

No. 28550

**UNITED NATIONS
and
IRAQ**

Memorandum of Understanding on the United Nations humanitarian programme for Iraq, Kuwait and the Iraq/Iran and Iraq/Turkey border areas. Signed at Baghdad on 24 November 1991

Authentic text: English.

Registered ex officio on 1 January 1992.

**ORGANISATION DES NATIONS UNIES
et
IRAQ**

Mémorandum d'accord relatif au programme humanitaire des Nations Unies pour l'Iraq, le Koweït et les régions proches des frontières de l'Iraq avec l'Iran et la Turquie. Signé à Bagdad le 24 novembre 1991

Texte authentique : anglais.

Enregistré d'office le 1^{er} janvier 1992.

MEMORANDUM OF UNDERSTANDING¹

The present Memorandum of Understanding summarizes the results of the discussions held in Baghdad on 20-23 November 1991 with the Government of the Republic of Iraq during the mission of the Executive Delegate of the Secretary-General for the UN humanitarian programme for Iraq, Kuwait and the Iraq/Iran and Iraq/Turkey Border Areas, pursuant to paragraph 21 of the Memorandum of Understanding signed on 18 April 1991² by H.E. the Minister of Foreign Affairs of the Government of Iraq and the Executive Delegate.

The parties conducted a thorough joint review of the humanitarian operations carried out under the auspices of the office of the Executive Delegate in cooperation with the Government of Iraq over the past seven months. They noted that the overall context in which these activities were taking place has undergone significant changes. They further concluded that the Programme, carried out with the full support of the Iraqi authorities, has substantial achievements to its credit. This includes assisting the repatriation of large numbers of refugees from neighbouring countries, the majority of them to their homes and places of origin. Tangible results have also been attained in providing help to the most vulnerable groups throughout Iraq, thanks to resources donated by the international community in response to the successive appeals that have been issued by the Executive Delegate. These contributions have amounted to more than 290 million dollars, of which 249 million are either spent or obligated. The present Memorandum of Understanding shall constitute a self-contained agreement, and its implementation shall not be construed as having any relation with other measures not envisaged therein.

The parties have agreed as follows:

1. Both sides affirm the importance of the need to continue to provide humanitarian assistance to Iraq to alleviate the suffering of the affected Iraqi civilian population.
2. The Government of Iraq welcomes the efforts of the United Nations and its specialized agencies in providing humanitarian assistance and relief to the civilian population and undertakes to support and cooperate in those endeavours on the basis of this Memorandum of Understanding.
3. For this purpose, the Government of Iraq agrees to cooperate with the United Nations to continue its humanitarian presence in Iraq, wherever such presence may be needed, and to facilitate it through the adoption of all necessary measures. This shall be ensured through the establishment of UN sub-offices and Humanitarian Centres (UNHUCs), in agreement and cooperation with the Government of Iraq.

¹ Came into force on 1 January 1992, in accordance with paragraph 23.

² United Nations, *Treaty Series*, vol. 1606, No. I-28034.

4. Each Centre will be staffed by United Nations personnel which, in addition to the regular staff members of the relevant UN agencies, may also include staff co-opted from the non-governmental organizations. The parties are mindful of the special contribution provided by other organizations, such as the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies and the International Organization for Migration. The Red Crescent Society of Iraq shall be called upon to play an effective role in the implementation of humanitarian assistance and relief projects.
5. UNHUCs shall facilitate the provision of humanitarian assistance to the needy and would include, inter alia, food aid, medical care, agricultural rehabilitation, shelter and any other humanitarian and relief measures in conformity with the principles of this memorandum.
6. Both sides agree that measures continue to be needed for the benefit of the persons who are still displaced and that such measures should be based primarily on their safe return and the provision of humanitarian assistance to facilitate their return and normalization of their lives in their places of origin.
7. The United Nations Guards Contingent as an integral part of the United Nations humanitarian programme will continue to perform its functions in protecting UN personnel, assets and operations linked with the UN humanitarian programme. The UN Guards will continue to be assigned as needed to any sub-offices and UNHUC's which are or may be established by the United Nations in Iraq.
8. The number of UN Guards will continue to be kept under review, and will not exceed a total strength of 500. The number of UN Guards assigned to the various Governorates will be decided in consultation with the Government authorities concerned, but would not exceed 150 in any Governorate.
9. The UN Guards will continue to be allowed to move freely, as their duties require in accordance with this Memorandum of Understanding, between all places where United Nations humanitarian assistance activities take place.
10. United Nations Guards are authorized to carry side-arms (pistols/revolvers) provided by the Iraqi authorities with the approval of the United Nations.
11. The Iraqi authorities will maintain the Chief Liaison Officer appointed to facilitate the Contingent's operations and the liaison officer at each centre to facilitate their work with the Iraqi authorities. The Iraqi authorities will continue to make available the facilities in Baghdad and elsewhere, including office space, maintenance and repair support, maps etc.
12. It is agreed that humanitarian assistance is impartial and that all civilians in need, wherever they are located, are entitled to receive it without discrimination.

