

**Security Council**

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Letter dated 1 August 2001 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), 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 1360 (2001). 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), 1284 (1999), 1302 (2000), 1330 (2000), 1360 (2001) and the memorandum of understanding concluded on 20 May 1996 between the United Nations Secretariat and the Government of Iraq (S/1996/356), 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 plan will be made available to the Security Council Committee. The list has been reviewed by experts of the joint unit established by resolution 1051 (1996), who have concluded that, on the basis of the information given in the annexes, no items have been identified which would be prohibited under the plans for ongoing monitoring and verification, or under Security Council resolution 707 (1991). They have also concluded that the necessarily general nature of the description of many items in the annexes to the plan renders it impossible to determine definitively whether or not an item is notifiable under the provisions of resolution 1051 (1996). They will keep the matter under review and provide a further assessment in the light of additional information that may become available in applications submitted to the Security Council Committee.

The distribution plan (see annexes II and III) and the letter dated 31 July 2001 from the Executive Director of the Iraq Programme addressed to the Permanent Representative of Iraq to the United Nations, conveying my acceptance of the plan (see annex I), are attached.

(Signed) Kofi A. Annan



Annex I

Letter dated 31 July 2001 from the Executive Director of the Iraq Programme addressed to the Permanent Representative of Iraq to the United Nations

[Original: English]

On behalf of the Secretary-General, I have the honour to acknowledge receipt, under cover of your letter dated 23 July 2001 addressed to the Secretary-General (see annex II), of the distribution plan (see annex III) submitted by your Government for the new period specified in paragraph 1 of Security Council resolution 1360 (2001) of 3 July 2001, together with the annexes to the distribution plan received from the Ministry of Foreign Affairs of the Republic of Iraq, through the Office of the United Nations Humanitarian Coordinator in Iraq, 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 1360 (2001), the Security Council requires that the Government of Iraq ensure, 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.

By paragraph 15 of Security Council resolution 1284 (1999) of 17 December 1999, the Government of Iraq has been authorized to export unlimited amounts of oil and to import, under relevant resolutions of the Council, a wide range of goods to meet the humanitarian needs of its population and to rehabilitate its civilian infrastructure. As stated by the Secretary-General, now that increased revenues are available for the implementation of the programme, the Government of Iraq is in a position to reduce current malnutrition levels and improve the health status of the Iraqi people (S/2000/520, para. 96). This can be achieved by allocating the necessary funding level in the food and health sectors as well as by ensuring the timely contracting of all supplies in quantities sufficient to meet the requirements and targets set forth in the distribution plan, in particular those contained in the supplementary report of the Secretary-General (S/1998/90). It is also necessary to improve distribution systems in the food, nutrition and health sectors.

I should like to reiterate that the Secretariat is fully committed to expediting the processing and “notification” of applications as well as approval of applications by the Security Council Committee established by resolution 661 (1990). I should also like to reiterate that the Secretary-General is gravely concerned with the unacceptably high volume of applications that have been placed on hold by members of the Security Council Committee and has appealed to the members of the Committee to review further their positions in that regard. On its part, as directed by the Secretary-General, the Office of the Iraq Programme has been doing its utmost in providing the necessary information and briefings to the Committee in order to expedite the lifting of holds placed on applications. I should like to emphasize, however, that, irrespective of the tireless efforts by the Secretary-General and the Secretariat, decisions regarding holds on applications remain within the purview of the Security Council Committee in accordance with established rules and procedures.

In order to improve most expeditiously the nutritional status of children, the Secretary-General has repeatedly recommended that the implementation of the targeted nutrition programme should be expedited urgently and the funding level should be kept under constant review in order to ensure the availability of adequate supplies, warehousing, transportation and related infrastructure. I take note of the relatively modest increase, from \$6 million allocated in the distribution plan for phase IX (S/2001/134) to \$10 million in the distribution plan for phase X, allocated for the targeted nutrition programme, which is intended to improve the nutritional status of Iraqi children, an issue on which both the Government of Iraq as well as the Secretary-General have expressed their deep concern. While it is acknowledged that in the proposed distribution plan, in addition to the \$10 million allocated, there are a number of allocations made for certain items, under different sectors, which are interrelated and have a direct bearing on the implementation of the targeted nutrition programme, given the magnitude of the problems faced, the Government may wish to consider further increasing the allocation to the targeted nutrition programme in order to ensure that it reaches the full caseload. More specifically, the Government may wish to give urgent and favourable consideration to a series of costed proposals to ensure greater impact of the targeted nutrition programme, which were included in the paper submitted by the United Nations Humanitarian Coordinator in Iraq to the Minister of Health of the Republic of Iraq in May 2001.

