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TAGS: ETTTC, PREL, UNSC, IZ

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SUBJECT: UN/IRAQ: 661 COMMITTEE NOTES

REF: USUN 502

(U) CLASSIFIED BY: [REDACTED]

REASON: 1.5 (B/D).

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SUMMARY

1. ~~(S)~~ ON 1 MARCH, THE UN IRAQ 661 COMMITTEE MET TO DISCUSS A RANGE OF ISSUES INCLUDING UN OIL-FOR-FOOD CONTRACT HOLDS, IRAQI EXPORTS OF HUMANITARIAN SUPPLIES, AND COMMISSIONS ON

OIL-FOR-FOOD CONTRACTS. THE COMMITTEE AGREED TO INVITE UNICEF TO BRIEF ON MALNUTRITION/MORTALITY ISSUES IN IRAQ, HAVE THE CHAIR DRAFT A LETTER REQUESTING IRAQ CEASE EXPORTING HUMANITARIAN ITEMS, AND CONSIDER PROPOSALS TO DETER THE PAYMENT OF COMMISSIONS. THIS MEETING COMPLETED AGENDA ITEMS NOT RESOLVED AT THE 661 COMMITTEE MEETING ON 26 FEBRUARY (REFTEL). END SUMMARY.

FAO AERIAL SPRAYING

2. ~~(S)~~ THE COMMITTEE AGREED TO THE FAO PROPOSAL TO CONDUCT AERIAL AGRICULTURAL SPRAYING IN IRAQ UNDER PREVIOUSLY AGREED CONDITIONS.

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GREEK SHIPPLING CLAIMS AGAINST MIF

3. ~~(S)~~ THE COMMITTEE AGREED THAT THE CHAIR (NORWEGIAN PERMREP KOLBY) SHOULD SEND A LETTER TO THE GREEK MISSION THAT NO COMPENSATION COULD BE PAID FOR LOSSES RELATED TO DELAYS IN THE GULF DUE TO MIF OPERATIONS. THE GREEK GOVERNMENT HAD FORWARDED A LETTER TO THE COMMITTEE FROM A GREEK SHIPPING COMPANY CLAIMING LOSSES DUE TO MIF INSPECTIONS IN THE PERSIAN GULF. THE FRENCH DELEGATION ASKED THAT THE SECRETARIAT PROVIDE INFORMATION ABOUT DELAYS IN THE DELIVERY OF UN-APPROVED GOODS TO IRAQ BECAUSE OF MIF INSPECTIONS. THE SECRETARIAT REPORTED THAT IT COULD NOT INVESTIGATE THE SITUATION BECAUSE IT HAD NOT RECEIVED CORRESPONDENCES FROM ANY STATES OR ENTITIES ON THIS MATTER.

OIL-FOR-FOOD CONTRACT HOLDS

4. ~~(S)~~ THE FRENCH DELEGATION, TAKING ADVANTAGE OF A DISCUSSION OF THREE SPECIFIC OIL-FOR-FOOD CONTRACTS, PRESENTED STATISTICS SHOWING THAT A HIGH PERCENTAGE OF CONTRACTS REVIEWED BY THE UN IRAQ SANCTIONS COMMITTEE HAD BEEN PLACED ON HOLD BY THE US AND/OR UK. FRENCH NOTED HOLD LEVELS OF 67 PERCENT IN THE HEALTH SECTOR, 80 PERCENT IN THE WATER/SANITATION SECTOR, AND 77 PERCENT IN THE ELECTRICAL SECTOR. FRENCH ARGUED THAT THIS MEANT THE PROGRAM WAS NO LONGER FUNCTIONING. THE FRENCH DELEGATION CRITIZED THESE HOLDS AS UNJUSTIFIED AND CLAIMED THAT HOLDS HARMED THE

HUMANITARIAN SITUATION IN IRAQ. THE FRENCH NOTED THAT THE

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SANCTIONS COMMITTEE (READ: U.S. DEL) IDENTIFIED SOME ITEMS AS 1051 DUAL-USE GOODS WHEN UNMOVIC DID NOT DECLARE SUCH GOODS AS ON THE 1051 LIST. FRANCE TRUSTED UNMOVIC TO MAKE THE RIGHT CALL AND WONDERED WHY OTHERS DID NOT. FRENCH ARGUED THAT SOME HOLDS WERE TAKEN FOR POLITICAL REASON, PARTICULARLY THOSE IN THE TELECOMMUNICATION SECTOR. RUSSIAN AND CHINESE REPS MADE THE SAME POINTS AS THE FRENCH.

