105th Congress, 2d Session – – – – – – – – – – – – – House Document 105–202

IRAQ'S COMPLIANCE WITH U.N. SECURITY COUNCIL RESOLUTIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE U.N. SECURITY COUNCIL, PURSUANT TO PUB. L. 102–1, SEC. 3 (105 STAT. 4)

FEBRUARY 3, 1998.—Referred to the Committee on International Relations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

59–011 WASHINGTON : 1998

THE WHITE HOUSE,
Washington, November 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) and as part of my effort to keep the Congress fully informed, I am reporting on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council (UNSC). This report covers the period from September 23 to the present.

Since my last report, the Government of Iraq attempted to defy the international community by unilaterally imposing unacceptable conditions on the operations of the U.N. Special Commission (UNSCOM). On October 29, the Iraqi government announced its intention to expel all U.S. personnel working in Iraq for UNSCOM. Iraq's aim appears to have been to establish an environment under which it could restore its capacity to develop weapons of mass destruction without restriction. For 3 weeks, the Government of Iraq refused to allow American UNSCOM personnel to enter the country or to participate in site inspections, expelled UNSCOM personnel who are U.S. citizens, threatened the safety of the U.S. Air Force U–2 aircraft that flies missions for UNSCOM, tampered with UNSCOM monitoring equipment, removed UNSCOM cameras, moved and concealed significant pieces of dual-use equipment, and imposed additional unacceptable conditions on continued operations of UNSCOM. Two confrontational actions were undertaken in an atmosphere of strident, threatening Iraqi rhetoric, the dispersal of Iraqi armed forces as if in preparation for a military conflict, and the placement of innocent civilian "human shields" at military sites and at many of Saddam Hussein's palaces in violation of international norms of conduct.

On November 20, having obtained no agreement from the U.N. or the United States to alter UNSCOM or the sanctions regime—indeed, having obtained none of its stated objectives—the Iraqi government announced that it would allow UNSCOM inspectors who are U.S. citizens to return to their duties. This encouraging development, however, will be ultimately tested by Saddam Hussein's actions, not his words. It remains to be seen whether the Government of Iraq will now live up to its obligations under all applicable UNSC resolutions, including its commitment to allow UNSCOM to perform its work unhindered.

As expressed unanimously by the five permanent members (P–5) of the Security Council meeting in Geneva November 20, the will of the entire international community is for the unconditional decision of Iraq to allow the return of UNSCOM inspectors to Iraq in their previous composition. I must note that the United States was

not briefed on, did not endorse, and is not bound by anything other than the terms of the P–5 statement. Neither the United States nor the U.N. are bound by any bilateral agreement between Russia and Iraq. We will carefully monitor events and will continue to be prepared for any contingency.

Iraq's challenge was issued, in part, in response to U.N. Security Council Resolution (UNSCR) 1134, of October 23, in which the Security Council condemned Iraq's flagrant violations of relevant Security Council resolutions and expressed its firm intention to impose travel restrictions on the Iraqi leadership if the long-standing pattern of obstruction and harassment of UNSCOM personnel continued. In the debate of UNSCR 1134, not one nation on the Security Council questioned the need to continue sanctions. The only serious debate was over when and how to impose additional sanctions. UNSCR 1134 was based on the UNSCOM and the International Atomic Energy Agency (IAEA) 6-month reports to the UNSC that indicated that the Government of Iraq has not provided the "substantial compliance" called for in UNSCR 1115 of June 21, 1997—especially regarding immediate, unconditional and unrestricted access to facilities for inspection and to officials for interviews.

On November 12 the resolve of the international community was further demonstrated when the Security Council voted unanimously to adopt UNSCR 1137—the first new sanctions against Iraq since the Gulf War—condemning Iraq's continued violations of its obligations and imposing restrictions on the travel of all Iraqi officials and armed forces members responsible for or participating in noncompliance. The UNSC in a Presidential Statement condemned Iraq again upon the actual expulsion of the American UNSCOM personnel. The UNSC's solidarity was reflected as well in the UNSCOM Executive Chairman's and IAEA Director's decisions that all UNSCOM and IAEA personnel should depart Iraq rather than accede to the Iraqi demand that no American participate in inspection activities.

As a demonstration of our firm resolve to support the U.N., I directed the deployment of the USS GEORGE WASHINGTON, escort ships, and additional combat aircraft to the region. In this regard we take note of and welcome House Resolution 322 expressing the sense of the House that the United States should act to resolve the crisis in a manner that assures full Iraqi compliance with UNSC resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction. While the addition of these forces gives us a wide range of military options, should they be necessary, we remain firmly committed to finding a diplomatic solution.

