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LETTER DATED 18 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of Decree-Law No. 3/A/1990 concerning the holding in trust by the State of Kuwait of property belonging to Kuwaitis or residents of Kuwait, and an explanatory note relating thereto.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad ABULHASAN
Permanent Representative

* Re-issued for technical reasons.

Annex

NOTE RELATING TO DECREE-LAW NO. 3/A/1990 CONCERNING THE HOLDING
IN TRUST BY THE STATE OF KUWAIT OF PROPERTY BELONGING TO
KUWAITIS OR RESIDENTS OF KUWAIT

The purpose of this Law is to enable the State of Kuwait, represented by its lawful Government headed by His Highness the Crown Prince and Prime Minister Saad Al-Abdulla Al-Salem Al-Sabah, to take all necessary and appropriate measures to protect property belonging to Kuwaitis or residents of Kuwait and to establish the right of the lawful Government to have recourse to foreign administrative and judicial authorities for the purpose of protecting such property. By notifying all Governments concerned, including the Iraqi Government, of this measure, the Government of Kuwait wishes to demonstrate its determination to protect property belonging to it, to its agencies and public institutions or to individuals, whether Kuwaitis or residents of Kuwait, from seizure by the Iraqi occupation authorities.

Decree-Law No. 3/A/1990 concerning the Holding in Trust by
the State of Kuwait of Property Belonging to Kuwaitis or
Residents of Kuwait

Bearing in mind the Constitution,

And the Amiri Decree dated 3 July 1986,

And the Amiri Decree dated 3 August 1990,

In view of the fact that Kuwait has been occupied by Iraqi forces since
Thursday, 2 August 1990,

Bearing in mind the report of the Minister of Justice and Legal Affairs,

Following approval by the Council of Ministers,

The undersigned have promulgated the following Law:

Article 1

Property belonging to Kuwaiti nationals or to non-Kuwaitis domiciled in Kuwait, whether such property is situated inside or outside Kuwait, and whether it belongs to individuals or to bodies corporate, shall be held in trust by the State of Kuwait as represented by its lawful Government, which shall exercise such responsibilities in cases where such property has been lost or has been damaged in any way by the occupation authorities or by the Iraqi Government, or where it has been transferred or appropriated by a third party without the consent of its owners. The purpose of these measures is to protect such property on behalf of its lawful owners.

Article 2

Under the measures set forth in article 1 of this Law, the State of Kuwait as represented by its lawful Government shall have the right to resort, as and when necessary or appropriate, to any judicial, administrative or legal mechanisms in any State, with a view to protecting the aforementioned property. In particular, the lawful Government shall have the right as trustee to have recourse to the competent administrative or judicial authorities in any State in order to protect the aforementioned property of which it is the rightful owner, in cases where the occupation authorities take possession of, damage or destroy such property during the period of occupation, or dispose of such property directly or indirectly for the benefit of a third party, through, inter alia, measures of expropriation, nationalization or distraint, or any other measure of trespass or appropriation taken by the Iraqi Government, its agencies or its public institutions.

The Government of Kuwait has, in particular, the right to order the provisional attachment and distraint of property belonging to the Iraqi Government or to its agencies or public institutions situated abroad.

Article 3

For the purposes of this Law, property held in trust shall refer to all movable and immovable property, including cash denominated in various national currencies, precious metals, precious stones, securities, including shares, bonds, negotiable instruments, accounts receivable, bank deposits and other instruments, as well as all other property or rights belonging to individuals or to public institutions.

Article 4

After the occupation has ended and the situation has returned to normal, the lawful Government of Kuwait shall adopt the necessary measures to suspend this Law, once the rights of the lawful owners have been restored.

Article 5

This Law shall enter into force on 2 August 1990, the date on which Kuwait was occupied, and shall be published in the Official Gazette and transmitted through the diplomatic channel to the Governments of other countries.

(Signed) Jaber Al-Ahmad AL-SABAH
Amir of the State of Kuwait

(Signed) Saad Al-Abdulla Al-Salem AL-SABAH
Prime Minister

(Signed) Dhari Abdullah AL-UTHMAN
Minister of Justice and Legal Affairs

