

STATUS OF U.S. EFFORTS REGARDING IRAQ'S COMPLIANCE WITH UNITED NATIONS SECURITY COUNCIL RESOLUTIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

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



JANUARY 20, 2001.—Referred to the Committee on International Relations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,
Washington, January 19, 2001.

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 as amended by Public Law 106-113), 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 18, 2000.

Sincerely,

WILLIAM J. CLINTON.

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

Overview

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 end them is through a new government in Baghdad. To this end, we support efforts by Iraqis inside their country and out to bring about a new regime in Baghdad that is able to live at peace with its people and its neighbors.

Iraq continues to reject United Nations Security Council Resolution 1284, a binding Resolution adopted under Chapter VII of the UN Charter, including its requirement that Iraq provide the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) with immediate, unconditional, and unrestricted access. Nonetheless, the UN continues to implement those parts of the Resolution which do not require Iraqi cooperation. In its quarterly report to the Council on December 1, UNMOVIC reiterated its improving state of readiness to begin preparatory work in Iraq and carry out its mandated activities. We consult regularly with Dr. Blix and his staff to provide the best support possible.

Ambassador Yuli Vorontsov, the Secretary General's high-level coordinator for Kuwait Issues, presented his second report to the Council on Kuwaiti and third-country national prisoners on August 17; and on June 14, he submitted his first report on stolen Kuwaiti property. Both of these reports demonstrate Iraq's continuing failure to cooperate fully with its obligations to the international community. The Iraqi Government continues to deny Ambassador Vorontsov entry to the country.

The oil-for-food program, which is designed to provide for the humanitarian needs of the Iraqi people as long as UN sanctions remain in place, continues to expand. Iraq is expected to export some \$20 billion worth of oil in 2000 with the proceeds going to a UN-controlled escrow account. On December 5, 2000, the Council extended the program for an additional 180 days, continuing its past practice.

In pursuit of our goal of a new government in Iraq, the United States continues to work with the external Iraqi opposition to help them become a viable, alternative voice for Iraqis in the international arena. The external opposition has made good strides in the past year in reestablishing its presence, developing its plans, beginning administrative and some program operations using USG funding, and beginning training under the Iraq Liberation Act (ILA).

Another aspect of our efforts to bring about a new government in Baghdad is our support for the creation of an international tribunal to address the crimes against humanity committed by the current Iraqi leadership. Saddam Hussein and his most senior henchmen should be held accountable for their three decades of misrule. Their glaring abuse of human rights in Iraq, and in those countries subjected to Iraqi aggression, underscore the fact that the current Iraqi regime will never live at peace with its people or its neighbors.

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.

Operation Northern Watch and Operation Southern Watch

Aircraft of the United States and coalition partners patrolling the No-Fly Zones over Iraq under Operations Northern Watch and Southern Watch continued to be threatened by Iraqi air defense forces. The Iraqis routinely track coalition aircraft with radar, the Iraqis frequently fire anti-aircraft artillery at coalition aircraft, and occasionally fire surface-to-air missiles at coalition aircraft. Our aircrews continue to respond in self-defense to threats against and attacks on our aircraft patrolling the No-Fly Zones.

The Maritime Interception Force

The maritime Multinational Interception Force (MIF) continues to enforce UN sanctions in the Gulf. The United States continues to encourage foreign nations to participate in the MIF to increase the numbers of countries contributing to the enforcement of sanctions. Poland participated from November 2000 through January 2001.

Member states of the Gulf Cooperation Council (GCC) continue to support the MIF and accept vessels diverted for violating UN sanctions against Iraq. Since July, the smuggling of petroleum products through the Gulf has been significantly reduced, with monthly totals from September through December 2000 the lowest in 15 months. This reduction is due primarily to the fact that Iran continues to mostly deny smugglers access to its territorial waters. There is still no indication that this state of affairs will be permanent, and Iran has in the past reversed course on this issue without warning.

The MIF, and our ability to rapidly augment it, 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.

UNMOVIC/IAEA: Weapons of Mass Destruction

There have been no 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 obligations to end its programs to develop weapons of mass destruction and long-range missiles.

The UNMOVIC has now nearly completed the hiring of its core staff in New York and is continuing to hire people in an on-call or "roster" category, including Americans. UNMOVIC has completed its first two training courses and will hold a third in February 2001. For its first training program, the United States provided UNMOVIC with course instructors and facilities for hands-on training. We consult with Dr. Blix and his staff regularly to provide the best support possible. On December 1, 2000, UNMOVIC reiterated its readiness to begin preparatory work in Iraq and carry out its mandated activities.

Dual-Use Imports

Although the "oil-for-food" program revenues are designated for humanitarian purposes only, we remain concerned that Iraq is using this program in an attempt to acquire goods and materials for its weapons programs. The United States, as a member of the UN Iraq Sanctions Committee, reviews all contracts under the "oil-for-food" program to ensure that items that are explicitly prohibited or pose significant dual-use concerns are not allowed to be imported.

