report submitted to it in document S/22508. Assistance and cooperation is being rendered by the Special Commission and certain modalities for this cooperation have been agreed upon.

Immediate on-site inspection

4. On 18 April 1991, the Government of Iraq submitted to the Director General of IAEA a declaration required by paragraph 12 of resolution 687 (1991). Further information was provided on 27 April 1991.

5. The first on-site inspection, based on the Iraqi declaration to IAEA and additional designations by the Special Commission, started on 15 May 1991. The inspection team on this occasion was headed by a Chief Inspector appointed by IAEA and consisted of 34 persons, including Agency officials and experts as well as representatives and other personnel of the Special Commission. The team's expertise covers all areas of nuclear technology as well as supporting specialties such as radiation protection, explosive ordnance disposal, communications and field security.

The planNuclear-weapons-usable material

6. Nuclear-weapons-usable material or, as it is referred to in Agency practice, "direct-use material" a/ cannot be destroyed or rendered harmless in

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Iraq. The Agency will have to take exclusive control of this material for custody and removal from Iraq pursuant to paragraph 12. This is considered to be the foremost task to be undertaken. Known amounts of direct-use material, located in the Tuwaltha area and listed in the Iraqi statement of 27 April 1991, are contained in fresh or irradiated fuel assemblies. Part of this material appears to be stored in accessible conditions. The on-site inspection, which is now under way, is verifying declared quantities and conditions of this material. Further direct-use material, according to the Iraqi declaration, consisting of irradiated fuel assemblies for the IRT 5000 nuclear research reactor, is buried under the rubble of the reactor building. In all probability, a complex and costly decommissioning operation will be needed to render this material accessible for removal and disposal.

7. Following the preliminary on-site verification now under way of the existence of irradiated direct-use material in the damaged reactor building, it is intended to begin the early removal of easily accessible direct-use material, the decommissioning of the building and the removal of the irradiated fuel assemblies, once their accessibility is achieved.

8. In the event that any additional sites are designated by the Special Commission under paragraphs 9 (b) (ii) and 13 of resolution 687 (1991) further inspections will be carried out.

9. The Agency will take custody, through the application of Agency verification, containment and surveillance methods; of the direct-use material in Iraq. Agency safeguards will be applied to all direct-use material removed from Iraq.

10. Negotiations with countries possessing the technology for the transportation and storage of direct-use material to ascertain their willingness to receive this material are under way. Consideration is being given to various options for the long-term disposal or rendering harmless of this material.

Other items subject to paragraph 12 of resolution 687 (1991)

11. The declaration of Iraq listed only direct-use material and a yellow-cake production unit. Inspection of sites for other items subject to paragraph 12 of resolution 687 (1991) that may be designated by the Special Commission will aim to determine if such items exist and, if so, to remove, destroy or render them harmless.

12. Identification of research, development, support or manufacturing facilities and materials relevant or connected to reprocessing of irradiated fuel and isotopic enrichment of uranium will be given priority as they are capable of producing additional direct-use material.

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Notes

a/ Direct-use material is nuclear material that can be converted into nuclear explosives components without transmutation or further enrichment, as for instance plutonium containing less than 80 per cent plutonium-238, high-enriched uranium (HEU) (uranium enriched to 20 per cent uranium-235 or more) and uranium-233.



Security Council

Distr.
GENERAL

S/RES/700 (1991)
17 June 1991

RESOLUTION 700 (1991)

Adopted by the Security Council at its 2994th meeting,
on 17 June 1991

The Security Council,

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

Taking note of the Secretary-General's report of 2 June 1991 (S/22660) submitted pursuant to paragraph 26 of resolution 687 (1991),

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

1. Expresses its appreciation to the Secretary-General for his report of 2 June 1991 (S/22660);

2. Approves the Guidelines to Facilitate Full International Implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991), annexed to the report of the Secretary-General (S/22660);

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

4. Requests all States, in accordance with paragraph 8 of the Guidelines, to report to the Secretary-General within 45 days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991);

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

6. Decides to remain seized of the matter and to review the Guidelines at the same time as it reviews paragraphs 22, 23, 24 and 25 of resolution 687 (1991) as set out in paragraph 28 thereof.



Security Council

Distr.
GENERAL

S/22660
2 June 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 26 OF SECURITY COUNCIL RESOLUTION 687 (1991)

1. The Security Council, acting under Chapter VII of the Charter of the United Nations, adopted on 3 April 1991 resolution 687 (1991), paragraph 1 of which affirmed all 13 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) concerning the situation between Iraq and Kuwait, except as expressly changed by resolution 687 (1991). By paragraph 26 of resolution 687 (1991) the Security Council requested the Secretary-General, in consultation with appropriate Governments, to develop within 60 days, for its approval, guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of resolution 687 (1991), and to make them available to all States and to establish a procedure for updating those guidelines periodically.

2. Paragraphs 24, 25 and 27 of resolution 687 (1991) read as follows:

"The Security Council,

"..."

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

"(a) Arms and related materiel 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 above not otherwise covered above;

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

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

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

"..."

"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 Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance".

3. Implementation of paragraph 24 of resolution 687 (1991) is to be effected in accordance with resolution 661 (1990) and subsequent related resolutions. Resolution 661 (1990) established a comprehensive set of sanctions to be implemented by all States against Iraq and occupied Kuwait, including the sale or supply of weapons or any other military equipment, whether or not originating in their territories, and any activities that promoted or were calculated to promote such sale or supply of such items. Under paragraph 3 of resolution 661 (1990), the Security Council established a committee consisting of all the members of the Council to undertake the tasks set out in that paragraph. By resolution 665 (1990), the Council called upon those Member States cooperating with the Government of Kuwait and deploying maritime forces to the area to use such measures commensurate to the specific circumstances as might 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). By resolution 670 (1990) the Council confirmed that resolution 661 (1990) applied to all means of transport, including aircraft. With the specific purpose of preventing the carriage of any commodities or products prohibited under resolution 661 (1990) to or from Iraq or occupied Kuwait, resolution 670 (1990) established mandatory provisions concerning flights. Under those provisions the Council required all States, inter alia, to deny any aircraft permission to take off from or overfly their territory if such aircraft was destined to land in Iraq or occupied Kuwait, unless certain conditions were

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met, as specified in paragraphs 3 and 4 of the resolution. The Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait was vested with specific responsibilities, including notification or approval procedures for such flights.

4. On the basis of the above observations, the Secretary-General undertook consultations with appropriate Governments, in accordance with paragraph 26 of resolution 687 (1991). The input from those consultations has been taken into particular account by the Secretary-General in the preparation of the draft guidelines called for by paragraph 26 of that resolution. The draft guidelines are herewith transmitted for the consideration of the Security Council (see annex).

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Annex

Draft guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

INTRODUCTION

1. The present guidelines have been developed in accordance with paragraph 26 of Security Council resolution 687 (1991), to facilitate full international implementation of paragraphs 24, 25 and 27 of that resolution.

I. CATEGORIES OF PROHIBITED ITEMS AND ACTIVITIES

2. For the purpose of the present guidelines, the items and activities proscribed are those referred to in paragraph 24, in conjunction with paragraphs 8 and 12, of resolution 687 (1991) and are the following:

- (a) Arms and related matériel of all types, specifically including the sale or transfer through other means of:
 - (i) All forms of conventional weapons and military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;
 - (ii) All chemical and biological weapons and all stocks or agents and all related subsystems and components;
 - (iii) All ballistic missiles with a range greater than 150 kilometres and related major parts;
 - (iv) Nuclear weapons or nuclear-weapons-usable material or any subsystems or components;
- (b) All research, development, support and manufacturing facilities for the items as specified and defined in paragraphs 8 (a) and 12 of resolution 687 (1991);
- (c) Repair and production facilities for all ballistic missiles with a range greater than 150 kilometres and related major parts;
- (d) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items as specified in paragraphs 24 (a), 8 and 12 of resolution 687 (1991);
- (e) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items as specified in paragraphs 24 (a), 8 and 12 of resolution 687 (1991).

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II. UNITED NATIONS MECHANISM FOR MONITORING THE ARMS AND RELATED SANCTIONS

3. The Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait (hereinafter referred to as "the Committee") will be the organ of the Security Council responsible for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991) (hereinafter referred to as "arms and related sanctions"). The Committee will carry out its functions in accordance with the mandate provided in resolutions 661 (1990), 665 (1990) and 670 (1990) in so far as it relates to the items proscribed under paragraph 24 of resolution 687 (1991).

4. The Committee will closely cooperate and coordinate its activities with any present and future bodies that will, pursuant to paragraphs 10 and 13 of resolution 687 (1991), be responsible for the monitoring and verification of Iraq's compliance with the obligations set forth in paragraphs 10 and 12 of that resolution, in so far as they concern the acquisition of the items referred to in those paragraphs. The bodies referred to above will therefore have access to the Committee and will draw its attention to any problems that they may encounter in pursuing their mandate.

5. In discharging its tasks as regards the items referred to in paragraphs 8 (a) and 12 of resolution 687 (1991), the Committee will work in close cooperation with the Special Commission established under paragraph 9 of the resolution and with the International Atomic Energy Agency. In carrying out its work, the Committee will also be able to make use of any expertise or information relevant to its functions available elsewhere within the United Nations system.

6. For the purposes of the present guidelines, the functions of the Committee will be the following:

- (a) To meet at regular intervals to examine reports submitted by the Secretary-General on the implementation of the relevant resolutions;
- (b) To provide guidance to States and to international organizations, either upon their request or at its own initiative, on matters concerning the implementation of paragraph 24 of resolution 687 (1991), inter alia, through the elaboration, as necessary, of relevant criteria;
- (c) To reach, in connection with subparagraph (b) above, when needed, agreed interpretations of items falling within the specified categories of proscribed items and activities;
- (d) To seek information and maintain contact with States, international organizations and those non-governmental organizations whose activities and/or expertise are likely to promote strict implementation of the arms and related sanctions against Iraq;

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(e) To bring to the attention of the States and international organizations concerned information reported to it of alleged violations of the arms and related sanctions against Iraq for appropriate action by those States and international organizations;

(f) To report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions.

III. PRINCIPLES OF IMPLEMENTATION

7. The actual implementation of the arms and related sanctions against Iraq will be effected at three levels: by all States, by international organizations and through intergovernmental cooperation. States and international organizations are called upon to act strictly in accordance with the arms and related sanctions, notwithstanding the existence of any contracts, agreements, licences or any other arrangements.

