

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[24] DATE[1/14/91] TYPE[Agenda]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Adoption of the agenda]
TXT[Adoption of the agenda
Review of the implementation of Security Council resolution 661
(1990)
Implementation of Security Council resolution 670 (1990)
Foodstuffs and delivery of foodstuffs: Security Council resolutions
661 (1990), paragraph 3 (c), and 666 (1990)
Other matters
The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Review of Implementation of Security Council resolution 661
(1990)]
TXT[Drew the Committee's attention to the replies to the Secretary-
General's note verbale of 8 August 1990, and his reminder of 27
August 1990, received from the Philippines, India, Yugoslavia and
Tunisia, and issued as documents S/22011, S/22013, S/22014 and
S/22015, respectively. If he heard no objection, he would take it
that the Committee wished to take note of those replies. It was so
decided.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Review of Implementation of Security Council resolution 661
(1990)]
TXT[Informed the Committee that replies to the questionnaire had
been received from The Bahamas (S/AC.25/1990/77), and from
Mongolia, Qatar and Zimbabwe (S/AC.25/1991/1, 2 and 3). If he heard
no objection, he would take it that the Committee wished to take
note of those replies. It was so decided.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Review of Implementation of Security Council resolution 661
(1990)]
TXT[Members of the Committee had before them document
S/AC.25/1990/COMM.167, containing a letter dated 18 December 1990
from the Secretary-General transmitting the report prepared by Mr.
Ngobi, of the Department of Political and Security Council Affairs,
following his mission to Jordan at the request of the Secretary-
General, pursuant to the invitation extended by the Government of
Jordan to the Committee.]

ISSUE[IRAQ/KUWAIT]
CAT[661] MTG[24] DATE[1/14/91] TYPE[Intervention]
SPKR[Hannay] MS[United Kingdom] FCT[Member] LANG[1]
ITEM[Review of Implementation of Security Council resolution 661
(1990)]
TXT[Mr. Ngobi's report offered a fairly reassuring picture of the
manner in which Jordan had been applying sanctions at its border
with Iraq at the time of the mission, namely December 1990. He

wished, however, to ask Mr. Ngobi, perhaps through the Chairman of the Committee, if there was any question of the United Nations organizing ongoing monitoring of the situation along the border between the two countries. Such monitoring could give a certain number of donors the sure knowledge that sanctions were being fully respected and that they could then assist Jordan to overcome the very serious economic difficulties which it was faced with as a result of the sanctions adopted against Iraq. The Chairman of the Committee could be asked to remain in contact with the Permanent Mission of Jordan to review the manner in which the United Nations could organize such ongoing monitoring.]

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CAT[661] MTG[24] DATE[1/14/91] TYPE[Intervention]

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

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

TXT[It was his understanding that the Jordanians, too, wished to organize long-term monitoring of the situation on the border between Jordan and Iraq. The Committee might wish to pursue further contacts with the Permanent Mission of Jordan in order to determine whether it would be possible to provide support to that country in the longer term to enable it to cope with the problem to which the Committee's attention had been drawn.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Intervention]

SPKR[Ngobi] MS[PSCA] FCT[Secretariat] LANG[1]

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

TXT[There were two areas in which it would be possible to initiate an ongoing process that could be activated at regular intervals with a view to preventing the exit of goods from Jordan bound for Iraq; reference was made thereto in paragraph 13 of the report, which listed the measures taken by the Jordanian authorities to plug any possible loopholes. In implementation of one such measure, arrangements had been made for escort by customs officials for all goods released from the Jordanian free zones up to the border posts of exit. With respect to the expression "free zone", it should be understood that under Jordanian regulations, certain goods could be imported into and forwarded immediately from such free zones. Such goods were deemed to be foreign goods so long as they remained within the zones. It was only later that the destination or place to which the goods would be re-exported became known.]

