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SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

PROVISIONAL SUMMARY RECORD OF THE 109th MEETING (CLOSED)

Held at Headquarters, New York,
on Wednesday, 2 March 1994, at 11 a.m.

Chairman: Mr. KEATING (New Zealand)

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The meeting was called to order at 11.30 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

COMMUNICATIONS UNDER THE "NO-OBJECTION" PROCEDURE

The CHAIRMAN drew attention to a comprehensive list indicating the status of communications under the "no-objection" procedure covering the period 6 January-16 February 1994 which had been circulated to all members of the Committee.

Mr. ROSE (United States of America) said that his delegation was removing its objections to communications S/AC.25/1994/COMM.3301 and 3429 (hairdryers), S/AC.25/1994/COMM.3368 (towels, bathrobes, bed sheets, napkin sets, etc.), S/AC.25/1994/COMM.3485 and 3514 (thread and rope for packing and wrapping) and S/AC.25/1994/COMM.3583 (medical yarn); changing its block on S/AC.25/1994/COMM.3420 (textile) and S/AC.25/1994/COMM.3471 (electrical accessories) to hold in order to seek additional information and releasing its hold on S/AC.25/1994/COMM.3437 (agricultural vehicles).

Mrs. ARON (United Kingdom) said that her delegation was releasing its hold on communications S/AC.25/1994/COMM.3203 (plastic folio), S/AC.25/1994/COMM.3298 and 3300 (refrigeration gas/freon gas) and S/AC.25/1994/COMM.3367 (agriculture cover foils), releasing its blocks on S/AC.25/1994/COMM.3390, 3391 and 3392 (radiators) and moving its block on S/AC.25/1994/COMM.3464 (linear, grilles and registers of aluminium and their accessories) to hold.

Mr. AL-BATTASHI (Oman) said he wondered whether the two States that continued to maintain a hold on S/AC.25/1994/COMM.3131 (water-treatment material) had managed to secure any additional information.

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Mr. ROSE (United States of America) said that his country's experts were investigating the chemical components of the water-treatment material. However, in view of the considerable volume of documentation involved, he was prepared to meet with any members of the Committee at any time and anywhere to answer their questions regarding any of the items his country had put a block on or placed on hold.

Mr. RAZA (Pakistan) said that in the light of the United States representative's reply, he would take up his objections regarding communications S/AC.25/1994/COMM.3368 (towels, bathrobes, bed sheets, napkin sets) and S/AC.25/1994/COMM.3369 (shoe material, electric cables, transformers, LV cables, low-tension switch gears and consumer-substation equipment) with him.

NOTES VERBALES DATED 12 AND 17 JANUARY 1994 FROM THE PERMANENT MISSION OF JORDAN ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.335, 1184 and 1185)

The CHAIRMAN drew attention to three notes verbales from the Permanent Representative of Jordan (S/AC.25/1994/COMM.335, 1184 and 1185) informing the Committee of the traffic of food and medical supplies that had passed through the Reweished border point on its way to Iraq from 21 November 1993 to 10 January 1994.

He suggested that, as was its usual practice, the Committee should take note of the communications.

It was so decided.

REVIEW OF THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 661 (1990)
(S/AC.25/1994/COMM.336)

The CHAIRMAN drew attention to a communication from the Permanent Representative of Jordan (S/AC.25/1994/COMM.336) which included a table indicating the quantities of oil and oil derivatives imported into Jordan from Iraq from 1 June to 31 December 1993.

He suggested that, as was its usual practice, the Committee should take note of the communication.

It was so decided.

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS 706 (1991) AND 712 (1991)
(S/AC.25/1994/HUM/COMM.1)

The CHAIRMAN drew attention to a communication from the Permanent Representative of Germany (S/AC.25/1994/HUM/COMM.1) informing the Committee that the German Company Stinnes Intercoil A.G. had been authorized to deal directly with

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the overseer for the purposes of Security Council resolutions 706 (1991) and 712 (1991).

He suggested that, as was its usual practice, the Committee should take note of the communication and pass it on to the overseer in due course.

It was so decided.

