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STATUS ON IRAQ

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, June 24, 1998.

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 April 3 to the present.

Introduction

During the 60-day period covered by this report, Iraq continued to provide access to U.N. weapons inspectors as required under the terms of the February 23 Annan-Aziz MOU and UNSC Resolution 1154. Travel restrictions on Iraq imposed under UNSC Resolution 1137 of November 12, 1997 expired by their terms after UNSCOM Executive Chairman Butler reported that Iraq was complying with access requirements. In accordance with UNSC Resolution 1134, regular sanctions reviews have resumed. However, Iraq's continued failure to meet its obligations under UNSC Resolution 687 and other relevant resolutions led the Security Council to conclude on April 27 that Iraq still had not met the conditions necessary to enable the Council to lift sanctions. Ongoing UNSCOM and IAEA inspections continue to test Iraq's long-term intentions with regard to providing full access and full disclosure to U.N. weapons inspectors.

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 and other humanitarian efforts. Resolution 1153, which was adopted by the UNSC on February 20, expands the "oil-for-food" program considerably by raising the ceiling of permitted Iraqi oil exports to $5.2 billion every 180 days and by authorizing repairs to Iraq's degraded petroleum, health, education, and sanitation infrastructure under strict U.N. supervision in accordance with a prioritized distribution plan.

During the period covered by this report, the humanitarian needs of the Iraqi people were addressed through Phase Three of the original "oil-for-food" plan in accordance with UNSCRs 986 and 1143. The Iraqi government only recently produced an acceptable distribution plan to implement UNSCR 1153.

On May 1, I signed into law the 1998 Supplemental Appropriations and Rescissions Act. This legislation provides funding for Radio Free Europe/Radio Liberty to initiate a surrogate broadcast service for the Iraqi people. It also provides funding for efforts to support the democratic Iraqi opposition in presenting a credible al-

ternative to the present Iraqi regime and compiling information to support the indictment of Iraqi officials for war crimes. These new programs will enable us to redouble our work with the Iraqi opposition to support their efforts to build a pluralistic, peaceful Iraq that observes the international rule of law and respects basic human rights. Such an Iraq would have little trouble regaining its rightful place in the region and in the international community.

The United States will keep a significant military presence in the region to provide the full range of military options necessary to deter Iraqi aggression, to ensure that UNSC resolutions are enforced, and to deal with other contingencies that may arise.

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

In view of Saddam's record of brutality and unreliability, it is prudent to retain a significant force presence in the region to deter Iraq. United States and allied forces now in the region are prepared to deal with contingencies. This gives us the capability to respond rapidly to possible Iraqi aggression or threats against its neighbors. As we make the force adjustments mentioned below, we are strengthening a rapid redeployment capability to supplement our forces in the Gulf. Our cruise missile force will be twice the pre-crisis level. In addition, we will be able to double again our cruise missile force in days. Once these moves are completed, this capability will allow for a swift, powerful strike.

The aircraft carrier USS JOHN C. STENNIS and her accompanying battle group combatant ships and combat aircraft remain in the region as United States force levels are being reduced. The aircraft carriers USS INDEPENDENCE and USS GEORGE WASHINGTON and their accompanying battle group combatant ships left the region, as scheduled. Once force level adjustments are completed, U.S. forces will include land and carrier-based aircraft, surface warships, a Marine amphibious task force, Patriot missile battalions, 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 are also deployed. During the crisis, U.S. forces were augmented by HMS ILLUSTRIOUS and accompanying ships from the United Kingdom.

During our successful effort to compel Iraq's compliance with relevant UNSC resolutions earlier this year, the United Kingdom and a number of other nations pledged forces. Although all of the members of this international effort sought a peaceful diplomatic resolution of the crisis, all showed their resolve to achieve our common objective by military force if that becomes necessary.