5. ~~407~~ USUN AND UKUN STATED THAT THE FRENCH DATA WERE FLAWED BECAUSE THE FIGURES REFLECTED ONLY CONTRACTS REVIEWED BY THE COMMITTEE AND DID NOT INCLUDE PRE-APPROVED CONTRACTS. THE FRENCH DELEGATION ARGUED THAT PRE-APPROVED CONTRACTS SHOULD NOT BE INCLUDED BECAUSE THE COMMITTEE CAN NOT PLACE THESE CONTRACTS ON HOLD. FRENCH ALSO NOTED THAT MANY OF THE PRE-APPROVED LISTS HAD BEEN "SHOCKINGLY MUTILATED" BY COMMITTEE MEMBERS WHO REMOVED ITEMS FROM THE LISTS. FOR THE BENEFIT OF NEW COMMITTEE MEMBERS, USUN NOTED THAT 1051 ITEMS WERE DIFFICULT TO APPROVE BECAUSE UNMOVIC WAS NOT ON THE GROUND IN IRAQ. UNMOVIC BEING ABLE TO INSPECT 1051 GOODS WAS THE MISSING LINK IN THE PROCEDURE THE COUNCIL HAD LONG AGO AGREED ON HOW TO HANDLE THESE DUAL-USE GOODS. USUN ALSO NOTED THAT: (1) APPROXIMATELY USD 20 BILLION IN HUMANITARIAN SUPPLIES HAD BEEN APPROVED FOR IRAQ, (2) THERE WERE CONTRACTS FOR WHICH NO INFORMATION HAD BEEN PROVIDED BY SUPPLIERS AND THE U.S. HAD A RIGHT TO REQUEST TECHNICAL INFO ON CONTRACTS

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WHILE IT SHOULD ALSO BE RESPONSIBLE FOR RESPONDING WHEN TECHNICAL INFORMATION WAS PROVIDED TO US, (3) THE U.S. DOES MAKE EFFORTS TO REVIEW AND RELEASE HOLDS, INCLUDING BILATERAL MEETINGS WITH STATES THAT ARE PARTICULARLY INTERESTED IN A TECHNICAL REVIEW, (4) THE U.S. PLACES HOLDS FOR TECHNICAL REASONS ONLY, NOT FOR POLITICAL REASONS. TELECOMMUNICATIONS CONTRACTS WERE, OF COURSE, MORE SENSITIVE THAN FOOD CONTRACTS AND IT MADE SENSE THAT WE WOULD HAVE MORE CONCERN ABOUT TELECOMM WHICH WAS INHERENTLY DUAL-USE, AND (5) THE EXCLUSIVE FOCUS ON HOLDS FAILED TO RECOGNIZE THE HUMANITARIAN SUPPLIES THAT ENTERED IRAQ UNDER THE ORIGINAL 661 EXEMPTIONS, NGO/BILATERAL DONATIONS TO IRAQ, AND SMUGGLED GOODS THAT HAD ENTERED IRAQ. THE POINT WAS THAT THE PROGRAM WAS FUNCTIONING, THERE WERE SUPPLIES REACHING THE IRAQI PEOPLE AND THAT IT WAS NECESSARY TO TAKE A GLOBAL PERSPECTIVE IN LOOKING AT THE HUMANITARIAN SITUATION IN IRAQ.

