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Abstract

This thesis analyzes the historical, legal, economic and foreign policy aspects of the US-led UNSC sanctions on Iraq from 1990 to 2003. In conjunction with the First Gulf War in 1991, these sanctions devastated and impoverished Iraq, throwing it back to a pre-industrial state. Its cities were destroyed, its population starved and its industry and economy demolished. An entire nation was intentionally made to pay for Saddam Hussein's wrongdoings. The US-led war and sanctions against Iraq were primarily determined by the US neoconservative foreign policy objectives in the Middle East. This analysis studied UN sanctions as a policy tool and specifically as an enforcement measure under Chapter VII of the UN Charter. The UNSC does not and cannot act in a legal vacuum, but must respect certain legal boundaries which the Iraq sanctions violated. Moreover, the UN failed to meet its obligations to protect civilian populations, preventing critical humanitarian aid and relief for Iraq. UN mismanagement and corruption occurred on many levels, especially regarding its Oil-for-Food-Programme. This thesis asks and attempts to answer the questions: did the Iraq sanctions regime constitute an unjust war and was there a moral if not legal responsibility for this war? The conclusion reached is that the comprehensive 13-year-long UNSC sanctions, unprecedented for the UN, represented an unjust war, a "continuation of politics by other means", for which the moral and political responsibility lies with those who sought, imposed, supported and implemented the Iraq sanctions regime.

Zusammenfassung

Die historischen, rechtlichen, wirtschaftlichen und außenpolitischen Folgen/Zusammenhänge der vom UNO Sicherheitsrat verhängten Irak Sanktionen 1990-2003 sind Gegenstand dieser Masterarbeit. Die USA waren federführend im Ersten Golfkrieg und bei der Verhängung/Aufrechterhaltung dieser Sanktionen. Die Folgen für Irak und dessen zivile Bevölkerung waren verheerend – ein humanitäres Desaster. Das Öl-für-Lebensmittel-Programm war ungeeignet das Leid der Bevölkerung zu lindern und stand überdies unter Korruptionsverdacht. Die rechtlichen Grenzen gemäß Kapitel VII der UN-Charta wurden verletzt. Die Bevölkerung war schutzlos den unverhältnismäßigen und illegalen Sanktionen ausgesetzt. Gemessen an ihren Auswirkungen waren die Sanktionen ein ungerechter Krieg, für das die UNO zumindest die moralische/politische Verantwortung trägt.

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Introduction

My thesis will attempt to show that the UNSC sanctions regime from 1990 to 2003 was an ‘unjust war’, a continuation of “war by other means”, and to determine the moral responsibility for this. In so doing, the thesis takes a multidisciplinary approach which analyzes the historical, legal, political, economic and international relations aspects of these sanctions.

The phrase ‘unjust war’ in the title of my thesis is taken from Hugo Grotius’ work *On the Laws of Wars and Peace* written in 1625, in which he developed the concept of just and unjust wars. Just wars were formally declared, unjust wars were based on “*colorable pretexts*”. Although he did not coin the term ‘sanction’, he describes when it is just to impose an embargo or a blockade and when indemnity can be sought, and when such actions towards other nations are unjustified, i.e., an “*unjust war*”. The unjust “War” in the title thus refers to the UNSC sanctions regime imposed on Iraq 1990-2003.

The UNSC sanctions regime which had been in place since August 1990, ensured that Iraq, devastated by the First Gulf War, could not be rebuilt. Instead, Iraq declined further into chaos, hopelessness and lawlessness. All essential Iraqi infrastructure and Iraq’s economy, once thriving owing to the enormous oil revenues and reserves, were destroyed. Hundreds of thousands of Iraqis, both civilians and combatants, died in the war.

In May 1996, Lesley Stahl of CBS asked the then US Secretary of State Madeleine Albright to comment on the ongoing humanitarian catastrophe in Iraq: “*We have heard that a half million children have died. I mean, that’s more children than died in Hiroshima. And, you know, is the price worth it?*” The answer by Madeleine Albright: “*I think this is a very hard choice, but the price—we think **the price is worth it.***”¹

¹ <https://www.fff.org/explore-freedom/article/albright-apologizes/>, Statement by UN Ambassador Madeleine Albright in May 12, 1996 in an interview by Lesley Stahl on CBS 60 Minutes. After this statement by Ambassador Albright there was no public outcry. Ambassador Albright was confirmed as President Bill Clinton’s Secretary of State on January of 1997.

The US-led UN military enforcement measures against Saddam Hussein (Operation Desert Storm) in January 1991 intentionally destroyed Iraq's infrastructure. All aspects of Iraq's civil society had been bombed back to a pre-industrial state: hospitals, power stations, sewage plants, roads, airports, schools, agriculture etc. The military attack on Iraq's infrastructure was planned and thorough. During the First Gulf War, the 'chemical' warfare waged by the US' use of depleted uranium munitions left Iraq with a humanitarian and environmental disaster whose repercussions on Iraqi health, agriculture and water supply are still felt today.

Saddam's invasion of Iraq in August 1990 turned him from longstanding ally to most hated foe. Regime change became the foreign policy objective of every US administration. The blame game between Saddam Hussein and consecutive US administrations ensured that the reasons why Iraqis were not receiving enough aid became more important than the fact of insufficient aid itself. The US policy and aim was that the unabated Iraqi suffering from sanctions would ultimately lead to the overthrow of Saddam Hussein, which did not happen.

The UNSC, under the "leadership" of the United States, placed a comprehensive sanctions regime on Iraq pursuant to which the UN took on the responsibility of monitoring, implementing and controlling the sanctions regime and its Oil-for-Food-Program. This organizational overkill led to thousands of UN diplomats and civil servants working in and for Iraq at the expense of the starving and dying Iraqi people.

The Oil-for-Food-Programme (OFFP), which delivered its first humanitarian relief only in 1997, carved out the rebuilding of Iraq's infrastructure (for the central/southern provinces) and did not bring the required relief to Iraq's population. Allegations of corruption and mismanagement by UN officials administering the billions of dollars of Iraq's oil fund led to an official investigation. UNSG Kofi Annan son, Kojo Annan, was implicated in irregularities in OFFP contract allocation. The allegations surrounding his son, as well as the entire UNSC were carved out from this official investigation. These carveouts make the conclusions of the so-called Volker Commission incomplete at best.

The US made quite clear that even if Saddam Hussein were to abide by the disarmament, inspection and monitoring requirements as set forth in over 30 UNSC

sanctions resolutions, the US would veto any attempt to lift the sanctions. The UNSC became hostage to US foreign policy. Reports by a myriad of UN organizations, UN special rapporteurs and three UNSGs (Javier de Pérez de Cuéllar Guerra, Boutros Boutros-Ghali and Kofi Annan), as well as countless independent NGOs documented the plight of Iraq's civilian population.

The unjust "War" against Iraq was waged with no regard to the civilian cost and loss of life. The four Geneva Protocols which protect civilians during armed conflict do not apply to civilians suffering under a repressive, deadly and comprehensive sanctions regime. Despite repeated calls, also from within the UN, the UNSC did not provide the Iraqi civilian population with commensurate protections or relief. The civilian population was abandoned by the international community.

The story of Iraq's sanctions regime is the story of an avoidable humanitarian disaster orchestrated by the UN. The regime against which they were supposed to be aimed found ways to circumvent the sanctions through illicit trade, kickbacks and bribery. Saddam Hussein's power was not diminished, nor was his lifestyle changed². In fact, the sanctions regime achieved the opposite effect, as Iraqis rallied around their leader.

The UNSC sanctions regime is also the story of flagrant violations of international law committed by the international community in the name of the international community, a paradox in itself. The UNSC does not act in a legal vacuum, but must respect certain legal boundaries. This thesis will attempt to show that Iraq's sanctions regime violated these boundaries. The economic warfare via sanctions on Iraq and on the Iraqi population reflected a breakdown in international governance and a failure of the United Nations. In so doing, the moral responsibility of the UN and of the US in particular for this unjust war cannot be avoided.

² Noam Chomsky in (Arrove 2000) 181.

Chapter 1 provides an overview of the evolution of sanctions as a policy tool and of the classifications of UNSC sanctions. It seeks answer to the questions: What is the origin of sanctions and what were they used for in the past? What are the substantive limits of UNSC resolutions? What are the limits on judicial control of UNSC sanctions resolutions? What is an unjust war?

Chapter 1: Sanctions and their Legal Framework: An Overview

I. History of Economic Sanctions

The 18th century BC ruler of Babylon, Hammurabi, displayed his laws on a stele containing 282 Articles. It was mankind's first codified law. The first five articles of this code deal with the role of judges, the rule of law, the idea of justice and the concept of punishment. Hammurabi's Code is the earliest example of what is presently referred to as the "*lex talionis*" or the law of retribution: the saying "an eye for an eye" is based on Hammurabi's code³. Modern sanctions can be categorized as coercive, preventive, retributive or punitive⁴. Ironically punitive sanctions have their ancient origins in Babylon, or present-day Iraq. Over 3500 years after Hammurabi, the Iraqi population was to become victim to the most stringent and long-lasting sanctions regime of the post-Cold War era.

The word sanction comes from the Latin word *sanctio*, meaning decree, ordinance or punishment⁵. The word sanctions (in the plural) as used in international diplomacy evolved by 1900 to mean the clause of a law which spells out the penalty for breaking that law. Sanctions were historically used as a coercive tool to modify the behavior of the target state, as an act of retribution or punishment or as a signal to the target or third states – of a combination thereof⁶.

The history of blockades, embargoes and sieges goes back a long way. Sieges and blockades were used during times of war. The siege of Leningrad for instance took

³ <https://avalon.law.yale.edu/ancient/hamframe.asp>

⁴ (Nossal 1989) 303.

⁵ <http://latin-dictionary.net/definition/34023/sanctio-sanctionis>

⁶ (Alexander 2009) 29.

an enormous toll in human life (1.5 million deaths⁷). Economic sanctions, on the other hand, are imposed outside the context of a war and are defined as an: “*Action taken by one country or group of countries to harm the economic interest of another country or group of countries, usually to bring about pressure for social or political change.*”⁸

By the twentieth century, economic sanctions were viewed as a way to prevent war, mitigate destructive behavior and as a tool of collective security to enforce peace. Non-violent coercive measures were the morally acceptable alternative to war. Sanctions were imposed for many reasons, *i.a.*, to: disrupt military operations; enforce nuclear non-proliferation and disarmament; support a broader war; forestall the declaration of war; pursue regime change; achieve freedom and democracy; achieve a certain environmental goal; punish human rights violations (right to protect); punish serious violations of labor rights; restrict financial/capital flows (SWIFT); free captured citizens; punish landgrabs; impose sophisticated trade restrictions (*i.e.*, reduce exports of the targeted nation, import restrictions ranging from a total ban to selective bans of certain commodities such as military equipment and dual-use technology); and as a form of deterrence.

Permissible UNSC sanctions pursuant to Chapter VII of the UN Charter aim to restore peace and security. The real aim of the Iraq sanctions was to achieve regime change, contrary to this permissible goal. These sanctions could better be characterized as “*impermissible economic warfare policies*”⁹, impermissible under Chapter VII. This interpretation is confirmed by a UN diplomat (from the United States): “*The sanctions weapon when applied to food is a double-edged sword. We want Iraq to hurt, but cannot be seen to use famine to bring the country down.*”¹⁰ Clausewitz characterized war as “*an act of force to compel our enemy to do our will.*”¹¹ Noam Chomsky even called the Iraq sanctions regime “*weapons of mass destruction*”.

As the Chinese military tactician Sun Tzu put it over 2000 years ago, the master strategist is able to win the war without fighting, he can produce an outcome without

⁷ https://en.wikipedia.org/wiki/Siege_of_Leningrad

⁸ <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095741439>

⁹ (Conlon 2000)14.

¹⁰ (Gordon, *Invisible War The United States and the Iraq Sanctions* 2010) 54.

¹¹ (von Clausewitz 1976) 75.

engaging the enemy in combat. Sun Tzu called it “*winning the heart of the enemy*”¹², capturing the whole intact. For the United States, the UNSC sanctions regime was an effective means to win its ‘war’ against Saddam Hussein, the prize or Sun Zhu’s ‘heart’ being control of Iraq’s oil and a strong foothold in the Middle East.

II. Framework of UNSC Sanctions Resolutions: Limits and Scope

International organizations such as the UN base their respective missions and powers on their constitution, the UN Charter, and the agreements with their member states. The UN is bound by international law standards¹³ and as an organization has an obligation to ensure that its actions and decision do not violate the law. The following section will discuss the possible forms of Chapter VII enforcement measures, their scope and the inherent limitations on the powers of any these organizations, including the UN.

A. Scope of Chapter VII Enforcement Measures

The UNSC, established under the UN Charter, has the discretionary power under Chapter VI and Chapter VII to impose enforcement measures to enforce peace and security. For Hans Kelsen, father of legal positivism and of the 1920 Austrian Constitution, the UNSC existed “*to preserve peace and not to enforce law*”¹⁴. The International Court of Justice (ICJ) clarified the “political character” of the UNSC, but affirmed in *Lockerbie* that “*all discretionary powers of lawful decision-making are necessarily derived from the law, and are therefore governed and qualified by the law ... the sole authority of such decisions flows itself from the law.*”¹⁵

Chapter VII of the Charter of the United Nations states that if the UNSC determines “*the existence of any threat to the peace, breach of the peace, or act of aggression ... measures not involving the use of armed force*” may be imposed “*to maintain or restore international peace and security*”. The Charter does not use the word “sanction” but makes clear that such measures can include the “*complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and*

¹² (Ong 2015) 70.

¹³ (Orakhelashvili 2005) 59.

¹⁴ (Kelsen 1951) 294.

¹⁵ (Orakhelashvili 2005) 60.

*other means of communication, and the severance of diplomatic relations.”*¹⁶ Chapter VII sanctions are universally binding on the member states of the UN: “*The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter*”¹⁷.

UNSC sanctions are generally grouped into preventive sanctions and coercive sanctions (also called punitive sanctions)¹⁸. Preventive sanctions, such as an arms embargo, are usually widely accepted. They generally do not interfere in the activities of the civilian population. The economy of the state on the receiving end of the sanctions (in sanctions jargon called the ‘target’) is not heavily affected, since the embargo only affects a narrow range of items (i.e. weapons, chemicals etc.). Also, fewer countries are impacted by these sanctions, since not all countries are producers of the targeted item.

Coercive sanctions on the other hand are directed against a state or target. These measures can only be adopted for certain purposes and in response to actions of the target. The rationale behind such sanctions is based on punishment. The penalty to be paid by the target is so high (or harmful) that the target will alter its behavior. Sanctions can have both coercive and preventive functions. Generally, most UNSC sanctions are coercive.

In the case of Iraq, the sanctions regime had both coercive and preventive elements: the sanctions included bans on trade, bans on financial flows and services and the temporary immobilization of tangible assets (i.e. grounding of Iraq’s entire commercial airplane fleet and Iraqi commercial ships in international waters), as well as a naval blockade. Iraq was subjected to a complete boycott and a complete embargo. A boycott is the prohibition to purchase goods from the target in order to deprive the target of revenue. An embargo is the prohibition to sell any goods to the target state.

Sanctions can be either unilateral (one country imposes sanctions on another country in case of bilateral disputes), multilateral (a group of countries e.g., the EU and the US impose sanctions), or universally binding sanctions, which only the UNSC has the monopoly to impose. UNSC sanctions can be total (comprehensive) or partial. Total

¹⁶ Article 41 of the UN Charter.

¹⁷ Article 25 of the UN Charter.

¹⁸ (Conlon 2000) 3.

sanctions are a ban on all trade with the target. Partial sanctions do not ban trade in general, but only trade in certain items or groups of items. Partial sanctions are generally considered more difficult to administer. The UNSC sanctions on Iraq were total. In contrast, the UNSC sanctions regime against Libya (1992-1999) were partial. Prior to 1990, the UNSC had only once before placed comprehensive economic sanctions on one other country, Rhodesia as of 1966¹⁹.

B. General Rule of Precedence and Principles and Purposes of the UN Charter

Once a threat to the peace has been established pursuant to Chapter VII, Article 39 of the UN Charter, the UNSC has the freedom to adopt or not to adopt enforcement measures. The international system of collective security, as enshrined in the UN Charter, leaves the decision up to the UNSC as to when, how, in what order and for how long any enforcement measures pursuant to Chapter VII, Article 40 to 42 of the Charter is deemed necessary.

The UNSC has wide discretion to deviate from customary international law or treaty law when imposing Chapter VII measures. Article 103 of the UN Charter states: *“In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”* Member states are obliged pursuant to the UN Charter to carry out the binding decisions of the UNSC. In the case of conflict between a UNSC enforcement measure with an existing treaty obligation of a member state, Article 103 clearly states which rule takes precedence: the UNSC Resolution.

Article 24(2) of the UN Charter states that UNSC will act in accordance with the purposes and principles of the organization when discharging its duties. Articles 1 and 2 of the Charter specify these purposes and principles. The UNSC is also bound by these when deciding on enforcement measures pursuant to Chapter VII. The primary purpose of the UN is the maintenance of peace and security, the solving of socio-economic and

¹⁹ Other UNSC comprehensive sanctions regimes: Yugoslavia 1991-1996 and Haiti 1993-1994.

humanitarian problems, the furthering of human rights and the right of self-determination. Pursuant to the Charter all member states are equal and their sovereignty is to be respected; the UN and its organs have the obligation to act in good faith; members of the UN should strive to settle disputes peacefully; non-members should be urged to act according to the purposes and principles of the UN; the Charter includes the prohibition of the unilateral threat or use of force; members are obliged to assist the UN and the UN has the obligation not to interfere in the domestic jurisdiction of its members.

When deciding on Chapter VII measures, the UNSC must balance these various purposes of the Charter while taking the principles into consideration²⁰. The UNSC is therefore bound by the limitations as set down in the UN Charter. Pursuant to Article 1 of the UN Charter, enforcement measures under Chapter VII should “*not undermine the essence of self-determination, basic human rights or norms of international humanitarian law*” nor should a settlement be imposed on the parties. According to the wording of Article 1, disputes have to be settled in accordance with the principles of justice and international law. Core elements of state sovereignty need to be respected even when imposing enforcement measures.

Pursuant to Article 2(2) of the Charter, the organs of the UN are bound to act in good faith. Acting in good faith is a common legal doctrine and in international law it is commonly also referred to as the principle of equitable estoppel. If a party has reason to believe that a situation will or will not change in the future and this belief is based on the actions and/or words of the other party, then this belief is protected to the extent that the other party may not change the situation in contradiction to its previous actions and/or words. The legitimate expectation of the party invoking the equitable estoppel is protected. Acting in bad faith would be the opposite, namely acting contrary to a legitimate expectation. It is generally held that this principle of law also applies to international organizations and the organs which represent them, thereby limiting their powers to impose enforcement measures pursuant to Chapter VII.

²⁰ (de Wet 2004) 193.

C. Substantive Limits on UNSC Resolutions

Despite the wide discretion of the UNSC there are substantive limits which it must respect²¹. ‘Substantive’ limits is the term used to describe: peremptory norms of international law (*ius cogens*); the limits based on the purposes and principles of the UN Charter; fundamental human rights; and international humanitarian law²². Peremptory norms protect the “*values and interests that are fundamentally important to the international community as a whole*.”²³ Peremptory norms are non-derogable²⁴. These so-called ‘substantive’ limits are different from the ‘structural’ limits, which refer to “*the power of the UNSC to delegate certain powers to sub-organs and entities*”²⁵.

The UNSC must respect fundamental human rights when imposing Chapter VII enforcement measures. The legal UN framework for human rights protection includes: the International Covenant on Civil and Political Rights of 1966 (ICCPR); the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR); and the United Nations Declaration of Human Rights of 1948 – all of which constitute the Universal Bill of Human Rights. The UN has always promoted human rights and as such has also created a legitimate expectation (principle of estoppel) that these rights will be respected, especially when imposing Chapter VII enforcement measures. This legitimate expectation applies not only to the targeted state, but also to the UNSC. Hence, the social, economic and cultural rights of the population of a targeted state are to be protected when imposing economic sanctions²⁶.

Economic sanctions most likely affect the right to life, guaranteed under Article 6 ICCPR. This right is the highest right, basic to all human rights. This right not only includes the right not be killed, but also protects against malnutrition and epidemics. In addition, a child’s life is protected by the Convention on the Right of the Child (CRC). The UNSC has the obligation to protect the right to life and protect the right of a child’s life (which also includes the basic goods and services a child would require to survive).

²¹ The US drafters of the UN Charter affirmed these limits at the 1945 San Francisco Conference in reply to Norway’s suggested amendment to include wording to limit enforcement measures within the limitations of justice and international law.

²² The US refers to international humanitarian law as the law of war or the law of armed conflict

²³ (Orakhelashvili 2005) 64.

²⁴ A non-derogable right cannot be changed, taken away or compromised.

²⁵ (de Wet 2004) 180.

²⁶ Ibid 203.

The UNSC cannot deprive people food, cause hunger, cause malnutrition, cause poverty which leads to hunger etc. Starvation of civilians is a prohibited method of warfare and the UNSC is prohibited from imposing sanctions which would bring about conditions likely to lead to hunger, starvation and death (Additional Protocol I to the Geneva Conventions of 1949 Articles 54(1)²⁷).

Moreover, the UNSC must respect the right to health. Any economic sanctions imposed under Chapter VII must not endanger the basic health of the population. Embargoes must not affect: basic shelter; sanitation; adequate supply of safe and potable water; access to health facilities, goods and services related to health and well-being; and accessibility of necessary medicines as defined by the WHO Action Program on Essential Drugs.²⁸

The principle of proportional collateral damage requires the UNSC to guard against any harming of the civilian population when imposing economic sanctions. The UNSC must target the sanctions in order to minimize any disproportionate infringements to human rights of the civilian population²⁹. Comprehensive sanctions regimes make it almost impossible to adhere to the principle of proportional collateral damage. Moreover, UNSC economic sanctions must include an effective monitoring mechanism in order to guarantee that the civilian population is not affected. The absence of such a monitoring system would mean that violations of *ius cogens* norms such as the right to life and the right to health could go unnoticed by the UNSC and this violation ultimately would lead to the UNSC resolution becoming invalid. In the case of the Iraq sanctions, the monitoring mechanisms which were installed were ineffective.

International humanitarian law is an additional limitation on the powers of the UNSC. Military enforcement measures (and peace-keeping) by the UNSC are bound by the Geneva Conventions. The UNSC would be estopped from any behavior violating

²⁷ The Geneva Conventions consist of four treaties and three additional protocols. They set a standard for humanitarian treatment in war.

²⁸

https://iris.wpro.who.int/bitstream/handle/10665.1/6936/WPR_RC032_16_Essential_Drugs_1981_en.pdf

²⁹ (de Wet 2004) 224.

these basic principles of international humanitarian law, which would be an act of bad faith on the part of the UN³⁰.

Article 53 of the Vienna Convention of the Law of Treaties 1969 states that a treaty is null and void if it violates *ius cogens*. The rationale for applying the general principle of treaty law to the UN Charter is because the Charter is a treaty. Member states are not obliged to follow UNSC resolutions which violate *ius cogens*. The following are generally accepted as belonging to *ius cogens*: the right to life and health; the right to self-defense and self-determination; the right to a fair trial; the prohibition of genocide and the unilateral use of force; the prohibition of the violation of international humanitarian law, racial discrimination and slavery.

Acts by an international organization beyond *ius cogens* are “*beyond the powers of an institution*”, they are *ultra vires*³¹. UNSC resolutions contrary to *ius cogens* would have a direct and immediate effect. Judge Lauterpacht in his ICJ separate opinion in the *Bosnia* Case held that the effect of “*the prohibition of genocide, as a peremptory norm*” on UNSC resolution 713³² is “*immediate and direct.*”³³ The UNSC “*unconditionally*” is bound by *ius cogens*. Violations of *ius cogens* required no intermediate transformation or modality: According to Lauterpacht UNSC resolution 713 was illegal because of this violation³⁴.

D. No Judicial Review and No Majority rule

Parliamentary democracies are characterized by majority rule and by the ability to judicially review decisions of the executive branch including those deemed to violate a law or a basic right. This basic premise does not apply to the highest governing body of the UN, the UNSC. UNSC decisions are not democratic. Permanent and non-permanent members are unequal. Within the UNSC, the P5 members (US, UK, France,

³⁰ Certain states (the US) with the UN have argued that UN military operations are not acts of war, but acts of law enforcement by the international community and therefore do not fall within the applicability of humanitarian law. The Convention on the Safety of United Nations and Associated Personnel of 9.12.1994 states that UN military interventions and the law of international armed conflict as mutually exclusive regimes and designed to protect peace-keepers. Chapter VII enforcement measures such as The First Gulf War and the Korean War would not fall under this carveout.

³¹ (Orakhelashvili 2005) 69.

³² This 1991 UNSC resolution imposed an arms embargo on the former Yugoslavia.

³³ Separate Opinion [1993] ICJ Rep 440-441.

³⁴ <http://unscr.com/en/resolutions/713>

Russia and China) have special rights, such as the right to maintain diplomatic staff on the UNSC, the right to retain all past records of UNSC meetings and the veto right against any UNSC decision (even a majority one). Non-permanent members of the UNSC, rotating on the UNSC every two years, have none of these rights and advantages - no staff, no records, no veto³⁵.

UNSC resolutions are binding under international law. Neither the UNGA, nor any other body within or outside of the UN has the autonomous power to revise or revoke UNSC resolutions. The ICJ has no formal standing to initiate a proceeding on its own, if it believes international law or the UN Charter has been violated. The ICJ has no express power of judicial review.

Pursuant to Article 96 of the UN Charter, the UNGA and the UNSC are authorized to request the ICJ to give an advisory opinion on any legal question. Although these are not binding, in practice such opinions have far-reaching effects. The opinion of the ICJ carries weight and moral authority and it assists in the development of international law³⁶. The ICJ has broadly defined 'legal questions' as questions "*susceptible of a reply based on law*".³⁷ The ICJ is reluctant to follow the so-called political question doctrine, which states that questions of a political nature lie outside of the court's jurisdiction³⁸. Thus, the ICJ can give advisory opinions on a broad category of questions and has the competence to decide its own jurisdiction, the so-called *competence de la competence*.

Adversarial cases can only be brought against states, not against an international organization (like the UN). Judge Sir Robert Jennings dissenting opinion in the ICJ *Lockerbie* Case held that the ICJ was the "*principal judicial organ of the United Nations*" and that its primary responsibility is to apply the law: the UN Charter. He concurred with the Libyan argument: UNSC decisions and actions are not to be regarded as "*enjoying some sort of immunity from the jurisdiction*" of the ICJ³⁹. Judge

³⁵ <https://www.securitycouncilreport.org/> published UNSC reports online since 2005.

³⁶ <http://ask.un.org/faq/208207>

³⁷ *Western Sahara*, Adv. Op., 16 Oct. 1975, para. 15.

³⁸ (Schweigman 2001) 303-304.

³⁹ Sir Robert Jennings, "Dissenting Opinion of Judge Sir Robert Jennings", <https://www.icj-cij.org/files/case-related/88/088-19980227-JUD-01-09-EN.pdf>, 13-15, February 1998.

Fitzmaurice in his dissenting opinion in the ICJ *Namibia* Case stressed that UNSC powers have limitations.

If an act by the UNSC is deemed questionable or illegal under international law, *ius cogens* or under the UN Charter, the Security Council itself can ask for an advisory opinion by the ICJ regarding the legality of its own resolutions. If the majority of UNSC members vote for an advisory opinion, any permanent member of the UNSC can still veto this majority vote. Theoretically the UNGA could ask the ICJ whether a decision of the UNSC was *ultra vires* (and the reverse).

Chapter 2 analyzes the consequences of US policy in the Middle East, including the geopolitical strategy to control the region and its oil. One major consequence of this policy was the UNSC sanctions regime against Iraq. The reverse veto of the US ensured that the UNSC became “hostage” to the main foreign policy objective of the US, namely, the removal of Saddam Hussein. The failure to lift the sanctions for 13 years despite actual knowledge of their devastating effects highlights the failure of the UN. Together with the Main Stream Media (MSM), the US government (regardless of which party controlled the White House and Congress) played a vital role in demonizing Saddam Hussein and equating Iraq with one person, “Saddam”. This demonization made it easier for the world to wage an economic and unjust war against the Iraqi civilian population. The UN was instrumentalized to achieve the US goal of regime change.

Chapter 2: American Domination of Iraq Policy and UN Failure: Two Sides of a Coin

I. US ‘Manifest Destiny’ to Control the Greater Middle East

A. US Neoconservative Agenda: Regime Change

The neoconservative discourse in the US sought to define and determine the new world order after the fall of the Soviet Union, and to decide who would be included in or excluded from this world order. Their agenda comprised: exporting democracy (to include regime change), liberal economics including the “free market”, globalization, freedom of capital movement, free trade, minimum regulation as well as dominating international agencies and financial organizations. These neoconservative forces, part of and supported by the Deep State, have retained power regardless of who is US President.

The neoconservatives wanted to change the governments of the “Greater Middle East” to assure, at a minimum, their conformance with US policy and strategic aims, and to gain control of their vast oil resources. Iraq, Iran, Syria and Libya were thus prime candidates for regime change. This also answers the question of why Iraq and other

states had to be destroyed when there were other ways to eliminate Saddam Hussein and other leaders.

Those who were not in this “club” were the “other” and this came with a cost – the exclusion from the global economy, financial system and “international community”. President Bush assured the Iraqi people that after getting rid of Saddam, Iraq would be “*accepted back into the family of peace-loving nations*”.⁴⁰ In a post-Covid19 world this of course has a different meaning, protectionism and nationalism being on the rise, but in the 1990s and 2000s being categorized as the “other” could mean the total exclusion from development, security and stability. Sanctions by the international community were a means to force the “other” states to fall into line and abide by the rules of the “leaders” of the international community.

Exclusion through sanctions was often followed by “coercive integration” through conquest⁴¹. Iraq went through a period of “exclusion” from 1990 to 2003 and subsequently was subjected to coercive “integration” through invasion in 2003 by the US, a unilateral war of choice, not approved by the UNSC. While “bringing democracy” to the people of Iraq, President George W. Bush envisioned a “*domino effect where a free and democratic Iraq would be followed by political reform in one Arab country after another*.”⁴²

Since the end of WWII, the Middle East has been of strategic importance to the US. The United States policy of securing access to and control over cheap oil in the Middle East, the Arabian Peninsula and the Persian Gulf were considered “*a stupendous source of strategic power, and one of the greatest material prizes in world history*.”⁴³ By the 1950s Iraq started to play a central role for the US.

Pentagon Chief Donald Rumsfeld in November 1975 issued an annual report affirming the US had a “*fundamental interest in uninterrupted access to Middle East oil and gas*”.⁴⁴ In 1979 a then unknown official of the Pentagon, Paul Wolfowitz, published a study which has come to be known as the “Limited Contingency Study”, according to

⁴⁰ (Bacevich 2017) 130.

⁴¹ (United Nations World Food Programme, Iraq Country Office 2005) 319.

⁴² (Gordon, Invisible War The United States and the Iraq Sanctions 2010) 1.

⁴³ (Miles Ignatus 1975), (R. W. Tucker January 1975), (Paine 1975).

⁴⁴ (Bacevich 2017) 10.

which the US should have a “*vital and growing stake in the Persian Gulf*” to secure “*our need for Persian Gulf oil and because events in the Persian Gulf affect the Arab-Israeli conflict.*”⁴⁵ Wolfowitz would mark Iraq as the “pre-eminent” prize in the Persian Gulf, claiming that the US must “*make manifest [its] capabilities and commitments to balance Iraqi power.*”

Securing enough oil has been a chief foreign policy objective for every President since Carter. Carter equated the oil crisis as a fundamental threat to American democracy itself: “*on the battlefield of energy ... we can seize ... control [of our] destiny*”. The Carter Doctrine, President Clinton’s Dual Containment Policy, President George Bush senior’s Policy for the Middle East and his son’s New Grand Imperial Strategy were invoked to attack various Middle Eastern countries. Both President Carter and President George W. Bush, although from different political parties, had neoconservative advisors and policies which advocated extending US hegemony in the Middle East and beyond by any means.

Richard Nixon, former Republican President of the United States, on the eve of Operation Desert Storm wrote an op-ed piece in the New York Times. He justified going to war “*on the grounds of national interest, especially oil ...*”⁴⁶.

B. US Congress, Three US Presidents and MSM United Against Saddam Hussein: The Blame Game

America’s anti-Saddam Hussein policy was “*more sinister, drawing its energy from the sheer savage vigor of supremacy.*”⁴⁷ Saddam Hussein, supported by the US in the Iran-Iraq war, had turned into public enemy number one after his invasion of Kuwait. Mearsheimer and Walt have convincingly argued, that it was the US which gave Saddam Hussein the ‘green light’ to invade Kuwait⁴⁸, referring to former US Ambassador to Iraq, April Glaspie’s, infamous statement: “*...we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait.*”⁴⁹

⁴⁵ (Bacevich 2017)16.

⁴⁶ (Ryan and Kiely 2009) 59.

⁴⁷ (Goss 2002) 94.

⁴⁸ <https://foreignpolicy.com/2011/01/09/wikileaks-april-glaspie-and-saddam-hussein/>

⁴⁹ Glaspie made this comment during a two-hour meeting with Saddam Hussein on 25 July 1990, one week before Saddam Hussein invaded Kuwait.

Both Democrats and Republicans followed a policy of regime change towards Saddam Hussein. Congressional support for the Iraq sanctions continued throughout the 13-year sanctions period. In the early 1990s when both houses of Congress were under Democratic control, Congress failed to raise any humanitarian concerns for fear of sympathizing with Iraq and Saddam Hussein's leadership. Richard Haas, former director of Middle East affairs on the National Security Council, stated that the US wanted *"Saddam Hussein to go, they just didn't want the Iraqi people to take over."*⁵⁰

When the Republican's took control of Congress in 1995, this line of argumentation became even more pronounced. Both Democrats and Republicans focused on issues of Iraq's disarmament and especially on Saddam's removal from power. Humanitarian issues surrounding the Iraq sanctions were of no interest.

The UNICEF report 1999 was the first comprehensive country-wide survey of Iraq since 1991. Its devastating conclusions on the effects of the sanctions regime on child and maternal mortality in Iraq were completely ignored by MSM and most members of Congress. When this report was discussed in MSM more often than not *"... doubt [was cast] on its conclusion that sanctions were largely responsible for a doubling of childhood mortality by placing the blame on the Iraqi government instead of sanctions policy."*⁵¹

Despite individual members of Congress making inquiries into the humanitarian conditions in Iraq starting in the late 1990s, Republicans and Democrats were united in their support for the prevailing US foreign policy on Iraq and the sanctions regime: Iraq must not be allowed to rebuild its military, Iraq must disarm and, above all, Saddam Hussein must go. The reported humanitarian catastrophe in Iraq was blamed on Saddam Hussein. With the support of the British, the US claimed that it was Iraq which was responsible for the suffering of the Iraqi population. If Iraq had cooperated with UNSCOM and later UNMOVIC, sanctions would be lifted and the suffering would stop.

This blame game included the propaganda war fought by the CIA within Iraq and by the MSM. US censorship of the MSM had its beginnings during the First Gulf War. News organizations were required to sign a "ground rules" agreement which effectively

⁵⁰ (Arnove 2000) 11.

⁵¹ (Arnove 2000) 79.

stopped any independent journalism⁵². Any testimony offered by Iraq, NGOs or UN organizations on the humanitarian situation in Iraq would systematically be opposed and/or ignored by the US and its leaders.

New York Times (NTY) articles during the sanctions period consistently reported on the “monocausal” Iraqi blame. The NYT columnist Thomas Friedman, a ‘neoconservative’, was a staunch supporter of the Iraq sanctions regime and of using continued force against Iraq. He advocated “...*bombing Iraq, over and over and over again*”⁵³ and “*us[ing] force, without negotiation, hesitation, or UN approval*”⁵⁴ Friedman pushed the neocon agenda: “*the hidden fist that keeps the world safe for Silicon Valley’s technology ...the US Army, Air Force, Navy and Marine Corps.*” He supported getting rid of Saddam Hussein, not his regime. According to Friedman, Saddam Hussein was “*the reason God created cruise missiles*”, invoking visions of Dr. Strangelove. His articles supported war crimes and breaking international law.

The US, together with the United Kingdom and for a short period France, established and monitored no-fly and no-drive zones in Iraq.⁵⁵ The establishment of these zones was disputed by other UNSC members and was based on a ‘special’ interpretation by the US of UNSC Res 688⁵⁶. Officially the no-fly zones were introduced to protect the Kurdish and Sunni minorities. Facts on the ground showed a more sinister plan: these zones allowed US and UK forces to increase their attacks. It is estimated that between 1991 and 1999 the US and UK dropped over 1800 bombs on Iraq, flew more than 6000 sorties and hit over 450 targets in the so-called no-fly zones. In addition, Turkey was allowed to bomb targets in northern Iraq.

The CIA used Radio Free Iraq to dispense US propaganda. This CIA-funded operation started airing on 1 January 1991 from a studio located in Jeddah, Saudi Arabia. They were the voice of the United States advocating regime change within Iraq: “*We are with you, in every heartbeat, in all your feelings, and in every move you*

⁵² (Goss 2002) 88.

⁵³ Thomas L. Friedman, “America’s Multiple-Choice Quiz”, NYT, January 31, 1998, A15.

⁵⁴ Thomas L. Friedman, “Craziness Pays”, NYT, February 24, 1998, A21.

⁵⁵ (Gordon, Invisible War The United States and the Iraq Sanctions 2010) 32.

⁵⁶ Northern Iraq was declared a no-fly zone following the Kurdish uprising in 1991. In 1992 a second no-fly zone was established in the southern provinces. By 1996 the area south of Baghdad was declared a no-fly zone.

make.”⁵⁷ Their broadcasts referred to Saddam Hussein as “the very Satan,” “despot,” “tyrant” and “crooked.” The broadcasts were political in nature with patriotic music and Koranic verses dispersed into the program. It was supported by US-backed Iraqi opposition groups in Syria, aimed at toppling Saddam and setting up a US-backed “democratic” government in Iraq.⁵⁸ President Bush senior referred to Saddam as “*Hitler revisited*” and urged Iraqi’s to rid themselves of their leader⁵⁹.

The Iraqi Liberation Act adopted by the US Congress in October 1998 explicitly called for the removal of Saddam Hussein⁶⁰. The bill was supported by Republicans and Democrats. It was sponsored by two Republican Representatives (Benjamin A. Gilman and Christopher Cox) and passed the Senate unanimously and the House of Representatives 360 to 38. President Bill Clinton signed it into law on 31 October 1998. In October 2002 reference was made to this Act to support an argument for the use of military force against Iraq. The Act urges the President to call upon the UN to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

The Iraqi Liberation Act authorized the US President to provide financial assistance for radio and broadcasting to Iraq.⁶¹ The United States continued to encourage insurrection in Iraq and funded coup attempts throughout the 1990s. It is estimated that the US spent over \$ 100 million to achieve this end⁶².

II. Role and failure of the United Nations

“The United Nations could have emerged as a winner by helping to solve a crisis. International law would have been confirmed as the universally acceptable basis for international relations⁶³.” Sadly, neither happened. The structures of the UN were abused to achieve goals which were contrary to its own Charter and principles. The

⁵⁷ (Voice of Free Iraq: January 6,8 and February 3, 1991 2019).

⁵⁸ <https://www.latimes.com/archives/la-xpm-1991-01-03-mn-10633-story.html>

⁵⁹ (Bacevich 2017) 130.

⁶⁰ <https://www.congress.gov/bill/105th-congress/house-bill/4655>

⁶¹ (S. C. Tucker 2010) 1699.

⁶² (Arons 2001) 1.

⁶³ (Sponeck 2006) 2.

UN's dependence on and control by powerful nations, especially the United States, meant the decline of multilateralism through its delegitimizing itself. In the 1990s the Iraq sanctions created a "backlash" against the UN⁶⁴. To this day, Iraq remains one of the most glaring failures of the UN and the UNSC. The UNSC turned collective security into an act of collective economic warfare, causing the death of countless innocent civilians and the complete destruction of a nation. The enormous costs of UN operations in and for Iraq, paid for by the Iraqi people, remains unethical if not grotesque in the face of the hardship, death and suffering of the Iraqi population. The allegations of corruption surrounding the Oil-for-Food-Programme (OFFP) and the inefficiency of the Iraq Sanctions Committee continue to taint the meager success of the costly UN humanitarian relief efforts in Iraq.

In the words of UNSG Boutros Boutros-Ghali "*sanctions can ... defeat their own purpose by provoking a patriotic response against the international community, symbolized by the United Nations, and by rallying the population behind the leaders whose behaviour the sanctions are intended to modify.*"⁶⁵ Boutros-Ghali was not supported by the US for renewal⁶⁶ as UNSG. Kofi Annan took his place.

A. All UN Member States are Equal, but Some are More Equal than Others⁶⁷

Iraq's invasion of Kuwait on 2 August 1990 was a clear violation of Kuwait's sovereignty. The UNSC determined that Article 39 of the UN Charter had been breached. Saddam Hussein's "*act of aggression*" was deemed as deserving of a quick, decisive and forceful response on the part of the international community. UNSC Res 678 of 29 November 1990 mandated the use of force to drive Iraq out of Kuwait.

By that time the UNSC had already imposed the comprehensive sanctions regime on Iraq with UNSC Res 661. UNSC Resolution 661, adopted on 6 August 1990, demanded that Iraq withdraw immediately and unconditionally from Kuwait. Sanctions were imposed. The sanctions prevented all states from importing Iraqi goods and prevented Iraq from exporting any goods. All commerce to and from Iraq ceased, all

⁶⁴ (Elliott and Hufbauer, *Some Song, Same Refrain? Economic Sanctions in the 1990's* 1999) 407.

⁶⁵ (Boutros-Ghali 1995) para 70.

⁶⁶ Eric Rouleau, "Why Washington wants rid of Mr. Boutros-Ghali", *Le Monde Diplomatique*, November 1996, <https://mondediplo.com/1996/11/un>

⁶⁷ After George Orwell's saying "all animals are equal, but some are more equal than others".

transfer of funds was blocked, all Iraqi bank accounts were frozen, all assets outside of Iraq were confiscated. Iraq was forcefully subjected to foreign rule, not by a colonial power, but by the international community. Many member states who opposed military action in 1990 were in favor of economic sanctions, considering this non-violent response morally acceptable.

The vigorous UNSC actions against Iraq consisting of the US-led Iraq sanctions regime⁶⁸ and the US-led UN military action (First Gulf War⁶⁹ or Operation Desert Storm), stands in strong contrast to the UNSC (lack of) reaction to the consistent violations of other key UNSC resolutions. In those cases, the UNSC chose to do little or nothing, let alone mandate the use of force or impose comprehensive economic sanctions. Some member states seemingly are “more equal” than others. In comparison to the other cases (below) the UNSC response against Iraq stands out as especially harsh and in violation of the principles of proportionality and equity⁷⁰ - the UNSC failed to apply these key principles of international law.

The UNSC did not invoke Chapter VII or start a military operation in 1956 when the Soviet Union invaded Hungary, nor did it impose sanctions in 1957 when Egypt was invaded by the European great powers France and Great Britain (to safeguard their Suez Canal interests). Likewise, the Belgian intervention in the Congo in July 1960 only prompted the then UNSG, Dag Hammarskjöld, to send a UN-led peacekeeping force. Indonesia’s occupation of East Timor in 1975, the Falkland Wars of 1982 and the invasion of Granada by the US in 1983 warranted no UNSC actions or resolutions. Chapter VII was not invoked against Paraguay in the face of the ongoing genocide against the Aché native Indian population⁷¹, the 1971 Bangladesh genocide – killing and rape – against the Bengalis, the genocide of the Bansa Moro in the Philippines and the massacre of the Ibos in Nigeria.⁷² None of these crimes led to the use of force or the imposition of sanctions by the UNSC.

⁶⁸ (Elliott and Hufbauer, *Some Song, Same Refrain? Economic Sanctions in the 1990's* 1999) 405.

⁶⁹ Andrew Bacevich refers to this war as the Second Gulf War, the First Gulf War being the Iraq-Iran War.

⁷⁰ Principle of equity and principle of proportionality is a principle of international law.

⁷¹ https://www.iwgia.org/images/publications/Ache_Doc1.pdf

⁷² (Fomerand 2014) 56.

Since 1955, almost 80 UNSC resolutions have condemned Israel for human rights and border violations against Palestinians, aggression against neighbors (Lebanon, Syria, Jordan etc.), unlawful attacks, illegal deportations, demolitions and collective punishment, confiscation of Palestinian land and illegal settlements⁷³. Moreover, Israel has been repeatedly called on to abide by the UN Charter and the Fourth Geneva Convention. No sanctions regime was imposed on Israel, nor was any military force used against Israel (because of US opposition in the UNSC).

When Iraq used chemical weapons against its own Kurdish population in the late 1980s, the UNSC did not respond. Nor did the UN react when Iraq used chemical weapons, received from its western allies, in the Iran-Iraq war against the Iranians

The UN failure in Iraq during the period 1990-2003 is a failure of the UNSC to apply its own principles in a consistent, equitable and proportionate manner. Power, pressure and alliances seems to have guided the UNSC and its decisions, the greatest pressure coming from its most powerful member, the United States of America, *primus inter pares*. The special position of the US has allowed it to instrumentalize the UNSC to achieve its own foreign policy objectives on many occasions⁷⁴. The treatment of Iraq between 1990-2003 is an example of this. No other P5 UNSC member has used (or attempted to use) the power of the UNSC to this extent. The UNSC is not democratic: no minority rights, no majority rule, it uses its unique monopoly to maintain international peace and security inconsistently.

