

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] 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)  
Communications pursuant to Security Council resolution 665 (1990)  
Other matters  
The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Review of the Implementation of Security Council resolution  
661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and  
13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178;  
S/AC.25/1990/NOTE/40)]  
TXT[Since the Committee's previous meeting three additional replies  
to the Secretary-General's note verbale of 8 August 1990, and his  
reminders of 27 August and 20 December 1990, had been received,  
from Zambia, Rwanda and Panama, and were contained in documents  
S/22075, S/22078 and S/22089, respectively. If he heard no  
objection, he would take it that the Committee decided to take note  
of those replies. It was so decided.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Review of the Implementation of Security Council resolution  
661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and  
13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178;  
S/AC.25/1990/NOTE/40)]  
TXT[Informed the Committee that eight additional replies to the  
questionnaire had been received, from the Syrian Arab Republic,  
Afghanistan, Denmark, Brunei Darussalam, Chile, Tunisia, Burkina  
Faso and the Philippines, and were contained in documents  
S/AC.25/1991/6, 8-11 and 13-15, respectively. If he heard no  
objection he would take it that the Committee decided to take note  
of those replies. It was so decided.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Fleischhauer] MS[OLA] FCT[Secretariat] LANG[1]  
ITEM[Review of the Implementation of Security Council resolution  
661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and  
13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178;  
S/AC.25/1990/NOTE/40)]  
TXT[Recalled that at its previous meeting the Committee had decided  
to request his advice on the matter dealt with in the letter dated  
27 December 1990 from the Acting Permanent Representative of India  
to the United Nations addressed to the Vice-Chairman of the  
Committee (S/AC.25/1990/COMM.178). India was requesting the  
Committee's opinion as to whether it would be legally permissible  
for Indian companies to receive oil from Iraq in place of dues owed

to them by that country. The letter indicated that companies which had been operating in Iraq and Kuwait before the outbreak of the crisis still had substantial assets and untransferable bank accounts in Iraq and had to receive outstanding dues in respect of projects completed before the imposition of sanctions against Iraq by the Security Council;]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[and that the Government of Iraq would be prepared to supply oil in settlement of those dues and the companies involved would be prepared to accept it provided the Committee authorized the transaction. In paragraph 3 (a) of Security Council resolution 661 (1990), the Council had decided that all States should prevent "the import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution". That provision, which was binding upon all Member States, was very general and made no distinction between exports from Iraq or Kuwait which were part of a commercial transaction and exports for any other purpose, such as, for example, the set-off by Iraq of outstanding dues or other debts.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[Paragraph 5 of resolution 661 (1990) called upon all States "to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution". Taking into consideration the provisions to which he had just referred and assuming from the context of the letter that the oil in question was currently within the territory of Iraq, he was of the view that the importation of oil from Iraq as referred to in the letter would not be in conformity with Security Council resolution 661 (1990). That view was confirmed by a recent case decided upon by the Committee and reported to the Secretary-General in a letter from the Chairman of the Committee dated 21 December 1990.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[When the Government of Iraq had offered to donate to the United Nations a quantity of oil, the countervalue of which would serve as a contribution to meet the budget deficit of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East,

the Committee had on that occasion expressed the view that the United Nations was not in a position to accept such an offer in the light of paragraph 3 (a) of Security Council resolution 661 (1990). Lastly, the delivery of oil as referred to in the letter from India bore no resemblance to the case, discussed in 1990 by the Committee, of oil and oil products exported to Yemen and stored there prior to 2 August, and their delivery to third States.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[Asked the Legal Counsel whether the fact that the dues in question had existed before 2 August constituted a compensatory factor in India's appeal for authorization to import oil to offset the dues.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[It made no difference if debts had been contracted before or after the invasion of Kuwait. Paragraph 3 (a) of resolution 661 (1990) was "fact-oriented". It did not go into the question of the purpose of the exports and did not make an exception for exports relating to an occurrence prior to 2 August. Paragraph 3 (a) was thus logically followed by paragraph 5. In the specific circumstances brought up by India, the situation was quite clear.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[Would take it, if he heard no objection, that the Committee decided to take note of the Legal Counsel's opinion. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]

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

ITEM[Review of the Implementation of Security Council resolution 661 (1990) (S/22075, S/22078 and S/22089; S/AC.25/1991/6, 8-11 and 13-15; S/AC.25/1991/COMM.31, S/AC.25/1990/COMM.65, 167 and 178; S/AC.25/1990/NOTE/40)]

