CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Adoption of the Agenda] TXT[ADOPTION OF THE AGENDA COMMUNICATIONS UNDER THE "NO-OBJECTION" PROCEDURE NEW MATTERS:

- (a) LETTERS DATED 25 AND 28 OCTOBER 1994 FROM KUWAIT
- (b) LETTER DATED 9 NOVEMBER 1994 FROM THE UNITED STATES OF AMERICA
- (c) LETTER DATED 17 OCTOBER 1994 FROM THE UNITED ARAB EMIRATES
- (d) LETTER DATED 9 NOVEMBER 1994 FROM THE UNITED STATES OF AMERICA
- (e) LETTER DATED 18 OCTOBER 1994 FROM IRAQ
- (f) LETTER DATED 20 OCTOBER 1994 FROM IRAQ
- (g) LETTER DATED 13 OCTOBER 1994 FROM THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
- (h) LETTER DATED 13 OCTOBER 1994 FROM THE UNITED STATES OF AMERICA]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Adoption of the Agenda]

- TXT[(i) LETTER DATED 31 OCTOBER 1994 FROM THE UNITED STATES OF AMERICA
- (i) LETTER DATED 13 OCTOBER 1994 FROM JORDAN
- (k) NOTES VERBALES DATED 7, 13, 17 AND 24 OCTOBER 1993 FROM JORDAN
- (1) LETTER DATED 30 OCTOBER 1994 FROM IRAQ MATTERS CARRIED OVER FROM PREVIOUS MEETINGS:
- (a) LETTER DATED 22 AUGUST 1994 FROM INDIA
- (b) NOTE OF THE CHAIRMAN DATED 18 JULY 1994 The agenda was adopted.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Communications under the no-objection procedure] TXT[Drew attention to a list indicating the status of communications under the "no-objection" procedure covering the period from 30 September to 31 October 1994 and invited comments thereon.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Communications under the no-objection procedure] TXT[Informed the Committee that, in addition to the indications given in the status list, her delegation was blocking communications S/AC.25/1994/COMM.5109 (tyres for agricultural tractors), S/AC.25/1994/COMM.5110 (batteries for agricultural equipment), S/AC.25/1994/COMM.5111 (tyres for ambulances), S/AC.25/1994/COMM.5112 (batteries for ambulances) and S/AC.25/1994/COMM.5114 (agricultural diesel pumps), and was placing a hold on communications S/AC.25/1994/COMM.5113 (spare parts for agricultural machineries), S/AC.25/1994/COMM.5118 (compressors and their spare parts) and S/AC.25/1994/COMM.5119

(steam boiler and accessories).]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1] ITEM[Communications under the no-objection procedure] TXT[Communications S/AC.25/1994/COMM.4922 (glassware), S/AC.25/1994/COMM.4923 (glass ashtrays), S/AC.25/1994/COMM.4924 (detergent powder) and S/AC.25/1994/COMM.4927 (soap) had been mistakenly recorded as being placed on hold by the United Kingdom delegation; it had in fact no objection to those items.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Suggested that the Committee should consider agenda items 3 (a), (b), (c) and (d) together. The letters in question, from the Governments of Kuwait, the United Arab Emirates and the United States of America, concerned the interception and seizure of two vessels - the oil tanker Al Mahrousa sailing under the Honduran flag and the tanker M.V. Katarina P. sailing under the Liberian flag - reported to be carrying Iraqi oil in contravention of the sanctions regime.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The vessels were currently detained in ports of Kuwait and the United Arab Emirates, and the Governments of those two States were seeking the Committee's advice on the appropriate course of action to be taken and the manner of disposing of the proceeds of the sale of the oil.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Referring to agenda items 3 (a) and (b) concerning the vessel Al Mahrousa seized by the Kuwaiti authorities, said that Kuwait had acted correctly in selling the Iraqi oil on board that vessel, pursuant to Security Council resolution 778 (1992),

