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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, September 5, 1996.

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 U.N. Security Council.

This report begins with a brief account of the Iraqi attack and seizure of the Kurdish-controlled city of Irbil in northern Iraq by Iraqi forces on August 31, and the United States response through September 4.

Saddam Hussein's latest actions in launching a large military action in northern Iraq provide fresh evidence that he is ready at any time to use force aggressively to achieve his ends and is a threat to his own people, to his neighbors, and to the peace of the region. Our intelligence disclosed an Iraqi military buildup underway near Irbil several weeks ago. On August 28, we warned Iraq not to use military force; Iraq ignored the warning, and, using a force of about 40,000 troops, many tanks, and hundreds of artillery pieces, quickly defeated the few thousand defenders in Irbil. As of September 4, Iraqi forces remain in control of Irbil; they have pulled their mechanized forces out, leaving behind security forces and a limited military presence. Iraq has previously threatened and continued to maintain the capability to launch no-notice attacks against other Kurdish-populated cities, two of which were subjected to shelling during the assault on Irbil.

Our response demonstrates to Saddam Hussein that he must cease all actions that threaten international peace and security. Our response has been directly targeted at the threat posed by Saddam's use of force:

—First, we have extended the no-fly zone in southern Iraq from 32 degrees to 33 degrees north latitude, a distance of 60 miles. This will deny Saddam control of Iraqi airspace from the Kuwaiti border to the southern suburbs of Baghdad and significantly restrict Iraq's ability to conduct offensive operations in the region, thus further reducing the threat he poses to his own people, his neighbors, and the international community generally. The no-fly zones were originally established pursuant to and in support of United Nations Security Council Resolutions (UNSCR) 678, 687, and 688, the latter of which condemned Iraq's repression of its civilian population, including its Kurdish population, as a threat to international peace and security in the region. Expanding the no-fly zone was a reasonable response to the enhanced threat posed by Iraq.

—Second, on September 3 and 4 we conducted strikes against fixed, surface-to-air missile sites, command and control centers, and air defense control facilities south of the 33rd parallel in Iraq. This area contains a major military training base, as well as two major air bases. These strikes were conducted using cruise missiles, both the Tomahawk cruise missile from the USS *Carl Vinson* Battle Group, which is located in the Persian Gulf, and conventional air launch cruise missiles from B–52Hs. This military action was pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief, and was consonant with Public Law 102–1, and section 1096 of the Defense Authorization Act for Fiscal Years 1992 and 1993 in which the Congress expressed its support of the use of all necessary means to achieve the goals of UNSCR 688, and will help ensure the safety of our forces enforcing the expanded no-fly zone. We will continue to monitor Iraqi actions carefully, and, if necessary, we will take further appropriate actions to deal with the threat posed by Iraq.

—Third, we have endorsed a halt to the implementation of UNSCR 986, which allows Iraq to sell certain amounts of oil to purchase food, medicine and other essential humanitarian goods for its people, including the Kurds. Irbil, the city seized by the Iraqis, is a critical distribution center for this aid. Until we are sure that these humanitarian supplies can actually get to those who need them, the implementation of UNSCR 986 cannot go forward.

In addition to its recent military attacks in northern Iraq, the Government of Iraq had, since my last report dated July 8, continued to flout its obligations under a number of Security Council resolutions in other ways. The terms of the Gulf War cease-fire with Iraq—outlined in UNSCR 687—require Iraq to grant the United Nations Special Commission on Iraq (UNSCOM) inspectors immediate, unconditional, and unrestricted access to any location in Iraq they wish to examine, and access to any Iraqi officials whom they wish to interview so that UNSCOM may fully discharge its mandate. Since my last report, however, Iraq continues to deny access to U.N. weapons inspectors to certain Iraqi government facilities. On July 16 and 18, investigators from UNSCOM were not permitted to enter a site where they believe Iraq may be hiding information on its weapons of mass destruction (WMD) programs.

On August 23, the Security Council adopted a formal statement in support of UNSCOM's mission in Iraq and cited Iraq's behavior as a gross violation of its international obligations. As long as Saddam refuses to cooperate fully with U.N. weapons inspectors, UNSCOM will be impeded in its efforts to fulfill its mandate to ensure that Iraq's WMD program has been eliminated. We will continue to fully support the mandate and the efforts of the Special Commission to obtain Iraqi compliance with relevant U.N. resolutions. We will not consider any modification of sanctions until Iraq is in compliance with all of its obligations to the Security Council.

Iraq remains out of compliance with numerous other requirements of the Security Council. Iraq continues to stall and obfuscate rather than work in good faith toward accounting for the hundreds of Kuwaitis and third-country nationals who disappeared at the

hands of Iraqi authorities during the occupation. Iraq refuses to return all of the Kuwaiti military equipment stolen during the occupation, as well as priceless Kuwaiti cultural and historical artifacts looted on instructions from Baghdad. Additionally, Iraq continues to provide refuge for known terrorists.

