

### 23. The situation between Iraq and Kuwait

During the period under review, the Security Council held one meeting in relation to the item entitled “The situation between Iraq and Kuwait” at which it adopted one resolution.<sup>935</sup> This was the first meeting held by the Council under the item since February 2019.<sup>936</sup> More information on the meeting, including on participants, speakers and outcomes, is given in the table below.<sup>937</sup>

On 22 February 2022, acting under Chapter VII of the Charter, the Council adopted resolution [2621 \(2022\)](#), deciding that the United Nations Compensation Commission had fulfilled its mandate under resolutions [687 \(1991\)](#) and [692 \(1991\)](#) and reaffirming that Iraq had fulfilled its international obligations to compensate all claimants awarded compensation by the Commission for direct loss, damage – including environmental damage and the depletion of natural resources – or injury to foreign Governments, nationals and corporations as a result of its unlawful invasion and occupation of Kuwait, as set out in paragraphs 16 and 18 of resolution [687 \(1991\)](#) and resolution [692 \(1991\)](#).<sup>938</sup> By the same resolution, the Council decided to terminate the mandate of the Commission and to conclude its consideration of compensation by the Commission for liability as set out in paragraphs 16 and 18 of resolution [687 \(1991\)](#) and [692 \(1991\)](#).<sup>939</sup>

At the meeting, following the vote, the President of the Governing Council of the United Nations Compensation Commission noted that the Commission was the first successful example of a system giving individuals recourse to seek compensation from an aggressor State and recalled that on 9 February, the Governing Council had adopted decision 277, its final decision, which had marked the fulfilment of the mandate of the Commission and had declared that the Government of Iraq had fulfilled its international obligations to compensate for losses and damages suffered as a direct result of its unlawful invasion of Kuwait.<sup>940</sup> He further indicated that the Commission had

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<sup>935</sup> For more information on the format of meetings, see part II.

<sup>936</sup> For more information on prior meetings on the item, see *Repertoire, Supplement 2019*, part I. sect. 23.

<sup>937</sup> See also [A/77/2](#), part II, sect. 5.

<sup>938</sup> Resolution [2621 \(2022\)](#), paras. 1 and 2.

<sup>939</sup> *Ibid.*, paras. 7 and 8.

<sup>940</sup> See [S/PV.8972](#).

completed its work and would be winding down all activities in 2022. He added that a final administrative Governing Council session would be held following the closure of the accounts for the return of any remaining funds in the Compensation Fund to Iraq and the issuance of all audit reports. Following the final session, the Commission would be dissolved, and a reporting letter would be sent to the Security Council.<sup>941</sup> He underscored that the Commission demonstrated what multiple States with different interests could achieve through positive cooperation at the United Nations, and that post-war reconstruction and reconciliation, by Member States acting through the United Nations, were possible.

The representative of the United Kingdom, who was the drafter of the resolution, indicated that the Commission represented an important success for the international rules-based order and indicated that its work was a historic achievement for multilateralism in terms of post-conflict reconciliation and solutions to large-scale and complex problems related to conflict. She added that the successful completion of the mandate of the Commission was not only a reminder of the consequences of breaching international law, but also an example of what could be achieved through positive cooperation at the United Nations.<sup>942</sup> The representative of the United States noted that the Commission was a successful mechanism for post-conflict management, made possible by the Council's collective commitment to multilateralism and the maintenance of international peace and security and underlined that while the completion of the work of the Commission was a success, it was also a reminder that the impact of war extended for decades. He also underscored that the Council, consistent with its role under the Charter, must continue to undertake actions to prevent the outbreak of armed conflict and advance international peace and security. The representative of France noted that the closure of the Commission was a major achievement in post-conflict reconstruction and reconciliation and marked the beginning of a new chapter in Iraq-Kuwait relations. The representative of the United Arab Emirates stated that the conclusion of the work of the Commission represented a historic moment for the agenda item on the situation between Iraq and Kuwait. The representative of India said that the episode served as a good model of how Member States could come together to achieve post-conflict reconciliation through positive cooperation. The representative of Ireland emphasized that the fulfilment of the

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<sup>941</sup> See [S/2022/104](#).

