



To: The Deputy Secretary-General,

Attached please find a note from DPA on the issue of the extension of the mandate of the High Level Coordinator for the return of missing Kuwaiti persons and property. DPA has outlined therein the proposal for rolling the functions of the HLC into the UNAMI mandate, as stated in the upcoming draft SG report on the HLC's work. The proposal is in line with the P3's views also, as outlined to PU when the former made a joint demarche (at DPR level).

The note also sheds light on the Russian opposition to such an arrangement. In the interest of time, this note is being sent to SG in advance of his lunch with PR Churkin tomorrow.

A decision on the mandate of the HLC is requested, as this will have to be outlined in the draft SG report which was due with the Council on 10 December. It was delayed in order to take into account SG's visit to the region last week. It will need to be sent to the SC by tomorrow so that SC members can peruse it prior to the scheduled consultations on 17 December.

(In this regard, PU awaits SG decision before making appropriate changes in the draft SG report. USG Feltman, who is travelling, has requested your final decision on this issue prior to the report being issued.)

AK

Political Unit
14 December 2012

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Note to the Secretary-General

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(This note is being sent to SG directly in the absence of DSG and CDC.)

Iraq

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(In this regard, PU awaits SG decision before making appropriate changes in the draft SG report. USG Feltman, who is travelling, has requested your final decision on this issue prior to the report being issued.)

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Political Unit
12 December 2012

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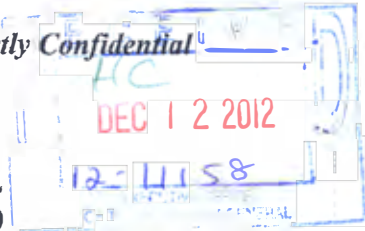
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Note to the Deputy Secretary-General

**THIRTY-FOURTH REPORT OF THE SECRETARY-GENERAL
PURSUANT TO PARAGRAPH 14 OF RESOLUTION 1284 (1999)**



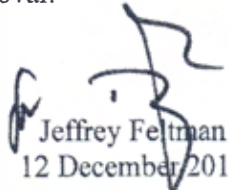
1. The thirty-fourth report of the Secretary-General pursuant to paragraph 14 of Security Council resolution 1284 (1999) on the issues of the return of missing Kuwaiti persons and property was due to be issued on 10 December in anticipation of the briefing of High-Level Coordinator Tarasov to the Security Council on 17 December. The issuance of the report was however delayed in order to factor in the outcome of the Secretary-General's visit to Kuwait and Iraq on 5-6 December, as well as consultations with High-Level Coordinator Tarasov and SRSG Kobler on a possible successor arrangement to bring this issue to closure in a manner acceptable to both Kuwait and Iraq.
2. In addition to reporting on the activities of the High-level Coordinator and recent developments pertaining to the search for missing Kuwaiti persons and property, the draft report therefore reflects the position of both parties, and makes recommendations on the future role of the United Nations in facilitating the implementation of paragraph 14 of Security Council resolution 1284 (1999).
3. In the Observations, the Secretary-General recommends a confidence-building period of six months. During this period, he indicates that he would carry out the responsibilities of the United Nations through a representative of his choosing (in lieu of appointing a new High Level Coordinator). During this period, he would also issue an interim report. Finally, subject to progress by Iraq on all its outstanding Chapter VII obligations, especially border-related ones, the Secretary-General indicates his intention to recommend that UNAMI assumes the responsibility of assisting with the implementation of any unfulfilled obligations under paragraph 14 of Security Council resolution 1284 (1999). In particular, we would like to draw your attention to the following paragraphs:

Para. 12 to 14: Outline the history and status of missing Kuwaiti persons and property;

Para. 15 to 18: Refer to positions expressed by Iraq and Kuwait since the issuance of the last report of the Secretary-General in June 2012.

Para. 19: Share the view of the Secretary-General, shared with both parties, that UNAMI could be well positioned to address these issues on a continuous basis.

Para. 24 to 26: Recommend to the Security Council a way forward.
4. High-level Coordinator Tarasov will conclude his tenure on 31 December 2012 and is scheduled to meet with the Secretary-General on Friday 14 December. We would be grateful if you could share the attached report with the Secretary-General for his approval.


Jeffrey Feltman
12 December 2012

cc: Ms. Malcorra

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Note to the Deputy Secretary-General

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PURSUANT TO PARAGRAPH 14 OF RESOLUTION 1284 (1999)**

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Jeffrey Feltman
12 December 2012

cc: Ms. Malcorra

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PGC/04/006 , PGC/06/001

**Security Council**Distr.: General
.. December 2012

Original: English

**Approved on behalf of the Secretary-General
Deputy Secretary-General**

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**Thirty fourth report of the Secretary-General pursuant
to paragraph 14 of Resolution 1284 (1999)****I. Introduction**

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers developments on the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property, including its national archives, since the issuance of my last report of 14 June 2012 (S/2012/443). This report also covers the outcome of my consultations in Iraq and Kuwait on 5-6 December with the two Governments on the role of the United Nations in facilitating the implementation of paragraph 14 of Security Council resolution 1284 (1999).

**II. Recent activities with regard to the repatriation and
return of all Kuwaiti and third-country nationals, or
their remains**

2. Throughout the reporting period, Gennady Tarasov, the High-level Coordinator, actively promoted cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third country nationals, including during his two visits to the region in September and November. Working in close contact with the members of the Tripartite Commission and its Technical Subcommittee, the primary body dealing with the fate of persons

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unaccounted for since the Gulf War of 1990-91, the Coordinator focused his efforts on facilitating joint exploratory missions, within the framework of the Technical Subcommittee and under the aegis of the International Committee of the Red Cross (ICRC), to sites in Iraq where those missing persons might have been buried. He also encouraged the intensification of Iraq's own investigations in different parts of the country, as well as the stepping up of its information-gathering efforts in order to make the work of field missions more precise and effective. Follow-up meetings of the Technical Subcommittee and Tripartite Commission took place on 3 December and 5 December respectively.

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3. Since my June report (S/2012/443), a fifth field exploratory mission took place in Khamisiyah (Southern Iraq) on 3-18 September. To date, more than 10,000 trenches have been dug in the search of missing remains. However, these efforts remain hampered by the lack of precise information and have not yet yielded results.

4. In addition, Iraq conducted its own investigations to explore possible grave-sites on its territory. These included, among others, excavations in Ramadi (Central Iraq) and excavations in the Samawa area (Southern Iraq) where several un-identified human remains were found. Anthropological data on the findings were sent to Kuwait via the ICRC, with DNA samples for genetic identification to follow. Iraq also sent staff for training in Australia and indicated its intention to purchase new equipment for the localization and the exhumation of remains. According to available information, about 50 officials of the former Iraqi regime were visited in prisons but denied any knowledge of possible grave-sites where the remains of missing Kuwaitis might be discovered.

5. On 20 November, the Coordinator travelled to Baghdad where he met with Deputy Prime Minister of Iraq, Hussain Shahrastani, and the Minister of Human Rights, Mohammed al-Sudani. Both reiterated their Government's determination to fulfil all its outstanding obligations with

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regard to Kuwait. The Deputy Prime Minister noted that although Iraq would prefer to terminate the mandate of the High Level Coordinator and address this issue bilaterally with Kuwait, Iraq would not object to folding this file into UNAMI's mandate. Mr. Mohammed al-Sudani reconfirmed Iraq's commitment to continue the search for missing persons in cooperation with Kuwait and the TC/TSC.

