



# Security Council

Seventy-seventh year

*Provisional*

## 8972

nd meeting

Tuesday, 22 February 2022, 3 p.m.

New York

*President:* Mr. Nebenzia/Ms. Evstigneeva . . . . . (Russian Federation)

*Members:*

|  |                         |
|--|-------------------------|
| Albania . . . . .  | Mr. Hoxha               |
| Brazil . . . . .   | Mrs. Aguiar Barboza     |
| China . . . . .  | Mr. Zhang Jun           |
| France . . . . .   | Mrs. Gasri              |
| Gabon . . . . .  | Mrs. Koumba Pambo       |
| Ghana . . . . .  | Ms. Oppong-Ntiri        |
| India . . . . .  | Mr. Raguttahalli        |
| Ireland . . . . .  | Ms. Byrne Nason         |
| Kenya . . . . .  | Mr. Kiboino             |
| Mexico . . . . .   | Mrs. Buenrostro Massieu |
| Norway . . . . .   | Mr. Heines              |
| United Arab Emirates . . . . .                           | Mrs. Nusseibeh          |
| United Kingdom of Great Britain and Northern Ireland . . | Dame Barbara Woodward   |
| United States of America . . . . .                       | Mr. Mills               |

## Agenda

The situation between Iraq and Kuwait

Letter dated 10 February 2022 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council (S/2022/104)

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*The meeting was called to order at 3.05 p.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation between Iraq and Kuwait**

#### **Letter dated 10 February 2022 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council (S/2022/104)**

**The President** (*spoke in Russian*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Iraq and Kuwait to participate in this meeting. On behalf of the Council, I welcome His Excellency Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2022/136, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

I wish to draw the attention of Council members to document S/2022/104, which contains the text of a letter dated 10 February 2022 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

*A vote was taken by show of hands.*

*In favour:*

Albania, Brazil, China, France, Gabon, Ghana, India, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

**The President** (*spoke in Russian*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2621 (2022).

I now give the floor to Mr. Gaffey.

**Mr. Gaffey:** I thank you, Mr. President, for the opportunity to brief the Security Council on the fulfilment of the mandate of the United Nations Compensation Commission.

As President of the Commission's Governing Council, I am pleased to submit the final report of the Commission (S/2022/104, annex) to the Security Council, which summarizes the work of the Commission since its inception.

It has been almost 31 years since the Security Council affirmed Iraq's liability under international law for any direct loss or damage resulting from its invasion and occupation of Kuwait and established the Compensation Commission and the Compensation Fund under resolution 692 (1991). Ultimately, 2.7 million claims were submitted to the Commission, seeking \$352 billion in compensation. With its final payment, on 13 January, the Commission has awarded a total of \$52.4 billion in compensation to 1.5 million claimants. That represents approximately 15 per cent of the total amount claimed and reflects the thorough review undertaken by the Commission. It is a historic achievement for the United Nations and for effective multilateralism.

The Commission is the first successful example of a system giving individuals recourse to seek compensation from an aggressor State. The Governing Council granted priority to individual claimants in both the processing and the payment of its claims. Specifically, it decided to expedite and treat on an urgent basis the resolution of claims of individuals who were forced to leave Iraq or Kuwait; those who suffered serious personal injuries or whose spouse, child or parent died; and those who suffered personal losses of up to \$100,000. The humanitarian decision to focus first on urgent individual claims marked a significant step in the evolution of international claims practice.

On 9 February the Governing Council, under the presidency of Ireland, adopted decision 277, its final decision, which marked the fulfilment of the Commission's mandate and declared that the Government of Iraq had fulfilled its international

obligations to compensate for losses and damages suffered as a direct result of its unlawful invasion of Kuwait. Delegations from Iraq and Kuwait addressed the Governing Council during the session. It is noteworthy that all of the decisions of the Governing Council were adopted by consensus throughout the more than three decades of its existence. In adopting its final decision, the Governing Council recognized and thanked the Government of Iraq for its cooperation with the Commission and its commitment to meeting its obligations under the relevant Security Council resolutions and Governing Council decisions, even in the face of extraordinary security and economic challenges. It also thanked the Government of Kuwait for its support and cooperation with the Commission.

The Commission has now completed its work. In marking that historic milestone, our thoughts are above all with the people of Iraq and Kuwait, who have borne the long and painful legacy of this conflict. It is important for them that we demonstrate that we are now turning a page of history, while noting the remarkable levels of national, regional and international cooperation that have marked the successful work of the Commission. The Commission's challenge was not just one of restitution but also, vitally, one of reconciliation. All of us — Kuwait, Iraq and the members of the Security Council — owe the Commission and the United Nations system a debt of gratitude.

I would like to take this opportunity to acknowledge the contribution of the various panels of Commissioners who undertook reviews and made recommendations to the Governing Council on all the claims submitted to the Commission. And while just a few of its secretariat staff members remain, I would also like to recall that at the height of claims processing, there were more than 300 members of the Compensation Commission secretariat, and I would like to thank them all for their invaluable support to the Governing Council and to the panels, and for their contribution to this successful outcome. As noted in decision 277 of the Governing Council, the Commission will be winding down all activities in 2022. Its secretariat has continually downsized and now consists of two professionals and one support staff member. They will remain in their roles for a short period following the closure of the Commission to address residual administrative and financial issues, as well as the transfer of any remaining funds to the Government of Iraq.

There remain a number of audits to be conducted by internal and external auditors, including a claims payment audit and a liquidation audit by the Office of Internal Oversight Services, to take place in April or May. There will also be audits by the Board of Auditors on the financial statements of the Commission for the year ended 2021 and the first half of 2022, scheduled to be conducted in September. A final administrative Governing Council session will be held following the closure of the accounts for the return of any remaining funds in the Compensation Fund to Iraq and the issuance of all audit reports. Following the final session, the Commission will be dissolved and a reporting letter sent to the Security Council. It is not every year that a United Nations body successfully completes its work and is dissolved.