A. States

8. All States should report to the Secretary-General within 45 days of the approval by the Security Council of the present guidelines on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991).

9. All States should ensure the institution or maintenance of national controls, procedures and other measures consistent with the present guidelines as may be necessary to ensure compliance with the terms of paragraph 24 of resolution 687 (1991). On that basis, States should ensure that these measures:

(a) Prevent any circumvention of the arms and related sanctions against Iraq, including but not limited to direct circumvention, indirect or clandestine circumvention, and circumvention through subcontracts to companies within the State itself or in other States;

(b) Prohibit the export to Iraq of those dual-purpose or multi-purpose items that States may have reason to believe will be used for military purposes;

(c) Ensure against the provision of any technology, research, personnel or materials for training or technical support services relating to the production, utilization, stockpiling, design, development, manufacture, use, maintenance or support for any of the items as described in paragraph 2 of the present guidelines;

(d) Require that the sale, licensing or other contracts with States or foreign companies contain end-user transfer assurances that ensure no

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transfer, retransfer, transshipment or servicing to Iraq or to individuals or bodies inside Iraq or to individuals or bodies outside Iraq acting for the benefit of Iraq or of individuals or bodies inside Iraq of any of the items described in paragraph 2 of the present guidelines;

(e) Require from exporters and other commercial intermediaries a declaration that the items for export described in paragraph 2 of the present guidelines are not destined for Iraq directly or through third-party arrangements;

(f) Provide for legal powers to inspect documents and goods and to detain and seize goods where appropriate;

(g) Impose appropriate penalties for non-compliance in their territories and by their nationals elsewhere, and to notify the Committee of all incidents of such non-compliance.

10. Nothing in the present guidelines will preclude any State or group of States from adopting further measures aimed at achieving effective implementation of the arms and related sanctions against Iraq, in accordance with the relevant provisions of resolution 687 (1991).

11. States should ensure that the provisions of the national measures instituted by them are adequately publicized and disseminated within their territories and among their nationals elsewhere, particularly to arms technology developers, producers, traders and exporters and to the transport sector. In implementing the present guidelines, States should pay particular attention to companies known to have been involved in illegal arms procurement activities on behalf of Iraq.

12. States are requested to report to the Committee any information that may come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. In this regard, States are reminded of their duties under paragraph 7 of resolution 661 (1990) to cooperate fully with the Committee in the fulfilment of its task, including supplying such information as may be sought by the Committee.

13. States ought to consult the Committee on the question whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is to say, items meant for civilian use but with potential for diversion or conversion to military use.

B. International organizations

14. In accordance with paragraphs 25 and 27 of resolution 687 (1991) international organizations should take all appropriate steps to assist in ensuring full compliance with the arms and related sanctions against Iraq,

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including providing to the Committee any relevant information that may come to their attention.

15. International organizations having any dealings with, or activities in, Iraq should carefully review their programmes to make sure that they do not facilitate any of the activities prohibited under paragraph 24 of resolution 687 (1991). Paragraph 13 above shall also apply to international organizations.

C. Intergovernmental cooperation

16. States are encouraged to cooperate with each other bilaterally or within the framework of existing regional or other appropriate intergovernmental organizations or through other appropriate intergovernmental arrangements in the implementation of the arms and related sanctions against Iraq. Such cooperation would be particularly useful in matters, among others, of verification of the origin and destination of the items specified in paragraph 24 of resolution 687 (1991), as well as in the exchange of documentary evidence relating thereto.

IV. REVIEW OF THE GUIDELINES

17. Taking into account Iraq's compliance with resolution 687 (1991), the general progress towards the control of armaments in the region, information received from States and international organizations and from the Committee, the Security Council may wish to review the guidelines at the same time as its regular reviews of paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as set out in paragraph 28 of the same resolution, that is to say, with the first review being undertaken 120 days after the adoption of that resolution.

18. The Security Council may also wish to consider, in the light of any comments or reports that the Committee may make to it, what further action may be necessary to ensure the implementation of the arms and related sanctions against Iraq.



Security Council

Distr.
GENERAL

S/RES/705 (1991)
15 August 1991

RESOLUTION 705 (1991)

Adopted by the Security Council at its 3004th meeting,
on 15 August 1991

The Security Council,

Having considered the note of 30 May 1991 of the Secretary-General pursuant to paragraph 13 of his report of 2 May 1991 (S/22559) which was annexed to the Secretary-General's letter of 30 May 1991 to the President of the Security Council (S/22661),

Acting under Chapter VII of the Charter,

1. Expresses its appreciation to the Secretary-General for his note of 30 May 1991 which was annexed to his letter to the President of the Security Council of the same date (S/22661);

2. Decides that in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note of 30 May 1991, compensation to be paid by Iraq (as arising from section E of resolution 687) shall not exceed 30 per cent of the annual value of the exports of petroleum and petroleum products from Iraq;

3. Decides further, in accordance with paragraph 8 of the Secretary-General's note of 30 May 1991, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the letter of the Secretary-General (S/22661) and other relevant developments.



Security Council

Distr.
GENERAL

S/RES/706 (1991)
15 August 1991

RESOLUTION 706 (1991)

Adopted by the Security Council at its 3004th meeting,
on 15 August 1991

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990), 686 (1991), 687 (1991), 688 (1991), 692 (1991), 699 (1991) and 705 (1991),

Taking note of the report (S/22799) 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,

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

Concerned also that the repatriation or return of all Kuwaitis 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), 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 1991, 31 May 1991, 6 June 1991, 9 July 1991 and 22 July 1991 from the Minister of Foreign Affairs of Iraq and the Permanent Representative of Iraq to the Chairman of the Committee established by resolution 661 (1990) concerning the export from Iraq of petroleum and petroleum products,

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

S/RES/706 (1991)

Page 2

Recalling and reaffirming in this regard its resolution 688 (1991) and in particular the importance which the Council attaches to Iraq 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 important and continuing role played by the Memorandum of Understanding between the United Nations and the Government of Iraq of 18 April 1991 (S/22663),

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 IAEA in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General in his report to the Security Council of 15 July 1991 (S/22792), submitted pursuant to paragraph 4 of resolution 699 (1991), expressed the view that the most obvious way of obtaining financial resources from Iraq to meet the costs of the Special Commission and the IAEA would be to authorize the sale of some Iraqi petroleum and petroleum products; recalling further that Iraq is required to pay its contributions to the 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 Security 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,

Acting under Chapter VII of the Charter,

1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 below and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit the import, during a period of 6 months from the date of passage of the resolution pursuant to paragraph 5 below, of petroleum and petroleum products 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 of this resolution but not to exceed 1.6 billion United States dollars for the purposes set out in this resolution and 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) following notification to the Committee by the State concerned;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into an escrow account to be established by the United Nations and to be 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 this resolution, 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

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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 sum authorized in this paragraph to be released by successive decisions of the Committee established by resolution 661 (1990) in three equal portions after the Council has taken the decision provided for in paragraph 5 below on the implementation of this resolution, and notwithstanding any other provision of this paragraph, the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements;

2. Decides that a part of the sum in the account to be established by the Secretary-General shall be made available by 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, and the cost to the United Nations of its roles under this resolution and of other necessary humanitarian activities in Iraq;

3. Decides further that a part of the sum in the account to be established by the Secretary-General shall be used by him for appropriate payments to the United Nations 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, and half the costs of the Boundary Commission;

4. Decides that the percentage of the value of exports of petroleum and petroleum products from Iraq, authorized under this resolution to be paid to the United Nations 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 Security Council in paragraph 2 of resolution 705 (1991) for payments to the Compensation Fund, until such time as the Governing Council of the Fund decides otherwise;

5. Requests the Secretary-General to submit within 20 days of the date of adoption of this resolution a report to the Security Council for decision on measures to be taken in order to implement paragraphs 1 (a), (b) and (c), estimates of the humanitarian requirements of Iraq set out in paragraph 2 above and of the amount of Iraq's financial obligations set out in paragraph 3 above up to the end of the period of the authorization in paragraph 1 above, as well as the method for taking the necessary legal measures to ensure that the purposes of this resolution are carried out and the method for taking account of the costs of transportation of such Iraqi petroleum and petroleum products;

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6. Further requests the Secretary-General in consultation with the International Committee of the Red Cross to submit within 20 days of the date of adoption of this resolution a report to the Security Council 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 country nationals or their remains present in Iraq on or after 2 August 1990;

7. Requires 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 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 this resolution;

9. Decides to remain seized of the matter.



Security Council

Distr.
GENERAL

S/RES/707 (1991)
15 August 1991

RESOLUTION 707 (1991)

Adopted by the Security Council at its 3004th meeting,
on 15 August 1991

The Security Council.

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

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman of the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA, and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/22788) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Gravely concerned also by the evidence in the letter of 7 July 1991 from the Minister of Foreign Affairs of Iraq to the Secretary-General and in subsequent statements and findings that Iraq's notifications of 18 and 28 April were incomplete and that it had concealed activities, which both constituted material breaches of its obligations under resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991),

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9 (b) (i), (ii) and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential,

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991) constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), 1/ constitutes a breach of its international obligations.

1/ A/45/1037; S/22812, appendix.

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of the Board of Governors of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

- (i) provide 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 150 km, 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, without further delay;
- (ii) allow the Special Commission, the IAEA 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;
- (iii) cease immediately any attempt to conceal, or any movement or destruction of 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;
- (iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;
- (v) allow the Special Commission, the IAEA 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

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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;

- (vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;
- (vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;
- (viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;
- (ix) respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA 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 that the Government of Iraq forthwith 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 of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.



Security Council

Distr.
GENERAL

S/RES/712 (1991)
19 September 1991

RESOLUTION 712 (1991)

Adopted by the Security Council at its 3008th meeting,
on 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 dated 4 September 1991 submitted by the Secretary-General pursuant to paragraph 5 of resolution 706 (1991), 1/

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

1/ S/23006.

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assessment of the needs and requirements, in accordance with paragraph 1 (d) of resolution 706 (1991);

2. Invites the Security Council Committee established by resolution 661 (1990) 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-General as approved in paragraph 3 below;

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

4. Encourages the Secretary-General and the Security Council Committee established by resolution 661 (1990) 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 Compensation Fund established by resolution 692 (1991), enjoys the privileges and immunities of the United Nations;

7. Reaffirms 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, 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);

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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 of the present resolution, 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.

