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

PROVISIONAL SUMMARY RECORD OF THE 116th MEETING (CLOSED)

Held at Headquarters, New York,
on Tuesday, 11 October 1994, at 3 p.m.

Chairman: Mr. KEATING (New Zealand)

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The meeting was called to order at 3.55 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LLOYD'S REGISTER'S ONSHORE OPERATION IN PORT AQABA IN CONNECTION WITH THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 661 (1990)

The CHAIRMAN said that, as agreed in informal consultations, provision had been made at the meeting for a briefing by representatives of Lloyd's Register regarding the monitoring operation which it was conducting at the request of the Government of Jordan.

At the invitation of the Chairman, Mr. Sanders and Mr. Whitehead (Lloyd's Register) took places at the Committee table.

Mr. SANDERS said that Lloyd's Register was a non-profit, technical organization; it was independent of all Governments and other bodies and had no connection with the insurance market. In accordance with its constitution, its aim was to help enhance the safety of life and property both at sea and on land.

It had been in operation for 230 years and over that period its purpose had not changed in terms of its independence, quality and integrity.

Lloyd's Register was a world-wide organization with offices in virtually every country in the world; it had 255 offices and 1,800 technical personnel, and worked on behalf of 125 different Governments. Its corporate organization consisted of three operating divisions; the largest was the Marine Operations Division which accounted for 60 to 65 per cent of operations. The operation in Aqaba was being run by the Industrial Division. That division, of which he was the Director and Mr. Whitehead was the head, provided technical inspection, certification and advisory services for industry on a world-wide basis.

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Mr. WHITEHEAD said that the onshore inspection activity in Aqaba was similar to other operations of Lloyd's Register, although a slightly different approach had been required. An initial study had been made in January 1994; he had visited the main port area, and Mr. Sanders had visited the Jordanian Government, at its invitation and with the support of a number of other groups including the United Nations. The logistics in Aqaba were very simple. The port area in the north of the Red Sea area was very well enclosed, and just below it there were a number of old oil terminals which were used as berths for cement and rice; below them was a small ferry operation to Egypt and then the main container terminal, which was the main focus of the inspection activity. To the south, towards the Saudi Arabian border, there were small berths and a large fertilizer berth. The whole area was accessible along one road and all of it was visible from the Aqaba end.

In the main port there were nine main berths; seven were quite large, and two of them were used for grain; there were also two berths for smaller ships. Within the port area there was a free zone. The port itself was fully enclosed and was gated and secure. The port controls were an important factor. It was very difficult to move from gate to gate without having the proper passes; extensive documentation was required within the port area, and there were a number of committees that conducted examinations of cargoes of ships as they berthed.

He and Mr. Sanders had produced a joint report which had been communicated to the United States State Department, the United Nations and the United Kingdom Foreign Office. A visit had also been made to the international maritime force (IMF) in Bahrain, which used a number of warships in the Red Sea area to stop ships entering the port of Aqaba in order to check that they had only Aqaba-bound cargo on board. Container ships were required to have a limited number of containers, for safety reasons: containers could be stacked only three-high and there also had to be enough space between containers to ensure access to the doors. The navies inspecting ships offshore had a number of reasons for putting ships on "divert",

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including incomplete manifests and inaccessible or prohibited cargo. Over the period from January 1993 onwards, the main cause of "divert" had been incomplete manifests, and shipping organizations were experiencing considerable problems in that respect. Between August 1990 to May 1994, there had been about 20,000 interceptions, 9,000 boardings and 2,000 visual inspections by aircraft overflying vessels with their hatches open; of that total, there had been 481 "diverts". The number of real problems in the cargoes examined had been very limited.

He and Mr. Sanders had drawn a number of conclusions and submitted them to the parties concerned. They felt that by addressing the issue of manifests and moving the inspections from offshore to onshore it would be possible to increase the scope of inspections and gain much better access, and also to ensure better continuity: if the staff were fully briefed and conducted the inspection work in a fully controlled environment, there were real advantages for the Jordanian authorities and for shippers and shipowners, who would be able to use the port more effectively and efficiently; there would also be advantages for the navies conducting the inspections.

There had been some difficulties for several months in reaching contractual arrangements between Jordan, the United Nations and Lloyd's Register; extensive discussion and exchange of information had been required in order to reach a consensus. Eventually, firm agreement had been reached between all sides, and the programme had been set in motion with a staff of eight; two people had first been sent out to study the area and determine the logistics, and six more people had started work at Aqaba on 25 August 1994. A number of test inspections had been conducted during the two-week period prior to that date, and full operations had been begun on 25 August with the cooperation of IMF.