The United Nations Compensation Commission demonstrates what multiple States with different interests can achieve through positive cooperation at the United Nations. The Commission faced the daunting task of administering the claims of the numerous Governments, nationals and corporations that suffered loss, damage or injury as a result of the invasion and occupation of Kuwait. For more than 30 years, the Commission has shown that post-war reconstruction and reconciliation, by Member States acting through the United Nations, are possible. Since its inception, the Governing Council has hosted representatives of Iraq and Kuwait, playing a role in the reconciliation of relations between the two States.

With the exception of the period from 2015 to 2017, when the Governing Council granted Iraq three successive one-year postponements of its deposit obligations, given the severe security and economic challenges it was facing in battling Da'esh, Iraq deposited the required percentage of oil-export proceeds into the Compensation Fund throughout the life of the Commission, always in the face of enormous challenges, the latest being the coronavirus disease pandemic. The Commission worked very closely with the Committee of Financial Experts of Iraq to ensure that all of the deposits related to its export sales of petroleum and petroleum products, as well as those related to non-monetary and in-kind sales, were effected. I would like to acknowledge the work and support provided by the Committee of Financial Experts of Iraq. I also emphasize that Kuwait has engaged positively and constructively throughout the process.

Since the Commission's establishment, it has worked in a novel, complex and ever-evolving context. The sheer commitment of all who have been engaged over the past 30 years is a strong demonstration of post-conflict restitution and reconciliation in action. I commend the report of the Compensation Commission to the Security Council.

**The President** (*spoke in Russian*): I thank Mr. Gaffey for his briefing.

I now give the floor to those members of the Council who wish to make statements.

**Dame Barbara Woodward** (United Kingdom): I would like to start by thanking Mr. Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission (UNCC), for his briefing today, as well as Ambassador Lucy Kiruthu, Vice-President of the Governing Council of the UNCC, for her support. I also thank and welcome Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq, and Mr. Mansour Ayyad Alotaibi, Ambassador of Kuwait.

As we have heard, following the special session of the Governing Council on 9 February, the Security Council is meeting today to discuss resolution 2621 (2022), which acknowledges the fulfilment of the Commission's mandate and instructs the winding down of all its activities.

Thirty years on, the UNCC represents an important success for the international rules-based order. As Mr. Gaffey stated, its work is a historic achievement for multilateralism in terms of achieving post-conflict reconciliation and solutions to large-scale and complex problems related to conflict. The novel work it undertook has required the close cooperation and engagement of Iraq and Kuwait, which both contributed to ensuring its success.

Resolution 687 (1991) affirmed Iraq as liable under international law for any direct loss, damage or injury to foreign Governments, nationals and corporations as a result of the unlawful invasion and occupation of Kuwait. The Security Council acted under Chapter VII of the Charter of the United Nations to establish the UNCC as a means for processing claims with respect to that liability. Since then, as we have heard, the Commission has paid out \$52.4 billion in compensation to more than 1.5 million claimants. The final payment of more than \$600,000, made in January

of this year, marked the fulfilment of the Commission's mandate after more than 30 years. With the completion of the mandate, Iraq has now fulfilled its obligations in relation to that Chapter VII measure.

We commend Iraq for its commitment under various Governments to making its payments and doing so in exceptionally difficult economic and security circumstances. We also want to take this opportunity to reflect on what the successful completion of the Commission's mandate represents. It is not only a reminder of the consequences of breaching international law; it is also an example of what we can achieve through positive cooperation at the United Nations.

We would like to express our thanks to the Commission's secretariat staff, past and present, for their tireless commitment and work to date. We are confident that the secretariat will complete its remaining tasks with the high level of diligence it has maintained throughout. The United Kingdom stands ready to support all actions necessary to take forward the dissolution of the Commission by the end of this year.

Finally, the United Kingdom expresses its gratitude to our colleagues on the Council for their constructive engagement on the resolution that we have adopted today, which helps to draw the Commission's long but ultimately successful endeavour to a close.

**Mr. Mills** (United States of America): I would like to thank Ambassador Gaffey for his briefing.

As it winds to a close, we can judge the United Nations Compensation Commission (UNCC) as a successful mechanism for post-conflict management, made possible by the Security Council's collective commitment to multilateralism and the maintenance of international peace and security. Acting under Chapter VII of the Charter of the United Nations, the Council came together to rectify the harm created by Saddam Hussein's unlawful invasion and occupation of Kuwait. It is with satisfaction that we voted today to adopt resolution 2621 (2022), which ends those Chapter VII measures concerning Iraq's obligations to provide compensation for that harm.

In guiding the work of the UNCC, the Governing Council adopted every one of its decisions by consensus, demonstrating to all a commendable unity of purpose and a commitment to collaboration. That success would certainly not have been possible without the diligence

and effectiveness of the staff of the Commission over the past 30 years. Their professionalism has built confidence in the compensation process and reaffirmed the ability of the United Nations to implement and run a complex programme. We commend them for their work.

But perhaps most of all, we are grateful to the Governments of Kuwait and Iraq for the role that they have played in drawing to a close a sad chapter in history and charting a more positive and peaceful future for their region. We commend the Government of Kuwait for its commitment to the multilateral mechanism for resolving claims. When compensation payments were suspended owing to the circumstances in Iraq associated with the rise of the Islamic State in Iraq and the Sham, Kuwait demonstrated its trust in the United Nations to complete its work and showed generosity to its neighbour and the international community during a crisis. We credit Iraq for its consistent participation in the claims process under several Governments and through challenging times. Iraq's fulfilment of its obligations marks a continuation of its meaningful collaboration with the United Nations system.

In conclusion, while the UNCC's completion of its work is a success, it is also a reminder that the impact of war extends for decades, even after the actual fighting may have ended. It is a reminder that all Member States should continue to seek peace and avoid war and underscores that the Security Council, consistent with its role under the Charter, must continue to undertake actions that help prevent the outbreak of armed conflict and advance international peace and security.

