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U.S. GOVERNMENT
INFORMATION
GPO

105th Congress, 2d Session – – – – – – – – – – – – – House Document 105–212

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)



FEBRUARY 5, 1998.—Referred to the Committee on International Relations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

59–011 WASHINGTON : 1998

THE WHITE HOUSE,
Washington, February 3, 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 November 26, 1997, to the present.

My last report included the U.N.-Iraq stand-off which began on October 29, 1997, when the Iraqi government announced its intention to expel all U.S. personnel working in Iraq for the U.N. Special Commission (UNSCOM). Iraq's apparent aim was to force UNSCOM's withdrawal or to significantly restrict its ability to function effectively and independently, thereby establishing an environment under which Iraq would restore its capacity to develop weapons of mass destruction (WMD) without restriction. In November, the members of the U.N. Security Council thwarted this effort through joint diplomacy and the use of Security Council resolutions—backed by the deployment of forces in the Gulf. This resulted in the Iraqi government's explicit commitment, on November 20, 1997, to allow UNSCOM inspectors, including those who are U.S. citizens, to return unhindered to their duties.

In violation of that commitment and of U.N. Security Council Resolution (UNSCR) 687 and subsequent resolutions, including 707, 1134, and 1137, Iraq has attempted again to dictate the composition of UNSCOM inspection teams and the terms of its compliance with Council resolutions. In addition, Iraq has persisted in its efforts to defy the Council by unilaterally imposing unacceptable conditions on the operations of UNSCOM. This report covering the last 60 days reflects the failure of the Government of Iraq to live up to its obligations under all applicable UNSC resolutions and its continued hindrance of UNSCOM's work.

In December 1997, the Iraqi government reiterated its longstanding refusal to allow any access to all so-called "Presidential" sites, and said it would limit access to so-called "sensitive" sites by UNSCOM inspectors.

On January 5, 1998, an inert rocket-propelled grenade struck a building in Baghdad that houses various U.N. elements, including UNSCOM headquarters, but caused no injuries. The Iraqi government denied responsibility but has yet to arrest any suspects.

On January 12, the Government of Iraq refused to cooperate with an UNSCOM inspection team, declaring that the team was dominated by too many "Anglo-Saxons". The team had been inves-

tigating, among other things, allegations that Iraq may have used human beings as experimental subjects in chemical and biological warfare development.

On January 17, the Iraqi government declared a Jihad (holy war) against U.N. sanctions and called for 1 million Iraqi citizens to undergo military training to prepare for any consequences.

During the last 60 days, UNSCOM launched two special inspection teams that once again targeted Iraq's "Concealment Mechanism" in order to ferret out WMD programs and documents that UNSCOM—and we—believe Iraq stubbornly retains. It became clear that the Iraqis had no intention of cooperating with these inspections as specifically called for in the most recent UNSCRs on the topic—Resolutions 1134 of October 23 and 1137 of November 12. The teams were stopped *en route,* denied access, and prevented from video-taping equipment movement or document-destruction activity at suspect sites.

Ambassador Butler, UNSCOM's Executive Director, traveled to Baghdad on December 12, 1997, and again on January 19, 1998, to attempt to obtain Iraqi assurance that UNSCOM can resume its work unhindered, including unfettered access to "Presidential" and "sensitive" sites. Following the January 19 meetings, the Iraqis continued to defy and challenge UNSCOM by refusing to discuss access to "Presidential" sites until after Technical Meeting talks have concluded in April. As Ambassador Butler reported to the Security Council on January 22, the talks were characterized by moments "of abuse and denunciation of UNSCOM and its professional officers; an attempt to apportion literally all blame to UNSCOM, past and present, for the fact that the disarmament task has not been completed and sanctions on Iraq remained in force." Throughout the UNSC has expressed its support for UNSCOM and its mission in five unanimous Presidential Statements since October 1997.

This record of intransigence is only the latest chapter in the long history of efforts by the Iraqi regime to flout its obligations under relevant UNSC resolutions. Without full disclosure and free access to all sites UNSCOM and the International Atomic Energy Agency (IAEA) with to inspect, the ongoing monitoring and verification mandated by relevant UNSC resolutions, including Resolutions 687, 707 and 715, cannot effectively be conducted. UNSCOM must be allowed to continue to investigate all of Iraq's programs until it can verify with absolute certainty that all the equipment has been destroyed and that all the capabilities have been eliminated. Otherwise, Iraq eventually will be free to develop the capacity to strike at any city in the Middle East, delivering biological, chemical and possibly even nuclear weapons.