B. US Successfully Instrumentalizes UNSC: *Macht ist Recht*

Iraq “*demonstrated ... how useful the Council can be to the US*”⁷⁵. The US drafted all UNSC sanctions resolutions related to Iraq⁷⁶. The US unilaterally determined how these sanctions were to be interpreted and carried out. The US oversaw and commanded all UN-led military operations in Iraq, (such as Operation Desert Storm and the Maritime Interception Operation MIO). The US was responsible for installing the 661 Committee and drafted its Rules of Procedure, which established the ISC (secretive)

⁷³ <https://ifamericansknew.org/stat/un.html>

⁷⁴ The US used UNSC no-fly zones in Libya to ultimately get rid of Muammar Gadhafi (instead of extraditing him to the Hague).

⁷⁵ (Lowe, et al. 2008) 404.

⁷⁶ (Conlon 2000) 43.

methods of operation. The US controlled the ISC through its extensive use of “holds” (by 2002 the US had placed on hold contracts worth \$ 5 billion). Through the ISC, the US controlled how much oil Iraq could sell under the OFFP and at what price. The US regularly rejected UNMOVIC findings which did not correspond to its national interests, e.g., UNMOVIC/UNSCOM determination that Iraq had no WMD. Despite sanctions fatigue as of the mid-1990s, the US continued the pressure on Iraq.

The United States provided “incentives” to some of the non-permanent UNSC members to accept the initial UNSC Res 661 imposing sanctions on Iraq. Colombia, Ethiopia and Zaire received economic aid; Colombia was given diplomatic “rehabilitation”. Arab countries on the UNSC were offered financial and economic support (e.g., Egypt received \$ 7 billion debt relief by the IMF, Jordan, Turkey and Egypt received favorable loans from the IMF and the World Bank). In addition, the US supported China and the Soviet Union with economic deals.⁷⁷

Yemen was the only member state on the UNSC not to vote for UNSC Resolution 660 condemning Iraq’s invasion of Kuwait in August 1990. A US diplomat is on record as having said “*that will be the most expensive ‘no’ vote you ever cast*”. If Yemen had supported the resolution, the US had offered to support the appointment of a Palestinian ombudsman in the Israeli-occupied territory. Right after Yemen’s ‘no-vote’ the US cancelled its \$ 70 million aid program to Yemen.

C. Regime Change: Unwritten Goal of the UNSC Sanctions

Formally, sanctions were to end if Iraq disarmed and gave access to UN inspectors. The US policy, on the other hand, was regime change: Saddam had to go. The US goal of regime change could not be reconciled with the wording of UNSC resolutions 661 and 678. Consecutive US administrations made it clear that the US would veto any UNSC resolution to lift the sanctions as long as Saddam Hussein remained in power. These conflicting policies of regime change and containment would characterize the sanctions regime and the growing conflict between the UNSC and the US.

⁷⁷ (Gordon, Invisible War The United States and the Iraq Sanctions 2010) 42.

Pursuing regime change of a sovereign member of the UN is contrary to the UN Charter, regardless of who is control of that government. It violates the UN Charter and the UN principle of equal rights and self-determination. Chapter I Article 2 (1) of the UN Charter states: “*The Organization is based on the principle of the sovereign equality of all its Members*”. A UNSC resolution aimed at the downfall of a member states’ government infringes on the sovereignty of that member state, for the same reason that the use of force pursuant to Chapter VII aimed at the change of government of a member state would be a violation of the UN Charter. It is therefore not a coincidence that the US, responsible for drafting all the UNSC resolutions against Iraq, did not mention their ultimate goal of regime change in any of the UNSC resolutions.

Despite this ‘omission’, the UNSC was “highjacked” into pursuing the US goal of regime change by what has come to be called the “reverse veto” of the United States. “*America [took] control of the [UN] as an instrument of power.*”⁷⁸ The instrument of power was the UNSC. To lift the Iraq sanctions would require a UNSC resolution since no time frame had been included in any of the original sanctions resolutions. This gave the United States (and any other P5 member) the power to keep sanctions in place by vetoing any resolution to lift the sanctions.

Thus, the US had the power to impose its will on the UNSC, despite the growing skepticism and opposition to the sanctions regime. “*International governance ... failed ... the UN and the [UNSC] permitted a single nation to determine its decisions, and in some cases to override the will of nearly every other member of the Council, for years on end.*”⁷⁹ The US vetoed any attempt by the UNSC to lift the sanctions. On 2 January 2000, Secretary of State Albright confirmed the US government was “*working towards regime change*” in Iraq and the US “*continue[s] to have the possibilities that we’ve had before of taking unilateral or multilateral action if we need to.*”⁸⁰

⁷⁸ UNSG Boutros Boutros-Ghali statement.

⁷⁹ (Gordon, Economic sanctions and global governance: the case of Iraq 2009) 229.

⁸⁰ (Arnove 2000) 17.

D. Sanctions: A Lucrative Business Plan

The Iraq sanctions highlighted the failure of the international governance system. The UNSC was (mis)used to keep in place the draconian measures on Iraq. The UN was responsible for the monitoring, control and implementation of the UNSC sanctions regime. These tasks were given to newly created as well as existing UN organizations or administrative units, which put a special burden on the UN system and also placed responsibility squarely on its shoulders. The UN ran the relief effort for Iraq. It oversaw implementation of the OFFP while at the same time inspecting Iraq's disarmament progress and enforcing a naval blockade to stop any illicit trade. By the mid-1990s, the UN employed over 1 100 diplomats and civil servants in Iraq. In addition, another 2 000 Iraqis worked for the UN within Iraq. Between 1991 and 1996 the cost of this UN organizational network within Iraq and around the globe is estimated at almost \$ 1 billion. The cost of the 661 Committee was approximately \$ 1.46 million a year (including \$ 778 000 for translation and \$ 338 000 for meetings). This too was paid for by the Iraqi people⁸¹. Cynics might say that the business of providing humanitarian assistance had become very lucrative, except for the suffering population of Iraq paying the UN bill.

Table I is a list of all UN organizations which either represented the UN in Iraq or were assigned tasks to implement, monitor or verify certain aspects of the UNSC sanctions regime. The Table shows the UN organization or committee, the year it was created (if it was created by a UNSC resolution on Iraq), and a brief overview of the tasks the organization/committee performed. Over 20 UN agencies and organizations were involved in and working for Iraq.

E. UNSCOM/UNMOVIC: Piggyback Intelligence Operations Adds to Sanctions Fatigue

Iraq accused the US of spying through UNSCOM and UNMOVIC inspection operations in Iraq. Two US inspectors, David Kay and Scott Ritter, provided information to US and other intelligence services (*i.a.*, UK and Israel).

⁸¹ (Conlon 2000) 158.

By 1999 it was evident that US and UK inspectors had been working as spies in Iraq, so-called intelligence “piggybacking”. This damaged UN operations and reputation as well as the possibility to achieve any peaceful settlement with Iraq. The intelligence the US gained by spying on Iraq during official UN inspection missions would ultimately be instrumentalized by President George W. Bush. Latest by 2002 the US was preparing for war in Iraq to remove to Iraq’s non-existent WMD. Colin Powell, in his now infamous speech before the UNSC on 5 February 2003, also based his ‘knowledge’ of WMD on so-called intelligence gathered through these piggyback intelligence operations.

In mid-1991 David Kay was appointed chief inspector by the IAEA. Kay had close connections to US intelligence. The CIA even had a nickname for him: “Ramrod”. For Iraq, “David Kay became like a red cape to a bull.”⁸² In 1997 Scott Ritter headed UNSCOM. His focus was Iraq’s alleged “concealment mechanism”, uncovering how Iraq organized the concealment of weapons, documents and data. Ritter cooperated with US intelligence to eavesdrop on Iraqi communications, causing a major crisis between the UN and Iraq. Kay and Ritter turned UN inspections into full-fledged military operations. The New Yorker, on 9 November 1998, called it “Scott Ritter’s Private War” on Iraq. As a result of Ritter’s actions, UNSCOM could no longer fulfill its UN mandate, as Iraq refused to let US inspectors into Iraq. Operation Desert Fox in 1998 would be the US’s answer.

The Operation Desert Fox bombings by the US and the UK commenced in December 1998 while the UNSC was in session. However, the US did not inform the UNSG or the UNSC of Operation Desert Fox before it started.⁸³ The US accepted multilateral action only if it coincided with its own policies and interests. In Madeleine Albright words: “*We will behave multilaterally when we can and unilaterally when we must.*” This statement summarized US policy, also regarding US spying operations through UNSCOM and UNMOVIC. These operations caused collateral damage, including the breakdown of trust towards the UN and towards UNSCOM itself. UNSC

⁸² (Blix London) 26.

⁸³ Dennis Halliday in (Arnove 2000) 55.

Res 1284 creating UNMOVIC did not change this US policy of spying, nor its ultimate goal of eliminating Saddam.

The divergent positions between the other UNSC members and the US were a source of growing friction by the mid-1990s. The piggyback intelligence operations of the US were a growing source of friction not only between Iraq and the US, but also between the UN and the US. The Ambassador of the non-permanent UNSC member Zimbabwe advised: “...to avoid temptation to shift the goalpost. Where compliance has occurred ... the UNSC [must] remain ... focused on the legitimate goals and objectives for which the sanctions regime was imposed.”⁸⁴ Regime change was such a shift of the goalpost.

UNSC sanctions after 1991 aimed to pressure Iraq into disarmament under UN supervision, to prevent Iraq from restarting its weapons development programs and to stop Iraq from rebuilding its armed forces⁸⁵. The sanctions did not have the goal of regime change. Nevertheless, the US made it clear that as long as Saddam Hussein was in power, the US would not agree to lift sanctions⁸⁶. This policy remained unchanged during three consecutive US administrations those of President George Bush, President Bill Clinton I and Clinton II, and President George W. Bush.

As Robert Gates, deputy national security advisor to President Bush (senior) stated in May 1991: “Saddam is discredited and cannot be redeemed. His leadership will never be accepted by the world community ... All possible sanctions will be maintained until he is gone... Any easing of sanctions will be considered only when there is a new government.”⁸⁷ President Bill Clinton confirmed this policy in 1993 after taking office: “There is no difference between my policy and the policy of [President George H.W. Bush] ... I have no intention of normalizing relations with [Saddam]”.⁸⁸ Secretary of State Madeleine Albright at a speech given at Georgetown University in 26 March 1997 reaffirmed this position: “To those who ask... how long we will insist that the international community’s standards be met, our answer is: as long as it takes. We

⁸⁴ United Nations, Security Council, Provisional Verbatim Record of the 3139th meeting, S/PV.3139, 23 November 1992, 39-40.

⁸⁵ (Conlon 2000) 13.

⁸⁶ (Lowe, et al. 2008) 392.

⁸⁷ (Meisler 2011) 273.

⁸⁸ (Friedman 1993) 1.

*do not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted.”*⁸⁹

Saddam Hussein and the Ba’athist regime were committed to their political survival. The regime had ruled Iraq since 1968, Saddam Hussein ruled Iraq as their President since 1979. Neither the regime nor its leader would willingly relinquish power, no matter the cost to the Iraqi civilian population. Iraq had nothing to gain by complying with the UNSC sanctions. The US kept them in place with their reverse veto, despite the growing sanctions fatigue within the UNSC.

F. George W. Bush approves War Against Iraq in August 2002: *Venire contra factum proprium*⁹⁰

By the mid-1990s the pressure on the UNSC was mounting as knowledge of the situation within Iraq became more widely known⁹¹. The argument on who was responsible for the suffering was less important than the fact of the suffering itself. The UNSC could no longer feign ignorance. As sanctions fatigue set in, more and more members of the UNSC (except the US and the UK) started to push for the sanctions on Iraq to be lifted and/or revised. A growing number of member states started to ignore the no-fly zones in order to assist the suffering Iraqis. A humanitarian flight corridor to Iraq was established in defiance of all UNSC resolutions. The US threatened secondary sanctions “*against third parties that dealt with the target country.*”⁹²

UNSC Res 1284, adopted on 17 December 1999, was a half-hearted attempt to appease those who wanted to lift the sanctions while upholding US interests in the sanctions regime. To overcome the ongoing confrontation between UNSCOM and the Iraqi government, 1284 replaced UNSCOM with UNMOVIC. The ceiling on Iraq’s oil exports was eliminated under OFFP. 1284 insisted Iraq comply with UN arms inspection

⁸⁹ <https://awpc.cattcenter.iastate.edu/2017/03/21/policy-speech-on-iraq-march-26-1997/>

⁹⁰ The prohibition on contradicting one’s own behavior – originally from Roman Law. In common law countries it is known as the principle of estoppel. It has become a principle international customary law. Any objectively contradictory behavior in relation to previously manifested conduct is judged to be unacceptable and acting in bad faith. It has been codified in a number of international treaties.

⁹¹ (Lowe, et al. 2008) 210.

⁹² (Elliott and Hufbauer, *Some Song, Same Refrain? Economic Sanctions in the 1990’s* 1999) 405.

(provide full access, cooperation and information right⁹³). This resolution also encouraged member states and international organizations to provide additional humanitarian aid and educational materials to Iraq. Iraq rejected Res 1284 because it did not lift all restrictions and upheld the monitoring and verification regimes.

Res 1284 called for an initial inspection period of 120 days. President George W. Bush, Prime Minister Tony Blair and President Jose Maria Aznar had a one-hour meeting in mid-2002 on the Azores. The leaders believed that time for Iraq to comply had run out. The US and its two allies were preparing for war and were eager to convince other UNSC members to join their belligerent cause⁹⁴. Vice President Dick Cheney and General Colin Powell continued to escalate. On 17 March 2002, VP Cheney stated: “*we believe he [Saddam] has ... nuclear weapons.*”⁹⁵

By August 2002 President Bush had approved war⁹⁶. The US push for confrontation was reflected in the adoption of UNSC Res 1441 in November 2002. Res 1441 was explicitly mentioned by Colin Powell in his statement before the UNSC in February 2003. This resolution reduced the time period for Iraq to cooperate with disarmament inspectors or face serious consequences. US actions violated the legal principle of *venire contra factum proprium*. The legitimate expectations of other UNSC members and Iraq were violated by the US at the same time working behind the scenes to prepare for its so-called war of choice against Iraq.

On 5 February 2003 Colin Powell made his now infamous speech to the UNSC affirming that Iraq had WMD. “*The gravity of this moment is matched by the gravity of the threat that Iraq's weapons of mass destruction pose to the world*”⁹⁷ The illegal sanctions were finally lifted with UNSC Res 1483 on 22 May 2003 after the US invasion of Iraq, “Operation Iraqi Freedom”, on 20 March 2003. The subsequent occupation of Iraq is considered by many to be in contradiction to the law of occupation, the US’s aim

⁹³ <https://www.unhcr.org/subsites/iraqcrisis/3e647f724/key-un-security-council-resolutions-relating-iraq.html>

⁹⁴ (Blix London) 5.

⁹⁵ Ibid 8.

⁹⁶ An article in the International Herald Tribune on 4 September 2003 confirmed that the US Joint Chiefs of Staff had received the Bush’s approval for attacking Iraq in August 2002.

⁹⁷ <https://www.theguardian.com/world/2003/feb/05/iraq.usa>

being regime change.⁹⁸ On 17 May 2016, Powell called his speech a “*blot*” on his record, admitting that Iraq did not have WMD in 2003⁹⁹.

III. Iraq Sanctions Committee: “661 Committee”

UNSC Res 661 on Iraq sanctions established “... a *Committee of the Security Council consisting of all the members of the Council ... to report ... to the Council*”. The initial tasks of the Iraq Sanctions Committee (ISC), or “661 Committee”, was “to *examine the reports on the progress of the implementation of the present resolution... [and]... to seek from all States further information regarding the action taken by them concerning the effective implementation of the ... present resolution.*” Ultimately, the responsibilities of the 661 Committee were expanded greatly to include the determination of which goods Iraq would be allowed to import under the ‘humanitarian exemption’. Because of mismanagement within the ISC, “[t]he *abuse of humanitarian waivers was ... greater than their legitimate use.*”

The ISC also dealt with smuggling cases, UN imports into Iraq for its humanitarian work and issues surrounding no-fly zones. The ISC became the administrative body which definitively interpreted the often vague wording of UNSC resolutions. It reviewed each individual application and was responsible for granting and enforcement of exemptions: a conflicting combination of responsibilities.

The ISC was paid for by the Iraqi people by using their (limited) oil funds. These oil sales were under the total oversight and control of the ISC. The ISC approved the sale, set the price (at “fair market value”) and determined by which route the oil would be allowed to leave the country. A group of experts appointed by the UNSG assisted the ISC in this task - Iraq had no say in any of this. Companies (e.g. the Dutch company Saybolt¹⁰⁰) were hired to inspect the movement of oil out of Iraqi ports. This was to ensure that no oil smuggling could take place. These external companies were known as “inspection agents”.

⁹⁸ (Lowe, et al. 2008) 402.

⁹⁹ <https://www.pbs.org/wgbh/frontline/article/colin-powell-u-n-speech-was-a-great-intelligence-failure/>

¹⁰⁰ Saybolt was not required to check if that Iraq used only the approved export routes, not was Saybolt obliged to police other illicit oil exports according to a UNSG report. This task was given to MIF (Multilateral Interdiction Force) under the command of Centcom.

After 2001, the so-called “retroactive” price-setting mechanism was put into place which determined the amount of money Iraq would get from its oil after the oil was sold. The 661 Committee was given even more power, since it could withhold its approval if the price was seen (retroactively) as being too high. 25-30% of every sale went to Kuwait (through the UN Compensation Commission - UNCC) in fulfillment of UNSC Resolution 687, an additional large chunk went towards paying all expenses of UN operations in Iraq and UN operations working for Iraq. Kuwait received close to \$ 20 billion from the UNCC.

The ISC determined its own procedural rules. Decisions were made by consensus (“Consensus Rule”), or put differently, each UNSC member had a veto right to block decisions it did not agree with. These 15 members made some 6000 decisions (on exports, imports and oil sales) every year, ensuring that no application would ever be investigated thoroughly. There was absolutely no transparency in how decisions were made, nor was any record kept of past decisions. As Paul Conlon puts it, “*non-transparency was assiduously cultivated*”. If a committee member objected to a certain purchase, the ISC rejected the application without giving reasons for this decision. Applicants could not rely on any form of consistency and had no legal recourse in case of rejections. Applications for a certain item, which had been granted previously, could be rejected the next time around. For Iraq and any member state wanting to provide humanitarian relief, this lottery-style haphazard *modus operandi* was totally unsatisfactory. The ISC was in part responsible for the food shortage in Iraq.

The ISC, was strongly influenced by the United States. The aim of all three US administrations was to inflict the “*most extreme economic damage possible on Iraq*”¹⁰¹. The US was responsible for the adopted procedural rules of the ISC which allowed the US to block, delay (sometimes for years) or alter the criteria for allowing Iraq to import items for civilian use and humanitarian assistance¹⁰².

¹⁰¹ (Gordon, Invisible War The United States and the Iraq Sanctions 2010) 3.

¹⁰² Such as the widely publicized refusal of the ISC to allow Iraq to import child vaccines in 2001.

A. Prohibition on Import of Dual-Use Goods: The 1051-list

The prohibition of dual-use goods was taken to the extreme by the ISC and could include almost any item. This was the US's unilateral policy of choice. Invoking this prohibition, the US blocked not only child vaccines and water tanks (during Iraq's extreme drought in the late 1990s), but also power generators (needed for hospitals and schools and waste treatment plants), radios (required for ambulances), cloth, window glass, brake fluids, telephones, light switches etc. The list of items blocked by the US was endless. The US did not consider the humanitarian costs of these decisions - as one State Department official put it, these were "*not part of our skill set*"¹⁰³.

It was generally impossible to import electrical and other consumer items such as refrigeration and heating equipment and their spare parts, kitchen supplies, vehicles and their spare parts, supplies for agricultural and cattle breeding, leather, cigarette paper, alcohol, textiles, shoe soles, building materials, thermostats for breweries, lipstick, pencils, door hinges, PVC floor covering for hospitals, tires—an endless list.

B. Sanctions Evasion Through the ISC Regime

The UN failed to stop sanctions evasion. An entire industry of so-called permit brokers flourished. This worldwide network of experts and service firms with knowledge of the inner workings of the ISC and trade with Iraq often had personal and/or financial ties to Iraq's elite and ruling Ba'athist party. These brokers would seek clearances for large bulk contracts worth billions of dollars and kept them ready to sell to the highest bidder. These contracts often involved the export of food stuffs to Iraq, which would be approved by the ISC under the "humanitarian waiver" policy. Once approved and paid, only a small portion of the goods arrived in Iraq, sometimes nothing. The ISC system was (ab)used to smuggle non-humanitarian goods into the country and to allow Iraq's elite to acquire a good portion of the oil funds earmarked for humanitarian aid. The ISC never attempted to reconcile the goods that were cleared for Iraq with the actual contracted amount, preferring "ignorance" to this systemic flaw¹⁰⁴.

¹⁰³ (Gordon, *Invisible War The United States and the Iraq Sanctions* 2010) 4.

¹⁰⁴ (Conlon 2000) 147.

Iraq's leadership and elite had extensive secret funds abroad. Another mechanism for the evasion of sanctions by Iraq's ruling clans was the 'unfreezing' of these accounts through complicated constructions using middlemen. By transferring relatively small amounts, the accounts would remain undetected and safe. The middlemen procured goods which would be resold before or after entering Iraq. By ordering and paying for goods and then cancelling the order, funds were transferred. By using these methods up to \$ 3 - \$ 4 billion were moved from off-shore accounts into legitimate "open" accounts¹⁰⁵.

For Saddam Hussein and the Iraq elite (including the Shia elite), the sanctions changed little— using white collar criminals who structured contracts in multiple jurisdictions, using many bank accounts and numerous middle men, free ports and free-zones. Goods often entered via Jordan, which had been granted Article 50 relief (which requires the international community to compensate countries suffering great losses from sanctions). UNSG Kofi Annan strongly condemned the "*strong suspicions of political motives at work in the approval of contracts.*"¹⁰⁶ The Iraqi government used smuggling and kick-back regimes to gain hard currency from the OFFP under the ineffective ISC monitoring system.

IV. Oil-For-Food Program: Too Little Too Late

The Oil-for-Food Program (OFFP) was designed to stop further deterioration of Iraq's economy and health care system. It was an attempt by the UNSC to mitigate the adverse humanitarian impacts caused by their sanctions. The OFFP was proposed in UNSC Res 706 on 15 August 1991, yet it took another four years until the OFFP was finally adopted by UNSC Res 986 on 14 April 1995. The government of Iraq signed a Memorandum of Understanding (MOU) on 20 May 1996 in which it formally accepted the terms of Res 986. The MOU opened the door for the sale of limited quantities of oil in order to purchase necessary humanitarian supplies. The OFFP made its first delivery of humanitarian supplies in 1997 – seven years after the sanctions had started. The OFFP

¹⁰⁵ (Conlon 2000) 149.

¹⁰⁶ (Arnove 2000) 158.

was reviewed every six months and remained operational until the US invasion of Iraq in 2003, when all sanctions ceased to exist.

Most Iraqi families lived below the poverty line after the devastation of the first Gulf War. The 2003 WFP Report determined that despite food rations, one in five Iraqis lived in poverty and could not meet their basic needs. The central and southern regions of Iraq were mainly affected. The WFP Report found poverty to be concentrated mainly in certain regions and districts: 20 out of a total of 86 districts in south/central Iraq had approximately 3.3 million people considered chronically poor. Of the total chronically poor Iraqis, 72% of these lived in these districts.

The evolution of the OFFP was slow and ‘painful’. The second UN Rapporteur, Sadruddin Aga Khan, who was sent to Iraq in July 1991 by the UNSG to assess the humanitarian impact of the sanctions regime, suggested Iraq should be allowed to sell oil in order to purchase desperately needed humanitarian relief to be used for medicine, food and essential needs of the civilian population. UNSC Res 706 was the result. Passed in August 1991 it allowed Iraq to sell up to \$ 1.6 billion worth of oil within a six-month time frame. The ceiling of \$ 1.6 billion was proposed by the US and the UK. Some have suggested that this ridiculously low ceiling was chosen knowing that Saddam Hussein would reject it, thus enabling the US and its ally to blame “Saddam” for the unfolding humanitarian catastrophe.

In truth, even if Saddam Hussein had accepted the conditions of UNSC resolution 706, only 53%¹⁰⁷ of the limited funds would have finally ended up at Iraq’s disposal for supplying humanitarian relief for central/south Iraq, where 88% of the population lived. Iraq rejected this UNSC Res 706, arguing that it was an illegal infringement of its sovereignty. Another six years would pass until Iraq would agree to the OFFP program, six years of unmitigated suffering for the Iraqi population.

From 1996 to 2003 the sale of Iraqi oil was valued at approximately \$ 61 billion. But not all the proceeds went to the Iraqi people. Only \$ 26 billion, less than 50%, were ultimately used for humanitarian purposes for central/southern Iraq. This amount

¹⁰⁷ 53% of net oil proceeds after subtracting 30% to pay for the UN compensation fund for Kuwait, 1% to pay other states which suffered during the Kuwait invasion, 13% for the Kurdish provinces in Northern Iraq, and 3% to support OFFP/UN operations.

translated into an average of \$ 4.3 billion a year or approximately \$73 of aid per person, only a third of what each person required to survive. The entire country including the northern provinces received \$ 39 billion worth of humanitarian supplies¹⁰⁸. In 1993, the Arab Monetary Fund estimated that an investment of over \$ 200 billion would have been required to rebuild Iraq's civilian sector to its pre-war state¹⁰⁹.

The OFFP was too little too late. Without the additional assistance of other UN organizations and NGOs, Iraq's suffering, especially in the central/southern provinces would have been even greater. This additional assistance was provided *i.a.*, by UNICEF, WFP, the U.N. Development Program (UNDP), the European Community (ECHO) and the International Committee of the Red Cross (ICRC). Other private relief organizations such as the Catholic Relief Services, Save the Children, as well as governments provided additional relief to supplement the OFFP. These efforts were mostly focused on southern/central Iraq, instead of the economically better off northern provinces.

A. UN Administration of Iraq's Distribution Plans

The Iraqi government was obliged to submit a "distribution plan" every six months. In this plan the government was obliged to put forward a detailed plan of what was required in every sector of society (from flour to shoelaces). Every single item needed to be listed separately, including details on how and where it would be used (every spare part for every single power plant, every light bulb, every tire etc.). This plan covered all areas of society: health care, electric power plants, sewage, water, transportation, telecommunications, agriculture, livestock etc. The OIP would circulate this plan to the UN agencies responsible for each area of expertise (i.e. FAO for agriculture, UNICEF for elementary education etc.). Once these agencies reviewed and modified the plan, the OIP would approve it. At that point Iraq was permitted to negotiate with suppliers and vendors for the approved items. Once these contracts were signed, they were then submitted to UNSCOM, the IAEA and later UNMOVIC to check if any of these items were on the so-called 1051-list (created by UNSC Res 1051). This list identified possible dual-use items having both military and non-military uses.

¹⁰⁸ (Katzmann 2005) 10.

¹⁰⁹<https://www.amf.org.ae/sites/default/files/econ/annual%20reports/%5Blanguage%5D/Annual%20Report%201993%20eng.pdf>

Finally, once the contracts were submitted to the ISC, any good not considered “humanitarian” (food and medicine) could be vetoed by any UNSC member.

The OFFP cap on oil sales provided much too little humanitarian aid to make any significant difference, especially in the southern/central provinces. In its first year of operation (1997), the limits on oil sales were increased, allowing more imports of food, essential raw materials and equipment into Iraq. In 1998 the amount of oil which could be sold each year was raised again to \$ 5.26 billion. By 1999 Iraq was allowed to sell as much oil as it was able to produce and the percentage of proceeds earmarked for humanitarian purposes increased. But because Iraq’s oil production facilities and refineries were deliberately destroyed during the First Gulf War and since the OFFP carved out the use of oil proceeds for infrastructure development/repair and training, Iraq was unable to produce as much oil as it would have needed to feed its population and rebuild its nation.

The strict and ineffective inspection/purchase/authorization system controlled by the ISC hindered the purchase and import of many necessary items. This severely limited what goods Iraq could request. According to the UNICEF 2003 Report, the OFFP was able to stabilize the situation in the northern provinces. Strengthening the Kurdish minority in the northern provinces was another way for of the US to weaken Saddam Hussein. The MOU gave the Iraqi government the direct authority to implement the OFFP for the 15 central and southern provinces where the situation worsened because they received much less aid per capita.

In the three autonomous northern provinces, the UN WFP was given the task of implementing the OFFP (with the assistance of the local provincial authorities). Only the northern provinces were given a cash subsidy to cover training, development and local contracting. By 2003 the north received approximately \$20 million a month to pay local farmers or hire workers. The north could use these funds for infrastructure projects. The southern provinces received no cash component.

A disproportionate amount of the food was given to the northern provinces compared to the rest of Iraq. The three northern provinces made up approximately 13% of the entire population of Iraq and received 13% of funds from the OFFP. The central and southern provinces made up 88% of the population yet received only 53% of OFFP

funds. In 1997 some 60 000 metric tons per month were distributed to northern Iraq and 350 000 metric tons a month to the southern/central Iraqi regions¹¹⁰. By 1999 the northern regions of Iraq had a significant drop in child mortality.

The OFFP was in large part responsible for Iraq's dependence on food imports, foreign food suppliers and producers. Unlike in the northern Kurdish provinces, the OFFP did not allow the Iraqi government to use these funds to purchase domestically produced food for this program from the southern/central region. This was a problem in those years in which bumper crops could not be purchased from local farmers. The distribution of food in Iraq remained a logistic problem throughout the sanctions regime. The average cost of these subsidized food rations per month per household amounted to approximately ID 250 or \$ 0.125¹¹¹. The Iraqi people in the central and southern provinces relied totally on Saddam Hussein's government for survival, a paradox of the sanctions regime¹¹².

B. 'Oil-for-Votes-Programme' (OFVP)

Considerable evidence has emerged linking receipt of illicit oil contracts with UNSC voting behavior¹¹³. Studies have shown that Saddam Hussein used OFFP (oil) contracts as a vehicle to purchase UNSC votes. Was the OFFP an OFVP or, as others have labelled it, the "Non-Oil-For-Food-Programme"¹¹⁴? The distribution of the OFFP allocated contracts through the ISC correlates with pro-Iraq UNSC votes. Countries receiving larger allocations of contracts were more likely to support Iraq. This weakened the effectiveness of the OFFP to supply the Iraqi civilian population with desperately needed humanitarian aid. By coincidence, countries on the UNSC received a particularly high allocation of contracts.

Saddam Hussein was able to subvert the OFFP and instrumentalize the ISC. In return he gained hard currency and items on the prohibited transfer list¹¹⁵. He used the promise of profits (through oil contracts) and kickbacks to obtain these items.

¹¹⁰ (International Study Team 2003) 7.

¹¹¹ Households caught cheating were fined according to the market price of the food rations in the basket. Merchants/agents caught cheating could lose their license.

¹¹² (Bladys 2018) 177.

¹¹³ (Heaton 2005) 204.

¹¹⁴ (Katzmann 2005) 18.

¹¹⁵ (Heaton 2005) 193.

Beneficiaries were in the USSR, the Middle East, France, Russia, Italy, Jordan, Syria, Lebanon, Turkey and the UAE.

Namibia, a non-permanent member of the UNSC during the UN sanctions period, received a large number of oil contracts through the OFFP. When Namibia began its two-year term on the UNSC in January 1999, the Namibian government received three allocations, which were completely “lifted” (meaning all the oil was pumped out of the ground)¹¹⁶. Namibian private and public enterprises received three further contracts during Namibia’s UNSC term. The total profit for Namibia was \$ 1.36 million (roughly 0,1 % of Namibia’s national budget). Namibia denied receiving any kickbacks from these allocations¹¹⁷. Gambia also received Iraqi oil contracts, as did China, Pakistan, Russia, the UK and certain Middle Eastern countries. These countries did on occasion support Iraq in the UNSC and received an above average amount of ISC contract allocations.

Sadly, certain UN and UNSC members profited greatly from the suffering of the Iraqi people. The ‘benefit’ of a seat on the UNSC has been estimated at about \$ 29 million. *“Iraq through its kickback regime was able to soften the harshest OFFP restrictions on oil sales”*¹¹⁸ by *“... reward[ing] ... policies supporting the regime”*. Groups and individuals who received allocations included: the Head of the Palestine Liberation Front; a Director of Montaz, a large Ukrainian firm; the President of the Russian firm Kalmykia; and a member of the British parliament.

The US and other UNSC members were not only aware of billions of dollars in oil sales between Iraq and its neighbors, but this sale was ‘unofficially’ condoned by the US through the annual issuance of waivers. Successive administrations (on both sides of the aisle) issued waivers to Congress by which allies such as Turkey and Jordan were absolved of violating UNSC sanctions. The waivers protected these countries from US reprisals and unilateral sanctions¹¹⁹.

¹¹⁶ We now know that approved contracts worth over \$ 400 million were never “lifted”. These contracts accounted for 1/3 of those approved by the ISC.

¹¹⁷ (Heaton 2005) 196.

¹¹⁸ Ibid 201.

¹¹⁹ (Katzmann 2005) 2.

C. Volker Commission and the Duelfer Report

Experts have claimed that while the OFFP did prevent an even greater humanitarian disaster, it was far less effective than other relief programs.¹²⁰ It could have been even more effective if all of the funds earmarked for humanitarian use would have actually been spent on the Iraqi population. The independent Iraqi Newspaper *Al Mada* published a list on 25 January 2004 of 270 individuals and entities who allegedly benefitted from oil vouchers granted by Saddam Hussein's regime. This list came from records of the state-run oil marketing organization, SOMO. Notably, the most disturbing name on the list was that of Benon Sevan, executive director of the OFFP and a UN official¹²¹. To investigate allegations of corruption on the part of the UN administration of the \$64 billion OFFP-Fund, UNSG Kofi Anan set up an independent commission headed by Paul A. Volker, former Chairman of the US Federal Reserve Bank.

The findings of this commission were unsatisfactory. Released in 2005, the Volker Commission found only administrative weaknesses of the UN Secretariat's management of OFFP funds. The Commission established that between 1991 to 2003 the Iraqi government earned c \$ 11 billion through oil smuggling outside the UNSC sanctions regime embargo¹²². Total illegal income within the OFFP (illegal surcharges and fees) amounted to approximately \$ 1.8 billion. Nevertheless, the Volker Commission did not find any case of "institutional" misuse of Iraq's funds nor of corruption. It did state that UN officials over time became "entangled" in the corruption of the OFFP. The Commission preferred categorizing the actions of UN officials as passive bystanders rather than active doers – which would have implicated the entire scheme. These "egregious lapses" in the OFFP management reflected on the entire UN. This investigation, which led nowhere, would end up costing the Iraqi population \$ 35 million. The Volker Commission is yet another instance of the UN (mis)spending money on itself which actually belonged to the Iraqi people.

But not only were the findings unsatisfactory, they were incomplete and maybe even wrong. The role of the UNSC itself was carved out of the entire investigation of the

¹²⁰ Richard Garfield, (1999), Health and Well-being in Iraq: sanctions and the Oil for Food Program. Transnational Iraq and Contemporary Problems, University of Iowa.

¹²¹ (Katzmann 2005) 17.

¹²² (Lowe, et al. 2008) 209.

Volker Commission. This carve-out made no sense, since the OFFPs oversight and all decisions on the OFFP were made by the UNSC and not by the Secretariat. Montesquieu's division of powers between legislative, administrative and judicial oversight have, so it seems, no place in international governance and the UN system. The body making the rules sets up a commission to investigate its own work, but does not allow itself to be investigated. The enormous costs of the Volker Commission and the restrictions on its investigations have been criticized as "*a serious impropriety*" by the UN and its senior officials¹²³. The allegations surrounding Kofi Annan's son, Kojo Annan, regarding the award of OFFP goods authentication contracts to Cotecna, a company Kojo Annan was involved in, remain unresolved. This too had been carved out of the investigation by the UNSG – Kofi Annan¹²⁴.

Charles Dueler, special advisor to the Director of US Central Intelligence also compiled a report on post-Saddam inspections and researched Iraq's WMD and how they were financed. The so-called Dueler Report was issued on 30 September 2004. The findings of this 1000+ page report offer supporting evidence and insight into Saddam Hussein's illicit oil sales and the allegations surrounding the OFFP and its abuse. According to these findings, Iraq earned approximately \$10.9 billion in illicit revenue during 1990-2003, \$8 billion of which came directly from non-OFFP "trade protocols" with Jordan, Syria, Turkey, and Egypt. The report breaks down this income between surcharges from OFFP-approved oil sales (\$ 228 million) and kickbacks from OFFP humanitarian supply contracts (\$ 1.5 billion). Saddam Hussein's regime and elites earned \$ 1.2 billion from trade with private-industry, defined as "border trade" or "smuggling."¹²⁵

V. UNSC had Knowledge of the Facts: Turning a Blind Eye since mid-1991

During the sanctions period, the UN continuously sent representatives of various UN agencies to Iraq to assess the situation. The relevant UN organizations responsible for the implementation of the sanctions embargo on Iraq made independent reports on

¹²³ (Sponeck 2006) 2.

¹²⁴ (Katzmann 2005) 23.

¹²⁵ https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/

their different areas of operation. In particular, UNICEF, UNESCO, WHO, FAO, and WFP compiled extensive reports on a regular basis. These reports documented the effects of the sanctions on all aspects of Iraqi life: health, mortality, environment, education, infrastructure, electricity, water sewage and potable water etc. Each of these organizations highlighted the dire situation in Iraq. These findings were confirmed by many NGOs and independent reports. Various Iraqi government offices, such as the Iraqi Ministry of Health, cooperated with WHO and WFP. These reports were given to the UNSG, the UNSC and the UNGA.

Already by mid-1991 the extent of the suffering within Iraq was known to the international community. UN International Children's Emergency Fund (UNICEF) already reported in 1993 that Iraq's water production was still at only 50% of pre-war levels and unemployment in industry was as high as 70%. The UN Food and Agriculture Organization (FAO) in its December 1995 noted that by 1995 over one million Iraqis had died. Of this staggering number, 567 000 were children. These deaths, according the FAO, were a "direct consequence of the economic sanctions". UNICEF similarly in its report stated that 4500 children under the age of 5 died each month from hunger and disease. The 1995 Report by the Baghdad representative of the independent Quaker-based American Friends Service Committee confirmed these numbers¹²⁶. By 1998 UNICEF reported that one-third of all hospital beds were closed due to lack of supplies, electricity and diagnostics.

UNSC Res 986 of 14 April 1995 initiated the OFFP and was reviewed every six months. The Secretary General informed the UNSC of the OFFP progress and monitored all aspects of the program (Article 4). UNSG was mandated "*...to conduct a thorough review of all aspects of the implementation of this resolution ... prior to the end of 180 day[s] ... to consider favorable renewal of the provisions of this resolution...*". An example of the numerous reports on which the UNSG based his information was the 1997 nutritional survey by UNICEF, the WFP and Iraq's Minister of Health. This survey reported that 27.5 % of Iraq's five million children under the age of five living in Central/Southern Iraq were at risk of acute malnutrition. The list of compiled reports is

¹²⁶ (Scherrer 2014).

very long and all of them focused on the suffering of the Iraqi people. The UNSG provided extensive reports to the UNSC every 90 days in which he addressed “*all categories of goods, throughout Iraq ... every aspect of the program ... [including] ... the number of holds placed on humanitarian import contracts ... for every sector: food, health care, water and sanitation, agriculture, electricity, education, telecommunication, housing and de-mining.*”¹²⁷ There was no denying that the sanctions were directed against the Iraqi people – to bring down Saddam Hussein.

Martti Ahtisaari, Under Secretary General of the UN, was sent by UNSG Javier de Pérez de Cuéllar to Iraq in March 1991. His mission was to assess the humanitarian situation. A second envoy, Sadruddin Aga Khan, Executive Delegate of the Secretary General for Humanitarian Assistance in Iraq, was sent on the same mission in July 1991. Both envoys reported on the devastation and imminent humanitarian catastrophe in Iraq: access to potable water had already been reduced by 75%, hyperinflation sent the price of basic food staples such as rice and wheat over the top with observed increases reaching 4500%, over 50% of the telephone lines destroyed beyond repair, electrical supply was down by 85-90% throughout the country.

As Ahtisaari put it: “*most means of modern life support have been destroyed or rendered tenuous*”.¹²⁸ His colleague, Aga Khan, estimated that \$ 12 billion would be required to restore Iraq’s electricity production capability¹²⁹. Both made desperate calls to the international community for action. Aga Khan suggested allowing Iraq to sell enough oil to meet the humanitarian needs of its civilian population. This was the beginning of the OFFP (which took another five years to implement and six years to make its first delivery).

By the mid-1990s the conflict over the Iraq sanctions between the UNSG and UNSC had escalated. In 1995 UNSG Boutros Boutros-Ghali in his “Supplement to an Agenda for Peace” saw the sanctions as a “*blunt instrument*” which raised the “*ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders whose behaviour is unlikely to*

¹²⁷ (Gordon, *Invisible War The United States and the Iraq Sanctions* 2010) 28.

¹²⁸ (Ahtisaari 1991) para 8.

¹²⁹ (Aga Khan 1991) para 26.

be affected by the plight of their subjects.”¹³⁰ The periodic UNSG’s reports highlighted the humanitarian plight of the Iraqi population. In November 1997 UNSG Kofi Annan reported on the dire plight of Iraq’s children, noting that 31% of children under five suffered from malnutrition and had no adequate access to clean water and medicine, while health care was “grossly inadequate”. The general situation in Iraq was “exceptionally serious”, all areas be it electricity supply, water supply, hospitals or sewage facilities were deteriorating. Annan’s subsequent reports in February 1998, March 1998 etc. continued in this critical manner. In Annan’s March 2000 statement to the UNSC he once again stressed that “... *we are the accused of causing suffering to an entire population.*”¹³¹ Still the sanctions regime continued.

The sanctions led to the resignation of three high-ranking UN officials with in-depth, first-hand knowledge of the humanitarian catastrophe. In 1998 Denis Halliday, former United Nations Assistant Secretary-General and Humanitarian Coordinator in Iraq, resigned. “We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral.” His successor Hans von Sponeck resigned two years later on 13 February 2000 stating he could no longer be involved with the sanctions regime which prolonged the sufferings of the civilian population, knowing full well that the OFFP had no chance to meet even basic needs. Two days after von Sponeck’s resignation, Jutta Burghardt, head of the WFP in Iraq, resigned stating: “*I fully support what Mr. von Sponeck is saying*”.

In 1991 and 2003 an independent team of experts, “*The International Study Team*”, traveled to Iraq on a mission to document the effects of the Iraq conflict and sanctions on the civilian population. This international team of experts focused on the plight of children and youth, which made up almost 50% of the Iraqi population. The team conducted interviews, collected data and reviewed existing data on the state of children and youths in Baghdad, Basra and Karbala. Over 100 Iraqi families were visited and interviewed. Their report: “Our Common Responsibility, The Impact of New War

¹³⁰ (Boutros-Ghali 1995) para 70.

¹³¹ (Gordon, Invisible War The United States and the Iraq Sanctions 2010) 113.

on Iraqi Children” examined the physical and mental wellbeing of the 12 million children and youth living in Iraq¹³².

The conclusions reached by these independent experts in 2003 was that the condition of children in Iraq had considerably worsened since the First Gulf War. Their findings included the determination that: 16 million Iraqi civilians were 100% dependent on government-distributed food rations; around 500 000 children suffered from severe malnourishment or underweight; the Iraqi health care system as well as its water and sanitation systems were broken and 500 000 metric tons of raw sewage were dumped into rivers and lakes each day; only 60% of Iraqis had fresh drinking water; and the death rate of children under 5 years of age was 230% greater than it was in 1990, the main causes of death being diarrhea and respiratory illness.

Taken together, all the information coming out of Iraq was undeniable. Many within the UN who could make a difference or so they thought did bring attention to the devastating effects the UNSC sanctions regime caused in Iraq. Nevertheless, the UN as an organization failed to react to these criticisms and reports.

¹³² <https://reliefweb.int/sites/reliefweb.int/files/resources/C5468F6F4D249A4885256CBF006DA95F-wv-irq-26jan.pdf>

Chapter three sets the baseline of pre-1990 Iraq, including a demographic overview. The destruction after the First Gulf War is the environment onto which the UNSC sanctions regime was imposed. Iraq was already completely destroyed before the sanctions regime started to rear its ugly head. What happened in the following 12 years and 8 months, and following over 30 UNSC sanctions resolutions, was nothing short of economic warfare. It was the continuation of the armed conflict by other means. The following chapter compares the effects on each area of civil society (health, infrastructure, agriculture, security, mortality, education, nutrition) with the pre-1990 situation. The Iraq economy had, through oil and industrialization, achieved a high standard in many areas. Before 1990 (under Saddam Hussein) the population of Iraq had potable water, enough and good food, a high level of education, modern health care, roads, airlines, housing etc. Life expectancy was high, child mortality was low. This was to change in August 1990. Through no fault of its own, the civilian population was made to pay for the Saddam Hussein's aggression against Kuwait. This chapter is the sad story of their suffering.

Chapter 3: Pre- and Post-Sanctions Iraq: Destruction of a Nation and its People

I. Iraq: Pre-1990 Baseline

To understand the destructive effects of the UNSC sanctions on Iraq, a baseline must be established. Iraq was not a developing third-world nation, but a highly developed country with a large educated middle class, excellent health care, a solidly developed infrastructure and industrial base and a strong currency. The imposition of comprehensive sanctions in 1990 had a particularly devastating effect on Iraq's oil-based economy and food security levels. Gaining an understanding of the economic, household and social baseline is crucial for evaluating the impact of UNSC sanctions and their effects on the civilian population of Iraq.

The Iran-Iraq War completely drained Iraq's liquidity reserves which it had accumulated during the oil boom of the 1970s. Yet Iraq continued to invest in its key social sectors and infrastructure projects by borrowing massively. At the end of the war, Iraq was burdened with a \$ 55 billion debt to Kuwait (which Kuwait was reluctant to forgive). Yet Iraq's economy remained intact. Its health care system, educational institutions and schools as well as its social programs still functioned and had been improving since the 1980s.

