Demarcation of the International Boundary between the State of Kuwait and the Republic of Iraq

By the United Nations

"Printed by the Center for Research and Studies on Kuwait as a contribution to the work of the United Nations"

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We hope that this concerted effort by the world community will promote stability and Peace in this region of the world.

Prof. Dr. Abdulla Y. Al Ghonaim
Chairman

INTRODUCTION

This file surveys documents efforts, steps, and resolutions of the international community represented by the United Nations and the Security Council in confronting the armed Iraqi aggression on a member state of the UN, the league of Arab States organizations, and having diplomatic representation with the states of the world i.e. the State of Kuwait. Peace has always been Kuwait's way of life as it never resorted to arms or waged war against any one; on the contrary, it did its utmost within its means to support its neighbors, foremost among these was Iraq. Kuwait, generously and faithfully stood beside Iraq and froternal states from all over the world supporting their development programs and their causes of liberation and justice.

On August 2, 1990 the armed forces of the Iraqi regime launched a surprise aggression on Kuwait and occupied all its territory, in a move that shocked the conscience of the world. Many justifications were offered by the Iraqi regime as a pretext for its aggression, but it soon revealed its real objective, after amassing about half a million soldiers in Kuwait supported by tanks and aeroplanes, when it issued a resolution on August 8, 1990 annexing Kuwait to Iraq. This was followed on August 28, 1990 by an Iraqi Republican Decree declaring Kuwait an Iraqi governorate.

Iraq's aggression, occupation annexation of Kuwait and did not meet with the approval of any state.

The world community, in unfailing relentless determination, stoood up to this aggression and condemned it through the Security Council the UN and its different organs. They condemned the Iraqi aggression on the independent State of Kuwait.

As far Kuwait, its official and popular institution corries on their business with full denation as usual The Government resumed its

affairs on 3 August temporarily from Saudi Arabia. The embassies of Kuwait all over the world remained open and pursued their functions and flew Kuwait's flag as a testimony by states of their recognition of the legitimacy of the independent State of Kuwait.

Immediately afrer the aggression, on August 2, 1990, the Security Council, adopted Resolution 660 in which it condemned the Iraqi invasion of Kuwait and demanded that Iraq withdraw immediately and unconditionally all its forces. Four days later, and in response to the continued Iraqi occupation of Kuwait, the Security Council adopted Resolution 661 dated August 6, 1990 in which it expressed its deep concern that "the invasion by Iraq of Kuwait continues with further loss of human life and material destruction in violation of international legitimacy", and Security Council Resolution 660 which calls on Iraq to withdraw from Kuwait. Resolution 661 further stipulates:

"*Affirming* the inherent right of individual or collective self-defense, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

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

1- *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait ...."

In this resolution, the Security Council decided to impose a full-scale economic embargo against Iraq and " *Calls upon* all States ... to act strictly in accordance with the provisions the present resolution ... ." It also calls on all states to protect the properties of the legitimate Government of Kuwait and "not to recognize any regime set up by the occupying Power".

In response to the declaration by Iraq of a "comprehensive and eternal merger" with Kuwait proclaiming it an Iraqi governorate, the Security Council adopted Resolution 662 of August 8, 1990 in which it:

1- *Decides* that the annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;
2- *Calls upon* States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of that annexation;
3- *Further demands* that Iraq rescind its actions purporting to annex Kuwait ... ".

The atrocities of Iraq continued. Foreigners were held hostage and prevented from leaving Kuwait and Iraq; they were used as human shields distributed all over strategic locations in Iraq. In view of this, Security Council unanimously adopted resolution 664 on August 18, 1990, in which it demanded that "Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and grant immediate and continuing access of consular officials to such nationals...".

As Iraq continued to refuse to comply with the UN resolutions and persisted in its occupation of Kuwait, the Security Council adopted Resolution 665 on August 25, 1990 in which it stated that it is "Determined to bring an end to the occupation of Kuwait by Iraq", and that it "Deplores the loss of innocent life stemming from the Iraqi invasion of Kuwait and [is] determined to prevent further such losses ...". It also "Calls upon those Member States cooperating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 ...".

On August 13, 1990 the Security Council adopted Resolution

666, which stated:

"... *Recognizing* that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering .." requests the Security - General to ensure the supply of foodstuffs to "Persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly".

Iraq persisted in committing acts of violence against diplomatic missions and their personnel in Kuwait. The Security Council adopted Resolution 667 on September 16, 1990 in which it stated that it was:

"*Outraged* at recent violations by Iraq of diplomatic premises and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who were present in these premises", it considers "That the above actions by Iraq constitute aggressive acts and a flagrant violation of its international obligations which strike at the root of the conduct of international relations in accordance with the Charter of the United Nations".

The resolution also demanded that Iraq immediately and fully comply with its international obligations; it also decided to "Consult urgently to take further concrete measures as soon as possible, under Chapter VII of the Charter, in response to Iraq's continued violation of the Charter, of resolutions of the Council and of international law".

Many states suffered as a result of their compliance with the embargo imposed on Iraq. The Security Concil adopted Resolution 669 on 24 September 1991 in which it entrusted the sanctions Committee to examine requests for assistance under the provisions of Article 50 of the Charter.

Iraq, however, continued to violate Security Council resolutions in spite of "The Secretary-General's use of his good offices to

advance a peaceful solution based on the relevant Security Council resolutions." The Security Council therefore, adopted Resolution 670 on September 25, 1990 which condemned "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". The Security Council also decided "That all States, not withstanding 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 territority if the aircraft would carry any cargo to or from Iraq or Kuwait ...". It further decided 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". It also decided "to consider, in the event of evasion of [these] provisions ... by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion".

Iraq's aggressions on human rights in Kuwait continue. The pillage and destruction of property including those of the educational establishment went unaboted. In view of this continued danger, UNESCO Executive Committee, in its 135 session, adopted Resolution 135 EX/DR. on 4 October 22, 1990 in which it condemned: "The destruction of the educational, cultural, and scientific institutions in Kuwait", and the various measures taken by the Iraqi occupation forces in Kuwait. It also expressed "its grave alarm over the painful situation and grave losses inflicted on the peaceful people of Kuwait, the violation of human rights, the suspension of education, the intentional inflicting of destruction of the scientific and educational institutions and property and erasing the national cultural identity of the people of Kuwait".

The Security Council adopts Resolution 674 on 29 October, 1990 in which it condemned Iraqi violations in Kuwait and reiterated

its call on Iraq for unconditional withdrawal from Kuwait. It also invited "States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq ... [of the Security Council resolutions], the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations [and] general principles of international law ...". The resolution went on to remind "Iraq that under international law it is liable for any loss, damage or injury arising in Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq". The Security Council also "Invites States to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq with a view to such arrangements as may be established in accordance with international law". It also "Requires that Iraq comply with the provisions of the present resolution and its previous resolutions, failing which the Security Council will need to take further measures under the Charter".

The Iraqi regime proceeds with its policies to evict the people of Kuwait from their homeland, the destruction of Kuwaiti demographic records and the civil records maintained by the legitimate Government of Kuwait, changing the names of areas and streets in addition to school text books and curricula, and burning all that is related to the cultural identity of the people of Kuwait.

In response to these grave policies, the Security Council adopted unanimously Resolution 677 on November 28, 1990 in which it condemned these Iraqi attempts and mandates the Secretary General to take custody of a copy of the population register of Kuwait, the authentility of which be certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990. The Security Council was also requested "To establish, in cooperation with the legitimate Government of Kuwait, an Order of Rules and Regulations

governing access to and use of the said copy of the population register".

The Security Council, the UNESCO and various UN organs passed many resolutions condemning Iraq and its practices calling on it for immediate unconditional withdrawal from Kuwait. Other similar efforts were extended by many States, renowned international leading personalities, non-governmental organizations, spouses of hostages and detainees and many others in order to arrive at a peaceful agreement with the Iraqi regime to put an end to the tragedy that may stop the blood-shed and the sufferings of the peaceful people in Kuwait. They tried to secure the unconditional withdrawal of the aggressive Iraqi forces from the territory of the peaceful State of Kuwait in order to avoid confrontation with the allied forces that were ready to establish legitimacy and confront the aggression which violated all human norms and principles upheld by the international community. The Allies were ready to fight the Iraqi aggressor and sacrifice their blood to force it to comply with the will of the international community.

But all this was in vain. Iraq went on in its obstinacy in continuing to occupy Kuwait. The world community had no alternative but to adopt Security Council Resolution 678 on 29 November, 1990 "To allow Iraq one final opportunity, as a pause of goodwill" to comply fully with resolution 660 and all subsequent relevant resolutions. The Security Council also notes that "Despite all efforts by the United Nations, Iraq refused to comply with its obligations to implement resolution 660 (1990) and the .... subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security.

Determined to secure full compliance with its decisions.

Acting under Chapter VII of the Charter,

1- *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decided, while maintaining all its decisions, to allow Iraq one final apportunity, as a pause of goodwill, to do so;

2- *Authorizes* Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements ... the foregoing resolutions to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area ...".

The Iraq regime refused to comply with international legitimacy and persisted in occupying the State of Kuwait, continued violating human rights in Kuwait, and adhered to the logic of force and violence in clear defiance of the international will.

The deadline set for Iraq by the Security Council and the Allies that stood beside Kuwait in its just cause elapsed. The battle for liberating Kuwait started at dawn of Thursday 17 January 1991 by an air battle; this was followed at dawn of 24 February 1991 by the ground battle. After forty hours of the ground attack, the Iraqi forces announced their withdrawal in complete disarray unprecedented in the history of modern warfare. At 9.00 hours on Tuesday 26 February 1991 the Kuwaiti flag was flown high over its mast in the heart of Kuwait City.

By the end of wednesday 27 February 1991 the Iraqi permanent representative to the UN informed the president of the Security Council of Iraq's unconditional full compliance with the Security Council resolutions and requested a cease -fire, announcing that "Its full withdrawal from Kuwait will be completed within the next few hours".

In light of this, the Security Council adopted Resolution 686 on

2 March 1992 in which it took note of the intention of Iraq to comply fully with the twelve resolutions adopted by the Security Council and its intention to release prisoners of war immediately. The Resolution also "... Demands that Iraq implement its acceptance of all twelve resolutions ... [and]

(a) Rescind immediately its actions purporting to annex Kuwait;
(b) Accept in principle its liability under international law for any loss, damage, or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait ...
(c) Immediately release under the auspices of the International Committee of the Red Crose ... all Kuwaiti and third country nationals detained by Iraq ...".
(d) Immediately begin to return all Kuwaiti property seized by Iraq, to be completed in the shortest possible period...".

The Resolution also demanded Iraq to "Designate military commanders to work with counterparts from the forces of Kuwait and the Member States cooperating with Kuwait ... to arrange for the military aspects of a cessation of hostilities at the earliest possible time...".

All this is arranged and hostilities stop.

International legitimacy pursues its journey in maintaining and preserving peace and security and terminating the aftermath of aggression on Kuwait by establishing bases for permanent peace between the two countries under Chapter VII of the UN Charter. For this purpose, the Security Council adopted Resolution 687 on 3 April 1991 "*Welcoming* the restoration to Kuwait of its sovereignty, independence, and territorial integrity and the return of its legitimate Government.

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of

Kuwait and Iraq ...". The Resolution goes on "*Reaffirming* the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait".

The Security Council also laid down the rules in light of which the boundary demarcation between Kuwait and Iraq is to be implemented. It notes that "Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which were registened with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932".

The Resolution also "*Demands* that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters, signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963...".

The Resolution also "*Calls upon* the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between them, drawing on appropriate materials, including the map transmitted by Security Council documents S/22412".

The resolution also explicitly stated that the Security Council undertakes the boundary demarcation under Chapter VII of the UN Charter which is a basic element in the UN collective Security System. It was therefore the duty of the Security Council "to decide

if peace is threatened or violated or aggression has taken place, and to submit recommendations regarding suitable measures to be taken according to the provisions of Articles (41) and (42) for maintaining and preserving international peace and security".

According to Chapter VII the Council can use "air, sea, and ground forces to implement whatever measures may be required to restore international peace and security".

Based on this mandate, the Council decided in Resolution 687 to "Guarantee the inviolability of the ... international boundary [between Kuwait and Iraq] and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations".

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According to this resolution, the following committees were formed:

* A United Nation observer mission to monitor the Khor Abdullah waterway and the demilitarized zone which extend ten kilometres into Iraq and five kilometres into Kuwait to deter violations of the boundary through its presence and to observe any hostile or potentially hostile action mounted from the territory of one State to the other.
* A special commission for the destruction, removal, or rendering harmless of all chemical and biological weapons and all stocks of agents and related subsystems and components, and all ballistic missiles with a range greater than 150 kilometres.
* A UN commission for demarcating the international borders between Kuwait and Iraq as outlined in the Minutes signed by the two States on 4 October 1963 and registered with the UN.
* A special commission for compensation to adminiter the said fund.

Other bodies were established by other resolutions as well; in the context of Resolution 686 a senior UN official was appointed to coordinate the return of all Kuwaiti property seized by Iraq; Resolution 661 established a Sanctions Committee to prevent the sale or supply of arms to Iraq and to monitor the sanctions specified in Resolution 687 according to the recognized principles. Moreover, according to Resolutions 706 and 712 (1991) - referred to below - the Committee is responsible for monitoring the sale by Iraq of 1.6 billion worth of oil or oil products that was approved for the purchase of supplies for essential human needs and their distribution inside Iraq under the supervision of the Committee.

The Security Council also adopted the following resolutions:

* Resolution 689 of 9 April 1991 establishing the United Nations Iraq-Kuwait Observation Mission.
* Resolution 692 of 20 May 1991 establishing a Compensation Fund and a Commission to adminsister it.
* Resolution 699 of 17 July 1991 regarding the destruction of the offensive weapons of Iraq and all aspects specified in Section C of Resolution 687 (1991) including the destruction of biological, chemical and ballistic missiles, and the inspection required to prevent its future possession by Iraq including all nuclear weapons.
* Resolution 700 of 17 June 1991 approving the Guidelines to facilitate full international implementation of the arms ban imposed on Iraq.
* Resolution 705 of 15 August 1991 deciding that the compensation to be paid by Iraq shall not exceed 30 percent of the annual value of the exports of petroleum and petroleum products from Iraq.
* Resolution 706 of 15 August 1991 laying out conditions for the sale of Iraqi petroleum for different reasons mainly to meet basic humanitarian relief needs under appropriate UN monitoring and supervision.

* Resolution 707 of 15 August 1991 condemning Iraq's serious violation of a number of its obligations under section C of resolution 687 (199)1; including nine demands addressed to Iraq.
* Resolution 712 of 19 September 1991 which sets a ceiling on the sale of Iraqi petroleum products to meet essential humanitarian relief needs at the value of $ 1.6 billion.
* Resolution 715 approving the general security plan suggested by the International Atomic Energy Agency for monitoring and inspecting nuclear establishments and facilities in Iraq and Iraq's required cooperation with the designated commissiom.
* Resolution 773 of 26 August 1992 regarding the finalization of the demarcation of the land boundary on the ground, welcoming the work of the Planning Committee in this respect and urging the Committee to demarcate the eastern part of the borders which includes the sea borders, as early as possible so that the committee's work be concluded.
* Resolution 778 of 2 October 1992 regarding the release of the Iraqi assets representing the sale of Iraqi petroleum and products and transferring such funds to a credit account to meet the costs of the UN activities including those specified in Resolution 706.
* Resolution 806 of 5 February 1993 which reaffirms the guarantee of the inviolability of the international borders between Kuwait and Iraq and also expands the mandate of the UN Observation Unit in Iraq and Kuwait so as to include more missions.

Operations carried out by the UN for monitoring, inspecting, and following up the implementation of various Security Council Resolutions continue to face sometimes obstacles and lack the cooperation required for full compliance with these resolutions.

This quick survey of all Security Council Resolutions and the

stance of the world community vis-a-vis the Iraqi invasion on Kuwait, its atrocities, and repercussions is meant to portray a comprehensive picture of the magnitude of this aggression and the achievement of the international will in confronting it. This leads to the basic objective behind publishing this file which concentrates on one of the basic missions of standing up to this Iraqi aggression, viz, the issue of demarcating the boundary between Kuwait and Iraq and transferring these borders from being a means of blackmail and pressure exploited by Iraq inspite of the 1963 Minutes approved by both counties to borders demarcated on the ground by using the most advanced technological equipment available and outlined by documented co-ordinates and permanently set-up signs, in addition to a map ratified by the commission formed by the UN for this purpose.

The UN Iraq-Kuwait Boundary Demarcation Commission accomplished its mission on 20 May 1993 and submitted its final report to the UN Security-General who referred it on the same day to the Chairman of the Security Council. On 27 May 1993, the Security Council convened and passed at its 3224th meeting Resolution 833 in which it "Welcomes the resolutions of the UN Boundary Demarcation Committee Between Kuwait and Iraq".

It also demanded that Iraq and Kuwait respect the inviolability of the international borders which the Committee had finally demarcated and also to respect the right to navigational access.

In this resolution, it emphasizes that the resolutions of the Commission are final and "Reaffirms again its resolution to guarantee the inviolability of the international borders finally demarcated between the two States". It also states that any violation of such borders will "Necessitate that due measures be taken as required to achieve this objective under Chapter VII of the Charter and Security Council Resolutions 687 and 733".

The Center hopes that this documentary file will provide an

opportunity to review the efforts, work, and resolutions that embody the international will and the endeavors of concerned organizations confronting Iraqi aggression on Kuwait in an attempt to support legitimacy, reject the use of force and aggression, and establish relations among states on the bases of principles of mutual respect, understanding, and international cooperation.

The report of the UN Iraq-Kuwait Boundary Demarcation Commission which is included among these documents, the letter of the Secretary-General to the Security Council President, and Resolution 833 adopted by the Council make it clear that the work of the Commission is simply technical limited to the actual demarcation of the boundary and is not political in nature. The Commission was able to achieve its mandate because of the concerted research, legal, and technological expertise available at the highest international level, a fact that won it the appreciation and thanks of the Security Council.

In accordance with the Commission's mandate and functions spelled out by the Security Council, it was not reallocating any territory to Kuwait or Iraq, as made clear in Resolution 773 of 26 August 1993. The end result of the Commission's work are the coordinates which specify on the ground and in the maritime section the boundary between Kuwait and Iraq in accordance with the agreed Minutes signed by Iraq and Kuwait in 1963, the pillars established in their positions to demarcate the border and the ratified map endorsed by the Security Council which is the abiding refernce point for the international Community with respect to the Kuwait-Iraq borders.

The international community, the people of the world, and the UN organs which bitterly suffered from the aggression and its aftermath hope that these resolutions will put an end to a phase of aggression, violence, disintegration, dissent, violation of human rights, and the abrogation of international legitimacy. It is expected

that the world will turn over a new leaf towards full compliance with UN resolutions as a means of restoring peace and cooperation to the region so that future generations may learn that love, international understanding, respect of others' rights and maintaining basic human principles are prerequisites for progress and flourishment of human civilization so as to achieve development and prosperity.

We pray to Allah to guide all hearts to rightceusness and minds to wisdom and justice, and, to promote amity and dialogue over violence and regression.

Resolution 687 (1991)

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/687 (1991)*
3 April 1991

Resolution 687 (1991)

Adopted by the Security Council at its 2981st meeting on April 3, 1991

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

U6 **Welcoming** the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

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(1) S/22275, annex.

Taking note of the letter sent by the Minister for Foreign Affairs of Iraq on 27 February 1991[1] and those sent pursuant to resolution 686 (1991)[2],

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[3] and of its prior use of chemical weapons and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling also that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin weapons and on Their Destruction, of 10 April 1972,[4]

(2) S/22273, S/22276, S/22320, S/22321 and S/22330.
(3) League of Nations, Treaty series, vol. XCIV (1929), No. 2138.
(4) General Assembly resolution 2826 (XXVI), annex.

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this Convention and encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the convention,

Stressing the importance of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968[5],

Recalling the objective of the establishment of a nuclear-weapons-free zone in the region of the Middle East,

Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country

(5) General Assembly resolution 2373 (XXII)

nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages[6], opened for signature at New York on 18 December 1979, which categorizes all acts of taking hostages as manifestations of international terrorism,

Deploring threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports of the Secretary-General of 20 March 1991[7] and 28 March 1991[8], and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objective of restoring international peace and security in the area as set out in recent resolutions of the Security Council,

Conscious of the need to take the following measures acting under Chapter VII of the Charter,

1. **Affirms** all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal cease-fire;

A

2. **Demands** that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, **Treaty Series,** 1964;

3. **Calls upon** the Secretary-General to lend his assistance to

(6) General Assembly resolution 34/146.
(7) S/22366.
(8) S/22409.

make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. **Decides** to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations;

B

5. **Requests** the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarized zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace;

6. **Notes** that as soon as the Secretary-General notifies the Security Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. **Invites** Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological

Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. **Decides** that shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. **Decides,** for the implementation of paragraph 8 above, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization, within forty-five days of the passage of the present resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within forty-five days of such approval:

(i) The forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself;

(ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a) above, including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b) above;

(iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency required in paragraphs 12 and 13 below;

10. **Decides** that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage fo this resolution;

11. **Invites** Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

12. **Decides** that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any sybsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts, and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the International Atomic Energy Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. **Requests** the Director-General of the International Atomic Energy Agency, through the Secretary-General, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval by the Security Council; and to develop a plan, takng into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections of the International Atomic Energy Agency to confirm that the Agency's safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of the present resolution;

14. **Takes note** that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. **Requests** the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

E

16. **Reaffirms** that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be

addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. **Decides** that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. **Decides also** to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. **Directs** the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the programme to implement the decisions in paragraphs 16, 17 and 18 above, including: administration of the fund; mechanisms for determining the appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above.

F

20. **Decides,** effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than

medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991[9], and in any further findings of humanitarian need by the Committee;

21. **Decides** that the Security Council shall review the provisions of paragraph 20 above every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred t therein;

22. **Decides** that upon the approval by the Security Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. **Decides** that, pending action by the Security Council Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. **Decides** that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Security Council, all States shall continue to prevent the scale or supply, or the promotion or facilitation of such sale or supply, to Iraq

(9) S/22366.

by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related **matérial** of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

(b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;

(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in subparagraphs (a) and (b) above;

(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. **Calls upon** all States and international organizations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any contracts, agreements, licenses of any other arrangements;

26. **Requests** the Secretary-General, in consultation with appropriate Governments, to develop within sizty days, for the approval of the security Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. **Calls upon** all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. **Agrees** to review its decisions in paragraphs 22, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage of the present resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. **Decides** that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

G

30. **Decides** that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals still unaccounted for;

31. **Invites** the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 august 1990;

H

32. **Requires** Iraq to inform the Security Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate

within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

I

33. **Declares** that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. **Decides** to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.

