

32. The situation between Iraq and Kuwait

Decision of 19 March 1996 (3642nd meeting): statement by the President

At its 3642nd meeting, held on 19 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the item "The situation between Iraq and Kuwait" in its agenda. The President (Botswana) then drew the attention of the Council to a letter dated 9 March 1996 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Council;¹ and a letter dated 12 March 1996 from the President of the Council addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991),² both concerning the events of 8 and 9 March during which Iraq delayed the access of a Special Commission³ inspection team to a nuclear facility. The President also drew the attention of the Council to a letter dated 17 March 1996 from the representative of Iraq addressed to the President of the Council,⁴ transmitting the text of a letter of the same date from the Deputy Prime Minister of Iraq addressed to the President of the Council.

At the same meeting, the President made the following statement on behalf of the Council:⁵

The Security Council has noted with growing concern that the incident described in the letter dated 9 March 1996 from the Executive Chairman of the Special Commission addressed to the President of the Security Council and the further incident on 11 March 1996 in which an inspection team was again not allowed immediate and unconditional access to a site designated by the Commission under Council resolution 687 (1991) were followed by other such incidents on 14 and 15 March 1996. In

¹ S/1996/182.

² S/1996/183.

³ The Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) will be referred to as the "Special Commission" for the purposes of this chapter.

⁴ Letter concerning the inspections carried out by the inspection team of the Special Commission from 7 to 17 March 1996 (S/1996/204).

⁵ S/PRST/1996/11.

all of these cases access was subsequently granted only after unacceptable delays.

The Council reiterates its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council.

The Council takes note of the letter dated 17 March 1996 to its President from the Deputy Prime Minister of Iraq. It recalls that, under paragraph 9 (b) (i) of section C of Council resolution 687 (1991), Iraq is required to permit "immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself". By its resolution 707 (1991), the Council also expressly demanded that Iraq "allow the Special Commission, the International Atomic Energy Agency and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect". The obligation was furthermore confirmed in the Commission's plan for ongoing monitoring and verification which was approved by the Council in resolution 715 (1991); in this context the Council recalls the notes from the Secretary-General of 21 July and 1 December 1993.

The Council considers that Iraq's delays in permitting the inspection team recently in Iraq access to the sites concerned constitute clear violations by Iraq of the provisions of resolutions 687 (1991), 707 (1991) and 715 (1991). The Council demands that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to all sites designated by the Commission for inspection in accordance with the relevant resolutions of the Council.

Decision of 27 March 1996 (3644th meeting): resolution 1051 (1996)

By a letter dated 7 December 1995 addressed to the President of the Security Council,⁶ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report prepared by the Committee, the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) that contained the provisions for the mechanism for export/import monitoring under paragraph 7 of resolution 715 (1991). The report was also accompanied by the text of a letter dated 17 July 1995 from the Executive Chairman of the Special

⁶ S/1995/1017.

Commission, indicating the general principles that would be followed in implementing the export/import mechanism in Iraq. The Chairman of the Committee expressed hope that the Council would take an early decision on the report so that preparations might be pursued at the national level for the implementation of the mechanism.

At its 3644th meeting, held on 27 March 1996 in accordance with the understanding reached in its prior consultations, the Council included the item "Implementation of resolution 715 (1991)" and the letter in its agenda. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States.⁷

Speaking before the vote, the representative of Italy stressed that the contents of the draft resolution were primarily technical, but that the cooperation that Iraq could offer towards its proper implementation would have a positive impact on the image of the country in international public opinion.⁸

The representative of Germany stated that the Council would approve the mechanism and give it the binding force that Chapter VII of the Charter provided for, with the aim of preventing the misuse of items legally imported into Iraq for the illegal purposes of production or acquisition of banned weapons. That aim justified the new obligations imposed on Iraq and on other States.⁹

The representative of Egypt underscored that no provision of the draft resolution should jeopardize the sovereignty and territorial integrity of Iraq. The provisions of paragraph 5 of the draft resolution should not prevent Iraq from exercising its legitimate right to import or export, for non-proscribed purposes, the technologies or materials it needed to promote its economic and social development. He noted that, although the establishment of the new mechanism amounted to a reinforcement of the current regime, the concept was unprecedented for the Council in that no specific time limits were set for the new mechanism, which was a matter of some concern for the Egyptian delegation. He stated that the mechanism approved under the draft resolution, as provided for in paragraph

3, was without prejudice to, and should not impair the operation of, existing or future non-proliferation agreements on regimes at the international or regional level. In that context, he reiterated that the arrangements were those referred to in paragraph 14 of resolution 687 (1991), which clearly stated that actions taken by Iraq in accordance with that resolution in connection with the elimination of weapons of mass destruction represented steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction.¹⁰

The representative of Indonesia expressed support for the notion that the export/import mechanism was not a regime for international licensing, nor should it undermine the legitimate right of Iraq to import or export, for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development. He also stressed that every effort needed to be made to ensure that the provisions of the mechanism were systematically applied without prejudice to the operation of existing or future non-proliferation agreements or regimes on the international or regional level. He also maintained that the mechanism needed to be flexible enough to accommodate changing circumstances, and stressed the important task given to the Council, as reflected in paragraph 9, to review the mechanism in light of changing conditions and to amend it if necessary, after appropriate consultations with interested States.¹¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1051 (1996), which reads:

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, 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 Security Council Committee established by resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other

⁷ S/1996/221.

⁸ S/PV.3644, p. 2.

⁹ *Ibid.*, pp. 2-3.

¹⁰ *Ibid.*, pp. 3-4.

¹¹ *Ibid.*, pp. 4-5.

relevant resolutions, including resolution 715 (1991) and the plans approved thereunder,

Having considered the letter dated 7 December 1995 to the President of the Security Council from the Chairman of the Committee established by resolution 661 (1990), annex I to 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 International Atomic Energy Agency,

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 export/import monitoring mechanism contained in annex I to the aforementioned letter dated 7 December 1995, subject to the terms of the present resolution;

2. *Approves also* the general principles to be followed in implementing the mechanism, contained in the letter dated 17 July 1995 from the Executive Chairman of the Special Commission to the Chairman of the Security Council Committee established by resolution 661 (1990);

3. *Affirms* that the mechanism approved by the present 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;

4. *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 by resolution 661 (1990) for decision by that Committee in accordance with paragraph 4 of the mechanism;

5. *Decides*, subject to paragraphs 4 and 7 of the present resolution, that all States shall:

(a) Transmit to the joint unit constituted by the Special Commission and the Director General of the International Atomic Energy Agency, 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;

6. *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 International Atomic Energy Agency and Iraq, and in any event not later than sixty days after the adoption of the present resolution;

7. *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 International Atomic Energy Agency, 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;

8. *Decides* that the information provided through the mechanism shall be treated as confidential and restricted to the Special Commission and the International Atomic Energy Agency, 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);

9. *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;

10. *Decides* that the Committee established by resolution 661 (1990) and the Special Commission shall carry out the functions assigned to them under the mechanism, until the Council decides otherwise;

11. *Requests* the Director General of the International Atomic Energy Agency to carry out, with the assistance and

cooperation of the Special Commission, the functions assigned to him under the mechanism;

12. *Calls upon* all States and international organizations to cooperate fully with the Committee established by resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency 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;

13. *Calls upon* all States to adopt as soon as possible such measures as may be necessary under their national procedures to implement the mechanism;

14. *Decides* that all States shall, not later than forty-five days after the adoption of the present resolution, be provided by the Special Commission and the Director General of the International Atomic Energy Agency with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism;

15. *Demands* that Iraq meet unconditionally all its obligations under the mechanism approved by the present resolution and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency in the performance of their tasks under the present resolution and the mechanism by such means as they may determine in accordance with their mandates from the Council;

16. *Decides* to consolidate the periodic requirements for progress reports under its resolutions 699 (1991), 715 (1991) and the present resolution and to request the Secretary-General and the Director General of the International Atomic Energy Agency to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996;

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

Speaking after the vote, the representative of the United States reiterated that, while the resolution had been a very technical step, which was a prerequisite for the lifting of sanctions, the only step that would bring the lifting of sanctions closer would be a new Iraqi attitude of cooperation with IAEA, the Special Commission and the Council, in meeting all of the obligations of Iraq.¹²

The representative of France stated that the resolution would provide an essential tool for the long-term monitoring of dual-use goods and technologies in Iraq, once the current sanctions regime had been lifted.¹³

¹² Ibid., pp. 5-6.

¹³ Ibid., p. 6.

The representative of the United Kingdom stressed that the 60-day deadline of implementation of the mechanism by Iraq needed to be scrupulously respected.¹⁴

The representative of the Russian Federation stated that his country believed that it was important to work out and finalize the system and procedure for compiling and transmitting notifications; the guarantees on preserving trade secrets in the notification process; the competences of the basic organs operating under the regime and the system whereby they would interact; and the procedure for reviewing the mechanism and the records. He also noted that his Government had serious questions about paragraph 29 of the mechanism, regarding possible differences between suppliers and the Special Commission. There was a need to avoid situations arising in which the mechanism could become the embryo of a policy of double standards.¹⁵

**Decision of 12 June 1996 (3672nd meeting):
resolution 1060 (1996)**

At its 3672nd meeting, held on 12 June 1996 in accordance with the understanding reached in its prior consultations, the President (Egypt) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹⁶ He then drew the attention of the Council to several revisions to the text of the draft resolution.

All the members of the Council spoke, expressing their concern at the incidents of 11 and 12 June in which inspectors were denied access to sites the Commission had designated, and some speakers called on Iraq to cooperate fully with the Special Commission and fulfil all its obligations under previous resolutions of the Council.¹⁷

Speaking before the vote, the representative of the Russian Federation expressed regret that an inspection team of the Special Commission had been refused access to sites it wished to inspect in violation of resolutions of the Council for the first time and

¹⁴ Ibid.

¹⁵ Ibid., pp. 6-7.

¹⁶ S/1996/426.

¹⁷ S/PV.3672, p. 3 (Italy); p. 5 (Republic of Korea); p. 5 (Chile); pp. 6-7 (France); p. 7 (Botswana); and pp. 7-8 (Egypt).

stressed that such incidents should not be repeated. At the same time, he noted that the members of the Council had been able to resist the temptation to use threatening language and an approach based on force.¹⁸

The representative of China stated that his country was of the view that the reasonable and legitimate security concerns of Iraq as a sovereign State needed to be respected by all parties, that resolution 687 (1991) needed to be implemented comprehensively and that the sovereignty, territorial integrity and political independence of Iraq needed to be safeguarded.¹⁹

The representative of the United Kingdom underscored that it was clearly unacceptable for Iraq to declare that any facilities or sites were off limits. The Special Commission had made it clear to Iraq that it was still not satisfied that the information it had obtained provided a complete picture of the weapons of mass destruction programmes in Iraq. It was also apparent that Iraq continued to withhold information. He stressed that therefore the Special Commission had no alternative but to continue with intrusive, no-notice inspections, which were fully within its mandate.²⁰

The representative of Germany stressed that the recent incidents had been particularly grave because the Iraqi leadership was trying to define a category of sites to be excluded from any inspections. He maintained that claims by Iraq that its sovereignty and independence were infringed upon by inspections by the Special Commission were obviously not valid, as Iraq had accepted resolution 687 (1991), including the role the Special Commission was given by that resolution.²¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1060 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991 and 715 (1991) of 11 October 1991,

Recalling also the letter dated 9 March 1996 from the Executive Chairman of the Special Commission to the President

of the Security Council, the letter dated 12 March 1996 from the President to the Executive Chairman, the statement made at its 3642nd meeting on 19 March 1996 by the President, and the report of the Executive Chairman of 11 April 1996 (S/1996/258),

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

Recalling in this context the notes by the Secretary-General of 21 July and 1 December 1993,

Noting the progress made in the work of the Special Commission towards the elimination of Iraq's programmes of weapons of mass destruction, and outstanding problems, reported by the Executive Chairman of the Special Commission,

Noting with concern the incidents on 11 and 12 June 1996, reported to members of the Council by the Executive Chairman of the Special Commission, when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Emphasizing the importance the Council attaches to full compliance by Iraq with its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991) to permit immediate, unconditional and unrestricted access to the Special Commission to any site the Commission wishes to inspect,

Emphasizing the unacceptability of any attempts by Iraq to deny access to any such site,

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

1. *Deplores* the refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear violation of the provisions of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991);

2. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

3. *Expresses its full support* to the Special Commission in its efforts to ensure implementation of its mandate under the relevant resolutions of the Council;

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

Speaking after the vote, the representative of the United States stressed that the invasion and occupation of Kuwait, the campaign against the Kurds and Shia, and the use of terrorism by Iraq were ample and incontrovertible proof that the regime still posed a serious threat to the security of the region. He maintained that blocking the inspectors of the Special Commission from an entire category of suspect sites

¹⁸ *Ibid.*, pp. 2-3.

¹⁹ *Ibid.*, p. 3.

²⁰ *Ibid.*, pp. 3-4.

²¹ *Ibid.*, pp. 4-5.

was a new situation and a matter of grave concern to the Government of the United States. If the situation persisted, as it had on occasions in the past, the Council would have no choice but to conclude that Iraq was in material breach of its obligations under resolutions 687 (1991), 701 (1991) and 715 (1991).²²

**Decision of 14 June 1996 (3674th meeting):
statement by the President**

At its 3674th meeting, held on 14 June 1996 in accordance with the understanding reached in its prior consultations, the President (Egypt) made the following statement on behalf of the Council:²³

The Security Council condemns the failure of Iraq to comply with its resolution 1060 (1996) of 12 June 1996 by refusing access to sites designated by the Special Commission on 13 June 1996. Coming after the denial of access on 11 and 12 June 1996, this new dimension of non-compliance marks a serious step backwards in Iraq's cooperation with the Special Commission. The Council considers that these events constitute a clear and flagrant violation of its resolutions 687 (1991), 707 (1991) and 715 (1991).

The Council reiterates its full support for the Special Commission in the conduct of its inspections and other tasks entrusted to it by the Council. The Council rejects attempts by Iraq to impose conditions on the conduct of inspections by the Special Commission.

The Council demands once again that Iraq comply with the relevant resolutions of the Council and, in particular, allow the inspection teams of the Special Commission immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect.

The Council requests the Executive Chairman of the Special Commission to visit Baghdad as soon as possible with a view to securing immediate, unconditional and unrestricted access to all sites which the Special Commission wishes to inspect and to engage in a forward-looking dialogue on other issues under the Commission's mandate. It further requests the Executive Chairman to report immediately afterwards on the results of his visit and on the impact of Iraqi policies on the mandate and work of the Special Commission.

**Decision of 23 August 1996 (3691st meeting):
statement by the President**

At its 3691st meeting, held on 23 August 1996 in accordance with the understanding reached in its prior

²² Ibid., p. 6.

²³ S/PRST/1996/28.

consultations, the President (Germany) made the following statement on behalf of the Council:²⁴

The Security Council, on the eve of the planned visit to Baghdad by the Executive Chairman of the Special Commission, strongly reaffirms its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council. The Council reiterates the importance it attaches to full compliance by Iraq with the relevant resolutions of the Council. It underlines the important role of the Special Commission inspection teams and demands once again that they be given immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect, and Iraqi officials whom they wish to interview, so that the Special Commission may fully discharge its mandate.

In this context, the Council remains gravely concerned at the failure by Iraq to comply fully with its resolution 1060 (1996) of 12 June 1996 and with other resolutions of the Council dealing with the Special Commission. The denial by Iraq, on repeated occasions, of immediate, unconditional and unrestricted access to sites which they wished to inspect and the attempts made by the Government of Iraq to impose conditions on the conduct of interviews with Iraqi officials by the Special Commission constitute a gross violation of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). The Council notes that these actions also contradict commitments made by the Government of Iraq in its joint statement of 22 June 1996 with the Special Commission, and urges the Government of Iraq to respect these commitments. The Council reminds the Government of Iraq that only full compliance with its obligations under the relevant resolutions will enable the Executive Chairman of the Special Commission to present his report in accordance with section C of resolution 687 (1991). The Council will continue to consider how best to ensure Iraq's full compliance.

The Council requests the Executive Chairman to report to it on the results of his visit.

**Decision of 30 December 1996 (3729th meeting):
statement by the President**

At its 3729th meeting, held on 30 December 1996 in accordance with the understanding reached in its prior consultations, the President (Italy) made the following statement on behalf of the Council:²⁵

The Security Council notes that the Special Commission and the Government of Iraq previously agreed that the investigation of unilateral destruction of proscribed items is a fundamental area to accelerate the verification of the Iraqi declarations. In this regard, the Council deplores the refusal by

²⁴ S/PRST/1996/36.

²⁵ S/PRST/1996/49.

Iraq to allow the Special Commission to remove approximately 130 missile engines from Iraq for analysis by a team of international experts under the Special Commission. The Council notes that such action complicates the implementation by the Special Commission of its mandate.

The Council reaffirms that a full accounting for Iraq's missiles with a range greater than 150 kilometers is a necessary prerequisite to enable the Commission to report that Iraq has complied with the requirements of section C of resolution 687 (1991). The Council fully supports the intention of the Special Commission to carry out thoroughly the examination and analysis in the missile area, either on the basis of dispatching international teams of experts to Iraq or examining the relevant items abroad.

The Council reminds the Government of Iraq of its obligation to comply with the provisions of the relevant resolutions and the need to cooperate fully with the Special Commission in order to enable it to report that the requirements of section C of resolution 687 (1991) are met. In this perspective, the Council affirms that Iraq is required to allow the Special Commission to remove the missile engines from its territory. The Council welcomes any proposal from Member States to offer their national facilities to the Special Commission in order to enable it to conduct the necessary analysis, if and when the Commission deems it necessary.

The Council strongly reaffirms its full support for the Special Commission in the conduct of its mandate under the relevant resolutions of the Council. The Council reaffirms the right and privileges of the Special Commission as stated in its previous relevant resolutions, in particular resolutions 687 (1991), 707 (1991) and 715 (1991).

**Decision of 16 April 1997 (3768th meeting):
statement by the President**

At its 3768th meeting, held on 16 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) made the following statement on behalf of the Council:²⁶

The Security Council has considered the case of an Iraqi aircraft which flew from Baghdad, Iraq, to Jeddah, Saudi Arabia, on 9 April 1997 and then departed.

The Government of Iraq, in a letter dated 3 February 1997, had requested clearance from the Security Council Committee established by resolution 661 (1990) for the release of 50 million dollars from the frozen Iraqi assets being held in Saudi Arabia, Bahrain and the United Arab Emirates to cover pilgrimage costs and requested the agreement of the Committee for flights by Iraqi Airways to transport those pilgrims to Jeddah, during the holy pilgrimage season.

