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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
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THE WHITE HOUSE,
Washington, April 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 February 3, 1998, to the present.

Introduction

For much of the period covered by this report, Iraq was engaged in a serious challenge to the authority of the UNSC and the will of the international community. As documented in my last report, Iraq refused to allow U.N. Special Commission (UNSCOM) inspectors to carry out their work at a number of sites last December; Iraq's refusal to cooperate in spite of repeated warnings continued until the signing of the Memorandum of Understanding (MOU) between U.N. Secretary General Kofi Annan and Iraqi Deputy Prime Minister Tariq Aziz on February 23, and the endorsement of this agreement by the UNSC on March 2 when it adopted UNSCR 1154. Both the MOU and UNSCR 1154 reiterate Iraq's commitment to provide immediate, unconditional, and unrestricted access to UNSCOM and the International Atomic Energy Agency (IAEA). UNSCR 1154 also stresses that any further Iraqi violation of the relevant UNSC resolutions would result in the severest consequences for Iraq. Iraq's commitment is now in the process of being tested. A series of UNSCOM inspections of so-called "sensitive" sites in early March proceeded without Iraqi interference. On March 26, UNSCOM inspections of the so-called "presidential sites" began under the arrangements agreed to by UNSCOM Chairman Richard Butler and Iraqi Deputy Foreign Minister Tariq Aziz. The team of 60 UNSCOM inspectors, accompanied by 20 diplomatic observers, is conducting inspections of the so-called "presidential sites" through April 5. Chairman Butler traveled to Baghdad in mid-March for discussions with Iraqi officials concerning Iraq's missile and chemical weapons programs.

Throughout the crisis created by Iraq's refusal to cooperate with U.N. weapons inspectors, the objective of my Administration was to achieve effective inspections, preferably through a diplomatic solution. Our vigorous diplomatic efforts were backed by the credible threat to use force, if necessary. I consulted with our allies in the region as well as with the other members of the U.N. Security Council. Secretary of State Albright, Secretary of Defense Cohen, U.N. Ambassador Richardson, and other Administration officials

also pursued our objectives vigorously with foreign governments, including several trips to the region and to relevant capitals and at the United Nations. Our military forces responded quickly and effectively to support our diplomatic efforts by providing a credible military option, which we were prepared to use if Iraq had not ultimately agreed to meet its obligation to provide full access to USCOM and the IAEA.

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

As a demonstration of U.S. resolve during the recent crisis with Iraq, the aircraft U.S.S. *Independence*, U.S.S. *George Washington*, their accompanying battle group combatant ships, and additional combat aircraft have remained in the region. United States force levels in the region now 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. These U.S. forces were augmented by the H.M.S. *Illustrious* and accompanying ships from the United Kingdom.

In addition to the United Kingdom, a number of other nations have pledged forces to our efforts to compel Iraq's compliance with its commitments. Although all of the members of this international effort seek a peaceful diplomatic resolution of the crisis in Iraq, all have shown their resolve to achieve our common objective by military force if that becomes necessary. Without this demonstration of resolve to both use military force and impose the severest consequences on Iraq for any further Iraqi transgressions, it is unlikely that the MOU and UNSCR 1154 (see below) would have been achieved.

Twenty nations have deployed forces to the region or have readied their forces for contingency deployment. Those countries currently represented in the Gulf include Australia, Argentina, Canada, the Czech Republic, Kuwait, Netherlands, New Zealand, Romania, and the United Kingdom. Another 12 nations have offered important access, basing, overflight, and other assistance essential for the multi-national effort. Still others have identified force contributions that are being held in reserve for deployment should the need arise. United States and Allied forces in the region are prepared to deal with numerous contingencies, either conventional or weapons of mass destruction-related. UNSCR 949, adopted in October 1994, demands that Iraq not use its military forces to threaten its neighbors or U.N. operations in Iraq and that it not redeploy troops nor enhance its military capacity in southern Iraq. 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. This gives us the capability to respond rapidly to possible Iraqi aggression or threats against its neighbors.

Until Iraqi intent to comply with the MOU is verified, it will be necessary to maintain our current augmented force posture in the region. The ongoing inspections of the so-called "presidential sites" mark the next critical phase in the UNSCOM inspections process.

Once Iraqi compliance is assured, we will consider whether we can reduce our present force posture.

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. 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 United States and coalition partners will continue to enforce both no-fly zones, and that we reserve the right to respond appropriately and decisively to any Iraqi provocations.

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 international naval force, but it is 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, and accepting vessels caught violating sanctions.

Since my last report, the MIF has intercepted 15 sanctions violators in the Gulf for a total of over 25,000 metric tons of illegal Iraqi petroleum products. Ships involved in smuggling have often utilized 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 level of petroleum smuggling from Iraq appears to be decreasing. There are indications, still preliminary, that the Government of Iran may be taking steps to curb the flow of illegal petroleum products through its territorial seas. While it is too early to tell if Iran will completely and permanently stop this illegal traffic, we are hopeful that Iran will help enforce the provisions of UNSCR 661 and other relevant UNSCRs. In this regard, we note that the Iranian government has recently played a helpful role in enforcing the sanctions on air travel to and from Iraq by requiring that planes wishing to enter Iraq obtain the appropriate approval from the U.N. Sanctions Committee before overflying Iranian territory.

