

readily be destroyed with conventional explosives.

At the same time, these weapons can be misused in a manner that could cause heavy civilian casualties. In particular, the Protocol prohibits the use of air-delivered incendiary weapons against targets located in a city, town, village, or other concentration of civilians, a practice that caused very heavy civilian casualties in past conflicts.

The executive branch has given very careful study to the Incendiaries Protocol and has developed a reservation that would, in our view, make it acceptable from a broader national security perspective. This proposed reservation, the text of which appears in the report of the Department of State, would reserve the right to use incendiaries against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and less collateral damage than alternative weapons.

The third of these three Protocols—the new Protocol on Blinding Lasers—prohibits the use or transfer of laser weapons specifically designed to cause permanent blindness to unenhanced vision (that is, to the naked eye or to the eye with corrective devices). The Protocol also re-

quires Parties to take all feasible precautions in the employment of other laser systems to avoid the incidence of such blindness.

These blinding lasers are not needed by our military forces. They are potential weapons of the future, and the United States is committed to preventing their emergence and use. The United States supports the adoption of this new Protocol.

I recommend that the Senate give its early and favorable consideration to these Protocols and give its advice and consent to ratification, subject to the conditions described in the accompanying report of the Department of State. The prompt ratification of the amended Mines Protocol is particularly important, so that the United States can continue its position of leadership in the effort to deal with the humanitarian catastrophe of irresponsible landmine use.

WILLIAM J. CLINTON

The White House,
January 7, 1997.

NOTE: This message was released by the Office of the Press Secretary on January 8.

Letter to Congressional Leaders Reporting on Iraq's Compliance With United Nations Security Council Resolutions

January 7, 1997

Dear Mr. Speaker: (Dear Mr. President:)

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 (UNSC). This report covers the period from November 4 to the present.

Saddam Hussein remains a threat to his people and the region. The United States successfully responded to the increased threat resulting from Saddam's attack on Irbil in late August, but he continues to try to manipulate local rivalries in northern Iraq to his advantage. The United States and our coalition partners continue to enforce the no-fly zone over southern Iraq. Enforcement of the northern no-fly zone

also continues uninterrupted, despite a restructuring of operations. Because of changes in its mission as a result of the closing last fall of the Military Command Center (MCC) in the city of Zakho, Iraq and the shift of humanitarian assistance in the north under UNSCR 986 to international organizations, the designation "Provide Comfort" will no longer be used to describe the operation. The United Kingdom will continue to take part in this mission; however, France has chosen not to continue to participate in this endeavor. None of these changes affect our firm commitment to ensuring that the northern no-fly zone is fully enforced.

Besides our air operations, we will continue to maintain a strong U.S. presence in the region in order to deter Saddam. U.S. force levels have returned to approximate pre-Operation Desert

Strike levels, with land and carrier based aircraft, surface warships, a Marine amphibious task force, a Patriot missile battalion, and a mechanized battalion task force deployed in support of USCINCENT operations. As an additional deterrent against Iraqi aggression, F-117 aircraft remain deployed to Kuwait. Since submission of my last report, USCINCENT has completed the initial phases of Operation Desert Focus, with the relocation and consolidation of all combatant forces in Saudi Arabia into more secure facilities throughout Saudi Arabia. To enhance force protection throughout the region, additional military security personnel have been deployed for continuous rotation. USCINCENT continues to closely monitor the security situation in the region to ensure adequate force protection is provided for all deployed forces.

United Nations Security Council Resolution (UNSCR) 949, adopted in October 1994, demands 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's reinforced 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.

In northern Iraq, we have made some limited progress in strengthening the October 23 cease-fire and encouraging political reconciliation between the two main Iraqi Kurd groups, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Assistant Secretary of State for Near Eastern Affairs Robert Pelletreau co-chaired talks between the KDP and the PUK in Turkey on October 30 and November 15, alongside representatives of the Turkish and British governments. During these talks, we obtained agreement from the two parties that the neutral, indigenous Peace Monitoring Force (PMF) would demarcate and observe the cease-fire line. To support the PMF, I have directed, under the authorities of sections 552(c) and 614 of the Foreign Assistance Act of 1961, as amended, the drawdown of up to \$4 million in Department of Defense commodities and services, and the Secretary of State has made a determination under which we will provide up to \$3 million for uniforms, tents, generators and other non-lethal supplies. Issues related to PMF operations are discussed regularly by a

Supervisory Peace Monitoring Group that meets in Ankara and is composed of U.S., U.K. and Turkish representatives, as well as members of the indigenous relevant parties. In these and other high level meetings, this Administration has consistently warned all concerned that internecine warfare in the north can only work to the advantage of Saddam Hussein and Iran, which we believe has no role to play in the area. In this connection, we remain concerned about the KDP's links to Baghdad and the PUK's ties to Iran.

Despite the cease-fire and other efforts, many residents of northern Iraq continued to face threats from Baghdad due to their association with U.S.-affiliated nongovernmental organizations, who had undertaken relief work in northern Iraq over the past few years. In response, this Administration, with the assistance of Turkey, conducted a third humanitarian evacuations operation of approximately 3,780 residents of northern Iraq whose lives were directly threatened by the Iraqi regime. All of the evacuees are being processed on Guam under the U.S. refugee resettlement program, while most of the 2,700 evacuated under two previous operations are now resettled in the United States.

The United States, working through the United Nations and humanitarian relief organizations, continues to provide humanitarian assistance to the people of northern Iraq. We have contributed more than \$15 million this fiscal year to programs in the north administered by the U.N. International Children's Emergency Fund (UNICEF) and the World Food Program (WFP). 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.