NOTE VERBALE DATED 29 DECEMBER 1993 FROM THE PERMANENT MISSION OF SAUDI ARABIA
ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.250)

The CHAIRMAN drew attention to a note verbale dated 29 December 1993 from the Permanent Mission of Saudi Arabia (S/AC.25/1994/COMM.250) seeking advice from the Committee concerning the defreezing of the accounts of the Arabian Industrial Investment Company with headquarters in Baghdad, Iraq.

Mr. SILVA (France), referring to point 2 of the request, said he wondered whether the Permanent Mission of Saudi Arabia could explain how the minority stockholders - the remaining 29 per cent - would be dealt with, since according to the note verbale they would be Iraqis. Secondly, on the general question of moving the company to Tunisia, it would be helpful to know what measures would be taken to ensure that resources would not get back to Iraq as that would be contrary to relevant Security Council resolutions.

Mr. ROSE (United States of America) said that he agreed with the points raised by the representative of France. Any resolution of that problem should not lead to any resources going directly or indirectly to Iraq.

The CHAIRMAN said that he would write accordingly to the Permanent Representative of Saudi Arabia seeking further information on the questions raised.

It was so decided.

LETTER DATED 25 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED
TO THE CHAIRMAN (S/AC.25/1994/871)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Iraq (S/AC.25/1994/871) requesting the Committee's approval for special flights by Iraqi Airways aircraft from Baghdad to Makkah during the coming pilgrimage in May 1994.

Mrs. ARON (United Kingdom) welcomed the early request put in by the Iraqi authorities. While it was very important that the Committee should ensure that pilgrims were permitted to go to Makkah during the current year, authorization could

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only be granted within the framework of the resolutions that the Committee was trying to enforce. It could be explained to the Iraqi authorities that permission could not be granted for the use of Iraqi aircraft to carry pilgrims to Makkah. While the Committee was sympathetic with what was behind the request, under the resolutions it would welcome requests by countries other than Iraq that might wish to help out with the pilgrimage.

Mr. ROSE (United States of America) strongly endorsed the position taken by the United Kingdom delegation. He would even go as far as to say that the Committee could approve the use of non-Iraqi aircraft. While the Committee did not have the authority to change the resolutions, it would be supportive of some means of making sure that the pilgrimage took place promptly and without any problems.

Mr. SILVA (France) supported the views expressed by the United Kingdom and United States delegations. He realized the religious importance of the pilgrimage and the fact that members of the Committee were duty-bound to take into account the relevant texts, particularly resolution 670 (1990). However, he hoped a solution could be found that would enable non-Iraqi aircraft to be used to organize those flights.

Mr. BADRI (Djibouti) said that, in view of the importance of the issue from a religious and humanitarian point of view, the use of Iraqi aircraft should be authorized, with the consent of Saudi Arabia, as the resolutions did not prohibit the use of such aircraft for activities of a humanitarian nature.

Mr. CARDOSO (Brazil) said that, because of the very important humanitarian aspect of the request, he would be willing to support the suggestion made by the representative of Djibouti concerning the possibility of making an exception on humanitarian grounds and allowing the use of Iraqi aircraft.

Mr. AL-BATTASHI (Oman) said that the task of the Committee was to ensure that Iraq fully complied with all relevant Security Council resolutions, but, because of the purely humanitarian nature of the request, his delegation fully supported the proposal of Djibouti.

Mr. CHEN Weixiong (China) said that his delegation supported the statements made by the representatives of Brazil and Oman.

Mr. UMAR (Nigeria) said that his delegation joined with the delegations of Oman and Brazil in supporting the proposal of Djibouti and appealing for a reconsideration of the issue.

The CHAIRMAN said that, no consensus on an approach to the matter having yet been achieved, the consideration of the issue should be deferred until the next meeting to allow delegations to reconsider positions and consult their capitals.

Mr. ROSE (United States of America) said that his delegation would report the views expressed by Committee members to its authorities. However, based on precedent, it was unlikely that the use of Iraqi aircraft in that situation would be approved. Meanwhile, in order to save precious time, a pragmatic solution should be sought.

