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IRAQ'S COMPLIANCE WITH UN SECURITY COUNCIL RESOLUTIONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

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



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THE WHITE HOUSE,
Washington, July 13, 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) 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.

Sincerely,

GEORGE W. BUSH.

STATUS OF U.S. EFFORTS REGARDING IRAQ'S COMPLIANCE WITH UN SECURITY COUNCIL 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 are conducting an Iraq policy review to determine the best means of advancing our interests. We are working to strengthen the international consensus on the need to change the international community's approach to Iraq. We are also considering how best to achieve our objective of helping Iraqis liberate themselves and how best to use the No-Fly Zones to ensure the safety of the Kurds and Iraq's neighbors.

We will continue to counter the threats posed by Iraq, but, over the long term, the most effective and lasting way to end this threat is through a change of government in Baghdad. To this end, we support the Iraqi opposition as part of our program to support a transition in Iraq. We are committed to helping the opposition make progress in reestablishing its presence, developing its plans, beginning administrative and some program operations using U.S. funding, and beginning training under the Iraq Liberation Act (ILA).

Iraq continues to reject United Nations Security Council (UNSC) 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 to Iraq. 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 May 24, 2001, UNMOVIC updated the UNSC on measures it is taking to prepare for inspections in Iraq, and indicated it "is ready to take up the full tasks mandated to it by the Council." We consult regularly with Dr. Blix and his staff to provide the best support possible. In its semi-annual report to the UNSC on April 6, 2001, the IAEA indicated it is similarly prepared.

Ambassador Yuli Vorontsov, the Secretary General's high-level coordinator for Kuwait Issues, presented his semiannual report on stolen Kuwaiti property on June 20, 2001, and on April 20, 2001, he submitted his periodic report to the Council on Kuwaiti and third-country national prisoners. Both of these reports demonstrate Iraq's continuing failure to comply fully with its obligations under relevant UNSC Resolutions (UNSCRs). 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 exported $17.8 billion

worth of oil in 2000 with the proceeds going to an UN-controlled escrow account. On June 3, 2001, the Council extended the current phase of the program for an additional 30 days and then passed a five-month extension on July 3.

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 Baghdad and respond to any threat it might pose to its neighbors, the reconstitution of its weapons of mass destruction (WMD), 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. The United States Government is conducting an Iraq policy review on a number of these issues.

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 are routinely tracked by Iraqi radar, fired upon daily by anti-aircraft artillery, and attacked by surface-to-air missiles. Our aircrews continue to respond in self-defense to threats against and attacks on our aircraft patrolling the No-Fly Zones in accordance with Central Command's well-established response options.

Maritime intercept operations

The U.S.-led maritime Multinational Interception Force (MIF) continues to enforce UN sanctions in the Gulf. The United States continues to approach potential participants in the MIF to augment current partners. Canadian and British forces are currently operating with U.S. forces, and Australia plans to send a frigate and a maritime patrol aircraft in late summer. An Argentine boarding team completed its deployment in March. For the first time in years, however, the Dutch have declined to participate this year, citing fiscal priorities.

In large part, member states of the Gulf Cooperation Council (GCC) continue to support the MIF. The UAE still accepts the vast majority of vessels diverted for violating UN sanctions against Iraq, with Kuwait a distant second. A recent oil spill caused the UAE to exhibit some reluctance to accept diverted vessels. While that reluctance was overcome, it is unclear whether the UAE will continue to be as cooperative as in the past. Other GCC nations are even more hesitant to accept diverted vessels (Qatar has refused), but all provide support in some form to the enforcement of UNSCRs against Iraq.

From March through May 2001, monthly totals of smuggled petroleum products through the Gulf averaged approximately double what they were in the previous three-month period, probably due to the use of larger smuggling vessels. Iran continues to deny use of its territorial waters to all but the largest of smuggling vessels from which significant fees can be obtained.

The MIF, and our ability to rapidly augment it, will continue to serve as a critical deterrent to the smuggling of prohibited items and products into and out of Iraq. As our Iraq policy develops, we will need to assess whether MIF force levels are adequate.

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 UNSCR 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.

UNMOVIC has largely 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 four training courses and is planning to hold a fifth course in late 2001 or early 2002. The United States continues to provide 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 May 24, 2001, UNMOVIC updated UNSC on measures it is taking to prepare for inspections in Iraq. IAEA similarly updated the UNSC on April 6, 2001.