On December 9, the U.N. Secretary General submitted his formal report to the UNSC stating that all necessary conditions for implementation of UNSCR 986 had been met. Following this action, the resolution went into effect 12:01 a.m. on December 10. UNSCR 986 authorizes Iraq to sell up to \$2 billion of oil during an initial 180-day period, with the possibility of UNSC renewal of subsequent 180-day periods. Resolution 986 provides that the proceeds of this limited oil sale, all of which must be deposited in a U.N. escrow account, will be used to purchase food, medicine, and other materials and supplies for essential civilian needs for all Iraqi

citizens, and to fund vital U.N. activities regarding Iraq. Critical to the success of UNSCR 986 is Iraq's willingness to follow through on its commitments under 986 to allow the U.N. to monitor the distribution of food and medical supplies to the Iraqi people.

We have already seen good evidence that the safeguards systems is working: when Saddam Hussein pushed a button in Kirkuk on December 10 to turn on the flow of oil before any oil contracts had been approved by the U.N., the U.N. made him turn it off. The oil flow began again, under proper U.N. supervision, a short time later.

The Government of Iraq has, since my last report, continued to flout its obligations under a number of Security Council resolutions in other ways. Under the terms of relevant UNSC resolutions, Iraq must 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 official whom they wish to interview, so that UNSCOM may fully discharge its mandate. Iraq continues, as it has for the past 5 years, to fail to live up either to the letter or the spirit of this commitment.

In his October 11 semiannual written report to the Security Council, UNSCOM Executive Chairman Rolf Ekeus outlined in comprehensive detail Iraq's past and ongoing efforts to conceal evidence of its weapons of mass destruction (WMD) programs. In his December 18 briefing to the Security Council, Ekeus urged it to take action to reverse Iraq's current blocking of UNSCOM removal of 130 SCUD motors from Iraq for analysis. As reported to the press by Security Council President Fulci that day, Ekeus informed the Council that he thought significant numbers of SCUD missiles still exist in Iraq. 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 all relevant U.N. resolutions.

The implementation of the export/import monitoring mechanism approved by the Security Council in Resolution 1051 began on October 1. Resolution 1051 approved a mechanism to monitor Iraq's undertaking to reacquire proscribed weapons capabilities by requiring that

Iraq inform the U.N. in advance of any imports of dual-use items and that countries provide timely notification of the export to Iraq of dual-use items.

Iraq also 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. It has also failed to return all of the stolen Kuwaiti military equipment and the priceless Kuwaiti cultural and historical artifacts, which were looted during the occupation.

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 Multinational Interception Force (MIF) remains on station in the Arabian Gulf. Our commitment to the enforcement of the sanctions regime is clearly demonstrated by the significant investment we have made with our naval forces in this area. Since my last report, 10 vessels have been intercepted and diverted for sanctions violations. Most of the vessels diverted have been engaged in illegal oil smuggling, but in recent weeks, we have begun to intercept smaller boats attempting to smuggle Iraqi dates as well. Traditionally, our naval forces encounter an increase in date smugglers as Ramadan approaches.

We continue to note suspected smugglers using the territorial waters of Iran to avoid interception by the MIF. Due to the geography of the Gulf, it is possible to transit from Iraqi ports to the UAE and the Indian Ocean without entering international waters. We believe, and have confirmed in some instances, that smugglers utilize these routes to export Iraqi petroleum products in violation of UNSCR 661. We believe that there are elements within the Iranian government who profit from charging "protection fees" for the safe passage through Iranian waters. We have presented evidence of this to the United Nations Sanctions Committee, and I am pleased to report that the Committee has decided to admonish Iran for failing to halt sanctions violators in its waters.

The recent implementation of UNSCR 986 will increase the workload of our naval forces participating in the MIF. We are prepared to meet the increased monitoring effort in the coming months. The surge in maritime traffic expected to occur with the implementation of UNSCR 986 will necessitate extreme vigilance to ensure that those who would profit from illegal trade with Iraq are not given the opportunity to succeed.

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. The UNCC has issued over 1 million awards worth approximately \$5.2 billion. At its most recent meeting, the UNCC Governing Council approved an award of \$610 million on the claim by the Kuwait national oil company for the costs of extinguishing the oil well fires ignited by Iraq at the end of the Gulf War. The UNCC has authorized to date only limited payments for fixed awards for serious personal injury or death because additional funds to pay awards have been unavailable due to Iraq's refusal to comply with all relevant sanctions. With the advent of oil sales under

UNSCR 986, however, 30 percent of the proceeds (which is anticipated to be as much as \$100 million per month) will be allocated to the Compensation Fund. These proceeds will be used to make installment payments on awards already made and to finance the operations of the UNCC.

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

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Strom Thurmond, President pro tempore of the Senate. This letter was released by the Office of the Press Secretary on January 8.

Message to the Congress Transmitting Legislation on the Appointment of the United States Trade Representative *January 8, 1997*

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration and enactment legislation to provide a waiver from certain provisions relating to the appointment of the United States Trade Representative.

This draft bill would authorize the President, acting by and with the advice and consent of the Senate, to appoint Charlene Barshefsky as the United States Trade Representative, notwithstanding any limitations imposed by certain provisions of law. The Lobbying Disclosure Act of 1995 amended the provisions of the Trade Act of 1974 regarding the appointment of the United States Trade Representative and the Deputy United States Trade Representatives by imposing certain limitations on their appointment. These limitations only became effective

with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives on January 1, 1996, and do not apply to individuals who were serving in one of those positions on that date and continue to serve in them. Because Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, and has continued to serve in that position since then, the limitations in the Lobbying Disclosure Act, which became effective on January 1, 1996, do not apply to her in her capacity as Deputy United States Trade Representative and it is appropriate that they not apply to her if she is appointed to be the United States Trade Representative.