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

PROVISIONAL SUMMARY RECORD OF THE 113th MEETING (CLOSED)

Held at Headquarters, New York,
on Thursday, 16 June 1994, at 3 p.m.

Chairman: Mr. KEATING (New Zealand)

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The meeting was called to order at 3.35 p.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 from 4 May 1994 to 31 May 1994 and invited comments on it.

Ms. WADE (United States of America) said that her delegation was releasing its hold on communications S/AC.25/1994/COMM.1994 (household tools), S/AC.25/1994/COMM.2042 and COMM.2069 (products for drop irrigation system), S/AC.25/1994/COMM.2225 (housewares), S/AC.25/1994/COMM.2231 (shaving blades/accessories), S/AC.25/1994/COMM.2249 (spare parts for water filters), S/AC.25/1994/COMM.2355 (veterinarian goods), S/AC.25/1994/COMM.2372 (manual tools), S/AC.25/1994/COMM.2774 (household tools) and S/AC.25/1994/COMM.2896 (caustic soda). It was also releasing its hold on communication S/AC.25/1994/COMM.3018, which did not appear on the current status list. It was removing its block on communications S/AC.25/1994/COMM.2280 (tin plates), S/AC.25/1994/COMM.2316 (cotton canvas for tarpaulins), S/AC.25/1994/COMM.2436 (taps), S/AC.25/1994/COMM.2466 and COMM.2484 (manual tools) and S/AC.25/1994/COMM.2601 and COMM.2630 (caustic soda). She wished to clarify, with regard to S/AC.25/1994/COMM.2117, that her delegation had blocked woven fabrics, tyres, parts for motor vehicles, batteries, iron bars and insulated wires; it had approved the rest of the products.

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Mr. ARON (United Kingdom) said that his delegation was releasing its hold on communications S/AC.25/1994/COMM.1875 to COMM.1881, inclusive (electrode spacers and cation and anion membranes for water treatment), S/AC.25/1994/COMM.1893 (aluminium tubes for filling medical cream), S/AC.25/1994/COMM.2208 (caravans), S/AC.25/1994/COMM.2370 (casual shield wear) and S/AC.25/1994/COMM.2855 (electric fittings). It was removing its block on

(Mr. Aron, United Kingdom)

communication S/AC.25/1994/COMM.2637 (heating elements/thermostat). With regard to communication S/AC.25/1994/COMM.2117, his delegation was blocking the same items as the United States delegation and had no objection to the items "agricultural machinery, mattress support/bedding, clothing accessories, glassware, electric lamps".

Mr. SILVA (France) announced that his delegation was releasing its hold on communication S/AC.25/1994/COMM.1881 (anion membrane for water treatment). With regard to communication S/AC.25/1994/COMM.2117, its objections related only to the items preceding "agricultural machinery".

LETTER DATED 13 MAY 1994 FROM THE UNITED NATIONS SPECIAL COMMISSION

(S/AC.25/1994/COMM.3065)

The CHAIRMAN drew the attention of the Committee to a letter dated 13 May 1994 from the United Nations Special Commission (UNSCOM) established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) (UNSCOM) proposing a new mechanism for export/import monitoring under paragraph 7 of resolution 715 (1991). He reminded the Committee that the resolution required the Committee, UNSCOM and the International Atomic Energy Agency (IAEA) to consult on a long-term monitoring mechanism to meet the Council's objectives with respect to weapons of mass destruction. He had consulted with Mr. Ekéus, Executive Chairman of the Special Commission. He had also received a visit from the Ambassador of Iraq who had expressed his Government's desire to see consideration of the issue proceed with all due speed. Since the Security Council would have to consider the mechanism in the context of reviewing sanctions regimes, the Government of Iraq did not wish approval of a long-term monitoring regime to be an obstacle and placed importance on cooperation in that regard.

Mr. DUELFER (Deputy Executive Chairman, United Nations Special Commission) said that he appreciated the opportunity to present the thinking behind the proposal, which was a distillation of the thoughts and efforts of many experts over the course

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of a number of months. He wished to point out, first of all, that the export/import mechanism required under resolution 715 (1991) was just one component of an overall effort to establish an ongoing monitoring and verification system. Therefore each component did not need to be 100 per cent effective as long as the combination of all of them provided the required assurance that Iraq would not reconstitute prohibited programmes.