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SPKR[Ngobi] MS[PSCA] FCT[Secretariat] LANG[1]

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

TXT[Had received an inventory of goods present in the zones at the time of his December mission. The Jordanian authorities should be asked what had happened to the goods which had been present at various times in the free zones, including, for example, whether the quantities of such goods had changed since December. The second area in which a process of ongoing monitoring could be envisaged related to goods which had been confiscated or immobilized by the Jordanian authorities in the port of Aqaba. He had been informed

that since the entry into force of sanctions, goods in the port awaiting export to Iraq had been confiscated or immobilized until further notice, and he had been provided with an inventory of the goods, with a note of their value. The Committee could thus ask the Jordanian Government if there had been any change in terms of the quantity or value of goods.]

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CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]

SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

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

TXT[If he heard no objection, he would take it that the Committee authorized him to contact the Permanent Representative of Jordan with regard to the matters raised by the representatives of the United Kingdom and of the United States of America and the two additional points referred to by Mr. Ngobi. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]

SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Implementation of Security Council resolution 670 (1990)]

TXT[Proposed that the Committee should continue to delegate the discharge of the responsibilities specified in paragraphs 4 (b) and 6 of Security Council resolution 670 (1990) to the Chairman of the Committee. It would be recalled that the Committee had decided on that measure under the no-objection procedure, pursuant to the Chairman's proposal contained in document S/AC.25/1990/NOTE/76 of 10 December 1990. If he heard no objection, he would take it that the Committee agreed that the Chairman should no longer circulate: (a) requests by States for approval of particular flights to Iraq and Kuwait; and, in that connection, (b) notifications of flights under paragraph 6 of the resolution, unless in the view of the Chairman they might present problems. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]

SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Implementation of Security Council resolution 670 (1990)]

TXT[In accordance with established practice, he would continue to circulate to members of the Committee, for information, the letters addressed to him from States concerning flights to and from Iraq and Kuwait, as well as letters of reply on behalf of the Committee. All other procedures, including inspection, would remain the same. Members of the Committee had before them documents S/AC.25/1990/76 and S/AC.25/1991/4 containing communications from Zambia and Portugal concerning the implementation of Security Council resolution 670 (1990).]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Implementation of Security Council resolution 670 (1990)]

TXT[The Committee also had before it documents S/AC.25/1990/COMM.168, 181 and 174, containing two reports from the International Organization for Migration (IOM) and one report from Denmark, respectively, and documents S/AC.25/1991/COMM.4, 10 and 7, containing two reports from the Soviet Union and a further report

from IOM, respectively, concerning flights in connection with which the Committee had requested reports. If he heard no objection, he would take it that the Committee wished to take note of those communications. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]

SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

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

TXT[Drew the Committee's attention to document

S/AC.25/1990/COMM.60, containing a letter dated 24 October 1990

from the Permanent Representative of Jordan to the Chairman

concerning the request made by Jordan on behalf of the General

Union of Voluntary Societies in Jordan. It would be recalled that

a reply concerning medicine had already been sent to the Permanent

Representative of Jordan (S/AC.25/1990/NOTE/80). With regard to the

communication addressed by the Chairman to the Secretary-General on

29 November 1990 (S/AC.25/1990/NOTE/59), he understood that, given

the importance of the matter, contacts had been established and

were currently continuing between the Executive Office of the

Secretary-General and the Iraqi authorities.]

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CAT[661] MTG[24] DATE[1/14/91] 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 the letter addressed to the Secretary-General on 29 November 1990 by the then Chairman of the Committee (S/AC.25/1990/NOTE/59),

she had asked the Secretary-General to urge the Iraqi authorities

to grant access by representatives of the appropriate humanitarian

agencies to investigate the availability of food in Iraq and Kuwait

for: (a) Iraqi and Kuwaiti children under the age of 15 and, in

particular, infants under 18 months; and (b) foreigners who were

unable to leave Iraq and Kuwait. The mission, if authorized, would

help members of the Committee to judge whether humanitarian

circumstances had arisen which would justify food being sent to

Iraq and Kuwait. The Secretary-General had, on several occasions,

spoken to the Permanent Mission of Iraq on the matter, but the

Iraqi authorities had made it known that they were not willing to

authorize such a mission for the time being.]