6. On 21 November, the Coordinator travelled to Kuwait, where he met with the Deputy Prime Minister and Minister of Foreign Affairs, Sabah Khalid Al-Hamad Al-Sabah, who reiterated the importance for Iraq to comply with all its outstanding obligations as well as Kuwait's readiness to support Iraq to complete this process. He added that Kuwait did not expect the mandate to continue until all the remaining missing were found, however, additional progress was expected in the search for missing Kuwaitis.

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III. Recent activities with regard to the return of Kuwaiti property

7. The issue of missing Kuwait property, including Kuwait's national archive, is an integral part of paragraph 14 of Security Council resolution 1284 (1999). Although a number of items were found in Iraq and returned to Kuwait during the reporting period, no significant progress has been made in the search for Kuwait's national archive, nor has credible information about its fate or whereabouts emerged.

8. In his recent meetings with Iraqi officials, the Coordinator continued to urge the Government of Iraq to make full use of the recently created Iraqi committee on the Kuwaiti national archives and to report to the United Nations on the results of its activities. In September, the Coordinator was informed that Kuwait had set up its own committee on the archives chaired by the Director of the International Organizations Department of the Foreign Ministry, which was waiting for an indication from Iraq on when

both entities could meet in order to further work on the search for missing Kuwaiti property.

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9. On 27 June, Iraqi and Kuwaiti representatives met for the purpose of returning Kuwaiti property consisting of tapes belonging to the archive of the official radio station of the State of Kuwait, and two books belonging to the University of Kuwait. According to the minutes of the meeting shared with the Coordinator by the Permanent Representative of Kuwait to the United Nations on 29 June (see Annex I), the representative of the Kuwaiti Ministry of Foreign Affairs noted that “the return of some of the property is undoubtedly a step forward, that the Kuwaiti side hopes will be followed with the return of the more valuable and more important property, particularly the National Archives belonging to the Amiri Diwan, the Diwan of His Highness the Crown Prince and the Ministry of Foreign Affairs”.

10. In a letter dated 1 October (see Annex II) the Permanent Representative of Iraq to the United Nations informed the Coordinator that the Iraqi Ministry of Foreign Affairs had published an advertisement on its official website, as well as in a number of national newspapers, urging Iraqi citizens in possession of any documents or property belonging to the State of Kuwait to transmit them to the Committee in charge of coordinating Iraqi efforts regarding the Kuwaiti national archive.

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11. While the fate of the Kuwaiti national archive has yet to be discovered, Iraq has demonstrated, by finding other missing Kuwaiti properties, that its credible and sustained efforts on this file were bearing results.

IV. Way forward

12. Pursuant to paragraph 14 of Security Council resolution 1284 (1999), since 2000, I have submitted 34 reports to the Security Council regarding the repatriation or return by Iraq of all Kuwaiti and third-country nationals or their

remains, as well as the return of all Kuwaiti property, including archives, seized by Iraq.

13. While the remains of 236 Kuwaitis have been found in Iraq by Kuwaiti search and exhumation teams in 2003-2004, attempts to find the remains of 369 Kuwaitis have been unsuccessful since then, despite commendable goodwill demonstrated by Iraq. With regard to missing Kuwaiti property, Iraq has recovered and delivered to Kuwait a number of items such as the archive of official Kuwaiti TV and radio stations, microfilms archiving Kuwaiti newspapers, and old bank notes/coins as well as the keys to safes from the Central Bank of Kuwait. However, there has been little progress in the search for Kuwait's National Archive.

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14. In all my reports to the Council, including those of April 2009 (S/2009/190) and of July 2009 pursuant to paragraph 5 of Security Council resolution 1859 (2008), I have called on both sides to pursue their cooperation and implement confidence-building measures to foster progress in the resolution of the humanitarian issue of missing Kuwaiti persons and property. In my last report (S/2012/443), which the Security Council welcomed in its Presidential Statement of 20 June 2012, I also expressed my belief that Iraq and Kuwait should begin exploring other arrangements to consolidate the search efforts for missing Kuwaiti nationals and property.

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15. Over the course of the year, the Governments of Iraq and Kuwait have held consultations and exchanged letters on this issue, and they conveyed to me their respective positions regarding the future implementation of paragraph 14 of Security Council resolution 1284 (1999).

16. On 18 June 2012, the Iraqi Minister of Foreign Affairs, in a letter to me, had requested that the mandate of the High-Level Coordinator be terminated and dealt with through bilateral channels, possibly in cooperation with the ICRC or with the United Nations Assistance Mission for Iraq (UNAMI) (see Annex III).

17. On 17 July 2012, in a letter addressed to the President of the Security Council (S/2012/567) and to me, Kuwait expressed the hope “that the Security Council will appoint another High-Level Coordinator or a Special Representative of the Secretary General” adding that “it would be appropriate if such a High-level Coordinator or Special Representative were to follow up on all of Iraq’s outstanding international obligations” (see Annex IV). However, in a subsequent letter dated 17 September 2012 to the Iraqi Minister of Foreign Affairs, ~~Hoshyar Zebari~~, Kuwait clarified its position to Iraq. In this letter, which was shared with the United Nations, Kuwait expressed the hope that the Security Council would establish a new mechanism under Chapter VI of the Charter of the United Nations either through i) the appointment of a new High-Level Coordinator; ii) the appointment of a new Special Representative; or iii) the expansion of the mandate of UNAMI to include the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property. The letter further stated that this would happen after the fulfilment on the ground of Iraq’s other outstanding obligations, specifically those related to the border.

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18. During my recent visit, I held intensive follow-up discussions with the governments of the two countries on the continuation of the United Nations activities in this regard. Both parties reiterated their respective positions, and, welcoming a continued United Nations role, were amenable to folding these activities into UNAMI’s mandate, but under certain conditions for Kuwait, most notably the fulfilment by Iraq of its border-related obligations.

19. During my consultations with the leadership of Kuwait and Iraq, I also impressed on both countries that a historic opportunity was at hand to put the past behind them and usher in a new era of cooperation. Taking into account the positions previously expressed by their respective Governments, I shared with them my view that UNAMI, with its large human rights presence and its offices in Iraq and Kuwait, and ability to engage with relevant authorities in Iraq and Kuwait, could be well positioned to address these issues on a continuous basis inside Iraq. I

also emphasized the imperative for Iraq to move quickly in fulfilling all its obligations under relevant Security Council resolutions.

V. Observations

20. Iraq continues to make steady progress toward regaining its rightful place in the region, the Arab world and the broader international community, as a founding member of the United Nations. I fully recognize the importance of the issues of missing Kuwaiti persons and property for the Government and people of Kuwait. While I believe that Iraq has demonstrated goodwill on the issue of missing persons, it can do more on this, and even more so on the issue of missing property, including archives.

21. I am encouraged by the positive momentum generated by the respective visits of the Iraqi Prime Minister to Kuwait on 14-15 March 2012 and the Emir of Kuwait to Baghdad to attend the League of Arab States Summit on 29 March 2012, as well as the second session of the Joint Kuwait-Iraq Ministerial Committee on 29 April 2012, to address all outstanding issues and normalize relations. I hope that this spirit of positive cooperation will continue and usher in a renewed period of confidence-building between the two parties.

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22. I welcome the initiative of the Iraqi Committee coordinating the search for Kuwaiti missing property, including the national archive, to place advertisements in the Iraqi press and on the Ministry of Foreign Affairs website. I look forward to the Committee's sustained efforts to ascertain the whereabouts of the Kuwaiti national archive, and encourage the members of the Iraqi Committee to meet with their Kuwaiti counterparts at the earliest to further discuss modalities for both sides to work together on the matter.

