

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Agenda]

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

ITEM[Adoption of the agenda]

TXT[Adoption of the agenda

Review of the implementation of Security Council resolution 661 (1990)

Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)

Consultations under Article 50 of the Charter of the United Nations Implementation of Security Council resolution 670 (1990)

Other matters

The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Review of the implementation of Security Council resolution 661 (1990)]

TXT[Since the Committee's previous meeting additional replies to the Secretary-General's note verbale of 8 August 1990, and his reminder of 27 August 1990, had been received from: Turkey (S/21806), Poland (S/21808), Viet Nam (S/21810), Mauritania (S/21818), Viet Nam (S/21821) and the United Republic of Tanzania (S/21829). She recalled that at its 12th meeting, the Committee had approved the text of a questionnaire to be addressed to States in connection with the measures taken to implement Security Council resolution 661 (1990). She suggested that a deadline of 31 October 1990 should be established for replies. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Recalled that at its previous meeting the Committee had decided to accept the offer of the Permanent Representative of India to keep the Committee informed about the progress made in the delivery and distribution of foodstuffs from the Indian vessel, as authorized by the Committee to meet the immediate needs of Indian nationals in Iraq and Kuwait, it having been agreed that the foodstuffs should be distributed as provided in the relevant Security Council resolutions, and to invite him to address the Committee in that regard. At the same meeting, the Committee had also decided to invite the Deputy Permanent Representative of Sri Lanka and the Permanent Representative of Yugoslavia to address the Committee with a view to clarifying their requests to the Committee in connection with the situation facing their nationals in Iraq and Kuwait. The Permanent Representative of India had informed her that he was not yet in a position to report to the Committee,]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[as the foodstuffs had not yet been unloaded, but that he would do so at the appropriate time. The Permanent Representative of

India had assured her that the Indian authorities were prepared to share the foodstuffs on board the vessel with other Asian nationals trapped in Iraq and Kuwait if the need arose. The Permanent Representative of Yugoslavia, the Deputy Permanent Representative of Sri Lanka and the Permanent Representative of Viet Nam had each requested the opportunity to address the Committee at a later meeting. If she heard no objection, she would take it that the Committee agreed to those requests. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Drew attention to document S/AC.25/1990/COMM.22, containing a letter from the Permanent Observer of Palestine, transmitted to her by the Secretary-General, concerning the situation of Palestinians in Kuwait. If she heard no objection, she would take it that the Committee decided to ask for further clarification of that request. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Drew attention to document S/AC.25/1990/COMM.23, containing a letter dated 24 September 1990 from the Permanent Representative of Bulgaria, transmitted to her by the President of the Security Council, concerning the situation of Bulgarian nationals in Iraq.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[It appeared from the document in question that Bulgarian nationals were being detained in Iraq, which raised some major problems. It was one thing for the Committee to authorize the sending of foodstuffs on a temporary basis to foreign nationals pending their departure, but it was quite a different matter to authorize continuing deliveries to people who would not be allowed to leave. He urged the Chairman to seek clarification of the matter from the Permanent Mission of Bulgaria.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Suggested that the Permanent Representative of Bulgaria should be invited to address the Committee at a later meeting. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council

resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[Drew attention to document S/AC.25/1990/NGO/1, containing a letter from the President of Feed the Children, an international relief agency. She recalled that at its 12th meeting the Committee had decided on the procedure to be followed with regard to communications from non-governmental organizations, namely, that proposals and requests for clarification should be addressed to the Government of the State in which the organizations operated. If she heard no objection, she would take it that the Committee authorized her to reply to the organization in question in accordance with that procedure. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[Suggested that the Committee should hear the reply by the Legal Counsel to the question raised by the representative of Colombia at the Committee's 13th meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Wilkinson] MS[United States] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[It had been agreed that the Colombian delegation should submit its question in writing. He had hoped that the text of the question would have been circulated to other delegations before it was referred to the Legal Counsel.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Castaño] MS[Colombia] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[At the previous meeting, held five days earlier, no member of the Committee had objected to the question which her delegation had addressed to the Legal Counsel, nor had any objections been raised when the Legal Counsel had requested that the question should be submitted in writing. Her delegation had complied with that request on the day of the meeting, and had expected that a reply would be forthcoming at the Committee's next meeting, which had been scheduled for 24 September 1990. Accordingly, while she had no objection to circulating the text of the question in its original language, Spanish, she would insist on hearing the reply by the Legal Counsel at the current meeting. All delegations had equal rights on the Committee. If one delegation were to change its position on a matter on which it had expressed no reservations only five days earlier, that would imply a lack of serious intent.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Castaño] MS[Colombia] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[In view of the major problems requiring action by the Committee, it was not appropriate for any delegation to impede the