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 UN Office of the Iraq Programme is the only organization allowed to observe goods going into Iraq under the "oil-for-food" program. In the absence of weapons inspectors and other experts on the ground in Iraq, the United States has placed holds on a number of 1051 and dual-use contracts that otherwise might have been approved with UNMOVIC/IAEA monitoring.

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 Resolution 1284, the UN Security Council authorized Iraq to export as much oil as required to meet humanitarian needs of the Iraqi population. Under UN control, the proceeds are used to purchase humanitarian goods, fund awards against Iraq arising out of its invasion and occupation of Kuwait, and to meet UN administrative costs. During the eighth six-month phase of the "oil-for-food" program, which ended on December 5, 2000, Iraq exported more than \$9.5 billion worth of oil. According to UN data since the start of the "oil-for-food" program 12,828 contracts for humanitarian goods worth over \$17 billion have been approved through October 31, 2000. To streamline the approval process for humanitarian goods, we have agreed with the UN on a fast-track approval process for some goods. However, as purchases under the program have moved from basic humanitarian supplies

to more expensive infrastructure projects, the number and value of U.S. "holds" on contracts has increased. We view Resolution 1284 as a vehicle for significant 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 UN 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 and 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, other members of the Security Council, and others in the international community to ensure that the implementation of 1284 better enables the humanitarian needs of the Iraqi people to be met while denying political or economic benefits to the Baghdad regime.

Flight Control Regime

The United Nations Security Council resolutions are open to competing interpretations regarding international flights to Baghdad. Consequently, the UNSC is attempting to reach a consensus agreement on new procedures for international flights. We are working to ensure that any new procedures provide, among other things, adequate Sanctions Committee control and meaningful inspection of aircraft cargo.

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.

They work together effectively in a number of areas, including joint efforts to bring the needs of their region to the attention of the UN and the international community, and within the larger Iraqi national democratic opposition movement. The situation in northern Iraq is not settled, however, and we continue to look for ways to encourage the parties to make greater progress toward resolving their differences.

The Human Rights Situation in Iraq

The human rights situation in Iraq continues to fall far short of international norms. The 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. 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. United Nations human rights monitors have never been al-

lowed in. Newly appointed Special Rapporteur Andreas Mavrommatis asked the Government of Iraq for access so that he might make a personal inspection; the Iraqi Government has refused to honor his request. In his first report on the human rights situation in Iraq, Special Rapporteur Mavrommatis urged the government to alleviate the suffering of the Iraqi people and to accept and comply with the terms of all Security Council resolutions, including Resolution 1284.

Echoing Mavrommatis' findings, the UN General Assembly December 4 condemned the "systematic, widespread, and extremely grave violations of human rights" in Iraq that resulted in what is said was an "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The UNGA vote passed 102 in favor, 60 abstentions, and three opposed (Libya, Sudan, and Mauritania).

Human rights NGOs and other interested voices continue to call for creation of an international tribunal to address the war crimes and crimes against humanity of the Iraqi leadership. United States Government policy supports this view: the leadership of the Iraqi regime should be indicted and prosecuted 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 continued 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 Arabs into their places. There have also been reports of Shia in certain sections of Baghdad being relocated.

The Iraqi Opposition

We continue to support 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. They are working toward the day when Iraq has a government worthy of its people—a government prepared to live in peace with its people and its neighbors.

On September 29, 2000, we signed a grant agreement with the Iraqi National Congress (INC) for \$4 million. This provided them the resources necessary to continue operations at their headquarters, begin satellite television and radio broadcasting, undertake outreach programs to further develop their organization, deploy teams to advocate the interests of the Iraqi people at international fora, prepare for the delivery of humanitarian relief to Iraqis in need, and manage assistance provided under the Iraq Liberation Act (ILA).

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC), was established and operates pursuant to UNSCRs 687 (1991) and 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 2.6 million awards worth about \$32 billion. Of these, the United States Government has received approximately \$117 million from the UNCC for payment to U.S. claimants. Awards and the costs of the UNCC's operation are paid for from the Compensation Fund which is funded through the allocation to it of a certain percentage of the proceeds from authorized oil sales under Security Council Resolution 986 (1995) and subsequent extensions. The percentage has generally been set at 30 percent. However, for the current six-month phase of the "oil-for-food" program, beginning December 6 and ending June 6, there has been a temporary reduction in that percentage to 25 percent. The five percent difference will go to fund specific programs intended to meet pressing humanitarian needs of the Iraqi people.

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 while at the same time endeavoring to see that the humanitarian needs of the Iraqi population are addressed. The United States will continue to encourage and support those Iraqis working for 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.

