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**Security Council Committee established by resolution 661 (1990)
concerning the situation between Iraq and Kuwait**

Provisional summary record of the 210th meeting (closed)

Held at Headquarters, New York, on Thursday, 21 December 2000, at 3.30 p.m.

Chairman: Mr. van Walsum (Netherlands)

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meeting was called to order at 3.45 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 21 November 2000 from the United Kingdom (S/AC.25/2000/COMM.215)

The Chairman drew the Committee's attention to a letter addressed to him from the United Kingdom, dated 21 November 2000, alerting the Committee to recent media reports concerning the alleged reopening of the oil pipeline between Iraq and the Syrian Arab Republic.

Mr. McGurk (United Kingdom) said that in its letter his Government called on the Chairman of the Committee to write to the Permanent Representative of the Syrian Arab Republic requesting clarification on the media reports regarding the opening of a pipeline between Iraq and that country. The Chairman should also inquire whether the Syrian Government intended to submit a request to the Committee under the relevant resolutions, and whether oil was currently flowing through the pipeline. According to a report from Reuters, Iraq was pumping 150,000 barrels of oil a day through a recently reopened pipeline.

Mr. Young (United States of America) said that his delegation agreed that the media reports were substantial enough to warrant requesting clarification. In any event, the United States supported the opening of the Syrian pipeline, under an appropriate monitoring scheme.

5. Mr. Sevan (Executive Director, Office of the Iraq Programme), replying to a question from Mr. Mauriès (France), said that the Secretariat had indeed asked the Syrian Government the same question several weeks earlier, and had been informed that the pipeline had not been reopened, but that the pipes were being tested in case a decision was made to allow oil exports from Iraq. The answer had been provided in late November; the current situation was unknown.

6. The Chairman said that it should be possible for the Committee to raise such a neutral question.

7. Mr. Khalizov (Russian Federation) said that while the question was neutral, merely raising it would seem political, since a question was halfway to an accusation. He could not support the proposal of the

United Kingdom at that time, since he had received no specific instructions from his Government to do so.

8. The Chairman said that the letter from the United Kingdom had been circulated on 27 November. For a delegation to have no instructions from its Government one month after the issuance of a letter seemed, in his view, unprofessional.

9. Mr. Mauriès (France) agreed with the Russian Federation that another letter at that point would be political. Any questions should be raised by a neutral party, such as the Secretary-General. In view of the reply of the Syrian Government to the question raised in November, it was too soon to send a letter.

10. Mr. Young (United States of America) said he was mystified by the views of France and Russia. The Secretariat, not the Committee, had asked a question of the Syrian Arab Republic a month before. The Committee had the right to raise questions, and questions were not accusations. He did not understand how the Committee could be considered accusatory, nor why detailed consideration of the proposal would be necessary. The Syrian Government might welcome the opportunity to reply to the media reports in a confidential way. Those reports might not, after all, be accurate.

11. Mr. Khalizov (Russian Federation) said that, by accusing his delegation of a lack of professionalism, the Chairman had overstepped his mandate. When the letter from the United Kingdom had been issued in late November, his Government had determined that the proposal it contained was unacceptable. His delegation was not refusing to consider the matter, but felt that it should be studied at the expert level.

12. Mr. Mauriès (France) said that his delegation was prepared to consider the matter, provided that verification was requested by a neutral party. The Secretary-General should be asked to prepare a report on all violations of the sanctions regime, and at that point the question could be raised with the Syrian Arab Republic. In his view, it was inappropriate to identify violations from press reports, particularly since other, worse violations were occurring that were not receiving media attention.

13. Mr. McGurk (United Kingdom) said that his delegation agreed wholeheartedly with the proposal of France, and would support the preparation of a report on that issue by the Secretary-General. The Chairman

might also be requested to raise the question directly with the Permanent Representative of Syria. He pointed out that his delegation had made it clear on earlier occasions that it would support the reopening of the pipeline.

14. Ms. Price (Canada) asked the Russian delegation to clarify its proposal to refer the matter to experts. She would also like to know whether that Government had considered any alternative approaches to the problem. Her delegation was alarmed to learn that France believed the Committee could not be neutral, even in simply requesting information. The Secretary-General was unlikely to want to follow the approach described by the French Government.

