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ENGLISH
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LETTER DATED 5 JANUARY 1998 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you and, through you, the members of the Security Council that, pursuant to paragraph 8 (a) (ii) of Council resolution 986 (1995), the Iraqi Government has submitted to me its plan for the purchase and distribution of humanitarian supplies during the additional period specified in Security Council resolution 1143 (1997). The Iraqi Government was informed today that I had approved that plan on the understanding that its implementation would be governed by resolutions 986 (1995) and 1143 (1997) and the memorandum of understanding, and would be without prejudice to the procedures followed by the Security Council Committee established by resolution 661 (1990).

A copy of the list of supplies and goods accompanying the distribution will be made available to the Committee. This list has been scrutinized by experts of the United Nations Special Commission, who have noted that some of the items appearing on it would be subject to notification under the mechanism for monitoring exports and imports that was adopted by the Council in its resolution 1051 (1996). The list of items in question is also being forwarded to the Committee. The distribution plan and the letter conveying my acceptance of the plan are attached.

(Signed) Kofi A. ANNAN

Annex I

[Original: English]

Letter dated 5 January 1998 from the Executive
Director of the Office of the Iraq Programme
addressed to the Permanent Representative of
Iraq to the United Nations

On behalf of the Secretary-General, I wish to acknowledge receipt, under cover of your letter dated 5 January 1998 addressed to the Secretary-General, of the revised distribution plan submitted by your Government for the third phase, and would like to inform you that I have been authorized by the Secretary-General to convey in this respect the following.

Security Council resolutions 986 (1995) and 1143 (1997) require that Iraq shall guarantee, on the basis of a plan submitted and approved by the Secretary-General, equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs (humanitarian supplies) exported to Iraq under the conditions defined by those resolutions. The memorandum of understanding concluded on 20 May 1996 between the United Nations Secretariat and the Government of Iraq for the implementation of resolution 986 (1995) provides that the Government of Iraq shall prepare a distribution plan describing in detail the procedures to be followed by the competent Iraqi authorities with a view to ensuring equitable distribution of humanitarian supplies and submit such plan to the Secretary-General for approval. The memorandum states in this regard that if the Secretary-General is satisfied that the plan adequately ensures equitable distribution of humanitarian supplies to the Iraqi population throughout the country, he will so inform the Government of Iraq.

I have the honour to inform the Government of Iraq through you that, having examined the distribution plan, the Secretary-General has come to the conclusion that the distribution plan for the third phase as finally submitted on 5 January 1998, if properly implemented, should meet the requirements of equitable distribution of humanitarian goods to the Iraqi population throughout the country. The distribution plan is, therefore, approved with the following understanding.

The approval of the distribution plan is subject to the condition that its implementation is governed by the relevant provisions of Security Council resolutions 986 (1995) and 1143 (1997) and the memorandum of understanding and that, in case of inconsistency between the particular provisions of the plan, on the one hand, and the resolutions and the memorandum of understanding, on the other, the provisions of the latter documents shall prevail.

As to the needs of the vulnerable groups referred to in the report of the Secretary-General of 2 June 1997 (S/1997/419), pursuant to the responsibilities of the Secretary-General under Security Council resolutions 986 (1995) and 1143 (1997) to determine and report on the adequacy of resources to meet the humanitarian needs of the Iraqi population, the United Nations will continue to

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observe the situation of such groups in the light of the assurances of your Government contained in the letter from the Minister for Foreign Affairs of Iraq, dated 30 July 1997, that the needs of such groups will be met by the Government outside the framework of the relevant Security Council resolutions.

The approval of the distribution plan is without prejudice to the procedures to be employed by the Security Council Committee established by resolution 661 (1990) concerning export to Iraq of parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq.

The plan includes a categorized list of supplies and goods to be purchased and imported under the distribution plan. The approval of the plan is without prejudice to actions that might be taken by the Security Council Committee regarding applications for export of particular items contained in the list submitted for the Committee's consideration in accordance with its procedures.

Likewise, the categorized list contains certain items the export of which to Iraq must be notified to the joint unit established by Security Council resolution 1051 (1996) as these items will be subject to monitoring because of their possible dual use for civilian or for prohibited purposes under Security Council resolution 687 (1991) and other relevant resolutions.

The approval of the distribution plan submitted by the Government of Iraq does not necessarily constitute an endorsement of all information or statements contained in the plan.

It should be noted that the approval of the plan is without prejudice to any recommendations that may be contained in a supplementary report referred to in paragraph 6 of resolution 1143 (1997), which the Secretary-General intends to submit to the Security Council.

(Signed) Benon V. SEVAN
Executive Director
Office of the Iraq Programme

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Annex II

Letter dated 5 January 1998 from the Permanent Representative of
Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to enclose the revised distribution plan submitted by the Government of the Republic of Iraq in accordance with resolution 1143 (1997) and the memorandum of understanding.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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