Committee's work. At the previous meeting, the Cuban delegation had repeatedly been requested to reconsider its position so that the Committee could hear the Permanent Representative of India. In a similiar vein, she respectfully informed the United States representative that her delegation would insist on having its question answered at the current meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The current discussion appeared to involve a misunderstanding rather than a change of views. According to his recollection of the previous meeting, the Legal Counsel had requested that the question should be submitted in writing and it had been agreed that that should be done. His delegation had assumed that once the question was in written form, the other members of the Committee would be given an opportunity to examine it. It was the Committee's responsibility to deal with questions and communications, and it could not do so unless they were put in writing and circulated in all the working languages.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Supporting the statement made by the representative of Colombia, said that according to his recollection of the previous meeting, it had been agreed that the Committee, at its next meeting, would hear the Permanent Representative of India, the Deputy Permanent Representative of Sri Lanka, the Permanent Representative of Yugoslavia and the reply by the Legal Counsel to the question raised by Colombia. There had not been any disagreement on that agenda. He hoped that the Committee was not going to waste time resuming consideration of decisions which had already been taken. The question was whether there was indeed a consensus in the Committee on the agreement reached at its previous meeting. If the Committee required that the question addressed to the Legal Counsel should be put in writing, it would first have to withdraw its earlier decision.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[It had not been agreed at the previous meeting that the text of her delegation's question should be circulated to the members of the Committee, but that it should be submitted to the Office of Legal Affairs.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[There were differing assumptions with regard to the appropriate action to be taken. The discussion at the previous meeting had been deferred so that the Committee could ascertain the exact nature of the Colombian question and then either consider it or refer it to the Legal Counsel. He disagreed with the Cuban representative's view that the Committee had agreed to hear a reply at its next meeting, since the question itself had not been clear.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The question facing the Committee was whether the Chairman had fully understood the decision reached at the previous meeting. The Legal Counsel had been prepared to answer the question, and the decision had been perfectly clear at the time.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Suggested, with a view to breaking the impasse, that the United States delegation should be given an opportunity to examine the question which had been submitted in writing to the Legal Counsel, and that further consideration of the matter should be deferred to a later meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Supported the Colombian interpretation of the decision taken at the previous meeting. Moreover, his delegation had long been concerned at the way in which the consensus rule was being used to impede the Committee's work. Unless there was an agreement to allow perfectly clear questions to be referred to the Legal Counsel, it would be necessary to re-examine the Committee's rules of procedure.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Suggested that the Colombian representative should be invited to read out the Spanish text of the letter which had been sent to the Legal Counsel. The text would then be interpreted into all the working languages so that the Committee could decide how to deal with it.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Yu] MS[China] FCT[Member] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[In view of the important tasks facing the Committee maximum efficiency must be ensured in its deliberations. While the Committee had provisionally agreed to act on the basis of consensus, it must be prudent in applying that rule. He endorsed the comments made in that connection by the representative of Malaysia.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[Invited the representative of Colombia to read out the text of the question which had been submitted to the Legal Counsel.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Castaño] MS[Colombia] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[Would be pleased to read out the question and also to circulate it, provided that, having done so, she could hear the reply by the Legal Counsel.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Wilkinson] MS[United States] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[That procedure was not acceptable. It was the Committee's responsibility to ensure the implementation of the relevant Security Council resolutions. In that process, various questions would arise. Political questions and questions concerning general policy and application could properly be referred to the Legal Counsel. However, questions relating to implementation should be considered by the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Alarcón de Quesada] MS[Cuba] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[The Committee found itself in an absurd situation. Having agreed at its previous meeting to request the Legal Counsel to give his opinion, which would not be binding on the Committee but would merely serve as a basis for discussion, the Committee was now deciding whether or not he should be allowed to speak.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[At the previous meeting no member of the Committee had objected to the question which the representative of Colombia had addressed to the Legal Counsel. The proposal to have the question put in writing had not originated with the Committee. It had been the Legal Counsel who had wished to have the question in written form