paragraph 2. The proceeds of the sale should now therefore be transferred to the escrow account provided for in Security Council resolutions 706 (1991) and 712 (1991), after which, in accordance with resolution 778 (1992), paragraph 5 (c), 30 per cent of the funds would be transferred to the United Nations Compensation Fund and the remaining 70 per cent might be disposed of in accordance with paragraph 5 (c) (ii).]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The Kuwaiti authorities could state their preference on how they wished to see the remaining 70 per cent allocated. Such information, and any information the Committee wished to provide to the Government of Kuwait, should also be conveyed to the Honduran authorities, which would no doubt wish to take action and report such action to the Committee.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Her delegation supported the views of the United Kingdom representative and added that, once Kuwait had deposited the proceeds in the escrow account, her Government would, as in the past, match those funds with an equivalent sum from frozen assets held in the United States of America. Turning to agenda items 3 (c) and (d) concerning the oil tanker M.V. Katarina P. and presenting a series of slides to the Committee, she said that the satellite photographs, in addition to information secured from the ship's master and logs, provided compelling evidence that the vessel had loaded the oil in an Iraqi port.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Regarding the disposal by the United Arab Emirates of the oil transported by M.V. Katarina P. and of the proceeds from the sale of the oil, the same procedure should be followed as in the case of the tanker Al Mahrousa. It was her understanding that the Government of the United Arab Emirates was also seeking advice as

to what to do with the ship itself. Since the relevant Security Council resolutions provided no clear guidance in the matter, it was for each Member State to enforce United Nations sanctions in accordance with domestic legislation.]

#### ISSUE[IRAO/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[It was hoped and expected that such legislation would permit strong action to be taken against the vessel as a violator of international maritime laws and United Nations sanctions in order to discourage future sanctions violators. That should be reflected in the Committee's letter. As in the case of the Al Mahrousa, strongly worded letters should be sent to the country which owned the vessel and to the country under whose flag it was sailing, requesting them to investigate the situation and report their findings to the Committee.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1) TXT[The Permanent Mission of the United States had received a number of requests from Gulf States expressing concern and seeking advice on the course of action to be taken in similar cases. She hoped that, once the Committee had reached a decision on the two vessels in question, the Chairman could meet Gulf State ambassadors to inform them of the Committee's views in order to ward off problems for those States in the future. Her delegation had some information indicating the imminent recurrence of similar cases.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]
SPKR[Bros] MS[France] FCT[Member] LANG[1]
ITEM[Letters dated 25 and 28 October 1994 from Kuwait
(S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994
from the United States (S/AC.25/1994/COMM.5669 and Corr.1);
Letter dated 17 October 1994 from the United Arab Emirates
(S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the
United States (S/AC.25/1994/COMM.5670 and Corr.1)]
TXT[Agreed with the United Kingdom representative that the
Kuwaiti authorities had complied fully with the procedure
provided for under the relevant Security Council resolutions. The
proceeds of the sale of the oil should be transferred to the
escrow account and, once the stipulated percentage of the funds
had been transferred to the United Nations Compensation Fund,

Kuwait might express a preference for the allocation of the remaining 70 per cent. A letter should be addressed to Kuwait along those lines, in response to its request.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Bros] MS[France] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1) TXT[In the Committee's letter to the United Arab Emirates, the Government should be thanked for informing the Committee and reminded of its obligations under the relevant Security Council resolutions. The Committee's response to the two Governments should not go beyond the specific queries addressed to it. For instance, she saw nothing in either of those Governments' letters requesting advice about how to dispose of the vessels that had been seized.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Stressed the importance of full compliance with Security Council resolutions and expressed concern about the practices of certain companies which attempted to circumvent Security Council resolutions and United Nations sanctions. He was in favour of sending clear, strongly worded letters concerning those sanctions violations and supported the steps taken by Kuwait to sell the oil, pursuant to Security Council resolution 778 (1992).]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1) TXT[The suggested meeting of the Chairman with senior officials from the Gulf States would be extremely helpful in explaining the implications of such situations and the Committee's position to the countries concerned, so that they could take appropriate measures should the need arise. On the question of sanctions enforcement under domestic legislation, it should be borne in mind that such legislation varied from one country to another. The countries concerned should be reminded of the importance of complying with Security Council resolutions concerning the transfer and allocation of the proceeds of the sale of Iraqi

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Chen] MS[China] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Drew attention to the letter from the United Arab Emirates contained in communication S/AC.25/1994/COMM.5245, which referred to the oil tanker M.V. Katarina P. as being "suspected of violating United Nations Security Council sanctions". Presumably, if a vessel were intercepted, information on the source of the cargo could be secured immediately from the captain. Did the Secretariat have any information about the most recent developments?

