

IRAQ CLAIMS: NEW DEVELOPMENTS

Following the Gulf War, the United Nations Security Council 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 Governing Council, the principal policy-making body of the UNCC, has laid out in some 19 decisions, the legal framework for the resolution of claims; the Secretariat receives and organizes the claims and three Panels of Commissioners review claims and provide their recommendations to the Governing Council for final decision.

The first set of recommendations by the Panel of Commissioners of the UNCC was approved by the UNCC Governing Council at its June session. These recommendations were for the payment of fixed amounts on Category "B" claims (serious personal injury or death). Although amounts are not substantial, they provide for early relief to claimants.

The Panel addressed two main issues: the attribution of losses and damages to Iraq and jurisdiction. As this is the first report of any of the Panels of Commissioners, it will undoubtedly serve as the foundation for future recommendations by other Panels of Commissioners (Categories A - F).

The Panel recommended that in principle, the injury or death should have occurred between the date of the Iraqi invasion and the date the United Nations Security Council resolution noted the suspension of combat operations, namely, August 2, 1990, to March 2, 1991. With the exception of mine explosions, the occurrence of a serious personal injury or death outside the time frame imposed a general burden on the claimant to link the incident to the invasion.

One of the major issues faced by the Panel was determining what