Report of the Secretary-General Regarding Paragraph 3 of Res. 687 (1991)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/22558
2 May 1991

ORIGINAL: ENGLISH

Report of the Secretary-General Regarding Paragraph 3 of Security Council Resolution 687 (1991)

1. The present report is submitted pursuant to Security Council resolution 687 (1991) of 3 April 1991. In paragraph 3 of the resolution, the Security Council called upon me to lend assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412, and to report back to the Security Council within one month.

2. In lending my assistance to Iraq and Kuwait with a view to making the arrangements to demarcate the boundary between them, I have borne in mind that, in paragraph 2 of Security Council resolution 687 (1991), the Council demanded "that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the 'Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters', signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, Treaty Series, 1964". I

have also taken into account that, in a letter dated 4 April 1991 addressed to me by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Kuwait has expressed its intention to scrupulously comply with all the provisions of resolution 687 (1991) and to cooperate with me with a view to ensuring its implementation (S/22457, annex) and that, in accordance with paragraph 33 of Security Council resolution 687 (1991), the Minister for Foreign Affairs of Iraq in the penultimate paragraph of a letter dated 6 April 1991 (S/22456) has notified the Security Council and the Secretary-General of Iraq's acceptance of the provisions of that resolution. The text of the Agreed Minutes referred to in paragraph 2 of Security Council resolution 687 (1991) is contained in Security Council document S/22432.

3. After consultations with the Governments of Iraq and Kuwait, I will now establish an Iraq-Kuwait Boundary Demarcation Commission, to be composed of one representative each of Iraq and Kuwait and three independent experts who will be appointed by me, one of whom will serve as the Chairman. The Council will be informed as soon as the Commission is established. The terms of reference of the Commission will be to demarcate in geographical coordinates of latitude and longitude the international boundary set out in the Agreed Minutes between Kuwait and Iraq referred to above. In view of the fact that one of the main purposes of the demarcation of the boundary between Kuwait and Iraq is to promote stability and peace and security along the border, the Commission will also make arrangements for the physical representation of the boundary. The coordinates established by the Commission will constitute the final demarcation of the international boundary between Iraq and Kuwait in accordance with the Agreed Minutes of 4 October 1963. They will be lodged in the archives of both Governments and a certified copy will also be submitted to me, which I will communicate to the Security Council and will retain for safe-keeping in the archives of the United Nations.

4. The demarcation of the boundary between Iraq and Kuwait will be accomplished by drawing upon appropriate material, including

the map transmitted by Security Council document S/22412, and by utilizing appropriate technology. The physical representation of the boundary will be carried out through the erection of an appropriate number and type of boundary pillars or monuments. The Commission will provide for arrangements for maintenance on a continuing basis and locational accuracy (including repositioning, if necessary) of the surficial boundary representation.

5. As soon as the Commission is constituted and after an initial assessment of the resources required for the demarcation of the boundary has been made, the Commission will transmit to me an estimate of costs, which I will communicate to the Security Council; simultaneously, I will make a proposal that all costs, including the initial costs of the Commission, should be shared between the two interested parties.

6. The Commission will be assisted by a small staff that will adopt its own rules of procedure and working methods and make the necessary arrangements for the identification and examination of appropriate material relevant to the demarcation of the boundary. The Commission will be responsible to me in the conduct of its work and will report regularly to me on the progress of its work with a view to the earliest possible finalization of the demarcation of the boundary. The Commission will take its decisions by majority. Its decisions regarding the demarcation of the boundary will be final.

7. The Commission shall enjoy unimpeded freedom of movement in the area of the demarcation of the international boundary as well as all necessary privileges and immunities for the fulfilment of its task. The three independent experts shall enjoy the status of experts on missions within the meaning of article VI of the Convention on Privileges and Immunities of the United Nations of 1946.[1]

8. In the exercise of its task of demarcating the boundary, with respect to physical security and clearance of mines the Commission will rely on the relevant arrangements made for the United Nations Iraq-Kuwait Observer Mission (UNIKOM).

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1. General Assembly resolution 22 A (I).

Annex I

Letter dated 19 April 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

I should like to refer to the report regarding paragraph 3 of Security Council resolution 687 (1991) and to convey the acceptance by the Government of Kuwait of the terms set out in the report and its readiness to cooperate with the United Nations in implementing those terms.

(Signed) **Mohammad A. Abulhasan**
Ambassador
Permanent Representative

Annex II

Letter dated 23 April 1991 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

(Original: Arabic)

On instructions from my Government and with reference to the meeting that we held with the Legal Counsel of the United Nations, Mr. Fleischhauer, on 17 April 1991, I have the honour to transmit herewith a letter addressed to you by Mr. Ahmed Hussein, Minister for Foreign Affairs of the Republic of Iraq, dated 23 April 1991 concerning the Iraq-Kuwait Boundary Demarcation Commission.

(Signed) **Abdul Amir A. Al-Anbari**
Ambassador
Permanent Representative

Enclosure

Letter dated 23 April 1991 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

(Original: Arabic)

With reference to the meeting held between our Permanent Representative and the Legal Counsel of the United Nations on 17 April 1991 and your draft report which you intend to submit to the Security Council concerning paragraph 3 of Security Council resolution 687 (1991) and regarding which you asked for the view of my Government, I have the honour to state the following.

Part I of the letter that I addressed to you on 6 April 1991 explained that, although in its preamble Security Council resolution 687 (1991) affirms that Iraq is an independent sovereign State, many of its iniquitous provisions do not respect this sovereignty but constitute an unprecedented assault on it and on the rights that stem therefrom, embodied in the Charter and in international law and custom. With regard to the question of the boundary, the Security Council has imposed a specific position with regard to the Iraqi-Kuwaiti boundary, whereas the custom in law and in practice in international relations is that boundary questions are left to an agreement between States, because this is the sole basis that can guarantee the principle of the stability of boundaries.

Furthermore, the Council resolution does not take into account the viewpoint of Iraq, namely, that the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" of 4 October 1963 have not yet been subjected to the constitutional procedures required for their ratification by the legislative authority and the President of Iraq, thus leaving the question of the boundary pending and unresolved. The Council has nevertheless imposed on Iraq the

line of its boundary with Kuwait. By acting in this strange manner, the Council itself has also violated one of the provisions of resolution 660 (1990), which was the basis for the subsequent resolution adopted by the Council. In its paragraph 3, resolution 660 (1990) called upon Iraq and Kuwait to resolve their differences through negotiations, and the question of the boundary is well known to be one of the main differences. Iraq officially informed the Council that it accepted resolution 660 (1990) and was prepared to implement it, but the Council has disregarded this legal position, contradicting its previous resolutions, and adopted and iniquitous resolution that imposes new conditions on Iraq. It has imposed a border situation on Iraq, an independent sovereign State and Member of the United Nations, and has deprived it of its right to establish its territorial rights in accordance with the principles of internatonal law. Thus the Council would also deprive Iraq of the right to exercise its free choice and to affirm that it accepts that boundary without reservation. Where the question of the boundary is concerned, the Council resolution is an iniquitous resolution, which constitutes a dangerous precedent, a first in the annals of the international Organization and — as some impartial members of the Council indicated in their statements when the resolution was voted on — an assault on the sovereignty of States.

The Iraqi Government remains convinced of the legitimate character of the position reflected in the above observations. This legitimate character is especially borne out by the mission entrusted to you by virtue of paragraph 3 of resolution 687 (1991). The above mentioned paragraph calls upon you to lend your assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412.

Accordingly, my Government wishes to make the comments set forth below concerning your draft report to which I referred above.

1. My Government wonders on what legal foundation the Council based its resolution 687 (1991) and you your draft report in considering the map that was transmitted by Security Council document S/22412, dated 28 March 1991, at the request of the

Permanent Mission of the United Kingdom and which your Legal Counsel described to our Permanent Representative as a United Kingdom map mentioned in the Agreed Minutes of 1963. The Agreed Minutes did not refer to any map, as is clear from the text published in the United Nations Treaty Series, vol. 485, No. 7063. It is blatantly true also that the sole mention of the map in question in paragraph 3 of Council resolution 687 (1991) was introduced without any legal grounds.

The Government of my country was not a party to the drawing of that map. It did not recognize the map, nor is there any proof of its having extended such recognition. Accordingly, the fact that you and the Council consider the map to be a part of the material to be drawn upon for the demarcation process constitutes an iniquitous and unilateral imposition against the will of Iraq, a sovereign State Member of the United Nations, and a prejudgement of the course of the land boundary before any commission embarks on the process of demarcating that boundary.

2. In addition, the assistance that you have offered in making arrangements for the demarcation of the boundary between Iraq and Kuwait must ensure a perfect balance between the positions that either side may adopt with regard to the demarcation process, together with a just and equitable approach to the settlement of any differences that might arise between them concerning technical matters. The Iraqi Government therefore believes that, if the Commission entrusted with the demarcation process is constituted in accordance with your proposal, the result cannot be just and equitable, particularly in view of our comments in paragraph 1 above. You have suggested that the Commission consist of five members, of whom two would represent Iraq and Kuwait respectively, together with three independent experts to be chosen by you, one of whom would be appointed as the Chairman. You have also suggested that the Commission's decisions should be taken by a majority vote. Although it has no doubts as to your credibility with respect to the selection of the three independent experts, my country's Government nevertheless believes that, since it will play no part in the selection of

the three experts, it will have no way of ensuring in advance that they are truly independent. Its views with regard to the demarcation process will thus be represented only by one of the five members.

3. You mention in the draft report that the demarcation of the boundary will be accomplished by drawing upon appropriate material, including the map transmitted by Security Council document S/22412, as referred to in paragraph 3 of resolution 687 (1991). However, you add that the Commission may "utilize appropriate technology" (para. 4 of the draft report) and that it will "make the necessary arrangements for the identification and examination of appropriate material relevant to the demarcation of the boundary" (para. 6 of the draft report). The Government of Iraq believes that the terms "appropriate material", "appropriate technology" and "identification and examination of appropriate material relevant to the demarcation of the boundary" must be xaplained. This explanation will permit my Government to express its views, if such views are welcome, on a solid basis. The requested explanation will also help to reduce the possibilities of disagreement in the future when the Commission begins its work.

4. You propose in paragraph 5 of the draft report that the costs of the demarcation process should be shared between the two parties. The Government of Iraq fails to understand the basis for this proposal, since the overall thrust of the proposals contained in the draft report amounts - in the opinion of my Government - to a virtual "act of capitulation" in which Iraq is denied any freedom to join in the harmonious agreement on its contents. Accordingly, and in the light of my comments at the beginning of this letter, the suggestion seems to be that Iraq should bear half the costs of the demarcation process without any account being taken of its views on the boundary question as a whole, with respect to either demarcation or delimitation. The Iraqi Government cannot therefore see any justification, based on principles of justice or equity, for bearing any costs relating to a process which is imposed upon it.

I should like, in conclusion, to assure you that the Iraqi Government is fully prepared to consult with you concerning the

comments contained in this letter, either in New York or elsewhere. In this connection, I also wish to note that, just as we accepted resolution 687 (1991) despite our objections to and criticism of its provisions, we will cooperate with you and will nominate a representative of our Government to participate in the Demarcation Commission, even if you take no account of the views and comments we have expressed above. We do this because the circumstances forcing our acceptance persist.

(Signed) **Ahmed Hussein**
Minister for Foreign Affairs
Baghdad, 23 April 1991

Annex III
Letter dated 30 April 1991 from the Secretary-General addressed to the Minister for Foreign Affairs of Iraq

I have the honour to refer to your letter dated 23 April 1991, which was transmitted to me by a letter of the same date from the Permanent Representative of Iraq to the United Nations and which contained comments on the proposals made with regard to the implementation of paragraph 3 of Security Council resolution 687 (1991) and on which I must report to the Security Council no later than 2 May 1991. In informing me of your Government's readiness to cooperate with me and to nominate a representative of Iraq to participate in the proposed Boundary Demarcation Commission, a decision which I welcome, the letter nevertheless contains a number of comments to which I would like to respond.

The first comment of your Government is that, in international law, a boundary demarcation between two States can be carried out only by agreement between the parties and that the Security Council has no competence to impose such a demarcation. In this connection, I would like to recall that, in paragraph 2 of resolution 687 (1991) the Security Council, acting under Chapter VII of the Charter of the United Nations demanded that Iraq and Kuwait respect the inviolability of their international boundary and the allocation of islands "set out in the 'Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters', signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963". In paragraph 3 of that resolution the Council called upon me to lend my "assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait". In identical letters dated 6 April 1991 addressed to me and to the President of the Security Council

(S/22456), your Government formally notified its acceptance of the provisions of that resolution. You further reconfirmed your Government's acceptance of paragraph 3 of resolution 687 (1991) at the end of your letter of 23 April 1991 (see annex II, enclosure). Therefore, the element of agreement as far as Iraq is concerned, is provided by your Government's official notifications of acceptance. Since the Government of Kuwait has also expressed to me its willingness scrupulously to comply with all provisions of the resolution and to cooperate with me to ensure its implementation (S/22457), the necessary element of consent has been provided by the two parties.

Secondly, your Government states that the proposed demarcation would be prejudged by a specific reference to a map made available by the United Kingdom and which, according to the letter, the Legal Counsel described as "a United Kingdom map mentioned in the agreed minutes of 1963". On a purely factual point, I wish to state that the Legal Counseil of the United Nations did not describe the map as having been mentioned in the 1963 agreed minutes. In response to a question as to which map was referred to in document S/22412, your Permanent Representative was informed that the map in question was "a United Kingdom map". On a substantive level, however, I am obliged to point out that the resolution provides that the demarcation of the boundary should be based on "appropriate material, including the map transmitted by Security Council document S/22412" (emphasis added). In the light of this wording, I have proposed that the Commission will have to make "necessary arrangements for the identification and examination of appropriate material relevant to the demarcation of the boundary".

Thirdly, your Government queries the independence of the experts to be appointed by me to serve on the Boundary Commission and comments on the proposed decision-making by majority. I would like to assure you that, in appointing the independent experts of the Commission, I shall, as always, base my decisions on the need to ensure independence, competence and integrity. Furthermore, to ensure an equitable approach and the effective functioning of the Commission, I have proposed that neither Government should be able to frustrate the work of the Commission.

Fourthly, your Government has requested me to explain such terms as "appropriate material", "appropriate technology" and "identification and examination of appropriate material relevant to the demarcation of the boundary". It is up to the Commission to examine and identify the relevant documentation and to determine which technology or combination of methods can best be used for the fulfilment of its mandate. In my view it would prejudice the work of the Commission, and even hinder its independence, if at this stage I were to go beyond the level of detail concerning the working methods of the Boundary Commission set out in my draft report.

Finally, your Government objects to paying half of the costs of the demarcation on the ground that its views on the boundary question are not fully being taken into account. However, through your Government's participation in the work of the Boundary Commission its views will find such expression. Together with your Government's accepance of paragraph 3 of resolution 687 (1991), both in its letter of 6 April 1991 (S/22456) as well as in the letter of 23 April 1991, I can see no basis for objections to the paying of its share of the costs, which will be determined by the Commission.

In the light of your Government's expressed readiness to cooperate with me, I intend to proceed immediately with the establishment of the Commission and will accordingly convey my proposals, together with this exchange of correspondence, to the Security Council.

(Signed) **Javier Perez De Cuellar**
Secretary General

Rules of Procedure and Working Methods of the Iraq-Kuwait Boundary Demarcation Commission

Rules of Procedure and Working Methods of the Iraq-Kuwait Boundary Demarcation Commission

Rule 1. Composition

The Commission is composed of one Representative of Iraq and one Representative of Kuwait and three Independent Experts appointed by the Secretary-General, one of whom serves as the Chairman.

Rule 2. Terms of reference

The provisions contained in the report of the Secretary-General regarding paragraph 3 of the Security Council resolution 687 (1991) (document S/22558) shall constitute the terms of reference for the Commission.

Rule 3. Quorum

The presence of at least three Members including the Chairman and at least one Representative shall be required for any meeting of the Commission to proceed.

Rule 4. Conduct of business

All meetings of the Commission shall be closed meetings, unless the Commission decides otherwise. The Chairman shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and have complete control of the proceedings, subject to these rules of procedure.

Rule 5. Decision

Decisions of the Commission are taken by majority.

Rule 6. Advisors

The Representatives of Iraq and Kuwait may be assisted by experts who may accompany their Representatives at Commission meetings.

The experts mentioned in this rule are not members of the Commission and may not exercise any rights or functions of a Commission Member.

Rule 7. Outside experts

The Commission may request outside experts to assist it in its work when needed.

Rule 8. Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission including arrangements for the meetings of the Commission.

He shall be responsible for the distribution of documents and materials to the Members of the Commission as requested by the Commission, its Chairman or any Member thereof, and shall be responsible for the preparation of the records of the official meetings of the Commission.

Rule 9. Other procedural matters

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Chairman, in the light of the rules of procedure applicable to Committees of the General Assembly.

Press Release, 24 May - 24 July 1992, by the Iraq-Kuwait Boundary Demarcation Commission

Press Release, 24 May 1991
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission held its first meeting on 23-24 May 1991 at the United Nations Headquarters in New York.

The exchange of views and discussions were held in a cordial atmosphere with a spirit of cooperation. The commission considered the task at hand which is to demarcate the Iraq-Kuwait Boundary. Organization of the work and a tentative schedule were drawn up. The commission had decided to undertake an on-site visit in June. Substantive discussions on the actual plan of work will start on the 2nd of July at the United Nations Headquarters in Geneva.

Press Release, 19 June 1991
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission completed an on-site visit from the 16th to the 18th of June 1991.

The independent experts of the commission, appointed by the Secretary-General, held fruitful discussions with the Kuwaiti representative and Kuwaiti experts in Kuwait city as well as with the Iraqi representative and Iraqi experts in Baghdad. On the 18th of June, the entire commission, accompanied by experts from Iraq and Kuwait inspected the entire length of the border area. The flight over the border area was facilitated by UNIKOM officers and helicopters. Commission members will review the findings of the on-site visit and commence substantive discussions on the 2nd of July at United Nations Headquarters in Geneva.

Press Release, 15 July 1991
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission has just concluded its second round of talks in Geneva on 2-12 July 1991.

Decisions were reached on the methodology to be applied in demarcating the western portion, on the approximate location of the boundary in the vicinity of Safwan in the northern section, and on the need to undertake new survey and mapping to facilitate final demarcation. Surveying on a wide zone around the boundary will be undertaken by the National Survey Departments of New Zealand and Sweden in a joint venture. The next round of talks is scheduled for 12 August 1991 in Geneva.

Press Release, 16 August 1991
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission held its third session at the United Nations Office in Geneva on 12-16 August 1991.

The commission completed consideration of material available for the demarcation of the eastern portion of the boundary. It authorized its independent experts to undertake a survey and mapping of the entire border and to prepare material on various technical questions and report on that to the commission. The commission plans to meet again in mid-October to consider the experts' work and its own report. The results and the products of the mapping will be available in February 1992.

Press Release, 15 October 1991
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission held its fourth session at United Nations Headquarters in New York from 7-15 October 1991.

The commission reviewed and approved the final work plan for the surveying and mapping of the border area and received a report on the installation of a 10-man ground survey team. The first stage of control surveying began on 1 October 1991 with the assistance of UNIKOM. A specially outfitted aircraft for aerial photography has also arrived in Kuwait from Sweden and will shortly commence this stage of the operation.

At the current session, the commission also prepared its first report on its work, together with an estimated budget. This report shall be submitted to the Secretary-General in due time.

During the first week of November, the two independent experts will visit the border area to review the progress of the field work. It is expected that the maps for the actual demarcation of the boundary will be ready at the end of February 1992.

Press Release, 5 March 1992
By The Iraq-Kuwait Boundary Demarcation Commission

The joint team from the National Survey Offices of New Zealand and Sweden completed its work in the border area. In November 1991, the two independent experts of the commission travelled to the region and reviewed the conclusion of the field survey. They visited a number of survey stations along the demiliterized zone as well as certain specific locations, such as the village of Safwan, with respect to the demarcation of the boundary.

At the present time, data gathered in the field is being analyzed for the purposes of producing a set of large-scale orthophoto maps, covering the entire length of the boundary, and a series of cross-sectional profiles of the Wadi Al-Batin. Digital terrain mapping will also be done. This new, highly accurate survey, along with earlier maps, charts, aerial photographs and other documents, will be used to determine the precise boundary for demarcation purposes as mandated by Security Council Resolution 687 and set out in the 1963 agreed minutes between Kuwait and Iraq.

Contrary to recent reports in the media, no recommendations or decisions on the boundary have yet been made. The commission will next meet in New York from 8 to 16 April 1992. At that time, it will review the results of the surveying and mapping and address the actual demarcation of the boundary.

Press Release, 16 April 1992
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission held its fifth session at United Nations Headquarters in New York from 8 to 16 April 1992.

The commission reviewed the field work of the joint New Zealand-Swedish survey team which provided the basis of the orthophoto mapping of the Iraq-Kuwait border area. For the control survey 4 datum stations and 25 primary control stations were established at approximately 15 to 25 kilometre intervals along the boundary and were observed with Doppler and GPS equipment. Aerial photography was carried out by the Swedish team in a specially outfitted Rockwell turbo commander aircraft from two main altitudes, at 5,500 metres and at 3,000 metres, producing images with respective scales of 1:36,000 and 1:19,600. Photo control consisted of a network of over 200, presignalized control stations.

From the control survey and aerial photography the National Survey Offices of New Zealand and Sweden produced a set of 29 orthophoto maps at the scale of 1:25,000 with elevation contours at 5 metre intervals. The map projection used for orthophoto mapping is the Universal Transverse Mercator (UTM) projection, zone 38 extended eastward to cover the entire boundary area.

Additional detailed mapping was undertaken for the western part of the boundary defined by Wadi Al Batin. Approximately 1,420, three and a half kilometre long, transverse, photogrammetric profiles were created at 100 metre intervals for the length of the Wadi. These were used to determine the lowest point line in the Wadi. Digital terrain models were also created to generate 2-metre elevation

contours. Computer generated three-dimensional presentations were used as well to interpret the data.