The Committee answered in a letter dated 3 March 1997 that it would be in a better position to consider the release of the frozen Iraqi funds if a request was submitted by a country which was willing to release such funds to meet the pilgrimage costs.

The Government of Iraq proceeded with this particular flight without specific consultation with the Committee. Such consultation would have allowed the Committee to consider the matter and to determine whether the flight required Committee approval under the relevant resolutions.

The Council draws to the attention of Member States their obligations under resolutions 661 (1990), 670 (1990) and other relevant resolutions.

The Council underlines its respect for the obligation of Muslims to perform the Hajj.

**Decision of 4 June 1997 (3786th meeting):
resolution 1111 (1997)**

On 2 June 1997, pursuant to paragraph 11 of resolution 986 (1997), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq, the work of the Secretariat in processing applications to the Security Council Committee established by resolution 661 (1990), the activities of the oil overseers and the United Nations independent inspection agents and the current status of the United Nations Iraq Account. In addition, it included the observations of the Secretary-General on the adequacy of oil revenues received under the resolution in meeting humanitarian needs in Iraq and on the capacity of Iraq to export sufficient quantities of petroleum and petroleum products to generate one billion dollars every 90 days.²⁷ In his report, the Secretary-General noted that the programme authorized by the Council in its resolution 986 (1995) was unique among all humanitarian assistance operations undertaken by the United Nations in that it sought to mitigate some of the negative effects of sanctions being imposed on the recipient country. He observed that, while the Secretariat and the various participating agencies had been able to overcome most of the problems encountered in the initial stages of implementation, he remained troubled by the persistent lags and other difficulties encountered in the processing of applications, which had resulted in major delays in the provision of several items. Bearing in mind the continuing humanitarian crisis in Iraq, he

²⁷ S/1997/419.

²⁶ S/PRST/1997/21.

recommended the renewal of the programme for a further period of six months.

By a letter dated 30 May 1997 addressed to the President of the Council,²⁸ the Chairman of the Security Council Committee established by resolution 661 (199) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 12 of resolution 986 (1995). The report noted that, while the export of oil had proceeded well, there had been delays in the supply of humanitarian goods. However, the Committee was confident that the new measures it had adopted would enable a smoother process of implementation of resolution 986 (1995).

At its 3786th meeting, held on 4 June 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. Following the adoption of the agenda, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1111 (1997), which reads:

The Security Council,

Recalling its previous resolutions and, in particular, 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), as well as the report submitted in accordance with paragraph 12 of resolution 986 (1995) by the Security Council Committee established by resolution 661 (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 0001 hours eastern daylight time on 8 June 1997;

2. *Also decides* to conduct a thorough review of all aspects of the implementation of the present 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 the present resolution, provided that the reports referred to in paragraphs 3 and 4 below indicate that those provisions are being satisfactorily implemented;

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

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

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

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

**Decision of 13 June 1997 (3789th meeting):
statement by the President**

At its 3789th meeting, held on 13 June 1997 in accordance with the understanding reached in its prior

²⁸ S/1997/417.

²⁹ S/1997/428.

consultations, the President (Russian Federation) drew the attention of the Council to the following documents: letters dated 9 and 11 June 1997, respectively, from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) addressed to the President of the Council;³⁰ a letter dated 13 June 1997 from the representative of Iraq addressed to the President of the Council,³¹ transmitting the text of a letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991); and a letter dated 13 June 1997 from the representative of Iraq addressed to the President of the Council,³² transmitting the text of a letter dated 6 June 1997 from the Under-Secretary of the Ministry for Foreign Affairs of Iraq addressed to the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991).

At the same meeting, the President made the following statement on behalf of the Council:³³

The Security Council takes note of the letters dated 9 and 11 June 1997 from the Executive Chairman of the Special Commission, the letter dated 5 June 1997 from the Deputy Prime Minister of Iraq and the letter dated 6 June 1997 from the Under-Secretary of the Ministry of Foreign Affairs of Iraq. The Council expresses serious concern at the four incidents on 4, 5 and 7 June 1997 in which Iraqi personnel unacceptably interfered with helicopter flights operating in support of inspection of sites designated by the Special Commission under Council resolutions 687 (1991), 707 (1991) and 715 (1991),

endangering the helicopters and their crews, as well as persons on the ground.

The Council deplores these incidents and underlines the fact that Iraq must immediately take effective steps to put an end to all such actions. The Council reminds Iraq of its obligations under the relevant resolutions of the Council, in particular resolution 1060 (1996). The Council affirms that Iraq is obliged to ensure the security of the personnel of the Special Commission and to permit the Commission to carry out its air operations anywhere in Iraq without interference of any kind in accordance with pertinent provisions of resolution 707 (1991). The Council recalls the commitments contained in the joint statement of the Special Commission and Iraq of 22 June 1996.

The Council reiterates its continuing support to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council.

**Decision of 21 June 1997 (3792nd meeting):
resolution 1115 (1997)**

At its 3792nd meeting, held on 21 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation) drew the attention of the Security Council to a draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, Sweden, the United Kingdom and the United States.³⁴ The President then drew the attention of the Council to the following documents: letters dated 14, 16, 18, and 20 June 1997, respectively, from the representative of Iraq addressed to the President of the Council;³⁵ and a letter dated 19 June 1997 from the Executive Chairman of the Special Commission addressed to the President of the Council.³⁶ He further drew the attention of the Council to a letter dated 12 June 1997 from the Executive Chairman of the Special Commission addressed to the President of the Council,³⁷ stating that the Government of Iraq had denied the Special Commission access to a site designated for inspection on 10 and 12 June 1997.

Speaking before the vote, the representative of the United Kingdom noted that the Executive Chairman of the Special Commission had declared that Iraq had violated the Joint Programme of Action and the sensitive site modalities drawn up by him in June

³⁰ Letters reporting incidents on 4, 5 and 7 June in which the lives of the crews of the Commission's helicopters and the aircraft themselves were endangered through the actions of the Iraqi air personnel on board and through the maneuvers of the accompanying Iraqi helicopters (S/1997/455 and S/1997/458).

³¹ Letter commenting on the incident involving the Chief Inspector of the Special Commission and Iraqi pilots and minders while they were on an inspection mission and stating that the persons concerned were being relieved from such escort duties (S/1997/456).

³² Letter explaining that the incidents were due to the insistence of the Chief Inspector of the Aerial Inspection Team that the Special Commission pilot use a flight path over a presidential site, which the Iraqi authorities could not accept for security reasons (S/1997/457).

³³ S/PRST/1997/33.

³⁴ S/1997/479.

³⁵ Letters regarding issues arising from searches by the Special Commission (S/1997/462, S/1997/465, S/1997/473 and S/1997/481).

³⁶ S/1997/475, responding to issues raised in letters from the representative of Iraq.

³⁷ S/1997/474.

1996. The investigations of the Special Commission had clearly demonstrated that the Government of Iraq had engaged in a coordinated attempt to conceal from the Special Commission the full extent of its activities, both before and after the passage of resolution 687 (1991), related to weapons of mass destruction. He stressed that the Executive Chairman had told the Council that the organizations responsible for that concealment were closely linked to those responsible for the highest levels of national security in Iraq. He called on Iraq to be completely open with the Special Commission and cease all obstruction and harassment.³⁸

The representative of Egypt stated that although the draft resolution still included certain elements with which his delegation was not totally satisfied, the message contained in the draft was that implementation of resolutions needed to be supported. He emphasized that his country had had many reservations about the original text of the draft resolution, which Egypt would have opposed. The original text had contained additional sanctions upon Iraq at a time when the regional Arab, African and Islamic organizations and those associated with the Non-Aligned Movement wished the Special Commission to end its missions so as to put an end to the suffering of the Iraqi people. Second, it had not referred to the principles of sovereignty, territorial integrity and political independence of Kuwait and Iraq. Third, although the provisions of the Charter gave the Council the main responsibility for safeguarding international peace and security, the original text would have led the Council to give up its prerogatives by handing them over to a technical commission under the Council. Fourth, it would have created an imbalance in the provisions laid down by resolution 687 (1991), the comprehensive resolution under which the sanctions system was set up in an organized, institutional, balanced framework guaranteeing political control by the Council over the work of the Special Commission. He also stressed that paragraph 2 of the resolution needed to be understood to mean that the Commission needed to implement all resolutions and written and oral agreements between the Commission and Iraq, as well as the declaration of 22 June 1996.³⁹

³⁸ S/PV.3792, pp. 2-3.

³⁹ *Ibid.*, p. 3.

The representative of Japan maintained that the Iraqi actions could not simply be considered technical violations of inspection procedures but that the authority of the Council was being challenged. Japan supported the direction the Council was moving in adopting the draft resolution.⁴⁰

The representative of the United States maintained that, since 1991, Iraq had made every effort to conceal its true weapons capabilities, to destroy evidence of its programmes and supply routes and to lie about it to the Council. In the last two years, Iraqi efforts to interfere with the Special Commission in the execution of its mandate had intensified. He stressed that the continued failure of Iraq to comply with resolutions of the Council was a serious threat to the peace and security of the region. Noting that the action by the Council suspended the reviews of sanctions scheduled for 30 June and 30 August 1997, he stated that the measures sent a strong message that lifting sanctions would be impossible until Iraq fundamentally changed its approach. Similarly, the Council had expressed its intent to impose new measures, targeted precisely at those parties most responsible for the continued concealment of the weapons programmes, if Iraq ignored the latest draft resolution and failed to comply with the substance of the authority of the Special Commission.⁴¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1115 (1997), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991 and 1060 (1996) of 12 June 1996,

Taking note of the letter dated 12 June 1997 from the Executive Chairman of the Special Commission to the President of the Security Council in which the Executive Chairman reported to the Council the incidents on 10 and 12 June 1997 when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996), to permit immediate, unconditional and unrestricted access to

⁴⁰ *Ibid.*, pp. 3-4.

⁴¹ *Ibid.*, pp. 4-5.

the Special Commission to any site which the Commission wishes to inspect,

Stressing the unacceptability of any attempts by Iraq to deny access to any such site,

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

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

1. *Condemns* the repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear and flagrant violation of the provisions of Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996);

2. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission;

3. *Demands also* that the Government of Iraq give immediate, unconditional and unrestricted access to officials and other persons under the authority of the Iraqi Government whom the special Commission wishes to interview, so that the Special Commission may fully discharge its mandate;

4. *Requests* the Executive Chairman of the Special Commission to include in his consolidated progress reports under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 above;

5. *Decides* not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until after the next consolidated progress report of the Special Commission, due on 11 October 1997, after which time those reviews will resume in accordance with resolution 687 (1991);

6. *Expresses its firm intention*, unless the Special Commission advises the Council in the report referred to in paragraphs 4 and 5 above that Iraq is in substantial compliance with paragraphs 2 and 3 above, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance;

7. *Reaffirms its full support* to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council;

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

Speaking after the vote, the representative of China expressed concern about the recent verification problems and urged Iraq to fully implement the relevant resolutions of the Council and better cooperate with the Special Commission. At the same time, his country believed that the legitimate security concerns of a sovereign State needed to be respected by all

parties; that resolution 687 (1991) needed to be fully implemented; and that the sovereignty, territorial integrity, and political independence of Iraq needed to be respected. He maintained that the sanctions against Iraq had been in force for six years, during which time Iraq had basically maintained its cooperation with the Special Commission, and the Special Commission had made great progress in discharging the mandate entrusted to it by the Council. Under those circumstances, he suggested considering gradually lifting sanctions against Iraq in order to alleviate its humanitarian difficulties. However, the resolution had decided to suspend the review of sanctions against Iraq by the Council and threatened to impose further sanctions, which was not fair. He reiterated that Government of China had always opposed the willful imposition and threat of sanctions against a country. He also noted that considerable changes had been incorporated into the resolution, including the deletion of new sanctions and of the reference to the larger pattern of non-cooperation, and the addition of the commitment to the sovereignty, territorial integrity and political independence of Iraq. For those reasons, the Chinese delegation voted in favour.⁴²

The representative of the Russian Federation stated that the Council needed to be guided in its activities by the need to quickly achieve the objectives in the resolutions that set out the obligations of Iraq to the Special Commission. Noting that the Security Council had reached consensus on the issue, he stressed that the consensus was an appropriate response to the situation that had developed with respect to the inspections. The consensus was not based on the "logic of punishment" but formed part of the main thrust of the Council, which was to conclude the disarmament issue as quickly as possible and to achieve a lasting post-conflict settlement in the Persian Gulf on the basis of resolution 687 (1991).⁴³

Decision of 12 September 1997 (3817th meeting): resolution 1129 (1997)

On 8 September 1997, pursuant to paragraph 3 of resolution 1111 (1997), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq.⁴⁴

⁴² Ibid., p. 6.

⁴³ Ibid., pp. 6-7.

⁴⁴ S/1997/685.

In his report, the Secretary-General stated that while not all the supplies from the first phase of the Inter-Agency Humanitarian Programme had been delivered, the availability of additional revenues from the sale of oil authorized under resolution 1111 (1997) would help address the continuing humanitarian needs in Iraq. However, the decision by the Government of Iraq to suspend the sale of oil, pending the approval of the new distribution plan, was expected to result in a significant shortfall of funds. In view of the adverse consequences for the humanitarian programme, he suggested that the Council might wish to consider an appropriate mechanism for the shortfall to be met. He continued to be concerned about the adverse impact of delays in the arrival of humanitarian goods on those whom the resolution was designed to assist, and therefore urged all parties involved in the implementation of the resolution to devote renewed effort to ensuring that the processing, approval and delivery of humanitarian goods was carried out expeditiously. Regarding the needs of vulnerable groups in Iraq, he informed the Council that, as no additional resources had been authorized under resolution 1111 (1997), their needs would need to be met outside the framework of the resolution, and that he had received the assurances from the Government of Iraq that additional resources would be available for vulnerable groups in central and southern Iraq.

By a letter dated 8 September 1997 addressed to the Secretary-General,⁴⁵ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 4 of resolution 1111 (1997). The Chairman informed the Council that the process of the export of petroleum from Iraq had proceeded in full compliance with the provisions of resolutions 968 (1995) and 1111 (1997). At the same time, the Committee had made repeated efforts to expedite the processing of humanitarian supplies to Iraq. Consignments of supplies approved during the initial operation also continued to arrive in Iraq steadily. However, owing to the delay in the export of petroleum in the first two months following the adoption of resolution 1111 (1997), the total revenue generated by Iraqi oil exports had not reached the objective.

⁴⁵ S/1997/692.

At its 3817th meeting, held on 12 September 1997 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General and the letter in its agenda. The President then drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.⁴⁶ The President then drew the attention of the Council to a letter dated 4 September 1997 from the representative of Iraq addressed to the Secretary-General, transmitting a letter dated 4 September 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General, stating that Iraq was fulfilling all its obligations under the provisions of the memorandum of understanding and calling on the Secretariat to expedite the contract application procedure and urge the representatives of the United States and the United Kingdom to lift the hold on procurement contracts for food, medicines and other basic humanitarian requirements.⁴⁷

Speaking before the vote, the representative of the United Kingdom stated that his country was determined to ensure that the Iraqi people received the maximum benefit from resolution 1111 (1997), which was why his delegation had taken the initiative in putting forward the draft resolution. The draft resolution would enable Iraq to make up the shortfall in oil sales and thus ensure that the full amount of revenue was available for the purchase of humanitarian supplies.⁴⁸

The representative of Egypt reiterated the position of his delegation that the shortfall in Iraqi oil exports was a technical issue to be dealt with by a procedural, technical resolution. He expressed his country's belief that the two provisions related to oil exports and the implementation of the contracts for humanitarian requirements needed to go side by side within the same time frame. His delegation would have liked the draft resolution to include a frank appeal to the sanctions Committee to redouble its efforts to facilitate the supply of humanitarian goods to Iraq in accordance with the report of the Secretary-General.⁴⁹

The representative of China noted that, although Iraq had exported oil, the delivery of humanitarian

⁴⁶ S/1997/709.

⁴⁷ S/1997/690.

⁴⁸ S/PV.3817 and Corr.1, p. 2.

⁴⁹ *Ibid.*, pp. 2-3.

goods had been delayed, which was not in keeping with the spirit of resolutions 986 (1995) and 1111 (1997). He urged all sides to accelerate the delivery process.⁵⁰

The representative of France explained that his country had supported efforts for the adoption of a technical, humanitarian text from the outset, and noted that, in such matters, the Council should show its solidarity and cohesiveness. He stated that his country realized that the obligations of all needed to be recalled, and understood the very justified appeal in the text to improve the situation. His delegation understood this appeal as an expression of encouragement to all concerned, and in particular to the Security Council Committee established by resolution 661 (1990).⁵¹

The representative of the Russian Federation stated that the oil export problem could not be considered in isolation from the delivery of humanitarian goods, and that his delegation found it unacceptable that there was a growing gap between deliveries of Iraqi oil and the provision of humanitarian supplies to Iraq under resolutions 986 (1995) and 1111 (1997). He expressed concern that for some months the sanctions Committee had seen a trend of blocking medical supplies and food contracts to meet very urgent needs. That was being done on the basis of pretexts that had nothing to do with the existing procedure in the sanctions Committee. Sometimes, in spite of the procedure agreed upon, the relevant delegations were blocking requests without even giving any reasons. He stressed that his delegation had always objected to such a practice, and he called upon all their partners in the Council to strictly abide by the agreed procedure. He stated that his country had been prepared for the draft resolution to be strictly technical and suggested that if the sponsors had wished to include explanations of the causes of the current humanitarian crisis, their explanations needed to be objective and to include an honest observation of the facts regarding how things stood in the Committee established by resolution 661 (1990). Finally, he noted that, while both sides bore responsibility for the situation, it was important to remedy the situation in the sanctions Committee as regards the delivery of

humanitarian goods to Iraq. Unfortunately, the draft resolution had not taken into account this aspect, and for that reason, his delegation would abstain from voting.⁵²

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with one abstention (Russian Federation), as resolution 1129 (1997),⁵³ which reads:

The Security Council,

Recalling its previous resolutions, in particular 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 0001 hours 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 Security Council Committee established by resolution 661 (1990) 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 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 humanitarian situation,

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

⁵⁰ *Ibid.*, p. 3.

⁵¹ *Ibid.*

⁵² *Ibid.*, pp. 3-4.

⁵³ For the vote, see S/PV.3817, p. 4.