**Mrs. Gasri** (France) (*spoke in French*): I too would like to thank Ambassador Gaffey for his briefing. I would also like to welcome the presence here today of the Minister for Foreign Affairs of Iraq and the Permanent Representative of Kuwait.

Today is an important day for Iraq and Kuwait, but also for the Security Council, which established the United Nations Compensation Commission (UNCC) in 1991. For 31 years, the Commission has done significant work in administering the compensation claims that were made by individuals, corporations, Governments and international organizations as a result of Iraq's invasion of Kuwait. As Mr. Gaffey stated, the UNCC has awarded more than \$52 billion in compensation to 1.5 million claimants, an unprecedented figure in the history of international claims settlement. It is a major achievement in terms of post-conflict reconstruction

and reconciliation, which, as we have seen, is a long-term process.

Resolution 687 (1991) also established a unique environmental rehabilitation programme to redress the environmental damage caused in the region by the invasion of Kuwait and which has served as an oversight mechanism for the implementation of projects in Kuwait, Saudi Arabia, Jordan and Iran.

Iraq has always earnestly fulfilled its obligations under the successive resolutions of the Security Council and the decisions of the Compensation Commission's Governing Council by consistently making its payments to the Compensation Fund. The regularity of those payments is all the more commendable given the difficult times that the country has faced. I would also like to emphasize the constructive approach that Kuwait has taken in cooperating with Iraq and the Commission over the past 31 years. France commends the Commission's Secretariat for its work and for its continued commitment to serving all claimants.

The closure of the Commission marks the beginning of a new chapter in Iraq-Kuwait relations. I would like to take this opportunity to recall the close ties and partnerships between France and those two friendly countries. I hope that the excellent relations between Iraq and Kuwait can be embodied in joint projects. I would also like to commend Iraq and Kuwait for the positive role that they have played at the regional level in facilitating the resolution of crises and creating the conditions for regional dialogue in support of stability and security. Iraq's balanced diplomacy and Kuwait's mediation skills are well known in the region.

As the UNCC's mandate and Iraq's financial obligations under Chapter VII of the Charter of the United Nations draw to a close, France would once again like to express its appreciation and gratitude to the Commission and to Kuwait, Iraq and all who have contributed to the work of the Commission over the past three decades.

**Mrs. Nusseibeh** (United Arab Emirates) (*spoke in Arabic*): I would like to thank Ambassador Michael Gaffey, President of the United Nations Compensation Commission, for his valuable briefing. I also welcome the participation in this meeting of Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq, and Ambassador Mansour Alotaibi, Permanent Representative of Kuwait.



The Security Council's adoption today of resolution 2621 (2022), concluding the work of the United Nations Compensation Commission, which was established under Chapter VII of the Charter of the United Nations to deal with the damage caused by the invasion of Kuwait in 1990, represents a historic moment for the agenda item on the situation between Iraq and Kuwait.

We commend the efforts made by Iraq, especially given the challenges it has faced, to pay all of its compensation payments, as decided by the United Nations Compensation Commission and in accordance with the relevant Security Council resolutions, including resolution 687 (1991), and the decisions of the Commission's Governing Council. We also welcome the decision issued by the Governing Council during this month's sixteenth special session of the Compensation Commission regarding the completion of its mandate, based on its confirmation that Iraq has paid all the required reparation payments. We commend Kuwait's close cooperation with Iraq and the Commission on the matter. The efforts made by both countries reflect their sincere desire to conclude this dossier and move forward.

We hope to continue building on such positive steps to close all the outstanding issues under the agenda item on the situation between Iraq and Kuwait. In particular, we hope to see further progress on the issue of missing Kuwaitis and third-country nationals, as well as the issue of missing Kuwaiti property, including items from the national archives. We also commend the current cooperation between the two countries on this issue.

We reiterate the firm position of the United Arab Emirates in support of the sovereignty and unity of Iraq and Kuwait, and we wish both brother countries greater security, stability and prosperity in the future so that they may achieve their peoples' aspirations.

**Mrs. Buenrostro Massieu** (Mexico) (*spoke in Spanish*): I thank Ambassador Gaffey, President of the United Nations Compensation Commission, for his briefing. I also welcome the delegations of Iraq and Kuwait.

Today is an important day for both countries. Mexico commends Iraq for its fulfilment over the past 30 years of its obligations under the relevant Security Council resolutions, Chapter VII of the Charter of the United Nations and the decisions of the Compensation Commission. Iraq has made all of its compensation payments for the damage, losses and environmental

degradation that Kuwait suffered as a result of the invasion of 1990, despite having to deal with a number of challenges, including terrorism and the pandemic. We also commend Kuwait for showing flexibility when the Government of Iraq requested the suspension of its compensation payments from 2014 to 2016 as a result of the expenses it incurred in the fight against the Islamic State in Iraq and the Sham.

Today marks a new chapter for Iraq in which it will no longer be obliged to make oil-revenue transfers but can now use those resources for the benefit of its people. We hope that this new phase will lead to the formation in Iraq of an inclusive Government that reflects the aspirations of the Iraqi people and makes it possible to move forward on pending reforms.

In conclusion, Mexico commends the Compensation Commission's secretariat for its work in processing 2.7 million claims throughout its three decades of activity. We hope that Iraq-Kuwait relations will continue to deepen and become a pillar of stability in the region.

**Mr. Raguttahalli** (India): I thank the President of the Governing Council of the United Nations Compensation Commission, Ambassador Michael Gaffey, for his briefing. I also welcome the presence of the Minister for Foreign Affairs of Iraq and the Permanent Representative of Kuwait at this meeting.

At the outset, I would like to put on record our appreciation for the consistent work of the Compensation Commission and thank the Member States that have diligently served as members of the Commission over the years for their contribution to its smooth functioning. It is heartening to know that all of the decisions of the Commission's Governing Council were adopted by consensus. The United Nations Secretariat's role in supporting the work of the Commission has been equally important.

