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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 14 August 1990 from the Permanent Representative of
Canada to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a letter dated 9 August 1990 from the Right Honourable Joe Clark, Secretary of State for External Affairs of Canada, concerning the situation between Iraq and Kuwait (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the General Assembly, under item 35 of the provisional agenda, and of the Security Council.

(Signed) L. Yves FORTIER
Ambassador
Permanent Representative

* A/45/150 and Corr.1.

ANNEX

Letter dated 9 August 1990 from the Secretary of State for
External Affairs of Canada to the Secretary-General

I am writing to you with regard to United Nations Security Council resolution 661 of 6 August 1990 concerning the imposition of international economic sanctions against Iraq and occupied Kuwait.

For its part, the Government of Canada has put regulations in place to give effect to this resolution under an act of the Parliament of Canada (known as the United Nations Act) as follows:

- Imports: All Iraqi and Kuwaiti imports to Canada are prohibited as of 6 August 1990. Goods in transit prior to that date will be permitted entry.
- Exports: All exports from Canada to Iraq and Kuwait are prohibited, effective 7 August 1990.
- Credits: The extension of credit facilities to Iraq and Kuwait will cease, including official support through the Government of Canada and its agencies.
- Funds and assets: Effective 7 August 1990 no funds can be transferred to Iraq or Kuwait.

For your information, I have appended to this letter a copy of the United Nations Act (see appendix I) and the regulations, the short title of which is the "United Nations Iraq Regulations" (see appendix II).

(Signed) Joe CLARK



APPENDIX I

CHAPTER U-2

CHAPITRE U-2

An Act respecting Article 41 of the Charter of the United Nations

Loi concernant l'Article 41 de la Charte des Nations Unies

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *United Nations Act*. R.S., c. U-3, s. 1.

1. *Loi sur les Nations Unies*. S.R., ch. U-3, art. 1. Titre abrégé

ORDERS AND REGULATIONS OF THE GOVERNOR IN COUNCIL

DÉCRETS ET RÈGLEMENTS DU GOUVERNEUR EN CONSEIL

Application of Security Council decisions

2. When, in pursuance of Article 41 of the Charter of the United Nations, set out in the schedule, the Security Council of the United Nations decides on a measure to be employed to give effect to any of its decisions and calls on Canada to apply the measure, the Governor in Council may make such orders and regulations as appear to him to be necessary or expedient for enabling the measure to be effectively applied. R.S., c. U-3, s. 2.

2. Le gouverneur en conseil peut prendre les décrets et règlements qui lui semblent utiles pour l'application d'une mesure que le Conseil de Sécurité des Nations Unies, en conformité avec l'Article 41 de la Charte des Nations Unies — reproduit à l'annexe —, invite le Canada à mettre en œuvre pour donner effet à l'une de ses décisions. S.R., ch. U-3, art. 2.

Décisions du Conseil de Sécurité des Nations Unies

Offence and punishment

3. (1) The Governor in Council may prescribe a fine not exceeding five thousand dollars or a term of imprisonment not exceeding five years, or both, as punishment for contravention of any order or regulation made under this Act and may also prescribe whether the punishment shall be imposed on summary conviction or on conviction on indictment or on either summary conviction or conviction on indictment, but in the case of summary conviction the fine prescribed shall not exceed two hundred dollars and the term of imprisonment prescribed shall not exceed three months.

3. (1) Le gouverneur en conseil peut instituer, pour sanctionner la violation d'un décret ou d'un règlement pris en application de la présente loi, une amende maximale de cinq mille dollars et un emprisonnement maximal de cinq ans, ou l'une de ces peines; il peut aussi décider du mode de poursuite de l'infraction: par mise en accusation ou par procédure sommaire, ou encore au choix. En cas de déclaration de culpabilité par procédure sommaire, toutefois, le maximum de la peine encourue est de deux cents dollars et de trois mois d'emprisonnement.

Infractions et peines

Forfeiture

(2) Any goods, wares or merchandise dealt with contrary to any order or regulation made under this Act may be seized and detained and are liable to forfeiture at the instance of the Minister of Justice, on proceedings in the Federal Court, or in any superior court, and any such court may make rules governing the

(2) Les marchandises ou autres articles ayant servi ou donné lieu à une infraction aux décrets ou règlements pris en application de la présente loi peuvent être saisis et retenus et faire l'objet d'une confiscation sur instance introduite par le ministre de la Justice devant la Cour fédérale — ou toute autre juridiction

Confiscation

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procedure on any proceedings taken before the court or a judge thereof under this section. R.S., c. U-3, s. 3; R.S., c. 10(2nd Supp.), s. 64.

supérieure —, laquelle peut établir les règles de procédure applicables à l'instance exercée devant elle ou l'un de ses juges. S.R., ch. U-3, art. 3; S.R., ch. 10(2^e suppl.), art. 64.

Tabling in
Parliament

4. (1) Every order and regulation made under this Act shall be laid before Parliament forthwith after it has been made or, if Parliament is not then sitting, forthwith after the commencement of the next ensuing session.

4. (1) Les décrets ou règlements pris en application de la présente loi sont immédiatement déposés devant le Parlement ou, si celui-ci ne siège pas, dès l'ouverture de la session suivante.

