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LEGISLATION TO IMPOSE SANCTIONS AGAINST IRAQI CHEMICAL USE

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

H.R. 5337

SEPTEMBER 22, 1988

Printed for the use of the Committee on Foreign Affairs

U.S. GOVERNMENT PRINTING OFFICE

90-437 WASHINGTON : 1988

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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LEGISLATION TO IMPOSE SANCTIONS AGAINST IRAQI CHEMICAL USE

THURSDAY, SEPTEMBER 22, 1988

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met in open markup session at 1:10 p.m., room 2172, Rayburn Building, Washington, DC, Hon. Dante B. Fascell (chairman) presiding.

Chairman FASCELL. The first order of business is H. Con. Res. 369 which the chief of staff will report please.

[Whereupon the committee proceeded to other business.]

Chairman FASCELL. Now the next order of business is draft legislation concerning the use of chemical weapons by Iraq.

The purpose of the draft legislation is to demonstrate Congressional concern against Iraq's use of chemical weapons against its Kurdish population. This legislation enjoys strong bipartisan support and puts the Committee on record demanding that the Iraqi use of poison gas against Kurdish rebels and civilians must stop, that Iraqi abuses of Kurdish human rights must end, that the ceasefire between Iran and Iraq must hold, and that peace negotiations must progress.

On September 8, 1988, Secretary of State Shultz stated that all the evidence available had convinced United States Government that Iraq has used chemical weapons in its military campaign against the Kurdish rebels and that the most recent use had taken place in August, after the ceasefire with Iran, causing tens of thousands of Kurds to flee to Turkey.

Briefly, the legislation being considered takes a graduated approach to sanctions, invoking some sanctions immediately and specifying other sanctions that may be imposed in the future. The immediate sanctions deliver the urgent message that the use of chemical weapons by Iraq must cease and there must be assurances by Iraq that chemical weapons will not be used in the future. If such assurances are not forthcoming, the President must then invoke additional sanctions, which are specified in the legislation. This approach allows some time and flexibility to achieve a successful diplomatic solution without undermining the ceasefire agreement.

While this measure deals chiefly with the abhorrent use of chemical weapons by the Iraqi Government, our concern for the long-suffering Kurdish minority in Iraq extends beyond the use of chemical weapons. Thus the resolution urges the Iraqi Government to re-

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spect the internationally recognized human rights of the Kurds and calls upon the President to work with other nations to help achieve those rights.

While we are addressing the situation in Iraq in this legislation I am convinced more than ever that we must intensify our efforts to stop the proliferation of chemical weapons. It would be a grave mistake to allow the use of chemical weapons to slip by as tolerable behavior. Success in the multilateral chemical weapons negotiations in Geneva, a halt in our own new nerve gas production program and more vigorous work with chemical suppliers' groups could contribute to halting the proliferation of chemical weapons and help assure that they will not be used in the future.

Is there any further discussion or amendments? If not, the question is on approving the draft committee legislation. We will introduce this measure and formally act on it before the committee concludes its action today.

The chief of staff will report the draft bill.

Mr. BRADY. A bill to provide for the imposition of sanctions on Iraq. Be it enacted by the——

Chairman FASCELL. Without objection further reading of the draft will be dispensed with and printed in the record in full, open for amendment at any point.

[Draft legislation follows:]

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HLC

[COMMITTEE PRINT]

September 22, 1988

100TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ (for himself,)
introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for the imposition of sanctions on Iraq.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Sanctions Against Iraqi Chemical Weapons Use Act''.

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SEC. 2. FINDINGS.

The Congress finds that--

(1) the Kurdish people constitute a distinct ethnic group of some twenty million, with an ancient history and a rich cultural heritage;

(2) three to four million Kurds are citizens of Iraq, residing in the northern part of that country;

(3) the Iraqi Army has undertaken a military campaign against Kurdish regions of Iraq and has destroyed Kurdish villages in northern Iraq;

(4) substantial evidence exists that the Iraqi Army has been using chemical weapons against Kurdish insurgents and unarmed Kurdish civilians;

(5) by these and other actions against the Kurds, Iraq has violated their internationally recognized human rights;

(6) tens of thousands of Kurdish survivors of the Iraqi Army assaults have taken refuge in Turkey;

(7) several United Nations teams have confirmed that Iraq has used chemical weapons in its war with Iran; and

(8) Iraq's use of chemical weapons is a gross violation of international law.

SEC. 3. IMPOSITION OF SANCTIONS AGAINST IRAQ.

(a) INITIAL SANCTIONS.--(1) The United States Government may not sell to Iraq any item on the United States Munitions

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List.

(2) Licenses may not be issued for the export to Iraq of any item on the United States Munitions List.

(3) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export to Iraq of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act.

(4) This subsection takes effect on the date of enactment of this Act.

(b) REQUIREMENT FOR ADDITIONAL SANCTIONS.--The President, after consultation with the Congress, shall impose appropriate additional sanctions against Iraq unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate--

(1) that the Government of Iraq is not using chemical weapons in violation of international law, including the 1925 Geneva Protocol (relating to the use of chemical weapons in war) and Common Article 3 of the 1949 Geneva Conventions (relating to the protection of victims of war); and

(2) that the Government of Iraq has provided reliable assurances that it will not use chemical weapons in the future in violation of international law; and

(3) that--

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(A) the Government of Iraq is willing to allow on-site inspections by United Nations observers or other internationally-recognized, impartial observers, or

(B) other reliable means exist,

to ensure that the Government of Iraq is not using chemical weapons.

(c) ADDITIONAL SANCTIONS.--Among the additional sanctions to be considered by the President in implementing subsection (b) shall be the following sanctions, which are hereby authorized to be imposed to the extent such sanctions are not otherwise authorized:

(1) RESTRICTIONS ON IMPORTS.--Prohibiting or otherwise restricting the importation into the United States of petroleum, petroleum products, or any other article, which is the growth, product, or manufacture of Iraq.

(2) ADDITIONAL RESTRICTIONS ON EXPORTS.--Prohibiting or otherwise restricting, using the authorities of section 6 of the Export Administration Act of 1979, the export to Iraq of agricultural commodities and products and other goods and technology.

(3) DENIAL OF CREDITS, GUARANTEES, AND OTHER ASSISTANCE.--Denying United States Government credits, guarantees of credits, and other assistance with respect

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to Iraq.

(4) OPPOSITION TO MULTILATERAL ECONOMIC ASSISTANCE.--Oppose any loan or financial or technical assistance to Iraq by international financial institutions in accordance with section 701 of the International Financial Institutions Act.

(5) DOWNGRADING DIPLOMATIC RELATIONS.--Downgrading or suspending diplomatic relations between the United States and Iraq.

(d) CONTRACT SANCTITY.--For purposes of export controls imposed in accordance with subsections (a)(3) and (c)(2) of this section, the date described in section 6(m)(1) of the Export Administration Act of 1979 shall be deemed to be September 15, 1988.

(e) REPORTS TO CONGRESS.--The President shall report to the Congress periodically on the actions taken pursuant to this section.

SEC. 4. CONDITIONS FOR LIFTING SANCTIONS.

The President may waive any sanctions imposed pursuant to section 3(a) or (b), including sanctions described in section 3(c), if the President determines and so certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate--

(1) that the Government of Iraq is not using chemical

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weapons in violation of international law, including the 1925 Geneva Protocol (relating to the use of chemical weapons in war) and Common Article 3 of the 1949 Geneva Conventions (relating to the protection of victims of war); and

(2) that the Government of Iraq has provided reliable assurances that it will not use chemical weapons in the future in violation of international law; and

(3) that--

(A) the Government of Iraq is willing to allow on-site inspections by United Nations observers or other internationally-recognized, impartial observers, or

(B) other reliable means exist,

to ensure that the Government of Iraq is not using chemical weapons.

SEC. 5. ACTIONS BY THE GOVERNMENT OF TURKEY.

The Congress--

(1) urges the Government of Turkey to cooperate with any United Nations or other appropriate investigation of Iraqi use of chemical weapons; and

(2) commends the Government of Turkey for its humanitarian decision to host thousands of Kurdish people fleeing Iraq.

SEC. 6. MULTILATERAL ACTIONS.

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(a) UNITED NATIONS.--The Congress calls upon the President--

(1) to bring immediately to the attention of the Secretary General of the United Nations, and to pursue before the Security Council of the United Nations, the matter of Iraq's use of poison gas against its own nationals, most of whom are defenseless civilians; and

(2) to demand that, in accordance with United Nations Security Council Resolution 620, appropriate and effective measures be taken against Iraq for its repeated use of chemical weapons.

(b) OTHER MULTILATERAL EFFORTS.--(1) The Congress calls upon the President to seek multinational cooperation in imposing sanctions and otherwise bringing pressure on Iraq in order to obtain a cessation of Iraq's use of chemical weapons.

(2) The Congress also call upon the President to seek multilateral cooperation in order to obtain Iraqi respect for the internationally recognized human rights of the Kurdish minority in Iraq.

