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

PROVISIONAL SUMMARY RECORD OF THE 110th MEETING (CLOSED)

Held at Headquarters, New York,
on Wednesday, 30 March 1994, at 10 a.m.

Chairman: Mr. KEATING (New Zealand)

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The meeting was called to order at 10.20 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

COMMUNICATIONS CIRCULATED UNDER THE "NO-OBJECTION" PROCEDURE TO WHICH OBJECTIONS HAVE BEEN RAISED

Ms. WADE (United States of America) said that her delegation was no longer opposed to the authorization requests contained in documents S/AC.25/1993/COMM.3602, S/AC.25/1993/COMM.3677 and S/AC.25/1993/COMM.3832. With regard to the authorization requests contained in documents S/AC.25/1993/COMM.3741, S/AC.25/1993/COMM.3743, S/AC.25/1993/COMM.3745, S/AC.25/1993/COMM.3746 and S/AC.25/1993/COMM.3747, which her delegation had been opposed to earlier, she requested the Committee to simply defer their consideration.

Mr. SHACKLETON (United Kingdom) said that his delegation was no longer opposed to the authorization requests contained in documents S/AC.25/1993/COMM.3675, S/AC.25/1993/COMM.3758, S/AC.25/1993/COMM.3761, S/AC.25/1993/COMM.3805, S/AC.25/1993/COMM.3881 and S/AC.25/1993/COMM.3957. In addition, while his country no longer blocked the requests contained in documents S/AC.25/1993/COMM.3912, S/AC.25/1993/COMM.3984, S/AC.25/1993/COMM.3985 and S/AC.25/1993/COMM.3988, it felt that the Committee should wait to obtain further information in order to consider those requests.

Mr. BADRI (Djibouti) asked whether the delegations of the United States of America and the United Kingdom could withdraw their objection to the products referred to in document S/AC.25/1993/COMM.3637, namely the raw material for

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detergent, since a previous request, which involved the same type of product, had been approved.

Mr. SHACKLETON (United Kingdom) said that although at first glance it might seem contradictory, the initial request concerned a finished product, while the second dealt with raw material required for producing the detergent. The second request had been rejected because the raw material in question could have been used as a production factor to develop Iraqi industry in that field.

The CHAIRMAN said that the necessary documents would be signed speedily, taking into account the changes made by the various delegations to the status of the requests.

ADMINISTRATIVE ITEMS

(a) REVISION OF THE NOTIFICATION AND AUTHORIZATION FORM

The CHAIRMAN said that the revised form was in keeping with the concerns expressed by many delegations, particularly the Iraqi Government and the Jordanian Prime Minister concerning the slowness of the procedure for considering requests.

The draft form drawn up by the Secretariat was based on the form used successfully by the Committee on sanctions against Yugoslavia. It was a single page and the Secretariat would have only to fill in the date and communication number, rather than draw up a new document for distribution. The revised form would therefore facilitate and speed up work.

Mr. CARDOSO (Brazil) said that, while his delegation was satisfied with the new draft form, it wished to make two comments. First, he proposed eliminating the practice of attaching the official note to each request since the forms had, in any event, to be signed by a representative of the Permanent Mission or international organization in question. Second, his delegation was concerned that in item 4 of the revised form, it was necessary to specify the issuing bank and date of payment if the method of payment selected was a letter of credit. Since prior authorization by the Committee was necessary for all exports of goods or services to Iraq, most communications would deal not with a contract strictly speaking, but rather with a planned transaction. During that initial phase of negotiations, the conditions for payment were not yet necessarily known. Requiring such detailed information might create difficulties for companies that wished to trade legitimately with Iraq.

The CHAIRMAN asked whether the question concerning total value also gave rise to problems in that regard.

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Mr. CARDOSO (Brazil) said that that would not be the case since the total value indicated was, by definition, a simple estimate pending the final signing of the contract.

Mr. CHEN Weixiong (China) said that although his delegation in principle favoured the new form, it wished to make several proposals for the sake of simplicity and clarity. He agreed with the Brazilian delegation with regard to the questions in parentheses in item 4. With respect to item 5,

(Mr. Chen Weixiong, China)

shipping arrangements, he felt that the new form seemed a bit too complicated and that the Committee should consider going back to the earlier wording. Furthermore, he asked whether it was absolutely necessary to include the Mission reference number in connection with the date of submission since it was easy to verify the authenticity of requests submitted by a given delegation. Lastly, the note at the bottom of the form seemed a bit too categorical and he would perhaps prefer putting that sentence in an annex to the circular to be sent to missions in order to inform them of the introduction of the new form.