23. I would like to acknowledge the leading role of the ICRC in the task of resolving the issue of missing persons, and the support and contribution of Kuwait, as well as other members of the Tripartite Commission and its Technical Subcommittee. Joint exploratory missions in Iraq within the framework of the TSC under the aegis of the

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ICRC appear to be an appropriate and concrete mechanism to probe the fate of missing Kuwaiti and third country nationals.

24. During my recent visit to the two countries and my meetings, in particular with the Emir of Kuwait and the Prime Minister of Iraq, I witnessed a positive disposition on the part of both parties to move forward and address outstanding issues, which, I trust, will be conducive to further progress on the issues of missing Kuwaiti persons and property. Based on my consultations with the two Governments, I believe that intensified United Nations activities on the ground in assisting the Government of Iraq could yield concrete results on the issue of Kuwaitis missing persons and property. UNAMI could be particularly well suited for this task and would continue to allow me to report to the Security Council on the implementation and progress made on both issues. In this context, I would take into account the overall progress made by Iraq in the implementation of all its outstanding Chapter VII obligations, most notably the urgent need for tangible progress on its outstanding international obligations concerning the Iraq-Kuwait Boundary Maintenance Project (Security Council resolution 833) and the compensation of farmers (Security Council Resolution 899).

25. I view the next few months as a crucial confidence-building period between Iraq and Kuwait that will hopefully lead to the expeditious resolution of outstanding multilateral and bilateral issues between them. During this interim period, the two parties can count on the full support of the United Nations to facilitate the normalization of their relations. I am committed to resolving the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property as soon as possible with the cooperation of the two parties. I look forward to working closely with the Governments of Iraq and Kuwait both directly, and through my Representatives, in this regard. In light of the efforts of my High Level Coordinator during his recent mandates, I am still exploring the best approach for the next period for the work of the United Nations in this field. There are several options I am considering. These include asking UNAMI to fulfil this role, an approach both parties noted was acceptable to them; appointing an interim Coordinator under the existing financial arrangements; replacing the current HLC upon his retirement with another HLC; or asking someone from United Nations headquarters to assume this mandate.

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26. Finally, I would like to take this opportunity to thank Mr. Gennady Tarasov who will be ending his tenure on 31 December as High-Level Coordinator for his efforts in carrying out the tasks entrusted to him.

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Note to the Secretary-General
[Through the Deputy Secretary-General]

**THIRTY-FOURTH REPORT OF THE SECRETARY-GENERAL
PURSUANT TO PARAGRAPH 14 OF RESOLUTION 1284 (1999)**

7/11

1. The thirty-fourth report of the Secretary-General pursuant to paragraph 14 of Security Council resolution 1284 (1999) on the issues of the return of missing Kuwaiti persons and property was due to be issued on 10 December in anticipation of the briefing of High-Level Coordinator Tarasov (HLC) to the Security Council on 17 December. The issuance of the report was however delayed in order to factor in the outcome of the Secretary-General's visit to Kuwait and Iraq on 5-6 December, as well as consultations with the HLC and SRSK Kobler on a possible successor arrangement to bring this issue to closure in a manner acceptable to both Kuwait and Iraq.

2. In addition, the report takes into account some elements of the demarche made by the P3 to EOSG on Friday 7 December, during which the P3 shared a non-paper (attached) on their expectations regarding the report. In particular, the P3 recommend against the appointment of a new HLC, a confidence-building period of six months, and that the Secretary-General brings this file under his purview by appointing a Senior UN Secretariat Official to undertake this task. This position is not shared by Russia, which has expressed its preference for appointing a new HLC, a position held by a Russian national for the past 13 years. During the Security Council luncheon on Monday, Ambassador Churkin cautioned against "any innovation". He is expected to raise this issue during his lunch with the Secretary-General on 13 December, and may ask the Secretary-General to appoint a Russian candidate as a successor to Ambassador Tarasov.

3. During his visit to Kuwait and Iraq, the Secretary-General explored with the two sides whether they would be amenable to folding the portfolio of the HLC into UNAMI's mandate, especially given UNAMI's large Human Rights presence on the ground, and its mandate to promote regional engagement. This would allow the issues of missing persons and property to be followed on a continuous basis inside Iraq. Iraq is agreeable to this primarily because it would result in transferring this Chapter VII file to UNAMI's Chapter VI mandate. However, Kuwait has conditioned its acceptance of the UNAMI option on Iraq's prior fulfilment of its outstanding Chapter VII obligations with regard to the border.

4. It should be noted that during Ambassador Tarasov's last visit to Iraq and Kuwait at the end of November, there was a stalemate on both bilateral and multilateral tracks. As a result, Ambassador Tarasov had recommended that there should be a routine rollover of the HLC mandate for six months, and the appointment of a new HLC following the end of his tenure on 31 December. However, as a result of the subsequent visit of the Secretary-General, there was some progress on both the long standing bilateral Iraqi Airways issue (important for Iraq), as well as an encouraging step taken by Iraq on the UN boundary maintenance project (important for Kuwait). This has created a new dynamic, which the Secretary-General's report now endeavours to build upon, with a view to encouraging both parties to move forward towards the full normalization of their relations.

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5. Taking into account all the above positions, the report recommends an interim six months confidence-building period between the two parties, putting the onus on Iraq to implement its remaining Chapter VII obligations vis-à-vis missing persons and property, as well as border issues. During this period, the Secretary-General indicates that he would carry out the responsibilities of the United Nations through a representative of his choosing. He would also issue an interim report on Iraq's progress, or lack thereof, towards fulfilling its outstanding Chapter VII obligations. Finally, in the event of tangible progress by Iraq by June 2013 or earlier, the Secretary-General indicates his intention to recommend that UNAMI assumes the responsibility of assisting with the implementation of any residual obligations related to missing persons and property file.

6. While the recommendations contained in the report are consistent with the approach suggested by the P3, we believe that they also represent the best option that could be envisaged, taking into account the views expressed by all stakeholders, including Kuwait and Iraq. Moreover, they underpin our overall strategic objectives of supporting Iraq's legitimate aspirations to exit from Chapter VII, while 1) building on the current momentum of improved relations between Iraq and Kuwait, and 2) continuing to exert pressure on Iraq so that it fulfils its remaining Chapter VII obligations pertaining to Kuwait as soon as possible.

7. More specifically, the report offers a political incentive to Iraq (the possibility of folding the Chapter VII HLC mandate into UNAMI under Chapter VI), if Iraq makes tangible progress on its outstanding border-related obligations, an issue related politically but not legally to the issues under the purview of the HLC. If Iraq does not show tangible progress within six months on all the issues, the Secretary-General would then have the option of appointing a new HLC under a continuing Chapter VII mandate and Iraq would bear the primary responsibility for it.

8. The issue of the border is the most sensitive and symbolic for Kuwait as it pertains to Iraq's recognition of the State of Kuwait within the borders established by Security Council resolution 833 (1993) following the war. Therefore, if Iraq makes tangible progress on this issue, it would be a significant achievement for Kuwait, which also indicated that it would then be flexible on folding the HLC mandate into UNAMI. If Iraq does not perform, which remains a possibility, Kuwait should be reassured that a new HLC could be appointed within six months, and this point could be emphasized during the briefing to the Security Council next Monday. Preliminary indications received from the US as a result of their discussion with Kuwait indicate that Kuwaitis would be amenable to this suggested course of action.

9. A decision not to appoint a new HLC should however not be at the expense of the UN's relations with Russia, should it feels strongly on the re-appointment of a Russian candidate. Currently, the report states "I look forward to working closely with the Governments of Iraq and Kuwait both directly, and through my Representatives, in carrying out my responsibilities." Therefore, it does not preclude the possibility of appointing a HLC Ad Interim, although the P3 would prefer a Senior UN Secretariat Official as stated above.