15. Mr. Theron (Namibia) proposed that the matter should be discussed at the expert level, or deferred to the next meeting.

16. Mr. Khalizov (Russian Federation), replying to the question raised by Canada, said that a formal meeting of the Sanctions Committee was not the appropriate forum for a full discussion of that matter, which, according to reports received by his Government, involved not only the Syrian Arab Republic but other neighbouring States as well. The whole picture of sanctions busting and smuggling must be assessed, in order to avoid the use of a double standard. His delegation therefore proposed that the matter should be taken up at the expert level.

17. Mr. Zhang Jun (China) supported the proposal.

18. Mr. Young (United States of America) proposed that the Secretariat and the oil overseers should be requested to investigate the matter and to report back to the Committee within two weeks; and that the Chairman should be asked to speak informally with the Permanent Representative of the Syrian Arab Republic. He noted that the Russian Federation had been unwilling to support an earlier proposal to incorporate the matter of smuggling into resolution 1330 (2000). Much could be accomplished if the members of the Committee were willing to work together. All members of the Committee agreed that funds must be raised for the humanitarian programme, and the flow of oil from Iraq to the Syrian Arab Republic would be cheating that programme.

19. Mr. Sevan (Executive Director, Office of the Iraq Programme) said the Committee should not try to shift responsibility onto the Secretariat. The Secretariat did

not undertake investigations, unless it received specific instructions from the Security Council. Furthermore, Seybolt simply guarded the metering stations and monitored how much oil was flowing in the pipeline between Iraq and Turkey and how much oil was being loaded onto the ships; its job was not investigation. Finally, the answers he had received from the Permanent Missions of Iraq and the Syrian Arab Republic, had been given orally.

20. Ms. Price (Canada) welcomed the explanation provided by the Russian delegation. While a discussion by the experts might be useful, a letter to the Syrian Arab Republic, would also provide helpful information; such a letter could only be sent by the Committee or by the Chairman. Her Government was unaware of any relationship between the pipeline and smuggling, and would remain neutral on that matter until more information was available.

21. The Chairman, noting the Russian delegation's concern that inquiring into the possible actions of Syria seemed to indicate a double standard because such actions were being carried out by other countries on a regular basis, pointed out that, earlier, that same delegation had blocked the Committee from undertaking an investigation of the whole situation.

22. Three of the five permanent members of the Security Council were objecting to the Committee requesting information on an occurrence that had been described by the media as a breach of the sanctions regime. By his understanding, the five permanent members of the Security Council were supposed to be supreme guardians of legality in the United Nations.

23. Mr. Khalisov (Russian Federation) said that, in the negotiations on the recent Security Council resolution to extend the oil-for-food programme, his delegation had not been categorically opposed to the proposed wording but had sought to find a compromise that would avoid political imbalances, which could have serious consequences.

24. The Committee could not close its eyes to the reports of sanctions violations, and his delegation was willing to discuss the matter in the Committee, but at the expert level because of the complexity of the issues involved.

25. His delegation did not agree with the Chairman on the special role of the Permanent Members of the Security Council. It believed that the views of any

member carried equal weight, and that the principle of consensus should be upheld in the Committee.

26. **The Chairman** said that the United Kingdom proposal did not have to do with discussion of the matter but with asking Syria for clarification.

27. **Mr. Zhang Jun** (China) said that his delegation was not against asking for information.

28. **Mr. Ross** (United Kingdom) said that his delegation's proposal had two elements: first, to ask the Secretariat for its observations on whether oil was being pumped through the pipeline in question, perhaps by contacting oil industry sources; second, for the Chairman to approach the Permanent Representative of Syria informally to get his views on the matter. He asked if any delegation objected to that proposed course of action.

29. **Mr. Khalisov** (Russian Federation) said that his delegation had no objection to an informal contact between the Chairman and the Permanent Representative of Syria. It would like to hear the views of the Executive Director on what was being requested of him, however.

