

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Agenda]

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

ITEM[Adoption of the agenda]

TXT[Adoption of the agenda

Request by Iraq pursuant to paragraph 23 of Security Council resolution 687 (1991)

Letter dated 28 April 1991 from the Permanent Representative of Iraq addressed to the Chairman

Letter dated 29 April 1991 from the Permanent Representative of Iraq addressed to the Chairman

Letter dated 7 May 1991 from the Permanent Representative of Iraq addressed to the Chairman

Other matters

The agenda was adopted.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[REQUEST BY IRAQ PURSUANT TO PARAGRAPH 23 OF SECURITY COUNCIL RESOLUTION 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[Reporting on his consultations with the Permanent Representative of Iraq regarding the availability of adequate financial resources within Iraq to pay for the import over the next four months of foodstuffs and other goods to meet basic humanitarian needs, said that the Permanent Representative had informed him that it was not Iraq's policy to keep large amounts of foreign exchange in the country and that the amount of foreign exchange remaining in Iraq was not sufficient for the purchase of the foodstuffs needed.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[REQUEST BY IRAQ PURSUANT TO PARAGRAPH 23 OF SECURITY COUNCIL RESOLUTION 687 (1991) (S/AC.25/1991/COMM.124)]

TXT[With regard to the foreign exchange resources reported by Iraq to the International Monetary Fund, the Government of Iraq, prior to the conflict, had had assets of \$US 13 billion, but they had all been liquidated during the conflict, which had left Iraq in debt in the amount of \$US 6 billion. The Permanent Representative had undertaken to seek further information, which he would communicate to the Committee as soon as it was received.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[LETTER DATED 28 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE CHAIRMAN (S/AC.25/1991/COMM.139)]

TXT[Reporting on his consultations on the request by the Government of Iraq, contained in document S/AC.25/1991/COMM.139, that certain Iraqi assets should be unfrozen to make it possible to purchase foodstuffs and medicines, said that he hoped during the next week to be able to circulate a draft letter under the no-objection procedure which should contain the transmittal of Iraq's request to the Governments concerned, as well as information to the effect that Governments deciding to unfreeze assets for humanitarian purposes would be acting in accordance with paragraph 20 of

resolution 687 (1991). Delegations would have an opportunity to transmit any comments to him at that time.]

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CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[LETTER DATED 29 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE CHAIRMAN (S/AC.25/1991/COMM.141)]

TXT[Reporting on his consultations in connection with the request by the Government of Iraq, contained in document S/AC.25/1991/COMM.141, for the release of shipments of foodstuffs which had been impounded, said that consultations on the text of a letter were continuing, and that he intended to circulate a draft letter for review by Committee members under the no-objection procedure.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[LETTER DATED 7 MAY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE CHAIRMAN (S/AC.25/1991/COMM.153)]

TXT[Drew the Committee's attention to document S/AC.25/1991/COMM.153, containing a request from the Minister of Trade of Iraq for the release of \$155 million from Iraqi frozen assets to pay for the import of 1 million tons of wheat from Australia. The Permanent Mission of Australia had informed him that no contract for a sale had yet been entered into, and that further negotiation would be necessary before any sale could be finalized. It thus seemed that the matter, at the stage it had reached, did not fall within the competence of the Committee and that no action by the Committee was required. He would ask the two countries, when they had agreed on the sale, to so inform the Committee so that it could take appropriate action.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[LETTER DATED 7 MAY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE CHAIRMAN (S/AC.25/1991/COMM.153)]

TXT[Was concerned by the amount of time which had elapsed since the Committee had begun its consideration of the various requests made by the Government of Iraq. Even if the Committee took decisions at its next meeting, approximately one month would have gone by since the first request had been made, during which civilians in Iraq, who were awaiting deliveries of foodstuffs, would have continued to suffer. He thus proposed that the Committee should establish a final date for the conclusion of consultations, at which time a decision could be taken. If countries felt that the Committee was unable to take decisions in a timely manner they might be tempted to conclude that the channel through the Committee was closed and to breach the sanctions regime. Further, the foodstuffs which had been dispatched before 2 August 1990 but which had been subsequently impounded were likely to perish unless prompt action was taken.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[LETTER DATED 7 MAY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE CHAIRMAN (S/AC.25/1991/COMM.153)]

TXT[It was precisely for those reasons that he had proposed that the no-objection procedure should be applied to the requests contained in documents S/AC.25/1991/COMM.139 and COMM.141, since that procedure effectively imposed a deadline. Once the drafts were ready for circulation, he would ask members to respond within a short period in order to expedite matters. With regard to the request to allow the export of oil, contained in document S/AC.25/1991/COMM.124, additional information was needed from the Iraqi authorities, on receipt of which he would circulate a draft to members for their consideration. Lastly, with regard to the proposed shipment of wheat, the Committee would be informed as soon as negotiations between the two parties were concluded.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Drew attention to a letter from the Chargé d'affaires a.i. of the Permanent Mission of Algeria (S/AC.25/1991/COMM.149), which stated that the naval forces which had intercepted the Aurès had not yet allowed it to continue to its destination of Aqaba. The Chargé d'affaires drew attention to the emergency nature of the supplies being transported on the vessel, and requested the Committee's assistance in enabling it to continue its voyage.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

SPKR[Moreno Fernández] MS[Cuba] FCT[Member] LANG[1]

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Given the urgent nature of the shipment involved, the Chairman should consult the parties concerned in order to expedite the release of the vessel and its shipment, which had been authorized by the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[United States forces had intercepted the Aurès, and that his Government was in consultation with the Government of Algeria in connection with the matter. The sanctions regime was, of course, still in effect, and monitoring was still required. A problem had arisen because the vessel was not in port, and its cargo had been loaded in such a manner as to make it impossible to verify the contents without docking at a port. To prevent any recurrence of such a situation, shippers should be informed as to how cargoes should be loaded to facilitate inspection at sea.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