(3) It is the sense of the Congress that the United States should cooperate with and, as appropriate, participate in multilateral efforts to assist Kurdish refugees who are in need of medical treatment and other humanitarian aid.

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Chairman FASCELL. Without objection the statement of the ranking member of the committee, the distinguished member from Michigan, Mr. Broomfield, will be put in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF HON. WILLIAM S. BROOMFIELD

The measure we have before us is a clear expression of our condemnation of the Government of Iraq for its use of chemical weapons against its Kurdish minorities. The recent reports from northern Iraq paint a gruesome picture of the use of chemical weapons against innocent men, women and children.

I believe that the Committee on Foreign Affairs should make a clear statement that we find the use of chemical weapons repugnant and that we are prepared to act decisively if chemical weapons use is not halted immediately.

Our national policy is to achieve a negotiated total ban on chemical weapons. Chemical weapons proliferation in the Third World is one of the most serious problems facing the global community today. Often described as the poor man's atomic bomb, chemical weapons use appears to be on the rise, and recent news reports suggest that this problem may be becoming even more serious.

The bill we are presently considering offers a formula which is designed to get results. The sanction package before us is closer to the Administration's position than the Pell language passed by the Senate, yet it still retains tough, immediate sanctions designed to illustrate just how serious we are about stopping chemical weapons use now.

Mr. Chairman, this bill is fashioned in a way which is designed to get results. It will give both the present Administration and the next President meaningful options to stop the senseless use of chemical weapons by Iraq. I support this measure and urge its passage.

Chairman FASCELL. Mr. Gilman?

Mr. GILMAN. Mr. Chairman, since there are some discussions underway now with regard to this proposal would it be possible to recess consideration of this measure at this time until those discussions are completed?

Chairman FASCELL. Why don't we just go forward with the discussion, Mr. Gilman, and go as far as some of the other subject matters on here that are necessary, and then if it becomes desirable to seek a recess I will be guided by the wishes of the committee.

Mr. GILMAN. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Lantos is an original sponsor of the legislation and I know he wants to talk on it, so the chair will recognize the gentleman from California.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Mr. Chairman, as you know, Senator Pell introduced legislation in the other body which was passed unanimously. It's a strong and powerful piece of legislation.

It states that Iraq used poison gas, that we are outraged, and that we are prepared to impose a variety of sanctions on Iraq. We are inviting other like minded nations to join us.

As you indicated, Mr. Chairman, I have introduced identical legislation in the House with my distinguished Republican Co-Chairman of the Human Rights Caucus, Congressman Porter of Illinois.[1] I would be perfectly happy to vote on that piece of legislation which I am sure would receive equally strong support in the House.

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[1] The bill referred to appears in app. 2.

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I have studied carefully the bill, the draft bill that is before us and it is my considered judgment, Mr. Chairman, that this bill is every bit as strong as the Pell bill in the Senate.

In some respects, establishing a time line for the imposition of sanctions may in fact prove to be more effective.

But since there has been a great deal of media speculation about the attempt of some to water down the original legislation, I wonder if I might ask you a few questions concerning the draft legislation, to be sure that my understanding is correct.

In the first place, Mr. Chairman, it seems to me that the Pell bill and the draft before us are identical in the conclusion that poison gas was in fact used by Iraq against civilians and earlier on in its war against Iran.

Am I correct in that, Mr. Chairman?

Chairman FASCELL. The gentleman from California I think is imminently correct, but I must add for the record that as far as the committee is concerned we have not conducted an independent investigation of the facts on that point.

We are taking a position predicated, not only upon a Senate action and the Senate staff study, but also by the declarations of the Secretary of State of the United States and the information provided to the committee by the Department of State.

Mr. LANTOS. I thank the Chairman very much for that point because I think it's important to underscore that there is an overwhelming and conclusive range of evidence that contrary to all international laws and norms of civilized behavior, Iraq perpetrated the use of poison gas against children, women, elderly in an indiscriminate fashion.

Secondly, Mr. Chairman, it is my understanding that the draft legislation contemplates much more than a statement by the Foreign Minister of Iraq as evidence that Iraq will not use poison gas in the future.

I am making this observation because the Foreign Minister of Iraq in a meeting with members of this committee, after the evidence of Iraq use was verified by physicians of neutral nations, denied the palpable fact that there was use of poison gas.

Mr. Chairman, my question is a very simple one. The draft legislation says that the President may certify that Iraq is not using poison gas. Now in arriving at that certification, is it your understanding that statements by the Iraqi Foreign Minister or other officials alone are sufficient to issue such certification?

Chairman FASCELL. I can't speak for the President of the United States. Certainly if I were President I would want to assure myself that I could make that certification without any reservation or qualification, whether it's based on the statement of a Foreign Minister or the head of State or some other evidence.

Mr. LANTOS. My understanding is, Mr. Chairman, that you would insist on impartial evidence.

Chairman FASCELL. We have other reliable evidence existing. The legislation includes language which states that the U.S.A. should use other means available to it to independently verify the evidence or statements by the Iraq government, I might say to the gentleman from California. We hope that it wouldn't arise and we would want independent reliable evidence of that fact.

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Mr. LANTOS. My next question, Mr. Chairman, relates to use of a phrase by the Department of State spokesman which I found singularly nauseating, that our legislation was "premature."

I'm quoting the State Department spokesman in his use of the word premature, because it's use followed the publication in the American media of piles of bodies assassinated, murdered bodies of children and women who are the victims of poison gas.

I'm wondering whether you view this legislation as premature, Mr. Chairman?

Chairman FASCELL. Absolutely not. After all what started this entire discussion was not only the act itself, but the strong condemnation by the Secretary of State of the United States.

Mr. LANTOS. Mr. Chairman, with these assurances may I say that the draft bill has my full and unqualified support and I want to commend you and both the majority and the minority staff for producing an outstanding piece of legislation.

Chairman FASCELL. Well let me add my appreciation of the gentleman from California because his was an early bill that came in and there was prompt action, of course, on the other side.

Some of us, and I'm one, thought that they passed their bill too quickly and it might have been better if they had a chance to finish their staff study, which they now have done.

So I believe that with the consideration that has now been given that we are in a better position, I might say to the gentleman from California, but nevertheless it was important to get that resolution on the record as quickly as it was done, in order to show the feelings of the Congress and the American people.

Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman.

Mr. Chairman, I would like to give the committee and you my views on this legislation. I think everyone in this room shares the same view that the use of chemical weapons has no place in the civilized world. The use of poison gas is despicable. What happened to the Kurdish population people is a dastardly act and I think the whole world should condemn it.

So I can understand why members of this committee are so incensed. I follow Mr. Lantos' lead in this regard.

I do, however, have some reservations with precise formulation of this bill. These are unilateral sanctions that will have little, if any, effect on the government of Iraq in Baghdad. These are sanctions on our own exporters that only hurt us. We are shooting ourselves in the foot again. We're not really punishing Iraq but rather punishing our own exporters and American industry. That's how I interpret this legislation.

Last Friday the *Wall Street Journal* detailed how a Belgium unit of Phillips Petroleum sold an Iraqi pesticide company 500 tons of thiodiglycerol. When combined with hydrochloric acid, it produces mustard gas.

Four years ago this Administration set out to track this lethal trade in chemicals that can be used for warfare. What they found out was a maze of shadowy deals going to third world countries through European trading companies, especially West German firms.

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According to the *Wall Street Journal* report, we showed our allies satellite photographs of heavily fortified sites where poison gas manufacturing was suspected. One plant capable of making the most lethal of nerve gases had been sold to the Iraqis by Pilot Plant, a European supplier.

Currently, there are at least 13 West German companies being investigated for possible illegal sales to Iraq of proscribed chemical exports.

Also last week, the *Washington Post* highlighted Japan's supplier role in a newly built chemical weapons factory in Libya. It appears according to the article that Japan's steel workers had a major role in the construction of metallurgical plant near Tripoli which U.S. intelligence officials have now determined is designed for the production of chemical weapons.

Clearly, once again, the enforcement of COCOM agreements by our European or Japanese partners leaves much to be desired. And that's why when we debate amendments to the Export Administration Act I and others are so concerned about how we are going to close up these loopholes in COCOM.

Shipments of chemicals capable of being used for poison gas must be closely and thoroughly scrutinized. We do that here in the U.S. and we must do that with our COCOM partners.

I think it's important for us to consider the implications of these developments for our own policy deliberations. We are proposing here once again to cut off U.S. exports as a policy response.

Iraq and Iran have ended their eight year war. Opportunities for reconstruction of that country are many. Companies like Caterpillar, Dresser, Textron, oil and gas manufacturers, and others are in the position to provide exports for this country and jobs back here at home.

The Department of Commerce projects a post-war export market for the United States of some $3 billion annually. That is substantial.

But the real point here is that, by applying export restrictions as sanctions we are not doing anything to Iraq. We're not doing anything to punish the Japanese or European suppliers; all we're doing is shooting our own exporters in the foot. It doesn't make sense.