30. **Mr. Mauriès** (France) supported the proposal for informal contact between the Chairman and the Permanent Representative of Syria. He asked whether the Executive Director would be able to conduct an investigation if provided with clear instructions and mandate to do so.

31. **Mr. Sevan** (Executive Director, Office of the Iraq Programme) said that his Office had no mandate to investigate, and no sources of information other than those already available to the Committee. Moreover, such an investigation would undermine the sensitive and complex activities of his Office in other areas. Even with a mandate, he could do little more than provide a media summary as a non-paper.

32. **Mr. Ross** (United Kingdom) said that there appeared to be a consensus that the Committee needed expert advice before the matter could be addressed formally. In the view of his delegation, the Office of the Iraq Programme did have a mandate to gather that type of information.

33. **Mr. Khalisov** (Russian Federation) said that if the Committee were to provide instructions and a mandate, his delegation would have to await

instructions from Moscow. It therefore reserved its decision on that matter.

34. **The Chairman** said he would contact the Permanent Representative of Syria informally and report back to the Committee. The next Chairman would have to continue the discussion of the matter.

Letter dated 21 November 2000 from the United Kingdom (S/AC.25/2000/COMM.216)

35. **Mr. McGurk** (United Kingdom) drew attention to a letter informing the Committee that a Boeing 747 aircraft had been donated to Iraqi Airways by Air Gulf Falcon, a subsidiary based in the United Arab Emirates of the private Qatari Falcon Group. That represented a serious breach of Security Council resolution 661 (1990) and a direct challenge to the authority of the Security Council. He suggested that the Chairman should write to the Permanent Representative of the United Arab Emirates to request further information.

36. **Mr. Young** (United States of America) suggested that the Chairman should also write to the Permanent Representative of Qatar, since the donor company was based there. Furthermore, as the Boeing 747 aircraft had been made by an American company, it would also be subject to the laws of the United States.

37. **Mr. Mauriès** (France) said that, since it had been verified that the aircraft was currently in Baghdad, his delegation supported the proposal of the United Kingdom.

38. **The Chairman** said that he would write to the Permanent Representatives of United Arab Emirates and Qatar accordingly.

Letter dated 25 September 2000 from the United Kingdom (S/AC.25/2000/COMM.217)

39. **Mr. McGurk** (United Kingdom) drew attention to a letter informing the Committee that, according to press reports, a Dubai-based airline, Nada Al Sharq International, was planning to establish thrice-weekly flights from Sharjah to Baghdad, in breach of the relevant Security Council resolutions concerning commercial activity. He suggested that the Chairman should address a letter to the Permanent Representative of Dubai inquiring about the matter.

40. **Mr. Khalisov** (Russian Federation) said that his delegation saw nothing in the Security Council resolutions that limited scheduled commercial flights

within Iraq. The financial aspects of the proposed service were another matter, however. He wondered if any confirmation that the flights had actually taken place had been received.

41. **Mr. Mauriès** (France) said that thus far, the Committee had been unable to reach consensus on the question of scheduled flights; the positions of delegations were well known. An effort should be made to confirm that the flights had taken place.

42. **The Chairman** said that there were three elements involved in the matter. First, it was unclear whether the scheduled flights had taken place; second, any related financial transactions would be of concern but that aspect was not currently before the Committee; third, there was no limitation on scheduled flights if the Committee was duly notified.

43. **Mr. Young** (United States of America) said that it was his delegation's understanding that the flights had not taken place, but he saw no reason why the Committee could not be proactive and attempt to prevent a possible sanctions violation. Regularly scheduled flights would, by definition, involve financial transactions with Iraq; his delegation would have great difficulty in reconciling these with the relevant resolutions.

44. **The Chairman** suggested that further consideration of the matter should be deferred.

Procedures for flights to Iraq

45. **Mr. Mauriès** (France) expressed guarded optimism concerning the outcome of the consultations between his own delegation and that of the United States on the proposed procedures on flight related issues. The only points of disagreement concerned notification and authorization. There was a good chance of agreement between the two delegations and also within the Committee. It was regrettable, however, that a decision had not been reached before the year's end.