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The evidence concerning the ship's cargo adduced in the United States letter (S/AC.25/1994/COMM.5670) and confirmed by the satellite photographs, was quite clear. Moreover, the vessel would not have been seized and escorted into United Arab Emirates territorial waters unless the authorities of that country had been convinced of the evidence against it. The wording of the letter from the United Arab Emirates was not very specific and appeared to request advice on the general course of action to be taken, not just regarding the proceeds of the sale of the oil.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[It would be helpful, therefore, if the Committee could give some guidance on the fate of the ship itself. If it was an Iraqi ship, the vessel could be seized and detained indefinitely. The authorities of the United Arab Emirates might wish to detain the vessel until its investigation regarding ownership was completed.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1]

ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Specified that the United Kingdom position on the advice to be given regarding the cargo transported by the vessel M.V. Katarina P. was that it should be exactly the same as for the Al Mahrousa. If it was felt that more general guidance should be given, it was indeed a matter for local law, but obviously in compliance with the relevant Security Council resolutions; that should be reflected in the Committee's letter.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Raza] MS[Pakistan] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[It might be appropriate to refer also to the ship's crew, his understanding being that, whatever action was taken, it should be in accordance with national laws.]

## ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[There seemed to be agreement that the question of proof of sanctions violations raised by the representative of China should be dealt with in accordance with the domestic laws of the two countries concerned. Once it had been established under their laws that the sanctions regime had been violated, the Committee's advice should be given on the action to be taken.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Summing up the views expressed in the Committee, he said that it would be appropriate for the proceeds of the sale of the oil to be made available to the United Nations, and for the Committee to advise the two countries that it was for them to decide on the action to be taken in respect of the vessels and their crews, the Committee not being competent to make a ruling in the matter.

Regarding the Committee's advice to countries whose nationals owned the vessels and those in which they were registered and under whose flag they were sailing, there appeared to be no objection to the suggestion that the Committee should take the matter up with those countries.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Before doing so, however, the Committee required further confirmation from Kuwait and the United Arab Emirates that it had been established under their own legal processes that the sanctions regime had been violated. The Committee could request that information and convey it to the States of ownership and registration, drawing attention to their responsibility in the matter. It would be premature, however, to approach the latter countries merely on the basis of the slim factual information now before the Committee. A final question to be resolved was where the proceeds of the sale of the confiscated oil, should it be proved to be Iraqi oil, should be directed.]

## ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Had been advised that the opinion of the Office of Legal Affairs was that resolution 778 (1992) did not have quite the same mandatory implications as some Committee members suggested, and that there were complex legal issues involved. However, the consensus in the Committee seemed to be that it should at least invite Kuwait and the United Arab Emirates to transfer the proceeds of the sale to the escrow account provided for in resolutions 706 (1991) and 712 (1991), and to invite them also to express a preference as to the allocation of the 70 per cent of the funds remaining after transfer of a 30 per cent percentage to the United Nations Compensation Fund.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Furthermore, it had emerged from discussions he had had with

the ambassadors of the two countries concerned that they would be grateful for general guidance from the Committee on the course of action to be taken.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Agreed by and large with the Chairman's conclusions, but one question remained to be clarified, namely the allocation of the remaining 70 per cent of the funds after transfer to the Compensation Fund. The Security Council had not yet set clear guidelines as to the use of the escrow account, and he hoped that the Governments concerned would be given some latitude in the decisions they took regarding the allocation of the funds in the light of their national legislation. It would be helpful to the Committee for the future to ask Kuwait and the United Arab Emirates to provide specific information on the provisions of their national laws.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1) TXT[On the basis of the advice of its legal counsellors, her Government was convinced that in accordance with the relevant Security Council resolutions, Kuwait and the United Arab Republic were bound to deposit the proceeds in the escrow account. The Committee might incorporate some wording to that effect into the letter it would be sending to those two countries. The letter should also request the United Arab Emirates to determine whether the vessel in question belonged to Iraq, in which case there were clear guidelines on what measures should be taken.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The Committee would prepare a letter to the Governments of Kuwait and the United Arab Emirates which would emphasize three main points. First, the Committee would request more information on the vessels so that it would be in a position to decide if it wished to take action on the matter with regard to third

