

STATUS OF U.S. EFFORTS REGARDING
IRAQ'S COMPLIANCE WITH UNSC 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 50 U.S.C. 1541



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THE WHITE HOUSE,
Washington, April 10, 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 dated January 7, 2000. 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

We are convinced that as long as Saddam Hussein remains in power, he will continue to threaten the well-being of the Iraqi people, the peace of the region, and vital U.S. interests. We will continue to contain these threats, but over the long term the best way to address them is through a new government in Baghdad. To this end, we continue to work intensively with the Iraqi opposition.

On December 17, 1999, the UN Security Council adopted Resolution 1284. This comprehensive resolution, which addresses disarmament, humanitarian and Kuwait-related issues, reaffirms Iraq's failure to comply with existing UN Security Council resolutions and its continuing obligation to do so. This resolution establishes a new disarmament and monitoring regime, the UN Monitoring, Verification and Inspection Commission (UNMOVIC). UNMOVIC maintains the same mandate, rights, privileges, facilities and immunities as the UN Special Commission (UNSCOM). This resolution also reaffirms the International Atomic Energy Agency's (IAEA) mandate in Iraq. The resolution directs both inspection organizations to address unresolved disarmament issues and to establish reinforced systems of ongoing monitoring and verification. The resolution also authorizes Iraq, under the UN's "oil-for-food" program, to export as much oil as required to meet humanitarian needs and calls for other enhancements of the program. The resolution calls for the appointment of a high-level coordinator to monitor Iraqi compliance with its obligations to return stolen Kuwaiti property, and to account for Kuwaiti and third-country nationals.

If Iraq fulfills key disarmament tasks and cooperates with inspectors for 120 days after reinforced monitoring is fully operational, the Security Council could act to suspend sanctions, provided appropriate controls are in place and bearing in mind the humanitarian purposes of the Security Council's decisions. The embargo on military imports would remain in place, and dual-use items would continue to require prior approval. The Security Council would have to renew suspension every 120 days, and if Iraq ceased cooperation, sanctions would be automatically reimposed.

The Maritime Interception Force

The maritime Multinational Interception Force (MIF) continues to enforce UN sanctions in the Gulf. The United States Government continues to approach potential participants in the MIF to augment current partners.

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

reached record levels. Following a ten-month cessation of smuggling through the Gulf after Operation Desert Fox in December 1998, Iraq is now exporting over 100,000 barrels per day through the Gulf. This trade represents over \$40 million per month in uncontrolled revenue for the Iraqi regime. The single most important factor contributing to the increase in smuggling is the elevated price of oil and the resulting incentive for the smuggler.

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. On March 23, Vice Admiral Moore, U.S. Navy, Coordinator of the Multinational Interception Force, made a presentation to the United Nations Iraq Sanctions Committee emphasizing the extent of current oil smuggling. In addition to the high price of oil, he noted that complicity of some Iranian officials plays a key role in successful smuggling. The Security Council shares our concern about this illicit activity and is also seeking to curtail it.

UNMOVIC/IAEA: Weapons of mass destruction

There have been no UN Security Council-mandated inspections in Iraq since December 15, 1998. Iraq's defiance of the international consensus as expressed by Resolution 1284 has meant that no progress has been made in addressing Iraq's outstanding disarmament obligations. Iraq remains in violation of its disarmament obligations to end all programs to develop weapons of mass destruction and long-range missiles. Despite Iraq's defiance, it remains our intent to support UNMOVIC and the IAEA as they work to carry out the Security Council's mandate.

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. Resolution 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's imports of allowed dual-use WMD items (known as "1051"-listed goods). Under UN Security Council Resolution 1284, UNMOVIC has assumed this responsibility from UNSCOM. Since weapons inspectors left Iraq in December 1998, the only monitoring of the humanitarian program is being conducted by UN Office of the Iraq Programme inspectors. This situation has presented new challenges for the UN Sanctions Committee and is a factor in our contract approval process. Because of this situation, the United States has placed holds on a number of dual-use contracts.