**Security Council**Distr.
GENERALS/23006
4 September 1991

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 5 OF
SECURITY COUNCIL RESOLUTION 706 (1991)

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V. RECOMMENDATIONS

A. General recommendations

57. The Secretary-General wishes to recommend the following for consideration and decision by the Security Council with a view to facilitating smooth and secure realization of the objectives and purposes of the relevant provisions of resolution 706 (1991):

(a) Problems would arise if the decisions to release the tranches came only at the end of the process of selling a quantity of oil. Authorization of the release of the first tranche by the Committee established by resolution 661 (1990) immediately after the passage of the enabling resolution should resolve this difficulty;

(b) Paragraph 1 (d) of resolution 706 (1991) provides for a regular review by the Security Council of the ceiling of \$1.6 billion. In the light of the estimates contained in the reports of his Executive Delegate, the Secretary-General will at the appropriate time recommend to the Council to use its powers under this provision to increase the maximum figure;

(c) The Security Council may wish to address the question of allowing assets held in favour of Iraq or any voluntary contributions to be deposited into the escrow account as a sub-account to be used exclusively in the manner and for the purposes stipulated in paragraph 20 of resolution 687 (1991);

(d) In response to the request to the Secretary-General to find a method for taking account of the costs of transportation of Iraqi petroleum and petroleum products, it is suggested that the transportation costs payable to Turkey be met in cash or kind. For this purpose, the Secretary-General considers that an additional amount of oil may be permitted to be exported from Iraq over and above the quantity necessary to meet the requirements of resolution 706 (1991). The actual transportation costs to BOTAS will have to be established by negotiations on an ad hoc basis. The value of any such oil is to be subject to the requirement that 30 per cent of its value should be paid directly to the Compensation Fund.

B. Specific measures for the implementation of the relevant provisions of Security Council resolution 706 (1991)

58. In accordance with the basic structure set out in section IV of the present report, the Secretary-General recommends the following specific measures for implementing the relevant provisions of resolution 706 (1991) in a manner that would effectively promote and satisfy the objectives and purposes of the resolution:

(a) Iraq, through its oil authority, SOMO, will market and sell the petroleum, f.o.b. Ceyhan;

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- (b) Every contract must include the following terms:
- (i) The contract enters into force only after it has received the approval of the Committee established by resolution 661 (1990), following notification to the Committee by the State in which the purchaser is based;
 - (ii) The full proceeds from the sale of petroleum are to be deposited by the purchaser into the escrow account established by the United Nations and administered by the Secretary-General, in accordance with the Financial Regulations and Rules of the United Nations;
 - (iii) The purchaser must open a letter of credit for each transaction providing for payment into the United Nations escrow account;
 - (iv) The oil will be shipped via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey;
- (c) The Security Council Committee established by resolution 661 (1990) will have ultimate responsibility for monitoring the sale of Iraqi oil. It will be assisted in this function by independent inspection agents appointed by the United Nations, who will verify that the above terms are included in every contract and that the price of the oil is reasonable in light of prevailing market conditions. The Committee may also be assisted by other experts as appropriate in all aspects of its work deriving from Security Council resolution 706 (1991);
- (d) The Committee established by resolution 661 (1990) should adopt procedures by which approval of each contract can be obtained promptly. Submissions for approval to the Committee can be made only by the Government of the State of the purchaser concerned. The Governments of States where purchasers are located should, where necessary, establish procedures that facilitate prompt submission of the contracts to the Committee for approval;
- (e) Inspection agents will be appointed by the United Nations to ensure that the quantity and quality of oil delivered accords with the contract terms and that no oil is delivered without the requisite approval. They will be stationed at the Iraqi access points to the Kirkuk-Yumurtalik pipeline, at the border between Iraq and Turkey to the extent possible and at the loading terminal in Yumurtalik;
- (f) The purchaser will open a letter of credit, issued by a reputable bank engaged in international banking, for each transaction providing for payment into the United Nations escrow account;
- (g) Explicit language should be included in the Security Council resolution approving the present report setting forth the immunity of the oil. Iraq should be required, in the same resolution, to take all steps necessary to accord immunity to the oil. Additionally, Turkey should be called upon by the resolution to ensure that, while in Turkish jurisdiction, the oil will not be subjected to legal proceedings;

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(h) The escrow account should be set up as a United Nations account and as such will be fully protected by the immunities of the United Nations. Additional protection would follow from establishing the escrow account in a bank of a country which, under the national laws of that country, enjoys the maximum protection from third-party claims. It would also come from including language in the Security Council resolution approving the present report reiterating that the escrow account is to be considered a United Nations asset and therefore enjoys the privileges and immunities of the United Nations;

(i) Purchases of the supplies to meet humanitarian needs in Iraq will be undertaken by Iraq. Monitoring of the purchases and deliveries will be undertaken by the Secretariat with the assistance of United Nations-appointed inspection agents;

(j) The Office of the Executive Delegate will receive a list of humanitarian requirements from Iraq and, after revising the list, if necessary, submit it to the Committee established by resolution 661 (1990) for approval;

(k) The Committee established by resolution 661 (1990) should adopt procedures for approving the submitted list. Upon approval, the Committee shall so notify the Secretary-General, who shall authorize payments from the United Nations escrow account. The Office of the Executive Delegate will then notify Iraq that it may commence procedures for the purchases and for arranging deliveries of the goods;

(l) Inspection agents appointed by the United Nations will evaluate, verify and monitor every element of the transaction up to entry points to Iraq. Part-payment may be made to suppliers at the time of delivery. The remainder will be paid after the Office of the Executive Delegate has submitted a report confirming compliance with the terms of the supply contract to the Committee established by resolution 661 (1990) and the Committee approves such payment;

(m) Movement of goods to designated centres and commencement of in-country distribution will be arranged by the government agencies concerned, which will notify the Office of the Executive Delegate of the proposed distribution of incoming consignments in order to enable the United Nations agencies to put in place effective monitoring arrangements;

(n) Monitoring of in-country distribution will be undertaken in accordance with the proposals submitted by the Executive Delegate of the Secretary-General on 27 August 1991, reproduced in annex II to the present report.

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Security Council

Distr.
GENERAL

S/RES/715 (1991)
11 October 1991

RESOLUTION 715 (1991)

Adopted by the Security Council at its 3012th meeting,
on 11 October 1991

The Security Council,

Recalling its resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991, and its other resolutions on this matter,

Recalling in particular that under resolution 687 (1991) the Secretary-General and the Director General of the International Atomic Energy Agency were requested to develop plans for future ongoing monitoring and verification, and to submit them to the Security Council for approval,

Taking note of the report and note of the Secretary-General, 1/ transmitting the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency,

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

1. Approves, in accordance with the provisions of resolutions 687 (1991), 707 (1991) and the present resolution, the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency; 1/

2. Decides that the Special Commission shall carry out the plan submitted by the Secretary-General, 2/ as well as continuing to discharge its other responsibilities under resolutions 687 (1991), 699 (1991) and 707 (1991) and performing such other functions as are conferred upon it under the present resolution;

1/ S/22871/Rev.1 and S/22872/Rev.1 and Corr.1.

2/ S/22871/Rev.1.

3. Requests the Director General of the International Atomic Energy Agency to carry out, with the assistance and cooperation of the Special Commission, the plan submitted by him 3/ and to continue to discharge his other responsibilities under resolutions 687 (1991), 699 (1991) and 707 (1991);

4. Decides that the Special Commission, in the exercise of its responsibilities as a subsidiary organ of the Security Council, shall:

(a) Continue to have the responsibility for designating additional locations for inspection and overflights;

(b) Continue to render assistance and cooperation to the Director General of the International Atomic Energy Agency, by providing him by mutual agreement with the necessary special expertise and logistical, informational and other operational support for the carrying out of the plan submitted by him;

(c) Perform such other functions, in cooperation in the nuclear field with the Director General of the International Atomic Energy Agency, as may be necessary to coordinate activities under the plans approved by the present resolution, including making use of commonly available services and information to the fullest extent possible, in order to achieve maximum efficiency and optimum use of resources;

5. Demands that Iraq meet unconditionally all its obligations under the plans approved by the present resolution and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency in carrying out the plans;

6. Decides to encourage the maximum assistance, in cash and in kind, from all Member States to support the Special Commission and the Director General of the International Atomic Energy Agency in carrying out their activities under the plans approved by the present resolution, without prejudice to Iraq's liability for the full costs of such activities;

7. Requests the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including the present resolution and the plans approved hereunder;

8. Requests the Secretary-General and the Director General of the International Atomic Energy Agency to submit to the Security Council reports on the implementation of the plans approved by the present resolution, when

3/ S/22872/Rev.1 and Corr.1.

requested by the Security Council and in any event at least every six months after the adoption of this resolution;

9. Decides to remain seized of the matter.



Security Council

Distr.
GENERAL

S/22871/Rev.1
2 October 1991

ORIGINAL: ENGLISH

Plan for future ongoing monitoring and verification of
Iraq's compliance with relevant parts of section C of
Security Council resolution 687 (1991)

Report of the Secretary-General

I. GENERAL

A. Introduction

1. The present report is submitted in pursuance of Security Council resolution 687 (1991). In paragraph 10 of section C of that resolution, the Security Council requested the Secretary-General, in consultation with the Special Commission, to develop and submit for approval a plan for the ongoing monitoring and verification of Iraq's compliance with its obligations under that paragraph. The Plan is contained in section II of the present report.
2. As outlined in my report to the Security Council of 17 May 1991 (S/22614), the provisions of section C of resolution 687 (1991) lend themselves to a three-stage implementation procedure: gathering and assessment of information; disposal of weapons and facilities and all other items specified in paragraphs 8 and 12 of resolution 687 (1991); and ongoing monitoring and verification of Iraq's compliance. The first two stages are currently being implemented and will continue until their objectives are fully achieved.
3. The Plan submitted in the present report addresses the third stage, i.e. ongoing monitoring and verification of Iraq's compliance with its unconditional obligation not to use, retain, possess, develop, construct or otherwise acquire any weapons or related items prohibited under paragraphs 8 and 9 of resolution 687 (1991). Thus, monitoring and verification will need to cover not only military but also civilian sites, facilities, material and other items that could be used or activities that could be involved in contravention of Iraq's obligations under resolution 687 (1991). The Plan incorporates the additional obligations of Iraq under Security Council resolution 707 (1991) and the corresponding monitoring and verification activities.

