

COMPLIANCE WITH  
U.N. SECURITY COUNCIL RESOLUTIONS

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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)



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THE WHITE HOUSE,  
Washington, May 19, 1999.

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 (UNSC). My last report, consistent with Public Law 102-1, was transmitted on March 3, 1999.

#### OVERVIEW

There have been no United Nations Special Commission (UNSCOM) or International Atomic Energy Agency (IAEA) inspections in Iraq since December 15, 1998. On January 30, 1999, the UNSC established three assessment panels on Iraq to address disarmament, humanitarian, and Kuwait-related issues. Brazilian Ambassador to the United Nations Celso Amorim, who chaired the panels, presented the panels, conclusions to the Security Council on April 6.

The disarmament panel confirmed UNSCOM's earlier findings that Iraq has failed to comply with its obligations under UNSC resolutions, and that significant disarmament issues have not yet been resolved. It also confirmed the validity of the disarmament and monitoring plan endorsed by Resolution 715.

The humanitarian panel noted that, despite considerable improvements in the humanitarian situation since the oil-for-food program began, serious problems remain. The report highlighted the Government of Iraq's failure to order and distribute critical supplies, and its inequitable distribution practices. It also identified a significant shortfall in revenue for the oil-for-food program. This problem has been largely caused by low oil prices during the last year, but Iraq's limited oil production capabilities have also been a factor.

The Kuwait-issues panel cited Iraq's failure to comply with its requirement to provide information on Kuwaiti and other missing persons from the Gulf War, as well as its failure to comply with the requirement to return property stolen during the Gulf War, including Kuwait's national archives.

The 6-month reports submitted to the Security Council by Ambassador Butler and IAEA Director-General Mohammed El Baradei in April 1999 reflected the refusal by Iraq to add substantively to their ability to resolve outstanding disarmament and monitoring issues. In New York, UNSCOM continued to implement its mandate: by assessing the situation on the ground in Iraq after the

military action in December, by choosing new sites for future inspection, by refining inspection protocols, by continuing a dialogue with member nations to obtain information about Iraq's past and present activities, and by continuing to improve the Export-Import Monitoring Mechanism.

The United States continues to support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the oil-for-food program.

We are 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 the security of the world. 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 that end, working with the Congress, we have deepened our engagement with the forces of change in Iraq to help make the opposition a more effective voice for the aspirations of the Iraqi people.

#### U.S. AND COALITION FORCE LEVELS IN THE GULF REGION

Saddam Hussein's record of aggressive behavior compels us to retain 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 demonstrated our resolve in mid-December when forces in the region carried out Operation Desert Fox to degrade Iraq's ability to develop and deliver weapons of mass destruction and its ability to threaten its neighbors. We will continue to maintain robust posture and have established a rapid reinforcement capability to supplement our forces in the Gulf, if needed.

Our forces that deployed to the region include land- and carrier-based aircraft, surface warships, a Patriot missile battalion, a mechanized battalion task force and a mix of special operations forces deployed in support of U.S. Central Command. To enhance force protection throughout the region, additional military security personnel are also deployed. Because of the increased air-defense threat to coalition aircraft, we have also added a robust personnel recovery capability.

#### OPERATION NORTHERN WATCH AND OPERATION SOUTHERN WATCH

The United States and coalition partners enforcing the no-fly zones over Iraq under Operations Northern Watch and Southern Watch continue to be subject to multiple anti-aircraft artillery firings and radar illuminations, and have faced more than 35 surface-to-air missile attacks. Additionally, since the conclusion of Desert Fox, Iraqi aircraft have committed over 120 no-fly zone violations.

In response to Iraq's repeated no-fly-zone violations and attacks on our aircraft, I have authorized our aircrews to respond directly and forcibly to the increased Iraqi threat. 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 circumstances warranted, engaged various components of the Iraqi integrated air defense system. As a consequence, the Iraqi air defense system has been degraded substantially since December 1998.

