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

PROVISIONAL SUMMARY RECORD OF THE 112th MEETING (CLOSED)

Held at Headquarters, New York,
on Wednesday, 18 May 1994, at 10 a.m.

Chairman: Mr. KEATING (New Zealand)

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The meeting was called to order at 11 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

COMMUNICATIONS UNDER THE "NO-OBJECTION" PROCEDURE

The CHAIRMAN drew attention to a list indicating the status of communications under the "no-objection" procedure and invited the members of the Committee to comment thereon.

Mr. ROSE (United States of America) said that his delegation wished to release its "hold" on S/AC.25/1994/COMM.619, 680, 755, 756, 835, 952, 968, 1263, 1553, 1668, 1826 and 1829; to remove its objection to S/AC.25/1994/COMM.969, 1048, 1065, 1262 and 1846 to 1849; and to change its "hold" on S/AC.25/1994/COMM.1297, 1666 and 1748 to a "block".

Mr. ARON (United Kingdom) said that his delegation wished to release its "hold" on S/AC.25/1994/COMM.795, 953 and 1265; to remove its objection to S/AC.25/1994/COMM.772, 776, 808, 945 and 1232; and to remove its objection to S/AC.25/1994/COMM.708 and replace it by a "hold".

Mr. AL-BATTASHI (Oman) thanked the United States and United Kingdom representatives for their positive responses to the communications mentioned. He drew attention, however, to the following requests, which had not yet been approved and which concerned items urgently needed by Iraqi citizens: S/AC.25/1994/COMM.824, concerning sewing thread; S/AC.25/1994/COMM.928, concerning cloth for coffins; S/AC.25/1994/COMM.1140, concerning filter elements for water purification; and S/AC.25/1994/COMM.1839, concerning air-conditioning systems. Furthermore, he failed to understand why S/AC.25/1994/COMM.891, 1407 and 1640, concerning caustic soda, had been placed on hold while similar requests had been approved, and why the delegations concerned maintained their objections to S/AC.25/1994/COMM.1542, concerning cotton, and S/AC.25/1994/COMM.1675 and 1676, concerning cloths.

Mr. BADRI (Djibouti) said that he shared the concerns expressed by the representative of Oman, especially with regard to the requests for tyres for ambulances and tractors.

Mr. ROSE (United States of America) reiterated his delegation's willingness to discuss any item on the status list with any delegation wishing to do so, and invited the Omani representative to contact him directly. With regard to the requests for cloths, his delegation had found that they involved commercial quantities and had therefore queried them.

Mr. ARON (United Kingdom) said that his delegation had carefully examined the requests for caustic soda and had blocked them only in cases where it was clear that the item would be used as an input to industry.

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Mr. SILVA (France) said that his delegation had blocked or objected to the requests for ambulance tyres because the wording had made it unclear whether the items were intended for public or for private vehicles.

ITEMS CARRIED OVER FROM PREVIOUS MEETINGS

Letters dated 14 and 31 January 1994 from Australia and the United Arab Emirates respectively (S/AC.25/1994/COMM.525 and 923)

The CHAIRMAN recalled that the communications concerned the use of Iraqi ports and that consultations on the subject were continuing. While there was no objection, in principle, to the use of Iraqi ports, some delegations had suggested that a special regime would be necessary.

Mr. AL-BATTASHI (Oman) noted with concern that the communications in question had been pending for some time, and urged members of the Committee to decide, as soon as possible, what special regime, if any, was required.

Letter dated 25 January 1994 from Iraq (S/AC.25/1994/COMM.871)

The CHAIRMAN recalled that the proposal regarding the use of Iraqi aircraft to transport pilgrims to Makkah had been discussed at the previous meeting. He had subsequently met with the Iraqi Ambassador and had conveyed to him the Committee's proposals involving the use of third-country aircraft. The Iraqi Ambassador had not responded very favourably, and had pointed out that the Iraqi Government's first priority was to secure approval for the use of Iraqi aircraft. Since no further communication had been received from Iraq, he suggested that the matter should be deferred.

Letter dated 29 March 1994 from the International Maritime Organization (S/AC.25/1994/COMM.2332)

The CHAIRMAN recalled that the letter, which concerned a proposed marine hazard survey, had been discussed at the previous meeting, and that the Committee had agreed to seek further information on the issue.