Recent actions by the United Arab Emirates (UAE) will greatly enhance our efforts to halt illegal exports from Iraq. After diplomatic consultations with the United States and our MIF allies, the UAE has significantly increased its level of cooperation with the MIF. These efforts have resulted in a significant 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.

While Iran and the UAE are taking positive steps, Iraq continues to improve loading facilities in the Shatt Al Arab waterway, which gives it the potential to smuggle even larger quantities of gas oil and fuel oil. The U.S. Government will seek to address this problem in the context of the expansion of the “oil-for-food” program approved under UNSCR 1153.

Iraqi Weapons of Mass Destruction: UNSCOM and the IAEA

Iraq’s refusal to cooperate fully and unconditionally with UNSCOM and the IAEA, which are tasked with tracking down and destroying Iraq’s weapons of mass destruction (WMD) programs, was once again at the heart of the latest crisis between the U.N. and Iraq.

On February 23, the United Nations Secretary General signed the MOU with the Government of Iraq reiterating Iraq’s obligation to cooperate fully and unconditionally with inspections by UNSCOM and IAEA for weapons of mass destruction. The agreement stipulates that Iraq will provide UNSCOM and IAEA weapons inspectors with immediate, unconditional, and unrestricted access to any suspect site inside Iraq, including presidential palaces, and provides for specific procedures for inspections at eight clearly identified presidential sites.

The recent crisis with Iraq was only the latest chapter in the long history of efforts by the Iraqi regime to flout its obligations under relevant UNSC resolutions. Iraq has persistently failed to disclose fully its programs for WMD. Iraq has admitted, when confronted with incontrovertible evidence, that it has repeatedly and consistently concealed information from UNSCOM and the IAEA and has moved significant pieces of dual-use equipment that are subject to monitoring in violation of its obligations. Without full disclosure and free access to all sites UNSCOM and IAEA wish to inspect, the ongoing monitoring and verification mandated by relevant UNSC resolutions, including Resolutions 687, 707, and 715, cannot effectively be conducted.

U.N. Security Council Resolution 1154

On March 2, the Security Council unanimously adopted resolution 1154, which welcomed the MOU and reiterated that Iraq must cooperate fully with UNSCOM and the IAEA. In the clearest possible terms, the Council warned Iraq in UNSCR 1154 that it will face the “severest consequences” if it fails to adhere to the commitments it reaffirmed in the MOU. This resolution is one of the strongest and clearest statements the Council has made in 7 years with regard to what Iraq must do to comply with its obligations, and what the consequences of failing to meet those obligations will be. This strong language of UNSCR 1154 is critical to ensuring that UNSCOM and IAEA can do their job and that Iraq is held accountable to its agreement. We welcomed Resolution 1154 and agreed with Secretary General Annan that, if respected, honored, and sustained, the agreement “could constitute one of the U.N.’s most important steps in addressing the consequences of Iraq’s invasion of Kuwait 7 years ago.”

Iraq’s compliance with the agreement is now being tested. Since the beginning of March, UNSCOM has pursued an intensive agen-

da of inspections, including inspections of so-called “sensitive” sites and “presidential sites” to which the Iraqis had previously blocked access. Iraq has not significantly obstructed access to any sites UNSCOM and the IAEA wished to visit since the MOU was signed. This may mean Iraq will comply with the relevant UNSC resolutions, but the testing process must continue until UNSCOM and the IAEA are fully satisfied. We have consistently stressed that full, unconditional, repeated access by UNSCOM to all sites, personnel, equipment, documents, and means of transportation provides the only means by which the world can make certain Iraq does not maintain or develop WMD. We have full faith and confidence in UNSCOM and its Executive Chairman.

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, for biological agents, the pharmaceutical industry and, for chemical agents, the pesticide industry. 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 never provided a full and accurate account of its indigenous efforts to develop nuclear weapons and prohibited long-range missiles. Among the many problems, Iraq has failed to answer critical questions on nuclear weapons design and fabrication, procurement, and centrifuge enrichment; failed to provide a written description of its post-war nuclear weapons procurement program; and failed to account for major engine components, special warheads, missing propellants, and guidance instruments that could be used to assemble fully operational missiles. Until Iraq complies with its obligation to provide a full accounting of these and other relevant aspects of its program, the questions must remain open.

Iraq’s Concealment Mechanisms

The U.N. Special Commission’s work must include vigorous efforts to expose Iraq’s “Concealment Mechanism.” During the last 60 days, but before signature of the MOU, UNSCOM launched two special inspection teams that once again targeted this mechanism in order to ferret out WMD programs and documents that UNSCOM—and we—believe Iraq stubbornly retains. Unfortunately, it became clear that the Iraqi government 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, 1997, and 1137 of November 12, 1997. The teams were stopped *en route*, denied access, and prevented from videotaping equipment movement or document-destruction activity at suspect sites.

