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LETTER DATED 28 AUGUST 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 herewith the text of an Amiri Decree issued on 27 August 1990 by His Highness Sheikh Jaber al-Ahmad al-Sabah, Amir of the State of Kuwait, concerning the temporary headquarters of the Government of Kuwait and certain provisions regulating its work.

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

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Amiri Decree concerning the temporary headquarters of the
Government of Kuwait and certain provisions regulating
its work

The world was taken by surprise on the dawn of 2 August 1990 when Iraq invaded Kuwait in an act of disgraceful aggression against a Muslim Arab State.

All nations of the world, both East and West, have condemned this aggression and all Arab, Islamic and international organizations, particularly the League of Arab States, the United Nations and the Arab Summit Conference, have adopted decisive resolutions denouncing the consequences of this invasion. The entire international community has opposed any infringement of the independence of Kuwait or of its full sovereignty over its territory under the auspices of its legitimate Government and the leadership of its Amir.

While the people of Kuwait has risen up to defend its homeland and to protect its soil, sacrificing its blood and its wealth to do so, and while all citizens have stood up to free their country and to keep its flag flying high with pride and dignity, in an expression of unity, purpose and determination which makes us entirely confident that the situation in Kuwait will, God willing, return to normal in the near future, current circumstances require that certain arrangements be made with respect to the temporary headquarters of the Government and its performance of its functions in the service of citizens and residents.

Accordingly, and bearing in mind the provisions of the Constitution,

As well as those of the Amiri Decree issued on 27 Shawwal A.H. 1406, equivalent to 3 July A.D. 1986,

We have issued the following Decree:

Article 1

The Government of Kuwait shall be convened temporarily in Saudi Arabia or at any other location to be chosen by the Amir.

Article 2

The Ministers shall - in accordance with their respective direct responsibilities - perform the duties entrusted to them and provide the necessary services to Kuwaitis and residents of Kuwait and those of them who are overseas, within the framework of existing conditions and available facilities, and shall exercise their authority in such matters in conformity with the statutes applied in the host State, and with international regulations and usages.

Article 3

Without prejudice to the provisions of the preceding article, the Minister of Finance or the Minister of Justice and Legal Affairs, whether jointly or individually, or the legally authorized representative of either one of them, shall, in accordance with the regulations laid down by the Council of Ministers, take all legal measures to protect and gain access to the assets of the Kuwaiti Government, its public institutions and authorities and companies owned entirely or partly by the State, whether inside or outside Kuwait, as well as to release all such funds, rights or property belonging to them as may have been frozen and to open accounts on their behalf for that purpose at banks approved by the Council of Ministers.

Article 4

The Minister of Finance, the Minister of Justice and Legal Affairs or the legally authorized representative of either one of them shall take steps to protect assets in the form of immovable or movable property belonging to private institutions and companies and Kuwaiti individuals, to ensure that they gain access to what is due to them, to release such of those assets as may have been frozen abroad and to take appropriate measures to ensure that such assets do not fall into the hands of any other authority or body. They shall for this purpose be invested with the formal authority of the Attorney-General.

Article 5

Any legislation, regulation, arrangement or measure issued by any authority or body claiming to exercise jurisdiction over the territory of Kuwait or any issue affecting its sovereignty and independence shall be void, the only applicable legislation in such cases being that issued by the legitimate Government of Kuwait.

Any action, contract or transaction which is concluded by means of material or moral coercion, without the full consent of any Kuwaiti natural or legal person, and may be proved by any form of evidence or attestation shall be considered entirely null, void and inadmissible.

Article 6

The financial affairs of the State shall be arranged, in accordance with available resources, on the basis of decisions by the Council of Ministers.

Article 7

Any text which is inconsistent with the provisions of this Decree shall cease to apply. This Decree shall enter into force on the date it is issued and shall be published in the Official Gazette. It shall also be communicated, through diplomatic channels, to the Governments of other States.

(Signed) Jaber al-Ahmad al-Jaber AL-SABAH
Amir of Kuwait

3 August 1990