After the Iran-Iraq war, Iraq continued to take on new credits to provide a stimulus for wartime recovery, to fund public works projects and to build up its military¹³³. The Iran-Iraq war took its toll and the standard of living fell. Per capita income dropped from a pre-war 1979 high of \$ 8161 to \$ 2108 in 1989.

Prior to the First Gulf War, oil revenue accounted for up to 95% of Iraq's economy. 10% of the world's oil reserves are in Iraq, a founding member of OPEC. Iraq has the world's second largest oil reserves. In addition to oil, Iraq's natural resources include natural gas, phosphates and sulphur¹³⁴. Iraq's oil revenue was used to fund food imports, medicine and a modern health care system. During the 1970s, the Ba'athist government pursued rapid industrialization through central planning. From 1976 to 1980 Iraq invested Iraqi Dinar (ID) 4.4 billion (equivalent to \$ 14,15 billion)¹³⁵ in a five-year program to construct petrochemical plants in Basra, iron and steel works in Zubair and other industrial plants for sulfur, urea, phosphate and agricultural fertilizer production and mining around Basra. Foreign personnel were involved in the construction and maintenance of Iraq's drive towards industrialization.¹³⁶

Iraq's oil income was impressive. Its oil export revenue rose from \$ 487,7 million in 1970 to \$ 8,3 billion in 1975 and skyrocketed to \$26,3 billion in 1980¹³⁷. Despite the massive dip in oil income during the Iran-Iraq war, Iraq managed to generate an estimated \$ 10,4 billion in oil revenue from 1981-1988. Saddam Hussein had enough oil income to fund growth, support his regime and wage a long-drawn-out war with Iran.

¹³³ (Cordesman and Hashim 1997) 124.

¹³⁴ https://www.opec.org/opec_web/en/about_us/164.htm

¹³⁵ Iraqi dinar = ID, US dollar = \$

¹³⁶ UNICEF 2003 Report, p.6. https://www.unicef.org/evaldatabase/files/Iraq_2003_Watching_Briefs.pdf

¹³⁷ (Cordesman and Hashim 1997) 127.

In 1980 Iraq's per capita income was considered to be 60% of the OECD average. This would fall to less than 4% of the OECD average by 1993.

By 1989 income from oil, natural liquid gas and other refined products increased dramatically to \$12,3 billion. In 1989 Iraq's GDP was \$ 66 billion, of which 61% came from oil, 22% from public service industries, 12% from other industries and a mere 5% from agriculture. The World Bank categorized Iraq together with upper middle-income countries such as Greece, Venezuela and Czechoslovakia. The caloric intake in the late 1980s was just under 3000 calories per day, which was considered average for an upper middle-income country¹³⁸. By 1992 Iraq's GDP had plummeted to \$ 245 million.

Iraq's civilian population did partake in the economic development financed by oil. Life expectancy in pre-sanctions 1990 Iraq was 67 years of age. This was equivalent to the life expectancy in Brazil. The 2003 UNICEF Report confirmed the high level of systems for public health, education, potable water and sanitation in Iraq before 1990. These social services were fully subsidized by oil revenue. For most Iraqi citizens no fee was charged for the use of these services, the only exception being the use of water and sewage systems, which were based on a tariff structure. Iraq was advanced compared to other Arab countries regarding social legislation on women and children.

II. Demography of Iraq 1990-2003

Iraq is not only an ancient civilization, but it is a very complex one. Understanding the demographics of Iraq is important to understanding the UNSC sanctions regime and its effects, the Iraqi food rationing system, the no-fly zones and the Oil-for-Food-Programme (OFFP). Iraq's population was young, urban and primarily Shi'ite Arab.

The Iraqi national survey of 1997 determined a total population of 22 million. The population of Iraq had been growing at a rate of 2.95% between 1987 and 1997. By the year 2000 the total population had reached 23.97 million. OFFP estimated the Iraqi population to be 27,2 million in 2002. This number was based on the number of registrations for food rations. In 2003 UNICEF estimated the population of Iraq was

¹³⁸ (Gulf Economies VIII: Iraq 1994) 8.

approximately 26.2 million¹³⁹. Of these four-fifths were Arab, the remaining one-fifth mostly Kurds. 62% of Iraqis were Shia Muslims living mostly in the south, 35% were Sunni Muslim from central Iraq. Baghdad had a population of five million people. Other major urban centers were Diyala, Basra, Mosul, Kirkuk and the Kurdish capital of Arbil.

The population of Iraq was unevenly divided. Of the 26.2 million Iraqis, the northern (Kurdish) provinces had a population of approximately 3.2 million. The remaining population lived in central and southern Iraq. 67.5% of Iraqis lived in urban centers. In 2000 UNICEF reported that children under the age of 14 made up 45% of the Iraqi population¹⁴⁰. In 2003 more than 4 million of these children were under the age of five.

III. The First Gulf War: Iraq bombed Back to a Pre-Industrial State

Before Iraq's invasion of Kuwait in August 1990, Iraq was on the verge of becoming a developed country. The First Gulf War in January 1991 threw Iraq back to a pre-industrial development stage. Over a six-week period, coalition forces led by the US, dropped over 90 000 tons of explosives on Iraq. Between 50 to 70 percent of the bombs missed their targets and hit civilian targets instead. Civilian deaths as a result of the war are estimated to be between 100 000 and 200 000. In addition, between 60 000 and 200 000 Iraqi soldiers lost their life as a result of this war¹⁴¹.

The First Gulf War caused the complete breakdown of Iraqi infrastructure. Bombs destroyed the electrical systems to only 4% of prewar levels. Oil refineries, food storage facilities, sewage treatment plants, industrial infrastructure, telecommunications facilities, roads, trains and bridges were all heavily damaged or destroyed during the war. Noam Chomsky called the US attacks on sewage treatment plants, irrigation systems, and water purification plants "*acts of biological warfare*".

The destruction of the oil wells and oil transportation system caused an approximate 4 to 8 million barrels of oil to spill directly into the sea and an even greater

¹³⁹ https://www.unicef.org/evaldatabase/files/Iraq_2003_Watching_Briefs.pdf

¹⁴⁰ As a comparison those over the age of 65 only accounted for 3.5% of the entire population.

¹⁴¹ <https://www.forces.net/news/remembering-gulf-war-key-facts-figures>

amount spilled onto Kuwaiti land (estimated at between 35 to 150 million barrels). The evaporated toxins caused severe health effects and contaminated groundwater.

Western and southern Iraq are for the most part a desert region covering some 64 900 square miles (168 000 square km), almost two-fifths of the country. The bombings, troop movements, released toxins and oil spillovers destroyed the delicate desert ecology. Greenpeace¹⁴² and Hoskins¹⁴³ argue that the environmental damage was unprecedented.

The humanitarian effect of the First Gulf War was disproportionate. Estimates vary regarding the actual number of deaths – upwards of 200 000 civilians and Iraqi military combined.¹⁴⁴ In addition, the war caused a large number of Iraqis, up to 1.8 million mainly Kurdish and Shia citizens, to become internally displaced. These large refugee movements during the First Gulf War exacerbated the unfolding humanitarian catastrophe caused by the UNSC sanctions regime.

Kurds and Shia fled to the Iranian and Turkish borders. Lack of clean water, health care, malnutrition and harsh weather conditions led to many deaths among the refugees. Infectious diseases such as measles, diarrhea, typhoid and cholera started to rise. Landmines also caused a considerable number of deaths. The UN estimated that by 1991 between 15 000 and 30 000 refugees had died. The dire plight of the refugees would remain unresolved. By 2003 it is estimated that 750 000 displaced persons still existed.

A. Fall of the Dinar: Iraq's Household Economy Plummets after the War

The Iraqi dinar (ID) was a strong currency. Following the First Gulf War the dinar's value plummeted by over 5000% compared to pre-war levels. In 1989, one ID was worth approximately \$3.00¹⁴⁵. In 1990 one ID was equivalent to \$4.00. By 1993, one ID was valued at \$0.02, in 1996 this value had plummeted to \$0.001 and to

¹⁴² Greenpeace (1992), The environmental legacy of the Gulf War. A Greenpeace Report.

¹⁴³ Hoskins, Erik (1997), Public health and the Persian Gulf War. In Levy, Barry and Sidel, Victor (eds) War and Public Health, Oxford University Press, New York.

¹⁴⁴ (Salvage 2002).

¹⁴⁵ UNICEF Annual Report, 2002.

\$0.00048 by 2001.¹⁴⁶ By the time the United States invaded Iraq in 2003, one ID was \$0.00045. This hyperinflation of the ID was equivalent to a devaluation of 1/6000th (or 0.000167%) from its pre-1990 value. The devaluation of the dinar contributed to the loss of personal savings and the rise of a barter (and shadow) economy (trading rugs, jewelry etc for basic necessities). Corruption and black-market economies flourished.

The strain on public finances began towards the end of the Iran-Iraq war. But not until the First Gulf War and the ensuing economic sanctions did the centralized Iraqi system of public services take a dramatic turn for the worse. Before 1990, real salaries (especially in the public sector) were high. But the salaries could not keep up with Iraq's hyperinflation. Unsurprisingly, Iraqi families no longer had any purchasing power. As inflation skyrocketed so did commodity prices, which were already under pressure owing to the very limited supply of most goods. The UN estimated that the GDP per capita in 1995 was \$ 750¹⁴⁷ and dropped even further in 1996 to \$ 450¹⁴⁸.

By 2002 Iraq's unemployment rate was at 50%. Those Iraqis that had jobs could not live off their salaries. In 2003 an Iraqi schoolteacher's salary was between \$3 and \$5 per month. Iraqi's worked multiple jobs to earn enough money. Still, over 50% of Iraqi families lived below the poverty line. This steep decline in the household economy of average Iraqi families affected national educational levels. Many children dropped out of school, having to earn extra money for their families. By 2000, 23% of Iraqi children were not attending primary school (UNICEF MICS, 2000). Many children were forced to beg, for lack of other possibilities to make any money.

The UN Human Development Index (HDI) ranks countries according to their development level. It is a tool to measure key dimensions of human development including life expectancy, access to education and the standard of living measured by Gross National Income per capita adjusted for the price level of the country. In 2000 Iraq occupied the 126th place out of 174 countries. As a comparison, the United States ranked 3rd, Israel was 23rd and Iran ranked 95th. Iraq was ranked 50th in 1990¹⁴⁹.

¹⁴⁶ (Akunjee and Ali 2002) 251.

¹⁴⁷ (Rawaf 2005) 182.

¹⁴⁸ https://www.unicef.org/evaldatabase/index_29697.html

¹⁴⁹ <http://hdr.undp.org/en/data>

IV. Humanitarian Impact of the UNSC Sanctions Regime on Iraq

In a letter to the President of the UNSC dated 20 March 1991, UNSG Javier de Pérez de Cuéllar reported on a visit by a UN delegation to Iraq. The aim of the mission was to assess the post-crisis environment. In his closing observations the UNSG expressed a grave warning: *“I, together with my colleagues, am convinced that there needs to be a major mobilization and movement of resources to deal with aspects of the deep crisis in the fields of agriculture and food, water, sanitation and health... it will be difficult, if not impossible, to remedy these immediate humanitarian needs ... It is unmistakable that the Iraqi people may soon face a further imminent catastrophe, which could include epidemic and famine... Time is short.”*¹⁵⁰

The UNSC maintained its sanctions regime for 12 years and 8 months, during which time Saddam Hussein and his authoritarian Ba’athist regime remained in power. The impact on Iraqi civil society were nothing short of a humanitarian catastrophe on a scale rarely seen before. As the Chinese would say, *“death by a thousand cuts”*¹⁵¹. Compared to other economic sanctions regimes in modern history, Iraq sanctions stood out *“like Mount Everest with annual costs [to the target nation] of \$ 10 billion.”*¹⁵² The following sections discuss each area of civil society, including those areas of infrastructure necessary for civilian life, and how the sanctions regime impacted these areas.

A. Food Security and Food Rationing System in Iraq

Following the imposition of UN sanctions, Iraq’s population lacked food security. Their food rationing system worked but, because of the sanctions regime, was unable to distribute enough food. All food distributed by the OFFP was imported. Domestic production of food was low. Nutritional levels did improve somewhat but were still at a low level. Owing to the stark devaluation of the ID, the high

¹⁵⁰ (Perez de Cuellar 1991).

¹⁵¹ Lingchi a form of torture and execution used in China from roughly 900 CE until it was banned in 1905.

¹⁵² (Elliott and Hufbauer, *Some Song, Same Refrain? Economic Sanctions in the 1990's* 1999) 404.

unemployment rate and chronic poverty, many civilians simply could not afford to buy enough food to feed their families.

Food security is defined as “*the condition of having reliable access to a sufficient quantity of affordable, nutritious food*”¹⁵³. In the mid-1980s during the Iran-Iraq war, the Iraqi government initiated food support programs. According to a 2003 UNICEF Report these programs provided up to 1 million Iraqi civil servants with food at subsidized prices. After the UNSC imposed sanctions with UNSC Res 661, the Iraqi government expanded this system into a nationwide food-rationing system. Essential staples were given free of charge to all residents of Iraq, including all foreign nationals living inside Iraq’s borders (but not refugees). A ration of approximately 1093 kilocalories of food per person per day was provided in 1990. These calories constituted only 40% of the daily requirements¹⁵⁴. By 1999 the OFFP enabled an increase of these rations to 2150 calories per person per day. The UNDP estimated that by 2000 the average Iraqi family spent 75% of its income on food. By 2003, 24 million Iraqis were receiving rations of 2230 kcal per person per day. The increase was mainly due to the activities of the OFFP. The food basket was low in vegetable protein and seldom included any animal protein.

The Iraqi rationing system considered each family as a separate unit, allocating food to each of these units (or households). The amount of food per unit was dependent on the number of persons living in that household. Children under one year of age received extra monthly rations including milk powder. In order for a household to receive government food rations, it was required to obtain a so-called ration ticket issued by the Iraqi government. Because of the dire economic situation of many households, families often sold much of what they received in order to make money to pay for medical and housing costs.

The issue of food security remained a pressing problem throughout the sanctions period. The OFFP was not conceived to take the place of normal economic activity. Throughout the sanctions period, food security remained an unsolved problem which the OFFP could not solve. Imports under the OFFP increased household dependency on government-distributed food rations. These rations did not meet the daily nutritional

¹⁵³ (FAO 2003).

¹⁵⁴ https://www.unicef.org/evaldatabase/index_29697.html

requirements and contained inadequate caloric, protein and micronutrient values. According to the FAO/WFP, the amount of food distributed lasted for a maximum of 21 days and the milk powder for infants only lasted for 12 days¹⁵⁵.

Most Iraqi families were dependent on this rationing system. With high unemployment and the devaluation of the ID, often multiple jobs were necessary to make ends meet. The 2003 UNICEF Report estimates that 60% of all Iraqi families (approximately 16 million people) were fully dependent on the food-rationing system.

B. Agriculture and Malnutrition

In 1989, Iraq's agricultural sector contributed 5% to Iraq's GDP. Iraq relied on food imports valued up to \$ 3 billion per year, which accounted for 70% of consumed food. After the First Gulf War in 1991 and the sanctions, Iraq was prohibited from importing any seeds, fertilizers, pesticides, insecticides, crop spraying equipment and other agricultural hard- and software because of the dual-use restrictions on these goods. Yet even after the OFFP lifted some of these restrictions after 1996, Iraq's own agricultural production recovered at a slow pace. A severe drought in the late 1990s reduced production even further¹⁵⁶. Various incentives to farmers aimed at reducing the dependency on food imports were only marginally successful. By 2003, the production of wheat slowly approached pre-war levels, although the yields per hectare remained below pre-war levels.

By 2000, domestic wheat production was approximately 300 000 metric tons per year. Imported wheat on the other hand amounted to 3.3 million metric tons (see Table II. Iraq's Annual Commodities Consumption). In other words, only 8% of all wheat was produced inside Iraq. Also, only 7% of vegetable oil, 1% of sugar and 4% of rice was domestically produced.¹⁵⁷

Prior to 1990 no nutritional data exists for Iraq. The International Study Team 1991 Report, compiled one year after the imposition of economic sanctions, is the first

¹⁵⁵ (FAO/WFP 2000).

¹⁵⁶ (Agha and Sarlak 2017) 1.

¹⁵⁷ (FOASTAT 2003).

available data on nutrition in Iraq in the 1990s. A UNICEF 2003 Report suggests around 1-3 % of the Iraqi population suffered from malnutrition prior to 1990.¹⁵⁸

By the late 1990s, 22% of children in southern/central Iraq and 12% of children in north Iraq suffered from malnutrition. The difference in nutritional levels can be attributed to the differential treatment of the northern and central/southern provinces by the OFFP. The north received more direct aid, more food and more support than the 88% of the population who lived in south/central Iraq.

By 2002 nutritional levels improved somewhat throughout Iraq. Nevertheless, malnutrition levels still remained high throughout the country. The malnutrition in rural areas remained three times higher than in urban areas and the malnutrition remained greater in central and southern Iraq than in the self-administered northern regions of Iraq. Increases in daily caloric intake provided through the government rationing system supported by the OFFP, modest health care improvements and immunization coverage played a role in this development.¹⁵⁹ Still, according to UNICEF, 25% of Iraqi children under five (close to one million children) remained malnourished in 2002. Widespread anemia in women of childbearing age and the general poverty of Iraqi families were also causes for this widespread malnutrition.

Iraqi food distribution broke down as a result of the First Gulf War. When food did arrive in Iraq, it could not be distributed. All forms of transportation had been crippled/destroyed by the war and the sanctions regime. Because the United States prevented the import of tires, trucks and spare parts for vehicles and machines, moving food around the country became a huge logistic problem.

A nation-wide on-going food shortage was the result. Malnutrition, famine, death and disease followed in its wake. Infectious diseases such as cholera, typhoid, gastroenteritis, malaria, meningitis and measles appeared or re-appeared. According to the FAO, by January 1998 there were more than 50 000 documented cases of screwworm infestations in Iraq. Screwworms infest livestock and also lay eggs in

¹⁵⁸ <https://reliefweb.int/sites/reliefweb.int/files/resources/83A68235E0AA85BEC1256C7F003D9A5A-unicef-iraq-28feb.pdf>

¹⁵⁹ (FOASTAT 2003).

humans. Especially children in rural areas were affected, because of the low hygienic conditions.¹⁶⁰

C. Water Supply, Sewage Facilities and Electricity Generation: Iraq Back to Square One

A 1991 UN report came to the conclusion that the First Gulf War had “near-apocalyptic results” on the economic infrastructure¹⁶¹. Declassified documents of the United States Defense Intelligence Agency show the deliberate targeting of electrical power plants, water storage facilities and waste treatment plants.¹⁶² The cumulative effects of the destruction of war and the ongoing sanctions embargo restrictions accelerated the famine and epidemics in Iraq after 1991.

1. Electric Power Production

Prior to the First Gulf War, Iraq had an electrical generation capacity of 9500 MW provided through thermal, hydroelectric, gas and turbine plants. Iraq had a high reserve capacity of 46% (International Study Team 1991). As a result of the First Gulf War and the allied bombings of electric power stations, the electric power production capacity in Iraq was reduced to 300 MW. After the war, electricity generation increased to around 3500 MW. According to the UNDP, the operating capacity in 2002 was only 3800 MW (with peaks of 6200 MW).

Electricity production could not reach pre-war levels because of sanctions. The list of goods on the embargo list did not permit the import of vital spare parts. Electric power production plants remained either closed or were in a constant state of disrepair. Moreover, the poor condition of transmission facilities and distribution networks contributed to the low efficiency of electric power distribution in Iraq. This in turn impacted most aspects of civilian life in Iraq, including health care, water and waste treatment facilities, education, agriculture and industrial production in general.

¹⁶⁰ (United Nations World Food Programme, Iraq Country Office 2005).

¹⁶¹ (Ahtisaari 1991).

¹⁶² <https://progressive.org/dispatches/pentagon-documents-show-u.s.-intentionally-used-sanctions-destroy-iraq-s-water-supply/>

Iraq was unable to significantly increase its generation capacity as of 1991. Two newly planned plants (Ai-Shimal and Salah al-Din) could not begin construction because of the ISC. The construction of the Salah al-Din power plant was contracted by the Iraqi Ministry of Electricity to the China Machinery Engineering Corporation. The Project was initiated on 14 August 2012 but could not be finished because of the security situation in Iraq¹⁶³. Both projects were on hold throughout the sanctions period.

Because of the dire situation of Iraq's electric power production and distribution system after 1991, hospitals and health centers had erratic and limited power supply. This again hampered their ability to sterilize equipment and refrigerate medicines and vaccines. The standby generators in major Iraqi hospitals were only able to operate for six hours each day, but these generators could not replace a functioning electric power system¹⁶⁴. The water supply was also seriously disrupted by this lack of electricity. Water treatment plants could not be operated, raw sewage could also not be treated. Mortality and morbidity rates rose through this increase in water- and waste-borne diseases.¹⁶⁵

2. Water and Sewage

Iraq was a wealthy country before the First Gulf War. Its modern infrastructure and water treatment plants as well as the water distribution system were able to provide safe, potable drinking water to all its urban dwellers. Pre-1990, practically all people living in cities and more than 70% of the rural population had access to clean water. After the war, Baghdad's water supply was reduced to 5 percent compared to pre-war levels. Sewage systems no longer functioned and raw sewage backed up into private homes and hospitals.

After the First Gulf War, most water treatment plants operated at 30 to 70 percent of their pre-war levels. This was mainly due to the lack of spare parts. The UNSC sanctions did not allow Iraq to order these, since many of these parts were

¹⁶³ <https://www.marketscreener.com/CHINA-MACHINERY-ENGINEERING-12212398/news/China-Machinery-Engineering-ANNOUNCEMENT-SIGNING-OF-AMENDMENT-OF-EPC-CONTRACT-OF-2-X-630MW-SALAH-A-29627473/>

¹⁶⁴ (International Study Team 2003)

¹⁶⁵ (Akunjee and Ali 2002).

considered dual use. A lack of chlorine contributed to this situation. Chlorine is necessary to treat water and was unfortunately on the UN embargo list. By 2003, half of all sewage treatment plants in Iraq had come to a standstill. A further 25% of plants operated at only 33-48% of their pre-war capacity.

Not only did Iraqis have much reduced access to potable water, but the quantity of the water they had access to was uneven, meaning that those at the very end of a distribution lines did not receive any water at all. This was due mainly to the lack of spare parts, the disruption of electricity supply, the lack of know-how and the inability to make necessary repairs. Under the OFFP, fixed suppliers were used who were often incapable of supplying correct spare parts, if any could be procured at all.

The Tigris was and is the main source of drinking water for southern Iraq. 500 000 tons of raw sewage was dumped into fresh water bodies every day – in particular into the Tigris river – because of the breakdown of the garbage collection and waste treatment system. This in turn had serious and often deadly consequences especially for the young, old and sick.

3. Breakdown of Garbage Collection and Waste Treatment

Before the First Gulf War, Iraq had a sophisticated garbage collection and waste treatment system. In 1990 Baghdad had a population of approximately 4.25 million persons, each person producing an average of 1.5 kg of garbage a day. This garbage was collected on a daily basis with a fleet of 800 garbage collection trucks. This system totally broke down as a result of the war and the sanctions. Although there was considerably less waste (about 0.5 kg a day per person), the population in Baghdad had increased to approximately 5.6 million persons. Only 80 remaining garbage trucks remained in use to collect all the waste. The rest of the trucks had been destroyed in the war or lacked spare parts, which were unobtainable because of the sanctions (dual-use restrictions).

Owing to the inability to collect and treat sewage properly and also because of the steep decline in potable water for the Iraqi population, diarrhea cases increased from 3.8 cases on average per child per year in 1990 to 15 cases on average per child per year

in 2003. Typhoid fever also increased from 2240 to 27 000 cases per year (UNICEF 2003 report). Ultimately, this waste problem added to the already unmanageable health care crisis.

D. Broken Health Care System and Severe Environmental Damage

The WHO described health services in Iraq before the First Gulf War as “a first-class range of medical facilities”¹⁶⁶. According to a UNICEF study in 1993, Iraq’s medical facilities; and its public health system were well developed. 93% of Iraqis had access to health services. During the war, the Ministry of Health was bombed, as were telecommunications facilities; roads and railroads were destroyed, reducing Iraq’s transport capability to 10% of pre-war levels. Essential medicines and medical supplies could no longer be transported.

The health budget was cut by 90%, while primary health care and preventive medicine came to a standstill. No antenatal care and immunizations were provided (leading to increases in disease); no mental health care existed; doctors salaries were ridiculously low (\$7–10 per month in 2002)¹⁶⁷ and many doctors left the country.

The OFFP was unable to alleviate the health care crisis. The limited improvement of child morbidity and mortality statistics during the sanctions regime (in central/southern Iraq) attest to this sad fact. The procurement of necessary medical equipment and medicines was delayed or put on hold by the ISC. This resulted in frequent shortages and a reduced capacity in clinics and hospitals. A May 2000 UNICEF survey reported that almost 50% of Iraqi children under five suffered from diarrhea, more than 50% had fever and more than 33% had a form of acute respiratory infection. Before reaching the age of five, an Iraqi child had had at least 15 bouts of diarrhea. The lack of potable water, the broken sewage systems, poor hygiene practices and malnutrition all exacerbated the health care crisis.

In 1999 UNICEF conducted the first major child mortality survey in Iraq since the First Gulf War¹⁶⁸. According to this report, life expectancy in Iraq declined from 67 years of age in 1987 to 63 in 1998. Maternal mortality also increased by a factor of 2.5

¹⁶⁶ (Salvage 2002) 4.

¹⁶⁷ (Rawaf 2005) 182.

¹⁶⁸ <https://reliefweb.int/report/iraq/results-1999-iraq-child-and-maternal-mortality-surveys>

during this time period: from 117 deaths per 100 000 live births in 1990 to 294 deaths per 100 000 live births in 1999.

Because of the dire economic situation in most households, pre-adolescent girls were forced to marry. This in turn increased women and infant mortality and morbidity. Sex work increased, often becoming the only way women could make any money. According to the UNICEF 2003 Iraq Report, 40% of women in Iraq were married before the age of 18. Birth intervals were short, 41% of births recurring within 2 years. Fertility was relatively low (6.9% in urban areas and 9.9% in rural areas). All these factors point to the vulnerable position women had in Iraqi society and how the sanctions regime exacerbated these conditions in the 1990s.

Mothers suffering from malnutrition caused a rise in low-birth-weight babies. According to the UNICEF 2003 Report, the percentage of low-birth-weight babies increased from 4.5 percent in 1990 to 24.7 percent in 1998. Low-birth-weight babies have a 40 % higher likelihood to die within their first month of life when compared to infants born within the normal weight range. Pregnant women (and their children) had an increase in night-blindness, rickets, goiter and anemia. 30% of women gave birth without the assistance of qualified medical professionals. This fact also contributed to the rise in maternal mortality by 2000 (from 117 to 296 per 100 000 live births). Maternal mortality accounted for one third of all deaths of women aged 15 to 49.

In 1991 more than 50 000 children died as a result of diseases. Infant mortality, which is considered a good socio-economic indicator, rose from 47 per 1000 live births in 1989, to 107 per 1000 live births in 1999. A Harvard University international study estimated that from January to August 1991 more than 47 000 infant deaths occurred.

Thousands of children were handicapped by landmines and other war-related incidents. As a result of the First Gulf War many widows were the only wage earners in a family. The most likely population to be affected by the UNSC sanctions regime were those sections of society which were extremely vulnerable: pregnant women, the elderly, children under five and those with chronic disease. According to a UNICEF 2003 Report, diarrhea and acute respiratory tract infections accounted for 70% of all deaths of children under five by 2003. Other illnesses afflicting children under five also include

nutritional anemia, vitamin A and iodine deficiencies, malaria, leishmaniasis, cholera, typhoid and measles (UNICEF Report 2002).

Many independent studies have confirmed that between 344 000 and 535 000 children under five died as a direct result of the UNSC sanctions in the period 1990 to 2002. All deaths during Operation Desert Storm (First Gulf War) including civilian deaths did not amount to this. Children who survived the war and sanctions were faced with extreme social, economic and health challenges. A common sight, which has been captured by many documentaries on Iraq during this period, was the huge numbers of child beggars and child laborers. Both of these phenomena were practically non-existent before 1990.

The dramatic increase in the mortality rate of children under five in the south and central provinces was mainly due to the economic decline, high malnutrition, food insecurity, lack of potable water and the breakdown of the health care system (See: Table III. The Under-Five Mortality Rates in Iraq¹⁶⁹). In contrast, under-five mortality in the northern Kurdish areas actually improved compared to the stark decline in the other regions of Iraq. The main reasons for this are attributed to the different treatment by the OFFP of the northern (Kurdish) regions compared to the southern regions of Iraq¹⁷⁰.

During the First Gulf War, over two dozen chemical and biological factories and potential/putative nuclear weapons facilities were bombed, destroyed or at least severely damaged. As a result, deadly toxins escaped into the environment¹⁷¹. A UN mission which visited Iraq in March 1991 established that 650 out of a total 1330 active oil wells were burning. The acrid smoke was dispersed over many hundreds of miles. This impacted not only the environment, crops, animals and water, but also caused the population of Iraq to suffer from respiratory illness and a rise in cancer for many years.

Depleted uranium (DU) from weapons used by US-led UN forces during the First Gulf War has caused and continues to cause severe health problems for the Iraqi and Kuwaiti population, and also for US soldiers. The US Department of Veteran

¹⁶⁹ UNICEF Humanitarian Action: 14 Jan 2003, <https://reliefweb.int/report/iraq/unicef-humanitarian-action-iraq-donor-update-14-jan-2003>

¹⁷⁰ This US backed policy was to support all opposition groups who would help to weaken Saddam Hussein and his Ba'athist regime. This translated into more humanitarian relief: northern regions were allocated 13% of the OFFP revenues and were under the direct administration of the UN (WFP).

¹⁷¹ (Salvage 2002) 4.

Affairs has published reports linking DU to health problems also known as the “Gulf War Syndrome”¹⁷². A special program for US war veterans exposed to DU, The Depleted Uranium Follow-up Program, was initiated by the US government to assist veterans suffering from the effects of exposure to DU during the wars in Iraq and Bosnia.¹⁷³

During the First Gulf War, more than 1 million rounds of weapons carrying DU were used against Iraqi troops. DU is radioactive waste. It is used in weapons because it has special ability to penetrate armor and other defenses. Its radioactivity comes from uranium-238, thorium-234 and protactinium-234. At the end of the war more than 300 tons of DU were scattered throughout Iraq and were transferred to humans via the water supply. DU also causes the destruction of the environment, the soil, flora, fauna, and ultimately, the human food chain. DU is toxic to humans.

Combined with malnutrition and lack of medical care, the impact of DU on the health of the Iraqi population has been devastating causing “*elevated rates of cancers, congenital abnormalities, genetic defects, infertility, renal and hepatic dysfunction, spread of infectious disease and death*”.¹⁷⁴ Childhood cancers related to the depleted uranium used in US weapons were on the rise. As one congressional aide put it, Desert Storm never ended because of “*the US’s deployment of ordnance containing depleted uranium*”.¹⁷⁵

E. The Lost Generations: No Schools, No Future, No Hope

The level of literacy can often say much about the well-being of a society. Under Saddam Hussein, literacy levels improved from 78% in 1977 to 89 % in 1985. Adult female literacy at 87% was almost equal to that of males in 1985. By 1997 the female literacy level dropped dramatically to 57%.¹⁷⁶ In the years after the First Gulf War up to 1998, over 20% of Iraqi children did not attend school. By 2000, 23.7% of children did not even attend primary school. In Iraq, primary school education had been compulsory, and secondary school education had been free for all Iraqi children since 1976. Poverty,

¹⁷² https://www.publichealth.va.gov/exposures/depleted_uranium/

¹⁷³ https://www.publichealth.va.gov/exposures/depleted_uranium/followup_program.asp

¹⁷⁴ (Arno 2000) 174.

¹⁷⁵ (Goss 2002) 83.

¹⁷⁶ (International Study Team 2003) 6.

lack of schools, and child labor increased in the 1990s compared to the 1980s when street-children and child labor were practically non-existent.

The youth did not receive any education on sexually transmitted diseases (HIV/Aids), which particularly affected young women and girls. Child marriages were on the rise in the 1990s and 2000s, not least because of the dire economic circumstances of their families.

Especially the south/central regions of Iraq could not rehabilitate their educational systems. The UNSC sanctions had such essential items as textbooks, pencils and desks on the embargo list. Without the possibility of self-advancement through continued education, Iraqis had no possibility to escape the poverty trap. A whole generation of young Iraqis were affected.

Iraqi women were among those groups in Iraq who suffered the most. This downturn affected all aspects of life. Before 1990 Iraq was a model in the Arab world in promoting the rights of women. Iraq promoted women in education and employment, being one of the few Middle Eastern countries to make these social investments into women's education. In July 1970 the Iraqi Provisional Constitution formally guaranteed equal rights for women, *"including the right to vote, run for political office, access education, and own property."* In 1971 a law was passed guaranteeing women equal opportunity in government employment.

By the 1980s, Iraqi women made up the majority of some professions, including 65% of teachers at the primary and secondary school levels. This positive development was to end abruptly with the First Iraq War. The war created many widows, women's unemployment rose exponentially higher than men's unemployment rates, and women no longer had access to education. After 1990, female literacy dropped dramatically. Women no longer had any prospects for economic and social development and advancement. Lower literacy affected women's health. The rise in illiteracy was especially dramatic in the rural areas. By the late 1990s nearly 30% of young girls in Iraq no longer attended primary school. In addition, the dropout rate of girls compared to those of boys also reflected the deep-rooted gender bias. Primary school dropout for boys increased by 7.8% while the rate for girls increased over twofold by 16.4%. In

2000 UNICEF conducted the MICS (Multiple Indicator Cluster Survey). This survey concluded that adult female literacy was 63.5% compared to 83.7% for men.

F. Breakdown of Security and Rise of Criminality

After 1990, Iraqis were confronted with a steady rise in ordinary or political crimes. This was also a result of the First Gulf War and the state of emergency Iraq found itself in as a result of the sanctions. As Iraq's state monopoly on violence slowly broke down, a broad range of competing power centers emerged, blurring the boundaries between what could be called 'political' and 'ordinary' crime. Powerful militias were formed which represented various interest groups, religious groups and/or criminal interests. Some have described this descent of Iraq as a 'war of all against all'¹⁷⁷.

¹⁷⁷ (Ward and Green 2009).

The final chapter, chapter four, provides an analysis of the Iraq sanctions regime from a legal perspective. The factual discussion of pre- and post-sanctions chapter three has provided conclusive evidence of the widespread and unprecedented suffering caused by the UNSC sanctions regimes. The legal focus builds on these findings using the framework of international law, UN Charter and international customary law. An argument will be made that international humanitarian law, which protects civilians in times of war, should have been applied to the Iraq sanctions regime. The definitions of war crimes under the Rome Statute are discussed in order to argue that the Iraq sanctions regime was an unjust war. The responsibility of international organizations and the concept of collective criminal liability are analyzed in order to answer the question of whether the UN has legal responsibility or 'only' moral and political responsibility. The Report of UN Commission on Human Rights concluded that the Iraq sanctions were illegal. The substantive limits of UNSC resolutions had been violated by the Iraq sanctions regime, with devastating results. Finally, the relevance of these findings for the UN and for other major sanctions regimes, such as those imposed against Iran and North Korea, is discussed.

Chapter 4: Legal Responsibility of UN: Crime without Punishment

I. Applicability of Humanitarian Law to Economic Sanctions Regimes

International humanitarian law does not apply to civilians under economic sanctions, it only applies to civilians during a war. It is not conceived to deal with their (potentially devastating) effects on civilians. However, when sanctions are imposed in the context of an armed conflict, the applicability of international humanitarian law to sanctions regimes needs to be reexamined. The Red Cross has advocated the direct applicability of humanitarian law when sanctions are imposed in the context of armed conflict.¹⁷⁸ This view is widely known and acknowledged, but still debated¹⁷⁹. The

¹⁷⁸ (Segall 1999).

¹⁷⁹ (Reinisch 2001).

Turku Declaration of Minimum Humanitarian Standards of 2 December 1990, guarantees certain immutable humanitarian rights, but has not yet been adopted¹⁸⁰.

Humanitarian law protects individuals not states. International humanitarian law has two basic principles: distinction and proportionality. Belligerents are required to distinguish between combatants and civilians at all times and attacks are prohibited which are expected to cause the incidental loss of civilian life and injury to civilians out of proportion to the 'military' advantage to be gained.

The issue of protecting civilians in armed warfare is regulated by the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War and the rules of customary international law. The Geneva Conventions and their Additional Protocols only apply to the protection of civilians in an armed conflict. Civilian populations are not protected by these treaties in peacetime, nor do the Geneva Conventions protect civilians under a sanctions regime¹⁸¹.

The United States is a party to the Fourth Geneva Convention of 1949. Its conduct in war towards civilian populations is governed by this international treaty and also by the rules of customary international law. The Statute of the ICJ defines customary international law in Article 38 (1) (b) as "*a general practice accepted as law*". The court takes the *opinio juris sive necessitatis* or an opinion of the law as practiced by the member states into account. The 18 October 1907 Fourth Hague Convention on the Laws and Customs of War on Land and its Annexed Regulations on Respecting the Laws and Customs of War on Land are international treaties which codified these customary laws and customs of war. The United States is a party to this convention.

Article 54, Protocol I of the Geneva Convention allows exemptions for medical supplies and for goods needed for the survival of the civilian population: "*starvation of civilians as a method of warfare*" is prohibited. The rule is confirmed in the 1998 Statute of the International Criminal Court (ICC)¹⁸² Article 8(2)(b)(xxv): "[i]ntentionally using

¹⁸⁰ <https://www.ifrc.org/Docs/idrl/I149EN.pdf>

¹⁸¹ (Jazairy 2019) 291.

¹⁸² The Rome Statute.

starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival” is a war crime in international armed conflicts.

Both the UNGA Res 2675 of 9 December 1970 on the basic principles for the protection of civilian populations in armed conflicts and the UNGA Res 2444 of 19 December 1968 on respect for human rights in armed conflicts confirmed reaffirmed the results of the 20th International Conference of the Red Cross held in Vienna in 1965. The right of the parties to a conflict to adopt means of injuring the enemy is not unlimited and does not allow attacking civilians. Also, a clear distinction between combatants and civilians is made. In an armed conflict, the civilian population is to be spared.

UNGA resolutions are not considered international law and are therefore non-binding. Pursuant to Articles 10 and 14 of the UN Charter, they are recommendations. This recommendatory nature has been confirmed by the ICJ. The US has accepted these UNGA resolutions as customary international law¹⁸³. In 1972 the United States Department of Defense pointed out that Res 2444 was “*declaratory of existing customary international law*”¹⁸⁴.

The Convention on the Rights of the Child and the International Covenant of Civil and Political Rights and the American Declaration on the Rights and Duties of Man, also known as the Bogota Declaration (in wars involving the United States) offer civilian protection during war and peacetime. The Convention on the Rights of the Child was passed by the UNGA on 30 November 1989. It came into force on 2 September 1990. There are 196 states parties to the treaty. Not wanting to “limit” its sovereignty, the US is the only country in the world which has not ratified this Convention and hence is not a party to this international treaty. The Convention on the Rights of the Child is a human rights treaty which protects the political, civil, social, economic, cultural and health rights of children. Art 6 states: “1. *States Parties recognize that every child has the inherent right to life.* 2. *States Parties shall ensure to the maximum extent possible the survival and development of the child.*” Ironically, the Convention came into force a little over one month after the start of the UNSC sanctions regime against Iraq with

¹⁸³ UN.Doc. A/C.3/SR.1634 (1968).

¹⁸⁴ 67 American Journal of International Law (1973), at 122, 124.

UNSC Res 661 on 6 August 1990, which in its entirety would cause the death of 1 million Iraqi children.

The Fourth Geneva Convention of 1949 also contains articles protecting children, such as removing children from the theater of war, humanitarian assistance for children and their parents, and the right to education and extra rations of food.

The basic principles governing international humanitarian law protecting children are that children must not be attacked. All facilities necessary for their survival are also not to be attacked. Children are by definition not part of the armed forces (non-combatants). Needless to say, all of these principles were disregarded when it came to the Iraq sanctions (and the First Gulf War), the international community choosing to consider international humanitarian law non-binding, which is not the case.

The Iraq sanctions affected all human rights: the right to life, the right to health, the right to education, the right to clean water and food, the right to equitable treatment, the right of self-determination. A sanctions regime during an armed conflict, should take humanitarian law into account, in particular those rules relating to medical and food supply and the special protections given to children.

The Iraq sanctions regime was *de facto* an unjust and undeclared war: an illegal war of starvation. As such, humanitarian law, which is applicable only during a war, should have been applied. At the very least, for those who argue that Iraq *de iure* was not at war and humanitarian law *de lege lata* did not apply, the applicability of humanitarian law by analogy was called for.

The International Red Cross has called on the UNSC to provide humanitarian exceptions when imposing comprehensive sanctions regimes.¹⁸⁵ In the case Iraq the so-called ‘humanitarian waivers’ which were provided for in the UNSC resolutions were insufficient and often misused.

II. Rome Statute supports the Argument for an Unjust ‘War’

On 9 December 1948 the UNGA adopted the first human rights treaty, the Genocide Convention. The Genocide Convention entered into force on 12 January 1951. The definition of the crime of genocide in this Convention has been widely adopted by

¹⁸⁵ (Segall 1999).

national legislatures and international covenants, including by the 1998 Rome Statute which established the International Criminal Court (ICC)¹⁸⁶. The Genocide Convention and Article 6 of the Rome Statute of the ICC define genocide to include “*acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such ... by deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.*” Some have argued that the US’s role in the sanctions debate amounted to a “genocidal enterprise”¹⁸⁷.

The Rome Statute not only defines genocide, but also crimes against humanity and other crimes of aggression. Part 2 Article 7(1) of the Rome Statute¹⁸⁸ defines crimes against humanity as acts “... *committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack*”. One of these forms of attack is the crime of extermination and the crime of persecution. Article 7(2)b defines extermination as “*the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population*”. Article 7(2) g defines persecution to mean “*the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity*”. Article 7(1) h states that “*persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ..., or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court*” is a crime against humanity. Article 7(1)k encompasses all other crimes against humanity which could not be subsumed under any of the preceding cases, thus including “*other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health*”.

Finally, the Rome Statute defines the crime of aggression in Part 2 Article 8 to mean: “*the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State,*

¹⁸⁶ The United States is one of a handful of countries (including China and Israel) which are not a party to the Rome Statute.

¹⁸⁷ (Gordon, *Invisible War The United States and the Iraq Sanctions* 2010) 5.

¹⁸⁸ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations". Another crime of aggression is the blockades of ports or coasts of a state, if they are in violation of the Charter of the United Nations.

The *actus reus* of the crime against humanity pursuant to the Rome Statute is fulfilled. "*The sanctions policies, as shaped and implemented by the United States, fit the acts described in the provision for crimes against humanity, in regard to extermination: they constituted conditions of life, including deprivation of access to food and medicine, which resulted in the destruction of part of a population.*"¹⁸⁹ The fulfillment of a crime under the Rome Statute would also involve proving the subjective element *mens rea*, which in this case is almost impossible and certainly a purely hypothetical discussion.

The jurisprudence which developed the definitions of war crimes pursuant to the Rome Statute should be used as a guideline by which to judge the Iraq sanctions regime. Sanctions which have the objective effect of a war crime are questionable at best and a crime at worst. The UNSC continued to impose the comprehensive sanctions regime and failed to lift them, despite knowledge of the humanitarian disaster in Iraq. The fact that the *actus reus* of the crime against humanity is fulfilled supports the identifying of the UNSC sanctions regime as an unjust war against the Iraqi population.

Moreover, proving that the UNSC sanctions regime would qualify as a crime against humanity would have ethical and possibly political but not legal consequences. The ICC is an international organization created by the Rome Statute which only binds states parties. Thus, the UN is outside this system of international criminal accountability and jurisdiction. The ICC can only prosecute individuals for violations committed on the territory of a state party, or alternatively, by a national of a state party. Neither Iraq nor the US is a party to the Rome Statute. But even if (hypothetically) the ICC could prosecute the UNSC, who would they prosecute? The P5? All 44 member states which were on the UNSC during the 13-year sanctions period?

¹⁸⁹ (Gordon, *Invisible War The United States and the Iraq Sanctions* 2010) 225.

III. ILC Articles on Responsibility of International Organizations

An international organization today is considered to have a legal personality. This makes it liable for their wrongful acts. International organizations such as the UN should therefore be held responsible if they perpetrate an unlawful act (through its organs and agents). The International Law Commission (ILC) Draft Articles on Responsibility of International Organizations (RIO) were adopted by UNGA Resolution 66/100 on 9 December 2011¹⁹⁰. Although these draft articles are not legally binding, they “*set new baselines with regards to the consequences of wrongful actions, including the rules of attribution and the standard for reparations*” for international organizations¹⁹¹.

