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LETTER DATED 12 JANUARY 2000 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 Security Council resolution 986 (1995) of 14 April 1995, the Government of Iraq has submitted to me its distribution plan for the purchase of humanitarian supplies during the new period specified in paragraph 1 of resolution 1281 (1999) of 10 December 1999. The Government of Iraq was informed today that I have approved the plan on the understanding that its implementation would be governed by resolutions 986 (1995), 1281 (1999) and 1284 (1999) and the Memorandum of Understanding concluded on 20 May 1996 between the United Nations Secretariat and the Government of Iraq (S/1996/356), and would be without prejudice to the procedures followed by the Security Council Committee established by resolution 661 (1990) of 2 August 1990.

A copy of the list of supplies and goods accompanying the distribution plan will be made available to the Security Council Committee. The list has been scrutinized by experts of the joint unit established by resolution 1051 (1996) of 27 March 1996, who concluded that, on the basis of the limited information given in the annexes, no prohibited items could be identified. They will keep the matter under review and provide further assessment in the light of additional information that may become available.

The distribution plan and the letter conveying my acceptance of the plan are attached.

(Signed) Kofi A. ANNAN

Annex I

Letter dated 12 January 2000 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 have the honour to acknowledge receipt, under cover of your letter dated 23 December 1999 addressed to the Secretary-General, of the distribution plan submitted by your Government for the new period as specified in paragraph 1 of Security Council resolution 1281 (1999) of 10 December 1999, together with the annexes to the distribution plan received under cover of a note verbale dated 4 January 2000 from the Ministry of Foreign Affairs of the Republic of Iraq addressed to the Office of the Humanitarian Coordinator for Iraq (UNOHCI), and would like to inform you that I have been authorized by the Secretary-General to convey in this respect the following.

In resolutions 986 (1995) of 14 April 1995 and 1281 (1999) the Security Council requires that the Government of Iraq guarantee, on the basis of a plan to be submitted to 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 (S/1996/356) provides that the Government of Iraq shall prepare a distribution plan describing in detail the procedures to be followed by the competent authorities with a view to ensuring the equitable distribution of humanitarian supplies and submit the 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 plan, if properly implemented, should meet the requirements of equitable distribution of humanitarian goods to the Iraqi population throughout the country. The plan is therefore approved with the following understandings.

The increased caloric target of 2,330 kilocalories per person per day and financial allocation for the food basket as indicated in table 1 is welcome and is in line with the Secretary-General's recommendation that a food basket of a minimum of 2,300 kilocalories per person per day country-wide be provided under the programme. It is essential, however, to keep under constant review the funding level of food contracts in order to ensure that the target for the food basket is funded in full, thereby enabling the distribution of the enhanced food basket on a regular basis.

In welcoming the proposed allocation of \$10 million for the supplemental nutrition support for pregnant and lactating mothers, it is essential to take

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fully into account the findings of the recent child and maternal mortality survey (July 1999), conducted by the United Nations Children's Fund (UNICEF) and the Government of Iraq as well as the recommendations made thereon by the Executive Director of UNICEF and the Secretary-General (S/1999/896, para. 103). Accordingly, the implementation of the targeted nutrition programmes should be expedited most urgently and the funding level should be kept under constant review in order to ensure the availability of adequate supplies as well as to ensure the requirements of adequate warehousing, transportation and related infrastructure, in order to bring about expeditiously the improvements in the nutritional status of children. It is also noted that in the proposed distribution plan there are a number of allocations made for certain items, with a total value of \$8.24 million, under different sectors, which are interrelated and have a direct bearing on the implementation of the targeted nutrition programme. This is a welcome development and will be brought to the attention of the Security Council Committee.

With respect to the proposed allocation for the housing settlement sector, you may recall that in a letter dated 12 October 1999, written on behalf of the Secretary-General, I had informed you that without prejudice to the merit of the proposal made by the Government, the Secretary-General was not in a position at that stage to endorse the proposed allocation in the distribution plan for phase VI. I had also said that the proposal would be given further consideration and would require a review to, inter alia, clarify objectives, identify beneficiaries and determine appropriate observation resources and procedures (S/1999/1053, annex). In a further letter dated 20 December 1999, I submitted the draft terms of reference for a joint technical review by United Nations experts and the relevant technical ministries of the Government of Iraq. As soon as we are informed of your Government's agreement to the above approach, the United Nations will proceed most expeditiously to carry out the joint technical review. The Secretary-General will await the outcome of the joint technical review before taking a decision on the proposals made by the Government regarding the housing settlement sector.

Having reviewed the categorized list of supplies and goods to be purchased and imported under the plan, it may be necessary to seek additional information and/or clarification regarding a limited number of items in order to establish their relevance to the programme. As I already informed you, some minor revisions to the text of the plan have been incorporated, including the revisions submitted in your letter dated 5 January 2000, concerning banknote printing requirements.

Amendments to the plan, where appropriate, should meet the requirements outlined in paragraph 5 of resolution 1153 (1998). It is recognized that in certain sectors not all the information required under paragraph 5 of the resolution could be provided in the plan at this stage because of the complexity of the activities and the range of items to be procured. Accordingly, the Government as well as the United Nations agencies and programmes should take all necessary steps to ensure that applications submitted to the United Nations Secretariat will indicate priority and complementarity in compliance with paragraph 5 of resolution 1153 (1998).

I should also like to inform you that the Secretary-General's acceptance of the plan does not constitute an endorsement of either the budgetary allocation for equipment and supplies in support of the banknote printing requirements referred to in paragraph 67 of the plan or the specific items listed in annex VII to the plan. In this regard, I should like to reiterate the United Nations understandings on the subject of banking requirements conveyed to you in my letters dated 11 December 1998 and 11 June 1999, informing you of the Secretary-General's approval of the distribution plans for phase V (S/1998/1158, annex I) and phase VI (S/1999/671, annex I), respectively.

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), 1281 (1999) and 1284 (1999) 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.

Furthermore, 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.

The joint unit established by resolution 1051 (1996) will continue to review the categorized list in the light of additional information that may become available, for the purposes of identifying items that are subject to monitoring because of their possible dual use for civilian and prohibited purposes under resolution 687 (1991) of 3 April 1991 and other relevant resolutions.

Pursuant to paragraph 9 of resolution 1281 (1999), the Secretary-General, in consultation with the Government of Iraq, will submit to the Council no later than 15 January 2000 a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998). The Secretary-General takes note of the proposal contained in paragraph 12 of the plan and will review the subject matter, without prejudice to a decision which the Security Council may wish to take regarding the funding level and any additional allocations for oil spare parts and equipment. In this connection, I should like to recall my letter dated 5 January 2000, regarding the proposal of the Secretary-General to send a group of experts, including oil industry experts, to Iraq as early as 15 January, to carry out a comprehensive survey of the Iraqi oil production sector, in order to assist in the preparation of the report to be submitted by the Secretary-General to the Council, pursuant to the relevant resolutions of the Council.

Finally, 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 and is without prejudice to any recommendation arising from the supplementary report of the Secretary-General (S/1998/90), as endorsed by the Security Council in its resolution 1153 (1998).

(Signed) Benon V. SEVAN
Executive Director

Annex II

[Original: Arabic]

Letter dated 23 December 1999 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 transmit to you herewith the distribution and procurement plan submitted by the Government of the Republic of Iraq under the Memorandum of Understanding of 20 May 1996 and Security Council resolution 1281 (1999) (see enclosure). My Government would appreciate its speedy approval. The categorized lists of items will be delivered to your office after the annexes relating to the three northern governorates have been completed by the Office of the Coordinator.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