The facilities available to the Lloyd's Register staff were an office unit within the port area and, as promised by the port authorities, one office within the port itself and a further office in the container terminal. With the

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communications that had been set up, it was now possible to select the types of items to be inspected in advance of a ship's arrival, using the original manifest; if there were any discrepancies they could be resolved before the ship arrived, and the manifest could be taken on board and signed by the ship's master if there were any changes. In that way it was possible to avoid most of the "divert" activity that had been taking place.

The Lloyd's Register staff were working in parallel with the customs authorities, which had deployed a full team of approximately the same size with a very comprehensive system of conducting examinations; all the Lloyd's Register staff had done was to redirect the customs activity to the items they wished to inspect, and inspect those items alongside the customs authorities to overcome any problems in terms of how the inspection was carried out. The Lloyd's Register staff had been given full authority to move wherever they wished and see whatever they wished at any time. They operated seven days a week, 24 hours a day, and were producing a number of reports on a weekly and monthly basis summarizing their activity.

Prior to the start of operations, the level of shipping in the area had been reduced, because shippers were waiting for the system to start. During the first four weeks of operation there had been roughly the same number of ships that had been reported by the port for the same period of the previous year. A total of 97 ships had been seen at discharge; the main advantage of onshore inspection was that it was possible to see ships as they were unloaded; bulk cargo ships could be inspected at the start of and during discharge, and the open hatches could be inspected after discharge. The Lloyd's Register staff were also inspecting ships to ensure that the types of equipment and materials they carried corresponded to the manifests. They had conducted 32 such inspections, and had inspected 248 containers. Samples were taken by the customs authorities and the Lloyd's Register staff could ask for additional samples if necessary. To date, they had been given

all the cooperation which had been promised and were operating with the full authority they had expected. An update would be provided after a few months. They were asking that the Jordanian authorities consider sending reports directly to the United Nations. They were in regular contact with IMF to assure them of how operations were proceeding.

Ms. ARON (United Kingdom) said that her delegation was glad to hear that the level of cooperation with the Jordanian authorities was good. She asked what the reactions of shipowners and crews had been to the inspections and whether there had been any difficulty in transferring from offshore to onshore inspections.

Mr. SANDERS said that so far shippers had been very receptive. The new system was advantageous to them because they were able to load their vessels more efficiently and transport a larger number of containers, so they were bringing in a larger number of ships. The local agents had been given a full briefing by the Lloyd's Register staff about the monitoring operation and the authorization for it.

Mr. AL-BATTASHI (Oman) said that the question of inspections was of vital importance for Oman. His delegation would welcome a synopsis of the briefing in the form of a report which could be sent on to capitals. Visits and exchanges with members of Lloyd's Register would provide an opportunity to gain more information about the system. He asked whether it would also be possible to have periodic reports from the Jordanian Government.

The CHAIRMAN said that he would be willing to pursue with the representative of Jordan the possibility of obtaining reports from the Government of Jordan; he would also see whether further reports could be obtained from Lloyd's Register. Another possibility would be to explore ways in which the Secretariat could obtain the information.

Mr. Sanders and Mr. Whitehead withdrew.

COMMUNICATIONS UNDER THE "NO-OBJECTION" PROCEDURE

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Mrs. JONES (United States of America) said that her Government had adopted a new policy on agricultural spare parts, and hoped that the Committee would consider adopting it too. In the past it had requested the exporting country to provide a detailed list of spare parts, which in some cases had not been provided, leading her delegation to place such requests on hold. Her delegation felt that all members of the Committee should receive such information and should have an opportunity to review manifests and that the Lloyd's Register inspectors should also have a copy of lists of spare parts so as to be able to check them against the actual cargo; the only way to do that was to attach a spare parts list to a copy of the approval letter. In future, her delegation would approve requests for agricultural spare parts only if there was a comprehensive list of individual spare parts attached to the original request. She proposed that the Committee should issue a press release asking that all future requests contain that information.

Her delegation wished to change its hold to a block on communications S/AC.25/1994/COMM.4016 (cigarette plates), S/AC.25/1994/COMM.4114 (wooden bead cushions), S/AC.25/1994/COMM.4115 (globes) and S/AC.25/1994/COMM.4118 (mixers), place a block on communications S/AC.25/1994/COMM.4133 (leather jackets) and S/AC.25/1994/COMM.4170 (manicure sets), release its hold on communication S/AC.25/1994/COMM.4409 (spare parts for hospital kitchen equipment), release its block on communication S/AC.25/1994/COMM.4434 (paper rolls for cigarettes), release its hold on communication S/AC.25/1994/COMM.4465 (spare parts for harvesters), release its block on communication S/AC.25/1994/COMM.4540 (glue), and release its hold on communication S/AC.25/1994/COMM.4594 (combine harvesters and spare parts), S/AC.25/1994/COMM.4874 (spare parts for tractor) and S/AC.25/1994/COMM.4875 (spare parts for tractors).