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 0001 hours 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 0001 hours eastern daylight time on 4 October 1997;

2. *Decides also* 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, 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 the purchase of items not on the annexed list;

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

Speaking after the vote, the representative of the United States stressed that the resolution was a one-time exception intended solely to prevent unnecessary suffering among the people of Iraq and that the time limits for the sale of Iraqi petroleum under any successor resolutions would be strictly adhered to. He also stressed that the decision of the Baghdad regime to delay oil sales was not required by any of the relevant Security Council resolutions or by the memorandum of understanding with the United Nations. Instead the Government of Iraq had defied the clear conditions of United Nations resolutions and made a decision to put at risk the well-being of its people “in order to seek to score propaganda points”. While expressing regret that one delegation could not support the resolution, he maintained that the notion of introducing language blaming the United Nations for actions that were solely

the fault of the Government of Iraq into a resolution was unacceptable.⁵⁴

**Decision of 23 October 1997 (3826th meeting):
resolution 1134 (1997)**

By a note dated 6 October 1997, the Secretary-General transmitted to the Security Council the fourth report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991).⁵⁵ In his report, the Executive Chairman noted that, while the Special Commission had registered significant achievements in the disarmament field and had been well launched in the field of monitoring, there had been continuing difficulties. The Commission was convinced of the need for the Council to insist that Iraq meet its obligations to disclose fully all of its prohibited weapons and associated programmes and demand complete cooperation by Iraq with the exercise by the Special Commission of its rights to full access to sites and persons necessary to verify compliance by Iraq with the relevant decisions of the Council.

At its 3826th meeting, held on 23 October 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the note from the Secretary-General in its agenda. The President (Chile) then drew the attention of the Council to a draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom and the United States.⁵⁶

Speaking before the vote, the representative of the United Kingdom stated that his country and the other co-sponsors believed that the Council needed to react robustly to continued Iraqi flouting of resolutions of the Security Council. The draft resolution therefore contained a firm and consistent decision which built on and developed the firmly stated intention in resolution 1115 (1997) “to impose additional measures” by spelling out those measures, while providing a further opportunity over the next six months for Iraq to demonstrate by its good faith that they were unnecessary. He also noted that Iraq had still failed to

⁵⁴ S/PV.3817 and Corr.1, pp. 4-5.

⁵⁵ S/1997/774.

⁵⁶ S/1997/816.

meet its obligations on missing Kuwaiti prisoners of war, property and the national archives of Kuwait.⁵⁷

The representative of Egypt stressed that his country had drawn certain conclusions, which it would have liked to have seen included in the draft resolution. First, while the reports had indicated certain negative aspects of the conduct of Iraq, there were also some positive aspects that the draft resolution should have reflected and credited to the Government of Iraq. Second, despite his delegation's support for the mandate of the Special Commission, he stressed that the Council needed to be the only body responsible for making the right decision. Third, the reports that had been submitted and the comments made by IAEA and the Special Commission indicated that those two bodies dealt with purely technical matters and, although it was difficult from the purely technical standpoint of IAEA and the Special Commission to assert that nothing remained to be destroyed, it was important that the Council take a clear decision defining the ultimate goal of the activities of those two bodies in order to fully implement the resolution. Fourth, the difference of opinion between the Special Commission and Iraq with regard to the interpretation of those modalities and the manner of implementing them demanded that the Council take the time to study the question objectively. Iraq needed to cooperate further and the Special Commission for its part needed to make an effort to cooperate in establishing clear cut modalities. Fifth, assessing the manner in which Iraq was discharging its responsibility meant taking into consideration that the reports had indicated that Iraq had only sporadically not acted in conformity with Security Council resolutions. Sixth, Egypt was opposed in principle to the imposition of any additional sanctions against Iraq, since Iraq had made further efforts in the past six months to cooperate with the Special Commission and IAEA. Seventh, the preparation of lists of individuals who had impeded the work of the Special Commission, without specifying the person entrusted with preparing the lists or the modality of their preparation, was ambiguous. The Council ought to have mandated the sanctions Committee to determine clear criteria for the modalities of implementation of the resolution. As the sponsors of the draft resolution had insisted on its

⁵⁷ S/PV.3826, pp. 2-3.

being put to the vote without taking into consideration the proposals, Egypt would abstain in the voting.⁵⁸

The representative of Kenya stated that for the most part the reports of the Special Commission and IAEA indicated that significant progress had been made on several fronts, particularly in the missile and chemical weapons area, and that in the overall context of the work of the Commission, inspections had been conducted without hindrance. As the draft resolution did not clearly portray the balance and tone of the reports, Kenya would abstain in the voting.⁵⁹

The representative of China noted that, in most cases, Iraq had cooperated with the Special Commission. He stressed that his delegation was never in favour of imposing sanctions against any State indiscriminately or of using sanctions as a threat. He stated that in order to solve problems, the priority was to enhance the cooperation between Iraq and the Special Commission rather than further complicating the matter. As the draft resolution was not conducive to the settlement of the problems concerned, China would have to abstain in the voting.⁶⁰

The representative of the Russian Federation stated that, while it could not be said that Iraq had accounted for all the weapons components and capabilities proscribed by section C of resolution 687 (1991), the isolated incidents concerning inspections that had occurred could not justify the immediate adoption of additional sanctions against Iraq, as provided for in resolution 1115 (1997). He stated that the problems remaining in the relations between the Special Commission and Baghdad deserved serious attention on the part of the Council and needed to be rapidly resolved, inter alia, within the framework of the consultations between the Executive Chairman of the Special Commission and Baghdad. He stressed that there was a lack of balance in the draft resolution: the resolution ignored substantial elements of the fulfillment of relevant provisions of resolution 687 (1991) and omitted any mention of the International Atomic Energy Agency report. The representative noted that there was an attempt in the draft resolution to revise the provision in resolution 1115 (1997) on the need for "substantial compliance" by Iraq with the

⁵⁸ *Ibid.*, pp. 4-5.

⁵⁹ *Ibid.*, pp. 6-7.

⁶⁰ *Ibid.*, p. 7.

requirements for access of the Special Commission. Since resolution 1115 (1997) continued in effect, the use of new wording in the form proposed by the sponsors of the draft resolution would confuse the criteria for Iraqi compliance with the resolution. He stressed that the proposed concept of a black list was faulty from both logical and legal standpoints, and therefore could not be acceptable, as lists of persons subject to sanctions should not be drawn up when the Council had not yet decided whether sanctions would be imposed. Taking those factors into account, the Russian Federation would abstain in the voting.⁶¹

A number of speakers made statements in favour of the draft resolution, maintaining that Iraq had repeatedly violated its obligations and stressing that nothing less than full cooperation by Iraq with the Special Commission would enable it to fulfil its task.⁶²

At the same meeting, the draft resolution was put to the vote and adopted by 10 votes to none, with 5 abstentions (China, Egypt, France, Kenya, Russian Federation), as resolution 1134 (1997),⁶³ which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996 and 1115 (1997) of 21 June 1997,

Having considered the report of the Executive Chairman of the Special Commission of 6 October 1997,

Expressing grave concern at the report of additional incidents since the adoption of resolution 1115 (1997), in which access by the Special Commission inspection team to sites in Iraq designated for inspection by the Commission was again denied by the Iraqi authorities,

Stressing the unacceptability of any attempts by Iraq to deny access to such sites,

Taking note of the progress nevertheless achieved by the Special Commission, as set out in the report of the Executive Chairman, towards the elimination of Iraq's programme of weapons of mass destruction,

Reaffirming its determination to ensure full compliance by Iraq with all its obligations under all previous relevant resolutions, and reiterating its demand that Iraq allow immediate, unconditional and unrestricted access to the Special

Commission to any site which the Commission wishes to inspect and, in particular, allow the Special Commission and its inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without interferences of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission,

Recalling that in its resolution 1115 (1997) the Council expressed its firm intention, unless the Special Commission has advised the Council that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

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

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

1. *Condemns* the repeated refusal of the Iraqi authorities, as detailed in the report of the Executive Chairman of the Special Commission to allow access to sites designated by the Special Commission, and especially Iraqi actions endangering the safety of Special Commission personnel, the removal and destruction of documents of interest to the Special Commission and interference with the freedom of movement of Special Commission personnel;

2. *Decides* that such refusals to cooperate constitute a flagrant violation of Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996), and notes that the Special Commission, in the report of the Executive Chairman, was unable to advise that Iraq was in substantial compliance with paragraphs 2 and 3 of resolution 1115 (1997);

3. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance;

4. *Demands* in particular that Iraq without delay allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

5. *Requests* the Executive Chairman of the Special Commission to include in all future consolidated progress reports prepared under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997);

⁶¹ *Ibid.*, pp. 8-9.

⁶² *Ibid.*, p. 5 (Portugal); pp. 5-6 (Sweden); p. 6 (Poland); and pp. 7-8 (Japan).

⁶³ For the vote, see S/PV.3826, p. 9.

6. *Expresses* its firm intention — if the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115 (1997) or if the Special Commission does not advise the Council in the report of the Executive Chairman due on 11 April 1998 that Iraq is in compliance with paragraphs 2 and 3 of resolution 1115 (1997) — to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115 (1997), provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661 (1990), and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals or persons carrying out bona fide diplomatic assignments or missions;

7. *Decides*, on the basis of 11 incidents related to the implementation of paragraphs 2 and 3 of resolution 1115 (1997), to begin to designate, in consultation with the Special Commission, individuals whose entry or transit would be prevented upon implementation of the measures set out in paragraph 6 above;

8. *Decides also* not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until after the next consolidated progress report of the Special Commission, due on 11 April 1998, after which those reviews will resume in accordance with resolution 687 (1991), beginning on 26 April 1998;

9. *Reaffirms its full support* for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

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

Speaking after the vote, the representative of France stated that his country had wanted the wording of the text to be such that it would not give rise to any hasty or erroneous interpretations, such as the belief that an additional sanctions process had already been set in motion, contrary to the appeal contained in the report of the Special Commission. Because progress had been made, he expressed the belief that the Executive Chairman of the Special Commission ought to have received some encouragement to continue with his efforts and further enhance the effectiveness of the cooperation with the Iraqi authorities. He also expressed the hope that the Council, in the future exercise of its prerogatives, would continue to use very precise wording in its work in order to avoid situations in which people not directly responsible for the problems encountered might find themselves facing

sanctions. In light of those considerations, his delegation had abstained in the voting.⁶⁴

The representative of the United States, referring to the suggestion that the Council ought to reward Iraq because it had cooperated with the Special Commission to a greater degree than in the past, underscored that cooperation was not a matter of degree: either Iraq was in compliance with its obligations or it was in breach of those obligations. Regarding the report of IAEA, he maintained that it was clear that Iraq had not answered all the relevant questions necessary to have a full accounting of its programmes.⁶⁵

**Decision of 29 October 1997 (3828th meeting):
statement by the President**

At its 3828th meeting, held on 29 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile) drew the attention of the Security Council to a letter dated 29 October 1997 from the representative of Iraq addressed to the President of the Council, transmitting a letter of the same date from the Deputy Prime Minister of Iraq to the President of the Council.⁶⁶ In the letter, the Deputy Prime Minister informed the Council of the decision taken by the Government of Iraq that it was ready to continue the cooperation with the Special Commission provided that no individuals of American nationality participated in any activity of the Special Commission inside Iraq.

At the same meeting the President made the following statement on behalf of the Council:⁶⁷

The Security Council has considered the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its cooperation with the Special Commission, thereby preventing the Special Commission from discharging its responsibilities under resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1060 (1996), 1115 (1997) and 1134 (1997).

The Council recalls its demands in resolution 1134 (1997) that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

⁶⁴ S/PV.3826, pp. 9-10.

⁶⁵ *Ibid.*, pp. 10-12.

⁶⁶ S/1997/829.

⁶⁷ S/PRST/1997/49.

The Council condemns the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission. It demands that Iraq cooperate fully, in accordance with the relevant resolutions, without conditions or restrictions, with the Special Commission in the implementation of its mandate. The Council furthermore reminds the Government of Iraq of its responsibility for the safety and security of the Special Commission personnel and inspection teams.

The Council warns of the serious consequences of Iraq's failure to comply immediately and fully with its obligations under the relevant resolutions. The Council is determined to ensure rapid and full Iraqi compliance with the relevant resolutions and for that purpose will remain actively seized of the matter.

**Decision of 12 November 1997 (3831st meeting):
resolution 1137 (1997)**

At its 3831st meeting, held on 12 November 1997 in accordance with the understanding reached in its prior consultations, the President (China) drew the attention of the Security Council to a draft resolution submitted by the United Kingdom and the United States, with Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea and Sweden joining as sponsors.⁶⁸ The President then drew the attention of the Council to the following documents: a letter dated 29 October 1997 from the representative of Iraq addressed to the President of the Security Council;⁶⁹ letters dated 6 and 10 November 1997 from the representative of Iraq addressed to the President of the Council and the Secretary-General,⁷⁰ respectively, transmitting letters of the same date from the Minister for Foreign Affairs of Iraq addressed to the President of the Council and to the Secretary-General, respectively; letters dated 30 October and 2, 3, 4, 5 and 7 November 1997, respectively, from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council;⁷¹ and a letter dated

31 October 1997 from the Secretary-General addressed to the President of the Security Council.⁷²

The representative of Costa Rica stressed that the core of the question was not just the issue of sanctions but the fact that the Government of Iraq was putting to the test the jurisdiction and the legal power of the Council, whose fundamental responsibility was to maintain international peace and security, as stipulated in Article 24 of the Charter.⁷³

The representative of Egypt stated that his country "[did] not see wisdom" in the insistence of Iraq on its position with regard to the Council or in its lack of responsiveness to the efforts by Egypt and others to dissuade it from insisting on that position. However, he suggested that the current crisis needed to be seen as an opportunity to extract lessons regarding the causes and ramifications of the feelings of frustration that led to the taking of unacceptable positions. The Council also needed to review the working methods of the Special Commission to ensure increased efficiency in carrying out its tasks as a subsidiary organ of the Council. He also stated that his delegation shared the conviction of many delegations regarding the necessity to comply with constitutional provisions and legal standards by not depriving any Member State of the United Nations of the right to express its view before the Council, in accordance with Articles 31 and 32 of the Charter, especially if the question related to sanctions imposed on that State under Chapter VII. He stressed that, while his country would vote in favour of the draft resolution, he would like to place on record the understanding that the travel restrictions contained in the draft resolution must not obstruct the discharge of the responsibilities of his Government as the host country of the headquarters of the League of Arab States. He also underlined that the draft resolution contained nothing that could open the way to an escalation of the situation, to the use of force or to resort to a military option.⁷⁴

⁶⁸ S/1997/872.

⁶⁹ S/1997/829; see also decision of 3 December 1997 (3838th meeting), in this section.

⁷⁰ Letters concerning responsibility for the teams of the Special Commission not performing their tasks (S/1997/855 and S/1997/867).

⁷¹ Letters concerning the prevention by Iraqi authorities of inspections to be carried out by the Special Commission, and implicitly threatening the safety of a reconnaissance

aircraft operating on behalf of the Special Commission (S/1997/830; S/1997/836; S/1997/837; S/1997/843; S/1997/848; and S/1997/851; and S/1997/864).

⁷² Letter informing the Council that IAEA would suspend the practical implementation of its ongoing monitoring activities to maintain a common approach with the Special Commission (S/1997/833).

⁷³ S/PV.3831, pp. 2-3.

⁷⁴ *Ibid.*, pp. 6-8.

The representative of Guinea-Bissau stated that the Council regarded as unacceptable the decision of the Iraqi authorities of 29 October 1997 that challenged the operational capacity of the Special Commission and certain cardinal principles of the Charter of the United Nations, particularly Article 100.⁷⁵

The representative of France stated that the travel restrictions would not worsen the situation of the Iraqi people, nor would they hamper the search for a peaceful solution. He noted that, as was stated in the French-Russian joint declaration, France continued to advocate strongly that any action with regard to Iraq be considered and conducted strictly within the framework of the Council.⁷⁶

Several speakers condemned the violations by Iraq of its obligations and called on it to cooperate fully with the Special Commission.⁷⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1137 (1997), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996, 1115 (1997) of 21 June 1997 and 1134 (1997) of 23 October 1997,

Taking note with grave concern of the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its cooperation with the Special Commission, of the letter dated 2 November 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission which reiterated the unacceptable demand that the reconnaissance aircraft operating on behalf of the Special Commission be withdrawn from use and which implicitly threatened the safety of such aircraft, and of the letter dated 6 November 1997 from the Minister for Foreign Affairs of Iraq to the President of the Security Council admitting that Iraq has moved dual-capable equipment which is subject to monitoring by the Special Commission,

Also taking note with grave concern of the letters dated 30 October and 2 November 1997 from the Executive Chairman

of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to Iraq to two Special Commission officials on 30 October and 2 November 1997 on the grounds of their nationality, and of the letters dated 3, 4, 5 and 7 November 1997 from the Executive Chairman of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to sites designated for inspection by the Special Commission on 3, 4, 5, 6 and 7 November 1997 to Special Commission inspectors on the grounds of their nationality, as well as of the additional information in the letter dated 5 November 1997 from the Executive Chairman of the Special Commission addressed to the President of the Security Council that the Government of Iraq has moved significant pieces of dual-capable equipment subject to monitoring by the Special Commission and that monitoring cameras appear to have been tampered with or covered,

Welcoming the diplomatic initiatives, including that of the high-level mission of the Secretary-General, which have taken place in an effort to ensure that Iraq complies unconditionally with its obligations under the relevant resolutions,

Deeply concerned at the report of the high-level mission of the Secretary-General on the results of its meetings at the highest levels of the Government of Iraq,

Recalling that in its resolution 1115 (1997) the Council expressed its firm intention, unless the Special Commission advised it that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

Recalling also that in its resolution 1134 (1997) the Council reaffirmed its firm intention, if, inter alia, the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115 (1997), to adopt measures which would oblige States to refuse the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115 (1997),

Recalling further the statement by its President of 29 October 1997, in which the Council condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission and warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions,

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

Determined to ensure immediate and full compliance without conditions or restrictions by Iraq with its obligations under the relevant resolutions,

⁷⁵ Ibid., pp. 8-9.

⁷⁶ Ibid., pp. 9-10.

⁷⁷ Ibid., p. 3 (Sweden); pp. 3-4 (Portugal); pp. 4-5 (Japan); pp. 5-6 (Poland); p. 6 (Chile); p. 8 (Kenya); and pp. 11 (Republic of Korea).