6. ~~(S)~~ USUN AND UKUN NOTED THAT OTHER DELEGATIONS WERE QUICK TO CRITICIZE HOLDS, BUT FAILED TO ACKNOWLEDGE THE GOVERNMENT OF IRAQ'S RESPONSIBILITY FOR THE HUMANITARIAN SITUATION, POINTING OUT IN PARTICULAR THE LOSS OF OIL REVENUE TO THE OIL-FOR-FOOD PROGRAM THAT THE GOVERNMENT HAD PRECIPATED. SUCH A LACK OF BALANCE UNDERMINED THE CREDIBILITY OF ARGUMENTS SOLELY MADE AGAINST HOLDS. UKUN ALSO POINTED OUT THAT THERE SEEMED TO BE LITTLE CRITICISM OF IRAQ'S SLOW CONTRACTING DESPITE UN LETTERS COMPLAINING ABOUT IT. FRENCH REP SAW NO CONNECTION BETWEEN THE QUESTIONS OF IRAQI OIL REVENUE DECLINE (WHICH WAS A CONCERN) AND HOLDS. THEY WERE SEPARATE ISSUES THAT NEEDED TO BE RESOLVED. USUN

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WONDERED WHY, IF THE FRENCH DELEGATION TRUSTED UNMOVIC'S 1051
DETERMINATIONS ON OIL-FOR-FOOD CONTRACTS, IT DID NOT HOLD
CONTRACTS THAT UNMOVIC DETERMINED WERE 1051? THERE WAS NO
FRENCH RESPONSE.

IRAQ EXPORTS HUMANITARIAN GOODS

7. ~~(C)~~ THE COMMITTEE TOOK NOTE OF AN IRAQI COMMUNICATION
DATED 21 JANUARY INDICATING THAT IRAQI DEATHS INCREASED
DRAMATICALLY BETWEEN DECEMBER 1989 AND DECEMBER 2000 (MONTH
TO MONTH COMPARISON). USUN JUXTAPOSED THIS IRAQI LETTER,
WHOSE FIGURES IT COULD NOT VERIFY, WITH A LETTER FROM IRAQ TO
THE SECRETARY-GENERAL WHICH STATED THAT "HUNDREDS OF
TRUCKLOADS" OF FOOD AND MEDICINE HAD BEEN EXPORTED TO THE
PALESTINIANS BY IRAQ. USUN STATED THAT IT WAS INCONSISTENT
AND UNACCEPTABLE TO ARGUE, AS IRAQ DID, THAT DEATH RATES FROM
MALNUTRITION OR FROM CERTAIN DISEASES HAD INCREASED BY
THOUSANDS OF PERCENT AND THEN EXPORT HUMANITARIAN SUPPLIES
AWAY FROM THE IRAQI PEOPLE THAT WOULD HAVE HELPED ADDRESS
THOSE HUMANITARIAN CONCERNS. NOT ONLY WAS IT ILLEGAL UNDER
THE RESOLUTIONS FOR IRAQ TO EXPORT GOODS OTHER THAN PETROLEUM
AND PETROLEUM PRODUCTS, BUT MORE IMPORTANTLY, IT WAS SIMPLY
WRONG TO TAKE SUCH SUPPLIES AWAY FROM THE IRAQI PEOPLE.
THERE HAD BEEN PRESS REPORTS BEFORE THAT IRAQ WAS EXPORTING
HUMANITARIAN SUPPLIES BUT NOW THE GOVERNMENT OF IRAQ HAD PUT
IN WRITING THIS FACT. ON THE BASIS OF THAT INFORMATION,
USUN, SUPPORTED BY UKUN, MADE TWO PROPOSALS. THE FIRST WAS
TO REQUEST THAT THE UN INVESTIGATE WHETHER OR NOT
HUMANITARIAN SUPPLIES IMPORTED TO IRAQ UNDER THE OIL-FOR-FOOD

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PROGRAM HAD BEEN DIVERTED FOR REEXPORT. THE SECOND WAS THAT
THE CHAIRMAN, ON BEHALF OF THE COMMITTEE, SEND A LETTER TO
THE GOVERNMENT OF IRAQ REQUESTING THAT IT CEASE EXPORTING
HUMANITARIAN SUPPLIES.