We welcome the Security Council's unanimous adoption of resolution 2621 (2022), which brings to a close its consideration of the issue of Iraq's liability under various Council resolutions to make compensation payments through the Commission. We commend the Government of Iraq for its commitment to fulfilling its obligations despite the severe political, security and economic challenges that it faced during that period.

The cooperation between Iraq and Kuwait, and their consistent engagement with the Commission, were key contributing factors in the successful completion of the Commission's mandate. The episode serves as a good model of how Member States can come together to achieve post-conflict reconciliation through positive cooperation. We also hope to see that model of cooperation applied further with regard to the issue of missing Kuwaiti and third-country nationals in order to bring a mutually satisfactory closure to that long-standing issue.

Indians and Indian companies were directly affected by the 1990 conflict between Iraq and Kuwait. The Government of India had to undertake one of the largest air evacuations in history to bring home the more than 170,000 Indian nationals who were stranded due to the conflict. When the Compensation Commission was established, India quickly established a separate cell within its Ministry of External Affairs to liaise with the Commission and coordinate its claims process. The Government of India facilitated the filing of more than 150,000 claims on behalf of Indian nationals, 147,000 of which were accepted by the Commission. The claimants were awarded their compensation from the Commission in a timely manner.

In conclusion, I once again congratulate the Commission on the successful completion of its mandate and for completing the compensation payments for all the claims it approved.

**Mrs. Koumba Pambo** (Gabon) (*spoke in French*): I thank the Secretary-General for making available his thirty-third report (S/2022/100) on the implementation of paragraph 4 of Security Council resolution 2107 (2013). I also thank Ambassador Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission, for his informative briefing, which we listened to carefully. I welcome the presence today of the Minister for Foreign Affairs of Iraq and the Permanent Representative of Kuwait.

The unanimous adoption of resolution 2107 (2013) was seen as an important turning point in Iraq's relations with the international community and a significant step in the process of rebuilding bilateral ties among the belligerents in the first Gulf War, a conflict that led to considerable loss of life and material damage. We have noted with interest the gradual consolidation of bilateral relations between Iraq and Kuwait, as well as the willingness of both countries to continue their

close cooperation through the Tripartite Mechanism on the issue of missing Kuwaiti and third-country nationals in order to achieve more concrete results on the ground. We also note with interest Iraq's efforts within the framework of the Tripartite Commission and its Technical Subcommittee, which have led to the identification of human remains, as well as its ongoing efforts to return Kuwaiti property, including the national archives. Those efforts, which are essential to the grieving process for families and loved ones, have helped to restore trust between Iraq and Kuwait and improve the subregion's stability.

Gabon commends the work that Iraq has done to make reparations, as evidenced by the Compensation Commission's adoption of decision 277, which, in declaring that Iraq had made its compensation payments in full, invited the Security Council to take the necessary action to conclude the Commission's mandate in 2022 and to ensure the return of any amounts remaining in the Compensation Fund to Iraq. We also note the productive cooperation that has continued on the ground between the Iraqi and Kuwaiti technical teams, as well as the full involvement of the Tripartite Commission and its Technical Subcommittee, the International Committee of the Red Cross and the United Nations Assistance Mission for Iraq, without which no progress would have been possible.

We welcome the progress that has been made in the search for missing Kuwaitis and with regard to Iraq's compensation payments. At the same time, we encourage both countries to deepen their cooperation in the search for the remains of missing Kuwaiti and third-country nationals, as well as missing Kuwaiti property, including national archives, while acknowledging the considerable challenges that Iraq is currently facing and encouraging the Iraqi Government to continue its efforts on those issues. We support the members of the Tripartite Mechanism, and the International Committee of the Red Cross in particular, for their perseverance and tireless efforts to find the remains of missing Kuwaiti and third-country nationals.

In conclusion, we would like to express our appreciation for the efforts of the United Nations Assistance Mission for Iraq to promote and facilitate the activities of the Iraqi national authorities. At the same time, we underscore our firm belief with regard to this important issue that progress in the search for missing persons and in providing answers to their

grieving families requires unwavering commitment, tireless action and innovative measures.

**Ms. Byrne Nason** (Ireland): We welcome the unanimous adoption today of resolution 2621 (2022). I would like to thank Ambassador Gaffey for his briefing and to warmly welcome to the Chamber Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq, as well as our colleague Mansour Alotaibi, Ambassador of Kuwait.

I would like to begin by echoing the words of my colleague Ambassador Gaffey in his recent letter (S/2022/104) to the Council and in the Chamber today. The fulfilment of the United Nations Compensation Commission's mandate indeed marks an unprecedented achievement in the history of international claims resolution. As the Commission's report (S/2022/104, annex) notes, it represents the first case of individuals having recourse to seek compensation from an aggressor State. Ireland has been pleased to preside over the Commission's Governing Council in Geneva at this critical moment in the Commission's history. We welcomed the final payment made in January in respect of the last remaining claim with an outstanding balance and compensation awarded by the Commission. I particularly want to commend the Governments of Iraq and Kuwait for their cooperation with the Commission. I note especially the cordiality that has characterized relations on the file, exemplified by Kuwait's support to Iraq's request for a postponement of its deposit requirements in 2014, 2015 and 2016, when Iraq was dealing with the fight against the Islamic State in Iraq and the Levant.

It is difficult to overstate the significance of this development. Nearly 31 years ago, the Council adopted resolution 692 (1991), by which it decided to establish the United Nations Compensation Fund and the Commission. In doing so, it provided a unique and effective means for enforcing State responsibility for unlawful acts, while making possible post-conflict reconciliation and reparation following devastating losses and damages. The joint efforts, commitment and perseverance of the Governments of Iraq and Kuwait, acting through the United Nations, remind us all of the enduring value of dialogue and multilateralism.