The CHAIRMAN said that, with regard to the Mission reference number, it should be noted that, although some missions submitted few requests and had no difficulty in following them up, others, on the contrary, submitted a very large number of requests. The purpose of asking them to indicate the reference number was to facilitate their work, rather than impose unnecessary obligations on them.

Mr. SILVA (France) said that all the elements contained in item 4 of the new form were justified regardless of whether it was a question of the total value, the value per unit or the method of payment since, when the Committee was required to take a decision on the requests, those financial elements were extremely important.

Furthermore, since financial transactions with Iraq were restricted to a very rigid regime, that information would enable the Committee to uncover possible violations.

Mr. SHACKLETON (United Kingdom) said that the sentence at the bottom of the form was useful: it was better to have as much information as possible on the form if the Committee was to avoid having to consult Governments again when a request was under consideration and place the matter on hold until the information had been received. On the other hand, it was of little importance to his delegation if the obligation to fill in all the items was indicated at the bottom of the form or communicated to delegations by other means.

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Ms. WADE (United States of America) said that she supported the views expressed by France and the United Kingdom and pointed out that the purpose of the changes made in the form was to speed up the work. In accordance with her experience in the Committee on sanctions against Yugoslavia, the Mission reference number was very useful in replying to questions from delegations.

Mr. GATILOV (Russian Federation) said that the consideration of requests took up far too much time and that the Committee should be guided by

(Mr. Gatilov, Russian Federation)

the methods used by the Committee on sanctions against Yugoslavia, which seemed to carry out its work much more efficiently. His delegation had nothing against the form submitted by the Secretariat. While he considered that the total value and value per unit of the contract should be indicated, he also shared the view expressed by the representative of Brazil since, if a Mission was obliged to provide at the outset overly precise information on the method of payment and the issuing bank, it might have to change those financial details subsequently, which would oblige the Committee to reconsider the request or ask for further information and would considerably slow down the consideration process.

Mr. CHEN Weixiong (China) said that, while he took note of the comments made by the various speakers, he was still convinced that the new items 4 and 5 would only complicate matters. Since those two items had never created any particular difficulties for the Committee, it should go back to the earlier wording.

Mrs. WONG (New Zealand) proposed that the information in question should be accompanied by the words "if known", as was the case in item 2 for the Mission reference number.

Mr. CASTELLI (Argentina) said that he supported the proposal by New Zealand to add in item 4 words similar to those found in item 2.

The CHAIRMAN said that the previous form had been much more complicated, especially with regard to the means of transport. The new form was designed to simplify the process by taking into account the two options available, namely, the current shipping arrangements and direct shipment to the Iraqi port of Umm Qasr.

Mr. CARDOSO (Brazil) said that the New Zealand proposal was useful, for if the Committee retained the bracketed elements in items 4 and 5 and the sentence at the bottom of the form, it would have additional reasons to find itself unable to consider requests, or even to reject them outright.

Ms. WADE (United States of America) said that while she endorsed the proposal to add the phrase "if known", she remained convinced that the sentence

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at the bottom of the form was useful in that it encouraged delegations to fill out the form completely, thus avoiding any unnecessary delays.

The CHAIRMAN suggested the following compromise: a separate communication would be sent to the missions of Member States, containing the footnote from the revised form which stated that all incomplete applications

(The Chairman)

would be returned to the applicants, and stipulating that detailed information should be provided concerning the method of payment (item 4) and the shipping arrangements (item 5) at the time when the authorization request was submitted, if known, and otherwise at a later date. That would remove the footnote from the revised form.

Mr. CHEN Weixiong (China) said that he would convey the Chairman's suggestions to his Government.

Mr. SHACKLETON (United Kingdom) proposed that the form, as orally amended, should be subject to the "no-objection" procedure and that a deadline should be set, for example, Monday, 4 April. In that way, the Committee would return to the matter only if there were objections.

Mr. CHEN Weixiong (China), mindful of the need to simplify the Secretariat's work, proposed that a provisional form, from the footnote and items 4 and 5 had been deleted, should be circulated to the missions after having been subject to the "no-objection" procedure. The Committee could then determine whether, in practice, it would be preferable for additional items to be included in the form.

In the meantime, his delegation would submit the question to the Chinese Government.

Mr. CASTELLI (Argentina) and Ms. WADE (United States of America) supported the United Kingdom proposal that the form, as orally amended, should be adopted under the "no-objection" procedure.

The CHAIRMAN said that the form, as orally amended, would be circulated under the "no-objection" procedure, together with a communication containing the footnote from the revised form and stipulating that the information requested in items 4 and 5 should be provided, if known.