Pursuant to earlier decisions, the independent experts of the commission requested the representatives of Iraq and Kuwait to provide them with any and all relevant information. The independent experts presented to the commission exhaustive analyses in detailed documentations of all available data for the determination of the location of the boundary at key points: South of Safwan, northern end of Wadi Al Batin, Umm Qasr on the western shore of Khowr zhobeir and the junction of Khowr Zhobeir and Khowr Abd Allah.

At Safwan, the independent experts were able to identify the old customs post and the old road from aerial photographs and by positioning techniques. Accordingly the independent experts were able to reestablish the position of the noticeboard south of Safwan as close as possible to its original location marking the boundary during the period of 1923-1939. The boundary due west of this point is in terms with all previous boundary depictions in direction and it originates from the reestablished position of the noticeboard. The boundary at Umm Qasr is in terms of the early map depictions and the map in Security Council Document S/22412.

These results were compared with and transferred to the new, highly precise, orthophoto maps and were fully discussed by the commission at the present session.

Adhering to the delimitation formula, and based on the findings of the independent experts and the deliberations of the commission, the commission has reached the following decisions on the boundary by voting with Iraq not participating in the vote:

1. That the boundary monument on the Iraq-Saudi Arabian border, pillar no. 1, shall be the starting point for the boundary along the thalweg of Wadi Al Batin, and therefore, the tripoint of Iraq, Kuwait and Saudi Arabia;

2. That the boundary south of Safwan shall be located at the distance of 1,430 metres from the south-west extremity of the compound wall of the old customs post along the old road from Safwan to Kuwait;

3. That the boundary at the northern end of Wadi Al Batin shall be the intersection of the thalweg of the Wadi and the latitude of the point south of Safwan;

4. That the boundary south of Umm Qasr shall coincide with the location at which the boundary line on map sheet 5549-1 of series K7611, edition 2 (1990), produced by the military survey of the United Kingdom, crosses the western shore of Khowr Zhobeir; and

5. That the junction of Khowr Zhobeir and Khowr Abd Allah shall be the one best identified for the Epoch 1932 and transposed onto modern orthophoto maps produced by the commission.

The commission has further decided that,

(a) The boundary line in the Wadi Al Batin shall be a series of straight line segments of about 2 kilometres length best approximating to the lowest point line in the Wadi;

(b) The boundary line from the point at the northern end of the Wadi Al Batin to the point south of Safwan shall be a line running along the common latitude of the points;

(c) The boundary line from the point south of Safwan to the point south of Umm Qasr shall be the shortest line between the points; and that

(d) The boundary line from the point south of Umm Qasr on the shore shall follow the low water line up to the location of directly opposite the junction of Khowr Zhobeir and Khowr Abd Allah.

Immediately following the present session, the Commission will mark each of the three key points along the boundary with a

temporary pillar. Physical representation of the boundary on the ground is expected to take place in the latter part of 1992.

The Commission also gave further consideration to the boundary in the Khowr Abd Allah. This matter, as well as the consideration of the commission's report to the Secretary-General on the present session, will be taken up at the next session of the commission scheduled for July 1992.

The Commission's has thus been able to draw the line of the boundary to the best of its ability and in light of all available information.

Press Release, 6 May 1992
By The Iraq-Kuwait Boundary Demarcation Commission

As reported earlier, the Commission at its fifth session was able to reach decisions on the land boundary between Iraq and Kuwait. As its denomination indicates, the Commission is an international body set up to technically implement the demarcation of this boundary as originally delimited in 1932, and in 1963 by the Republic of Iraq and the State of Kuwait.

At the fifth session held in New York on 8-16 April 1992, the independent experts presented to the Commission exhaustive analyses in detailed documentations of all available data for the determination of the location of the boundary at key points: south of Safwan, northern end of Wadi Al Batin, Umm Qasr on the western shore of Khowr Zhobeir and the junction of Khowr Zhobeir and Khowr Abd Allah.

At Safwan, the independent experts were able to identify the old customs post and the old rad from aerial photographs and by positioning techniques. Accordingly, the independent experts were able to reestablish the position of the noticeboard south of Safwan as close as possible to its original location marking the boundary during the period of 1923-1939. The boundary due west of this point is in terms with all previous boundary depictions in direction, that is following a line of latitude, originating from the reestablished position of the noticeboard. The boundary due east of this point is the shortest line to a point at Umm Qasr which is in terms of the early map depictions and the map in Security Council Document S/22412.

Presently the survey team of the Commission is in the process of marking each of the three key points along the northern boundary with a temporary pillar. This work is expected to take approximately another two weeks. The final physical representation of the boundary on the ground is to be effected in the latter part of 1992.

The boundary south of Safwan shall be emplaced at the distance of 1,430 metres from the south-west extremtiy of the compound wall of the old customs post along the old road from Safwan to Kuwait.

The boundary at the northern end of Wadi Al Batin shall be the intersection of the Thalweg (deepest line) of the Wadi and the latitude of the point south of Safwan.

The boundary south of Umm Qasr shall coincide with the location at which the boundary line on the map referred to in Security Council Resolution 687 (1991) paragraph 3, Crosses the western shore of Khowr Zhobeir.

Press Release, 24 July 1992
By The Iraq-Kuwait Boundary Demarcation Commission

The Iraq-Kuwait Boundary Demarcation Commission held its sixth session in New York from 15 to 24 July 1992. It finalized a further report covering the land boundary and agreed on arrangements for the physical representation of this boundary.

The Commission stated that the land boundary was demarcated after a detailed analysis of evidence assembled by the Commission over a period of a year. Both Iraq and Kuwait had every opportunity to provide the Commission with all relevant material and evidence.

To demarcate the northern section of the boundary, the Commission investigated the position of the noticeboard which was accepted by both countries as demarcating the boundary to the south of Safwan between 1923 and 1939. This noticeboard determined the latitude of the line between the western boundary in the Batin and Safwan as well as the point at Safwan. This is a point which is fundamental to the definition of the northern boundary and which has never been accurately depicted on any map prior to the maps produced for the Commission. In determining the position where the northern boundary would fall, the Commission had to assess conflicting claims ranging from 1,000 metres south of the old Customs post in the centre of Safwan, as claimed by Kuwait, 1,250 metres as asserted by an Iraqi diplomatic note in 1940, and rough descriptions of 1 mile south of various points in Safwan used in historical records. The Commission, after detailed studies, decided on a distance of 1,430 metres south of the Customs post, that is, 180 metres further south than the distance specified in the Iraqi note.

It should be noted that the oil wells in the fields between Safwan and the Batin exploited in the past by Iraq fell already in Kuwait according to the boundary shown on the British map referred to in Security Council resolution 687 (1991).

The Commission's demarcation leaves Umm Qasr port complex, including all the warehouses, crane installations, deep-water anchorage and two wide berths, as well as the whole of Umm Qasr village, the Navy hospital and the sulphur works within Iraqi territory. With the port and the Khowr Zhobeir in Iraq, the Commission's decisions on this section of the land boundary affirm Iraq's access to the sea.

The Boundary Demarcation Commission is not reallocating territory between Kuwait and Iraq, but is simply carrying out the technical task necessary to demarcate the precise coordinates of the international boundary between Kuwait and Iraq for the first time. It unequivocally rejects any allegations of partiality.

The demarcation of the land boundary with permanent markers is in progress, and will be completed by the end of 1992.

The Commission agreed to investigate the Khowr Abd Allah section further and to discuss it at a meeting to be held for that purpose in October.

UNITED NATIONS

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Security Council

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S/RES/773 (1992)
26 August 1992

Resolution 773 (1992)

Adopted by the Security Council at its 3108th meeting, on 26th August 1992

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3 and 4 thereof, and its resolution 689 (1991) of 9 April 1991,

Recalling the report of the Secretary-General dated 2 May 1991 concerning the establishment of the United Nations Iraq-Kuwait Boundary Demarcation Commission (the Commission) and the subsequent exchange of letters of 6 and 13 May 1991 (S/22558, S/22592 and S/22593),

Having considered the Secretary-General's letter of 12 August 1992 to the President of the Security Council transmitting the further report of the Commission,

Recalling in this connection that through the demarcation process the Commission is not reallocating territory between Kuwait and Iraq, but it is simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of Friendly Relations, Recognition and Related Matters signed by them on 4 October 1963, and that this task is being carried out in the special circumstances following Iraq's

invasion of Kuwait and pursuant to resolution 687 (1991) and the Secretary-General's report for implementing paragrph 3 of that resolution (S/22558),

1. **Welcome** the Secretary-General's letter of 12 August to the President of the Council and the further report of the Commission enclosed therewith;

2. **Expresses its appreciation** to the Commission for its work on the demarcation of the land boundary, and welcomes its demarcation decisions;

3. **Welcomes also** the decision of the Commission to consider the Eastern section of the boundary, which includes the offshore boundary, at its next session and **urges** the Commission to demarcate this part of the boundary as soon as possible and thus complete its work;

4. **Underlines** its guarantee of the invilability of the above-mentioned international boundary and its decision to take as appropriate all necessary measures to that end in accordance with the Charter as provided for in paragraph 4 of resolution 687 (1991);

5. **Welcomes further** the Secretary-General's intention to carry out at the earliest practicable time the realignment of the demilitarized zone referred to in paragraph 5 of resolution 687 (1992) to correspond to the international boundary demarcated by the Commission, with the consequent removal of the Iraqi police posts;

6. **Urges** the two States concerned to cooperate fully with the work of the Commission;

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

Press Release, 16 October 1992 - 7 May 1993, by the Iraq-Kuwait Boundary Demarcation Commission

Press Release, 16 October 1992
By The United Nations Iraq-Kuwait Boundary Demarcation Commission

The United Nations Iraq-Kuwait Boundary Demarcation Commission held its seventh session in New York from 12 to 16 October 1992.

The Commission heard a report on the manufacturing of the bounday pillars, the installation of its survey team and the arrangements made to finalize the construction and emplacement of boundary pillars and markers. The Commission expects to begin emplacement of the first pillar in the southern end of the Wadi Al Batin sometime early next week.

The Commission continued its consideration of the Khowr Abd Allah section of the boundary. The independent experts presented their in depth study on the subject which was fully discussed during the meetings. The Commission authorized the experts to gather further information for the decision on this section of the boundary. This will be discussed at the next session of the Commission which is tentaively scheduled for early December 1992.

Press Release, 16 December 1992
By The United Nations Iraq-Kuwait Boundary Demarcation Commission

The United Nations Iraq-Kuwait Boundary Demarcation Commission held its eighth session in Geneva from 14 to 16 December 1992 under the new chairmanship of Dr. Nicolas Valticos.

The Commission has heard reports on the completion of the emplacement of 105 pillars marking the land boundary of Iraq and Kuwait and on the further investigation of the boundary in the Khowr Zhobeir.

The Commission continued the consideration of the off-shore section of the boundary in the Khowr Abd Allah and has concluded that it had a sufficient basis to proceed with demarcation. Following deliberations on the matter, the Commission further decided that the basic principle governing the demarcation of the boundary line in Khowr Abd Allah should be the median line, it being understood that a principal object and purpose of the frontier settlement is navigational access for both parties.

The Commission will continue its examination and work on the implementation of this decision regarding the boundary in the off-shore section at its next session which is scheduled for 8-12 March 1993.

Press Release, 18 March 1993
By The United Nations Iraq-Kuwait Boundary Demarcation Commission

The United Nations Iraq-Kuwait Boundary Demarcation Commission held its ninth session in Geneva from 15 to 18 March 1993.

The Commission reviewed the results of the aerial photography conducted in February in preparation for additional large-scale mapping and for the determination of the low-water springs for demarcation purposes. The Commission then decided on the marking of the boundary along the low-water line in the Khowr Zhobeir and the demarcation of the boundary along the median line in the Khowr Shetana and Khowr Abd Allah. The Commission decided on the geographical coordinates which define the median line from a point nearest to the junction of Khowr Zhobeir and Khowr Abd Allah to a point at the eastern end of the Khowr Abd Allah where there is a marked change in the general direction of the coast. It also agreed on the demarcation of the boundary between the low-water line in the Khowr Zhobeir and the median line.

The Commission views navigational access for both States to the various parts of their respective territories bordering the demarcated boundary as of importance for ensuring an equitable character and for promoting stability and peace and security along the border. In this connection, it is the opinion of the Commission that such navigational access is possible for both States through the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah to and from all their own respective waters and territories bordering their boundary. The Commission notes that this right of navigation and access is provided for under the rules of international law as embodied in the 1982 United Nations Convention on the Law of the Sea ratified by both Iraq and Kuwait.

The Commission will establish its report to the Secretary-General on the Khowr Abd Allah section at its next session, which is scheduled to take place as of 30 April 1993, and will prepare its final report on the totality of its work shortly thereafter.

Press Release, 7 May 1993
By The United Nations Iraq-Kuwait Boundary Demarcation Commission

The United Nations Iraq-Kuwait Boundary Demarcation Commission held its tenth session in Geneva from 3 to 7 May 1993.

The Commission heard a report on the completion of its field work.

The Commission considered a draft report concerning its work since its sixth session in July 1992 and a draft final report on the totality of its work. These reports will be finalized and adopted at its next session, which is scheduled to take place in New York from 18 to 20 May 1993. At that time, the Commission will complete its substantive work and will have over to the Secretary-General its final comprehensive report, which will include a list of coordinates and a map of the boundary.

Statement by the Secretary-General to the Final session of the Iraq-Kuwait Boundary Demarcation Commission

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

The Secretary-General Boutros-Ghali Statement to the final session of the Iraq-Kuwait Boundary Demarcation Commission

Only two years after its creation, the Boundary Demarcation Commission has come to a successful conclusion. I hope that other United Nations commissions will pay attention to this example.

This is an important moment. For the first time in history, the United Nations has demarcated the boundary between two Member States in the context of maintaining international peace and security. Security Council resolution 687 (1991) was adopted as a consequence of Iraq's invasion of Kuwait. The Council demanded respect for the boundary agreed by Kuwait and Iraq in 1963. The Council called upon me to assist in arranging demarcation of the boundary. And the Council decided to take, as appropriate, all necessary measures to guarantee that border.

Resolution 687 was unconditionally accepted by Iraq. On 2 May 1991, the Iraq-Kuwait Boundary Demarcation Commission was established. Its mandate was to demarcate the international boundary under the formula agreed in 1963. Both Iraq and Kuwait unconditionally accepted the terms of reference of the Commission. The Commission was called to perform a technical and not a political task. During its 11 sessions, the Commission examined many sources such as maps, graphics, aerial photographs, diplomatic correspondence, notes and archival documents. The Commission appealed to the parties to provide all relevant documentation and evidence. Members of the Commission carried out several field visits.

This highly professional work has produced a precise, well-documented and verifiable demarcation of the entire boundary. It

includes the offshore area from the Khowrs to the eastern end of the Khowr Abd Allah. A complete set of coordinates was produced. Boundary markers will clearly display the course of the line. Satellite technology has enabled the Commission to position each marker with a margin of error of only 1.5 centimetres. This would have been unthinkable only a few years ago. Other countries already are looking at this precedent to demarcate their boundaries.

I congratulate all members of the Commission for this excellent work. The past and current chairmen have guided the Commission with great diplomatic and personal ability. The two independent experts have performed a complex and delicate undertaking, with results of outstanding quality. I also express my gratitude to the Chief Military Observer and the personnel of the United Nations Iraq-Kuwait Observation Mission (UNIKOM). Their cooperation with the Commission in the field was indispensable.

It is regrettable that the representative of Iraq, who participated in the land demarcation decisions, has not participated in the demarcation of the offshore boundary. Iraq has criticized the basis and modalities of the Commission's work in a letter of 21 May 1992 from the Minister of Foreign Affairs to me. I have responded to those comments. The President of the Security Council, in a statement of 17 June 1992, expressed the concern and the dismay of the Council at the attitude adopted by Iraq.

The Commission's demarcation of the boundary between Iraq and Kuwait is in conformity with resolution 687 and with the Charter of the United Nations. The decisions of the Commission concerning the demarcation of the boundary are final. I call upon the Government of Iraq to respect the objectivity and impartiality of the results. Certainty and stability of its borders are in Iraq's interest, and in the interest of the entire region.

As instructed by me, the Chief Military Observer of UNIKOM has realigned the demilitarized zone with the demarcated border. As invited by the Commission, I am making arrangements for the future maintenance of the boundary pillars and markers. I am also helping

the parties settle some practical problems that have arisen as a consequence of the demarcation. These steps will contribute to stabilizing the security situation in the area.

Certified copies of the demarcated boundary coordinates have been provided to the Governments of Iraq and Kuwait. A copy of these coordinates will be deposited in the archives of the United Nations. These coordinates represent the final and authentic description of the boundary.

I will bring the report of the Commission, with the coordinates and map attached to it, to the attention of the Security Council. The Council, in resolution 773 (1992), expressed its appreciation to the Commission and welcomed its demarcation decisions. Resolution 687 (1991), enacted under Chapter VII, guaranteed the inviolability of the boundary between Iraq and Kuwait.

This session marks a noteworthy international success. Law, technology diplomacy and security have come together in a unique United Nations endeavour. All those involved can take great pride in this outcome. Together you have made a strong contribution to peace and stability for the region and the world.

Press Release, 20 May 1993, by the United Nations Iraq-Kuwait Boundary Demarcation Commission

Press Release, 20 May 1993
By The United Nations Iraq-Kuwait Boundary Demarcation Commission

The United Nations Iraq-Kuwait Boundary Demarcation Commission held its final session in New York from 17 to 20 May 1993. The Commission has approved the coordinates constituting the final demarcation of the international boundary between Iraq and Kuwait. The Secretary-General, who attended the last meeting of that session, received copies of the coordinates, a map illustrating the boundary and the Commission's final report.

The Commission was established in May 1991 under Security Council resolution 687 (1991) and the report of the Secretary-General of 2 May 1991 (S/22558). It was composed of five members: three independent experts appointed by the Secretary-General and one representative each of Iraq and Kuwait, appointed by their respective Governments. The Government of Iraq appointed as its representative Ambassador Riyadh Al-Qaysi, a senior official from the Iraqi Ministry of Foreign Affairs, and the Government of Kuwait appointed Tarek A. Razzouki, Ambassador of Kuwait to France.

During the first five sessions, at which the Commission considered the Khowr Abd Allah (offshore) section and took decisions on the land boundary, all members participated. The representative of Iraq did not attend the subsequent sessions but was sent all relevant Commission documents.

The Commission's task was to demarcate the international boundary between Iraq and Kuwait set out in the "Agreed Minutes" signed by them in 1963. The nature of that task related solely to the demarcation of the boundary and its work was technical and not political. In demarcating the boundary, the Commission relied on the most advanced technology, including the use of satellite systems, digital terrain modelling, aerial photography and tide gauges.

As a result of this demarcation, the western boundary in the Wadi Al Batin divides the traditional grazing lands equally and leaves the historically important Hulaiba wells in Iraq. The position of the boundary has been fixed south of Safwan where a noticeboard marked it between 1923 and 1939. The port complex of Umm Qasr and the waters of the Khowr Zhobeir on which it stands have been confirmed as lying within Iraq. The median line demarcating the Khowr Abd Allah helps ensure access by both parties to the sea. The Commission has also affirmed the rights of both parties to navigational access, in accordance with international law.

The physical representation of the boundary has been completed. One hundred and six boundary pillars and 28 intermediate boundary markers have been emplaced on the land boundary. The boundary along the low-water line in the Khowr Zhobeir and the median-line boundary in the Khowr Abd Allah section have been demarcated by coordinates. The Commission has further recommended a mechanism for ongoing maintenance which would ensure maintenance of the pillars and markers of the international boundary and provide some future flexibility for the emplacement of additional markers.

The Commission has made extensive efforts to obtain all appropriate material available for this demarcation and has given every opportunity to both parties to submit any materials and to present their views fully. Every aspect related to the demarcation of the boundary has received careful consideration from the legal, historical, technical and practical points of view.

The Commission has not reallocated territory between Kuwait and Iraq, but has simply carried out the technical task necessary to demarcate, for the first time, the precise coordinates of the international boundary reaffirmed in the 1963 Agreed Minutes.

Letter dated 21 May 1993, from the Secretary-General addressed to the President of the Security Council to transmit the Final Report of the Iraq-Kuwait Boundary Demarcation Commision

Letter Dated 21 May 1993 From the Secretary-General Addressed to the President of the Security Council

I have the honour to transmit to you and through you to the members of the Security Council the "Final Report on the Demarcation of the International Boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission" dated 20 May 1993 containing the list of geographic coordinates demarcating the boundary and the map of the area, which forms an enclosure to the report. I also submit a transmittal letter of the same date from the Chairman of the Commission addressed to me.

As indicated in the above-mentioned letter, in addition to the Final Report, the Chairman of the Commission submitted to me three certified copies of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait. On 20 May 1993, I forwarded two of these certified copies to the Governments of Iraq and Kuwait respectively, in order to be lodged in their archives. I also brought to the attention of both Governments the Final Report of the Commission together with the map. The third certified copy of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait will be retained for safe-keeping in the archives of the United Nations.

As you know, the Iraq-Kuwait Boundary Demarcation Commission was established pursuant to paragraph 3 of Security Council resolution 687 (1991), which called upon the Secretary-General to lend assistance to make arrangements with Iraq and Kuwait to demarcate the international boundary between the two countries. The Commission was entrusted with the task to demarcate in geographic

coordiantes of latitude and longitude as well as by a physical representation the international boundary as set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed at Baghdad on 4 October 1963. The Commission was also asked to provide for arrangements for maintenance on a continuing basis of the physical representation of the boundary.

In accordance with its mandate and terms of reference, the Commission was called to perform a technical and not a political task and as it is stressed in the Final Report, the Commission has made every effort to strictly confine itself to this objective. In the statement of the President of the Security Council dated 17 June 1992 (S/24113), issued on behalf of its members and in Security Council resolution 773 (1992) of 26 August 1992, related to the work of the Commission, it was pointed out that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but it was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the Agreed Minutes referred to above.

