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

PROVISIONAL SUMMARY RECORD OF THE 120th MEETING (CLOSED)

Held at Headquarters, New York,
on Tuesday, 24 January 1995, at 3.30 p.m.

Chairman: Mr. GRAF ZU RANTZAU (Germany)

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The meeting was called to order at 3.45 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

COMMUNICATIONS UNDER THE "NO-OBJECTION" PROCEDURE

The CHAIRMAN, referring to the list circulated to members of the Committee indicating the status of communications received under the "no-objection" procedure, said that he took it that the Committee wished to approve the status list and that the Secretariat would prepare the appropriate letters.

It was so decided.

MATTERS CARRIED OVER FROM PREVIOUS MEETINGS

(a) LETTER DATED 28 NOVEMBER 1994 FROM JORDAN CONCERNING A REQUEST TO IMPORT "PRAYER DISKS" FROM IRAQ (S/AC.25/1994/COMM.6173)

Mr. AL-BATTASHI (Oman), supported by Mrs. HAKIM (Indonesia) and Mr. GATILOV (Russian Federation), said that the issue was of religious significance and that the export of the disks should be allowed on humanitarian grounds.

Mrs. JONES (United States of America) said that she agreed that the articles had religious and humanitarian significance; however, the Security Council resolutions did not provide for exceptions on humanitarian grounds to the prohibition on exports from Iraq.

Mr. EGUNSOLA (Nigeria) said that the matter should be viewed from a humanitarian and religious point of view. He recalled that the previous Chairman of the Committee had agreed to hold informal consultations about the possibility

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of making an exception to the relevant provisions and asked what the outcome had been.

The CHAIRMAN and Mr. WAN (Secretary of the Committee) said that they had no information about any consultations held by the previous Chairman.

Mr. HE Yafei (China) said that he believed that the Committee should approve the request and that the Chairman should hold informal consultations and report back to the Committee.

Mr. AL-BATTASHI (Oman) supported China's request for the Chairman to hold informal consultations and expressed the hope that the delegation which had put forward objections would reconsider its position.

The CHAIRMAN said that informal consultations would be held and he would report back to the Committee at the next meeting.

It was so decided.

(b) LETTER DATED 13 DECEMBER 1994 FROM THE UNITED STATES OF AMERICA CONCERNING IRAQI EFFORTS TO COLLECT DEBTS AND RECOVER SHIPS (S/AC.25/1994/COMM.6297)

Mr. SILVA (France) said that the first three paragraphs of the communication proposed by the United States of America reiterated ideas already contained in Security Council resolutions and that it would be useless to call them to the attention of Member States; the remaining two paragraphs went beyond the scope of existing relevant provisions. Therefore, there was no point in the Committee considering the proposed communication.

Mrs. JONES (United States of America) said that since there was no consensus, her delegation was prepared to submit to the Committee individual cases of attempts by Iraq to recover its vessels through fictitious companies.

(c) LETTER DATED 14 DECEMBER 1994 FROM THE UNITED STATES OF AMERICA CONCERNING UNITED STATES NAVAL ACTIVITIES IN THE GULF (S/AC.25/1994/COMM.6298)

Mr. AL-BATTASHI (Oman) said that in principle it was not within the Committee's mandate to send a communication to a State or group of States requesting them to accept vessels suspected of violating sanctions. The issue raised political

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and technical difficulties and was being considered by his country's authorities.

It would be better, therefore, to defer consideration of the item to the next meeting.

Mr. SILVA (France) said that he objected to sending the communication proposed by the United States delegation since it was not within the Committee's mandate to do so.

Mrs. JONES (United States of America) agreed that the matter could be taken up at the next meeting of the Committee. The violation of the sanctions regime by vessels was a continuing problem and she felt that the proposed communication was consistent with the provisions of Security Council resolution 665 (1990).

Mr. SILVA (France) reiterated his objection to sending the communication and keeping the matter on the agenda since, in his view, merely drawing the attention of States to the provisions of Security Council resolution 665 (1990) would serve no purpose.

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

LETTER DATED 29 NOVEMBER 1994 FROM THE UNITED NATIONS SPECIAL COMMISSION (UNSCOM) ESTABLISHED UNDER SECURITY COUNCIL RESOLUTION 687 (1991) CONCERNING THE POSSIBLE IMPORTATION INTO IRAQ OF A DUAL-USE COMMODITY (S/AC.25/1994/COMM.6319)

Ms. ARON (United Kingdom) recalled that the Executive Chairman of UNSCOM had inquired whether the Committee had received an application from Jordan seeking authorization to export to Iraq a dual-use centrifuge. She suggested that the Committee should reply that it had not received such an application, which would be necessary if Jordan wished to export the item in question, and that it was highly unlikely that the Committee would grant its authorization for such a request.

