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A REPORT ON IRAQ'S COMPLIANCE WITH THE U.N.

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE UNITED NATIONS SECURITY COUNCIL

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THE WHITE HOUSE,
Washington, January 7, 2000.

Hon. J. DENNIS HASTERT,
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. My last report, consistent with Public Law 102–1, was transmitted on October 1, 1999. I shall continue to keep the Congress informed about this important issue.

Sincerely,

WILLIAM J. CLINTON.

STATUS OF U.S. EFFORTS
REGARDING
IRAQ'S COMPLIANCE WITH UNSC RESOLUTIONS

Overview

On December 17, the United Nations Security Council (UNSC) voted to adopt United Nations Security Council Resolution (UNSCR) 1284, an "Omnibus Resolution" on Iraq. This resolution is an important new milestone in U.S. policy toward Iraq. UNSCR 1284 reestablishes an effective disarmament and monitoring regime, and maintains robust financial control over Iraq's oil revenue to ensure that Iraq has neither the resources nor the opportunity to reconstitute its weapons of mass destruction. UNSCR 1284 better addresses the humanitarian needs of the Iraqi people, and increases the pressure on Iraq to account for missing persons from the Gulf War and the return of stolen Kuwaiti property. Further, UNSCR 1284 addresses religious concerns of the Iraqi people by exempting air travel for Hajj pilgrims from sanctions. UNSCR 1284 was adopted under Chapter VII of the UN Charter, and Iraq is required to comply with its provisions.

Meanwhile, we remain convinced that as long as Saddam Hussein remains in power, he will continue to threaten the well-being of his people, the peace of the region, and vital U.S. interests. We will continue to contain these threats, but the best way to address them over the long term is through a new government in Baghdad. To this end, we continue to work intensively with the Iraqi opposition. A delegation of prominent Iraqis met with a wide range of European and Middle Eastern delegations to the UN General Assembly (UNGA) in September, and the Iraqi National Congress (INC) held its National Assembly meeting in New York on October 29 through November 1. We have continued to provide logistical and political support to assist the Iraqi National Congress' operations. On October 29, the President issued a Presidential Directive notifying Congress of the first drawdown under the Iraq Liberation Act (ILA), and representatives of the Iraqi National Congress attended a training session under the ILA drawdown in November. The Department of State has also been working with other nongovernmental organizations to develop projects to assist the Iraqi opposition and the Iraqi people in their efforts to achieve regime change. We have also been actively engaged with the main Kurdish parties to promote implementation of their reconciliation agreement.

U.S. and Coalition Force Levels in the Gulf Region

Saddam Hussein's record of aggressive behavior necessitates the deployment of a highly capable force in the region in order to deter Iraq and respond to any threat it might pose to its neighbors, the reconstitution of its WMD program or movement against the Kurds in northern Iraq. We will continue to maintain a strong posture, and have established a rapid reinforcement capability to supplement our forces in the Gulf, if needed.

Our forces are a balanced mix of land and carrier-based aircraft, surface warships, a Patriot missile battalion, a mechanized battalion task force, and special operations units. To enhance force protection throughout the region, additional military security personnel are also deployed.

Operation Northern Watch and Operation Southern Watch

Aircraft of the United States and coalition partners enforcing the no-fly zones over Iraq under Operations Northern Watch and Southern Watch continue to be illuminated by radar and are regularly engaged by anti-aircraft artillery and occasionally by surface-to-air missiles.

In response to Iraq's no-fly zone violations and attacks on our aircraft, our aircrews continue to respond directly and forcefully as required to deter Iraqi violations and provocations. United States and coalition forces are fully prepared and authorized to defend themselves against any Iraqi threat while carrying out their no-fly zone enforcement mission and have, when attacked or illuminated by Iraqi forces, engaged various components of the Iraqi integrated air defense system.