Ms. ARON (United Kingdom) said that her delegation wished to release its block on communications S/AC.25/1994/COMM.4037 (key holders), S/AC.25/1994/COMM.4068 (wrist watches), S/AC.25/1994/COMM.4091 (table lighters),

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S/AC.25/1994/COMM.4128 (ladies' gloves) and S/AC.25/1994/COMM.4130 (ladies' wallets) and change its block to a hold on communications S/AC.25/1994/COMM.4338 (kitchen equipment) and S/AC.25/1994/COMM.4423 (batteries for tractors, harvesters and cars).

The CHAIRMAN said that with regard to the United States' proposal, the Secretariat could be asked to prepare a short note to all missions reminding them of the importance, when submitting applications for lists of equipment, of specifying in precise detail the parts in question. That would apply to all types of equipment.

Mr. AL-BATTASHI (Oman) said that that procedure would be more expeditious than the issue of a press release.

The CHAIRMAN said that if that was agreeable, the Committee would proceed along those lines.

NEW MATTERS

(a) FACSIMILE DATED 8 SEPTEMBER 1994 FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME OFFICE IN THE SUDAN (S/AC.25/1994/COMM.4758)

Mrs. JONES (United States of America) said that her Government was deeply concerned that the United Nations Development Programme (UNDP) representative in Khartoum, in violation of authorized procedures, had allowed four Iraqi officials to travel on humanitarian meat flights on 4 July 1994 and that the incident had not been reported to the Committee until two months later. The incident would have very negative repercussions, and her Government had raised the matter at the highest levels with the Sudanese representatives in Washington.

Her delegation would have to block any future requests for meat flights from the Sudan to Iraq. It believed that the Governments of the Sudan and Iraq had been fully aware of the humanitarian nature of the flights and had chosen to abuse the privilege; her delegation was not willing to risk allowing any future flights.

Mr. AL-BATTASHI (Oman) said that his delegation agreed that abuses occurring on board aircraft carrying humanitarian shipments should be dealt with;

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indeed, they should not have been allowed in the first place. However, the humanitarian nature of shipments such as meat and other foodstuffs had to be borne in mind. His delegation did not feel that one incident should be the basis for denying permission for all such flights in the future. The Committee, like other Security Council Committees, had to respect the established principles for humanitarian shipments.

Mr. EGUNSOLA (Nigeria) said that it was the duty of the Committee to monitor the exemptions granted under the relevant resolutions. The Committee should ensure that breaches did not occur in future rather than regarding the incident as a reason for stopping all humanitarian flights. He suggested that a letter should be sent to the representatives of Iraq and the Sudan informing them of the Committee's concern about the incident. The UNDP representative was also partly to blame because he had granted permission for the Iraqi officials to travel on the flights.

Mr. BADRI (Djibouti), Mr. AL-BATTASHI (Oman) and Mr. RAZA (Pakistan) said that they supported the proposal made by the representative of Nigeria.

Mrs. JONES (United States of America) observed that it would be useful to write to Iraq and the Sudan, but that the United States was not at the moment able to reconsider its position. Despite the strong controls in place, including even a United Nations monitor, the Iraqis had found a way to breach them.

Mr. AL-BATTASHI (Oman) asked the United States delegation not to give its last word on the matter until the Committee had received a response, which could then be referred to the United States authorities for a final decision.

Mrs. JONES (United States of America) agreed to do so. The United States was of course supportive of all humanitarian shipments, but felt that they could go by land. The issue was a pattern of abuse by Iraq of air shipments.

Mr. RAZA (Pakistan) asked whether the letters from the Committee would simply express concern or state that further flights would not be authorized.

The CHAIRMAN said that Nigeria had simply proposed communicating an expression of concern; in the absence of Committee consent, however, there would be no letters authorizing further flights. In any case, the vast majority of meat shipments did reach Iraq over land.

Perhaps Iraq and the Sudan could provide new information that might change the United States position, and he would therefore write to both delegations. The Nigerian proposal and the United States response had both been constructive.