Determining that this situation continues to constitute a threat to international peace and security,

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

1. *Condemns* the continued violations by Iraq of its obligations under the relevant resolutions to cooperate fully and unconditionally with the Special Commission in the fulfillment of its mandate, including its unacceptable decision of 29 October 1997 to seek to impose conditions on cooperation with the Special Commission, its refusal on 30 October and 2 November 1997 to allow entry to Iraq to two Special Commission officials on the grounds of their nationality, its denial of entry on 3, 4, 5, 6 and 7 November 1997 to sites designated by the Special Commission for inspection to Special Commission inspectors on the grounds of their nationality, its implicit threat to the safety of the reconnaissance aircraft operating on behalf of the Special Commission, its removal of significant pieces of dual-use equipment from their previous sites, and its tampering with monitoring cameras of the Special Commission;

2. *Demands* that the Government of Iraq rescind immediately its decision of 29 October 1997;

3. *Demands also* that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance;

4. *Decides*, in accordance with paragraph 6 of resolution 1134 (1997), that States shall without delay prevent the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in the instances of non-compliance detailed in paragraph 1 above, provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661 (1990) of 6 August 1990, and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals, or to persons carrying out bona fide diplomatic assignments, or missions approved by the Committee;

5. *Decides also*, in accordance with paragraph 7 of resolution 1134 (1997), to designate in consultation with the Special Commission a list of individuals whose entry or transit will be prevented under the provisions of paragraph 4 above, and requests the Committee established by resolution 661 (1990) to develop guidelines and procedures as appropriate for the implementation of the measures set out in paragraph 4 above and to transmit copies of those guidelines and procedures, as well as a list of the individuals designated, to all Member States;

6. *Decides further* that the provisions of paragraphs 4 and 5 above shall terminate one day after the Executive Chairman of the Special Commission reports to the Council that Iraq is allowing the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation

which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

7. *Decides* that the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) shall resume in April 1998 in accordance with paragraph 8 of resolution 1134 (1997), provided that the Government of Iraq shall have complied with paragraph 2 above;

8. *Expresses its firm intention* to take further measures as may be required for the implementation of the present resolution;

9. *Reaffirms* the responsibility of the Government of Iraq under the relevant resolutions to ensure the safety and security of the personnel and equipment of the Special Commission and its inspection teams;

10. *Reaffirms also* its full support for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

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

Speaking after the vote, the representative of the United States maintained that in 37 previous reviews of sanctions against Iraq, the Council had concluded that Iraq had not met the simple conditions for lifting sanctions. The current crisis was not just more of the same, but was a violation of the Charter of the United Nations itself, as well as a categorical rejection of resolutions of the Council.⁷⁸

The representative of the United Kingdom reiterated that the successful completion of the work of the Special Commission was essential for maintaining regional and international peace and security.⁷⁹

The representative of the Russian Federation stated that the Council had no other way out than to adopt concrete measures on the basis of the consensus established in resolution 1115 (1997). However, his delegation was convinced that any complications that arose needed to be resolved exclusively by political means and strictly within the framework of the relevant resolutions of the Council. Any other approaches, particularly actions involving force or the threat of the use of force, could nullify all the achievements so far in reaching a post-crisis settlement in the Persian Gulf

⁷⁸ *Ibid.*, pp. 11-12.

⁷⁹ *Ibid.*, pp. 12-13.

and move the situation a long way back from the goal of eliminating the threat to peace and security in the region.⁸⁰

The representative of China stated that the causes of the current crisis were multifaceted and complex. The Council needed to hear the views of the Special Commission and Iraq on the question of inspections in order to make a fair and reasonable judgment on progress achieved in inspections. Problems that had come up in the course of inspections needed to be appropriately settled through dialogue and cooperation. He stressed that China was opposed to the use or the threat of force or any actions that might exacerbate tensions. In particular, the occurrence of armed conflict needed to be avoided. He also noted that his delegation's vote in favour did not imply a change in the position of China on sanctions.⁸¹

Decision of 13 November 1997 (3832nd meeting): statement by the President

At its 3832nd meeting, held on 13 November 1997 in accordance with the understanding reached in its prior consultations, the President (China) drew the attention of the Security Council to a letter dated 13 November 1997 from the Secretary-General addressed to the President of the Security Council,⁸² informing the Council that the Government of Iraq had taken the decision to expel all American personnel of the Special Commission and that all U-2 flights needed to cease; and a letter dated 13 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council, informing the Council that all Americans attached to the Special Commission had been asked to depart from Iraq and that the Chairman had decided to temporarily withdraw the majority of the personnel of the Special Commission and leave behind a skeleton staff.⁸³

At the same meeting the President made the following statement on behalf of the Council:⁸⁴

⁸⁰ Ibid., pp. 13-14.

⁸¹ Ibid., pp. 14-15.

⁸² S/1997/888.

⁸³ S/1997/883.

⁸⁴ S/PRST/1997/51.

The Security Council condemns in the strongest terms the unacceptable decision of the Government of Iraq in expelling personnel of the Special Commission of a specified nationality and thereby imposing conditions on the Special Commission in contravention of relevant Security Council resolutions which constitute the governing standard of Iraqi compliance.

The Council demands the immediate and unequivocal revocation of this action, which has prevented the Special Commission from discharging its responsibilities under the relevant resolutions. The Council recalls the statement by its President of 29 October 1997, in which the Council warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions. The Council further demands, in accordance with its resolution 1137 (1997), that Iraq comply immediately and fully with its obligations under the relevant resolutions.

The Council expresses its support for the Special Commission and the International Atomic Energy Agency and stresses the importance of their ensuring the implementation of all aspects of their mandates, including their vital work in monitoring and verification in Iraq, in accordance with the relevant resolutions of the Council.

The Council stresses that the Government of Iraq has full responsibility for ensuring the safety and security of the personnel and equipment of the Special Commission and the International Atomic Energy Agency and their inspection teams.

Decision of 3 December 1997 (3838th meeting): statement by the President

By a letter dated 22 November 1997 addressed to the President of the Security Council,⁸⁵ the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) transmitted the report on the emergency session of the Special Commission, which focused on ways to make it more effective.

At its 3838th meeting, held on 3 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter of the Secretary-General in its agenda.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁶

The Security Council endorses the conclusions and recommendations of the report of the emergency session of the Special Commission aimed at full and expeditious implementation of the relevant resolutions and at increasing the

⁸⁵ S/1997/922.

⁸⁶ S/PRST/1997/54.

efficiency and effectiveness of the work of the Commission to this end.

The Council reiterates its demand that Iraq fulfil all its obligations as set out in all the relevant resolutions, including resolution 1137 (1997), and cooperate fully with the Special Commission and the International Atomic Energy Agency in the implementation of their respective mandates. The Council stresses that the effectiveness and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Commission unimpeded access to all sites, documents, records and individuals. The Council acknowledges the conclusion of the report of the emergency session of the Special Commission that the Commission respects the legitimate national security, sovereignty and dignity concerns of Iraq in the context of the need for full application of the mandate given to it by the Council.

The Council welcomes the progress achieved by the Special Commission and the International Atomic Energy Agency in various disarmament areas. The Council encourages intensified efforts, in line with the conclusions and recommendations of the emergency session of the Special Commission, in order to implement fully the mandates of the Commission and the International Atomic Energy Agency in each of their respective disarmament arm. The Council acknowledges that, as Iraq complies with its obligations under the relevant resolutions, and the Special Commission and the International Atomic Energy Agency so report and the Council agrees, the Commission and the International Atomic Energy Agency would make the transition from investigation to monitoring in their respective areas, expanding the use of the ongoing monitoring system functioning in Iraq.

The Council urges Member States to respond positively to the requests contained in the report of the emergency session of the Special Commission, in particular related to the provision of additional personnel, equipment and information required by the mission and the International Atomic Energy Agency for more efficient and effective implementation of their respective mandates.

The Council will remain seized of the matter and will consider whether additional action may be necessary.

**Decision of 4 December 1997 (3840th meeting):
resolution 1143 (1997)**

On 28 November 1997, pursuant to paragraph 3 of resolution 1111 (1997), the Secretary-General submitted to the Security Council a report on the humanitarian situation in Iraq.⁸⁷ In his report, the

⁸⁷ S/1997/935.

Secretary-General observed that, despite the ongoing implementation of resolutions 986 (1995) and 1111 (1997), the population of Iraq continued to face a serious nutritional and health situation and that there was an urgent need to contain the risk of a further deterioration. The slow and erratic pace at which humanitarian inputs had been arriving in Iraq had been very unsatisfactory. He stated that even if all supplies arrived on time, what was being provided under resolutions 986 (1995) and 1111 (1997) would be insufficient to address, even as a temporary measure, all the humanitarian needs of the Iraqi people. Given the scale of the urgent humanitarian requirements in Iraq, he suggested that the Council re-examine the adequacy of the revenues as envisaged by resolutions 986 (1995) and 1111 (1997) and consider the possibility of increasing those revenues to meet the priority humanitarian requirements of Iraq.

By a letter dated 2 December 1997 addressed to the President of the Security Council,⁸⁸ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report on the activities of the Committee.

At its 3840th meeting, held on 4 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. The President (Costa Rica) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁹

The representative of China noted that the quantity of oil sales stipulated in resolution 1111 (1997) was far from being able to satisfy the basic humanitarian needs of Iraq, and owing to the slow pace of the review and approval procedure, the majority of phase II import applications had yet to be approved. Such a situation, in which the import of humanitarian goods lagged behind the export of oil, was unacceptable. The Chinese delegation believed that, since the current quantity of oil sales could not satisfy the humanitarian needs of Iraq, the Council needed to increase the quantity of oil exports by Iraq in order to guarantee the country's essential humanitarian needs. He also urged the parties concerned to speed up the

⁸⁸ S/1997/942.

⁸⁹ S/1997/951.

review and approval procedure so that humanitarian goods might be shipped to Iraq as soon as possible.⁹⁰

The representative of the Russian Federation underlined that, in referring to the reasons for inadequate supplies of humanitarian goods, the Council should not evade the question of the blocking of contracts in the sanctions Committee. He stressed that the current resolution was of an interim nature and that the amount of oil exports needed to be increased to provide adequate financing for humanitarian purchases.⁹¹

The representative of the United States reiterated that Iraq needed to stop playing politics with resolution 986 (1995) and stop submitting contracts that failed to meet the criteria and procedures agreed to. He also called on Iraq to end its threats to cease cooperation with the United Nations.⁹²

All members of the Council made statements in support of the draft resolution and expressed concern about the slow pace of the purchase of humanitarian goods. Most speakers also spoke favourably about a possible increase in the amount of oil permitted to be sold.⁹³ The representatives of Egypt and France also hoped that the draft resolution would reflect a preliminary agreement to increase the amount of oil that Iraq would be allowed to sell to deal with humanitarian needs.⁹⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1143 (1997), which reads:

The Security Council,

Recalling its previous resolutions, in particular 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), 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 Security Council Committee established by resolution 661 (1990),

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

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

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

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

1. *Decides* that the provisions of resolution 986 (1993), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 0001 hours Eastern Standard Time, on 5 December 1997;

2. *Also 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 the present resolution pending the approval of the Secretary-General 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 the present 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

⁹⁰ S/PV.3840, pp. 2-3.

⁹¹ *Ibid.*, pp. 10-11.

⁹² *Ibid.*, pp. 11-12.

⁹³ *Ibid.*, pp. 3-4 (Sweden); pp. 4-5 (Republic of Korea); pp. 4-5 (Portugal); pp. 5-6 (Chile); pp. 6-7 (Kenya); pp. 7-8 (Poland); pp. 9-10 (Guinea-Bissau); and pp. 13-14 (Costa Rica).

⁹⁴ *Ibid.*, pp. 2-3 (Egypt); and pp. 8-9 (France).

to the end of the 180-day period, to consider favourably renewal of the provisions of the present 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 Security Council 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 the present 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 the present 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.

Speaking after the vote, the representative of the United Kingdom stressed that, with regard to food and medicines, his delegation did not believe that the bulk of the problems lay with the sanctions Committee. He reiterated that the Government of Iraq also had an essential role for which it needed to be held accountable. It needed to produce a distribution plan on

time and demonstrate its own efforts to give priority to feeding its people.⁹⁵

**Decision of 22 December 1997 (3844th meeting):
statement by the President**

By a letter dated 17 December 1997 addressed to the President of the Security Council, the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) transmitted a report on his visit to Baghdad from 12 to 16 December 1997.⁹⁶ In his report, the Chairman informed the Security Council that, among other conditions on access to different types of sites, the Government of Iraq had decided that presidential and sovereign sites would not be allowed to be inspected under any circumstances.

At its 3844th meeting, held on 22 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda.

At the same meeting, the President (Costa Rica) made the following statement on behalf of the Council:⁹⁷

The Security Council has considered the report of 17 December 1997 from the Executive Chairman of the Special Commission on his discussions with officials of the Government of Iraq, which took place in Baghdad from 12 to 16 December 1997.

The Council recalls all its relevant resolutions, including resolution 1137 (1997) of 12 November 1997 and the statement by its President of 3 December 1997. The Council reiterates its demand that the Government of Iraq cooperate fully with the Special Commission in accordance with all relevant resolutions and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission.

The Council stresses that failure by the Government of Iraq to provide the Special Commission with immediate, unconditional access to any site or category of sites is unacceptable and a clear violation of the relevant resolutions.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his ongoing discussions with officials of the Government of Iraq.

⁹⁵ *Ibid.*, pp. 12-13.

⁹⁶ S/1997/987.

⁹⁷ S/PRST/1997/56.

The Council acknowledges that discussions are continuing on practical arrangements for implementation of all its relevant resolutions. The Council reiterates that the effectiveness and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Special Commission unimpeded access to all sites, documents, records, and individuals. The Council calls upon the Government of Iraq to cooperate fully with the Special Commission in the implementation of its mandate.

The Council will remain actively seized of the matter.

**Decision of 14 January 1998 (3848th meeting):
statement by the President**

By a letter dated 12 January 1998 addressed to the President of the Security Council, the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council of a decision by the Government of Iraq to not permit the inspection team to undertake any activities inside Iraq until such time as its composition was reviewed and made more balanced by the equal participation of the permanent members of the Council.⁹⁸

By a letter dated 13 January 1998 addressed to the President of the Council, the representative of Iraq informed the Council that the reason for the decision of his Government to halt the work of the team was not related to the nature of the sites, but was due to the fact that the composition of nationalities on the team lacked balance. He also added that the lack of balance had an essentially political significance.⁹⁹

At its 3848th meeting, held on 14 January 1998 in accordance with the understanding reached in its prior consultations, the Council included the two letters in its agenda. The President then drew the attention of the Council to a letter dated 12 January 1998 from the representative of Iraq addressed to the President of the Council, which raised concerns about transparency in the reporting of information to the Council.¹⁰⁰

At the same meeting, the President made the following statement on behalf of the Council:¹⁰¹

⁹⁸ S/1998/27.

⁹⁹ S/1998/28.

¹⁰⁰ S/1998/26.

¹⁰¹ S/PRST/1998/1.

The Security Council deplors the statement of the Iraqi official spokesman of 12 January 1998 and the subsequent failure of Iraq to fulfil its obligations to provide the Special Commission with full, unconditional and immediate access to all sites. The Council determines that this failure is unacceptable and a clear violation of the relevant resolutions.

The Council recalls the statement by its President of 29 October 1997 in which it condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligations to cooperate with the Special Commission.

The Council reiterates its demand, contained in resolution 1137 (1997), that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his forthcoming travel to Iraq to continue his discussions with officials of the Government of Iraq aimed at the full implementation of the relevant resolutions and at increasing the effectiveness and efficiency of the operations of the Special Commission to this end. In this context, the Council recalls the statements by its President of 3 December and 22 December 1997 and encourages the efforts reported to it by the Executive Chairman.

The Council requests a full briefing by the Executive Chairman on these discussions as soon as possible after they have taken place, so that it can decide as necessary on an appropriate response on the basis of the relevant resolutions.

The Council will remain seized of the matter.

**Decision of 20 February 1998 (3855th meeting):
resolution 1153 (1998)**

On 1 February 1998, pursuant to paragraph 7 of resolution 1143 (1997), the Secretary-General submitted to the Security Council a report on ways to improve the implementation of the humanitarian programme for Iraq.¹⁰² In his report, the Secretary-General observed that the distribution plan remained central to the entire system, and he therefore recommended that the content and presentation of the distribution plan be significantly improved by providing indicators relating to the targeted objectives to be achieved and other factors. Regarding the programme review, he stressed that it had become increasingly apparent that the sum was inadequate to prevent further deterioration in humanitarian conditions and could not effect the improvement hoped for the health and nutritional status

¹⁰² S/1998/90.

of the Iraqi population. He therefore underlined that expanded assistance was urgently required to address the humanitarian situation in Iraq and that, within the framework of resolution 986 (1995), the provision of additional resources was the most effective way of addressing those needs.

By a letter dated 30 January 1998 addressed to the President of the Council, the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report pursuant to paragraph 9 of resolution 1143 (1997) on the refining and clarifying of the working procedures of the Committee.¹⁰³

At its 3855th meeting, held on 20 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. The President (Gabon) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁰⁴ The President also drew the attention of the Council to a letter dated 15 February 1998 from the representative of Iraq addressed to the Secretary-General,¹⁰⁵ transmitting the text of a letter of the same date from the Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq, explaining the position of the Government of Iraq concerning the discussions in the Council with regard to the next phase of the oil-for-food programme.

The representative of the Russian Federation noted that the Iraqi oil infrastructure was hardly able to extract oil for export at the required levels for humanitarian purposes, and that repairs were needed. He stressed that the financing for such a project would require additional quotas for oil exports, which needed to be agreed upon by the Secretariat and the Iraqi side.¹⁰⁶

The representative of Bahrain stressed that the draft resolution needed to be implemented with the full cooperation of the Iraqi authorities. He also maintained that the measures proposed in its operative paragraphs were not characterized by flexibility or by distancing from bureaucracy. He stated that Bahrain understood

the cautious approach of the Council, which aimed at ensuring that the assistance reached its real destination, but cautioned that too much control would lead to a degree of delay in the delivery of that assistance to the Iraqi people. He also reaffirmed that the draft resolution was not in any way linked to resolution 687 (1991), related to the elimination of weapons of mass destruction.¹⁰⁷

The representative of the United States stated that the Council needed to make certain that food and medicine remained the top priorities under the new resolution; that goods imported into Iraq under the resolution were not diverted to military purposes or used for the personal benefit of the Iraqi leadership; and that the sanctions Committee acted quickly, yet responsibly, to approve contracts. Finally, he also stated that the Council needed to wait until it had more and better information before authorizing any oil infrastructure improvements.¹⁰⁸

All the members of the Council made statements expressing concern at the severe humanitarian situation in Iraq and support for the increase in the volume of oil authorized for export in order to improve the humanitarian situation. They also called on the Government of Iraq to cooperate fully with the resolutions of the Council and with all other relevant organizations. A number of speakers also urged the parties to expedite the review and approval procedures to ensure that oil export earnings were converted into humanitarian supplies without delay.¹⁰⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1153 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular 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

¹⁰³ S/1998/92.

¹⁰⁴ S/1998/136.

¹⁰⁵ S/1998/125.

¹⁰⁶ S/PV.3855, pp. 5-6.

¹⁰⁷ *Ibid.*, pp. 9-10.

¹⁰⁸ *Ibid.*, pp. 11-12.

