

MEMORANDUM CIRCULAR NO. 58

TO : ALL OVERSEAS SHIPPING COMPANIES AND OTHER MARITIME ENTITIES CONCERNED

SUBJECT : UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 670 (1990) AND 661 (1990)

The Secretary of Foreign Affairs has invited the attention of the Maritime Industry Authority, through the Secretary of Transportation and Communications, to the United Nations Security Council Resolution 670 (1990), particularly, among others, paragraph 7 & 8, which are quoted, as follows:

- “7. Calls upon all states to cooperate in taking such measures as may be necessary, consistent with International Law, including the Chicago Convention, to ensure the effective implementation of the provisions of Resolution 661 (1990) or the present resolution.”
- “8. Calls upon all states to detain any ships of Iraqi Registry which enter their ports and which are being or have been used in violation of Resolution 661 (1990), or to deny such ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life.”

Attention is likewise invited to Paragraph 3(a) (b) and (c) of UN Security Council resolution 661 (1990), which provide, as follows;

- “3. Decides that all states shall prevent;”
 - “a. The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;”
 - “b. Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;”
 - “c. The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including

weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products.”

Considering the obligations of the Republic of the Philippines under the United Nations Charter to observe strictly Resolutions of the Security Council, the Maritime Industry Authority, hereby adopts the following measures:

1. That henceforth, to include as among the post-approval conditions to be complied with on all approval of applications for bareboat charters under PD 760/866/1711, the aforementioned prohibitions in UN Security Council Resolution Nos. 670 & 661;
2. That for all those applications for bareboat charters under PD 760/866/1771 which had already been approved by the Maritime Industry Authority, strict compliance with the same sanctions aforementioned is hereby enjoined . In short, shipping companies concerned are hereby prohibited to trade in Iraq and Kuwait;
3. That violation of this Circular is hereby included and penalized under Section 2, Rule VI, of the Rules and Regulations to Implement PD 760/866/1711; and
4. That this MC covers Philippine registered vessels.

This Memorandum Shall take effect immediately.

Manila, Philippines, 28 November 1990.

PHILIP S. TUAZON
Administrator

SECRETARY’S CERTIFICATE

This is to certify that Memorandum Circular No. 58 was approved by the MARINA Board on November 28, 1990.

PURITA C. CENTENO
Corporate Board Secretary