Pursuant to RIO, international organizations can be held responsible for acts and omissions which can be attributed to them and which violate a legal obligation of the organization. According to the law on international responsibility states and international organizations can, in principle, be held responsible for their actions and omissions. Pursuant to Article 4 RIO international organizations can be held responsible for their wrongful acts which in turn are defined as encompassing omissions as well as actions. “*There is an internationally wrongful act of an international organization when conduct consisting of an action or omission: (a) is attributable to that organization under international law; and (b) constitutes a breach of an international obligation of that organization.*”¹

Pursuant to Article 26 RIO an international organization is bound by “*obligation[s] arising under a peremptory norm of general international law*”. *Ius cogens* binds all states and international organizations. This means that international organizations can be held responsible for violating binding norms of international humanitarian law, human rights law and the UN Charter (Article 67) and can be held responsible for their violation. Moreover, the international organization has the obligation to end the breach (Article 42 (1)). The fourth special rapporteur to the ILC held that an international organization is not to be treated any different from a

¹⁹⁰ https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf

¹⁹¹ <http://opiniojuris.org/2011/06/13/ilc-adopts-articles-on-the-responsibility-of-international-organizations/>

state.¹⁹² This report also defined what peremptory norms include, namely, “*the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination.*”¹⁹³

Article 67 RIO states: “*These draft articles are without prejudice to the Charter of the United Nations.*” The UN system of collective security, in particular the powers and competences of the UNSC under Chapter VII, are directly affected by this provision. The ILC made clear that UNSC resolutions were not carved out of the ILC framework for dealing with the legal consequences of grave breaches of international law. In its commentary on Article 67, the ILC cautioned: “*article 67...[was] not intended to exclude the applicability of the principles and rules set forth in the preceding articles to the international responsibility of the United Nations*”¹⁹⁴.

IV. Collective Liability in International Criminal Law

Criminal law is governed by basic principles. One of these principles is that of individual responsibility for a crime. No person should be punished for a crime he/she did not commit. This is reflected in Article 25 of the Rome Statute which states that a “person” under the Rome Statute is a natural person.

While war crimes can be committed by individuals, they are generally common enterprises of groups, states or organizations. In 1993, the UNSG issued a report stating that individual criminal responsibility arises for “*all persons who participate in the planning, preparation or execution of serious violations of international humanitarian law.*”¹⁹⁵ The ICTY Appeals Chamber in *Prosecutor v. Tadic* based its judgement on the UNSG report: “*more often than not, the commission of genocide, crimes against*

¹⁹² (Ragazzi 2013) 54.

¹⁹³ Draft articles on the Responsibility of International Organizations, with commentaries 2011’, 120-1, paras. (2) and (3).

¹⁹⁴ Draft articles on the Responsibility of International Organizations, with commentaries 2011’, 172, para. 3 of the commentary to art. 67.

¹⁹⁵ Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), U.N. Doc. S/25704, 3 May 1993, para 54.

*humanity, or war crimes involves 'collective criminality'.*¹⁹⁶ The doctrine of joint criminal enterprise treats these crimes as having been committed “*by the collectivity as a whole, and it espouses collective responsibility for all the group’s members ...*”.

A person who knowingly participates in a criminal activity with others is liable for all illegal acts that are a “*natural and probable consequences of that common purpose*”¹⁹⁷ (common purpose doctrine). The Tadic judgement noted that “*international criminal responsibility embraces actions perpetrated by a collectivity of persons in furtherance of a common criminal design.*”¹⁹⁸ All participants are criminally responsible “*within the common enterprise where the risk of death occurring was both a predictable consequence of the execution of the common design and the accused was either reckless or indifferent to that risk.*” In customary international law such a common design is a form of accomplice liability.

The Rome Statute of the ICC has codified this principle in Article 25 (3d) which provides that a person shall be “*criminally responsible and liable for a crime within the jurisdiction of the Court if that person ... in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose*”. Accomplice liability pursuant to the common purpose doctrine could be employed to argue common collective responsibility of the UNSC in the Iraq sanctions regime.

V. UN Commission on Human Rights Investigation on the Legality of Sanctions

In response to mounting internal and international criticism, the United Nations Commission on Human Rights in 2000 tasked human rights expert Marc Bossuyt to investigate the legality of economic sanctions pursuant to Article 24 of the UN Charter. Articles states that the UNSC in discharging its duties shall act in accordance with the purposes and principles of the UN as defined in the UN Charter. In his working paper, Bossuyt determined that sanctions regimes that significantly lower economic standards, increase health risks/problems or infringe human rights violate Article 55 of the UN

¹⁹⁶ (Darcy 2007) 245.

¹⁹⁷ Prosecutor v. Tadic, Case No. IT-94-1-A, Appeals Chamber, Judgment, 15 July 1999, paras 172-175.

¹⁹⁸ Ibid para 193.

Charter¹⁹⁹. Article 55 of the Charter requires the UN to promote higher standards of living, economic and social progress, solutions to international economic, social, health and other problems, and respect for and observance of human rights.

Bossuyt developed a six-pronged test to judge whether sanctions conform to international law²⁰⁰:

- 1.) *“Have the sanctions been imposed for valid reasons?”* Sanctions may not result in undue interference with a state’s sovereign rights under international law or produce an economic benefit for one state or group of states at the expense of the sanctioned state or other states;
- 2.) *“Do the sanctions target the proper parties?”* Sanctions may not target civilians. Sanctions which do not respect the Geneva Conventions are void.
- 3.) *“Do the sanctions target the proper goods or objects?”* Sanctions may not target or hinder the free flow of humanitarian goods under the Geneva Conventions and other applicable humanitarian law (regardless of whether there is an armed conflict or not). Food, medicine, basic immunizations and potable water all are protected and cannot be targeted.
- 4.) *“Are the sanctions reasonably time-limited?”* Sanctions applied too long become illegal and produce an “undue future burden”.
- 5.) *“Are the sanctions effective?”* Sanctions must be reasonably able to redress the wrongs for which they were imposed and to restore the peace/breach of security, otherwise they are ineffective.
- 6.) *“Are the sanctions free from protest arising from violations of the “principles of humanity and the dictates of the public conscience”?”* The “Martens-clause” test: public, private, intergovernmental, governmental, NGOs, scholars all have a say in evaluation of sanctions. International solidarity and the need to address humanitarian concerns are required.

Bossuyt came to the conclusion that: *“The sanctions regime against Iraq is unequivocally illegal under existing international humanitarian law and human rights*

¹⁹⁹ (Bossuyt, The adverse consequences of economic sanctions on the enjoyment of human rights 2000) para 28.

²⁰⁰ Ibid paras 42-47.

law.”²⁰¹ Bossuyt argued that the UNSC could not be absolved from an “intent to destroy”, referring to the special intent required under the Rome Statute for genocide.

On the basis of Bossuyt’s report, the sub-commission on the Promotion and Protection of Human Rights in its fifty-second session on 21 June 2000 passed two resolutions. The first called on states to rescind support for sanctions regimes which do not reach their goals after a reasonable time. The second resolution addressed the failing humanitarian measures in Iraq. Both resolutions did not change the course of history. The UNSC sanctions regime against Iraq would continue for another three years and would only be lifted with UNSC Resolution 1483 in May 2003, when the US invaded Iraq.

VI. Iraq Sanctions Regime: An Unjust ‘War’

By failing to lift the sanctions and alleviate the suffering of the Iraqi people, the entire sanctions regime including its implementation and monitoring systems violate *ius cogens*, namely the right to life and the right to health, but they also violated all conventions protecting the right to life of children. The sanctions themselves were in violation of the principle of proportional collateral damage. The sanctions targeted the Iraqi population, whose suffering and death did not lead to any relief by the UNSC. The Iraq sanctions regime fulfilled the *actus reus* of the crime against humanity pursuant to the Rome Statute.

The sanctions *de facto* were a continuation by other means of the UN military operations (Operation Desert Storm) in that they prevented Iraqis from rebuilding their country by waging an illegal war of starvation and deprivation on civilians. This is documented by the endless lists of holds by the ISC on humanitarian goods and the insufficient parameters put down in the OFFP resolution, also a violation of *ius cogens* and international humanitarian law. The Iraqi population suffering under this sanctions regime (unjust “War”) should have been under the protection of the Geneva Conventions and customary international law. The law of armed conflict clearly protects civilians and differentiates between combatants and civilians. No attempt by any

²⁰¹ (Bossuyt, The adverse consequences of economic sanctions on the enjoyment of human rights 2000) para 71.

member of the UNSC was made to apply the rules of the Geneva Conventions directly or by analogy.

The ‘sanctions war’ against the Iraqi civilian population was disproportionate – lasting almost 13 years. The ISC was ineffective in stopping the misuse of humanitarian waivers, thereby allowing the Iraqi elite to remain mostly unaffected by the economic sanctions. The embargo was ineffective and only served to prolong the suffering of the Iraqi population. The Iraqi regime was able to “do business” with neighboring countries – using the proceeds for their own aims and gains.

The constant reports to the UNSC by the specialized agencies are proof of actual UNSC knowledge. The UNSC was not ignorant of the humanitarian situation, nor can they claim ignorance. The UNSC acted in bad faith by failing to lift the sanctions regime. By doing so, the UNSC violated core obligations of human rights such as the right to life and the right to physical and mental health. Human rights, which the UN and UNSC must uphold under the ICESCR and ICCPR, were grossly violated. Moreover, the sanctions regime violated the United Nations Declaration of Human Rights of 1948.

The Iraq sanctions regime was in violation of the principles of the UN Charter. By allowing the US to impose unto the entire UNSC its goal of Iraqi regime change, a goal which was not in the wording of any sanctions resolutions, the UNSC violated the right to self-determination and sovereign rights of individual UN member states.

The OFFP was too little too late and, in fact, it was pre-destined to fail. The OFFP *modus operandi* as per UNSC Res 986 and all subsequent resolutions could not meet the basic needs of 22 million Iraqi civilians and could not stop the infrastructure of the entire country from collapsing. Moreover, OFFP contract allocations were used to ‘buy’ votes from UNSC members. Through the practice of US congressional waivers certain sanctions violations (by allies) were allowed. Saddam Hussein’s regime was able to acquire funds through these trades. This too caused desperately needed income to be diverted from humanitarian purposes. The legal and regulatory approach of the UN in Iraq failed.

The UNSC failed to lift these illegal sanctions. Faced with the US reverse veto, the UNSC had the obligation to explore all possible options: new humanitarian programs could have been initiated, old programs could have been revised to include development

aid for infrastructure and the economy. Humanitarian waivers could have been significantly increased and the ISC role and the rules of procedure could have been significantly modified to make them less stringent, more transparent and democratic²⁰². Foreign investment could have been allowed to enable NGOs to go into Iraq and help the suffering population. None of this happened, because the UNSC chose as a collective to do nothing. The draconian sanctions remained in place.

Marc Bossuyt, President of the Belgian Constitutional Court, came to the conclusion that the Iraq sanctions regime was illegal. It did not fulfill the Martens Clause. He also stated: *“If the desired results cannot be attained within a reasonable time period, the measures [economic sanctions] should be suspended. If not, the sanctions may... lose their legitimacy ...”*.²⁰³ Faced with the knowledge of the situation in Iraq, the UNSC failed to lift or to weaken the sanctions, but chose (collectively) to do nothing. Instead, from 1991 to 2003 the US-led UNSC actively chose to impose more than 30 additional sanctions resolutions on Iraq. *“The rule that willful blindness is equivalent to knowledge is essential, and is found throughout criminal law.”*²⁰⁴ In legal reasoning, it is important to classify acts by their true nature, not by the ‘label’ given to them. The Iraq sanctions regime was in truth an unjust “War” against an entire population with the aim of destroying Iraq.

VII. UN Beyond Iraq: Lessons Learned

At the same time as the UN was instrumental in creating humanitarian catastrophe in Iraq through its draconian sanctions regime, it was working hard to solidify its position as a pillar for upholding international peace and security with its Agenda for Peace (published in 1992) and the Supplement to an Agenda for Peace (published in 1995). One of the leading textbooks on the UNSC characterize the 1990s as a “setback”.²⁰⁵ This so-called setback cost hundreds of thousands of innocent civilians

²⁰² UNSC Resolution 1409 was a half-hearted attempt to revise the sanctions regime by in May 2002. Yet it did not remove the restrictions on foreign investment, but kept the ISC system of approvals.

²⁰³ (Bossuyt, The adverse consequences of economic sanctions on the enjoyment of human rights 5 April 2012) 3.

²⁰⁴ Glanville Williams, *Textbook on Criminal Law*, London, Stens & Sons, 1978.

²⁰⁵ Ibid 15.

their lives and catapulted Iraq back to a pre-industrial stage. On 7 September 2000, during the UNGA Millennium Summit, the UNSC issued a declaration “*on ensuring an effective role for the [UNSC] in the maintenance of international peace and security.*”²⁰⁶ The hypocrisy and cynicism of this statement made at that time is striking.

What if anything did the UN and its member states learn from the Iraq sanctions? Was the Iraqi civilian sacrifice in vain? The UN, desperate to regain control of the dissenting voices (Martens Clause) and wanting to retain its unique monopoly pursuant to the UN Charter and Chapter VII enforcement measures was forced to rethink the failed sanctions regime in Iraq. Germany, Switzerland and Sweden led the way for sanctions reform: the Bonn-Berlin Process (2001 report) *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions*; the Interlaken Process (2001 report) *Targeted Financial Sanctions: A Manual for Design and Implementation*; and the Stockholm Process (2003 report) *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options*. On the basis of these efforts the Informal Working Group on General Issues of Sanctions, a subsidiary body of the UNSC, issued its final report on 18 December 2006 (S/2006/997)²⁰⁷.

The UN no longer imposes comprehensive total sanctions regimes on entire states (*de facto* sanctioning their civilian population). Iraq would remain the last example of such sanctions in modern history. Instead, the UN developed the strategy of target its sanctions. These targeted or ‘smart’ sanctions were against individual persons or groups (such as al-Qaeda). Also, sanctions are no longer imposed without an expiry date. This would ensure that individual UNSC P5 members cannot play the reverse veto card, as the United States had continuously done for years during the period of Iraq’s sanctions. Sanctions committees (under Article 29) are now regularly installed to administer sanctions regimes. Their tasks include monitoring, reporting, managing exemptions and designation lists. Their membership reflects UNSC members and decisions are made on a consensus basis. To assist sanctions committees, groups/panels

²⁰⁶ SC Res. 1138 of September 7, 2000.

²⁰⁷ https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/special_research_report_sanctions_2013.pdf

of experts are regularly tasked with monitoring and reporting on the UNSC sanctions regimes.

The question of lack of judicial review of UNSC resolutions was revisited by the European Court of Justice (ECJ) in the *Kadi* judgement.²⁰⁸ This groundbreaking ruling proved that human rights can triumph over the UNSC. The ICJ *Cumaraswamy* advisory opinion stated that the UN ‘*may be required to bear responsibility for the damage . . . incurred as a result of acts performed by the United Nations or by its agents acting in their official capacity*’²⁰⁹ and is relevant for the future. Future UN actions must take into account the ability to hold the UN responsible for violations of the UN Charter, *ius cogens* i.e., due process, human rights violations and international humanitarian law. An Ombudsperson within the UN framework is insufficient and does not fulfill the guarantees of due process and accountability. The UN cannot be seen to stand above the law. Outside control and supervision of sanctions, such as mandatory human rights impact assessments (HRIAs) are necessary.

The UN and its organs have realized these deficiencies. The so-called “1267 Regime” (named after the al-Qaeda-Taliban UNSC Sanctions Resolution 1267 in 1999) and the procedural changes at the UN level ensure that states can make humanitarian exceptions to enable individuals to draw on their bank accounts for basic needs – first introduced in January 2001. The 1267 Sanctions Committee introduced a procedure to lift sanctions against wrongly targeted individuals. Sweden and other like-minded countries pushed for transparency and raised rule-of-law concerns against arbitrary UNSC decisions²¹⁰. The UNSC implemented reforms regarding targeted sanction in December 2006 and June 2008.

As long as the P5 do not relinquish their veto rights (which will likely never happen), objectivity will be hard to achieve, as individual powerful P5 member states impose their political agenda and policies onto the international community. The UNSC is not set up as a law enforcement agency, but is a political organ. This can be an

²⁰⁸ (2008) C-402/05 and 415/05, ECR I-6351.

²⁰⁹ Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, ICJ Reports 1999, 62, at 88-9, para. 66.

²¹⁰ (Lowe, et al. 2008) 139.

advantage, but in the case of Iraq, it allowed US policies to monopolize UNSC decisions, with disastrous results.

A. Relevance to other Sanctions Regimes

The experience of the Iraq sanctions regime is related and relevant to other sanctions regimes. The comprehensive and decades-long sanctions on North Korea and on Iran have been criticized for their inflexibility and their disastrous effects on the civilian populations in those countries. The aim of these sanctions was acknowledged officially to be denuclearization and regime change. At the time they were imposed, the DPRK had no nuclear weapons. US sanctions on Iran were imposed in 1979 as a reaction to the overthrow of the Shah of Iran and the establishment of the present theocratic state—Iran never had nuclear weapons.

President Donald J. Trump withdrew from the JCPOA (Iran nuclear deal) in May 2018 and re-imposed severe unilateral US sanctions on Iran. The JCPOA was a landmark agreement that ensured Iran would not acquire nuclear weapons capabilities. The JCPOA imposed and Iran accepted the most comprehensive and intrusive IAEA safeguards over its peaceful nuclear activities. Despite the COVID19 pandemic which seriously affected Iran, the Trump administration did not loosen its unilaterally imposed sanctions. Rather, the US now seeks to re-impose UNSC sanctions in addition to its own draconian sanctions.

For both the Iran and DPRK sanctions, the US has led and determined the UNSC sanctions policy, maintained despite known and extreme hardships on the civilian populations. The US, supported by some allies, has undertaken everything short of war to remove the regimes in Iran and DPRK. Unsurprisingly, this has hardened positions and reduced options for the peaceful resolution of conflicts and disputes.

The main objective of these US and UNSC sanctions on both countries has been regime change. In this they have been spectacularly unsuccessful and counterproductive, leading DPRK to acquire nuclear weapons and Iran to pursue potential nuclear weapons capabilities. The DPRK has specifically refers to (avoiding) Iraq's experience as a reason for its acquiring nuclear weapons and – as a deterrent to avoid regime change. An additional method of preventing even allowed aid and economic transactions, especially

in the case of Iran, has been the threat by the US of secondary sanctions on any country doing business with Iran, permitted under the JCPOA. The US Iran sanctions and its secondary sanctions are intended to destroy the JCPOA, to force Iran to renegotiate the deal and ultimately to effect a regime change.

As in the case of Iraq, the Iran and DPRK experiences show that sanctions seeking regime change but deliberately targeting civilian populations do not achieve regime change but rather serve to entrench the existing regimes—what they do achieve are disastrous effects on the civilian population, as well as corruption. Also, these decades-long sanctions have been used to destroy valid agreements and to prevent progress on critical negotiations which would enhance regional and global stability and security. All of which shows that sanctions must have only legitimate goals while respecting human rights.

The Iran and North Korean sanctions would fail Marc Bossuyt's six-pronged test. They would be illegal for similar reasons as the Iraq sanctions regime 1990-2003 is illegal, thereby calling into question whether such long-standing UNSC and unilateral sanctions against a country are *prima facie* a gross violation of human rights and *ius cogens* which should not be allowed.

Conclusion

The US-led UNSC sanctions imposed in 1990 lasted over a 12-year 8-month period and were a systematic attack against Iraq's civilian population. Even if sanctions are legitimate at the outset, they may cease to be so "*if after a reasonable period of time they do not lead to the desired result. The lack of efficacy impairs their legitimacy.*"²¹¹ By mid-1991 this was the case. The UNSC had undeniable knowledge by then of the disastrous human effects the sanctions – together with the First Gulf War – had on Iraq. Thus, by that point in time at the latest, no legal or moral argument can be made to justify the continuation of the comprehensive sanctions regime which caused the deliberate and systematic destruction of Iraq.

²¹¹ (Bossuyt, The adverse consequences of economic sanctions on the enjoyment of human rights 5 April 2012).

The US-led UN war against Iraq in 1991 (Operation Desert Storm), whose goal was to eliminate Saddam Hussein, had already caused extreme damage and destruction to Iraq's infrastructure and devastated its environment. The bombs dropped by the US on Iraq set half of Iraq's oil fields on fire, releasing deadly toxins into the environment. The weapons used by the US contained depleted uranium—a radioactive substance which not only contaminated the groundwater but killed and continues to kill innocent Iraqi civilians. The sanctions ensured that the environment, the livestock and most importantly the civilian population could not recover from this chemical warfare. Sanctions were a “*weapon of mass destruction*”²¹² which unleashed such destructive force that Iraq still has not recovered.

Iraq's entire civilian population was subjected to the intentional and severe deprivation of fundamental rights, contrary to international law, solely because they were citizens of Iraq and because their leader was Saddam Hussein. In the words of Marc Bossuyt: “*The whole theory behind economic sanctions appears to be fallacious. It is assumed that pressure on civilians will in turn translate into pressure on the Governments for change. However, in regimes where political decision-making is not democratic, there is simply no pathway through which civilian pressure can bring about change in the Government.*”²¹³ The goal of regime change through the continued imposition of sanctions on Iraq was a failed policy from the start. This was, however, the US policy and aim throughout their wars in Iraq and the UN sanctions regime. The aim of all three US administrations during the sanctions period was to inflict the “*most extreme economic damage possible on Iraq*” and in so doing to effect regime change.

If “*war is the continuation of politics by other means*”²¹⁴, then sanctions can be considered as a continuation of war by other means. In the case of Iraq, the sanctions regime was the continuation of First Gulf War by other means. The Iraqi population was subjected to an illegal war of starvation and deprivation. The UNSC resolutions themselves were illegal in that they violated *inter alia* human rights and the “substantive limits” of *ius cogens*.

²¹² (Arnove 2000) 181.

²¹³ Ibid.

²¹⁴ (von Clausewitz 1976) book 8, chapter 6, 605.

The OFFP was insufficient, mismanaged and corrupted, while the ISC failed at implementing the sanctions and was unable to fulfill its mandate to adequately monitor them. The US policy on holds and its extensive interpretation of the 1051-list to include almost any item hindered any meaningful humanitarian assistance. OFFP humanitarian waivers were incapable of enabling of Iraq to build its country. The most vulnerable parts of Iraq's population– women, children, the old and the weak – suffered the most. Most Iraqis had no access to health care, potable water, adequate food and housing – sewage system did not work properly and Iraq's electrical production capacity and power lines were destroyed.

Although Iraqi lives were destroyed and their suffering ignored, Iraq has so far not requested or received any compensation for these inhumane and illegal deeds of the international community. This could also be connected to the fact the most Iraqi governments have until recently been close to the US. However, the present Iraqi government has requested “foreign troops” (US) withdraw from Iraq, but to this day the US has not indicated any intention to leave.

The UNSC has to this day not been called upon to answer morally or legally for this unjust war against the Iraqi people. The history of the Iraq sanctions and war is a blemish on the United Nations which must not be forgotten or repeated. The case of Iraq should serve as a warning that multilateralism and the UN cannot function when individual states with great power (mis)use UN bodies to achieve their own interests and aims, often illegal under the UN Charter. The world looked on and did nothing while an entire nation was persecuted and destroyed. To avoid future unjust wars, the UN has to find new and better ways to achieve its goals while truly upholding the UN Charter.

A new perspective is required. Clausewitz concluded that: *“Nothing is more important in life than finding the right standpoint for seeing and judging events, and then adhering to it. One point and one only yields an integrated view of all phenomena; and only by holding to that point of view can one avoid inconsistency”*.²¹⁵ We can only hope the UN will learn from experience, avoid inconsistency and find a right standpoint sooner rather than later.

²¹⁵ (von Clausewitz 1976) book 8, chapter 6, 606.

Bibliography

- Aga Khan, Sadruddin. *Report to the Secretary-General Dated 15 July 1991 on Humanitarian Needs in Iraq Prepared by a Mission led by the Executive Delegate of the Secretary General for Humanitarian Assistance in Iraq*. United Nations, 1991.
- Agha, Omar M Mahmood, and Nermin Sarlak. "Analysis of Meteorological drought in Iraq using the Reconnaissance Drought Index (RDI)." *International Journal of Advanced Research*, March 2017.
- Ahtisaari, Martti. "Report to the secretary-general on humanitarian needs in Kuwait and Iraq in the immediate post-crisis environment by a mission led by Mr. Martti Ahtisaari under secretary general for administration and management." (United Nations) March 28 1991.
- Akunjee, Muhammed, and Asif Ali. "Healthcare under Sanctions in Iraq: An Elective Experience." *Medicine, Conflict and Survival* (Frank Cass) 18 (2002): 249-257.
- Al-Ani, Abdul Haq, and Tarik Al-Ani. *Genocide in Iraq The Case against the UN Security Council and Member States*. Atlanta: Clarity Press, Inc., 2012.
- Alexander, Kern Samuel. *Economic Sanctions Law and Public Policy*. London: Palgrave Macmillan, 2009.
- Ali, Mohammed M, and Iqbal H Shah. "Sanctions and Childhood Mortality in Iraq." *The Lancet* 355, no. 9218 (May 2000): 1851-1857.
- Alnasrawi, Abbas. "Iraq: economic sanctions and consequences, 1990-2000." *Third World Quarterly* 22, no. 2 (2001): 205-218.
- . *Iraq's Burdens: Oil, Sanctions, and Underdevelopment: The Burdens of Oil and Sanctions*. Westport: Greenwood Press, 2002.
- Al-Nouri, L, and Q Al-Rahim. "The effect of sanctions on children of Iraq." *Arch Dis Child* 88, no. 1 (2003): 87-93.
- Arno, Anthony, ed. *Iraq Under Siege*. Cambridge, MA: South End Press, 2000.
- Arons, Nicholas. "U.S.-Supported Iraqi Opposition." *Foreign Policy in Focus* 6 10 (April 2001).
- Bacevich, Andrew J. *America's War for the greater Middle East*. New York: Random House, 2017.

- Biersteker, Thomas J. "Targeted sanctions and individual human rights." *International Journal*, Winter 2009-2010: 99-117.
- Biersteker, Thomas J, Sue E Eckert, and Marcos Tourinho, . *Targeted Sanctions, The Impacts and Effectiveness of United Nations Action*. Cambridge: Cambridge University Press, 2016.
- Bisharat, George E. "Sanctions as Genocide." *Transnational Law & Contemporary Problems* 11, no. 2 (Fall 2001): 379-426.
- Bisharat, George E. "Sanctions as Genocide." *Transnational Law & Contemporary Problems* 11, no. 2 (Fall 2001): 379-426.
- Bladys, Lisa. *State of Repression, Iraq under Saddam Hussein*. Princeton: Princeton University Press, 2018.
- Blix, Hans. *Disarming Iraq*. 2004: Bloomsbury, London.
- Bossuyt, Marc. *The adverse consequences of economic sanctions on the enjoyment of human rights*. Working Paper, Commission on Human Rights, New York: United Nations, 2000.
- Bossuyt, Marc. "The adverse consequences of economic sanctions on the enjoyment of human rights." Letter, Geneva, 5 April 2012.
- Boutros-Ghali, Boutros. *Supplement to an Agenda for Peace*. S/1995/1, New York: United Nations, 1995.
- Cameron, Iain. "UN Targeted Sanctions, Legal Safeguards and the European Convention on Human Rights." *Nordic Journal of International Law* (Koninklijke Brill NV) 72, no. 2 (May 2003): 159-214.
- Imperial Grand Strategy, The Conquest of Iraq and the Assault on Democracy*. Directed by Noam Chomsky. 2004.
- Conlon, Paul. *United Nations sanctions management: A case study of the Iraq sanctions committee, 1990-1994*. Ardsley, NY: Transnational Publication, 2000.
- Cordesman, Anthony H, and Ahmed H Hashim. *Iraq Sanctions and Beyond*. Boulder: Westview Press, 1997.
- Dale, Catherine. *Operation Iraqi Freedom: Strategies, Approaches, Results and Issues for Congress*. Washington DC: US Congressional Research Service, 2. April 2009.

- Darcy, Shane. *Collective Responsibility and Accountability under International Law*. Leiden: Transnational Publishers Inc., 2007.
- David, Marcella. "After-words: At the End of the Day." *Transnational Law and Contemporary Problems* 11, no. 2 (Fall 2001): 427-430.
- David, Marcella. "Not by the Sword: Death by Default in Iraq." *Transnational Law and Contemporary Problems* 11, no. 2 (Fall 2001): i-iv.
- Davis, Lance, and Stanley Engerman. "History Lessons, Sanctions: Neither War nor Peace." *Journal of Economic Perspectives* 17, no. 2 (2003): 187-197.
- de Wet, Erika. *The Chapter VII powers of the United Nations Security Council*. Portland, Oregon: Hart Publishing, 2004.
- Delmonte, Luis Mesa. "Economic Sanctions, Iraq, and U.S. Foreign Policy." *Transnational Law & Contemporary Problems* 11, no. 2 (Fall 2001): 345-378.
- Dyson, Tim. *On the death toll in Iraq since 1990*. London School of Economics, Crisis Research Center LSE, 2006.
- Dyson, Tim, and Valeria Cetorelli. "Changing views on child mortality and economic sanctions in Iraq: a history of lies damned lies and statistics." *BMJ Global Health* 2 (July 2017).
- Eleey, Peter, and Ruba Katrib. *Theater of Operations The Gulf Wars 1991-2011*. New York: MoMA PSI, 2019.
- Elliott, Kimberly Ann. "The Sanctions Glass, Half Full or Completely Empty?" *International Security* 23, no. 1 (1998): 50-65.
- Elliott, Kimberly Ann, and Gary Clyde Hufbauer. "Some Song, Same Refrain? Economic Sanctions in the 1990's." *American Economic Review* 89, no. 2 (1999): 403-408.
- FAO. "Special Program for Food Security." January 2003.
- FAO/WFP. "Child Malnutrition in Iraq 'Unacceptably High'." January 2000.
- Feyock, Sebastian. *Lessons learned - The UN's sanctions policy on Iraq from 1990 to 2003 and its implications for the future*. Norderstedt: Grin Verlag, 2008.
- FOASTAT. "Commodity Balances." 2003.
- Fomerand, Jacques. *Historical Dictionary of Human Rights*. Lanham: Rowman & Littlefield, 2014.

- Friedman, Thomas L. "Clinton Affirms U.S. Policy on Iraq." *New York Times*, January 15, 1993: 1.
- Gordon, Joy. "Economic sanctions and global governance: the case of Iraq." *Global Crime* 10, no. 4 (Oct 2009).
- . *Invisible War The United States and the Iraq Sanctions*. Cambridge: Harvard University Press, 2010.
- Goss, Brian Michael. ""Deeply concerned about the welfare of the Iraqi people": The Sanctions Regime against Iraq in the New York Times (1996-98)." *Journalism Studies* (Routledge) 3, no. 1 (2002): 83-99.
- Grigsby, Hope. "Dismantling the Iraqi Social Fabric:." *Researchgate.net*. May 29, 2014. https://www.researchgate.net/publication/315519076_Dismantling_the_Iraqi_Social_Fabric_The_Deterioration_of_Women's_Rights_Within_Iraqi_Society/citation/download.
- Grotius, Hugo. *On the Laws of Wars and Peace*. 1625.
- "Gulf Economies VIII: Iraq." *Gulf States Newsletter* 49, no. 498 (October 1994): 8.
- Haass, Richard N. "Economic Sanctions: Too much of a Bad Thing." Brookings Policy Brief Series, Brookings Institution, 1998.
- Hallenberg, Jan, and Hakan Karlsson, . *The Iraq War, European perspectives on politics, strategy and operations*. New York: Routledge, 2005.
- Heaton, Paul. "Oil for What? Illicit Iraqi Contracts and the U.N. Security Council." *Journal of Economic Perspectives* 19(4) (2005): 193-206.
- Hovi, Jon, Robert Huseby, and Detlef F. Sprinz. "When do (imposed) Economic Sanctions Work." *World Politics* 57, no. 4 (2005): 479-499.
- Howard, Michael, and Peter Paret. *Carl Von Clausewitz: On War*. Princeton: Princeton University Press, 1976.
- Hufbauer, Gary Clyde, and Kimberly Ann Elliott. "Same Song, Same Refrain? Economic Sanctions in the 1990s"." *American Economic Review*, May 1999: 403-408.
- Hughes, Gail D, Ally Mack, and Kathie Stromile Golden. "Public health education: A report from Mosul and a plan for change." *BMC Public Health* 5, no. 29 (March 2005): 1-6.

- International Study Team. *Our Common Responsibility, The Impact of a New War on Iraqi Children*. Toronto: International Study Team, 2003.
- Iraq Uncovered*. Produced by PBS Frontline. 2017.
- Iraq, World Health Organisation and Republic of. "Iraq Family Health Survey Report IFSH 2006/2007." 2007.
- Jazairy, Idriss. "Unilateral Economic Sanctions, International Law, and Human Rights." *Ethics & International Affairs* (Carnegie Council for Ethics in International Affairs) 3 (2019): 291-302.
- Joyner, Christopher C. "United Nations Sanctions after Iraq: Looking back to see ahead." *Chicago Journal of International Law* 4, no. 2 (Fall 2003): 329-354.
- Katzmann, Kenneth. "Iraq: Oil-For-Food-Programme, Illicit Trade and Investigations." RL 30472, Congressional Research Service, Washington D.C., 2005.
- Kelsen, Hans. *The Law of the United Nations*. New York: Frederick A. Praeger, 1951.
- Koc, Mustafa, Jernigan Carey, and Das Rupen. "Food Security and Food Sovereignty in Iraq." *Food, Culture & Society* (Routledge) 10, no. 2 (2007): 317-348.
- Kubbig, Bernd W, ed. *Brandherd Irak*. Frankfurt/New York: Campus Verlag, 2003.
- Longley, James. *Iraq in Fragments*. DVD. Directed by James Longley. Produced by Typcast Pictures/Daylight Factory. 2006.
- Lowe, Vaughan, Adam Roberts, Jennifer Welsh, and Dominik Zaum, . *The United Nations Security Council and War, The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Presss, 2008.
- Mahdi, Kamil. "Neoliberalism, Conflict and an Oil Economy: The Case of Iraq." *Arab Studies Quarterly* 29(1) (2007): 1-20.
- Marr, Phebe. *A Modern History of Iraq*. Boulder: Westview Press, 2012.
- Meisler, Stanley. *The United Nations: A History*. 2. New York: Grove Press, 2011.
- Miles Ignatus, a.k.a. Luke Luttwak. "Seizing Arab Oil." *Harper's Magazin*, March 1975.
- Nephew, Richard. *Art of Sanctions: A View from the Field*. New York: Columbia University Press, 2018.
- Normand, Roger, and Christoph Wilcke. "Human Rights, Sanctions, and Terrorist Threats: The United Nations Sanctions against Iraq." *Transnational Law & Contemporary Problems* 11, no. 2 (Fall 2001): 299-344.

- Nossal, Kim Richard. "International sanctions as international punishment." *International Organization* (The MIT Press) 43, no. 2 (Spring 1989): 301-322.
- Oette, Lutz. "A Decade of Sanctions against Iraq: Never Again! The End of Unlimited Sanctions in the Recent Practice of the UN Security Council." *European Journal of International Law EJIL* 13, no. 1 (2002): 93-103.
- OFAC, Office of Foreign Assets Control. "Iraq: An Overview of the Iraq Stabilization and Insurgency Sanctions Regulations." United States Department of the Treasury, September 15, 2010.
- Office of Foreign Assets Control. "General License No. 1 Issued Pursuant to Executive Order 13315." United States Department of the Treasury, Washington D.C., 28 August 2003.
- Ong, Cher Howe. "A Study of Sun Tzu's Art of War and Clausewitz's On War." *Pointer Journal of the Singapore Armed Forces* 41, no. 2 (2015): 68-80.
- Orakhelashvili, Alexander. "The Impact of Peremptory Norms on the Interpretation and Application of United Nations Security Council Resolutions." *The European Journal of International Law* 16, no. 1 (2005): 59-88.
- Paine, Chris. "The Oil Crisis: Who is the Real Enemy?" *MERIP Reports* (Middle East Research and Information Project, Inc.) 36 (April 1975): 31-34.
- Pape, Robert A. "Why Economic Sanctions Still Do Not Work." *International Security* 23, no. 1 (1998): 66-77.
- Perez de Cuellar, Javier. *Letter Dated 20 March from the Secretary-General Addressed to the President of the Security Council*. S/22366, New York: United Nations Security Council Report, 1991.
- Ragazzi, Marizio, ed. *Responsibility of international organizations: essays in memory of Sir Ian Brownlie*. Leiden: Martinus Nijhoff Publishers, 2013.
- Rawaf, Salman. "The Health Crisis in Iraq." *Critical Public Health* (Routledge) 15, no. 2 (June 2005): 181-188.
- Reinisch, August. "Developing Human Rights and Humanitarian Law Accountability of the Security Council for the Imposition of Economic Sanctions." *The American Journal of International Law* (American Society of International Law) 95, no. 4 (October 2001): 851-872.

- Report of the Secretary-General pursuant to paragraph 24 of Security Council resolution 1483 (2003).* S/2003/715, United Nations Security Council, 17.7.2003.
- Report of the Secretary-General pursuant to paragraph 7 of Resolution 1143 (1997).* S/1998/90, United Nations Security Council, 1.2.1998.
- Rowat, Colin. *How Sanctions Hurt Iraq*. Middle East Report Online, February 8, 2001.
- Ryan, David, and Patrick Kiely, . *America and Iraq, policy-making, intervention and regional politics*. New York: Routledge, 2009.
- Salvage, Jane. *Collateral damage, the health and environmental costs of war on Iraq*. London: Med Act, 2002.
- Scherrer, Christian P. *Iraq: Genocide by Sanctions*. Universiti Sains Malaysia Press, 2014.
- Schweigman, David. *The Authority of the Security Council under Chapter VII of the UN Charter: Legal Limits and the Role of the International Court of Justice*. The Hague: Kluwer Law International, 2001.
- Segall, Anna. "Economic Sanctions: legal and political constraints." *International Review of the Red Cross* (International Committee of the Red Cross), no. 836 (December 1999).
- Shehabaldin, Ahmed, and William M Laughlin Jr. "Economic sanctions against Iraq: Human and economic costs." *The International Journal of Human Rights* 3, no. 4 (1999): 1-18.
- Simons, Geoff. *The Scourging of Iraq: Sanctions, Law and Natural Justice*. London: Palgrave Macmillan, 1998.
- Sponeck, Hans-Christof. *A Different Kind of War: The UN Sanctions Regime in Iraq*. Berghahn Books, 2006.
- Tucker, Robert W. "Oil: The Issue with American Intervention." *Commentary*, January 1975.
- Tucker, Robert W. "Further Reflections on Oil and Force." *Commentary*, March 1975.
- Tucker, Spencer C, ed. *The Encyclopedia of Middle East Wars*. Santa Barbara, CA: ABC-CLIO, 2010.

- United Nations World Food Program. "Comprehensive Food Security & Vulnerability." 2007.
- United Nations World Food Programme. "Baseline Food Security Analysis in Iraq." 2004.
- United Nations World Food Programme, Iraq Country Office. "Food Security and Vulnerability Analysis in Iraq." 2005.
- Velloso de Santisteban, Agustin. "Sanctions, War, Occupation and the De-Development of Education in Iraq." *International Review of Education* (Springer) 51, no. 1 (January 2005): 59-71.
- Voice of Free Iraq: January 6,8 and February 3, 1991*. February 17, 2019.
<https://shortwavearchive.com/archive/voice-of-free-iraq-january-6-8-and-february-3-1991>.
- von Clausewitz, Carl. *On War*. Edited by Michael Howard. Translated by Peter Paret. Princeton: Princeton University Press, 1976.
- Wallensteen, Peter, Carina Staibano, and Mikael Eriksson. *The 2004 Roundtable on UN Sanctions against Iraq: Lessons Learned*. Department of Peace and Conflict Research, Uppsala University, Uppsala: Universitetsstryckeriet, 2005.
- Ward, Tony, and Penny Green. "The Transformation of Violence in Iraq." *British Journal of Criminology*, May 2009: 1-19.
- Iraq Uncovered - Frontline*. DVD. Directed by Patrick Wells. Produced by Mais Al-Bayaa, Ramita Navai, Patrick Wells, & Dan Edge. 2017.
- Yergin, Daniel. *The Prize; The Epic Quest for Oil, Money & Power*. 2013.

Appendices

A. Abbreviations

Abbreviations	
CRC	Convention on the Rights of the Child
DU	Depleted Uranium
FAO	Food Agriculture Organisation
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights of 1966
ICESCR	International Covenant on Economic, Social and Cultural Rights of 1966
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
ID	Iraqi Dinar
ILC	International Law Commission
IMF	International Monetary Fund
ISC	Iraq Sanctions Committee
JCPOA	Joint Comprehensive Plan of Action
MIO	Maritime Interception Operation
MOU	Memorandum of Understanding
MSM	Main Stream Media
OECD	Organization for Economic Cooperation and Development
OFFP	Oil-for-Food-Programme
OFVP	Oil-for-Votes-Programme
OIP	Office of the Iraq Programme
P5	Permanent Members of the Security Council
Res	Resolution
RIO	Articles on Responsibility of International Organisations
UNCC	United Nations Compensation Commission
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly

UNICEF	United Nations International Children's Emergency Fund
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
UNSG	United Nations Secretary General
WB	World Bank
WFP	World Food Programme
WHO	World Health Organisation
WMD	Weapons of Mass Destruction

B. Tables

Table I. Organizations Involved in UNSC Sanctions in Iraq

ISC: Iraq Sanctions Committee or “661 Committee” (1990)	Responsible for overseeing the Iraq sanctions implementation, all sales of oil and imports of goods into Iraq
OIP (1996): Office of the Iraq Programme	Oversaw UN’s country programs and the OFFP
UNICEF	Responsible for water and sewage treatment in Iraq
WHO, WFP and FAO	Oversaw and operated programs in health, nutrition and agriculture
WFP	Contributed humanitarian relief for food
UNDP	Responsible for infrastructure including electricity
UNOPS: UN Office for Project Services	Operated de-mining operations
ITU: International Telecommunications Union	Responsible for the rehabilitation of Iraq’s telephone lines and communication system
UN-Habitat	Involved in the rebuilding of housing projects throughout Iraq
UNESCO	Supported educational and schooling in Iraq and focused on secondary and higher education
UNICEF	Responsible for primary education and contributed to water, sanitation and children’s health care efforts
UNOHCI: UN Office of the Humanitarian Coordinator in Iraq	Newly created under the OFFP in order to coordinate all the agencies
UNMOVIC (1999): UN Monitoring, Verification and Inspection Commission	Replaced UNSCOM, responsible for disarming of its WMD, also monitored and checked Iraq’s compliance not to acquire any new weapons. Control of 1051 list (dual use).
UNSCOM (1991): UN Special Commission	Inspection regime created by the UN to ensure Iraq’s compliance with policies concerning Iraqi production and use of WMD after First Gulf War. Control of 1051 list.
IAEA	Responsible for sanctions monitoring and inspections of Iraq’s nuclear program and potential capability
MIO (1990): Maritime Interception Operation	Created by UNSC Res 665: UN naval force to enforce the blockade/sanctions against Iraq, headed by US fifth Naval Fleet. The naval force was known as the Multiple Interception Force.
UN High Commission for Refugees, UN Disaster Relief Organization	Responsible for providing humanitarian assistance
Inter-Agency Humanitarian Programme	Coordination for all work of UN agencies in Iraq
DHA (1990): Department of Humanitarian Affairs	Coordinated emergency humanitarian work around the world for Iraq

Office for the Coordination of Humanitarian Affairs (1998)	Took over from DHA in 1998
UNCC (UN Compensation Fund)	Received a large portion of the OFFP funds to be distributed to Kuwait and other victims of Saddam's aggression in 1990.

Table II. Iraq's Annual Commodities Consumption²¹⁶

Commodity	Domestic Production (metric tons)	Imports (metric tons)	Import Dependency %
Wheat	300 000	3 312 978	91.7%
Vegetable Oil	22 326	297 231	93.0%
Sugar	2 065	299 898	99.3%
Rice	40 020	1 010 618	96.2%
Infant Formula	0	24 500	100%

²¹⁶ (International Study Team 2003) 7.

Table III. The Under-Five Mortality Rates in Iraq²¹⁷

Region	1984-1989 Deaths/ 1000 Live Births	1994-1999 Deaths/ 1000 Live Births	Percentage Change
South/Central Iraq	56	131	+134%
Northern Iraq	80	72	-10%

Table IV. Average Number of Reported Deaths Among Children Under Five Years of Age per 100 000 per month²¹⁸

Year	1989	1990	1991	1992	1993	1994	1995	1996	1997
Deaths	592	742	2289	3911	4147	4409	4652	4750	4804

Table V. Worsening of Health Conditions of Iraqi Children²¹⁹

	1990	1991	1992	1993	1994	1995	1996	1997
Registered Births in % Under 2.5 Kilos	4.5%	10.8%	17.6%	19.7%	21.1%	22.1%	22.6%	23%
Number of Children in Treatment Programs for Malnutrition	0	1000	10,600	12,500	13,900	17,900	20,200	20,800
Reported Cases of Cholera	0	0	1217	976	825	1345	1216	831

²¹⁷ UNICEF Humanitarian Action: 14 Jan 2003, <https://reliefweb.int/report/iraq/unicef-humanitarian-action-iraq-donor-update-14-jan-2003>

²¹⁸ (Al-Ani and Al-Ani 2012) 137.

²¹⁹ Ibid.