Mr. HILDNER (Germany), supported by Mr. AL-BATTASHI (Oman), said that it would be better first to send a letter to Jordan requesting its comments on the Executive Chairman's letter.

Mrs. JONES (United States of America) said that additional information received by her delegation from the Jordanian firm which was the consignee of the centrifuge appeared to indicate that the item would remain in Jordan. Nevertheless, the Committee should reply to the Executive Chairman's letter along the lines suggested by the United Kingdom delegation.

Mr. EGUNSOLA (Nigeria) said that sending a letter to Jordan would be inappropriate. The matter could be taken up informally with that country's Permanent Representative to the United Nations.

Mr. SILVA (France), supported by Mr. GATILOV (Russian Federation) and Mr. CASTELLI (Argentina), said that the Committee should ask Jordan to provide information either orally or in writing and then reply to the Executive Chairman's letter along the lines suggested by the United Kingdom delegation.

The CHAIRMAN said he took it that the Committee wished him to contact the Permanent Representative of Jordan in order to obtain the information he needed to reply to the UNSCOM letter.

It was so decided.

LETTER DATED 16 DECEMBER 1994 FROM UNSCOM CONCERNING THE IMPORT/EXPORT MECHANISM IN ACCORDANCE WITH PARAGRAPH 7 OF SECURITY COUNCIL RESOLUTION 715 (1991)
(S/AC.25/1994/COMM.6321 and 3065)

The CHAIRMAN recalled, with respect to the letter of the Executive Chairman of UNSCOM currently before the Committee (S/AC.25/1994/COMM.6321), that in June 1994 the Committee had discussed the UNSCOM proposal for the establishment of a new mechanism for export/import monitoring and that consultations had been under way since that time. At the 118th meeting, he had informed members of the Committee that UNSCOM would be submitting a list of dual-use items shortly, which would enable the Committee to make definitive recommendations to the Security Council on the matter. The new communication from UNSCOM (S/AC.25/1994/COMM.6321) was the latest version of the proposal for the export/import mechanism. If he heard no objections,

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he would take it that the Committee wished to consider the matter at a later stage when the list of dual-use items was available.

It was so decided.

LETTER DATED 15 DECEMBER 1994 FROM THE ISLAMIC REPUBLIC OF IRAN CONCERNING THE EFFORT TO CURB VIOLATIONS OF SANCTIONS AGAINST IRAQ (S/AC.25/1994/COMM.6318)

The CHAIRMAN recalled that at its 118th meeting, the Committee had decided to address a letter to the Permanent Representative of the Islamic Republic of Iran seeking his Government's comments on the matter. A letter had been sent on 23 December 1994 and no reply had yet been received from the Iranian Government.

Mrs. JONES (United States of America) said that 30 days had elapsed since the letter had been sent requesting a reply as soon as possible; a reminder should perhaps be sent to the Government of the Islamic Republic of Iran or to its Permanent Mission to the United Nations. At the same time, the Chairman should meet with the Permanent Representative of the Islamic Republic of Iran in order to convey to him the Committee's concern over the issue as had been done successfully two years earlier in connection with overland trade.

Mr. SILVA (France) said that the Committee should simply take note of the communication. As to the United States delegation's suggestion that the Committee should take action on the alleged violations of the embargo by the Iranian authorities, including oil smuggling, if it was a matter of sending a reminder to the Iranian authorities in connection with the question they had been asked, a 30-day response time would seem reasonable. In any case he had no objection to asking the Permanent Representative of the Islamic Republic of Iran orally when the response requested by the Committee would be forthcoming.

Mr. AL-BATTASHI (Oman) said that in the communication the Government of the Islamic Republic of Iran had acknowledged that definite violations had occurred in the past, and, in particular, that some vessels had violated the embargo imposed against Iraq. On the other hand, although 20 days had elapsed since the letter had been sent to the Permanent Representative of the Islamic Republic of Iran, it

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was his understanding that other committees had extended the time-limits for countries to respond to certain inquiries. It would be unwise to demand a rapid reply from the Islamic Republic of Iran, especially taking into account that investigations must be conducted to determine the type of violations which had occurred and where, when and by whom they had been committed.

Mrs. JONES (United States of America) agreed that the Chairman should contact the Permanent Representative of the Islamic Republic of Iran.

