

ucts originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5, a sum, however, not to exceed 1.6 billion United States dollars, subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, following notification to the Committee by the State concerned;

(b) Direct payment of the full amount of each purchase of Iraqi petroleum and petroleum products by the purchaser in the State concerned into an escrow account to be established by the United Nations and administered by the Secretary-General exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The total sum of purchases authorized in the present paragraph is to be released by successive decisions of the Committee in three equal portions after the Council has taken the decision provided for in paragraph 5 on the implementation of the present resolution; notwithstanding any other provision of the present paragraph, the Council may review the maximum total sum of purchases on the basis of an ongoing assessment of the needs and requirements;

2. *Decides* that a part of the sum in the account administered by the Secretary-General shall be made available to him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991), and to cover the cost to the United Nations of its activities under the present resolution and of other necessary humanitarian activities in Iraq;

3. *Decides also* that a part of the sum deposited in the account administered by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund and to cover the full costs of carrying out the tasks authorized by section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Iraq-Kuwait Boundary Demarcation Commission;

4. *Decides further* that the percentage of the value of exports of petroleum and petroleum products from Iraq authorized under the present resolution to be paid to the Compensation Fund, as called for in paragraph 19 of resolution 687 (1991) and as defined in paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Council in paragraph 2 of resolution 705 (1991) for payments to the Fund, until such time as the Governing Council of the Fund decides otherwise;

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

6. *Also requests* the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Council within twenty days of the date of adoption of the present resolution a report on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third-State nationals or their remains present in Iraq on or after 2 August 1990;

7. *Calls upon* the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a detailed statement of the gold and foreign currency reserves it holds, whether in Iraq or elsewhere;

8. *Calls upon* all States to cooperate fully in the implementation of the present resolution;

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

Adopted at the 3004th meeting by 13 votes to 1 (Cuba) with 1 abstention (Yemen).

Resolution 707 (1991)
of 15 August 1991

The Security Council,

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

Recalling also the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations,⁶⁹ in which he noted that on the basis of Iraq's written agreement⁷⁰ to implement fully resolution 687 (1991), the preconditions for a cease-fire established in paragraph 33 of that resolution had been met,

Taking note with grave concern of the letters dated 26 and 28 June and 4 July 1991 from the Secretary-General to the President of the Security Council, conveying information received from the Executive Chairman of the Special Commission⁹³ and from the high-level mission to Iraq⁹⁴ which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991⁸⁷ requesting that a high-level mission consisting of the Executive Chairman of the Special Commission, the Director General of the International Atomic Energy Agency and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Having taken note with dismay of the report of the high-level mission to the Secretary-General on the results of its meetings with the highest levels of the Iraqi Government,⁹⁵

Gravely concerned by the information provided to the Council by the International Atomic Energy Agency on 15⁹⁶ and 25 July 1991⁹⁷ regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

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

Noting, having been informed by the letters dated 26 and 28 June and 4 July 1991 from the Secretary-General, that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the Agency inspection teams mandated under resolution 687 (1991),

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

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

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

Affirming, moreover, that Iraq's failure to comply with the safeguards agreement it concluded with the International Atomic Energy Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,⁶² as established by the Board of Governors of the Agency in its resolution of 18 July 1991,⁹⁸ constitutes a breach of its international obligations,

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

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

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

2. *Also condemns* non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the Board of Governors of the Agency in its resolution of 18 July 1991,⁹⁸ which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;⁶²

3. *Demands* that Iraq:

(a) Provide without further delay full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapon-usable material;

(b) 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;

(c) Cease immediately any attempt to conceal, move or destroy any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities, without notification to and prior consent of the Special Commission;

(d) Make available immediately to the Special Commission, the Agency and their inspection teams any items to which they were previously denied access;

(e) Allow the Special Commission, the Agency and their inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics, without interference of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

(f) Halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes, until the Council determines that Iraq is in full compliance with the present resolution and with paragraphs 12 and 13 of resolution 687 (1991) and the Agency determines that Iraq is in full compliance with its safeguards agreement with the Agency;

(g) Ensure the complete enjoyment, in accordance with its previous undertakings, of the privileges, immunities and facilities accorded to the representatives of the Special Commission and the Agency and guarantee their complete safety and freedom of movement;

(h) Immediately provide or facilitate the provision of any transportation and medical or logistical support requested by the Special Commission, the Agency and their inspection teams;

(i) Respond fully, completely and promptly to any questions or requests from the Special Commission, the Agency and their inspection teams;

4. *Determines* that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. *Requires* the Government of Iraq forthwith to comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons and in its safeguards agreement with the International Atomic Energy Agency;

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

Adopted unanimously at the 3004th meeting

Decision

At its 3008th meeting, on 19 September 1991, the Council invited the representative of Iraq to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait: report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 706 (1991) (S/23006 and Corr.2)".²²

Resolution 712 (1991)

of 19 September 1991

The Security Council,

Recalling its previous relevant resolutions, and in particular resolutions 661 (1990) of 6 August 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 692 (1991) of 20 May 1991, 699 (1991) of 17 June 1991, and 705 (1991) and 706 (1991) of 15 August 1991,

Expressing its appreciation for the report submitted by the Secretary-General on 4 September 1991 pursuant to paragraph 5 of resolution 706 (1991),⁹⁹

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population and the risk of a further deterioration of this situation, and underlining the need in this context for fully up-to-date assessments of the situation in all parts of Iraq as a basis for the equitable distribution of humanitarian relief to all segments of the Iraqi civilian population.

Recalling that the activities to be carried out by or on behalf of the Secretary-General to meet the purposes referred to in resolution 706 (1991) and the present resolution enjoy the privileges and immunities of the United Nations,

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

1. *Confirms* the figure mentioned in paragraph 1 of resolution 706 (1991) as the sum authorized for the purpose of that paragraph, and reaffirms its intention to review this sum on the basis of its ongoing assessment of the needs and requirements, in accordance with paragraph 1 (d) of that resolution;

2. *Invites* the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait to authorize immediately, pursuant to paragraph 1 (d) of resolution 706 (1991), the release by the Secretary-General from the escrow account of the first one-third portion of the