Mr. ARON (United Kingdom) said that his delegation had drafted a letter to the Chairman on the subject; he would be grateful if the request could be considered under the "no-objection" procedure.

Mr. AL-BATTASHI (Oman) urged the United Kingdom representative to take into account the statement made at the previous meeting concerning the importance of soliciting the views of the countries in which the survey would be carried out.

The CHAIRMAN suggested that the United Kingdom delegation should make the text of its draft letter available to the members of the Committee so that it could be ascertained whether the issues involved could be dealt with under the "no-objection" procedure.

Note verbale dated 6 April 1994 from Saudi Arabia (S/AC.25/1994/COMM.250/Add.1)

The CHAIRMAN drew attention to a note verbale dated 6 April 1994 from the Permanent Mission of Saudi Arabia (S/AC.25/1994/COMM.250/Add.1) which had been transmitted in response to a request by the Committee at its 109th meeting for further information concerning the ownership of the Arab Company for Industrial Investment.

The note verbale stated that Iraq would not profit from the assets of the company and that the Board of Directors was prepared to make additional commitments in that regard.

Mr. ROSE (United States of America) said that while the Permanent Mission of Saudi Arabia was to be commended for having responded in such a detailed manner, his delegation still had questions concerning the percentage of the majority share of the capital that was owned by each of the Arab States involved; it would seek further clarification of that issue from the Mission.

The CHAIRMAN suggested that the matter should be deferred.

Letter dated 15 April 1994 from Jordan (S/AC.25/1994/COMM.2558)

The CHAIRMAN drew attention to a letter dated 15 April 1994 from Jordan (S/AC.25/1994/COMM.2558) concerning the transfer of Jordanian funds to a joint company in Iraq which had been transmitted in response to an earlier request made

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by the Committee. The letter stated that the funds belonged to the League of Arab States and were therefore considered to be Arab funds.

Mr. ARON (United Kingdom) said that, while his delegation was grateful for the additional information provided, the Committee would still be unable to approve the funds transfer since the joint company in question represented a substantial Iraqi interest. From the standpoint of the relevant Security

(Mr. Aron, United Kingdom)

Council resolutions, it was irrelevant whether Iraqi Government or private interests were involved.

Mr. AL-BATTASHI (Oman) proposed that the Committee should request further information from the Permanent Mission of Jordan.

The CHAIRMAN said that he would act on that proposal.

LETTER DATED 13 APRIL 1994 FROM PAKISTAN (S/AC.25/1994/COMM.2658)

The CHAIRMAN drew attention to a letter dated 13 April 1994 from Pakistan (S/AC.25/1994/COMM.2658) concerning special flights for Pakistani pilgrims.

Mr. RAZA (Pakistan) said that the question had arisen because some of the shrines most sacred to the Shiite community were in Iraq and were visited by some 2,000 Pakistani pilgrims each month. Since the imposition of sanctions, the pilgrims had been forced to travel by road. That had created hardships for them, as many of them were aged and infirm. Shiite leaders had approached Prime Minister Bhutto, who in turn had requested the Permanent Mission of Pakistan to take up the matter with the Committee and urge it to authorize special flights for pilgrims.

The initial request was for two special flights per week. They were intended solely for transporting pilgrims to Iraq and would be carried out solely by Pakistani civilian aircraft. His Government would, in accordance with the usual practice, permit inspections by United Nations authorities in Pakistan both before and after each flight and would provide any further information which the Committee might require. It was to be hoped that the Committee could approve the request at its next meeting.

Mr. ARON (United Kingdom) said that while his delegation understood that a backlog existed, as many people had been waiting a long time to make the pilgrimage, it felt that two flights a week to Baghdad would be tantamount to regularly scheduled flights. He suggested that the Permanent Mission of Pakistan should submit an initial application for one flight per week, so that the Committee could consider

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modalities for inspection of the aircraft in Pakistan and could determine which United Nations agency would be in a position to carry out such inspections.

Mr. ROSE (United States of America) said that a case-by-case approach might be best for the time being. His delegation supported the suggestion of

(Mr. Rose, United States)

the United Kingdom in order to advance the matter quickly. It placed particular emphasis on monitoring of the flights.

The CHAIRMAN said that he would inform the Permanent Representative of Pakistan accordingly.