46. **The Chairman** suggested that he should leave the matter open so that the next Chairman could proceed without interruption, on the understanding that the President of the Security Council and his successor were informed how matters stood.

47. *It was so decided.*

Other matters

48. **The Chairman** said that the previous day the Permanent Representative of Jordan had informed him that the cargo verification activities of Lloyd's Register at Aqaba were being terminated as of 30 December 2000. The Permanent Representative had wished to ascertain, how the Committee would react if the Government was unable to find a replacement for Lloyd's Register, either in the short term or at all.

49. **Mr. Young** (United States of America) regretted that the Government of Jordan had left it so late to inform the Committee. Lloyd's Register had replaced the multinational interception force and his delegation had assumed that Jordan would always maintain independent agents at Aqaba. His immediate reaction was that the Committee would not welcome the permanent withdrawal of an inspection team. The Jordanian Government should be requested to provide a written justification and rationale for its action.

50. **Mr. McGurk** (United Kingdom) concurred with the views expressed by the representative of the United States, adding that the Government should also be asked for information on the nature of the contract signed between itself and Lloyd's Register and the period of notice required and given.

51. **Mr. Mauriès** (France) was not opposed to the information being requested of the Jordanian Government, but considered that care must be taken to draft the letter in such a way that it was not misinterpreted. According to his understanding, Lloyd's Register was under Jordanian authority and the Committee had no direct relationship with Lloyd's Register.

52. **Mr. Young** (United States of America) said that the Jordanian Government had presumably already decided whether or not to replace Lloyd's Register, given that the termination date was so close.

53. **The Chairman** said that he had in his files a fax from Lloyd's Register to the Office of the Iraq Programme in which the former requested instructions as to what should be done with the documents in its archives relating to its work at Aqaba. That implied that Lloyd's Register had assumed that another organization acceptable to the Committee would be appointed in its place.

54. **Mr. Wan** (Secretary of the Committee) recalled that the bilateral agreement between the Jordanian

Government and Lloyd's Register had been concluded because the Government of Jordan had complained of delays in seaborne inspections by the multinational interception force. The Committee had been informed of the agreement in July 1994. The Jordanian Government had requested assistance in establishing a trust fund with money deposited by Jordan, out of which Lloyd's Register would be paid. Lloyd's Register had reported yearly to the Committee and also twice monthly through the port authorities of Aqaba. He added that Lloyd's Register had known of the termination of the contract for some time.

55. **Mr. Mauriès** (France) said that the withdrawal of Lloyd's Register was not a welcome development and he hoped that a replacement could be found.

56. **Mr. Young** (United States of America) suggested that the Jordanian Government should be informed that the Committee expected Lloyd's Register to be replaced.

57. **The Chairman** said that the word "expect" did not always carry the same connotations in other languages as it did in English. In any case, the Government of Jordan was not looking for a formal reply, simply an initial reaction.

58. **Mr. Khalizov** (Russian Federation) suggested that, in speaking to the Permanent Representative, the Chairman should say merely that the Committee would "welcome" the extension of inspection activities in Aqaba by Lloyd's Register or any other company to be contracted by the Government.

59. **The Chairman** suggested that the Committee might trust his verbal agility when he drafted one of his last letters as Chairman.

60. **Mr. Young** (United States of America) requested that the Chairman should also write letters to the Syrian Arab Republic, the United Arab Emirates and the Libyan Arab Jamahiriya, which had all flown aircraft to Iraq without notifying the Committee. The former two countries had provided notification of some flights, although not all, while Libya had provided no notification at all.

61. **Mr. Khalizov** (Russian Federation) said that his delegation was not opposed to such letters being sent, but would wish the drafts to be distributed under the no-objection procedure.

62. **Mr. Mauriès** (France) said that it was important that any letter that might be sent should not prejudice the current discussions on the procedures for flights to Iraq. The word "notification" should therefore not appear.

63. **The Chairman** said that it would indeed be appropriate to write to the States concerned: Security Council resolution 661 (1990) was binding, even though there were some differences regarding the interpretation to be put on some parts of the resolution. He would draft the letters with care.

The meeting rose at 5.55 p.m.