The Maritime Interception Force

The multinational Maritime Interception Force (MIF) continues to enforce UN sanctions in the Gulf. A New Zealand Navy ship participated in the MIF in October and November, and an Argentine boarding team deployed on a U.S. Navy destroyer arrived in the Gulf in November. The Netherlands is planning to send a ship and a Maritime Patrol Aircraft in late February.

Member states of the Gulf Cooperation Council (GCC) continue to provide logistical support and shipriders to the MIF and accept vessels diverted for violating UN sanctions against Iraq. The smuggling of refined petroleum products through the Gulf has

resumed, after a ten-month lull following Operation Desert Fox in December 1998. Smuggling in general continues. On October 5, the Kuwaiti Coast Guard seized three dhows (large wooden cargo vessels) which were sailing from Iraq carrying food items for sale in violation of UNSC Resolutions.

The MIF and our ability to augment it rapidly will continue to serve as a critical deterrent to both the smuggling of petroleum products out of Iraq, and the smuggling of prohibited items into Iraq. It is noteworthy, however, that in November, despite the high-tempo operations and significant efforts of the MIF, illegal exports of Iraqi petroleum products through the Gulf reached the highest levels since maritime enforcement was imposed shortly after the invasion of Kuwait in 1990. Smuggling in November represented a profit to the Iraqi regime of approximately $21 million. While this profit may not seem significant when compared to the $5.25 billion every six months associated with the oil-for-food program, it represents almost $250 million annually in discretionary funds available to the Iraqi regime. The singular factor contributing to the increase in smuggling is the elevated price of oil and the resulting incentive to the smuggler.

UNSCOM/IAEA: Weapons of Mass Destruction

There have been no United Nations Special Commission (UNSCOM) or International Atomic Energy Agency (IAEA) inspections in Iraq since December 15, 1998. However, on December 17, the UNSC passed UNSCR 1284, which confirmed that Iraq had not met its disarmament obligations to the Security Council and reaffirmed the need for robust weapons inspections and monitoring of Iraq. The resolution establishes a new disarmament and monitoring body, the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC), which maintains UNSCOM's mandate, rights, privileges, facilities and immunities. The UN Secretary General will nominate and the UNSC will approve an executive chairman, who will, in conjunction with the Secretary General, choose a staff for UNMOVIC. UNMOVIC and IAEA will then submit work programs to the UNSC for approval.

Dual-Use Imports

Aware of Iraq's history of threatening its neighbors and its own people, the United States in the UN Iraq Sanctions Committee carefully reviews all items proposed for sale to Iraq to ensure that items which pose significant dual-use concerns are not approved. UNSCR 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's imports of allowed dual-use items. Iraq must

notify the unit before it imports specific items that can be used in both weapons of mass destruction and civilian applications. Similarly, UN members must provide timely notification of exports to Iraq of such dual-use items. Since the withdrawal of UNSCOM and IAEA monitors, only some limited monitoring of the humanitarian program is being conducted by the UN Office of the Iraq Programme inspectors. This situation has presented new challenges for the UN Sanctions Committee and is a factor in the contract approval process. As a precautionary matter, the United States has placed holds on a number of dual-use contracts that might otherwise have been approved.

Under UNSCR 1284, if Iraq fulfills key disarmament tasks and cooperates with inspectors for 120 days after reinforced monitoring is fully operational, the UNSC could act to suspend sanctions for humanitarian purposes, provided that appropriate financial and other controls are in place. UNSCR 1284 reestablishes the monitoring of pre-approved dual-use items by UNMOVIC/IAEA.

The UN Oil-for-Food Program

We continue to support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the oil-for-food program. In October, the UNSC authorized Iraq to sell oil to make up for past revenue shortfalls in the program, in addition to the ceiling of $5.2 billion set for the six-month phase. On November 19, the Council extended the phase for two weeks, and on December 3, an additional week. Iraq sold over $7.2 billion worth of oil during this sixth phase of oil-for-food. Under UN control, the proceeds are used to purchase humanitarian goods, fund claims against Iraq arising from its invasion and occupation of Kuwait, and to meet UN administrative costs. As of November 11, UN reporting indicates that since the start of the oil-for-food program, 6,837 contracts for humanitarian goods worth over $8.6 billion have been approved.