## THE MARITIME INTERCEPTION FORCE

The multinational maritime Interception Force (MIF), operating in accordance with resolution 665 and other relevant resolutions, enforces U.N. sanctions in the Gulf. The U.S. Navy is the single largest component of the MIF, but it is frequently augmented by ships, aircraft, and other support from Australia, Bahrain, Belgium, Canada, Kuwait, The Netherlands, New Zealand, the UAE, and the United Kingdom. Member states of the Gulf Cooperation Council (GCC) provide logistical support and shipriders to the MIF and accept vessels diverted for violating U.N. sanctions against Iraq. Kuwait was especially helpful in providing significant naval and coast guard assistance. We are expanding our efforts to encourage participation in the MIF from nations in northern Europe and South America.

Although the export of refined petroleum products through the Gulf has significantly declined since Operation Desert Fox, the MIF continues to patrol the waters to prevent a resurgence of petroleum-product smuggling. Furthermore, the MIF provides a deterrent to ships smuggling prohibited items into Iraq in violation of U.N. sanctions and outside the parameters of the humanitarian oil-for-food program. In early April, the MIF conducted the latest in a series of periodic search operations in the far northern Gulf near the major Iraqi waterways. These operations disrupted smuggling in the region without interference from Iraq. Kuwait and the UAE have stepped up their own enforcement efforts.

In December 1998 and again in April 1999, Iraq relocated surface-to-surface missile batteries to the coastal area of the Al Faw Peninsula. The missiles in question, with a range of nearly 60 nautical miles, could reach far into the North Arabian Gulf and posed a serious threat to the MIF. The deployment of these missiles to a position from which they could engage coalition naval forces was carried out in concert with the increased attempts to shoot down aircraft enforcing the no-fly zones and constituted an enhancement of Iraq's offensive military capability in southern Iraq. On both occasions, coalition aircraft responded to the threat posed by these missiles and are authorized to continue to do so as necessary.

## CHEMICAL WEAPONS

April reports to the UNSC President reconfirmed January's findings that UNSCOM identified as priority chemical weapons disarmament issues: VX; 155mm mustard shells; an Iraqi Air Force file of chemical weapons documents; R-400 bombs filled with CBW (field inspections needed); and chemical weapons production equipment (field verification is needed for 18 of 20 shipping containers UNSCOM knows were moved together). The reporters identified as key monitoring priorities the ability to verify Iraqi compliance at listed facilities and to detect construction of new dual-use facilities.

## BIOLOGICAL WEAPONS

April reports to the UNSC President reconfirmed January's findings that UNSCOM identified as priority outstanding biological weapons disarmament issues Iraq's incomplete declarations on "the whole scope of the BW program." the capability and knowledge

base, through which biological warfare agents could be produced quickly and in volume.” The report also identified the importance of monitoring dual-use biological items, equipment, facilities, research and acquisition at 250 listed sites. The effectiveness of monitoring is “proportional to Iraq’s cooperation and transparency, to the number of monitored sites, and to the number of inspectors.”

#### LONG-RANGE MISSILES

April reports to the UNSC President reconfirmed January’s findings that UNSCOM identified as priority missile disarmament issues: 50 unaccounted for, SCUD conventional warheads; 500 tons of SCUD propellants, the destruction of which has not been verified; 7 Iraqi-produced SCUDs given to the army, the destruction of which cannot be verified; truckloads of major components for SCUD production that are missing; the concealment of BW warheads; and the lack of accounting for VX-filled warheads. The report identified the capability to monitor declared activities, leaps in missile technology, and changes to declared operational missiles. There are 80 listed missile sites.

#### NUCLEAR WEAPONS

In a February 8, 1999, report to the UNSC President, IAEA Director General Mohammed El-Baradei summarized previous IAEA assessments of Iraq’s compliance with its nuclear disarmament and monitoring obligations. The report restates that “Iraq has not fulfilled its obligation to adopt measures and enact penal laws, to implement and enforce compliance with Iraq’s obligations under resolutions 687 and 707, other relevant Security Council resolutions and the IAEA OMV plan, as required under paragraph 34 of that plan.”

The IAEA continues to plan for long-term monitoring and verification under Resolution 715. In its February 8 report to the Security Council, it restated that monitoring must be “intrusive” and estimated annual monitoring costs would total nearly \$10 million.