TXT[Recalled that the Committee had authorized him, pursuant to Mr. James Ngobi's report (S/AC.25/1990/COMM.167) on his visit to Jordan at the invitation of the Jordanian Government, to consult the representative of Jordan on whether there should be any follow-up. He suggested the Committee should take the matter up again once a

reply had been received from Jordan. He also wished to suggest that Mr. Ngobi's report, which had not been transmitted to Jordan, should be transmitted officially to the Permanent Representative of Jordan. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[Drew attention to documents S/AC.25/1991/5 and 7, containing  
communications from Australia and the Syrian Arab Republic,  
respectively, regarding the implementation of Security Council  
resolution 670 (1990), and document S/AC.25/1991/COMM.15,  
containing a report from the United Kingdom regarding flights in  
connection with which the Committee had requested reports. If he  
heard no objection, he would take it that the Committee decided to  
take note of those communications. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[Drew attention to document S/AC.25/1991/COMM.27, containing the  
text of a letter dated 15 January 1991 from the Permanent  
Representative of Tunisia to the United Nations addressed to him,  
notifying the Committee of a request by the Iraqi authorities for  
authorization for 10 Iraqi civil aircraft to fly through Tunisian  
airspace and to land. He also drew attention to document  
S/AC.25/1991/COMM.34, which contained the text of a letter dated 18  
January 1991 from the Permanent Representative of Tunisia to the  
United Nations addressed to him containing information regarding  
five Iraqi civil aircraft stationed in Tunis, and to document  
S/AC.25/1991/COMM.39, which contained the text of a letter dated 21  
January 1991 from the Permanent Representative of Tunisia addressed  
to him, transmitting a clarification by the Tunisian authorities  
regarding media reports concerning movements]

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ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[by Iraqi civilian aircraft that had overflown Tunisian  
territory or landed at Tunisian airports. The statement indicated,  
inter alia, that the aircraft in question, according to the  
registers of the International Civil Aviation Organization (ICAO)  
and the aircraft registration numbers reported by Kuwait Airways,  
belonged to Iraqi Airways. He further drew attention to a letter  
from the Permanent Representative of Tunisia dated 23 January 1991  
and contained in document S/AC.25/1991/COMM.40, which would be  
translated as soon as possible. In the mean time, he read out the  
letter in French so that the members of the Committee could hear  
the interpretation. He also drew attention to document

S/AC.25/1991/COMM.36 containing the text of a letter dated 18 January 1991 from the Permanent Representative of Mauritania to the United Nations addressed to him,]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[notifying the Committee that Mauritania had acceded to a  
request by Iraq to allow the overflight and landing of two Iraqi  
Boeing 707 civilian aircraft, which had been inspected upon arrival  
and found to be empty. He would take it, if he heard no objection,  
that the Committee wished to take note of those communications. It  
was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[Was grateful for the clarification of a complex situation by  
Tunisia and Mauritania. It might be advisable, in future, to allow  
any Governments similarly concerned to have the list of the  
registration numbers and types of aircraft of the Kuwait Airways  
fleet expropriated by Iraq, as referred to by Kuwait in its letter  
dated 17 January 1991, contained in document S/AC.25/1991/COMM.32.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[The decision just taken by the Committee settled the matter  
raised by the Permanent Representative of Kuwait in his letter  
dated 17 January 1991, contained in the document just referred to,  
in which it was stated that the Iraqi authorities were seeking  
shelter for aircraft in some countries.]

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CAT[661] MTG[25] DATE[1/23/91] 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)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[Referring to the letter dated 29 November 1990 addressed by him  
to the Secretary-General (S/AC.25/1990/NOTE/59), recalled that the  
Committee had decided at its previous meeting that he should remain  
in contact with the Secretary-General's Office on the matter of  
sending a humanitarian mission to Iraq and Kuwait, and should  
communicate immediately to the Committee any information that  
became available with regard to the food situation there. The  
members now had before them document S/AC.25/1991/COMM.37,  
containing a note by the Secretary of the Committee transmitting  
the text of a letter dated 16 January 1991 from the representative

of the Director-General of the World Health Organization (WHO) to the United Nations addressed to the Assistant Secretary-General, Executive Assistant to the Secretary-General, enclosing a letter dated 14 January 1991 from the Ministry of Health of Iraq]

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CAT[661] MTG[25] DATE[1/23/91] 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) (S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]

TXT[addressed to the Office of the Director-General of WHO and to the Office of the Executive Director of the United Nations Children's Fund (UNICEF). By that letter, the Ministry of Health had extended invitations to WHO and UNICEF to send their representatives to Iraq to witness at first hand the shortages of drugs, medical necessities, food and milk. WHO, in view of the prevailing circumstances, had seen fit to solicit the Secretary-General's opinion. The Office of the Secretary-General had, in turn, brought the matter to the attention of the Committee. In his view, the invitations extended by Iraq constituted a very important step to which effect should be given as soon as possible.]