(b) LETTER DATED 7 SEPTEMBER 1994 FROM JAMAICA (RE: ACCUMULATION OF INTEREST ON IRAQI LOAN) (S/AC.25/1994/COMM.4761)

Mrs. JONES (United States of America) said that debtor countries could make repayments into a blocked account, and the interest on the loans would continue to accrue until full repayment in the normal way; however, Iraq should have no access to that interest until the sanctions had been lifted.

It was so decided.

(c) LETTER DATED 13 SEPTEMBER 1994 FROM SAUDI ARABIA (RE: PARTIAL RELEASE OF FUNDS FOR THE ARAB INDUSTRIAL INVESTMENT COMPANY) (S/AC.25/1994/COMM.4978)

Mr. SILVA (France) said that it would be difficult to approve the request for funds to enable the Arab Industrial Investment Company to hold meetings until the Committee was assured that the release of those funds would not entail the concomitant release of Iraqi and Libyan funds, those two States being Company stockholders. His delegation believed that the transfer of the Company's headquarters to Tunis must be the precondition for any utilization of its assets.

It was so decided.

(d) LETTER DATED 9 SEPTEMBER 1994 FROM JORDAN (RE: REQUEST FOR FLIGHT PERMISSION TO BAGHDAD) (S/AC.25/1994/COMM.4791)

Ms. ARON (United Kingdom) said that her delegation firmly objected to agreeing to the request because of the frequency of the flights proposed, which was tantamount to establishing a full airline schedule, and because of the wide

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range of purposes for which the flights were being requested, some only marginally humanitarian. The United Kingdom would, however, consider approving an individual request for a flight to transport pilgrims.

Mrs. JONES (United States of America) said that she agreed that Baghdad airport must remain closed except in an emergency.

Mr. SILVA (France) said that under Security Council resolution 670 (1990), it was not possible to grant a general request for authorization of flights.

Mr. BADRI (Djibouti) suggested that the Chairman should inform Jordan of the willingness of the United Kingdom to consider examining an individual request.

Mr. RAZA (Pakistan) said that the Chairman should rather enunciate the general principle that the Committee was willing to look into strictly humanitarian flights in exceptional circumstances, rather than specifying numbers of flights.

Ms. ARON (United Kingdom) suggested that the term "case by case" was perhaps the key.

The CHAIRMAN said that he would circulate a draft letter on the matter for comment by interested members.

(e) LETTER DATED 20 SEPTEMBER 1994 FROM THE RUSSIAN FEDERATION (RE: CHARTER FLIGHT REQUESTS) (S/AC.25/1994/COMM.4888)

Mrs. JONES (United States of America) said that the United States had no objection to the shipment of medicines or the visit of parliamentarians, but believed that the Baghdad airport should remain closed. It could therefore not approve the flight requests. The same purposes could be achieved by overland shipment or travel.

Mr. GATILOV (Russian Federation) noted that there was a precedent for the authorization of shipments of medicine by air.

Mrs. JONES (United States of America) said that the United States would consider the request for shipment of medicines by air if it was established that there was an urgent humanitarian need.

Mr. GATILOV (Russian Federation), observing that shipments of medicine were necessarily humanitarian, asked the Chairman to issue a letter of a general nature stating that the Committee was not opposed in principle to such shipments.

Mrs. JONES (United States of America) said that she would like to have the United States view represented in such a letter. Nothing in the Russian request indicated the special urgency of the shipment in question, and her delegation saw no reason for it.

The CHAIRMAN pointed out that shipments of medicine to Iraq were subject not to approval, but only to notification. Air transport had been authorized in the past in urgent situations. His letter would have to set out what was permissible under Security Council resolutions regarding shipments by air, which could be considered under specific conditions.

Ms. ARON (United Kingdom) suggested that the Chairman's letter should perhaps not refer specifically to the request at issue, but should simply state the Committee's policy so that the recipients could refer to it in future requests.

The CHAIRMAN said that he would circulate a draft letter for comment by interested members.

(f) LETTER DATED 1 SEPTEMBER 1994 FROM ITALY (RE: QUESTIONS CONCERNING THE FINANCING OF EXPORTS TO IRAQ) (S/AC.25/1994/COMM.4670)

Mr. SILVA (France) observed that the second issue raised in the Italian letter the authorization of an operation similar to barter; such operations were forbidden by the Security Council resolutions. As to the important general issue of the use of the sub-account of the escrow account, Italy should be informed that in principle funds could be used by States to finance humanitarian shipments in accordance with Security Council resolution 778 (1992), provided that the proceeds of the transaction passed through the escrow account.

