

IRAQ CLAIMS: WORLD TECHNOLOGY MEETS WORLD LAW

Following the Gulf War, the United Nations Security Council (S.C.) established the United Nations Compensation Commission (UNCC) to evaluate losses arising from Iraq's invasion and occupation of Kuwait. A subsidiary organ of the Security Council, the UNCC was intended to give effect to Security Council Resolution 687's affirmation that Iraq was "liable under international law for any direct loss, [or] damage,...to foreign governments, nationals and corporations" resulting from Iraq's actions.

The UNCC is currently establishing the legal and logistic machinery to deal with nearly 1.5 million compensation claims in many world languages covering the full range of losses directly caused by the invasion.

The Governing Council, the principal policy-making body of the UNCC, has laid out in 16 decisions the legal framework for the resolution of these claims; the Secretariat is receiving and organizing the claims and three Panels of Commissioners will review claims and provide their recommendations to the Governing Council for final decision. Canada's former Ambassador to the United Nations in New York, Mr. Yves Fortier has been named the Chair of the Panel of Commissioners reviewing claims on Form C.

Expedited claims on Form A, B and C will be reviewed first by the Panel of Commissioners and recommendations must be made on each instalment of claims within a four month time period. Larger claims on Form D, corporate claims on Form E and government claims of Form F will be dealt with at a later date.

The UNCC expects to receive over 1 million claims on Form A for lump sum departure costs. These claims are submitted by national governments on specially designed UNCC software. The data on this software will be compared electronically with massive departure lists provided by governments in the Gulf region. Only in the case of discrepancies, will supporting documentation be requested from governments in non-electronic form.

Nearly 5,000 claims on Form B are expected to be filed for a modest lump sum payment for serious personal injury or death and nearly 500,000 claims on