

ticles 25 or 48 of the Charter, such as Decree No. 377 of 16 September 1990 of the Revolutionary Command Council of Iraq, are null and void,

*Reaffirming* its determination to ensure compliance with its resolutions by maximum use of political and diplomatic means,

*Welcoming* the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant resolutions of the Council and noting with appreciation his continuing efforts to this end,

*Underlining* to the Government of Iraq that its continued failure to comply with the terms of resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 666 (1990) and 667 (1990) could lead to further serious action by the Council under the Charter, including under Chapter VII,

*Recalling* the provisions of Article 103 of the Charter,

*Acting* under Chapter VII of the Charter,

1. *Calls upon* all States to carry out their obligations to ensure strict and complete compliance with resolution 661 (1990) and in particular paragraphs 3, 4 and 5 thereof;

2. *Confirms* that resolution 661 (1990) applies to all means of transport, including aircraft;

3. *Decides* that all States, notwithstanding 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 territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Security Council or the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for the United Nations Iran-Iraq Military Observer Group;

4. *Decides also* that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly their territory unless:

(a) The aircraft lands at an airfield designated by the State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary; or

(b) The particular flight has been approved by the Security Council Committee; or

(c) The flight is certified by the United Nations as solely for the purposes of the Military Observer Group;

5. *Decides further* that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;

6. *Decides moreover* that all States shall notify in a timely fashion the Security Council Committee of any flight between its territory and Iraq or Kuwait to which the requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;

7. *Calls upon* all States to co-operate in taking such measures as may be necessary, consistent with interna-

tional law, including the Chicago Convention on International Civil Aviation of 7 December 1944,<sup>111</sup> to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;

8. *Also calls upon* all States to detain any ships of Iraqi registry which enter their ports and which are being or have been used in violation of resolution 661 (1990), or to deny such ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life;

9. *Reminds* all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets, and the protection of the assets of the legitimate Government of Kuwait and its agencies, located within their territory and to report to the Security Council Committee regarding those assets;

10. *Further calls upon* all States to provide to the Security Council Committee information regarding the action taken by them to implement the provisions laid down in the present resolution;

11. *Affirms* that the United Nations, the specialized agencies and other international organizations in the United Nations system are required to take such measures as may be necessary to give effect to the terms of resolution 661 (1990) and of the present resolution;

12. *Decides* to consider, in the event of evasion of the provisions of resolution 661 (1990) or of the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;

13. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>105</sup> applies to Kuwait and that, as a High Contracting Party to the Convention, Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

*Adopted at the 2943rd meeting by  
14 votes to 1 (Cuba).*

## Decisions

At its 2950th meeting, on 27 October 1990, the Council decided to invite the representatives of Iraq and Kuwait to participate, without vote, in the discussion of the item entitled "The situation between Iraq and Kuwait".

At its 2951st meeting, on 29 October 1990, the Council proceeded with discussion of the question.

## Resolution 674 (1990)

of 29 October 1990

*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

<sup>111</sup> United Nations, *Treaty Series*, vol. 15, No. 102.

1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990 and 670 (1990) of 25 September 1990,

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*Stressing* the urgent need for the immediate and unconditional withdrawal of all Iraqi forces from Kuwait and for the restoration of Kuwait's sovereignty, independence and territorial integrity and of the authority of its legitimate Government,

*Condemning* the actions by the Iraqi authorities and occupying forces to take third-State nationals hostage and to mistreat and oppress Kuwaiti and third-State nationals, and the other actions reported to the Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment, in violation of the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>105</sup> the Vienna Convention on Diplomatic Relations of 18 April 1961,<sup>106</sup> the Vienna Convention on Consular Relations of 24 April 1963<sup>107</sup> and international law,

*Expressing grave alarm* over the situation of third-State nationals in Kuwait and Iraq, including the personnel of the diplomatic and consular missions of such States,

*Reaffirming* that the above-mentioned Geneva Convention applies to Kuwait and that, as a High Contracting Party to the Convention, Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches,

*Recalling* the efforts of the Secretary-General concerning the safety and well-being of third-State nationals in Iraq and Kuwait,

*Deeply concerned* at the economic cost and at the loss and suffering caused to individuals in Kuwait and Iraq as a result of the invasion and occupation of Kuwait by Iraq,

*Acting* under Chapter VII of the Charter,

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*Reaffirming* the goal of the international community of maintaining international peace and security by seeking to resolve international disputes and conflicts through peaceful means,