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Secondly, if the two Governments were satisfied that a violation of the sanctions regime had indeed occurred, the Committee would recommend that they should transfer the proceeds from the sale of the oil into the escrow account established pursuant to Security Council resolutions 706 (1991) and 712 (1991) and would invite them to express any preference they might have regarding the disposition of the 70 per cent of the funds not allocated to the United Nations Compensation Fund.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Thirdly, the Committee would suggest that the two Governments should handle the matter of the vessels and their crews in accordance with their own legislation; at the same time, it would draw attention to those parts of the relevant Security Council resolutions which dealt with the handling of Iraqi ships. He would also arrange for a briefing for those States in the region that were interested in the issue.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Bros] MS[France] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[While she agreed with the Chairman's first two suggestions, she had some reservations about the third. In its communication (S/AC.25/1994/COMM.5449), Kuwait had specifically requested information about the use of the proceeds from the sale of the oil. The Committee should limit itself to answering that question; there was no need to go into the matter of the vessel and its crew. If there were doubts as to the origin of the vessels, the two Governments concerned would certainly be conducting their own investigations and did not need to be reminded to do so.]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The Committee might consider sending two letters. The letter to Kuwait could give a precise answer to the question that had been raised. The letter to the United Arab Emirates could be more general and include suggestions on dealing with the vessel and its crew.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Bros] MS[France] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The fact of mentioning the vessel in one letter and failing to do so in the other might be interpreted as meaning that a Liberian flagship was more likely than a Honduran flagship to be an Iraqi vessel. Such a message would clearly be inappropriate.]

## ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Did not think that such an implication would be drawn. The Committee would simply be responding in one letter to a request for certain information and in the other letter to a request for more general information. The United Arab Emirates had made it clear to her Government that it would appreciate as much guidance from the Committee as possible.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[The Committee should give Kuwait the exact information it was requesting. The Committee should also request both Governments to provide it with any additional information they might have on the vessels that had been intercepted.]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Additional information would allow the Committee to make more informed decisions in the future. If he heard no objections, he would take it that the members wished to give a more precise answer to the United Arab Emirates since they had asked a more general question.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Requested that the letter to Kuwait should be under the no-objection clause.]

## ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[While the request was reasonable it would result in a long delay in replying to Kuwait and the United Arab Emirates.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Had received instructions to obtain the contents of the letter before it was sent to the Ambassador of Kuwait. If the matter could be given high priority and the letter could be prepared in a few days he would be able to refer to his capital and advise the Committee of his delegation's position thus avoiding great delay.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1]

ITEM[Letters dated 25 and 28 October 1994 from Kuwait (S/AC.25/1994/COMM.5449 and Add.1); Letter dated 9 November 1994 from the United States (S/AC.25/1994/COMM.5669 and Corr.1); Letter dated 17 October 1994 from the United Arab Emirates (S/AC.25/1994/COMM.5245); Letter dated 9 November 1994 form the United States (S/AC.25/1994/COMM.5670 and Corr.1)] TXT[Would explain the situation to the Kuwaiti Ambassador.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[Drew attention to a letter from the Permanent Representative of Iraq to the United Nations (S/AC.25/1994/COMM.5371) in which Iraq requested that it should be allowed to pay its contributions to the World Health Organization (WHO) out of its frozen assets abroad.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[As the relevant Security Council resolutions did not authorize Iraq to pay its contributions to international bodies from its frozen assets, her Government would, regrettably, have to deny Iraq's request.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Silva] MS[France] FCT[Member] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[The Committee might reply to Iraq that its request was incomplete because WHO had made no mention of any State which was prepared to release the frozen assets for such a purpose.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[Even if the request were to come from a Member State, the Committee would still have to deny it. It might be best simply to deny Iraq's request.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Silva] MS[France] FCT[Member] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[The Committee was often asked to decide on the substance of an issue when it did not have all the information necessary to make an informed decision. In the case at hand, Iraq had failed to provide crucial information concerning those States or financial institutions which might be prepared to release their funds for the purpose in question.]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 18 October 1994 from Iraq (S/AC.25/1994/COMM.5371)]

TXT[In its reply the Committee might combine questions of form and substance by drawing attention to its difficulty in considering requests which failed to provide adequate information and by recalling previous decisions on similar matters. If he heard no objection, he would take it that the Committee wished to transmit such a reply to Iraq.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 20 October 1994 from Iraq (S/AC.25/1994/COMM.5372)]

TXT[Drew attention to a letter dated 20 October 1994 from the Permanent Representative of Iraq to the United Nations (S/AC.25/1994/COMM.5372), in which the Permanent Representative drew the Committee's attention to data on the effects of the economic sanctions on the health of Iraqi nationals. In accordance with past practice, the Committee would take note of the communication.]