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CAT[661] MTG[25] DATE[1/23/91] 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) (S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]

TXT[Therefore suggested that the Committee should inform the Secretary-General that, as soon as circumstances permitted, the Committee would welcome missions to Iraq and Kuwait by WHO and UNICEF, since they would in its view be highly useful. He also suggested that the Secretary-General should be asked to communicate the Committee's views to WHO.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] 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) (S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]

TXT[Asked whether the Chairman was suggesting that the Secretary-General should be asked to proceed now as suggested, or whether the Committee would have to meet again on the matter.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] 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) (S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]

TXT[Was suggesting that the Secretary-General should be asked to inform WHO that the Committee would like it to proceed as suggested as soon as possible, but not at the moment, for security reasons.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] 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)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[Had no objection in principle to the Chairman's suggestions  
but would like a reference to be made to Security Council  
resolutions 666 (1990) and 661 (1990) as the framework in which the  
Committee was going forward in that instance.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] 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)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[Concurred with the Chairman's suggestions and agreed with  
the representative of the United States. There was also one other  
possibility: the International Committee of the Red Cross (ICRC),  
which had not been specifically referred to in the communications  
just mentioned, could also be involved at a later stage, although  
its primary task now was to verify the implementation of the third  
Geneva Convention relative to the Treatment of Prisoners of War.]

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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)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[Noting that a press communiqué by the Secretary-General's  
spokesman had indicated that the Secretary-General had spoken with  
representatives of the ICRC as well as WHO and UNICEF, said that  
the Committee could certainly mention the ICRC as well in its  
request to the Secretary-General.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Dereymaeker] MS[Belgium] FCT[Member] LANG[1]  
ITEM[Foodstuffs and delivery of foodstuffs: Security Council  
resolutions 661 (1990), paragraph 3 (c), and 666 (1990)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[As a pre-condition, Iraq should guarantee access to information  
essential to an evaluation of the situation on the ground, and the  
possibility of verifying whether assistance was properly  
channelled.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[25] DATE[1/23/91] 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)  
(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]  
TXT[Under Security Council resolution 666 (1990) one of the  
Committee's primary tasks was to determine whether humanitarian  
circumstances had arisen. Under that resolution, a determination  
would also be made as to whether food assistance reached the  
intended beneficiaries. However, for the time being the initial,  
information-gathering phase was still in progress. In that

connection, it would be vital for the Secretary-General to advise the Committee when security conditions permitted WHO and UNICEF to conduct a mission in Iraq. If he heard no objection, he would take it that the Committee wished to inform the Secretary-General that it would welcome missions to Iraq and Kuwait by WHO and UNICEF as soon as circumstances permitted and to request the Secretary-General to communicate the Committee's views to WHO. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] 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)

(S/AC.25/1991/COMM.26 and 37; S/AC.25/1990/NOTE/59)]