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4. The Plan should enter into force directly upon its approval by the Security Council, which means that the early stages of its implementation and the later stages of the disposal of existing prohibited weapons, facilities and related items would take place simultaneously. This would, at an early stage, prevent Iraq from developing new capabilities regarding the relevant weapons categories, thus already closing a potential loophole during the first stages of the implementation of section C of resolution 687 (1991). Carefully managed use of available resources would make it possible to carry out the dual tasks in parallel, to great effect. With the gradual completion of the disposal of Iraq's present weapons capabilities, resources can gradually be transferred and streamlined without therefore, at any stage, compromising the efficiency of the verification of Iraq's compliance with its obligations under resolutions 687 (1991) and 707 (1991). In paragraph 14 of its resolution 687 (1991) the Security Council noted that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of that resolution "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". The implementation of the Plan, developed pursuant to paragraph 10 of resolution 687 (1991), will contribute to an environment conducive to achieving the above-mentioned goal and objective.

B. Institutional and organizational aspects

5. Bearing in mind that resolutions 687 (1991) and 707 (1991) were adopted by the Security Council acting under Chapter VII of the Charter of the United Nations, it is assumed that the task of carrying out the monitoring and verification provided for under the Plan should be entrusted to an executive body under the authority of the Security Council. This is particularly important should any situation arise of non-compliance by Iraq with its obligations under section C of resolution 687 (1991) and under resolution 707 (1991).

6. The intrinsic interrelationship between paragraphs 8, 9 and 10 of resolution 687 (1991) requires that this body make direct use of the expertise, the information gathered and assessed and the experience gained by the Special Commission established as a subsidiary organ of the Security Council pursuant to paragraph 9 of resolution 687 (1991).

7. In view of these considerations, it would appear most practical and efficient that a compliance unit be organized under the Special Commission in order to carry out the monitoring and verification tasks provided for under the Plan. The present arrangements for staffing would continue on a revised scale, with appropriate support from the Department for Disarmament Affairs. The financing of the Plan would have to be determined by the competent United Nations organs, possibly in the same way as the arrangements agreed upon for the present phase of the Special Commission's work.

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8. The operational requirements will be similar to those now in place for the Special Commission. These include a staff at the United Nations Headquarters in New York to assist the Executive Chairman of the Special Commission, compile and analyse information, schedule, plan and organize inspections and aerial overflights, prepare other field operations and provide general administrative support. A staff will be needed in the region to provide logistic, administrative and other support for field operations in Iraq.

C. Cooperation with the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

9. Through resolution 661 (1990) and subsequent related resolutions, including resolution 687 (1991), *inter alia*, its section F, a comprehensive set of sanctions was established to be implemented by all States against Iraq. The prohibition of the acquisition by Iraq of any weapons and related items specified in paragraphs 8 and 12 of resolution 687 (1991) and of the sale or supply to Iraq by other States of these items is of unlimited duration. However, it cannot be excluded that the Security Council, at a future date, may wish to review the present sanctions regarding items with dual use, i.e. items that could be used for prohibited as well as non-prohibited purposes. In order to ensure that such items are not used for prohibited purposes, the Plan submitted in the present report includes specific provisions for the monitoring and verification, from within Iraq, of any eventual import by Iraq of relevant items with dual use.

10. The efficacy of these provisions would be enhanced if they were complemented by transparency and timely information as regards any future sale or supply by other States to Iraq of relevant items with dual use. Such a comprehensive approach would call for the development of a mechanism that:

(a) Upholds the prohibition on the sale and supply to Iraq by other States of any weapons or related items prohibited under section C of resolution 687 (1991);

(b) Provides for timely information about any sale or supply to Iraq by other States of items that could be used not only for permitted purposes but also for purposes prohibited under resolution 687 (1991).

11. The Plan submitted in the present report contains in its annexes lists of items relevant to the monitoring and verification, from within Iraq, of prohibited items as well as of items with dual use. These should be taken into account in the development of a mechanism related to the sale or supply of items to Iraq by other countries.

12. Such a mechanism should be developed with the cooperation of the Special Commission, the Director General of the International Atomic Energy Agency and the Committee established by resolution 661 (1990) at the earliest possible date, and not later than before the lifting of sanctions covering relevant items.

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II. THE PLAN

A. Scope

13. In accepting unconditionally Security Council resolution 687 (1991), Iraq has undertaken not to use, retain, possess, develop, construct or otherwise acquire:

(a) Any chemical or biological weapons or any stocks of agents or any related subsystems or components or any research, development, support or manufacturing facilities;

(b) Any ballistic missiles with a range greater than 150 kilometres or any related major parts, including launchers, or any repair or production facilities.

14. In order to ensure Iraq's compliance with these undertakings, the Special Commission, pursuant to resolutions 687 (1991) and 707 (1991), shall, through inspections and through aerial overflights, as well as through the provision of information by Iraq, monitor and verify that activities, sites, facilities, material and other items, both military and civilian, are not used by Iraq in contravention of its obligations under resolutions 687 (1991) and 707 (1991).

15. To this end, the provisions set forth in the Plan and its annexes, which constitute an integral part of the Plan, shall apply.

B. General provisions

1. Information

16. Iraq shall:

(a) Provide to the Special Commission, on a regular basis, full, complete, correct and timely information on activities, sites, facilities, material and other items, both military and civilian, that might be used for purposes prohibited under paragraph 10 of resolution 687 (1991);

(b) Provide to the Special Commission full, complete, correct and timely information on any additional activities, sites, facilities, material or other items that the Commission may designate for provision of information on a regular basis;

(c) Provide to the Special Commission, fully, completely, and promptly, any additional information or clarification that the Commission may request and respond fully, completely and promptly to any questions or requests from the Special Commission.

Further provisions related to the submission of information are set forth in sections C, D and E and in annexes II, III and IV of the Plan.

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2. Inspections and aerial overflights

17. The Special Commission shall have the right:

- (a) To designate for inspection any site, facility, activity, material or other item in Iraq;
- (b) To carry out inspections, at any time and without hindrance, of any site, facility, activity, material or other item in Iraq;
- (c) To conduct unannounced inspections and inspections at short notice;
- (d) To inspect any number of declared or designated sites or facilities simultaneously or sequentially;
- (e) To designate for aerial overflight any area, location, site or facility in Iraq;
- (f) To conduct, at any time and without hindrance, both fixed-wing and rotary-wing flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial overflights (surveys), transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission;
- (g) To make full use of its own aircraft with appropriate sensors as necessary and such airfields in Iraq as the Special Commission may determine are most appropriate for its work;
- (h) To consider and decide upon requests by Iraq to move or destroy any material, equipment or item relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material, equipment or any item relating to its other nuclear activities.

18. Iraq shall:

- (a) Accept unconditionally the inspection of any site, facility, activity, material or other item declared by Iraq or designated by the Special Commission;
- (b) Accept unconditionally aerial overflight of any area, location, site or facility designated by the Special Commission;
- (c) Provide immediate and unimpeded access to any site, facility, activity, material or other item to be inspected;
- (d) Accept unconditionally and cooperate with the Special Commission in conducting fixed-wing and rotary-wing flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial overflights (surveys), transportation and logistics upon the terms and conditions determined by the Special Commission;

/...

- (e) Accept unconditionally the Special Commission's determinations regarding use of the Commission's aircraft with appropriate sensors as necessary and airfields in Iraq for such aircraft;
- (f) Not obstruct aerial overflights or take concealment measures at any area, location, site or facility designated by the Special Commission for inspection or overflight;
- (g) Accept unconditionally the inspectors and all other personnel designated by the Special Commission and ensure the complete implementation of the privileges, immunities and facilities of the personnel of the Special Commission and their complete safety and freedom of movement;
- (h) Cooperate fully with the Special Commission and facilitate its inspections, overflights and other activities under the Plan;
- (i) Accept unconditionally the rights of the Special Commission under the Plan and not take any action to interfere with, impede, or obstruct the exercise by the Special Commission of its functions and rights under Security Council resolutions 687 (1991), 707 (1991) and the Plan;
- (j) Designate its Inspection Representative for each inspection to accompany the inspection team in Iraq;
- (k) Invite and accept unconditionally the decision of the Special Commission on any requests by Iraq to move or destroy any material, equipment or item relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material, equipment or any item relating to its other nuclear activities.

19. Further provisions on inspections, aerial overflights, security, privileges and immunities and related provisions are set forth in annex I.

3. National implementation measures

20. Iraq shall adopt the necessary measures to implement its obligations under section C of resolution 687 (1991), resolution 707 (1991) and the Plan, in particular:

- (a) To prohibit all natural and legal persons under Iraq's jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq by resolutions 687 (1991), 707 (1991), by other related Security Council resolutions or by the Plan;
- (b) To enact penal legislation which, in conformity with international law, shall extend to the activities referred to under subparagraph (a) above undertaken anywhere by any natural or legal persons under Iraq's jurisdiction or control.

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21. Iraq shall inform the Special Commission of legislative and administrative measures taken to implement resolutions 687 (1991), 707 (1991), other relevant Security Council resolutions and the Plan, not later than 30 days after the approval by the Security Council of the Plan and thereafter as determined by the Special Commission.

4. Non-compliance

22. Should the Special Commission discover any item, including any documentation, that Iraq, under resolution 687 (1991), is obliged to destroy or to yield to the Special Commission for destruction, removal or rendering harmless, the Special Commission shall have the right to take it into custody and shall provide for its disposal, as appropriate. Iraq shall retain no ownership interest in items to be destroyed, removed or rendered harmless pursuant to resolution 687 (1991) and the Plan.

23. Should the Special Commission discover any activity taking place in contravention of resolutions 687 (1991), 707 (1991) or of the Plan, it shall have the right to call upon Iraq to halt the activity and to prevent its recurrence. The Special Commission shall also have the right to take any prohibited item involved, including any documentation, into custody and shall provide for its disposal, as appropriate.

24. Findings by the Special Commission that indicate that Iraq is not in compliance with its obligations under resolutions 687 (1991) and 707 (1991) or the Plan shall be brought to the attention of the Security Council.