Yes, we have to speak out about the tragic atrocities on the Kurdish population. But when Iraq attacked the USS Stark and killed 37 Americans we said nothing, basically nothing. When Iraq began losing the war we went into the Persian Gulf in a manner basically tilting to Iraq. Now we're opposing Iraq. This policy has no rhyme or reason to it. We're going from pillar to post. There's no continuity. Yet what we're doing here would be actually putting our imprimatur on the very companies who are now supplying these chemicals to Iraq, because in the long run we're just giving the Iraqi market to Europe and Japan.

Unless the governments of Europe and Japan are willing to take the tough steps to stop the chemical warfare traffic to Iraq, unilateral sanctions against American exporters are only going to hurt ourselves with no consequence for the Iraqi government. That's why I think we have to consider carefully the formulation of this legislation.

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Yes, it's important to speak out. But let's have our actions count. Yes, we are concerned about what's going on in that area of the world with the Kurds and what is happening to those poor people.

But in taking action, we want it to make some sense. We want to make sure that we really punish the guilty parties, not punish the people here in the United States who represent no guilt in this instance.

So, Mr. Chairman, that's my view of this legislation. I thank you for calling on me.

Mr. LANTOS. Will the gentleman yield?

Mr. ROTH. I would be happy to yield.

Mr. LANTOS. I find myself in agreement with some of the things the gentleman has said, but I think I need to correct him on his history. The commitment of our Navy to the Persian Gulf is in good measure responsible for Iraq's succeeding in that war, and don't let anybody make a mistake about that. We were not neutral in that war. We more than tilted to Iraq. It was a number of us in this committee who insisted early on that when the Administration was ready to commit our Navy to the Persian Gulf that we involve our allies.

The Administration felt that unilateral action was the right action because we couldn't insist that our friends and allies come along with us. Maybe in time they would joint us. Some of them in fact did.

Nothing would please me more than to impose multilateral sanctions on Iraq. The gentleman is correct, those would be the correct sanctions.

But we do not legislate for other countries, we can only legislate for our own. We have considerable powers of persuasion. If only the Department of State would persuade our friends and allies from Japan to Germany to join us in imposing parallel sanctions.

The option before us is very simple, it is either to impose our own sanctions or merely to make a statement denouncing the use of poison gas.

Mr. ROTH. I thank the gentleman from California for his statement and I would like to reclaim my time just to say that, of course, when we put our ships in the Persian Gulf I was very much opposed to that action.

I will tell my good friend from California that we do have some leverage in this area though COCOM, I think it would be much more effective for us to work through COCOM rather than take this unilateral action.

Mr. LANTOS. If the gentleman would yield for another moment. The two actions are not in conflict. As a matter of fact, they ought to be complementary actions. We should pass this sanctions bill now and we should do everything within COCOM to have our friends and allies take parallel actions.

I thank my friend for yielding.

Chairman FASCELL. The chair recognizes Mr. Bilbray.

Mr. BILBRAY. Mr. Chairman, I would like to support the resolution. I think it's very important. I think that there is nobody here on this committee that has not seen the photographs of the little girl lying in her mother's arms who was gased to death laying on the streets in a Kurd village.

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I think it's important to recognize that Iraq is on a campaign for the genocide of an entire race of people. People that go back as old as any race on the face of the earth, back 10,000 years we have records of Kurdish peoples.

I think that if we sit by right now and say, well, our allies maybe aren't going to do anything, we should do something in concert and we continue to have that kind of philosophy reminds me of 1939 in Germany, where we could easily say in Congress we can't take sanctions against Hitler's Germany because our allies are not going to take the same kind of sanctions.

We saw the attempted genocide of an entire race. We have a parallel here in the Middle East. If we don't do something, I just ask the distinguished gentleman from Wisconsin, are we going to show our children and our grandchildren we sat by an entire race was exterminated and we did nothing.

I think this is a very small step toward letting the Iraqis know that they have got to stop the action that they're doing. Stop the manufacturer of chemical weapons and the usage against people that are barely able to defend themselves against the modern weapons that are being used in that area.

I support the gentleman from California and I hope every member of this committee does and we send an unanimous vote on this to the Iraqis to let them know they have got to stop doing what they are doing.

Chairman FASCELL. The chair recognizes Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I would just like a point of clarification from the sponsor from staff. If the President chooses to impose additional sanctions as required under section 3(c)(2), and let's say those sanctions are imposed on the 10th of October, my question is related to the contract sanctity period.

My understanding from brief discussions with the staff is that the existing provisions of the Export Administration Act with respect to contract sanctity would prevail for restrictions imposed under 3(c)(2). And if there is someone, the gentleman from California, or anyone who would like to confirm that understanding, it is important for a number of interests.

Chairman FASCELL. Will the gentleman yield.

It's my understanding from staff that is correct.

Mr. BEREUTER. Thank you, Mr. Chairman. I yield to the gentleman from California.

Mr. LANTOS. That is my understanding also.

Mr. BEREUTER. Thank you very much.

Chairman FASCELL. Legislative Counsel, are you ready.

Mr. MOHRMAN. Thank you, Mr. Chairman.

The sanctions that are cited in section 3(c)(2) specifically reference the authorities of section 6 of the Export Administration Act.

There is a contract sanctity provision in section 6 which will be picked up through that reference. You will notice, however, a subsequent provision on page five of the draft, subsection (d) dealing with contract sanctity, that specifies that the date for sanctity of contracts will be September 15th.

So the contracts entered into before September 15, 1988 will be excluded from any export sanctions that might be imposed.

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Mr. BEREUTER. Yes. And on the additional sanctions that may be imposed subsequent to September 15th the normal provisions of the Export Administration Act with respect to the *length* of the contract sanctity provisions would prevail, is that correct?

Mr. MOHRMAN. That is correct. As long as the contract is in effect there is sanctity.

Mr. BEREUTER. I would like to ask the gentleman as well, how, if at all, would contract sanctity provisions apply to section 3(c)(3) which relates to the denial of credits, guarantees, and other assistance? To what extent would an agreement by the United States, what would signify that that kind of credit arrangement was in effect and therefore would proceed if it was—if the President imposed the additional sanctions covering the credit subsection say October 10th?

Mr. MOHRMAN. There is no specific contract sanctity rule applicable to paragraph (3) on denial of credits and other assistance. However, the extent to which credits and other assistance would be denied is in the discretion of the Administration in imposing the sanctions. It would be up to them to determine whether existing financing agreements would continue in effect or would be terminated.

Mr. BEREUTER. So they would have the discretion to say that commodities on the high seas that were using provisions, credit provisions which subsequently were denied before those cargos were delivered, denied under 3(c)(3), they could decide whether or not to proceed with the delivery of that shipment.

Mr. MOHRMAN. Yes. Under section 3(c) and 3(b) the Administration has full flexibility, full discretion to determine exactly what the sanctions will be and they have the ability——

Mr. BEREUTER. Thank you very much for your answer.

I just wanted to say to the gentleman who has offered this, I am satisfied with the provisions related to the contract sanctity.

I yield back my time.

Chairman FASCELL. I thank the gentleman.

Mr. Yatron.

Mr. YATRON. Thank you, Mr. Chairman.

Mr. Chairman, I strongly support the bill before us. I think it clearly states, not only our opposition to Iraq's use of chemical weapons, but also addresses Iraq's overall policy towards the Kurds, which constitutes a consistent pattern of gross violations internationally recognized human rights.

Even if Iraq were to cease using chemical weapons immediately, we need to work with the international community to pressure Iraq to end its deplorable policies toward the Kurds.

Mr. Chairman, I think it is entirely appropriate that we acknowledge and commend the Government of Turkey for its humanitarian decision to allow thousands of Kurds to find sanctuary in Turkey.

I do have one question concerning section 5, which urges the Government of Turkey to cooperate with any United Nations or other investigation of Iraqi use of chemical weapons. Is it the chair's view that this section implies that we would like to see the Government of Turkey cooperate with the appropriate international organizations or relief agencies in providing much needed humanitarian and medical assistance to the Kurdish survivors?

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Chairman FASCELL. I will say to the gentleman that it is absolutely my understanding. Mr. Yatron, we would like to see that and we encourage the government of Turkey to coordinate their relief efforts with the international community and to accept the offers to provide humanitarian assistance to the Kurdish refugees in Turkey, from such relief agencies as the International Committee of the Red Cross, for example.

So, yes, we would very much want their cooperation and welcome it.

Mr. YATRON. I thank the chairman.

Chairman FASCELL. Mr. Solarz.

Mr. SOLARZ. Thank you, Mr. Chairman.

I have a few questions I would like to ask to a representative of the Administration.

Chairman FASCELL. All right. Deputy Assistant Secretary of State, Peter Burleigh, would you please step up.

Mr. SOLARZ. Thank you, Mr. Chairman.

Mr. Burleigh, could you lay out for us, briefly if possible, exactly what the evidence is which has led us to the conclusion that Iraq used chemical weapons in late August against its Kurdish minority. In particular, how do you relate that evidence to the findings of Turkish physicians who according to press reports have concluded after examining Kurdish refugees in Turkey that they don't seem to have found evidence of the use of chemical weapons by Iraq?

