

Country/entity	Iraq United Nations
Region	Middle East and North Africa Cross-regional
Agreement name	Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq on the Implementation of UN Security Council Resolution 986
Date	20 May 1996
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/interstate conflict

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

In the aftermath of the Iraq-UN conflict following President Saddam Hussein's invasion of Kuwait in 1989, the UN enforced no-fly zones and set up a monitoring commission of the arms capacity of the Iraqi government. By the late 1990s, Iraqi officials had increased their resistance against the implementation of these programmes. In the aftermath of the 2001 terrorist attacks on New York, the U.S. accused the Iraqi government of having weapons of mass destruction. In 2003, a U.S.-led coalition overthrew the government of Saddam Hussein, but failed to maintain security in the country as ex-Bathist and Islamist groups launched a counter-campaign. Violence reached a peak in 2006 as the conflict took on sectarian traits leading to mass human rights violations by domestic Sunni and Shi'a groups, as well as occupying forces. Despite the failure to stabilize the country, the U.S.-led forces withdrew in December 2011. Since then Iraq has effectively been split into three territories based on ethno-religious identity including the Shi'a in the south, the Kurds in the north, and a Sunni band in the middle, which is currently occupied by the organisation known as the Islamic State (formerly of Iraq and the Levant).

Close

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

Stage	Implementation/renegotiation
Conflict nature	Territory
Peace process	Iraq peace process - first Iraq war
Parties	Hans CORELL, Under Secretary-General, The Legal Counsel, United Nations; Abdul Amir AL-ANBARI, Ambassador Plenipotentiary, Head of the Delegation of Iraq

Third parties	-
Description	Agreement outlines the modalities of the oil-for-food programme to implement UNSC resolution 986. It calls for the establishment of an Iraq account, and the export of oil, with oversight in return for food, medicine, water, etc. to be distributed to the Iraqi population. It also calls for strict oversight of import of such goods with the deployment of UN Inspectors.

Agreement document	IQ_UN_960520_MoU between the UN and Iraq on the Implementation of UNSC Resolution 986.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

**Women, girls and
gender** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Section I, General provisions,
3. Nothing in the present Memorandum should be construed as infringing upon the sovereignty or territorial integrity of Iraq.

Page 1, Section II, Distribution Plan,
6. ... The present distribution system of such supplies, the prevailing needs and humanitarian conditions in the various Governorates of Iraq shall be taken into consideration with due regard to the sovereignty of Iraq and the national unity of its population...

Page 10-13, Annex 1 [summary] outlines modalities of distribution to the three northernmost provinces (now constituting the Kurdish Autonomous region). Which is conducted by UN agencies rather than the Iraqi government.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights	No specific mention.
Socio-economic rights	entire agmt dedicated to establishing procedures and mechanisms for oil-for-food programme

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

**Development or
socio-economic
reconstruction**

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 1, Section II, Distribution Plan,

5. The Government of Iraq undertakes to effectively guarantee equitable distribution to the Iraqi population throughout the country of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs (hereinafter humanitarian supplies) purchased with the proceeds of the sale of Iraqi petroleum and petroleum products.

[Summary] Other relevant articles on the facilitation of purchases coded in 'Business'.

Page 5, Section V, Procurement and confirmation procedures,

25. The arrival of goods in Iraq purchased under the plan will be confirmed by independent inspection agents to be appointed by the Secretary-General. No payments can be made until the independent inspection agents provide the Secretary-General with authenticated confirmation that the exported goods concerned have arrived in Iraq.

Page 5, Section VI, Distribution of humanitarian supplies purchased under the Distribution Plan

32. The distribution of humanitarian supplies shall be undertaken by the Government of Iraq in accordance with the Distribution Plan referred to in Section II of the present Memorandum. The Government of Iraq will keep the United Nations observation personnel informed about the implementation of the plan and the activities that the Government is undertaking.

Page 5, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, GENERAL PROVISIONS,

34. The United Nations observation process will be conducted by United Nations personnel in Iraq under the overall authority of the Department of Humanitarian Affairs at United Nations Headquarters in New York in accordance with the provisions described below. Such observation shall apply to the distribution of humanitarian supplies financed in accordance with the procedures set out in the Resolution.

Page 6, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, GENERAL PROVISIONS,

35. The objectives of the United Nations observation process shall be:

- (a) to confirm whether the equitable distribution of humanitarian supplies to the Iraqi population throughout the country has been ensured;
- (b) to ensure the effectiveness of the operation and determine the adequacy of the available resources to meet Iraq's humanitarian needs.

Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance

Page 1, Section II, Distribution Plan,

6. To this end, the Government of Iraq shall prepare a Distribution Plan describing in detail the procedures to be followed by the competent Iraqi authorities with a view to ensuring such distribution. The present distribution system of such supplies, the prevailing needs and humanitarian conditions in the various Governorates of Iraq shall be taken into consideration with due regard to the sovereignty of Iraq and the national unity of its population. The plan shall include a categorized list of the supplies and goods that Iraq intends to purchase and import for this purpose on a six-month basis.

National economic plan No specific mention.

Natural resources [summary] Agreement lays out an oil for food programme and necessitates the selling of Iraqi oil. See Section IV in particular. Other clauses coded where applicable.

International funds No specific mention.

Business Page 2, Section III, Establishment of the escrow account and audit of that account, ... 15. Nothing in this Memorandum shall be interpreted to create a liability on the part of the United Nations for any purchase made by the Government of Iraq or any agents acting on its behalf pursuant to the provisions of the Resolution.

Page 3, Section IV, [Summary] establishes the parameters for transport and trade of Iraqi oil as part of the programme.

Page 4, Section V, Procurement and confirmation procedures,
19. The purchase of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs of the Iraqi population throughout the country, as referred to in paragraph 20 of resolution 687 (1991), will, subject to paragraph 20 below, be carried out by the Government of Iraq, will follow normal commercial practice and be on the basis of the relevant resolutions of the Security Council and procedures of the 661 Committee.

Page 4, Section V, Procurement and confirmation procedures,
21. The Government of Iraq will, except as provided for in paragraph 20, contract directly with suppliers to arrange the purchase of supplies, and will conclude the appropriate contractual arrangements.

22. Each export of goods to Iraq shall be at the request of the Government of Iraq pursuant to paragraph 8 (a) of the Resolution. Accordingly, exporting States will submit all relevant documentation, including contracts, for all goods to be exported under the Resolution to the 661 Committee for appropriate action according to its procedures. It is understood that payment of the supplier from the "Iraq Account" can take place only for items purchased by Iraq that are included in the categorized list referred to in Section II of the present Memorandum. Should exceptional circumstances arise, applications for the export of additional items may be submitted to the 661 Committee for its consideration.

Taxation

No specific mention.

Banks

Socio-economic reconstruction→Banks→Central bank

Page 2, Section III, Establishment of the escrow account and audit of that account,
12. The Secretary-General, after consultations with the Government of Iraq, will select a major international bank and establish there the escrow account described in paragraph 7 of the Resolution, to be known as "the United Nations Iraq Account" (hereinafter the "Iraq Account"). The Secretary-General will negotiate the terms of this account with the bank and will keep the Government of Iraq fully informed of his actions in choosing the bank and opening the account. All transactions and deductions mandated by the Security Council under paragraph 8 of the Resolution shall be made from the "Iraq Account", which will be administered in accordance with the relevant Financial Regulations and Rules of the United Nations.

13. The Iraqi authorities might designate a senior banking official to liaise with the Secretariat of the United Nations on all banking matters relating to the "Iraq Account".

14. In accordance with the United Nations Financial Regulations, the "Iraq Account" will be audited by the Board of Auditors who are external independent public auditors. As provided for in the Regulations, the Board of Auditors will issue periodic reports on the audit of the financial statements relating to the account. Such reports will be submitted by the Board to the Secretary-General who will forward them to the 661 Committee and to the Government of Iraq.

Page 5, Section V, Procurement and confirmation procedures,

24. After the 661 Committee has taken action on the applications for export in accordance with its procedures, the Central Bank of Iraq will request the bank holding the "Iraq Account" to open irrevocable letters of credit in favour of the beneficiaries. Such requests shall be referred by the bank holding the "Iraq Account" to the United Nations Secretariat for approval of the opening of the letter of credit by the latter bank, allowing payment from the "Iraq Account" upon presentation of credit-conform documents. The letter of credit will require as condition of payment, inter alia, the submission to the bank holding the "Iraq Account" of the documents to be determined by the procedures established by the 661 Committee, including the confirmations by the agents referred to in paragraph 25 below. The United Nations, after consultations with the Government of Iraq, shall determine the clause to be inserted in all purchase orders, contracts and letters of credit regarding payment terms from the "Iraq Account". All charges incurred in Iraq are to be borne by the applicant, whereas all charges outside Iraq are for the account of the beneficiary.

Socio-economic reconstruction→Banks→Cross-border financial flows

[Summary] See Section III and IV

Page 5, Section V, Procurement and confirmation procedures,

30. If the 661 Committee has approved a request in accordance with paragraph 29, the provisions of paragraph 24 shall apply. However, since the supplier can expect payment against future oil sales, as stated in paragraph 10 of the Resolution, the proceeds of which are to be deposited in the "Iraq Account", the bank holding the "Iraq Account" will issue an irrevocable letter of credit stipulating that payment can only be effected when at the time of drawing the "Iraq Account" has sufficient disposable funds and the United Nations Secretariat approves the payment.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** Page 6, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, OBSERVATION PROCEDURES
Water/sanitation supplies and equipment
40. Observation of distribution of water/sanitation supplies and equipment will focus on the determination that they are used for their intended purposes. Confirmation will be carried out by collecting data on the incidence of waterborne diseases and by water quality control checks by visits to water and sanitation facilities by representatives of relevant United Nations agencies. In this regard the United Nations will rely on all relevant indicators.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

**Withdrawal of
foreign forces** No specific mention.

Corruption	Page 5, Section V, Procurement and confirmation procedures, 25-28. [summary] Corruption and possible nefarious activities are deterred through the stationing of UN inspectors in crossing points to inspect the good upon arrival.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	[Summary] The UN was a direct party to the Agreement.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

**International
mission/force/
similar**

[Summary] Agreement calls for the stationing of UN Inspectors. See 'Organised Crime/Corruption'.

Page 5, Section VI, Distribution of humanitarian supplies purchased under the Distribution Plan

33. The distribution of humanitarian supplies in the three northern Governorates of Arbil, Dihouk and Suleimaniyeh shall be undertaken by the United Nations Inter-Agency Humanitarian Programme on behalf of the Government of Iraq under the Distribution Plan with due regard to the sovereignty and territorial integrity of Iraq in accordance with Annex I.

Page 5, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, GENERAL PROVISIONS,

34. The United Nations observation process will be conducted by United Nations personnel in Iraq under the overall authority of the Department of Humanitarian Affairs at United Nations Headquarters in New York in accordance with the provisions described below. Such observation shall apply to the distribution of humanitarian supplies financed in accordance with the procedures set out in the Resolution.

Page 6, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, OBSERVATION PROCEDURES

Articles 36-41 [Summary] look at the observation procedures undertaken by UN expectors.

Page 6, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, GENERAL PROVISIONS,

35. The objectives of the United Nations observation process shall be:

- (a) to confirm whether the equitable distribution of humanitarian supplies to the Iraqi population throughout the country has been ensured;
- (b) to ensure the effectiveness of the operation and determine the adequacy of the available resources to meet Iraq's humanitarian needs.

Page 7, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, COORDINATION AND COOPERATION

42. The United Nations observation activities will be coordinated by the Department of Humanitarian Affairs at United Nations Headquarters in New York. Observation will be undertaken by United Nations personnel. The exact number of such personnel will be determined by the United Nations taking into account the practical requirements. The Government of Iraq will be consulted in this regard.

Page 7, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, COORDINATION AND COOPERATION

43. The Iraqi authorities will provide to United Nations personnel the assistance required to facilitate the performance of their functions. United Nations personnel will coordinate with the Iraqi competent authorities.

Page 7, Section VII, Observation of the equitable distribution of humanitarian supplies and determination of their adequacy, COORDINATION AND COOPERATION

44. In view of the importance of the functions which United Nations personnel will perform in accordance with the provisions of this Section of the Memorandum, such personnel shall have, in connection with the performance of their functions, unrestricted freedom of movement, access to documentary material which they find relevant having discussed the matter with the Iraqi authorities concerned, and the possibility to make such contacts as they find essential.

Enforcement mechanism

[Summary] Agreement relies on the approval of UN General-Secretary, who is held responsible to the UNGA to report on developments, which cannot be accomplished until Iraq submits its plan. Thus, placing pressure on Iraq to complete the plan. See Section II.

25. The arrival of goods in Iraq purchased under the plan will be confirmed by independent inspection agents to be appointed by the Secretary-General. No payments can be made until the independent inspection agents provide the Secretary-General with authenticated confirmation that the exported goods concerned have arrived in Iraq.

Related cases

No specific mention.

Source

<http://www.fas.org/news/un/iraq/oip/s1996356.htm>; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N96/127/71/PDF/N9612771.pdf?OpenElement>