Table VI. Time Line for Iraq 1990 - 2004²²⁰: The First and Second Gulf Wars

August 2, 1990	Iraq invades Kuwait. UN resolution 660 calls for Iraqi withdrawal.
August 3, 1990	Iraqi forces reach Kuwaiti-Saudi border. The Arab League condemns Iraq.
August 5, 1990	President Bush declares that the invasion of Kuwait “will not stand.”
August 6, 1990	King Fahd meets with Secretary of Defense Richard Cheney and requests U.S. military assistance. UN resolution 661 bans the importation of Iraqi goods.
August 8, 1990	American fighter planes arrive in Saudi Arabia. Iraq declares a “comprehensive and eternal merger” with Kuwait and annexes it as its nineteenth province.
August 9, 1990	UN resolution 662 condemns the annexation of Kuwait as illegal.
August 12, 1990	Iraq offers to withdraw in exchange for an Israeli withdrawal from Palestinian territory (Gaza Strip and West Bank) and a Syrian withdrawal from Lebanon.
August 18, 1990	UN resolution 664 demands that Iraq release foreign nationals who are being detained in Iraq.
August 21, 1990	Syria joins Egyptian commitment to defend Saudi Arabia.
August 25, 1990	UN resolution 665 strengthens economic embargo against Iraq.
Sept 5, 1990	Iraq calls for the overthrow of leaders in Saudi Arabia and Egypt.
Sept 9, 1990	Joint U.S.-Soviet statement made that “we must demonstrate beyond any doubt that aggression cannot and will not pay.”
Sept 13, 1990	UN resolution 666 asks for continuous information on the humanitarian situation within Kuwait and Iraq.
Sept 16, 1990	UN resolution 667 condemns Iraqi violation of diplomatic compounds in Kuwait and demands the immediate release of foreign nationals removed from Kuwait.
Sept 24, 1990	UN resolution 669 imposes an air embargo on Iraq.
Oct 29, 1990	UN resolution 674 reiterates the condemnation of Iraqi treatment of foreign nationals and demands their release.
Nov 6, 1990	American congressional elections take place.
Nov 8, 1990	The United States announces that it is doubling its troop presence in the region to over 400,000.
Nov 19, 1990	Iraq begins significant reinforcement of its troops in Kuwait.
Nov 29, 1990	UN resolution 678 authorizes the use of “all means necessary” after January 15, 1991, to enforce previous UN resolutions, including that requiring Iraqi withdrawal from Kuwait.
Dec 6, 1990	Iraq releases all foreign nationals held since the invasion.

²²⁰ <http://www.mideastweb.org/iraqtimeline.htm> (timeline taken from mideast website and amended).

January 9, 1991	Secretary of State James Baker meets Iraqi Foreign Minister Tariq Aziz in Geneva. No agreement is reached. Baker delivers a letter from President Bush to President Hussein. Aziz reads but refuses to forward it.
January 12, 1991	The U.S. Congress authorizes the use of force. The Senate vote is 52–47 in favor.
January 15, 1991	UN issues a deadline for Iraqi withdrawal.
January 17, 1991	The allied attack ("Operation Desert Storm") begins with an Apache helicopter strike at 2:38 A.M.
January 18, 1991	First Scuds hit Israel. Navy aircraft losses during attack on Scud sites leads to recriminations about low-altitude bombing tactics. First American air attacks are launched from Turkey
February 25, 1991	US 101st Airborne Division cuts Highway 8 in Euphrates Valley. Iraqis counterattack 1st Marine Division. Scud destroys barracks in Al Khobar, Saudi Arabia, killing twenty- eight Americans and wounding ninety-eight.
Feb 28, 1991	Cease-fire takes effect at 8 A.M
March-April 1991	Uprising of Kurds and Shia in Iraq, based on US encouragement. Begins in Basra, in early Mar.
April 3, 1991	UN Security Council Resolution 687 establishes the terms of the peace, including return of Kuwaiti property and prisoners, economic sanctions, and Iraqi disarmament. Iraq is to provide a list of all WMDs its possession. UNSCOM inspectors are to ascertain that the arms have been surrendered.
October, 1991	President Bush informs Congress that he is escalating covert operations in Iraq. CIA is involved.
June 1992	Iraqi National Congress (opposition) establishes itself in Vienna with 300 delegates. Initiative of Ahmad Chalabi.
Jan 1993	Renewed skirmishes between Iraq and US, UK & France, after Iraq installs surface-to-air missiles in the Southern US/UK-declared no-fly zones, bans UN flights in the southern zone, and makes incursions into the demilitarized zone with Kuwait.
May 1994	Rivalry between Kurdistan Democratic Party & Patriotic Union of Kurdistan.
Oct 8-10, 1994	Iraq deploys troops near the Kuwaiti border; Security Council expresses concern. US, Fr and UK move troops to the region. Iraq announces redeployment.
Nov 6, 1994	Iran fires Scud missiles at bases of Mujahedin al-Khalq in Iraq.
Nov 10, 1994	Iraqi National Assembly officially acknowledges Kuwait's sovereignty; ratified by RCC in a decree signed by Saddam Hussein on the same day.
April 14, 1995	UN Security Council Resolution 986 establishes the "Oil for Food" Program
August 7-8 1995	Two of Saddam Hussein's sons-in-law, Lt. Gen. Hussein Kamil (former director of Iraq's Military Industrialization Establishment, in charge of WMD program) and Saddam Kamil defect to Jordan with Saddam's daughters.
August 20, 1995	Under pressure, Iraq reveals a major store of documents that showed that Iraq had begun an unsuccessful crash program to develop a nuclear bomb.

Feb 23, 1996	Iraqi defectors Hussein and Saddam Kamil are shunned by Iraqi opposition groups, and agree to return to Iraq. They are assassinated.
June 26, 1996	Attempted coup in Iraq, organized by the Iraqi National Accord and coordinated in part by CIA operatives within UNSCOM, fails when 120 coup plotters are arrested.
July 28, 1996	72-hour incursion by Iranian forces into Kurdish “safe haven”.
August 31, 1996	Iraq, working with the KDP, occupies Irbil (12 miles into NFZ) & destroys Western-backed opposition bases. The KDP takes over most of Iraqi Kurdistan, and Iraqi forces withdraw. Saddam Hussein lifts internal economic embargo on the Kurdish region.
Sept 3-4, 1996	US launches military strikes against Southern Iraq & extends Southern no-fly zone to 33rd parallel. UN postpones implementation of SCR 986.
Sept-Oct. 1996	PUK offensive, with Iranian help, in Northern Iraq recaptures most areas lost in recent KDP offensive, except Irbil.
Dec 10, 1996	Oil flows for the first time since 1990 from Iraq, through Turkish pipeline. SCR 986 (14Apr 95) had permitted exports under the oil-for-food program. In the following six months, \$ 1 billion revenue generated was be spent on food & medicine.
Dec. 12, 1996	Saddam Hussein’s eldest son, Uday, is seriously wounded in an assassination attempt in al-Mansur district, Baghdad.
Oct. 29, 1997	Iraq demands US members of UNSCOM leave Iraq; all UNSCOM inspectors withdrawn (13Nov).
Nov 13, 1997	All UNSCOM inspectors withdrawn from Iraq, but allowed back later that month.
Sept, 1998	UNSCOM Inspector Scott Ritter resigns. Initially claims that US/UN did not act to help UNSCOM investigate suspected Iraqi weapons sites, later claims that the entire inspection program is unwarranted and Iraq has no WMD.
October, 1998	UNSCOM reports Iraq weaponized VX agent. Iraq denies this.
Nov 1, 1998	Iraq halts cooperation with UNSCOM.
Nov 15, 1998	US aborts missile strike after Iraq agrees to cooperate with UNSCOM.
Dec 17-20, 1998	Extensive US & British bombardment of Iraq in ‘Operation Desert Fox’, after UNSCOM head reports Iraq’s failure to fully cooperate; after end of the operation, Iraq again refuses UNSCOM permission to reenter Iraq, and US & UK continue bombardment, aimed at Iraq’s air defense capacity.
Dec 17, 1999	Resolution 1284 creates UN monitoring, verification and inspection commission (Unmovic) to replace UNSCOM. Iraq rejects resolution
Nov, 2000	Deputy prime minister Tariq Aziz rejects new weapons inspection proposals
2001	Following Sept 11, 2001 terror attacks on World Trade Towers, US President Bush declares a War on Terror, targeting Iraq as a major player in an "Axis of Evil." Evidence for Iraqi involvement in the attacks is sketchy, but includes a probable contact between hijacker Mohamed Atta and an Iraq official in Czechoslovakia, as well as evidence of defectors that prospective hijackers were trained at Salman Pak base.
Sept 14, 2001	Deputy secretary of defense, Paul Wolfowitz, says that it is " <i>not just simply a</i>

	<i>matter of capturing people, [but] ending states who sponsor terrorism". Wolfowitz gained stature after the Iraqi attack on Kuwait, which he had correctly pointed out as a possibility in 1979. Woolsey, CIA director from 1993-95, speaks of the potential for a "very fruitful marriage between Saddam and Bin Laden".</i>
Sept 20, 2001	British and US jets bomb surface to air missile batteries in southern Iraq. An Iraqi Ministry of Defense official denies any connection to the September 11 attacks.
Sept 21, 2001	US officials tell the Washington Times that Saddam Hussein made contact with Bin Laden days before the attacks.
Jan 29, 2002	US President George Bush lists Iraq, Iran, North Korea and Syria as part of an "axis of evil" in his state of the nation speech to Congress. <i>"By seeking weapons of mass destruction, these regimes pose a grave and growing danger"</i> , shifting the focus of US foreign policy to "rogue" governments.
March/May 2002	UN secretary general Kofi Annan unable to persuade Iraqi representatives to allow inspectors' return
July 5-6	Failed talks in Vienna between Kofi Annan and Iraq's Foreign Minister, Naji Sabri.
July 25 2002	Sabri says any agreement must include route towards lifting sanctions, ending threats of regime change, and end to no-flight zones
August 2002	Iraq invites chief weapons inspector to Baghdad for talks on resuming inspections
Sept 12, 2002	US President George W. Bush addresses a special session of the UN and calls for multilateral action against Iraq. Iraq responds by announcing it will allow inspections unconditionally, but quickly retracts the offer, making it conditional on no new US resolutions.
Sept 22 ,2002	British PM Tony Blair releases dossier showing Iraq has significant WMD capabilities, in an effort to gain support for British role in projected US invasion.
Nov 8, 2002	UN Security Council Resolution 1441 calls on Iraq to cooperate with UN inspection teams and not to obstruct UN forces. Iraq must declare all weapons of mass destruction in its possession by December 8, 2002. UNMOVIC inspection teams began inspecting sites in Iraq.
Dec 7, 2002	Iraq submits documentation as required by UN Security Council Resolution 1441 that details the disposal of weapons of mass destruction. the document claims that Iraq has disposed of all such weapons. Shortly thereafter, US experts examining the documentation claim it is not complete and convincing.
Jan, 27, 2003	Reports of UNMOVIC chief inspector Hans Blix and International Atomic Energy Commission head El-Baradei
March 1, 2003	Arab summit in Sharm el-Shaikh calls on Iraq to disarm, but does not call for regime change in Iraq; Iraq begins destroying Samoud II missiles which have a range greater than that allowed by the UN.
March 7, 2003	Report of UNMOVIC chief inspector Hans Blix to the UN Security Council. US and Britain calling for a second resolution that will authorize a war against Iraq, with stiff opposition from France, Russia, Germany and Arab countries.
March 19, 2003	War begins with US raid on meeting of Saddam with his advisors. Saddam is

	apparently unhurt. US forces invade southern Iraq, meeting relatively light resistance, but by March 22 are bogged down at Um Qasr and Basra in the south and Nasariyeh on the road to Baghdad.
April 9, 2003	Baghdad falls to US troops.
May 1, 2003	President Bush declares an end to the Iraq war.
May 28, 2003	A defiant letter from Saddam Hussein to the Iraqi people indicates that US assassination attempts have failed. Resistance to US occupation from unidentified sources includes sabotage of infrastructure and suicide bombings of US soldiers.
July 14, 2003	First meeting of US - appointed Iraqi interim council
July 22, 2003	Uday and Qusay Hussein, sons of Saddam killed in a shootout with US troops.
Aug, 2003	Increasing evidence shows that US and British governments "improved" intelligence estimates to make a case that Iraq was still stockpiling WMD.
Aug 19, 2003	UN compound bombed by unknown Iraqi forces, killing at least 20.
Aug 22, 2003	Capture of Ali Majid ("Chemical Ali") by US forces is announced. Ali was questioned about WMD programs but has not revealed any new information.
Aug 29, 2003	Explosion near Najaf Mosque kills over 90 including Shi'ite leader Ayatollah Mohammed Bakir al-Hakim.
Oct 16, 2003	UN SC Resolution 1511 on Iraq - recognizes the legitimacy of the American supported provisional Iraqi government, and authorizes UN aid to Iraq under US supervision, while at the same time calling for submission of a time-table for Iraqi self-governance.
Dec 13, 2003	Saddam Hussein captured alive by US forces.
Mar 1, 2004	Iraqi interim constitution agreed upon by interim government and approved by US.
Mar 2, 2004	Terror attacks and suicide bombings in Karbala and Baghdad kill 117 (US figures) 271 (Iraqi figures). Shia worshippers are killed during Ashura holy day rites. Sectarian violence on rise.
April 2004	Insurgency by radical Shia leader Moqtada Sadr and his "Mehdi Army." Fighting in Najaf and Falluja.
June 7, 2004	UN SC Resolution 1546 on Iraq - recognizes the legitimacy of the interim Iraqi government and calls on UN members to support it.
June 24, 2004	About one hundred people are killed in coordinated attacks throughout Iraq. Terror attacks are an almost daily occurrence
June 28, 2004	Iraqi PM Iyad Allawi takes power for sovereign Iraq in a modest ceremony held two days before the deadline. US Administrator Paul Bremer leaves Iraq. NATO promises aid to Iraq in training security forces.
August, 2004	Coalition forces attack holy city of Najaf, stronghold of extremist Shia leader Moqtada Sadr and his Mehdi army. Peace brokered by Ayatollah Ali Sistani, who gains considerable prestige. Sadr subsequently agrees to disarm his militia and participate in the Iraqi elections.

November, 2004	Coalition and Iraqi forces attack rebel forces in Fallujah, reputedly led by Abu-Musab al Zarqawi. Numerous civilians are killed in the attacks and Arab sources report damage to mosques and hospitals; UNSG Kofi Annan cautions against the attacks, but Iraqi PM Ayad Alawi replies that the attack is necessary to restore order and allow for elections scheduled in January. Alawi declares martial law after a series of attacks in various Iraqi cities. Rise of various Shia militia groups. Revenge on Sunni civilians.
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Table VII. Chronology of the Most Important UNSC Sanctions

UNSC Resolution	Date of Adoption
660	2 August 1990
661	6 August 1990
670	25 September 1990
687	8 April 1991
706	15 August 1991
778	2 October 1992
986	14 April 1995
1051	27 March 1996
1111	4 June 1997
1129	12 September 1997
1143	4 December 1997
1153	20 February 1998
1158	25 March 1998
1175	19 June 1998
1284	17 December 1999
1293	31 March 2000
1483	22 May 2003
1546	8 June 2004

Table VIII. Complete Chronology of all UNSC Resolutions Relating to Iraq²²¹
(including Iraq-Kuwait and Iran-Iraq Resolutions)

UNSC Resolution	Date of Adoption	
660	2 August 1990	Condemns the Iraqi invasion of Kuwait and demands Iraq's immediate and unconditional withdrawal.

²²¹ <http://www.casi.org.uk/info/scriraq.html> (adapted from)

661	6 August 1990	Imposes comprehensive sanctions on Iraq and establishes a sanctions committee (the "661 committee") in paragraph 6 to monitor them. Paragraphs 3 and 4 drawn from those of UNSC 253.
662	9 August 1990	Decides that Iraq's annexation of Kuwait is "null and void".
664	18 August 1990	Demands that Iraq release "third state nationals".
665	25 August 1990	Imposes a shipping blockade by calling for the use of "such measures ... as may be necessary" to enforce the maritime embargo. In effect, this resolution reassigns some of the practical responsibility for monitoring compliance with sanctions away from the UN machinery, in the form of the 661 committee, and to the States imposing the naval blockade.
666	13 August 1990	"Decides [to] ... keep the situation regarding foodstuffs ... under constant review", giving the UNSC responsibility for determining when "humanitarian circumstances" had arisen.
667	16 September 1990	Protests "the closure of diplomatic and consular missions in Kuwait".
669	24 September 1990	Asks the ISC to consider requests for economic assistance from countries harmed by the sanctions on Iraq.
670	25 September 1990	Strengthens and clarifies the embargo; confirms that it applies to aircraft. France and the USA disagree on whether Res 670 requires 661 approval for flights without cargo. Paragraph 12 of the resolution also invokes the possibility of unspecified "measures" against states that evade the sanctions regime. This paragraph seems to have been directed against Jordan and Sudan in particular. It caused disquiet within delegations, as the UN Charter has traditionally been interpreted as only permitting the Security Council to impose such measures against the state responsible for a breach of or threat to the peace.
671	27 September 1990	Regarding Iran Iraq Observer Group
674	29 October 1990	"Reminds Iraq that ... it is liable for any loss ... as a result of the invasion ... of Kuwait".
676	28 November 1990	Regarding Iran Iraq Observer Group
677	28 November 1990	Concerned by Iraq's attempts to "alter the demographic composition of ... Kuwait and to destroy the civil records".
678	29 November 1990	"Authorizes Member States ... to use all necessary means" to bring Iraq into compliance with previous Security Council resolutions if it did not do so by 15 January 1991.
685	31 January 1991	Regarding Iran Iraq Observer Group
686	2 March 1991	Affirms the "independence, sovereignty and territorial integrity of Iraq" and sets out terms for a cease-fire. The use of force remains valid to fulfil these conditions.
687	8 April 1991	Declares effective a formal cease-fire (upon Iraqi

		acceptance), establishes the UN Special Commission on weapons (UNSCOM), extends sanctions and, in paragraphs 21 and 22, provides ambiguous conditions for lifting or easing them. Described as a "Christmas tree", because "so much was hung on it". The 4 th preambular clause, on "the need to be assured of Iraq's peaceful intentions", has been referred to as the "Saddam Hussein clause" as it has been used to link the continuation of sanctions with the survival of the present Iraqi regime.
688	5 April 1991	"Condemns the repression of the Iraqi civilian population" in the post-war civil war and "demands that Iraq ... immediately end this repression". Res 688 is occasionally claimed to provide the legal basis for the American and British "no fly zones". These claims are incorrect both because Res 688 does not invoke Chapter VII of the UN Charter, a necessary condition for the use of force, and because it does not authorize specific measures to uphold human rights in Iraq, such as "no fly zones".
689	9 April 1991	Approves the Secretary-General's report on the United Nations Iraq-Kuwait Observation Mission (UNIKOM).
692	20 May 1991	Establishes the UN Compensation Commission and asks the Secretary-General to indicate the maximum possible level of Iraq's contribution to the Compensation Fund.
699	17 June 1991	Approves the Secretary-General's plan for UNSCOM and the IAEA and asks for support from Member States.
700	17 June 1991	Approves the UNSG guidelines on an arms and dual-use embargo on Iraq and calls upon states to act consistently with them. Paragraph 5 of this resolution makes the 661 Committee responsible for the on-going monitoring regime, thus ensuring that it would retain a role in the long-term relationship between the UN and Iraq.
705	15 August 1991	"Decides that ... compensation to be paid by Iraq ... shall not exceed 30% of the annual value of the exports".
706	15 August 1991	Decides to allow emergency oil sale by Iraq to fund compensation claims, weapons inspection and humanitarian needs in Iraq.
707	15 August 1991	Condemns Iraq's non-compliance on weapons inspections as a "material breach" of Resolution 687, and incorporates into its standard for compliance with UNSC Res 687 that Iraq provide "full, final and complete disclosure ... of all aspects of its programs to develop" prohibited weapons. Also grants permission for UNSCOM and the IAEA to conduct flights throughout Iraq, for surveillance or logistical purposes.
712	19 September 1991	Rejects the Secretary-General's suggestion that at least \$2 billion in oil revenue be made available for humanitarian needs; instead allows <i>total</i> sale of \$1.6 billion. Eventually rejected by Government of Iraq.
715	11 October 1991	Approves the plans of UNSCOM and the IAEA, including

		for long term monitoring. Iraq agreed to the monitoring system established by this resolution on 26 November 1993.
773	26 August 1992	Responds to a report on progress by the UN Iraq-Kuwait Boundary Demarcation Commission and notes that the Commission "is not reallocating territory between Kuwait and Iraq".
778	2 October 1992	Deplores Iraq's refusal to implement UNSC Res 706 and 712 and recalls Iraq's liabilities. Takes steps to transfer funds (including Iraqi assets overseas) into the UN account established to pay for compensation and humanitarian expenses.
806	5 February 1993	Arms UNIKOM to prevent border incursions by Iraq.
833	27 May 1993	"Welcomes ... the successful conclusion of the work of the [Boundary Demarcation] Commission". The Iraqi National Assembly recognized the territorial integrity and political independence of the State of Kuwait, within the boundaries laid down by the Boundary Demarcation Commission, on 10 November 1994, and its decision was ratified in a decree signed by Saddam Hussein on the same day.
899	4 March 1994	Allows compensation to private Iraqi citizens who lost assets to the boundary demarcation process.
949	15 October 1994	"Condemns recent military deployments by Iraq in the direction of ... Kuwait", demands an immediate withdrawal and full co-operation with UNSCOM. According to a spokesman for the US Central Command, the resolution was passed following a threatening buildup of Iraqi forces near the border with Kuwait, and bars Iraq from moving SAMs into the southern no-fly zone.
986	14 April 1995	New "oil for food" resolution, allowing \$1 billion in oil sales every 90 days. Memorandum of understanding signed by UN and Government of Iraq on 20 May 1996; Phase I begins on 10 December 1996.
1051	27 March 1996	Establishes mechanism for long-term monitoring of potentially "dual use" Iraqi imports and exports, as called for by UNSC Res 715.
1060	12 June 1996	On Iraq's refusal to allow access to sites designated by the Special Commission.
1111	4 June 1997	Begins Phase II of "oil for food", to start on 8 June 1997.
1115	21 June 1997	"Condemns the repeated refusal of the Iraqi authorities to allow access to sites" and "demands that [they] cooperate fully" with UNSCOM. Suspends the sanctions and arms embargo reviews (paragraphs 21 and 28 of UNSC Res 687) until the next UNSCOM report and threatens to "impose additional measures on those categories of Iraqi officials responsible for the non-compliance".
1129	12 September 1997	Alters timing of permitted Phase II oil sales in response to Iraqi government's refusal to sell oil until its Distribution

		Plan was approved by the UN.
1134	23 October 1997	Reaffirms Iraq's obligations to cooperate with weapons inspectors after Iraqi officials announce in September 1997 that "presidential sites" are off-limits to inspectors. Threatens travel ban on obstructive Iraqi officials not "carrying out bona fide diplomatic assignments or missions" if non-cooperation continues. Sanctions reviews again delayed.
1137	12 November 1997	Rejects Iraqi government's announced intention to prohibit weapons inspections unless the composition of UNSCOM teams is altered to limit the number of inspectors from the US, and to prohibit UNSCOM overflights. Imposes travel ban on officials to be lifted when full cooperation resumes. Sanctions review to be in April 1998 if cooperation has been restored.
1143	4 December 1997	Begins Phase III of "oil for food", to start on 5 December 1997 and welcomes the UNSGs intention to submit a supplementary report on possible improvements in the "oil for food" program.
1153	20 February 1998	Agrees to increase the cap on permitted Iraqi oil sales to \$5.256 billion per Phase once the Secretary-General has approved an "enhanced distribution plan" for the new revenue. Recognizes the importance of infrastructure and project-based purchases. Phase IV eventually begins on 30 May 1998. Resolution passed during UNSCOM crisis.
1154	2 March 1998	Commends the Secretary-General for securing commitments from the Iraqi government to fully comply with weapons inspections on his mission to Baghdad, and endorses the memorandum of understanding (S/1998/166) that was signed on 23 February. The mapping of the areas of the eight "presidential sites" by a UN Technical Mission is described in an annexed report to a letter from the UNSG of 27 February (S/1998/166/Add.1). The procedures for the inspection of "presidential sites" are laid out in an annex to the letter from the UNSG of 8 March 1998 (S/1998/208). This agreement put off US and British bombing threats.
1158	25 March 1998	Continues Phase III but under the enhanced provisions of UNSC Res 1153.
1175	19 June 1998	Gives Iraq permission to apply to import up to \$300 million of oil industry spare parts this Phase to allow it to increase its oil production to the cap set in UNSC Res 1153.
1194	9 September 1998	"Condemns the decision by Iraq ... to suspend cooperation with [UNSCOM] and the IAEA", demands that the decisions be reversed and cancels October 1998 scheduled sanctions review.
1205	5 November 1998	Echoes UNSC Res 1194, demands that the Iraqi government "provide immediate, complete and unconditional cooperation" with inspectors and alludes to

		the threat to "international peace and security" posed by the non-cooperation.
1210	24 November 1998	Begins Phase V of OFFP, to start on 26 November 1998.
1242	17 December 1999	Begins Phase VI of OFFP, to start on 25 May 1999.
1266	4 October 1999	Allows an additional \$3.04 billion in oil sales to offset deficits during previous Phases and (possibly) to slow the rise in oil prices.
1275	19 November 1999	Extends Phase VI to 4 December 1999 due to wrangling over UNSC Res 1284.
1280	3 December 1999	Extends Phase VI to 11 December 1999 due to wrangling over UNSC Res 1284.
1281	10 December 1999	Begins Phase VII of "oil for food", to start on 12 December 1999. The report requested in paragraph 9 is S/2000/26.
1284	17 December 1999	Replaces UNSCOM with UNMOVIC ²²² , demands Iraqi co-operation on prisoners of war, alters the "oil for food" program, and discusses the possible suspension of sanctions in ambiguous terms.
1293	31 March 2000	Doubles permitted oil spare part imports for Phases VI and VII. Paragraphs 53 - 57 of the UN Secretary-General's 10 March 2000 report (S/2000/208) explains the background to this doubling.
1302	8 June 2000	Begins Phase VIII of "oil for food". Paragraph 8 asks for water and sanitation "green lists". Paragraph 9 extends the oil spare parts permission of UNSCR 1293. Paragraph 18 calls for the establishment of a team of "independent experts to prepare by 26 November 2000 a comprehensive report and analysis of the humanitarian situation in Iraq, including the current humanitarian needs [...] and recommendations to meet those needs, within the framework of the existing resolutions".
1330	4 December 2000	Extends the oil-for-food program by 180 days, to commence Phase IX. The resolution also allocates another \$600m to oil-industry spares, requests exploration into a "cash component" (para. 15), reduces Compensation Fund deductions to 25% (para 12), requests electricity and housing "green lists" (para 10), expresses "readiness to consider" paying Iraq's UN membership dues out of oil-for-food revenue, seeks expanded versions of the existing "green lists" (para 11), and asks the Secretary-General to report on other oil export routes from Iraq.
1352	1 January 2001	Extends Phase IX of the oil-for-food program by one month only, after there is general agreement that more time is necessary to review the UK's draft resolution (and annex) to change the scope and mode of operation of the sanctions.
1360	3 July 2001	Extends the oil-for-food program by 150 days to begin Phase X, after no agreement was reached over the new UK

²²² United Nations Monitoring, Verification and Inspection Commission.

		proposals for a modified sanctions regime. The subsequent exchange of letters between the UN and Iraq, agreeing to the continuation of the program under the terms of this resolution, is dated 5 July 2001.
1382	29 November 2001	Extends the oil-for-food program by 180 days, commencing Phase XI on 1 December 2001. It also adopts a new "goods review list" (GRL) and procedures for its application to come into force on 30 May 2002. Note that the GRL consists not only of the items actually listed in the annex to the resolution, but also those on the "1051 lists" and those listed within a new 150-page list drawn up by the US. This latter list was an annex to a letter from the US ambassador dated 27 November 2001. All applications to import goods will have to be reviewed by UNMOVIC and the UN Office of the Iraq Programme (UNOIP) to determine if the proposed imports contain items on the GRL.
1409	14 May 2002	Extends OFFP by six months, and introduces a new import procedure. Only items on the annexed Goods Review List (GRL) are to be reviewed by the Sanctions Committee.
1441	8 November 2002	Iraq in breach of UNSC Res 687 re IAEA inspections and urges Iraq to comply with disarmament compliance. Gives Iraq 30 days to declare all aspects of its chemical, biological and nuclear programmes and weapons systems. Elaborates on IAEA inspection rights on and off premises.
1443	25 November 2002	Extends the OFFP by 9 days only, due to disagreements over US proposals to broaden the Goods Review List.
1447	4 December 2002	Extends the OFFP by 6 months, obliges the council to review the goods review list within one month and asks the UNSG to produce a report on the adequacy of Iraq's distribution mechanisms within the country and oil-for-food revenues within six months.
1454	30 December 2002	Implements revisions to the Goods Review List.
1472	28 March 2003	Gives UN more authority to administer the OFFP for the next 45 days. Authorizes the Secretary-General to establish alternative locations for the delivery of humanitarian supplies and equipment, and proceed with approved contracts after a review to determine priorities. Other steps called for include: transferring unencumbered funds between accounts created pursuant to the programme on an exceptional and reimbursable basis to ensure the delivery of essential humanitarian supplies; and using funds deposited in the accounts to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments
1476	24 April 2003	Regarding humanitarian relief for the Iraqi people.
1483	22 May 2003	Lifts non-military sanctions (para 10). Recognizes Britain and the United States as occupying powers ("The

		Authority'), and calls on them to attempt to improve security and stability, and provide opportunities for the Iraqis to determine their political future. Creates position of UN Special Representative to Iraq, to coordinate UN activity. Requires establishment of Development Fund for Iraq.
1490	3 July 2003	Disbands the UN Iraq-Kuwait Observer Mission (UNIKOM), and removes the demilitarized zone between Iraq and Kuwait. Comes into force on 6 October 2003.
1500	14 August 2003	Establishes UN Assistance Mission for Iraq, as proposed by the Secretary General in a report on July 17
1511	October 2003	Mandates the UN to 'strengthen its vital role in Iraq' (para 8). Deals with the principal bodies of the Iraqi interim administration and supports Iraqi self-government under its auspices. Supports the drafting of a constitution and holding elections, in cooperation with, and assisted by, the CPA and the UN representative. Authorizes a multinational security force, and urges states to contribute to it and to the reconstruction of Iraq both financially and on the ground and by providing resources. Also authorizes the transfer of assets of the former regime to the Development Fund for Iraq. Requests the US to report, at least every 6 months, on military matters.
1518	24 November 2003	Establishes a committee (the 1518 committee) to identify resources which should be transferred to the Development Fund for Iraq. This replaced some of the post-sanctions work of the '661 committee', which officially ceased to exist on 22 November 2003. Adopts guidelines on the interpretation of resolution 1483's requirements for transfer of resources to the Development Fund for Iraq. The guidelines have been published as SC/7791 IK/356 (12 June 2003) and SC/7831 IK/372 (29 July 2003).
1546	8 June 2004	Endorses free elections in Iraq and democracy for Iraq. The UN and its representatives are mandated to assist in these free elections. Supports Iraq to set up its own security forces. The resolution seeks to support Iraq as it moves towards democracy.

Table IX. Current List of Iraqi Entities Subject to Asset Freezes in the EU(list of individual persons affected by the asset freeze not included)²²³

All assets of the listed persons and entities should be frozen. It is also prohibited to make any funds or assets directly or indirectly available to them. These so-called targeted sanctions pursuant to Art 215 TFEU are still in place to this date.

E	No		Date
E	233	Rasheed Bank; Al-Rashid Bank; Al Rashid Bank; Al-Rasheed Bank	03.12.2003
E	234	Rafidain Bank; Al-Rafidain Bank	
E	1981	Al-Arabi Trading Company	25.05.2006
E	1983	Al-Bashair Trading Company, Ltd; Al-Bashaer Trading Company, Ltd; Al-Bashir Trading Company, Ltd; Al-Basha'ir Trading Company, Ltd; Al-Bashaair Trading Company, Ltd; Al-Bushair Trading Company, Ltd	25.05.2006
E	1987	Al Wasel and Babel General Trading LLC	25.05.2006
E	1991	Arab Wood Manufacturing Company	15.05.2004
E	1992	Ath Thawra House For Press And Publishing	15.05.2004
E	1994	Aviatrans Anstalt; Aviatrans Establishment	25.05.2006
E	1995	Babylon Project	15.05.2004
E	1996	Baghdad Municipality; Baghdad Municipality; Baghdad Municipality	15.05.2004
E	1997	Baghdad Stock Exchange; Baghdad Stock Exchange; Baghdad Stock Exchange	15.05.2004
E	1998	Central Petroleum Enterprise	15.05.2004
E	1999	Chemical, Petrochemical, Mechanical And Metalurgical Training Centre; Chemical, Petrochemical, Mechanical And Metalurgical Training Centre	15.05.2004
E	2001	Directorate General Of Contracts And Purchasing	15.05.2004
E	2007	Directorate General Of Minor Projects And Rural Electrification	15.05.2004
E	2008	Directorate Of Training Centre For Iron And Steel	15.05.2004
E	2012	Factory Of Manufacturing Spare Parts For Agricultural Machinery	15.05.2004
E	2017	General Establishment For Bakeries And Ovens; General Establishment Of Bakeries And Ovens	15.05.2004
E	2019	General Establishment For Flour Mills; State Enterprise Of Flour Mills	15.05.2004
E	2028	General Organization For Agricultural Produce Trading; General Organisation For Agricultural Produce Trading	15.05.2004
E	2029	Idleb Company For Spinning	15.05.2004
E	2044	Iraqi State Enterprise For Foodstuffs Trading; Iraquiano State Enterprise For Foodstuffs Trading; Iraki State Enterprise For Foodstuffs Trading	15.05.2004
E	2045	Iraqi State Export Organization; Iraki State Export Organization;	15.05.2004

²²³ [https://www.sanctionsmap.eu/api/v1/pdf/regime?id\[\]=19&include\[\]=lists&lang=en](https://www.sanctionsmap.eu/api/v1/pdf/regime?id[]=19&include[]=lists&lang=en)

		Iraqiano State Export Organization; Iraqi State Export Organisation	
E	2046	Iraqi State Import Organization; Iraqi State Organization Of Imports; Iraqi State Import Organisation; Iraki State Import Organization; Iraqiano State Import Organization; Iraqi State Organisation Of Imports; Iraki State Organization Of Imports; Iraqiano State Organization Of Imports	15.05.2004
E	2049	Iraqi Trading State Company; Iraqi Trading State Establishment; Iraki Trading State Company; Iraqiano Trading State Company; Iraki Trading State Establishment; Iraqiano Trading State Establishment	15.05.2004
E	2052	Logarcheo S.A.; Logarcheo Ag	25.05.2006
E	2054	Mechanical Training Centre/Nassiriya	15.05.2004
E	2056	Midco Financial, S.A.; Midco Finance, S.A.	25.05.2006
E	2061	Montana Management, Inc	25.05.2006
E	2062	Mosul Building Materials State Company	15.05.2004
E	2069	National Company For Food Industries	15.05.2004
E	2071	National Enterprise For Equipment Marketing And Maintenance	15.05.2004
E	2072	National House For Publishing, Distributing And Advertising	15.05.2004
E	2076	Nenawa General State Enterprise	15.05.2004
E	2084	State Establishment Of Housing Implementation	15.05.2004
E	2085	Rafidain State Organization For Irrigation Projects; Rafidain State Organisation For Irrigation Projects	15.05.2004
E	2086	State Establishment Of Housing Implementation In Rural Areas	15.05.2004
E	2089	State Establishment Of Housing Implementation Of Northern Area	15.05.2004
E	2092	Sarchinar State Cement Enterprise	15.05.2004
E	2104	State Organization For Agricultural Marketing; State Organisation For Agricultural Marketing	15.05.2004
E	2106	State Organization For Agricultural Mechanization And Agricultural Supplies; State Organization For Agricultural Mechanization; State Establishment For Agricultural Mechanization; Centre For Agricultural Mechanization; State Establishment For Agricultural Supplies; State Organisation For Agricultural Mechanisation And Agricultural Supplies; State Organisation For Agricultural Mechanisation; State Establishment For Agricultural Mechanisation; Centre For Agricultural Mechanisation	15.05.2004
E	2108	State Company For Fairs And Commercial Services	15.05.2004
E	2109	State Company For Machinery; General Establishment For Machinery And Implement Repair	15.05.2004
E	2114	State Contracting Industrial Projects Company	15.05.2004
E	2115	State Contracting Piling And Foundations Company; State Contracting Company For Piling And Foundations	15.05.2004
E	2116	State Contracting Water And Sewage Projects Company; State Organization For Water And Sewage; General Establishment For Water And Sewage Projects; General Establishment For Implementing Water	15.05.2004

		And Sewerage Projects; General Establishment For Operation Water And Sewerage Projects; State Organisation For Water And Sewage	
E	2123	State Organization For Chemical Industries; State Organisation For Chemical Industries	15.05.2004
E	2125	State Organization For Electricity; State Organization Of Electricity, Southern Electrical Region; State Organization Of Electricity / Department Of Computing And Statistics; State Organisation For Electricity; State Organisation Of Electricity, Southern Electrical Region; State Organisation Of Electricity / Department Of Computing And Statistics	15.05.2004
E	1981	Al-Arabi Trading Company	25.05.2006
E	1983	Al-Bashair Trading Company, Ltd; Al-Bashaer Trading Company, Ltd; Al-Bashir Trading Company, Ltd; Al-Basha'ir Trading Company, Ltd; Al-Bashaair Trading Company, Ltd; Al-Bushair Trading Company, Ltd	25.05.2006
E	1987	Al Wasel And Babel General Trading LLC	25.05.2006
E	1991	Arab Wood Manufacturing Company	15.05.2004
E	1992	Ath Thawra House For Press And Publishing	15.05.2004
E	1994	Aviatrans Anstalt; Aviatrans Establishment	25.05.2006
E	1995	Babylon Project	15.05.2004
E	1996	Baghdad Municipality; Baghdad Municipality; Baghdad Municipality	15.05.2004
E	1997	Baghdad Stock Exchange; Baghdad Stock Exchange; Baghdad Stock Exchange	15.05.2004
E	1998	Central Petroleum Enterprise	15.05.2004
E	1999	Chemical, Petrochemical, Mechanical And Metalurgical Training Centre; Chemical, Petrochemical, Mechanical And Metalurgical Training Centre	15.05.2004

C. Text of UNSC Resolutions

UNSC Resolution 660 (1990)

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

Adopted unanimously at the 2929th meeting.

THE SITUATION BETWEEN IRAQ AND KUWAIT

Decision

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

"The situation between Iraq and Kuwait:

"Letter dated 2 August 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council (S/21423);²²⁰⁻²²⁴

"Letter dated 2 August 1990 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/21424)".²²⁰

RESOLUTION 660 (1990) of 2 August 1990

The Security Council,

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

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

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

1. *Condemns* the Iraqi invasion of Kuwait;

²²⁰ See Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990.

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

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

Decision

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

RESOLUTION 661 (1990) of 6 August 1990

The Security Council,

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

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

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

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

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

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

Acting under Chapter VII of the Charter,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;
2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;
3. *Decides* that all States shall prevent:

- (a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported there- from after the date of the present resolution;
- (b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;
- (c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their

UNSC Resolution 661 (1990)

S/RES/661 (1990)

6 August 1990

RESOLUTION 661 (1990)

Adopted by the Security Council at its 2933rd meeting on

6 August 1990

The Security Council,

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

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

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

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

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

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

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

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

originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. Decides that all States shall not make available to the Government of Iraq or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;
5. Calls upon all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution;
6. Decides to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:
 - (a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;
 - (b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;
7. Calls upon all States to co-operate fully with the Committee in the fulfilment of its task, including supplying such information as may be sought by the Committee in pursuance of the present resolution;
8. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for the purpose;
9. Decides that, notwithstanding paragraphs 4 through 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:
 - (a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;
 - (b) Not to recognize any regime set up by the occupying Power;
10. Requests the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted within thirty days;
11. Decides to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

UNSC Resolution 662 (1990)

RESOLUTION 662 (1990)
of 9 August 1990

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

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

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

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

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

1. *Decides* that annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;
2. *Calls upon* all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation;
3. *Demands* that Iraq rescind its actions purporting to annex Kuwait;
4. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the occupation.

Adopted unanimously at the 2934th meeting.

Decision

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

"The situation between Iraq and Kuwait:

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

UNSC Resolution 664 (1990)

RESOLUTION 664 (1990)
of 18 August 1990

The Security Council,

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

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

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

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

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

1. *Demands* that Iraq permit and facilitate the immediate departure from **Kuwait** and Iraq of third-State nationals and grant immediate and continuing access of consular officials to such nationals;
2. *Also demands* that Iraq take no action to jeopardize the safety, security or health of such nationals;
3. *Reaffirms* its decision in resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore demands that the Government of Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel, and refrain from any such actions in the future;
4. *Requests* the Secretary-General to report to the Security Council on compliance with the present resolution at the earliest possible time.

Adopted unanimously at the 2937th meeting.

Decision

At its 2938th meeting, on 25 August 1990, the Council discussed the item entitled:
"The situation between Iraq and Kuwait:

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

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

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

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

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

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

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

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

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

"Letter dated 24 August 1990 from the Permanent Representatives of Bahrain, **Kuwait**, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/21639)".^{10 4}

UNSC Resolution 665 (1990)

Resolution 665 (1990)
of 25 August 1990

The Security Council,

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

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

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

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

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

1. *Calls upon* those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990);
2. *Invites* Member States accordingly to co-operate as may be necessary to ensure compliance with the provisions of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;
3. *Requests* all States to provide, in accordance with the Charter of the United Nations, such assistance as may be required by the States referred to in paragraph 1 above;
4. *Also requests* the States concerned to co-ordinate their actions in pursuit of the above paragraphs of the present resolution using, as appropriate, mechanisms of the Military Staff Committee and, after consultation with the Secretary-General, to submit reports to the Security Council and the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in order to facilitate the monitoring of the implementation of the present resolution;
5. *Decides* to remain actively seized of the matter.

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

Decision

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

UNSC Resolution 666 (1990)

RESOLUTION 666 (1990)
of 13 September 1990

The Security Council,

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

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

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

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

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) of 18 August 1990 in respect of the safety and well-being of third-State nationals, and reaffirming that Iraq retains Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰⁵

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

1. *Decides* that in order to make the necessary determination whether or not, for the purposes of paragraphs 3 (c) and 4 of resolution 661 (1990), humanitarian circumstances have arisen, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;
2. *Expects* Iraq to comply with its obligations under resolution 664 (1990) in respect of third-State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including, where applicable, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;¹⁰⁵
3. *Requests*, for the purposes of paragraphs 1 and 2 above, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;
4. *Also requests* that in seeking and supplying such information particular attention be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;

5. *Decides* that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;
6. *Directs* the Committee that in formulating its decisions it should bear in mind that foodstuffs should be provided through the United Nations in co-operation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision, in order to ensure that they reach the intended beneficiaries;
7. *Requests* the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuffs to Kuwait and Iraq in accordance with the provisions of the present resolution and other relevant resolutions;
8. *Recalls* that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes, but in this connection recommends that medical supplies should be exported under the strict supervision of the Government of the exporting State or by appropriate humanitarian agencies.

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

Decision

At its 2940th meeting, on 16 September 1990, the Council decided to invite the representatives of Iraq, Italy and full responsibility in this regard under international humanitarian law including, where applicable, the Geneva 105 United Nations, Treaty Series, vol. 75, No. 973.

...

Kuwait to participate, without vote, in the discussion of the item entitled:

"The situation between Iraq and Kuwait:

"Letter dated 15 September 1990 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/21755);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/21756);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council (S/21757);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Denmark to the United Nations addressed to the President of the Security Council (S/21758);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of the Federal Republic of Germany to the United Nations addressed to the President of the Security Council (S/21759);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/21760);¹⁰⁴

"Letter dated 15 September 1990 from the Charge d'affaires a.i. of the Permanent Mission of Finland to the United Nations addressed to the President of the Security Council (S/21761);¹⁰⁴

"Letter dated 15 September 1990 from the Charge d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the President of the Security Council (S/21762);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council (S/21763);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council (S/21764);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council (S/21765);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/21766);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council (S/21767);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Sweden to the United Nations addressed to the President of the Security Council (S/21768);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Norway to the United Nations addressed to the President of the Security Council (S/21769);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council (S/21770);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/21771);¹⁰⁴

"Letter dated 15 September 1990 from the Permanent Representative of Luxembourg to the United Nations addressed to the President of the Security Council (S/21773)".¹⁰⁴

UNSC Resolution 667 (1990)

RESOLUTION 667 (1990)
or 16 September 1990

The Security Council,

Reaffirming its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990 and 666 (1990) of 13 September 1990, Recalling the Vienna Convention on Diplomatic Relations of 18 April 1961¹⁰⁶ and the Vienna Convention on Consular Relations of 24 April 1963,¹⁰⁷ to both of which Iraq is a party,

Considering that the decision of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the privileges and immunities of these missions and their personnel is contrary to the decisions of the Security Council, the international conventions mentioned above and international law,

Deeply concerned that Iraq, notwithstanding the decisions of the Council and the provisions of the conventions mentioned above, has committed acts of violence against diplomatic missions and their personnel in Kuwait,

Outraged at recent violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who were present in these premises,

Considering also that these actions by Iraq constitute aggressive acts and a flagrant violation of its international obligations which strike at the root of the conduct of international relations in accordance with the Charter of the United Nations,

Recalling that Iraq is fully responsible for any use of violence against foreign nationals or against any diplomatic or consular mission in Kuwait or its personnel,

Determined to ensure respect for its decisions and for Article 25 of the Charter,

Considering further that the grave nature of Iraq's actions, which constitute a new escalation of its violations of international law, obliges the Council not only to express its immediate reaction but also to consult urgently in order to take further concrete measures to ensure Iraq's compliance with the Council's resolutions,

Acting under Chapter VII of the Charter,

1. *Strongly condemns* aggressive acts perpetrated by Iraq against diplomatic premises and personnel in Kuwait, including the abduction of foreign nationals who were present in those premises;
2. *Demands* the immediate release of those foreign nationals as well as all nationals mentioned in resolution 664 (1990);

3. *Also demands* that Iraq immediately and fully comply with its international obligations under resolutions 660 (1990), 662 (1990) and 664 (1990), the Vienna Convention on Diplomatic Relations of 18 April 1961,¹⁰⁶ the Vienna Convention on Consular Relations of 24 April 1963¹⁰⁷ and international law;
4. *Further demands* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests;
5. *Reminds* all States that they are obliged to observe strictly resolutions 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990);
6. *Decides* to consult urgently to take further concrete measures as soon as possible, under Chapter VII of the Charter, in response to Iraq's continued violation of the Charter of the United Nations, of resolutions of the Security Council and of international law.