STATEMENT OF PETER BURLEIGH, DEPUTY ASSISTANT SECRETARY, BUREAU OF NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BURLEIGH. Congressman, we reached the conclusion by the 8th of September which was the day we made our announcement of that conclusion, based on several categories of information available to the U.S. government. Those included reports of eyewitnesses including some of our own officials on the Turkish side of Turkey/Iraq border. And also other information——

Mr. SOLARZ. We had U.S. officials who personally witnessed chemical weapon attacks?

Mr. BURLEIGH. No, who met with and interviewed some of the Kurdish refugees on the Turkey side of the border.

And we have other information which I can't discuss in this forum which led us to the conclusion that chemical weapons had been used, as we so announced on September 8th.

The problem, I believe, in establishing—publicly establishing the use of chemical weapons is a complicated one for doctors and it takes trained and skilled doctors with experience in chemical weapons to make the kind of absolute confirmation, which the Turkish doctors say they have not been able to do thus far, which is the reason we have called for an objective international investigation of the issue.

Mr. SOLARZ. Have we sent any doctors to examine these refugees who do have these medical qualifications?

Mr. BURLEIGH. We have not. We have formally approached the UN Secretary General and asked him to send such a team.

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Mr. SOLARZ. So our conclusion is based in part on interviews with refugees whom Turkish doctors interviewed. We believe the refugees and the Turkish doctors don't?

Mr. BURLEIGH. The combination of the testimony of the refugees with our other information led us to the conclusion that chemical weapons had been used.

Mr. SOLARZ. Do we have any rough estimates of how many villages these weapons were used against and how many victims there have been?

Mr. BURLEIGH. I can't give you those figures, Congressman.

Mr. SOLARZ. Is it because you don't have them or you can't disclose them in public?

Mr. BURLEIGH. I don't have them with me today.

Mr. SOLARZ. Could you provide it for the record. Do we have any evidence that they've used chemical weapons since the use of these weapons in late August?

Mr. BURLEIGH. No.

Mr. SOLARZ. Do we believe that the use of these weapons in late August constituted a violation of the Geneva Protocol of 1925?

Mr. BURLEIGH. We believe that they constituted a violation of international law and we cite both the 1925 Geneva Protocol and the 1949 Convention.

Mr. SOLARZ. How does it violate the 1925 Geneva Protocol which I understood to apply to conflicts between states?

Mr. BURLEIGH. There is some debate in the international community about that very issue. Our view is that the combination of the undertakings that signatory states make to the 1925 Protocol and the 1949 Convention bar any use of chemical warfare.

Mr. SOLARZ. But does the 1925 Protocol by itself bar any use, even internally? I think it's wrong even if it doesn't, but I'm just trying to establish whether we believe the 1925 Protocol itself precludes its use internally by a country.

Mr. BURLEIGH. Well, my understanding, and I'd like to, perhaps, for the record submit the actual language is that it's an agreement between states, between government's in the 1925 Geneva Protocol. And that therefore there is some question about whether internal use, domestic use would be covered.

Mr. SOLARZ. But in the event that the 1925 Protocol does not preclude domestic use what other international law does?

Mr. BURLEIGH. The 1949 Convention on the protection of victims of war, I believe it's called.

Mr. SOLARZ. In what way does that preclude it?

Mr. BURLEIGH. Well, that covers protection both internal and external.

Mr. SOLARZ. Has Iraq indicated whether it will provide access to international team to determine what went on in these areas?

Mr. BURLEIGH. My understanding is that the government of Iraq has turned down and refused to agree to the UN Secretary General's request that a team of his choosing be dispatched to the areas in Iraq.

Mr. SOLARZ. Have they agreed to let in anybody else?

Mr. BURLEIGH. Well, they have agreed to let in foreign journalists. Many have gone to Iraq and toured the Kurdish populated areas and then filed their stories.

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Mr. SOLARZ. Were they permitted to go to areas where refugees had reported chemical weapon attacks that they can place?

Mr. BURLEIGH. To the best of my knowledge they were. They were allowed to travel widely in northern Iraq.

Mr. SOLARZ. Do we know what they concluded?

Mr. BURLEIGH. Well, I mean, there were many different journalists, but I believe they concluded that they had some indications of use from some of their interviews, but no conclusive evidence.

Mr. SOLARZ. Finally, I have before me something labeled, Administration Statement on the House Bill Imposing Sanctions on Iraq, which you seem to oppose.

You say that if the results of our discussions with the government of Iraq are unsatisfactory or if there is evidence of further use by Iraq of chemical weapons we would reconsider this position. It's nice to know that you would reconsider it.

But if in fact your discussions are unsatisfactory or if there is further evidence, would you then be prepared to support this legislation or are you not yet able or willing to say that even then you would support it?

Mr. BURLEIGH, We would, as we say in the statement, certainly reconsider our position, and I think I can't go beyond that today.

Mr. SOLARZ. Then I have to say, I support the legislation, but I do believe that if there is any merit to your argument it has to be based on an assumption that after you are given some more time, if it doesn't produce desired results, then we would move to the imposition of sanctions.

If you're not even willing to indicate that, then a failure to enact this legislation would leave us in a position in which we could presumably anticipate that there would be no sanctions even if our efforts to get cooperation from the Iraqis were unsuccessful. That's not a very persuasive position.

Mr. BURLEIGH. I take your point, and you should not assume that there would not be support from the Administration in such a circumstance in the future.

Our efforts which are many faceted now are to try to reach an understanding with the government of Iraq which we would closely monitor to make sure that it is effective that the government of Iraq has foresworn future use of chemical warfare.

Mr. SOLARZ. Why do you believe the enactment of this legislation would be counterproductive, given the extent to which you have already imposed some administrative restrictions on exports to Iraq?

Mr. BURLEIGH. We're in a process, a diplomatic process with the government of Iraq, and we take the Foreign Minister's statement of September 17th as an important statement. We are continuing to try to further clarify the government of Iraq's position.

As we have said publicly here, we take the Foreign Minister's announcement to mean that Iraq has agreed to no further use, internal or external, of chemical weapons. We think that is an important step and that's what our efforts are aimed at.

I believe we have the same goal here, it's a question of means to get to that goal.

Chairman FASCELL. Is there further discussion or are there any amendments?

Mr. LANTOS. May I ask a question of the Secretary?

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Chairman FASCELL. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

Mr. Secretary, I am intrigued by your unique emphasis on the future and not on the past. I am intrigued by the logic which views a criminal act, sweeps it aside and focuses on the intent of the criminal to engage in further criminal acts.

Is there any doubt in your mind that poison gas was used by Iraq both in the Iran/Iraq war and against Iraqi citizens of Kurdish origin?

Mr. BURLEIGH. No, there is no doubt, Congressman, as we have so announced publicly.

Mr. LANTOS. Well, if there is no doubt, is it not reasonable to discuss what appropriate action should be taken to deal with these recent and most monstrous violations of human rights?

Did you see, Mr. Secretary, the pictures in Newsweek of the piles of women and children who were killed by poison gas? Iraqi citizens murdered by the government of Iraq; that's what we are dealing with. We are not discussing what will happen eight months from now; none of us knows that.

Mr. BURLEIGH. Congressman, I'm aware of what we are dealing with and we are working very hard through many different means to try to create circumstances in which Iraq will not use chemical warfare in the future.

Mr. LANTOS. How do you explain the use of the term premature when we are dealing with past acts? How can a piece of legislation which is designed to impose actions for dastardly acts committed be premature; explain that to the committee, would you please?

Mr. BURLEIGH. We believe that the legislation—now that was in reference to the Senate bill which would call for, as I understand it, immediate sanctions to be applied to Iraq in several different categories.

That was what we considered to be premature, because we're in a process of trying to stop this kind of activity. And we believe that enacting the sanctions now will inhibit our influence, will lessen our influence.

Mr. Chairman, I have a statement on behalf of the Administration on our view of this which I would like to have submitted for the record, and I'd like to read it actually, if that is agreeable.

Chairman FASCELL. Any objection?

[No response.]

Chairman FASCELL. Go right ahead, Mr. Burleigh.

Mr. BURLEIGH. We support the objective of this bill and are determined to prevent Iraq from using chemical weapons again against the Kurds or anyone else. We appreciate the efforts this committee has made to work with us in designing legislation which meets our common objectives, and we recognize the impact of this legislation would be less severe than that of the Senate.

If we thought new and extensive controls on exports to Iraq would achieve these objectives, we would have no hesitation in supporting their imposition. Prevention of chemical weapons used by anyone, anywhere, is of transcendant importance to this Administration. Our relationship with Iraq is important, but the issue of chemical weapons use overrides other bilateral considerations.

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We cannot support this legislation because we do not believe sanctions now would bring us closer to the objective we share with this committee of ending chemical weapons use by Iraq once and for all.

As the committee is aware, on September 17 the Foreign Minister of Iraq formally, quote, "Reaffirmed that Iraq respects and abides by all provisions of international law and international agreements accepted by the international community including the Geneva Protocol of 1925, and other agreements within the framework of international humanitarian law."

