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

PROVISIONAL SUMMARY RECORD OF THE 186th MEETING (CLOSED)

Held at Headquarters, New York,
on Thursday, 27 May 1999, at 3.30 p.m.

Chairman: Mr. van WALSUM (Netherlands)

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LETTERS DATED 29 APRIL AND 17 MAY 1999 FROM IRAQ

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Mr. RANI (Malaysia) said that Turkey was not the only unintended victim of the sanctions against Iraq, and the so-called "smart" sanctions intended to minimize such effects remained elusive. The Committee must give a full accounting of the effects of sanctions and the measures taken to mitigate them.

Mr. YOUNG (United States of America) noted that a draft resolution was currently under consideration in the Security Council that would bring Turkey into the oil-for-food programme as a way to address that country's concerns. His Government did not support consideration for Turkey's request under Article 50 of the Charter.

Mr. MCGURGAN (United Kingdom) said that, although efforts were being made outside the Committee to address the concerns of Turkey, the Committee should remain seized of the issue. His delegation would like to give further study to the matter because, to cite but one example, the reported loss of tourism could be due to factors other than sanctions. The proposals made by the representative of France could be considered in greater detail at a later meeting.

Mr. BIGOT (France) said that the Committee should be looking for ways to compensate Turkey for its losses, and the views of the Permanent Mission of Turkey would be useful. Furthermore, inviting the Permanent Representative to address the Committee would be in keeping with the January 1999 statement by the President of the Security Council that States against which sanctions had been imposed or which were affected by sanctions should be given the opportunity to express their views to the sanctions committees.

Mr. YOUNG (United States of America) said that his delegation was not in a position to support any of those proposals because it was not prepared to give consideration to the Turkish request under Article 50 of the Charter.

Mr. MCGURGAN (United Kingdom) said that, in the view of his delegation, the matter was not, strictly speaking, one for consideration under Article 50.

The CHAIRMAN said that he would inform the Permanent Representative of Turkey that there was no consensus as yet regarding his request under Article 50, and furthermore, would point to the work going on in the Security Council to address Turkish concerns. He would also inform the Permanent Representative that the Committee wished to remain seized of the matter and would give it more

detailed consideration at the next meeting. Any decision on inviting the Permanent Representative to address the Committee would be taken after further consideration of the item.

NOTE VERBALE DATED 28 APRIL 1999 FROM DENMARK (S/AC.25/1999/COMM.45)

The CHAIRMAN drew attention to a communication from the Danish Agency for Trade and Industry, which had been requested by the Iraqi Embassy in Stockholm, Sweden, to reactivate its frozen account in a Danish bank in Copenhagen in order to cover the administrative expenses of the Iraqi Embassy in Stockholm. The Government of Denmark was requesting the Committee's advice on an appropriate response.

Mr. BIGOT (France) said that, on a practical level, operating costs for Iraqi diplomatic representation came from Iraqi accounts in the host countries, as failure to provide the means to maintain diplomatic representation ~~abroad~~ would violate the Vienna Convention on Diplomatic Relations. He recognized that the release of Iraqi assets could pose a legal problem, but his delegation would have no difficulty with that course of action as long as it was ascertained that the expenditures were for the exclusive use of the Iraqi embassy.

Mr. YOUNG (United States of America) said that the embassy in question was in Sweden, while the bank was in Denmark, and he was unaware of any precedent for such a transaction. He would like to know whether there were any Iraqi accounts in Sweden which could be accessed for the necessary funds. As a general rule, funds in Denmark should be used in Denmark.

Mr. McGURGAN (United Kingdom) said that it would be helpful if Denmark asked other countries about their practices in similar situations. He noted that it was the practice in his country to allow diplomatic exceptions to the sanctions, in recognition of the need for Iraqi diplomatic missions to meet costs. His Government did not unfreeze accounts as such, but arranged for applications for withdrawals of funds to cover expenses.

Mr. HARVEY (Canada) said that it would be useful for the Committee to give a positive response. The Governments of Denmark and Sweden were accustomed to working closely together.

Mr. SMIRNOV (Russian Federation) said that the trans-border aspects of the matter must be resolved within the laws governing the banking systems of