5. Reports

25. The Special Commission shall, through the Secretary-General, report to the Security Council every six months on the implementation of the Plan and at any other time the Security Council may request.

6. Revisions

26. The Plan may only be revised by the Security Council. The Special Commission may, however, after informing the Security Council, update and revise the annexes in the light of information and experience gained in the course of the implementation of resolutions 687 (1991) and 707 (1991) and of the Plan. The Special Commission shall inform Iraq of any such change.

7. Entry into force and duration

27. The Plan shall enter into force immediately upon its approval by the Security Council. The duration of the Plan shall be determined by the Security Council.

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C. Provisions related to chemical items

28. Chemicals, equipment and facilities set forth herein and in annex II could be used for purposes related to chemical weapons. They shall therefore be subject to monitoring and verification in accordance with the following additional provisions in order to ensure that Iraq does not use, develop, produce or otherwise acquire chemical weapons or related items prohibited under resolution 687 (1991).

29. Chemicals that could be used for the development, production or acquisition of chemical weapons but which also have significant uses for purposes not prohibited by resolution 687 (1991) are set forth in list A in annex II. These chemicals may be used, developed, produced, stored or acquired solely for purposes not prohibited by resolution 687 (1991), subject to the provisions under paragraphs 30 and 31 below, and annex II.

30. Iraq shall, not later than 30 days after the adoption of the Plan by the Security Council, and on a regular basis thereafter, provide to the Special Commission information in accordance with annex II regarding:

(a) The total national quantity of the production, processing or consumption of any chemical specified in list A of annex II and of the import and export of any of these chemicals specifying the supplier or recipient countries involved;

(b) Any site or facility that is involved in production, processing, consumption, storage, import or export of one tonne or more per year of any chemical specified in list A of annex II or that at any time has been involved in activities with any of these chemicals for chemical weapons purposes;

(c) Any site or facility that is involved in production or processing of organophosphorus chemicals or is involved in production of organic chemicals by chlorination;

(d) Any site or facility where production, processing, consumption, storage, import or export of one tonne or more per year of any chemical specified in list A of annex II, or where production or processing of organophosphorus chemicals or where production of organic chemicals by chlorination is planned;

(e) Any import or any other acquisition of equipment or technologies intended for production and processing of any chemical specified in list A of annex II, of any organophosphorus chemical or for production of organic chemicals by chlorination.

31. Should Iraq plan any production, processing, consumption, storage, import or export not notified under paragraph 30 (d) above, it may begin such an activity only after providing to the Special Commission a special notification in accordance with annex II.

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32. Chemicals that have little or no use except as chemical warfare agents or for the development, production or acquisition of chemical weapons or which have been used by Iraq as essential precursors for chemical weapons are set forth in list B of annex II. Iraq shall not retain, use, transfer, develop, produce, store, import or otherwise acquire these chemicals. Should Iraq require any chemical specified in list B of annex II, it shall submit a request to the Special Commission specifying precisely the chemical and the quantities required, the site or facility where it is to be used and the purpose of its use. The Special Commission will examine and decide on the request and establish the special arrangements it considers consistent with resolution 687 (1991).

33. Further provisions related to chemical items are set forth in annex II.

D. Provisions related to biological items

34. Micro-organisms and toxins, equipment and facilities set forth herein and in annex III could be used for purposes related to biological and toxin weapons affecting humans, animals or plants. They shall therefore be subject to monitoring and verification in accordance with the following additional provisions in order to ensure that Iraq does not use, develop, produce or otherwise acquire biological and toxin weapons or related items prohibited under resolution 687 (1991).

35. Iraq shall, not later than 30 days after the adoption of the Plan by the Security Council, and on a regular basis thereafter, provide to the Special Commission information in accordance with annex III regarding:

(a) Any site or facility at which work with toxins or with micro-organisms meeting the criteria for risk groups IV, III or II according to the classification in the 1983 World Health Organization (WHO) Laboratory Biosafety Manual is carried out, or any site or facility at which work with genetic material coding for toxins or genes derived from the aforementioned micro-organisms is carried out;

(b) Any site or facility having a laboratory (unit) meeting the criteria for a "maximum containment laboratory" or "containment laboratory" as specified in the 1983 WHO Laboratory Biosafety Manual, such as those designated as biosafety level 4 (BL4) or P4, biosafety level 3 (BL3) or P3 or equivalent standards and any site or facility being constructed or modified so as to possess such containment capabilities;

(c) Any site or facility at which fermentation or other means for the production of micro-organisms or toxins using vessels larger than 10 litres individually or 40 litres in the aggregate is carried out;

(d) Any site or facility for the bulk storage of toxins or of micro-organisms meeting the criteria for risk groups IV, III or II;

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(e) Any site or facility for the production of vaccines;

(f) Any research, development, testing or other support or manufacturing facility for equipment and other items specified in paragraph 1 of annex III;

(g) Any imports, other acquisition or exports of micro-organisms meeting the criteria for risk groups IV, III and II, toxins and vaccines, as well as related equipment and facilities, specifying the supplier or recipient countries involved.

36. Iraq shall, not later than 30 days after the adoption of the Plan by the Security Council, and on a regular basis thereafter, provide to the Special Commission:

(a) A list of all documents of a scientific and technical nature published or prepared by any site or facility engaged in work relating to toxins or micro-organisms meeting the criteria for risk groups IV, III and II, including those of a theoretical nature. Full copies of such documents shall be made available by Iraq to the Special Commission upon request. Documents of a purely diagnostic nature relating to risk group II micro-organisms are excepted;

(b) A description of all work on toxins or micro-organisms meeting the criteria for risk groups IV, III or II as well as of all work being conducted on the dissemination of micro-organisms or toxins into the environment or on processes that would lead to such dissemination, specifying the site or facility involved.

37. Iraq shall provide to the Special Commission in accordance with annex III information on all cases of infectious diseases affecting humans, animals or plants, that deviate, or seem to deviate, from the normal pattern or are caused by any micro-organism meeting the criteria for risk groups IV and III and on all cases of similar occurrences caused by toxins.

38. Iraq shall not:

(a) Import items referred to in paragraph 35 (g) above without giving prior notice to the Special Commission in accordance with annex III. As an exception, the emergency import of vaccines may take place with simultaneous notification to the Special Commission;

(b) Conduct any activities in the field of micro-organisms and toxins except by civilian personnel not in the employ of any military organization. Such activities shall be conducted openly; no classified or secret programmes or activities shall be permitted. The sites or facilities engaged in such activities shall not be under the control of, or owned by, any military organization. Should any military organization need to be involved in such activities for prophylactic or therapeutic purposes, Iraq shall submit a request to the Special Commission specifying precisely the toxins, micro-organisms and the quantities required, the site or facility where they

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are to be used and the purpose of their use. The Special Commission will examine and decide on the request and establish the special arrangements it considers consistent with resolution 687 (1991);

(c) Conduct activities on diseases other than those indigenous to or immediately expected to break out in its environment;

(d) Conduct any breeding of vectors of human, animal or plant diseases. Should Iraq need to conduct any such activity, Iraq shall submit a request to the Special Commission specifying precisely its requirements, the vectors to be bred, the site or facility where the activity is to take place and the purpose of the activity. The Special Commission will examine and decide on the request and establish the special arrangements it considers consistent with resolution 687 (1991);

(e) Possess at any one time more than one facility having a laboratory (unit) meeting the criteria for a "maximum containment laboratory" as specified in the 1983 WHO Laboratory Biosafety Manual, such as those designated as biosafety level 4 (BL4) or P4 or equivalent standard. Iraq shall not possess at any one time more than two facilities having a laboratory (unit) meeting the criteria for a "containment laboratory", such as those designated as BL3 or P3 or equivalent standard. Should Iraq require any additional such facilities, Iraq shall submit a request to the Special Commission specifying the precise requirement. The Special Commission will examine and decide on the request and establish the special arrangements it considers consistent with resolution 687 (1991).

39. Further provisions related to biological items are set forth in annex III.

E. Provisions related to missiles

40. Facilities, equipment, other items and technologies set forth herein and in annex IV could be used for the development, construction, modification or acquisition of ballistic missiles with a range greater than 150 kilometres. They shall therefore be subject to monitoring and verification in accordance with the following additional provisions in order to ensure that Iraq does not use, develop, construct or acquire any ballistic missiles with a range greater than 150 kilometres or related items prohibited under resolution 687 (1991).

41. The prohibition applies to any ballistic missiles or missile delivery systems capable of such a range regardless of payload and to any related major parts, which include missile/rocket stages, re-entry vehicles, solid- or liquid-fuel motors, guidance sets, thrust vector controls, warheads and fusing systems, launchers capable of launching ballistic missiles with a range greater than 150 kilometres and related principal launch equipment, missile transporters and other ground support equipment for such missiles. The prohibition also applies to modification of any missile or any missile delivery system to a ballistic missile with a range greater than 150 kilometres. The prohibition also applies to launch technologies such as tube- or gun-type launchers, which enable such ranges to be achieved.

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42. Iraq shall not construct, otherwise acquire or operate sites or facilities for the use, development, production, training or other support of ballistic missiles capable of a range greater than 150 kilometres, including sites or facilities for research, development, modification, manufacture, assembly, testing, storage, repair, training, flight simulating and operational use of such missiles, nor acquire related major parts specified in paragraph 41 and the items listed in paragraph 1 of annex IV for such missiles.

43. Iraq shall, not later than 30 days after the adoption of the Plan by the Security Council, and on a regular basis thereafter, provide to the Special Commission the following:

(a) A list of all its missiles designed for use, or capable of being modified for use, in a surface-to-surface role with a range greater than 50 kilometres, specifying their name and type, type of propulsion, number of stages and/or boosters, guidance systems, payload, warhead and re-entry vehicle types, launcher types, airframe and warhead transporter, ground support equipment and the sites or facilities where these missiles, items or equipment are located;

(b) Information on any project and on any site or facility for such missiles, including sites or facilities for production, assembly, repair and maintenance, storage and operational bases, specifying their locations;

(c) Information on any project and on any site or facility for missile research, development, modification or testing, specifying its locations;

(d) Information on the development, production, export, import or other acquisition, training or other services related to the items, equipment and technologies listed in annex IV, specifying sites or facilities where such items, equipment and technologies are located, the purposes and the projects for which they are being used and the supplier or recipient countries involved.