(Mr. Duelfer)

Secondly, he wished to point out that it was not a control mechanism comparable to arms control regimes established in other contexts. It was merely a monitoring system intended to provide IAEA with information on dual-use items. Nor was it a licensing regime; it made no attempt to decide whether imports or exports should be approved or to interfere with legitimate activities Iraq was permitted to engage in.

The Committee would note that the proposal asked both the exporter and the importer to report on proposed exports or imports of dual-use items (i.e., those items which could be used for either permitted or proscribed purposes) to be identified in the annex to the plan associated with resolution 715 (1991).

The plan had been designed to be as simple as possible in order to avoid any opportunity for delay or confusion. The plan had also been designed to be sustainable over the long term, since it would have to remain in existence for the foreseeable future.

The proposal did not imply that sanctions were about to be lifted. The task of developing the mechanism for monitoring items relevant to the implementation of section C of resolution 687 (1991) was independent of sanctions.

Mr. MARTY (United States of America) said that after careful study of the proposal of UNSCOM and IAEA, his delegation had concluded that they had struck the right balances and come up with the right procedures. They had also started from the correct starting-point, namely, Iraq's responsibility to declare what it wanted to buy and to report when it expected something to be shipped. His delegation felt that it was a logical extension that exporting countries should be required to notify UNSCOM. The United States Customs and Commerce Department officials had consulted and said that the procedures were workable. His delegation found it acceptable that the list was still being worked on. Since the mechanism would be an integral part of the monitoring system, his delegation would like to have it established and to have it on record that Iraq had accepted it by the so-called

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"trial period", even if it meant that the mechanism would be in place before it had any work to do. Finally, on the assumption that a Security Council resolution would be required, he suggested that the time would be ripe for a resolution when the rest of the

(Mr. Marty, United States)

monitoring system was in place; however the timing was up to the Security Council.

Mr. SILVA (France) said that after careful study of the proposal, his delegation had identified certain parts of the mechanism that might be a problem for his country's authorities. While the dual-notification system with an acknowledgement section appeared to be a suitable mechanism for accomplishing the task, the question arose of how much time the joint unit to be established by the Commission and IAEA would require in order to process the forms. The second area of potential problems concerned notifications that might meet with a negative response on the part of the Commission, after the exporter had already made considerable outlays for shipping costs. Before endorsing the proposal, his delegation would like UNSCOM and the Committee to consider ways of lightening the burden on the exporting country and for the Chairman to pursue his consultations on the issue.

Mr. AL-BATTASHI (Oman) expressed his delegations's thanks to UNSCOM for its proposal and asked Mr. Duelfer if lists of dual-use items were in preparation and when they might be ready.

Mr. DUELFER (Deputy Executive Chairman, United Nations Special Commission) said that such lists were in existence and were subject to modification.

Mr. CARDOSO (Brazil) said that his delegation shared the concerns expressed by the French representative about lightening the burden on the exporting side without impairing the efficacy of the monitoring system.

The CHAIRMAN asked Committee members to consider what decisions the Committee itself should take and what technical assistance the Security Council might require from it. Since there would be a period of overlap between the Committee's work and the long-term monitoring programme, Mr. Ekéus, Executive Chairman of the Special Commission, had suggested in his letter (S/AC.25/1994/COMM.3065) that the Committee might establish a mechanism whereby communications received by the Committee regarding dual-use items would also be

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forwarded to the long-term monitoring unit. In addition, since resolution 715 (1991) required UNSCOM to consult with the Committee, as it had done, the Security Council would doubtless appreciate hearing the thoughts and recommendations of the Committee. Since France had asked him to arrange

(The Chairman)

consultations, he would do so and would be happy to do the same in order to meet the concerns of other delegations. He suggested deferring consideration of the item to the next meeting.

It was so decided.

ISSUES RELATING TO JORDAN

(a) NOTE VERBALE DATED 13 MAY 1994 FROM JORDAN (S/AC.25/1994/COMM.3061)

The CHAIRMAN drew attention to the note verbale from the Permanent Representative of Jordan containing a report of the traffic of food and medical supplies passing through the Reweished border point during the period from 21 April to 30 April 1994. He took it that the Committee wished to take note of the communication.