TXT[Drew attention to document S/AC.25/1991/COMM.26, containing the text of a note verbale dated 14 January 1991 from the Permanent Mission of Jordan to the United Nations addressed to him. In that communication, the Jordanian Government requested permission for a Jordanian firm, the National Development Organization, to send food supplies every three months to its employees in the city of Kirkuk, Iraq. He had been informed by the Permanent Representative of Jordan that Jordan would clarify whether or not the workers in question remained in Iraq voluntarily and what the proposed method of delivering and distributing the food was. He wished to suggest that the Committee should take up the matter again at the earliest possible date after receiving the necessary clarification from the Jordanian delegation. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[Drew attention to document S/AC.25/1991/COMM.25, containing the text of a note verbale dated 14 January 1991 from the Permanent Mission of Jordan to the United Nations. The note complained that United States Navy ships were intercepting vessels bound for and departing from the port of Aqaba in order to take on board Jordanian exports or unload goods destined for the Jordanian market.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[Recognized the hardships imposed on Governments, firms and individuals by the measures taken to implement the trade embargo against Iraq in accordance with the relevant Security Council resolutions. The United States and approximately 13 other nations were attempting to implement the embargo without unduly compromising the passage of goods and commodities that were not prohibited by Security Council resolutions. In the process, thousands of ships had been intercepted but the vast majority had been allowed to proceed. When vessels were stopped, an effort was made to ensure that their cargo and destination corresponded to the information contained in the shipping documents.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[The international maritime community had been clearly notified of those requirements, which had been in effect since August 1990 and which must remain in place in order to achieve the objectives of Security Council resolution 665 (1990). In that context, it was regrettable that the Jordanian Government found it necessary to register a complaint.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[The French Navy was monitoring the embargo in all areas, but particularly in the Gulf of Aqaba. The French Ambassador to Jordan had assured the authorities there that, in carrying out its mission, the French Navy had no unfriendly feelings towards Jordan. Rather, the French warships sought only to ascertain the nature of the cargo, on the basis of specific documents drawn up for that purpose. A system for the exchange of information between the French and Jordanian authorities had been set up in order to resolve any difficulties which might arise and it appeared to be functioning satisfactorily. His delegation had consistently reported to the Security Council on its activities in connection with the embargo. In conclusion, he too wished to refer to Security Council resolution 665 (1990), which requested States to assist those States monitoring compliance with the embargo (para. 3).]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[In its letter of complaint, Jordan had also referred to actions by Greece and Spain. He wished to suggest that the Committee should authorize him to seek information from the delegations of Greece and Spain, which were not members of the Committee, before it took a decision on the matter.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]

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

ITEM[Communications pursuant to Security Council resolution 665 (1990) (S/AC.25/1991/COMM.25 and 30)]

TXT[Referring to the second and third paragraphs of the Jordanian letter, said that the question was not whether the inspections were in compliance with Security Council resolution 665 (1990) but, rather, what the term "area" meant. An opinion from the Legal Counsel would be very helpful in that connection. According to the second paragraph of the Jordanian letter, the Gulf of Aqaba did not fall within the area in question.]

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SPKR[Wilkinson] MS[United States] FCT[Member] LANG[1]  
ITEM[Communications pursuant to Security Council resolution 665  
(1990) (S/AC.25/1991/COMM.25 and 30)]  
TXT[The Security Council resolutions were clear and could be  
interpreted by the Council itself without a legal opinion. Only  
days after the adoption of Security Council resolution 665 (1990),  
warships had begun inspecting vessels in the Gulf of Aqaba, which  
had been the route for 60 per cent of Iraq's maritime commerce  
before the invasion of Kuwait. As the French representative had  
indicated, the nations monitoring compliance with the embargo had  
duly reported their activities to the Security Council. Throughout  
the process, the Security Council had accepted the factual reports  
submitted to it, clearly demonstrating that the embargo was being  
conducted in conformity with its resolutions. Requesting a legal  
interpretation after the fact was neither necessary nor appropriate  
under the circumstances.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Al-Alfi] MS[Yemen] FCT[Member] LANG[1]  
ITEM[Communications pursuant to Security Council resolution 665  
(1990) (S/AC.25/1991/COMM.25 and 30)]  
TXT[Expressed surprise that there should be apprehension about  
seeking an opinion from the Legal Counsel. Ordinarily the Legal  
Counsel's views facilitated the Committee's work.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Communications pursuant to Security Council resolution 665  
(1990) (S/AC.25/1991/COMM.25 and 30)]  
TXT[If he heard no objection, he would take it that the Committee  
wished to authorize him to contact representatives of Greece and  
Spain before it took a decision on the matter. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Communications pursuant to Security Council resolution 665  
(1990) (S/AC.25/1991/COMM.25 and 30)]  
TXT[Drew attention to document S/AC.25/1991/COMM.30, containing the  
text of a letter dated 15 January 1991 from the Permanent  
Representative of Canada to the United Nations addressed to him,  
concerning activities undertaken by the Canadian armed forces in  
the Gulf region in order to facilitate the monitoring of sanctions  
imposed by Security Council resolution 661 (1990), submitted  
pursuant to paragraph 4 of Security Council resolution 665 (1990).  
If he heard no objection, he would take it that the Committee  
wished to take note of that communication. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38,  
and S/AC.25/1990/COMM.183)]  
TXT[Recalled that at its previous meeting the Committee had decided  
to communicate the text of the letter dated 31 December 1990 from

the Chargé d'affaires of the Permanent Mission of Kuwait to the United Nations addressed to the Vice-Chairman (S/AC.25/1990/COMM.183) to Sri Lanka and to seek further information on the matter raised in it. A letter dated 16 January 1991 had subsequently been received from the Permanent Representative of Sri Lanka to the United Nations refuting the information contained in the letter dated 31 December 1990 from Kuwait (S/AC.25/1991/COMM.29). The Committee also had before it document S/AC.25/1991/COMM.35, which contained a letter dated 21 January 1991 from the Secretary of the Committee transmitting the text of a letter dated 9 January 1991 from the President of the Council of ICAO addressed to the Secretary-General,]