¹⁰⁹ *Ibid.*, pp. 2-3 (Japan); pp. 3-4 (France); pp. 4-5 (Brazil); p. 6 (Portugal); pp. 6-7 (Kenya); pp. 7-8 (Sweden); p. 8 (China); pp. 8-9 (Slovenia); pp. 10-11 (Costa Rica); pp. 12-13 (Gambia); p. 13 (United Kingdom); and pp. 13-14 (Gabon).

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

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 0001 hours Eastern Standard Time, on the day after the President of the Security 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 also* 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, in the 180-day period referred to in paragraph 1 above, a sum 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, 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 the present 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 the present 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. *Also 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 the present 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 the present resolution in Iraq;

9. *Decides* to conduct an interim review of the implementation of the present 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, upon 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 the present 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 submit an interim report to the Council 90 days after the entry into force of paragraph 1 above, and to submit a full report prior to the end of the 180-day period, on the basis of observations 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 observation by the Secretary-General that the situation in the electricity sector is extremely grave, and notes his intention to return to the Council with proposals for appropriate funding, requests him to submit urgently to the Council a report for this purpose prepared in consultation with the Government of Iraq, 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 those recommendations and the humanitarian objectives of the present 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. *Also 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. *Also requests* 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 the present 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.

**Decision of 2 March 1998 (3858th meeting):
resolution 1154 (1998)**

By a letter dated 25 February 1998 addressed to the President of the Security Council,¹¹⁰ the Secretary-General transmitted a copy of the memorandum of understanding that he had signed with the Deputy Prime Minister of Iraq, in which the Government of Iraq reconfirmed its acceptance of all relevant resolutions of the Council, and reiterated its undertaking to cooperate fully with the Special Commission and IAEA.

At its 3858th meeting, held on 2 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Argentina, Egypt, Kuwait, Malaysia, Mexico, Pakistan and Peru, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Japan and the United Kingdom.¹¹¹

At the same meeting, the Secretary-General stated that, as a result of his trip to Baghdad and the signing of the memorandum of understanding, the mandate of the Council had been reaffirmed and the full and unlimited access of United Nations inspectors to any and all sites had been restored. He cautioned that he was under no illusions about the inherent value of the agreement, as commitments honoured were the only commitments that counted. He stressed that only the complete fulfillment by Iraq of its obligations would make the completion of the United Nations mandated disarmament process and the lifting of

¹¹⁰ S/1998/166.

¹¹¹ S/1998/175.

sanctions possible. He also underlined that if the effort to ensure compliance through negotiation was obstructed, by evasion or deception, diplomacy might not have a second chance.¹¹²

The representative of the United Kingdom noted that the signing of the memorandum of understanding had not been a success for diplomacy alone, but a success for diplomacy firmly backed by the willingness to use force if diplomacy should fail. He stressed that, if Iraq failed to comply and to honour the agreement it had signed with the Secretary-General, the Council was determined that any violation would result in the severest consequences.¹¹³

The representative of Costa Rica reiterated his delegation's view that international law required that the memorandum of understanding be formally endorsed by the Council in order to make all its terms consistent with previous relevant resolutions and with what was established by Chapter VII of the Charter, in regard to actions "with respect to threats to the peace, breaches of the peace, and acts of aggression", as the sole and inalienable prerogative of the Council. He also stated that the draft resolution did not prejudice the actions of the Council, but simply described the scope of its competence under the Charter and warned of the consequences of a failure by the Government of Iraq to comply, in the terms of the prerogatives and competences set out in Chapter VII of the Charter. In his country's view, those prerogatives and legal competencies were exclusively of the Council and could not be delegated by it.¹¹⁴

The representative of Brazil noted that since 1991, faced with the situation originating from the invasion of Kuwait by Iraq, the United Nations and the Security Council had taken the responsibility to determine the measures necessary to maintain and restore international peace and security, under Chapter VII of the Charter. Accordingly, at the end of the Gulf War, the Council had not limited itself to taking note of a ceasefire but had rather declared that "a formal ceasefire was effective". Furthermore, in paragraph 34 of resolution 687 (1991), the Council had stated its decision "to take further steps as [might] be required for the implementation of the present resolution". Brazil

¹¹² S/PV.3858, pp. 2-3.

¹¹³ *Ibid.*, p. 4.

¹¹⁴ *Ibid.*, pp. 4-5.

had concluded that the question of implementation of the conditions for the ceasefire with Iraq remained firmly under the wing of the United Nations and that only the Council had the authority to determine if, when, and under what conditions the formal ceasefire it declared on 3 April 1991 held or not.¹¹⁵

The representative of China, noting that his delegation's "misgivings about possible abuse of the draft resolution" had not been eliminated, reiterated that the adoption of the draft resolution would in no way mean that the Council was automatically authorizing any State to use force against Iraq. The Council could and should not prejudge whether Iraq would violate its resolutions; even less should the Council predetermine the course of future action.¹¹⁶

Several speakers welcomed the signing of the memorandum of understanding and called on Iraq to cooperate fully with the Special Commission and IAEA.¹¹⁷ A number of speakers also stressed that the responsibility of the Council for international peace and security should not be circumvented, and that the resolution did not imply any "automaticity" of action without authorization by the Council.¹¹⁸ A few speakers specifically cautioned against the use of force in Iraq.¹¹⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1154 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions, which constitute the governing standard of Iraqi compliance,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

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

¹¹⁵ *Ibid.*, pp. 6-7.

¹¹⁶ *Ibid.*, pp. 13-14.

¹¹⁷ *Ibid.*, pp. 7-8 (Bahrain); p. 9 (Gabon); pp. 11-12 (Slovenia); p. 13 (Portugal); p. 18 (Gambia); pp. 18-19 (Mexico); p. 21 (Argentina); pp. 22-23 (Peru); and pp. 23-24 (Kuwait).

¹¹⁸ *Ibid.*, pp. 8-9 (Sweden); pp. 9-10 (Kenya); pp. 10-11 (Japan); and pp. 14-15 (France).

¹¹⁹ *Ibid.*, p. 19 (Pakistan); and p. 20 (Malaysia).

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

1. *Commends* the initiative by the Secretary-General to secure commitments from the Government of Iraq on compliance with its obligations under the relevant resolutions, and in this regard endorses the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, and looks forward to its early and full implementation;

2. *Requests* the Secretary-General to report to the Council as soon as possible with regard to the finalization of procedures for presidential sites in consultation with the Executive Chairman of the Special Commission and the Director General of the International Atomic Energy Agency;

3. *Stresses* that compliance by the Government of Iraq with its obligations, repeated again in the memorandum of understanding, to accord immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency in conformity with the relevant resolutions is necessary for the implementation of resolution 687 (1991), but that any violation would have severest consequences for Iraq;

4. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

5. *Decides*, in accordance with its responsibility under the Charter of the United Nations, to remain actively seized of the matter, in order to ensure implementation of the present resolution and to secure peace and security in the area.

Speaking after the vote, the representative of the United States reiterated that any attempt to provide less than immediate, unrestricted and unconditional access to any site would result in the severest consequences for Iraq.¹²⁰

The representative of the Russian Federation emphasized that the resolution clearly stated that it was precisely the Council which would directly ensure its implementation. Therefore, any hint of “automaticity” with regard to the application of force had been excluded. He reiterated that no one could ignore the resolution and attempt to act by bypassing the Council.¹²¹

The representative of Egypt underscored that his country had expressed its rejection of the use of

military force as a means of settling international disputes. In general, the use of force was not only prohibited internationally under the rules of international law but also in accordance with Article 2 (4) of the Charter. There were also controls in Article 42 on when force could be resorted to, and also in Article 51, which was related to legitimate self-defence. He stressed that in all cases, those controls needed to be subjected to the discretion of the Council.¹²²

**Decision of 25 March 1998 (3865th meeting):
resolution 1158 (1998)**

On 4 March 1998, pursuant to paragraph 4 of resolution 1143 (1997), the Secretary-General submitted to the Security Council a report on whether Iraq had ensured the equitable distribution of medicine, health supplies, foodstuffs and materials, and supplies for essential civilian needs.¹²³ In his report, the Secretary-General provided information on the distribution of humanitarian supplies throughout Iraq.

At its 3865th meeting, held on 25 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹²⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1158 (1998), which reads:

The Security Council,

Recalling its previous resolutions, in particular 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 by the Secretary-General on 4 March 1998 in accordance with paragraph 4 of resolution 1143 (1997), and noting with appreciation, as mentioned in the 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

¹²⁰ *Ibid.*, p. 16.

¹²¹ *Ibid.*, pp. 16-17.

¹²² *Ibid.*, pp. 21-22.

¹²³ S/1998/194 and Corr.1.

¹²⁴ S/1998/267.

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 0001 Eastern Standard Time, on 5 March 1998;

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

**Decision of 14 May 1998 (3880th meeting):
statement by the President**

By a letter dated 9 April 1998 addressed to the President of the Security Council,¹²⁵ the Secretary-General transmitted a communication dated 7 April 1998 from the Director General of IAEA, including the fifth consolidated report under paragraph 16 of resolution 1051 (1996). In the report, the Director General stated that the agency's ongoing monitoring and verification activities had not revealed indications of the existence in Iraq of prohibited equipment or materials, or of the conduct of prohibited activities. IAEA was focusing most of its resources on the implementation and strengthening of the technical content of its activities under the ongoing monitoring and verification plan, but would continue to exercise its right to investigate any aspect of the clandestine nuclear programme of Iraq.

By a note dated 9 April 1998,¹²⁶ the Secretary-General transmitted to the Security Council the fifth report following the adoption of resolution 1051 (1996) of 27 March 1996 by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution

687 (1991) of 3 April 1991. In his report, the Executive Chairman noted that due to the four-month crisis, virtually no progress in verifying disarmament could be reported.

At its 3880th meeting, held on 14 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter and the note from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya) drew the attention of the Council to letters dated 19 February and 8 April 1998, respectively, from the Executive Chairman of the Special Commission addressed to the President of the Council.¹²⁷

At the same meeting, the President made the following statement on behalf of the Council:¹²⁸

The Security Council has reviewed the report of 16 April 1998 from the Executive Chairman of the Special Commission and the report of 7 April 1998 from the Director General of the International Atomic Energy Agency. The Council welcomes the improved access provided to the Special Commission and the Agency by the Government of Iraq following the signature of the memorandum of understanding by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 and the adoption of its resolution 1154 (1998) of 2 March 1998. The Council calls for continued implementation of the memorandum of understanding.

The Council expresses the hope that the agreement by the Government of Iraq to fulfil its obligation to provide immediate, unconditional, and unrestricted access to the Special Commission and the International Atomic Energy Agency will reflect a new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern to the Special Commission and the Agency as required by the relevant resolutions.

The Council expresses its concern that the most recent reports of the Special Commission, including the reports of the technical evaluation meetings, indicate that Iraq has not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission, and calls upon Iraq to do so. The Council encourages the Special Commission to continue its efforts to improve its effectiveness and efficiency and looks forward to a technical meeting of the members of the Council with the Executive Chairman of the Special

¹²⁵ S/1998/312.

¹²⁶ S/1998/332.

¹²⁷ A letter transmitting reports of two technical evaluation meetings held between the Special Commission and the Government of Iraq (S/1998/176); and a letter transmitting the report of a third technical evaluation dealing with all aspects of the biological weapons programme of Iraq (S/1998/308).

¹²⁸ S/PRST/1998/11.

Commission as a follow-up to the review of sanctions held by the Council on 27 April 1998.

The Council notes that the Special Commission and the International Atomic Energy Agency must discharge their mandates as defined under resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991 with full Iraqi cooperation in all areas, including fulfillment by Iraq of its obligation to provide full, final and complete declarations of all aspects of its prohibited programmes for weapons of mass destruction and missiles.

The Council notes that the investigations by the International Atomic Energy Agency over the past several years have yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the Agency, including those specified in paragraphs 24 and 27 of the report of the Director General of 7 April 1998.

The Council affirms its intention, given the progress of the International Atomic Energy Agency, and in line with paragraphs 12 and 13 of resolution 687 (1991), to agree in a resolution that the Agency dedicate its resources to implementing its ongoing monitoring and verification activities under resolution 715 (1991) of 11 October 1991, upon receipt of a report from the Director General of the International Atomic Energy Agency stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all Agency questions and concerns, in order to permit full implementation of the ongoing monitoring and verification plan approved by resolution 715 (1991). In this regard, the Council requests the Director General to provide this information in his report due on 11 October 1998 and to submit a status report by the end of July 1998 for possible action at that time.

The Council acknowledges that the International Atomic Energy Agency is focusing most of its resources on the implementation and strengthening of its activities under the ongoing monitoring and verification plan. The Council notes that, within the framework of its ongoing monitoring and verification responsibilities, the Agency will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information developed by the Agency or provided by Member States and to destroy, remove or render harmless any prohibited items discovered through such investigations falling under resolutions 687 (1991) and 707 (1991) in conformity with the Agency's ongoing monitoring and verification plan approved by resolution 715 (1991).

**Decision of 19 June 1998 (3893rd meeting):
resolution 1175 (1998)**

By a letter dated 15 April 1998 addressed to the Security Council,¹²⁹ the Secretary-General submitted

¹²⁹ S/1998/330.

the executive summary of the report of the group of experts established pursuant to paragraph 12 of resolution 1153 (1998) to determine, in consultation with the Government of Iraq, whether Iraq was able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 of the resolution, not exceeding a total of 5.256 billion dollars. The overall impression of the group of experts was that the oil industry of Iraq was in a lamentable state and that the developed oilfields had had their productivity seriously reduced, some irreparably, during the previous two decades. The Secretary-General therefore recommended to the Council that it authorize the export to Iraq of the equipment and spare parts necessary to enable Iraq to increase the export of petroleum or petroleum products.

By a letter dated 29 May 1998 addressed to the President of the Council,¹³⁰ the Secretary-General informed the Council that the Government of Iraq had submitted its enhanced distribution plan for the purchase and distribution of humanitarian supplies and that he had approved it.

At its 3893rd meeting, held on 19 June 1998 in accordance with the understanding reached in its prior consultations, the Council included the letters from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Portugal) drew the attention of the Council to a draft resolution submitted by Costa Rica, Japan, Portugal, Slovenia, Sweden, and the United Kingdom.¹³¹ The President also drew the attention of the Council to a letter dated 18 June 1998 from the representative of Iraq addressed to the President of the Council.¹³²

Speaking before the vote, the representative of China expressed the belief that a settlement of the question of Iraqi import of equipment and spare parts for oil production needed only a simple and technical resolution, and that certain elements contained in the draft resolution were not necessary. He also reiterated that, with the progress made in weapons verification in Iraq, the Council needed to make objective

¹³⁰ S/1998/446.

¹³¹ S/1998/537.

¹³² Letter transmitting a letter of the same date from the Minister for Foreign Affairs of Iraq concerning the temporary nature of the oil-for-food programme (S/1998/531).

assessments, close the various weapons files as soon as possible and lift the sanctions against Iraq.¹³³

The representative of Kenya noted that the mechanism for the approval of contracts for spare parts remained cumbersome and might create unnecessary complications.¹³⁴

The representatives of France and the Russian Federation expressed regret that the draft resolution did not include the recommendation of the Secretary-General that the oil overseers, rather than the sanctions Committee, approve the contracts.¹³⁵

A number of speakers expressed support for moves to allow Iraq to purchase the spare parts it needed to pump oil in sufficient quantities to meet the shortfall. Several speakers stressed that the oil-for-food programme was temporary, and was designed to mitigate the suffering of the Iraqi people only until sanctions were lifted.¹³⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1175 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular 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 from the Secretary-General dated 15 April 1998, to which was annexed 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 also the letter from the Secretary-General dated 29 May 1998 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

fulfillment 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 made by the Secretary-General in his report of 1 February 1998 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 the 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 on 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

¹³³ S/PV.3893, p. 2.

¹³⁴ *Ibid.*, p. 3.

¹³⁵ *Ibid.*, pp. 4-5 (France); and pp. 5-6 (Russian Federation).

¹³⁶ *Ibid.*, pp. 2-3 (Brazil); p. 3 (Gambia); pp. 3-4 (Bahrain); and p. 5 (United States); after the vote: p. 6 (United Kingdom).

accordance with the intention expressed in his letter dated 15 April 1998, to provide for the monitoring of the parts and equipment inside Iraq;

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

**Decision of 9 September 1998 (3924th meeting):
resolution 1194 (1998)**

At the 3924th meeting, held on 9 September 1998 in accordance with the understanding reached in prior consultations, following the adoption of the agenda, the President (Sweden) drew the attention of the Council to a draft resolution submitted by Costa Rica, the United Kingdom and the United States.¹³⁷ The draft resolution was then put to the vote and adopted unanimously as resolution 1194 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996, 1115 (1997) of 21 June 1997 and 1154 (1998) of 2 March 1998,

Noting the announcement by Iraq on 5 August 1998 that it had decided to suspend cooperation with the Special Commission and the International Atomic Energy Agency on all disarmament activities and restrict ongoing monitoring and verification activities at declared sites, and/or actions implementing the above decision,

Stressing that the necessary conditions do not exist for the modification of the measures referred to in section F of resolution 687 (1991),

Recalling the letter dated 12 August 1998 from the Executive Chairman of the Special Commission to the President of the Security Council, in which the Executive Chairman reported to the Council that Iraq had halted all disarmament activities of the Special Commission and placed limitations on the rights of the Commission to conduct its monitoring operations,

Recalling also the letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency to the President of the Security Council, in which the Director General reported the refusal by Iraq to cooperate in any activity involving investigation of its clandestine nuclear programme and other restrictions of access placed by Iraq on the ongoing monitoring and verification programme of the Agency,

Taking note of the letters dated 18 August 1998 from the President of the Security Council to the Executive Chairman of the Special Commission and the Director General of the

International Atomic Energy Agency, in which the Council expressed its full support for those organizations in the implementation of the full range of their mandated activities, including inspections,

Recalling the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, in which Iraq reiterated its undertaking to cooperate fully with the Special Commission and the International Atomic Energy Agency,

Noting that the announcement by Iraq of 5 August 1998 followed a period of increased cooperation and some tangible progress achieved since the signing of the memorandum of understanding,

Reiterating its intention to respond favourably to future progress made in the disarmament process, and reaffirming its commitment to comprehensive implementation of its resolutions, in particular resolution 687 (1991),

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), to permit immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency to all sites they wish to inspect, and to provide the Special Commission and the Agency with all the cooperation necessary for them to fulfil their mandates under those resolutions,

Stressing the unacceptability of any attempts by Iraq to deny access to any sites or to refuse to provide the necessary cooperation,

Expressing its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and demonstrated that it is prepared to fulfil all its obligations, including, in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding, as endorsed by the Council in resolution 1154 (1998), and, to that end, welcoming the proposal of the Secretary-General for such a comprehensive review and inviting the Secretary-General to provide his views in that regard,

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

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

1. *Condemns* the decision by Iraq of 5 August 1998 to suspend cooperation with the Special Commission and the International Atomic Energy Agency, which constitutes a totally unacceptable contravention of its obligations under resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), and the memorandum of understanding signed

¹³⁷ S/1998/841.

by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998;

2. *Demands* that Iraq rescind its above-mentioned decision and cooperate fully with the Special Commission and the International Atomic Energy Agency in accordance with its obligations under the relevant resolutions and the memorandum of understanding as well as resume dialogue with the Special Commission and the Agency immediately;

3. *Decides* not to conduct the review scheduled for October 1998 provided for in paragraphs 21 and 28 of resolution 687 (1991), and not to conduct any further such reviews until Iraq rescinds its above-mentioned decision and the Special Commission and the International Atomic Energy Agency report to the Council that they are satisfied that they have been able to exercise the full range of activities provided for in their mandates, including inspections;

4. *Reaffirms its full support* for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

5. *Also reaffirms its full support* for the Secretary-General in his efforts to urge Iraq to rescind its above-mentioned decision;

6. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations, Iraq has delayed the moment when the Council can do so;

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

**Decision of 5 November 1998 (3939th meeting):
resolution 1205 (1998)**

By a letter dated 31 October 1998 addressed to the President of the Security Council,¹³⁸ the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council that, on the evening of 31 October, the Director of the National Monitoring Directorate of Iraq had informed the Special Commission that Iraq had taken the decision to suspend, stop or cease all activities of the Special Commission, including monitoring, although IAEA would be allowed to continue its monitoring activities that were separate from the Commission.

