

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[37] DATE[4/19/91] TYPE[Agenda]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Adoption of the Agenda]  
TXT[Adoption of the agenda  
Security Council resolution 687 (1991)  
Request by Iraq pursuant to paragraph 23 of resolution 687 (1991)  
Review of the implementation of resolution 661 (1990)  
Other matters  
The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Security Council resolution 687 (1991)]  
TXT[Drew attention to resolution 687 (1991), which had been adopted  
by the Security Council on 3 April 1991.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]  
SPKR[Hohenfellner] MS[Austria] FCT[Chairman] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]  
TXT[Drew attention to document S/AC.25/1991/COMM.124, containing a  
letter addressed to him on 14 April 1991 by the Permanent  
Representative of Iraq to the United Nations. In the letter, the  
Permanent Representative had requested the Committee to authorize,  
by virtue of its powers under paragraph 23 of resolution 687  
(1991), an exception to the prohibition against the import of  
commodities and products originating in Iraq and to allow Iraq to  
export oil or oil products in order to generate the financial  
resources it needed to import foodstuffs and other materials to  
meet basic humanitarian needs for the next four months.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[van Daele] MS[Belgium] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]  
TXT[Given the critical situation of civilians in Iraq, he did not  
wish to contest the principle, reflected in resolution 687 (1991),  
that Iraq should be enabled to generate the resources necessary to  
purchase foodstuffs and other essential supplies. However, the  
Committee should be provided with guarantees that the income  
generated by oil exports from Iraq would be used solely for the  
purpose of importing foodstuffs and other essential products for  
the entire Iraqi population. It was important to verify that the  
income generated in accordance with paragraph 23 would be used by  
Iraq for the transactions authorized under paragraph 20 and that  
the Iraqi Government would ensure the distribution of the  
foodstuffs and other supplies to the entire population under  
conditions of security.]

ISSUE[IRAQ/KUWAIT]  
CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[van Daele] MS[Belgium] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Hoped that the agreement signed the previous day between the United Nations and Iraq would help to establish such conditions, particularly with respect to the Kurds and the Shiites. Although those prerequisites might seem excessive, it should be recalled that Iraq had not always been prompt in fulfilling its commitments under the temporary cease-fire agreement. The principle that Iraq should be enabled to satisfy the needs of its population should be upheld, but the Committee should closely monitor the way that principle was put into practice.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

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

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Iraq's request was entirely consistent with the provisions of resolution 687 (1991). Given the critical situation in Iraq, the Committee should, in principle, be willing to grant exceptions to trade restrictions under paragraph 23 of that resolution. However, since such exceptions involved other countries' obligations to Iraq, it was important for the Committee to know which countries were concerned. Moreover, the exception should be limited in terms of its duration and the quantity of oil that could be exported. All of the documentation pertaining to Iraq's oil exports and food imports should be provided to the Committee. In addition, Iraq must pledge to distribute the foodstuffs and other supplies to all segments of its civilian population.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

SPKR[Lozinskiy] MS[Soviet Union] FCT[Member] LANG[1]

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Although the implementation of paragraphs 20 and 23 was urgent, he agreed with the representatives of Belgium and France that more specific information was needed about the supplies to be imported and the oil to be exported.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

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

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[The Committee must act within the framework of its mandate: requests for further details from Iraq would not only complicate the situation unnecessarily, but would exceed the scope of the Committee's powers under resolution 687 (1991). The Iraqi request already included a table showing the quantities and prices of the commodities to be purchased, to which the Committee could refer in the future for purposes of verification. If the Committee set additional preconditions before granting the request, the resulting delay would only compound the problem of addressing Iraq's urgent humanitarian needs. Resolution 687 (1991) already provided for periodic reviews of Iraq's compliance with the conditions laid down by the Security Council, so the Committee had no grounds for imposing new conditions.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Al-Alfi] MS[Yemen] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[The Committee's first concern should be to help the Iraqi people resume a normal existence. Later, if it so desired, the Committee could verify the estimates given in the Iraqi request by asking Iraq to provide receipts for its purchases of commodities.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Kibidi Ngovuka] MS[Zaire] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Agreed that, in principle, the Committee should be favourably disposed towards Iraq's request for permission to generate the income needed to relieve the catastrophic situation in the country. At the same time, all pertinent Security Council resolutions must be strictly enforced. He therefore agreed with the representative of France that Iraq must specify which countries would buy its oil and in what quantities. The Committee should also make sure that the commodities purchased by Iraq would be used for the benefit of its whole population. The Committee should act with flexibility and speed, but without sacrificing strict adherence to the relevant Security Council resolutions.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[The simplified notification and no-objection procedures adopted by the Committee at its 36th meeting had proved to be very effective. He hoped that the acceleration of aid to Iraq under that system, together with such developments as the previous day's agreement between Iraq and the United Nations, would help to alleviate the grave situation in Iraq. Although he was sympathetic to the motives which had prompted the request under consideration, he agreed with other delegations that further details regarding the proposed transactions were necessary. It was also essential for the Committee to make sure, before granting its approval, that practical mechanisms were in place in Iraq to guarantee that humanitarian relief would reach all segments of the population.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Richardson] MS[United Kingdom] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[The Committee must also consider the effect the proposed transactions might have on payments to the compensation fund provided for in section E of resolution 687 (1991). Thus while the Iraqi request merited consideration, its wide-ranging implications required further study before a final decision could be taken.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Ayala Lasso] MS[Ecuador] FCT[Member] LANG[1]