Twenty nations deployed forces to the region or readied their forces for contingency deployment. Another 12 nations offered important access, basing, overflight, and other assistance essential for the multinational effort. Still others identified force contributions that were held in reserve for deployment should the need arise. For those nations with forces deployed during the crisis, most of these governments redeployed their forces back home after the crisis in keeping with our own force adjustments. These nations have made clear their willingness to repeat this deployment should Iraq again challenge the international community.

Operation Northern Watch and Operation Southern Watch

The United States and coalition partners continue to enforce the no-fly zones over Iraq under Operation Northern Watch and Operation Southern Watch. In response to a series of Iraqi no-fly zone violations in October and November 1997, we increased the number of aircraft participating in these operations. Since then, there have been no observed no-fly zone violations. In early April, we restored the preexisting level of aircraft deployed to Northern Watch. We have made clear to the Government of Iraq and to all other relevant parties that the United States and coalition partners will continue to enforce both no-fly zones.

The Maritime Interception Force

The Maritime Interception Force (MIF), operating under the authority of UNSCR 665, vigorously enforces U.N. sanctions in the Gulf. The U.S. Navy is the single largest component of this multinational force, but it is frequently augmented by ships and aircraft from Australia, Canada, Belgium, The Netherlands, New Zealand, and the United Kingdom. Today in the Gulf, ships from Canada, The Netherlands, and the United Kingdom have joined with us in maritime patrols. Member Kingdom have joined with us in maritime patrols. Member states of the Gulf Cooperation Council support the MIF by providing logistical support and shipriders and by accepting vessels diverted for violating U.N. sanctions against Iraq.

Since my last report, the MIF has intercepted several vessels involved in illegal smuggling from Iraq. Although petroleum products comprise most of the prohibited traffic, the MIF has recently diverted vessels engaged in date smuggling as well. Ships involved in smuggling have often utilized the territorial seas of Iran to avoid MIF inspections. We have provided detailed reports of these illegal activities to the U.N. Sanctions Committee in New York.

The level of petroleum smuggling from Iraq appears to be in a state of flux. For several weeks, Iran ceased allowing gasoil smugglers to use its territorial seas to avoid the MIF inspections, causing a dramatic decrease in the level of gasoil smuggling. In recent weeks, however, we have noted ships once again using Iranian waters with the apparent aid of the Iranian Revolutionary Guard forces that operate in small boats near the mouth of the Shatt Al Arab waterway. It is too early to tell what the long-term policy of Iran will be in this matter, although we are hopeful that it will take the necessary steps to curb U.N. sanctions violations occurring within its territorial seas.

Our forces continue to benefit from recent actions by the United Arab Emirates that make it difficult for sanctions violators to operate in UAE territory. We will continue to work with the Emirates to find ways to thwart the significant sanctions-busting trade which has historically been bound for UAE ports. As noted in my last report, the UAE has significantly increased its level of cooperation with the MIF. These efforts have resulted in an increase in the number of ships caught with illegal cargoes. In addition, the UAE has prohibited the use of tankers, barges, and other vessel types to transport petroleum products to UAE ports and through its waters or to store such products there. While it is still too early to determine the full effect of these measures, we are hopeful that

these actions will deal a significant blow to sanctions-busting activity in the region.

Biological and Chemical Weapons

Iraqi biological and chemical weapons remain the most troubling issues for UNSCOM. This is due to the innate dual-use nature of the technology; it can easily be hidden within civilian industries, such as the pharmaceutical industry for biological agents and the pesticide industry for chemical agents. Iraq continues to resist making a full and complete declaration of its biological weapons programs, as required by UNSCR 707.

Following its March technical evaluation meetings, UNSCOM concluded that Iraq has not provided a clear statement of the current status of the Programs. Iraq's declaration still contains major mistakes, inconsistencies, and gaps. It may substantially understate Iraq's production of bulk biological weapons agents. UNSCOM is still unable to verify that all of Iraq's SCUD missile warheads filled with biological agents—anthrax, botulinum toxin, and aflatoxin—have been destroyed. USCOM also suspects Iraq may be concealing additional, as-yet undisclosed, biological weapons research or development programs.

