

(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)".<sup>22</sup>

### 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),<sup>99</sup>

*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

sum referred to in paragraph 1 above, such release to take place as required subject to the availability of funds in the account and, in the case of payments to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs that have been notified or approved in accordance with existing procedures, subject to compliance with the procedures laid down in the report of the Secretary-General<sup>99</sup> as approved in paragraph 3 below;

3. *Approves* the recommendations contained in paragraphs 57 (d) and 58 of the Secretary-General's report;

4. *Encourages* the Secretary-General and the Committee to cooperate, in close consultation with the Government of Iraq, on a continuing basis to ensure the most effective implementation of the scheme approved in the present resolution;

5. *Decides* that petroleum and petroleum products subject to resolution 706 (1991) shall, while under Iraqi title, be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection and to ensure that the proceeds of sale are not diverted from the purposes laid down in resolution 706 (1991);

6. *Reaffirms* that the escrow account to be established by the United Nations and administered by the Secretary-General to meet the purposes of resolution 706 (1991) and the present resolution, like the United Nations Compensation Fund established by resolution 692 (1991), enjoys the privileges and immunities of the United Nations;

7. *Reaffirms also* that the inspectors and other experts on mission for the United Nations, appointed for the purpose of the present resolution, enjoy privileges and immunities in accordance with the Convention on the Privileges and Immunities of the United Nations,<sup>100</sup> and demands that Iraq allow them full freedom of movement and all necessary facilities;

8. *Confirms* that funds contributed from other sources may, if desired, in accordance with paragraph 1 (c) of resolution 706 (1991), be deposited into the escrow account as a sub-account and be immediately available to meet Iraq's humanitarian needs as referred to in paragraph 20 of resolution 687 (1991) without any of the obligatory deductions and administrative costs specified in paragraphs 2 and 3 of resolution 706 (1991);

9. *Urges* that any provision to Iraq of foodstuffs, medicines or other items of a humanitarian character, in addition to those purchased with the funds referred to in paragraph 1 above, be undertaken through arrangements that assure their equitable distribution to meet humanitarian needs;

10. *Requests* the Secretary-General to take the actions necessary to implement the above decisions, and authorizes him to enter into any arrangements or agreements necessary to accomplish this;

11. *Calls upon* States to cooperate fully in the implementation of resolution 706 (1991) and the present resolution, in particular with respect to any measures regarding the import of petroleum and petroleum products and the export of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), and also with respect to the privileges and immunities of the United Nations and its personnel implementing the present resolution, and to ensure that there are no diversions from the purposes laid down in these resolutions;

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

*Adopted at the 3008th meeting by 13 votes to 1 (Cuba) with 1 abstention (Yemen).*

## Decisions

In a letter dated 25 September 1991,<sup>101</sup> the President of the Security Council informed the Permanent Representative of Iraq to the United Nations as follows:

"I have transmitted to the Security Council your letter of 24 September 1991.<sup>102</sup>

"The Council notes the terms of this letter concerning the implementation of resolution 687 (1991) of 3 April 1991 and other relevant resolutions and considers that they constitute acceptance by Iraq without reservation of resolution 707 (1991) of 15 August 1991 and that the Iraqi Government is thus giving its unconditional consent to the use by the Special Commission of its own aircraft.

"Accordingly, the Special Commission intends to avail itself of this possibility without delay with a view to proceeding with the inspection programme that it has established."

After the consultations held on 2 October 1991, the President of the Security Council made the following statement to the media on behalf of the members of the Council:<sup>103</sup>

"The members of the Security Council held informal consultations on 2 October 1991 pursuant to paragraph 21 of resolution 687 (1991) of 3 April 1991.

"After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution."

On 2 October 1991, the Secretary-General submitted his report on the United Nations Iraq-Kuwait Observation Mission for the period 9 April to 2 October 1991.<sup>104</sup> In his report, the Secretary-General stated that during the previous six months, the Mission had deployed in its area of operation and carried