Adopted unanimously at the 2940th meeting.

Decision

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

UNSC Resolution 669 (1990)

Resolution 669 (1990)
of 24 September 1990

The Security Council,
Recalling its resolution 661 (1990) of 6 August 1990,

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

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

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

Adopted unanimously at the 2942nd meeting.

Decisions

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

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

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

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

UNSC Resolution 670 (1990)

S/RES/670 (1990)
25 September 1990

RESOLUTION 670 (1990)

Adopted by the Security Council at its 2943rd meeting on
25 September 1990

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990) and 667 (1990),

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

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

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

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

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

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

Affirming that any acts of the Government of Iraq which are contrary to the above-mentioned resolutions or to Articles 25 or 48 of the Charter of the United Nations, such as Decree No. 377 of the Revolution Command Council of Iraq of 16 September 1990, are null and void;

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

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

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

Recalling the provisions of Article 103 of the Charter of the United Nations,

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

7. Calls upon all States to carry out their obligations to ensure strict and complete compliance with resolution 661 (1990) and, in particular, paragraphs 3, 4 and 5 thereof;
8. Confirms that resolution 661 (1990) applies to all means of transport, including aircraft; Decides that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Council or the Committee established by resolution 661 (1990) and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for UNIIMOG;
9. Decides further that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly its territory unless:
 - (a) The aircraft lands at an airfield designated by that State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary; or
 - (b) The particular flight has been approved by the Committee established by resolution 661 (1990); or
 - (c) The flight is certified by the United Nations as solely for the purposes of UNIIMOG;
10. Decides that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;
11. Decides further that all States shall notify in a timely fashion the Committee established by resolution 661 (1990) of any flight between its territory and Iraq or Kuwait to which the requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;
12. Calls upon all States to co-operate in taking such measures as may be necessary, consistent with international law, including the Chicago Convention, to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;
13. Calls upon all States to detain any ships of Iraqi registry which enter their ports and which are being or have been used in violation of resolution 661 (1990), or to deny such ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life;

14. Reminds all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets, and the protection of the assets of the legitimate Government of Kuwait and its agencies, located within their territory and to report to the Committee established under resolution 661 (1990) regarding those assets;
15. Calls upon all States to provide to the Committee established by resolution 661 (1990) information regarding the action taken by them to implement the provisions laid down in the present resolution;
16. Affirms that the United Nations Organization, the specialized agencies and other international organizations in the United Nations system are required to take such measures as may be necessary to give effect to the terms of resolution 661 (1990) and this resolution;
17. Decides to consider, in the event of evasion of the provisions of resolution 661 (1990) or of the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;
18. Reaffirms that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and, in particular, is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

UNSC Resolution 674 (1990)

RESOLUTION 674 (1990)
or 29 October 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 111 United Nations, Treaty Series, vol. 15, No. 102, 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990 and 670 (1990) of 25 September 1990,

Stressing the urgent need for the immediate and unconditional withdrawal of all Iraqi forces from Kuwait and for the restoration of Kuwait's sovereignty, independence and territorial integrity and of the authority of its legitimate Government,

Condemning the actions by the Iraqi authorities and occupying forces to take third-State nationals hostage and to mistreat and oppress Kuwaiti and third-State nationals, and the other actions reported to the Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment, in violation of the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰⁵ the Vienna Convention on Diplomatic Relations of 18 April 1961, ¹⁰⁶ the Vienna Convention on Consular Relations of 24 April 1963¹⁰⁷ and international law,

Expressing grave alarm over the situation of third-State nationals in Kuwait and Iraq, including the personnel of the diplomatic and consular missions of such States,

Reaffirming that the above-mentioned Geneva Convention applies to Kuwait and that, as a High Contracting Party to the Convention, Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches,

Recalling the efforts of the Secretary-General concerning the safety and well-being of third-State nationals in Iraq and Kuwait,

Deeply concerned at the economic cost and at the loss and suffering caused to individuals in Kuwait and Iraq as a result of the invasion and occupation of Kuwait by Iraq,

Acting under Chapter VII of the Charter,

Reaffirming the goal of the international community of maintaining international peace and security by seeking to resolve international disputes and conflicts through peaceful means,

Recalling the important role that the United Nations and the Secretary-General have played in the peaceful solution of disputes and conflicts in conformity with the provisions of the Charter,

Alarmed by the dangers of the present crisis caused by the Iraqi invasion and occupation of Kuwait, which directly threaten international peace and security, and seeking to avoid any further worsening of the situation,

Calling upon Iraq to comply with its relevant resolutions, in particular resolutions 660 (1990), 662 (1990) and 664 (1990),

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

A

1. *Demands* that the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage, mistreating and oppressing Kuwaiti and third-State nationals and any other actions, such as those reported to the Council and described above, that violate the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰⁵ the Vienna Convention on Diplomatic Relations of 18 April 1961,¹⁰⁶ the Vienna Convention on Consular Relations of 24 April 1963¹⁰⁷ and international law;
2. *Invites* States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq as per paragraph 1 above and to make this information available to the Council;
3. *Reaffirms its demand* that Iraq immediately fulfil its obligations to third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions, under the Charter, the above-mentioned Geneva Convention, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, general principles of international law and the relevant resolutions of the Council;
4. *Also reaffirms its demand* that Iraq permit and facilitate the immediate departure from **Kuwait** and Iraq of those third-State nationals, including diplomatic and consular personnel, who wish to leave;
5. *Demands* that Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of Kuwaiti nationals and of third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions in Kuwait;
6. *Reaffirms its demand* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq, take no action to hinder these diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests, and rescind its orders for the closure of diplomatic and

consular missions in Kuwait and the withdrawal of the immunity of their personnel;

7. *Requests* the Secretary-General, in the context of the continued exercise of his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait, to seek to achieve the objectives of paragraphs 4, 5 and 6 above, in particular the provision of food, water and basic services to Kuwaiti nationals and to the diplomatic and consular missions in Kuwait and the evacuation of third-State nationals;
8. *Reminds* Iraq that under international law it is liable 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;
9. *Invites* States to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq, with a view to such arrangements as may be established in accordance with international law;
10. *Requires* that Iraq comply with the provisions of the present resolution and its previous resolutions, failing which the Council will need to take further measures under the Charter;
11. *Decides* to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council.

B

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

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

Decisions

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

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

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

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

UNSC Resolution 677 (1990)

RESOLUTION 677 (1990)
of 28 November 1990

The Security Council,

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

Reiterating its concern for the suffering caused to individuals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

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

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

1. *Condemns* the attempts by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;
2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;
3. *Requests* the Secretary-General to establish, in cooperation with the legitimate Government of Kuwait, an order of rules and regulations governing access to and use of the said copy of the population register.

Adopted unanimously at the 2962nd meeting.

Decision

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

UNSC Resolution 686 (1991)

RESOLUTION 686 (1991)
of 2 March 1991

The Security Council,

Recalling and reaffirming its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990 and 678 (1990) of 29 November 1990,
Recalling the obligations of Member States under Article 25 of the Charter of the United Nations,

Recalling also 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, food- stuffs,

Taking note of the letters dated 27 February 1991 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the President of the Security Council and to the Secretary-General, confirming Iraq's agreement to comply fully with all of the resolutions noted above 40 and of his letter of the same date addressed to the President of the Security Council stating Iraq's intention to release prisoners of war immediately

Noting 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 expressed 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,

Reaffirming 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 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 achieving the objectives of that 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-State nationals detained by Iraq and return the remains of any deceased Kuwaiti and third-State nationals so detained;
 - (d) Immediately begin to return all Kuwaiti property seized by Iraq, the return to be completed in the shortest possible period;
3. Also 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);
 - (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 to and commence immediately the release of Iraqi prisoners of war under the auspices of the International Committee of the Red Cross, as required by the terms of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;⁴²
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. *Also decides*, in order to secure the rapid establishment of a definitive end to the hostilities, to remain actively seized of the matter.

Adopted at the 2978th meeting by 11 votes to 1 (Cuba), with 3 abstentions (China, India, Yemen).

Decisions

At its 2979 meeting, on 3 March 1991, the Council continued its consideration of the item.

At the same meeting, following consultations among the members of the Security Council, the President made the following statement on behalf of the members of the Council 43

"The Security Council welcomes the decisions taken to date relating to food and medical needs by the Security Council Committee established under resolution 661 (1990) concerning the situation between Iraq and Kuwait, including those just taken to facilitate the provision of humanitarian assistance including infant formula and water purification material.

"It calls upon the Committee to continue to act promptly on requests submitted to it for humanitarian assistance.

"It urges the Committee to pay particular attention to the findings and recommendations on critical medical/public health and nutritional conditions in Iraq which have been and will continue to be submitted to it by the World Health Organization, the United Nations Children's Fund, the International Committee of the Red Cross and other relevant organizations, consistent with the relevant resolutions, and urges these humanitarian agencies to play an active role in this process and co-operate closely with the Committee in its work.

"The Council welcomes the Secretary-General's announcement that he plans to send urgently a mission led by Under-Secretary-General Martti Ahtisaari comprising representatives of the appropriate United Nations agencies to Iraq and Kuwait to assess the humanitarian needs arising in the immediate post-crisis environment. The Council invites the Secretary-General to keep it informed in the shortest possible time on the progress of his mission, on which it pledges to take immediate action."

In a letter dated 1 March 1991,⁴⁴ the Secretary-General informed the President of the Security Council that the Permanent Representative of Kuwait to the United Nations had addressed a letter to the Secretary-General on 27 February 1991,⁴⁵ in which, on behalf of his Government, he had requested the Secretary-General to authorize the immediate dispatch of a mission to Kuwait. In that letter, a copy of which was annexed to the Secretary-General's letter, it was requested that the mission include representatives from the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the World Health Organization and assess the loss of life incurred during the Iraqi occupation of **Kuwait**,

examine the practices by the Iraqi occupation forces against the civilian population of Kuwait and the damages inflicted on the general infrastructures in Kuwait and guide Kuwait in drawing

UNSC Resolution 700 (1991)

RESOLUTION 700 (1991)
of 17 June 1991

The Security Council,

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

Taking note of the report submitted by the Secretary-General on 2 June 1991 pursuant to paragraph 26 of resolution 687 (1991),⁸⁵

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;⁸⁵
2. *Approves* the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991);⁸⁶
3. *Reiterates* its call upon all States and international organizations to act in a manner consistent with the guidelines;
4. *Requests* all States, in accordance with paragraph 8 of the guidelines, to report to the Secretary-General within forty- five days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991);
5. *Entrusts* the Security Council Committee established under resolution 661 (1990) concerning the situation between Iraq and Kuwait with the responsibility, under the guidelines, for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991);
6. *Decides* to remain seized of the matter and to review the guidelines at the same time as it reviews paragraphs 22 to 25 of resolution 687 (1991) as set out in paragraph 28 thereof.

Adopted unanimously at the 2994th meeting.

Decisions

At its 2995th meeting, on 26 June 1991, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: letter dated 26 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22739)".⁷

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

"The situation between Iraq and Kuwait:

"Letter dated 26 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22739)";⁷

"Letter dated 28 June 1991 from the Secretary-General addressed to the President of the Security Council (S/22743)".⁷

At the same meeting, following consultations with the members of the Security Council, the President made the following statement on behalf of the Council. 87

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

UNSC Resolution 705 (1991)

RESOLUTION 705 (1991)
of 15 August 1991

The Security Council,

Having considered the note of 30 May 1991 which the Secretary-General submitted pursuant to paragraph 13 of his report of 2 May 1991⁸² and which was also annexed to his letter of 30 May 1991 addressed to the President of the Security Council ⁸⁹,

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

1. *Expresses its appreciation* to the Secretary-General for his note of 30 May 1991;
2. *Decides* that, in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note, compensation to be paid by Iraq, as arising from section E of resolution 687 (1991) of 3 April 1991, shall not exceed 30 per cent of the annual value of its exports of petroleum and petroleum products;
3. *Decides also*, in accordance with paragraph 8 of the Secretary-General's note, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the Secretary-General's letter of 30 May 1991⁸⁹ and other relevant developments.

Adopted unanimously at the 3004th meeting

UNSC Resolution 706 (1991)

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.

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 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 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), (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,
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.

UNSC Resolution 778 (1992)

S/RES/778 (1992)

2 October 1992

RESOLUTION 778 (1992)

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

The Security Council,

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

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

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

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

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

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

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

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

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

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

1. Decides that all States in which there are funds of the Government of Iraq, or its State bodies, corporations, or agencies, that represent the proceeds of sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6 August 1990, shall cause the transfer of those funds (or equivalent amounts) as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991); provided that this paragraph shall not require any State to cause the transfer of such funds in excess of 200 million dollars or to cause the transfer of more than fifty per cent of the total funds transferred or contributed pursuant to paragraphs 1, 2 and 3 of this resolution; and further provided that States may exclude from the operation of this paragraph any funds which have already been released to a claimant or supplier prior to the adoption of this resolution, or any other funds subject to or required to satisfy the rights of third parties, at the time of the adoption of this resolution;
2. Decides that all States in which there are petroleum or petroleum products owned by the Government of Iraq, or its State bodies, corporations, or agencies, shall take all feasible steps to purchase or arrange for the sale of such petroleum or petroleum products at fair market value, and thereupon to transfer the proceeds as soon as possible to the escrow account provided for in resolution 706 (1991) and 712 (1991);
3. Urges all States to contribute funds from other sources to the escrow account as soon as possible;
4. Decides that all States shall provide the Secretary-General with any information needed for the effective implementation of this resolution and that they shall take the necessary measures to ensure that banks and other bodies and persons provide all relevant information necessary to identify the funds referred to in paragraphs 1 and 2 above and details of any transactions relating thereto, or the said petroleum or petroleum products, with a view to such information being utilized by all States and by the Secretary-General in the effective implementation of this resolution;
5. Requests the Secretary-General:
 - (a) To ascertain the whereabouts and amounts of the said petroleum products and the proceeds of sale referred to in paragraphs 1 and 2 of this resolution, drawing on the work already done under the auspices of the Compensation Commission, and report the results of the Security Council as soon as possible;
 - (b) To ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991); and
 - (c) to take the following actions:
 - (i) transfer to the Compensation Fund, from the funds referred to in paragraphs 1 and 2 of this resolution, the percentage referred to in paragraph 10 of this resolution; and
 - (ii) use of the remainder of funds referred to in paragraphs 1, 2 and 3 of this resolution for the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United

Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991), taking into account any preference expressed by States transferring or contributing funds as to the allocation of such funds among these purposes;

6. Decides that for so long as oil exports take place pursuant to the system provided in resolutions 706 (1991) and 712 (1991) or to the eventual lifting of sanctions pursuant to paragraph 22 of resolution 687 (1991), implementation of paragraphs 1 to 5 of this resolution shall be suspended and all proceeds of those oil exports shall immediately be transferred by the Secretary-General in the currency in which the transfer to the escrow account had been made, to the accounts or States from which funds had been provided under paragraphs 1, 2 and 3 of this resolution, to the extent required to replace in full the amounts so provided (together with applicable interest); and that, if necessary for this purpose, any other funds remaining in the escrow account shall similarly be transferred to those accounts or States; provided, however, that the Secretary-General may retain and use any funds urgently needed for the purposes specified in paragraph 5 (c) (ii) of this resolution;
7. Decides that the operation of this resolution shall have no effect on rights, debts and claims existing with respect to funds prior to their transfer to the escrow account; and the accounts from which such funds were transferred shall be kept open for retransfer of the funds in question;
8. Reaffirms that the escrow account referred to in this resolution, like the Compensation Fund, enjoys the privileges and immunities of the United Nations, including immunity from legal proceedings, or any forms of attachment, garnishment or execution; and that no claim shall lie at the instance of any person or body in connection with any action taken in compliance with or implementation of this resolution;
9. Requests the Secretary-General to repay, from any available funds in the escrow account, any sum transferred under this resolution to the account or State from which it was transferred, if the transfer is found at any time by him not to have been of funds subject to this resolution; a request for such a finding could be made by the State from which the funds were transferred;
10. Confirms that the percentage of the value of exports of petroleum and petroleum products from Iraq for payment to the Compensation Fund shall, for the purpose of this resolution and exports of petroleum or petroleum products subject to paragraph 6 of resolution 692 (1991), be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991) until such time as the Governing Council of the Compensation Fund may decide otherwise;
11. Decides that no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the sub-account of the escrow account, established pursuant to paragraph 3 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq;
12. Decides that, for the purposes of this resolution and other relevant resolutions, the term "petroleum products" does not include petrochemical derivatives;
13. Calls upon all States to cooperate fully in the implementation of this resolution;

14. Decides to remain seized of this matter.

UNSC Resolution 806 (1993)

S/RES/806 (1993)

5 February 1993

RESOLUTION 806 (1993)

Adopted by the Security Council at its 3171st meeting,
on 5 February 1993

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3, 4 and 5 thereof, and its resolutions 689 (1991) of 9 April 1991 and 773 (1992) of 26 August 1992, and its other resolutions on this matter,

Having considered the report of the Secretary-General of 18 January 1993 (S/25123),

Noting with approval that work is being completed on the realignment of the demilitarized zone referred to in paragraph 5 of resolution 687 (1991) to correspond to the international boundary demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission,

Deeply concerned at recent actions by Iraq in violation of relevant Security Council resolutions, including the series of border incidents involving the United Nations Iraq-Kuwait Observation Mission (UNIKOM),

Recalling the statements made by the President on behalf of the Council on 8 January 1993 (S/25081) and on 11 January 1993 (S/25091),

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

1. Underlines once again its guarantee of the inviolability of the international boundary between the State of Kuwait and the Republic of Iraq and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991);
2. Approves the report, and decides to extend the terms of reference of UNIKOM to include the functions contained in paragraph 5 of the report;
3. Requests the Secretary-General to plan and execute a phased deployment of the strengthening of UNIKOM taking into account the need for economy and other relevant factors and to report to the Council on any step he intends to take following an initial deployment;
4. Reaffirms that the question of termination or continuation of UNIKOM and the modalities of UNIKOM will continue to be reviewed every six months pursuant to paragraphs 2 and 3 of resolution 689 (1991), the next review to take place in April 1993;
5. Decides to remain seized of the matter.

UNSC Resolution 986 (1995)

S/RES/986 (1995)

14 April 1995

RESOLUTION 986 (1995)

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

The Security Council,

Recalling its previous relevant resolutions,

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

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

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

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

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

1. *Authorizes* States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in **Iraq**, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:
 - (a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the State concerned, endorsed by the Government of **Iraq**, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;
 - (b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum

products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

2. *Authorizes* Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in **Iraq** sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk- Yumurtalik pipeline in Turkey authorized by paragraph 1 above;
3. *Decides* that paragraphs 1 and 2 of this resolution shall come into force at 00.01 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);
4. *Further decides* to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and *expresses its intention*, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;
5. *Further decides* that the remaining paragraphs of this resolution shall come into force forthwith;
6. *Directs* the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by **Iraq** via the Kirkuk-Yumurtalik pipeline from **Iraq** to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from **Iraq** after the date of entry into force of paragraph 1 of this resolution, and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;
7. *Requests* the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of **Iraq** fully informed;
8. *Decides* that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and *requests* the Secretary-General to use the funds deposited in the escrow account:

- (a) To finance the export to **Iraq**, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:
 - (i) Each export of goods is at the request of the Government of **Iraq**;
 - (ii) **Iraq** effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;
 - (iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;
 - (b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of **Iraq** of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of **Iraq** in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;
 - (c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;
 - (d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;
 - (e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);
 - (f) To meet any reasonable expenses, other than expenses payable in **Iraq**, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by **Iraq** of petroleum and petroleum products permitted under paragraph 1 above or to the export to **Iraq**, and activities directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;
 - (g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;
9. *Authorizes* States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

- (a) The export to **Iraq** of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in **Iraq**, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;
 - (b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;
10. *Decides* that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1991) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution 661 (1990), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;
 11. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial 180 day period, on the basis of observation by United Nations personnel in **Iraq**, and on the basis of consultations with the Government of **Iraq**, on whether **Iraq** has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet **Iraq's** humanitarian needs, and on **Iraq's** capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;
 12. *Requests* the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of this resolution and to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the initial 180 day period on the implementation of those arrangements;
 13. *Requests* the Secretary General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and *requests* him to report to the Council when he has done so;
 14. *Decides* that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;
 15. *Affirms* that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;
 16. *Affirms* that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the

United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and *requires* the Government of **Iraq** to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

17. *Affirms* that nothing in this resolution affects **Iraq's** duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;
18. *Also affirms* that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;
19. *Decides* to remain seized of the matter.

UNSC Resolution 1051 (1996)

S/RES/1051 (1996)
27 March 1996

RESOLUTION 1051 (1996)

Adopted by the Security Council at its 3644th meeting, on
27 March 1996

The Security Council,

Reaffirming its resolution 687 (1991) of 8 April 1991, and in particular section C thereof, its resolution 707 (1991) of 15 August 1991 and its resolution 715 (1991) of 11 October 1991 and the plans for ongoing monitoring and verification approved thereunder,

Recalling the request in paragraph 7 of its resolution 715 (1991) to the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) 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 resolution 715 (1991) and the plans approved thereunder,

Having considered the letter of 7 December 1995 (S/1995/1017) to the President of the Council from the Chairman of the Committee established under resolution 661 (1990), annex I of which contains the provisions for the mechanism for export/import monitoring called for in paragraph 7 of resolution 715 (1991),

Recognizing that the export/import monitoring mechanism is an integral part of ongoing monitoring and verification by the Special Commission and the IAEA,

Recognizing that the export/import mechanism is not a regime for international licensing, but rather for the timely provision of information by States in which companies are located which are contemplating sales or supplies to **Iraq** of items covered by the plans for ongoing monitoring and verification and will not impede **Iraq's** legitimate right to import or export for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development,

Acting under Chapter VII of the Charter of the United Nations, 1. *Approves*, pursuant to the relevant provisions of its resolutions 687 (1991) and 715 (1991), the provisions for the monitoring mechanism contained in annex I of the aforementioned letter of 7 December 1995 (S/1995/1017), subject to the terms of this resolution;

1. *Approves also* the general principles to be followed in implementing the monitoring mechanism contained in the letter of 17 July 1995 from the Chairman of the Special Commission to the Chairman of the Committee established under resolution 661 (1990) which is contained in annex II of the aforementioned letter of 7 December 1995 (S/1995/1017);

2. *Affirms* that the mechanism approved by this resolution is without prejudice to and shall not impair the operation of existing or future non-proliferation agreements or regimes on the international or regional level including arrangements referred to in resolution 687 (1991), nor shall such agreements or regimes impair the operation of the mechanism;
3. *Confirms*, until the Council decides otherwise under its relevant resolutions, that requests by other States for sales to **Iraq** or requests by **Iraq** for import of any item or technology to which the mechanism applies shall continue to be addressed to the Committee established under resolution 661 (1990) for decision by that Committee in accordance with paragraph 4 of the mechanism;
4. *Decides*, subject to paragraphs 4 and 7 of this resolution, that all States shall:
 - (a) Transmit to the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the mechanism the notifications, with the data from potential exporters, and all other relevant information when available to the States, as requested in the mechanism on the intended sale or supply from their territories of any items or technologies which are subject to such notification in accordance with paragraphs 9, 11, 13, 24, 25, 27 and 28 of the mechanism;
 - (b) Report to the joint unit, in accordance with paragraphs 13, 24, 25, 27 and 28 of the mechanism, any information they may have at their disposal or may receive from suppliers in their territories of attempts to circumvent the mechanism or to supply **Iraq** with items prohibited to **Iraq** under the plans for ongoing monitoring and verification approved by resolution 715 (1991), or where the procedures for special exceptions laid down in paragraphs 24 and 25 of the mechanism have not been followed by **Iraq**;
5. *Decides* that the notifications required under paragraph 5 above shall be provided to the joint unit by **Iraq**, in respect of all items and technologies referred to in paragraph 12 of the mechanism, as from the date agreed upon between the Special Commission and the Director General of the IAEA and **Iraq**, and in any event not later than sixty days after the adoption of this resolution;
6. *Decides* that the notifications required under paragraph 5 above shall be provided to the joint unit by all other States as from the date the Secretary-General and the Director General of the IAEA, after their consultations with the members of the Council and other interested States, report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism;
7. *Decides* that the information provided through the mechanism shall be treated as confidential and restricted to the Special Commission and the IAEA, to the extent that this is consistent with their respective responsibilities under resolution 715 (1991), other relevant resolutions and the plans for ongoing monitoring and verification approved under resolution 715 (1991);
8. *Affirms*, if experience over time demonstrates the need or new technologies so require, that the Council would be prepared to review the mechanism in order to determine whether any changes are required and that the annexes to the plans for ongoing monitoring and verification approved under resolution 715 (1991), which identify the

items and technologies to be notified under the mechanism, may be amended in accordance with the plans, after appropriate consultations with interested States and, as laid down in the plans, after notification to the Council;

9. *Decides* also that the Committee established under resolution 661 (1990) and the Special Commission shall carry out the functions assigned to them under the mechanism, until the Council decides otherwise;
10. *Requests* the Director General of the IAEA to carry out, with the assistance and cooperation of the Special Commission, the functions assigned to him under the mechanism;
11. *Calls upon* all States and international organizations to cooperate fully with the Committee established under resolution 661 (1990), the Special Commission and the Director General of the IAEA in the fulfilment of their tasks in connection with the mechanism, including supplying such information as may be sought by them in implementation of the mechanism;
12. *Calls upon* all States to adopt as soon as possible such measures as may be necessary under their national procedures to implement the mechanism;
13. *Decides* that all States shall, not later than 45 days after the adoption of this resolution, be provided by the Special Commission and the Director General of the IAEA with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism;
14. *Demands* that **Iraq** meet unconditionally all its obligations under the mechanism approved by this resolution and cooperate fully with the Special Commission and the Director General of the IAEA in the carrying out of their tasks under this resolution and the mechanism by such means as they may determine in accordance with their mandates from the Council;
15. *Decides* to consolidate the periodic requirements for progress reports under its resolutions 699 (1991), 715 (1991) and this resolution and to request the Secretary-General and the Director General of the IAEA to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996;
16. *Decides* to remain seized of the matter.

UNSC Resolution 1111 (1997)

S/RES/1111 (1997)

4 June 1997

RESOLUTION 1111 (1997)

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

The Security Council,

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

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

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

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

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

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

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

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 00.01 hours, Eastern Daylight Time, on 8 June 1997; Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180 day period, on receipt of the reports referred to in paragraphs 3 and 4 below, and expresses its intention, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 3 and 4 below indicate that those provisions are being satisfactorily implemented;
2. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180 day period, on the basis of observation by United Nations personnel in **Iraq**, and on the basis of

consultations with the Government of **Iraq**, on whether **Iraq** has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet **Iraq's** humanitarian needs, and on **Iraq's** capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);

3. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180 day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);
4. Directs the Committee established by resolution 661 (1990) of 6 August 1990 to process expeditiously contract applications submitted under the present resolution as soon as the Secretary-General has approved the new Plan submitted by the Government of **Iraq**, guaranteeing equitable distribution and including a description of the goods to be purchased with the revenues of the sale of petroleum and petroleum products authorized by the present resolution;
5. Decides to remain seized of the matter.

UNSC Resolution 1129 (1997)

S/RES/1129 (1997)

12 September 1997

RESOLUTION 1129 (1997)

Adopted by the Security Council at its 3817th meeting,
on 12 September 1997

The Security Council,

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

Reaffirming that the implementation period of resolution 1111 (1997) began at 00.01, Eastern Daylight Time, on 8 June 1997, and that the export of petroleum and petroleum products by **Iraq** pursuant to resolution 1111 (1997) did not require the approval by the Secretary-General of the distribution plan mentioned in paragraph 8 (a) (ii) of resolution 986 (1995),

Taking note of the decision by the Government of **Iraq** not to export petroleum and petroleum products permitted pursuant to resolution 1111 (1997) during the period 8 June to 13 August 1997,

Deeply concerned about the resulting humanitarian consequences for the Iraqi people, since the shortfall in the revenue from the sale of petroleum and petroleum products will delay the provision of humanitarian relief and create hardship for the Iraqi people,

Noting that, as set out in the report of the Committee established by resolution 661 (1990) (S/1997/692), **Iraq** will not be able to export petroleum and petroleum products worth two billion United States dollars by the end of the period set by resolution 1111 (1997) while complying with the requirement not to produce a sum exceeding one billion United States dollars every 90 days set out in paragraph 1 of resolution 986 (1995) and renewed in resolution 1111 (1997),

Acknowledging the situation with regard to the delivery of humanitarian goods to **Iraq** as described in the report of the Secretary-General (S/1997/685) and encouraging the continuing efforts to improve this situation,

Stressing the importance of an equitable distribution of humanitarian goods as called for by paragraph 8 (a) (ii) of resolution 986 (1995),

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

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

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

1. Decides that the provisions of resolution 1111 (1997) shall remain in force, except that States are authorized to permit the import of petroleum and petroleum products originating in **Iraq**, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars within a period of 120 days from 00.01, Eastern Daylight Time, on 8 June 1997 and, thereafter, a sum not exceeding a total of one billion United States dollars within a period of 60 days from 00.01, Eastern Daylight Time, on 4 October 1997;
2. Decides further that the provisions of paragraph 1 above shall apply only to the period of implementation of resolution 1111 (1997), and expresses its firm intention that under any future resolutions authorizing States to permit the import of petroleum and petroleum products originating in **Iraq**, the time limits within which imports may be permitted established in such resolutions shall be strictly enforced;
3. Expresses its full support for the intention of the Secretary-General, stated in his report to the Security Council (S/1997/685), to follow up his observations concerning the needs of vulnerable groups in **Iraq** by monitoring the actions of the Government of **Iraq** in respect of these groups;
4. Stresses that contracts for the purchase of humanitarian supplies submitted in accordance with resolution 1111 (1997) must be limited to items which appear on the list of supplies annexed to the second distribution plan prepared by the Government of **Iraq** and approved by the Secretary-General pursuant to paragraph 8 (a) (ii) of resolution 986 (1995), or appropriate amendments to the plan must be requested prior to purchasing items not on the annexed list;
5. Decides to remain seized of the matter.

UNSC Resolution 1143 (1997)

S/RES/1143 (1997)

4 December 1997

RESOLUTION 1143 (1997)

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

The Security Council,

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

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

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

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

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

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

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

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

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

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

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

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 00.01 hours, Eastern Standard Time, on 5 December 1997;
2. Further decides that the provisions of the distribution plan in respect of goods purchased in accordance with resolution 1111 (1997) shall continue to apply to foodstuffs, medicine and health supplies purchased in accordance with this resolution pending the Secretary-General's approval of a new distribution plan, to be submitted by the Government of **Iraq** before 5 January 1998;
3. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 4 and 5 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 4 and 5 below indicate that those provisions are being satisfactorily implemented;
4. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in **Iraq**, and on the basis of consultations with the Government of **Iraq**, on whether **Iraq** has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet **Iraq's** humanitarian needs, and on **Iraq's** capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);
5. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);
6. Welcomes the intention of the Secretary-General to submit a supplementary report, and expresses its willingness, in the light of his recommendations, to find ways of improving the implementation of the humanitarian programme and to take such action over additional resources as needed to meet priority humanitarian requirements of the Iraqi people, as well as to consider an extension of the time-frame for the implementation of this resolution;
7. Requests the Secretary-General to submit his supplementary report to the Council no later than 30 January 1998;
8. Stresses the need to ensure respect for the security and safety of all persons appointed by the Secretary-General for the implementation of this resolution in **Iraq**;

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

UNSC Resolution 1153 (1998)

S/RES/1153 (1998)
20 February 1998

RESOLUTION 1153 (1998)

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

The Security Council,

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

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

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

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

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

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

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

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

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

1. Decides that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 00.01 hours, Eastern Standard Time, on the day after the President of the Council has

informed the members of the Council that he has received the report of the Secretary-General requested in paragraph 5 below, on which date the provisions of resolution 1143 (1997), if still in force, shall terminate, except as regards sums already produced pursuant to that resolution prior to that date;

2. Decides further that the authorization given to States by paragraph 1 of resolution 986 (1995) shall permit the import of petroleum and petroleum products originating in **Iraq**, including financial and other essential transactions directly relating thereto, sufficient to produce a sum, in the 180-day period referred to in paragraph 1 above, not exceeding a total of 5.256 billion United States dollars, of which the amounts recommended by the Secretary-General for the food/nutrition and health sectors should be allocated on a priority basis, and of which between 682 million United States dollars and 788 million United States dollars shall be used for the purpose referred to in paragraph 8 (b) of resolution 986 (1995), except that if less than 5.256 billion United States dollars worth of petroleum or petroleum products is sold during the 180-day period, particular attention will be paid to meeting the urgent humanitarian needs in the food/nutrition and health sectors and the Secretary-General may provide a proportionately smaller amount for the purpose referred to in paragraph 8 (b) of resolution 986 (1995);
3. Directs the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj pilgrimage, to be met by funds in the escrow account;
4. Requests the Secretary-General to take the actions necessary to ensure the effective and efficient implementation of this resolution, and in particular to enhance the United Nations observation process in **Iraq** in such a way as to provide the required assurance to the Council of the equitable distribution of the goods produced in accordance with this resolution and that all supplies authorized for procurement, including dual-usage items and spare parts, are utilized for the purpose for which they have been authorized;
5. Requests the Secretary-General to report to the Council when he has entered into any necessary arrangements or agreements, and approved a distribution plan, submitted by the Government of **Iraq**, which includes a description of the goods to be purchased and effectively guarantees their equitable distribution, in accordance with his recommendations that the plan should be ongoing and should reflect the relative priorities of humanitarian supplies as well as their interrelationships within the context of projects or activities, required delivery dates, preferred points of entry, and targeted objectives to be achieved;
6. Urges all States, and in particular the Government of **Iraq**, to provide their full cooperation in the effective implementation of this resolution;
7. Appeals to all States to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and taking all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;
8. Stresses the need to ensure respect for the security and safety of all persons directly involved in the implementation of this resolution in **Iraq**;

9. Decides to conduct an interim review of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and a thorough review of all aspects of its implementation prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 10 and 14 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably the renewal of the provisions of this resolution as appropriate, provided that the reports referred to in paragraphs 10 and 14 below indicate that those provisions are being satisfactorily implemented;
10. Requests the Secretary-General to make an interim report to the Council 90 days after the entry into force of paragraph 1 above, and to make a full report prior to the end of the 180-day period, on the basis of observation by United Nations personnel in **Iraq**, and on the basis of consultations with the Government of **Iraq**, on whether **Iraq** has ensured the equitable distribution of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet **Iraq's** humanitarian needs, and on **Iraq's** capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 above;
11. Takes note of the Secretary-General's observation that the situation in the electricity sector is extremely grave, and of his intention to return to the Council with proposals for appropriate funding, requests him to submit urgently a report for this purpose prepared in consultation with the Government of **Iraq** to the Council, and further requests him to submit to the Council other studies, drawing upon United Nations agencies as appropriate and in consultation with the Government of **Iraq**, on essential humanitarian needs in **Iraq** including necessary improvements to infrastructure;
12. Requests the Secretary-General to establish a group of experts to determine in consultation with the Government of **Iraq** whether **Iraq** is able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above and to prepare an independent report on Iraqi production and transportation capacity and necessary monitoring, also requests him in the light of that report to make early and appropriate recommendations and expresses its readiness to take a decision, on the basis of these recommendations and the humanitarian objectives of this resolution, notwithstanding paragraph 3 of resolution 661 (1990), regarding authorization of the export of the necessary equipment to enable **Iraq** to increase the export of petroleum or petroleum products and to give the appropriate directions to the Committee established by resolution 661 (1990);
13. Requests the Secretary-General to report to the Council, if **Iraq** is unable to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above, and following consultations with relevant United Nations agencies and the Iraqi authorities, making recommendations for the expenditure of the sum expected to be available, consistent with the distribution plan referred to in paragraph 5 above;
14. Requests the Committee established by resolution 661 (1990), in coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period on the

implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

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

UNSC Resolution 1158 (1998)

S/RES/1158 (1998)
25 March 1998

RESOLUTION 1158 (1998)

Adopted by the Security Council at its 3865th meeting, on
25 March 1998

The Security Council,

Recalling its previous resolutions and, in particular, its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997 and 1153 (1998) of 20 February 1998,

Welcoming the report submitted on 4 March 1998 (S/1998/194 and Corr.1) by the Secretary-General in accordance with paragraph 4 of resolution 1143 (1997) and noting with appreciation, as mentioned in this report, the commitment expressed by the Iraqi Government to cooperate with the Secretary-General in the implementation of resolution 1153 (1998),

Concerned about the resulting humanitarian consequences for the Iraqi people of the shortfall in the revenue from the sale of petroleum and petroleum products during the first 90-day period of implementation of resolution 1143 (1997), due to the delayed resumption in the sale of petroleum by **Iraq** and a serious price drop since the adoption of resolution 1143 (1997),

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

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

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

1. Decides that the provisions of resolution 1143 (1997) shall remain in force, subject to the provisions of resolution 1153 (1998), except that States are authorized to permit the import of petroleum and petroleum products originating in **Iraq**, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of 1.4 billion United States dollars within the period of 90 days from 00.01, Eastern Standard Time, on 5 March 1998;
2. Decides to remain seized of the matter.

UNSC Resolution 1175 (1998)

S/RES/1175 (1998)

19 June 1998

RESOLUTION 1175 (1998)

Adopted by the Security Council at its 3893rd meeting, on
19 June 1998

The Security Council,

Recalling its previous relevant resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1158 (1998) of 25 March 1998,

Welcoming the letter of the Secretary-General of 15 April 1998 (S/1998/330) annexing the summary of the report of the group of experts established pursuant to paragraph 12 of resolution 1153 (1998) and noting the assessment that under existing circumstances **Iraq** is unable to export petroleum or petroleum products sufficient to produce the total sum of 5.256 billion United States dollars referred to in resolution 1153 (1998),

Welcoming the letter of the Secretary-General of 29 May 1998 (S/1998/446) expressing his approval of the distribution plan submitted by the Government of **Iraq**,

Convinced of the need to continue the programme authorized by resolution 1153 (1998) as a temporary measure to provide for the humanitarian needs of the Iraqi people until fulfilment by the Government of **Iraq** of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of those resolutions,

Reaffirming its endorsement, in paragraph 5 of resolution 1153 (1998), of the recommendations of the Secretary-General in his report of 1 February 1998 (S/1998/90) concerning an improved, ongoing and project-based distribution plan,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of **Iraq**, Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes States, subject to the provisions of paragraph 2 below, to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990), the export to **Iraq** of the necessary parts and equipment to enable **Iraq** to increase the export of petroleum and petroleum products, in quantities sufficient to produce the sum established in paragraph 2 of resolution 1153 (1998);
2. Requests the Committee established by resolution 661 (1990), or a panel of experts appointed by that Committee for this purpose, to approve contracts for the parts and equipment referred to in paragraph 1 above according to lists of parts and equipment approved by that Committee for each individual project;

3. Decides that the funds in the escrow account produced pursuant to resolution 1153 (1998) up to a total of 300 million United States dollars may be used to meet any reasonable expenses, other than expenses payable in **Iraq**, which follow directly from contracts approved in accordance with paragraph 2 above;
4. Decides also that the expenses directly related to such exports may, until the necessary funds are paid into the escrow account, and following approval of each contract, be financed by letters of credit drawn against future oil sales, the proceeds of which are to be deposited in the escrow account;
5. Notes that the distribution plan approved by the Secretary-General on 29 May 1998, or any new distribution plan agreed by the Government of **Iraq** and the Secretary-General, will remain in effect, as required, for each subsequent periodic renewal of the temporary humanitarian arrangements for **Iraq** and that, for this purpose, the plan will be kept under constant review and amended as necessary through the agreement of the Secretary-General and the Government of **Iraq** and in a manner consistent with resolution 1153 (1998);
6. Expresses its gratitude to the Secretary-General for making available to the Committee established by resolution 661 (1990) a comprehensive review, with comments by the group of experts established pursuant to paragraph 12 of resolution 1153 (1998), of the list of parts and equipment presented by the Government of **Iraq**, and requests the Secretary-General, in accordance with the intention expressed in his letter of 15 April 1998, to provide for the monitoring of the parts and equipment inside **Iraq**;
7. Decides to remain seized of the matter.

UNSC Resolution 1284 (1999)

S/RES/1284 (1999)

17 December 1999

RESOLUTION 1284 (1999)

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

The Security Council,

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

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

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

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

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

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

Recalling with concern that the repatriation and return of all Kuwaiti and third country nationals or their remains, present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991) of 2 March 1991 and paragraph 30 of resolution 687 (1991), have not yet been fully carried out by Iraq,

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

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

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

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

A.

1. Decides to establish, as a subsidiary body of the Council, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991);
2. Decides also that UNMOVIC will undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions, that UNMOVIC will establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues, and that UNMOVIC will identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification;
3. Reaffirms the provisions of the relevant resolutions with regard to the role of the IAEA in addressing compliance by Iraq with paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions, and requests the Director General of the IAEA to maintain this role with the assistance and cooperation of UNMOVIC;
4. 4. Reaffirms its resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1154 (1998) and all other relevant resolutions and statements of its President, which establish the criteria for Iraqi compliance, affirms that the obligations of Iraq referred to in those resolutions and statements with regard to cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of UNMOVIC, and decides in particular that Iraq shall allow UNMOVIC teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with the mandate of UNMOVIC, as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC wishes to interview so that UNMOVIC may fully discharge its mandate;
5. Requests the Secretary-General, within 30 days of the adoption of this resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of UNMOVIC who will take up his mandated tasks as soon as possible, and, in consultation with the Executive Chairman and the Council members, to appoint suitably qualified experts as a College of Commissioners for UNMOVIC which will meet regularly to review the implementation of this and other relevant resolutions and provide professional advice and guidance to the Executive Chairman, including on

significant policy decisions and on written reports to be submitted to the Council through the Secretary-General;

6. Requests the Executive Chairman of UNMOVIC, within 45 days of his appointment, to submit to the Council, in consultation with and through the Secretary-General, for its approval an organizational plan for UNMOVIC, including its structure, staffing requirements, management guidelines, recruitment and training procedures, incorporating as appropriate the recommendations of the panel on disarmament and current and future ongoing monitoring and verification issues, and recognizing in particular the need for an effective, cooperative management structure for the new organization, for staffing with suitably qualified and experienced personnel, who would be regarded as international civil servants subject to Article 100 of the Charter of the United Nations, drawn from the broadest possible geographical base, including as he deems necessary from international arms control organizations, and for the provision of high quality technical and cultural training;
7. Decides that UNMOVIC and the IAEA, not later than 60 days after they have both started work in Iraq, will each draw up, for approval by the Council, a work programme for the discharge of their mandates, which will include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance, and further decides that what is required of Iraq for the implementation of each task shall be clearly defined and precise;
8. Requests the Executive Chairman of UNMOVIC and the Director General of the IAEA, drawing on the expertise of other international organizations as appropriate, to establish a unit which will have the responsibilities of the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the export/import mechanism approved by resolution 1051 (1996), and also requests the Executive Chairman of UNMOVIC, in consultation with the Director General of the IAEA, to resume the revision and updating of the lists of items and technology to which the mechanism applies;
9. Decides that the Government of Iraq shall be liable for the full costs of UNMOVIC and the IAEA in relation to their work under this and other related resolutions on Iraq;
10. Requests Member States to give full cooperation to UNMOVIC and the IAEA in the discharge of their mandates;
11. Decides that UNMOVIC shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the Special Commission's part in agreements existing between the Special Commission and Iraq and between the United Nations and Iraq, and affirms that the Executive Chairman, the Commissioners and the personnel serving with UNMOVIC shall have the rights, privileges, facilities and immunities of the Special Commission;
12. Requests the Executive Chairman of UNMOVIC to report, through the Secretary-General, to the Council, following consultation with the Commissioners, every three months on the work of UNMOVIC, pending submission of the first reports referred to in

paragraph 33 below, and to report immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq;

B.

13. Reiterates the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of resolution 687 (1991), to extend all necessary cooperation to the International Committee of the Red Cross, and calls upon the Government of Iraq to resume cooperation with the Tripartite Commission and Technical Subcommittee established to facilitate work on this issue;
14. Requests the Secretary-General to report to the Council every four months on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third country nationals or their remains, to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq, and to appoint a high-level coordinator for these issues;

C.

