



COI QUERY

Country of Origin	IRAQ
Main subject	<u>United Nations (UN) and European Union (EU) sanctions on Iraq between 1983-2003</u>
Question(s)	1. Was the Government of Iraq, including Saddam Hussein and senior officials, under United Nations or European Union sanctions between 1983-2003?
Date of completion	14 September 2021
Query Code	Q25B-2021
Contributing EU+ COI units (if applicable)	N/A

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 14 September 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - Iraq

1. United Nations and European Union sanctions on Iraq and the regime of Saddam Hussein between 1983-2003

UN Sanctions

Through Resolution 661/1990 of 6 August 1990, which followed the Iraqi invasion of Kuwait, the UN Security Council imposed international sanctions on Iraq. According to the text of the Resolution:

“3. [...] all States shall prevent:

- (a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;
- (b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;
- (c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. [...] all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs.”¹

On 22 May 2003, Resolution 1483 (2003) was adopted by the UN Security Council, and most international sanctions on Iraq were withdrawn. According to the text of the Resolution:

“10. [...] with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply.”²

¹ UNSC, Resolution 661 (1990), 6 August 1990, [url](#), paras. 3,4

² UNSC, Resolution 1483 (2003), 22 May 2003, [url](#), para. 10

At the same time, Resolution 1483 (2003) imposed an 'assets freeze and transfer measures' on selected Iraqi 'individuals and entities included in the List of individuals [...] or the List of entities' that were established by the same resolution. According to the text of the Resolution:

"23. [...] all Member States in which there are:

- (a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or
- (b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction,

shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; [...]"³

The arms embargo that was imposed on Iraq by UN Security Council Resolution 661 (199) continues to be in force, with the exceptions allowed by Resolutions 1483 (2003) and 1546 (2004)⁴, whereas 'arms sales to the Government of Iraq are permitted, but not to other end-users'.⁵

A current list of entities and individuals from Iraq under UN sanctions can be found on the website of the [UN Security Council](#).⁶

EU Sanctions

With regards to European Union sanctions, the EU adopted an arms embargo on Iraq on 4 August 1990, along with, *inter alia*, an 'embargo on oil imports from Iraq and Kuwait', as well as adopting 'appropriate measures aimed at freezing Iraqi assets in the territory of Member States'.⁷

In December 1996, the Council of the EU adopted Regulation 2465/96 'concerning the interruption of economic and financial relations between the European Community and Iraq', prohibiting, *inter alia*, EU Member States imports from, and exports to Iraq, as well as 'the provision of non-financial services which promote the economy of Iraq'.⁸

In 2003, the Council of the EU adopted Common Positions 2003/495/CFSP⁹ and 2003/735/CFSP¹⁰, which implemented the provisions of the United Nations Security Council Resolution 1483 (2003)

³ UNSC, Resolution 1483 (2003), 22 May 2003, [url](#), para. 23

⁴ UNSC, Resolution 1546 (2004), 8 June 2004, [url](#), para. 21

⁵ SIPRI, UN arms embargo on Iraq, Last updated on 24 October 2012, [url](#); UNSC, Security Council Committee established pursuant to resolution 1518 (2003), n.d., [url](#)

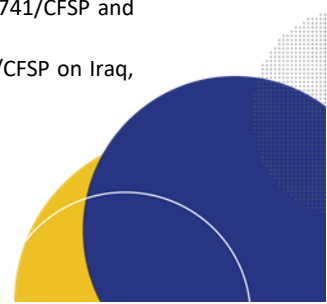
⁶ UNSC, Narrative summaries of reasons for Listing, Individuals and Entities related to resolution 1518 (Iraq) sanctions, n.d., [url](#)

⁷ EU, European Arms Embargo on Iraq, 04 Aug 1990, [url](#)

⁸ EU, Council Regulation (EC) No 2465/96 of 17 December 1996 concerning the interruption of economic and financial relations between the European Community and Iraq, 17 December 1996, [url](#), para. 2

⁹ EU, Council Common Position 2003/495/CFSP of 7 July 2003 on Iraq and repealing Common Positions 96/741/CFSP and 2002/599/CFSP, 7 July 2003, [url](#)

¹⁰ EU, Council Common Position 2003/735/CFSP of 13 October 2003 amending Common Position 2003/495/CFSP on Iraq, 13 October 2003, [url](#)



related to the arms embargo and assets freeze of the Saddam Hussein regime.

Also in 2003, Regulation 1210/2003 was adopted, which repealed Regulation 2465/96 and implemented its own sanctions, including an assets freeze on the 'previous Government of Iraq', and on various individuals and entities.¹¹

In 2004, the Council of the EU additionally adopted the Council Common Position 2004/553/CFSP, implementing the provisions of United Nations Security Council Resolution 1546 (2004) related to the arms embargo on Iraq.¹²

¹¹ EU, Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96, 7 July 2003, [url](#), Article 4

¹² EU, Council Common Position 2004/553/CFSP of 19 July 2004 amending Common Position 2003/495/CFSP on Iraq, 19 July 2004, [url](#)

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