Saddam Hussein's unwillingness to comply with the norms of international behavior extends to his regime's continuing threat to Iraqi citizens throughout the country. We and our coalition partners continue to enforce the no-fly zones over northern and southern Iraq as part of our efforts to deter Iraq's use of aircraft against its population. Since my last report, we had already deployed approximately 2,000 military personnel to the U.S. Central Command area of responsibility to enhance the security of U.S. personnel throughout the region prior to the most recent developments in response to Saddam's new incursions in the north. On July 30, Turkey renewed the mandate for Operation Provide Comfort through the end of the year.

Iraq's repression of its Shi'a population continues with policies aimed at destroying the Marsh Arabs' way of life in southern Iraq as well as the ecology of the southern marshes. The human rights situation throughout Iraq remains unchanged. Saddam Hussein shows no signs of complying with UNSCR 688, which demands that Iraq cease the repression of its own people.

The United States, together with international and humanitarian relief organizations, continues to provide humanitarian assistance to the people of northern Iraq. Security conditions in northern Iraq remain tenuous at best, with Iranian and PKK (Kurdistan Workers Party) activity adding to the ever-present threat from Baghdad. We see no role for Iran in the area, and continue to advise all concerned not to involve themselves with Tehran.

On May 20, Iraq and the United Nations signed a Memorandum of Understanding setting forth the terms for the implementation of UNSCR 986, which among other things, will permit Iraq to sell $2 billion of oil to purchase food, medicine, and other materials and supplies for essential civilian needs. The United States has long supported implementation of UNSCR 986 to provide the Iraqi people the relief that Saddam refused to provide. We are working closely with the United Nations and others to see the resolution implemented as the Council intended: as a mechanism to bring relief to suffering Iraqis, while denying benefits to Saddam and his associates. However, as noted above, Iraq's recent actions have led to a freeze on implementation of UNSCR 986 until we can be sure those humanitarian supplies can actually get to those who need them.

In October 1994, the U.N. Security Council adopted Resolution 949, which demanded that Iraq not threaten its neighbors or U.N. operations in Iraq and that it not redeploy or enhance its military capacity in southern Iraq. In view of Saddam Hussein's proven record of unreliability, it is prudent to retain a significant U.S. force presence in the region in order to maintain the capability to respond rapidly to possible Iraqi aggression or threats against its neighbors. Throughout this period, an air expeditionary force has been deployed to the region.

The Multinational Interception Force (MIF) continues to provide a strong deterrent to Iraqi attempts to illegally export petroleum and other products from their ports on the Arabian Gulf. Since my last report, several cargo ships conducting illegal trade with Iraq have been diverted, denying Saddam Hussein the money and material this trade would otherwise bring. Over the summer months the MIF has diverted or turned away dozens of cargo vessels attempting to bring cargo into Iraq in violation of UNSCR 661.

All of the states of the Gulf Cooperation Council (GCC) have now accepted diverted vessels and have enforced the U.N. sanctions regime. Once vessels have been turned over, oil and agricultural product cargoes have been seized and sold and the proceeds deposited in the U.N. escrow account.

We are also expanding our efforts to force the deflagging of vessels involved in sanctions violations. In the past several months Honduras, Belize, St. Vincent and the Grenadines, India, Panama, and the United Arab Emirates have either deflagged or initiated proceedings against vessels involved in sanctions violations. This procedure will deny operators attempting to violate sanctions the means to accomplish their illegal actions.

We continue to archive significant foreign policy objectives by maintaining multinational participation in MIF. In recent months, we have received commitments or proposals for participation from New Zealand, Belgium, The Netherlands, Canada, the United Kingdom, and Australia. These efforts underscore our leadership in achieving international cooperation in enforcing sanctions, and they go far to ease the burden of these operations on our own Navy.

Should UNSCR 986 be implemented, the workload of the MIF will increase significantly. We have revised our Notice to Mariners, which governs the maritime regime in the Gulf, to emphasize the strict observance of authorized trade with Iraq. Our objective is to ensure that appropriate humanitarian supplies reach the needy in Iraq while denying profit or an increase in capability to Saddam Hussein's regime.

Our policy with respect to sanctions enforcement remains firm: sanctions continue to send a clear message to the Government of Iraq and those who would defy U.N. resolutions for profit, that there will be no lifting of sanctions until Iraq has fully established its peaceful intentions by complying with all relevant U.N. Security Council resolutions.

The United Nations Compensation Commission (UNCC), established pursuant to UNSCR 687, continues to resolve claims against Iraq arising from Iraq's unlawful invasion and occupation of Kuwait. Currently, the UNCC has issued over 900,000 awards worth approximately $3.7 billion. The UNCC has been able to authorize only limited payments for fixed awards for serious personal injury or death, as Iraq is not in compliance with all relevant U.N. Security Council resolutions, and U.N. sanctions remain in force. However, under UNSCR 986, if Iraq sells the full amount of oil initially authorized $600 million in revenue will go to the Compensation Fund, based on the requirement that 30 percent of oil sales proceeds be transferred into the fund. Because the UNCC has issued

just over $3 billion in awards, funds generated by this sale of oil will be sufficient to pay only a portion of the claims issued to date.

To conclude, Iraq remains a serious threat to regional peace and stability. I remain determined to see Iraq comply fully with all of its obligations under U.N. Security Council resolutions. My Administration will continue to oppose any relaxation of sanctions until Iraq demonstrates its peaceful intentions through such compliance.

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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