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SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

PROVISIONAL SUMMARY RECORD OF THE 183RD MEETING (CLOSED)

Held at Headquarters, New York,
on Tuesday, 16 March 1999, at 3.30 p.m.

Chairman: Mr. van WALSUM (Netherlands)

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The meeting was called to order at 3.45 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

OIL EXPORTS FROM IRAQ (continued) (S/AC.25/1999/OIL/COMM.08,
S/AC.25/1999/COMM.23 and 24)

The CHAIRMAN drew attention to two letters from the Executive Director of the Office of the Iraq Programme transmitting additional information provided by the oil overseers and the independent agent Saybolt in response to questions asked at the previous meeting. The only acceptable solution in the current situation would be the introduction of a short technical resolution in the Security Council to the effect that the provision determining the ratio of oil exported from the north and the south of Iraq should be suspended for the duration of Phase V.

Mr. YOUNG (United States of America) said that his delegation would prefer to find a solution within the Committee that would provide a change in authorization for the current phase only, because of the exceptional circumstances. His Government was continuing to study the matter, and he therefore requested that its consideration should be deferred.

Mr. SMIRNOV (Russian Federation) said that both the humanitarian and the technical aspects of the situation must be considered. His delegation was prepared to take a decision but would agree to a deferral if some delegations needed more time. The matter was becoming increasingly urgent, and his delegation was pleased that there was an emerging understanding that the problem could be solved within the Committee.

The CHAIRMAN said that he also would prefer to deal with the matter within the Committee, but the oil overseers had given a warning that the situation would soon be in violation of paragraph 6 of Security Council resolution 986 (1995), and he would eventually be obliged to inform the President of the Security Council accordingly.

Mr. CONG Guang (China) requested the Chairman to brief members on his consultations with the various parties.

Mr. BIGOT (France) said that as long as the Committee did not take a decision the current practices would continue, which would in effect be a decision by default. The Committee could take note of the reports received from the overseers and continue its in-depth consideration of all aspects of the problem. The experts consulted had not foreseen any progress before March 2000; therefore, the Committee could take up the matter again in a few months.

The CHAIRMAN said that he had not held any consultations since the previous meeting but that he expected to begin such consultations at the expert level within the next few days. It would, of course, be possible for the Committee to take no action, in which case he would write to the President of the Security Council to convey to him the warning of the overseers and to inform him that the situation had not been redressed. However, allowing a situation which was in contravention of a resolution to continue was not satisfactory. In the circumstances, he took it that the Committee agreed to defer its decision to allow delegations more time to study the matter.

It was so decided.

THE HAJJ (continued)

The CHAIRMAN said that he had spoken with the Permanent Representative of Iraq, who had confirmed that no further communication had been received from his Government, which did not agree with the decision of the Legal Counsel concerning transfer of funds but would not pursue the matter. The Government of Iraq had issued a press release stating that approximately 2,000 Iraqi pilgrims had already left for Saudi Arabia in anticipation of the closing of the Saudi Arabian border with Iraq on 18 March. In the light of that press release, he believed that it was necessary for the Committee to issue a statement to the press, which was showing intense interest in the issue. He invited comment on the draft text which had been circulated to members.

Mr. BIGOT (France) said that, from the outset, his delegation had favoured quiet diplomacy. He saw no reason for a statement to the press, as the Chairman had already expressed his views to the media; saying any more would lead to confrontation with Iraq. The Committee should simply continue its efforts to find a solution before the next pilgrimage season.

Mr. SMIRNOV (Russian Federation) said that, while he understood the interest in the Hajj, he agreed that there was no need for a written press release. The Chairman could brief the press orally and provide any necessary clarifications at that time.

Mr. CONG Guang (China) said that quiet diplomacy was preferable to media diplomacy and that issuing a press release would undoubtedly complicate matters. The Committee should concentrate its efforts on dialogue with Iraq in an attempt to find an early solution to the issue.

Mr. McGURGAN (United Kingdom) said that transparency was important to the work of the Committee. His delegation therefore favoured the issuance of a press release in which the Committee would place on record a full account of its work concerning the Hajj.

Mr. LALANI (Canada) said that his delegation could support either course of action: the issuance of a press statement or an oral press briefing. It was opposed to doing nothing, since it would be irresponsible for the Committee not to explain its actions.

Mr. E. M. AL-DOSARI (Bahrain) said that his delegation regretted that, once again, no solution had been found and that the question had become politicized. His delegation found the draft text submitted by the Chairman fully acceptable but suggested that, as a compromise, the Chairman could brief the press orally, basing his remarks on his written text.

Mr. YOUNG (United States of America) said that his delegation agreed with the representative of the United Kingdom on the importance of transparency in the work of the Committee and was in favour of issuing a press statement. The Chairman's draft text was neutral and objective and emphasized that the Committee had made and was continuing to make every effort to facilitate the performance of religious duties by Iraqi pilgrims. It was important to make it clear that Iraqi pilgrims were in fact making the Hajj and that the Security Council had not stood in their way. It should be pointed out also that flights had taken place in violation of the relevant Security Council resolutions, which was regrettable, given the other options available to the Government of Iraq.