¹³⁸ S/1998/1023.

By a letter dated 2 November 1998 addressed to the President of the Council,¹³⁹ the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council that the decisions of 5 August and 31 October 1998,¹⁴⁰ by the Government of Iraq made it impossible for the Special Commission to implement its disarmament and monitoring rights and responsibility.

By a letter dated 3 November 1998 addressed to the President of the Security Council,¹⁴¹ the Secretary-General transmitted a communication from the Director General of IAEA on the implications of the decision by Iraq to stop all forms of interaction with the Special Commission. The Director General noted that IAEA had been able to continue its schedule of monitoring inspections, but that the efficiency and effectiveness of the activities were dependent on the continuing availability of assistance and cooperation from the Special Commission.

At its 3939th meeting, held on 5 November 1998 in accordance with the understanding reached in its prior consultations, the Council included the three letters in its agenda. Following the adoption of the agenda, the President (United States) drew the attention of the Council to a draft resolution submitted by Japan, the United Kingdom and the United States, with Brazil, Costa Rica, Portugal, Slovenia and Sweden joining as sponsors.¹⁴²

Speaking before the vote, all members of the Council made statements in support of the draft resolution and called on Iraq to resume its cooperation with the Special Commission immediately. The representatives of Sweden and Brazil also stressed that the primary responsibility of the Council for the maintenance of international peace and security should not be circumvented.¹⁴³

The representative of the Russian Federation stated that the best way to overcome the crisis lay exclusively in political and diplomatic efforts alongside the active role of the Secretary-General. Any attempt to resolve the problem by force would have

¹³⁹ S/1998/1032.

¹⁴⁰ S/1998/718 and S/1998/1023, respectively.

¹⁴¹ S/1998/1033.

¹⁴² S/1998/1038.

¹⁴³ S/PV.3939, pp. 5-6 (Sweden) and p. 6 (Brazil).

highly unpredictable and dangerous consequences, both for the ability of the United Nations to continue to monitor proscribed military activity in Iraq, and for peace and stability in the region and in the Middle East as a whole.¹⁴⁴

The representative of China stated that there was no doubt that Iraq had to fulfil in a comprehensive manner its obligations under relevant resolutions of the Council, but that the Council also had the responsibility to make a fair and objective assessment in the light of the compliance by Iraq. His delegation was of the view that, regarding some weapon files, conditions were ripe to move to the next monitoring and verification stage.¹⁴⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1205 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the situation in Iraq, in particular resolution 1154 (1998) of 2 March 1998 and 1194 (1998) of 9 September 1998,

Noting with alarm the decision of Iraq on 31 October 1998 to cease cooperation with the Special Commission, and its continued restrictions on the work of the International Atomic Energy Agency,

Taking note of the letters from the Deputy Executive Chairman of the Special Commission dated 31 October 1998 and the Executive Chairman of the Special Commission dated 2 November 1998 to the President of the Security Council, which reported to the Council the decision by Iraq and described the implications of that decision for the work of the Special Commission, and taking note also of the letter from the Director General of the International Atomic Energy Agency dated 3 November 1998, which described the implications of the decision for the work of the Agency were described,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

Recalling that the effective operation of the Special Commission and the International Atomic Energy Agency is essential for the implementation of resolution 687 (1991),

Reaffirming its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and its decision of 5 August 1998 and demonstrated

that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, endorsed by the Council in resolution 1154 (1998),

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

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

1. *Condemns* the decision by Iraq of 31 October 1998 to cease cooperation with the Special Commission as a flagrant violation of resolution 687 (1991) and other relevant resolutions;

2. *Demands* that Iraq rescind immediately and unconditionally the decision of 31 October 1998, as well as the decision of 5 August 1998, to suspend cooperation with the Special Commission and to maintain restrictions on the work of the International Atomic Energy Agency, and that Iraq provide immediate, complete and unconditional cooperation with the Special Commission and the Agency;

3. *Reaffirms its full support* for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

4. *Expresses its full support* for the Secretary-General in his efforts to seek full implementation of the memorandum of understanding of 23 February 1998;

5. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

6. *Decides*, in accordance with its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, to remain actively seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated, regarding the possible use of force, that it was well established that the authorization to use force given by the Council in 1990 might be revived if the Council decided that there had been a sufficiently serious breach of the conditions laid down by the Council for the ceasefire.¹⁴⁶

The representative of the United States observed that the Secretary-General had expressed his own view

¹⁴⁴ Ibid., pp. 4-5.

¹⁴⁵ Ibid., pp. 9-10.

¹⁴⁶ Ibid., p. 10.

that the 31 October decision by the Government of Iraq to halt the activities of the Special Commission was a serious breach and major violation of the memorandum of understanding signed on 23 February. He stated that it was significant that the resolution cited the Iraqi decision as a flagrant violation of resolution 687 (1991) and other relevant resolutions. He also recalled that the President and the Secretary of State of the United States had emphasized that all options were on the table and that the United States had the authority to act.¹⁴⁷

Decision of 24 November 1998 (3946th meeting): resolution 1210 (1998)

On 19 November 1998, pursuant to paragraph 10 of resolution 1153 (1998), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq.¹⁴⁸ In his report, the Secretary-General stated that, despite the increase in the volume of exports of oil, the financial target required for the implementation of the enhanced distribution plan had not been met owing to low oil prices. Bearing in mind the magnitude of the overall humanitarian situation in Iraq, he recommended that the Council extend the relevant provisions of resolution 1153 (1998) for a further 180-day period.

By a letter dated 20 November 1998 addressed to the President of the Council,¹⁴⁹ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report of the Committee adopted on 20 November 1998. The Chairman informed the Council that the Committee would continue to work towards the effective implementation of all relevant arrangements.

At its 3946th meeting, held on 24 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the above-mentioned letter in its agenda. The President then drew the attention of the Council to a letter dated 19 November 1998 from the representative of Iraq addressed to the President of the Council.¹⁵⁰

The President also drew the attention of the Council to a draft resolution submitted by France, Portugal, Sweden and the United Kingdom.¹⁵¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1210 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998,

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

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

Welcoming the positive impact of the relevant resolutions on the humanitarian situation in Iraq, as described in the report of the Secretary-General of 19 November 1998,

Determined to improve the humanitarian situation in Iraq,

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

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time, on 26 November 1998;

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

3. *Directs* the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account;

4. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to review, by 31 December 1998, the various options to resolve the difficulties

enhanced phase IV of the "oil for food" programme by 2 months to allow Iraq to reach the target for oil sales (S/1998/1103).

¹⁵¹ S/1998/1112.

¹⁴⁷ Ibid., pp. 10-11.

¹⁴⁸ S/1998/1100.

¹⁴⁹ S/1998/1104.

¹⁵⁰ Letter concerning the request for the extension of the

encountered in the financial process, referred to in the report of the Secretary-General of 19 November 1998, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual usage items and spare parts, are utilized for the purpose for which they have been authorized;

5. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

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

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

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

10. *Requests* the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day

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

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

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

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

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

Deliberations of 16 December 1998 (3955th meeting)

By a letter dated 15 December addressed to the President of the Security Council,¹⁵² the Secretary-General transmitted the report dated 14 December 1998 from the Director General of the International Atomic Energy Agency, and the report dated 15 December 1998 from the Executive Director of the Special Commission concerning their work in Iraq. The report from IAEA stated that Iraq had provided the necessary level of cooperation to enable activities to be completed efficiently and effectively. However, the report from the Special Commission presented a mixed picture and concluded that the Special Commission had not enjoyed full cooperation from Iraq.

At its 3955th meeting, held on 16 December 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Bahrain), with the consent of the Council, invited the representative of Iraq, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 15 December 1998 from the Secretary-General addressed to the President of the Council, transmitting the letter dated 14 December 1998 from the representative of Iraq addressed to the Secretary-

¹⁵² S/1998/1172 and Corr. 1.

General, enclosing a full report on the activities of IAEA and the Special Commission in Iraq since 18 November 1998 as well as the comments of the Government of Iraq.¹⁵³

At the same meeting, the President further drew the attention of the Council to a letter dated 16 December 1998 from the Secretary-General addressed to the President of the Council,¹⁵⁴ transmitting a letter dated 16 December 1998 from the Director General of IAEA addressed to the President of the Security Council, informing the President that he had decided to temporarily relocate to Bahrain all IAEA personnel in Baghdad at that time after the decision by the Special Commission to withdraw all of its personnel from Iraq and out of concern for the safety and security of personnel. The President then drew the attention of the Council to letters dated 16 December 1998 from the representatives of the United States and the United Kingdom, respectively, addressed to the President of the Council.¹⁵⁵

In his letter, the representative of the United States informed the Council that the armed forces of the United States and United Kingdom had begun substantial military operations against military targets in Iraq. They were attacking the weapons of mass destruction programmes of Iraq and its ability to threaten its neighbours. He stressed that coalition forces were acting under the authority provided by the resolutions of the Council. Following the liberation of Kuwait from Iraqi occupation in 1991, the Council, in its resolution 687 (1991) of 3 April 1991, mandated a ceasefire, but also imposed a number of essential conditions on Iraq, including the destruction of Iraqi weapons of mass destruction and acceptance by Iraq of United Nations inspections. Noting that in subsequent resolutions, the Council had elaborated and reiterated those conditions, the representative underscored that Iraqi compliance with all requirements was a fundamental element of international peace and security in the region. Nevertheless, Iraq had repeatedly taken actions that constituted flagrant material breaches of the provisions, and the Council, on a number of occasions, had affirmed that similar Iraqi actions constituted breaches as well as a threat to international peace and security. He stated that it was

his country's view that the Council did not need to state those conclusions on each occasion. On 14 November 1998, the Government of Iraq had committed itself to providing full and unconditional cooperation to the Special Commission, although Iraq had offered those assurances only in the face of a credible threat of force. However, as the report of the Special Commission of 15 December 1998 made clear, Iraq had failed to provide the full cooperation it had promised, and left the Special Commission unable to conduct the substantive disarmament work mandated to it by the Council. Following the repeated, flagrant and material breaches of the obligations by Iraq under resolutions 687 (1991), 707 (1991), 715 (1991), 1154 (1998), 1205 (1998) and others, the coalition had exercised the authority given by the Council in its resolution 678 (1990) of 29 November 1990 for Member States to employ all necessary means to secure Iraqi compliance with the resolutions of the Council and to restore international peace and security in the area.¹⁵⁶

In his letter, the representative of the United Kingdom stressed that his country had, acted on the basis of the relevant resolutions of the Council.¹⁵⁷

At the same meeting, the representative of Iraq stated that, at a time when the Council had been discussing reports submitted by IAEA and the Special Commission on the status of compliance by Iraq, and before the Council had reached any conclusion on the subject, the United States and the United Kingdom had launched their attack against Iraq. Basing their aggression on the report of the Special Commission, he maintained that the United States had once again arrogated to itself the authority of the Council and flouted international law and the Charter of the United Nations. He stated that the conduct of the Executive Chairman of the Special Commission had provided additional evidence of his partiality, lack of integrity and lack of objectivity when he singled out only five incidents out of a total of 300 inspection operations. The representative underscored that the "exaggerated uproar about Iraqi weapons of mass destruction [was] nothing but a great lie; the other lie [was] the allegation that Iraq pose[d] a threat to its neighbours". He stated that with regard to weapons of mass

¹⁵³ S/1998/1173.

¹⁵⁴ S/1998/1175.

¹⁵⁵ S/1998/1181 and S/1998/1182.

¹⁵⁶ S/1998/1181.

¹⁵⁷ S/1998/1182.

destruction, the Special Commission and IAEA had been operating since April 1991, with cooperation from the Iraqi side, and had completed their essential work in the area of disarmament. He challenged the Special Commission to provide physical evidence that Iraq possessed a prohibited weapon or its components to the Council. Finally, he called on the Council to fulfil its responsibilities as set forth in the Charter of the United Nations and requested an immediate and unconditional cessation of the aggression that was under way against Iraq.¹⁵⁸

The representative of the Russian Federation stated that the massive missile and bomb strikes by the armed forces of the United States and the United Kingdom had created a threat to peace and security in the region and beyond. Grave harm had been done to the efforts to effect a post-crisis settlement in the Gulf region and to dismantle the capability of Iraq for weapons of mass destruction and their delivery systems. He stressed that, in carrying out the unprovoked act of force, the United States and the United Kingdom had violated the Charter of the United Nations, the principles of international law and the generally recognized norms and rules of responsible behaviour on the part of States in the international arena. Reiterating that the Council alone had the right to determine what steps needed to be taken in order to maintain or restore international peace and security, his country rejected outright the attempts made in the letters from the United States and the United Kingdom to justify the use of force on the basis of a mandate that had been previously issued by the Council, which provided no grounds for such actions. He maintained that the potential for a political and diplomatic resolution of the Iraqi crisis had not been exhausted and that the crisis had been created artificially, partly as a result of the irresponsible acts of the Executive Chairman of the Special Commission in presenting a report that “gave a distorted picture of the real state of affairs”, and who had then evacuated the entire Special Commission staff from Iraq without any consultations with the Council. He appealed for an immediate end to the use of military force. Finally, he expressed the belief that the Council had a part to play in accordance with the Charter of the United Nations, including

¹⁵⁸ S/PV.3955, pp. 2-3.

giving an assessment, in principle, of the unilateral military action.¹⁵⁹

The representative of China reiterated that his country had always advocated peaceful settlement of international disputes and was against the use or the threat of use of force in international relations. The differences that existed between the Special Commission and Iraq on the verification issue could properly be settled through dialogue and consultation. He noted that the leader of the Special Commission had played a “dishonorable role” in the crisis as the reports submitted by the Special Commission had been one-sided and evasive regarding the facts. Finally, he called for the immediate cessation of all military actions against Iraq.¹⁶⁰

The representative of the United Kingdom maintained that the continuing history of concealment and deceit had been the reason why the coalition had reached the point of military action. He reiterated that there was a clear legal basis for military action in the resolutions adopted by the Council. Resolution 1154 (1998) had made it clear that any violation by Iraq of its obligations to allow the Special Commission and IAEA unrestricted access would have had the severest consequences. Resolution 1205 (1998) had established that the decision of the Government of Iraq of 31 October 1998 to cease cooperation with the Special Commission was a flagrant violation of resolution 687 (1991), which had laid down the conditions for the 1991 ceasefire. By that resolution, therefore, the Council had implicitly revived the authorization to use force given in resolution 678 (1990). And the report of the Special Commission had made clear that, despite its undertakings to rescind the decision of 31 October, Iraq had not only failed to resume full cooperation with the Special Commission but had imposed new restrictions on its work.¹⁶¹

The representative of Costa Rica stated that his country had actively supported the use, in all cases, of the means for the pacific settlement of disputes provided for in Article 33 of the Charter. Moreover, Costa Rica had reaffirmed that recourse to the use of force, envisaged as an exceptional measure in Chapter VII, Article 42, of the Charter fell within the sole and

¹⁵⁹ *Ibid.*, pp. 4-5.

¹⁶⁰ *Ibid.*, p. 5.

¹⁶¹ *Ibid.*, pp. 5-7.

exclusive purview of the Council, and that only the Council could authorize collective action of that kind.¹⁶²

The representative of the United States reiterated the points made in the letter of 16 December 1998 that, as a result of the material breaches by Iraq of its obligations under Council resolutions and its own commitments, the coalition had exercised the authority given by resolution 678 (1990). Stressing that the policy of Iraq of unremitting defiance and non-compliance necessitated the resort to military force, he stated that the coalition looked to the highest level of the Iraqi leadership for an immediate demonstration of unconditional compliance with the terms of the Council resolution.¹⁶³

A number of speakers expressed concern about the situation characterized by military action against Iraq, and urged Iraq to comply with all its obligations under the relevant resolutions of the Council.¹⁶⁴ Other speakers deplored the use of military force against Iraq and stressed that, the use of force needed to take place within a multilateral framework and that the Council remained the sole body with legal authority to mandate actions aimed at enforcing compliance with its own resolutions.¹⁶⁵

**Decision of 21 May 1999 (4008th meeting):
resolution 1242 (1999)**

On 28 April 1999, the Secretary-General submitted to the Security Council the review and assessment of the implementation of the humanitarian programme established pursuant to resolution 986 (1995), covering the period from December 1996 to November 1998.¹⁶⁶ The Secretary-General concluded that, regardless of the improvements that might be brought about in the scope and implementation of the programme, in terms of both approval procedures and funding levels, the magnitude of the humanitarian needs was such that they could not be met within the parameters set in resolution 986 (1995) and succeeding

resolutions, in particular resolution 1153 (1998). The very substantial degradation of infrastructure and the magnitude of the funds required for its rehabilitation was far beyond the funding level available under the programme. There was, therefore, a need for the Council to consider arrangements to allow additional funding through either bilateral or multilateral sources, over and above those made under the programme, still subject to existing financial controls established by relevant decisions of the Council.

On 18 May 1999, pursuant to paragraph 6 of resolution 1210 (1998), the Secretary-General submitted to the Council a report on the distribution of humanitarian supplies throughout Iraq.¹⁶⁷ In the report, the Secretary-General reiterated the observations and recommendations contained in his report dated 28 April 1999 on the review and assessment of the implementation of the humanitarian programme.¹⁶⁸

By a letter dated 19 May 1999 addressed to the President of the Security Council,¹⁶⁹ the Acting Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 10 of resolution 1210 (1998) on 18 May 1999. The Acting Chairman informed the Council that the Committee would continue to work to ensure the effective implementation of all relevant arrangements under the oil-for-food programme.