8. ~~(C)~~ THE COMMITTEE AGREED THE FIRST PROPOSAL AND UN OFFICE
OF THE IRAQ PROGRAM (OIP) REPS SAID THAT THEIR MANDATE
INCLUDED OBSERVING THE END-USE OF GOODS IMPORTED UNDER THE
OIL-FOR-FOOD PROGRAM. THEY COULD NOT CHECK EXPORTS FROM IRAQ
BUT THEY COULD DETERMINE WHETHER QUANTITIES OF SUPPLIES HAD
NOT GONE TO THEIR PLANNED DESTINATIONS WITHIN IRAQ.

9. ~~(C)~~ WITH REGARD TO THE SECOND U.S. PROPOSAL, THE
COMMITTEE AGREED THAT THE CHAIRMAN WOULD DRAFT A LETTER
REQUESTING THAT IRAQ CEASE EXPORTING FOOD, MEDICINES, AND

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PROHIBITED UNDER SECURITY COUNCIL RESOLUTIONS. RUSSIAN AND CHINESE REPS, WHILE AGREEING TO REVIEW A DRAFT LETTER, SEEMED UNLIKELY TO AGREE TO A DRAFT AS PROPOSED BY USUN. FRENCH INDICATED SUPPORT FOR SUCH A LETTER BUT HINTED THAT PERHAPS IT WOULD BE ALSO USEFUL TO WRITE TO THE STATE(S) THROUGH WHOSE TERRITORY THESE GOODS MIGHT HAVE PASSED (E.G. JORDAN/ISRAEL). COMMITTEE DID NOT AGREE THAT PROPOSAL AND FRENCH DID NOT PURSUE FOR THE TIME BEING. FRENCH,

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PROPOSED THAT THE UNICEF REP IN BAGHDAD BE INVITED TO BRIEF THE COMMITTEE ON THE MALNUTRITION/MORTALITY SITUATION IN IRAQ AS A FOLLOW-UP TO PREVIOUS REPORTS DONE BY UNICEF. THE COMMITTEE AGREED.

OTHER MATTERS

10. ~~(C)~~ TRANSFER OF SURPLUS FUNDS FROM 2.2 ADMINISTRATIVE ACCOUNT: THE SECRETARIAT NOTED THAT 52 MILLION USD HAS BEEN TRANSFERRED INTO THE HUMANITARIAN ACCOUNT AS REQUIRED BY PARAGRAPH 9 OF SECURITY COUNCIL RESOLUTION 1330. THE 52 MILLION USD REPRESENTED EXCESS FUNDS FROM PHASES I THROUGH VII. THE AMOUNT OF SURPLUS FUNDS FROM PHASE VIII HAS NOT YET BEEN CALCULATED. USUN REQUESTED THAT THE SECRETARY-GENERAL'S 90-DAY OIL-FOR-FOOD REPORT (EXPECTED MARCH 6) PROVIDE SUBSTANTIVE INFORMATION ABOUT THE USE OF FUNDS FOR VULNERABLE GROUPS IN IRAQ DERIVED FROM THE DECREASE IN THE PERCENTAGE OF OIL-FOR-FOOD REVENUES FOR THE UN COMPENSATION COMMISSION. OIP SAID IT WOULD PROVIDE SUCH INFO IN THE REPORT.

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11. ~~(C)~~ PROCESSING OF CONTRACTS: UKUN PRESSED THE COMMITTEE TO SUPPORT OIP'S PLAN TO RETURN CONTRACT APPLICATIONS FOR WHICH IT HAD NOT RECEIVED SUFFICIENT INFORMATION AFTER A SET PERIOD OF TIME. RUSSIA AND FRANCE OBJECTED. FRENCH SAID IT WOULD CONSIDER THE PROPOSAL IF A SIMILAR PROCEDURE WAS ADOPTED FOR CONTRACTS ON HOLD FOR WHICH TECHNICAL INFORMATION HAD BEEN PROVIDED.