to facilitate his drafting of a reply. No delegation had raised any objection to that decision. She therefore repeated the suggestion that the representative of Colombia should read out her delegation's question.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The proper procedure was for the Committee to submit to the Legal Counsel all questions requiring legal interpretation. The Chairman was taking the fact that no objections had been raised at the previous meeting as implying consent to the procedure suggested by the representative of Colombia.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Would read the letter from the Permanent Representative of Colombia to the Legal Counsel and requested that the text of the letter, in Spanish, should be circulated to the members of the Committee. In the letter Colombia requested the Legal Counsel, in accordance with the agreement reached at the Committee's 13th meeting, to give his opinion on the conditions that countries had to meet to comply with paragraph 6 of resolution 666 (1990), when authorizing the provision and distribution of foodstuffs to Iraq and Kuwait in humanitarian circumstances.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The Legal Counsel was asked to refer in his reply to the case of the Indian ship, and in particular to indicate whether the Indian Red Cross was considered a competent humanitarian organization under resolution 666 (1990), and whether the requirement laid down in paragraph 6 of that resolution that foodstuffs should be provided "through the United Nations", was met by India's request to the Committee, by the Committee's authorization, and by the prompt submission of reports from the Indian Red Cross to the United Nations.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The original question submitted by Colombia had not been so detailed. She therefore asked whether the Committee wished the text of the question in its new form to be circulated for consideration at the following meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council
resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[His delegation was disturbed to find that the question
contained far more detail than that submitted at the previous
meeting and discussed briefly by the Committee. He stressed that
all questions to the Legal Counsel should be put in writing and
circulated to Committee members in accordance with the procedure
agreed on by the Committee. As he saw it, the Colombian question
raised two distinct points: firstly, a general query about the
provisions of paragraph 6 of resolution 666; secondly, a particular
question about the compliance with that resolution of a specific
operation authorized by the Committee on a one-off basis, namely
the Indian vessel. He believed that more thought should be given to
the question from Colombia.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council
resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[While she also recalled the Committee's decision that questions
put to the Legal Counsel should be circulated to members in
writing, a separate decision had been taken at the 13th meeting to
submit the Colombian question to the Legal Counsel. As the question
had been reformulated in more detail, however, she asked the
representative of Colombia to have the new text circulated in all
working languages to the members of the Committee to enable them to
give it due consideration.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Castaño] MS[Colombia] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council
resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[Her delegation respected the agreement that questions to the
Office of Legal Affairs should be put in writing. The Colombian
delegation had acted as it had in order to obtain a reply at the
current meeting. The question raised at the previous meeting was
set out in the second paragraph of the Colombian letter. The
example of the Indian vessel had merely been included to obtain
further clarification. She regretted that so much time was being
spent on the matter, but her delegation insisted on obtaining a
response from the Legal Counsel as had been agreed at the previous
meeting. Colombia would be glad to submit the text of the letter
for circulation, but could not understand the fear which some
members seemed to have of the Legal Counsel's opinion. His opinion
would merely assist the Committee in its deliberations.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Castaño] MS[Colombia] FCT[Member] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs: Security Council
resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]
TXT[The fear of the Legal Counsel's opinion to which she had
referred was an indication of the weakness of one particular
delegation and, by extension, of the weakness of the Committee
itself. If her delegation could not obtain a reply from the Legal