We believe this is an important statement and a positive step. We are discussing its significance with the government of Iraq. Specifically we are seeking to confirm that Iraq interprets it as applying to the use of chemical weapons internally. Such use is morally repugnant and prohibited by international law including the 1949 Geneva Convention relative to the protection of civilian persons in time of war.

If the results of our discussions with the government of Iraq are unsatisfactory or if there is evidence of further use by Iraq of chemical weapons we would reconsider this position. But we believe that the passage of this legislation now would undercut our efforts with Iraq and damage US exporters without furthering the goal of ending use by Iraq of chemical weapons.

Thank you.

[Mr. Burleigh's prepared statement follows:]

PREPARED STATEMENT OF MR. PETER BURLEIGH, DEPUTY ASSISTANT SECRETARY, BUREAU OF NEAR EASTERN AND SOUTH ASIAN AFFAIRS, DEPARTMENT OF STATE

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Mr. BERMAN. Mr. Chairman.

Chairman FASCELL. Thank you, Mr. Secretary.

Mr. Berman.

Thank you, Mr. Secretary.

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Mr. BERMAN. Thank you, Mr. Chairman.

I would like to ask the Secretary, given his position, given at least—well, I think pretty explicit in this statement is a recognition that the utilization of chemical weapons as a horror which must be deterred in the future, not only by Iraq but by other countries, far surpasses whatever geo-political aspects of our emerging relationship with Iraq now exists; is that an unfair characterization of what you have just said?

Mr. BURLEIGH. No.

Mr. BERMAN. Your disinterest in sanctions at this time distresses me very greatly.

First of all, why didn't that disinterest apply back in 1984 when the Administration or early '85 when the Administration unilaterally imposed sanctions on specific chemicals to Iraq that were being utilized by Iraq at that time in the chemical weapons. This is not a recent disclosure. This is not something from last month or even from the time of Halabja, this has been going on for three or four years and the Administration acted then to impose the most limited kinds of sanctions on the specific chemicals.

If the philosophical opposition to sanctions is so great what explains that action?

Mr. BURLEIGH. We are not opposed to sanctions that are directly related to chemical warfare, that's why we did unilaterally establish such as, when we began to get information that Iraq and some other countries were developing a chemical warfare capability.

So nothing I have said should lead you to conclude that the Administration is against sanctions that are directly related to chemical warfare. I'm talking about sanctions which are meant to go into effect immediately and which, in our view, will have the effect of undercutting our efforts which are intensive with the government of Iraq to reach an understanding.

Mr. LANTOS. Will the gentleman yield?

Mr. BERMAN. I will yield, but let me just follow up for one moment.

The Iraq/Iran war is now—they're negotiating a cease fire.

Mr. BURLEIGH. Right.

Mr. BERMAN. In the past four years the Iraqi government has sought this Administration's support in a variety of different areas, on a diplomatic, on an economic level, and in fact a significant economic relationship has developed with the approval and support of this Administration.

During any of that period of time when that war was going on, when Iraq was in great fear of losing that war, if this Administration's efforts at that time to dissuade Iraq from not utilizing chemical weapons, both in the war and then finally against its own Kurdish people were not effective, what, at this particular time now that Iraq has for all intents and purposes won that war and the Iranians are in effect suing for peace, what is it about your non-economic sanctions efforts now that will produce a more favorable result than this serious effort—initially modest, but presumably subsequently significant—a economic sanctions would produce?

Mr. BURLEIGH. We believe that the way to impact most effectively on the Iraqi government policy is to coordinate a multilateral

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approach, as well as our own bilateral efforts which have been ongoing for some time.

The problem of chemical warfare has to be addressed on a universal level. It is an extremely complicated problem when, as was referred to earlier by one of the members, the trade in the precursor just as one example, is extremely diffuse and very difficult to monitor and to embargo.

So we are working at several different levels, multilateral as well as directly with the government of Iraq, and we believe we have made some progress as reflected in the September 17th statement of the Foreign Minister of Iraq.

Mr. BERMAN. I would just like to say that my understanding of US Iraqi relationships over the past six years would not justify the conclusion that economic sanctions are not meaningful.

The Iraqi government put tremendous pressure on this country to remove Iraq from the terrorist list with all of the economic sanctions as well as the diplomatic aspects of its placement on that list entailed. And this Administration complied, notwithstanding the fact that at that time Abu Nidal was still based in Baghdad and undertaking terrorist activities.

When there was an effort to put Iraq back on the list of countries supporting terrorism, Iraq went to great efforts and the Administration went to great efforts to make sure that didn't happen and obtained certain concessions from the Iraqis with respect to expulsion of Abu Nidal with a promise by the Foreign Minister that terrorism would not be a tactic that the Iraqis use in the future.

Given that kind of track record, given the high interest in the oil exports of Iraq to the United States in increasing their trade with the United States specifically and the western countries generally, I just don't understand the basis for assuming that economic sanctions would not be meaningful with Iraq.

And perhaps more importantly, meaningful for other countries that might be tempted to use chemical weapons in the future to know that there is an automatic and invariable response from the United States and hopefully from the significant trading parties in the west, in Europe, and in Japan when a country engages in this kind of activity.

I'm disappointed in the State Department's reaction here.

Mr. BURLEIGH. Well, let me just comment, all those reasons you cite of Iraqi interest in trade and so on are correct, to the best of my knowledge. And it is because of the interest in Iraq's role and its trade concerns, among others, that we have been pursuing our efforts with Iraq and I believe we have made some progress and we intend to continue those efforts.

Mr. BERMAN. Well, then you can certify this legislation and waive this legislation if you make that kind of progress. This legislation takes that into consideration.

I yield to my colleague with what time I have remaining.

Mr. LANTOS. I want to thank my friend for yielding and I think the point that the gentleman from California made is an extremely important point. The pattern of chemical use, poison gas use by Iraq is a long one.

And in point of fact, I wonder if the Secretary will confirm the fact that poison gas was used by Iraq in the Iran/Iraq war after

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which the Foreign Minister of Iraq made public and private statements in this city that no poison gas was used; and subsequently, we again find that poison gas was used again against Iraq's own population.

My question is, if the Iraqi Foreign Minister denied the fact that poison gas was used earlier and Iraq subsequently engaged in the use of poison gas, why do we suddenly accept the statement at face value?

Mr. BURLEIGH. Mr. Congressman, we do believe that the Foreign Minister's statement was a positive and important statement on behalf of the government of Iraq. But as we stated at the time, we will also continue to monitor the situation carefully as we have in the past. We will draw our own conclusions.

Mr. LANTOS. Isn't it true, Mr. Secretary, that the Foreign Minister made similar statements after which poison gas was used again?

Mr. BURLEIGH. I'm not familiar with the specifics, but we certainly do believe and have said so publicly repeatedly, that Iraq has used chemical warfare in the course of the war, and we have so stated in the United Nations and in other forum.

Mr. LANTOS. One final question if I may, Mr. Chairman.

You made the point in response to my colleague's question that you oppose the shipment of chemicals that can be used in the manufacture of poison gas; am I correct in that?

Mr. BURLEIGH. Yes, we have barred the exporters.

Mr. LANTOS. You barred that. May I point out to you that it is meaningless to deal with poison gas unless you also deal with the delivery systems by which poison gas is delivered against civilians—planes and helicopters. These two cannot be separated.

It is not just the chemicals that need to be bought, it is the means of delivery which Iraq used to spread poison gas over Kurdish villages that must be banned. Would you agree with that?

Mr. BURLEIGH. I would agree that what needs to be changed is the use of chemical weapons, and of course we have to look at all aspects of chemical weapons, but the important one is, as a matter of policy, we would like to have established that chemical weapons will not be used in the future. That's the most important goal.

That is an important one for the government of Iraq and it's an important one for the international community, which is why we have our multi faceted effort underway.

Mr. LANTOS. But you would agree that it's much easier to control the export of helicopters and aircraft than it is to control the export of chemicals. The opposition of the Department of State to means of delivery questions—raises questions in my mind about the sincerity of the Department's whole approach.

It is much easier for the Iraqis to get hold of chemicals than it is to get hold of helicopters and aircraft and both have to be banned.

Mr. BURLEIGH. What has to be banned is the use of chemical weapons. And helicopters and aircraft are widely available in the world. A unilateral action on our part is not going to stop the availability of such helicopters and aircraft nor as we have discovered with our precursor ban of the availability of precursors around the world.

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So what I'm arguing is that a widespread international effort is what is required to reach the goal that we share, that is to stop the use.

Chairman FASCELL. Mr. Levine.

Mr. LEVINE. Thank you, Mr. Chairman.

Mr. Burleigh, I think I understand, to a considerable extent, the difficulty the Administration has in making a decision about how far it needs to pursue something privately in order to obtain a result, versus making public statements on these issues. Where do you draw the line in deciding when to give up on private efforts in favor of public statements?

In terms of analyzing the statements that have come from the Administration, both today and previously on this issue, I have tried carefully to review what you may be doing or appear to be doing privately and how that may or may not affect the public statements that you make.