12. ~~(C)~~ AIR GULF FALCON: UKUN PROPOSED AND THE COMMITTEE AGREED TO AGAIN SEND LETTERS (TO BE CIRCULATED UNDER A NO-OBJECTION PROCEDURE) TO BOTH THE GOVERNMENT OF QATAR AND GOVERNMENT OF UNITED ARAB EMIRATES REGARDING THE DONATION OF AN AIR GULF FALCON 747 TO IRAQ. THE LETTER TO QATAR WOULD RESPOND TO QATARI CLAIMS THAT THE COMPANY INVOLVED WAS IN SHARJAH, UAE AND THUS QATAR HAD NO INVOLVEMENT. THE POINT TO BE MADE TO QATAR WOULD BE THAT STATES WERE RESPONSIBLE UNDER SECURITY COUNCIL RESOLUTIONS TO PREVENT THEIR NATIONALS FROM

OTHER HUMANITARIAN ITEMS AND CIRCULATE THE DRAFT UNDER A NO-OBJECTION PROCEDURE. THE CHINESE QUESTIONED THE UTILITY OF CIRCULATING A LETTER BEFORE THE COMMITTEE KNEW WHETHER OR NOT OIL-FOR-FOOD GOODS HAD BEEN EXPORTED, ARGUING THAT SOME OF THE EXPORTS MIGHT HAVE BEEN PRODUCED IN IRAQ. USUN AND UKUN ASSERTED THAT IT DID NOT MATTER WHAT HUMANITARIAN SUPPLIES HAD BEEN EXPORTED, THE EFFECT WAS THE SAME -- THE IRAQI PEOPLE HAD BEEN DENIED THE BENEFIT OF THOSE SUPPLIES. IN ADDITION, USUN/UKUN REPEATED THAT IRAQI EXPORTS, WITH THE EXCEPTION OF PETROLEUM AND PETROLEUM PRODUCTS, WERE

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VIOLATING SANCTIONS AS WELL AS PREVENTING VIOLATIONS FROM THEIR TERRITORIES. AS THE PREVIOUS OWNER OF THE 747 WAS A QATARI NATIONAL, QATAR DID HAVE A RESPONSIBILITY. NO RESPONSE HAD BEEN RECEIVED BY THE COMMITTEE FROM THE UAE AND THIS SECOND LETTER WOULD REMIND THE UAE TO RESPOND TO THE COMMITTEE'S ORIGINAL CORRESPONDENCE.

13. ~~(S)~~ REPORT ON COMMISSIONS CHARGED ON OIL-FOR-FOOD CONTRACTS: OIP INDICATED THAT IT FELT UNCOMFORTABLE WRITING A REPORT ON IRAQI EFFORTS TO CHARGE SUPPLIERS 10 TO 25 PERCENT COMMISSIONS ON OIL-FOR-FOOD CONTRACTS BECAUSE IT HAS NOT RECEIVED FORMAL WRITTEN COMMUNICATIONS FROM MISSIONS FROM SUPPLIERS ON THIS ISSUE. IT HAD ONLY LIMITED INFORMAL

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INFORMATION WHICH IT HAD SHARED ORALLY WITH THE COMMITTEE. THE US AND UK DELEGATIONS INDICATED THAT THEY WERE DISAPPOINTED WITH THE FAILURE OF OIP TO WRITE SUCH A REPORT SINCE IT HAD PROMISED TO DO SO DURING THE LAST INFORMAL MEETING OF THE COMMITTEE. UKUN NOTED THAT THE OIL OVERSEERS HAD PROVIDED WRITTEN REPORTING ON THE OIL SURCHARGE DESPITE HAVING ONLY INFORMAL INFORMATION. THE RUSSIAN DELEGATION INDICATED THAT THE SECRETARIAT WAS NOT AUTHORIZED TO CONDUCT SUCH AN INVESTIGATION. USUN SUGGESTED THAT THE COMMITTEE CONSIDER PROPOSALS TO DETER THE PAYMENT OF COMMISSIONS IN AN UPCOMING INFORMAL MEETING ALONG WITH OIL SURCHARGES AS HAD BEEN PREVIOUSLY AGREED, RATHER THAN FOCUS ON THE WRITING OF A REPORT. THE POINT WAS THAT COMMITTEE MEMBERS WERE ALREADY AWARE THAT COMMISSIONS WERE BEING SOUGHT BY THE GOI AND NOW THE COMMITTEE SHOULD ACT TO DEAL WITH THIS SITUATION.