The CHAIRMAN said that he would contact the Permanent Representative of the Islamic Republic of Iran to inform him of the Committee's decision and to express its interest in receiving information on the matter.

LETTER DATED 21 DECEMBER 1994 FROM TURKEY CONCERNING A QUERY ON COMMERCIAL CLAIMS AGAINST IRAQ (S/AC.25/1995/COMM.150)

The CHAIRMAN said that, in his view, the questions raised in the letter were beyond the mandate of the Committee.

Ms. ARON (United Kingdom) said that she understood the situation of the company in question and regretted that it could not collect the sums owed it. The Committee should inform the company, however, that it was not true that the sanctions imposed against Iraq prevented that country from paying its debts. On the contrary, the relevant resolutions contained provisions expressly requiring it to do so.

The CHAIRMAN said that he would take it that the Committee wished him to inform the Ambassador of Turkey that the matter lay outside the direct mandate of the Committee and to suggest that he should transmit to the company concerned the comments of the representative of the United Kingdom.

It was so decided.

LETTER DATED 6 JANUARY 1995 FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME CONCERNING VOCATIONAL REHABILITATION OF DISABLED PEOPLE IN IRAQ (S/AC.25/1995/COMM.58)

Mrs. JONES (United States of America), supported by Mr. HILDNER (Germany) and Mr. CASTELLI (Argentina), said that the request could be approved in principle,

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on the understanding that UNDP would provide appropriate monitoring of the recipients of the equipment to be exported.

The CHAIRMAN said he took it that the Committee approved the request and wished to ask UNDP to submit separate applications for the export to Iraq of the equipment needed for the execution of the project.

It was so decided.

LETTER DATED 6 JANUARY 1995 FROM THE UNITED KINGDOM CONCERNING A WRECK CLEARANCE PROJECT IN IRAQI WATERS (S/AC.25/1995/COMM.97)

The CHAIRMAN recalled that in June 1994 the Committee had granted approval for a survey sponsored by the International Maritime Organization (IMO) to be conducted in Iraqi waters and the northern part of the Persian Gulf, the results of which had been submitted to the Committee. The United Kingdom was requesting the Committee's approval to conduct a wreck clearance project in those waters.

Ms. ARON (United Kingdom) said that she had not yet received a response from London to the request for further information about the complex operations involved. Therefore, the consideration of that item should be postponed until the next meeting.

Mr. AL-BATTASHI (Oman) said he hoped that at the next meeting the Committee would be informed whether it was necessary to enter into contact with the countries adjoining Iraq in whose waters the operations would take place.

LETTER DATED 8 DECEMBER 1994 FROM JORDAN CONCERNING WEEKLY REPORTS OF ACTIVITIES OF LLOYD'S REGISTER IN THE PORT OF AQABA (S/AC.25/1994/COMM.6315)

The CHAIRMAN recalled that, at the request of Jordan, the Committee had authorized a land-based monitoring and examination system which was to be operated by Lloyd's Register. He proposed that the Committee should take note of the report which the latter had submitted.

It was so decided.

LETTER DATED 15 DECEMBER 1994 FROM IRAQ CONCERNING THE IMPACT OF SANCTIONS (S/AC.25/1994/COMM.6317)

Mr. AL-BATTASHI (Oman) said that, although he was aware that in the past the usual practice of the Committee had been simply to take note of such reports, some contained valuable information, and in the future should be examined in greater detail.

The CHAIRMAN said that the preceding comment would be taken into account and proposed that the Committee should take note of document S/AC.25/1994/COMM.6317.

It was so decided.

NOTES VERBALES DATED 14 DECEMBER 1994 AND 3 JANUARY 1995 FROM JORDAN CONCERNING REPORTS OF DELIVERIES OF FOOD AND MEDICAL SUPPLIES TO IRAQ VIA JORDAN (S/AC.25/1994/COMM.6301 and S/AC.25/1995/COMM.1)

The CHAIRMAN proposed that the Committee should take note of documents S/AC.25/1994/COMM.6301 and S/AC.25/1995/COMM.1.

It was so decided.

FACSIMILE DATED 11 JANUARY 1995 FROM THE UNITED NATIONS COORDINATOR IN IRAQ CONCERNING THE REPORT ON THE INSPECTION OF A HUMANITARIAN MEDICAL FLIGHT (S/AC.25/1995/COMM.184)

The CHAIRMAN drew attention to document S/AC.25/1995/COMM.184, which referred to a medical evacuation flight authorized by the Committee at the end of 1994. He proposed that the Committee should take note of that document.

It was so decided.

The meeting rose at 4.50 p.m.