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CAT[661] MTG[24] DATE[1/14/91] 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 view of those circumstances, the Legal Counsel was unable to supply the Committee with the information it had requested. The

Secretary-General would, of course, continue to endeavour to obtain

by all possible means information concerning the availability of

food in Iraq and Kuwait, as he was also bound to do under

paragraphs 3 and 4 of Security Council resolution 666 (1990), and

would transmit such information to the Committee as soon as it was

received.]

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SPKR[Hohenfellner] MS[Austria] 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 authorize him to maintain
ongoing contact with the Executive Office of the Secretary-General
on the question. It was so decided.]

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CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs, Security Council
resolutions 661 (1990), paragraph 3 (c) and 666 (1990)]
TXT[Drew the Committee's attention to documents S/AC.25/1990/COMM.8
and COMM.171, containing letters dated 4 September 1990 and 21
December 1990 from the Permanent Mission of Bulgaria addressed to
the Chairman of the Committee, concerning a shipment of baby food
purchased by Iraq and held up in the Bulgarian port of Varna.
Bulgaria had requested the Committee to determine whether a
pressing humanitarian need to supply foodstuffs to Iraq and Kuwait
had arisen. He believed that the problem was related to the
question raised by the Legal Counsel in his statement and suggested
that he himself should take the matter up in his discussions with
the Executive Office of the Secretary-General. It was so decided.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Foodstuffs and delivery of foodstuffs, Security Council
resolutions 661 (1990), paragraph 3 (c) and 666 (1990)]
TXT[Reminded the Committee that, at its 22nd meeting, it had
decided to defer consideration of the question of the "peace ship",
the Ibn Khaldun, which had been the subject of communications from
Malta and Tunisia (S/AC.25/1990/COMM.138 and COMM.147), pending the
availability of further information. In that connection, he drew
attention to: document S/AC.25/1991/COMM.13, containing a letter
dated 8 January 1991 from the Deputy Permanent Representative of
the United States of America to the Security Council; document
S/AC.25/1991/COMM.14, containing a letter dated 9 January 1991 from
the Deputy Permanent Representative of the United Kingdom to the
United Nations; and document S/AC.25/1991/COMM.16, containing a
letter from the Deputy Permanent Representative of Australia to the
United Nations. If he heard no objection, he would take it that the
Committee wished to take note of those communications. It was so
decided.]

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CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]
ITEM[Other matters]
TXT[Drew attention to a letter dated 27 December 1990 from the
Acting Permanent Representative of India addressed to the Vice-
Chairman of the Committee (S/AC.25/1990/COMM.178), requesting the
Committee to inform him as to whether it was legally permissible
for Indian construction companies operating in Iraq and Kuwait to
accept Iraqi oil in lieu of dues owed them by Iraq, which raised
questions regarding the applicability of paragraphs 3, 4 and 5 of
resolution 661 (1990).]

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CAT[661] MTG[24] DATE[1/14/91] TYPE[Intervention]

SPKR[Gharekhan] MS[India] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Expressed regret that his delegation had not had time to consider the various communications submitted to the Committee. He asked whether the Secretariat could establish a procedure whereby members could review documents before they were issued. With regard to document S/AC.25/1990/COMM.178, the Iraqi debts pre-dated August 1990 and consequently should not be subject to the sanctions provided for in resolution 661 (1990). Certain companies in the same situation as the Indian companies in question had apparently been authorized, according to some reports, to accept Iraqi oil in lieu of dues owed them by Iraq. He requested the Committee to investigate the matter so that the facts could be established and the Legal Counsel could issue an opinion on the question.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Every effort would be made to ensure that documents would be issued on time and sought the views of Committee members on the investigation requested by the representative of India.]

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

ITEM[Other matters]

TXT[Apart from one request which had been denied, no analogous cases had in fact been submitted to the Committee. The transactions referred to by the representative of India had doubtless taken place without the Committee's authorization, in violation of the sanctions set forth in resolution 661 (1990). He wished to know whether the representative of India had any information in that regard. In any case, the Legal Counsel should give his opinion concerning the Indian request.]