Nuclear Weapons and Delivery Systems

On May 14, the UNSC adopted a Presidential Statement on the most recent UNSCOM and IAEA reports about Iraq's nuclear program. The Statement notes that the IAEA's investigations over the past several years have yielded a technically coherent picture of Iraq's clandestine nuclear program, but that all outstanding unanswered technical and substantive questions must be answered before the UNSC will authorize the IAEA to move from inspections to ongoing monitoring and verification in the nuclear field. While the bulk of its resources are now devoted to monitoring, the IAEA will continue to exercise its right to investigate any aspect of Iraq's nuclear program. The IAEA, in a recent report, points out that Iraq still has not provided information requested about certain sites, that concerns remain as to the completeness, accuracy, and internal consistency of Iraq's nuclear declaration and that Iraq has failed to enact laws prohibiting certain activities.

Iraq's Concealment Mechanisms

From March 26 to April 2 UNSCOM conducted inspections of the so-called "Presidential Sites." The inspectors reported that the sites appeared to have been "sanitized" prior to their visits, and, as anticipated, they discovered no materials related to Iraq's WMD programs during these inspections.

In accordance with relevant UNSC resolutions, UNSCOM and the IAEA must be allowed to continue to investigate all aspects of Iraq's prohibited programs until they can verify that all relevant components have been destroyed under international supervision, and that all remaining capabilities have been eliminated. Without such verification, Iraq could develop the ability to strike at any city in the region—and beyond the region—with devastating biological, chemical, and possibly even nuclear weapons.

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 which 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.

We continue to be concerned that Iraq's land borders are extremely porous. Iraq continues substantial trade with its neighbors. There is significant potential for evasion of sanctions by land routes, giving additional weight to our position that UNSCOM must have full and unconditional access to all locations, and be allowed to inspect and monitor Iraqi compliance over time.

The U.S.'s "Oil-for-Food" Program

On February 20, the Security Council adopted Resolution 1153, which raises from $2.0 billion to $5.2 billion the amount of oil Iraq is authorized to sell every 180 days. Resolution 1153 provides that the nutritional and health requirements of the Iraqi people are the top priority. My Administration's support for Resolution 1153 is fully consistent with long-standing U.S. policy. Since 1990, at the height of the Gulf War, the United States has held that the international community's dispute is with Iraq's leadership, not its people. The Security Council proposed an "oil-for-food" program in 1991 (UNSCR 706/712), which Iraq rejected. A similar program (UNSCR 986) was eventually accepted by Iraq in 1996. We supported the expansion of the "oil-for-food" program under UNSCR 1153 because it will provide additional humanitarian assistance to the Iraqi people, under strict U.N. supervision, without benefiting the regime.

Since the beginning of the "oil-for-food" program, we have consistently worked with the U.N. and other U.N. member states to find ways to improve the program's effectiveness to better meet the humanitarian needs of Iraq's civilian population. Iraq, however, has frequently failed to provide the full cooperation necessary to ensure that the program functions smoothly. For example, during calendar year 1997, the Government of Iraq refused to pump oil under UNSCR 986 for more than three months, all the while blaming the U.N. and the United States for disruptions in the flow of food and medicine which it had caused. The Iraqi government, after much prodding by the U.N. Secretary General's office, finally submitted a satisfactory distribution plan to the U.N. as called for by UNSCR 1153.

Resolution 1153 calls for an independent assessment of Iraq's oil infrastructure to determine whether it can export $5.2 billion in oil in a 180-day period, as provided for in the resolution. This report, which was submitted to the UNSC on April 15, recommended that the Sanctions Committee approve up to $300 million worth of repairs to Iraq's oil infrastructure during the period covered by UNSCR 1153. The United States has expressed its intention to support those oil infrastructure repairs needed to fund the expanded humanitarian program, provided these repairs can be carried out in a manner fully consistent with the humanitarian objectives of UNSCR 1153, and that the U.N. is able to properly monitor

all aspects of the repair process. We are continuing to work with members of the Security Council to resolve these concerns.