BIOLOGICAL/CHEMICAL WEAPONS

Iraqi biological and chemical weapons are currently the most troubling issues for UNSCOM. This is due to the innate dual-use nature of the technology: biological and chemical agents can easily be hidden within civilian sectors, such as the pharmaceutical and pesticide industries. Iraq continues to prevent full and immediate access to sites suspected of chemical or biological warfare activities. UNSCOM is still unable to verify that all of Iraq's SCUD missile

warheads filled with biological agents—anthrax and botulinum toxin—have been destroyed.

NUCLEAR WEAPONS AND DELIVERY SYSTEMS

The Iraqi regime contends that UNSCOM and the IAEA should "close the books" on nuclear and missile inspections, but there are still many uncertainties and questions that need to be resolved. Iraq has failed to answer critical questions on nuclear weapons design and fabrication, procurement, and centrifuge enrichment; to provide a written description of its post-war nuclear weapons procurement program; and to account for major engine components, special warheads, missing propellants, and guidance instruments that could be used to assemble fully operational missiles.

U.S. FORCE LEVELS

The U.S. has led international efforts to secure UNSCOM the access and cooperation it must have to do its job. As a demonstration of our resolve, the aircraft carriers USS NIMITZ, USS GEORGE WASHINGTON, their accompanying battle group combatant ships, and additional combat aircraft have remained in the region. On January 15, the Government of the United Kingdom dispatched the aircraft carrier HMS INVINCIBLE and escort ships to the Gulf via the Red Sea.

United States force levels in the region include land- and carrier-based aircraft, surface warships, a Marine amphibious task force, a Patriot missile battalion, 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 have been deployed for continuous rotation. USCINCCENT continues to monitor closely the security situation in the region to ensure adequate force protection is provided for all deployed forces.

The U.S. and its coalition partners continue to enforce the no-fly zone 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. There have been no observed no-fly zone violations during the period covered by this report. We have repeatedly made clear to the Government of Iraq and to all other relevant parties that the U.S. and its partners will continue to enforce both no-fly zones.

United Nations Security Council Resolution 949, adopted in October 1994, demands that Iraq not use its military or any other forces to threaten its neighbors or U.N. operations in Iraq and that it not redeploy troops or enhance its military capacity in southern Iraq. In view of Saddam's accumulating record of brutality and unreliability, it is prudent to retain a significant U.S. force presence in the region to deter Iraq and respond rapidly to possible Iraqi aggression or threats against its neighbors.

We again take note of and welcome H. Res. 322 of November 13, 1997, expressing the sense of the House that the U.S. should act to resolve the crisis in a manner that assures full Iraqi compliance with UNSC resolutions regarding the destruction of Iraq's capability to produce and deliver WMD. While the increased forces in the

region give us a wide range of military options we remain committed to exhausting all diplomatic options before resorting to other alternatives.

SANCTIONS

United Nations sanctions against Iraq were imposed as the result of Iraq's invasion of Kuwait. It has been necessary to maintain them because of Iraq's failure to comply with all relevant UNSC resolutions, including those ensuring the destruction, removal, or rendering harmless of Iraq's WMD.

The Iraqi regime continues to insist on the need for rapid lifting of the sanctions regime, despite its record of noncompliance with its obligations under relevant resolutions, out of alleged concern for the well-being of the Iraqi people, claiming that malnutrition and inadequate medical care are the direct result of internationally imposed sanctions.

To the contrary, since their inception, the sanctions against Iraq have exempted food and medicines—evidence of the concern of the U.S. and the international community for the welfare of the Iraqi people. In August 1991, when Iraq claimed that it was unable to pay for its food needs, the Security Council adopted UNSCR 706 (and later 712), authorizing Iraq to sell limited amounts of petroleum on the international market, with the proceeds to be used to purchase humanitarian supplies and to fund vital U.N. activities regarding Iraq. The Government of Iraq, however, ignored the needs of its own people by refusing to accept UNSCR's 706 and 712.

In April 1995 the Security Council proposed a new oil-for-food offer to Iraq in UNSCR 986, sponsored by the U.S. and others. UNSCR 986 authorized the sale of up to $1 billion of oil every 90 days for a total of $2 billion during a 180-day period for Iraq to purchase food, medicines, and other "humanitarian items" for its people, and to fund specified U.N. activities regarding Iraq. The Government of Iraq delayed implementation of UNSCR 986 for a year and a half, until December 1996.

Since December 1996, the Iraqi regime has continued to obstruct and delay the relief plan. The regime delayed oil sales for two months in June and July 1997 under the second phase of the program (UNSCR 1111), and again for over one month in December 1997 and January 1998 under the third phase (UNSCR 1143).

