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**NOTE VERBALE DATED 16 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE
OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL**

The Permanent Representative of Italy to the United Nations presents his compliments to the Secretary-General of the United Nations and, in reply to his note SCPC/7/90 (1), has the honour to transmit, as annex I to this letter, the unofficial translation of the text of the decrees issued on 3 and 5 August 1990 and of the communiqué issued on 7 August 1990 concerning the measures taken to date by Italy at the national level to implement Security Council resolution 661 (1990). Moreover, the Permanent Mission of Italy transmits, as annex II, an account of the measures taken by Italy in its capacity as a State member of the European Community to implement the aforementioned resolution 661 (1990).

The Permanent Mission of Italy would be grateful if you could transmit the text of the present letter and its annexes to the Committee established in accordance with paragraph 6 of Security Council resolution 661 (1990).

(Signed) Vieri TRAXLER
Ambassador
Permanent Representative of Italy
to the United Nations

Annex I

Measures taken at the national level

A. Embargo on the sale of weapons and military equipment to Iraq and Kuwait

Telex No. 65038 of 7 August 1990 sent from the Ministry of Foreign Trade to: Ministry of Finance; and copies sent to: Office of the Prime Minister; Ministry of Foreign Affairs; Ministry of Defence; Ministry of the Interior; Ministry of Treasury; Ministry of Industry; Ministry of Finance, Customs Department:

"Following the decisions of the Cabinet of 3 and 5 August, and recalling resolutions 660 and 661 of the Security Council of the United Nations as well as the 4 August decisions of the EEC Political Committee, we confirm that with reference to Iraq and Kuwait [there] is in force the prohibition stated in Article 1, Subsection 6, of the 9 July 1990 Law, pertinent to export and transit of armament materials, as stated in Art. 1 and 2 of the aforementioned law. Therefore all authorizations for the exportation of such materials to the aforementioned countries shall be suspended."

B. Decree to insure the safety of the Kuwaiti assets in Italy (Rome, 3 August 1990)

THE PRESIDENT OF THE REPUBLIC

GIVEN article 77 of the Constitution;

GIVEN the grave situation established in Kuwait following the occupation of this State by armed foreign forces;

CONSIDERED the extraordinary need and the urgency to provide measures aiming to forbid transfers and actions that have as object the State of Kuwait;

GIVEN the deliberation of the Cabinet adopted at the 3 August 1990 meeting;

UPON the proposal of the President of the Cabinet and of the Minister of Foreign Affairs;

ISSUES THE FOLLOWING DECREE

Article 1

1. The acts of disposition and the transactions, made in whichever way, concerning personal property even intangible, real property, firms or other total number of goods, assets or titles of a financial or monetary nature in whatever way they may be denominated, when the above-mentioned property, assets or titles

pertain, even through intermediaries, to the State of Kuwait or any agency, institution or organization shared, controlled or directed by the State itself, shall be prohibited.

Article 2

1. The actions executed in violation of the prohibition stated in article 1 shall be null and void.

Article 3

1. The subjects who, even indirectly, take part in the actions prohibited in the above-mentioned article 1 shall be publicly liable for the damages resulting from the performance of null and void actions. Furthermore [there] shall be enforced upon the aforementioned subjects the administrative sanction, consisting in the payment of a quantity of money not less than half the value of the operation and not more than the value itself.

2. For the verification of the violations of the prohibition stated in article 1 and for the infliction of the pertinent sanctions [there] shall be in force the provisions of Title II, Articles I and II, of the single text of the law concerning monetary questions, approved by Presidential decree, No. 148, of 31 March 1988.

Article 4

1. Repeals of the prohibition as stated in Article 1 may be provided by decree of the President of the Cabinet, upon proposal by the Minister of Foreign Affairs, and upon having been heard by the Ministers of Treasury and Foreign Trade.

Article 5

1. This decree comes into force on the same day of its publication in the Gazzetta Ufficiale of the Italian Republic and shall be presented to Parliament for its conversion to law.