#### DUAL-USE IMPORTS

Resolution 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, U.N. members must provide timely notification of exports to Iraq of such dual-use items. Following the withdrawal of UNSCOM and IAEA monitors, there is no monitoring by UNSCOM or IAEA inspectors of dual-use items inside Iraq, although some limited monitoring in certain sectors can be carried out by OIP inspectors. This factor has presented new challenges for the U.N. Sanctions Committee and is taken into consideration in the approval process. The United States has placed holds on a number of contracts that might otherwise have been approved as a result.

## THE U.N.'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. Transition from phase four to phase five (authorized by UNSC Resolution 1210) was smooth. As in phase four, Iraq is again authorized to sell up to \$5.2 billion worth of oil every 180 days. However, because of a drop in world oil prices, Iraq was only able to pump and sell approximately \$3.1 billion worth of oil in phase four; recent increases in world prices should provide increased revenue for this phase of oil-for-food.

As of April 5, under phase five of the oil-for-food program, 340 contracts worth nearly \$1 billion have been approved. As of April 5, the United States had 145 phase four and 13 phase five contracts on hold pending clarification of questions about the proposed contracts.

Three assessment panels were formed in January to look at Iraqi disarmament, the humanitarian situation in Iraq, and Iraq's obligations regarding Kuwait. The panels presented their reports to the Security Council in April. The United States supported an examination of the current situation and exploration of ways to improve humanitarian conditions, particularly with regard to vulnerable groups such as children under age five and pregnant and nursing women. The United States has expressed its support for raising the cap on Iraqi oil exports under the oil-for-food program in order to meet humanitarian needs, and for certain other proposals made by the humanitarian assessment panel.

Resolution 1210 maintains a separate oil-for-food program for northern Iraq, administered directly by the United Nations in consultation with the local population. This program, which the United States strongly supports, receives 13 to 15 percent of the funds generated under the oil-for-food program. The separate northern program was established because of the Baghdad regime's proven disregard for the humanitarian needs of the Kurdish, Assyrian, Yezedi and Turkoman minorities of northern Iraq, and its readiness to apply the most brutal forms of repression against them. In northern Iraq areas where Baghdad does not exercise control, the oil-for-food program has been able to operate relatively effectively, as documented by the humanitarian assessment panel. The Kurdish factions have set aside their differences to work together so that Resolution 1210 is implemented as efficiently as possible.

Humanitarian programs such as oil-for-food have steadily improved the life of the average Iraqi living under sanctions (who, for example, now receives a ration basket providing over 2,000 calories per day, a significant improvement in nutrition since the program began) while denying Saddam Hussein control over oil revenues. We will continue to work with the U.N. Secretariat, the Security Council, and others in the international community to ensure that the humanitarian needs of the Iraqi people are met while denying any political or economic benefits to the Baghdad regime.

## NORTHERN IRAQ: KURDISH RECONCILIATION

Since their ground-breaking meeting with Secretary Albright in September 1998, Massoud Barzani, President of the Kurdistan Democratic Party (KDP), and Jalal Talabani, Chairman of the Patriotic Union of Kurdistan (PUK), have met four times to continue their work towards full reconciliation. Both parties have condemned internal fighting, pledged to refrain from violence in settling their differences, and resolved to eliminate terrorism by establishing stronger safeguards for Iraq's borders. In particular, both parties have committed themselves to deny sanctuary to the Kurdistan Workers Party (PKK), to eliminate all PKK bases from the region and to safeguard the Turkish border. The parties believe that key decisions on Iraq's future should be made by all the Iraqi people together at an appropriate time and through a regular political process. Their work is thus meant to implement a framework of regional administration until a united, pluralistic, and democratic Iraq is achieved. A Higher Coordination Committee (HCC) made up of senior representatives from the PUK and the KDP meets regularly in northern Iraq, and officials of the State Department are in frequent contact with the parties to further the reconciliation process.

The United States is committed to ensuring that international aid continues to reach the north; that the human rights of the Kurds and northern Iraq minority groups such as the Turkomans, Assyrians, Yezedis, and others are respected; and that the no-fly zone enforced by Operation Northern Watch is observed. The United States will decide how and when to respond should Baghdad's actions pose an increased threat to Iraq's neighbors, to regional security, to vital U.S. interests, and to the Iraqi people, including those in the north.

