

**Security Council**

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Letter dated 24 March 2009 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a letter addressed to you from His Excellency Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait, concerning paragraph five of Security Council resolution 1859 (2008) (see annex).

I should be grateful if you would have the present letter circulated to Member States and as an official document of the Security Council.

(Signed) Abdullah Ahmed Mohamed **Al-Murad**
Permanent Representative



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I refer to Security Council resolution 1859 (2008), paragraph 5, which states as follows:

Decides to review resolutions pertaining specifically to Iraq, beginning with the adoption of resolution 661 (1990), and in that regard requests the Secretary-General to report, after consultations with Iraq, on facts relevant to consideration by the Council of actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of such resolutions.

From the outset, I should like to make clear to you that Kuwait has always supported and will always support fraternal Iraq in achieving its rightful international standing, which the former Iraqi regime impaired through its attack on and occupation of my country on 2 August 1990. As a result of that attack, Iraq became subject to obligations prescribed in Security Council resolutions that were adopted pursuant to the Charter of the United Nations, chapter VII, under the agenda item entitled "The situation between Iraq and Kuwait". My country expects those resolutions to be implemented in full.

As you are aware, the two issues of Kuwaiti and third country national prisoners and missing persons and the return of Kuwaiti property are of the greatest humanitarian and social importance to my country and the other countries concerned. Unfortunately, however, no perceptible progress has been made for many years in respect of those files. To date, the fate of only 236 of a total of 605 missing persons has been uncovered. My country therefore considers it essential that the mandate of the High-Level Coordinator, Ambassador Gennady Tarasov, should continue in tandem with the work of the Tripartite Commission and its Technical Sub-Committee until the terms of all those mandates have been fulfilled.

While we appreciate the efforts exerted by and the cooperation of the Government of Iraq in attempting to close those files, my country urges the Technical Sub-Committee to increase the number of its meetings and adopt a plan of action aimed at accelerating completion of its agenda.

Furthermore, my country appeals to fraternal Iraq to continue to participate in and be represented at the meetings of the Tripartite Commission and its Technical Sub-Committee, and to begin to gather the information that will help to contact witnesses who have knowledge relating to the sites in both Iraq and Kuwait where missing Kuwaiti and third country national persons are buried. The knowledge of such witnesses, Iraqi citizens, may make it possible to determine the fate of those missing persons.

With regard to the restoration of Kuwaiti property and, in particular, the Kuwaiti National Archives, we are hopeful that intensified efforts and sustained action under United Nations auspices will bring the issue to a conclusion. Here I should like to refer to the twenty-seventh report of the Secretary-General of the United Nations pursuant to paragraph 14 of Security Council resolution 1284 (1999) (S/2008/761), dated 4 December 2008, in paragraph 27 of which he observed as follows:

In my previous reports I welcomed the continuation of the essentially humanitarian process launched by the provisions of paragraph 14 of Security Council resolution 1284 (1999) and noted the positive stance taken by the Iraqi authorities. I remain of the same view today. I would like to stress, however, the need to translate statements of goodwill into concrete activities to speed up progress on the ground and, thus, the implementation of the mandate.

With respect to the maintenance of boundary pillars, Security Council resolution 833 (1993), in the eighth preambular paragraph, gave the United Nations that responsibility. In its 20 May 1993 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 (S/25811), Section X (c), the Commission states its opinion that the 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.

Notwithstanding the obvious desire of fraternal Iraq to close this important file, there has clearly been some delay in translating that desire into reality, given that it is more than three years since the United Nations team visited the border area in February 2006. We are hopeful that maintenance work will be completed within the schedule proposed by the United Nations that was recently approved by both countries.

With respect to the issue of compensation, the State of Kuwait wishes to affirm that it is important that all the relevant Security Council resolutions should be implemented, and that compensation should continue to be paid to all those who suffered as a result of the Iraqi attack against Kuwait, under the aegis of the Compensation Commission and at the rate determined by the relevant resolutions and, in particular, resolution 1483 (2003). Here, we should like to renew commitment to the resolution in which the Compensation Commission called for consultations to be held between Iraq and Kuwait, sponsored by the Commission, in order to discuss the prospects for unpaid claims worth a total of \$24 billion.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mohammad Al-Sabah Al-Salem **Al-Sabah**
Deputy Prime Minister and Minister for Foreign Affairs