I was particularly interested in the colloquy between yourself and my colleague, Mr. Berman, because he was exploring with you specifically a number of the areas that you may be—and probably are—pursuing privately.

Frankly, in listening to that colloquy, in hearing your statement, and in reviewing the commentary—both from within the Administration and from the reports about it—I have come to conclude that much more needs to be said and should be said by the Administration—by our government—than has been said thus far. That is one of the reasons I share Mr. Berman's disappointment with the tepid quality of the statements that have come from the Administration.

The framework from which I come to this conclusion is the following: you and I have spoken over the course of the recent past about a number of issues pertaining to the Persian Gulf. And I have come to believe that we have certainly been more than helpful to Iraq on a number of instances, some subtle and some not so subtle, in the Persian Gulf over the past year.

It would seem to me that we would have quite a bit of influence in the bank, if you will, with regard to the Iraqis when it comes to an issue that ought to be preeminent.

And if there is any issue that ought to be preeminent it is the use of poison gas and chemical weapons.

What frustrates me in reviewing the process over the course of the past several years is that, in light of the relationships that have developed between our government and the Iraqi government, the Iraqi's should understand the importance that we attach to the issue of chemical weapons and poison gas. You yourself put it in the context of this relationship. It would seem to me, therefore, that they shouldn't need additional efforts, additional private cajoling, additional suggestions in order clearly to understand or both our position and its importance to us.

It is in that context that it appears to me that we ought to be saying more. We ought to be standing up and, frankly, screaming a lot more loudly.

The press commentary that I've received on the Administration's statements and positions with regard to Iraq and poison gas have

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consistently, concluded that our silence has been deafening on this issue.

Even though we have made some statements, they have been carefully worded. They have been mild. And they have not made the kind of points that need to be made—both to Iraq and to the rest of the international community—to demonstrate the seriousness that we attach to the issue of the use of poison gas and chemical weapons.

I simply submit to you that, in light of what we ought to have in the bank with regard to the Iraqis at this point, it's time to go beyond the responses that I've heard thus far at this hearing. We must stand up and make a very, very strong statement so that neither the Iraqis nor the remainder of the international community can misjudge our intentions when it comes to the importance that we attach to calling a halt and doing everything we can—morally, politically, diplomatically, and practically—to the use of chemical weapons and poison gas.

It is in that context that I respectfully submit we should be doing more.

Mr. BURLEIGH. I take your point, it has been the Administration's policy to be loud and clear about chemical weapons use.

I don't think you could objectively describe the statement the State Department made on the 8th of September when we received confirmation of the use in August by Iraq as being tepid; it was very strong. And that same tone has characterized our public statements, our work at the United Nations, through those institutions, ICRC, et cetera, as well as our private communications with governments.

I don't believe that other governments including the Iraqis misunderstand the seriousness with which we address this.

Mr. LEVINE. Then I would like to ask you this question: if they don't misunderstand the seriousness with which we address this issue, why aren't they responding? If they aren't responding even though they understanding the seriousness, what more can we do, short of the kind of legislative action we are suggesting here today, that will get an affirmative result?

Mr. BURLEIGH. We can do what we are in fact doing. We have intensified our discussions with the government of Iraq and with the international community and there seems to be some positive movement on the part of the government of Iraq as reflected in that September 17 statement by the Foreign Minister.

Mr. LEVINE. I would certainly conclude by agreeing with Mr. Berman that if Iraq does respond positively, then you can exercise the waiver provision. Nonetheless, if you want to make clear that there is no misunderstanding on the U.S. position you should be supporting rather than opposing the legislation.

Chairman FASCELL. Mr. Chris Smith.

Mr. SMITH of New Jersey. Thank you, Mr. Chairman.

Mr. Burleigh, I am concerned, too, about the trustworthiness of the Foreign Minister's statements of September 17th. You have repeatedly cited that statement which really is a statement of a lie, where the Foreign Minister is saying that they have abided by the—respects and abides by all the provisions of the international law including Geneva Protocol of 1925, and I think we ought to be

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very careful not to give too much weight to that statement. It may indeed be the harbinger of future use of chemical weapons which would not be a good sign.

But I think we've got to be very careful not to whitewash what has been atrocious crimes against humanity in the use of chemical weapons, and contrary to the 1925 Protocols.

I can understand what the State Department, the Administration would like to see no future use and feels perhaps some creative fiction ought to be swallowed in order to advance that cause, but I think we ought to be equally clear and to make it very strongly stated by this committee and by the Administration that the evidence is overwhelming that the chemical weapons have been used.

I do have two specific questions, if you would. One, since it's likely this bill is on a fast track and it has already passed the Senate or a version of the bill, this bill will probably pass, if not unanimously close to it, what changes would the Administration suggest in terms of amendments that would improve it to the point where the Administration can support it, number one.

Number two, assuming that the Congress goes out of session in mid-October, which is I think the target date, and we don't come back in November or December, there is not a lame duck session, what specifically does the President have, what authority does he have to institute these kinds of sanctions on his own?

Mr. BURLEIGH. Well, to the best of my knowledge the President has the authority to institute any of these sanctions on his own by Executive Order.

As for what the Administration would suggest in order to create a bill that we could support I would like to just state again, as I said in the formal statement, that we do not believe that immediate sanctions are the road to the goal we are both seeking, that is, to ensure that there will not be future use of chemical warfare. That it may undercut our efforts in fact, have a counterproductive impact on those efforts; that's our concern.

Mr. SMITH of New Jersey. So at this point according to the Department, this legislation cannot be fixed in a way that would hopefully get a Presidential signature?

Because I, Mr. Chairman, am very concerned that we may be sending a mixed message to the Iraqis and the other countries of the world if almost unanimously, if not unanimously, the Congress passes a sanctions bill and then the President is perceived to be standing in solidarity with the Iraqis, which we know he is not, but the perception could be a very bad one I think for this country.

That's why my hope would be that some kind of language could be found that would accommodate all concerned, so that our mutual concerns in terms of eliminating the use of these weapons will be advanced.

So I would hope the Department would look into that very, very quickly so that some language could be worked out.

Thank you, I yield back the balance.

Chairman FASCELL. Mr. Smith of Florida.

Mr. SMITH of Florida. Thank you, Mr. Chairman.

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Mr. Burleigh, you talked about the precursor tracking as not being sufficiently, in and of itself, capable of providing us with enough evidence and a system that doesn't work all that well.

I read an article recently in the Wall Street Journal that I think was alluded to previously which talked about the huge amount of chemicals that the Iraqis were buying, 40 tons in some cases, of a chemical which can be used in pesticides but which nobody that makes pesticides had bought in such huge quantities ever, one and two ton shipments being made. In fact enough to scare—I forget the name of the company, Phillips, was it, into stopping voluntarily when they found out not only were these huge shipments going to Iraq but they were actually going to a front company first in the Netherlands and then so on and so forth; the usual routine we have seen before on other issues which seek to evade country by country different laws.

Now what kind of cooperation are we getting at the current time from the large corporations which deal in these major sales besides Phillips and a number of others, what are we doing with them and what kind of cooperation are we getting? What kind of cooperation are we getting from other major western allies who have the capability to manufacture and/or sell including state run operations as in Germany, whole plants which can manufacture these gases from the component chemicals which are sold or obtained through other means?

Mr. BURLEIGH. Congressman, I want to make clear that in my earlier reference I wasn't saying that our controls on exports from the US were not effective. To the best of my knowledge, they certainly have been since they were instituted, which was in the '84, '85.

Mr. SMITH of Florida. Yes, the Phillips case was a Netherlands company. It wasn't an American domiciled, it was Phillips and a subsidiary in the Netherlands.

Mr. BURLEIGH. Right. That is part of what is complicated about the monitoring. We have very close cooperation amongst western industrialized countries each of which in its own way takes steps to try to stop the movement of such precursors as well. But the system is imperfect and it's that kind of thing which is under active discussion and has been for the last several months. There are both formal and informal international groups amongst governments with an eye to stopping the trade in chemical weapons precursors and the ability to produce chemical weapons.

Mr. SMITH of Florida. Well, some of our allies have sold whole plants and when people have gone to visit, according to what I continue to read, they find no pesticides being made and huge subquantities being sold or plants being sold or equipment. For instance, you need certain kind of valves on your equipment that are rust proof and acid proof and so on, because this stuff is highly toxic and highly corrosive.

We know of significant numbers of cases where German companies were selling these things under the guise that it was being sold for pesticides, but apparently we were aware and they were aware that no pesticides were being manufactured. And Iraq had never had the need, during a wartime you imagine they have less

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farmers than more farmers, they had never had the need for this number of tonnage in terms of pesticides.

What do we do about that? Do we make direct overtures to our allies?

Mr. BURLEIGH. We do, indeed, very aggressive one.

Mr. SMITH of Florida. What has been the result of these direct overtures? What has been the conversations and the upshot of those conversations when we ask the German government to put a clamp on companies that are selling the equipment, and it's highly specialized and we know what it is, to countries like Iraq, and to Iraq specifically?