(b) LETTER DATED 1 JUNE 1994 FROM JORDAN (S/AC.25/1994/COMM.3326)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Jordan concerning the maritime inspection regime at the port of Aqaba. He reported that his Government had agreed to a system of inspections of cargo on land, and had contracted with a private organization, Lloyd's Register, to conduct them. Approvals must be transmitted from the Committee to the inspectors on land in Jordan as rapidly as possible to minimize the possibility of fraud. Jordan had also proposed that, in order to finance the electronic transfer of information and to ensure transparency and independence, the United Nations should operate an account through which Jordan would channel the payments to the inspectors.

The proposals offered significant advantages, and would change the Committee's interface with the inspection system. He invited comments from members on the draft reply to Jordan, which had been circulated.

Mr. ARON (United Kingdom) said that those developments would produce a significant improvement in the implementation of the sanctions regime in Jordan and should be made operational as soon as possible. In the fourth paragraph of the Chairman's draft reply, the first sentence should read: "The Committee

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acknowledges the right of the Jordanian Government to make a further submission under Article 50 of the Charter".

Ms. WADE (United States of America) said that, in the second paragraph of the draft reply, the term "close monitoring and observation" should be

(Ms. Wade, United States)

replaced by "inspections". At the end of the first paragraph, the phrase "and subsequent relevant Council resolutions" should be added.

Mr. BADRI (Djibouti) said that, although his delegation could accept the amendment proposed by the United States, it would have preferred to retain the original version of the second paragraph. An alternative proposal would be the following: "The Committee welcomes the establishment of an onshore close monitoring and inspection of cargo system". In the fourth paragraph, at the end of the last sentence, the phrase "the sanctions regimes imposed under Security Council resolution 661 (1990)" should be added.

Mr. AL-BATTASHI (Oman) said that his delegation supported the amendment to the fourth paragraph proposed by the United Kingdom. He inquired, however, whether the United States had a strong reason for preferring the term "inspection" in the second paragraph. Although his delegation preferred the original version, it would join in the consensus of the Committee.

Ms. WADE (United States of America) said that her delegation had a strong preference for the term "inspection".

The CHAIRMAN said that, for purposes of clarification, he would read out the proposed amendments to the second paragraph: "The Committee welcomes the establishment of an onshore close inspection and monitoring of cargo system at the port of Aqaba to be conducted according to the guidelines attached to your letter."

Ms. WADE (United States of America) suggested that the word "close" might be deleted.

Mr. ARON (United Kingdom) said that the implementation of sanctions was a politically sensitive issue in Jordan. It might be wise to consult the Jordanian Ambassador as to the terminology he preferred before issuing the Committee's reply, since the Ambassador would have to deal directly with the Lloyd's Register contract and the wider political situation.

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Mr. BADRI (Djibouti) said that he supported the suggestion of the United Kingdom representative.

Mr. CHEN Weixiong (China) said that the Jordanian Ambassador had used the wording "close monitoring and observation of cargo" in his letter to the Committee and that it appeared wise to follow the United Kingdom's suggestion.

Mr. CARDOSO (Brazil) said that his delegation preferred the term "inspection", but he agreed that it was wise to consult with Jordan first.

The CHAIRMAN said that he would consult with the Ambassador of Jordan and would circulate the final version of the reply under the "no-objection procedure".

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

The CHAIRMAN said that, at the request of some representatives at the previous meeting, the Committee would discuss further the suggestions of Jordan contained in the report.

Mr. ARON (United Kingdom) said that his delegation attached great importance to meeting the concerns of Jordan as expressed on page 10 of the report.

The discussion of maritime inspections which had just taken place would resolve at least the first of those concerns, the so-called "siege of Aqaba". Regarding the second, his Government did recognize that the circumstances of Jordan were special, but, as Jordan was the only country permitted to import Iraqi oil, any double standard appeared to be weighted in its favour. He did not see how the Committee could adopt a more flexible approach in that respect. The Jordanian request that the authorization procedure should be speeded up had also been met; it was his understanding that the backlog of applications had been completely cleared.