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SPKR[Gharekhan] MS[India] FCT[Member] LANG[1]

ITEM[Other matters]

TXT[Was not thinking of cases in which there might have been a violation of sanctions. He had no information concerning possible violations; however, his delegation had reason to believe that the Committee had approved of a transaction analogous to that cited by India. If that was not so, the matter was closed. It would be useful, however, to obtain an opinion from the Legal Counsel before attempting to find out whether there had been a precedent.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[If he heard no objection, he would take it that the Committee agreed to submit the Indian request to the Legal Counsel. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Procedure]

SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew attention to a letter dated 31 December 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait addressed to the Vice-Chairman of the Committee (S/AC.25/1990/COMM.183), stating that the Sri Lankan Ministry of Foreign Affairs had submitted to the Kuwait Airways Corporation office in Colombo two letters from the Iraqi Embassy in Sri Lanka concerning the dissolution of that corporation and the transfer of all its assets to Iraqi Airways. In those letters, the Committee had been requested to seek information from the Sri Lankan Government regarding the steps it had taken to implement the provisions of the relevant resolutions of the Security Council and the International Civil Aviation Organization (ICAO).]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[24] DATE[1/14/91] TYPE[Intervention]

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

ITEM[Other matters]

TXT[It would be useful for the Committee to inform the representative of the Sri Lankan Government of the provisions of paragraph 9 (a) of resolution 661 (1990) and paragraph 9 of resolution 670 (1990), which stipulated that all States must protect the assets of the legitimate Government of Kuwait and its agencies.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Proposed that the Committee should transmit the contents of the letter in question to Sri Lanka and seek further information from the Sri Lankan authorities in that connection. It was so decided.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[Drew attention to two letters dated 4 and 9 January 1991 respectively from the Permanent Representative of Tunisia to the United Nations addressed to the Chairman of the Committee (S/AC.25/1991/COMM.6 and COMM.12), indicating that the vessel Balkis, flying the Iraqi flag, had loaded a consignment of medicines intended as humanitarian assistance to the Iraqi people in the Tunisian port of La Goulette on 5 January 1991. He also drew attention to a letter from the Chargé d'affaires a.i. of the Permanent Mission of Algeria addressed to the Chairman (S/AC.25/1991/COMM.20), stating that pharmaceuticals had been loaded in Algiers onto the ship in question and that an Algerian customs inspection had shown that the ship was carrying food for its crew members only. He drew attention also to a letter dated 11 January 1991 from the Permanent Representative of Tunisia addressed to him (S/AC.25/1991/COMM.21), informing the Committee that medicines and infant formula had been loaded onto that ship.]

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

ITEM[Other matters]

TXT[Document S/AC.25/1991/COMM.21 indicated, for the first time, that the vessel in question was also carrying 10 tons of infants' milk formula. Infants' milk, however, could not be considered medicine under the World Health Organization definition. The sanctions set forth in resolution 661 (1990) were thus applicable to that product. Shipping it to Iraq or Kuwait was a violation of the embargo. The vessel must therefore unload its cargo before continuing its voyage.]

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

ITEM[Other matters]

TXT[Also found the two letters to be contradictory, as one seemed to indicate that the vessel was transporting pharmaceuticals only and the other listed at least one product to which the sanctions set forth in Security Council resolution 661 (1990) were applicable. In that connection, the Legal Counsel had stated that the Secretary-General did not agree with the Iraqi authorities that humanitarian circumstances had arisen. That observation applied to the case at hand, and it would be helpful if everyone had a clear understanding of the legal implications.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]

ITEM[Other matters]

TXT[The case at hand confirmed the need for the Committee to determine whether humanitarian circumstances had indeed arisen, in the light of communications it might receive from the Executive Office of the Secretary-General. He recalled that, under Security Council resolution 666 (1990), the Committee would have to take a decision on the question. If he heard no objection, he would take it that the Committee wished to take note of the communications submitted to it. It was so decided.]