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Agreed with four basic points that had been made by other delegations: first, that the Iraqi request was perfectly consistent with the provisions of paragraph 23 of resolution 687 (1991); secondly, that the resolution's provisions concerning humanitarian aid should not be limited by the imposition of new conditions; thirdly, that the situation in Iraq was, by all accounts, extremely critical; and, lastly, that the decisions adopted by the Security Council were intended to provide for the broadest possible humanitarian aid to Iraq. For all those reasons, the Committee should decide in favour of Iraq's request. However, the concerns expressed by some delegations should also be considered. The Committee would need to know which countries would purchase Iraqi oil and in what quantities, and the types and quantities of supplies to be imported by Iraq.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

SPKR[Ayala Lasso] MS[Ecuador] FCT[Member] LANG[1]

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[As for the prices of supplies, he agreed with the representative of Yemen that Iraq had already provided sufficient data in the annex to its request. Above all, the Iraqi Government must guarantee that all foodstuffs and supplies would be distributed in accordance with the provisions of resolution 687 (1991). The Committee might, therefore, wish to stress the importance of Iraq's cooperation in that respect, but it would be dangerous to delay action on the request pending the receipt of concrete evidence that an effective distribution system had been established throughout Iraq. Accordingly, the Committee should take an immediate decision in favour of the request, while at the same time reminding Iraq that it must comply with the provisions of resolution 687 (1991).]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

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

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Hoped that the agreement signed the previous day between the United Nations and Iraq (S/22513) would begin a new era of cooperation between the two parties. He also hoped that Iraq would cease its persecution of minorities in its territory and noted that recent reports of changes in that situation were encouraging. In view of Iraq's actions in recent months, the comments regarding the need for a mechanism to guarantee that foodstuffs and other humanitarian supplies reached all segments of the Iraqi population were very pertinent. In addition, he agreed with the representative of France that the volume of imports should be limited. However, it should also be emphasized that paragraph 23 of resolution 687 (1991) empowered the Committee to grant exceptions to the prohibition against the import of Iraqi products "when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20".]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Watson] MS[United States] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[The Iraqi request for such an exception did not convince him that Iraq's financial resources were insufficient to meet the needs of its population. The Committee should find out whether there were existing financial resources in Iraq that could possibly be for humanitarian purposes. Moreover, he shared the concerns of the representative of the United Kingdom about the relationship between income generated through the sale of Iraqi oil and payments to the compensation fund established under paragraph 18; a plan should be drawn up whereby a percentage of the income from oil exports would be earmarked for the fund.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Yu] MS[China] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Resolution 687 (1991) reflected the humanitarian principle that the Iraqi Government should have the opportunity to generate income through exports to meet the basic needs of its people. His delegation felt that the Committee should decide in favour of the request.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Menon] MS[India] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Although the Committee was acutely aware of Iraq's humanitarian needs, it was also faced with the problem of deciding, for the first time, whether to authorize a commercial transaction. Ample information and safeguards were therefore necessary to guarantee that only humanitarian needs were addressed by the income derived from such a transaction. In seeking to balance its concern for the Iraqi population with its duty to ensure the Iraqi Government's compliance with Security Council resolutions, the Committee should recognize that resolution 687 (1991) provided a framework for action that should not be burdened by the imposition of further conditions. Although Committee members agreed on the need for further details pertaining to Iraq's request, they should not allow the process of meeting humanitarian needs to be held hostage by that consideration; rather, the process should go forward while the Committee obtained the necessary clarifications.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Menon] MS[India] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Resolution 687 (1991) had already made ample provision for scrutiny and control of Iraqi activities, and the Committee should not jeopardize the opportunity to remedy the desperate situation of Iraqi civilians by attempting to exceed the scope of its mandate.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Moreno Fernández] MS[Cuba] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Reiterated his delegation's position that there were no longer any grounds for imposing sanctions on Iraq and that the embargo should be lifted. In keeping with its essential role of overseeing exceptions to the embargo, the Committee should grant the Iraqi request. His delegation agreed with the representatives of Ecuador and India that the provision of humanitarian assistance should not become a complex process or be based on new conditions which lay beyond the purview of resolution 687 (1991). While, under paragraph 23, it might well be proper to request information about countries importing Iraqi products, any establishment of a link between the Iraqi request and the compensation fund would be excessive and inhumane.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Mumbengegwi] MS[Zimbabwe] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[His delegation had always been in favour of responding to humanitarian needs in the Persian Gulf. The Iraqi request should be granted, as the Committee had already determined that a situation of humanitarian need existed. His delegation also believed, however, that there must be some means of ascertaining that the export income earned by Iraq was earmarked for humanitarian needs and no other purpose.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Sery] MS[Côte d'Ivoire] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[His delegation agreed in principle that the Iraqi request should be granted but would require further details, particularly with regard to the quantity of petroleum and petroleum products to be exported. Referring to paragraph 23 of resolution 687 (1991), he said that the quantities to be exported should be determined on the basis of market prices. The Committee should also consider whether Iraq would, in effect, lose a portion of its export income by applying it to the compensation fund. It was vital that foodstuffs should be distributed to all sectors of the Iraqi population, but the establishment of a mechanism for that purpose must not delay the process. Perhaps the periodic reviews called for in the resolution would provide some indication as to whether the assistance was reaching all intended beneficiaries.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]  
SPKR[Al-Alfi] MS[Yemen] FCT[Member] LANG[1]  
ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991)  
(S/AC.25/1991/COMM.124)]