As stated in the Final Report the Commission has fulfilled its mandate. It demarcated in geographic coordinates of latitude and longitude the international boundary between Iraq and Kuwait set out in the Agreed Minutes, made arrangements for the physical representation of the boundary through the emplacement of an appropriate number of boundary pillars or monuments and provided for arrangements for continuing maintenance and location accuracy of the surficial boundary representation.

The coordinates established by the Commission thus constitute the final demarcation of the international boundary between Iraq and Kuwait set out in the Agreed Minutes of 4 October 1963. In accordance with paragraphs 2 and 4 of Security Council resolution 687 (1991), both Iraq and Kuwait shall respect the inviolability of this international boundary and its inviolability will be also guaranteed by the Security Council.

Fulfilment by the Commission of its mandate to demarcate the international boundary between Iraq and Kuwait has direct implications for the implementation of paragraph 5 of Security Council resolution 687 (1991) relating to the establishment of a demilitarized zone along that boundary. In January 1993 UNIKOM completed the realignment of the demilitarized zone with the demarcated land section of the boundary and I am now instructing UNIKOM to finalize such realignment with the entire international boundary between Iraq and Kuwait demarcated by the Commission.

With regard to Section X (c) of the Final Report, concerning boundary maintenance, I will make the necessary arrangements, as recommended by the Commission, for maintenance of the physical representation of the boundary. The United Nations personnel and personnel of the survey or similar organizations that will be involved in the implementation of the arrangements for maintenance of the surficial represnetation of the boundary are to enjoy unimpeded freedom of movement in the area of the demarcated boundary as well as all necessary privileges and immunities for the fulfilment of their task.

As stated above, the decisions of the Commission concerning the demarcation of the international boundary between Iraq and Kuwait are final. I believe that the work performed by the Commission will have a beneficial effect on the restoration of international peace and security in the area concerned, in conformity with the purposes of Security Council resolution 687 (1991). The certainty and stability of the boundary are in the best interest of Iraq and Kuwait and I expect the Governments of both countries to respect the objective and impartial results achieved by the Iraq-Kuwait Boundary Demarcation Commission.

(Signed) **Boutros Boutros-Ghali**

Annex

Letter dated 20 May 1993 from the Chairman of the Iraq-Kuwait Boundary Demarcation Commission addressed to the Secretary-General

In accordance with paragraph 3 of Security Council resolution 687 (1991) of 3 April 1991, on behalf of the Iraq-Kuwait Boundary Demarcation Commission, I have the honour to submit herewith the report conveying the final results of its work, together with a certified copy of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait and a map at the scale of 1:250,000 depicting that demarcation. The report and the coordinates are submitted in three copies, two of which are for communication to the Governments concerned.

As indicated in the report, the Commission will communicate to you in due course authenticated copies of the large-scale maps of the boundary along with technical documentation comprised of certified records of survey stations and boundary pillars.

(Signed) **Nicolas Valticos**
Chairman

Appendix

Final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission

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Enclosure*

Demarcation of the international boundary between the Republic of Iraq and the State of Kuwait (map at the scale of 1:250,000)

* To be issued separately as an addendum.

I. INTRODUCTION

1. The Security Council, by its resolution 687 (1991) of 3 April 1991, affirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq. In that regard, the Council noted that Iraq and Kuwait, as independent sovereign States, had signed at Baghdad on 4 October 1963 the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby formally recognizing the international boundary between Iraq and Kuwait and the allocation of islands. The Agreed Minutes were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations (United Nations Treaty Series, vol. 485, No. 7063).

2. Bearing in mind its objective of restoring international peace and security in the area, the Security Council, by paragraph 2 of its resolution 687 (1991), demanded that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the aforementioned Agreed Minutes. By paragraph 4 of that resolution, the Council decided to guarantee the inviolability of the international boundary between Iraq and Kuwait.

3. Conscious of the need for demarcation of the said boundary, the Security Council, by paragraph 3 of its resolution 687 (1991), called upon the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between them, drawing on appropriate material, including the map transmitted by Security Council document S/22412.

4. In a letter dated 4 April 1991 addressed to the Secretary-General by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait (S/22457), Kuwait expressed its intention to comply scrupulously with all the provisions of resolution 687 (1991) and to cooperate with the Secretary-General with a view to ensuring its implementation. In accordance with paragraph 33 of resolution 687 (1991), the Minister for Foreign Affairs of Iraq, in the penultimate paragraph of a letter dated 6 April 1991 (S/22456), notified the Security Council and the Secretary-General of Iraq's acceptance of the provisions of that resolution.

5. In letters dated 19 and 23 April 1991 respectively, Kuwait and Iraq agreed to cooperate with the Commission and to nominate representatives of their Governments to participate in its deliberations (see S/22558, annexes I and II).

6. After consultations with the Governments of Iraq and Kuwait, the Secretary-General, pursuant to paragraph 3 of resolution 687 (1991), on 2 May 1991 established the United Nations Iraq-Kuwait Boundary Demarcation Commission, composed of five members- three independent experts to be appointed by the Secretary-General, one of whom would serve as Chairman, and one representative of each Iraq and Kuwait - to carry out the technical tasks necessary to demarcate the boundary between the two countries (S/22558). Iraq nominated Ambassador Riyadh Al-Qaysi and Kuwait nominated Ambassador Tarek A. Razzouki as their representatives on the Commission (see S/22620).

7. In connection with the report conveying the decisions taken by the Commission on the demarcation of the land boundary, the Security Council, by its resolution 773 (1992), expressed appreciation to the Commission for its work and welcomed those decisions. It also welcomed the Commission's decision to consider the eastern section of the boundary and urged the Commission to demarcate that part as soon as possible.

II. MANDATE AND TERMS OF REFERENCE

8. The mandate of the Commission and its terms of reference are laid down in Security Council resolution 687 (1991) and in the report of the Secretary-General on the establishment of the Commission pursuant to paragraph 3 of that resolution (S/22558).

9. The report of the Secretary-General provides that the terms of reference of the Commission are to demarcate in geographical co-ordinates of latitude and longitude as well as by a physical representation the international boundary between Iraq and Kuwait as set out in the Agreed Minutes. This was to be accomplished by drawing upon appropriate material, including the maps transmitted by Security Council

document S/22412 (a set of 10 topographic maps at the scale of 1:50,000 by the United Kingdom Director General of Military Survey) and by utilizing appropriate technology. The physical representation will be carried out by the emplacement of an appropriate number and type of boundary pillars and arrangements made for maintenance on a continuing basis.

10. With reference to the boundary, the 1963 Agreed Minutes provide that:

> "The Republic of Iraq recognized the independence and complete sovereignty of the State of Kuwait with its boundaries as specified in the letter of the Prime Minister of Iraq dated 21.7.1932 and which was accepted by the Ruler of Kuwait in his letter dated 10.8.1932."

11. The 1932 Exchange of Letters referred to in the Agreed Minutes contains the following description of "the existing frontier between the two countries", which constitutes the delimitation formula for the demarcation of the Iraq-Kuwait boundary by the Commission:

> "From the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin to a point just south of the latitude of Safwan; thence eastwards passing south of Safwan Wells, Jebel Sanam and Um Qasr leaving them to 'Iraq and so on to the junction of the Khor Zobeir with the Khor Abdullah. The islands of Warbah, Bubiyan, Maskan (or Mashjan), Failakah, Auhah, Kubbar, Qaru and Umm-el-Maradim appertain to Koweit."

12. The report of the Secretary-General states that the Commission will take its decisions by majority and that its decisions regarding demarcation will be final. It further states that the coordinates established by the Commission will constitute the final demarcation of the international boundary. They will be lodged in the archives of the Governments of Iraq and Kuwait and a certified copy will be submitted to the Secretary-General for transmittal to the Security Council and for safekeeping in the archives of the United Nations.

13. The Security Council took note of the Secretary-General's report and its provisions for the establishment and terms of reference of the

Commission and expressed support for all his efforts in respect of the demarcation of the boundary (S/22593).

III. COMPOSITION AND RULES OF PROCEDURE

14. Pursuant to paragraph 3 of resolution 687 (1991), the Secretary-General appointed Mr. Mochtar Kusuma-Atmadja, former Minister for Foreign Affairs of Indonesia as Chairman; Mr. Ian Brook, then Technical Director, Swedsurvey, National Land Survey of Sweden; and Mr. William Robertson, Surveyor General/Director General of the Department of Survey and Land Information of New Zealand, as independent experts. Iraq is represented by Ambassador Riyadh Al-Qaysi and Kuwait is represented by Ambassador Tarek A. Razzouki (see S/22620). The views of the parties on the constitution of the Commission and the Secretary-General's response thereto are contained in annexes I, II and III to the report of the Secretary-General (see S/22558). Mr. Miklos Pinther, Chief Cartographer of the United Nations Secretariat, was appointed Secretary to the Commission.

15. With effect from 20 November 1992, Mr. Kusuma-Atmadja resigned as Chairman of the Commission for personal reasons. Consequent upon the resignation of Mr. Kusuma-Atmadja, the Secretary-General appointed as his successor Mr. Nicholas Valticos, former Assistant Director-General of the International Labour Office, and member of the Institute of International Law, who assumed his functions on the same date.

16. The Commission established its own rules of procedure (IKBDC/Doc.2). Rule 1 covered the composition of the Commission. Rule 2 provided that the relevant provisions of the report of the Secretary-General (S/22558) would constitute the terms of reference of the Commission. According to these rules, the decisions of the Commission regarding the demarcation of the boundary are final. The rules of procedure further stipulated that the quorum would be met by the presence of at least three members, including the Chairman and at least one representative (rule 3), and that decisions would be taken by majority (rule 5). The Commission carried out its work in closed meetings (rule 4), by visits to the border area and through field work. The Secretary of the

Commission was entrusted with making all arrangements connected with the work of the Commission (rule 8).

17. In his report of 2 May 1991, the Secretary-General proposed that all costs should be shared between the interested parties. The Commission prepared and approved a cost estimate for the totality of its work, which was submitted to the Secretary-General.

IV. MEETINGS AND FIELD SESSIONS

18. The Commission held 11 sessions encompassing 82 meetings; these meetings were held either at the United Nations Office at Geneva or at United Nations Headquarters in New York. The Commission was provided with, and approved, minutes of all its meetings and it approved and issued press releases at the conclusion of each session.

19. The Commission conducted an initial inspection tour of the border area between 15 and 19 June 1991, at which time the two independent experts and the Secretary also visited the national survey offices of Kuwait and Iraq. Following a decision by the Commission to undertake new surveying and mapping of the border area, a survey team was formed from the staff of the national survey departments of New Zealand and Sweden. To execute its task, the survey team undertook four sessions of field work, which also included the final emplacement of the boundary pillars, during the autumn of 1991, the spring and autumn of 1992 and the spring of 1993. At the end of each field session, the two independent experts inspected and verified the work of the survey team. The Secretary made eight visits to the border area to participate in site inspections, to make arrangements for the field work and to establish a field office for the Commission. At the conclusion of each major phase of its work, the Commission prepared and submitted a report to the Secretary-General.

V. PARTICIPATION

20. From the beginning of its work, the Commission requested the representatives of Iraq and Kuwait to submit all relevant documents and other materials for its consideration. This was a regular feature of the subsequent work of the Commission, and full opportunity was provided

to both parties to submit all relevant materials and express their positions and views throughout the work of the Commission.

21. At the first five sessions, held between 23 May 1991 and 16 April 1992, at which the Commission adopted its rules of procedure, considered the Khowr Abd Allah section and considered and took decisions on the land boundary, all members participated. The representative of Iraq did not attend the subsequent sessions, held between 15 July 1992 and 20 May 1993. However, copies of all documents and of the authenticated minutes were transmitted to the representative of Iraq.

VI. ORGANIZATION OF WORK

22. At its first session, held in New York on 23 and 24 May 1991, the Commission discussed the organization of its work and requested the secretariat to prepare rules of procedure, which the Commission adopted at its second session. It held an exchange of views relating to the schedule of work, the nature of the task, what constituted appropriate material, on-site visits and the possibility of participation by experts from both countries.

23. It was affirmed by the Commission at its first session that its work was technical, not political, and that the nature of its task was demarcation. This was later noted by the Security Council in its resolution 773 (1992) of 26 August 1992, which recalled that "through the demarcation process the Commission is not reallocating territory between Kuwait and Iraq, but it is simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the [1963] Agreed Minutes . . . ".

24. The Commission asked the independent experts to prepare a plan of action for the demarcation. Subsequently, the independent experts presented a discussion paper, the two parts of which dealt with boundary definition issues and with the technical aspects of surveying, mapping and physical representation.

25. Following a discussion on definition issues, the Commission decided to examine the boundary in three sections. The first was labelled the western section, and corresponded to the initial phrase of the delimitation formula, "from the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin to a point just south of the

latitude of Safwan;". The second was labelled the northern section, corresponding to the phrase "thence eastwards passing south of Safwan Wells, Jebel Sanam and Um Qasr leaving them to Iraq and so on to the junction of the Khor Zobeir with the Khor Abdullah". The third section was called the eastern section, later termed the offshore section and finally called the Khowr Abd Allah section. This part corresponds to reference to the junction, together with the final sentence of the delimitation formula: "the islands of Warbah, Bubiyan, Maskan (or Mashjan), Failakah, Auhah, Kubbar, Qaru and Umm-el- Maradim appertain to Koweit".

26. The Commission adopted a modus opperandi whereby, for each of the above sections. it deliberated on the interpretation of the applicable parts of the delimitation formula. took account of the 1940 and 1951 clarifications (see par a. 36 below) and other relevant evidence, discussed the relevant demarcation issues, heard statements of position took decisions where necessary and instructed its survey team to carry out the requisite technical tasks in the field.

VII. PRELIMINARY CONSIDERATIONS

A. Historical background and boundary definition

27. In its work, the Commission considered the various delimitation agreements dealing with the boundary between 1913 and 1963 as they related to the international boundary in the 1963 Agreed Minutes.

28. The Anglo-Ottoman Convention of 1913 defined a Green Line running from the coast at the mouth of the Khowr Zhobeir in a north-westerly direction, passing immediately south of Umm Qasr (the old fort), Safwan and Jebel Sanam to the Batin, and then south-west down the Batin. It also showed a Red Line down the Khowr Abd Allah. Both lines depicted the limits of Kuwaiti authority.

29. In September 1920, the Ruler of Kuwait claimed the northern territories allocated to him under the Convention. In the following year, he was told by the British High Commissioner for Iraq, Sir Percy Cox, that the territory allocated to him by the Red Line was beyond dispute.

30. In December 1922, Cox suggested that the Green Line be con-

firmed as the boundary. This was done in 1923 in an exchange of letters between the Ruler of Kuwait, the British Political Agent in Kuwait and the British High Commissioner for Iraq on a description of the territory deemed identical with the Green Line.

31. In 1923 the British Political Agent in Kuwait, More, erected a noticeboard marked "Iraq-Kuwait boundary" south of Safwan. A decade later, the noticeboard was considered to be the only accurate indication of where the boundary ran in the region. In the summer of 1932 it was removed, and subsequently replaced, by the Iraqi authorities.

32. In July 1932, it being considered desirable to reaffirm the existing frontier between Iraq and Kuwait before Iraq's admission to the League of Nations, the Prime Minister of Iraq wrote a letter on 21 July 1932, and the Ruler of Kuwait responded on 10 August 1932. This Exchange of Letters reaffirming the boundary was reconfirmed by the 1963 Agreed Minutes.

33. In August 1935, Dickson, then British Political Agent in Kuwait, giving advice on the depiction of the boundary on a new map, said that those in Kuwait had always understood the northern boundary to run in a due east-west straight line from the Batin centre line to the noticeboard, and thence, also in a straight line, to the junction of the Khowr Zhobeir and the Khowr Abd Allah. The following year the map, containing several errors, of which the underestimated distance between Umm Qasr and the junction of the Khowrs was probably the most important, was published. It was the basis for much of the consideration of the boundary by the British and Iraqis up to 1963.

34. In April 1937, Edmonds, British Adviser to the Iraqi Minister of the Interior, advised his Minister, and the British authorities, that the boundary should follow the thalweg of the Batin, thence run due east to a point one mile south of Safwan palms and onwards, in a straight line, to the junction of the thalwegs of the Khowr Zhobeir and the Khowr Abd Allah. From the junction of the Khowrs, the boundary followed the thalweg of the Khowr Abd Allah to the open sea.

35. In March 1939, the noticeboard was removed; on 9 June 1940 the British Political Agent in Kuwait, Galloway, assisted by a Kuwaiti expert, replaced it; on 25 June the Iraqi Foreign Ministry protested that the noticeboard had been placed 1,000 metres south of the Iraqi customs post, 250 metres north of the Iraqi boundary.

36. Dickson's and Edmonds' descriptions of the boundary formed the basis of two communications, dated 7 October 1940 and 18 December 1951, from the British Ambassador in Baghdad addressed to the Iraqi Foreign Ministry and Foreign Minister respectively, clarifying the 1932 Exchange of Letters. Those, which specify the low-water line on the southern shore of the Khowr Zhobeir as the boundary in that Khowr, differ only in describing the site of the old noticeboard (in the first) and a point 1,000 metres south of the old Iraqi customs post (in the second) as the point south of Safwan.

37. In March 1942, surveyors from the Indian Army reported that they had erected two concrete pillars: one in Safwan Village amid palm trees and the second pillar half a mile south from the first. Coordinates were determined by astronomical observations for the two pillars and for a point on the north-west corner of the wall of the customs post. The first pillar was not specifically stated to be located at the southernmost palm as was reported in the telegram from Hickinbotham, Political Agent in Kuwait, on 19 March 1942.

38. In 1951 the Iraqi Government indicated that it could accept the 1951 delimitation under the condition that Kuwait would agree to cede the island of Warbah. This proposal was unacceptable to Kuwait and was withdrawn by the Iraqi Government in 1953.

39. In May 1955, the Iraqi Prime Minister proposed that the boundary depicted in a sketch map which he gave to the Ambassador be advanced 4 kilometres southwards between Safwan and the entrance of the Khowr Abd Allah. A draft agreement indicating that the boundary depicted on the 1936 map was that agreed in 1932 was then negotiated between the British authorities and Iraqi Foreign Minister. The Iraqi Prime Minister thereafter pressed the Kuwaitis to agree to its conclusion, but they declined.

40. In 1959, Coucheron-Aamot, a Norwegian hydrographer, produced a report and a chart, officially authenticated by the Iraqi Ministry of Petroleum, which defined a median line as the boundary in the Khowr Abd Allah. This official chart taken from an annex to the Coucheron-Aamot report, was transmitted to the Danish Embassy in Baghdad by the Iraqi Foreign Minister on 22 August 1960 and subsequently published in the Pleadings of the International Court of Justice (see I.C.J. Pleadings, 1968, vol. I, North Sea Continental Shelf Cases, figure D).

B. General discussion

41. The Commission held a general discussion on the three sections of the boundary as a whole on the basis of the discussion paper presented by the independent experts.

42. Considerable time was devoted to the investigation and discussion of the definition of the point south of Safwan, the general course of the boundary in the Batin, the position of the boundary south of Umm Qasr and the possible position of the boundary at the junction of Khowr Zhobeir and Khowr Abd Allah in the epoch of 1932. The principles to be applied in the demarcation of the boundary beyond the junction of the Khowrs were also considered at length. The language of the delimitation formula was debated extensively. Of particular concern were whether it was technically possible to demarcate the boundary without a turning-point at Safwan, whether the thalweg or the median line concept should be applied in the northern part of the Batin to divide the grazing areas equitably and whether there had been a shift in the junction of the Khowrs over the past decades. With regard to the Khowr Abd Allah section, the principle of the median line, tempered by equity, was considered.

43. The general deliberations were followed by discussions on the various sections of the boundary, which were continued as the work of the Commission progressed. Each question and each section of the boundary received careful consideration from the legal, historical, technical and practical points of view. The deliberations, statements of position and the work of the Commission are given in considerable detail in its reports to the Secretary-General (IKBDC/Rep.2, Rep.6 and Rep.7).

VIII. MAPPING

A. Necessity for new mapping

44. In the technical sections of the discussion paper, the independent experts proposed methods for new mapping of the border area to provide a proper basis for demarcation. The maps and the related spatial data were, in the opinion of the experts, a necessary supplement to the existing maps and documents and would be required before de-

marcation on the ground could be carried out, as there were no adequate map of the boundary area for the purpose of demarcation.

45. It was pointed out that the boundaries shown on the maps transmitted by Security Council document S/22412 could be considered reliable. Those maps, as well as all other recent maps of the area, indicated the general configuration of the boundary and the existence of a turning-point south of Safwan. But, in depicting the boundary, they were not supported by any detailed rationale. The comparison of older maps with the 1991 revised edition of British Admiralty Chart No. 1235 and the Commission's new orthophoto mapping revealed significant discrepancies in absolute positions on the older maps, in particular for the junction of the Khowrs.

46. To assist the Commission in its deliberations and to enable it to achieve a precise demarcation, the independent experts therefore proposed a new survey and mapping of the entire border area. The proposal included the establishment of a geodetic control network and ground control points for mapping, using satellite-based (Global Positioning System (GPS) and Doppler) methods, combined with conventional survey techniques, aerial photography and the production of a set of large-scale orthophoto maps at the scale of 1:25,000. Included also were special maps to enable the Commission to study specific areas such as the Batin and the border areas at Safwan and Umm Qasr.

B. Field work preparation

47. The field work of the Commission was undertaken in three stages during four field sessions by a survey team composed of geodesists, surveyors and photogrammetrists from the national survey departments of New Zealand and Sweden. During the first stage, the Commission established its own geodetic datum called "IKBD-92", based on World Geodetic System (WGS 84 ellipsoid), and established geodetic network control. Aerial photography and preliminary mapping were carried out. During the second stage the decisions of the Commission were implemented through the replacement of preliminary boundary markers and final boundary pillars. The third stage involved the demarcation of the Khowr Abd Allah section of the boundary as well as additional work on the land boundary sections.

48. In all stages of the field work, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) provided essential support on an at-cost basis. Assistance was extended to the surveyors for the preparation of photo control points and for the establishment of the preliminary positions for the boundary pillars. In this regard, UNIKOM also cleared work areas of unexploded ordnance. UNIKOM facilitated transportation and provided procurement, logistic and operational support for the replacement of pillars.