The UN's "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 Resolution 1284, the UN Security Council authorized Iraq to export as much oil as required to meet the humanitarian needs of the Iraqi population. Under UN control, the proceeds are used to purchase humanitarian goods, to fund claims against Iraq arising out of its invasion and occupation of Kuwait, and to meet UN administrative costs. UN reporting as of January

11 indicates that since the start of the “oil-for-food” program 7,321 contracts for humanitarian goods worth over \$9.3 billion have been approved. We view Resolution 1284 as a vehicle for robust improvement of the humanitarian situation in Iraq and are eager to see all aspects of it implemented as rapidly as possible.

The “oil-for-food” program maintains a separate program for northern Iraq, administered directly by the United Nations in consultation with the local authorities. This program, which the United States strongly supports, ensures that when Iraq contracts for the purchase of humanitarian goods, 13 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 2,150 calories per day—and has led to improvements in health care, water, sanitation, agriculture, education, and other areas, while denying Saddam Hussein control over Iraq’s oil revenues.

We will continue to work with the UN Secretariat, the Security Council, and others in the international community to ensure that the implementation of Resolution 1284 better enables the humanitarian needs of the Iraqi people to be met while denying political or economic benefits to the Baghdad regime.

Northern Iraq: Kurdish reconciliation

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) continue their efforts to implement the September 17, 1998, reconciliation agreement. A State Department delegation visited northern Iraq in February to assess the state of KDP-PUK relations and to encourage more rapid implementation of the 1998 agreement.

The parties remain engaged with one another and are committed to addressing their issues peacefully through continued negotiation. They work together effectively on many fronts, including joint efforts to bring the needs of their region to the attention of the United Nations and the international community.

The human rights situation in Iraq

As reflected in the Department of State’s Human Rights Report for Iraq, released February 25, the human rights situation in Iraq continues to fall severely short of international norms. Resolution 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. Yet, for over nine years, the Iraqi government has refused to allow the UN Human Rights Commission’s Special Rapporteur for Iraq to visit the country. UN human rights monitors have never been allowed in. Newly appointed Special Rapporteur Andreas Mavrommatis has asked the Government of Iraq for access so that he may make a personal inspection. A response has not yet been received.

Human rights NGOs and other interested voices continue to call for creation of an international tribunal to address the crimes

against humanity of the Iraqi leadership. United States Government policy supports this view: Saddam Hussein and the leadership of the Iraqi regime should be indicted and prosecuted for crimes against humanity and war crimes by an international criminal tribunal or by a national court that can properly exercise jurisdiction over them.

The Iraqi leadership's abuse of resources for personal enrichment and attempts to manipulate the "oil-for-food" program continue unabated. Due to higher world oil prices, Iraq has more revenue available to it to address the humanitarian needs of its people via the "oil-for-food" program. The Iraqi leadership's command of illicit revenue has also risen sharply for the same reason. Nonetheless, the government fails to use such resources for the most benefit to the people of Iraq.

In the north, outside the Kurdish-controlled areas, we continue to receive reports of the regime forcibly expelling 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, a government that respects the rights of its citizens rather than represses them.

We are engaged with the new leadership of the Iraqi National Congress (INC), and recently signed an initial grant agreement with them for approximately \$267,000. This money will be used by the INC to run their headquarters, hold a Central Committee meeting, undertake outreach programs to energize free Iraqis, work more effectively with the international media, and manage assistance provided under the Iraq Liberation Act (ILA). We expect to receive proposals from the INC for additional funding in the near future.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC) was established and operates pursuant to Resolutions 687 (1991) and 692 (1991). The UNCC 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 \$15.5 billion. Of these, the U.S. Government has received funds from the UNCC for an initial payment on approximately 2,879 U.S. claimants and a follow-up payment for approximately 1,858 of these claimants. Awards and the costs of the UNCC's operation are paid for the from the Compensation Fund, which is funded through the allocation to it of thirty percent of the proceeds from authorized oil sales under Security Council Resolutions 986 (1995) and subsequent extensions.

Conclusion

Iraq remains a serious threat to international peace and security. The United States remains determined to see Iraq comply fully with all of its obligations under Security Council resolutions while at the same time endeavoring to see that the humanitarian needs of the Iraqi population are addressed. The United States looks forward to the day when Iraq rejoins the family of nations as a responsible and law-abiding member under a new government that serves its people rather than represses them.