TXT[Referring to paragraphs 1 and 23 of the resolution, warned that until the embargo was lifted or an exception was granted, most countries would be reluctant to import from Iraq and thereby violate United Nations resolutions.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]

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

ITEM[Request by Iraq pursuant to para. 23 of resolution 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Committee members seemed to find the Iraqi request to be in conformity with paragraph 23 of the resolution, although a number of delegations requested more precise information. He hoped the Committee would authorize him to continue to hold consultations and to formulate a proposal for action, based on the views expressed at the current meeting.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]

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

ITEM[Review of the implementation of resolution 661 (1990) (S/AC.25/1991/23)]

TXT[Since the Committee's 36th meeting, an additional reply to the questionnaire regarding the implementation of resolution 661 (1990) had been received from Myanmar (S/AC.25/1991/23). If he heard no objection, he would take it that the Committee wished to take note of the reply. It was so decided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]

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

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[Drew attention to document S/AC.25/1991/COMM.84/Add.1, containing a letter dated 26 March 1991 from the Permanent Representative of South Africa to the United Nations addressed to the Chairman of the Committee. The letter provided a clarification of an earlier letter from the Permanent Representative of South Africa (S/AC.25/1991/COMM.84) which the Committee, at its 34th meeting, had authorized him (the Chairman) to seek. The new letter stated that funds raised by the Muslim community in South Africa to purchase infant formula for distribution in Iraq, mentioned previously in document S/AC.25/1991/COMM.84, would be transmitted to the International Committee of the Red Cross (ICRC) at Geneva and that the Committee would be informed when the transfer took place.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

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

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[Wished to know when the South African shipment of medical supplies to Jordan and Iran, referred to in the two letters, would be delivered. Details relating to quantity would also be necessary in order to ensure that the proposed shipment was used solely for humanitarian purposes.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]

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

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[Noted that the Committee was not competent to investigate shipments to countries other than Iraq. As the more recent letter

indicated, the only South African shipment bound for Iraq was a donation of infant formula from the Muslim community of South Africa, which did not contravene resolution 687 (1991). Any other questions concerning the South African shipment would be more appropriately taken up by the Committee established under resolution 421 (1977).]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

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

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[Suggested that the Chairman might therefore address a letter to the Permanent Representative of South Africa, explaining that the Committee was not competent to consider the first paragraph of his letter of 26 March 1991.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Intervention]

SPKR[Mumbengegwi] MS[Zimbabwe] FCT[Member] LANG[1]

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[There was a discrepancy between the letter of 7 March, which referred to an absolute amount of \$US 100 million, and the letter of 26 March, which referred to "up to \$US 100 million". He wondered whether, in his consultations with the Permanent Representative of South Africa, the Chairman had been given any indication of the objectives of the South African initiative.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[37] DATE[4/19/91] TYPE[Procedure]

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

ITEM[Other matters (S/AC.25/1991/COMM.84 and Add.1)]

TXT[The letter dated 26 March 1991 had been drafted in response to the Committee's request for clarification. According to the Permanent Representative of South Africa, the figure of \$US 100 million represented the upper limit of a commercial credit facility set up to finance the export of medical supplies. The second letter clarified South Africa's intention to ship medical supplies not to Iraq but to Iran and Jordan; it further specified that the donation by the Muslim community would not be shipped to Iraq directly, but rather through ICRC. In accordance with the suggestion put forward by the Yemeni representative, he would address a letter to the Permanent Representative of South Africa informing him that the Committee was not competent to consider the matter referred to in the first paragraph of his letter of 26 March 1991.]