Resolution 1153 also maintains the separate program for northern Iraq, administered directly by the U.N. in consultation with the local population. This program receives 13 to 15 percent of the funds generated under the "oil-for-food" program. The United States strongly supports this provision. The separate northern program was established because of the Baghdad regime's proven disregard for the humanitarian condition of the Kurdish, Assyrian, and Turkomen minorities of northern Iraq and its readiness to apply the most brutal forms of repression against them. The well-documented series of chemical weapons attacks a decade ago by the government against civilians in the north is only one example of this brutality. In northern Iraq, where Baghdad does not exercise control, the "oil-for-food" program has been able to operate unhindered. The Kurdish factions are seeking to set aside their differences to work together so that UNSCR 1153 is implemented as efficiently as possible. As a result, the contrast between the north and the rest of the country is striking.

The U.N. must carefully monitor implementation of Resolution 1153. The Iraqi government continues to insist on the need for rapid lifting of the sanctions regime, despite its clear record of noncompliance with its obligations under relevant U.N. resolutions—a record which was unanimously acknowledged during the Security Council's 38th sanctions review of April 27. 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.

The Human Rights Situation in Iraq

The human rights situation throughout Iraq continues to be a cause for grave concern. Summary, arbitrary, and extra-judicial executions remain a primary concern. On March 10, U.N. Special Rapporteur for Iraq, Max Van der Stoel, reported that his ongoing investigation had revealed that "there is strong evidence that hundreds of prisoners have been executed in Abu Gharaib and Radwaniyah prisons since August 1997."

According to credible reports, many of those killed were serving sentences of 15–20 years for such crimes as insulting the regime or being members of an opposition political party. Families in Iraq reportedly received the bodies of the executed which bore, in some cases, clear signs of torture. In April, the U.N. Human Rights Commission issued a strong condemnatory resolution describing these and other ongoing Iraqi human rights violations. The resolution extended the Special Rapporteur's mandate and condemned the "all-pervasive repression and oppression" perpetrated by the Government of Iraq.

In southern Iraq, the government continues to repress the Shi'a population, destroying the Marsh Arabs' way of life and the unique ecology of the southern marshes. In the north, outside the Kurdish-controlled areas, the government continues the forced expulsion of tens of thousands of ethnic Kurds and Turkomans from Kirkuk and other cities. The government continues to stall and obfuscate at-

tempts to account for more than 600 Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during or after the occupation of Kuwait. In the course of recent prisoner exchanges brokered by the ICRC, Iraq has released more than 300 Iranian prisoners of war taken during the Iran-Iraq war in exchange for 5,600 Iraqi POWs. Yet the Government of Iraq shows no sign of complying with UNSCR 688, which demands that Iraq cease the repression of its own people.

Northern Iraq: PUK-KDP Relations

In northern Iraq, the cease-fire between the Kurdish parties, established in November 1997 as the result of U.S. efforts, continues to hold. Both Massoud Barzani, leader of the Kurdistan Democratic Party (KDP) and Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK) have made positive, forward-looking statements on political reconciliation, and talks between the two groups are now entering their sixth round. We will continue our efforts to reach a permanent reconciliation through mediation in order to help the people of northern Iraq find the permanent, stable settlement which they deserve, and to minimize the opportunities for Baghdad and Tehran to insert themselves into the conflict and threaten Iraqi citizens in this region. Baghdad continues to pressure the two groups to enter into negotiations.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC), established pursuant to UNSCRs 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 $6 billion. Thirty percent of the proceeds from the oil sales permitted by UNSCRs 986, 1111, and 1143 have been allocated to the Compensation Fund to pay awards and to finance operations of the UNCC. 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, 757 U.S. claimants have received an initial installment payment, and payment is still in process for approximately another 58 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 UNSC 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.

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