The ongoing crisis is only one chapter in the long history of efforts by the Iraqi regime to flout its obligations under UNSC resolutions. Iraq has persistently failed to disclose fully its programs for weapons of mass destruction. It admits to moving significant pieces of dual-use equipment subject to monitoring. Without full disclosure, UNSCOM and the IAEA cannot effectively conduct the ongoing monitoring and verification mandated by UNSCR's 687, 707, 715, and other relevant resolutions.

Iraqi biological and chemical weapons are currently the most troubling issues for UNSCOM. This is due to the innate dual-use nature of the technology—how easily it can be hidden within civilian industries such as, for biological agents—the pharmaceutical industry, and for chemical agents—the pesticide industry. In both cases, Iraq continues to prevent full and immediate access to sites suspected of chemical or biological warfare activities. Until 2 months ago, for example, major aspects of Iraq's pernicious "VX" program (a powerful nerve agent) were unknown to UNSCOM due to Iraqi concealment. UNSCOM is still unable to verify that all of Iraq's SCUD missile warheads filled with biological agents—anthrax and botulinum toxin—have been destroyed. When UNSCOM says it is making "significant progress" in these areas, it is referring to UNSCOM's progress in ferreting out Iraqi deception, not Iraqi progress in cooperating with UNSCOM.

The Iraqi regime contends that UNSCOM and the IAEA should "close the books" on nuclear and missile inspections. But there are still many uncertainties and questions that need to be resolved. Among the many problems, Iraq has:

failed to answer critical questions on nuclear weapons design and fabrication, procurement, and centrifuge enrichment;

failed to detail how far the theoretical and practical aspects of its clandestine nuclear efforts progressed;

failed to explain in full the interaction between its nuclear warhead and missile design programs;

failed to provide a written description of its post-war nuclear weapons procurement program;

failed to account for major engine components, special warheads, missing propellants, and guidance instruments that could be used to assemble fully operational missiles; and

failed to discuss—on the direct orders of Tariq Aziz—its actions to retain missile launchers.

In accordance with relevant UNSCR's, UNSCOM must continue to investigate the Iraqi nuclear and missile programs until it can verify with absolute certainty that all the equipment has been destroyed and that all the capabilities have been eliminated. Otherwise, Iraq will be able to strike at any city in the Middle East, delivering devastating biological, chemical, and even nuclear weapons.

UNSCOM's work must include vigorous efforts to unveil Iraq's "Concealment Mechanism." Led by elements of its special security services, Iraq has for over 6-years engaged in a massive and elaborate campaign to keep UNSCOM inspectors from finding proscribed equipment, documents, and possibly weapons themselves. Over the years, inspection teams have been prevented from doing their jobs and held—often at gunpoint—outside suspect facilities, providing enough time for evidence to be hidden or destroyed. To rout out Iraq's remaining weapons of mass destruction, UNSCOM must be granted full access to all sites, without exception.

The Iraqi regime contends that it has been forced to defy the international community in this manner out of concern for the well-being of the Iraqi people, claiming that malnutrition and inadequate medical care are the direct result of internationally imposed sanctions. To the contrary, the deep concern of the United States

and the international community about the condition of the Iraqi people is evident in the fact that the international sanctions against Iraq have been carefully structured to help ensure that ordinary Iraqs need not suffer. Since their inception, the sanctions against Iraq have had exceptions for the importation into Iraq of foods and medicines. In August 1991, when Iraq claimed that it was unable to pay for its food needs, the Security Council adopted UNSCR 706 (and later 712), authorizing Iraq to sell limited amounts of petroleum on the international market, with the proceeds to be used to purchase humanitarian supplies, and to fund vital U.N. activities regarding Iraq. The Government of Iraq, however, ignored the needs of its own people, by refusing to accept UNSCR's 706 and 712.

In April 1995 the Security Council proposed a new oil-for-food offer to Iraq in UNSCR 986, sponsored by the United States and others. UNSCR 986 authorized the sale of up to $1 billion of oil every 90 days for Iraq to purchase food, medicines, and other "humanitarian items" for its people. The Government of Iraq delayed implementation of UNSCR 986 for a year and a half, until December 1996.