*Recalling* the important role that the United Nations and the Secretary-General have played in the peaceful solution of disputes and conflicts in conformity with the provisions of the Charter,

*Alarmed* by the dangers of the present crisis caused by the Iraqi invasion and occupation of Kuwait, which directly threaten international peace and security, and seeking to avoid any further worsening of the situation,

*Calling upon* Iraq to comply with its relevant resolutions, in particular resolutions 660 (1990), 662 (1990) and 664 (1990),

*Reaffirming* its determination to ensure compliance by Iraq with its resolutions by maximum use of political and diplomatic means,

1. *Demands* that the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage, mistreating and oppressing Kuwaiti and third-State nationals and any other actions, such as those reported to the Council and described above, that violate the decisions of the Council, the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>105</sup> the Vienna Convention on Diplomatic Relations of 18 April 1961,<sup>106</sup> the Vienna Convention on Consular Relations of 24 April 1963<sup>107</sup> and international law;

2. *Invites* States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq as per paragraph 1 above and to make this information available to the Council;

3. *Reaffirms its demand* that Iraq immediately fulfil its obligations to third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions, under the Charter, the above-mentioned Geneva Convention, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, general principles of international law and the relevant resolutions of the Council;

4. *Also reaffirms its demand* that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of those third-State nationals, including diplomatic and consular personnel, who wish to leave;

5. *Demands* that Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of Kuwaiti nationals and of third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions in Kuwait;

6. *Reaffirms its demand* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq, take no action to hinder these diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests, and rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel;

7. *Requests* the Secretary-General, in the context of the continued exercise of his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait, to seek to achieve the objectives of paragraphs 4, 5 and 6 above, in particular the provision of food, water and basic services to Kuwaiti nationals and to the diplomatic and consular missions in Kuwait and the evacuation of third-State nationals;

8. *Reminds* Iraq that under international law it is liable 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 by Iraq;

9. *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;

10. *Requires* that Iraq comply with the provisions of the present resolution and its previous resolutions, failing

which the Council will need to take further measures under the Charter;

11. *Decides* to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council.

## B

12. *Reposes its trust* in the Secretary-General to make available his good offices and, as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crisis caused by the Iraqi invasion and occupation of Kuwait, on the basis of resolutions 660 (1990), 662 (1990) and 664 (1990), and calls upon all States, both those in the region and others, to pursue on this basis their efforts to this end, in conformity with the Charter, in order to improve the situation and restore peace, security and stability;

13. *Requests* the Secretary-General to report to the Security Council on the results of his good offices and diplomatic efforts.

*Adopted at the 2951st meeting by 13 votes to none, with 2 abstentions (Cuba and Yemen).*

### Decisions

At its 2959th meeting, on 27 November 1990, the Council decided to invite the representatives of Bahrain, Egypt and Saudi Arabia to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided, at the request of the representative of Egypt,<sup>112</sup> to extend an invitation to Mr. Engin Ansay under rule 39 of its provisional rules of procedure.

At its 2960th meeting, on 27 November 1990, the Council decided to invite the representative of Qatar to participate, without vote, in the discussion of the question.

At its 2962nd meeting, on 28 November 1990, the Council decided to invite the representatives of Bangladesh, the Islamic Republic of Iran and the United Arab Emirates to participate, without vote, in the discussion of the question.

### Resolution 677 (1990)

of 28 November 1990

*The Security Council,*

*Recalling* its resolutions 660 (1990) of 2 August 1990, 662 (1990) of 9 August 1990 and 674 (1990) of 29 October 1990,

*Reiterating its concern* for the suffering caused to indi-

<sup>112</sup> Document S/21968, incorporated in the record of the 2959th meeting.

viduals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

*Gravely concerned* at the ongoing attempt by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

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

1. *Condemns* the attempts by Iraq to alter the demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;

2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. *Requests* the Secretary-General 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.

*Adopted unanimously at the 2962nd meeting.*

### Decision

At its 2963rd meeting, on 29 November 1990, the Council proceeded with the discussion of the question.

### Resolution 678 (1990)

of 29 November 1990

*The Security Council,*

*Recalling and reaffirming* 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 and 677 (1990) of 28 November 1990,

*Noting* that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned 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 decides, while maintaining all its decisions, to allow Iraq one final opportunity, 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, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary