

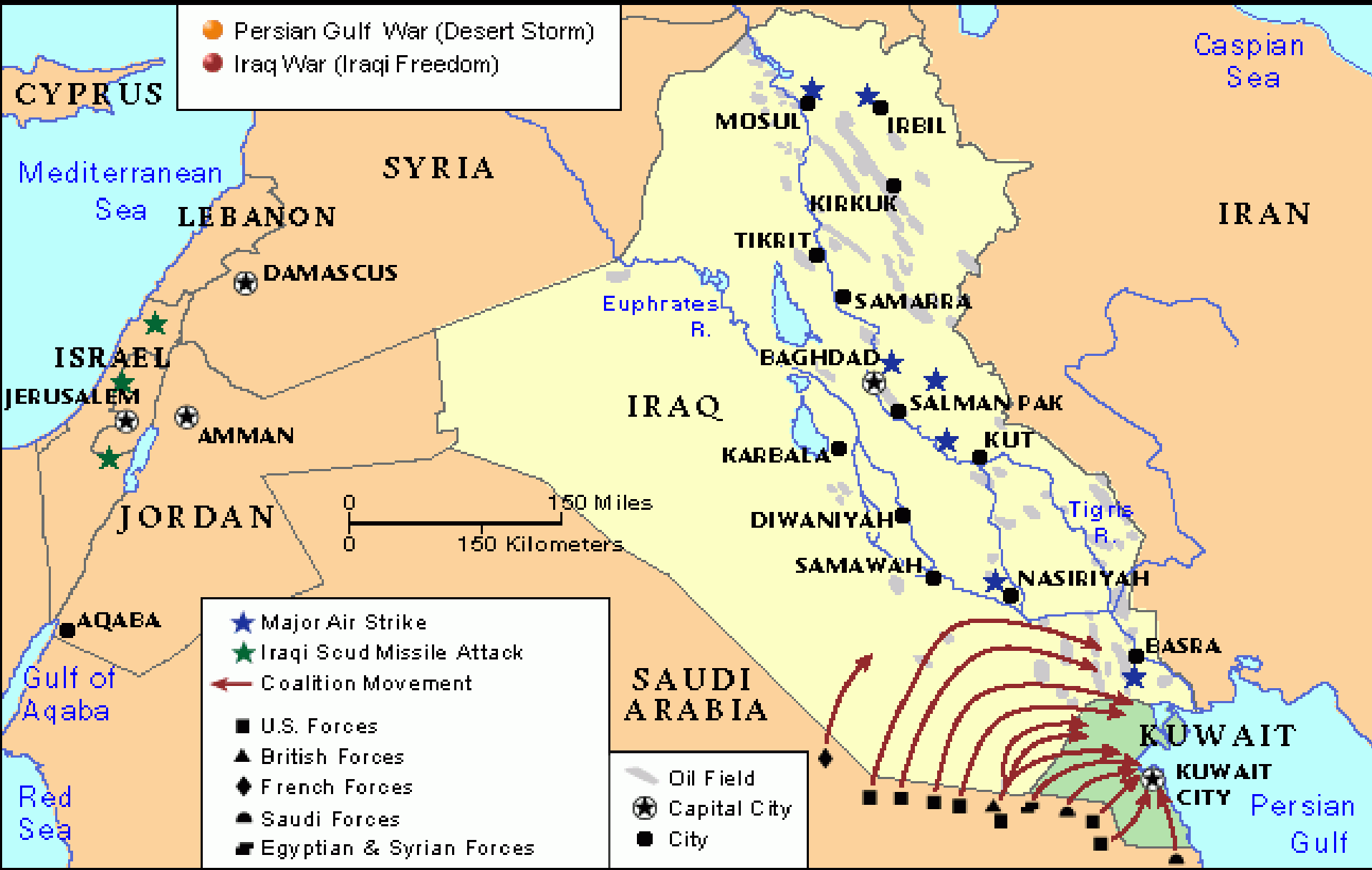
UN Compensation Commission (UNCC)

Lalanath de Silva

Persian Gulf



Gulf War 1990/91



Illustrations of Gulf War Terrestrial Damage – Oil well fires.....



...oil well fires



...oil well fires



...Fortifications



...Encampments



...Soil impacts



...Waste (e.g. Ordnance)



...Coastal Damage



Coastal Damage, Continued.....



Coastal Damage, Continued.....



The Gulf War environmental damage

- Military operations
- Oil well fires
- Oil spills
- Refugees

The United Nations Compensation Commission (UNCC)

- UN Security Council res. 687

Iraq is “liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq’s unlawful invasion and occupation of Kuwait”.

The United Nations Compensation Commission (UNCC)

- **Governing Council**
- **Secretariat**
- **Panels of Commissioners**
- **Compensation Fund**
- **5% of the income from Iraqi oil sales are paid into the Fund (before 2003 it was 25%)**

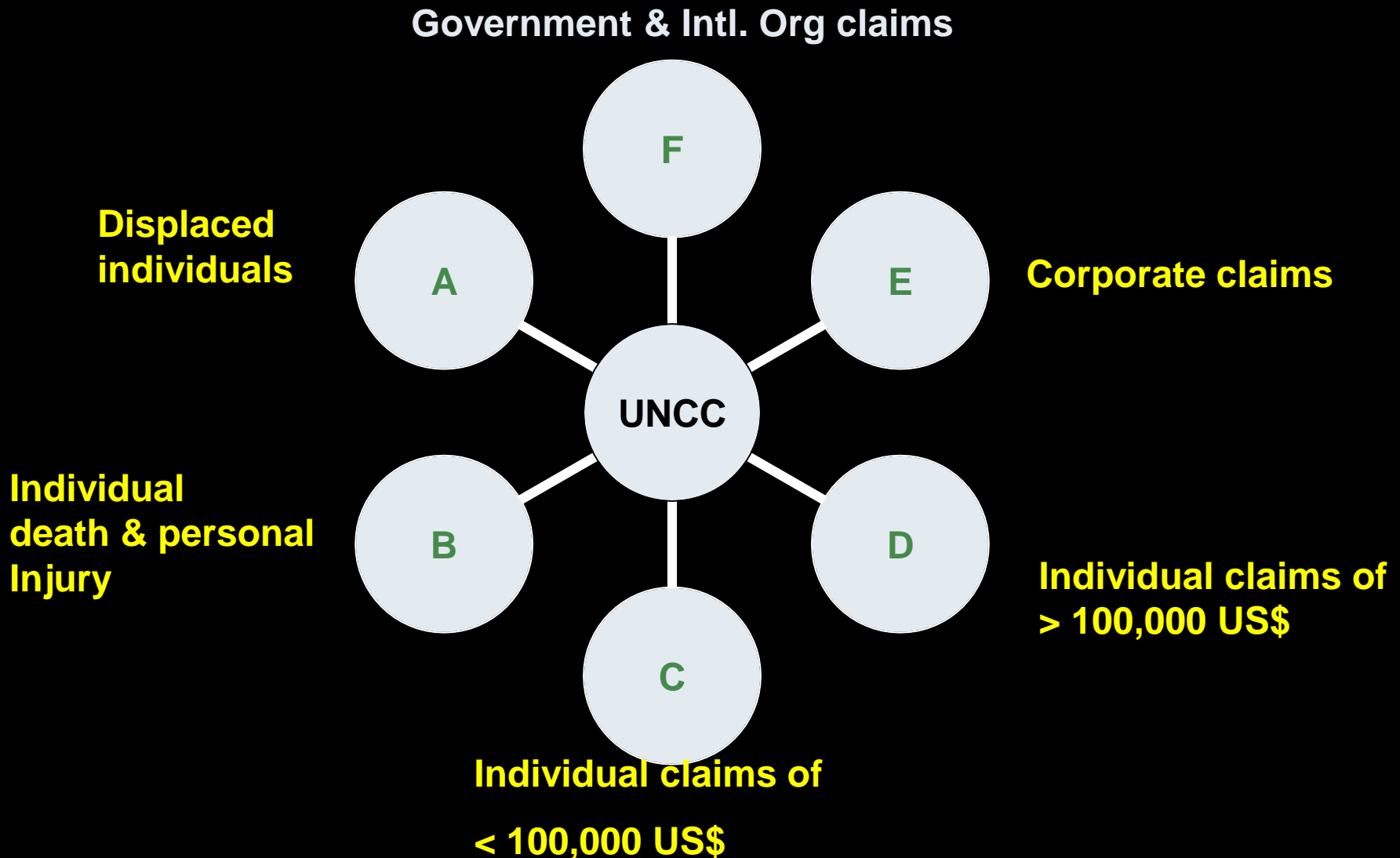
UNCC claims....

- Individuals, Corporations, Governments & International Organizations
- More than 2.6 million claims for approx US\$353 billion in compensation.

UNCC claims....

- Nearly 100 Government
- Several UN Agencies

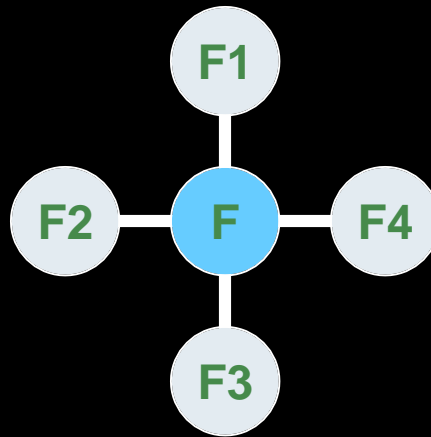
UNCC claim categories



UNCC/GC decisions 35.....

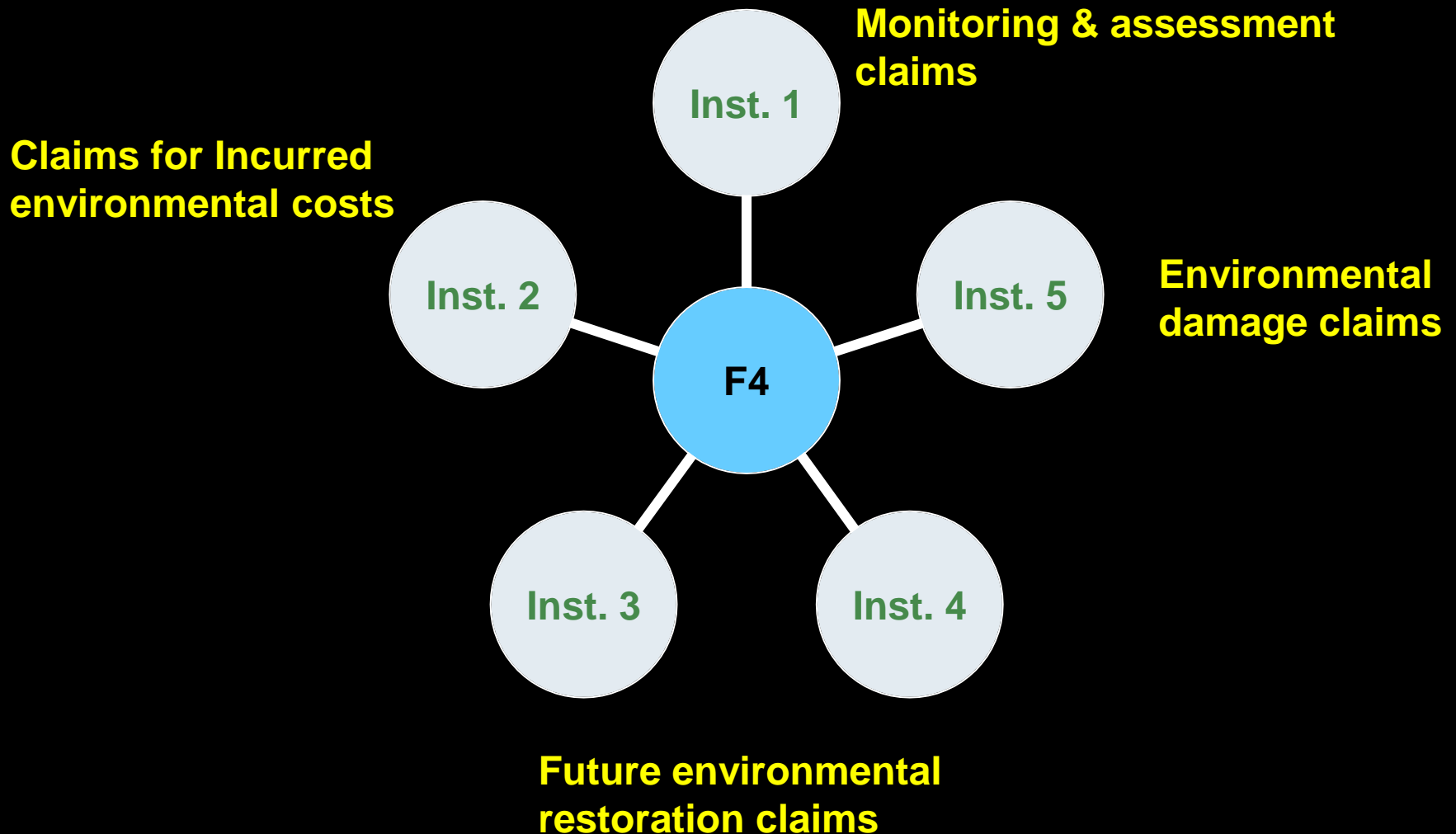
- Monitoring and assessment
- Abatement and prevention
- Cleaning and restoration (past and future);
- Depletion of or damage to natural resources

F Claims classification



- F1 – Costs of departure and evacuation of individuals and for damage to Govt/Org property
- F2 - claims by Jordan and Saudi Arabia
- F3 – Claims by Kuwait (excluding env. Claims)
- F4 – Environmental claims

Environmental Claims Categorize



Saudi Arabia's terrestrial damage claim

- Damaged desert ecosystems (8.4B \$)
- Military damage by Allied Coalition Forces
- Exclusion of “Military Costs” (GC/Dec 19)
- Duty to Mitigate environmental damage
- Outcome: Award made 618M \$

Iran's Agricultural damage claim

- Reduced crops yields & quality (217M \$)
- Insufficient evidence – parallel causes – poor quantification
- Iran used Statistical analysis
- Panel adjusted analysis – award 24 Mil \$
- No award for loss of crop quality

Iraq's participation in claims processing

- 1992 – minimal participation
- Iraq's pleas for greater participation (1996)
- F4 Panel wants full Iraqi participation (1999)
- Review of Procedures (2000)
- Funds provided to Iraq for defense of Environmental claims (2001)
- US invades Iraq – regime change (2003)
- Enlarged participation for Iraq (post 2003)

Q & A

Thank You