44. Iraq shall notify the Special Commission in accordance with annex IV of the developmental or test launch of any missile, specifying where and when the launch is to take place.

45. Further provisions related to missiles are set forth in annex IV.

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Annex IDetailed provisions related to inspections, aerial overflights, security, privileges and immunities

1. In addition to the basic rights and obligations set forth in paragraphs 17 and 18 of the Plan, the provisions set out in this annex shall apply.

Scope

2. The Special Commission shall have the right:

(a) To secure any site to be inspected and prevent any material or other item from being taken to or from the site until the inspection is concluded;

(b) To stop and inspect vehicles, ships, aircraft or any other means of transportation within Iraq, any material or other item in movement and to restrict and/or stop movement of material or other items;

(c) To inspect imports or exports of material and other items upon arrival or departure;

(d) To establish special modes of monitoring and verification, including prolonged or continuous presence of inspectors, use of instruments and other arrangements to facilitate monitoring and verification;

(e) To secure full and free access at any time to all sites, facilities, areas, locations, activities, material and other items, including documentation, all persons and all information which, in its judgement, may be necessary for its monitoring and verification activities.

Notification

3. The Special Commission shall, at a time it considers appropriate, notify Iraq of:

(a) The site, facility, activity, material or other item to be inspected;

(b) The name of the head of the inspection team (the Chief Inspector) and the estimated number of personnel who will take part in the inspection;

(c) The estimated time of departure and arrival of any flight from, to or within Iraq, and other appropriate details, by any aircraft used by the Special Commission.

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4. Iraq shall, upon receipt of the name of the Chief Inspector for an inspection, immediately inform the Special Commission of the name of the individual who will be the Iraqi Inspection Representative for the inspection.

Conduct of inspections or aerial overflights

5. The Special Commission shall have the right:

- (a) To request, receive, examine, copy and remove any record, data, information or documentation and to verify inventories;
- (b) To examine, retain, move or photograph, including by videotaping, any activity or item;
- (c) To conduct interviews with any personnel at a site or facility under inspection, or with any Iraqi official;
- (d) To install containment, surveillance and other equipment and devices and to construct facilities for inspection, observation, testing, verification or monitoring activities;
- (e) To take samples of any kind and perform on-site analyses of the samples using its own equipment;
- (f) To remove and transfer samples outside Iraq for analyses off-site at laboratories of its choice;
- (g) To mark, tag or otherwise identify any material or other item;
- (h) To use its own instrumentation to collect data during inspections and aerial overflights, including photographic, video, infrared and radar data.

6. Iraq shall:

- (a) Provide clarification or explanation of any ambiguity that might arise during an inspection;
- (b) Perform, upon request by the Special Commission, analyses of samples in the presence of inspectors, including on-site;
- (c) Perform, upon request by the Special Commission, any additional task.

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Travel, transport and communications

7. The Special Commission shall have the right:

(a) To unrestricted freedom of entry into and exit from Iraq, without delay or hindrance, for all its personnel, property, supplies, equipment, spare parts, means of transport, material and other items. No visa shall be required of such personnel travelling on United Nations laissez-passer or certificate and possessing an inspection assignment document; Iraq shall ensure prompt issuance of visas of entry and exit for such personnel as may not possess a United Nations laissez-passer or certificate;

(b) To unrestricted freedom of movement within Iraq, without advance notice, delay or hindrance, for all its personnel, property, supplies, equipment, spare parts, means of transport, material and other items;

(c) To fly the United Nations flag on its premises and means of transport;

(d) To use its own means of transport, including fixed- and rotary-wing aircraft, throughout Iraq for all relevant purposes, including inspection, surveillance, aerial overflights (surveys), transportation and logistics;

(e) To use airfields in Iraq for the purposes determined by the Special Commission including landing, take-off, basing, maintenance, refuelling and other support;

(f) To communicate from any place within Iraq, and without censorship or other hindrance, by radio, satellite or other forms of communication, and to connect with the United Nations by its radio and satellite network, as well as by telefax, telephone, telegraph and other means;

(g) To use codes and receive papers, correspondence and other items by courier or sealed bags;

(h) To unrestricted freedom to remove from Iraq, without delay or hindrance, any material or other item, including any documentation, acquired during inspection or other monitoring and verification activities.

8. Iraq shall:

(a) Permit, without delay or hindrance, the Special Commission's personnel, property, supplies, equipment, spare parts, means of transport, material and other items to move within Iraq, without advance notice, as well as to enter or leave Iraq, promptly issuing entry and exit visas if required on national passports and accepting United Nations laissez-passers or United Nations certificates as valid travel documents without requiring visas;

(b) Accept United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof;

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(c) Provide priority clearance, as well as the basing and all necessary facilities as determined by the Special Commission for any fixed- or rotary-wing aircraft used by the Commission;

(d) Provide, upon the request of the Special Commission, the means of transport, maps or other information needed;

(e) Take every necessary measure to ensure that the inspection team arrives at the site or facility to be inspected by the time notified by the Special Commission;

(f) Provide, upon the request of the Special Commission, appropriate means of communication;

(g) Provide, upon request of the Special Commission, appropriate escort and/or support personnel;

(h) Provide, upon request of the Special Commission, medical, logistical and/or technical support;

(i) Not interfere with or censor any communication to or from the Special Commission or its personnel;

(j) Permit, without delay or hindrance, the Special Commission to remove from Iraq any material or other item, including any documentation, acquired by the Commission during inspection or other monitoring and verification activities.

Security, privileges and immunities

9. The Special Commission shall have the right to make its own arrangements to ensure the safety and security of its personnel and property and to take custody of any material or other item, including documentation.

10. Iraq shall ensure the safety and security of the personnel and property of the Special Commission and shall provide the arrangements to this end when so requested by the Special Commission.

11. In addition and without prejudice to the foregoing provisions, the Special Commission and any agency of the United Nations system participating in the carrying out of the Plan, its property, funds, assets and personnel shall enjoy the facilities, privileges and immunities provided for in the applicable convention or agreement, namely the Convention on the Privileges and Immunities of the United Nations, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency (IAEA) and the Convention on the Privileges and Immunities of the Specialized Agencies.

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12. Iraq shall extend to:

(a) The officers and other members of the Special Commission the privileges and immunities, exemptions and facilities that are enjoyed by diplomatic envoys in accordance with international law;

(b) The officials of the United Nations, of IAEA and any of the specialized agencies of the United Nations, performing functions in connection with the implementation of the Plan, the privileges and immunities applicable to them under articles V and VII of the Convention on the Privileges and Immunities of the United Nations; or articles VI and IX of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency; or articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies;

(c) The technical experts and other specialists performing functions in connection with the implementation of the Plan the privileges and immunities accorded to experts performing missions for the United Nations, for IAEA or for the specialized agencies of the United Nations under article VI of the Convention on the Privileges and Immunities of the United Nations, article VII of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, and the relevant annexes to the Convention on the Privileges and Immunities of the Specialized Agencies, respectively.

Other provisions

13. Iraq shall designate the Iraqi authority responsible for liaison with the Special Commission and shall inform the Special Commission of the name or names of the liaison officers within that authority who shall have the full power and shall take the necessary measures to secure for the Special Commission the effective implementation of the Commission's rights laid down in the Plan.

14. The official points of contact between Iraq and the Special Commission during the course of an inspection shall be the Chief Inspector designated by the Special Commission and the Inspection Representative designated by Iraq.

15. Iraq shall provide, at no cost to the Special Commission, in agreement with the Special Commission, all such premises as may be necessary for the accommodation and fulfilment of the functions of the Special Commission in Iraq. All such premises shall be inviolable and subject to the exclusive control and authority of the Special Commission.

16. All information provided by, and communications from, Iraq to the Special Commission under the Plan shall include the corresponding text in English.

17. For the purposes of the performance of the functions of the Special Commission in implementation of the Plan, the rights, facilities, privileges and immunities conferred in the Plan where necessary supplement and elaborate

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upon the rights, facilities, privileges and immunities provided for in the exchange of notes between the Secretary-General of the United Nations and the Minister for Foreign Affairs of Iraq, which entered into force on 14 May 1991, regarding the status, privileges and immunities of the Special Commission as originally established pursuant to paragraph 9 of Security Council resolution 687 (1991).

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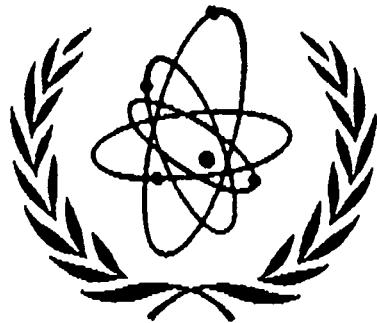
ANNEXES OMITTED

**Security Council**Distr.
GENERALS/22872/Rev.1
20 September 1991

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council the attached revised plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of Part C of Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991) submitted by the Director-General of the International Atomic Energy Agency (IAEA).



**PLAN FOR FUTURE ONGOING MONITORING AND VERIFICATION
OF IRAQ'S COMPLIANCE WITH
PARAGRAPH 12 OF PART C
OF SECURITY COUNCIL RESOLUTION 687 (1991)
AND WITH THE REQUIREMENTS OF PARAGRAPHS 3 AND 5
OF RESOLUTION 707 (1991)**

**Submitted by the Director General
of the International Atomic Energy Agency**

I. INTRODUCTION

1. In paragraph 13 of Security Council resolution 687 (1991), adopted on 3 April 1991, the Director General of the International Atomic Energy Agency (hereinafter referred to as the "IAEA" or "Agency") was requested by the Security Council to carry out immediate on-site inspection of Iraq's nuclear capabilities and to develop and carry out a plan for the destruction, removal or rendering harmless of items prohibited to Iraq under paragraph 12 of resolution 687. The Special Commission, established in accordance with paragraph 9 of resolution 687, was given a role in the nuclear area under resolution 687 of assisting and co-operating with the IAEA and designating sites to be inspected.
2. In paragraph 13 of resolution 687, the Director General of the IAEA was further requested - with the assistance and co-operation of the Special Commission - to submit to the Security Council for its approval a plan for future ongoing monitoring and verification of Iraq's compliance with its obligations under paragraph 12 of resolution 687.
3. The IAEA submitted to the Security Council for its approval on 29 July 1991 the plan referred to in paragraph 2 above. As the plan was originally developed while immediate on-site inspection was still ongoing, and while the plan for the destruction, removal or rendering harmless of proscribed items was still in an early stage of implementation, the plan was, as indicated therein, provisional in nature and subject to modification upon further direction from the Security Council and upon consideration of the results of the ongoing inspections.
4. As a consequence of the adoption by the Security Council on 15 August 1991 of resolution 707 (1991), and based on the results of the on-site inspections performed to date, the Director General of the IAEA now submits a revised plan (hereinafter referred to as "the plan") for approval by the Security Council.