1. Control surveys

49. Four datum stations, 25 primary control stations and 137 photo control points were established between September and December 1991. The positions were determined by GPS and Doppler observations. The first function of this work was to facilitate the production of the orthophoto maps and accurate transverse height profiles of the Batin to assist the Commission in its deliberations. The second function was to leave a primary control network in place that could be used to set out the boundary pillars once the final location of the boundary had been determined by the Commission. To provide tidal data, the Commission installed two tide gauges at Umm Qasr.

2. Aerial photography

50. The main aerial photography programme was carried out during the first field session by an air photo team and a specially outfitted aircraft from the National Land Survey of Sweden. Photographs at various scales were produced to facilitate the production of orthophoto maps for the entire length of the land boundary, for the preparation of transverse height profiles of the Batin and for large-scale orthophoto maps of the Safwan and Umm Qasr areas (see IKBDC/Rep.6).

51. Additional aerial photographs were taken in February 1993. The purpose of these photographs was to provide false-colour infrared imagery for the determination of the boundary along the low-water-springs line in the Khowr Zhobeir, to evaluate the quality of the 1991 edition of British Admiralty Chart No. 1235 and to assist with the definition of the median line in the Khowr Abd Allah. Additional photographs were also taken for the production of a series of maps at a scale of 1:2,500 of the Rumailah/Ratqa boundary area and the settled areas along the boundary

at Safwan and at Umm Qasr. The purpose of these maps was to provide additional detail on the location of the boundary and to assist in resolving any boundary-related issues.

C. Mapping of the border area

52. Initially, a series of 31 orthophoto maps (in English and Arabic) was produced at a scale of 1:25,000. In addition, separate orthophoto maps were produced at the scale of 1:7,500 for the Safwan and Umm Qasr areas.

53. For the Batin, 1,420 transverse photogrammetric height profiles were produced. From these the lowest-point line in the Wadi was determined by examining the elevation contours, by measuring along the profiles and by generating three-dimensional digital terrain models.

54. At a later stage, the aerial photography was extended eastwards to the outer reaches of the Khowr Abd Allah, from which additional orthophoto maps were produced at the scale of 1:25,000. In order to reduce the final number of map sheets and to provide better coverage of the boundary, the size of the sheets was changed. The boundary from the trijunction to the eastern end of the Khowr Abd Allah is thus covered by 18 map sheets.

D. Charting of the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah

55. At the sixth session, the Commission requested the independent experts to investigate further the Khowr Zhobeir and the Khowr Abd Allah and present appropriate material for consideration. Assisted by hydrographers from the Swedish National Maritime Administration and the Royal New Zealand Navy, the independent experts undertook two separate studies of the earliest detailed hydrographic surveys available for the Khowrs.

56. Following an analysis of the charts, both manual and computer interpretations were made to produce maps for the Commission's consideration at the scale of 1:50,000 and 1:100,000 showing the thalweg line and the median line in the Khowr Abd Allah. Bathymetric contour maps and transverse profiles on the same scale were also prepared. In addition, baseline coordinates were identified and listed for the plotting of a median line.

57. During the third field session, two tide gauges were installed at Umm Qasr to assist with the determination of the low-water line in the Khowr Zhobeir, from its intersection with the land boundary to a point opposite the junction of the Khowr Zhobeir and the Khowr Abd Allah.

IX. DECISIONS ON DEMARCATION

58. At an early stage in its work the Commission reached several decisions which provided the broad parameters for demarcation. These decisions also authorized the new surveying and mapping and the gathering of additional material, which subsequently enabled the Commission to reach conclusions regarding the demarcation of the frontier between Iraq and Kuwait. The Commission reached its decisions after gathering and carefully considering all available material, including the historical record, maps and aerial photography, after surveying and mapping and after conducting the necessary inspections in the field. Each section of the boundary received thorough scrutiny. Final decisions were reached only after extensive deliberations and after the Commission was satisfied that all the evidence had been properly weighed.

A. Western section

59. The western section of the boundary is that part of the existing frontier which leads from the intersection of Wadi El Audja and Wadi Al Batin northwards along the Batin to a point just south of the latitude of Safwan.

60. The basis for the demarcation of this section was the wording of the delimitation formula in the 1932 Exchange of Letters.

> "From the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin ...".

61. In October 1940 the British Ambassador in Baghdad presented the Iraqi Foreign Minister with a proposal for the demarcation of the boundary as accepted by Kuwait, which clarified the above wording as follows:

> "Along the Batin the frontier shall follow the thalweg, i.e. the line of the deepest depression ... ".

62. This was repeated word for word in a note verbale of December 1951 in which reference is made to contacts between the Foreign Minister of Iraq and the British Ambassador regarding the reopening of the boundary issue. In 1940, Iraq requested a delay until its border with Saudi Arabia had been fixed and, in 1952, it announced that it wanted the issue of the cession of Warbah Island settled before proceeding with demarcation.

63. The Commission decided to demarcate the boundary along the Wadi Al Batin in terms of the line of the lowest points (the thalweg). It also took a decision that the boundary would be marked by a series of straight lines, approximately 2 kilometres in length, such that the areal extent by which the thalweg departs from the boundary on the Kuwait side was equally balanced by the departure on the Iraq side.

64. For this exercise, the Commission undertook large-scale orthophoto mapping of the Batin based on specially flown aerial photography. Terrain models and transverse height profiles were generated to permit computer simulation of the lines of lowest points along the Batin.

65. The Commission decided that the point of intersection of the Wadi El Audja with the Wadi Al Batin was to be determined as pillar No. 1 of the Iraq-Saudi Arabia boundary and it then became boundary pillar No. 1 for the western boundary section.

66. The Commission further took a decision that the northern end of the boundary in the Batin be located at the intersection of the thalweg of the Wadi and the latitude of the point south of Safwan.

67. The line the Commission decided upon to demarcate the western section compares well with the general location of the boundary line as drawn by cartographers on earlier maps, including the map transmitted by Security Council document S/22412, and is very similar to the line depicted on other recent maps.

B. Northern section

68. The northern section is that part of the boundary which, from the intersection of the thalweg of the Wadi Al Batin with the parallel of latitude that runs through the point just south of Safwan, eastwards along that parallel south of Jebel Sanam to the point just south of Safwan and thereafter along the shortest (geodesic) line to the port town of Umm Qasr, and from there to the junction of the Khowr Zhobeir with the

Khowr Abd Allah.

1. From the Wadi Al Batin to the point south of Safwan

69. In the 1932 Exchange of Letters the boundary between the northern end of the Batin and Safwan is described as running from a point in the Batin to:

> "... a point just south of the latitude of Safwan; thence eastwards passing south of Safwan Wells, Jebel Sanam ...".

70. All descriptions and representations of the boundary on maps after 1935 have depicted the boundary in this section as following a parallel of latitude to a point south of Safwan. For some 16 years, this point was marked by a noticeboard, the position of which also determined the latitude of the line between the western boundary in the Batin and Safwan. This is a point which is fundamental to the definition of the northern boundary and which has never been accurately depicted on any map prior to the maps produced for the Commission.

71. From 1923 to 1939 a noticeboard, which marked the boundary between Iraq and Kuwait, stood at a point on the old road just south of Safwan. This noticeboard was erected at the time of the 1923 agreement which was reiterated in the 1932 Exchange of Letters. Its position was known to both countries at the time of the 1932 Exchange of Letters and was recognized by both over the subsequent seven years as the international boundary. The position of the noticeboard appears not to have been measured. However, Dickson, who was present at Oqair at the time of the 1923 agreement and was the British Political Agent in Kuwait between 1929 and 1936, stated in 1935 that:

> "We have always understood the northern boundary of the frontier to run in a due east and west line from the Batin (centre line) to a point one mile south of Safwan Wells, where a large noticeboard exists on the side of the road which today marks the boundary".

72. Attempts to locate the former position of the noticeboard, after its removal in 1939, resulted in several differing estimations of the distance from reference points in and around Safwan, including the old customs post, the wells and the southernmost date palm. When related to each other there was a degree of congruence around the distance of one mile (1,609 metres) from the customs post. However, the re-

establishment of the noticeboard in 1940 resulted in an Iraqi protest note which stated that its re-established position was 250 metres north of the boundary at a distance of 1,000 metres from the customs post.

73. The Commission considered that the two most probable positions for the noticeboard were nearly 1,609 metres (1 mile) and 1,250 metres south of the south-west extremity of the customs post. In the absence of other reliable evidence, the Commission gave equal weight to both measurements and decided on the mean distance of 1,430 metres from the south-west extremity of the old customs post along the old road as the most probable location of the noticeboard. The location of the point thus determined by the Commission is 180 metres farther south than the distance specified in the 1940 Iraqi protest note and 430 metres south of the claim made then and later for Kuwait (see map).

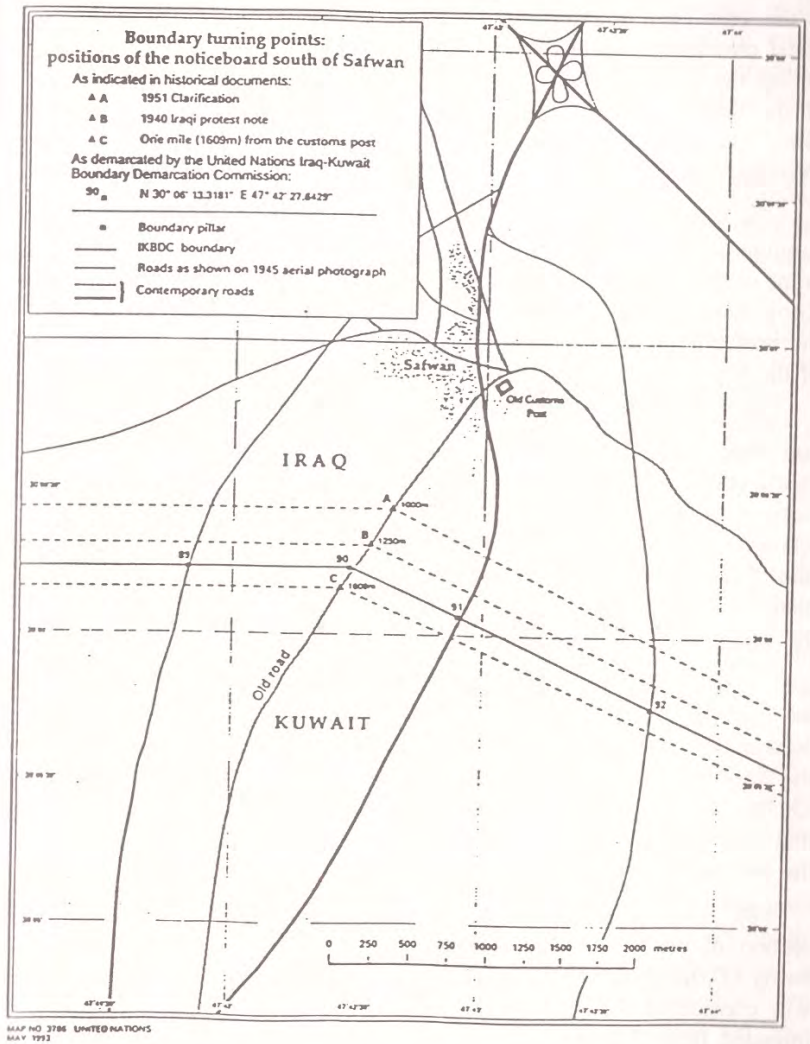
74. The general location of the customs post was established, on site, using GPS equipment and coordinates determined in 1942 from astronomical observations. Image interpretation using several aerial photographs, dating from 1945 to the present day, enabled the Commission to determine the south-west extremity of the old customs post with good accuracy as well as the alignment of the old road south of Safwan beside which the noticeboard had been located.

75. The parallel of 30° 06' 13.3181", running westward from the re-established position of the old noticeboard, defines the line of this boundary. At the northern end of the Batin the line of deepest depression is less well-defined than farther south. To determine its position on the ground, the Commission used a combination of orthophoto mapping, height measurements and interpretation of vegetation patterns in the bottom of the Batin. The Commission decided that the intersection of this line with the parallel of latitude 30° 06' 13.3181" determined the end of the boundary in the Batin and the start of the northern boundary.

2. Safwan to the intersection of the Khowrs

76. This section of the boundary is covered in the 1932 Exchange of Letters by:

> "... south of Safwan Wells ... and Umm Qasr leaving them to Iraq and so on to the junction of the Khor Zobeir with the Khor Abdullah".



77. In order to determine the location of the junction of the Khowr Zhobeir and the Khowr Abd Allah, the Commission first identified the thalweg of the channels using the most reliable chart produced as close to the year 1932 as possible. A comparison of various charts, maps and aerial photographs after 1945 indicated that little accretion had occurred during the past 60 years. The Commission considered that the position of the thalwegs of the channels would most likely have remained the same had dredging not occurred. Having identified the thalwegs, the Commission determined the location of the junction of the Khowrs.

78. Guided by the 1940 and 1951 clarifications of the delimitation formula in drawing a straight line on the new orthophoto maps from the point south of Safwan passing south of Umm Qasr to the junction of the Khowrs, the Commission found that such a line would have sliced into the northern shore of the Khowr Zhobeir, thereby closing off the mouth of the Khowr.

79. A careful analysis of the various charts and maps and comparison with the Commission's new orthophoto maps, revealed that the charts contained distortions of the outline and errors in the absolute positions of the Khowrs and that on the 1936 British map the junction of the Khowrs was plotted some 1,000 metres to the south of its correct position. The reason for this was judged to be a misfit between the newer plane-table mapping of the land areas west of the Khowr Zhobeir and the triangulation surveys east of the Khowr, which dated back to 1917.

80. The 1936 map was used as a basis for graphic descriptions of the boundary for many of the deliberations on the subject over the next decades. As a result, the point where the line between the junction of the Khowrs and Safwan is shown as crossing the shoreline of the Khowr Zhobeir at a point which lies some 800 metres to the south of the point that is obtained when the straight line from the point south of Safwan to the junction is plotted on the Commission's orthophoto maps.

81. The Commission decided that the demarcation of the intersection of the boundary with the shoreline at Umm Qasr should be in terms of the position of the Khowrs as shown on the 1936 map as it was considered that was the position of the boundary as envisaged and intended from that time. This is also the position shown on the British 1:50,000-scale map transmitted by Security Council document S/22412. This position has now been demarcated as the boundary at Umm Qasr

by the Commission, leaving the Umm Qasr port complex and Umm Qasr village within Iraqi territory.

82. The Commission decided that the position of the junction of the Khowrs should be the position as close as possible to that of epoch 1932. Its position was determined following studies of charts produced between 1907 and 1991, aerial photographs covering a period of some 40 years from 1951 and topographic maps. Although absolute positions varied, there was acceptably good agreement between the shore outlines on the maps and the details on the photographs, which led the Commission to rule out any significant effects of erosion or accretion around the junction of the Khowrs during the period covered by the materials studied.

83. Six identifiable junction points were plotted on the 1:25,000 scale orthophoto map from charts produced in 1907, 1932, 1939, 1948, 1971 and 1991. The best available chart produced closest in time to epoch 1932 was the chart produced by the Basra Port Directorate in 1939. With the exception of the point derived from the 1932 chart and from the 1991 British Admiralty Chart, these points fall within a relatively small circle.

84. The Commission decided also to take into consideration the 1932 chart, despite its lower quality, in fixing the junction point, as it was produced at the time closest to epoch 1932. The final position was a weighted mean position. This has been considered as the most likely location of the position referred to in the British proposal of October 1940 and the December 1951 note verbale.

85. The boundary from the point south of Umm Qasr on the shoreline to the junction of the Khowrs has been depicted on maps in various positions in the Khowr Zhobeir. Specific descriptions are given in the October 1940 and December 1951 clarifications.

86. The Commission decided that the boundary line from the point south of Umm Qasr on the shore should be fixed and should follow the low-water-springs line up to the point directly opposite and nearest to the junction of the Khowr Zhobeir and the Khowr Abd Allah. The Commission further decided to plot the low-water-springs line from the false-colour infrared photographs.

87. The Commission further decided that the boundary from the

above point, opposite and nearest to the junction of the Khowrs, to that junction, should be the shortest possible line (see map).

C. Khowr Abd Allah section

1. Boundary line

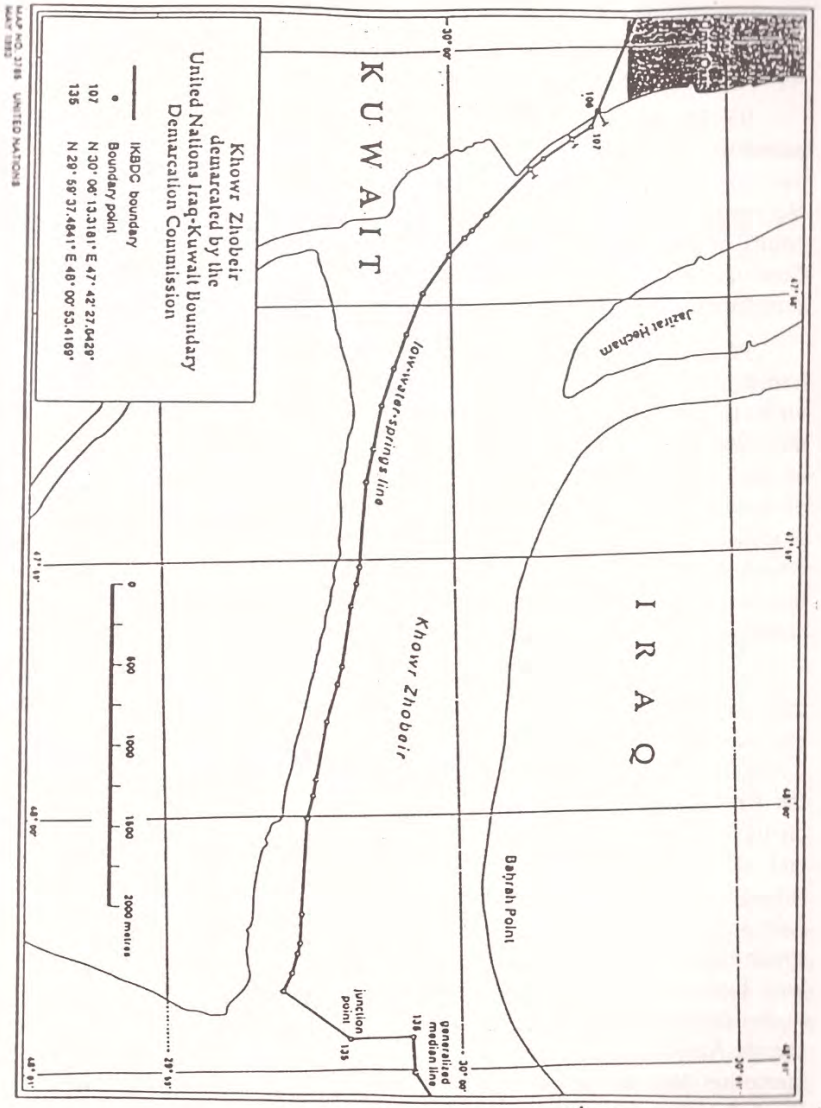
88. By the Khowr Abd Allah section, the Commission refers to the maritime, or offshore, boundary from the junction of the Khowr Zhobeir and the Khowr Abd Allah to the eastern end of the Khowr Abd Allah. The Commission felt that the closing statement of the delimitation formula, mentioning the islands of Warbah, Bubiyan, etc. as appertaining to Kuwait, gave an indication that the existing frontier in that section lay in the Khowr Abd Allah.

89. The Commission gave careful consideration to this section of the boundary. Having closely examined the language of the delimitation formula and the historical evidence on this part of the frontier, including earlier proposals for its demarcation, and having taken into account the legal aspects of the matter, the Commission agreed that it had a sufficient basis to proceed with the demarcation of the Khowr Abd Allah section. The Commission noted, moreover, that all the historical evidence pointed to the existence of a general agreement between the two countries on a boundary in the Khowr Abd Allah.

90. The Commission concluded that the existing boundary to be demarcated was the median line, it being understood that navigational access should be possible for both States to the various parts of their respective territory bordering the demarcated boundary.

91. The Commission examined charts that might be used for the selection of base points. To verify the low-water line on the 1991 edition of British Admiralty Chart No. 1235, which had been identified as a chart that could be used for the definition of the median line, infrared false-colour aerial photography was flown at low-water springs. A comparison of the aerial photography with the chart revealed a good degree of agreement. The Commission noted in this connection that an earlier version of that chart had been used by Coucheron-Aamot.

92. After careful comparison between the low-water-springs line on the 1993 aerial photograph, and a preliminary photogrammetric plot



based on these photographs, with the 1991 edition of British Admiralty Chart No. 1235, the Commission decided to adopt this chart for defining the median line. Positions on the chart are referred to the WGS 84 datum. For all practical purposes this datum is identical to the Iraq-Kuwait Boundary Datum (IKBD).

93. Established hydrographic techniques were used to identify base points and these were then submitted to Iraq and Kuwait for approval or the provision of alternatives. Kuwait accepted the base points on its side. No response was received from Iraq either to a request to provide base points or to confirm those suggested by the Commission. Therefore, the Commission proceeded with the demarcation using the base points it had established on the Iraqi side.

94. In considering the terminus point on the median line at the entrance to the Khowr Abd Allah, the Commission sought, in a careful review, to establish the extent of the internationally agreed boundary under the 1963 Agreed Minutes. It therefore examined various representations of the boundary on earlier maps and charts and studied various methods of establishing the end of the agreed boundary to the open sea. It concluded that the entrance to the Khowr Abd Allah from the open sea lay where there was a significant change in the direction of the coastlines of the two States. It determined a precise point on the median line at the entrance.

95. The Commission determined that the boundary connection from the generalized median line to the junction of the Khowrs was the shortest line between them. From that point the median line adopted by the Commission is defined by a set of coordinates which are calculated from the baseline points established on opposite low-water lines as depicted on the 1991 edition of British Admiralty Chart No. 1235. At the eastern end of Warbah, a drying shoal, called the Warbah Spit, that could be subject to major change over the years, had been charted on the British Admiralty chart. Here two median lines were calculated, one taking the shoal into account and the other ignoring it. Equal weight was given to both lines and an average line was calculated between the two medians to decide the demarcation line. The 1959 median line calculated by Coucheron-Aamot at the request of Iraq approximates closely to the demarcation line of the Commission except in the immediate vicinity of Warbah Spit, which Coucheron-Aamot ignored.

2. Navigational access

96. Recognizing the importance of navigational access for both parties, the Commission requested the Office of Legal Affairs of the United Nations Secretariat to prepare a statement on navigational access for its consideration, which was subsequently issued as a Commission document.