Jeffrey Feltman
12 December 2012

cc: Ms. Malcorra

P3 non-paper
7 December 2012

Our view continues to be that the High Level Coordinator (HLC)'s mandate should not be extended indefinitely. However, since work remains to be done and Iraq and Kuwait have not agreed on an arrangement different from the HLC to continue reporting on the search for missing persons and property, the Security Council is not yet in a position to consider other modalities.

In light of Ambassador Tarasov's departure by January 1, we request that a senior UN Secretariat official, such as ASG Oscar Fernandez-Taranco, serve as Acting HLC for an interim period of six months or shorter. A new HLC should not be appointed, nor should candidates be considered. We hope that further progress in Iraq-Kuwait relations over the next few months will allow us to be in a better position to consider other modalities.

To achieve the above objective, we recommend that the upcoming Secretary General's report consider the following elements:

- No mention of appointing a new High Level Coordinator, a new Special Envoy under Chapter VI, Kuwait's July 17 letter to the Security Council, or to extend the financing of the HLC's activities.
- Propose a "confidence and cooperation-building period" until June 2013 or earlier to encourage Iraq and Kuwait to achieve visible and significant progress in their relations.
- The senior UN Secretariat official identified would serve as Acting HLC for this interim period.
- At the end of this period, the Security Council may wish to reconsider this matter and determine the future course of action.

To reach this objective, Iraq must demonstrate its continued commitment to locating missing persons and the Kuwaiti National archives in the eventual absence of a stand-alone HLC entity. In view of the limited capacities of the Iraqi committee on the Kuwaiti National archives, we also request that UNAMI, in the context of its mandate to deepen Iraqi engagement with its neighbours, consider developing a proposal, in consultation with the Government of Iraq, to build the committee's capacity. The project could be implemented by the UN Office for Project Services (UNOPS) through voluntary contributions.

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Security Council

Distr.: General
.. December 2012

Original: English

Thirty fourth report of the Secretary-General pursuant to paragraph 14 of Resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers developments on the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property, including its national archives, since the issuance of my last report of 14 June 2012 (S/2012/443). This report also covers the outcome of my consultations in Iraq and Kuwait on 5-6 December with the two Governments on the role of the United Nations in facilitating the implementation of paragraph 14 of Security Council resolution 1284 (1999).

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

2. Throughout the reporting period, Ambassador Gennady Tarasov, the High-level Coordinator, actively promoted cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third country nationals, including during his two visits to the region in September and November. Working in close contact with the members of the Tripartite Commission (TC) and its Technical Subcommittee (TSC), the primary body dealing with the fate of persons unaccounted for since the Gulf War of 1990-91, the Coordinator focused his efforts on facilitating joint exploratory missions, within the framework of the TSC

and under the aegis of the ICRC, to sites in Iraq where those missing persons might have been buried. He also encouraged the intensification of Iraq's own investigations in different parts of the country, as well as the stepping up of its information-gathering efforts in order to make the work of field missions more precise and effective. Follow-up meetings of the TSC and TC took place on 3 December and 5 December respectively.

3. Since my June report (S/2012/443), a fifth field exploratory mission took place in Khamisiyah (Southern Iraq) on 3-18 September. To date, more than 10,000 trenches have been dug in the search of missing remains. However, these efforts remain hampered by the lack of precise information and have not yet yielded results.

4. In addition, Iraq conducted its own investigations to explore possible grave-sites on its territory. These included, among others, excavations in Ramadi (Central Iraq) and excavations in the Samawa area (Southern Iraq) where several un-identified human remains were found. Anthropological data on the findings were sent to Kuwait via the ICRC, with DNA samples for genetic identification to follow. Iraq also sent staff for training in Australia and indicated its intention to purchase new equipment for the localization and the exhumation of remains. According to available information, about 50 officials of the former Iraqi regime were visited in prisons but denied any knowledge of possible grave-sites where the remains of missing Kuwaitis might be discovered.

5. On 20 November, the Coordinator travelled to Baghdad where he met with Deputy Prime Minister of Iraq, Mr. Hussain Shahrastani and the Minister of Human Rights, Mr. Mohammed al-Sudani. Both reiterated their Government's determination to fulfil all its outstanding obligations with regard to Kuwait. The Deputy Prime Minister noted that although Iraq would prefer to terminate the mandate of the High Level Coordinator and address this issue bilaterally with Kuwait, Iraq would not object to folding this file into UNAMI's mandate. Mr. Mohammed al-Sudani reconfirmed Iraq's commitment to continue the search for

missing persons in cooperation with Kuwait and the TC/TSC.

6. The Coordinator then travelled to Kuwait on 21 November where he met with the Deputy Prime Minister and Minister of Foreign Affairs, HH Sabah Khalid Al-Hamad Al-Sabah who reiterated the importance for Iraq to comply with all its outstanding obligations as well as Kuwait's readiness to support Iraq to complete this process. He added that Kuwait did not expect the mandate to continue until all the remaining missing were found, however, additional progress was expected in the search for missing Kuwaitis.

III. Recent activities with regard to the return of Kuwaiti property

7. The issue of missing Kuwait property, including Kuwait's national archive, is an integral part of paragraph 14 of Security Council resolution 1284 (1999). Although a number of items were found in Iraq and returned to Kuwait during the reporting period, no significant progress has been made in the search for Kuwait's national archive, nor has credible information about its fate or whereabouts emerged.

8. In his recent meetings with Iraqi officials, the Coordinator continued to urge the Government of Iraq to make full use of the recently created Iraqi committee on the Kuwaiti national archives and to report to the United Nations on the results of its activities. In September, the Coordinator was informed that Kuwait had set up its own committee on the archives chaired by the Director of the International Organizations Department of the Foreign Ministry, which was waiting for an indication from Iraq on when both bodies could meet in order to further work on the search for missing Kuwaiti property.

9. On 27 June, Iraqi and Kuwaiti representatives met for the purpose of returning Kuwaiti property consisting of tapes belonging to the archive of the official radio station of the State of Kuwait, and two books belonging to the University of Kuwait. According to the minutes of the meeting shared with the

Coordinator by the Permanent Representative of Kuwait to the United Nations on 29 June (see Annex I), the representative of the Kuwaiti Ministry of Foreign Affairs noted that “the return of some of the property is undoubtedly a step forward, that the Kuwaiti side hopes will be followed with the return of the more valuable and more important property, particularly the National Archives belonging to the Amiri Diwan, the Diwan of His Highness the Crown Prince and the Ministry of Foreign Affairs”.

10. In a letter to the Coordinator dated 1 October (see Annex II) the Permanent Representative of Iraq to the United Nations informed that the Iraqi Ministry of Foreign Affairs had published an advertisement on its official website, as well as in a number of national newspapers, urging Iraqi citizens in possession of any documents or property belonging to the State of Kuwait to transmit them to the Committee in charge of coordinating Iraqi efforts regarding the Kuwaiti national archive.

11. While the fate of the Kuwaiti national archive has yet to be discovered, Iraq has demonstrated, by finding other missing Kuwaiti properties, that its credible and sustained efforts on this file were bearing results.

IV. Way forward

12. Pursuant to paragraph 14 of Security Council resolution 1284 (1999), since 2000, I have submitted 34 reports to the Security Council regarding the repatriation or return by Iraq of all Kuwaiti and third-country nationals or their remains, as well as the return of all Kuwaiti property, including archives, seized by Iraq.