<sup>942</sup> See [S/PV.8972](#).

mandate of the Commission marked an unprecedented achievement in the history of international claims resolution and the first case of individuals having recourse to seek compensation from an aggressor State. She added that the joint efforts, commitment and perseverance of the Governments of Iraq and Kuwait, acting through the United Nations, were a reminder of the enduring value of dialogue and multilateralism. The representative of Norway referred to the conclusion of the mandate of the Commission as a historic and significant achievement. The representative of China similarly said that the completion of the work of the Commission was very significant and expressed hope that Iraq and Kuwait would deepen cooperation and jointly promote regional stability, peace and prosperity. The representative of Albania noted that the Commission remained a model for post-conflict reconstruction and reconciliation, demonstrating the value and importance of international law and respect for Member States. He added that the occasion should serve as a reminder of the catastrophic costs of war and a lesson of the importance of showing resolve in efforts to prevent conflicts, discourage illegal acts of aggression and end wars. The representative of Ghana expressed satisfaction that the Commission had lived up to and successfully completed its mandate, and expressed her conviction that meaningful post-conflict reconstruction and reconciliation could be achieved by Member States through constructive cooperation in a multilateral setting. The representative of Kenya indicated that the day marked a momentous occasion for the United Nations and for multilateralism. The representative of the Russian Federation noted that the dissolution of the Commission was a historic event and expressed his belief that the resources that would be available to Iraq would make a tangible contribution to improving the socioeconomic situation in the country, which, he said, had endured the humanitarian consequences of sanctions pressure since the outbreak of the crisis in the Persian Gulf in 1990.

Many Council members asserted that Iraq had fulfilled its obligations in relation to the Chapter VII measures concerning its unlawful invasion and occupation of Kuwait in 1990,<sup>943</sup> and commended Iraq for its the commitment to make its payments often in challenging circumstances.<sup>944</sup> Some Council members also expressed appreciation to the Government of

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<sup>943</sup> United Kingdom, United States, France, Mexico, India, Gabon, Norway, China, Albania and Kenya.

<sup>944</sup> United Kingdom, United States), France, United Arab Emirates, Mexico, India, Ireland, Norway, China, Ghana, Brazil, Kenya and Russian Federation.

Kuwait for its commitment to the mechanism of the Commission.<sup>945</sup> Several Council members called for further progress on the issue of missing Kuwaiti and third-country nationals and the issue of missing Kuwaiti property, including items from the national archives.<sup>946</sup>

The Minister for Foreign Affairs of Iraq stressed that the cooperation of his Government with the Commission and the Security Council was a successful model of multilateral action that reinforced confidence in international mechanisms and measures to resolve crises confronting the world. He added that the fulfilment of Iraq's international obligations to the international community and Kuwait was a major development that would strengthen Iraq's relations with the region and the world, as well as its historical ties with Kuwait. He clarified that following Iraq's fulfilment of its obligations, the international community and the United Nations now had a legal and moral obligation towards Iraq which included ceasing the application of Chapter VII measures to Iraq; preserving Iraq's rights, assets and international legal privileges; and shielding Iraq from any future claims, in line with the United Nations-led international efforts and in accordance with the Charter and the norms of international law ensuring justice and fairness. The representative of Kuwait welcomed the unanimous adoption of resolution [2621 \(2022\)](#) and underscored that the fulfilment of the tasks and responsibilities by mechanisms and subsidiary organs established by the Council and the readiness to follow up on their implementation to achieve desired outcomes to the resolutions enhanced the credibility and effectiveness of the Council. He further praised the Security Council on the historic achievement regarding its work on the issue of compensation and congratulated Iraq on fully meeting its obligations related to the issue of compensation and on ceasing to be subject to one of its most important obligations under Chapter VII. The representative of Kuwait also renewed his country's commitment to work and cooperate with the Iraqi Government to finalize the outstanding issues and obligations relating to missing Kuwaitis, third-country nationals and the return of property, including the national archives, as stipulated in resolution [2107 \(2013\)](#).

### **Meetings: The situation between Iraq and Kuwait**

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<sup>945</sup> United States, France, United Arab Emirates, Mexico, Ireland, Norway, China, Albania, Ghana, Brazil and Kenya.

<sup>946</sup> United Arab Emirates, India, Gabon and Ireland.

<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>Decisions and vote (for-against-abstaining)</i>
<a href="#">S/PV.8972</a> 22 February 2022	Letter dated 10 February 2022 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council ( <a href="#">S/2022/104</a> )	Draft resolution submitted by the Kingdom ( <a href="#">S/2022/136</a> )	Iraq, Kuwait	President of the Governing Council of the United Nations Compensation Commission	All Council members, all invitees <sup>a</sup>	Resolution <a href="#">2621 (2022)</a> 15-0-0 (under Chapter VII)

<sup>a</sup> Iraq was represented by its Minister for Foreign Affairs.