This decree, sealed with the State seal, shall be inserted in the official Recopilation of the normative acts of the Italian Republic. It is the duty of any concerned party to comply with this decree and to have its compliance enforced.

C. Decree concerning the freezing of Iraqi assets in Italy
(Rome, 5 August 1990)

THE PRESIDENT OF THE REPUBLIC

GIVEN article 77 of the Constitution;

GIVEN the declaration on the invasion of Kuwait by Iraq issued on 4 August 1990 by the European Community and by its member States;

GIVEN the decisions contained in the above-mentioned declaration, among which there is the adoption of appropriate measures for the freezing of Iraqi assets in the territory of States members of the EC;

GIVEN the continued occupation of Kuwait by Iraq;

CONSIDERED the extraordinary need and the urgency for the Italians to execute the decision of the European Community;

GIVEN the deliberation of the Cabinet adopted at the 5 August meeting;

UPON proposal by the President of the Cabinet and of the Minister of Foreign Affairs;

ISSUES THE FOLLOWING DECREE

Article 1

1. The acts of disposition and the transactions, made in whichever way, concerning personal property even intangible, real property, firms or other total number of goods, assets or titles of a financial or monetary nature in whatever way they may be denominated, when the above-mentioned property, assets or titles pertain, even through intermediaries, to the State of Kuwait or any agency, institution or organization shared, controlled or directed by the State itself, shall be prohibited.

Article 2

1. The actions executed in violation of the prohibition stated in article 1 shall be null and void.

Article 3

1. The subjects who, even indirectly, take part in the actions prohibited in the above-mentioned article 1 shall be publicly liable for the damages resulting from the performance of null and void actions. Furthermore, [there] shall be enforced upon the aforementioned subjects the administrative sanction, consisting in the

payment of a quantity of money not less than half the value of the operation and not more than the value itself.

2. For the verification of the violations of the prohibition stated in article 1 and for the infliction of the pertinent sanctions [there] shall be in force the provisions of Title II, Articles I and II, of the single text of the law concerning monetary questions, approved by Presidential decree, No. 148, of 31 March 1988.

Article 4

1. Repeals of the prohibition as stated in Article 1 may be provided by decree of the President of the Cabinet, upon proposal by the Minister of Foreign Affairs, and upon having been heard by the Ministers of Treasury and Foreign Trade.

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This decree, sealed with the State seal, shall be inserted in the official Recopilation of the normative acts of the Italian Republic. It is the duty of any concerned party to comply with this decree and to have its compliance enforced.

Annex II

In addition to the measures taken by Italy at the national level, Italy has implemented European Economic Community (EEC) regulation No. 2340/90 of 8 August 1990, which prohibits trade involving Iraq and Kuwait.

This regulation contains a provision which:

1. Prohibits the import of any product originating in Iraq or Kuwait and the export of products to those countries;
2. Prohibits any commercial activity or transaction, including any operation pertaining to completed or partially completed transactions, which aims at or results in the promotion of the import of any product originating in or coming from Iraq or Kuwait;
3. Prohibits the sale or supply of any product, regardless of its origin or provenance, to persons or legal entities in Iraq or Kuwait or to any other person or legal entity for the purpose of any commercial activity carried out within or from Iraqi or Kuwaiti territory;
4. Prohibits, lastly, any activity which aims at or results in the promotion of the aforementioned sale or supply.
5. By virtue of a decision of the States members of the European Coal and Steel Community (ECSC) (decision 90/414/ECSC of 8 August 1990), trade with Iraq and Kuwait in the products covered by the ECSC Treaty is prohibited in terms similar to those set out in the aforementioned EEC regulation.

Exception to the above is made:

- In respect of exports, for medicines and foodstuffs intended for humanitarian purposes as part of emergency assistance operations;
- In respect of imports, for those products originating in or coming from Iraq or Kuwait which were exported by those countries prior to 7 August 1990.

