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**LETTER RECEIVED BY THE DIRECTOR GENERAL
FROM THE RESIDENT REPRESENTATIVE OF KUWAIT**

The attached letter, dated 16 September 1994, is being circulated as a document of the General Conference at the request of the Resident Representative of Kuwait.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



الوفد الدائم لدولة الكويت
لدى الأمم المتحدة
فيينا

*Permanent Mission
of the State of Kuwait
Vienna*

Vienna, 16 September 1994

Dear Director-General,

I wish to provide the following information and views in connexion with item 25 of the provisional agenda of GC(XXXVIII) entitled "Implementation of United Nations Security Council resolutions 687, 707 and 715 relating to Iraq".

1. The cooperation of the Iraqi authorities with the IAEA is neither genuine nor does it stem from good will. It is based on a plan to get the oil embargo lifted through the operation of par.22 of SC res. 687 (1991), while continuing to flout all other requirements of that same resolution. The Iraqi authorities came to this conclusion in mid-1993, when they changed their course of action from total non-cooperation with the IAEA and UNSCOM to the present unwilling and "bitter cooperation". No one can forget their record of animosity and harrassment vis-à-vis the inspectors, e.g. the infamous incident of the Iraqi Ministry of Agriculture, the shooting of gunfire to scare the Agency's inspectors, detaining them in a parking lot and preventing them forcibly from taking necessary documents and confiscating other documents from them.

2. If Iraq's "cooperation" with the Agency was genuine, it would have begun in April 1991 - when SC res. 687 was passed and accepted by Iraq - and not only in July 1993. Also, Iraq would have shown a spirit of cooperation in all fields, instead of selectively and willfully choosing the field of weapons of mass destruction only.

3. By this plan, the Iraqi authorities are trying to get the maximum benefits from the Security Council in return for the minimum possible adherence from their side.

4. However, such a trick could not beguile the members of the Security Council, who have made it clear to the Iraqi government that:

a) Iraq's obligations under SC res. 687 form one political and legal entity and Iraq cannot chose to implement one of these obligations while ignoring the others;

b) there will be no lifting of the oil embargo before Iraq fulfills the following conditions:

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- i) recognition of the sovereignty and independence of the State of Kuwait, which constitutes the essence of related SC resolutions,
- ii) recognition of the boundary between Iraq and Kuwait as demarcated by the UN and hence, acceptance by Iraq of SC res. 833 in this respect, and
- iii) cooperation with the International Committee of the Red Cross (ICRC) on the question of Kuwaiti hostages in Iraq;

c) the spirit of the whole of SC res. 687, including its par. 22, revolves around the idea of reestablishing peace and security in the region, which obviously cannot be achieved without Iraq having met the three conditions mentioned in b) above.

5. The Security Council met on 14 September 1994 to conduct its 60-day regular review of the sanctions against Iraq and found it still in default of its international obligations, wherefore the Council decided unanimously to maintain the present sanctions regime imposed on Iraq.

6. If the Iraqi government is considered to have cooperated with the Agency, and irrespective of its true intentions behind such "cooperation", it will therewith only have met part of its international obligations, albeit late and awkwardly.

Although some of the above information does not fall directly within the scope of work of the Agency, I believe it may provide some useful background to the distinguished delegates when considering the item in question.

I shall be grateful if you would have this letter circulated as a document of the General Conference (XXXVIII).

Faisal Al-Ghais
Resident Representative of Kuwait
to the IAEA



To
Mr. Hans Blix
Director-General of the
IAEA

Vienna