14. ~~(S)~~ UN OIL-FOR-FOOD PROGRAM OBSERVERS IN IRAQ: AT USUN REQUEST, OIP REPORTED THAT IT HAD RECRUITED 158 OBSERVERS AS REQUIRED IN PARAGRAPH 3 OF SECURITY COUNCIL RESOLUTION 1330. OIP, IN KEEPING WITH OIP EXECUTIVE DIRECTOR BENON SEVAN'S COMMITMENT, PLANNED TO HIRE SUFFICIENT PERSONNEL SO THAT 158 OBSERVERS WOULD BE IN IRAQ AT ALL TIMES. CURRENTLY, THERE WERE 127 OBSERVERS PHYSICALLY IN IRAQ, 24 OBSERVERS EN ROUTE, AND 7 PERSONS HAD ACCEPTED THE JOB AND ADDITIONAL OBSERVERS WERE UNDER RECRUITMENT.

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15. ~~(S)~~ IRAQ REQUEST FOR UN TO TERMINATE TIES TO NORTHERN NGOS: USUN RAISED REPORTS THAT THE GOI HAD WRITTEN TO THE UN REQUIRING THAT UN TIES WITH NGOS IN NORTHERN IRAQ BE TERMINATED. OIP REPS SAID THEY HAD RECEIVED SUCH A LETTER (FAXED TO IO/PHO AND NEA/NGA) AND WERE STILL CONSIDERING A RESPONSE. USUN SAID THAT NGOS OPERATING IN NORTHERN IRAQ WERE CRITICAL TO THE IMPLEMENTATION OF THE HUMANITARIAN PROGRAM. USUN ALSO SAID THAT IT WOULD BE "GRAVELY DISAPPOINTED" IF THE UN'S RELATIONS WITH NGOS IN NORTHERN IRAQ, AS THEY HAVE EXISTED PREVIOUSLY, WOULD CHANGE IN ANY WAY.

16. ~~(S)~~ TOPICS FOR FUTURE MEETINGS. USUN PROPOSED THAT FUTURE FORMAL MEETINGS OF THE 661 COMMITTEE INCLUDE DISCUSSIONS ABOUT THE PHASE IX DISTRIBUTION PLAN (UNDER WHICH THERE HAD BEEN MAJOR REDUCTIONS IN ALLOCATIONS FOR THE HEALTH AND OTHER SECTORS), THE HOUSING SECTOR OF THE OIL-FOR-FOOD PROGRAM (WHOSE IMPLEMENTATION BY IRAQ PUT THE POOREST IRAQIS AT THE BOTTOM OF THE PRIORITY LIST), INTERNALLY DISPLACED

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PERSONS IN ALL OF IRAQ, UN TREASURY'S REPORT ON THE IMPACT OF SELLING IRAQI OIL IN EURO RATHER THAN USD, AND DIVERSIFYING BANKING ARRANGEMENTS FOR IRAQ'S UN ACCOUNT. THE COMMITTEE AGREED THAT THESE TOPICS WOULD BE INCLUDED IN FUTURE MEETINGS. USUN INDICATED THAT IT WOULD BE RAISING THE FOLLOWING ITEMS AT A FUTURE COMMITTEE MEETING: NON-NOTIFIED FLIGHTS TO IRAQ, INTERNATIONAL FLIGHTS OF IRAQI AIRCRAFT, AND THE STATUS OF JORDANIAN EFFORTS TO REPLACE LLOYD'S AT AQABA. CUNNINGHAM

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