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5. The plan incorporates the additional obligations of Iraq under resolution 707 and the corresponding monitoring and verification activities of the Agency.

6. Although resolution 687 does not specify the party which should be assigned the responsibility for implementation of the plan, the Agency's extensive experience with inspection and verification activities in the nuclear field, which led to the Security Council's asking the Agency to take the lead during the first two phases under paragraph 12 of resolution 687, the need for continuity in the implementation of future measures, and the evident cost benefit of being able to draw on an existing infrastructure, suggest that the Agency be assigned the task of carrying out the plan. The plan was drafted accordingly. It is expected that the verification and monitoring activities will be administered and operated by a special unit in the IAEA Secretariat. For technical and practical reasons, the operation by the Agency, appropriately co-ordinated with the Special Commission or its successor, of field offices in Baghdad is also envisaged.

7. In accordance with the Agency's mandate under resolutions 687 and 707, and as provided for in Articles IX and VII of the Agreement Governing the Relationship between the United Nations and the International Atomic Energy Agency (INFCIRC/11)¹, the Agency will report on the implementation of the plan to the Security Council.

1) Article IX provides that the Agency "shall co-operate with the Security Council by furnishing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security."

Article VII provides inter alia that, "At the invitation of the Security Council, the Director General may attend its meetings to supply it with information or give it other assistance within the competence of the Agency."

8. Resolution 707 obliges Iraq, inter alia, to "halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes, until the Security Council determines that Iraq is in full compliance with resolution 707 and with paragraphs 12 and 13 of resolution 687, and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency". So long as the proscriptions under resolution 707 remain operational, the Agency will secure the nuclear material, equipment and facilities which Iraq is allowed to keep and use under the terms of resolution 687 and verify that they are not used for any nuclear activity except as permitted under resolution 707. The Agency will also verify that nuclear material and isotopes are not produced indigenously by Iraq, and that isotopes held or imported by Iraq are used only for medical, agricultural or industrial purposes.

9. The comprehensive sanctions established under Security Council resolution 661 (1991) for application by all States against Iraq, the prohibition against Iraq's acquisition of, and research and development related to, nuclear weapons and nuclear-weapons-usable material, as set out in paragraph 12 of resolution 687, and the prohibition in resolution 707 against all nuclear activities in Iraq except the use of isotopes for medical, agricultural or industrial purposes, all of which were imposed under Chapter VII of the Charter of the United Nations, carry with it the obligation of other States to respect the sanctions and prohibitions until such time as they are lifted by the Security Council and entails the acceptance of an obligation to report intended sales or supplies to Iraq of items not proscribed under resolution 687 or 707.

10. This plan, and the annexes thereto, which constitute an integral part of the plan, will enter into force upon approval by the Security Council. It will govern all Agency activities in Iraq pursuant to resolutions 687 and 707. The duration of the plan, as well as the scope and content of the plan, remain subject to further decisions and directives of the Security Council.

11. Security Council resolution 687 notes that the actions required of Iraq, including those relevant to nuclear weapons and nuclear-weapons-usable material, represent steps toward the goal of establishing in the Middle East a zone free from weapons of mass destruction. While the terms of any such zone agreement would have to be negotiated between the parties to the arrangement, some of the verification features envisaged in this plan may be of interest in future discussions about verification in such a zone.

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II. THE PLAN

A. Relevant Decisions of the Security Council

12. In accordance with paragraph 12 of resolution 687, Iraq is obliged:
- not to acquire or develop nuclear weapons or nuclear-weaponsusable 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 IAEA within 15 days of adoption of the resolution a declaration of the locations, amounts and types of items specified above;
 - to place all of its nuclear-weaponsusable materials under the exclusive control, for custody and removal, of the IAEA, with the assistance and cooperation of the Special Commission appointed by the Secretary-General in accordance with paragraph 9(b) of the resolution;
 - to accept, in accordance with the arrangements provided for in paragraph 13 of the resolution, urgent on-site inspection and the destruction, removal or rendering harmless, as appropriate, of such items; and
 - to accept the plan referred to in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings.

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13. Pursuant to paragraph 13 of the resolution 687, the Director General of the International Atomic Energy Agency was requested, with the assistance and cooperation of the Special Commission:

- 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 Security Council within forty-five days following adoption of the resolution calling for the destruction, removal, or rendering harmless as appropriate of the items proscribed under in paragraph 12 of the resolution, and to carry out the plan within forty-five days following its approval by the Security 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 of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of the resolution, 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 Security Council for approval within 120 days of adoption of the resolution.

14. Under paragraph 3 of resolution 707, the Security Council demands that Iraq

- provide 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 150 km, 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, without further delay;
- allow the Special Commission, the IAEA 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;

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- cease immediately any attempt to conceal, or any movement or destruction of 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;
- make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;
- allow the Special Commission, the IAEA 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;
- halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;
- ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;
- immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;
- respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA and their Inspection Teams.

15. Paragraph 5 of resolution 707 further requires that the Government of Iraq forthwith comply fully and without delay with all its International obligations, including those set out in resolution 707, in resolution 687, in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 (NPT) and in its safeguards agreement with the IAEA (INFCIRC/172, 29 February 1972).

B. General Provisions

16. Iraq's obligations under paragraph 12 of resolution 687 and paragraph 3 of resolution 707 are broader in scope than the obligations which are undertaken under the Non-Proliferation Treaty and which are verified by the IAEA. While the approaches and techniques to be used under the present plan draw upon the Agency's safeguards experience, the scope and intensity of verification and monitoring under this plan are much greater in order to satisfy the requirements of Security Council resolutions 687 and 707 and to create confidence that the restrictions imposed upon Iraq in the nuclear field are actually complied with.

17. The safeguards agreement concluded with Iraq pursuant to the NPT shall continue to be in force. The verification activities pursuant to this plan will be carried out in a manner that takes into account the safeguards activities required under the safeguards agreement.

18. The activities under the plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 and the nuclear aspects of paragraphs 3 and 5 of resolution 707 will be carried out with the assistance and co-operation of the Special Commission, or such other body as may be designated by the Security Council to carry out monitoring and verification activities relevant to Iraq's compliance with paragraph 10 of resolution 687 (chemical, biological and missile). The Agency will continue to provide information concerning the conduct and results of Agency inspections and related activities in order to assist the Special Commission in carrying out this task.

19. Financing of the verification and monitoring activities by the Agency in Iraq under the present plan will be secured by the United Nations.

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C. Obligations of Iraq

20. Pursuant to its obligations as set forth in the relevant paragraphs of the Security Council resolutions quoted above, Iraq is

- (a) prohibited under paragraph 12 of resolution 687 from acquiring or developing nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related thereto (see Annexes I and 3);
- (b) required under paragraph 3 of resolution 707 to halt all nuclear activities of any kind except for use of Isotopes for medical, agricultural or industrial purposes (see Annexes I, 3 and 4); and
- (c) required under paragraph 3 of resolution 707 to cease immediately any attempt to conceal, and any movement or destruction without notification to and prior consent of the Special Commission, of material or equipment relating to its nuclear weapons or other nuclear activities. This obligation is without prejudice to the obligation of Iraq to carry out, at the request of the Agency, the movement, destruction or rendering harmless of nuclear material, equipment or other items.

21. Iraq shall accept unconditionally all of the rights of the IAEA enumerated under section E of this plan. Iraq shall take no action to interfere with, impede, or obstruct the exercise of these rights by the Agency. Iraq shall take all measures which, in the view of the Agency, are necessary to facilitate the full exercise by the Agency of its rights under the plan, including, but not limited to:

- (a) the designation of the Iraqi authority responsible for liaison with the Agency, and the name or names of the liaison officers within that authority who shall take the necessary measures to secure for the Agency the effective implementation of the Agency's rights laid down in the plan;

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- (b) notification to the Agency, immediately upon receipt of the name of the IAEA Chief Inspector for an inspection, of the name of the individual who will be the Iraqi Inspection Representative for the inspection;
- (c) ensuring the safety and security of Agency personnel and property and the provision, upon request by the Agency, of appropriate escort, medical and other support personnel;
- (d) the provision, at no cost to the Agency, of premises that may be necessary for the fulfillment of the Agency's functions in Iraq under the plan; and
- (e) the acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operator thereof.

22. Within 30 days of approval of the plan, Iraq shall provide to the Agency, and subsequently maintain current, information in accordance with Annex 2 on the following:

- (a) an inventory of all nuclear material in Iraq, as defined in Annex 1;
- (b) an inventory of all facilities, installations and sites in Iraq where nuclear activities of any kind, including but not limited to research facilities, laboratory-scale installations and pilot plants, have been or are carried out, or which are suitable for carrying out such activities;
- (c) an inventory of all material, equipment and items in Iraq identified in Annex 3;
- (d) an inventory of all isotopes in Iraq used for medical, agricultural or industrial applications as identified in Annex 4;
- (e) information on existing and proposed programmes of nuclear activities in Iraq for the next five year period; and

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(f) an inventory of all facilities, installations and sites in Iraq which are provided with any means of supply of electricity exceeding 10 MWe.

23. Iraq shall also provide to the Agency:

- (a) complete design information for any planned nuclear facility or installation in Iraq 180 days before the start of construction of any such facility or installation;
- (b) advance information on proposed imports and exports of any nuclear materials and isotopes, and non-nuclear material, equipment and items identified in Annexes 1, 3 and 4; and
- (c) at the request of the Agency, any other information or data which the Agency requires to enable it to monitor Iraq's compliance with resolutions 687 and 707 or any other relevant Security Council resolutions.

24. Nothing in paragraphs 22 or 23 shall be construed as permitting activities, or the import, supply, sale or use of items, to the extent proscribed under Security Council resolutions 687 or 707 or any other relevant resolution of the Security Council.