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 quickly develop the ability to strike at any city in the region—and perhaps even as far as Europe—with weapons of mass destruction.

Dual-Use Imports

United Nations Security Council Resolution 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's efforts to reacquire proscribed weapons. Iraq must notify the unit before it imports any items that can be used in both military 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.N.'s Oil-for-Food Program

On February 20, the Security Council adopted resolution 1153, which expands to \$5.2 billion the amount of oil Iraq is authorized to sell every 6 months. The previous amount was \$2.0 billion every 6 months. Resolution 1153 states that the nutritional and health requirements of the Iraqi people are the top priority and allocates \$1 billion to rebuild hospitals, schools, water, and sanitation facilities. 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. We 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 3 months, all the while blaming the U.N. and the United States for disruptions in the flow of food and medicine that it had caused. We will be watching closely to determine how the Government of Iraq performs under UNSCR 1153. The Iraqi government refused to provide appropriate input to the Secretary General's report of January 30 on Iraq's humanitarian needs, which provide the basis for determining allocations under UNSCR 1153. On February 5, Iraq sent its official "observations" on that report to the Secretary General, rejecting many of its proposals and recommendations to alleviate the suffering of the Iraqi

people without stating whether or not the Government of Iraq would “accept” the resolution. The U.N. Secretariat continues to work to reach agreement with Iraq on implementing UNSCR 1153.

Among its other provisions, UNSCR 1153 calls for an independent assessment of Iraq’s oil infrastructure to ascertain whether it can export enough oil to cover the \$5.2 billion oil export ceiling. Based on this report, the Secretary General will recommend to the UNSC whether repairs to Iraq’s oil infrastructure will be needed to meet the new export target. The United States is prepared to support only those oil infrastructure repairs needed to fund the expanded humanitarian program.

The U.N. must carefully monitor how Iraq implements resolution 1153. The Iraqi government continues to insist on the need for rapid lifting of the sanctions regime, despite its record of non-compliance with its obligations under relevant U.N. resolutions. Saddam Hussein has exploited the suffering he himself has imposed on his people to build sympathy for Iraq and its government and to create pressure to lift the sanctions. In the meantime, he has continued to build lavish palaces that benefit only the elite within his regimes.

War Crimes and The Human Rights Situation in Iraq

The human rights situation throughout Iraq continues to be a cause for grave concern. U.N. Special Rapporteur for Iraq, Max Van der Stoep, is investigating credible reports from numerous, independent sources that the Government of Iraq may have summarily executed hundreds—perhaps thousands—of political detainees in November and December 1997. According to these 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 that bore, in some cases, clear signs of torture. In addition, the possibility that the government used humans as experimental subjects in its chemical and biological weapons programs remains a grave concern.

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, the government continues the forced expulsion of tens of thousands of ethnic Kurds from Kirkuk and other cities. The government continues to stall and obfuscate, rather than work in good faith toward accounting for more than 600 Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during or after the occupation of Kuwait, and the nearly 5,000 Iranian prisoners of war taken prisoner 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. Special Rapporteur reported to the General Assembly his particular concern that extrajudicial, summary or arbitrary executions, and the practice of torture continue to occur in Iraq.

The INDICT Campaign

The INDICT campaign continues to gain momentum. Led by various independent Iraqi opposition groups and nongovernmental or-

ganizations, this effort seeks to document crimes against humanity and other violations of international humanitarian law committed by the Iraqi regime. We applaud the tenacity of the Iraqi opposition in the face of one of the most repressive regimes in history. We take note of, and welcome, Senate Resolution 179 of March 13 expressing the sense of the Senate concerning the need for an international criminal tribunal to try members of the Iraqi regime for war crimes and crimes against humanity.

March 16, 1998, marked the tenth anniversary of the Iraqi military's devastating chemical attack on the Iraqi Kurdish town of Halabja. As many as 5,000 civilians were killed. More than 10,000 were injured. The Iraqi regime never expressed remorse for Halabja. In fact, the regime defended its use of chemical weapons in its war with Iran by claiming, "every nation has the right to protect itself against invasion," even though a 1925 Geneva Protocol, to which Iraq is subject, outlaws the use of chemical weapons. Ten years after the massacre, the people of Halabja still suffer from the effects of the attack, including much higher rates of serious diseases (such as cancer) birth defects, and miscarriages. The sympathies of the United States are with the people of Halabja and other victims of Iraqi chemical attacks as we remind ourselves and the international community that the U.N. must remain vigilant to stop Iraq from reacquiring weapons of mass destruction.

Northern Iraq

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 have commenced. 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 that 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 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, 457 U.S. claimants have received an initial installment payment, and payment is in process for an additional 323 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 U.N. Security Council 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.