Mr. BURLEIGH. In each case that I'm familiar with they take our information, do their own research to confirm our information, and then take steps consistent with their own laws and their own policies to put an end to the supplies.

Mr. SMITH of Florida. Well, that's real nice. What does that mean, Mr. Burleigh? I mean, has any country taken information that we've supplied them and turned around to a company or companies in their own country and said, that's it, you can't sell this, you won't sell this, et cetera, have that done that?

Mr. BURLEIGH. Yes.

Mr. SMITH of Florida. Where, for instance?

Mr. BURLEIGH. I believe Germany is one case in point. I would be happy to try to submit to you——

Mr. SMITH of Florida. I certainly would appreciate that very much.

The next thing is the statements of the Foreign Minister. As I read the statements of the Foreign Minister, as Mr. Smith pointed out, while he says that they follow the Geneva Accords and they have not used chemical weapons, if I'm not mistaken he also added a caveat that they follow the rule, but there are exceptions to every rule; is that correct? Didn't the Foreign Minister say that?

Mr. BURLEIGH. No, I can read you his statement, but there is one reservation which we also have, that is, if one is attacked by another nation with Chemical Weapon one reserves the right to retaliate. I believe that's what he was referring to.

Mr. SMITH of Florida. So in other words his claim would be that Iraq was attacked by Iran with chemical warfare and therefore they could have in fact done it themselves; correct?

Mr. BURLEIGH. I can't speak on his behalf on that.

Mr. SMITH of Florida. I mean, that's what you're alluding to, that he would have—if that was the exception that is what he's referring to. We assume it's Iran, we don't know of anybody else that has attacked Iraq recently; correct?

Mr. BURLEIGH. He was not referring to an instance of use, to the best of my understanding of his statement, but as a matter of legal principle based on a reservation entered by the government of Iraq at the time of signing the Protocol, which is similar to our reservation.

Mr. SMITH of Florida. Has the government of Iraq in these discussions, and we've had discussions with them directly, have we not?

Mr. BURLEIGH. Definitely.

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Mr. SMITH of Florida. Has the government of Iraq ever thrown up to the Administration or this government that the United States has embarked on a significant program of building new chemical weapons, and that if the United States feels that these are so morally reprehensible they should stop?

Mr. BURLEIGH. No.

Mr. SMITH of Florida. They haven't said that?

Mr. BURLEIGH. Not to the best of my knowledge.

Mr. SMITH of Florida. Is that why the Administration continues to favor building chemical weapons?

Mr. BURLEIGH. That's not why.

Mr. SMITH of Florida. That's not why. Why do we then continue to build chemical weapons if we have to take some kind of moral position with Iraq that their use is deplorable, disgraceful, disgusting, and immoral?

Mr. BURLEIGH. The Administration's position is very strongly against the use of chemical warfare by anyone anywhere.

Mr. SMITH of Florida. You just build them, you don't use them; that's the position.

Thank you, Mr. Chairman.

Thank you, Mr. Burleigh.

Chairman FASCELL. Mr. Broomfield.

Mr. BROOMFIELD. Thank you, Mr. Chairman.

Mr. Burleigh, I am very disappointed in the statement from the Administration that you read. I think it's especially unfortunate because I think you can see here from the statements that have been made on both sides, an awful lot of effort has gone in to try to work out a reasonable and bipartisan approach to this problem.

I appreciate the Administration's opposition to the Pell approach that went through the Senate. But the alternate approach being considered here reflects the work that has been done in this committee. I want to pay tribute to Howard Berman of California, in particular, as well as the majority staff who worked together with the minority.

I believe that the committee proposal is a very measured response. And I think the Administration will see when this bill goes to the floor what strong bipartisan support that it will have.

Mr. Burleigh, you have done a great job in support of the Administration here today but I would hope that you would take the message back to the Administration that they should reconsider their opposition to this bill. I believe that it represents a bipartisan approach that is in the best interests of our country.

Chairman FASCELL. Mr. Solarz.

[Solarz amendment offered on not issuing licenses for export of any chemical that the President determines may be used for the production of chemicals weapons.]

Mr. SOLARZ. Thank you, Mr. Chairman.

I have an amendment at the desk.

Chairman FASCELL. The clerks will distribute the Solarz amendment, please. The Chief of Staff will report the amendment.

Mr. BRADY. Amendment offered by Mr. Solarz. Page three after line seven insert the following—

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Chairman FASCELL. Without objection further reading of the amendment will be dispensed with, printed in the record in full, open for amendment and discussion.

The gentleman from New York in support of his amendment.

[Amendment of Mr. Solarz follows:]

AMENDMENT OFFERED BY MR. SOLARZ

Page 3, after line 7, insert the following:

(4) Licenses may not be issued for the export to Iraq of any chemical that the President determines may be used primarily in the production of chemical weapons or may be otherwise devoted to chemical warefare purposes.

Page 3, line 8, strike out "(4)" and insert in lieu thereof "(5)".

Mr. SOLARZ. Thank you, Mr. Chairman.

This a very simple amendment. I do not think that it should be controversial. It would in essence prohibit the sale from the United States of any chemical that could be used for chemical warfare purposes to Iraq. As I understand it, there are approximately seventeen chemicals that can be used to make poison gas.

The legislation as it now stands would actually prohibit the sale to Iraq of twelve of them, because those chemicals are on the control list, which is covered in part of this legislation. But the other five chemicals that can be used for the purpose of making chemical weapons would not be covered by this legislation without this amendment. And I think therefore that the amendment should be adopted, so that they are included.

Without this amendment, we would have a somewhat anomalous bill inasmuch as it would prohibit the sale to Iraq of munitions. It would prohibit the sale of certain machines. It would prohibit the sale of certain computers. But it would not prohibit the sale of certain chemicals which can be used for the purpose of making chemical weapons.

And inasmuch as the whole purpose of the legislation is to make clear our very strong opposition to the use of chemical weapons by Iraq, it seems to be that we ought to legally prohibit the sale of chemicals which could be used for that purpose.

Certainly, it would be somewhat peculiar if we enacted this legislation and then found out that in spite of it that certain chemicals had been sold to Iraq which could be used by them for the purpose of manufacturing poison gas.

Chairman FASCELL. I thank the gentleman. This amendment does confirm existing regulations and picks up a gap that now exists. I think that it is constructive.

Is there any further discussion on the amendment?

[No response.]

Chairman FASCELL. If not, the question is on agreeing to the amendment by the gentleman from New York.

All those in favor, signify by saying aye.

[Chorus of ayes.]

Chairman FASCELL. All opposed, no.

[No response.]

Chairman FASCELL. The ayes have it, and the amendment is agreed to.

Mr. Broomfield.

Mr. BROOMFIELD. I defer to the gentleman.

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Chairman FASCELL. Mr. Gilman.

[Gilman amendment offered on prohibiting the export to Iraq of goods and technology that would contribute to the military potential of Iraq.]

Mr. GILMAN. Mr. Chairman, I have an amendment at the desk.

Chairman FASCELL. The clerks will distribute the amendment, and the staff will report it.

Mr. GILMAN. While the amendment is being distributed, I wonder if I could explain it briefly.

Chairman FASCELL. Well, let me get it reported first.

Mr. GILMAN. All right.

Mr. BRADY. The amendment offered by Mr. Gilman. Page 7 after line 24, add the following new section, "Section 7. Other U.S. Exports."

Chairman FASCELL. Without objection, further reading of the amendment will be dispensed with and printed in the record in full.

[Amendment follows:]

AMENDMENT OFFERED BY MR. GILMAN

Page 7, after line 24, add the following new section:

Section 7. Other U.S. Exports

"It is the policy of the United States to prohibit the export to Iraq of goods and technology that would significantly contribute to the military potential of Iraq. The President should review under section 6 of the Export Administration Act of 1979 any proposed export of goods or technology to Iraq valued at over $50,000,000."

Chairman FASCELL. The gentleman is recognized in support of the amendment.

Mr. GILMAN. Mr. Chairman, the amendment states that the view of Congress is that the President should carefully examine sales to Iraq, such as the proposed sale of a large rolling mill plant, which could increase Iraq's military capacity or its economic capacity.

The amendment is being offered as a result of a compromise that we worked out this afternoon. I want to commend the Chairman and the other members who have been instrumental in this agreement as well as our very capable staff. And I yield to the gentleman from Michigan, Mr. Broomfield.

Mr. BROOMFIELD. Mr. Chairman, Congressman Jack Fields has a special interest in this matter, because a proposed transaction in Texas would move an entire steel plant—lock, stock and barrel—from his area to Iraq. I wonder if I could have the indulgence of the committee, so that he might come to the microphone and discuss that situation with the committee.

Chairman FASCELL. Mr. Fields.

Mr. FIELDS. Mr. Chairman, I want to thank you very much, and also thank Mr. Lantos, Mr. Broomfield, and Mr. Gilman for their interest in this particular situation in my district. This situation has the potential of enhancing and significantly contributing to the military potential of Iraq. And therefore, I think that this amendment stays within the intent of what this committee is doing today.