As we have previously highlighted in the Council, there is an inextricable link between Iraq's stability and that of the wider region. We have previously commended Iraq's ongoing exemplary role in encouraging and

facilitating regional dialogue over the past year. The conclusion of the file is yet another example of those efforts. We look forward to further positive developments in Iraq-Kuwait relations, especially regarding missing Kuwaiti and third-country nationals and missing Kuwaiti property, where we have seen strides in recent years towards resolving outstanding issues and addressing the tragic legacy of the past.

In conclusion, we all recognize that today is a unique occasion. As we know, it is very rare that we successfully conclude a United Nations process in this Chamber. There is an old Irish proverb that says what is rare is wonderful.

**Mr. Heines** (Norway): I too would like to thank Mr. Gaffey for his comprehensive briefing. We are also very pleased to welcome Foreign Minister Fuad Mohammad Hussein and the Permanent Representative of Kuwait to today's meeting.

More than 30 years ago, the Security Council decided to establish the United Nations Compensation Commission and Compensation Fund to process the millions of claims submitted for losses and damages as a result of Iraq's invasion of Kuwait, violations that were committed during Saddam Hussein's regime. Norway welcomes the recent declaration that the Government of Iraq has now fulfilled all of its obligations. That is a historic and significant achievement. We congratulate the Iraqi Government in that regard and applaud its commitment to meeting its obligations and responsibilities. Norway would also like to commend the cooperation that both Iraq and Kuwait have shown with the Commission. That sustained cooperation has also improved relations between the two countries and advanced regional stability. We commend that effort and encourage further progress on the missing persons file and the return of Kuwaiti archives.

Norway was pleased to support today's adoption of resolution 2621 (2022), marking the end of the United Nations Compensation Commission. We would like to thank the Commission for its excellent work over the years. As this successful chapter in the history of the United Nations draws to a close, let me conclude by highlighting our sincere desire for continued peaceful and good-neighbourly relations between the peoples of Iraq and Kuwait.

**Mr. Zhang Jun** (China) (*spoke in Chinese*): I would like to thank Ambassador Michael Gaffey, Chair of the Governing Council of the United Nations Compensation



Commission for his briefing, and the Commission for its considerable work. I also welcome Iraq's Foreign Minister, Fuad Mohammad Hussein, and the Permanent Representative of Kuwait to today's meeting.

China welcomes the decision adopted by the Commission at its special session on 9 February, and takes note of its final report submitted to the Council (S/2022/104, annex). Over the past 31 years, the number, scope and complexity of cases handled by the Commission have been quite remarkable, and its completion of its work is very significant.

We welcome the Council's unanimous adoption of resolution 2621 (2022), affirming that Iraq has fulfilled its international obligations to compensate all claimants awarded compensation by the Commission and terminating the Commission's mandate. China appreciates the fact that the Government of Iraq has overcome enormous difficulties and completed its payment of compensation in accordance with the relevant Security Council resolutions and the decisions of the Commission.

The Iraqi people, like the people of Kuwait, are victims of the erroneous policies of the previous Iraqi regime. They have suffered immensely as a result of more than a decade of international sanctions, in addition to the war in 2003, which circumvented the Council's authorization, and the subsequent foreign occupation. The international community should work actively to help Iraq to rebuild its infrastructure, accelerate its social development and restore peace and happiness to the Iraqi people.

We appreciate Kuwait's constructive participation in the relevant work of the Commission and its communication with the Government of Iraq to ensure a smooth compensation process. As noted in the Commission's report, the Gulf War resulted in a major environmental disaster of historic proportion. The international community should also continue to provide strong support for Kuwait's environmental remediation and restoration projects. At this new juncture, we sincerely hope that Iraq and Kuwait will further develop future-oriented neighbourliness and friendship, deepen cooperation, improve the well-being of their peoples and jointly promote regional stability, peace and prosperity.

**Mr. Hoxha** (Albania): We welcome the adoption of resolution 2621 (2022), and I thank Ambassador Gaffey for his briefing. I also welcome the presence

of Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq, and the Permanent Representative of Kuwait, Mr. Mansour Ayyad Alotaibi, at this meeting.

Today we are witnessing a rare moment of closure and fulfilment, and of reckoning. It is a moment we can be proud of, reflecting as it does responsible behaviour, genuine cooperation, a spirit of multilateralism and respect for international law and the Charter of the United Nations. It is what happens when the Security Council comes together and remains united.

We are here to recognize that Iraq, a member of our community, has fulfilled all claims for compensation for losses and damages caused by the invasion of Kuwait, confirming that it has lived up to its responsibilities by meeting its obligation under Chapter VII of the Charter. In doing so, it has shown that the United Nations Compensation Commission remains a model for post-conflict reconstruction and reconciliation, demonstrating the value and importance of international law as well as respect for Member States. It is a testimony to Iraq's willingness and enormous and genuine effort to deal with its painful past, for which it has paid a heavy toll for three decades, and to restore its friendly relations with Kuwait. It is exemplary, and we applaud it. We would also like to take this opportunity to commend Kuwait for its cooperation in good faith with Iraq, including its willingness to suspend compensation payments during the height of the war against the Islamic State in Iraq and the Sham. And we want to express our appreciation for efforts made by other States and stakeholders to fulfil the mandate of the Compensation Commission.

This occasion should also serve as a reminder of the catastrophic costs of war — costs that are borne by several generations. It is an example that should serve as a lesson of how important it is to show resolve and leave no stone unturned in efforts to prevent conflicts, discourage illegal acts of aggression and end wars, as well as showcase a case study of successful post-conflict recovery and reconciliation. It is yet another reminder of how important is to show unity in our determination to establish and maintain peace in the world by tackling the systemic causes of violent conflicts before they erupt.

Now that it has met its international obligations, Iraq can make full use of its revenues to benefit its own people by addressing the severe economic challenges that the country is facing. Iraq's stability is vital for the

wider region. We cannot wait to see it thrive, flourish and provide high and higher standards of living for its own people.

**Ms. Oppong-Ntiri** (Ghana): I thank Ambassador Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission, for his detailed briefing and summary of the work of the Governing Council. I also welcome the participation of the Minister for Foreign Affairs of Iraq and the Permanent Representative of Kuwait in this meeting.