13. While the remains of 236 Kuwaitis have been found in Iraq by Kuwaiti search and exhumation teams in 2003-2004, attempts to find the remains of 369 Kuwaitis have been unsuccessful since then, despite commendable goodwill demonstrated by Iraq. With regard to missing Kuwaiti property, Iraq has recovered and delivered to Kuwait a number of items such as the archive of

official Kuwaiti TV and radio stations, microfilms archiving Kuwaiti newspapers, and old bank notes/coins as well as the keys to safes from the Central Bank of Kuwait. There has been little progress in the search for Kuwait's National Archive however.

14. In all my reports to the Council, including those of April 2009 (S/2009/190) and of July 2009 pursuant to paragraph 5 of Security Council resolution 1859 (2008), I have called on both sides to pursue their cooperation and implement confidence-building measures to foster progress in the resolution of the humanitarian issue of missing Kuwaiti persons and property. In my last report (S/2012/443), which the Security Council welcomed in its 20 June 2012 Presidential Statement, I also expressed my belief that Iraq and Kuwait should begin exploring other arrangements to consolidate pursuing the search of missing Kuwaiti nationals and property.

15. Over the course of the year, the Governments of Iraq and Kuwait have held consultations and exchanged letters on this issue, and they conveyed to me their respective positions regarding the future implementation of paragraph 14 of Security Council resolution 1284 (1999).

16. On 18 June 2012, the Iraqi Minister of Foreign Affairs, in a letter to me, had requested that the mandate of the High-Level Coordinator be terminated and dealt with through bilateral channels, possibly in cooperation with the ICRC or with the United Nations Assistance Mission for Iraq (UNAMI) (see Annex III).

17. On 17 July 2012, in a letter addressed to the President of the Security Council (S/2012/567) and to me, Kuwait expressed the hope "that the Security Council will appoint another High-Level Coordinator or a Special Representative of the Secretary General" adding that "it would be appropriate if such a High-level Coordinator or Special Representative were to follow up on all of Iraq's outstanding international obligations" (see Annex IV). However, in a subsequent letter dated 17 September 2012 to the Iraqi Minister of Foreign Affairs, Mr. Hoshyar Zebari, Kuwait clarified its position to Iraq. In this letter,

which was shared with the United Nations, Kuwait expressed the hope that the Security Council would establish a new mechanism under Chapter VI of the Charter of the United Nations either through i) the appointment of a new High-Level Coordinator; ii) the appointment a new Special Representative; or iii) the expansion of the mandate of UNAMI to include the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property. The letter further stated that this would happen after the fulfilment on the ground of Iraq's other outstanding obligations, specifically those related to the border.

18. During my recent visit, I held intensive follow-up discussions with the governments of the two countries on the continuation of the United Nations activities in this regard. Both parties reiterated their respective positions, and, welcoming a continued United Nations role, were amenable to folding these activities into UNAMI's mandate, but under certain conditions for Kuwait, most notably the fulfilment by Iraq of its border-related obligations.

19. During my consultations with the leadership of Kuwait and Iraq, I also impressed on both countries that a historic opportunity was at hand to put the past behind them and usher in a new era of cooperation. Taking into account the positions previously expressed by their respective Governments, I shared with them my view that UNAMI, with its large human rights presence and its offices in Iraq and Kuwait, and ability to engage with relevant authorities in Iraq and Kuwait, could be well positioned to address these issues on a continuous basis inside Iraq. I also emphasized the imperative for Iraq to move quickly in fulfilling all its obligations under relevant Security Council resolutions.

V. Observations

20. Iraq continues to make steady progress toward regaining its rightful place in the region, the Arab world and the broader international community, as a founding member of the United Nations. I fully recognize the importance of the issues of missing Kuwaiti persons and property for the Government and people of Kuwait. While I believe that Iraq has demonstrated goodwill on the issue of missing persons, it can do more on this, and

even more so on the issue of missing property, including archives.

21. I am encouraged by the positive momentum to address all outstanding issues and normalize relations which were generated by the respective visits of the Iraqi Prime Minister to Kuwait on 14-15 March 2012 and the Emir of Kuwait to Baghdad to attend the League of Arab States Summit on 29 March 2012, as well as the second session of the Joint Kuwait-Iraq Ministerial Committee on 29 April 2012. I very much hope that this spirit of positive cooperation will continue and usher in a renewed period of confidence-building between the two parties.

22. I welcome the initiative of the Iraqi Committee coordinating the search for Kuwaiti missing property, including the national archive, to place advertisements in the Iraqi press and on the Ministry of Foreign Affairs website. I look forward to the Committee's sustained efforts to ascertain the whereabouts of the Kuwaiti national archive, and encourage the members of the Iraqi Committee to meet with their Kuwaiti counterparts at the earliest to further discuss modalities for both sides to work together on the matter.

23. I would like to acknowledge the leading role of the ICRC in the task of resolving the issue of missing persons, and the support and contribution of Kuwait, as well as other members of the TC and its TSC. Joint exploratory missions in Iraq within the framework of the TSC under the aegis of the ICRC appear to be an appropriate and concrete mechanism to probe the fate of missing Kuwaiti and third country nationals.

24. During my recent visit to the two countries and my meetings, in particular with the Emir of Kuwait and the Prime Minister of Iraq, I witnessed a positive disposition on the part of both parties to move forward and address outstanding issues, which, I trust, will be conducive to further progress on the issues of missing Kuwaiti persons and property. Based on my consultations with the two Governments, I believe that intensified United Nations activities on the ground in assisting the Government of Iraq, could yield concrete results on the issue of Kuwaitis missing persons and property. Accordingly, I believe that UNAMI could be particularly well suited for this task and would continue to allow me to report to the Security Council on the implementation and progress made on

both issues.

25. It is therefore my intention to consider recommending, by the end of June 2013, or preferably earlier, that UNAMI assumes the responsibility of assisting with the implementation of any unfulfilled obligations under paragraph 14 of Security Council resolution 1284 (1999). However, my recommendation in this regard would be primarily determined by the progress Iraq makes over the next few months in the search for missing persons and property. I would also take into account the overall progress made by Iraq in the implementation of all its outstanding Chapter VII obligations, most notably the urgent need for tangible progress on its outstanding border-related obligations.

26. I view the next few months as a crucial confidence-building period between Iraq and Kuwait that will hopefully lead to the expeditious resolution of outstanding multilateral and bilateral issues between them. During this interim period, the two parties can count on the full support of the United Nations to facilitate the normalization of their relations. And, I am committed to resolving the issues of missing Kuwaiti and third country nationals and that of missing Kuwaiti property as soon as possible with the cooperation of the two parties. In this regard, I intend to carry out the responsibilities of the United Nations set forth in paragraph 14 of Security Council resolution 1284 (1999) until 30 June 2013 under the existing financial arrangements. It is also my intention to provide an interim progress report to the Security Council in the event of tangible progress or lack thereof. I look forward to working closely with the Governments of Iraq and Kuwait both directly, and through my Representatives, in carrying out my responsibilities in this regard.

27. Finally, I would like to take this opportunity to thank Ambassador Gennady Tarasov who will be ending his tenure on 31 December as High-Level Coordinator for his efforts in carrying out the tasks entrusted to him.

*Permanent Mission
of the State of Kuwait
to the United Nations
New York*



وقد دولة الكويت الدائم
لدى الأمم المتحدة
نيويورك

29 June 2012

H.E. MR. GENNADY TARASOV
High-Level Coordinator for the Kuwaiti POW's
and return of Kuwaiti Properties from Iraq

Excellency,

It is my pleasure to attach herewith a copy of the minutes of the meeting held on 27 June 2012, for the purpose of receiving Kuwaiti property from the Republic of Iraq, consisting of tapes belonging to the Radio Station of the State of Kuwait as well as the minutes of the meeting held on the same day, for the purpose of receiving Kuwaiti property from the Republic of Iraq consisting of books belonging to the University of Kuwait along with an unofficial translation .