15. Authorizes States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of any volume of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, as required for the purposes and on the conditions set out in paragraph 1 (a) and (b) and subsequent provisions of resolution 986 (1995) and related resolutions;
16. Underlines, in this context, its intention to take further action, including permitting the use of additional export routes for petroleum and petroleum products, under appropriate conditions otherwise consistent with the purpose and provisions of resolution 986 (1995) and related resolutions;
17. Directs the Committee established by resolution 661 (1990) to approve, on the basis of proposals from the Secretary-General, lists of humanitarian items, including foodstuffs, pharmaceutical and medical supplies, as well as basic or standard medical and agricultural equipment and basic or standard educational items, decides, notwithstanding paragraph 3 of resolution 661 (1990) and paragraph 20 of resolution 687 (1991), that supplies of these items will not be submitted for approval of that Committee, except for items subject to the provisions of resolution 1051 (1996), and will be notified to the Secretary-General and financed in accordance with the provisions of paragraph 8 (a) and 8 (b) of resolution 986 (1995), and requests the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken;
18. Requests the Committee established by resolution 661 (1990) to appoint, in accordance with resolutions 1175 (1998) and 1210 (1998), a group of experts, including independent inspection agents appointed by the Secretary-General in accordance with paragraph 6 of resolution 986 (1995), decides that this group will be mandated to approve speedily contracts for the parts and the equipments necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipments approved by that Committee for each individual project, and requests the Secretary-

General to continue to provide for the monitoring of these parts and equipments inside Iraq;

19. Encourages Member States and international organizations to provide supplementary humanitarian assistance to Iraq and published material of an educational character to Iraq;
20. Decides to suspend, for an initial period of six months from the date of the adoption of this resolution and subject to review, the implementation of paragraph 8 (g) of resolution 986 (1995);
21. Requests the Secretary-General to take steps to maximize, drawing as necessary on the advice of specialists, including representatives of international humanitarian organizations, the effectiveness of the arrangements set out in resolution 986 (1995) and related resolutions including the humanitarian benefit to the Iraqi population in all areas of the country, and further requests the Secretary-General to continue to enhance as necessary the United Nations observation process in Iraq, ensuring that all supplies under the humanitarian programme are utilized as authorized, to bring to the attention of the Council any circumstances preventing or impeding effective and equitable distribution and to keep the Council informed of the steps taken towards the implementation of this paragraph;
22. Requests also the Secretary-General to minimize the cost of the United Nations activities associated with the implementation of resolution 986 (1995) as well as the cost of the independent inspection agents and the certified public accountants appointed by him, in accordance with paragraphs 6 and 7 of resolution 986 (1995);
23. Requests further the Secretary-General to provide Iraq and the Committee established by resolution 661 (1990) with a daily statement of the status of the escrow account established by paragraph 7 of resolution 986 (1995);
24. Requests the Secretary-General to make the necessary arrangements, subject to Security Council approval, to allow funds deposited in the escrow account established by resolution 986 (1995) to be used for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the cost of installation and training services;
25. Directs the Committee established by resolution 661 (1990) to take a decision on all applications in respect of humanitarian and essential civilian needs within a target of two working days of receipt of these applications from the Secretary-General, and to ensure that all approval and notification letters issued by the Committee stipulate delivery within a specified time, according to the nature of the items to be supplied, and requests the Secretary-General to notify the Committee of all applications for humanitarian items which are included in the list to which the export/import mechanism approved by resolution 1051 (1996) applies;
26. Decides that Hajj pilgrimage flights which do not transport cargo into or out of Iraq are exempt from the provisions of paragraph 3 of resolution 661 (1990) and resolution 670 (1990), provided timely notification of each flight is made to the Committee established

by resolution 661 (1990), and requests the Secretary-General to make the necessary arrangements, for approval by the Security Council, to provide for reasonable expenses related to the Hajj pilgrimage to be met by funds in the escrow account established by resolution 986 (1995);

27. Calls upon the Government of Iraq:

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

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

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

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

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

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

D.

33. Expresses its intention, upon receipt of reports from the Executive Chairman of UNMOVIC and from the Director General of the IAEA that Iraq has cooperated in all respects with UNMOVIC and the IAEA in particular in fulfilling the work programmes in all the aspects referred to in paragraph 7 above, for a period of 120 days after the date on which the Council is in receipt of reports from both UNMOVIC and the IAEA that the reinforced system of ongoing monitoring and verification is fully operational, to suspend with the fundamental objective of improving the humanitarian situation in Iraq and securing the implementation of the Council's resolutions, for a period of 120 days renewable by the Council, and subject to the elaboration of effective financial and other operational measures to ensure that Iraq does not acquire prohibited items, prohibitions against the import of commodities and products originating in Iraq, and prohibitions against the sale, supply and delivery to Iraq of civilian commodities and products other than those referred to in paragraph 24 of resolution 687 (1991) or those to which the mechanism established by resolution 1051 (1996) applies;
34. Decides that in reporting to the Council for the purposes of paragraph 33 above, the Executive Chairman of UNMOVIC will include as a basis for his assessment the progress made in completing the tasks referred to in paragraph 7 above;
35. Decides that if at any time the Executive Chairman of UNMOVIC or the Director General of the IAEA reports that Iraq is not cooperating in all respects with UNMOVIC or the IAEA or if Iraq is in the process of acquiring any prohibited items, the suspension of the prohibitions referred to in paragraph 33 above shall terminate on the fifth working day following the report, unless the Council decides to the contrary;
36. Expresses its intention to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items in the event of suspension of the prohibitions referred to in paragraph 33 above, to begin the elaboration of such measures not later than the date of the receipt of the initial reports referred to in paragraph 33 above, and to approve such arrangements before the Council decision in accordance with that paragraph;
37. Further expresses its intention to take steps, based on the report and recommendations requested in paragraph 30 above, and consistent with the purpose of resolution 986 (1995) and related resolutions, to enable Iraq to increase its petroleum production and export capacity, upon receipt of the reports relating to the cooperation in all respects with UNMOVIC and the IAEA referred to in paragraph 33 above;
38. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the termination of prohibitions referred to in that resolution;
39. Decides to remain actively seized of the matter and expresses its intention to consider action in accordance with paragraph 33 above no later than 12 months from the date of the adoption of this resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

UNSC Resolution 1293 (2000)

S/RES/1293 (2000)
31 March 2000

RESOLUTION 1293 (2000)

Adopted by the Security Council at its 4123rd meeting, on
31 March 2000

The Security Council,

Recalling its previous relevant resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1275 (1999) of 19 November 1999, 1280 (1999) of 3 December 1999, 1281 (1999) of 10 December 1999, and 1284 (1999) of 17 December 1999,

Welcoming the report of the Secretary-General of 10 March 2000 (S/2000/208), in particular his recommendation on additions to the current allocation for oil spare parts and equipment pursuant to paragraph 28 of resolution 1284 (1999),

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

1. *Decides*, pursuant to paragraphs 28 and 29 of resolution 1284 (1999), that from the funds in the escrow account produced pursuant to resolutions 1242 (1999) and 1281 (1999) up to a total of \$600 million may be used to meet any reasonable expenses, other than expenses payable in Iraq, which follow directly from the contracts approved in accordance with paragraph 2 of resolution 1175 (1998), and *expresses* its intention to consider favourably the renewal of this provision;
2. *Expresses* its willingness to consider expeditiously other recommendations contained in the Secretary-General's report of 10 March 2000, and the provisions of section C of resolution 1284 (1999);
3. *Decides* to remain seized of the matter.

00-37227 (E)

UNSC Resolution 1483 (2003)

S/RES/1483 (2003)

22 May 2003

RESOLUTION 1483 (2003)

Adopted by the Security Council at its 4761st meeting,
on 22 May 2003

The Security Council,

Recalling all its previous relevant resolutions,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

Stressing the right of the Iraqi people freely to determine their own political future and control their own natural resources, *welcoming* the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and *expressing* resolve that the day when Iraqis govern themselves must come quickly,

Encouraging efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, *recalls* resolution 1325 (2000) of 31 October 2000,

Welcoming the first steps of the Iraqi people in this regard, and *noting* in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,

Resolved that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,

Noting the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,

Welcoming also the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

Welcoming the appointment by the Secretary-General of his Special Adviser on Iraq,

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

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

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

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

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

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

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

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

1. *Appeals* to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;
2. *Calls upon* all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq’s economic infrastructure;
3. *Appeals* to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;
4. *Calls upon* the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;
5. *Calls upon* all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;
6. *Calls upon* the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, *directs* the High-Level Coordinator, in consultation with the International Committee of the Red

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

7. *Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and *calls upon* the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;
8. *Requests* the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:
 - (a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;
 - (b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;
 - (c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;
 - (d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;
 - (e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;
 - (f) encouraging international efforts to contribute to basic civilian administration functions;

- (g) promoting the protection of human rights;
 - (h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and
 - (i) encouraging international efforts to promote legal and judicial reform;
9. *Supports* the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;
 10. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;
 11. *Reaffirms* that Iraq must meet its disarmament obligations, *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and *underlines* the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;
 12. *Notes* the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;
 13. *Notes further* that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;
 14. *Underlines* that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. *Calls upon* the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and *welcomes* the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;
16. *Requests* also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:
- (a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472 (2003);
 - (b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;
 - (c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986 (1995) of 14 April 1995, identifying:
 - (i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

- (ii) all known and projected costs associated with termination of the Programme;
 - (iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and
 - (iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;
- (d) to consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995);
 - (e) to fulfil all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);
 - (f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;
17. *Requests further* that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and *decides* that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;
 18. *Decides* to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under

the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. *Decides* to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and *further decides* that the Committee shall identify individuals and entities referred to in paragraph 23 below;
20. *Decides* that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and *decides further* that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;
21. *Decides further* that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;
22. *Noting* the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, further *decides* that, until December 31, 2007, unless the Council decides otherwise, petroleum, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;
23. *Decides* that all Member States in which there are:
 - (a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

- (b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and *decides further* that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;
24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;
25. *Decides* to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary;
26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of this resolution;
27. *Decides* to remain seized of this matter.

UNSC Resolution 1441 (2002)

S/RES/1441 (2002)

8 November 2002

Resolution 1441 (2002)

Adopted by the Security Council at its 4644th meeting,
on 8 November 2002

The Security Council,

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

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

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

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

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

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

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

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

organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

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

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

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

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

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

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

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

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

Determined to secure full compliance with its decisions,

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

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);
2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant

resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;

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

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

intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

12. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;
13. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;
14. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;
15. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;
16. *Decides* to remain seized of the matter.

Annex

Text of Blix/El-Baradei letter

United Nations Monitoring, Verification and Inspection Commission

The Executive Chairman
International Atomic Energy Agency

The Director General

8 October 2002

Dear General Al-Saadi,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights.

The relevant practical arrangements would be similar to those implemented in the past.

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

samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

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

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

Yours sincerely,

(Signed)(Signed)

Hans **Blix** Mohamed **ElBaradei**

Executive Chairman Director General

United Nations Monitoring, International Atomic Energy Agency Verification and
Inspection Commission

UNSC Resolution 1546 (2004)

S/RES/1546 (2004)

Distr.: General 8 June 2004

RESOLUTION 1546 (2004)

Adopted by the Security Council at its 4987th meeting, on
8 June 2004

The Security Council,

Welcoming the beginning of a new phase in Iraq's transition to a democratically elected government, and *looking forward* to the end of the occupation and the assumption of full responsibility and authority by a fully sovereign and independent Interim Government of Iraq by 30 June 2004,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq,

Reaffirming also the right of the Iraqi people freely to determine their own political future and control their own natural resources,

Recognizing the importance of international support, particularly that of countries in the region, Iraq's neighbours, and regional organizations, for the people of Iraq in their efforts to achieve security and prosperity, and *noting* that the successful implementation of this resolution will contribute to regional stability,

Welcoming the efforts of the Special Adviser to the Secretary-General to assist the people of Iraq in achieving the formation of the Interim Government of Iraq, as set out in the letter of the Secretary-General of 7 June 2004 (S/2004/461),

Taking note of the dissolution of the Governing Council of Iraq, and *welcoming* the progress made in implementing the arrangements for Iraq's political transition referred to in resolution 1511 (2003) of 16 October 2003,

Welcoming the commitment of the Interim Government of Iraq to work towards a federal, democratic, pluralist, and unified Iraq, in which there is full respect for political and human rights,

Stressing the need for all parties to respect and protect Iraq's archaeological, historical, cultural, and religious heritage,

Affirming the importance of the rule of law, national reconciliation, respect for human rights including the rights of women, fundamental freedoms, and democracy including free and fair elections,

04-38116 (E)

Recalling the establishment of the United Nations Assistance Mission for Iraq (UNAMI) on 14 August 2003, and *affirming* that the United Nations should play a leading role in assisting the Iraqi people and government in the formation of institutions for representative government,

Recognizing that international support for restoration of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and *welcoming* Member State contributions in this regard under resolution 1483 (2003) of 22 May 2003 and resolution 1511 (2003),

Recalling the report provided by the United States to the Security Council on 16 April 2004 on the efforts and progress made by the multinational force,

Recognizing the request conveyed in the letter of 5 June 2004 from the Prime Minister of the Interim Government of Iraq to the President of the Council, which is annexed to this resolution, to retain the presence of the multinational force,

Recognizing also the importance of the consent of the sovereign Government of Iraq for the presence of the multinational force and of close coordination between the multinational force and that government,

Welcoming the willingness of the multinational force to continue efforts to contribute to the maintenance of security and stability in Iraq in support of the political transition, especially for upcoming elections, and to provide security for the United Nations presence in Iraq, as described in the letter of 5 June 2004 from the United States Secretary of State to the President of the Council, which is annexed to this resolution,

Noting the commitment of all forces promoting the maintenance of security and stability in Iraq to act in accordance with international law, including obligations under international humanitarian law, and to cooperate with relevant international organizations,

Affirming the importance of international assistance in reconstruction and development of the Iraqi economy,

Recognizing the benefits to Iraq of the immunities and privileges enjoyed by Iraqi oil revenues and by the Development Fund for Iraq, and *noting* the importance of providing for continued disbursements of this fund by the Interim Government of Iraq and its successors upon dissolution of the Coalition Provisional Authority,

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

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

1. *Endorses* the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which will assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq assumes office as envisaged in paragraph four below;

2. *Welcomes* that, also by 30 June 2004, the occupation will end and the Coalition Provisional Authority will cease to exist, and that Iraq will reassert its full sovereignty;
3. *Reaffirms* the right of the Iraqi people freely to determine their own political future and to exercise full authority and control over their financial and natural resources;
4. *Endorses* the proposed timetable for Iraq's political transition to democratic government including:
 - (a) formation of the sovereign Interim Government of Iraq that will assume governing responsibility and authority by 30 June 2004;
 - (b) convening of a national conference reflecting the diversity of Iraqi society; and
 - (c) holding of direct democratic elections by 31 December 2004 if possible, and in no case later than 31 January 2005, to a Transitional National Assembly, which will, inter alia, have responsibility for forming a Transitional Government of Iraq and drafting a permanent constitution for Iraq leading to a constitutionally elected government by 31 December 2005;
5. *Invites* the Government of Iraq to consider how the convening of an international meeting could support the above process, and *notes* that it would welcome such a meeting to support the Iraqi political transition and Iraqi recovery, to the benefit of the Iraqi people and in the interest of stability in the region;
6. *Calls on* all Iraqis to implement these arrangements peaceably and in full, and on all States and relevant organizations to support such implementation;
7. *Decides* that in implementing, as circumstances permit, their mandate to assist the Iraqi people and government, the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq (UNAMI), as requested by the Government of Iraq, shall:
 - (a) play a leading role to:
 - (i) assist in the convening, during the month of July 2004, of a national conference to select a Consultative Council;
 - (ii) advise and support the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, on the process for holding elections;
 - (iii) promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq;
 - (b) and also:

- (i) advise the Government of Iraq in the development of effective civil and social services;
 - (ii) contribute to the coordination and delivery of reconstruction, development, and humanitarian assistance;
 - (iii) promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and
 - (iv) advise and assist the Government of Iraq on initial planning for the eventual conduct of a comprehensive census;
8. *Welcomes* ongoing efforts by the incoming Interim Government of Iraq to develop Iraqi security forces including the Iraqi armed forces (hereinafter referred to as “Iraqi security forces”), operating under the authority of the Interim Government of Iraq and its successors, which will progressively play a greater role and ultimately assume full responsibility for the maintenance of security and stability in Iraq;
 9. *Notes* that the presence of the multinational force in Iraq is at the request of the incoming Interim Government of Iraq and therefore *reaffirms* the authorization for the multinational force under unified command established under resolution 1511 (2003), having regard to the letters annexed to this resolution;
 10. *Decides* that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution expressing, inter alia, the Iraqi request for the continued presence of the multinational force and setting out its tasks, including by preventing and deterring terrorism, so that, inter alia, the United Nations can fulfil its role in assisting the Iraqi people as outlined in paragraph seven above and the Iraqi people can implement freely and without intimidation the timetable and programme for the political process and benefit from reconstruction and rehabilitation activities;
 11. *Welcomes*, in this regard, the letters annexed to this resolution stating, inter alia, that arrangements are being put in place to establish a security partnership between the sovereign Government of Iraq and the multinational force and to ensure coordination between the two, and *notes also* in this regard that Iraqi security forces are responsible to appropriate Iraqi ministers, that the Government of Iraq has authority to commit Iraqi security forces to the multinational force to engage in operations with it, and that the security structures described in the letters will serve as the fora for the Government of Iraq and the multinational force to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi security forces and the multinational force, through close coordination and consultation;
 12. *Decides further* that the mandate for the multinational force shall be reviewed at the request of the Government of Iraq or twelve months from the date of this resolution, and that this mandate shall expire upon the completion of the political process set out in paragraph four above, and *declares* that it will terminate this mandate earlier if requested by the Government of Iraq;

13. *Notes* the intention, set out in the annexed letter from the United States Secretary of State, to create a distinct entity under unified command of the multinational force with a dedicated mission to provide security for the United Nations presence in Iraq, *recognizes* that the implementation of measures to provide security for staff members of the United Nations system working in Iraq would require significant resources, and *calls upon* Member States and relevant organizations to provide such resources, including contributions to that entity;
14. *Recognizes* that the multinational force will also assist in building the capability of the Iraqi security forces and institutions, through a programme of recruitment, training, equipping, mentoring, and monitoring;
15. *Requests* Member States and international and regional organizations to contribute assistance to the multinational force, including military forces, as agreed with the Government of Iraq, to help meet the needs of the Iraqi people for security and stability, humanitarian and reconstruction assistance, and to support the efforts of UNAMI;
16. *Emphasizes* the importance of developing effective Iraqi police, border enforcement, and the Facilities Protection Service, under the control of the Interior Ministry of Iraq, and, in the case of the Facilities Protection Service, other Iraqi ministries, for the maintenance of law, order, and security, including combating terrorism, and *requests* Member States and international organizations to assist the Government of Iraq in building the capability of these Iraqi institutions;
17. *Condemns* all acts of terrorism in Iraq, *reaffirms* the obligations of Member States under resolutions 1373 (2001) of 28 September 2001, 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, and 1526 (2004) of 30 January 2004, and other relevant international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens, and specifically *reiterates* its call upon Member States to prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists, and *re-emphasizes* the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;
18. *Recognizes* that the Interim Government of Iraq will assume the primary role in coordinating international assistance to Iraq;
19. *Welcomes* efforts by Member States and international organizations to respond in support of requests by the Interim Government of Iraq to provide technical and expert assistance while Iraq is rebuilding administrative capacity;
20. *Reiterates* its request that Member States, international financial institutions and other organizations strengthen their efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by providing international experts and necessary resources through a coordinated programme of donor assistance;

21. *Decides* that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of this resolution, *stresses* the importance for all States to abide strictly by them, and *notes* the significance of Iraq's neighbours in this regard, and *calls upon* the Government of Iraq and the multinational force each to ensure that appropriate implementation procedures are in place;
22. *Notes* that nothing in the preceding paragraph affects the prohibitions on or obligations of States related to items specified in paragraphs 8 and 12 of resolution 687 (1991) of 3 April 1991 or activities described in paragraph 3 (f) of resolution 707 (1991) of 15 August 1991, and *reaffirms* its intention to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency;
23. *Calls on* Member States and international organizations to respond to Iraqi requests to assist Iraqi efforts to integrate Iraqi veterans and former militia members into Iraqi society;
24. *Notes* that, upon dissolution of the Coalition Provisional Authority, the funds in the Development Fund for Iraq shall be disbursed solely at the direction of the Government of Iraq, and *decides* that the Development Fund for Iraq shall be utilized in a transparent and equitable manner and through the Iraqi budget including to satisfy outstanding obligations against the Development Fund for Iraq, that the arrangements for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas established in paragraph 20 of resolution 1483 (2003) shall continue to apply, that the International Advisory and Monitoring Board shall continue its activities in monitoring the Development Fund for Iraq and shall include as an additional full voting member a duly qualified individual designated by the Government of Iraq and that appropriate arrangements shall be made for the continuation of deposits of the proceeds referred to in paragraph 21 of resolution 1483 (2003);
25. *Decides further* that the provisions in the above paragraph for the deposit of proceeds into the Development Fund for Iraq and for the role of the IAMB shall be reviewed at the request of the Transitional Government of Iraq or twelve months from the date of this resolution, and shall expire upon the completion of the political process set out in paragraph four above;
26. *Decides* that, in connection with the dissolution of the Coalition Provisional Authority, the Interim Government of Iraq and its successors shall assume the rights, responsibilities and obligations relating to the Oil-for-Food Programme that were transferred to the Authority, including all operational responsibility for the Programme and any obligations undertaken by the Authority in connection with such responsibility, and responsibility for ensuring independently authenticated confirmation that goods have been delivered, and *further decides* that, following a 120-day transition period from the date of adoption of this resolution, the Interim Government of Iraq and its successors shall assume responsibility for certifying delivery of goods under previously prioritized contracts, and that such certification

shall be deemed to constitute the independent authentication required for the release of funds associated with such contracts, consulting as appropriate to ensure the smooth implementation of these arrangements;

27. *Further decides* that the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply, except that the privileges and immunities provided in that paragraph shall not apply with respect to any final judgement arising out of a contractual obligation entered into by Iraq after 30 June 2004;
28. *Welcomes* the commitments of many creditors, including those of the Paris Club, to identify ways to reduce substantially Iraq's sovereign debt, *calls on* Member States, as well as international and regional organizations, to support the Iraq reconstruction effort, *urges* the international financial institutions and bilateral donors to take the immediate steps necessary to provide their full range of loans and other financial assistance and arrangements to Iraq, *recognizes* that the Interim Government of Iraq will have the authority to conclude and implement such agreements and other arrangements as may be necessary in this regard, and *requests* creditors, institutions and donors to work as a priority on these matters with the Interim Government of Iraq and its successors;
29. *Recalls* the continuing obligations of Member States to freeze and transfer certain funds, assets, and economic resources to the Development Fund for Iraq in accordance with paragraphs 19 and 23 of resolution 1483 (2003) and with resolution 1518 (2003) of 24 November 2003;
30. *Requests* the Secretary-General to report to the Council within three months from the date of this resolution on UNAMI operations in Iraq, and on a quarterly basis thereafter on the progress made towards national elections and fulfilment of all UNAMI's responsibilities;
31. *Requests* that the United States, on behalf of the multinational force, report to the Council within three months from the date of this resolution on the efforts and progress of this force, and on a quarterly basis thereafter;
32. *Decides* to remain actively seized of the matter.

UNSC Resolution 1293 (2000)

S/2003/215

7 March 2003

Spain, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999 and 1441 (2002) of 8 November 2002, and all the relevant statements of its President,

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

Recalling that its resolution 1441 (2002), while deciding that Iraq has been and remains in material breach of its obligations, afforded Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions,

Recalling that in its resolution 1441 (2002) the Council decided that false statements or omissions in the declaration submitted by Iraq pursuant to that resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, that resolution, would constitute a further material breach,

Noting, in that context, that in its resolution 1441 (2002), the Council recalled that it has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations,

Noting that Iraq has submitted a declaration pursuant to its resolution 1441 (2002) containing false statements and omissions and has failed to comply with, and cooperate fully in the implementation of, that resolution,

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

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

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

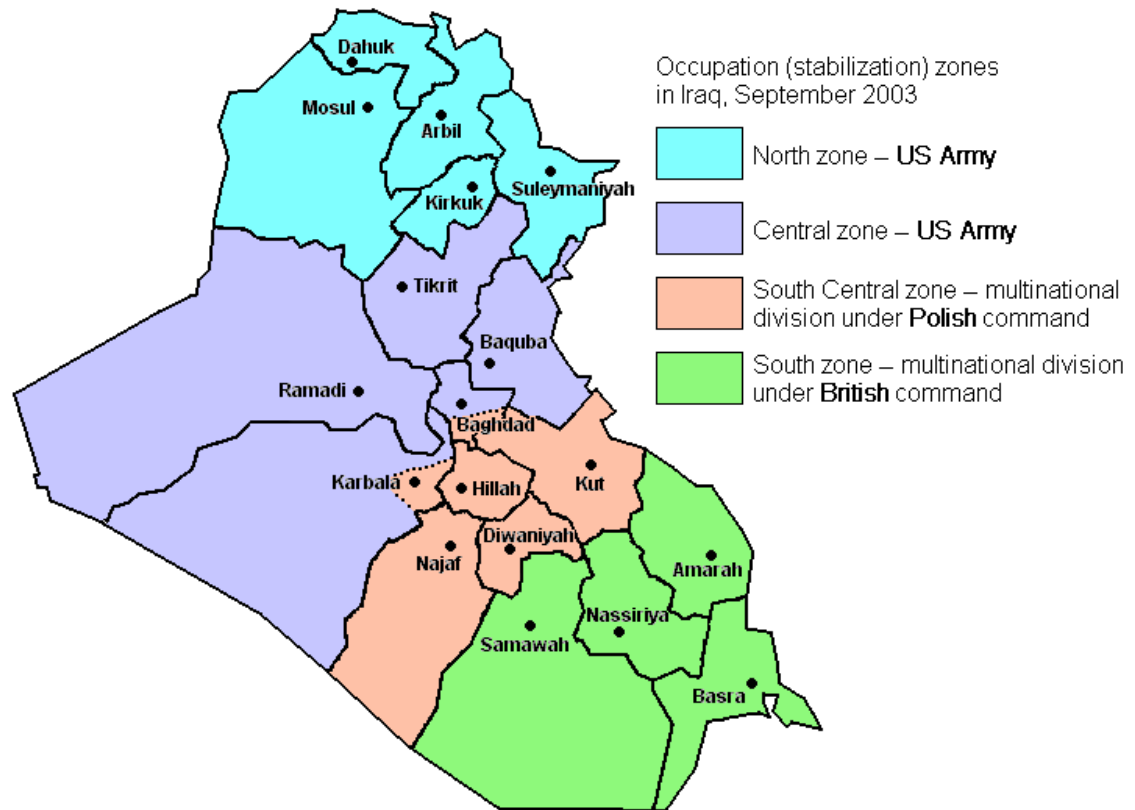
Determined to secure full compliance with its decisions and to restore international peace and security in the area,

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

1. *Reaffirms* the need for full implementation of resolution 1441 (2002);
2. *Calls* on Iraq immediately to take the decisions necessary in the interests of its people and the region;
3. *Decides* that Iraq will have failed to take the final opportunity afforded by resolution 1441 (2002) unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active cooperation in accordance with its disarmament obligations under resolution 1441 (2002) and previous relevant resolutions, and is yielding possession to UNMOVIC and the IAEA of all weapons, weapon delivery and support systems and structures, prohibited by resolution 687 (1991) and all subsequent relevant resolutions, and all information regarding prior destruction of such items;
4. *Decides* to remain seized of the matter.

D. Maps

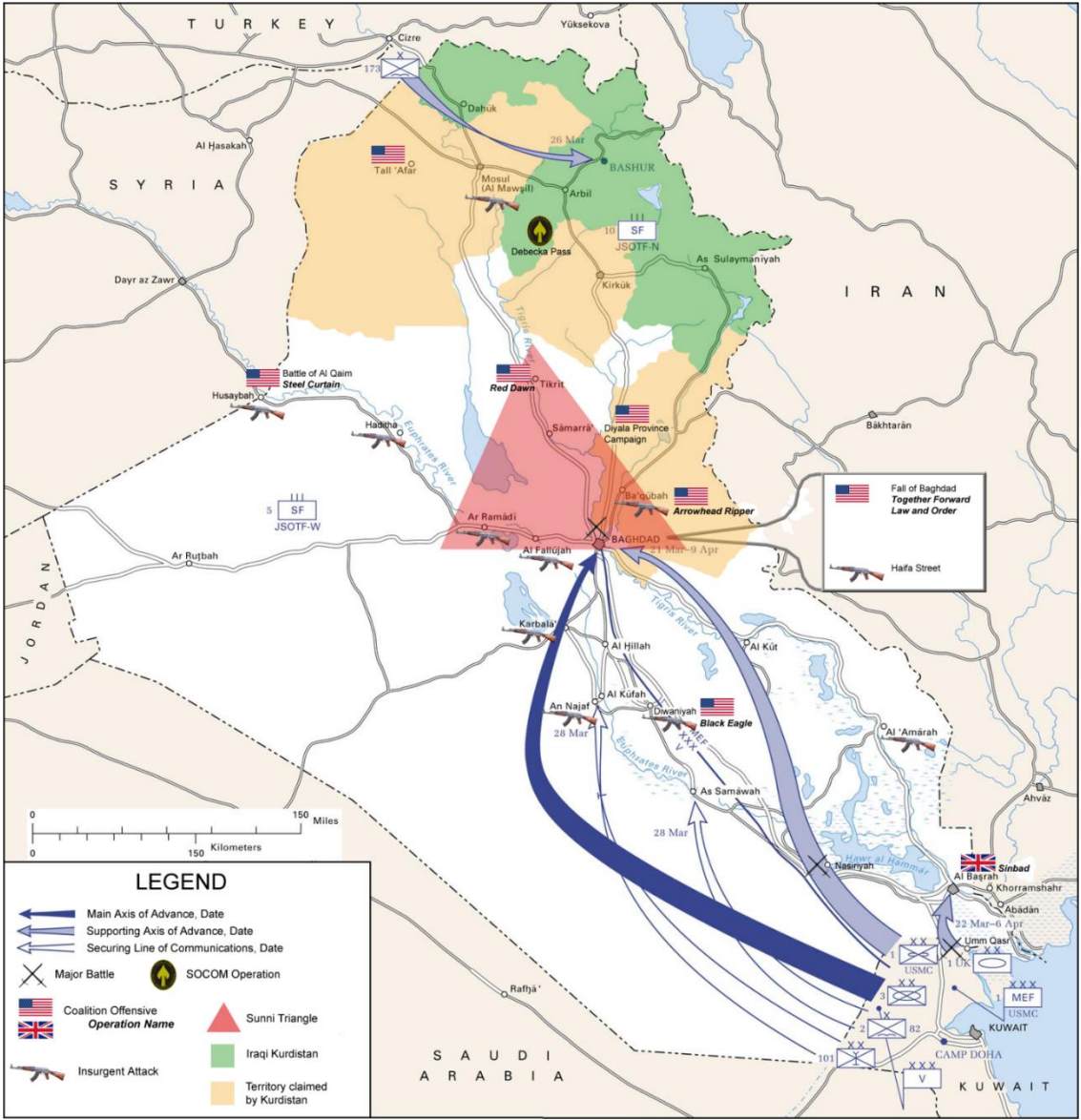
Occupation Zones



225

²²⁵ https://en.wikipedia.org/wiki/Iraq_War

Map of “Operation Iraqi Freedom” 2003



226

²²⁶ https://en.wikipedia.org/wiki/Iraq_War

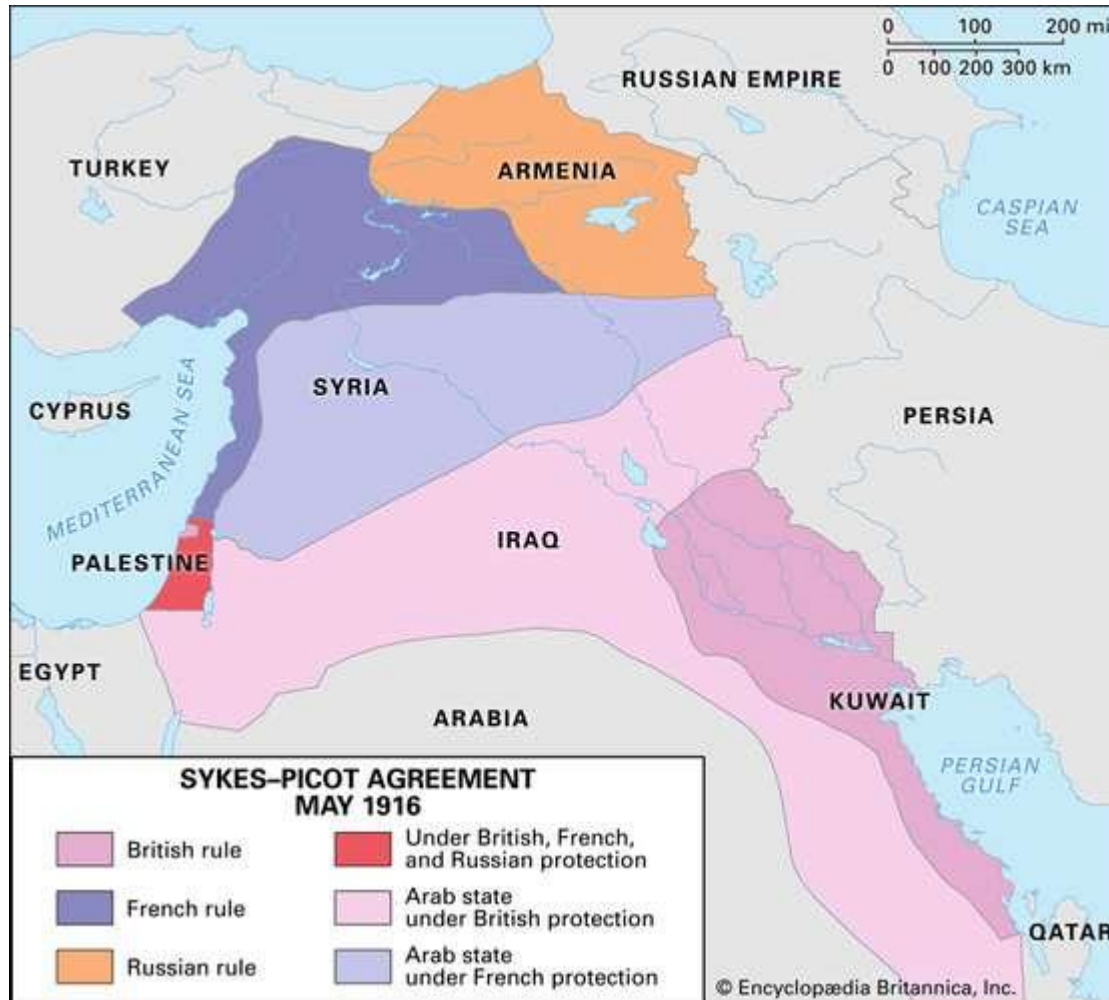
No fly zones over Iraq



The no-fly Zones in the North were to protect the Kurdish population and to enable the US and UK to control the skies over Iraq and Bagdad.

²²⁷ <http://isole.ecn.org/reds/guerra/iraq/iraqmappanoflyzone.html>

Sykes Picot Agreement 1916 dividing the Middle East



228

Historical Background of Iraq:

British legacy. Hashemite Kingdom of Iraq 1922 (Anglo-Iraqi treaty).

Independence from British Rule in 1932.

Ongoing border problems: (Iran, Kuwait)

Shia, Sunni and Ba'athist: 60% Shia Arab, 20% Sunni Arab, 17% Kurd, 3%

Other, Shia majority underrepresented until 2003

²²⁸ <https://www.britannica.com/event/Sykes-Picot-Agreement>

E. Background and provisions

Letters from the PM of the Interim Government of Iraq Dr. Ayad Allawi and US Secretary of State Colin L. Powell to the President of the Council

5 June 2004

Republic of Iraq Prime Minister Office
Excellency:

On my appointment as Prime Minister of the Interim Government of Iraq, I am writing to express the commitment of the people of Iraq to complete the political transition process to establish a free, and democratic Iraq and to be a partner in preventing and combating terrorism. As we enter a critical new stage, regain full sovereignty and move towards elections, we will need the assistance of the international community.

The Interim Government of Iraq will make every effort to ensure that these elections are fully democratic, free and fair. Security and stability continue to be essential to our political transition. There continue, however, to be forces in Iraq, including foreign elements, that are opposed to our transition to peace, democracy, and security. The Government is determined to overcome these forces, and to develop security forces capable of providing adequate security for the Iraqi people. Until we are able to provide security for ourselves, including the defence of Iraq's land, sea and air space, we ask for the support of the Security Council and the international community in this endeavour. We seek a new resolution on the Multinational Force (MNF) mandate to contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Colin Powell to the President of the United Nations Security Council. The Government requests that the Security Council review the mandate of the MNF at the request of the Transitional Government of Iraq, or twelve months from the date on which such a resolution is adopted.

In order to discharge the Iraqi Government's responsibility for security, I intend to establish appropriate security structures that will allow my Government and Iraqi security forces to progressively take on that responsibility. One such structure is the Ministerial Committee for National Security, consisting of myself as the Chair, the Deputy Prime Minister, and the Minister of Defense, Interior, Foreign Affairs, Justice, and Finance. The National Security Advisor, and Director of the Iraqi National Intelligence Service will serve as permanent advisory members of the committee. This forum will set the broad framework for Iraqi security policy. I intend to invite, as appropriate, the MNF commander, his Deputy, or the MNF Commander's designative representative, and other appropriate individuals, to attend and participate as well, and will stand ready to discuss mechanisms of coordination and cooperation with the MNF. Iraqi armed forces will be responsible to the Chief of Staff and Minister of Defense. Other security forces (the Iraqi police, border guards and Facilities Protection Service) will be responsible to the Minister of the Interior or other government ministers.

In addition, the relevant ministers and I will develop further mechanisms for coordination with the MNF. Intend to create with the MNF coordination bodies at national, regional, and local levels, that will include Iraqi security forces commanders and civilian leadership, to ensure that Iraqi security forces will coordinate with the MNF on all security policy and operations issues in order to achieve unity of command of military operations in which Iraqi

forces are engaged with MNF. In addition, the MNF and Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary, Iraqi security forces will take on progressively greater responsibility as Iraqi capabilities improve.

The structures I have described in this letter will serve as the fora for the MNF and the Iraqi government to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi forces and the MNF, through close coordination and consultation. Since these are sensitive issues for a number of sovereign governments, including Iraq and the United States, they need to be resolved in the framework of a mutual understanding on our strategic partnership. We will be working closely with the MNF leadership in the coming weeks to ensure that we have such an agreed strategic framework.

We are ready to take sovereign responsibility for governing Iraq by June 30. We are well aware of the difficulties facing us, and of our responsibilities to the Iraqi people. The stakes are great, and we need the support of the international community to succeed. We ask the Security Council to help us by acting now to adopt a Security Council resolution giving us necessary support.

I understand that the Co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

(Signed) Dr. Ayad **Allawi**

The Secretary of State Washington

5 June 2004

Excellency:

Recognizing the request of the government of Iraq for the continued presence of the Multi-National Force (MNF) in Iraq, and following consultations with Prime Minister Ayad Allawi of the Iraqi Interim Government, I am writing to confirm that the MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq. The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction.

The ability of the Iraqi people to achieve their goals will be heavily influenced by the security situation in Iraq. As recent events have demonstrated, continuing attacks by insurgents, including former regime elements, foreign fighters, and illegal militias challenge all those who are working for a better Iraq.

Development of an effective and cooperative security partnership between the MNF and the sovereign Government of Iraq is critical to the stability of Iraq. The commander of the MNF will work in partnership with the sovereign Government of Iraq in helping to provide security while recognizing and respecting its sovereignty. To that end, the MNF stands ready to participate in discussions of the Ministerial Committee for National Security on the broad framework of security policy, as referred to in the letter from Prime Minister of the Interim Government of Iraq Allawi dated June 5, 2004. On the

implementation of this policy, recognizing that Iraqi security forces are responsible to the appropriate Iraqi ministers, the MNF will coordinate with Iraqi security forces at all levels — national, regional, and local — in order to achieve unity of command of military operations in which Iraqi forces are engaged with the MNF. In addition, the MNF and the Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources, and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary. We will work in the fora described by Prime Minister Allawi in his June 5 letter to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between MNF and Iraqi forces, through close coordination and consultation.

Under the agreed arrangement, the MNF stands ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include activities necessary to counter ongoing security threats posed by forces seeking to influence Iraq's political future through violence. This will include combat operations against members of these groups, internment where this is necessary for imperative reasons of security, and the continued search for and securing of weapons that threaten Iraq's security. A further objective will be to train and equip Iraqi security forces that will increasingly take responsibility for maintaining Iraq's security. The MNF also stands ready as needed to participate in the provision of humanitarian assistance, civil affairs support, and relief and reconstruction assistance requested by the Iraqi Interim Government and in line with previous Security Council Resolutions.

In addition, the MNF is prepared to establish or support a force within the MNF to provide for the security of personnel and facilities of the United Nations. We have consulted closely with UN officials regarding the United Nations' security requirements and believe that a brigade-size force will be needed to support the United Nations' security effort. This force will be under the command and control of the MNF commander, and its missions will include static and perimeter security at UN facilities, and convoy escort duties for the UN mission's travel requirements.

In order to continue to contribute to security, the MNF must continue to function under a framework that affords the force and its personnel the status that they need to accomplish their mission, and in which the contributing states have responsibility for exercising jurisdiction over their personnel and which will ensure arrangements for, and use of assets by, the MNF. The existing framework governing these matters is sufficient for these purposes. In addition, the forces that make up the MNF are and will remain committed at all times to act consistently with their obligations under the law of armed conflict, including the Geneva Conventions.

The MNF is prepared to continue to pursue its current efforts to assist in providing a secure environment in which the broader international community is able to fulfil its important role in facilitating Iraq's reconstruction. In meeting these responsibilities in the period ahead, we will act in full recognition of and respect for Iraqi sovereignty. We look to other member states and international and regional organizations to assist the people of Iraq and the sovereign Iraqi government in overcoming the challenges that lie ahead to build a democratic, secure and prosperous country.

The co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

Sincerely, (*Signed*) Colin L. Powell

US Department of State Archive (March 10, 2003): UNMOVIC Report

Office of the Spokesman

Washington, DC

March 10, 2003

Fact Sheet²²⁹

Historic Review of UNMOVIC's Report on Unresolved Disarmament Issues

This fact sheet carefully reviews UNMOVIC's²³⁰ (United Nations Monitoring, Verification and Inspection Commission) report (the "Cluster Document") delivered on March 7 before the UN Security Council concerning the Iraqi government and its refusal to carry out full and complete disarmament of its weapons of mass destruction.

The report demonstrates that Iraq and its leadership have pursued a consistent strategy of concealing its weapons of mass destruction and deceiving inspectors in direct violation of its international obligations. Iraq's weapons of mass destruction remain a direct and active threat to their neighbors and to the international community.

History Repeats Itself: Iraq's Strategy to Deny, Deceive and Conceal Continues

- UNMOVIC's document lays bare that Iraq's strategy today has not changed. Inspectors are faced with deception, concealment and changing stories.
- Inspectors discovered that Iraq failed to declare an Unmanned Aerial Vehicle that is based on a system that Iraq admitted to UNSCOM (United Nations Special Commission) was intended to deliver chemical or biological agent.
- Inspectors discovered cluster bombs and sub munitions that appeared designed to deliver chemical or biological agents. Contrary to initial Iraqi statements, a number of bombs and over 100 sub munitions were found.
- Iraq has failed to provide inspectors with supplier information about foreign-procured items. These items include gyroscopes, chemicals and laboratory equipment - all apparent weapons of mass destruction-dual-use items.
- Iraq claims that a 50-ton trailer that it illegally imported for use as a missile launcher was "stolen." This is the same "stolen" story that Iraq has used in the past for weapons of mass destruction items such as biological growth media.
- UNMOVIC has concluded that documents Iraq provided regarding production of botulinum toxin and Iraq's capability to dry biological weapon agents provided no new information. Just the same, tired story Iraq told UNSCOM.

²²⁹ <https://2001-2009.state.gov/r/pa/prs/ps/2003/18513.htm>

²³⁰ United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) created through adoption of UNSC Resolution 1284. Mandated to search and disarm Iraq of its WMDs and to operate a system of ongoing monitoring and verification to check Iraq's compliance with its obligations not to (re) acquire WMDs, banned by the UNSC.

Iraq's History of Denial, Deception and Concealment

- On nearly 30 occasions, Iraq refused – despite repeated requests from the international community – to provide credible evidence to substantiate its claims that they do not possess arms or have disarmed fully and completely.
- The document cites 17 instances when inspectors uncovered evidence directly contradicting Iraqi claims of innocence.
- Iraq has admitted numerous attempts to mislead inspectors by lying or planting false evidence during the inspection process.
- Time and again, Iraq successfully concealed its weapons of mass destruction and ballistic missile programs from the earlier inspection teams (UNSCOM) – only changing its story in order to fit the facts. For example:
- Only in 1995 did Iraq declare its offensive biological weapons program, after publicly denying its existence for four years.
- Only in 1997 did inspectors discover evidence of production completed on prohibited missiles in 1992.
- Only in 1997 did Iraq declare an additional 187 pieces of specialty equipment used to produce deadly chemical agents.
- Only in 2003 when confronted by inspectors, did Iraq turn over the "Iraqi Air Force" document that contradicts Iraq's chemical weapons declaration - by disclosing an additional 6,500 bombs with 1,000 tons of the blistering agent mustard gas.
- This document makes clear that Iraq has the inherent capability to manufacture chemical and biological weapons and literally tens of thousands of delivery systems (missiles, munitions, unmanned aerial vehicles).

Additional Examples of Iraq's Years-Long Strategy of Deception and Concealment:

Anthrax

- After lying for four years, Iraq admitted in 1995 to producing nearly 8,500 liters of anthrax.
- Furthermore, the Iraqi's noted that only one facility was involved in the production of anthrax and that none of the biological agent was produced in 1991. Moreover, Iraq said it filled 50 R-400 bombs and five missile warheads with anthrax.
- UNMOVIC's report recollects UNSCOM's conclusions:
- Iraq's anthrax production potential could have been as much as 25,000 liters.
- Evidence that a second facility produced anthrax in 1991.
- Evidence that more than five warheads were filled with anthrax.
- That there is no reliable or final assessment of how many R-400 bombs were filled with anthrax.
- UNMOVIC concludes:
- About 10,000 additional liters of anthrax were not destroyed and may still exist.
- "Iraq currently possesses the technology and materials to enable it to produce anthrax."
- By 1993, Iraq was successfully drying large quantities of a bacteria that "could be a model for anthrax."
- As the Secretary noted on February 5, Iraq has developed a mobile biological agent production capability. In only one month's time, these mobile units can produce the same, or more, dry anthrax equivalent to the 10,000 liters Iraq has hidden from inspectors.