(b) NECESSITY FOR CONTINUED CIRCULATION OF NOTIFICATIONS (FOOD AND MEDICAL SHIPMENTS ONLY) AND THE CHAIRMAN'S LETTERS OF ACKNOWLEDGEMENT

The CHAIRMAN suggested that, in order to lighten the Secretariat's workload, the Committee should follow the example of other committees and should

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no longer circulate to the missions the text of each notification; rather, it should send them periodically a summary table of decisions taken by the Committee.

Mr. SHACKLETON (United Kingdom), supported by Mr. CARDOSO (Brazil), said that he supported the Chairman's suggestion; nevertheless, he would prefer for the Secretariat to continue to circulate notifications that were likely to cause difficulties, and to draw the attention of the members of the Committee to such notifications.

Mr. CHEN Weixiong (China) endorsed the views expressed by the representatives of Brazil and the United Kingdom.

The CHAIRMAN said that the new procedure would enter into force following an interim period, and that he and the Secretariat would continue to draw the attention of the members of the Committee to notifications that caused difficulties.

(c) INCREASE IN THE EXTENSION PERIOD FOR COMMITTEE APPROVALS

The CHAIRMAN suggested that the Committee should adopt a more flexible approach with regard to an increase in the extension period for approvals, which had been granted in cases where it had not been possible to deliver goods within the prescribed time-limits.

Mr. CARDOSO (Brazil) recalled that the Committee had decided to shorten the extension period for approvals in order to combat the numerous forgery and fraud attempts, thus helping Member States to implement the Security Council sanctions more effectively. In the light of the growing number of extension requests received during recent months, he wondered whether it might be desirable to increase the extension period in order to facilitate the Committee's work.

Mr. SHACKLETON (United Kingdom) said that he, too, believed that the extension period should be increased so that the Committee would not need to reconsider authorization requests that it had already approved.

The CHAIRMAN said that the Committee had two options: either to consider all extension requests under the "no-objection" procedure, or to authorize the Secretariat and him to grant an extension if, in accordance with the decision which the Committee had adopted in August 1993, plausible reasons were involved. He also suggested that the extension period should be increased to three months.

Mr. SHACKLETON (United Kingdom), supported by Mr. CARDOSO (Brazil) and Mr. GATILOV (Russian Federation), endorsed the Chairman's suggestion.

The CHAIRMAN said that, if he heard no objections, he would take it that the suggestion was adopted. He would provide an update in approximately three months' time, taking into account the comments of applicants and of the delivery monitoring staff.

ITEMS CARRIED OVER FROM PREVIOUS MEETINGS

(c) LETTER DATED 25 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS (RE: FLIGHTS TO MAKKAH FOR PILGRIMS) (S/AC.25/1994/COMM.871)

The CHAIRMAN recalled that the Committee had decided to inform the Iraqi Government, through its intermediary, that it would give favourable consideration to any proposal for transporting pilgrims to Makkah aboard non-Iraqi aircraft. The Committee had so far received no reply to its proposals from either the Iraqi Government or the Saudi authorities.

Mr. RODRIGUEZ (Spain) said that it was difficult to determine whether the use of Iraqi aircraft would violate the provisions of the relevant Security Council resolutions, but that such use was not prohibited by any provisions of resolution 670 (1990) if the Committee believed that humanitarian considerations were involved.

His delegation would prefer to return to the question after having heard the Iraqi Government's reply, if any.

Mr. BADRI (Djibouti) said that his delegation had no objections to the use of Iraqi aeroplanes, provided that the Saudi authorities would allow them to land, and that the usual monitoring procedures were applied both on departure and on arrival. He proposed that, before a final decision was taken, the Saudi Arabian Government should be asked whether it was willing to accept Iraqi aircraft on its soil.

Ms. WADE (United States of America) said that she continued to believe that the use of Iraqi aircraft would violate the sanctions. She wished to know whether Iraq had raised the issue with other countries with a view to arranging other means of transport.

The CHAIRMAN suggested that informal consultations should be held with the Iraqi authorities and that the Permanent Representative of Saudi Arabia should be contacted.

Mr. AL-BATTASHI (Oman) drew attention to the fact that preparations for the pilgrimage to Makkah had already begun, and that it was uncertain whether the Committee would be able to meet soon to reconsider the question,

(Mr. Al-Battashi, Oman)

inasmuch as its previous meeting, in which the Jordanian Prime Minister had participated, had been held a month earlier.

The meeting rose at 11.20 a.m.