Mr. AL-BATTASHI (Oman) requested clarification of the nature of the precedent and the paragraph of the resolution forbidding the use of civilian Iraqi carriers for humanitarian purposes.

Mr. BADRI (Djibouti) said that a decision on the matter should be deferred until the next meeting.

Mr. SILVA (France) said, in reply to the representative of Oman, that paragraph 3 of resolution 670 (1990) prohibited the use of Iraqi aircraft for any purpose other than to carry food in humanitarian circumstances. In the interests of time, an effort should be made to organize the flights without the use of Iraqi aircraft.

The CHAIRMAN said that, because of the importance of the matter, he would address an interim reply to the Permanent Mission of Iraq acknowledging the Ambassador's letter and informing him that the Committee was not in a position to agree to the use of Iraqi aircraft for the pilgrimage flights, but that it concurred with the request if non-Iraqi aircraft were used.

LETTER DATED 31 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.923)

The CHAIRMAN drew attention to a letter (S/AC.25/1994/COMM.923) from the Permanent Representative of the United Arab Emirates seeking advice from the Committee with regard to the proposed opening of a maritime line between a United Arab Emirates port and ports of Iraq, and the opening of the port of Umm Qasr.

Mr. SILVA (France) said that, in the view of his delegation, the request by the United Arab Emirates did not contravene paragraph 20 of resolution 687 (1991).

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However, three points should be emphasized in response to that request. First, in accordance with paragraph 4 of resolution 661 (1991) no Iraqi interests should be included in the proposed company. The United Arab Emirates should also be aware of its responsibility to provide notification of any proposed shipments and should comply with the existing system of monitoring maritime traffic.

Mrs. ARON (United Kingdom) said that her delegation had no objection to the use of the port of Umm Qasr. It wished to remind the United Arab Emirates, however, of that country's general obligation to abide by the relevant Security Council resolutions. Approval should be requested from the Committee for each entry, and it should be clearly stated on the applications that that port was being used.

The vessels would, of course, be subject to monitoring when entering and leaving the port.

As for taking on fuel, ships should fall into the same category as other means of transport. They should be permitted to take on sufficient fuel only for the purpose of travelling to the closest port outside Iraq.

Mr. ROSE (United States of America) said that his delegation supported the general proposal for the use of that port, providing that the company had no Iraqi interests, that the items to be shipped were approved by the Committee on a case-by-case basis, and that no economic resources were transferred to Iraq. He requested that the item should be placed on hold in order to seek the views of members on the specific wording of a response to the United Arab Emirates.

Mr. CARDOSO (Brazil) agreed with the views expressed by the representatives of France and the United Kingdom. It seemed fair to give shipping the same standing as other forms of transport.

Mr. GATILOV (Russian Federation) proposed that the Committee should issue a circular letter indicating its position with respect to the use of a maritime line between ports in the United Arab Emirates and ports of Iraq, as it was likely that, in the future, there would be requests from various States regarding that use.

The CHAIRMAN said he took it that the Committee wished to defer consideration of the matter until its next meeting to allow delegations time to hold consultations on the matter.

It was so decided.

LETTER DATED 14 JANUARY 1994 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF AUSTRALIA
ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.525)

The CHAIRMAN drew attention to a letter from the Deputy Permanent
Representative of Australia (S/AC.25/1994/COMM.525) which referred to a Reuters
report indicating that Iraq had decided to offer incentives to lure foreign ships
to use its Gulf ports. In that connection, the Australian representative

(The Chairman)

had inquired what action the Committee intended to take on the question of rebunkering at the port of Umm Qasr.

Mr. ROSE (United States of America) requested that consideration of the item should be deferred to allow time for his delegation to hold consultations on the matter.

Mr. CARDOSO (Brazil) said he had been surprised to learn from the letter that 13,000 tons of sugar from Brazil had been unloaded at Umm Qasr, since he did not recall having notified the Committee of any such shipment to Iraq. Having investigated the matter, he had learned that three separate shipments of sugar had been sold to a company in Portugal. The Brazilian exporters had subsequently learned that the final destination of those shipments was in fact Iraq. He had instructed the Brazilian authorities that in the future, when it became evident that the final destination of any shipment was a country subject to a sanctions regime, they should notify the Committee, through him.