97. Following consideration of the note prepared by the Office of Legal Affairs, the Commission adopted the following statement:

> "The Commission views navigational access for both States to the various parts of their respective territories bordering the demarcated boundary as of importance for ensuring an equitable character and for promoting stability and peace and security along the border. In this connection, it is the opinion of the Commission that such navigational access is possible for both States through the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah to and from all their own respective waters and territories bordering their boundary. The Commission notes that this right of navigation and access is provided for under the rules of International law as embodied in the 1982 United Nations Convention on the Law of the Sea ratified by both Iraq and Kuwait. Taking into consideration the particular circumstances of this area, it is also the view of the Commission that the right of access implies a non-suspendible right of navigation for both States."

X. PHYSICAL REPRESENTATION OF THE BOUNDARY

A. Physical demarcation of the land boundary

98. Following the establishment of preliminary positions for the pillars demarcating the land boundary, the Commission entered into a contract with the Eastern Asphalt and Mixed Concrete Company (EAMCO) of Bahrain for the manufacture of boundary markers. The pillars were emplaced during the third field session, September-November 1992, by a construction crew contracted from EAMCO and assisted by UNIKOM. The entire operation was under the direction and the supervision of the Commission's survey team.

99. The coordinates for the land boundary are physically demarcated by 106 monuments, approximately 2 kilometres apart, and 28 intermediate markers. The first monument is the existing pillar marking the trijunction point of Iraq, Kuwait and Saudi Arabia. Each boundary monument site consists of a steel-reinforced, silica-mica aggregate concrete boundary pillar, painted yellow and black, 3 metres in height and measuring 45 cm^2 at the top and 90 cm^2 at the base. The pillars are sunk into the ground to an approximate depth of 1.5 metres. A 2 m^2 concrete collar is positioned over them flush with the ground. At each location one witness mark on the Iraqi side and one witness mark on the Kuwaiti side are buried in the ground to facilitate repositioning of the pillar should it become necessary. Small pointer pillars on either side provide a direction towards the site of the next pillar.

100. Before and after the pillars were emplaced, their positions were inspected and checked at each site. During this exercise it was found that intervisibility between pillars was not possible at every location, either because of the terrain or because of structures along the sight-lines. Where the terrain interfered with intervisibility, intermediate pillars were emplaced during the final field session, in April 1993.

B. Physical demarcation of the Khowr Zhobeir and the Khowr Abd Allah

101. The boundary line in the Khowr Zhobeir was not physically demarcated. Instead it was demarcated by geographic coordinates determined photogrammetrically using false-colour infrared photography. During the final field session, a modified pointer pillar was placed on line between pillar No. 106 and the low-water-springs line. Plaques were emplaced on the jetties where the low-water-springs line continued beneath them. An offset mark was emplaced at the southern end of the stone-faced embankment, south of the southernmost jetty. Two pointer poles, which uniquely define the direction between the last point on the low-water-springs line and the junction of the Khowrs, were also emplaced and three witness marks were established close by.

102. Physical demarcation of the Khowr Abd Allah was deemed impractical and not necessary. The boundary line in the Khowr Abd Allah is demarcated by fixed coordinates, ascertained in accordance with the standards followed in general international practice.

C. Recommendations for boundary maintenance

103. With a view to providing for arrangements for maintenance of the physical representation of the boundary, in accordance with the report of the Secretary-General (S/22558, para. 4), the Commission invites the Secretary-General to request the survey organizations that were associated with the Commission or, if not available, similar organizations to provide the following services:

(a) To inspect the pillars and markers of the Iraq-Kuwait boundary on an annual basis;

(b) To report to him after each inspection;

(c) To take appropriate measures for repositioning, repairing or replacing those pillars and markers, as necessary;

(d) To monitor the adequacy of and to emplace any additional boundary markers such as buoys, pilings or other markers, as may be deemed useful.

The Commission considers that, to facilitate future maintenance work, the existence of a cleared road giving access to the pillars is of great importance. It therefore recommends that the Secretary-General should make the necessary arrangements for such a road to be created.

104. The costs incurred for these services should be shared by the two parties concerned.

105. In the opinion of the Commission, such arrangements should remain in force until other technical arrangements are established between Iraq and Kuwait for the purposes of maintaining the surficial representation of their common boundary.

XI. DOCUMENTATION OF DEMARCATION

106. As stated in the Commission's terms of reference (S/22558), the geographic coordinates established by the Commission will constitute the final demarcation of the international boundary between Iraq and Kuwait (see sect. XIII below). (A certified copy of these coordinates is submitted to the Secretary-General, together with the present report.)

107. Documentation of the demarcated boundary also includes a

customary set of record sheets of the survey stations and a set of record sheets of each of the boundary pillars.

108. The coverage and layout of the original orthophoto maps of the Commission at the scale of 1:25,000 have been extended and revised and the demarcated boundary plotted on them. Eighteen sheets cover the entire length of that boundary. In Addition, orthophoto maps at the scale of 1:2,500 provide further positional information on the boundary in the Rumailah/Ratqa area and the settled areas at Safwan and Umm Qasr.

109. Attached as an enclosure to the present report is a map at the scale of 1:250,000, which provides an overview of the entire length of the boundary.

110. Authenticated copies of all demarcation documentation are to be deposited with the Secretary-General.

XII. CONCLUSION

111. The United Nations Iraq-Kuwait Boundary Demarcation Commission demarcated in geographic coordinates of latitude and longitude the international boundary set out in the Agreed Minutes between Kuwait and Iraq and made arrangements for the physical representation of the boundary. This latter task included the emplacement of an appropriate number and type of boundary pillars or monuments and provision for arrangements for continuing maintenance and locational accuracy of the surficial boundary representation. The Commission has carried out this mandate, and only this mandate.

112. As noted by the Security Council in its resolution 773 (1992) and by the Commission itself, the Commission has not reallocated territory between Kuwait and Iraq, but has simply carried out the technical task necessary to demarcate for the first time the precise coordinates of the international boundary reaffirmed in the 1963 Agreed Minutes. To this end, the coordinates established by the Commission, as reproduced in section XIII below, constitute the final demarcation of the international boundary between Iraq and Kuwait.

113. The Commission has also made arrangements for the physical representation of the boundary. It has erected 106 boundary pillars and 28 intermediate boundary markers on the international land boundary. It

has demarcated by coordinates a fixed boundary along the low-water line in the Khowr Zhobeir. It has also demarcated the international boundary in the Khowr Abd Allah section by fixed coordinates, following general international practice. It has further recommended a mechanism for ongoing maintenance, which would ensure maintenance of the pillars and markers of the international boundary and would provide some future flexibility for the emplacement of additional markers. Under the Commission's recommendation, this mechanism for continuing maintenance would remain in force until other technical arrangements are made between Iraq and Kuwait for the purposes of maintaining the surficial representation of their common boundary.

114. The Commission has made extensive efforts to obtain all the appropriate material available for this demarcation and has given every opportunity to both parties to submit any appropriate materials and to present their views fully. It is hoped that its work will, in the words of the Secretary-General, in his report of 2 May 1991 (S/22558), "promote stability and peace and security along the border".

XIII. LIST OF COORDINATES DEMARCATING THE INTERNATIONAL BOUNDARY

115. The following is a list of geographic coordinates for 162 boundary points determined by the United Nations Iraq-Kuwait Boundary Demarcation Commission to demarcate the international boundary between the Republic of Iraq and the State of Kuwait in accordance with the Agreed Minutes of 4 October 1963.

116. Where necessary for the sake of intervisibility, additional intermediate markers have also been established.

117. The coordinates are divided into five sections, each representing a different segment of the boundary.

118. The reference system of the coordinates is the Iraq-Kuwait Boundary Datum 1992 (IKBD-92). The ellipsoid associated with the definition of IKBD-92 is the World Geodetic System 1984 (WGS 84) ellipsoid defined by:

Semi major axis: 6378137.000 metres

Flattening: 1/298.257223563

A. Boundary coordinates in the Wadi Al Batin

119. The boundary in the Wadi Al Batin from pillar No. 1 to pillar No. 72 is a series of straight lines between boundary pillars conforming to the thalweg of the Wadi. Pillar No. 1 on the Iraq-Kuwait boundary is the existing pillar No. 1 on the boundary between Iraq and Saudi Arabia. Pillar No. 72 is located on the intersection of the thalweg of Wadi Al Batin and the line of latitude of the point south of Safwan.

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
1	N 29° 06′ 04.2128″	E 46° 33′ 10.9431″	trijunction pillar
2	N 29° 06′ 10.6747″	E 46° 33′ 25.5664″	pillar
3	N 29° 07′ 10.6940″	E 46° 34′ 00.8825″	pillar
4	N 29° 08′ 00.3923″	E 46° 34′ 47.9228″	pillar
5	N 29° 08′ 48.6806″	E 46° 35′ 39.1756″	pillar
6	N 29° 09′ 32.2099″	E 46° 36′ 33.5084″	pillar
7	N 29° 10′ 07.6002″	E 46° 37′ 39.6466″	pillar
8	N 29° 10′ 52.0411″	E 46° 38′ 32.9901″	pillar
9	N 29° 11′ 37.6791″	E 46° 39′ 26.1431″	pillar
10	N 29° 12′ 26.1698″	E 46° 40′ 15.8391″	pillar
11	N 29° 13′ 18.1397″	E 46° 41′ 01.1813″	pillar
12	N 29° 14′ 04.3933″	E 46° 41′ 34.9432″	pillar
13	N 29° 15′ 02.3669″	E 46° 42′ 11.4675″	pillar
14	N 29° 15′ 53.3557″	E 46° 42′ 58.0267″	pillar
15	N 29° 16′ 46.3911″	E 46° 43′ 39.2978″	pillar
16	N 29° 17′ 37.9173″	E 46° 44′ 26.2600″	pillar
17	N 29° 18′ 27.7745″	E 46° 45′ 13.9179″	pillar
18	N 29° 19′ 18.7152″	E 46° 46′ 00.4511″	pillar
19	N 29° 20′ 17.8310″	E 46° 46′ 32.6872″	pillar
20	N 29° 21′ 19.3027″	E 46° 47′ 03.3099″	pillar
21	N 29° 22′ 08.0505″	E 46° 47′ 52.2213″	pillar
22	N 29° 22′ 50.5997″	E 46° 48′ 52.5327″	pillar
23	N 29° 23′ 44.9223″	E 46° 49′ 34.5663″	pillar
24	N 29° 24′ 34.5568″	E 46° 50′ 21.4483″	pillar
25	N 29° 25′ 24.2107″	E 46° 51′ 09.2409″	pillar
26	N 29° 26′ 13.8315″	E 46° 51′ 59.1625″	pillar
27	N 29° 27′ 18.7699″	E 46° 52′ 35.6475″	pillar
28	N 29° 28′ 25.3036″	E 46° 53′ 04.6798″	pillar
29	N 29° 29′ 25.4178″	E 46° 53′ 32.9392″	pillar
30	N 29° 30′ 22.9330″	E 46° 54′ 09.9808″	pillar

31	N 29° 31′ 29.9866″	E 46° 54′ 16.1735″	pillar
32	N 29° 32′ 21.9653″	E 46° 55′ 07.3294″	pillar
33	N 29° 33′ 20.8033″	E 46° 55′ 37.7202″	pillar
34	N 29° 34′ 15.5616″	E 46° 56′ 20.5211″	pillar
35	N 29° 35′ 16.4170″	E 46° 56′ 48.3296″	pillar
36	N 29° 36′ 14.6575″	E 46° 57′ 16.8024″	pillar
37	N 29° 37′ 05.4477″	E 46° 58′ 12.4297″	pillar
38	N 29° 38′ 06.5060″	E 46° 58′ 38.8663″	pillar
39	N 29° 38′ 58.0957″	E 46° 59′ 19.3217″	pillar
40	N 29° 39′ 48.4222″	E 46° 59′ 53.1945″	pillar
41	N 29° 41′ 00.3660″	E 47° 00′ 12.2819″	pillar
42	N 29° 42′ 13.0994″	E 47° 00′ 15.7699″	pillar
43	N 29° 43′ 19.5829″	E 47° 00′ 24.5714″	pillar
44	N 29° 44′ 18.1467″	E 47° 01′ 02.8779″	pillar
45	N 29° 45′ 08.5000″	E 47° 01′ 53.0614″	pillar
46	N 29° 46′ 10.2530″	E 47° 02′ 17.7614″	pillar
47	N 29° 47′ 06.6325″	E 47° 02′ 53.8648″	pillar
48	N 29° 48′ 09.2729″	E 47° 03′ 15.4290″	pillar
48a	N 29° 48′ 25.8955″	E 47° 03′ 23.7764″	intermediate marker
49	N 29° 49′ 08.8932″	E 47° 03′ 45.3724″	pillar
49a	N 29° 49′ 50.7268″	E 47° 04′ 09.6471″	intermediate marker
50	N 29° 50′ 06.8587″	E 47° 04′ 19.0096″	pillar
50a	N 29° 50′ 17.5805″	E 47° 04′ 25.4063″	intermediate marker
51	N 29° 51′ 05.0040″	E 47° 04′ 53.7046″	pillar
52	N 29° 52′ 06.7624″	E 47° 05′ 19.3202″	pillar
53	N 29° 53′ 08.9919″	E 47° 05′ 41.6386″	pillar
54	N 29° 54′ 11.0843″	E 47° 06′ 02.6154″	pillar
55	N 29° 55′ 17.0251″	E 47° 06′ 16.3831″	pillar
56	N 29° 56′ 15.6444″	E 47° 06′ 46.8197″	pillar
57	N 29° 57′ 11.7890″	E 47° 07′ 25.4123″	pillar
58	N 29° 58′ 15.1655″	E 47° 07′ 46.6825″	pillar
59	N 29° 59′ 12.5391″	E 47° 08′ 21.9329″	pillar
60	N 30° 00′ 00.9556″	E 47° 09′ 20.2023″	pillar
60a	N 30° 00′ 14.2007″	E 47° 09′ 33.2812″	intermediate marker
61	N 30° 01′ 02.8841″	E 47° 10′ 21.3655″	pillar
62	N 30° 01′ 42.1161″	E 47° 11′ 22.4627″	pillar
63	N 30° 02′ 10.1485″	E 47° 12′ 29.9656″	pillar
64	N 30° 02′ 35.6610″	E 47° 13′ 38.0981″	pillar
64a	N 30° 02′ 48.2354″	E 47° 14′ 26.0720″	intermediate marker
65	N 30° 02′ 54.8419″	E 47° 14′ 51.2858″	pillar
66	N 30° 03′ 07.2870″	E 47° 16′ 06.4092″	pillar
66a	N 30° 03′ 14.7752″	E 47° 16′ 27.8149″	intermediate marker
67	N 30° 03′ 31.3604″	E 47° 17′ 15.2386″	pillar
68	N 30° 04′ 07.3734″	E 47° 18′ 18.7972″	pillar
69	N 30° 04′ 47.7218″	E 47° 19′ 18.7703″	pillar
69a	N 30° 05′ 16.1844″	E 47° 20′ 01.9904″	intermediate marker
70	N 30° 05′ 27.9778″	E 47° 20′ 19.9024″	pillar

70a	N 30° 05′ 40.7090″	E 47° 21′ 07.0419″	intermediate marker
71	N 30° 05′ 49.7839″	E 47° 21′ 40.6563″	pillar
71a	N 30° 06′ 05.4691″	E 47° 22′ 04.6786″	intermediate marker
72	N 30° 06′ 13.3181″	E 47° 22′ 16.7010″	pillar (northernmost point in Wadi Al Batin)

B. Boundary coordinates along the line of latitude of the point south of Safwan

120. The boundary continuing from pillar No. 72 to pillar No. 90 lies along the line of latitude of the point south of Safwan.

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
72a	N 30° 06′ 13.3181″	E 47° 22′ 55.4130″	intermediate marker
73	N 30° 06′ 13.3181″	E 47° 23′ 31.5066″	pillar
73a	N 30° 06′ 13.3181″	E 47° 23′ 46.0864″	intermediate marker
74	N 30° 06′ 13.3181″	E 47° 24′ 39.1916″	pillar
74a	N 30° 06′ 13.3181″	E 47° 25′ 27.5703″	intermediate marker
75	N 30° 06′ 13.3181″	E 47° 25′ 54.1252″	pillar
75a	N 30° 06′ 13.3181″	E 47° 26′ 26.1535″	intermediate marker
76	N 30° 06′ 13.3181″	E 47° 27′ 05.6902″	pillar
76a	N 30° 06′ 13.3181″	E 47° 27′ 17.4759″	intermediate marker
77	N 30° 06′ 13.3181″	E 47° 28′ 06.4824″	pillar
77a	N 30° 06′ 13.3181″	E 47° 28′ 46.6507″	intermediate marker
78	N 30° 06′ 13.3181″	E 47° 29′ 09.0860″	pillar
78a	N 30° 06′ 13.3181″	E 47° 29′ 28.6841″	intermediate marker
79	N 30° 06′ 13.3181″	E 47° 30′ 15.8536″	pillar
79a	N 30° 06′ 13.3181″	E 47° 30′ 57.6225″	intermediate marker
80	N 30° 06′ 13.3181″	E 47° 31′ 23.1982″	pillar
80a	N 30° 06′ 13.3181″	E 47° 31′ 56.6823″	intermediate marker
81	N 30° 06′ 13.3181″	E 47° 32′ 26.9061″	pillar
81a	N 30° 06′ 13.3181″	E 47° 33′ 11.3945″	intermediate marker
82	N 30° 06′ 13.3181″	E 47° 33′ 40.8425″	pillar
82a	N 30° 06′ 13.3181″	E 47° 34′ 14.5282″	intermediate marker
83	N 30° 06′ 13.3181″	E 47° 34′ 55.4858″	pillar
83a	N 30° 06′ 13.3181″	E 47° 35′ 43.1244″	intermediate marker
84	N 30° 06′ 13.3181″	E 47° 36′ 10.4403″	pillar
84a	N 30° 06′ 13.3181″	E 47° 36′ 48.9286″	intermediate marker
85	N 30° 06′ 13.3181″	E 47° 37′ 24.6714″	pillar
85a	N 30° 06′ 13.3181″	E 47° 37′ 54.5241″	intermediate marker

86	N 30° 06′ 13.3181″	E 47° 38′ 39.5006″	pillar
86a	N 30° 06′ 13.3181″	E 47° 39′ 04.1408″	intermediate marker
87	N 30° 06′ 13.3181″	E 47° 39′ 53.5651″	pillar
88	N 30° 06′ 13.3181″	E 47° 40′ 45.0226″	pillar
89	N 30° 06′ 13.3181″	E 47° 41′ 47.4709″	pillar
90	N 30° 06′ 13.3181″	E 47° 42′ 27.6429″	pillar (turning point south of Safwan)

C. Boundary coordinates along the geodesic between the point south of Safwan and the point south of Umm Qasr

121. The boundary continuing from pillar No. 90 to pillar No. 106 lies along the line of shortest distance (the geodesic).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
91	N 30° 06′ 03.3807″	E 47° 42′ 53.5808″	pillar
92	N 30° 05′ 45.0600″	E 47° 43′ 41.3864″	pillar
93	N 30° 05′ 25.0544″	E 47° 44′ 33.5686″	pillar
94	N 30° 05′ 02.2409″	E 47° 45′ 33.0493″	pillar
95	N 30° 04′ 45.0505″	E 47° 46′ 17.8514″	pillar
96	N 30° 04′ 18.2073″	E 47° 47′ 27.7801″	pillar
96a	N 30° 03′ 58.9632″	E 47° 48′ 17.8893″	intermediate marker
97	N 30° 03′ 49.7978″	E 47° 48′ 41.7481″	pillar
98	N 30° 03′ 21.7283″	E 47° 49′ 54.7898″	pillar
99	N 30° 02′ 57.8345″	E 47° 50′ 56.9334″	pillar
100	N 30° 02′ 38.1990″	E 47° 51′ 47.9797″	pillar
101	N 30° 02′ 10.5648″	E 47° 52′ 59.7867″	pillar
102	N 30° 01′ 47.7924″	E 47° 53′ 58.9307″	pillar
103	N 30° 01′ 26.9252″	E 47° 54′ 53.1031″	pillar
104	N 30° 01′ 13.4491″	E 47° 55′ 28.0759″	pillar
104a	N 30° 01′ 01.4808″	E 47° 55′ 59.1276″	intermediate marker
105	N 30° 00′ 55.4621″	E 47° 56′ 14.7405″	pillar
105a	N 30° 00′ 51.0137″	E 47° 56′ 26.2789″	intermediate marker
105b	N 30° 00′ 47.0439″	E 47° 56′ 36.5746″	plaque on road
105c	N 30° 00′ 41.5522″	E 47° 56′ 50.8166″	intermediate marker
105d	N 30° 00′ 38.2514″	E 47° 56′ 59.3757″	plaque on road
106	N 30° 00′ 31.8988″	E 47° 57′ 15.8470″	pillar south of Umm Qasr