The United States has consistently made clear our openness to improving the oil-for-food program to better meet the essential needs of Iraq's civilian population. The Secretary General has just submitted a report to this effect to the Council. We are prepared to consider carefully and favorably the Secretary General's suggestions to improve and expand the program. Expanding 986 would serve our humanitarian and strategic interests. First, the sanctions regime is aimed at the threat Saddam poses—not the Iraqi people. We should do whatever we can to ease their plight, consistent with our interests. Second, expanding 986 will make it more difficult for Saddam to use the plight of his people as a propaganda card in the Middle East and so help us shore up the anti-Saddam coalition. Third, by expanding oil-for-food, we will broaden and strengthen the U.N.'s grip on Iraq's revenues and expenditures, tightening the

leash on Saddam and making it more difficult for him to divert funds to the military and WMD.

Implementation of UNSCR 1051 continues. It provides for a mechanism to monitor Iraq's efforts to reacquire proscribed weapons capabilities by requiring Iraq to notify a joint UNSCOM/IARA unit in advance of any imports of dual-use items. Similarly, U.N. members must provide timely notification of exports to Iraq of dual-use items.

The Multinational Interception Force (MIF), operating under the authority of UNSCR 665, is aggressively enforcing U.N. sanctions in the Gulf. The U.S. Navy is the single largest component of this international naval force, augmented by ships and aircraft from Australia, Canada, Belgium, The Netherlands, New Zealand, and the United Kingdom. Member states of the Gulf Cooperation Council support the MIF by providing logistical support and shipriders who ensure that merchant ships do not deviate from their recorded courses to legal ports and by pulling vessels caught violating sanctions into member state ports.

Since my last report, the MIF has intercepted five sanctions violators in the Gulf. Ships involved in smuggling often utilize the territorial seas of Iran to avoid MIF inspections. We have given detailed reports of these illegal activities to the U.N. Sanctions Committee in New York.

The volume of illegal smuggling of petroleum products from Iraq continues to increase. Iraq is working to improve loading facilities in the Shatt Al Arab waterway and the continuing cooperation of the smugglers with Iran frustrates the naval forces which are restricted to international waters to carry out their duties. We estimate that over 200,000 metric tons of gasoil and other petroleum cargoes leave Iraq illegally each month. Profits from this illegal trade support Saddam at the expense of the Iraqi people.

The United Nations Compensation Commission (UNCC), established pursuant to UNSCR 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 approximately $6 billion. Thirty percent of the proceeds from the oil sales permitted by UNSCR's 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, 455 U.S. claimants have received an initial installment payment, and payment is in process for an additional 323 U.S. claimants.

HUMAN RIGHTS

The human rights situation throughout Iraq continues to be cause for grave concern. Reports that the Government of Iraq used humans as experimental subjects in its chemical and biological weapons programs have been noted above. Credible reports from numerous, independent sources indicate that the Government of Iraq also may have summarily executed anywhere from 800 to 1,500 political detainees in November and December 1997. Opposition groups have alleged that many of those killed were serving

sentences of 15–20 years for such crimes as insulting the regime or membership in an opposition political party. Max van der Stoel, Special Rapporteur for Iraq for the U.N. Human Rights Commission and Bacre Ndiaye, the Commission's Special Rapporteur for Summary Executions, are investigating these reports.

Iraq's repression of its Shi'a population continues, with policies that are destroying the Marsh Arabs' way of life in southern Iraq and the ecology of the southern marshes. Iraq continues to stall and obfuscate rather than work in good faith toward accounting for more than 600 Kuwaitis and third-country nationals who disappeared during or after the occupation of Kuwait, and nearly 5,000 Iranian prisoners of war captured by Iraq during the Iran-Iraq war. The Government of Iraq shows no sign of complying with UNSCR 688, which demands that Iraq cease the repression of its own people. The U.N. Human Rights Commission's Special Rapporteur on Iraq reported to the General Assembly his particular concern that extra-judicial, summary or arbitrary executions and the practice of torture continue to occur in Iraq.

Led by various independent Iraqi opposition groups and non-governmental organizations, the INDICT campaign—which seeks to document crimes against humanity and other violations of international humanitarian law committed by the Iraqi regime—continues to gain momentum.

Regarding northern Iraq, the cease-fire between the Kurdish parties, established November 24, 1997, as the result of U.S. efforts, continues to hold. In recent weeks, 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, which may signal a willingness to settle some of their differences. We will continue our efforts to reach a permanent settlement through mediation in order to help the people of northern Iraq find the permanent, stable accommodation 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. The Peace Monitoring Force—sponsored by the U.S., Great Britain and Turkey under the Ankara process and comprising Iraqi Turkomans and Assyrians—remains in garrison.

CONCLUSION

Iraq remains a serious threat to international peace and security. As I told the American people in my recent State of the Union address, our country is united in its view that Saddam Hussein cannot defy the will of the world. He has used weapons of mass destruction before. We are determined to deny him the capacity to use them again. I remain determined to see Iraq comply fully with all of its obligations under U.N. Security Council resolutions.

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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