

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Agenda]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Adoption of the agenda]  
TXT[1.Adoption of the agenda  
2.Review of the implementation of resolution 661 (1990)  
3.Consultations under Article 50 of the Charter  
4.Other matters  
The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Review of the Implementation of Resolution 661 (1990)]  
TXT[The Committee had received additional replies to the Secretary-General's note verbale of 8 August 1990 and his reminder of 27 August 1990 from 13 States, Thailand (S/21733), Pakistan (S/21734), Australia (S/21735), Lebanon (S/21737), Ecuador (S/21738), Grenada (S/21740), Bulgaria (S/21741), Kenya (S/21744), Byelorussian Soviet Socialist Republic (S/21746), Yemen (S/21748), Czechoslovakia (S/21750) and Italy (S/21754). She also drew attention to document S/AC.25/1990/WP.2/Rev.1, relating to the questionnaire which the Committee wished to address to States on national measures taken in implementation of resolution 661 (1990), which took into account comments received from members of the Committee.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]  
ITEM[Review of the Implementation of Resolution 661 (1990)]  
TXT[The revised version of the working paper covered the points regarded as important by the United Kingdom; however, Committee members would need 24 hours to review the text before approving it, possibly by the "no objection" procedure.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Review of the Implementation of Resolution 661 (1990)]  
TXT[If she heard no objection, she would take it that the Committee agreed to postpone consideration of the revised working paper to its next meeting, with a view to taking a decision on it at that time. It was so decided.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[Committee members had received copies of a letter to its Chairman from the Permanent Representative of Yemen (S/AC.25/1990/COMM.16), concerning the special economic problems faced by Yemen in connection with the implementation of resolution 661 (1990), and letters from the Permanent Representatives of Czechoslovakia (S/21750) and of Uruguay and Pakistan (to be issued as documents S/21775 and S/21776, respectively), which referred to Article 50 of the Charter. In addition, the Committee had before it document S/AC.25/1990/WP.10, containing its observations and recommendations regarding the question of assistance to Jordan

under Article 50. There appeared to be agreement in substance on the text of that document, and she took it that the Committee agreed to submit the document to the Security Council.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[She drew attention to a draft report, document S/AC.25/1990/WP.11, prepared by the Secretariat on the Committee's observations and recommendations on the special economic problems faced by Jordan in implementing resolution 661 (1990). She invited comments from members before the report was transmitted to the Security Council.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Alarcón de Quesada] MS[Cuba] FCT[Member] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[The first two pages of the document appeared to be factual, but that Cuba could not accept the wording of paragraph 2. Only one case had been considered by the Committee, that of Jordan, and the Security Council had not asked the Committee to consider all requests from States experiencing difficulties arising from the implementation of resolution 661 (1990). The wording should be corrected so as to reflect the real situation.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Pickering] MS[United States] FCT[Member] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[Seemed to recall that a letter from Bulgaria had also been referred for consideration by the Committee, in addition to that from Jordan.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Peñalosa] MS[Colombia] FCT[Member] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[Agreed with the representative of Cuba that paragraph 2 was not an accurate record. As the Security Council had met in informal consultations, the text should read not "the Security Council requested", but "the members of the Security Council requested".]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Consultations under Article 50 of the Charter]  
TXT[By way of clarification, that the representative of the United Kingdom had asked the Committee to make recommendations and observations concerning countries which had invoked Article 50 and the President of the Security Council had invited the Committee to make its recommendations to the Security Council concerning such countries, which had not been as many in number at that time. She understood that the President of the Security Council might wish to seek further clarifications of the issue in future consultations. However, since the Committee had agreed in substance on its recommendations concerning Jordan, it could now proceed with those

recommendations.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Pickering] MS[United States] FCT[Member] LANG[1]

ITEM[Consultations under Article 50 of the Charter]

TXT[His delegation would accept the amended wording "the members of the Security Council requested the Security Council Committee".]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew attention to documents S/AC.25/1990/COMM.14 and Add.1, containing the text of letters addressed to her by the Permanent Representative of Cuba concerning the supply of sugar to Jordan.

While that was not prohibited under resolution 661 (1990), any transshipment to Iraq would raise issues covered by Security Council resolution 666 (1990). She asked whether the Committee wished to inform the Permanent Representative of Cuba to the United Nations accordingly.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[His delegation was puzzled by the letter, as a consignment to Jordan was not affected by the provisions of resolution 661 (1990).