Almost 31 years ago, the Security Council established the Commission, the first of its kind to address the issue of reparations following the invasion and occupation of one Member State by another, as a model for post-conflict reconstruction and reconciliation. It is pleasing to note that the Commission has lived up to its mandate and successfully concluded the processing of claims and the payment of compensation for the losses and damage suffered as a result of Iraq's invasion and occupation of Kuwait.

Against that backdrop, my delegation welcomes the adoption of resolution 2621 (2022) and the final report of the Governing Council of the United Nations Compensation Commission (S/2022/104, annex). The valuable lessons learned through the work of the Commission reinforce our conviction that meaningful post-conflict reconstruction and reconciliation can be achieved by Member States through constructive cooperation in a multilateral setting. Based on the report, we can now all attest to how the Commission has successfully addressed the important issues of claims processing on an unprecedented scale, environmental liability and State responsibility in a post-armed-conflict context. While commending the Government of Iraq for its sustained cooperation with the Commission in fulfilment of its obligations and the relevant Security Council resolutions, we also acknowledge the positive engagement of the Government of Kuwait with both the Government of Iraq and the Commission throughout this period.

In conclusion, I join other delegations in paying tribute to the meticulous work of the members of the Governing Council and the secretariat of the Commission and express my delegation's gratitude for a job well done.

**Mrs. Aguiar Barboza** (Brazil): At the outset, Brazil would like to commend the Governing Council of the United Nations Compensation Commission (UNCC),

represented by its President, Ambassador Michael Gaffey, for the Governing Council and Commission's remarkable work throughout the years. Brazil welcomes today's adoption of resolution 2621 (2022), which marks the termination of the Compensation Commission.

After more than three decades of activity, the Commission has fulfilled its purpose as an instrument of redress for a wide range of entities and individuals affected by the tragic events of 1990. In pursuing its mandate, the UNCC has also served as a means of furthering reconciliation and rebuilding trust. We would like to commend Iraq for its steadfast commitment to meeting its obligations throughout one of the most challenging periods in its history. The resolution, which lifts compensation duties previously decided by the Council, represents the fruit of Iraq's efforts and determination.

We should also recognize the understanding and collaborative spirit shown by Kuwait during the Commission's period of work, as well as the work of third countries, international organizations and the UNCC staff in bringing the process to its necessary conclusion. The closure of the UNCC represents yet another page turned on enmities of the past and another sign that the burgeoning partnership between Iraq and Kuwait can be a force for stability and prosperity in the region. We therefore recognize the exemplary cooperation shown by the international community and especially by the Governments of Iraq and Kuwait, represented here today by Foreign Minister Fuad Hussein and the Permanent Representative of Kuwait, Mr. Mansour Ayyad Alotaibi.

**Mr. Kiboino** (Kenya): I thank Ambassador Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission (UNCC), for his presentation of the final report on the work of the Commission (S/2022/104, annex). We also welcome the participation of Mr. Fuad Hussein, Minister for Foreign Affairs of Iraq, and the Permanent Representative of Kuwait in this meeting.

At the outset, we congratulate the UNCC, a subsidiary organ of the Security Council, on achieving its mandate. As Vice-President of the Commission's Governing Council, Kenya is proud to be part of that success under the Irish presidency's leadership. We are therefore delighted to have Ambassador Gaffey and my colleague Ambassador Lucy Kiruthu, the Commission's

Vice-President, joining us today from Geneva together with the members of the Commission's secretariat.

Rarely does the Security Council meet to consider the closure of a file following the full implementation of its decision. Today therefore marks a historic and momentous occasion for the United Nations and multilateralism. Today, the Security Council, acting under Chapter VII of the Charter of the United Nations, has unanimously reaffirmed that Iraq has fulfilled its international obligation to compensate all claimants awarded compensation by the United Nations Compensation Commission (UNCC) for direct loss or damage, in line with the relevant Security Council resolutions and the Governing Council's decisions. We congratulate the Government and the people of Iraq on that momentous accomplishment, notwithstanding the tragic events that led to the Council's decision. We also recognize the cooperation of the Government of Kuwait with both the Commission and the Government of Iraq, which has made it possible to achieve the Commission's mandate, three decades on. We convey our special appreciation to and commend the UNCC secretariat for guiding the Governing Council through the entire process as the mandate was being discharged.

The completion of the UNCC mandate presents a financial opportunity for Iraq to invest back into its national budget in efforts to revamp the economy for the Iraqi people. It also creates an opportunity to reinvigorate and strengthen regional cooperation, address common challenges and pursue shared goals through peaceful means. Kenya takes note of and commends the continuation of environmental projects that were funded by the United Nations Compensation Fund beyond the conclusion of the UNCC mandate. Kenya welcomes the adoption of resolution 2621 (2022), which signifies the fulfilment of the UNCC mandate, and commends the United Kingdom for successfully spearheading its negotiations.

In conclusion, Kenya once more salutes the Governments of Iraq and Kuwait, as well as the UNCC, for their constructive cooperation, which has led to an achievement such as this and demonstrated the ability of multilateralism and international law to deliver, given a chance.

**The President** (*spoke in Russian*): I shall now make a statement in my capacity as the representative of the Russian Federation.

I would like to welcome the participation in today's meeting of the Minister for Foreign Affairs of the Republic of Iraq, Mr. Fuad Mohammad Hussein, as well as the Permanent Representative of Kuwait to the United Nations, Mr. Mansour Alotaibi. I also want to express our gratitude to Mr. Michael Gaffey, President of the Governing Council of the United Nations Compensation Commission (UNCC), for his report (S/2022/104, annex).