Counsel at the current meeting, it would be forced to reconsider its role on the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The Committee faced a deadlock. Since the text of the letter differed substantially from the text presented at the Committee's 13th meeting, she wished to suggest that the Committee should defer consideration of the matter to its following meeting so that the members could study the text of the letter.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Did not understand why the Legal Counsel could not give his answer at the current meeting, as agreed by the Committee at its previous meeting. The Legal Counsel could respond both to the question submitted in writing and to the points raised in the course of the discussion in the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Anet] MS[Côte d'Ivoire] FCT[Member] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Wished to appeal to the representative of Colombia to accept the Chairman's suggestion to defer consideration of the matter to the following meeting to give the members the benefit of seeing the fuller question in writing. The question put by Colombia at the previous meeting had been very precise and, while the Legal Counsel might be in a position to respond to the full text of the letter, there was a danger that the ensuing discussion would be merely a dialogue between the Legal Counsel and the representative of Colombia, as the other members of the Committee had not been able to acquaint themselves with the text.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[It would be more appropriate to appeal, not to Colombia, but to the Committee members who wanted to change the decision taken at the previous meeting. The Legal Counsel was present and prepared to speak, and the Committee should hear his opinion.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[The Committee was not changing the decision made at the previous meeting. It had decided to refer Colombia's question to

the Legal Counsel, but the question submitted at the current meeting was more detailed and more complex. The members of the Committee might therefore wish to see the question in all the working languages.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Her delegation was prepared to submit the letter to the Secretariat for circulation. However, the text was basically the same as that submitted at the previous meeting. She wished to stress that the Committee had already decided to hear the Legal Counsel's reply. Unfortunately, one delegation seemed determined to override that decision. If the Committee did not implement the decision, Colombia would be forced to withdraw from the meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Suggested that the meeting should be suspended briefly to enable the members of the Committee to find a way out of the impasse.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Asked the representative of Colombia to read out her question to the Legal Counsel as it had been formulated at the previous meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Her delegation sought the Legal Counsel's opinion on the requirements for compliance with paragraph 6 of resolution 666 (1990). In particular, it wished to know what was understood by the term "through the United Nations".]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[In reply to the question asked, that he would like, first of all, to recall that decisions of the Committee taken pursuant to paragraph 6 of Security Council resolution 666 (1990) were predicated on determinations by the Committee that circumstances had arisen in which there was an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, determinations which had to be made under paragraph 5 of the

resolution. Paragraph 6 of the resolution dealt with two subject-matters which arose once the determination under paragraph 5 had been made, namely, the provision of foodstuffs and their distribution. With respect to the provision of foodstuffs, paragraph 6 stipulated that they "should be provided through the United Nations in co-operation with the International Committee of the Red Cross or other appropriate humanitarian agencies".]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Paragraph 6 did not provide a more specific indication of what was meant by such terms as "provided through the United Nations" or "co-operation", nor did it define the precise meaning of "other appropriate humanitarian agencies". It was clear, however, that emphasis was placed on an international action which physically involved the United Nations and the International Committee of the Red Cross (ICRC) or other appropriate humanitarian agencies which would collect, assemble and transport the food. From a legal point of view, paragraph 6 of resolution 666, by not circumscribing, as he had said, in a clear fashion, the notion "appropriate humanitarian agencies" did not exclude the designation of national humanitarian institutions which were well-organized, competent and experienced and were willing to keep the United Nations informed either through the Committee or through the Secretary-General.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[Furthermore, the terms "through the United Nations" and "in co-operation" were not so narrow, either in their ordinary meaning or in the light of the objectives and purposes of paragraph 6, as to prevent the Committee from defining the United Nations role as that of providing a broad chapeau through the authorization of a national agency and by accepting that the United Nations should be regularly informed about the progress of the operation so as to be in a position to consider it again if that was deemed necessary. He was, however, not in a position to go further and to draw general conclusions on what conditions Member States must comply with when the determination of the sending of foodstuffs through national agencies was at stake. Paragraph 6 aimed primarily at an international solution, but if such a solution was not attainable, the Committee could not, from a legal point of view, restrict the interpretation of paragraph 6 to the extent that national]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[institutions were totally excluded. On the other hand, it would run counter to the objectives and purposes of paragraph 6 if the United Nations limited its role to that of merely rubber-stamping the intentions of national humanitarian agencies to provide food.