SPKR[Moreno Fernández] MS[Cuba] FCT[Member] LANG[1]

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[It was not relevant whether the ship was in port or not. The Government of Algeria had told the Committee what the cargo was, and it was now for the Committee to take action without further delay.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[The case of the Aurès raised a general problem. While the practice of inspecting vessels was well founded, it would be useful for the relevant military authorities to be informed in advance of shipments that were due to take place, since the frequency of such shipments would no doubt increase.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[The Committee had already played its role in the matter. A request had come from Algeria in accordance with the notification procedure, the Committee had circulated it and, when no objection was raised, had notified Algeria accordingly. It was no part of the Committee's responsibility to decide whether a given cargo was in order or not or to wait for the results of an inspection. In any case, the Committee had been satisfied with the bilateral efforts mentioned by the representative of the United States and should simply authorize the Chairman to so inform Algeria. There was no occasion for the Committee to debate the matter; that would set a precedent for future cases and would be contrary to the procedure it had agreed to on 22 March.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Reminded the Committee that in the specific case of the Aurès high-level consultations were under way between the United States and Algeria. Bringing notifications made in the context of paragraph 20 of resolution 687 (1991) to the attention of the countries cooperating with Kuwait, as the representative of the Soviet Union had suggested, might be a practical way of avoiding future misunderstandings.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Noted that there were two aspects to the situation. On the one hand the Committee was obliged to accept the notification. On the other, it was desirable to facilitate the inspection process. The Committee should deal first with the first aspect; having been notified of certain items outside the sanctions regime, and having accepted that, it had no further responsibility for the shipment. With regard to facilitating inspection, he saw two possibilities. Either the countries cooperating with Kuwait could inform all concerned that a given set of measures would facilitate inspection, or, alternatively, countries sending aid might themselves consult the countries cooperating with Kuwait on proper procedure for packaging and so on. In either case, the Committee need not be involved.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Practically speaking, a letter from the Committee to the naval commanders concerned might not be of any help. The problem in the case of the Aurès was packaging, some containers being inaccessible. While that was a matter to be sorted out between sending countries and the countries cooperating with Kuwait, the Committee Chairman could be of assistance to all concerned by advising sending States on the proper arrangements.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Procedure]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Sending States should be sensitive to the problem of disposition of goods so as to permit easy inspection. He was already being consulted and was advising on such matters in his personal capacity. Perhaps some informal way might be found to advise sending States that containers could be better arranged with a view to inspection.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[While welcoming the Chairman's suggestion, said that the Soviet representative's point was also well taken. Perhaps the Chairman could issue a circular to remind sending countries such as Algeria of the relevant provisions and the fact that in packaging foods and other goods, ease of inspection was important. In that way future occurrences of the sort might be avoided.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

SPKR[Posso Serrano] MS[Ecuador] FCT[Member] LANG[1]

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Situations like the Aurès case were not likely to recur. Nevertheless, the Soviet proposal regarding a standard system that sending States would be advised to use to facilitate inspection appeared acceptable. Such advice could be given in the form of a Chairman's circular or a Secretariat document.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[The Committee was not a shipping company, and should not go beyond its mandate. The Committee had done its work in responding to Algeria. A problem had arisen, but it was a bilateral one. The Chairman should simply report the Committee's discussion to Algeria.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[The Committee had the right to reflect on possible ways to avoid a repetition of the problem: that was neither interference nor assumption of expertise. Advice to sending States could be informal, a courtesy on the part of the Chairman that might help avoid a recurrence of the situation.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

SPKR[Posso Serrano] MS[Ecuador] FCT[Member] LANG[1]

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[The Committee was not being asked to take on the role of a shipping company. He had merely suggested that the Secretariat might advise sending States on how to package containers. There was no question of the Committee assuming any expertise; a friendly suggestion was always in order, even in a bilateral matter such as the one under discussion.]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Suggested that he could continue consulting informally with Committee members and gathering practical ideas on the matter, without prejudice to the Committee's mandate or to any resolution. His concern was to obtain a consensus without polarization or formalization of the procedure. The countries cooperating with Kuwait could not tell how sending States had packed the goods being shipped, while the sending States were not always aware of the correct procedures for packaging.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Suggested that inspecting States might draw up guidelines to facilitate inspection and forward them to the International Maritime Organization, which would then advise shippers accordingly.]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Welcomed the suggestion and invited countries cooperating with Kuwait that were also members of the Committee to reflect on the suggestions of the representatives of Ecuador and India and to bring him their concrete ideas. Their suggestions might possibly be channelled through the International Maritime Organization, not as guidelines, but only as recommendations, to the members of that organization, a procedure which would have the advantage of avoiding any reflection on the mandate of the Committee.]

ISSUE[IRAQ/KUWAIT]

CAT[661] MTG[40] DATE[5/9/91] TYPE[Intervention]

SPKR[ter Horst] MS[DIEC] FCT[Secretariat] LANG[1]

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[While the Committee could indeed, as the representative of India had suggested, contact the International Maritime

Organization, it would still be difficult to carry out inspections on the high seas. Accordingly, the countries cooperating with Kuwait should perhaps establish an inspection point at Aqaba in Jordan.]

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

ITEM[OTHER MATTERS (S/AC.25/1991/COMM.149)]

TXT[Pointed out that that too was a bilateral matter. He added that he would keep members advised of his consultations.]