Today we are bearing witness to a historic event, a special Security Council meeting to mark the dissolution of the United Nations Compensation Commission on Iraq and the adoption of resolution 2621 (2022). It took more than 30 years to arrive at today's meeting and during that time, the Middle East has undergone enormous changes. However, Iraq and its nearest neighbours, first and foremost among them Kuwait, have steadfastly and consistently pursued dialogue with the aim of strengthening the prospects for long-term and robust peace and security in the region. Today's meeting is the result of that approach.

Like other members of the Security Council, the Russian Federation welcomes Baghdad's tireless efforts to honour its international obligations by duly paying the claimants who were awarded compensation. That specific, responsible approach enable payments to be made in full early last month and Iraq is now no longer under the obligation to transfer a percentage of its petroleum export revenues to the Compensation Commission. We believe that the resources that are now available will make a tangible contribution to improving the socioeconomic situation of Iraqi society, which has endured the humanitarian consequences of sanctions pressure since the outbreak of the crisis in the Persian Gulf in 1990. Those sanctions, which should have served to facilitate a political settlement, ultimately morphed into a collective punishment of an entirely innocent people.

In the context of the dissolution of the mandate of the UNCC, it is our duty to learn the relevant lessons and arrive at a shared understanding of the language of sanctions. Sanctions, as one of the strongest and harshest responses to threats to peace and security, should be imposed only in the most exceptional circumstances. International restrictive measures should reflect the situation on the ground and be designed to facilitate a political settlement and subject to regular oversight, review and modification until they are fully lifted.

We should not forget that the 2003 invasion of Iraq by the United States and a number of their allies was carried out under the pretext of the need to destroy what turned out to be non-existent weapons of mass destruction (WMDs), without a mandate from the Security Council and in violation of international law. As a result of the war that was unleashed with the use of blatant disinformation, the ousting of an inconvenient regime and the seizure of natural resources ended in the deaths of hundreds of thousands of peaceful citizens and led millions to become refugees or internally displaced. The country was plunged into a state of chaos under a long-term foreign occupation. To date, many families of dead Iraqis have received no compensation and no one has been held accountable for the indiscriminate and disproportionate use of force, while the fabled WMDs in Iraq ultimately proved to be non-existent.

To summarize, I would like to reaffirm our consistent approach regarding the inadmissibility of double standards and unilateral coercive measures insofar as such trends undermine the norms and institutions of international law.

I now resume my functions as President of the Council.

I give the floor to the Minister for Foreign Affairs of the Republic of Iraq.

**Mr. Hussein** (Iraq) (*spoke in Arabic*): At the outset, on behalf of my country I have the honour of congratulating the Russian Federation on its assumption of the presidency of the Security Council for the month of February. I wish you every success in your work, Mr. President. I would also like to express my thanks and appreciation to Norway for leading the Council's work last month and to thank the President of the Governing Council of the United Nations Compensation Commission for his briefing.

Today Iraq concludes an important chapter in its history, one that has lasted more than 30 years, and embarks on a new chapter in its diplomatic, political and economic journey. This will be an era of a more prominent regional and international role for Iraq, commensurate with its historical and cultural significance for the region and the world, as an active State committed to the aspirations and goals of the international community.

Iraq will seek to promote cooperation with the entire international community, especially the United

Nations. Iraq was, in fact, a founding member of this Organization, having signed the Charter of the United Nations on 14 October 1945. Our hope for Iraq is that it will regain its role as an active and responsible member within the international family.

According to the final report of the United Nations Compensation Commission and the briefing delivered by the President of the Governing Council, Iraq has fulfilled all its international obligations under the relevant Security Council resolutions. With the last remaining payment made, Iraq has now paid in full all outstanding compensation claims, for a total of \$52.4 billion, awarded through the United Nations Compensation Commission and distributed to 1.5 million claimants of various categories.

As a result, and in line with the text of resolution 2621 (2022), adopted today at this meeting, and with all previous relevant Security Council resolutions, the United Nations Compensation Commission has now fulfilled its entire mandate and will no longer accept any future compensation claims. As such, Iraq will not be liable for any additional future payments and will cease to be subject to the measures imposed under Chapter VII related to the compensation dossier.

In that regard, my country's Government stresses that our cooperation with the Commission and the Security Council was a successful model of multilateral action that reinforces confidence in international mechanisms and measures to resolve the crisis confronting our world today. Through this international mechanism and in line with our commitments and full responsibilities under the relevant Security Council resolutions, Iraq has continued to fulfil its obligations in full, pursuant to the timetables and percentages set by the United Nations Compensation Commission. We were able to do so despite very challenging conditions for Iraq over the past few years, including the economic losses that we suffered as a result of combating terrorism. We have played a pioneering role in the global fight against Da'esh terrorist gangs and have recovered our cities from them. We have also managed to fund programmes focused on the return of internally displaced persons to their homes, as well as realizing stabilization, service provision, humanitarian aid and reconstruction despite a significant decline in global oil prices.

In that regard, the Government of Iraq considers that the fulfilment of our international obligations to the international community and to our sisterly State



of Kuwait is a major development that will strengthen Iraq's relations with the region and the world, as well as its historical ties with Kuwait, taking those ties to a whole new level based on mutual trust and equal bilateral relations.

As this unique model of international action and cooperation under the United Nations comes to an end, and following Iraq's fulfilment of its obligations, the international community and the United Nations now have a legal and moral obligation towards Iraq. That includes ceasing the application of Chapter VII measures to Iraq; preserving Iraq's rights, assets and international legal privileges; and shielding Iraq from any future claims, in line with the United Nations-led international efforts and in accordance with the Charter and the norms of international law ensuring justice and fairness. That will also strengthen trust in international mechanisms. That is what we have sought to achieve and include in resolution 2621 (2022), adopted today, in cooperation with the United Kingdom as penholder and with other Council members. This international effort would not have been completed without the inclusion of Iraq's legitimate demands in today's resolution.

My Country's Government, based on its legal and historical vision, stresses that Iraq looks forward to the Council carrying out its historical responsibilities by concluding the consideration of this dossier. We hope that such a move will have a positive impact on our relations with the region and the world, especially with the neighbouring countries. All is well that ends well. The success of our actions will be measured only by their results and positive outcome on the peoples and countries.

