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LETTER DATED 11 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a letter dated 10 October 1990 addressed to you by His Excellency Mr. Habib Boulares, Minister for Foreign Affairs of the Republic of Tunisia, concerning the administrative and financial measures taken by the Tunisian Government in implementation of the provisions of Security Council resolution 661 (1990).

(Signed) Ahmed GHEZAL
Ambassador
Permanent Representative

Annex

Letter dated 10 October 1990 from the Minister for Foreign Affairs
of Tunisia addressed to the Secretary-General concerning the
implementation of Security Council resolution 661 (1990)

Further to our letter of 24 August 1990 (S/21649) concerning the enforcement of the economic embargo against Iraq and Kuwait in accordance with Security Council resolution 661 (1990), in which Tunisia's commitment to the embargo and to the adoption of practical measures in that regard was reaffirmed and mention was made of the adverse repercussions of the embargo on the Tunisian economy, and further to your note of 24 August 1990 concerning the provision of information to the Security Council on the practical steps, including legislation and administrative and financial measures, that have been taken by Tunisia since the embargo was put into effect in order to ensure its implementation, I have the honour to inform you of the following:

Security Council resolution 661 (1990), imposing the embargo, was adopted in conformity with the Charter of the United Nations, whose provisions have ascendancy over Tunisian domestic law under paragraph 32 of the Constitution of the Republic of Tunisia, which states that "... treaties that have been legally ratified have a legal effect greater than that of laws". Accordingly, the Tunisian legislative system does not require legal or procedural enactments in order to give effect to the embargo, and written instructions may suffice. In practice, the Tunisian Government has not, in the mean time, been dilatory in adopting the administrative and financial measures for the implementation of the embargo set forth hereunder.

1. In the administrative domain

(a) Customs.

The Department of Customs has circulated written instructions to all of its field offices at land frontiers, ports and airports to the effect that all export and import operations to and from Iraq and Kuwait are prohibited.

(b) Transport.

The Tunisian Government suspended the sea link between Tunisian ports and the port of Aqaba at the outbreak of the crisis. At the same time, airline flights between Tunis and Kuwait have been cancelled. There is no direct air link between Tunis and Baghdad and no direct sea link between Tunisian ports and the port of Basra. It should be noted that, as of today's date, the Tunisian authorities have chartered five flights between Tunis and Amman for Tunisian expatriates returning from Iraq and Kuwait.

2. In the financial domain

(a) The Central Bank of Tunisia has circulated a letter to Tunisian banks in which it confirms its previous instructions relating to the enforcement of Security

Council resolution 661 (1990), requiring, in particular, the suspension of all funding transactions and of the granting of credits to Iraq or Kuwait.

(b) Export credit guarantees for transactions with both Kuwait and Iraq have been suspended. Accordingly, the Tunisian External Trade Insurance Corporation has notified all exporters of this measure, stressing the need for its observance.

(c) The granting of the financial incentives offered by the Tunisian Export Promotion Fund in respect of exports destined for Iraq and Kuwait has been suspended. The Fund is a mechanism of the Tunisian authorities for the promotion of exports, and it is funded directly from the State budget.

(d) In a desire to ensure enforcement, banking facilities have been accorded to exporters to cover a significant part of the value of goods stockpiled by them and not exported to Iraq or Kuwait owing to the embargo.

(e) The Tunisian authorities have taken the necessary measures to freeze Kuwaiti and Iraqi assets.

In conclusion, it should be noted in this connection that the National Assembly called for an extraordinary meeting on 11 September 1990 to consider the Gulf crisis. On that occasion, the Prime Minister, on behalf of the President of the Republic, delivered an address in which he affirmed Tunisia's commitment to the Security Council resolutions relating to the Gulf crisis.

Habib BOULARES
Minister for Foreign Affairs