Since December 1996, the Iraqi regime has continued to obstruct the relief plan. It has reduced the food ration for each person, even as more food was flowing into the country. In fact, there are credible reports that as food imports under UNSCR 986 increased, the regime reduced its regular food purchases, potentially freeing up money for other purposes. There are also reports that Iraq may have stockpiled food in warehouses for use by the military and regime supporters—even though the Iraqi people need the food now. Under UNSCR 1111—the 6-month renewal of UNSCR 986 passed in June 1997—the regime delayed oil sales for 2 months, even while it claimed its people were starving. In Baghdad, the regime staged threatening demonstrations against U.N. relief offices. Under both UNSCR's 986 and 1111, the U.N. Sanctions Committee has had to carefully consider each and every import contract because of the possibility that Iraq may slip orders for dual-use items that can be employed to make weapons into long lists of humanitarian goods.

Since 1990—even at the height of the Gulf War—the consistent position of the United States has been that this dispute is with Iraq's regime, not with its people. We have always been open to suggestions on how UNSCR's 986 and 1111 can be improved or expanded to better serve the needs of the people. The confrontational tactics of the Iraqi government have not altered this position.

Sanctions against Iraq were imposed as the result of Iraq's invasion of Kuwait. It has been necessary to sustain them because of Iraq's failure to comply with relevant UNSC resolutions, including those to ensure that Saddam Hussein is not allowed to resume the unrestricted development and production of weapons of mass destruction. Prior to the Gulf War, Saddam had already used chemical weapons on the Iraqi people and on Iranian troops, and he threatened to use them on coalition forces and innocent civilians in Saudi Arabia and Israel during the Gulf War. By restricting the amount of oil he can sell to a level that provides for the needs of the Iraqi people but does not allow him to pursue other, non-

humanitarian objectives, international sanctions make it virtually impossible for Saddam to gear up his weapons programs to full strength.

Saddam could end the suffering of his people tomorrow if he would cease his obstruction of the oil-for-food program and allow it to be implemented properly. He could end sanctions entirely if he would demonstrate peaceful intentions by complying fully with relevant UNSC resolutions. The United States has supported and will continue to support the sanctions against the Iraqi regime until such time as compliance is achieved.

Saddam Hussein remains a threat to his people, to the region, and to the world, and the United States remains determined to contain the threat posed by his regime. The United States looks forward to the day when Iraq rejoins the family of nations as a responsible and law-abiding member but until then, containment must continue.

Regarding military operations, the United States and its coalition partners continue to enforce the no-fly zones over Iraq under Operation Northern Watch and Operation Southern Watch. We have detected myriad intentional Iraqi violations of both no-fly zones. While these incidents (Iraqi violations of the no-fly zones) started several hours after an Iranian air raid on terrorist bases inside Iraq, it was clear that Iraq's purpose was to try and test the coalition to see how far it could go in violating the ban on flights in these regions. A maximum effort by Operation Southern Watch forces complemented by early arrival in theater of the USS NIMITZ battle group, dramatically reduced violations in the southern no-fly zone. An increase in the number of support aircraft participating in Northern Watch allowed increased operating capacity that in turn significantly reduced the number of violations in the north. We have repeatedly made clear to the Government of Iraq and to all other relevant parties that the United States and its partners will continue to enforce both no-fly zones, and that we reserve the right to respond appropriately and decisively to any Iraqi provocations.

United States force levels include land- and carrier-based aircraft, surface warships, a Marine amphibious task force, a Patriot missile battalion, a mechanized battalion task force, and a mix of special operations forces deployed in support of USCINCCENT operations. To enhance force protection throughout the region, additional military security personnel have been deployed for continuous rotation. USCINCCENT continues to monitor closely the security situation in the region to ensure adequate force protection is provided for all deployed forces.

United Nations Security Council Resolution 9491 adopted in October 1994, demands that Iraq not use its military or any other forces to threaten its neighbors or U.N. operations in Iraq and that it not redeploy troops or enhance its military capacity in southern Iraq. In view of Saddam's accumulating record of unreliability, it is prudent to retain a significant U.S. force presence in the region in order to deter Iraq and maintain the capability to respond rapidly to possible Iraqi aggressions or threats against its neighbors.

Implementation of UNSCR 1051 continues. It provides for a mechanism to monitor Iraq's efforts to reacquire proscribed weap-

ons capabilities by requiring Iraq to notify a joint unit of UNSCOM and the IAEA in advance of any imports of dual-use items. Similarly, U.N. members must provide timely notification of exports to Iraq of dual-use items.

