



UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/5007  
30 November 1961

ORIGINAL: ENGLISH

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NOTE VERBALE DATED 13 SEPTEMBER 1961 FROM THE SECRETARIAT GENERAL OF THE LEAGUE OF ARAB STATES ADDRESSED TO THE SECRETARIAT OF THE UNITED NATIONS, TRANSMITTING THE TEXTS OF LETTERS EXCHANGED ON 12 AUGUST 1961 BETWEEN HIS HIGHNESS THE PRINCE OF THE STATE OF KUWAIT AND THE SECRETARY GENERAL OF THE LEAGUE OF ARAB STATES

The Secretariat General of the League of Arab States presents its compliments to the Secretariat General of the United Nations and has the honour to send herewith two copies of the despatches exchanged between the Secretary General of the League of Arab States and the Emir of the State of Kuwait concerning the security forces of the League of Arab States in Kuwait. This is done according to paragraphs 7 and 8 of the document enclosed in your letter dated 21 December 1960 and embodying the principles agreed upon between the Secretary-General of the United Nations and the Secretary General of the League of Arab States regarding the means of communication between the League of Arab States and the United Nations.

The Secretary General of the United Nations is kindly requested to deal with the two despatches exchanged in accordance with the principles of article 8 of the said document and thus circulate them to Member States of the United Nations and other United Nations organs as well as deposit them in the archives of the United Nations.

The Secretary-General is also requested to communicate the two despatches referred to above to the Security Council.

The Secretariat General of the League of Arab States avails itself of the opportunity to renew to the Secretariat General of the United Nations the assurances of its highest consideration.

LETTERS EXCHANGED BETWEEN HIS HIGHNESS THE PRINCE OF THE STATE  
OF KUWAIT AND THE SECRETARY GENERAL OF THE LEAGUE OF ARAB STATES  
CONCERNING THE STATUS OF THE ARAB LEAGUE SECURITY FORCE IN KUWAIT

Letter dated 12 August 1961, addressed by the Secretary General  
of the League of Arab States to His Highness the Prince of the State  
of Kuwait concerning the status of the Arab League Security Force  
in Kuwait and related arrangements

His Highness Sheikh Abdullah Al-Salem Al-Sabah, Prince of the State  
of Kuwait:

I have the honour to communicate this letter to your Highness regarding the status of the Arab League Security Forces in Kuwait, an organ of the League of Arab States, established in accordance with the powers invested in me by the resolution of the League's Council in its session of 20 July 1961 based on its right to establish whatever organs or committees it deems necessary.

I wish to refer here also to article 14 of the Arab League Pact providing for diplomatic privileges and immunities for the League's organs, installations and personnel. These privileges and immunities are embodied in the Convention on Privileges and Immunities of the League of Arab States endorsed by the Council on 10 May 1953.

I wish moreover to refer to international precedents, general principles of international law, and the cherished Arab traditions.

Needless to say, the Force is of a temporary nature, is deployed in Kuwait in compliance with your Highness' request and will be withdrawn whenever its withdrawal is requested by your Highness and in the manner to be agreed upon between us.

Therefore I hereby submit the bases I deem necessary at present for the effective discharge of the functions of the Arab League Security Force in the course of its stay in Kuwait. If your Highness concurs with the contents of this letter, it will be considered, together with your reply embodying your concurrence, as constituting an agreement in this respect between the League of Arab States and your distinguished Government.

Definitions

1. The "Arab League Security Force", hereinafter referred to as "the Force", consists of the Command to be established by the decision of the Secretary General

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in accordance with the powers invested in him by the League's Council resolution of 20 July 1961, and all military personnel placed under this Command by a State-member of the League. The term "Member of the Force" refers to any person belonging to the military formations by which any member State participates in the Force, and to any civilian placed under the Commander of the Force.

2. The "Commander" includes the Commander of the Security Force and other members of the command designated by him. "Kuwait authorities" include all official, local, civil and military Kuwaiti authorities relating to the functioning of the Force in the performance of this agreement, without prejudice to the responsibility of the Government of Kuwait itself.

3. "Participating State" means a member of the League of Arab States that contributes to the Force with no less than one detachment.

4. "Kuwaiti citizen" includes persons of Kuwaiti citizenship and persons resident in Kuwait other than those associated with the Force.

5. "Area of operations" includes all areas where the Force is deployed in the performance of its functions as defined in the resolution of the League's Council and in the decisions issued by the Secretary General for its implementation; installations and premises referred to in this agreement, and all means of communication utilized by the Force in pursuance of this agreement.

#### Respect for local law and conduct befitting international status of the Force

6. Members of the Force and all officials serving with the Force shall respect the local laws of Kuwait and refrain from any activity of a political character in Kuwait and from any action incompatible with the international nature of their duties. The Commander shall take all appropriate measures to ensure the observance of these obligations.

