

24. The situation between Iraq and Kuwait

Overview

During the period under review, the Security Council held one meeting and adopted one resolution concerning the repatriation or return of all Kuwaiti and third-country nationals or their remains as well as the return of Kuwaiti property, in connection with the situation between Iraq and Kuwait.

Termination of Chapter VII obligations of Iraq, including the repatriation and return of all Kuwaiti and third-country nationals and their remains and all Kuwaiti property

At its 6990th meeting, on 27 June 2013, the Council unanimously adopted resolution [2107 \(2013\)](#), in which it welcomed Iraq's continued demonstration of its commitment to the full implementation of its outstanding obligations under the relevant Chapter VII resolutions. In the same resolution, with consideration to the provisions of Chapter VI of the Charter on the peaceful settlement of disputes, the Council called upon the Government of Iraq to continue cooperation with the International Committee of the Red Cross (ICRC) and to continue efforts to search for missing Kuwaiti property. The Council decided to terminate the obligations of Iraq under Chapter VII of the Charter concerning the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of Kuwaiti property and cooperation with ICRC, as set out in resolutions 686 (1991) and 687 (1991) of 2 March and 3 April 1991, respectively, and terminated also the mandate of the High-level Coordinator appointed pursuant to paragraph 14 of resolution [1284 \(1999\)](#). The Council requested that the Special Representative of the Secretary-General for Iraq and

Head of the United Nations Mission in Iraq (UNAMI)⁸⁶¹ promote, support and facilitate efforts regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, and the return of Kuwaiti property, including the national archives, seized by Iraq.

Following the vote, the Minister for Foreign Affairs of Iraq elaborated on the efforts by Iraq over the past few years to regain the international standing it had enjoyed prior to resolution 661 (1990). He stated that the adoption of resolution [2107 \(2013\)](#), a milestone in the history of the relationship between Iraq and the international community, indicated that the resolutions imposed on his country under Chapter VII of the Charter belonged to the past and also represented a significant step in its bilateral relationship with Kuwait. Regarding the issue of the maintenance of border markers, Iraq and Kuwait had put in place the necessary measures, in accordance with resolution 833 (1993). In reference to the issue of compensation, Iraq was committed to paying the percentage decided by the Council under the successor arrangements for the Development Fund for Iraq, pursuant to resolution [1956 \(2010\)](#). He stated that through the adoption of resolution [2107 \(2013\)](#), Iraq had fulfilled all its Chapter VII obligations under Council resolutions, with the last remaining issue of missing Kuwaiti persons and property having been transferred to coverage under the provisions of Chapter VI.⁸⁶²

⁸⁶¹ For more information on UNAMI, see part X, sect. II, "Political and peacebuilding missions".

⁸⁶² [S/PV.6990](#), p. 2-3.

Meeting: the situation between Iraq and Kuwait

16-06865

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.6990 27 June 2013	Thirty-fifth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) (S/2013/357) Letter dated 12 June 2013 from the Permanent Representatives of Iraq and Kuwait to the United Nations addressed to the Secretary-General (S/2013/358)	Draft resolution submitted by Australia, France, Morocco, Russian Federation, United Kingdom, United States (S/2013/379)	Iraq (Minister for Foreign Affairs)		Iraq	Resolution 2107 (2013) 15-0-0

25. The situation concerning Iraq

Overview

From 2012 to 2013, in connection with the situation concerning Iraq, the Security Council held eight meetings and adopted two resolutions. Over the course of those meetings, the Council heard briefings by the Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq (UNAMI) on the situation on the ground, activities of UNAMI and steps taken by Iraq and Kuwait to normalize their relations and resolve the issue of missing Kuwaiti and third country nationals and missing Kuwaiti property, including its national archives. The Council also twice renewed the mandate of UNAMI for a period of 12 months each time.⁸⁶³

Briefings on the situation in Iraq and activities of UNAMI

On 10 April 2012, the Special Representative of the Secretary-General for Iraq, in his briefing, stated that the hosting of the League of Arab States summit in Baghdad on 29 March was an historic event that marked the Iraq's re-emergence as a major actor in the region. He commended the recent steps taken by the Governments of Iraq and Kuwait to improve bilateral relations. He expressed concerns over the political impasse that had arisen from tensions between the main parliamentary blocs in Iraq; Arab-Kurdish relations, in particular issues pertaining to the disputed internal boundaries; the human rights situation; and the spillover effects of the continuing violence in the Syrian Arab Republic. He also provided an update on Camp Ashraf, reporting that almost 1,200 residents had been relocated to Camp Hurriya. The Special Representative of the Secretary-General stated that following the withdrawal of United States troops, there were greater expectations for UNAMI to assist the Government and people of Iraq in addressing the major challenges facing their nation, which came at a time when resources made available to UNAMI had been shrinking. Nevertheless, he underscored the commitment of UNAMI to implement its comprehensive mandate in the areas of political facilitation, electoral support, human rights,

reconstruction and development. He expressed his firm belief that United Nations assistance at this critical juncture in the history of Iraq remained essential.⁸⁶⁴

The representative of Iraq provided his own assessment of the situation in the country. He also urged the Council to help to relocate 1,200 members of the People's Mujahedin Organization of the Islamic Republic of Iran from Camp Ashraf to other countries, as the Iraqi Government could not allow them to stay in Iraq, in accordance with its Constitution. Finally, he reported on the progress in the bilateral relations with Kuwait, including the payment to the United Nations of the expenses of the border pillar maintenance project.⁸⁶⁵

On 19 July 2012, the Special Representative of the Secretary-General said that Iraq was in the midst of a seven-month-long stalemate between political blocs, hampering progress in areas essential to its development, including a sustainable solution to the disputed internal boundaries, the unfinished constitutional agenda, the adoption of essential outstanding legislation and the preparation of the governing council elections due in March 2013. He called for the swift selection of commissioners for the Independent High Electoral Commission. In respect of Iraq-Kuwait bilateral relations, he reported on the progress in the border maintenance project. The United Nations was preparing for the start of the maintenance work by 31 October. He also welcomed the ratification by the Council of Representatives of the Additional Protocol to the Comprehensive Safeguards Agreement of the International Atomic Energy Agency. With regard to Camp Ashraf, where approximately 1,200 residents remained, he noted that the commitment of UNAMI was strictly humanitarian, in order to facilitate a voluntary, temporary relocation of residents to Camp Hurriya as a first step of resettlement to countries outside Iraq. He therefore urged the residents to cooperate with Iraqi authorities, and third countries to step forward to offer resettlement to eligible former Ashraf residents as soon as possible.⁸⁶⁶

The representative of Iraq, *inter alia*, expressed hope that the achievements of the meeting of the Joint

⁸⁶³ Resolutions [2061 \(2012\)](#) and [2110 \(2013\)](#). For more information on UNAMI, see part X, sect. II, "Political and peacebuilding missions".

⁸⁶⁴ [S/PV.6747](#), pp. 2-5.

⁸⁶⁵ *Ibid.*, pp. 6-9.

⁸⁶⁶ [S/PV.6811](#), pp. 2-5.