LETTER DATED 18 APRIL 1994 FROM FINLAND (S/AC.25/1994/COMM.2559)

The CHAIRMAN drew attention to a letter from the Ministry of Foreign Affairs of Finland seeking the advice of the Committee on whether Iraq should be permitted to rent out or sell its diplomatic premises and properties abroad and its views regarding the possible sale of the private car of the Chargé d'affaires a.i. and the repatriation of the revenue from the sale.

Mr. SILVA (France) said that, under paragraph 4 of Security Council resolution 661 (1990) the Government of Finland could not allow Iraq either to rent the building or to sell its cars; moreover the proceeds of any such sale could such sale could be transferred to Iraq.

The CHAIRMAN agreed that the Committee could not authorize the repatriation of funds from the disposal of properties to Iraq.

Mr. ARON (United Kingdom) said that it was his delegation's view that Iraq could not rent out its mission or sell its property at all, whether or not the profits could be repatriated, as the provisions of the resolution prohibited Member States from allowing any financial benefit to accrue to the Government of Iraq.

Mr. BADRI (Djibouti) agreed with by the Chairman, but suggested that no decision should be taken until the next meeting so as to allow delegations time to consider the matter.

Mr. CASTELLI (Argentina) inquired whether the same regime would be applied to the building as to the private car of the Chargé d'affaires.

Mr. ARON (United Kingdom) said that it was his understanding that the Chargé d'affaires could sell his private car, but the funds could not be transferred to Iraq. The embassy, however, would be prohibited from selling the cars in its

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possession because they were the property of the Iraqi Government. A reply along those lines could be sent to Finland under the no-objection procedure.

The CHAIRMAN said that it was unclear whether a consensus had been reached on that matter. Therefore, it would be considered at the next meeting.

LETTER DATED 19 APRIL 1994 FROM IRAQ (S/AC.25/1994/COMM.2659)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Iraq requesting the release of £1,250,000 from its frozen funds in the United Kingdom for the purpose of meeting the costs of purchasing medical equipment and supplies.

Mr. ARON (United Kingdom) said that his Government could not agree to the request because its legislation prohibited the release of frozen funds, as did also the relevant Security Council resolutions.

The CHAIRMAN said that he would inform the Permanent Representative of Iraq accordingly.

LETTER DATED 21 APRIL 1994 FROM QATAR (S/AC.25/1994/COMM.2660)

The CHAIRMAN suggested that the letter, which concerned shipping service between Qatar and Iraq, should be taken up together with those from Australia and the United Arab Emirates, concerning the use of Iraqi ports.

It was so decided.

LETTER DATED 23 APRIL 1994 FROM JORDAN (S/AC.25/1994/COMM.2749)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Jordan requesting approval for the import of raw sulphur from Iraq for its chemical fertilizer works.

Mr. ROSE (United States of America) said that his delegation objected to the request, since the relevant Security Council resolutions prohibited any imports from Iraq, and the Committee had no authorization to change those resolutions.

The CHAIRMAN said that he would convey the Committee's views to the Permanent Representative of Jordan.

LETTER DATED 25 APRIL 1994 FROM IRAQ (S/AC.25/1994/COMM.2876)

The CHAIRMAN suggested that the Committee should take note of a letter from the Permanent Representative of Iraq transmitting a report on the impact of sanctions on Iraqi citizens.

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NOTE VERBALE DATED 29 APRIL 1994 FROM AUSTRIA (S/AC.25/1994/COMM.2910)

The CHAIRMAN drew attention to the note verbale from the Permanent Mission of Austria informing the Committee of a possible attempt at forgery involving a letter of approval issued by the Committee in July 1992.

Mr. ROSE (United States of America) suggested that the Committee should commend the Government of Austria for its efforts in that matter. It

(Mr. Rose, United States)

should also write to the Permanent Mission of Jordan requesting a report on the results of its investigation.

The CHAIRMAN said that he would proceed accordingly.
NOTES VERBALES DATED 5, 18 AND 25 APRIL AND 9 MAY 1994 FROM JORDAN
(S/AC.25/1994/COMM.2595, 2560, 2781 AND 3021)

The CHAIRMAN suggested that the Committee should take note of the reports provided by the Permanent Representative of Jordan on the shipment of food and medical supplies to Iraq through Jordan for the period 1 March to 20 April 1994.
LETTERS DATED 4 AND 11 MAY 1994 FROM JORDAN (S/AC.25/1994/COMM.2968 and 3022)

The CHAIRMAN suggested that the Committee should take note of two letters from the Permanent Representative of Jordan informing the Committee on the quantities of oil and oil derivatives imported by Jordan from Iraq for the period 1 March to 30 April 1994.
LETTER DATED 9 MAY 1994 FROM THE UNITED STATES OF AMERICA (S/AC.25/1994/COMM.3008)

The CHAIRMAN drew attention to a request from the Deputy Permanent Representative of the United States of America for a law firm to send a remittance to Iraq for a subscription to a trademark journal.