The CHAIRMAN requested that the Secretariat should verify its records to ascertain whether the Committee had received any notification regarding the shipment of the sugar from Portugal.

Mr. SILVA (France) said his delegation believed that no provision of any relevant United Nations resolution prohibited or restricted the access to Iraqi ports of ships carrying goods that had been authorized by the Committee. Therefore, there was no need to establish a more rigorous regime to control access to the port of Umm Qasr, or to send out a circular letter to that effect.

Mr. ROSE (United States of America) supported the proposal of the representative of the Russian Federation and said that a circular letter would be extremely helpful to shippers. He requested that the item should be carried over to the Committee's next meeting to allow for time to draft a letter outlining the procedures for Umm Qasr, which, because it was situated in Iraq, deserved special consideration.

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The CHAIRMAN said he took it that the Committee wished to continue its discussion of the item at its next meeting so that delegations could hold consultations.

It was so decided.

NOTE VERBALE DATED 25 JANUARY 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YEMEN ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.670)

The CHAIRMAN drew attention to a note verbale from the Chargé d'affaires a.i. of the Permanent Mission of Yemen (S/AC.25/1994/COMM.670) requesting approval for the release of funds totalling over \$3 million in an Iraqi bank, said to be deposits of Yemeni citizens.

Mr. ROSE (United States of America) said that, in principle, his delegation was prepared to approve the request. However, he asked that a final decision should be deferred until the next meeting so that he might seek additional information.

It was so decided.

LETTER DATED 17 JANUARY 1994 FROM THE DEPUTY DIRECTOR-GENERAL OF FAO ADDRESSED TO THE CHAIRMAN (S/AC.25/1994/COMM.734)

The CHAIRMAN drew attention to a letter from the Deputy Director-General of the Food and Agriculture Organization of the United Nations (FAO) (S/AC.25/1994/COMM.734) containing a request, submitted on behalf of the Government of Iraq, for the release of the cash balance standing to the credit of Iraq in a unilateral trust fund account held by FAO, to be used by the Government of Iraq to defray the costs of maintaining the Iraqi permanent representation to FAO.

Mrs. ARON (United Kingdom) said that a similar request had been made by UNESCO in 1992, when it had requested approval to use funds that were held in trust in Iraq's name for the purpose of paying the rent and salaries of the Iraqi delegation to UNESCO and its dues to that organization (S/AC.25/1992/COMM.1248). In the matter currently under consideration, the funds were to be used to sustain a diplomatic representation to FAO. Her delegation believed that, because of the end use of the funds, and on the basis of the precedent set in the case of UNESCO, it favoured approval of the request.

Mr. ROSE (United States of America) said that, although he had been instructed to object to the request of FAO, he asked that the

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item should be put on hold to allow for further examination of it in the light of the precedent set by the UNESCO case.

Mr. SILVA (France) endorsed the views of the representative of the United Kingdom. In the light of the precedent set by the UNESCO case, and given that the funds were to be used to maintain a diplomatic representation in an international organization, his delegation was in favour of approving the FAO request.

The CHAIRMAN said he took it that the Committee wished to defer consideration of the item until its next meeting.

It was so decided.

OTHER MATTERS

The CHAIRMAN said that the Committee had not had an opportunity to discuss the address delivered by the Prime Minister of Jordan at a previous meeting. The Chairman believed that the Committee should consider the situation in Jordan in terms of Article 50 of the Charter as it - and other sanctions committees - had done with similar matters in the past. The Prime Minister had underlined his Government's concerns with regard to the adverse effect on the Jordanian economy of the sanctions regime. He had proposed that the sanctions regime should be transferred to a land-based regime. A letter from the Permanent Representative of Jordan, as a follow-up to the address by the Prime Minister, had been circulated to the members of the Committee. At the request of the Permanent Representative of Jordan, the Chairman had deferred consideration of that letter to allow members sufficient time to review its contents.

The meeting rose at 1 p.m.