#### ISSUE[IRAO/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553)]

TXT[Drew attention to a letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553) in which FAO was requesting authorization to carry out an aerial crop pest control operation in Iraq and to import into Iraq a number of items needed for the proposed operation.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Aron] MS[United Kingdom] FCT[Member] LANG[1] ITEM[Letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553)] TXT[There was no reason to deny the request as long as FAO took steps to ensure that the operation was implemented in the

steps to ensure that the operation was implemented in the appropriate manner.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553)] TXT[Her Government was in favour of the proposed pest control

operation. However, it would not agree to authorize three of the items on the FAO list because of their dual-use implications:

the global positioning system units, which could also be used to track missiles; the radio equipment; and the spare helicopter engines, which could be flown in when needed. Her Government was also concerned by the last paragraph in the letter, which stated that FAO was ready to supervise the aerial control of weeds if adequate funding was provided. Without such supervision, her Government could not approve the operation.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553)]

TXT[In particular, three monitoring conditions must be fulfilled: the imported spare parts must be exported or destroyed under FAO supervision; no Iraqi pilots should be allowed in the programme; and flight plans should be submitted to the Committee well in advance of the actual flight so that it had time to determine whether the plans were in compliance with the no-fly zone regulations.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 13 October 1994 from the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.5553)]

TXT[The proposed operation would provide Iraq with needed food and would control biological pests. If there were no further comments, he would take it that the Committee wished to prepare a letter authorizing FAO to implement the pest control project, subject to the conditions mentioned.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure]
SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1]
ITEM[Letter dated 13 October 1994 from the United States
(S/AC.25/1994/COMM.5246 and Corr.1)]
TXT[Drew attention to the letter dated 31 October 1994 from the
Deputy Permanent Representative of the United States of America

TXT[Drew attention to the letter dated 31 October 1994 from the Deputy Permanent Representative of the United States of America to the United Nations (S/AC.25/1994/COMM.5246), which concerned the reassignment of the Maritime Interception Force (MIF) in the Red Sea.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1] ITEM[Letter dated 13 October 1994 from the United States (S/AC.25/1994/COMM.5246 and Corr.1)] TXT[Would appreciate more details on the reassignment of the Maritime Interception Force.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Jones] MS[United States] FCT[Member] LANG[1] ITEM[Letter dated 13 October 1994 from the United States (S/AC.25/1994/COMM.5246 and Corr.1)]

TXT[As she understood it, the MIF ships had been reassigned to other duties in other areas. The inspection regime in Aqaba was currently land-based and was being carried out by Lloyd's Register. The United States was still, however, continuing its efforts to intercept vessels in the region.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

<code>ITEM[Letter dated 13 October 1994 from the United States (S/AC.25/1994/COMM.5246 and Corr.1)]</code></code>

TXT[Wished to thank the United States Government for providing information on the Lloyd's Register on-shore inspection regime in Aqaba. He hoped that the United States Mission would keep the Committee informed about any such inspections as might be made in the future.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1]

<code>ITEM[Letter dated 13 October 1994 from the United States (S/AC.25/1994/COMM.5246 and Corr.1)]</code></code>

TXT[Endorsed the statement of the representative of France.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure]

SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1]

ITEM[Letter dated 13 October 1994 from the United States
(S/AC.25/1994/COMM.5246 and Corr.1)]

TXT[The Committee wished to express its appreciation for the report of the United States contained in S/AC.25/1994/COMM.5246. The Committee wished to be kept informed of the operations of Lloyd's Register, whose own personnel had agreed to provide the Committee with information.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure]

SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1]

ITEM[Letter dated 31 October 1994 from the United States
(S/AC.25/1994/COMM.5523)]

TXT[Drew attention to a letter dated 31 October 1994 from the Deputy Permanent Representative of the United States to the United Nations (S/AC.25/1994/COMM.5523), containing information regarding an investigation into a sanctions violation.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1]

ITEM[Letter dated 31 October 1994 from the United States
(S/AC.25/1994/COMM.5523)]

TXT[Wished to thank the United States Government for the letter and hoped that it would keep the Committee informed as to any further developments in the investigation.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