At its 4008th meeting, held on 21 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the assessment and report of the Secretary-General as well as the letter in its agenda. Following the adoption of the agenda, the President (Gabon) drew the attention of the Council to a draft resolution submitted by Argentina, the United Kingdom and the United States.¹⁷⁰ The President also drew the attention of the Council to the following documents: letters dated 2 and 12 May 1999, respectively, from the representative of Iraq addressed to the Secretary-General;¹⁷¹ a letter

¹⁶² *Ibid.*, p. 7.

¹⁶³ *Ibid.*, pp. 9-10.

¹⁶⁴ *Ibid.*, pp. 7-8 (Slovenia); p. 8 (Portugal); p. 11 (Japan); pp. 11-12 (Gambia); pp. 12-13 (France); and p. 13 (Gabon).

¹⁶⁵ *Ibid.*, p. 10 (Sweden); pp. 10-11 (Brazil); and p. 12 (Kenya).

¹⁶⁶ S/1999/481.

¹⁶⁷ S/1999/573 and Corr.2.

¹⁶⁸ S/1999/481.

¹⁶⁹ S/1999/582.

¹⁷⁰ S/1998/588.

¹⁷¹ Letters calling for the lifting of the embargo as the urgent humanitarian needs of the people of Iraq were not being met (S/1999/500 and S/1999/549).

dated 13 May 1999 from the Secretary-General addressed to the President of the Council;¹⁷² and a letter dated 17 May 1999 from the representative of Iraq addressed to the Secretary-General.¹⁷³

The representative of the Russian Federation stated that the problem of the humanitarian crisis in Iraq could not be resolved as long as the sanctions regime remained in force, and that his delegation firmly supported the lifting of the sanctions in connection with the establishment of a new monitoring mechanism in Iraq. Although the Russian Federation was aware of the flaws of the United Nations humanitarian operation, his country would agree to extend it only because it offered some hope of easing, to some extent, the sufferings of the Iraqi people. He condemned the continuing aerial bombing of Iraq civilian and military facilities by the United States and the United Kingdom under the illegal pretext of the no-fly zones, which were created unilaterally, in circumvention of the Council.¹⁷⁴

The representative of the United Kingdom called on the Government of Iraq to cooperate constructively in the implementation of the humanitarian programme to ensure that the full potential of the programme was realized. Regarding the activity in the no-fly zones, he called on Iraq to cease targeting coalition aircraft. He stated that the operations of his country were purely reactive: they did not initiate aggressive action and targeted relevant military facilities only. He stressed that the no-fly zones were necessary in order to limit the capacity of Iraq to oppress its own people and in order to monitor its compliance with its obligations under resolution 688 (1991).¹⁷⁵

The representative of the United States observed that, while the primary responsibility for meeting civilian needs continued to reside with the Government of Iraq, it was entirely appropriate that the United Nations acted to ensure that the benefits of the oil

revenues of Iraq be directed to civilian needs. Regarding the no-fly zones, he associated the United States completely with the statement of the United Kingdom.¹⁷⁶

The representative of China reiterated that due to the limitations of the oil-for-food programme, only with the necessary political will on the part of the parties concerned and with the lifting of economic sanctions against Iraq could there be any fundamental easing of the humanitarian situation and difficulties in Iraq. He expressed regret that the United States and the United Kingdom were still bombing civilian targets in the so-called no-fly zone, which had aggravated the humanitarian crisis in Iraq. China demanded that the United States and the United Kingdom halt their bombing missions in the so-called no-fly zone. However, based on the consideration of maintaining basic humanitarian supplies to meet the needs of the Iraqi people, China accepted the present technical roll-over of the programme.¹⁷⁷

The representative of France, noting that the current humanitarian programme was only a partial and temporary response to the problem, expressed hope that the Council would quickly reach an agreement that would make it possible to restore the unity of the Council, resolve the humanitarian crisis, ensure the resumption of normal relations between the United Nations and Iraq and ensure regional security.¹⁷⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1242 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular 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 and 1210 (1998) of 24 November 1998,

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

¹⁷² Letter informing the Council of the Secretary-General's approval of the revised part 7 of the executive summary of the distribution plan concerning telecommunications submitted by Iraq (S/1999/559).

¹⁷³ Letter responding to the statement made by the Executive Director of the Office of the Iraq Programme concerning medicines and medical supplies and equipment (S/1999/572).

¹⁷⁴ S/PV.4008, pp. 2-3.

¹⁷⁵ *Ibid.*, p. 3.

¹⁷⁶ *Ibid.*, p. 5.

¹⁷⁷ *Ibid.*, p. 4.

¹⁷⁸ *Ibid.*

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

Determined to improve the humanitarian situation in Iraq,

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

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time on 25 May 1999;

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

3. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-use items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Notes* that the Security Council Committee established by resolution 661 (1990) is reviewing various options, in particular the proposal made by the Secretary-General, as requested by paragraph 4 of resolution 1210 (1998), to resolve the difficulties encountered in the financial process, referred to in his report of 19 November 1998;

5. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

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

quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

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

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

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 30 June 1999, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

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

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

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

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

14. *Decides* to keep these arrangements under review, including, in particular, those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its willingness to review the relevant recommendations of the report of the panel established to review humanitarian issues as appropriate with regard to the 180-day period referred to in paragraph 1 above;

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

**Decision of 4 October 1999 (4050th meeting):
resolution 1266 (1999)**

At the 4050th meeting, held on 4 October 1999 in accordance with the understanding reached in prior consultations, the President (Russian Federation) drew

the attention of the Council to a draft resolution submitted by the Netherlands.¹⁷⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1266 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular 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 and 1242 (1999) of 21 May 1999,

Recalling also the report of the Secretary-General of 19 August 1999, in particular paragraphs 4 and 94 thereof,

Determined to improve the humanitarian situation in Iraq,

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

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

1. *Decides* that paragraph 2 of resolution 1153 (1998), as extended by resolution 1242 (1999), shall be modified to the extent necessary to authorize States to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly related thereto, sufficient to produce an additional sum, beyond that provided for by resolution 1242 (1999), equivalent to the total shortfall of revenues authorized but not generated under resolutions 1153 (1998) and 1210 (1998), 3.04 billion United States dollars, within the period of 180 days from 0001 hours Eastern Standard Time on 25 May 1999;

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

Decision of 19 November 1999 (4070th meeting): resolution 1275 (1999)

On 12 November 1999, pursuant to paragraph 6 of resolution 1242 (1999), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq, which described developments in the implementation of the oil-for-food programme.¹⁸⁰ In his report, the Secretary-General observed that at the current stage in its implementations, there was a need to strike a balance between initiatives designed to improve the day-to-day workings of the oil-for-food programme and more wide-ranging innovations required to meet its aims more effectively. By a letter dated 17 November 1999 addressed to the President of the

¹⁷⁹ S/1999/1020.

¹⁸⁰ S/1999/1162 and Corr.1.

Council,¹⁸¹ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee approved on 17 November 1999.

At its 4070th meeting, held on 19 November 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General and the above letter in its agenda. The President (Slovenia) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁸²

All speakers expressed support for extending the sixth phase of the humanitarian programme for a period of 15 days, but some speakers stressed the need for a comprehensive omnibus resolution dealing with the situation.¹⁸³ A number of speakers emphasized that the technical extension of the resolution was not linked to the consideration of the new omnibus resolution, and that, therefore, the technical extension should not at all determine the timetable for the conclusion on the omnibus resolution.¹⁸⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1275 (1999), which reads:

The Security Council,

Recalling its resolutions 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999,

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

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242 (1999) and in paragraph 1 of resolution 1266 (1999) until 4 December 1999;

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

Decision of 3 December 1999 (4077th meeting): resolution 1280 (1999)

At its 4077th meeting, held on 3 December 1999 in accordance with the understanding reached in its

¹⁸¹ S/1999/1177.

¹⁸² S/1999/1180.

¹⁸³ S/PV.4070, p. 3 (France); p. 3 (United Kingdom); pp. 3-4 (Canada); p. 4 (United States); p. 4 (Argentina); p. 4 (Netherlands); p. 4 (Gambia); pp. 4-5 (Brazil); and pp. 5-6 (Slovenia).

¹⁸⁴ *Ibid.*, p. 2 (Russian Federation), p. 3 (China); and p. 5 (Malaysia).

prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to paragraph 6 of resolution 1242 (1999), and a letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.¹⁸⁵ Following the adoption of the agenda, the President (United Kingdom) then drew the attention of the Council to a draft resolution submitted by the United States.¹⁸⁶

Speaking before the vote, the representative of France noted that the draft resolution related to the renewal of resolution 986 (1995), commonly known as the “oil-for-food” resolution, which had been regularly renewed by the Council for six-month periods until a recent decision to extend its provisions for 15 days, which had proven impracticable. He stated that the draft resolution would extend the provisions of the resolution for seven days, which was so short that it would make it technically impossible to sell oil and, therefore, to fully implement resolution 986 (1995). The draft resolution therefore seemed to be drafted in such a way as to deliberately render incapable of realization, the measure that it proposed. He maintained that it was true that his delegation had been told that the issue was not about adopting a humanitarian text, but about using the vote to bring pressure to bear on the members of the Council with regard to another exercise and another resolution. He stated that for France, it was inconceivable that the Council take a decision on a text that could not be implemented in practice and which owed its existence to considerations that were alien to its purpose. That was why, given the exceptional and extremely unusual process, France saw non-participation in the voting as the only reasonable position to take.¹⁸⁷

The representative of Malaysia reiterated that his country had supported resolution 1275 (1999) on the clear understanding that there would not be any linkage between its adoption and the negotiations on the draft omnibus resolution on Iraq. Nevertheless, the Council was being asked to vote on another draft resolution extending the oil-for-food programme for one week,

which clearly established a linkage as the one-week time frame was arbitrary and was based on three assumptions. The first assumption was that the negotiations among the permanent members of the Council on the omnibus draft resolution on Iraq would lead to an agreement within a week. The second was that, once there was agreement among the permanent members of the Council, the Council would immediately act on that draft resolution. His delegation could not share that assumption as one would expect a full and detailed consideration and negotiation of the draft resolution among all 15 members of the Council before action could be taken. The third assumption was that once the Council reached agreement on the omnibus draft resolution, its implementation could be effected immediately, which was too optimistic a scenario. That was why his delegation considered a one-week extension as an arbitrary and artificial time frame and a transparent attempt to stamp the process of reaching an agreement on the larger issues relating to Iraq. Regarding the omnibus draft resolution, he stated that his delegation believed that it needed to be comprehensive, incorporating a sanctions-lifting plan as the Council strove to ensure that Iraq met its remaining disarmament requirement. Any consideration of the Iraq sanctions regime could not be artificially forced or hurried.¹⁸⁸

At the same meeting, the draft resolution was put to the vote and adopted by 11 votes to none, with 3 abstentions (China, Malaysia, Russian Federation) and 1 Council member (France) not participating in the voting, as resolution 1280 (1999),¹⁸⁹ which reads:

The Security Council,

Recalling its resolutions 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999 and 1275 (1999) of 19 November 1999,

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

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242 (1999) and in paragraph 1 of resolution 1266 (1999) until 11 December 1999;

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

Speaking after the vote, the representative of the United States stated that despite the unjustified

¹⁸⁵ S/1999/1162 and Corr.1 and S/1999/1177, respectively; see also decision of 19 November 1999 (4070th meeting) in the present section.

¹⁸⁶ S/1999/1215.

¹⁸⁷ S/PV.4077 and Corr.1, p. 2.

¹⁸⁸ *Ibid.*, pp. 2-3.

¹⁸⁹ For the vote, see S/PV.4077, p. 4.

decision of the Government of Iraq to curtail authorized oil production and exports, large quantities of humanitarian supplies continued arriving in the country, and that there had been no disruption in the oil-for-food programme, which was a matter of the utmost importance. The resolution ensured that essential humanitarian assistance could continue while the Council prepared for adoption of a comprehensive resolution on Iraq. Authorization of that resolution would clear the way for action on a full six-month extension of the programme. He called upon the Government of Iraq to resume authorized oil production and exports without delay and to cooperate fully with the programme in the future. In closing, he recalled that the oil-for-food programme was a temporary measure, which was never intended to usurp the primary responsibility for meeting civilian needs in Iraq, which continued to reside with the Government of Iraq.¹⁹⁰

The representative of the Russian Federation reiterated that the very serious humanitarian situation in Iraq dictated the urgent need for the adoption of speedy measures to relieve the Iraqi people. Goods and equipment crucial to civilian life were not being delivered within the framework of the humanitarian programme, and those problems were aggravated by the blocking of a significant number of contracts within the sanctions Committee. In connection with the need for carrying out urgent measures to correct the situation, the Russian Federation had proposed the adoption of a draft resolution extending the United Nations humanitarian operations, which reflected the recommendations of the Secretary-General and the conclusions of the humanitarian panel regarding the improvement of the programme, but the approach had not been taken into account by a number of delegations. He stated that the resolution providing a one-week extension of phase VI of humanitarian operations was not in keeping with the realities of the grave humanitarian situation in Iraq. The practical implementation of such an artificial decision was fraught with many obvious difficulties of a technical nature, which would lead to serious interruptions in the entire humanitarian operation. Bearing in mind the fact that the authors of the draft resolution did not find it possible to take into account even the simple, but extremely logical, amendment proposed by France for

a longer “technical” roll-over — which would have allowed the humanitarian programme to remain in operation — the Russian Federation had not been able to support the resolution. In that connection, he stated that the Russian Federation in no way linked consideration of priority humanitarian issues with continuing work on the comprehensive resolution on Iraq. He emphasized that the decision adopted by the Council in no way established the timetable for concluding work on an omnibus resolution. In order to find a way out of the Iraqi deadlock, an agreement needed to be reached on the remaining serious problems and attempts to establish any kind of artificial time limits in that regard were totally inappropriate.¹⁹¹

The representative of Canada stated that his delegation would have preferred to adopt a 180-day roll-over into phase VII. However, Canada was able to support the seven-day extension in order to allow time for negotiations among the permanent members on a comprehensive resolution. He stressed that the temporary, technical roll-overs could not continue indefinitely and if one week proved insufficient, he hoped that serious consideration would be given by all members to a 180-day roll-over the next time.¹⁹²

The representative of the Netherlands stated that normally his delegation would have supported a regular roll-over for a new phase of 180 days; however, the circumstances were not normal. Noting that the issue had been entrusted to the five permanent members half a year previously, he observed that the permanent members were now under pressure from the elected members to hammer out a consensus. Given the circumstances, the Netherlands believed that a one-week extension of phase VI maintained that pressure. A longer extension would remove the pressure, and his country was strongly in favour of maintaining it in the hope that the five permanent members would interpret the signal correctly and bring the comprehensive resolution back to the Council before 11 December. The representative also noted that, unlike the permanent five members, elected members could not afford to not take part in the vote on such an important

¹⁹¹ *Ibid.*, pp. 4-5.

¹⁹² *Ibid.*, p. 5.

¹⁹⁰ S/PV.4077, p. 4.

issue, as they could not explain such behaviour to the delegations that had elected them.¹⁹³

The representative of China noted that the deadlock on Iraq had lasted for almost a year without resolution and with long delays, which was extremely disappointing. However, to attribute the situation indiscriminately to the slow progress in the consultations among the five permanent members was inappropriate. He maintained that the unilateral military strike against Iraq the previous December had been the main reason why the United Nations arms verification programme in Iraq had been suspended. He stressed that the countries that had launched the military strike needed to show flexibility. While China hoped to see an early completion of consultations among the five permanent members and the adoption of a resolution, he stressed that China could not accept one week as the deadline for consultations. He underlined that the Council needed to adopt a responsible attitude and try to elaborate a programme that would truly solve the problem. He expressed the belief that the resolution extending the programme for one week did not help improve the humanitarian situation in Iraq nor advance the consultations among the permanent five on the omnibus text on Iraq, which was why China had abstained in the voting.¹⁹⁴

The representative of Namibia expressed his country's frustration that the continued existence of the oil-for-food programme was threatened by the very same political differences which had created the previous impasse, and urged the five permanent members to speed up their consultations so that the omnibus resolution might be brought back to the Council.¹⁹⁵

The representative of France then responded to the representative of the Netherlands who had stated that he could not understand how one could fail to take a position on such a resolution. He noted that the representative of the Netherlands had faced a dilemma between, on one hand, his interest in humanitarian considerations and in obtaining a six-month extension, and on the other hand, supporting the pressure being exerted by other members of the Council. It was precisely in order to avoid such dilemmas, which gave

rise to unreasonable solutions, that France believed such a resolution should not have been put to the vote.¹⁹⁶

The representative of the Netherlands responded by pointing out that non-participation in the voting was extremely rare and that few non-permanent members had ever resorted to that extraordinary measure. He noted that his Minister for Foreign Affairs, in the General Assembly, had suggested that it might be useful to start looking for a way in which permanent members might express their absolutely negative attitude without being obliged to cast a veto. He stated that he had hoped that the Council was seeing an example of that procedure, in which a permanent member said no without casting a veto.¹⁹⁷

**Decision of 10 December 1999 (4079th meeting):
resolution 1281 (1999)**

At its 4079th meeting, held on 10 December 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to paragraph 6 of resolution 1242 (1999) and a letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.¹⁹⁸ Following the adoption of the agenda, the President (United Kingdom) then drew the attention of the Council to a draft resolution submitted by the United States.¹⁹⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1281 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular 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 and 1280 (1999) of 3 December 1999,

¹⁹⁶ *Ibid.*, pp. 6-7.

¹⁹⁷ *Ibid.*, p. 7.

¹⁹⁸ S/1999/1162 and Corr.1 and S/1999/1177, respectively; see also the decision of 19 November 1999 (4070th meeting) in this section.

¹⁹⁹ S/1999/1230.

¹⁹³ *Ibid.*, p. 5.

¹⁹⁴ *Ibid.*, p. 6.

¹⁹⁵ *Ibid.*, p. 6.