VX (a human-made chemical warfare agent classified as a nerve agent)

- Iraq's Chemical Weapons declarations in April 1991 and June 1992 did not disclose Iraq's VX program. Only in March 1995 did Iraq admit to having produced large-scale amounts of VX – one of the most dangerous chemical agents created.
- Iraq claims never to have successfully weaponized VX.
- UNMOVIC's document concludes:
- Iraq provided false and misleading declarations in order to retain production equipment specifically modified to produce VX.
- Direct physical evidence contradicts Iraq's claim that it never weaponized VX.
- Iraq failed to provide any credible evidence to support its claims of unilateral destruction of VX and VX precursors.
- UN inspectors reported to the UN Security Council that "UNMOVIC has information that conflicts with [Iraq's] account. There are indications that Iraq had worked on the problems of purity and stabilization and that more had been achieved than has been declared."

R-400 Bombs

- Iraq first claimed it had 1,200 R-400 chemical bombs.
- After Iraq admitted its biological weapons program in 1995, Iraq altered its story and added 350 R-400 bombs.
- However, UNSCOM has never fully verified Iraq's ever-changing claims and concluded it did not know how many R-400 bombs Iraq produced for chemical/biological agents.
- Of these 1,550 bombs, Iraq says it filled 157 with biological agents. Nothing supports that number. UNSCOM concluded it did not know how many Iraq filled with biological weapons.
- Iraq claims today that newly-found bombs and bomb fragments add up close to 157 and that, therefore, the issue of R-400 biological bombs can be closed.
- Regrettably, the fact is that Iraq has refused to provide a complete and accurate count on how many R-400 bombs – filled or unfilled – Iraq really has in its possession.

Unmanned Aerial Vehicles (UAVs) and Spray Devices

- We now know that inspectors discovered an undeclared Unmanned Aerial Vehicle with a 7.45 meter wingspan, based on a drop tank system that Iraq admitted was intended to disperse biological agent, has apparent autonomous flight capability and appears to have the capability to fly more than 150 kilometers.
- This type of discovery is only the latest chapter in Iraq's effort to hide the fact that it has worked for years to develop Unmanned Aerial Vehicles and spray devices to deliver chemical and biological agent.
- Only in 1996 did Iraq admit trying to convert the MiG-21 fighter aircraft into an Unmanned Aerial Vehicle to deliver a biological weapon agent. Then, Iraq changed its story and claimed that the MiG-21 would deliver a "munition."
- On spray tanks, UNMOVIC concludes, "there is a clear contradiction in Iraq's explanation of spray tanks." Contrary to Iraq's declaration, Iraq has "a well-developed drop-tank for [a] chemical agent."
- UNMOVIC states, "The development of tanks for chemical weapons and biological weapons uses should be considered one continued project Spraying devices modified for chemical/biological weapon purposes may still exist in Iraq."
- Iraq has pursued several other Unmanned Aerial Vehicles – the L-29 jet trainer and smaller aircraft – all capable of using spray devices to deliver a chemical/biological agent.
- UNMOVIC's basic conclusion: a "general question of Iraq's intentions with respect to remote-piloted vehicles as chemical/biological delivery systems".

SCUD-Type Biological and Chemical Warheads

- UNMOVIC's document states: "A number of discrepancies and questions remain which raise doubts about accounting of special warheads, including:
- The total number produced [100 warheads, not 75]
- Iraq's numerous modifications to its declarations on these matters.
- Iraq's admitted action taken to mislead UNSCOM on the location and number of special warheads.
- And most importantly, the physical evidence which conflicts with Iraq's account of its destruction of biological warheads"
- This issue is important because special warheads are "linked to the wider issue of whether Iraq had retained Scud-type missiles, propellant and a launching capability after the declared destruction."

Released on March 10, 2003

EU Iraq Framework Agreement of 2004

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

The European Union and Iraq A Framework for Engagement²³¹

I. Introduction

This Communication responds to the 16-17 October 2003 European Council's request for a strategy for the European Union's relations with Iraq and contributes to the EU Strategic Partnership with the Mediterranean and Middle East. It aims to provide a basis for discussions with the incoming sovereign Iraqi government and broader Iraqi society. It seeks to convey to the Iraqi people, who have suffered from years of successive wars, sanctions and brutal authoritarian rule, the European Union's desire to see the emergence of a secure, stable and prosperous Iraq, at peace with its neighbours and integrated into the international community.

The Communication is being adopted against the background of acute insecurity since the 2003 war, which continues to afflict the Iraqi population in their day-to-day lives and hamper progress in the country's political, economic and social recovery. Nevertheless, the appointment of a new Iraqi Interim Government and the adoption of UN Security Council Resolution 1546 on 8 June 2004 confirming the full transfer of responsibility and authority to Iraqis as of 30 June 2004 and reinforcing the central role of the United Nations offers an opportunity for the EU to support Iraqi efforts to bring a new direction to their country.

The Communication analyses the EU's fundamental interest in seeking greater engagement with Iraq and sets out medium-term objectives for the development of EU-Iraq relations. It argues that the European Union should offer a framework which allows for progressively closer EU-Iraq relations, at a pace determined by progress in the political transition and the security climate. In the light of the evolution of the situation on the ground, the EU should be ready to review its approach.

²³¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52004DC0417>

II. The European Union and Iraq

Under Saddam Hussein's 24-year regime, the EU had no political or contractual relations with Iraq and its role was limited to implementing United Nations Security Council (UNSC) sanctions. The EU has, however, been an important actor in the humanitarian field. From 1992 onwards, the European Community (EC) was the largest single donor of humanitarian assistance to Iraq after the United Nations (UN). EU-Iraq trade relations were also significant, particularly with respect to energy.

In addition to the involvement of a number of EU Member States in providing security in Iraq, the EU's efforts since the war in 2003 have focused on providing humanitarian relief and political and financial support to launch the reconstruction process. In early 2003, the EC set aside €100 million for the European Community Humanitarian Office (ECHO) to provide humanitarian aid to Iraq; EU Member States pledged more than €731 million. Following adoption of UNSC Resolution 1483 on 22 May 2003, the EU lifted its sanctions against Iraq.

The Madrid donors conference held on 23-24 October 2003 launched the multilateral effort to assist Iraq's reconstruction. At the conference the EU as a whole pledged over €1.25 billion, including the EC contribution. The conference also welcomed the UN and World Bank's intention to establish a multi donor trust fund for Iraq – the International Reconstruction Fund Facility for Iraq.

Since October 2003, EU assistance for Iraq has widened in scope. While the humanitarian needs of the population are declining, resources for reconstruction are supplementing humanitarian work to rehabilitate core public services, and expanding to include the provision of employment, poverty reduction and the strengthening of Iraq's institutions and administration. EC assistance has also been directed to supporting the UN role in the political process and the development of Iraqi civil society and democratic institutions. Since 2003 the EU has provided assistance amounting to €305 million from the EC budget to Iraq²³².

²³²€100 million was committed for humanitarian activities in 2003, €200 million pledged for reconstruction in 2003-04 and an additional €2 million provided in 2003 for mine action. ECHO has reduced its initial estimates for Iraq in 2004 to €3 million. However, additional funds can be mobilized for new emergency humanitarian needs. See <http://europa.eu.int/comm/world/iraqsit/reconstruct/index.htm> for further details of the sources and destination of EC assistance for Iraq in 2003-2004.

EU interest in a secure, stable, democratic and prosperous Iraq

The EU has substantial interests in working with Iraq to re-build its political and legal institutions, reform its economy and revitalize civil society. These include:

- A fundamental interest in a successful political transition to establish a stable, pluralistic democracy, underpinned by a constitution which guarantees respect for the rule of law, human rights and fundamental freedoms. This will offer hope to the people of Iraq and help to ensure Iraq's territorial integrity and internal security.
- An equal interest in helping to promote economic growth and diversification, reduce poverty and unemployment and improved living standards for the Iraqi population. A functioning, competitive and diversified market economy, the reconstruction of Iraq's infrastructure, particularly the inter-connection of Iraq's transport network with the pan-European transport corridors, and Iraq's economic integration into its region will help improve the distribution of wealth in the country, reduce Iraq's susceptibility to external shocks and develop the potential for mutually beneficial EU-Iraq trade and investment, human and cultural ties. Stability and greater prosperity should also facilitate the voluntary return of Iraqi refugees in Europe, strengthening social and professional ties between EU countries and Iraq.
- A further interest in Iraq's potential contribution to security and stability in the region. The end of Saddam Hussein's regime creates an opportunity for overcoming regional tensions. An Iraq at peace with its neighbours and its region will also contribute to the realization of the objectives set out in the European Security Strategy. Turkey, an EU candidate country, also stands to gain from the emergence of a stable and democratic Iraq.
- A strong interest in the establishment of a fair, transparent and non-discriminatory legal framework in Iraq. Predictability and legal certainty are preconditions for the very substantive investments required in the country, not least in the energy sector. Given Iraq's significant contribution to the Union's security of energy supply and the potential for the EU and Iraq to mutually benefit from increased Iraqi production of oil and natural gas, a level playing field for investment and regulatory convergence in the energy sector is of strong interest to both the EU and Iraq.

III. Objectives for the Development of EU-Iraq Relations

The stability and prosperity of Iraq will require not only the support of the EU, but also the combined efforts of the international community and, above all, of the Iraqis themselves. The EU should therefore engage with the new Iraqi administration and Iraqi society to discuss the role they see the EU playing in Iraq and develop its presence and engagement with Iraq progressively as the transition process evolves. The aim should be to lay the foundations for broad-based and mutually beneficial relations over the

medium-term. In its dialogue with Iraq, the EU could propose to focus its strategy towards Iraq on the following medium-term objectives:

- The development of a secure, stable and democratic Iraq, with a parliament and a government, elected on the basis of a constitution that guarantees respect for human rights and fundamental freedoms of the Iraqi population as a whole.
- The establishment of an open, stable, sustainable and diversified market economy and society as a basis for human security, economic growth, employment generation and poverty reduction, with resources used to promote equitable economic and social development.
- Iraq's economic and political integration into its region and the open international system.

A secure, stable and democratic Iraq

There is now an opportunity for Iraq to set aside its history of authoritarian control and to build stable democratic institutions that guarantee the rights of all Iraqis, including women and ethnic, religious and tribal minorities. The resolution of issues such as the role of religion in the state, an effective and democratically controlled security sector and the organisation of relations between provincial and central administrations will be central to the success of the political process. Equally, the establishment of democratic institutions will require a process of national reconciliation and consensus building.

As confirmed by UNSCR 1546, the UN will draw on its considerable experience in Iraq before the war and on the work begun by UN Special Envoy Sergio De Mello before the tragic attack on UN headquarters in Baghdad last year and continued by Special Envoy Lakhdar Brahimi, to play a key role in helping the Iraqis to move through their political transition. The EU should therefore continue to support the UN in playing this leading role and ensure that its actions to assist Iraq are well coordinated with that organisation.

Given the EU's own successful experience in supporting processes of transition from authoritarian systems of government to systems based on democracy, as well as EU Member States' diverse experience with federalism and decentralization, the EU could:

- Welcome UNSC Resolution 1546 confirming the sovereign status of the Iraqi interim government from 30 June 2004 and support its implementation.

- Enter into dialogue with the incoming Iraqi authorities to demonstrate EU support for the political and constitutional processes.
- Prioritize EU assistance for elections, good governance, the development of Iraqi civil society and the protection and promotion of human rights.
- Consider expanding its assistance to include measures to support security, in particular to implement the rule of law, justice and security sector reform.

An open, sustainable and diversified Iraqi market economy

Until 2003 the Iraqi economy was characterised by extensive government intervention, both directly through state owned enterprises (SOEs) and indirectly through heavy regulation, price restrictions and subsidies. The government-dominated oil sector has been the most important engine of the economy and, in the short-term, will need to expand rapidly to finance reconstruction. Over the medium-term, however, Iraq faces a triple economic transition to an economy based on peaceful development, a functioning market economy and more diversified and sustainable sources of domestic income.

Poverty and unemployment are widespread in Iraq, creating political and social tension. Measures to mitigate the social effects of the reforms that are required to raise living standards over the medium-term are essential, particularly in relation to price liberalisation, SOE restructuring and public services. In the short-term, the creation of effective social safety nets, efforts to increase employment using local skills for reconstruction projects²³³ and rectify regional imbalances in the distribution of resources will all be necessary. In the medium-term, the question of a constitutional framework for the distribution of Iraqi oil revenues needs to be addressed.

Resolving the issue of Iraq's external debt obligations, currently estimated at \$120²³⁴ billion, is a pre-condition for Iraq's return to financial viability and sustained economic and social recovery and the content of an eventual Paris Club agreement is likely to have a broad impact on all aspects of economic activity in Iraq. The Paris Club group of creditor nations have committed themselves to work towards a solution in the course of 2004 but comparable treatment will be needed from non-Paris club official creditors and

²³³ E.g the rehabilitation of electricity and other essential infrastructure.

²³⁴ Excluding claims granted by the UN Compensation Commission.

private lenders. Reducing Iraq's financial overhang also requires steps to address the status of the claims granted by the UN Compensation Commission after the first Gulf war, and those that are still pending.

The EU has a substantial record of working with the transition economies as well as expertise from its own experience of combining social cohesion with building strong market institutions, liberalisation and integration. It also has a large internal market ready to receive flows of Iraqi goods and services. In this context, the EU could:

- Promote resolution of Iraq's external debt by developing a common view and recommendations on economic policy conditionality.
- Continue EC assistance to build the capacity of Iraqi administrative and economic institutions in transition issues, in particular the creation of a functioning customs administration which would allow for the Generalised System of Preferences (GSP) to be applied.
- Help Iraq develop judicial capabilities and regulatory and legal frameworks to encourage economic activity and international investment, including in the energy sector, and deter corruption, organised crime and criminality.
- Emphasise the need to address issues related to unemployment and poverty, help to put in place effective safety nets and address regional imbalances in the distribution of resources.
- Stress that Iraq's significant mineral wealth should be used to support these goals, to diversify Iraq's economy, generate employment, build the necessary physical, institutional and human capital and reduce income disparities.

An Iraq at peace with its neighbours and integrated into the international community Iraq's transformation offers an opportunity to address the legitimate security concerns of the different actors in the region and to ensure that the emergence of a new political order in Iraq is perceived positively by neighbouring states. It also gives scope for Iraq, the Gulf Cooperation Council (GCC) and Iran to foster a community of views on how the region should tackle common economic challenges. In addition, progress in the transition process should pave the way for Iraq to assume a greater role in international political and economic affairs and increase its participation in international fora.

The decision of Iraq's neighbours to organise a common forum - the Neighbours' Meetings - after the 2003 war, to discuss Iraq's situation demonstrates a shared recognition of the opportunity for increased intra-regional cooperation. Over the long-term, the progressive establishment of a regional politico-economic cooperative framework, reducing tensions and moving gradually to involve security cooperation, could provide a mechanism for improving stability in the broader region and tackling the legacy of unresolved regional disputes.

Through its close relations with Iraq's neighbours, its own history of post-conflict reconciliation, as well as its efforts to promote regional integration, the EU has acquired a breadth of contacts, experience and expertise that could benefit Iraq and the broader region. In line with the principles set out in the EU Strategic Partnership with the Mediterranean and the Middle East and the support the EU has already given for Iraq's application for observer status at the World Trade Organisation (WTO), the EU could:

- Use its influence and existing dialogues with the countries of the region, particularly Iraq's neighbours, to encourage constructive engagement with Iraq and increased intra-regional cooperation.
- Invite Iraq to participate in the EU Strategic Partnership for the Mediterranean and the Middle East.
- Consider Iraq's future membership of the WTO in a positive light, once the necessary conditions are met in line with the EU position on applications from other countries, including in the region and encourage its participation in other international fora

IV. A Framework for Progressive Engagement

The realisation of the objectives set out in Section III will depend on the degree to which they are shared by a future Iraqi government and the evolution of the security and political situation in Iraq. The following proposals for action are therefore options, structured to reflect the three distinct phases anticipated by UNSCR 1546, and to be developed further in consultation with the future Iraqi government.

It will also be especially important to ensure that, in implementing actions, the EU Member States, the European Commission and High Representative work together, and in full coordination with the United Nations, both on the ground and in international

fora. Close coordination with the World Bank, the IMF and other international financial institutions will also be essential.

Phase I - Immediate Actions

On 30 June 2004, the Iraqi interim government will assume sovereignty and the Coalition Provisional Authority will be dissolved. In addition to the on-going provision of assistance for reconstruction, in the period leading up to elections for a Transitional National Assembly, the EU could consider the following initiatives:

EU support for elections: Elections for a Transitional National Assembly which will form a new government and draft a new constitution, a referendum to approve a new constitution and general elections are all due to take place before 31 December 2005. The EU should be prepared to play a significant role in the preparation of elections in Iraq, if a request is made by the interim government or the UN. The EU will also need to assess whether further efforts are needed, and whether conditions on the ground particularly security, are such as to make deployment of an EU Election Observation Missions advisable.

Informal political dialogue: The EU should aim to engage with the sovereign Iraqi interim government as early as possible. If security conditions permit, a political dialogue meeting in Troika format at ministerial level could be held in Baghdad or in the margins of the UN General Assembly in September 2004. Ad hoc meetings at senior officials' level could also take place.

EU Missions could play an important role in preparing these contacts, and in canvassing the views of the Iraqi authorities. Building on the financial support for human rights, civil society development, voter education and the constitutional process being provided, EU Missions could also be asked to launch informal dialogue with broader Iraqi civil society, including NGOs, religious groupings, trade unions, and nascent political parties. Rule of law and civil administration. Efficient institutions and effective rule of law are of paramount importance to realize and sustain a secure environment in Iraq. The EU has experience in other regions of the world of supporting institutional capacity-building in the justice and security sectors and has also experience in areas critical to post-conflict stabilisation such as training, monitoring and mentoring of police. In this context, and if deemed necessary, the European Commission and the EU Member States

could reflect on whether the mechanisms offered by the EU's civilian crisis management capabilities might be employed in Iraq, alongside EC instruments.

Encourage positive engagement on the part of Iraq's neighbours. The EU should support the Neighbour's Meetings and any resulting cooperation initiatives and invite Iraq to participate in the implementation of the EU Strategic Partnership with the Mediterranean and the Middle East. In addition, the EU could discuss the future of Iraq regularly with Iran, Syria, Turkey, Jordan and the GCC countries. EU Missions in these countries could be invited to ensure continuity. The EU could offer to extend this support to include concrete confidence-building measures for Iraq and its neighbours, for example in border management and customs administration.

A coordinated view on debt and related economic policy conditionality. While a final decision on the terms of such an arrangement is for the creditor countries themselves, several EU Member States are involved in the current Paris Club negotiations on the rescheduling/forgiveness of Iraq's debt. Since the likely use of the new Paris Club "Evian" approach, developed for intermediate income countries, will have implications for the EU's future relations with Iraq, efforts could be made to coordinate views on the appropriate economic conditionality to be attached to an agreement. A regular dialogue between the European Commission, IMF, World Bank and European Investment Bank could also help coordinate views and activities on this issue.

GSP trade preferences. Iraq is a beneficiary of the European Community Generalised System of Preferences (GSP) but the system has not been applied in practice since the first Gulf War due to sanctions and subsequent conflict. As soon as conditions allow, the European Commission should work together with the Iraqi administration to set up the administrative cooperation system which is a requirement for the system to operate.

On-going implementation of humanitarian and reconstruction assistance. The EC assistance strategy in 2003/04 focuses on monitoring the situation in Iraq, responding to new emergency humanitarian needs as they arise, providing rapid additional resources for Iraq's reconstruction, with a particular emphasis on creating employment, and supporting the development of a multilateral framework under the auspices of the United Nations and the International Financial Institutions. As a consequence, the €200 million pledged from the EC budget at the Madrid Conference for Iraq's reconstruction in 2003-

04 has been transferred to UN agencies and the International Reconstruction Fund Facility for Iraq and disbursement should accelerate in this phase.

EC office: The opening of a full European Commission delegation in Iraq depends on the security situation and on the availability of Community resources. However, as a first step, the Commission is establishing an office covering Iraq in the premises of its delegation in Amman to help prepare political representation and ensure local coordination of reconstruction assistance with EU Member States. The office will also provide for liaison with the United Nations Assistance Mission for Iraq and the International Reconstruction Fund Facility for Iraq. When conditions permit, this office could move to Baghdad.

Phase II – Post Elections

The elections for a Transitional National Assembly should lead to the formation of a Provisional Government and see an intensification of work to draft a new constitution, to be ratified by referendum later in 2005. This phase will therefore open the way for further cooperation and dialogue with Iraq in a number of fields. In addition to activities launched in Phase I, initiatives could include the following:

EU contribution to rehabilitation and reconstruction. The European Commission has proposed a further €200 million EU contribution to Iraq's reconstruction in 2005²³⁵ and expects that a similar amount could be required in 2006, subject to budgetary constraints and the ability to spend committed funds during 2005. The majority of funds will continue to be directed to the International Reconstruction Fund Facility for Iraq, however a portion could be reserved for the direct provision of technical assistance programmes and capacity building support.

Such programmes could support institution-building in a number of sectors, depending on Iraqi interests. In the political and security sphere, in full coordination with the UN, the EU could provide advice for the constitutional process as well as further assistance for democratization, civilian law enforcement, the rule of law and the justice sector and human rights. Focal sectors in the social and economic field could include: policy

²³⁵ €190 million on budget line 19 08 07 – 'Aid for the rehabilitation and reconstruction of Iraq' and €10 million earmarked on budget line 19 04 03 – 'Development and consolidation of democracy and the rule of law – respect for human rights and fundamental freedoms'.

formulation and good governance, including fiscal and monetary issues, the development of national statistics; the creation of a functioning trade, customs and investment regime; energy and transport; environmental remediation and protection; the promotion of the private sector, small and medium sized enterprise development and a non-discriminatory public procurement system.

In addition to reconstruction assistance, the use of other instruments could be envisaged from this phase onwards to help alleviate external financing needs resulting from the transition, and to support reform. This would be subject to progress on external debt relief and Iraq's agreement on a comprehensive macro-economic programme supported by the IMF.

Formal political dialogue. The EU could propose to agree an EU-Iraq Joint Political Declaration in order to institutionalize political dialogue. This might encompass discussion of human rights, regional stability, the fight against terrorism and non-proliferation. The European Parliament and EU Member State parliaments could also be encouraged to pursue contacts with the Transitional National Assembly.

Joint working groups in sectors of mutual interest. EU/Iraq working groups could be set up to discuss cooperation in areas such as economic, statistics and trade issues, energy (including electricity), transport, technical regulations and standards, information society, human rights and rule of law, migration and counter-terrorism. An informal EU/Iraq energy dialogue could be rapidly established and the EU could support Iraq's participation in other regional energy and transport fora. Bilateral dialogue could lead to future regional dialogues.

Phase III – Medium Term

The appointment of a democratically elected government and the adoption by Iraq of a new constitution and elections for an executive and legislature should allow for the EU to normalize relations with Iraq. In this phase, the EU could take the following additional steps:

Negotiations for a bilateral agreement. A bilateral agreement between the EU and Iraq would reflect the mutual interest in developing a partnership and support Iraq's political, economic and social reforms. A trade and cooperation agreement, similar to those in

place with other countries east of Jordan would be an appropriate first step. A more wide-ranging agreement could be considered subsequently.

Assistance for economic diversification and poverty reduction. As Iraq's own sources of revenue increase, in particular through higher oil production levels, its requirements for external donor assistance should decline. The EU could target EC assistance on technical and capacity building programmes, and promoting economic diversification and poverty reduction/livelihoods.

Creation of a regional framework. The EU could explore ways in which the Barcelona Process experience in promoting cooperation in sectors such as energy, transport, environment, science and technology, education, dialogue of cultures and support for civil society, might contributing to enriching regional cooperation between Iraq and its neighbours. The EU could also consider ways in which Iraq can be associated with the EU's dialogue with other partners in the region, particularly with those East of Jordan.

Sustained assistance for the rule of law, democratization and human rights. The process of democratization in Iraq will not end with general elections. The EU should therefore continue to prioritise assistance over the medium-term which helps increase the capacity of the Iraqi government and civil society to strengthen democracy, ensure respect for human rights, including the rights of women and minorities, the rule of law, combat corruption and promote transparency, accountability and good governance.

European Investment Bank lending. As the focus of external assistance shifts away from grant contributions, European Investment Bank (EIB) loans could help bridge the period between grants and private sector involvement following resolution of Iraq's external debt, starting with capital-intensive projects such as infrastructure. A mandate for the EIB to lend to Iraq could be considered in the context of the new Financial Perspectives, possibly as part of a regional mandate to include countries east of Jordan.

European Commission delegation. The opening of a delegation in Baghdad could be considered.

V. Conclusion

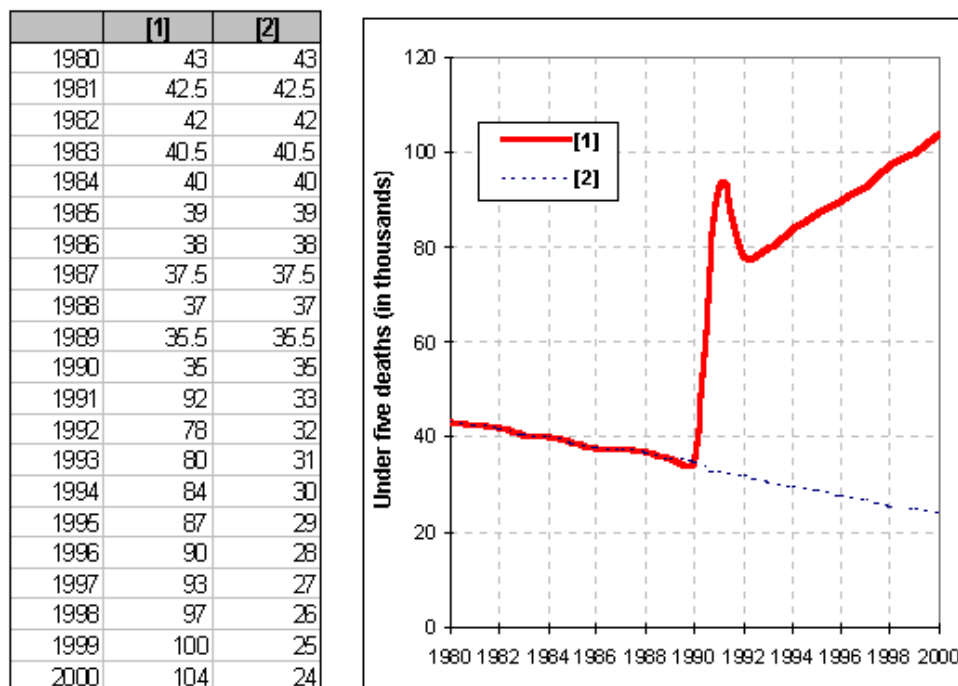
This Communication sets out initial reflections on how the EU might advance its relations with Iraq, based on a policy of progressive engagement which lays the foundation for a more substantial and sustained relationship in the medium-term. Its

recommendations will need to be kept under constant review and adapted to the circumstances as the situation evolves on the ground. The Council of Ministers is invited to consider these recommendations with a view to the European Council sending a clear signal concerning the EU's commitment to strengthening its relations with Iraq in the framework of UNSCR 1546 and to help lay the foundations for a secure, stable, democratic and prosperous Iraq, at peace with its neighbours and its region, and a full and active member of the international community.

F. Graphs

Rise in Child Mortality as a Result of Sanctions

Chart: Disparities in Under Five Deaths



Data Explanation:

[1] Under five mortality figures (in thousands) between 1980 and 2000. 1991 - 98 figures are based on UNICEF's 1999 survey on Child Mortality in Iraq

[2] Under five mortality figures (in thousands) between 1980 and 2000 if 1980s trends had continued in the 1990s.

Source: UNICEF

Notes:

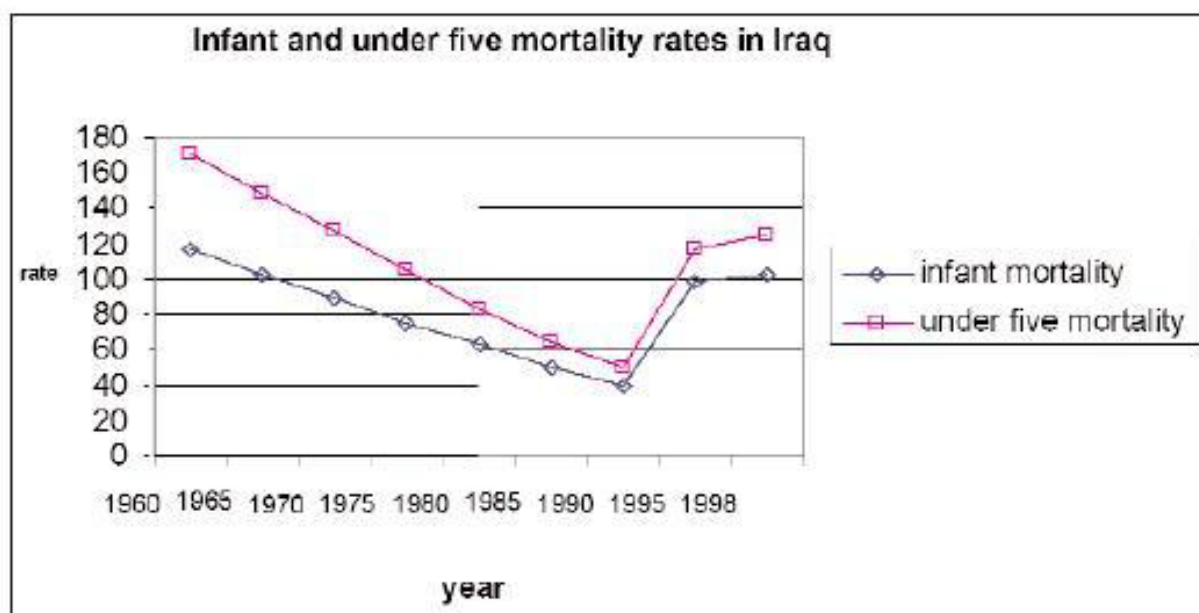
[a] Area between two curves is the number of excess deaths in the 1990 - 2000 period.

[b] According to UNICEF, "a conclusion from [this chart] is that if the substantial reduction in the the 1980s had continued in the 1990s, there would have been half a million fewer as a whole during the eight year period 1991 - 98".

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²³⁶ <https://www.globalpolicy.org/component/content/article/102/32796.html>

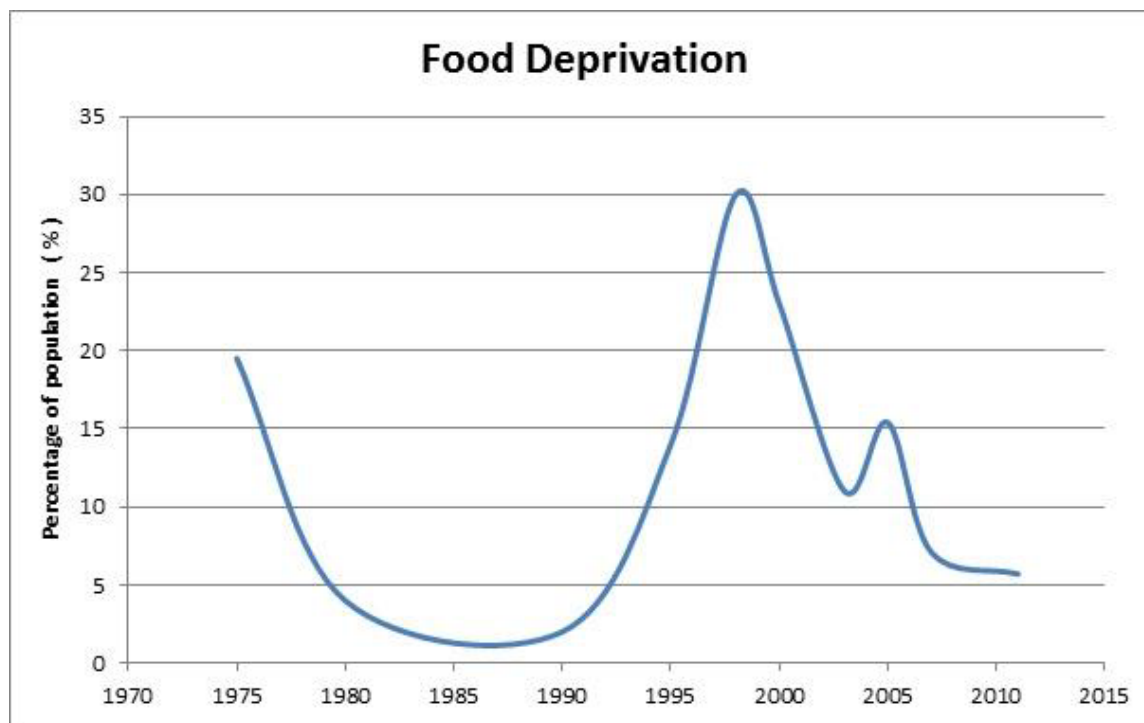
Child Mortality Graph 1960-1998



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²³⁷ https://www.researchgate.net/figure/Infant-under-1-year-and-child-mortality-under-5-years-rates-per-1-000-year-for_fig2_315519076

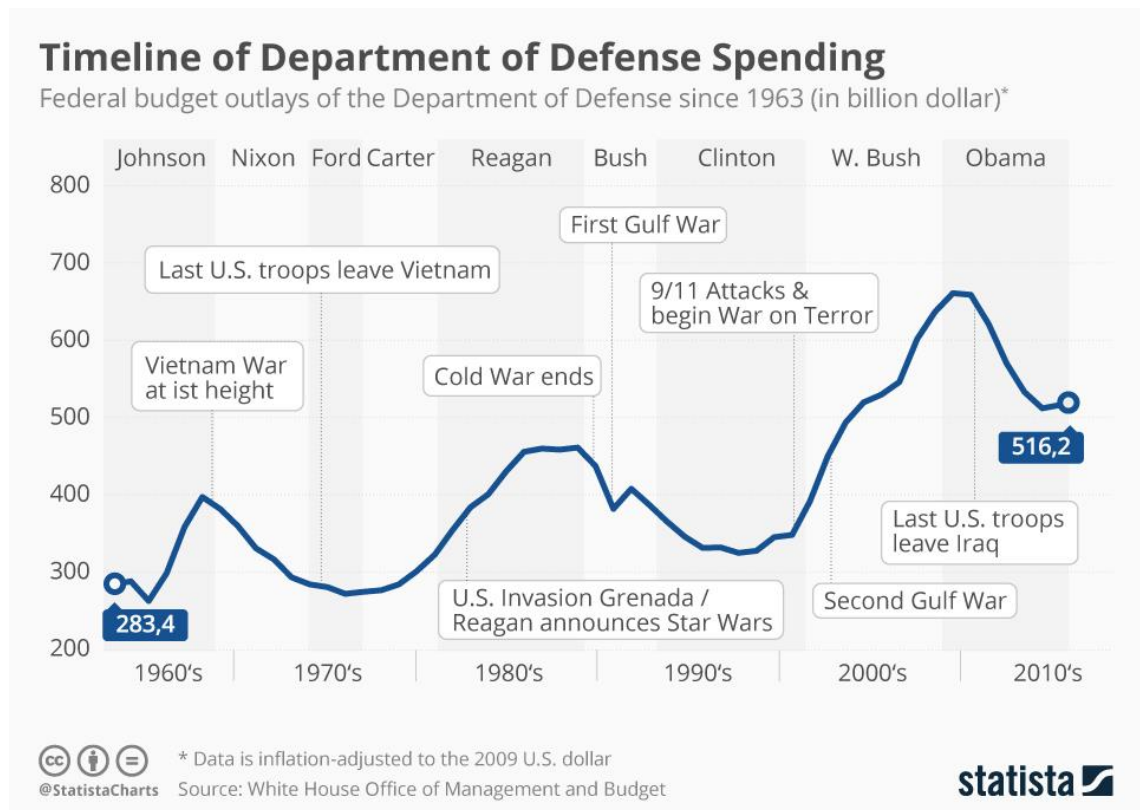
Food Deprivation Graph in Iraq from 1975-2013



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²³⁸ IRIN: Middle East News, Iraq 10 Years On: Less Dependent on Food Rations 7 May 2013, <<http://www.irinnews.org/report/97991/iraq-10-years-on-less-dependent-on-food-rations>> (1 Feb. 2014).

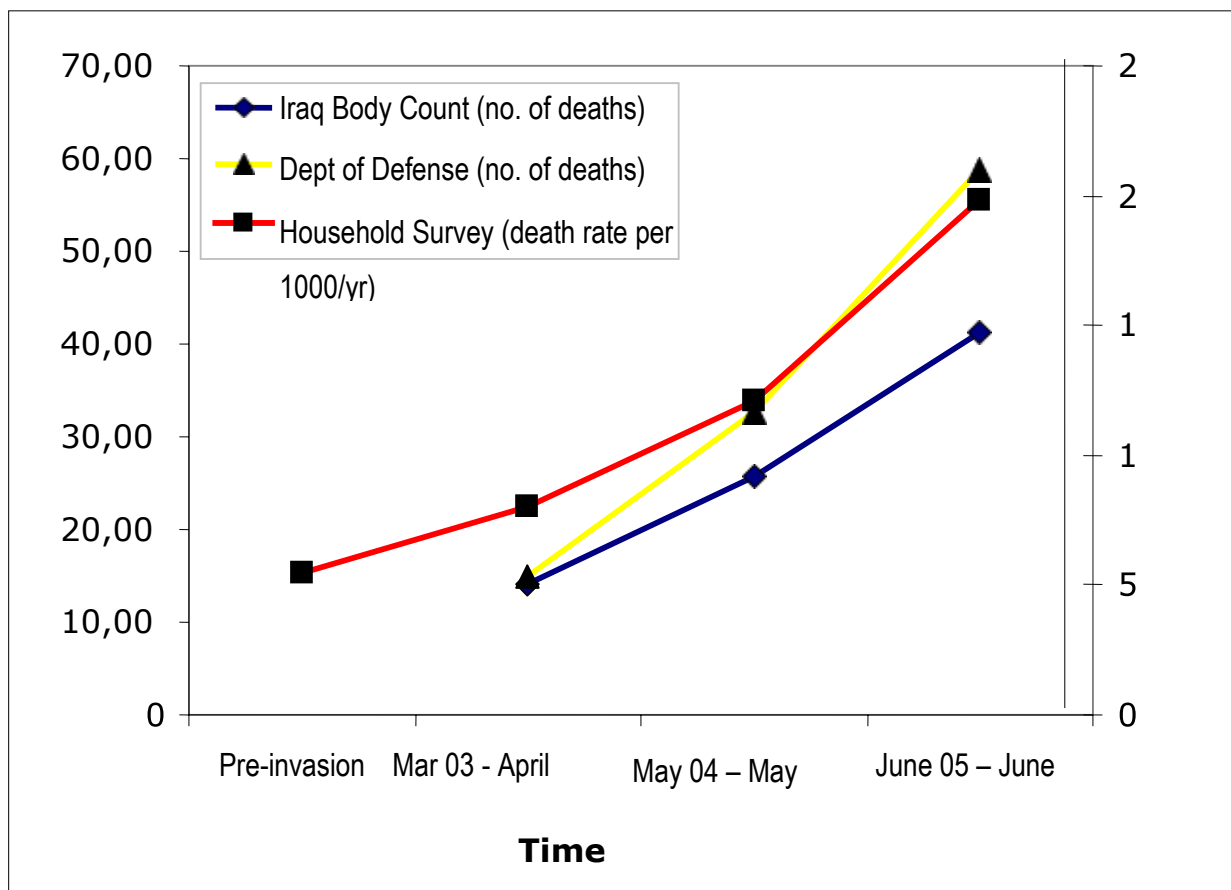
US Defense Spending



This chart shows the federal budget outlays of the Department of Defense since 1963 (in billion dollar) ²³⁹

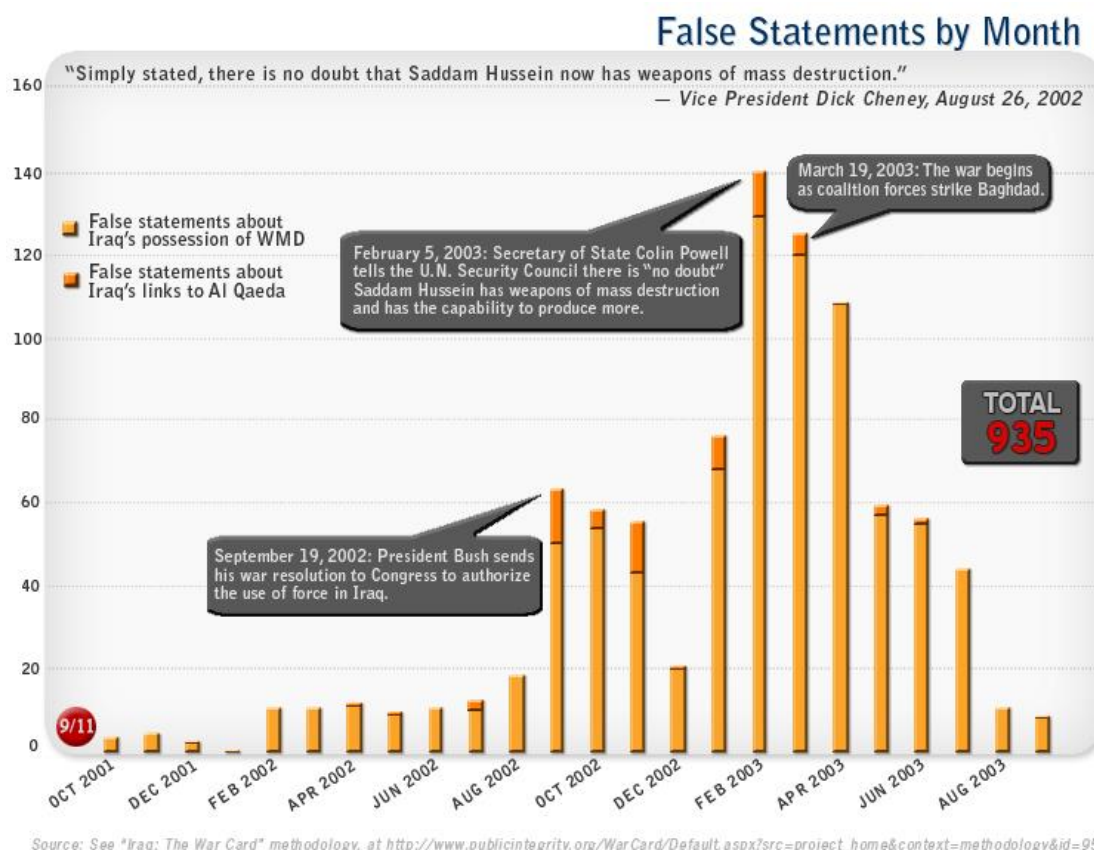
²³⁹ <https://www.statista.com/chart/8354/timeline-of-us-budget-allocated-to-the-dod/>

Number of Deaths in Iraq Pre- and Post-Invasion Comparison²⁴⁰



²⁴⁰ <http://web.mit.edu/humancostiraq/reports/human-cost-war-101106.pdf>

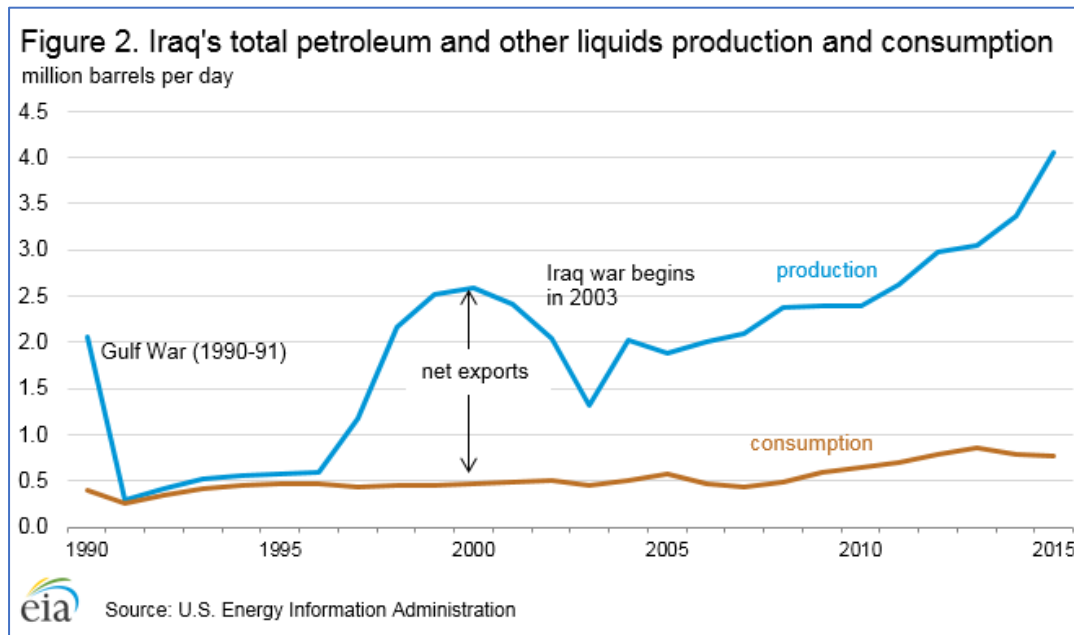
False Statements by the US Oct 2001-Aug 2003 regarding WMD and Saddam's links to Al-Qaeda



²⁴¹ <https://publicintegrity.org/politics/false-pretenses/>

Iraq's Oil Production and Consumption 1990-2015

Iraq's economy was based on oil exports. With the onset of the sanctions in 1990 the petroleum production collapsed. Consumption would remain low with no recovery.



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²⁴² <https://www.eia.gov/international/analysis/country/IRQ>

Pledge

“On my honour as a student of the Diplomatic Academy of Vienna, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it.”

Diana Mautner Markhof

Vita

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