25. Should Iraq require for use in an activity not prohibited under resolutions 687 and 707 any item in Iraq identified in Annex 3 as not proscribed under resolution 687, or require the importation into Iraq of isotopes for use in an activity identified in Annex 4, Iraq shall submit, prior to such use or import, respectively, a request to the Director General of the IAEA, specifying precisely the item and the quantities required, the facility, installation or site to be involved in activities with the item, the purpose of its use and the country of export of the isotopes. The Director General of the IAEA shall examine the request and, with the assistance and co-operation of the Special Commission or its successor, make a decision with regard to the disposition of the request, including any special arrangements which the Director General considers necessary.

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26. Should Iraq require the importation for use in an activity not prohibited under resolution 687 or 707 of any item identified in Annex 3 as not proscribed under resolution 687, Iraq shall submit prior to import a request to the Committee established by the Security Council under paragraph 6 of resolution 661 (1991), or such other body designated by the Security Council for that purpose, through the Director General of the IAEA, specifying precisely the item and the quantities required, the facility, installation or site to be involved in activities with the item and the purpose of its use. The Director General of the IAEA, with the assistance and co-operation of the Special Commission, shall examine the request and make a recommendation to the Committee with regard to disposition of the request, including any special arrangements considered necessary.

27. At such time as, pursuant to paragraph 3(vi) of resolution 707, the Security Council determines that Iraq is in full compliance with resolution 707 and with paragraphs 12 and 13 of resolution 687 and the IAEA determines that Iraq is in full compliance with its safeguards agreement with the Agency, Iraq may seek to initiate nuclear activities which are not prohibited by resolution 687. To do so, Iraq shall submit a request to the Security Council specifying precisely the activity, the facility, installation or site where it is to be carried out, and the material or other items to be involved. In considering and examining the request, the Security Council may request the advice, assistance and co-operation of the IAEA and the Special Commission or its successor. Iraq shall not undertake any such nuclear activity until the Security Council has approved the activity.

D. Obligations of other States

28. Paragraphs 24, 25 and 27 of Security Council resolution 687, inter alia, direct States not to provide to Iraq any of the items proscribed in paragraph 12 of that resolution.

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29. Until such time as the Security Council and the IAEA make the determinations called for in paragraph 3 (vi) of resolution 707, States shall also be barred from supplying to Iraq any other nuclear material and any materials, equipment, facilities, other items or training which are especially designed or prepared for use in nuclear activities, except as related to the use of isotopes for medical, agricultural and industrial activities.
30. (a) States shall provide the Agency, 60 days in advance, with full and complete reporting of intended exports to Iraq of isotopes for medical, agricultural and industrial activities to the extent not prohibited by relevant Security Council resolutions as identified in Annex 4. States shall also provide the Agency, 60 days in advance, with full and complete reporting of intended exports to Iraq of any item identified in Annex 3 as not prohibited under resolution 687 for use in an activity not prohibited under resolutions 687 and 707. Transfers of items identified in Annexes 3 and 4 shall be subject to prior approval by the Agency in accordance with the provisions of paragraph 25 or 26, as appropriate.
- (b) At such time as the constraints imposed by resolution 707 are lifted, States shall also provide the Agency, 60 days in advance with full and complete reporting of intended exports to Iraq of any item identified in Annex 3 as not prohibited under resolution 687, technological information, including training, and any other relevant items which could be used in nuclear activities not prohibited under resolution 687 (see Annex 1). Transfers of such items, information and training shall be subject to prior approval by the IAEA, and shall only be transferred for use in activities authorized by the Security Council under the provisions of paragraph 27.

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E. Rights of the IAEA

31. Without prejudice to the rights which the Agency has under the safeguards agreement with Iraq, under the Agreement on the Privileges and Immunities of the IAEA, and under the exchange of notes between the Secretary-General and the Foreign Minister of Iraq, which entered into force on 14 May 1991 and which applies to the Agency mutatis mutandis, the Agency shall have the following rights:

- (a) to carry out inspections, at any time and without hindrance, of any site, facility, area, location, activity, material or other item in Iraq upon designation by the Special Commission or its successor, or upon its own initiative. Iraq shall provide immediate and unimpeded access to, and shall take the measures necessary to enable inspectors to arrive at, the location where inspection activities are to be carried out by the time notified by the Agency;
- (b) to inspect any number of sites, facilities, areas, locations, activities, materials or items simultaneously or sequentially;
- (c) to conduct unannounced inspections and inspections upon short notice;
- (d) to secure any site, facility, area, location, activity, material or item to be inspected and prevent any material or other item from being taken to or from the site until the inspection is concluded;
- (e) to stop and inspect vehicles, ships, aircraft or any other means of transportation within Iraq. This also includes the right of the Agency to restrict and/or stop movement of suspected material, equipment or other items;
- (f) to inspect imports or exports of material and other items upon arrival or departure;
- (g) to establish special modes of monitoring and inspection, including prolonged or continuous presence of inspectors, use of instruments and other arrangements to facilitate monitoring and verification.

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- (h) to secure full and free access at any time to all sites, facilities, areas, locations, activities, material and other items, including documentation, all persons and all information which, in the Agency's judgement, may be necessary for its monitoring and verification activities. This includes unimpeded access to all nuclear material, facilities and installations, as well as equipment and non-nuclear material relevant to Iraq's undertakings, and all documentation related thereto;
- (i) to request, receive, examine, retain, copy and remove any record, data and information, including documentation; to examine and photograph, including by videotaping, any activity or item; and to retain and move any item;
- (j) to conduct interviews with any personnel at any site, facility, area or location under inspection, and with any Iraqi official;
- (k) to install containment and surveillance equipment and other equipment and devices and to construct facilities for observation, testing, verification, monitoring and inspection activities;
- (l) to verify inventories, and to take and analyze with its own instrumentation, or to request Iraq under the observation of Agency Inspectors to take and/or analyze, samples, and to remove and export samples for off-site analysis;
- (m) to mark, tag, or otherwise identify any material or other item;
- (n) to use its own instrumentation to collect data during inspections and aerial overflights, including photographic, video, infrared and radar data.

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32. The Agency shall also have the right:

- (a) to unrestricted freedom of entry into and exit from Iraq, without delay or hindrance, of Agency officials and experts, property, supplies, equipment, including means of transport, and other items. No visas shall be required of such personnel travelling on a United Nations laissez-passer or certificate and possessing an inspection assignment document; Iraq shall ensure prompt issuance of visas of entry and exit for such personnel as may not possess a United Nations laissez-passer or certificate;
- (b) to unrestricted freedom to move within Iraq, without advance notice, delay or hindrance of Agency officials and experts, property, supplies, equipment, including means of transportation, and other items. Iraq shall, at the request of the Agency, provide means of transportation, maps or other necessary information;
- (c) to remove from Iraq any material and any other item, including documentation;
- (d) to use its own means of transport, including fixed- and rotary-wing aircraft for overflights, throughout Iraq for all relevant purposes, including inspection, surveillance, transportation and/or logistics;
- (e) to use airfields in Iraq for purposes determined by the Agency including landing, take-off, basing, maintenance, refuelling and other support. Iraq shall secure priority clearance for aircraft used by the Agency;
- (f) to communicate from any place within Iraq, and without censorship or other hindrance, by radio, satellite or other forms of communication and to connect with the IAEA and the United Nations by radio and satellite network, as well as by telephone, telegraph and other means of communication. Iraq shall, upon request of the Agency, provide appropriate means of communication;

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- (g) to use codes and receive papers, correspondence and other items by courier or sealed bags; and
- (h) to fly the United Nations flag on premises and means of transport.

33. The Agency shall have the right to make its own arrangements to ensure the safety and security of its personnel and property and to take custody of any material or item.

F. National Implementation Measures

34. Iraq shall adopt the necessary measures to implement its obligations under resolutions 687 and 707, and other relevant Security Council resolutions, and the present plan, in particular to prohibit all natural and legal persons under Iraq's jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq by resolution 687 or 707, by other relevant Security Council resolutions or by the present plan. Iraq shall enact penal laws to secure enforcement of these prohibitions.

35. Iraq shall inform the IAEA of the legislative and administrative measures taken to implement resolutions 687 and 707, other relevant Security Council resolutions and the plan not later than 30 days after the approval by the Security Council of the plan and thereafter as determined by the IAEA.

G. Non-compliance

36. Should the IAEA discover any item, including documentation, that Iraq, under resolutions 687 or 707, is obliged to yield to the IAEA for destruction, removal or rendering harmless, the IAEA shall have the right to take it into

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custody and shall provide for its disposal, as appropriate. Iraq shall retain no ownership interest in items to be destroyed, removed or rendered harmless pursuant to resolution 687 or the plan.

37. Should the IAEA discover any activity taking place in contravention of resolutions 687 or 707, it shall have the right to call upon Iraq to halt the activity and to prevent its recurrence. The IAEA shall also have the right to take any prohibited item involved into custody and shall provide for its disposal, as appropriate.

38. Findings by the IAEA that indicate that Iraq is not in compliance with its obligations under resolution 687 or 707 or the plan shall be brought to the attention of the Security Council.

39. Findings by the IAEA that Iraq is not in compliance with its obligations under the safeguards agreement between Iraq and the IAEA shall, in accordance with the safeguards agreement and the Statute of the Agency, be reported to the Security Council.

H. Reports

40. The IAEA shall, through the Secretary-General, report to the Security Council every six months, and at any other time the Security Council may request, on the implementation of the plan.

I. Revisions

41. The plan may only be revised by the Security Council. The IAEA may, however, after informing the Security Council, update and revise the Annexes in the light of information and experience gained in the course of the implementation of resolutions 687 and 707 and of the plan. The IAEA shall inform Iraq of any such change.

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J. Entry Into Force and Duration

42. The present plan shall enter into force immediately upon its approval by the Security Council. The duration of the plan shall be determined by the Security Council.

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LIST OF ANNEXES

ANNEX 1 DEFINITIONS

ANNEX 2 PROVISIONS RELATED TO INFORMATION REQUIREMENTS

ANNEX 3 LIST OF ITEMS TO BE REPORTED TO THE AGENCY

**ANNEX 4 LIST OF NUCLEAR ACTIVITIES PERMITTED UNDER SECURITY
COUNCIL RESOLUTION 707**