But the area in between those parameters had to be filled by the members of the Security Council, acting in the Committee or in the Council, as the authors of resolution 666. Strictly legal methods of interpretation could not lead the United Nations further. With respect to the second subject-matter covered in paragraph 6, namely the distribution of food, the emphasis was again placed on international action. Paragraph 6 determined that the food had to be "distributed by them", i.e. the United Nations, the ICRC and/or "appropriate humanitarian agencies", or "under their supervision". While the aim of the operation was clearly stated, namely, in order to ensure that they (i.e. "foodstuffs") reached the intended]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[beneficiaries, there was again no definition of the terms "appropriate humanitarian agencies" or "by them" and, above all, no definition of "supervision". From a legal point of view, the acceptance of the distribution of the food through a national humanitarian agency must be based on the trustworthiness of the institution in question, but also on the preparations which had been made by that institution for the distribution of the food, preparations which must be made precisely in order to ensure, as paragraph 6 stated, that the food reached the intended beneficiaries. The supervision by the United Nations must be safeguarded through reporting to the Committee or the Secretary-General, to which the national institution must agree, and which would give the Committee the opportunity to follow the progress of the operation and to consider it anew if that was deemed necessary. As in the case of the provision of foodstuffs,]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]

ITEM[Foodstuffs and delivery of foodstuffs: Security Council resolutions 661 (1990), paragraph 3 (c), and 666 (1990)]

TXT[he was not in a position to go further and lay down, from a legal point of view, general rules on how paragraph 6 might be implemented. It would again be for the members of the Committee, acting in the Council or in the Committee, to develop the interpretation and application of paragraph 6 further, always bearing in mind that primarily a true international action was desired as well as the legal limitations following from the text: such interpretations could not go so far as to exclude national organizations completely, and it would be equally wrong to transform the supervisory role of the United Nations into a mere exercise of rubber-stamping.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[Referring to resolution 669 (1990), whereby the Council entrusted the Committee with examining requests for assistance under Article 50 of the Charter, said that there were many requests pending. She suggested that a working group should be set up to

study the cases in question and to advise the Committee on appropriate action.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[His delegation supported the Chairman's suggestion. Since the issue in question was a source of great concern to a number of States, the Committee should take a decision on the establishment of the working group at the current meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[His delegation supported the establishment of an open-ended working group, with the possible inclusion of other members of missions who had economic expertise. However, the decision on the working group should perhaps be deferred to a later meeting, as more time was needed to give careful consideration to the group's terms of reference. While a precedent had been set with the case of Jordan, the large number of applications pending concerned a wide range of different problems. Since important meetings of the International Monetary Fund and the World Bank to consider means of helping States affected by the Gulf crisis were currently under way in Washington, a linkage should be established between the Committee and those two organizations.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[Such a linkage would help the Committee in its work and would also avoid duplication of effort: in particular, the financial assistance raised from bilateral donors and international financial institutions by those organizations would far outstrip any such assistance that the United Nations could muster from its own sources.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[Supported the proposal by the United Kingdom. The Committee faced a growing volume of work, and decisions taken under resolution 669 (1990) fell outside its own terms of reference, rendering it useful to have a separate working group to make appropriate recommendations. He also agreed with the representative of the United Kingdom that economic experts from the missions should be allowed to join the working group, which should be open-ended. The Committee could take a decision on the working group in principle at its current meeting, and the Chairman could give further guidance at a later stage.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Consultations under Article 50 of the Charter]

TXT[Supported the proposal to establish a working group. While his delegation was prepared to decide on the working group at the current meeting, it was aware that some delegations might need more time. As many urgent requests were pending, however, he stressed the importance of prompt action.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] 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 wished in principle to establish a working group. It was so decided. She suggested that delegations should make the necessary preparations for the establishment of the working group, without delay.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Recalled that the Committee had certain responsibilities under paragraphs 3, 4 and 6 of resolution 670 (1990). She drew attention to document S/AC.25/1990/NOTE/15, containing the text of letters sent by her to the Permanent Representatives of Brazil and Morocco, and of the Syrian Arab Republic, Cyprus, Greece, Italy, Malta, Tunisia, Algeria and Senegal, and to document S/AC.25/1990/COMM.24, containing a letter from the Permanent Representative of Greece stating that the Greek authorities had granted overflight permission to the flight from Baghdad to Brazil through Greek airspace. It was the view of the Committee that paragraph 4 of resolution 670 (1990) did not apply to the flight to Brazil, as the aircraft was not landing in Iraq or Kuwait, but did apply to the return flight to Iraq or Kuwait, an issue which had been raised by Morocco in a note verbale.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Suggested that the Committee should approve the return flight, assuming that the aircraft would follow the same route, as specified by Morocco and Brazil, and on the understanding that the Brazilian and Moroccan authorities would inspect the aircraft and certify that there was no contravention of resolution 661 (1990).]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[His delegation had no objection to the procedure suggested by the Chairman. However, the legal basis for the decisions in question should be further clarified. The provisions of paragraph 4 (b) of resolution 670 (1990) were being applied, but it was also possible for action to be taken without seeking the Committee's approval, under paragraph 4 (a) of the resolution. However, paragraph 4 (a) should be interpreted in the light of paragraph 7 of the resolution, which called upon all States to co-operate in