Mr. ARON (United Kingdom) said that the delegation should be reminded that, under paragraph 4 of resolution 661 (1990), the transfer of funds to Iraq was not permitted; therefore the request could not be approved.

The CHAIRMAN said that he would convey the Committee's views to the Permanent Mission of the United States.
LETTER DATED 10 MAY 1994 FROM JAMAICA (S/AC.25/1994/COMM.3009)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Jamaica dealing with the repayment of a loan made by Iraq to Jamaica and, if any loan repayment was permissible, what modalities should be followed.

Mr. SILVA (France) said that paragraph 4 of Security Council resolution 661 (1990) applied to all transfers, and no exceptions could be made for sums due

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from Member States to Iraq. The Government of Jamaica should not make loan payments while the sanctions regime was in force.

Mr. AL-BATTASHI (Oman) suggested that the Government of Jamaica could place the funds in a frozen account until further notice.

Mr. SILVA (France) said that his authorities had considered that option, but had decided that it was not possible under the regime established by the Security Council resolutions regarding Iraq, although that could be possible under other sanctions regimes. When the sanctions against Iraq were lifted, of course, the Government of Jamaica would still owe that debt to Iraq, which would then become payable.

The CHAIRMAN said that he would advise the Government of Jamaica accordingly.

REPORT ON THE VISIT TO JORDAN BY MR. JINGZHANG WAN (S/AC.25/1994/CRP.1)

The CHAIRMAN said that, at the invitation of the Jordanian Government, the Secretary of the Committee had visited Jordan at the end of March. His report of the visit had been circulated to members of the Committee.

Mr. ROSE (United States of America) said that the visit had been helpful in demonstrating that members of the Committee were accessible and were willing to listen and receive complaints.

Mr. CHEN Weixiong (China) said that the visit had helped the Committee to see the economic damage being suffered by Jordan.

Mr. RAZA (Pakistan) said that not only had the visit provided a better understanding of the situation of Jordan, but it had given Jordan a better understanding of the Committee's procedures. It might be useful for the Committee to discuss further the suggestions of Jordan regarding the inspection at sea of cargo coming into the port of Aqaba.

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Mr. AL-BATTASHI (Oman), supported by Mr. BADRI (Djibouti), said that the suggestions and recommendations in the report should be placed on the agenda for discussion at the next meeting.

Mr. ROSE (United States of America) requested the Secretariat to provide figures on the aggregate amount of oil received by Jordan from Iraq, including a dollar amount. Many of the economic losses suffered by Jordan could have been made up from that source.

The CHAIRMAN said that the Committee would proceed accordingly.
LETTERS DATED 11 APRIL AND 6 MAY 1994 FROM JORDAN (S/AC.25/1994/COMM.3019 and 3020)

The CHAIRMAN drew attention to two letters from the Permanent Representative of Jordan who requested that the Committee take steps to halt the interception and inspection of ships in the port of Aqaba as such activities

(The Chairman)

were said to be causing great cumulative losses to the Jordanian economy. He suggested that the matter be discussed with the report of the Secretary of the Committee at the next meeting.

Mr. RAZA (Pakistan) agreed with the Chairman's suggestion and requested additional background information on positions Jordan had taken in the past on the matter.

OTHER MATTERS

The CHAIRMAN said that the Executive Chairman of the United Nations Special Commission (UNSCOM) had informed him that he intended to write to the Committee regarding the interaction between the long-term monitoring regime, the work of the International Atomic Energy Agency (IAEA) and the sanctions regime. The Deputy Prime Minister of Iraq had also raised that issue, and desired prompt action on UNSCOM proposals.

Mr. ARON (United Kingdom) said that members would find it helpful if the Secretariat could circulate any press articles that came to its attention that were relevant to the work of the Committee.

The meeting rose at 12.30 p.m.