Dual-Use imports

Although the "oil-for-food" program revenues are designated for humanitarian purposes only, we remain concerned that Iraq is abusing 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 (unless the items are on a list pre-approved for expedited humanitarian export) to ensure that items that are explicitly prohibited or are "dual-use," which pose a significant risk of diversion to prohibited uses, are not allowed to be imported. For instance, under the rubric of importing goods for humanitarian need, Iraq has been able to upgrade its communication infrastructure, which has benefited its military's command and control. We are continuing work aimed at refining controls to prevent Iraq's acquisition of prohibited items.

UNSCR 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's authorized imports of WMD dual-use items (WMD dual-use goods are also known as "1051-listed goods). Under UN Security Council resolution 1284, UNMOVIC has assumed this responsibility from UNSCOM, with the added requirement to identify if, in their estimation, a contract contains a 1051-listed good.

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 dual-use contracts that otherwise likely would have been approved with UNMOVIC/IAEA monitoring.

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 UNSCR 1284, the UNSCR authorized Iraq to export as much petroleum and petroleum products through designated export points as required to meet the humanitarian needs of the Iraqi population and for other specified purposes. Under UN control, the proceeds are used to purchase humanitarian goods, fund UN Compensation Commission awards against Iraq arising out of its invasion and occupation of Kuwait, and to meet UN administrative costs. As of June 15, Iraq had exported more than $5.7 billion worth of oil during the ninth six-month phase of the "oil-for-food" program, which began on December 5, 2000. According to UN data since the start of the "oil-for-food" program, 14,971 contracts for humanitarian goods worth over $21 billion have been approved through March 31, 2001. 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. The approach we have outlined in UNSCR 1352 would eliminate holds, while ensuring that the Iraqi regime has less access to the goods most important to its re-armament efforts.

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. This program has led to a marked contrast between the health of the population of the north, where indicators show an improvement, and of the population living in the areas where the UN does not administer the program. 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 most of Iraq's oil revenues.

However, as noted in a May 18 UN report, the Government of Iraq is not committed to using the funds available through the "oil-for-food" program to improve the health and welfare of the Iraqi people. Reduced oil exports could cost the program more than $3 billion. All oil exports were suspended June 4, following the adoption of UNSCR 1352, extending the program for 30 days. Another $3.3 billion remain unobligated in the "oil-for-food" escrow account. In addition, Iraqi contracting delays, cuts in food, medicine, educational and other humanitarian sectors, and government attempts to shut down humanitarian nongovernmental organizations (NGO) operations in northern Iraq, demonstrate that the Iraqi regime is attempting to undermine the effectiveness of the program.

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 UNSCR 1284, and

other relevant UNSCRs, better enables the humanitarian needs of the Iraqi people to be met while denying p9olitical or military benefits to the Baghdad regime.

Flight control regime

UNSC resolutions are open to competing interpretations regarding intentional flights to Baghdad. The UNSC has so far unsuccessfully attempted to reach a consensus agreement on new procedures for international flights. In the absence of an agreement, we continue to press for adherence to existing Sanctions Committee procedures, which allow for Committee approval of flights with a demonstrable humanitarian purpose. Most flights have complied with those procedures.

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 severely short of international norms. 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 9 years the Iraqi Government has refused to allow the UN Human Rights Commission's Special Rapporteur for Iraq to visit the country. UN human rights monitors have never been allowed in. On April 18, the United Nations Commission on Human Rights strongly condemned "the systematic, widespread, and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

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 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 greatest 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. Saddam's security apparatus continues to repress Shias.

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 and a government prepared to live in peace with its people and its neighbors.

We have extended our agreement with the Iraqi National Congress (INC), providing an additional $6 million for its activities. This funding will allow the INC to continue operations at its headquarters, begin satellite television and radio broadcasting, undertake outreach programs to further develop its 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, maintain an information collection program, and manage assistance provided under the Iraq Liberation Act.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC), was established and operates pursuant to UNSCRs 687 (1991) and 692 (1991). The Commission 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 $34.6 billion. Of these, the United States Government has received approximately $192.3 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 UNSCR 986 (1995) and subsequent extensions. The allotment has generally been set at 30 percent. However, for the last six-month phase of the "oil-for-food" program, beginning December 6, 2000, and ending June 6, 2001 and for the subsequent one-month extension of that phase, there has been a temporary reduction in that allotment to 25 percent. The 5 percent difference was to 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. The Iraqi regime's record on human rights continues to be abysmal. The United States remains 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.

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