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

ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]

TXT[in which the President had indicated inter alia that in the light of the communication received from Sri Lanka, the Sri Lankan authorities appeared to be fully complying with the appropriate Security Council resolutions and with the resolution of the twenty-eighth (extraordinary) session of the ICAO Assembly. In the light of the communications from Sri Lanka and ICAO, there appeared to be no need to request further information from Sri Lanka. He therefore suggested that the Committee should decide to bring the letters dated 16 January 1991 from Sri Lanka (S/AC.25/1991/COMM.29) and 9 January 1991 from ICAO (S/AC.25/1991/COMM.35) to the attention of Kuwait. It was so decided.]

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

ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]

TXT[Drew attention to document S/AC.25/1991/COMM.38, which contained the text of letters dated 16 and 18 January 1991, respectively, from the representative of the Director-General of the World Health Organization (WHO) to the United Nations addressed to him. In response to his request for a list of pharmaceuticals/medical supplies that could be sent to Iraq without violating the sanctions, WHO, in its letter dated 16 January 1990, had transmitted the relevant pages of its publication "The new emergency health kit", published in late December 1990, and a copy of the model list "Essential drugs", published in the WHO technical report series No. 796 in 1990. A limited number of copies of those documents were available in English. He noted that in the annex to its letter dated 18 January, WHO had transmitted two short explanations of the two uses being made of infant formula. In addition, copies of the]

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

ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]

TXT[documents "The Use of Artificial Milks in Relief Actions", published by the ICRC and the League of Red Cross and Red Crescent

Societies, which covered the use being made of infant formula, and UNHCR's "Policy for Acceptance, Distribution and Use of Milk Products in Refugee Feeding Programmes" had also been provided and were available in English.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Lozinskiy] MS[Soviet Union] FCT[Member] LANG[1]  
ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]  
TXT[Would like clarification as to how the WHO conclusions should be interpreted. The annex to the letter dated 18 January indicated that breast milk could be replaced by bona fide breast-milk substitutes, including infant formula. He wondered what other substitutes could be included under infant formula, and whether they were included in the shipments of powdered milk mentioned by the permanent representatives of Bulgaria and Tunisia (S/AC.25/1990/COMM.8 and 171, and S/AC.25/1991/COMM.12 and 21, respectively).]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]  
TXT[Would ask WHO for clarification and duly inform the Committee at its next meeting. If he heard no objection he would take it that the Committee wished to take note of the information provided in the letters dated 16 and 18 January 1991, respectively, from WHO. It was so decided.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Al-Alfi] MS[Yemen] FCT[Member] LANG[1]  
ITEM[Other matters (S/AC.25/1991/COMM.6, 12, 20, 21, 29, 35 and 38, and S/AC.25/1990/COMM.183)]  
TXT[In order to comply with Security Council resolution 661 (1990) Yemen had been compelled to prevent some ships from docking or unloading in its territory. Those ships were still at sea and, because they carried fuel and foodstuffs, posed the threat of an ecological catastrophe that must not be ignored. He would raise the issue in detail at a later date in writing.]

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CAT[661] MTG[25] DATE[1/23/91] TYPE[Intervention]  
SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990) (S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15, 27, 32, 34, 36, 39 and 40)]  
TXT[Was grateful for the clarification of a complex situation by Tunisia and Mauritania. It might be advisable, in future, to allow any Governments similarly concerned to have the list of the registration numbers and types of aircraft of the Kuwait Airways fleet expropriated by Iraq, as referred to by Kuwait in its letter dated 17 January 1991, contained in document S/AC.25/1991/COMM.32.]

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SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Implementation of Security Council resolution 670 (1990)  
(S/21572 and S/21923; S/AC.25/1991/5 and 7; S/AC.25/1991/COMM.15,  
27, 32, 34, 36, 39 and 40)]  
TXT[If he heard no objection, he would take it that the Committee  
wished to adopt the suggestion made by the representative of the  
United Kingdom. It was so decided.]