#### Entry and exit

7. Members of the Force shall be exempt from travel, visa, and inspection regulations on entering or departing from Kuwaiti territory. They shall also be exempt from any regulations governing residence and registration, but this shall not give them any right to permanent residence or domicile in

Kuwait. Members of the Force shall be provided with personal identity papers, and movement orders issued by the Commander or an appropriate authority designated by him. In the case of first entry the identity papers issued by the Participating State will be accepted in lieu of the identity papers issued by the Command.

8. The personal identity papers issued by the Participating State to which the member belongs shall be considered complimentary to those issued by the Command in case of the latter lacking clarity.

9. The Commander shall immediately inform the Kuwaiti authorities of the absence of any member of the Force if it exceeds forty-eight hours. He shall also inform them in the case of any Participating State dispensing with the services of one of its nationals employed in the Force. The Commander shall be responsible for the transfer of an ex-member of the Force to his country or for his delivery to representatives of that country.

#### Jurisdiction

10. The following arrangements respecting criminal and civil jurisdiction are made in the interests of the proper functioning of the Force as well as the interests of the League and not for the personal benefit of the members of the Force.

#### Criminal jurisdiction

11. Members of the Force shall be subject to the exclusive jurisdiction of their respective national courts in respect of any criminal offence which may be committed by them in Kuwait.

#### Civil jurisdiction

12. (a) Members of the Force shall not be subject to the civil jurisdiction of Kuwaiti courts or to other legal process in any matter relating to their official duties.

(b) In case of a dispute between a member of the Force and a Kuwaiti citizen arising outside the scope of the former's official duties, it shall be dealt with in either of the following methods according to the choice of the claimant.

1. A Committee for Complaints composed of three members, of whom one is appointed by the Government of Kuwait, another by the Secretary General of the League and the third by common agreement between the Government and the Secretary General, and in case of their disagreement, by the League's Council. Rulings of this Committee shall be final and having the force of valid juridical judgements.

2. Kuwaiti courts by the normal procedure set out in the Kuwaiti code of procedure. In this case the Kuwaiti courts shall grant members of the Force sufficient opportunity to safeguard their rights. If the Commander certifies that a member of the Force is unable, because of absence or official duties to safeguard his rights in a proceeding in which he is a participant, the appropriate Kuwaiti court or authority shall suspend the proceeding until the elimination of the disability but for not more than thirty days. Personal effects of a member of the Force which are deemed by the Commander to be needed by the member for the fulfilment of his duties, shall be free from seizure. The personal liberty of a member of the Force shall not be restricted by the decrees of a Kuwaiti court or authority in a civil proceeding, whether to enforce a legal judgement, decision or order, or for any other reason.

(c) In all cases the Kuwaiti authorities may seek the good offices of the Secretary General to settle any matter.

Notification; certification:

13. If any civil proceeding is instituted against a member of the Force before any Kuwaiti court having jurisdiction, notification shall be given to the Commander. The Commander shall certify to the court whether or not the proceeding is related to the official duties of such member.

Military police: arrest, custody and mutual assistance

14. The Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Force. The military police designated by the Commander shall police the premises referred to in article 19 of this agreement and other areas where the Force is deployed. Elsewhere such

military police shall function only subject to arrangements with the Kuwaiti authorities and in liaison with them and in so far as such functioning is necessary to maintain discipline and order among members of the Force. For the purposes indicated in this paragraph the military police shall have the power of arrest over members of the Force.

15. Military Police of the Force may take into custody any person on the premises referred to in article 19 who is subject to Kuwaiti criminal jurisdiction in order to deliver him to the nearest appropriate Kuwaiti authority when so requested by the Kuwaiti authorities, or in order to investigate any offence committed by him on these premises.

16. The Kuwaiti authorities may, likewise, take into custody any member of the Force who is charged with committing an offence outside the premises referred to in article 19 in order to deliver him to the Command of the Force.

The Kuwaiti authorities shall conduct an investigation into the matter and seize the evidence.

17. In the cases referred to in articles 15 and 19, the person under custody should be transferred as early as possible after the preliminary interrogation to the authority empowered to complete the investigation.

18. The Commander shall collaborate with the Kuwaiti authorities in the carrying out of all necessary investigations into matters in which they have an interest.

The Government of Kuwait will ensure the prosecution of persons subject to its criminal jurisdiction who commit acts in relation to the Force or its members which, if committed in relation to the Kuwaiti forces, would have rendered them liable to prosecution.

The authorities of the Force will take the appropriate measures for the prosecution of members of the Force for such offences as are committed against Kuwaiti citizens by them.