D. Boundary coordinates along the low-water line between Umm Qasr and the junction of the Khowrs

122. Continuing from pillar No. 106, the boundary lies along the extension of the geodesic from pillar No. 90 to pillar No. 106. Boundary point No. 107 is at the intersection of this geodesic and the photogrammetric determination of the line of low water. Boundary point No. 134 lies at the point on the low-water line which is closest to the junction of the Khowrs (boundary point No. 135).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
107	N 30° 00′ 30.6311″	E 47° 57′ 19.1337″	low water point
108	N 30° 00′ 25.5597″	E 47° 57′ 22.1204″	plaque on jetty
109	N 30° 00′ 20.1338″	E 47° 57′ 26.6988″	low water point
110	N 30° 00′ 17.0202″	E 47° 57′ 27.9162″	plaque on jetty
111	N 30° 00′ 07.3546″	E 47° 57′ 38.5615″	low water point
112	N 30° 00′ 04.0223″	E 47° 57′ 43.0972″	low water point
113	N 30° 00′ 02.4886″	E 47° 57′ 45.0878″	low water point
114	N 29° 59′ 59.9883″	E 47° 57′ 50.2931″	low water point
115	N 29° 59′ 54.3048″	E 47° 58′ 00.0921″	low water point
116	N 29° 59′ 51.1851″	E 47° 58′ 07.3891″	low water point
117	N 29° 59′ 48.5075″	E 47° 58′ 15.0012″	low water point
118	N 29° 59′ 45.9004″	E 47° 58′ 23.9522″	low water point
119	N 29° 59′ 44.0034″	E 47° 58′ 34.7048″	low water point
120	N 29° 59′ 42.9652″	E 47° 58′ 41.8016″	low water point
121	N 29° 59′ 40.8118″	E 47° 59′ 01.6401″	low water point
122	N 29° 59′ 39.9809″	E 47° 59′ 05.2917″	low water point
123	N 29° 59′ 38.3873″	E 47° 59′ 15.6241″	low water point
124	N 29° 59′ 37.0503″	E 47° 59′ 26.0722″	low water point
125	N 29° 59′ 35.7797″	E 47° 59′ 28.9642″	low water point
126	N 29° 59′ 33.5772″	E 47° 59′ 37.8413″	low water point
127	N 29° 59′ 30.9373″	E 47° 59′ 51.7876″	low water point
128	N 29° 59′ 30.8353″	E 47° 59′ 55.2387″	low water point
129	N 29° 59′ 29.7002″	E 48° 00′ 04.7347″	low water point
130	N 29° 59′ 27.9211″	E 48° 00′ 23.7886″	low water point
131	N 29° 59′ 27.4473″	E 48° 00′ 31.1501″	low water point
132	N 29° 59′ 27.0442″	E 48° 00′ 33.8539″	low water point
133	N 29° 59′ 25.6931″	E 48° 00′ 37.8351″	low water point
134	N 29° 59′ 23.6762″	E 48° 00′ 42.0794″	low water point
135	N 29° 59′ 37.4841″	E 48° 00′ 53.4169″	junction of the Khowrs

E. Boundary coordinates from the junction of the Khowrs and along the median line of the Khowr Abd Allah

123. The boundary in the Khowr Abd Allah is the generalized median line as identified by the following coordinates. Boundary point No. 136 is located at the point on the generalized median line which lies closest to the junction of the Khowrs (boundary point No. 135).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
136	N 29° 59′ 47.3389″	E 48° 00′ 52.6840″	median point
137	N 29° 59′ 47.9344″	E 48° 01′ 03.2547″	median point
138	N 29° 59′ 58.1832″	E 48° 01′ 20.7047″	median point
139	N 30° 00′ 26.1002″	E 48° 01′ 50.4004″	median point
140	N 30° 00′ 50.4002″	E 48° 02′ 14.4005″	median point
141	N 30° 01′ 09.0001″	E 48° 02′ 39.0004″	median point
142	N 30° 01′ 18.9000″	E 48° 03′ 00.0002″	median point
143	N 30° 01′ 33.5167″	E 48° 03′ 41.3692″	median point
144	N 30° 01′ 40.3556″	E 48° 04′ 05.2773″	median point
145	N 30° 01′ 45.5265″	E 48° 04′ 34.0137″	median point
146	N 30° 01′ 48.5499″	E 48° 05′ 20.2407″	median point
147	N 30° 01′ 47.7000″	E 48° 05′ 53.7002″	median point
148	N 30° 01′ 42.3674″	E 48° 06′ 31.1234″	median point
149	N 30° 01′ 39.9238″	E 48° 07′ 16.8423″	median point
150	N 30° 01′ 35.6000″	E 48° 08′ 00.9000″	median point
151	N 30° 01′ 32.7610″	E 48° 08′ 47.0644″	median point
152	N 30° 01′ 28.5001″	E 48° 09′ 17.3994″	median point
153	N 30° 01′ 19.5909″	E 48° 09′ 51.7837″	median point
154	N 30° 00′ 52.0000″	E 48° 11′ 04.0000″	median point
155	N 30° 00′ 18.0000″	E 48° 11′ 41.0000″	median point
156	N 29° 59′ 39.0021″	E 48° 12′ 26.3921″	median point
157	N 29° 59′ 04.8481″	E 48° 13′ 41.3329″	median point
158	N 29° 58′ 33.7229″	E 48° 14′ 34.6628″	median point
159	N 29° 57′ 54.1645″	E 48° 15′ 17.7224″	median point
160	N 29° 57′ 17.8346″	E 48° 16′ 30.2549″	median point
161	N 29° 54′ 25.3068″	E 48° 20′ 16.4802″	median point
162	N 29° 51′ 09.6324″	E 48° 24′ 50.8383″	median point (terminus)

Annex
List of documents and reports of the Commission

I. DOCUMENTS

IKBDC/Doc. 1 — International boundaries - concepts and definitions

IKBDC/Doc. 2 — Rules of procedure and working methods

IKBDC/Doc. 3 — Discussion paper No. 1

IKBDC/Doc. 4 — The point at Safwan

IKBDC/Doc. 4/Rev. 1 — The point at Safwan

- Annex I: The customs post at Safwan
- Annex II: Summary table of the various distances referred to as the south-west corner of the compound of the customs post
- Annex III: List of documents

IKBDC/Doc. 4/Rev. 2 — The point at Safwan (see above)

IKBDC/Doc. 5 — Work plan for the surveying and mapping programme of the Iraq-Kuwait Boundary Demarcation Commission

- Annex I: Orthophoto mapping, proposed sheet layout
- Annex II: Survey project specifications
- Annex III: Survey project staging
- Annex IV: Plan of activity
- Annex V: Cost estimates

IKBDC/Doc. 6 — Orthophoto maps of the Iraq-Kuwait border area: 31 sheets of the border area at the scale of 1:25,000, one set of bromide prints, one set of diazo prints; 1 sheet of the Safwan area at the scale of 1:7,500, one diazo print; 3 sheets of the Umm Qasr area at the scale of 1:7,500, one set of diazo prints.

IKBDC/Doc. 7 — Comparative study of the shoreline and the junction of Khowr Zhobeir and Khowr Abd Allah

- Annex I: Comparative study of the shoreline and the junction of Khowr Zhobeir and Khowr Abd Allah
- Annex II: Aerial photographs of the junction of Khowr Zhobeir and Khowr Abd Allah
- Annex III: Nautical charts of the junction of Khowr Zhobeir and Khowr Abd Allah

IKBDC/Doc. 8 — Location of the boundary at Safwan

- Annex I: Aerial photographs showing the customs post at Safwan
- Annex II: The customs post at Safwan interpreted from aerial photographs taken in 1945, 1958 and 1991
- Annex III: The old road, film overlay fot he Safwan area 1:7,500 map

IKBDC/Doc. 9 — Determination of the lowest-point line in the Wadi Al Batin

- Annex I: Cross-sectional profiles of the Wadi Al Batin
- Annex II: Orthophoto maps of the Wadi Al Batin with profile lines, lowest points and 2 metre contour lines

IKBDC/Doc. 10 — Proposed work plan for the establishment of three key demarcation points

	Annex I: Plan of activity, stage 2A, boundary demarcation
IKBDC/Doc. 11	Proposed work plan for stage 2B of the surveying and mapping programme of the Iraq-Kuwait Boundary Demarcation Commission
	Annex I: Proposed boundary pillar specifications
	Annex II: Plan of activity, stage 2B, boundary demarcation
IKBDC/Doc. 12	Compilation of boundary lines
IKBDC/Doc. 12/Rev. 1	Analysis of boundary lines
IKBDC/Doc. 13	Recommendations for the demarcation of the Iraq-Kuwait boundary
IKBDC/Doc. 14	Determinations of the boundary points
IKBDC/Doc. 15	The primary control and photo control survey
	Appendix A: Station coordinates Appendix B: Station height summary Appendix C: Processing software Appendix D: Summary of network editing Appendix E: Summary of Doppler survey results
IKBDC/Doc. 15/Rev. 1	The primary control and photo control survey
IKBDC/Doc. 16	Balancing of the pillar positions in the Wadi Al Batin
IKBDC /Doc. 17	The emplacement of temporary boundary pillars
IKBDC/Doc. 18	Installation of tide gauge at Umm Qasr
IKBDC/Doc. 19	Determination of the thalweg and median lines in the khowr Abd Allah
	Annex 1: Bathymetric maps of Khowr Abd Allah

	Annex 2: Transverse prifiles of Khowr Abd Allah
	Annex 3: Thalweg line in the Khowr Abd Allah
	Annex 4: Median line in the Khowr Abd Allah
	Annex 5: Equidistant boundary determination, list of coordinates
	Annex 6: Thalweg line on charts E8428/4 and E8428/2
	Annex 7: Thalweg line on chart E8428/1
	Annex 8: Thalweg line from charts E8428/4, E8428/2 and 8428/1 transferred to British Admiralty Chart No. 1235
IKBDC/Doc. 20	Navigation in the Khowr Abd Allah
	Annex: Part II, section 3, articles 17-32; part XII, section 4, articles 211, 218, 220; and part XIII, section 3, of the United Nations Convention on the Law of the Sea
IKBDC/Doc. 21	Aerial photography to assist the determination of the low-water line in the Khowr Zhobeir and Khowr Abd Allah and for additional mapping of the Rumailah-Ratqa oilfields and the settled areas at Safwan and at Umm Qasr
IKBDC/Doc. 22	The marking of the Khowr Zhobeir
IKBDC/Doc. 23	The choice of an appropriate chart for the plotting of the median line in the Khowr Abd Allah
IKBDC/Doc. 24	Demarcation of the boundary in the Khowr Abd Allah and the Khowr Shetana
IKBDC/Doc. 25	Terminus of the eastern section of the

	boundary in the Khowr Abd Allah
IKBDC/Doc. 26	Summary of boundary coordinates
IKBDC/Doc. 27	The emplacement of intermediate pillars between the main boundary pillars along the boundary
IKBDC/Doc. 28	The demarcation of the low-water line in the Khowr Zhobeir
IKBDC/Doc. 29	Generalization of the median line in the Khowr Abd Allah

II. REPORTS

IKBDC/Rep. 1	On-site visit of the border area by the Iraq-Kuwait Boundary Demarcation Commission, 15-19 June 1991
IKBDC/Rep. 2	Interim report of the Iraq-Kuwait Boundary Demarcation Commission
	Annex 1: Work plan for the surveying and mapping programme of the Iraq-Kuwait Boundary Demarcation Commission
IKBDC /Rep. 3	On-site visit of the border area by members and experts of the Iraq-Kuwait Boundary Demarcation Commission, 3-10 November 1991
IKBDC/Rep. 3/Rev. 1	On-site visit of the border area by members and experts of the Iraq-Kuwait Boundary Demarcation Commission, 3-10 November 1991
IKBDC/Rep. 4	Geodesy, aerial photography, field surveying and mapping, stage one of the surveying and mapping programme of the Iraq-Kuwait Boundary Demarcation Commission
	Annex I: Flight plan, 1:36,000
	Annex II: Flight plan, 1:19,600

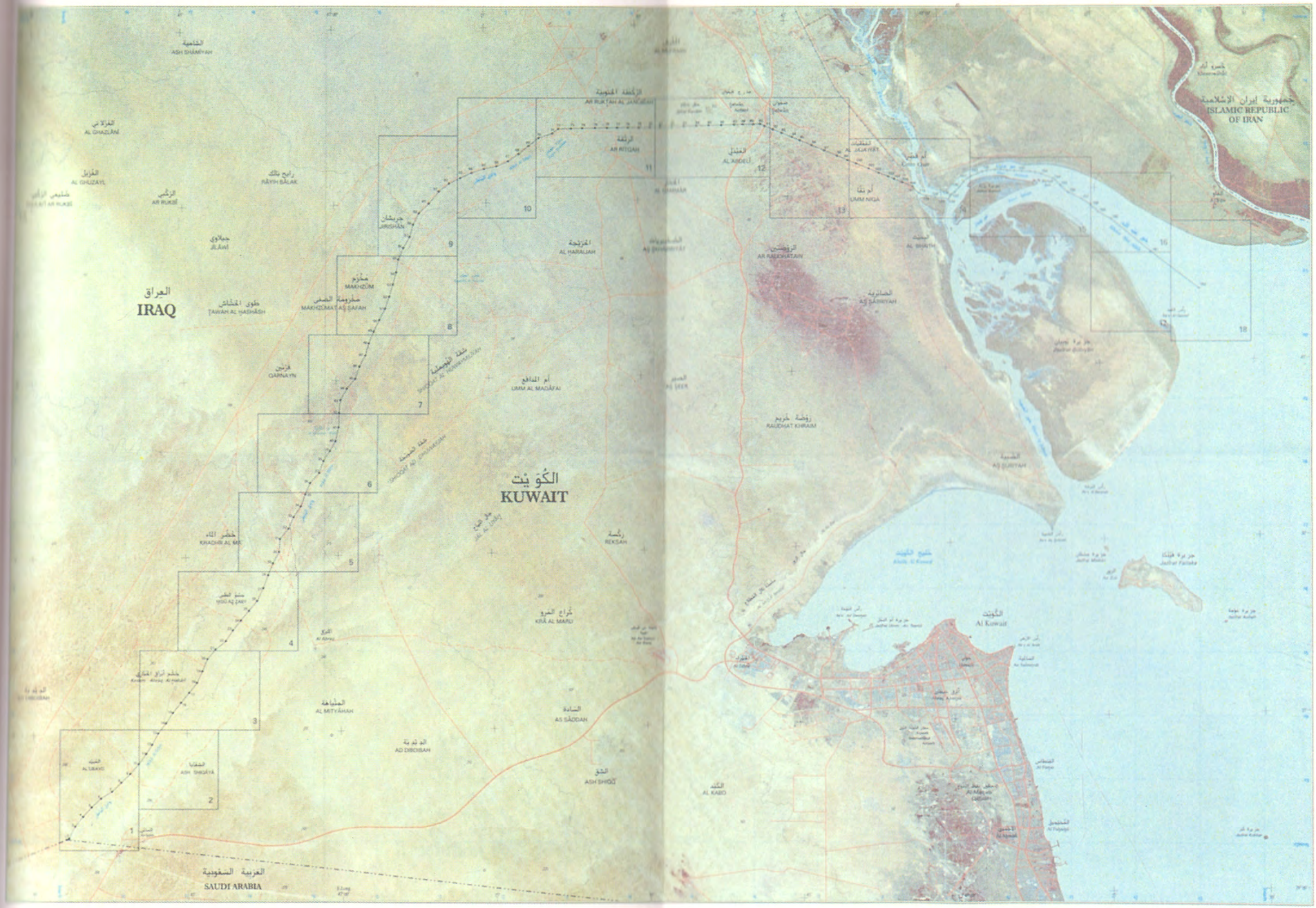
IKBDC/Rep. 5	On-site visit to the border area by the Secretary and leader of the survey team of the Iraq-Kuwait Boundary Demarcation Commission, 12-18 February 1992
IKBDC/Rep. 6	Further report of the Iraq-Kuwait Boundary Demarcation Commission
	Annex 1: List of documents
IKBDC/Rep. 7	Third progress report of the Iraq-Kuwait Boundary Demarcation Commission
IKBDC/Rep. 8	Final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission

Enclosure

Demarcation of the international boundary between the Republic of Iraq and the State of Kuwait

(Map at the scale of 1:250,000)

(To be issued separately as an addendum)


الشامية
ASH SHAMIYAH
الرقطة الغربية
AR RUQTAH AL JANUBIAH
الرقعة
AR RIQAH
الغزالي
AL GHAZALĀNĪ
الغزيل
AL GHUZAYIL
رابح بلك
RĀYIH BALAK
الرقيبي
AR RUQIBĪ
جريشان
JIRISHAN
جلاوي
JILAWĪ
المعزيجة
AL HARAJIAH
مخزم
MAKHZŪM
مخرومة الصفى
MAKHZŪMAT AS SAFAH
العراق
IRAQ
طوى المشاش
ṬAWAH AL MASHĀSH
قرنين
QARNAYN
شقة المهيمنية
SHUQQAT AL MAHMANIYAH
أم المدافع
UMM AL MADĀFI
شقة الشمسة
SHUQQAT AS SHAMSAM
الكُوَيْت
KUWAIT
رملة
REKSAH
خضر الماء
KHAḌIR AL MĀ'
جبل الطي
JABAL AṬ ṬAY
مراح المرو
KIRĀ AL MARU
جلمد أبراق الفحلي
KHAMS ABRAQ AL FAHLIAH
المتياهة
AL MEYĀHAH
السادة
AS SĀDDAH
الدبدبة
AD DIBDIBAH
الشق
ASH SHIQQ
الكثيب
AL KABĪ
الثبكة
ASH SHUBEYA
العربية السعودية
SAUDI ARABIA
العبدلي
AL ABDELI
أم قصر
UMM QASR
أم بقا
UMM NIGA
الرقيعي
AR RAQEIMATAIN
الصابرية
AS SABRIYAH
الصبية
AS SUBIYAH
رؤضة خريم
RAUDHAT KHRAIM
الكويت
Al Kuwait
جمهورية إيران الإسلامية
ISLAMIC REPUBLIC OF IRAN

Resolution 833 (1992)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/RES/833 (1993)
27 May 1993

Resolution 833 (1993)

Adopted by the Security Council at its 3224th meeting on 27 May 1993

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3, and 4 thereof, its resolution 689 (1991) of 9 April 1991, its resolution 773 (1992) of 26 August 1992, and its resolution 806 (1993) of 5 February 1993.

Recalling the report of the Secretary-General dated 2 May 1991 concerning the establishment of the United Nations Iraq-Kuwait Boundary Demarcation Commission (the Commission), the subsequent exchange of letters of 6 and 13 May 1991 (S/22558, S/22592 and S/22593), and the acceptance of the report by Iraq and Kuwait,

Having considered the Secretary-General's letter of 21 May 1993 to the President of the Security Council transmitting the final report of the Commission (S/25811 and Add. 1) dated 20 May 1993,

Recalling in this connection that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but it was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed by them on 4 October 1963,

and that this task was carried out in the special circumstances following Iraq's invasion of Kuwait and pursuant to resolution 687 (1991) and the Secretary-General's report for implementing paragraph 3 of that resolution (S/22558),

Reminding Iraq of its obligations under resolution 687 (1991), and in particular paragraph 2 thereof, and under other relevant resolutions of the Council, and of its acceptance of the resolutions of the Council adopted pursuant to Chapter VII of the Charter of the United Nations, which forms the basis for the cease-fire,

Noting with approval the Secretary-General's instruction to the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to finalize the realignment of the demilitarized zone with the entire international boundary between Iraq and Kuwait demarcated by the Commission,

Welcoming the Secretary-General's decision to make the necessary arrangements for the maintenance of the physical representation of the boundary, as recommended by the Commission in Section X (c) of its report, until other technical arrangements are established between Iraq and Kuwait for this purpose,

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

1. **Welcomes** the Secretary-General's letter of 21 May 1993 to the President of the Council and the 20 May 1993 report of the Commission (S/25811 and Add. 1) enclosed therewith;

2. **Welcomes also** the successful conclusion of the work of the Commission;

3. **Expresses its appreciation** to the Commission for its work on the land part of the boundary as well as the Khor Abdullah or offshore section of the boundary, and **welcomes** its demarcation decisions;

4. **Reaffirms** that the decisions of the Commission regarding the demarcation of the boundary are final;

5. **Demands** that Iraq and Kuwait in accordance with international law and relevant Security Council resolutions respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access;

6. **Underlines and reaffirms** its decision to guarantee the inviolability of the above-mentioned international boundary which has now been finally demarcated by the Commission and to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991) and paragraph 4 of resolution 773 (1992);

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

Provisional Verbatim of the 3224 Meeting

UNITED NATIONS

S

Security Council

PROVISIONAL

S/PV.3224
27 May 1993

ENGLISH

Provisional Verbatim Record of the Three Thousand Two Hundred and Twenty-Fourth Meeting

Held at Headquarters, New York,
on Thursday, 27 May 1993, at 5.55 p.m.

President: Mr. Vorontsov (Russian Federation)

Members:

Brazil	Mr. Sardeneerg
Cape Verde	Mr. Barbosa
China	Mr. Li Zhaoxing
Djibouti	Mr. Olhaye
France	Mr. Merimee
Hungary	Mr. Erdos
Japan	Mr. Hatano
Morocco	Mr. Snoussi
New Zealand	Mr. O'Brien
Pakistan	Mr. Marker
Spain	Mr. Yanez Barnuevo
United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
United States of America	Mrs. Albright
Venesuela	Mr. Arria

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the **Official Records of the Security Council.**

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

The meeting was called to order at 5.55 p.m.

Adoption of the Agenda

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

Letter Dated 21 May 1993 From the Secretary-General Addressed to the President of the Security Council (S/25811 and Add. 1)

The President (interpretation from Russian): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/25811 and Add. 1, containing a letter dated 21 May 1993 from the Secretary-General addressed to the President of the Security Council, transmitting the final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission. Members of the Council also have before them document S/25852, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. Unless I hear any objection, I shall take it that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Security Council who wish to make statements before the voting.

Mr. Arria (Venezuela) (interpretation from Spanish): As Venezuela indicated in its letter of 18 June 1992 to the President of the Security Council, document S/24121 of 19 June 1992, and in its explanation of vote when the Council adopted its resolution 773 (1992) of 26 August 1992.

> "Venezuela considers that the process of demarcation of the Iraq-Kuwait boundary is being carried out... in the special circumstances following Iraq's invasion of Kuwait, which posed a threat to international peace and security". (S/PV/3108, p. 3).

That invasion has been condemned by the international community.

In this context, Venezuela understands that the draft resolution before the Council today, which follows up on and concludes the technical process of demarcating the boundary between both countries, is not intended in any way to establish any precedent affecting the general principle set forth in Article 33 of the United Nations Charter: that it is the parties directly involved in a dispute, such as the one we are discussing today, who must negotiate and reach necessary agreement to overcome their differences. Similarly, the criteria and methodology used for maritime borders depend upon them.

It is on the basis of these considerations that Venezuela will vote in favour of the draft resolution.

The President (interpretation from Russian): I shall now put to the vote the draft resolution contained in document S/25852.

A vote was taken by show of hands.

In favour: Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

The President (interpretation from Russian): There were 15 votes

in favour. The draft resolution has been adopted unanimously as resolution 833 (1993).

I shall now call on those members of the Council who wish to make statements following the voting.

Sir David Hannay (United Kingdom): I should like to begin by expressing the gratitude of my delegation to the Secretary-General and most particularly to the two Presidents and the members of the Boundary Commission for the detailed and painstaking work which they have carried out since the Council set up this Commission approximately two years ago.