Mr. LENARČIČ (Slovenia) said that it was entirely appropriate to issue a press release on what had been the main focus of the Committee's work since November 1998. His delegation did not believe that the press release was directed at the Government of Iraq. Given the differing views of Committee

members, he suggested circulating a condensed version of the press release, that included the first paragraph and the last three paragraphs of the draft, on the understanding that any other information it contained would be communicated orally by the Chairman. In his briefing, the Chairman might wish to stress that the Committee had considered the problem at length, regretted that an agreement could not be reached and was determined to continue making every effort to facilitate the pilgrimage.

Mr. SMIRNOV (Russian Federation) reiterated his delegation's position that the embargo should pertain only to cargo, not passenger, flights. He suggested that the text of the press release should not be distributed but rather that the Chairman should make an oral presentation to the press.

The CHAIRMAN specified that the intent of the press release was not to respond to the press release issued by the Ministry of Foreign Affairs of Iraq but rather to convey the solidarity and cohesion with which the Committee had worked. It was his understanding that the Iraqi press release blamed the delegations of the United States of America and the United Kingdom for the Committee's failure to arrive at a solution. He, as Chairman, wished to make it clear that all members of the Committee had cooperated fully and that the solution proposed by the Committee would have represented progress over the voucher system proposed the previous year. It was also imperative to communicate that the Islamic members of the Committee had not been involved in any attempt to embarrass the Government of Iraq. He therefore supported the proposal made by the representative of the Russian Federation and would endeavour to give a fair and unbiased account to the press.

Mr. BIGOT (France) asked whether the Chairman's oral presentation was to be based on the draft press release, which was not satisfactory to his delegation. The press release failed to mention the Committee's rejection of the Iraqi proposal concerning the adoption of a Security Council resolution, an approach which the Committee had not hesitated to take with respect to other issues. Nor did it mention the request by the representative of Iraq to address the Committee, which it had not been possible to grant in spite of all the Chairman's best efforts. As for expressions of regret, the Committee could also regret its failure to resolve the question of reimbursement, although a solution had been proposed by the Secretariat, or its inability to respond to a simple request by the diplomatic corps in Iraq to facilitate air travel for diplomats

and humanitarian evacuations. If the object of the press conference was to defend two members of the Committee, those delegations were perfectly capable of defending themselves by placing blocks or holds, as they had not hesitated to do in the past. The Committee must, first and foremost, make every effort to work together with the Government of Iraq.

The CHAIRMAN assured the representative of France that it was not his intention to defend individual Committee members but rather to convey the information that the Committee members had worked in unison and had had ample time for consideration of the question of the Hajj.

Mr. BIGOT (France) maintained that the press release was not balanced and reflected neither the reality of the situation nor the views of all Committee members.

Mr. E. M. AL-DOSARI (Bahrain) expressed the hope that the Chairman would provide background information to the press by highlighting the Committee's efforts since November 1998, including its consideration of the Iraqi request to participate in the deliberations. He should also emphasize the Committee's gratitude to all the parties which had collaborated in the search for a solution, particularly Saudi Arabia, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. He was confident that the Chairman would provide an objective account of the efforts made by all parties.

Mr. CONG Guang (China) said he hoped that the Chairman's briefing would stress: the Committee's active efforts to seek a solution since November 1998; the fact that the Government of Iraq had not accepted the proposal to transfer funds to a third party; the Committee's gratitude to all the parties that had attempted to find a solution; and the Committee's ongoing consideration of the question. If necessary, the third-party proposal could be explained in detail.

The CHAIRMAN said that the Chinese proposal dovetailed with his own intentions.

Mr. BIGOT (France) expressed the hope that the Chairman would abide strictly by the Chinese proposal, which was excellent and made no reference to expressions of regret.

The CHAIRMAN said that he could not limit his presentation in the way suggested and that he certainly felt constrained to express regret that all the Committee's efforts had not led to a solution.

Mr. CONG Guang (China) said it was his delegation's understanding that the Chairman's remarks to the press should represent the views of the entire Committee and not his own views as representative of the Netherlands. The Committee should reach a consensus on the content of his message to the press before he delivered it.

The CHAIRMAN said that he had no intention of speaking as representative of the Netherlands. He would speak as Chairman and would make every effort to represent the views of Committee members. He must also fulfil his own responsibilities as a Committee Chairman duly elected by the Security Council.

Mr. LALANI (Canada) expressed his delegation's confidence in the Chairman's ability to brief the press appropriately and stressed his prerogative to do so without being micromanaged by the Committee. Indeed, the whole idea of dispensing with the press release had stemmed from a desire to have the majority sentiment in the Committee communicated adequately. If however, Committee members preferred to discuss the Chairman's choice of words, they should do so within the framework of the press release. Lastly, his delegation supported the Chinese proposal.

Mr. MCGURGAN (United Kingdom) expressed his delegation's strong support for the remarks just made and its confidence in the Chairman. The Committee's failure to find a solution was regrettable by any standard and from any perspective, and that point should be communicated to the press.

The CHAIRMAN said it was inconceivable that he should not express regret that the Committee had been unable to resolve an issue which had been the focus of its work for so many months. If he heard no objection, he intended, in his oral presentation to the press, to take into account the minority as well as the majority views expressed in the Committee.

It was so decided.

The meeting rose at 4.50 p.m.