



Security Council

Distr.: General
8 January 2024
English
Original: Arabic

Identical letters dated 4 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and with reference to the relevant rules of international law and norms, I write concerning a note from the Embassy of Kuwait in Baghdad, No. 12/2021 dated 7 September 2021. That note transmits to the Republic of Iraq a decree from the Amir of Kuwait and attached map demarcating the maritime zones of the State of Kuwait. I should like to inform you that the articles of that decree have been reviewed by the competent technical and legal committees. The Republic of Iraq remains committed to demarcating the maritime borders beyond marker 162 bilaterally with our brothers in the State of Kuwait in accordance with the rules of international law and good neighbourly relations. Unfortunately, the above decree runs counter to the rules of international law and the 1982 United Nations Convention on the Law of the Sea, in particular with regard to articles 13 and 15. It uses the low-water lines at Fasht al-Ayj and Al-Kayid as baseline points for measuring the territorial sea of Kuwait, citing article 13 of the Convention. However, that article does not apply to States with opposite coasts and overlapping territorial waters. That situation is covered by article 15 of the Convention on the Law of the Sea, in the absence of general international recognition as stipulated by article 7, paragraph 4, of the Convention.

The aforementioned decree encroaches on the territorial sea and maritime space of the Republic of Iraq. It also contradicts the approach adopted by the United Nations Boundary Demarcation Commission established pursuant to Security Council resolution [687 \(1991\)](#) based on the agreed minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of friendly relations, recognition and related matters signed in Baghdad on 4 October 1963, which provided for the allocation to Kuwait of the islands of Warbah, Bubyah, Miskan, Faylaka, Awhah, Kubbar, Qaruh and Umm al-Maradim exclusively. No other islands or elevations were mentioned. No maritime spaces were granted to the eight aforementioned islands, and the special circumstances and historical presence of Iraq in the maritime area were recognized. That was confirmed by Security Council resolution [833 \(1993\)](#), which demands that Iraq and Kuwait respect the inviolability of the international boundary, as demarcated by the Commission. Despite all this, with the aforementioned decree, Kuwait seeks to demarcate its maritime spaces in contravention of the resolution in a unilateral manner at a time when Iraq is fighting terrorism on behalf of the world.

Based on the foregoing legal and technical grounds, the Government of the Republic of Iraq reiterates what it has stated previously in its protest notes dated



9 May 2017, 12 September 2018, 25 October 2018, and, most recently, 19 March 2023; in identical letters from its Permanent Representative to the United Nations; and in inquiries submitted by the committee on negotiations for the demarcation of the maritime boundary beyond marker 162 to the Kuwaiti side on 9 November 2021. It registers its official objection and protest against the aforementioned decree and attached map, which demarcate maritime spaces in a unilateral manner that ignores the sovereign rights of Iraq to territorial waters, contiguous zones and an exclusive economic zone. That does damage to Iraq and restricts its maritime spaces. Iraq hopes to continue to pursue bilateral negotiations through the committee on negotiations for the demarcation of the maritime boundary and spaces beyond marker 162 with a view to reaching equitable common understandings and solutions that satisfy both parties and take into account special circumstances and historical precedent.

I should be grateful if you would have the present letter circulated as a document of the Security Council and published in the next edition of the *Law of the Sea Bulletin*.

(Signed) Abbas Kadhom **Obaid**
Chargé d'affaires a.i.
