



Security Council

Diatr.
GENERAL

S/21816
25 September 1990

ORIGINAL8 ENGLISH

Canada, Côte d'Ivoire, Finland, France, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Zaire; draft resolution

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), and 667 (1990),

Condemning Iraq's continued occupation of Kuwait, its failure to rescind its actions and end its purported annexation and its holding of third State nationals against their will, in flagrant violation of resolutions 660 (1990), 662 (1990), 664 (1990) and 667 (1990) and of international humanitarian law,

Condemning further the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law,

Noting with grave concern the persistent attempts to evade the measures laid down in resolution 661 (1990),

Further noting that a number of States have limited the number of Iraqi diplomatic and consular officials in their countries and that others are planning to do so,

Determined to ensure by all necessary means the strict and complete application of the measures laid down in resolution 661 (1990),

Determined to ensure respect for its decisions and the provisions of Articles 25 and 48 of the Charter of the United Nations,

Affirming that any acts of the Government of Iraq which are contrary to the above-mentioned resolutions or to Articles 25 or 48 of the Charter of the United Nations, such as Decree No. 377 of the Revolution Command Council of Iraq of 16 September 1990, are null and void,

Reaffirming its determination to ensure compliance with Security Council resolutions by maximum use of political and diplomatic means,

Welcoming the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant Security Council resolutions and noting with appreciation his continuing efforts to this end,

Underlining to the Government of Iraq that its continued failure to comply with the terms of resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 666 (1990) and 667 (1990) could lead to further serious action by the Council under the Charter of the United Nations, including under Chapter VII,

Recalling the provisions of Article 103 of the Charter of the United Nations,

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

1. Calls upon all States to carry out their obligations to ensure strict and complete compliance with resolution 661 (1990) and in particular paragraphs 3, 4 and 5 thereof;

2. Confirms that resolution 661 (1990) applies to all means of transport, including aircraft¹

3. Decides that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorisation by the Council or the Committee established by resolution 661 (1990) and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for UNIIMOG;

4. Decides further that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly its territory unless:

(a) The aircraft lands at an airfield designated by that State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary: or

(b) The particular flight has been approved by the Committee established by resolution 661 (1990); or

(c) The flight is certified by the United Nations as solely for the purposes of UNIIMOG;

5. Decides that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;

6. Decides further that all States shall notify in a timely fashion the Committee established by resolution 661 (1990) of any flight between its territory **and** Iraq or Kuwait to which **the** requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;
7. Calls upon all States to co-operate in taking such measures **as may be** necessary, consistent with international law, including the Chicago Convention, to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;
8. Calls upon all States to detain any ships of Iraqi registry which enter their ports **and** which are being or have been used in violation of resolution 661 (1990), or to deny such ships entrance to their **ports except in** circumstances recognized under international law **as necessary** to safeguard human life;
9. Reminds all States of their obligations under resolution 661 (1990) with **regard** to the freezing of Iraqi **assets**, and the protection of the assets of the legitimate Government of Kuwait and its agencies, located within their territory and to report to **the** Committee established under resolution 661 (1990) regarding those assets;
10. Calls upon all States to provide to the Committee established by resolution 661 (1990) information regarding the action taken **by** them to implement the provisions laid down in the present resolution;
11. Affirms that the United Nations Organization, the specialized agencies and other international organisations in the United Nations system are required to take such measures as may be necessary to give effect to the terms of resolution 661 (1990) and this resolution;
12. Decides to consider, in the event of evasion of the provisions of resolution 661 (1990) or **of** the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;
13. Reaffirms that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is **liable** under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