Within the oil-for-food program, Resolution 1242 maintains a separate program for northern Iraq, administered directly by the UN in consultation with the local authorities. This program, which the U.S. strongly supports, ensures that when Iraq contracts for the purchase of humanitarian goods, 13 to 15 percent of the funds generated under the oil-for-food program are spent on items for northern Iraq.

International humanitarian programs including, most importantly, the oil-for-food program, have steadily improved the life of the average Iraqi. The ration basket provides over 2,000 calories

per day while denying Saddam Hussein control over Iraq's oil revenues. It has led to improvements in health care, water, sanitation, agriculture, education, and other areas. A member of the European Parliament and founder of several non-governmental organizations aimed at bringing relief to the Iraqi people, Baroness Emma Nicholson, has reported evidence of this from the Iraqi government itself. She reported that the Iraqi Minister of Health recently turned down her offer of an unconditional grant of three million British pounds, asserting to her, "The Iraqi people have all the food and medicine they need."

UNSCR 1284 will further improve the oil-for-food program. First, it requests the Secretary General to maximize the effectiveness of the program, and to report any obstacles to the Security Council. In doing so, it places particular demands on the Government of Iraq to cease its obstruction of the oil-for-food program and cites several specific types of behavior from which the Baghdad regime will be expected to desist. These provisions address concerns which we have repeatedly raised regarding Iraq's determination to subvert or impede the oil-for-food program. Under the resolution, Iraq is allowed to export any volume of petroleum it requires for humanitarian needs. Additionally, it streamlines the oil-for-food contract process and allows for the use of oil-for-food funds for purchases within Iraq and to pay for local oil-for-food related services. This last measure will be particularly helpful to the Kurds and other peoples of northern Iraq.

Northern Iraq: Kurdish Reconciliation

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) welcomed the September 17, 1999, one year anniversary of the U.S.-brokered Washington Agreement with a joint statement reaffirming their commitment to the terms of that agreement. The parties remain engaged with one another and are actively negotiating the implementation of the accord. The parties have ceased negative media reports on one another and actively cooperate on many fronts. In talks at the State Department in late September and again in early November, senior leaders of both parties confirmed they had agreed to form a joint committee to better convey their common pro-democracy/ anti-regime message to the world.

The Human Rights Situation in Iraq

The human rights situation in Iraq continues to fall far short of international norms. UNSCR 688 expressly notes that the

consequences of the regime's repression of its own people constitute a threat to international peace and security in the region. It also demands immediate access by international humanitarian aid organizations to all Iraqis in need in all parts of Iraq. For over seven years, the Iraqi government has refused to allow the UN Human Rights Commission Special Rapporteur for Iraq to visit Iraq. United Nations human rights monitors have never been allowed into Iraq. Special Rapporteur Max Van der Stoel retired in early November. His successor has not yet been named.

The Special Rapporteur issued his most recent report October 14. In it, he condemns the Iraqi government's use of resources to enrich itself and condemns its failure to use food and health care resources available through the oil-for-food program to benefit the Iraqi people. The Special Rapporteur notes that even while Iraq's revenue has risen sharply due to higher world oil prices, the government has actually been spending less on nutritionally enhanced food that would benefit Iraqi women and children. The Special Rapporteur's report makes plain that Baghdad, and not the UN, is responsible and accountable for the deprivations being suffered by the Iraqi people.

Severe repression continues throughout Iraq. The regime has ignored repeated appeals by Max Van der Stoel and others for access by human rights monitors to investigate reports of human rights abuses. Saddam also continues to employ draconian measures against those who challenge him, as evidenced by the razing of villages in the vicinity of al-Rumaitha following clashes there between government security forces and tribal elements.