#### Premises of the Force

19. The Kuwaiti Government shall provide, in agreement with the Commander, such areas for headquarters, camps, or other premises as may be necessary for the accommodation and the fulfilment of the functions of the Force. Without

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prejudice to the fact that all such premises are considered Kuwaiti territory, they shall be inviolable and subject to the exclusive authority of the Commander, who alone may allow the entry of such persons as he may find appropriate to perform duties on these premises.

#### Arab League flag

20. The Kuwaiti Government recognizes the right of the Force to display within Kuwaiti territory the Arab League flag on its headquarters, camps, posts or other premises, vehicles, vessels and otherwise as decided by the Commander. Other flags or pennants may be displayed in exceptional cases and in accordance with conditions prescribed by the Commander, due regard being given to the observations or requests of Kuwaiti authorities.

#### Uniform, vehicle, vessel and aircraft markings and registration

21. Members of the Force shall normally wear the uniform prescribed by the Commander. The conditions on which the wearing of civilian dress is authorized shall be notified by the Commander to the Kuwaiti authorities, due regard being given to observations or requests of these authorities.

Service vehicles, vessels, aircraft and other means of transport shall carry a distinctive Arab League identification mark which shall be notified by the Command to the Kuwaiti authorities.

All such means of transport shall enjoy immunities which exempt them from registration and licensing under the domestic rules and regulations of Kuwait.

#### Arms

22. Members of the Force may carry and possess arms while on duty in accordance with their orders, due regard being given by the Commander to observations and requests of the Kuwaiti authorities in this respect.

#### Privileges and immunities of the Force

23. The Arab League Security Force, as a subsidiary organ of the League of Arab States established by a resolution of the League's Council, shall enjoy the international status, privileges and immunities granted to the League by

article 14 of its Pact and by the aforementioned Convention on Privileges and Immunities, as well as other privileges and immunities required for the fulfilment of its function as may be agreed upon between the Commander and the Kuwaiti authorities.

In order that the Force may be supplied without delay with its requirements of goods and that exemptions may be effected as speedily and conveniently as possible with due regard to the interests of the Government of Kuwait, a satisfactory procedure, including documentation shall be arranged between the authorities of the Force and the Kuwaiti customs authorities. The Commander shall take adequate precautions to prevent the abuse of exemptions or the sale or disposal of goods in any manner to persons other than those enjoying exemptions. Sympathetic consideration shall be given to observations or requests of Kuwaiti authorities in this connexion.

Privileges and immunities of officials and members of the Force

24. Members of the Arab League Secretariat detailed by the Secretary General to serve with the Force remain officials of the General Secretariat entitled to all the privileges and immunities of article 14 of the Pact and of the above-mentioned Convention on Privileges and Immunities.

With respect to the locally recruited personnel of the Force, the Arab League asserts its right to their immunity in official acts only.

25. The Commander and officers of the Command shall be entitled to the privileges, immunities and facilities bestowed by the Convention on Privileges and Immunities on the senior officials of the General Secretariat of the League.

Members of the Force: taxation, customs and fiscal regulations

26. Members of the Force shall be exempt from taxation on pay and income. They shall also be exempt from all direct taxes except duties paid for services enjoyed.

27. Members of the Force shall have the right to import free of duty their personal effects on their first entry to Kuwait. They shall be subject to the Kuwaiti law with respect to personal property not required for the performance of their duties or by reason of their presence in Kuwait.



Adequate facilities shall be granted by the Kuwaiti immigration, fiscal and customs authorities to the units of the Force, provided that the authorities concerned have been duly notified. Members of the Force on departure from Kuwait may, notwithstanding the foreign exchange regulations, take with them such funds as the appropriate financial authority of the Force certifies were received in pay and emoluments. Arrangements between the Commander and the Kuwaiti authorities shall be made for the implementation of the foregoing provisions, due regard being given to the interests of both the Force and the Kuwaiti authorities.

28. The Commander will co-operate with customs and fiscal authorities of Kuwait and will render all assistance within his power in ensuring the observance of the customs and fiscal rules of Kuwait by the members of the Force in accordance with these or any relevant supplemental arrangements.

#### Communications and postal services

29. The Force enjoys the facilities in respect to communications provided in the aforesaid Convention on Privileges and Immunities. The Commander shall have authority to instal and operate a radio sending and receiving station or stations to connect appropriate posts and communicate with the Arab League Headquarters.

The frequencies on which the Force operates will be duly communicated by the Commander to the appropriate authorities.

Messages of the Command will enjoy the priorities of government telegrams and telephone calls as provided for in international telecommunication conventions.

30. The Force shall enjoy within its area of operations the unrestricted right of communications by wire, wireless or other means, as well as the right to establish within its area of operation the necessary facilities for such communication including the laying of cables and land lines and the establishment of movable or fixed radio sending and receiving stations, it being understood that lines herein referred to will be situated within or directly between the premises of the Force and the area of operations, and that any connexion with the Kuwaiti system of telecommunications will be made only in accordance with arrangements with the appropriate Kuwaiti authorities.