Ms. ARON (United Kingdom) said that she agreed that any barter operation was unacceptable, and that a general explanation should be given of how the

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sub-account of the escrow account was meant to be used, even though it had never been. The United Kingdom itself was interested in making use of it, despite the very complicated procedures and preconditions involved, and hoped that would become possible.

Mrs. JONES (United States of America) recalled that the Secretariat had already developed a formulation on the matter, and observed that the sub-account of the escrow account had remained inoperative because Iraq had not fully complied with the Security Council resolutions.

Mr. SILVA (France) suggested that the Secretariat document in question should be resubmitted to the Committee for review before it was passed on to Italy.

It was so decided.

(g) LETTER DATED 23 SEPTEMBER 1994 FROM THE SUDAN (RE: FLIGHTS TO CARRY KENYANS AND TANZANIANS TO IRAQ) (S/AC.25/1994/COMM.5106)

Mr. SILVA (France), supported by Ms. ARON (United Kingdom), proposed that before addressing the substance of the request, the Committee should ask the Chairman to seek the views of Kenya and the United Republic of Tanzania as to how the operation would be carried out.

The CHAIRMAN agreed that their response would be helpful, and suggested that he should contact both delegations.

It was so decided.

(h) LETTER DATED 19 SEPTEMBER 1994 FROM IRAQ (RE: IMPACT OF SANCTIONS ON HEALTH OF IRAQIS) (S/AC.25/1994/COMM.5091)

(i) LETTER DATED 30 AUGUST 1994 FROM IRAQ (RE: SUMMARY OF ARTIFICIAL-RAIN PROJECT IN IRAQ) (S/AC.25/1994/COMM.5102)

The CHAIRMAN said he took it that the Committee wished to take note of the two communications.

It was so decided.

(j) NOTES VERBALES DATED 29 AUGUST, 9, 16 AND 26 SEPTEMBER 1994 FROM JORDAN

(RE: REPORTS ON FOOD AND MEDICAL SUPPLIES THROUGH JORDAN)

(S/AC.25/1994/COMM.4686, 4893, 4892 and 4902)

(k) LETTER DATED 29 AUGUST 1994 FROM JORDAN (RE: JORDAN'S OIL IMPORTATION FROM

IRAQ) (S/AC.25/1994/COMM.4685)

The CHAIRMAN said he took it that, in accordance with the usual practice, the Committee wished to take note of the communications.

It was so decided.

MATTERS CARRIED OVER FROM PREVIOUS MEETINGS

(b) LETTER DATED 13 MAY 1994 FROM THE UNITED NATIONS SPECIAL COMMISSION (UNSCOM)

(RE: IMPORT/EXPORT MECHANISM FOR IRAQ IN ACCORDANCE WITH PARAGRAPH 7 OF

SECURITY COUNCIL RESOLUTION 715 (1991) (S/AC.25/1994/COMM.3065)

The CHAIRMAN said that he had consulted with UNSCOM regarding the preparation of the lists to be annexed to any decision relating to the dual-use goods covered by the import/export mechanism, and had been advised that the technical seminars organized for the purpose would be held in a week or so and that UNSCOM expected to submit its final proposals to the Committee in two to three weeks.

Also, he had engaged in ongoing consultations with members of the Committee and with UNSCOM on various technical questions, and was pleased to report that they had largely been resolved, so that the Committee could proceed to consider the substantive questions at its next meeting.

(a) LETTER DATED 22 AUGUST 1994 FROM INDIA (RE: REQUEST FOR CHARTERED PILGRIMAGE

FLIGHTS) (S/AC.25/1994/COMM.4609)

Mrs. JONES (United States of America) said that her delegation had met bilaterally with the Indian delegation and was convinced of the legitimacy of the flights and of India's full support of the Security Council resolutions.

Nevertheless, the United States could not approve the request because its concern was with Iraq's intentions, and no level of guarantees would be sufficient to overcome

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the problems. It was also concerned for the security of civilian passengers in flights passing through the no-fly zone. It therefore believed that the Baghdad airport must remain closed. The United States was sensitive to the humanitarian nature of the request and hoped that the pilgrims could reach Iraq over land.

Mr. RAZA (Pakistan) said he believed that in principle the Committee should find a way to authorize the pilgrimage flights, while not allowing Iraq to subvert their purpose. The second point raised by the United States delegation - the impossibility of guaranteeing the safety of such flights - was merely a peripheral matter.

Mr. AL-BATTASHI (Oman) pointed out the time constraints involved and the humanitarian and religious reasons for allowing the flights to proceed. His delegation did not accept that the flights must be denied, and proposed that the matter should be reconsidered at the next meeting.

It was so decided.

The meeting rose at 5.30 p.m.