ITEM[Letter dated 31 October 1994 from the United States

### (S/AC.25/1994/COMM.5523)]

TXT[Her Government possessed and would be glad to provide more detailed information on the matter.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 31 October 1994 from the United States (S/AC.25/1994/COMM.5523)]

TXT[Delegations which were interested in obtaining additional information should approach the representative of the United States directly, rather than emburdening the Secretariat with more tasks.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 13 October 1994 from Jordan (S/AC.25/1994/COMMM.5226)]

TXT[Drew attention to a letter dated 13 October 1994 from the Permanent Representative of Jordan to the United Nations (S/AC.25/1994/COMM.5226, concerning the importing of oil from Iraq. In accordance with its customary practice, the Committee would take note of the communication.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Notes verbales dated 7, 13, 17 and 24 October 1994 from Jordan (S/AC.25/1994/COMM5138, 5227, 5486 and 5454)] TXT[Drew attention to notes verbales dated 7, 13, 17 and 24 October 1993 from the Permanent Representative of Jordan to the United Nations (S/AC.25/1994/COMM.5138, 5227, 5486 and 5454), containing reports on the supplying of food and medicine to Iraq. In accordance with its customary practice, the Committee would take note of those communications.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 30 October 1994 from Iraq (S/AC.25/1994/COMM.5626)]

TXT[Drew attention to a letter dated 30 October 1994 from the Permanent Representative of Iraq to the United Nations (S/AC.25/1994/COMM.5626), concerning the effects of pollution caused by bombing. In accordance with its customary practice, the Committee would take note of that communication.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Letter dated 22 August 1994 from India (S/AC.25/1994/COMM.4609)]

TXT[Drew attention to a letter dated 22 August 1994 from the Permanent Representative of India to the United Nations (S/AC.25/1994/COMM.4609), containing a request for chartered flights to carry pilgrims to holy shrines in Iraq.]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

ITEM[Letter dated 22 August 1994 from India

(S/AC.25/1994/COMM.4609)]

TXT[Her Government's position on that issue had not changed: the flights should be blocked because Iraq continued to use them for its own ends. She hoped that the pilgrims would be able to get to the holy sites without flying to Baghdad Airport.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

SPKR[Al-Battashi] MS[Oman] FCT[Member] LANG[1]

ITEM[Letter dated 22 August 1994 from India

(S/AC.25/1994/COMM.4609)]

TXT[Would like the matter to be placed on the agenda for the Committee's next meeting.]

#### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure]

SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1]

ITEM[Note of the Chairman dated 18 July 1994]

TXT[Drew attention to his note of 18 July 1994 which indicated that several Member States had approached him for clarification about the use of frozen funds which were held by the Bank of the International Settlement as a method of payment on exports either directly or by way of security for future payments. The note had referred to two proposed payment methods.]

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

ITEM[Note of the Chairman dated 18 July 1994]

TXT[The Committee should try to clarify the issue since there were so many inquiries from Member States and it had been on the agenda since July. Under paragraph 11 of Security Council resolution 778 (1992), the only way to route funds which had been unfrozen in order to finance humanitarian exports was through a sub-escrow account. It was not possible to use either of the methods suggested in the Chairman's note.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

ITEM[Note of the Chairman dated 18 July 1994]

TXT[Agreed with the representative of France. However, in view of previous problems with the use of the sub-escrow account, it was important to draft a reply which, while indicating that the sub-escrow account was the only available channel for such funds, did not at the same time raise other difficult issues.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention]

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

ITEM[Note of the Chairman dated 18 July 1994]

TXT[The Chairman's note mentioned one arrangement whereby credit would be given against frozen Iraqi assets. Such a method would amount to a collateral arrangement, which was not allowed under

the relevant resolutions. She requested that the reply reflect that  $\operatorname{difficulty.}]$ 

# ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Intervention] SPKR[Silva] MS[France] FCT[Member] LANG[1] ITEM[Note of the Chairman dated 18 July 1994] TXT[Suggested that a model letter stating the Committee's position could be drafted since there were so many inquiries from Member States on the matter.]

### ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[117] DATE[11/10/94] TYPE[Procedure] SPKR[Keating] MS[New Zealand] FCT[Chairman] LANG[1] ITEM[Note of the Chairman dated 18 July 1994] TXT[Suggested that he should request the Secretariat to draft such a model. It was so decided.]