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Letter dated 25 July 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), 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 1302 (2000). 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), 1284 (1999) and 1302 (2000) 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).

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 further assessment in the light of additional information that may become available in applications submitted to the Security Council Committee.

The distribution plan and the letter dated 25 July 2000 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, are attached.

(Signed) Kofi A. Annan

Annex I

Letter dated 25 July 2000 from the Executive Director 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 16 July 2000 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 1302 (2000) of 8 June 2000, 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 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) and 1302 (2000), 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 2,472 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 contained in his supplementary report of 1 February 1998 to the Security Council (S/1998/90) that a food basket of 2,463 kilocalories per person per day country-wide be provided under the programme. The increase in the allocation for the health sector is also welcome and is in line with the previous recommendations of the Secretary-General.

With respect to the targeted nutrition programmes for children under 5 and supplemental nutrition support for pregnant and lactating mothers, it is essential to take fully into account the findings of the 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 and Corr.1, para. 103). The proposed allocation of \$16.08 million for the targeted nutrition programmes in the three northern governorates of Dahuk, Erbil and Sulaymaniyah is therefore welcome. While taking note of the statement contained in paragraph 33 of the

executive summary of the distribution plan that, taking into consideration the accumulated stock balance from previous phases and the shelf life of the commodity [therapeutic milk], the total amount that needs to be purchased under the current phase will be 500 tons, at a total cost of \$1 million, for the 15 governorates in the centre and south of Iraq, it is essential to keep the matter under constant review in order to make the necessary adjustments, as appropriate.

It is essential to keep under constant review the funding levels for the food and health sectors as well as for the targeted nutrition programmes and to ensure the timely contracting of all supplies in quantities sufficient to meet the requirements and the 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 essential to take all necessary measures to ensure the requirements of adequate warehousing, transportation and related infrastructure, thereby permitting the distribution of the enhanced, and full, food basket on a regular basis, as well as to bring about expeditiously improvements in the health and nutritional status of the Iraqi people.

With respect to the housing sector, I wish to draw your attention to the letter dated 12 June 2000 from the Secretary-General to the President of the Security Council (S/2000/565) and to my letter dated 12 June 2000 addressed to you (*ibid.*, annex), concerning the approval by the Secretary-General of the proposals made by the Government for the inclusion of a housing sector as part IX of the distribution plans for phases VI and VII. I wish to inform you that the housing sector in the distribution plan for phase VIII is approved on the same basis and understandings as spelled out in those letters.

Having reviewed the plan and 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 clarifications regarding some items in order to establish their relevance to the programme. 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).

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), 1284 (1999) and 1302 (2000) 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 subject to monitoring because of their possible dual use for civilian and prohibited purposes under resolution 687 (1991) and other relevant resolutions.

Taking into account paragraph 9 of resolution 1302 (2000) and in accordance with paragraph 2 of resolution 1175 (1998) and paragraph 18 of resolution 1284 (1999), the Secretary-General, in consultation with the Government of Iraq, will submit to the Security Council Committee a detailed list of oil spare parts and equipment.

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 16 July 2000 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 1302 (2000). My Government would appreciate its speedy approval.

(Signed) Saeed H. **Hasan**
Ambassador
Permanent Representative

Enclosure

Distribution plan

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 1302 (2000)