It may be recalled that, in paragraph 9 of its resolution 1360 (2001), the Security Council decided, *inter alia*, that the funds deposited in the escrow account established by resolution 986 (1995) to be transferred to the Compensation Fund in phase X shall be 25 per cent and that “the additional funds resulting from this decision will be deposited into the account established under paragraph 8 (a) of resolution 986 (1995) to be used for strictly humanitarian projects to address the needs of the most vulnerable groups in Iraq as referred to in paragraph 126 of the report of the Secretary-General of 29 November 2000 (S/2000/1132)”. Accordingly, the inclusion of part ten (Special allocation requirements) in the distribution plan, in response to paragraph 9 of resolution 1360 (2001) is welcome, particularly in respect of the allocation to the Ministry of Labour and Social Affairs. It is recommended that a greater range of the Ministry’s humanitarian projects aimed at vulnerable groups be provided with resources under the distribution plan and that its allocation be expanded accordingly.

The continuing incidence of ordnance and mine-related accidents throughout Iraq remains an issue of deep humanitarian concern. The inclusion by the Government of Iraq of equipment for mine and bomb clearance equipment in the distribution plan is, therefore, most welcome.

It is a matter of grave concern, however, that the demining programme being implemented by the United Nations in the three northern governorates has seriously suffered owing to the inordinate delays in and or refusal of granting the visas required for United Nations personnel associated with the demining programme. The demining programme has also suffered from the long delays and or refusal to allow the import of the essential equipment and supplies required for the implementation of that programme. In view of the delays and uncertainties regarding the granting of the required visas and allowing for the import of equipment and supplies, the United Nations recently had to cancel a number of contracts and withdraw a request for 75 visas for personnel to be associated with that programme. Similar difficulties are also being experienced with regard to the electricity programme undertaken by the United Nations in the three northern governorates.

Accordingly, I should like to reiterate the appeal of the Secretary-General to the Government of Iraq to expedite the granting of the required visas and allowing for the import of supplies and equipment, in full conformity with the provisions of paragraphs 46 and 47 of the memorandum of understanding.

A copy of the list of supplies and goods accompanying the distribution plan will be made available to the Security Council Committee. The list will also be posted on the web site of the Office of the Iraq Programme, together with the distribution plan, in order to provide information to all concerned, including potential suppliers. I should like to inform you, however, that the Secretary-General's approval of the plan does not constitute an endorsement of the specific items for equipment and supplies contained in the annexes to the plan.

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 that 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 of Iraq and 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).

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), 1284 (1999), 1302 (2000), 1330 (2000) and 1360 (2001) and the memorandum of understanding (S/1996/356) 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 covered under the relevant provisions of that resolution, because of their possible dual use for civilian and prohibited purposes under resolution 687 (1991) of 3 April 1991 and other relevant resolutions.

In conclusion, I should like to welcome the improved consultations on the distribution plan, both at the bilateral level between the United Nations agencies and programmes with their respective technical counterparts in the relevant ministries of the Government of Iraq as well as at the level of the Joint Consultative Committee. I also welcome the decision to schedule a meeting of the Joint Consultative Committee on a regular basis, every two months, to review the implementation of the programme.

(Signed) Benon V. Sevan
Under-Secretary-General

Annex II

Letter dated 23 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

[Original: Arabic]

On instructions from my Government, I have the honour to transmit to you the procurement and distribution plan for phase X submitted by the Government of Iraq in accordance with the memorandum of understanding dated 20 May 1996 and Security Council resolution 1360 (2001) (see annex III). My Government hopes that the plan will be promptly adopted. The annexes to the plan will be submitted during the next two days.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

Annex III

Distribution plan for phase X submitted by the Government of Iraq to the Secretary-General in accordance with the memorandum of understanding of 20 May 1996 and Security Council resolution 1360 (2001)

[Original: English]