The necessary assurances had, he assumed, been given that there would be no transshipment of the sugar to Iraq: if that was the case, the United Kingdom concurred with the proposal by the Chairman.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Alarcón de Quesada] MS[Cuba] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Cuba was fully aware that the consignment was not affected by the provisions of resolution 661 (1990), but merely wished to inform the Committee about the consignment lest members of the Committee were to have doubts about the shipment or, perhaps, to confuse it with military manoeuvres in the Gulf of Aqaba. Once Cuba had handed over the consignment, it would have no further powers over its fate, which would be entirely in the hands of Jordan.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Al-Ashtal] MS[Yemen] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[His delegation feared that the letter from Cuba might set a precedent, causing the Committee to be asked to clear further consignments of goods to Jordan. The provisions of resolution 661 (1990) did not cover exports to Jordan, and Jordan was responsible for the application of those provisions to transshipments from its territory to Iraq.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]  
TXT[Drew the Committee's attention to document  
S/AC.25/1990/COMM.15, containing the text of a letter from Turkey  
to the Committee. If she heard no objection, she would take it that  
the Committee wished to take note of the letter. It was so  
decided.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]  
TXT[Recalled to the Committee's attention a number of matters  
pending, concerning communications from Turkey and Yugoslavia  
(S/AC.25/1990/NOTE/3), Yemen (S/AC.25/1990/NOTE/4), Bulgaria  
(S/AC.25/1990/COMM.8) and Malta (S/AC.25/1990/NOTE/7). Document  
S/AC.25/1990/NOTE/3 contained two letters from Turkey and one from  
Yugoslavia. The first letter from Turkey concerned the freezing of  
the accounts of the Turkish company Kuveyt-Turk Evkaf Finans Kurumu  
A.S., and gave notification of necessary action being taken  
bilaterally between the Turkish Government and the countries  
concerned. If she heard no objection, she would take it that no  
action was required by the Committee regarding that letter. It was  
so decided.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]  
TXT[Suggested that the second letter from Turkey, which required  
clarification on five points relating to foodstuffs, should be  
examined by the Committee at its next meeting in the light of the  
adoption of resolution 666 (1990). It was so decided.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]  
TXT[The letter from Yugoslavia contained in S/AC.25/1990/NOTE/3  
related to the shipment of food supplies through Turkey to Yugoslav  
workers in Iraq. She suggested that the Committee revert to the  
matter at its next meeting for decision in the light of resolution  
666 (1990). It was so decided.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]  
TXT[Document S/AC.25/1990/NOTE/4, which related to the letter from  
Yemen (S/AC.25/1990/COMM.5), raised a legal question, and she  
therefore suggested that the Committee should decide to refer the  
matter to the Legal Counsel for advice.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Pickering] MS[United States] FCT[Member] LANG[1]  
ITEM[Other matters]  
TXT[After giving the matter the serious and urgent consideration it

merited, his delegation believed that it had been adequately covered by the Legal Counsel's response to a question from the Netherlands, to the effect that services which promoted or were calculated to promote exports to or imports from Iraq or Kuwait were covered by the embargo. By the same token, services to commercial vessels flying the Iraqi flag were also covered. The United States felt, therefore, that the question had already been adequately answered, and that there was no need to refer to the Legal Counsel the question raised in the letter from Yemen. ]

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SPKR[Al-Ashtal] MS[Yemen] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Noted that, once again, an objection had been raised to the mere submission of a request to the Legal Counsel. Indeed, except in the case of the question by the Netherlands, it had proved difficult for Committee members to seek a legal opinion - and that hardly facilitated the Committee's work. Even assuming that both of Yemen's questions had been answered in the reply to the Committee's inquiry regarding the question by the Netherlands, it was difficult to understand why the United States delegation should oppose another request for a legal opinion. An unbiased legal opinion was, after all, different from an opinion by a Committee member. His delegation objected in principle to preventing any delegation or Committee member from seeking a legal opinion. Concerning the second question in its letter (S/AC.25/1990/COMM.5),]

