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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, March 8, 1995.

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.

The October 1994 provocation by Iraq is emblematic of Iraq's failure to demonstrate the "peaceful intentions" called for by the Security Council in Resolution 687, which ended the Gulf War. Indeed, since its recognition of Kuwait last November, Iraq has done nothing to comply with its numerous remaining obligations under Council resolutions. At its bimonthly review of Iraq sanctions in January, the Security Council voted unanimously to maintain the sanctions regime on Iraq without change. We shall also insist that the sanctions be maintained until Iraq complies with all relevant provisions of U.N. Security Council (UNSC) resolutions.

The December 1994 report to the Council by the U.N. Special Commission on Iraq (UNSCOM) makes clear how far from full compliance Iraq remains in the area of weapons of mass destruction (WMD). Continued vigilance is essential because we believe that Saddam Hussein is committed to rebuilding his WMD capability. While UNSCOM has made progress in setting up the mechanics of monitoring (e.g., installing cameras, tagging equipment, and establishing the Baghdad monitoring center), the regime continues to withhold evidence of its past weapons programs in violation of the resolutions. Indeed, in the report, UNSCOM Chairman Ekeus expressed his conviction "that important documentation (on past weapons programs) still exists and that the Iraqi authorities have taken a conscious decision not to release it freely to the Commission." In the same report, Chairman Ekeus makes clear that this information is necessary for a comprehensive weapons monitoring program.

In addition to noncompliance with the WMD provisions of Security Council resolutions, the regime remains in violation of numerous other Security Council requirements. The regime has failed to be forthcoming with information on hundreds of Kuwaitis and third-country nationals missing since the Iraqi occupation. In January, the Kuwaiti government submitted to the Secretary General a list of the military equipment looted from Kuwait during the War. Iraq has taken no steps to return this or other Kuwaiti property stolen during the occupation, with the exception of initial preparations for the return of one Kuwaiti airplane. During the January review of sanctions, Ambassador Albright presented to the Council

evidence acquired during Iraq's troop movements last October that proves that hundreds of pieces of Kuwaiti military hardware are now in the arsenals of Saddam Hussein's Republican Guard.

The UNSC resolutions regarding Iraq do not prevent the shipment of food or medicine to that country. Yet the Iraqi government continues to maintain an embargo against its northern provinces and to divert humanitarian supplies to its supporters and the military. The Iraqi government also still refuses to sell up to \$1.6 billion in oil as previously authorized by the Security Council in Resolutions 706 and 712. Iraq could use proceeds from such sales to purchase additional foodstuffs, medicines, and supplies for civilian needs. Instead, Iraq's refusal to implement Security Council Resolutions 706 and 712 causes prolonged and needless suffering.

The no-fly zones over northern and southern Iraq continue to deter Iraq from using its aircraft against its population. However, the Iraqi government continues its brutal campaign against its perceived enemies throughout the country. Iraqi forces periodically shell villages in the south and the north with artillery. In the south, Iraqi repression of the Shi'a population, and specifically the Marsh Arabs, continues, as does a policy of deliberate environmental devastation. In the last few years, the population of the marsh region has fallen sharply as Iraqi military operations have forcibly dispersed residents to other areas and thousands of Shi'a refugees have sought refuge in Iran. The traditional lifestyle of Iraq's Marsh Arabs, which has endured for centuries, may soon disappear altogether. In early February, Iraqi Shi'a oppositionists based in southern Iran launched a cross-border attack against Iraqi forces near Al-Qumamah but were repelled.

The Special Rapporteur of the U.N. Commission on Human Rights (UNHRC), Max van der Stoep, continues to report on the human rights situation in Iraq, including the Iraqi military's repression against civilian populations and the widespread phenomena of political killings, mass executions, and state-sponsored terrorism. He has reported the recent use by Iraq of new forms of punishment, such as the amputation of ears and hands and the branding of foreheads. The U.N. General Assembly condemned these mutilations in a December 1994 resolution. Clearly, the Government of Iraq has not complied with the provisions of UNSC Resolution 688 requiring it to cease repression of its own people.

The Special Rapporteur has asserted that the Government of Iraq has engaged in war crimes and crimes against humanity and may have committed violations of the 1948 Genocide Convention. The Special Rapporteur continues to call on the Government of Iraq to permit the stationing of human rights monitors inside Iraq to improve the flow of information and to provide independent verification of reports of human rights abuses. We continue to support Mr. van der Stoep's work and his call for monitors.

Baghdad's attempts to violate the U.N. sanctions continue unabated. Since the last report, 12 maritime vessels have been intercepted and diverted to Gulf ports for attempting to smuggle commodities from Iraq in violation of sanctions. Gulf States have cooperated with the Multinational Interdiction Force in accepting diverted ships and in taking action against cargoes in accordance

with relevant U.N. Security Council resolutions, including Resolutions 665 and 778.

For more than 3 years, the story has not changed; the Baghdad regime flouts the sanctions, demonstrates disdain for the United Nations and, in our view, engages in actions that constitute continuing violations of Security Council Resolutions 686, 687, and 688.

We are monitoring closely the plight of the civilian population throughout Iraq. Our bilateral assistance program in the north will continue, to the extent possible. We also will continue to make every effort, given the practical constraints, to assist the populations in southern and central Iraq through support for the continuation of U.N. humanitarian programs. Finally, we will continue to explore with our allies and Security Council partners means to compel Iraq to cooperate on humanitarian and human rights issues.

Security Council Resolution 687 affirmed that Iraq is liable under international law for compensating the victims of its unlawful invasion and occupation of Kuwait. The U.N. Compensation Commission (UNCC), has received 2.5 million claims worldwide, with an asserted value of \$160 billion. The United States has submitted 3,200 claims, with an asserted value of \$1.7 billion.

To date, the UNCC Governing Council has approved 59,000 individual awards, worth about \$240 million. About 500 awards totaling \$11.4 million have been issued to U.S. claimants.

The UNCC has been able to pay only the first small awards for serious personal injury or death (\$2.7 million). Unfortunately, the remainder of the awards cannot be paid at this time, because the U.N. Compensation Fund lacks sufficient funding. The awards are supposed to be financed by a deduction from the proceeds of future Iraqi oil sales, once such sales are permitted to resume. However, Iraq's refusal to meet the Security Council's terms for a resumption of oil sales has left the UNCC without adequate financial resources to pay the awards. Iraq's intransigence means that the victims of its aggression remain uncompensated for their losses 4 years after the end of the Persian Gulf War.

In sum, Iraq is still a threat to regional peace and security. Thus, I am determined to maintain sanctions until Iraq has fully complied with all its obligations under the UNSC resolutions and will oppose any discussions of the relaxation of sanctions until Iraq has demonstrated its overall compliance with the relevant Security Council resolutions. Ambassador Albright is traveling to Security Council capitals to convey my determination on this vital matter.

As I have made clear before, Iraq may rejoin the community of civilized nations by adopting democratic processes, respecting human rights, treating its people equally, and adhering to basic norms of international behavior. The Iraqi National Congress espouses these goals, the fulfillment of which would make Iraq a stabilizing force in the Gulf region.

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I appreciate the support of the Congress for our efforts, and will
continue to keep the Congress informed about this important issue.
Sincerely,

WILLIAM J. CLINTON.

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