13. In order to encourage the normalization of life where required, the United Nations will take all necessary measures, in cooperation with the Government of Iraq, for making the relief items available in all designated Humanitarian Centres, by road or by air as required, including from and through the neighbouring countries. The Government of Iraq will take all required measures on its side to facilitate the safe passage and delivery of emergency relief commodities throughout the country in a speedy and effective manner.

14. The Government of Iraq has established together with the United Nations a relief distribution monitoring structure to permit access to all civilians covered by the relief programme. An appropriate coordinating mechanism will be established between the two parties to meet regularly in order to monitor, review and plan future activities, as well as address any difficulties that may arise in the implementation for the current humanitarian assistance programme.

15. The implementation of the humanitarian assistance programme will continue to be coordinated by a senior UN official assigned to Baghdad, under the Executive Delegate's direction. He will have permanent access to high level government officials responsible for relief activities in the country to discuss policy and operational issues that may arise during the implementation of the programme.

16. Inter-governmental organizations, NGOs and other relief agencies will continue to be encouraged to participate in the implementation of the programme in close cooperation with the United Nations and under clearly defined terms of association agreed upon with the Government of Iraq.

17. The Government of Iraq will help in the prompt establishment in appropriate locations of United Nations sub-offices in support of humanitarian programmes for the civilian population including the returnees where necessary.

18. The Government of Iraq shall continue to cooperate in granting United Nations field staff access to the parts of the country requiring relief, by air or road as needed, to facilitate the implementation and monitoring of the Programme. United Nations staff will be allowed, in coordination with the Government of Iraq, to accompany the returnees to their home areas as required.

19. A United Nations radio communication system, which is an indispensable instrument for the success of relief and rehabilitation activities, will be maintained. The system will cover communications requirements within Baghdad and other cities covered by the relief Programme and within and outside the country, as appropriate.

20. In order to make optimal use of programme resources, the Government of Iraq will consider the establishment of a special exchange rate for relief operations carried out by agencies and organizations participating in the programme. Pending a decision in this regard the Government of Iraq undertakes to make available cash contributions in local currency in the amount of ID 1,000,000

at the beginning of each month, or in accordance with the estimates provided by the United Nations Coordinator, if less. Any unused balances remaining at the conclusion of the programme will be refunded to the Government of Iraq.

21. The basic framework for United Nations humanitarian action outlined above is intended to facilitate the task of coordination, effective implementation and monitoring of humanitarian assistance and relief operations.

22. The implementation of the above-mentioned principles shall be without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs of the Republic of Iraq.

23. This Memorandum of Understanding shall apply for a period of six months beginning on 1 January 1992 and ending on 30 June 1992. Six weeks before the expiration of the said period, the principles of the Memorandum and their operational modalities shall be reviewed with a view to assessing any further need for their operation.

Done at Baghdad on 18 Jamada al-Oula 1412 Hijrah corresponding to 24 November 1991 AD.

For the United Nations:

[Signed]



Name: SADRUDDIN AGA KHAN

Title: Executive Delegate of the United Nations Secretary-General for the UN Humanitarian Programme for Iraq, Kuwait and the Iraq/Iran and Iraq/Turkey Border Areas

For the Government
of the Republic of Iraq:

[Signed]



Name: AHMED HUSSEIN KHODAIR

Title: Minister of Foreign Affairs of the Republic of Iraq