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SPKR[Al-Ashtal] MS[Yemen] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[his delegation was entitled to a clarification regarding the differing interpretations of "humanitarian circumstances". Moreover, the adoption of Security Council resolution 666 (1990) did not constitute grounds for not seeking a reply to the first question in the Yemeni letter. Yemen was called on daily to provide what it viewed as humanitarian services to ships in the port of Aden. As his delegation's interpretation of humanitarian services differed from that of the Powers enforcing the Security Council resolutions, it wished to avoid problems in that connection. If a legal opinion could not be obtained urgently, a delegation would enter a reservation on that issue.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Wilkinson] MS[United States] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Security Council resolution 661 (1990) and the situation in the Persian Gulf were largely unprecedented. It would be difficult to formulate a legal opinion based on parallels and analogies with past resolutions. Since Committee members, who were concurrently members of the Security Council, had drafted the resolution, they should be the first to respond to questions concerning its underlying intention. It had not been his delegation's aim to impose a unilateral interpretation of the resolution. It would be prepared to address the first question in the Yemeni letter, and to consider written interpretations of the resolution in consultation

with other Committee members.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Peñalosa] MS[Colombia] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Agreed with the representative of the United States that there were no precedents for the implementation of Security Council resolution 661 (1990). As it was difficult to anticipate fully the consequences of implementing the resolution, a certain degree of flexibility was important. For that reason, his delegation had already suggested establishing rules of procedure for the Committee. It seemed pointless to engage in lengthy procedural discussions when the matter could be easily resolved by specifying the Committee's mandate in a resolution.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Goshu] MS[Ethiopia] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Certain concepts were more political than legal in nature. "Humanitarian circumstances" was one such concept. While the question of "services" had indeed been addressed in the reply to the Netherlands, if a delegation sought a legal opinion, its request should be granted. The Committee must be certain that it was functioning within a legal framework.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Kirsch] MS[Canada] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Even before the adoption of Security Council resolution 666 (1990), his delegation had believed that the interpretation of humanitarian circumstances should be based on the actual situation in Iraq and Kuwait, rather than on a legal opinion. With the adoption of Security Council resolution 666 (1990), setting forth mechanisms for the determination of humanitarian circumstances, the usefulness of a legal opinion seemed even more doubtful. It appeared that services, such as water supplies and fuel, were covered by the embargo, in accordance with paragraphs 3 (c), 3 (b) and 4 of Security Council resolution 661 (1990), concerning the export or transshipment of commodities or products and the transfer of funds. However, his delegation was also concerned about the effect of procedural discussions on the work of the Committee, and did not object in principle to providing a Committee member with a legal opinion.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Redzuan] MS[Malaysia] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Supported the statements by the Ethiopian and Canadian representatives. Earlier, his delegation had expressed the view that a Committee member should not be impeded from seeking a legal opinion.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Lukabu Khabouji N'zaji] MS[Zaire] FCT[Member] LANG[1]  
ITEM[Other matters]

TXT[It was his delegation's understanding that questions concerning resolutions would be considered initially by Committee members and that, subsequently, the Committee Chairman could seek an opinion from the Legal Counsel on questions of a strictly legal nature. The situation was somewhat ambiguous, for, as sponsors of Security Council resolution 661 (1990), Committee members had presumably had an opportunity to contemplate its implications. However, as the Colombian representative had indicated, all consequences of the resolution could have not been fully apparent at the outset. His delegation agreed with the representative of Canada that Security Council resolution 666 (1990) clarified the questions raised by Yemen concerning paragraphs 3 (c) and 4 of resolution 661 (1990). However, if the delegation of the Netherlands was entitled to a legal opinion concerning services, the delegation of Yemen should be entitled to one as well.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Alarcón de Quesada] MS[Cuba] FCT[Member] LANG[1]  
ITEM[Other matters]

TXT[Expressed surprise that a very common procedure in the Organization had become such a matter of principle and was complicating the work of the Committee. There was no reason why any delegation wishing a legal opinion could not seek one, especially since the Committee would not be bound by that opinion.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Delon] MS[France] FCT[Member] LANG[1]  
ITEM[Other matters]