Barter trade, however, could not be envisaged if Iraq was not permitted to export goods. It seemed to him that Jordan least of all needed extended periods of validity for authorizations and should be able to manage within the existing system.

The Committee had taken the Jordanian problems seriously and had made improvements in many areas. The Chairman could write to the Jordanian Ambassador to report what the Committee had done to address those concerns.

The CHAIRMAN said that, in a recent conversation, the Jordanian Ambassador had expressed his pleasure with the progress made on both the maritime inspection issue and the speed of processing for applications. He had also stated that cases of alleged discrimination had been addressed to his satisfaction, and that issues

surrounding certain export commodities that had caused concern had been resolved.

(d) RECONSIDERATION OF JORDANIAN COMMUNICATION UNDER ARTICLE 50 OF THE CHARTER OF
THE UNITED NATIONS

The CHAIRMAN recalled that the Prime Minister of Jordan had made a statement at the 108th meeting of the Committee, held on 27 January 1994, on the

(The Chairman)

adverse impact of the sanctions regime on Jordan. Members should be aware that Jordan was not currently asking for a reconsideration of the communication submitted under Article 50, but was reserving the right to do so in the future. (e)

REPORTS OF JORDAN'S IMPORTATION OF OIL FROM IRAQ

The CHAIRMAN drew attention to a note which had been prepared providing statistics concerning Jordan's importation of oil from Iraq.

Ms. WADE (United States of America) said that her delegation appreciated the information. Her authorities were reviewing the information and would make their comments on it to the Committee at a later date.

SECRETARIAT FIGURES FOR AGGREGATES OF FOOD AND OTHER EXPORTS ON A COUNTRY-BY-COUNTRY BASIS DURING 1994

The CHAIRMAN drew attention to statistical tables prepared by the Secretariat providing information on food and other exports to Iraq.

LETTER DATED 20 MAY 1994 FROM IRAQ (S/AC.25/1994/COMM.3066)

The CHAIRMAN drew attention to a letter from the Permanent Representative of Iraq requesting the evacuation of more than 1,000 Iraqis from Yemen using Iraqi Airways flights. He had already informed the Permanent Representative of the Committee's position.

Mr. AL-BATTASHI (Oman) inquired about the reasons preventing approval of the request.

The CHAIRMAN said that the reasons were the same as those given in the previous discussion.

Mr. BADRI (Djibouti) asked how the matter would be resolved.

Ms. WADE (United States of America) said that the Committee could advise Iraq to use non-Iraqi aircraft in the evacuation.

Mr. CARDOSO (Brazil) said that his delegation favoured approval of the request. In its reply, the Committee should point out to Iraq that it could not agree to the use of Iraqi aircraft.

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Mr. GATILOV (Russian Federation) said that his delegation supported the proposal of Brazil, given the humanitarian nature of the issue.

Mr. ARON (United Kingdom) said that the Committee would not need to approve the flights if third-country aircraft were used, since the proposed itinerary was from Yemen to Amman.

The CHAIRMAN said that there appeared to be no consensus in the Committee. The use of Iraqi aircraft for that purpose would require the

(The Chairman)

adoption of a Security Council resolution. He would write to the Permanent Representative of Iraq along the lines suggested by Brazil.

LETTER DATED 13 MAY 1994 FROM EGYPT (S/AC.25/1994/COMM.3094)

The CHAIRMAN drew attention to a letter from Egypt concerning resources for the Compensation Commission. Egypt was of the view that the Iraqi frozen assets could be utilized for that purpose. Iraqi assets abroad had been frozen by Security Council resolutions, however, and the Council alone could decide otherwise. The matter appeared to lie beyond the mandate of the Committee.

Ms. WADE (United States of America) said that her delegation supported Egyptian efforts regarding compensation. The issue should, however, be addressed by the Compensation Commission and not by the Committee.

The CHAIRMAN said that the Security Council was seized of the issue. He would circulate a draft reply under the "no-objection" procedure.

LETTER DATED 11 MAY 1994 FROM THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (S/AC.25/1994/COMM.3031)

The CHAIRMAN drew attention to a letter from the Food and Agriculture Organization of the United Nations providing additional information concerning the schedule of flights for an aerial pest-control programme.

The meeting rose at 5.05 p.m.