Best regards,

A stylized signature in black ink, consisting of a series of loops and curves.

MANSOUR AL OTAIBI
Ambassador
Permanent Representative

Encl.



محضر استلام ممتلكات كويتية من جمهورية العراق عبارة عن كتب تابعة لجامعة

الكويت

27 يونيو 2012

بموجب قرارات مجلس الأمن ذات الصلة، استلمت دولة الكويت بتاريخ 27 يونيو 2012 (عدد 2 كتاب تابع لجامعة الكويت) من جمهورية العراق، كان قد استولى عليها النظام السابق في العراق أثناء احتلاله لدولة الكويت عام 1990.

وتم الاستلام في مقر وزارة الخارجية بدولة الكويت بحضور ممثل وزارة الخارجية وممثل وزارة الإعلام، وممثلين عن وزارة الخارجية العراقية وسفارة جمهورية العراق لدى دولة الكويت، وقد تم تحرير هذا المحضر والتوقيع عليه بحضور مسئول مكتب الأمم المتحدة في دولة الكويت.

هذا وقد اوضح ممثل وزارة الخارجية الكويتية بأن ما تم اليوم من استعادة بعض الممتلكات هو دون ادنى شك خطوة للأمام، يأمل الجانب الكويتي أن تتبعها إعادة الممتلكات ذات القيمة الأكبر والأهم وبشكل خاص الأرشيف الوطني الخاص بالديوان الأميري وديوان سمر ولي العهد ووزارة الخارجية.




Ministry of Foreign Affairs | وزارة الخارجية



جمهورية العراق

سفير جمهورية العراق لدى دولة الكويت

سعادة / محمد حسين محمد بحر العلوم


٢٩٢١٦٨٩
ممثل وزارة الخارجية - الإدارة

القانونية (قسم التعويضات)

السيد / معاذ عبدالرهاب عبدالرزاق





دولة الكويت

مدير إدارة المنظمات الدولية بوزارة الخارجية

السفير / جاسم مبارك المبارك



ممثل وزارة الإعلام - الوكيل المساعد لشئون الإذاعة

سعادة / يوسف مصطفى عبدالله

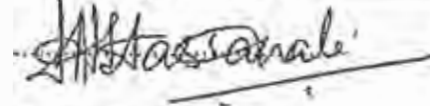


27-6-2012

الأمم المتحدة

القائم بأعمال برنامج الأمم المتحدة الإنمائي في الكويت

السيد / هاشم حسن علي



UNOFFICIAL TRANSLATION

In accordance to relevant Security Council resolutions, the State of Kuwait received on 27 June 2012 (2) two books that belong to the University of Kuwait from the Republic of Iraq, which were seized by the former regime in Iraq, during its occupation of the State of Kuwait in 1990.

The books were received at the headquarters of the Ministry of Foreign Affairs of the State of Kuwait in the presence of a representative of the Kuwaiti Ministry of Foreign Affairs and a representative of the Kuwaiti Ministry of Information, as well as a representative from the Iraqi Foreign Ministry and a representative from the Embassy of the Republic of Iraq in Kuwait. The minutes of this meeting were edited and signed in the presence of an official of the United Nations Office in the State of Kuwait.

The representative of the Kuwaiti Ministry of Foreign Affairs has clarified, that the return of some of the property, is undoubtedly a step forward, that the Kuwaiti side hopes it will be followed with the return of the more valuable and more important property, particularly the National Archives belonging to the Amiri Diwan, the Diwan of His Highness the Crown Prince and that of the Ministry of Foreign Affairs.

For the State of Kuwait

H.E. Ambassador Jasem Mubark Al-Mubarak
Director of the Department of International
Organizations at the Ministry of Foreign Affairs

H.E. Ambassador Yousef Mustafa Aballah
Representative of the Ministry of Information
Deputy Assistant for Broadcasting Affairs

For the Republic of Iraq

H.E. Ambassador Hussain Mohammad Bahr Al-Quloun
Ambassador of the Republic of Iraq to the State of Kuwait

Mr. Ma'az Abdulwahab Abdulrazzaq
Representative of the Foreign Ministry
Legal Directorate (Compensations Department)

For the United Nations

Mr. Hashem Hassan Ali
Charge d'Affaires of the United Nations
Development Programme in Kuwait



محضر استلام ممتلكات كويتية من جمهورية العراق عبارة عن أشرطة تابعة

لإذاعة دولة الكويت

27 يونيو 2012

بموجب قرارات مجلس الأمن ذات الصلة، استلمت دولة الكويت بتاريخ 27 يونيو 2012 (عدد 27 صندوق يحتوي على أشرطة تابعة لأرشيف إذاعة دولة الكويت) من جمهورية العراق، كان قد استولى عليها النظام السابق في العراق أثناء احتلاله لدولة الكويت عام 1990.

وتم الاستلام في مقر وزارة الخارجية بدولة الكويت بحضور ممثل وزارة الخارجية وممثل وزارة الإعلام، وممثلين عن وزارة الخارجية العراقية وسفارة جمهورية العراق لدى دولة الكويت، وقد تم تحرير هذا المحضر والتوقيع عليه بحضور مسئول مكتب الأمم المتحدة في دولة الكويت.

هذا وقد أوضح ممثل وزارة الخارجية الكويتية بأن ما تم اليوم من استعادة بعض الممتلكات هو دون ادنى شك خطوة للأمام، يأمل الجانب الكويتي أن تتبعها إعادة الممتلكات ذات القيمة الأكبر والأهم وبشكل خاص الأرشيف الوطني الخاص بالديوان الأميري وديوان سمو ولي العهد ووزارة الخارجية.



Ministry of Foreign Affairs

وزارة الخارجية العراقية



جمهورية العراق

سفير جمهورية العراق لدى دولة الكويت

سعادة / محمد حسين محمد بحر العلوم

ممثل وزارة الخارجية - الإدارة

القانونية (قسم التعويضات)

السيد / معاذ عبدالوهاب عبدالرزاق



دولة الكويت

مدير إدارة المنظمات الدولية بوزارة الخارجية

السفير / جاسم مبارك المبارك

ممثل وزارة الإعلام - الوكيل المساعد لشؤون الإذاعة

سعادة / يوسف مصطفى عبدالله

27-6-2012

الأمم المتحدة

القائم بأعمال برنامج الأمم المتحدة الإنمائي في الكويت

السيد / هاشم حسن علي

UNOFFICIAL TRANSLATION

In accordance to relevant Security Council resolutions, the State of Kuwait received on 27 June 2012 (27) twenty seven crates containing tapes that belong to the archives of the Radio Station of the State of Kuwait from the Republic of Iraq, which were seized by the former regime in Iraq, during its occupation of the State of Kuwait in 1990.

The tapes were received at the headquarters of the Ministry of Foreign Affairs of the State of Kuwait in the presence of a representative of the Kuwaiti Ministry of Foreign Affairs and a representative of the Kuwaiti Ministry of Information, as well as a representative from the Iraqi Foreign Ministry and a representative from the Embassy of the Republic of Iraq in Kuwait. The minutes of this meeting were edited and signed in the presence of an official of the United Nations Office in the State of Kuwait.