taking such measures as might be necessary. It was possible, therefore, for the aircraft to land in only one of the States overflown, which would carry out the inspection on behalf of all the States overflown.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[There would be no need to obtain the Committee's permission in order to take such action. Paragraph 3 also applied to the case of Morocco. While he had no objection to the procedure question, he wished to stress that the resolution allowed such cases to be dealt with in other ways and the Committee's approval did not have to be sought in every case.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[His delegation was in general agreement with the points raised by the representative of France. As the return flight from Brazil fell within the terms of paragraph 4 (a) of resolution 670 (1990), there was no need for the Committee's approval to be sought. In all such cases, the States overflown should agree among themselves on a suitable landing place where inspection could take place. Under the resolution many such cases could be dealt with adequately without referral to the Committee, which would lose valuable time if it had to consider each case.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Endorsed the statements made by the previous speakers. The Committee needed, without creating a precedent, to clarify the procedure for implementing Security Council resolution 670 (1990) for the benefit of the various countries that might be involved in the future in the type of case under consideration. The Committee might thus be able to ensure that it would not have to authorize each flight and approve each individual request.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Asked whether the Committee wished, in the specific case under consideration and in any future cases in which requests were submitted to it, simply to refer to Security Council resolution 670 (1990), particularly the relevant paragraph, without specifically authorizing the flights concerned.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[An appropriate way of handling the matter under consideration might be for the Committee to draft a response to the specific

letters containing requests that it had received, indicating that there was no problem with the procedure suggested in the letters, since it was in fact fully in accordance with Security Council resolution 670 (1990), and therefore did not actually require either any communication with or any action by the Committee. In such an answer, a draft of which could perhaps be informally circulated to Committee members, the Committee could convey the necessary message. It would thus perhaps be able to avoid receiving a large number of such requests and rubber-stamping them. A rubber-stamping procedure would mean that the Committee would be seen as approving requests without actually having looked into them.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Entirely supported the statement just made by the representative of the United States. With regard to the point raised by the representative of Colombia, it was for the State of registration, or the State from whose territory the aircraft took off, to contact the competent civil aviation authorities of the territories to be overflown in order to inform them that the aircraft was going to overfly those territories, and in order to ascertain that those authorities were willing to authorize it to enter their airspace. The standard civil aviation procedure could be followed in the specific cases with which the Committee would be dealing.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[Unless there was a formal request from Brazil, or any other State, there was no need to take any formal action at all on the return flight. The Chairman had made the position quite clear in her letter to the Permanent Representative of Brazil. The Committee should not anticipate requests.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Implementation of Security Council resolution 670]

TXT[There was a possibility that the Committee would have to deal with such requests in the future, and it needed to work out what approach it should take to them. She asked whether the Committee wished to follow the procedure suggested by the representative of the United States.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Implementation of Security Council resolution 670]