Presentation au
Parlement

Resolution

(2) If both the Senate and House of Commons within the period of forty days, beginning with the day on which an order or regulation is laid before Parliament pursuant to subsection (1) and excluding any time during which Parliament is dissolved or prorogued or during which both the Senate and House of Commons are adjourned for more than four days, resolve that it be annulled, it ceases to have effect, but without prejudice to its previous operation or anything duly done or suffered thereunder or any offence committed or any punishment incurred. R.S., c. U-3, s. 4.

(2) Si le Sénat et la Chambre des communes, dans un délai de quarante jours à compter de la date de dépôt, déduction faite des périodes de dissolution ou de prorogation du Parlement ou d'ajournement simultané de plus de quatre jours des deux chambres, en décidant l'annulation, le décret ou le règlement cesse d'avoir effet, sans préjudice toutefois de son application antérieure, l'annulation restant inopérante en ce qui concerne tout acte régulier en découlant, notamment en matière d'infractions et de peines. S.R., ch. U-3, art. 4; 1976-77, ch. 28, art. 49.

Résolution de
rejet

SCHEDULE

(Section 2)

ARTICLE 41—The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. R.S., c. U-3, Sch.

ANNEXE

(article 2)

ARTICLE 41 — Le Conseil de Sécurité peut décider quelles mesures n'impliquant pas l'emploi de la force armée doivent être prises pour donner effet à ses décisions et peut inviter les Membres des Nations Unies à appliquer ces mesures. Celles-ci peuvent comprendre l'interruption complète ou partielle des relations économiques et des communications ferroviaires, maritimes, aériennes, postales, télégraphiques, radio-électriques et des autres moyens de communication, ainsi que la rupture des relations diplomatiques. S.R., ch. U-3, ann.

APPENDIX II

90-725-01
(SOR/DORS)

REGULATIONS GIVING EFFECT
TO A RESOLUTION OF THE
SECURITY COUNCIL OF THE UNITED NATIONS
CONCERNING IRAQ

Short Title

1. These Regulations may be cited as the United Nations Iraq Regulations.

Interpretation

2. In these Regulations,

"Canadian" means a person who is a citizen within the meaning of the Citizenship Act or a body corporate incorporated by or under the laws of Canada or a province; (Canadien)

"Canadian ship" has the same meaning as in the Canada Shipping Act; (navire canadien)

"credit" includes loans, overdrafts, letters of credit, guarantees, bankers' acceptances, credit insurance, and performance or payment bonds; (crédit)

"goods" includes commodities, articles or products of any kind but does not include medical supplies or food intended solely for humanitarian purposes; (biens)

"property" means any real or personal property; (propriété)

"security" means any share of a body corporate or any bond, debenture, note or other evidence of indebtedness. (titre)

Her Majesty

3. These Regulations are binding on Her Majesty in right of Canada or a province.

Prohibitions

4. (1) No person in Canada shall knowingly import into Canada any goods originating in Iraq or Kuwait that are exported therefrom after August 6, 1990.

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(2) No person in Canada and no Canadian outside Canada shall knowingly sell, supply, tranship or otherwise deal in, or attempt to sell, supply, tranship or otherwise deal in, any goods originating in Iraq or Kuwait that are exported therefrom after August 6, 1990.

(3) No person in Canada and no Canadian outside Canada shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by subsections (1) and (2).

5. (1) No person in Canada shall knowingly export any goods to any person in Iraq or Kuwait.

(2) No person in Canada and no Canadian outside Canada shall knowingly sell or supply or attempt to sell or supply any goods that are outside Iraq or Kuwait to any person in Iraq or Kuwait.

(3) No person in Canada and no Canadian outside Canada shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by subsections (1) and (2).

6. (1) No person in Canada and no Canadian outside Canada shall knowingly send, pay, transfer or remit, directly or indirectly, any money, cheques, bank deposits or other financial resources, or cause any money, cheques, bank deposits or other financial resources to be sent, paid, transferred or remitted, directly or indirectly, to any person in Iraq or Kuwait or to any other person on the direction or order of any person in Iraq or Kuwait.

(2) No person in Canada and no Canadian outside Canada shall knowingly send, transfer, remit or assign any money, cheques, bank deposits or other financial resources held by, on behalf of or on account of the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait.

(3) No person in Canada and no Canadian outside Canada shall knowingly make available to or permit the use by the Government of Iraq or any commercial, industrial or public utility undertaking in Iraq or Kuwait of any funds, monetary resources, credit, extension of credit or deposit facilities.

(4) No person shall knowingly transfer, sell, assign, dispose of, export, endorse or guarantee the signature on any security held by, on behalf of or in the name of the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait.

(5) No person shall knowingly transfer, pay for, export, dispose of or otherwise deal with any property or any interest in property held by the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait.

7. No owner or master of a Canadian ship shall knowingly carry, or cause or permit to be carried, any goods

(a) originating in Iraq or Kuwait and exported therefrom after August 6, 1990; or

(b) destined for Iraq or Kuwait.

Offences

8. (1) Every person who contravenes any provision of these Regulations is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months, or to both; or

(b) on conviction on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both.

(2) Where an offence has been committed under these Regulations by a corporation, every officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

9. Notwithstanding sections 4 to 7, no person commits an offence under these Regulations by doing any act or thing prohibited by these Regulations if, before that person does that act or thing, the Secretary of State for External Affairs certifies in writing that, in the opinion of the Secretary of State for External Affairs,

(a) United Nations Security Council Resolution 661 (1990) of August 6, 1990 does not intend that such acts or things be prohibited; or

(b) such acts or things are for the purpose of assisting the legitimate Government of Kuwait.