The human rights situation throughout Iraq remains unchanged. Iraq's repression of its Shi'a population continues, with policies that are destroying the Marsh Arabs' way of life in southern Iraq and the ecology of the southern marshes. The United Nations, in its most recent reports on implementation of Resolution 986, recognized that the Government of Iraq continues forcibly to deport Iraqi citizens from Kirkuk and other areas of northern Iraq still under the Iraqi government's control. Iraq continues to stall and obfuscate rather than work in good faith toward accounting for the hundreds of Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during the occupation of Kuwait. The Government of Iraq shows no signs of complying with UNSC Resolution 688, which demands that Iraq cease the repression of its own people. The U.N. Human Rights Commission's special rapporteur on Iraq reported to the General Assembly of his particular concern that extrajudicial, summary or arbitrary executions and the practice of torture continue to occur in Iraq.

The INDICT campaign continues to gain momentum. Led by various independent Iraqi opposition groups and nongovernmental organizations, this effort seeks to document crimes against humanity and other violations of international humanitarian law committed by the Iraqi regime. We applaud the tenacity of the Iraqi opposition in the face of one of the most repressive regimes in history. We also take note of and welcome H. Con. Res. 137 of November 12, expressing the sense of the House of Representatives concerning the need for an international criminal tribunal to try members of the Iraqi regime for war crimes and crimes against humanity.

Regarding northern Iraq, our efforts to help resolve the differences between Massoud Barzani, leader of the Kurdistan Democratic Party (KDP) and Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK) have not yet yielded the type of permanent, stable settlement that the people of northern Iraq deserve. The Peace Monitoring Force—sponsored by the United States, Great Britain, and Turkey under the Ankara Process and comprising Iraqi Turkomans and Assyrians—was forced to withdraw from the agreed cease-fire line between the two groups, when PUK forces, joined by the terrorist Kurdish Workers Party (PKK) launched a wide-scale attack on the KDP on October 13. The KDP, supported by airstrikes and ground elements of the Turkish army, launched a counterattack on November 8. We have helped to arrange a number of temporary cease-fires and to restore humanitarian services in the course of this fighting, but the underlying causes for conflict remain. We will continue our efforts to reach a permanent settlement through mediation in order to minimize opportunities for Baghdad and/or Tehran to insert themselves into the conflict and threaten Iraqi citizens in this region.

The Multinational Interception Force (MIF) continues its important mission in the Arabian Gulf. The U.S. Navy provides the bulk of the forces involved in the maritime sanctions enforcement authorized under Resolution 665, although we receive much-needed

help from a number of close allies, including during the past year: Belgium, Canada, The Netherlands, New Zealand, and the United Kingdom.

Illegal smuggling of Iraqi gasoil from the Shatt Al Arab waterway in violation of Resolution 661 has doubled since May of this year—reaching an estimated 180,000 metric tons per month—and continues to increase. The smugglers use the territorial waters of Iran with the complicity of the Iranian government that profits from charging protection fees for these vessels to avoid interception by the MIF in international waters. Cash raised from these illegal operations is used to purchase contraband goods that are then smuggled back into Iraq by the same route. We continue to brief the U.N. Sanctions Committee regarding these operations and have pressed the Committee to compel Iran to give full accounting of its involvement. We have also worked closely with our MIF partners and Gulf Cooperation Council states to take measures to curb sanctions-breaking operations.

The United Nations Compensation Commission (UNCC), established pursuant to UNSCR 687 and 692, continues to resolve claims against Iraq arising from Iraq's unlawful invasion and occupation of Kuwait. The UNCC has issued almost 1.3 million awards worth approximately $6 billion. Thirty percent of the proceeds from the oil sales permitted by UNSCR's 986 and 1111 have been allocated to the Compensation Fund to pay awards and to finance operations of the UNCC, and these proceeds will continue to be allocated to the Fund under UNSCR 1111. To the extent that money is available in the Compensation Fund, initial payments to each claimant are authorized for awards in the order in which the UNCC has approved them, in installments of $2,500. To date, 455 U.S. claimants have received an initial installment payment, and payment is in process for an additional 487 U.S. claimants.

Iraq remains a serious threat to international peace and security. I remain determined to see Iraq comply fully with all of its obligations under U.N. Security Council resolutions. My Administration will continue to sustain and strengthen sanctions until Iraq demonstrates its peaceful intentions through such compliance.

I appreciate the support of the Congress for our efforts and shall continue to keep the Congress informed about this important issue.

Sincerely,

WILLIAM J. CLINTON.

○