TXT[He would like to see the proposal under consideration in writing.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Implementation of Security Council resolution 670]
TXT[Would draft an appropriate text setting out the procedure that the Committee might wish to follow, which she would circulate to Committee members as soon as possible.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Other matters]
TXT[Drew attention to document S/AC.25/1990/NOTE/14, containing the text of a communication received on 14 September 1990 from the International Atomic Energy Agency (IAEA) and a draft letter to the Legal Counsel. One member of the Committee had objected to referring the matter to the Legal Counsel. She understood that the Secretary-General had received further information from IAEA.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Schlittler] MS[PSCA] FCT[Secretariat] LANG[1]
ITEM[Other matters]
TXT[Read out the following communication from the Director General of IAEA, as well as the annex thereto, on behalf of the Secretary-General: "In my message of 14 September, I asked you to be so kind as to seek the view of the Sanctions Committee on the applicability of Security Council resolution 661 to the IAEA Technical Assistance Programme. At their meeting on 24 September the IAEA Board of Governors passed a resolution on this subject by 33 votes to 1 (Iraq), with one abstention (Philippines). The text of the resolution is attached. I would be grateful if you could inform the Sanctions Committee of this Development.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Schlittler] MS[PSCA] FCT[Secretariat] LANG[1]
ITEM[Other matters]
TXT[RESOLUTION: SANCTIONS TAKEN BY THE DIRECTOR GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 661. The Board of Governors Underlines the obligation of the Director General to take such measures as may be necessary to give effect to Security Council resolution 661 and all Security Council resolutions having relevance to this matter as well as the guidelines of the Sanctions Committee, established pursuant to Security Council resolution 661. Requests the Director General to consult and inform the Board as appropriate." The two texts that he had just read out would be circulated to the members of the Committee.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]
SPKR[Rasi] MS[Finland] FCT[Chairman] LANG[1]
ITEM[Other matters]
TXT[Believed that the earlier request made by IAEA to the Committee had thus been met.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]
SPKR[Redzuan] MS[Malaysia] FCT[Member] LANG[1]
ITEM[Other matters]
TXT[Referring to the serious procedural difficulties encountered by

the Committee, such as the difficulties encountered earlier at the current meeting, said that the issue was really that legal problems could be addressed to the Legal Counsel only if there was a consensus in the Committee, and not simply, for example, at the Chairman's discretion. He failed to understand why a simple matter of referring legal matters to the Legal Counsel, whose views were not binding on the Committee, should pose such a problem. The basic problem was the ruling on consensus, which in fact gave veto powers to all Committee members and had on many occasions been an impediment to the Committee. The Committee needed to review the provisional ruling governing its work. He therefore wished the points that he had just raised to be considered at the Committee's following meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Other matters]

TXT[Only the Committee could request an opinion from the Legal Counsel. When it was a question of whether or not to request such an opinion, an exchange of views in the Committee was required. Many of those who were most interested in requesting opinions from the Legal Counsel had been least interested in making an effort to find common ground in the Committee. It was for the members of the Security Council to interpret Security Council resolutions. Except in extraordinary circumstances, it was not necessary to consult a Secretariat official on how Security Council resolutions should be interpreted. In most cases, the issues that arose could be settled by means of discussion among members of the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Other matters]

TXT[If, however, there were cases in which there was a decision to request an opinion from the Legal Counsel, that was not a question of procedure. A departure from the provisionally adopted rules of procedure would not entirely simplify all issues that gave rise to difficulties. He appealed to the Malaysian delegation to consider carefully whether it was necessary to take the approach it was adopting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Other matters]

TXT[Her delegation supported Malaysia's proposal that at its following meeting the Committee should review its provisional rules of procedure and also consider the issue of requests for an opinion from the Legal Counsel when necessary, in the light of what had been happening for the past one and a half months. It was important that the members of the Committee should act responsibly if they each had a veto. A responsible approach would be to discuss the issues that arose adequately. The United States was of the view that issues should be discussed among the members of the Committee themselves. However, in her delegation's view, when Committee members believed that an issue required clarification the Committee could consult the Legal Counsel on the matter. In such cases, it

might become apparent in the course of discussions in the Committee that it would be desirable to do so, or the Chairman herself could decide to consult the Legal Counsel, at her own discretion.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Other matters]

TXT[Supported the proposal put forward by Malaysia. No member of the Committee should be able to impose its own interpretation of Security Council resolutions on the other members of the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Intervention]

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

ITEM[Other matters]

TXT[The issue raised by Malaysia was an important one. The Chairman might wish to hold bilateral consultations with other delegations in order to prepare the way for consideration of the matter in the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[14] DATE[9/27/90] TYPE[Procedure]

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

ITEM[Other matters]

TXT[Would gladly hold bilateral consultations with delegations, as proposed by France. She suggested that the issues referred to by the representatives of Malaysia, Colombia and Yemen should be discussed at either the following meeting or the meeting after that.]