The representative of the Kuwaiti Ministry of Foreign Affairs has clarified, that the return of some of the property, is undoubtedly a step forward, that the Kuwaiti side hopes it will be followed with the return of the more valuable and more important property, particularly the National Archives belonging to the Amiri Diwan, the Diwan of His Highness the Crown Prince and that of the Ministry of Foreign Affairs.

For the State of Kuwait

H.E. Ambassador Jasem Mubark Al-Mubarak
Director of the Department of International
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Representative of the Foreign Ministry
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For the United Nations

Mr. Hashem Hassan Ali
Charge d'Affaires of the United Nations
Development Programme in Kuwait

Permanent Mission of the Republic
of Iraq to the United Nations
New York



متمثلة جمهورية العراق الدائمة
لدى الأمم المتحدة
نيويورك

PRCL/2012/971

New York, 1 October 2012

Excellency,

Upon instruction from my Government, I have the honor to inform you that the Iraqi Ministry of Foreign Affairs has re-published an advertisement in the official Ministry's website and in a number of local Iraqi Newspapers such as Al- Zaman/ issue 4307 and 4308, Al-Sabah/ issue 2637, 2638 and 2639, Al- Sabah al-Jadeed/issue 2385, 2386 and 2387, Al-Bayan/ issue 1020,1021 and 1022, Al-Etihad/issue 3072,3073 and 1074, Al-Alam/issue 660,661 and 662, Al- adala/issue 2512,2513 and 2514, Al-Muwattin/issue 1726, Tareq al-Shaab/issue/32, Al-Mashriq/issue 2461,2462 and 2463, Al-Mada/issue 2595,2596 and 2597 and Al-Bayana/ issue 1656,1657 and 1658 dated on 18,19,20/9/2012, that urges Iraqi citizens in possession of any documents or property belonging to the State Kuwait to transmit them to the Committee in charge of coordinating the efforts regarding the Kuwaiti Archives established in the Iraqi Ministry of Foreign Affairs as a part of Iraq's obligations before the International Community. Please find attached a copy of the Advertisement text.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,

T. Hamid Al-Bayati
Ambassador Extraordinary & Plenipotentiary
Permanent Representative

H.E. Mr. Gennady Tarasov
HIGH-Level Coordinator for the Repatriation of Return of All Kuwaiti and Third – Country or
their Remains, and Return of Kuwaiti Property

ACT/IRI Iraq Team



اعلان

تهيب وزارة الخارجية بالمواطنين الشرفاء
ممن لديهم معلومات عن ممتلكات أو وثائق
تعود لدولة الكويت الشقيقة الاتصال
بوزارتنا بهدف إعادتها إلى الكويت، وذلك
تنفيذاً لقرارات مجلس الأمن.

ان تعاون المواطنين مع الوزارة إنما هو عمل
وطني يهدف إلى تسوية المسائل التي
ورثناها جراء جرائم العهد السابق ولتمكين
العراق من العودة إلى وضعه الطبيعي في
المجتمع الدولي. ولن يقدم أية معلومات
حول تلك الممتلكات مكافأة من الوزارة ويكون
قد قدم خدمة هامة لوطنه.



اعلان



تدعو وزارتنا الخارجية وحقوق الانسان
المواطنين الشرفاء الى تقديم ما لديهم من
معلومات عن المفقودين جراء حرب الكويت
وأماكن اختفائهم.

لقد بذلت الحكومة العراقية جهوداً جادة
للعثور على هؤلاء المفقودين أو على رفاقهم.
وقد نجحنا في العثور على ٢٣٦ مفقوداً لحد
الآن والمتبقي ٣٧٣. ان السعي لانجاز هذه المهمة
هو جزء من التزاماتنا الدولية. وان تقديم
المعلومات حول هؤلاء المفقودين هو خدمة
لبلدنا العزيز في التخلص من آثار الجرائم التي
ارتكبتها النظام السابق ومحافظة على سمعة
العراق ومكانته الطبيعية في المجتمع الدولي.



Republic of Iraq

Ministry of Foreign Affairs

Announcement

30/09/2012 | [Print This Page](#)



Ministries of Foreign Affairs and Human Rights call upon the honest citizens to provide any information they have on missing persons during the Kuwait war and their places.

The Iraqi government made serious efforts to find those missing or their remains. We succeeded in finding 236 missing, which leaves 373 missing. Seeking to accomplish this task is part of our international obligations, providing information about these missing is a service to our dear country to rid the crimes committed by the former regime and maintain Iraq's reputation and its normal place in the international community.



Republic of Iraq

Ministry of Foreign Affairs

Announcement

30/09/2012 | [Print This Page](#)



Ministry of Foreign Affairs calls upon the honest Iraqis who have information on Kuwaiti possessions or documents to contact our Ministry to return them to Kuwait and implement the UNSC resolutions.

The cooperation between the citizens and the Ministry is a patriotic act aiming at settling issues that we inherited from the crimes of the former regime and to enable Iraq to return to its normal status in the International community.

The Ministry offers a reward to those who provide information who are already providing important service to their country.

12.39517

Translated from Arabic

Republic of Iraq

Ministry of Foreign Affairs

Minister's Office

18 June 2012

**ACTION
COPY**

Mr. P. Saeed
Mr. O'Brien
Mr. Amos
AG



(related corlog # 12-05679)

We should like to refer to the letter that we addressed to you, dated 7 May 2012, in which we proposed that the mandate of Ambassador Gennady Tarasov, the Secretary-General's High-Level Coordinator on the issue of missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, should be terminated and the file transferred for bilateral consideration by Iraq and Kuwait.

You are aware of the efforts that have been exerted by Iraq with a view to closing this file, and of the consultations that Iraq has held with the States that are permanent members of the Security Council, which have led to perceptible progress being made towards the transference of that file to bilateral relations. We should therefore like to request the Security Council, through you, to close that file and transfer it to bilateral relations, by sending a Kuwaiti team that will be based in Iraq, either at a headquarters location to be determined by mutual agreement or within the Kuwaiti embassy in Baghdad, in order to complete work on the remainder of the file in cooperation with the Iraqi team. That step would bring the mandate of the High-level Coordinator to a close, either immediately or by the end of 2012 at the latest. The joint team would cooperate with the International Committee of the Red Cross (ICRC), which has expressed its readiness to engage with the issue in its capacity as a humanitarian organization, or with the United Nations Assistance Mission for Iraq (UNAMI). The Security Council could then adopt a resolution releasing Iraq from its obligations under Chapter VII of the Charter of the United Nations in respect of this question.

Among the proposals raised in the course of our discussions with some States members of the Security Council was the idea of transferring the question from Chapter VII to Chapter VI of the Charter and addressing it bilaterally under the supervision of ICRC or UNAMI.

DPA/OUSG

Rec'd 2/7/2012

Log# 12-2373

ACTION

Grateful for your advice
+ draft reply if appropriate
BLP/BA/F: oft, mth by w-6/7

Mr. BANKI-moon

United Nations Secretary-General

<Office of the Secretary General CorLOG ID: 12-06033 / 29 Jun 2012 10:28:51>

JK / Iraq Team

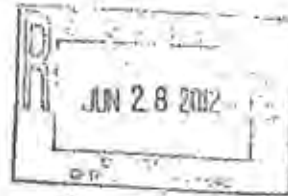
We wish to emphasize that Iraq is committed to continuing the search for missing persons. It is fully determined to address that poignant humanitarian issue, which is of such importance to the Kuwaiti families that lost loved ones. We also emphasize that the establishment of a bilateral committee, as proposed, would allow us to cooperate directly in resolving this humanitarian question.

We hope that you will understand Iraq's sincere position on the resolution of this question, and that you will provide the necessary support for the successful fulfilment of that task.

