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NOTE VERBALE DATED 10 AUGUST 1990 FROM THE PERMANENT MISSION OF
FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to communicate to him, in response to his note SCPC/7/90(1), the details of the measures taken to date by France on a national basis and as a member State of the European Economic Community (EEC).

1. Arms embargo: in conformity with the national provisions in force, the French Government decided on 3 August 1990 on a general embargo on exports of war matériel to Iraq and Kuwait. Since that date, all new canvassing of business, negotiations or sales to the countries in question have been prohibited. Permits as well as export licences issued before that date have been suspended.

2. Oil embargo: the institution of the embargo on oil products from Kuwait and Iraq results from the immediate application of an instruction to importers drawn up jointly on 4 August by the Ministry of the Economy and Finance and the Ministry of Industry in accordance with the arrangements provided for in the texts for the application of the Act of 30 March 1928. Since 8 August, the legal basis for this measure has been provided by EEC Regulation No. 2340/90, which has been directly incorporated into French domestic law.

With respect to cargoes en route under contracts concluded prior to the Iraqi aggression, France has taken a position stricter than that which follows from resolution 661, by prohibiting the import of such cargoes into French territory.

3. Freezing of Iraqi and Kuwaiti assets: Decree No. 90-681 of 2 August 1990, which went into force with immediate effect, requires prior authorization from the Minister of the Economy for:

Exchange operations, movements of capital and payments of all kinds between France and abroad conducted on behalf of individuals and bodies corporate resident in Kuwait or Iraq, or possessing Iraqi or Kuwaiti nationality;

The investment of assets of Kuwaiti and Iraqi origin in France and the liquidation of such investments.

These provisions have been spelled out by a decree of 4 August 1990 which makes an exception for the current expenditures of individuals and bodies corporate whose activities are industrial or commercial in nature, subject to the submission of evidence that the transaction is genuine.

4. Over and above these national measures, France has put into effect the Community apparatus provided for by EEC Regulation No. 2340/90 of 8 August, through the following modalities:

(a) Institution of an absolute ban on entry:

This ban, which went into force on 7 August, covers all products of Iraqi or Kuwaiti origin, wherever they are shipped from, and products shipped from these countries, whatever their place of origin.

The ban relates to the physical introduction of these products into French territory, and thus applies equally to importation proper and to transit, warehousing in a free zone or temporary admission.

The only exceptions to the ban are:

- The personal effects of individuals returning from Iraq or Kuwait;
- Products shipped from Iraq or Kuwait or of Iraqi or Kuwaiti origin which were "exported", i.e. loaded on board, before 7 August.

(b) Institution of an absolute ban on exit:

This ban, which entered into force on 7 August, covers all products, whatever their legal status (community origin or third-party origin), and relates to their physical departure from the territory with Iraq or Kuwait as the direct or indirect destination.

This ban applies in particular to operations for which the export formalities had already been completed before 7 August but which have not yet given rise to the effective exit of the products from the territory.

The only exceptions to the absolute ban on exit from the territory are:

- Exports of medical products;
- All food products intended for humanitarian purposes in the context of emergency aid operations, subject to prior authorization by the French authorities.

5. Lastly, the Governments of the States members of the European Coal and Steel Community (ECSC), meeting in the Council, decided (by decision ECSC/90/414) to institute bans similar to those provided for under the EEC regulation with respect to products covered under the ECSC Treaty.