In the north, outside the Kurdish-controlled areas, the regime is forcing the expulsion of ethnic Kurds and Turkomans from Kirkuk and other cities, and transferring other populations into their places.

The Iraqi Opposition

We are continuing our engagement with the Iraqi opposition, helping Iraqis inside and outside Iraq to become a more effective voice for the aspirations of the people, and working to build support for the forces of change inside the country. We will work toward the day when Iraq has a government worthy of its people -- a government prepared to live in peace with its neighbors and that respects the rights of its citizens rather than repressing them.

In September, a senior delegation of Iraqi opposition leaders traveled to New York at the opening of UNGA to consult with foreign delegations. Secretary of State Albright met with them to underline our support for their efforts to achieve the recovery and normalization of Iraq through a change of regime. At UNGA, the Iraqi opposition delegation met with other senior members of the Administration and was received by fifteen foreign delegations, including several Arab delegations. Following UNGA, the INC and others began to plan intensively for an expanded meeting of the Iraqi opposition in New York. The Department of State supported this Iraqi National Assembly (INA) meeting by funding conference-planning services and all costs related to the conference.

This conference of the expanded INC took place in New York from October 29 - November 1. For the first time since 1992, a broad and representative cross-section of the Iraqi people gathered together to address the structure, leadership, and future of their movement and of their country. They reached agreement on the most important substantive issues on their agenda. They elected a collective leadership and formed a broad-based consultative council. As important, they built into their by-laws the necessary flexibility to revise and expand both the Leadership Committee and the Executive Council as may prove necessary to meet the organization's evolving political and operational requirements.

The Iraqi opposition emerged from the conference with growing unity but with a sober recognition of the work that lies before them. Now they are focusing their efforts on building their own capabilities and international support for resistance of the Iraqi people to the regime of Saddam Hussein. In support of that effort, on October 29, the President issued a Presidential Directive directing an initial drawdown under the ILA. Three members of the Iraqi opposition attended a 10-day Department of Defense training course on civilian-military affairs from November 1-11.

Additionally, we have continued to provide logistical support for the operations of the INC in London by funding follow-up conference planning services and maintenance of their temporary headquarters in London with Economic Support Funds (ESF). The new leadership of the INC is planning its outreach and media campaign as well as other actions to draw attention to the plight of the Iraqi people and the need for regime change in Iraq. Using other ESF funds, the Department of State has also been working with other nongovernmental organizations to develop projects to assist the Iraqi opposition and the Iraqi people in their efforts.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC) was established and operates pursuant to UNSCR 687 (1991) and UNSCR 692 (1991). It continues to process claims and pay compensation for losses and damages suffered by individuals, corporations, governments, and international organizations as a direct result of Iraq's unlawful invasion and occupation of Kuwait. To date, the UNCC has issued approximately 1.5 million awards worth about $12.4 billion. Of these, the United States Government has received funds from the UNCC for initial installment payments on approximately 2,823 claims of U.S. claimants. Awards and the costs of the UNCC's operation are paid from the Compensation Fund, which is funded through the allocation to it of 30 percent of the proceeds from authorized oil sales under UNSCR 986 (1995) and subsequent extensions. UNSCR 1284 initiates a redoubled effort to achieve closure on missing persons and stolen Kuwaiti property. The Secretary General, under this resolution, will appoint a high-level coordinator to deal with the issues of missing persons and stolen Kuwaiti property, and report periodically on Iraq's compliance with its obligations.

Conclusion

Iraq remains a serious threat to international peace and security. We remain determined to see Iraq comply fully with all of its obligations under Security Council resolutions. The United States looks forward to the day when Iraq rejoins the family of nations as a responsible and law-abiding member. I appreciate the support of the Congress for our efforts and shall continue to keep the Congress informed about this important issue.

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