Accept, Sir, the assurances of my highest consideration.

(Signed) Hoshiyar Zebari

Minister for Foreign Affairs of Iraq



معالي بان كي مون
الأمين العام للأمم المتحدة المحترم
تحية طيبة

نود ان نشير الى رسالتنا الموجهة الى معاليكم في ٢٠١٢/٧/٥ والتي اقترحنا فيها انتهاء ولاية المنسق الخاص حول المفقودين والممتلكات الكويتية السيد غينادي تاراسوف ونقل الملف الى العلاقات الثنائية العراقية الكويتية. تعلمون معاليكم مقدار الجهود التي بذلها العراق لانهاء هذا الملف والمفاوضات التي اجريناها مع الدول الدائمة العضوية في مجلس الامن والتي احرزت تقدما ملحوظا في سبيل نقل هذا الملف الى العلاقات الثنائية. لذا نطلب من مجلس الامن، من خلاتكم، انتهاء هذا الملف ونقله الى العلاقات الثنائية من خلال ارسال فريق كويتي يقيم في العراق، سواء في مقر يحدد بالاتفاق او ضمن السفارة الكويتية في بغداد يقوم بالتعاون مع فريق عراقي لانجاز ما تبقى من هذا الملف. وبذلك ننهي ولاية المنسق الخاص غينادي تاراسوف الآن او في مدة اقصاها نهاية عام ٢٠١٢، على ان يعمل الفريق المشترك بالتعاون مع ممثلي اللجنة الدولية للصليب الاحمر التي ابدت استعدادها للتعاون في هذا الخصوص بصفتها منظمة ذات اهداف انسانية، او بالتعاون مع مكتب الامم المتحدة لمساعدة العراق في بغداد (يونامي) وبذلك يتمكن مجلس الامن اتخاذ قرار لاجراج العراق من التزامات الفصل السابع من الميثاق حول هذا الملف.



ومن المقترحات التي عرضت أثناء مشاورتنا مع بعض الدول الاعضاء في مجلس الامن ان يقل هذا الملف من احكام الفصل السابع الى احكام الفصل السادس مع نقله الى العلاقات الثنائية بالعرف اللجنة الدورية للمصليب الاحمر او مكتب الاسم المتحدة لمساعدة العراق في بغداد (يوفامي) :

معالي الامين العام

نود ان نؤكد لمتعالكم على التزام العراق بالاستمرار بعمليات البحث والتحقيق عن المفقودين وجرحه التام على معالجة الملف الانساني والوجداني الذي يهم العراقيين الكويتية المنكوبة لفقدان ذويها . واننا نؤكد لمتعالكم ان تشكيل اللجنة الثنائية المقترحة سيكفينا من التعاون المباشر لانهاء هذا الملف الانساني .
نأمل ، يا معالي الامين العام ، تفهكم لموقف العراق الجاد لانهاء هذا الملف وتقديم العون المطلوب لانجاز هذه المهمة .

مع حق واقر التقدير

وزير خارجية جمهورية العراق

٢٠١٢/٦/١٨

**Permanent Mission of the Republic
of Iraq to the United Nations**

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ممثلة جمهورية العراق الدائمة
لدى الأمم المتحدة
نيويورك

PRCL/2012/843

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the Office of the Secretary-General and in reference to its Note Verbale PRCL/2012/835 dated 18 June 2012, has the honor to attach herewith the original copy of the letter from H.E. Mr. Hoshiyar Zebari, Minister of Foreign Affairs of the Republic of Iraq addressed to H.E. Mr. Ban Ki-moon the Secretary-General of the United Nations.

The Permanent Mission of the Republic of Iraq would deeply appreciate it if the attached letter could kindly be forwarded to its highest destination.

The Permanent Mission of the Republic of Iraq to the United Nations avails itself of this opportunity to renew to the esteemed Office of the Secretary General the assurances of its highest consideration.



New York, 27 June 2012

Office of the Secretary – General
United Nations
New York



Security Council

Distr.: General
20 July 2012

Original: English

Letter dated 20 July 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith a letter from His Excellency Sheikh Sabah Al-Khaled Al Hamad Al Sabah, Deputy Prime Minister, Minister for Foreign Affairs of the State of Kuwait, addressed to you (see annex).

I would highly appreciate if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Abdulaziz Aljarallah
Chargé d'affaires a.i.



Annex to the letter dated 20 July 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council

[Original: Arabic]

I should like to draw your attention to the latest developments in the matter of Iraq's outstanding obligations pursuant to the Security Council resolutions adopted under Chapter VII of the Charter relevant to the item on the situation between Iraq and Kuwait. The most significant of those obligations, which are set out in the report of the Secretary-General pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385), dated 27 July 2009, concern maintenance of the border markers, compensation owed to Iraqi farmers, residual compensations owed by Iraq to Kuwait and the question of Kuwait prisoners, missing persons and property.

In that connection, I should like to make reference to the thirty-third report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) (S/2012/443), dated 14 June 2012, concerning the question of the prisoners and Kuwaiti property, as well as Security Council press statement SC/10680, dated 20 June 2012, in which the Council called on both the Kuwaiti and Iraqi sides to explore other arrangements to ensure continued cooperation in the search for missing persons, property and the Kuwaiti archives.

Despite the significance and the sensitive nature of the question of the missing persons, a humanitarian issue that the Council has been following for many years, and despite the great efforts that have been made since 2004 by the Tripartite Commission and the Technical Subcommittee, which operates under the auspices of the International Committee of the Red Cross, the remains of only 236 Kuwaiti prisoners out of 605 missing Kuwaiti and third-country nationals have thus far been identified.

While we appreciate the cooperation demonstrated by the Government of Iraq and its efforts to resolve this question, we believe that it would be possible to make significant progress if efforts were redoubled and agreed-upon plans were implemented in the framework of the Technical Subcommittee.

With regard to progress made in the matter of Kuwaiti property and the national archive, Iraq has returned some Kuwaiti property belonging to certain Kuwaiti Government authorities and, in December 2011, established a ministerial committee to follow up on this matter. However, this committee has not presented any reports on its work. The fate of the Kuwaiti national archive, which includes important documents pertaining to the Amiri Diwan, the Diwan of the Crown Prince and the Diwan of the Prime Minister, remains unknown.

Kuwait appreciates the great efforts made by the High-level Coordinator, Ambassador Gennady Tarasov, to fulfil his mandate under paragraph 14 of Security Council resolution 1284 (1999) and wishes him all success in the responsibilities that he will take on.

Kuwait therefore hopes that the Security Council will appoint another High-level Coordinator or a Special Representative of the Secretary-General to replace Ambassador Tarasov, in order to continue following up implementation of the obligations set out in Security Council resolutions 686 (1991), 687 (1991) and 1284 (1999). It would be appropriate if such a High-level Coordinator or Special

Representative were to follow up on all of Iraq's outstanding international obligations.

In conclusion, we would like to express our satisfaction at the noticeable progress that has been made in bilateral relations between Kuwait and Iraq at various levels, as evidenced by the exchange of visits at the highest levels and the significant agreements reached by the two States at the most recent meeting of the Joint Ministerial Committee in April 2012.

We would also like to commend the sincere efforts and desire of Iraq to fulfil its international obligations towards Kuwait. We would furthermore like to reiterate that our country stands ready to provide Iraq with the support it needs, with a view to hastening the fulfilment of the outstanding obligations pursuant to the relevant Security Council resolutions.

(Signed) Sheikh Sabah Al-Khaled Al Hamad **Al Sabah**
Deputy Prime Minister
Minister for Foreign Affairs
State Minister for Council of Ministers Affairs