## THE HUMAN RIGHTS SITUATION IN IRAQ

The human rights situation in Iraq continues to fall far short of international norms, in violation of Resolution 688. For over seven years, the Iraqi government has refused to allow the U.N. Human Rights Commission Special Rapporteur for Iraq, Max Van der Stoep, to visit Iraq. U.N. human rights monitors have never been allowed in. Meanwhile, increasingly disturbing reports of the most serious nature continue to emanate from Iraq. For example, 2,500 political prisoners have been summarily executed without due process of law since Fall 1997, according to detailed reports Mr. Van der Stoep received. Often, the bodies are said to have been returned to the victim's families showing clear signs of torture.

The assassination of three of Iraq's most senior Islamic clerics is of special concern. In February, Ayatollah Mohammed al-Sader—the most senior Shia cleric in Iraq—was assassinated, along with two of his sons, after attending Friday prayers in Najaf. This follows the similar killing of Sheikh Borojourni in April 1998 and Ayatollah Ah al-Gharawi in June 1998. In each case, the killings reportedly followed months of arrests and interrogations by government security services, and have been widely attributed to agents of the regime. The deaths also come in the context of a resurgence of repression in southern Iraq, as the regime works toward the de-

struction of the Marsh Arabs' way of life and the unique ecology of the southern marshes. The regime also continues to ignore appeals by Mr. Van der Stoel and others for access by human rights monitors to investigate these reports.

In the north, outside the Kurdish-controlled areas, the government continues the forced expulsion of ethnic Kurds and Turkomans from Kirkuk and other cities. In recent months, hundreds of families have reportedly been expelled from Kirkuk. Reports from the Kurdish-controlled areas where the displaced persons are received indicate that they are forced to leave behind almost all of their personal property. Due to a shortage of housing, many are still living in temporary shelters.

#### THE IRAQI OPPOSITION

We are deepening our engagement with the forces of change in Iraq, helping Iraqis inside and outside Iraq to become a more effective voice for the aspirations of the people. 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.

On April 7–8, the Executive Council of the Iraqi National Congress met at Windsor, in the United Kingdom. The meeting produced three important results: it elected a seven-member interim “Presidency Committee;” it created an “outreach committee” to expand the INC’s membership and build links to regional states; and it decided that a meeting of the INC National Assembly would be held no later than July 7, at a site to be determined. We applaud the Council members for this constructive, forward-looking meeting.

Senator Bob Kerrey of Nebraska attended the meeting as U.S. observer along with Special Coordinator for the Transition of Iraq, Frank Ricciardone, as well as other State Department officials and staff from the Senate Foreign Relations Committee.

I believe the joint U.S. Executive-Congressional team underscores the deepening cooperation within the U.S. Government on this important issue.

The interim INC Presidency Committee met for the first time on April 10. The group reportedly established a principle of rotating leadership and discussed plans to send a delegation to the United Nations to express views on humanitarian and human rights issues.

#### THE UNITED NATIONS COMPENSATION COMMISSION

The United Nations Compensation Commission (UNCC), established pursuant to Resolutions 687, 692, and 1210, continues to resolve claims against Iraq arising from Iraq’s unlawful invasion and occupation of Kuwait. The UNCC has issued over 1.3 million awards worth over \$7 billion. Thirty percent of the proceeds from the oil sales permitted by UNSC resolutions have been allocated to the Compensation Fund to pay awards and to finance operations of the UNCC. Pursuant to decisions of the UNCC Governing Council, certain small claims are to receive initial payments of \$2,500 toward the amounts approved on those claims before large claims of individuals and claims of corporations and governments may

share in the funds available for claims payments. As money from Iraqi oil sales is deposited in the Compensation Fund, the UNCC makes these initial \$2,500 payments on eligible claims in the order in which those claims were approved by the UNCC. To date, the U.S. Government has received funds from the UNCC for initial installment payments on approximately 1,685 claims of U.S. claimants.

CONCLUSION

Iraq remains a serious threat to international peace and security. I 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.

Sincerely,

WILLIAM J. CLINTON.