The demarcation of this frontier, both on land and sea, is a crucial contribution to achieving peace and security in the region and to avoiding disputes such as that which preceded, but which certainly did not justify, Iraq's aggression in August 1990. The Council must now ensure that this demarcation is respected, and that is a day-to-day task for the United Nations Iraq-Kuwait Observation Mission. But it must also be respected by the two parties, and in that context, the continued statements by political figures in Iraq and continued teaching in Iraqi state schools which disregard the frontier so demarcated are unacceptable. These actions completely undermine any claim by Iraq that it is respecting and implementing Security Council resolution 687 (1991), on which today's resolution is based.

This resolution draws a line under a disgraceful act of aggression which the United Nations played a major role in reversing. Let us hope that the aggressor now draws the appropriate conclusions for the future.

Mr. Merimee (France) (interpretation from French): By adopting resolution 773 (1992) on 26 August 1992, the Security Council expressed its appreciation for the work done by the United Nations Iraq-Kuwait Boundary Demarcation Commission, the first stage of whose work was represented by decisions regarding the land boundary. The Commission has now completed demarcation, and so it is only natural that the Council should take note of this in a new resolution.

The Commission is made up of independent experts who were able to work in a completely dispassionate manner, to benefit from expert opinion and use state-of-the-art cartographic and geographic techniques, and to allow each of the parties concerned to assert their legitimate rights. It has produced a report of an impartiality and professionalism that must be saluted. On the basis of an agreement between Iraq and Kuwait which was submitted to the United Nations and is still in effect to this day, it has carried out the technical task of demarcating a boundary whose limits had been set by the States themselves a long time ago. The report which has been submitted to us quite unambiguously shows that the Commission has not attributed any territory to one side or the other and has not encroached on the sovereignty of either State in any way.

The resolution adopted by the Security Council recalls that we are committed to the inviolability and unalterability of this boundary. We hope this is the end of the dispute, which has affected peace and security in the region for decades and culminated in the invasion of Kuwait by Iraq. We would call on these two countries now to demonstrate a spirit of conciliation and willingness to achieve peace by recognizing that the Demarcation commission has worked in their best interests on the basis of the principles that they themselves had established.

Mr. Sardeneerg (Brazil): I have been instructed by my Government to make the following statement. Brazil has consistently supported action taken by the United Nations with a view to ensuring full respect for the sovereignty and territorial integrity of the State of Kuwait. Any attempt to challenge that sovereignty and territorial integrity should be rejected as unacceptable.

I wish to state for the record that it is the understanding of the Brazilian Government that the decisions taken by the Security Council with reference to the international boundary between the State of Kuwait and the Republic of Iraq in resolution 687 (1991) and subsequent resolution on this matter can be justified only in the light of the exceptional and unique circumstances in which those decisions were taken and do not establish a precedent for future action by the

Council in other matters pertaining to the definition or demarcation of boundaries between States Members of the United Nations.

Support of the Brazilian delegation for the resolution we have just adopted, as well as for other decisions of the Security Council in this matter, is without prejudice to the reservations of the Government of Brazil with regard to the competence of the United Nations Security Council in matters related to the definition of boundaries between States Members of the United Nations or to the demarcation of such boundaries. It is the view of the Government of Brazil that questions related to definition and demarcation of international boundaries are to be settled directly by the States concerned.

Mr. Erdos (Hungary) (interpretation from French): The United Nations Iraq-Kuwait Boundary Demarcation Commission, after two lengthy years of work, has now concluded its work in a very felicitous manner. The international frontier between the two countries has been finally defined. The frontier of the State of Kuwait, which had been ignored and flouted by the aggression perpetrated by its northern neighbour has now been formally re-established. Thus we have seen confirmed the sovereignty and the territorial integrity of Kuwait as well as the will of the international community not to tolerate failure to respect the norms of international law and the resolutions of the Security Council.

We venture to hope that the present action of the Security Council will be seen as a tangible message clearly indicating the fact that the international community rejects any propaganda that casts any doubt upon the independence or the territorial integrity of Kuwait, and also showing its readiness to guarantee the inviolability of international frontiers in the case of conflicts in which the sovereignty and territorial integrity of other States Members of the United Nations are also involved.

We are convinced that resolution 833 (1993), which the Council has just adopted, will have a beneficial impact on peace and security in the entire Gulf region, and we are voncinced also that it is in the interest of one and all to respect and to enforce respect for the inviolability of the frontier thus delimited.

We note that the delimitation of the boundary resulted from the technical implementation of the 1963 agreement between Iraq and Kuwait and not from the accomplishment of any political task. We therefore welcome the impartial and objective way in which this problem has been dealt with, despite the special exacerbating circumstances: Iraq's invasion of Kuwait. In our view, this will help, on the basis of bitter historical experience, avert future conflicts in the region.

Mrs. Albright (United States of America): Two years after this Council's adoption of resolution 687 (1991), the Secretary-General has fulfilled as essential and challenging mandate entrusted to him. We commend the Secretary-General, the members of the Iraq-Kuwait Boundary Demarcation Commission and all who have served them in the completion of their tasks. They have conducted their efforts successfully, with admirable professionalism. They have performed under difficult conditions, including particularly the unwillingness of the Iraqi Government to meet its agreed commitment to participate fully in this important work.

The Boundry Demarcation Commission has not established a new boundary. The commission has, with impressive technical expertise, identified more precisely and marked on the ground a boundary that has existed since its acceptance by both Iraq and Kuwait on 4 October 1963.

The United States has examined closely the Commission's views with respect to the relationship between its work and the rights of navigation of both parties. The United States notes with approval that each party enjoys navigational access from its territory to the open sea, in accordance with international law and relevant Security Council resolutions.

My Government wishes to underscore the importance it attaches to the inviolability of the demarcated boundary between Iraq and Kuwait and the seriousness of its guarantee by the Security Council. With the completion of the Commission's work and the adoption of this resolution, the Council has taken important steps in support of peace and security in the Gulf region.

Mr. LI Zhaoxing (China) (interpretation from Chinese): The Chinese delegation believes that the sovereignty and territorial integrity of Kuwait a sovereign state Member of the United Nations - must be fully respected and recognized by the international community. Based on that consideration and on our consistent position on the question of Iraq and Kuwait, we voted in favour of the resolution just adopted.

With respect to the question of boundaries, the Chinese Government has always maintained that the countries concerned should, in accordance with international law and the Charter of the United Nations, seek a peaceful solution in agreement or treaties arrived at through negotiation and consulation, with a view to contributing to lasting peace and stability in the region concerned.

The Chinese delegation believes that the present demarcation of the boundary between Iraq and Kuwait is a special case arising from the specific historical circumstances involved and, as such, is not generally applicable. For that reason, the Security Council's invocation of Chapter VII of the Charter of the United Nations with respect to the demarcation of the disputed boundary between two countries must not be viewed as setting a precedent.

Mr. O'BRIEN (New Zealand): Like others, New Zealand commends the adoption of this resolution and the work of the Iraq-Kuwait Boundary Demarcation Commission. We are gratified by the fact that a New Zealand team was involved with the Commission and that New Zealand was thereby able to contribute directly over the past two years to the actual work of boundary demarcation, employing the most up-to-date, modern technical methods.

It is our strong hope that the final demarcation of the boundary will contribute to furthering peace and security in the region. Like fellow Council members who have spoken this afternoon, New Zealand calls upon the two parties concerned now to respect and abide fully by the boundary demaracted by the Commission.

Mr. OLHAYE (Djibouti): My delegation would like to extend its warmest congratulations to the Iraq-Kuwait Boundary Demarcation

Commission on having fulfilled its mandate and on the excellent work it has accomplished. Its unprecedented achievement is a great contribution to the cause of peace and stability in the Gulf region.

While the terms of reference of the Commission were accepted by both countries, Iraq's failure to participate in the sessions of the Commission was regrettable. It is to be underscored once again that the demarcation of the boundary between Iraq and Kuwait under the formula agreed upon in 1963 was really technical, not political. In that regard, the objectivity and professionalism of the Commission are highly appreciated. It is against that background that we lent our full support to the draft resolution on which we have just voted.

My delegation agrees with the Secretary-General that the demarcation of the Iraq-Kuwait boundary has direct implications with regard to the implementation of paragraph 5 of resolution 687 (1991), relating to the establishment of the demilitarized zone. We note with satisfaction that the Secretary-General has already instructed the United Nations Iraq-Kuwait Observer Mission (UNIKOM) to finalize the realignment of the demilitarized zone with the entire international boundary between Iraq and Kuwait as demarcated by the Commission.

The next stage will be to display boundary markers along the course of the boundary line. We fully agree with the recommendation of the Commission and the Secretary-General that the United Nations personnel involved in the implementation of the surficial representation of the boundary should enjoy unimpeded freedom of movement in the area of the demarcated boundary as well as all necessary privileges and immunities for the fulfilment of their task.

The issue of the boundary between Iraq and Kuwait is now settled once and for all. We appeal to both Governments respect the inviolability of the boundary, which will be guaranteed by the Security Council. It is our earnest hope that peace and good-neighbourliness will come to prevail between these two countries, and that political prudence and pragmatism will govern their relations in the future.

Mr. YANEZ BARNUEVO (Spain) (interpretation from Spanish):

We consider that the Security Council's adoption of resolution 833 (1993), which is an extension of last year's resolution 773 (1992) and which approves the work of the Iraq-Kuwait Boundary Demarcation Commission, is particularly important. Now, the boundary agreement has been clearly established, with international effect.

As noted in the report of the Secretary-General and in the conclusions of the Commission, the task of the Commission was not to reallocate territory to Iraq or to Kuwait, but was merely the needed technical one of demarcating once and for all the precise coordinates of the boundary as established in existing agreements in effect between the two countries.

In this exceptional case, the Security Council took the decisions it adopted since resolution 687 (1991) in the light of Iraq's aggression against Kuwait in violation of this boundary, an aggression which aroused a legitimate response by the international community.

For this reason, the successive resolutions of the Security Council are, in our opinion, fully justified, for they restore the independence and sovereignty of the State of Kuwait and are aimed at maintaining peace and security in the region. We hope that in the future everyone will respect this boundary, now definitively demarcated.

The PRESIDENT (interpretation from Russian): There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6,20 p.m.

Letter from H.E. Sabah Al-Ahmed Al-Jaber First Deputy Prime Minister and Minister of Foreign Affairs to the UN Secretary-General

بسم الله الرحمن الرحيم

Ministry of Foreign Affairs



وزارة الخارجية

24 May 1993

His Excellency Dr. Butrous Butrous Ghali
UN Secretary-General

Best Greetings

I would like to take the opportunity of the conclusion of the work of the technical UN Iraq-Kuwait Boundary Demacration Commission to express to your excellency our appreciation and gratitude for the historical and pionnering role played by the UN in enforcing the principles of justice and peace and promoting the bases of security and stability in the world.

I would also like to express to your excellency our deep conviction that this historical achievement by the Commission is considered an effective contribution to the role of the UN in finalizing the boundary demarcation process which had always been a grate actual threat to security and stalibily in this vital region of the world. This achievement also constitues a distinct effort by international legitimacy in laying the foundations of the New World Order according to the principles of right and justice.

In conclusion I would like to pay tribute to your excellency's role and distinguished effort in defining the Commission's task.

Accept, excellency, the assurances of my highest consideration

Sabah Al-Ahmed Al-Jaber
First Deputy Prime Minister
and Minister of Foreign Affairs

Statement by Mr. Mohammad A. Abdulhasan Permenant Representative of Kuwait

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LETTER DATED 28 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am pleased to transmit to you herewith the text of the statement that the delegation of my country had intended to deliver during the deliberations of the Security Council at its 3224th meeting on the situation between Iraq and Kuwait.

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

(Signed) Mohammad A. Abdulhasan
Permanent Representative

Annex

Statement by Mr. Mohammad A. Abulhasan permanent Representative of Kuwait

By its adoption of resolution 833 (1993), the Security Council has completed a historic exercise in the creation and establishment of peace in the world and the defence of the principles of the charter and international law, as well as the rights of both small and large States through the practical application of the concept of collective security.

It was the Security Council that initiated the rejection of the Iraqi aggression against and occupation of Kuwait through resolution 660 (1990), and it was the Security Council that subsequently launched the battle for the liberation of Kuwait through resolution 678 (1990). Thereafter, the foundations of the cease-fire following the liberation of Kuwait were laid by resolution 687 (1991). It is through the same Security Council that the boundary dispute between Iraq abd Kuwait today comes to an end. Ever since it signed the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Reatoration of Friendly Relations, Recognition and Related Matters in October 1963, Kuwait has constantly striven to demarcate its boundary with Iraq. To that end, it held numerous meetings with the Iraqi side, and specialized technical and political delegations visited Baghdad, but without any results, since Iraq rejected any demarcation proposed under that binding agreement. The Iraqi aggression against and occupation of Kuwait on 2 August 1990 revealed the true nature of the Iraqi dispute with Kuwait, this dispute has never been due to a difference over the boundary, but rather to ambitions regarding the very existence of Kuwait.

Security Council resolution 687 (1991), in three of its operative paragraphs, laid the legal and political foundations and provided an international guarantee for the demarcation of the boundary in accordance with the Agreed Minutes between the two states of 1963.

The Security Council thus felt that the completion of the demarcation would eliminate the likelihood of a renewal of armed conflict in the region.

As you know, the Secretary-General of the United Nations accordingly established the Iraq-Kuwait Boundary Demarcation Commission, which carried out a purely technical task using outstanding expertise and advanced technical means. The result of the work of this Commission has been to demarcate, for the first time, the precise coordinates of the boundary previously agreed on. The Commission has not in any way reallocated territory between the two countries, but has undertaken a task necessitated by the particular circumstances arising from the Iraqi aggression against Kuwait. The results of the demarcation constitute a unique international success, in which, in the words of the Secretary-General, the law, technology, diplomacy and security have been associated.

There is no doubt that the decisions of the Commission are final, as is the report of the Commission. The boundary demarcated by the Commission is binding and guaranteed by the Security Council, and both sides, Kuwait and Iraq, are bound thereby. We should like to stress that Iraq is bound thereby, as demonstrated by:

1. Iraq's unrestricted and unconditional acceptance of resolution 687 (1991), the expression of which passed from the Iraqi executive authority to the legislative authority as represented by the Iraqi National Assembly;

2. Iraq's unrestricted and unconditional agreement to the report of the Secretary-General of 2 May 1991 on the establishment of the Iraq-Kuwait Boundary Demarcation Commission by its appointment of a representative on the Commission;

3. Iraq's full participation in the drafting of the Commission's rules of procedure regarding its proceedings, its methods of taking decisions and the issuance of its reports;

4. Iraq's participation in the voting on the decisions concerning the land boundary.

We are not surprised by Iraq's boycott of the other meetings of the Commission or by its attack on the results of the Commission's work because we know that, during the first five sessions which it attended over a period of a year and a half, Iraq did not respond to any request by members of the Commission and provided no materials, maps or documents expressing the Iraqi point of view of its boundary with Kuwait. That is not surprising, because Iraq does not want a demarcated boundary; it wants the whole of Kuwait.

From the beginning of the demarcation of the sea boundary, Iraq boycotted the meetings of the Commission. Rather than participating seriously and objectively in furthering the permanent interests of all the parties, the authorities of the Iraqi regime began to repeat claims that Iraq was being strangled and that it had been deprived of an outlet to the sea. The truth of the matter is quite otherwise. In addition to Iraq's 70-kilometre-long sea front, the boundary demarcation has guaranteed freedom of navigation to both States from Khawr al-Zubayr through Khawr Shityanah up to Khawr Abdullah to and from their territorial waters and territories along the length of the boundary, in accordance with the provisions of the United Nations Convention on the Law of the sea of 1982. This freedom of navigation is a right which may not be violated by either of the States. We here openly declare that we shall abide fully by this decision and each of its paragraphs as an inseparable part of the decisions of the Commission as a whole.

The vote by the Security Council in favour of the draft resolution is a guarantee for security and stability in this region; it is being adopted under chapter VII of the charter. It endorses the decisions of the Boundary Demarcation Commission, reaffirms their final character and affirms that they should be guaranteed by the Security Council by all possible means, in accordance with the Charter.

The security, integrity and independence of the State of Kuwait are an inseparable part of international peace and security. What has been accomplished by the United Nations today is not only a victory for Kuwait; it is a victory for the United Nations, for international legality and for all that is right and just in our world.

By its adoption of this resolution, the Security Council has given its blessing to the closing of a file which has long been a cause of instability and aggression in our region. We therefore express our hope that the other files arising from the Iraqi aggression may be closed, and we give warning that delays by the regime in implementing all the other obligations contained in the Security Council resolutions are in themselves a time bomb which must be watched carefully and defused.

Kuwait expresses its appreciation to each member of the Security Council and to all its friends for their vote and their support for the foundations of peace. We also wish to place on record our appreciation for the intensive efforts exerted by the Boundary Demarcation Commission, which have resulted in this historic achievement. We should furthermore like to commend the efforts being made by the Secretary-General of the United Nations to make peace in our region and in the world, as well as his support for this Commission, whose example he has asked other United Nations Commissions to follow by completing their work speedily and successfully.

Letters from the Prime Minister of Iraq and the Ruler of Kuwait Reaffirming the Kuwait-Iraq Boundary, Dated July 21, 1932, and August 10, 1932, Respectively

Letters from the Prime Minister of Iraq and the Ruler of Kuwait Reaffirming the Kuwait-Iraq Boundary, Dated July 21, 1932, and August 10, 1932, Respectively

(a)

Nuri Pasha to Sir F. Humphrys
Office of the Council of Ministers,
Baghdad, July 21, 1932

I think Your Excellency will agree that the time has now come when it is desirable to reaffirm the existing frontier between Iraq and Kuwait.

I therefore request that the necessary action may be taken to obtain the agreement of the competent authority or authorities in Kuwait to the following description of the existing frontier between the two countries:-

> "From the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin to a point just south of the latitude of Safwan; thence eastwards passing south of Safwan Wells, Jebel Sanam and Um Qasr leaving them to Iraq and so on to the junction of the Khor Zobeir with the Khor Abdulla. The islands of Warbah, Bubiyan, Maskan (or Mashjan). Failakah, Auhah, Kubbar, Qaru and Umm-el-Maradim appertain to Kuwait."

(b)

From His Excellency Shaikh Sir Ahmad Al Jabir, Assubah,
Ruler of Kuwait, Kuwait
To The Political Agent, Kuwait No. R. 560
Dated the 8th Rabi' Thani 1351 (10 August 1932)

With the hand of pleasure we have received your confidential letter dated the 7th instant (Rabi Thani 1351 (the 9th August, 1932), and have noted the contents of same, as well as the translation of the letter dated the 25th July, 1932, of His Excellency the High Commissioner for Iraq to the Hon. the Political Resident in the Persian Gulf, and the translation of the letter dated the 21st July 1932, of His Excellency Nuri Pasha-as-Said, the Iraq Prime Minister, regarding the Iraq-Kuwait frontier. We also have noted from the Hon. The Political Resident's letter dated the 30th July, 1932, that the frontier proposed by the Iraq Prime Minister is approved of by His Majesty's Government. And, therefore, we beg to inform you that we agree to reaffirm the existing frontier between Iraq and Kuwait as described in the Iraq Prime Minister's letter.

Agreed Minutes between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters, Signed at Baghdad on 4th October, 1963

Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters, Signed at Baghdad on 4th October, 1963

In response to the desire felt by both parties to eliminate all that blemishes the relations between both countries, the official Kuwaiti Delegation visiting the Republic of Iraq on an invitation from the Iraqi Prime Minister, held a meeting with the Iraqi Delegation in Baghdad on 4th October, 1963.

The Kuwaiti Delegation was constituted as follows:

H.H. Shaikh Sabah Al-Salim Al-Sabah, Heir Apparent and Prime Minister;

H.E. Shaikh Saad Al-Abdullah Al-Salim Al-Sabah, Minister of the Interior and Acting Minister of Foreign Affairs;

H.E. Khalifa Khalid Al-Ghunaim, Minister of Commerce;

H.E. Ambassador Abdulrhaman Atteqi, Under-Secretary of the Ministry of Foreign Affairs.

The Iraqi Delegation was constituted as follows:

Major-General Ahmad Hassan Al-Bakre, Prime Minister;

First General Salch Mahdi Ammash, Minister of Defence and Acting Minister of Foreign Affairs;

Dr. Mahmoud Mohammad Al-Homsi, Minister of Commerce;

Mr. Mohammad Kayyara, Acting Under-Secretary of Foreign Affairs.

The talks between the two delegations were conducted in an atmosphere rich in fraternal amity, tenacity to the Arab bond and consciousness of the close ties of nieghbourliness and mutual interests.

Both sides affirming their deep-rooted desire in reinforcing their relations of the welfare of both countries, inspired by the high Arab aims; and

Believing in the need to rectify all that blemished the Iraqi-Kuwaiti relations as a result of the attitude of the past Kassim regime towards Kuwait before the dawn of the blessed revolution of the 14th of Ramadhan;

Convinced with the national duty dictating the inauguration of a new page consistent with the bonds and relations between the two Arab countries which are free from the artificial gap created by the past regime in Iraq;

Spurred by the belief of the two Governments in the entity of the Arab Nation and the inevitability of its Unity;

And after the Iraqi side having seen the statement delivered by the Government of Kuwait at the Kuwaiti National Assembly on the 9th of April, 1963, embodying the desire of Kuwait to work for the termination, in due time, of the Agreement concluded with the United Kingdom.

The two delegations have agreed to the following:

1. The Republic of Iraq recognized the independence and complete sovereignty of the State of Kuwait with its boundaries as specified in the letter of the Prime Minister of Iraq dated 21.7.1932 and which was accepted by the ruler of Kuwait in his letter dated 10.8.1932.

2. The two Governments shall work towards reinforcing the fraternal relations subsisting between the two sister countries, inspired by their national duty, common interest and aspiration to a complete Arab Unity.

3. The two Governments shall work towards establishing cultural, commercial and economical co-operation between the two countries and the exchange of technical information.

In order to realize all the foregoing objectives, they shall immediately establish diplomatic relations between them at the level of ambassadors.

IN WITNESS WHEREOF the heads of the two delegations have appended their signatures unto these minutes.

Sabah Al-Salim Al-Sabah
Head of Kuwaiti Delegation

Ahmad Hassan Al-Bakre
Head of Iraqi Delegation

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