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

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

Determined to improve the humanitarian situation in Iraq,

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

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time on 12 December 1999;

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

3. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-use items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 5 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

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

quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

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

7. *Decides* that paragraph 3 of resolution 1210 (1998) shall apply to the new 180-day period referred to in paragraph 1 above;

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

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council no later than 15 January 2000 a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

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

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

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently needed humanitarian supplies reach the Iraqi people as rapidly as possible;

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

14. *Decides* to keep these arrangements under review, including in particular those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its determination to act without delay to address the recommendations of the report of the panel established to review humanitarian and other issues in Iraq in a further, comprehensive resolution;

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

Decision of 17 December 1999 (4084th meeting): resolution 1284 (1999)

At its 4084th meeting, held on 17 December 1999 in accordance with the understanding reached in its prior consultations, following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Kuwait, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by the United Kingdom.²⁰⁰

The representative of Kuwait stated that his country fully endorsed the content of paragraphs 13 and 14 of part B of the draft resolution, which addressed the Kuwaiti prisoners of war and detainees, and third-country nationals held in Iraqi prisons. He stressed that the Government of Iraq had exploited the preoccupations of the Council with the issues of disarmament and the suffering of the Iraqi people by procrastinating and failing to cooperate with the Tripartite Commission and its Technical Subcommittee. Second, Kuwait attached great importance to the restitution of Kuwaiti property stolen by the Iraqi regime during its occupation of Kuwait. Third, the possession of weapons of mass destruction by Iraq added to his country's concerns, because Kuwait suspected and feared that the intentions of Iraq were not peaceful and because Iraq had not disclosed its stockpiles of such weapons. The impact of those weapons on the peoples of the region increased the risks faced and posed a threat to security and stability. Fourth, Kuwait fully supported the provisions of part C of the draft resolution relating to the humanitarian situation in Iraq. Fifth, Kuwait hoped that the Government of Iraq would respond positively to the draft resolution and cooperate with the United Nations in implementing it. He stressed that failure to carry out the draft resolution would undermine security and peace in the entire region.²⁰¹

The representative of the Russian Federation noted that the blame for the fact that the work of the Council on Iraq had been deadlocked for a year lay with the force used by the United States and the United Kingdom against Baghdad, circumventing the Council. At that time, the Russian Federation and many

members of the United Nations had given their principled assessment of the illegal action and advocated an essentially new approach to the Iraqi issue based on strict compliance with the resolutions adopted by the Council and the Charter of the United Nations. He stated that the chance to prepare such a comprehensive approach appeared after the work of the three panels chaired by Ambassador Celso L. N. Amorim, who had submitted to the Council carefully weighed and realistic recommendations. He stated that his country had advocated the adoption of a draft resolution that would have approved those recommendations. However, the initiative had been blocked by those who wanted to do things "in the old way" and to continue using the burden of anti-Iraq sanctions in order to attain their own unilateral goals, which went beyond the scope of the decisions of the United Nations on post-crisis settlement in the Gulf region. Another very important criterion contained in the recommendations was the need to ensure that the resolution on the new monitoring system be acceptable to Iraq because without cooperation from Iraq any plans or projects would just remain on paper. As a result of lengthy discussions, there was agreement on the establishment of a new monitoring body, which, unlike the former Special Commission, would be based on the norms contained in the Charter of the United Nations and on collegial methods of work and would be answerable to the Council. There had also been agreement on radical improvements in the humanitarian programme for Iraq in the period up to the suspension of sanctions. Additional measures had been prepared with a view to speeding up the solution of problems relating to missing persons and Kuwaiti property. The representative noted that, at the same time, the draft resolution submitted by the United Kingdom remained ambiguous on crucial issues, primarily on the criteria for suspending sanctions. He cautioned that vague wordings on that matter in the draft provided certain members of the Council an opportunity to interpret the draft in such a way as to require virtually full completion of the key disarmament tasks by Iraq and then, on that pretext, to postpone suspension endlessly. However, to be in strict alignment with the earlier decisions of the Council, the completion of such disarmament tasks should entail the final lifting of sanctions, while to suspend sanctions, it should be sufficient simply to note progress being made in the remaining disarmament areas. He also stressed that it was unacceptable to have a provision in

²⁰⁰ S/1999/1232.

²⁰¹ S/PV.4084 and Corr.1, pp. 3-4.

the draft about the need for Iraq to demonstrate full cooperation with the new monitoring body. He reiterated that the wording “full cooperation” was extremely dangerous as it was under the pretext of an absence of full cooperation from Iraq that the former Special Commission provoked large-scale strikes by the United States and the United Kingdom against Iraq in December the previous year, circumventing the Council. Therefore, the discredited argument about full cooperation had been removed. A clarification was then introduced to the effect that progress on the remaining disarmament tasks, and not their virtual completion, would be grounds for assessing the conditions necessary to the suspension of sanctions. The reference to Chapter VII of the Charter had also been spelled out more clearly so as not to provide any legal grounds for unilateral actions of force against Iraq contrary to positions held in the Council. However, he maintained that not all of the deficiencies of the draft resolution had been removed and that some hidden dangers remained. He noted that the Council had never authorized the establishment of no-fly zones, nor had it authorized subversive acts against the Government of Iraq. He stressed that if the Council sought new approaches to a long-term settlement in the Gulf, such illegal unilateral actions needed to end. In those circumstances, the Russian Federation could not support the draft resolution, but would not hinder its adoption. He cautioned that the fact that his country was not blocking the adoption of the draft resolution could not be taken to indicate that it had to go along with attempts to impose its forcible implementation.²⁰²

The representative of Malaysia stated that the draft resolution did not go far enough to incorporate the concerns that had been expressed, was not comprehensive enough, and had left out the important issues of financial modalities. He reiterated the view that a consensus approach would contribute enormously to the success of the exercise. He underlined that the resolution was unclear in respect of the triggering of the suspensions of sanctions, and did not establish a definite benchmark or time frame for the final lifting of the sanctions. He stressed that in his country’s view it was reasonable in the absence of such a benchmark or time frame for there to be an element of certainty and predictability in the renewals of the suspensions based on the positive reports of the new

²⁰² Ibid., pp. 4-6.

commission. He maintained that the indefinite continuation of sanctions violated the “very spirit and purposes of the United Nations enshrined in its Charter”. He noted that while there was consensus on the crucial need for the return of a new monitoring, verification and inspection system to Iraq, any reinforced system needed to take into account the dignity of Iraq as an independent and sovereign State, as well as the religious and cultural sensitivities of its people. He also expressed regret that the draft resolution persisted in effecting stringent controls that could not but impact negatively on innocent civilians. In conclusion, he reiterated that the draft resolution did not have the right balance, was driven by political, rather than humanitarian, considerations and was aimed at keeping Iraq under continued isolation. Moreover, the language of the draft resolution was ambiguous in some important parts, so that it might lend itself to unilateral interpretation and/or action in its implementation, which needed to be avoided. Finally, the text incorporated only some of the recommendations of the Amorim panels. For those reasons, he stated that Malaysia was unable to support the draft resolution.²⁰³

The representative of China stated that his delegation believed that in the formulation of new comprehensive policies on Iraq, at least three core issues needed to be addressed through a comprehensive resolution that could be implemented: a new inspection commission needed to be established; the remaining Iraqi disarmament issues needed to be defined clearly and precisely and resolved gradually and effectively; and there was an urgent need to relieve the Iraqi people of their tremendous suffering. However, the implementation of the draft resolution was highly questionable. He reiterated the belief that Iraq was under the obligation to implement the relevant resolutions, but that the Council was also under the obligation to implement its own resolutions honourably, give an objective assessment of implementation by Iraq, and gradually lift or at least suspend the sanctions accordingly. Therefore, China was of the view that in the draft resolution, the reinstatement of disarmament inspections and the suspension of sanctions needed to be linked. He suggested that as long as the new commission submitted positive reports to the Council on the

²⁰³ Ibid., pp. 6-8.

continued cooperation by Iraq in addressing the key remaining tasks, the suspension of sanctions should be extended automatically. He stated that, in a situation where no consensus had been reached, putting a draft resolution to the vote would not help to resolve the longstanding issue of Iraq, and China would therefore abstain in the voting. Finally, he reiterated that it was very clear that the use of force or any other means could not substitute for the role of the Council in the maintenance of international peace and security. He also noted that the “no-fly zone” in Iraq had never been authorized or approved by the Council, and that members concerned needed to immediately cease such actions.²⁰⁴

The representative of France stated that there were two regrettable matters in the draft resolution: the refusal to break the isolation of the Iraqi population and, in that connection, to permit the resumption of civil aviation; and the lack of a real exception to the sanctions for religious activities, such as the Hajj and the Omra pilgrimages, because everything remained in the hands of the sanctions Committee, which was subject to veto by any country. He also stressed that the draft resolution entailed one ambiguous element that needed to be resolved, which was the fact that the details for the financial mechanism had not yet been specified. Iraq had been called upon to accept the return of the inspectors without knowing what arrangement would exist in the period after suspension. In future work, therefore, France would insist that monitoring be based on the reasonable proposal that his country had formulated in writing at the end of July 1999. Resolution 986 (1995) also needed to be suspended and different modalities worked out to allow for freedom of trade and civilian activity in conjunction with the retention of prohibitions on arms and dual-use goods. However, he underscored that the criteria for the suspension and then the lifting of sanctions gave rise to difficulties of interpretation. Paragraph 7 of the draft resolution meant that, once the work programme was completed, it would be possible to lift the sanctions outright. Suspension, a partial and interim measure, was in accordance with the spirit of paragraph 21 of resolution 687 (1991) and needed to come into play, once progress was reported in the implementation of the programme, and not be held up until the work programme was completed. Such

²⁰⁴ Ibid., pp. 10-12.

progress, in keeping with paragraph 34 of the draft resolution needed to be the criterion for cooperation. Cooperation, in keeping with paragraph 33, was itself the criterion for suspension. A different interpretation of the text made any suspension of the sanctions uncertain. His delegation felt that the text needed to be clarified. He stressed that the draft resolution therefore remained imperfect, which was why France would abstain.²⁰⁵

Several other speakers supported the creation of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and calling on Iraq to cooperate with the United Nations so that sanctions could be suspended and eventually lifted. A number of speakers expressed regret that the Council had been unable to produce a draft resolution that reflected a consensus.²⁰⁶

At the same meeting, the draft resolution was put to the vote and adopted by 11 votes to none, with 4 abstentions (China, France, Malaysia, Russian Federation), as resolution 1284 (1999),²⁰⁷ which reads:

The Security Council,

Recalling its previous relevant resolutions, including 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 in pursuance of paragraphs 10 and 13 of resolution 687 (1991),

Welcoming the reports of the three panels on Iraq, and having undertaken a comprehensive consideration of those reports 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 those resolutions,

²⁰⁵ Ibid., pp. 16-17.

²⁰⁶ Ibid., pp. 8-9 (Gabon); pp. 9-10 (Argentina); pp. 12-13 (Brazil); pp. 13-15 (Gambia); pp. 21-22 (Bahrain); pp. 22-23 (Slovenia); pp. 23-25 (Canada); and p. 25 (Namibia).

²⁰⁷ For the vote, see S/PV.4084 and Corr.1, p.17.

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 that 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 the fact that operative provisions of the present 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, which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991);

2. *Decides also* that the Monitoring, Verification and Inspection Commission 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 the Commission 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 the Commission 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 International Atomic Energy Agency in addressing compliance by Iraq with paragraphs 12

and 13 of resolution 687 (1991) and with other related resolutions, and requests the Director General of the International Atomic Energy Agency to maintain this role with the assistance and cooperation of the Monitoring, Verification and Inspection Commission;

4. *Reaffirms* its resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1154 (1998) of 2 March 1998, and all other relevant resolutions and statements by 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 the Monitoring, Verification and Inspection Commission, and decides in particular that Iraq shall allow Mission 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 the Commission, as well as to all officials and other persons under the authority of the Iraqi Government whom the Commission wishes to interview so that it may fully discharge its mandate;

5. *Requests* the Secretary-General, within 30 days of the adoption of the present resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of the Monitoring, Verification and Inspection Commission 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 the Commission, which will meet regularly to review the implementation of the present 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 the Monitoring, Verification and Inspection Commission, within 45 days of his appointment, in consultation with and through the Secretary-General, to submit to the Council for its approval an organizational plan for the Commission, 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 the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency, 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 the Monitoring, Verification and Inspection Commission and the Director General of the International Atomic Energy Agency, 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 under paragraph 16 of the export/import mechanism approved by resolution 1051 (1996), and also requests the Executive Chairman, in consultation with the Director General, 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 the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency related to their work under the present and other related resolutions on Iraq;

10. *Requests* Member States to give full cooperation to the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency in the discharge of their mandates;

11. *Decides* that the Monitoring, Verification and Inspection Commission shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the part of the Special Commission 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 the Monitoring, Verification and Inspection Commission shall have the rights, privileges, facilities and immunities of the Special Commission;

12. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission to report every three months, through the Secretary-General, to the Council, following consultation with the Commissioners, on the work of the Commission, 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 the 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 paragraphs 1 (a) and 1 (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 purposes and provisions of resolution 986 (1995) and related resolutions;

17. *Directs* the Security Council 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 the approval of that Committee, except for items subject to the provisions of resolution 1051 (1996), and that they will be notified to the Secretary-General and financed in accordance with the provisions of paragraphs 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) of 24 November 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 equipment necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipment approved by that Committee for each individual project, and requests the Secretary-General to continue to provide for the monitoring of these parts and equipment 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 the present 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. *Also requests* 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. *Further requests* 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 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 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 to be met by funds in the escrow account established by resolution 986 (1995);

27. *Calls upon* the Government of Iraq:

(a) 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;

(b) 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;

(c) To prioritize applications for humanitarian goods under the arrangements set out in resolution 986 (1995) and related resolutions;

(d) 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;

(e) To extend full cooperation to the mine-clearance programme of the United Nations Office for Project Services 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 the present 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 the present 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 below to suspend the prohibitions referred to in that paragraph, appropriate arrangements and

procedures will need, subject to paragraph 35 below, to be agreed upon 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 the present resolution within 30 days of the adoption of this resolution;

D

33. *Expresses its intention*, upon receipt of reports from the Executive Chairman of the Monitoring, Verification and Inspection Commission and from the Director General of the International Atomic Energy Agency that Iraq has cooperated in all respects with the Commission and the Agency 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 the Commission and the agency 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 the Monitoring, Verification and Inspection Commission 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 the Monitoring, Verification and Inspection Commission or the Director General of the International Atomic Energy Agency reports that Iraq is not cooperating in all respects with the Commission or the Agency 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 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. *Also 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 the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency 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 the present resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

Speaking after the vote, the representative of the United States stated that the resolution represented a reaffirmation by the Council of its fundamental consensus on Iraq. The vote had not been unanimous but no member had asserted that Iraq had met its obligations under the resolutions of the Council, argued that Iraq had disarmed as required, or said that Iraq had met its obligations to Kuwait or to the families of the missing. He noted that overall the United States supported the resolution because of the provisions regarding three main areas: arms controls, humanitarian assistance and the issues relating to Kuwait. Regarding humanitarian considerations, he noted that the Council had never put any prohibition on the religious practices of the Iraqi people and fully supported the provisions in the resolution to exempt from sanctions air travel by Hajj pilgrims. Still he stressed that no measure in the resolution could be seen as a step towards any broader relaxation of the air embargo imposed under resolutions 661 (1990) and 670 (1990). Regarding UNMOVIC, he stated that the United States expected UNMOVIC to employ objective and fully qualified experts in relevant fields, without undue reference to nationality or past organizational affiliation. As in the past, he expected UNMOVIC to act on behalf of the Council in providing a strong and independent voice requiring punctilious cooperation and compliance. Stating the basic position of the United States, he stressed that, if Iraq fulfilled the key remaining tasks and met the requirements set forth in the resolution, then the Council, including the United States, could decide whether to recognize that cooperation and compliance by suspending sanctions. Similarly, if Iraq met the full range of obligations mandated in the resolutions of the Council, the Council could make a decision regarding the lifting of sanctions. He reiterated that the United States was not seeking an excuse to use force. Before considering suspension, the Council would also need to set guidelines on the means of delivering civilian imports during

suspension. The United States attached the utmost importance to the requirement for effective control measures, and would work to ensure that what was eventually adopted would be rigorous. He also stressed that the Council had decided that suspension would be temporary and would require an affirmative decision of the Council for renewal, which would thus not be automatic. Furthermore, if Iraqi cooperation with UNMOVIC or IAEA ceased during suspension, then suspension would automatically end.²⁰⁸

The representative of the Netherlands noted that it had become clear that a consensus was not possible if the Council wished to remain faithful to the objective of establishing a genuine and credible reinforced ongoing monitoring and verification system. He stated that the current argument for holding out for a consensus was that Iraq would be ready to cooperate only if all members of the Council voted for the resolution. However, in the statements made by the Iraqi authorities, his delegation had found no indication at all that Iraq would be prepared to cooperate with the Council other than on the basis of an unconditional lifting of the sanctions, and no member of the Council had shown any readiness to meet that condition. Therefore, it did not make a great deal of

difference that the resolution was not adopted by consensus. Article 27 of the Charter of the United Nations described how decisions of the Council were made, and Article 25 stipulated that every Member State of the United Nations was obliged to accept and carry out such decisions. Nothing in the Charter allotted a higher degree of legitimacy to a resolution adopted by consensus.²⁰⁹

The representative of the United Kingdom strongly endorsed the concept of the suspension of sanctions, and saw it as a valuable step towards the lifting of sanctions. He stated that the criteria for suspension were clear and were rooted in the obligations of Iraq under existing resolutions, which gave the international community the necessary reassurance that suspension could occur only if Iraq at last began to act according to the rules of international law. He noted that some had argued that the resolution ought to have been designed to ensure that Iraq accept it, which would have meant abandoning all the previous resolutions and which was not a credible approach for the Council. He stated that the resolution had been adopted, explicitly, by the Council as a whole, in the recognition that relief of sanctions and performance on disarmament had to go hand in hand.²¹⁰

²⁰⁹ *Ibid.*, pp. 25-26.

²¹⁰ *Ibid.*, pp. 27-28.

²⁰⁸ S/PV.4084 and Corr.1, pp. 17-21.

Thematic issues

33. Security of United Nations operations

Decision of 12 March 1997 (3750th meeting): resolution 1189 (1998)

At its 3750th meeting, held on 12 March 1997 in accordance with the understanding reached in its prior consultations, the President (Poland), made the following statement on behalf of the Council:¹ The statement reads:

The Security Council recalls its resolution 868 (1993) and expresses its grave concern at the recent increase in attacks and the use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts. The Council is also gravely concerned at attacks on

and violations of United Nations premises. The Council is concerned that these attacks and the use of force have in some instances been carried out by certain groups with the deliberate goal of disrupting negotiating processes and international peacekeeping activities and hampering humanitarian access.

The Council reiterates its condemnation of such acts. It emphasizes the unacceptability of any acts endangering the safety and security of United Nations and associated personnel, as well as personnel of international humanitarian organizations. The Council urges all Member States and others concerned to prevent and bring to an end all such acts. It stresses that the perpetrators of such acts bear responsibility for their actions and should be prosecuted.

The Council reaffirms the importance of ensuring the safety and security of United Nations and associated personnel as well as the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations. In this context, it emphasizes that the host country and others concerned must take all appropriate

¹ S/PRST/1997/13.