In conclusion, allow me to express my thanks and appreciation to you, Mr. President, and to the other members of the Council, as well as to the United Kingdom as penholder, which held multiple intensive negotiation rounds with the Iraqi Mission. I also thank all our friendly countries that supported Iraq during this dark period for the peoples of the region. Our thanks and appreciation also go to the leaders and the people of the State of Kuwait. We congratulate the Iraqi people and Government on having fulfilled these international obligations and the lifting of the measures imposed under Chapter VII relating to compensation. We thank our Iraqi diplomats, especially the Permanent Mission of Iraq to the United Nations in New York, for their intensive efforts during negotiations to include Iraq's legitimate demands in the text of the resolution.

We wish the people of Iraq, the region and the world prosperity and progress.

**The President** (*spoke in Russian*): I now give the floor to the representative of Kuwait.

**Mr. Alotaibi** (Kuwait) (*spoke in Arabic*): At the outset, I should like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month and to wish you success in managing the remaining work ahead. I would also like to thank Norway for its successful presidency last month. My thanks also go to Mr. Michael Gaffey, President of the United Nations Compensation Commission Governing Council, for his valuable briefing and for presenting the Commission's final report. I welcome the participation of His Excellency Mr. Fuad Mohammad Hussein, Minister for Foreign Affairs of Iraq, in today's meeting.

We welcome the unanimous adoption by the Security Council of resolution 2621 (2022) at the beginning of this meeting, concluding after 31 years the mandate of the United Nations Compensation Commission. According to resolutions 687 (1991) and 692 (1991), the United Nations Compensation Commission was mandated to consider claims for loss and damage to Governments, individuals and corporations and to environmental damage as a direct result of Iraq's unlawful invasion and occupation of the State of Kuwait in 1990. The United Nations Compensation Commission considered approximately 2.7 million claims, submitted by more than 100 Governments and a number of international organizations, with a total value of \$352 billion. However, it approved nearly 1.5 million claims worth \$52.4 billion, which reflects the conservative and cautious approach in checking and examining the available evidence in order to verify all claims eligible for compensation.

The fulfilment of the respective tasks and responsibilities by mechanisms and subsidiary organs established by the Security Council and the readiness to follow up on their implementation to achieve the desired outcomes to the resolutions enhance the credibility and effectiveness of the Security Council, which is mandated to maintain international peace and security under the Charter of the United Nations.

We therefore commend the Security Council's historic achievement regarding its work on the issue of compensation, as well as the firm will, strong determination and unity that it demonstrated to

complete the implementation of that mandate, uphold international law and achieve redress for victims of aggression by adopting the principle of compensation, which is an international principle stipulated by international law. We are fully aware that compensation does not seek to punish the aggressor, but rather to ensure accountability after the end of conflict by addressing the impact of the aggression, holding the aggressor liable for the losses and damage caused and achieving justice for the Governments and individuals affected. We must not lose sight of the fact that endorsing compensation and settling and addressing the impact of aggression are key factors in building trust and reconciliation and resolving any outstanding issues that in the future may hinder normalizing and advancing such relations and achieving the common interests of the States concerned.

Today's meeting presents an opportunity to express our thanks, appreciation and gratitude to the members of the Security Council and the members and the secretariat of the Governing Council of the United Nations Compensation Commission and all its staff, as well as the United Kingdom, penholder on the agenda item "The situation between Iraq and Kuwait", for their cooperation with Kuwait and for their tireless work and unrelenting and ongoing efforts to assume the tasks and responsibilities entrusted to them over the past three decades. We thank them for fully discharging their mandate, as stated in Governing Council decision 277, adopted on 9 February.

In that regard, we note the preambular paragraph of resolution 2621 (2022), adopted today, in which the Security Council expresses its appreciation for Kuwait's cooperation with the Compensation Commission and the Iraqi Government and commends the goodwill shown by Kuwait in supporting Iraq's request to suspend the payment of compensation for the three consecutive years 2014, 2015 and 2016. Kuwait acted in that way due to the situation in Iraq and being cognizant of the serious security and economic challenges that Iraq faced during that period. Taking into account those same circumstances, Kuwait also agreed to a reduction in Iraq's contributions to the United Nations Compensation Fund on more than one occasion.

The State of Kuwait has readily cooperated with the Compensation Commission, fully supported its work and adhered to its decisions in full. In that context, Kuwait will continue to implement its commitments and obligations as stated in its letter of political assurances addressed to the Governing Council of the United Nations Compensation Commission in 2013 in relation to Kuwait's environmental rehabilitation programme, as affirmed in paragraph 5 of the Security Council resolution adopted today.

We congratulate brotherly Iraq on fully meeting its obligations in accordance with the Security Council resolutions related to the issue of compensation and on ceasing to be subject to one of its most important obligations under Chapter VII of the Charter of the United Nations. We commend Iraq for fully cooperating with the United Nations Compensation Commission and for its commitment to implementing the Commission's decisions and for bearing legal responsibility for the consequences of its unlawful occupation of Kuwait by its previous regime in 1990.

We are confident that Iraq's fulfilment of its obligations will represent a new starting point that will support its efforts to regain its role and status regionally and internationally. That will also enable Iraq to harness its full potential and resources to continue its reconstruction efforts and realize the aspirations of its people.

For its part, Kuwait will spare no effort in supporting Iraq's security, stability, sovereignty and territorial integrity. We look forward to continuing to work and cooperate with the Iraqi Government in order to build on the positive results and progress made to finalize the outstanding issues and obligations relating to missing Kuwaitis, third-country nationals and the return of property, including the national archives, as stipulated in resolution 2107 (2013). That will help to strengthen fraternal bilateral relations on the basis of respect for sovereignty, good-neighbourliness and non-interference in internal affairs, with a view to promoting common interests for the good of the two countries and their brotherly peoples.

*The meeting rose at 4.25 p.m.*