31. The Government of Kuwait recognizes the right of the Force to make its own arrangements to facilitate the transport of private mail emanating from or

addressed to members of the Force. The Government of Kuwait will be informed of the nature of such arrangements. No interference shall take place with, and no censorship shall be applied to the mail of the Force by the Government of Kuwait except in exceptional cases and by mutual agreement between the Kuwaiti authorities and the Commander. Conditions for despatches involving transfer of currency or transport of parcels from Kuwait, will be agreed upon between the Government of Kuwait and the Commander.

#### Freedom of movement

32.\* The Force and its members shall enjoy, together with its special means of transport such as vehicles, vessels, aircraft and equipment, freedom of movement between Force headquarters, camps and other premises within the area of operations, and to and from the agreed upon areas of Kuwaiti territory or areas to be agreed upon between the Commander and the Government of Kuwait. The Commander will consult with the Kuwaiti authorities with respect to large movements of personnel or equipment on roads used for general traffic. The Government of Kuwait recognizes the right of the Force and its members to freedom of movement within military lines in the performance of the functions of the Force and the essential duties of its members. The Government of Kuwait will supply the Force with maps and other information including locations of mine fields and other defensive precautions which may be necessary in facilitating its movements.

#### Use of roads, waterways, port, airfield and other facilities

33. The Force shall have the right to the use of roads, bridges, canals and other water, port and airfield facilities without the payment of dues, or any other charges whether in the form of registrations or otherwise in the areas of operations and the normal points of access, except for the charges that are paid for services directly rendered. The Kuwaiti authorities will give the most favourable consideration and priority to requests for the grant to members of the Force of travelling facilities on its various means of transport.

Water, electricity and other public utilities

34. The Force shall have the right to the use of water, electricity and other public utilities, and shall be granted, in the case of interruption or threatened interruption of service, the priority given to Government agencies.

The Force shall have where necessary, the right to generate, within its premises its needs of electricity and to distribute such electricity in the manner it deems suitable.

Kuwaiti currency

35. The Government of Kuwait will, if requested by the Commander, facilitate exchanges into Kuwaiti currency.

Financing

36. A special fund will be set up by the League for the financing of the Force which will bear all transport and residence expenses of the Force.

While other members of the League will contribute to the fund, the largest contribution will be made by Kuwait.

Settlement of disputes

37. Disputes arising with respect to the interpretation or implementation of this agreement shall be settled by the League's Council.

38. The Commander and the Kuwaiti authorities shall take appropriate measures to ensure liaison and co-operation between them.

Supplemental arrangements

39. Supplemental detailed arrangements that may be required for the carrying out of this agreement shall be made between the Commander and the appropriate Kuwaiti authorities.

Effective date and duration

40. If your Highness will concur with the contents of the present letter, it will be considered, together with your Highness' reply, as constituting an agreement concluded between the League and the State of Kuwait. This agreement

shall be deemed to have taken effect as from the date of the arrival of the first element of the Force in Kuwaiti territory and shall remain in force until the departure of the Force from Kuwait.

Kindly accept, your Highness, the assurances of my highest respect

(Signed) ABDEL KHALEK HASSOUNA  
Secretary-General

Written in the City of Kuwait,  
this day, Saturday the 12th of August, 1961.

Letter dated 12 August 1961 from His Highness the Prince of  
the State of Kuwait addressed to the Secretary-General of  
the League of Arab States

Government of Kuwait,  
Secretariat,

His Excellency Abdel Khalek Hassouna,  
Secretary General,  
League of Arab States

With reference to your letter dated 12 August 1961 embodying the bases you deemed necessary at the present time for the effective discharge of the functions of the Arab League Security Force while it remains in Kuwait, we have the honour to assure your Excellency that the Government of Kuwait will, in the exercise of its sovereign powers in any matter related to the presence of the Arab League Security Force on its territory, be carefully guided by the spirit of Arab traditions and the good faith which illuminate our glorious Arab history, and will abide by the letter and spirit of the League's Pact and the resolution of the League's Council dated 20 July 1961 referred to in your letter.

We do hereby agree in full to all the terms of your letter, and the Government of Kuwait shall therefore be bound to carry them out.

We also agree that your letter and this reply shall, as your Excellency has stated, constitute an agreement between the League of Arab States and the Government of Kuwait.

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We gladly seize this opportunity to inform your Excellency that in compliance with the responsibility laid on us by the afore mentioned resolution of the League's Council, we have today requested the British Government to withdraw their forces from the territory of Kuwait.

Kindly accept the assurances of our highest respect.

(Signed) Abdullah Al-Salem Al Sabah  
Prince of the State  
of Kuwait

Written in the Palace of AlSeif,  
this day, Saturday the 12th of August, 1961