TXT[A legal opinion would be entirely appropriate on the first question in the Yemeni letter, as it differed slightly from the inquiry concerning services by the Netherlands. Regarding the second question, however, the adoption of Security Council resolution 666 (1990) seemed to eliminate the need for a legal opinion. His delegation agreed with the representative of Canada that the Committee should not spend an excessive amount of time on procedural questions and that any reasonable request for a legal opinion should be acceded to.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]  
SPKR[Al-Ashtal] MS[Yemen] FCT[Member] LANG[1]  
ITEM[Other matters]

TXT[Noted that the majority of Committee members had no objection to his delegation's request. It was regrettable that the discussion had lasted more than one hour. As other delegations - for example the delegation of Singapore - had also requested legal opinions, it might expedite the Committee's work if it were agreed that the Chairman could refer such requests to the Legal Counsel whenever she deemed it appropriate.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]  
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]  
ITEM[Other matters]

TXT[She had intended to make an identical proposal. Therefore, if she heard no objection, she would take it that the Committee members agreed to the following procedure: Whenever the Chairman received a letter from a Member State requesting an opinion on strictly legal aspects of a question, she would have the authority to refer the request to the Legal Counsel, on the understanding that the Committee would then decide whether the information provided by the Legal Counsel should be conveyed to the State or entity concerned.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Wilkinson] MS[United States] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[The Committee already had procedural guidelines in writing, and the Chairman's suggestion constituted an amendment to those guidelines. His delegation was not prepared to support such an amendment at the present juncture, but would give further consideration to a proposal submitted in writing.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[She would circulate her proposal in writing at the earliest possible date. The second question contained in the Yemeni letter would have to be decided in

the context of Security Council resolution 666 (1990). Accordingly, she suggested that the Committee should take a decision on the matter at its 12th meeting. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew the Committee's attention to document S/AC.25/1990/COMM.8, which contained the text of a note verbale dated 4 September from the Permanent Mission of Bulgaria to the United Nations, concerning the shipment of baby food on board the Iraqi ship "Belkis" from Varna, Bulgaria, to Iraq. She suggested that the Committee should take up the matter at its 12th meeting for decision in the light of Security Council resolution 666 (1990). It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew the Committee's attention to document S/AC.25/1990/NOTE/7 relating to the letter dated 5 September 1990 from the Permanent Representative of Malta to the United Nations (S/AC.25/1990/COMM.9). The communication raised the matter of the Malta flag vessel "M.V. Sea Music II", which, according to the letter, was loaded with sulphur bound for Morocco and was stranded in Shuaiba, Kuwait. It appeared to her that further clarification should be sought from Malta concerning the origin of the sulphur and that, upon receipt of that information, the Committee could take a decision on the question of referring the matter to the Legal Counsel. It was so decided.]



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CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew the Committee's attention to document S/AC.25/1990/COMM.17, which contained a letter dated 13 September 1990 from the Permanent Representative of Singapore to the United Nations concerning the impact of the sanctions imposed under Security Council resolution 661 (1990) on vessels flying the Kuwaiti flag. It appeared to her that the matter was legal in nature, and she would propose in writing that the Committee should decide to refer the question to the Legal Counsel for advice. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[The Committee must take a decision on the treatment of communications from non-governmental organizations (NGOs) on matters falling within the Committee's purview. One such communication had already come to the Chairman's attention. One possible course of action would be to circulate communications received from NGOs to all Committee members under an NGO document series. Thereafter, the Committee could, if warranted, take up the matters raised in such communications under the agenda item "Other matters", or even as a separate agenda item at a subsequent meeting, if one or more members of the Committee so requested.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Intervention]

SPKR[Delon] MS[France] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Requested additional information on communications from NGOs. Specifically, it would be useful to know whether such communications were essential to the Committee's work, and whether they would require Secretariat services, which would incur expenses for the Organization.]

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SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Replying to query of Mr. Delon of France on communications from NGOs, said she had received only one such communication from the organization Feed the Children. After the meeting, she would contact members of the Secretariat for clarification on arrangements for the distribution of foodstuffs by United Nations agencies in accordance with the provisions of Security Council resolution 666 (1990). She would report on the matter at the Committee's 12th meeting.]

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CAT[661] MTG[11] DATE[9/17/90] TYPE[Procedure]

SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]

ITEM[Consultations under Article 50 of the Charter]

TXT[If she heard no objection she would take it that the Committee

approved the text of the draft as thus amended. It was so decided.]