But I think that it is important to recognize that the genesis of this amendment and the reason for this amendment is a situation in Baytown, Texas, and it is important to understand that for the legislative history which is being created today.

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And just to enlighten my colleagues very quickly. USX, formerly U.S. Steel, up until two years ago employed about 2500 people in my district. They got over $8 million in tax abatements from a small town. They shut down and let their union contract expire. And then about a month ago, I found out that USX was negotiating with Iraq. In fact, I subsequently found out that Iraq had paid a million dollars down for this steel facility.

I also became aware at that particular time that there were domestic interests in this particular facility, domestic purchasers who were willing to pay equal or greater value for the facility, and it would put about 1000 people back to work in Baytown, Texas.

I also became aware that USX was opposing short supply waivers. Earlier this year, I had over eighteen energy companies come to my office and say that they could not find the steel slab and the steel plate that was needed for the energy industry. And I found out that about 800,000 tons of steel slab was imported this year, about 50,000 tons of steel plate. And since this plant has a capacity of over a million tons of steel making potential, that could make up that particular difference.

I also found out that the Ward Econometric Forecasting Associates predicts that steel products this year will rise by about 7.5 percent, whereas steel plate prices will rise about 21.4 percent, which is a 200 percent difference. So it became very simply that USX does not care about 1000 jobs in Baytown. They do not care about the steel needs of this country and the energy industry specifically. It only cares about moving domestic competition.

And I also think that USX does not understand that by this action that the import limitations and the special tax benefits are now going to come under close scrutiny, because why protect a company who wants to export competition.

And for this committee's interest, removing this capacity, which by the way has armarizing potential, to a country that could use that armarizing capacity for gross enhancement of its military potential is wrong. And I think that it is entirely appropriate for this committee to address that particular issue.

I think that it is a perfect opportunity to demonstrate that a nation who gases its internal population should not receive military enhancing equipment. And I thank you very much for allowing me to speak.

Chairman FASCELL. All right. I want to thank the gentleman for his statement. And I would say that as I told the gentleman earlier on the discussion of this matter that I could not support a mandatory legislative action. However, we take due recognition of the difficulty obviously both domestically and internationally. But since our jurisdiction is only internationally, we cannot get in the middle of a domestic squabble.

Other than that, I would think that we should not mandate the President to do anything. I mean he has to have some discretion, it seems to me. We have been very reluctant to mandate the President, primarily because we cannot mandate him anyway.

So I would suggest that without objection that we change the "shall" to "should review" and it accomplishes the same purpose for the gentleman.

Mr. GILMAN. Mr. Chairman.

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Chairman FASCELL. Yes.

Mr. GILMAN. I would ask for unanimous consent to make that change.

Chairman FASCELL. Without objection, the change will be made.

The question is then on agreement of the amendment as amended.

All those in favor, signify by saying aye.

[A chorus of ayes.]

Chairman FASCELL. All opposed, no.

[No response.]

Chairman FASCELL. The ayes have it, and the amendment is agreed to.

The question now is on agreeing to the resolution as amended.

Mr. SOLARZ. Mr. Chairman.

Chairman FASCELL. Mr. Solarz.

Mr. SOLARZ. I do not have another amendment. But if you could indulge me for two minutes, there is one comment that I would like to make which may be of some interest to members of the committee, which I think really relates to what we are doing today.

It involves a conversation that I had with the Iraqi Foreign Minister a year ago during the course of a trip that I undertook to the Gulf. We had a rather lengthy conversation. And in the course of our discussion, I asked him about the allegations that had been made against Iraq concerning their use of chemical weapons on the war against Iran.

I thought that his response was a very interesting one. In the past when I had discussed this with him, he had engaged in what I would characterize as pro forma denials of the fact that they had used these weapons, and would go on to another subject.

This time he did not bother to issue a pro forma denial. In fairness to him, I have to say neither did he engage in an explicit admission that they had used chemical weapons. What he said was in effect, look, you have to understand something. At the time that we were accused of using these weapons, the Iranians were on the verge of launching a major offensive against us. And from the point of view of our leadership in Baghdad, it appeared as if the fate of our nation hung in the balance. And you simply have to understand, he said, that when the survival of a country hangs in the balance, the leaders of that country will do whatever they feel they have to do in order to guarantee the survival of their nation.

Now I have to say that at the time that he mentioned this to me that I had recently finished reading one of Martin Gilbert's volumes in his official biography of Winston Churchill. This one dealt with the years 1939 to 1941, and it is called Finest Hour.

And in that book based on his research into Churchill's papers Churchill had actually decided to use poison gas against the Germans if the Nazis actually launched an invasion of the United Kingdom, and if he deemed it necessary in order to prevent them from establishing a beachhead on the British Isles. And of course, that never came to pass. Hitler never tried a cross-channel invasion. And Churchill never used the poison gas. And it is unclear whether he would have actually ever used it even if the Germans had attempted to invade the United Kingdom.

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Now I did not consider that to be persuasive justification for the use of poison gas against Iran. But it did put the Iraqi position in an interesting perspective. The point that I simply want to make now is that even by their own logic, even by the standards which the Foreign Minister articulated for the use of poison gas against Iran at a time when they thought that the survival of Iraq hung in the balance, it would not justify the use of poison gas against their own people in the context of a situation where whatever else you might want to say about the Kurdish rebellion that it clearly does not pose a threat to the survival of Iraq.

And that is one of the reasons that I think that this resolution is very timely. The last time that poison gas was used by a government against its own people was close to half a century ago during the Second World War when it was used by the Germans in the course of their effort to exterminate the Jews. And it would be a terrible, terrible tragedy fifty years later after we have all presumably absorbed the lessons of the Holocaust if we did not speak up forcefully against the use of poison gas by a government to exterminate people under their control.

This has nothing to do with the survival of a nation, not that that justifies it even then. But it does have to do with the suppression of a disturbing insurgency, and that simply does not constitute an acceptable justification international law notwithstanding, of the use of poison gas.

[Vote on H.R. 5337]

Chairman FASCELL. I thank the gentleman.

The question now is on agreeing to H.R. 5337, which is the number which has been assigned to the draft bill as amended.

All those in favor of agreeing to the resolution, signify by saying aye.

[A chorus of ayes.]

Chairman FASCELL. All those opposed, no.

[No response.]

Chairman FASCELL. The ayes have it, and the resolution is agreed to. The committee stands adjourned subject to the call of the Chair.

[Whereupon, at 3:03 p.m., the committee was adjourned, subject to the call of the Chair.]

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APPENDIX 1

THE AMBASSADOR

EMBASSY OF THE REPUBLIC OF IRAQ
WASHINGTON, D. C.

Sept. 21st, 1988

The Honorable Dante B. Fascell
Chairman of Committee on Foreign Affairs
2170 Rayburn H.O.B.
Washington, D.C. 20515

Your Honor,

It gives ne pleasure to refer to the statement of H.E. Tariq Aziz, Deputy Prime Minister and Foreign Minister of the Republic of Iraq issued on Sept. 17th, 1988 concerning Iraq's policy regarding the international rules of warfare and use of chemical weapons.

The Statement reaffirmed that "Iraq respects and abides by all provisions of international law and international agreements accepted by the international community, including the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases of Bacterial Methods of Warfare, and other agreements within the framework of international humanitarian law. Iraq respects and abides by all these agreements and commitments in its relation with all parties whoever they may be provided that they themselves abide by and respect, as an integral whole, the said international conventions and commitments." (Emphasis added)

Your honor may be aware that earler on, H.E. President Saddam Hussain as Chairman of the RCC issued on September 8th, 1988 a general and a total ammensty to all Iraqi Kurds, in and outside Iraq provided that those outside the country should return within 30 days. So far more than 18000 refugees have safely returned home.

May I also refer to the statement dated Sept. 13th, 1988 issued in Geneva by the International Committee of the Red Cross (ICRC) and the UN High Commission for Refugees (UNHCR) which stated that both international bodies had been unable to find any evidence of chemically inflicted wounds on the 7000 to 8000 Kurds who fled to Iran.

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Likewise the Turkish authorities have repeated stated that there was no evidence of use of chemical weapons by Iraq against Kurds. The Turkish statements were based on investigation undertaken by its medical authorities that found no evidence that chemical weapons were used against Kurds who fled to Turkey.

The Iraqi Government, for its part, has recently welcomed all interested Western journalists, Americans and others, who visited the Northern part of Iraq, selected the places they wanted to see and reported in the American Press that they could " neither confirm nor refute (?!) allegations that the (Iraqi) army has used chemical weapons against the Kurdish rebels (e.g Washington Times Sept. 20,1988).

Finally, I would like to remind you that the vast majority of the Iraqi Kurds are honest people and loyal to their country. It is unfair to the Kurds to lump them with the fringe groups of mercinaries and traitors who in the past cooperated with the Shah and the CIA (House Intellgence Comitt., Pike's Report 1976) and recently with Khumeini's regime against their own country and people while Iraq and Iran were at war. I trust that any one genuinely interested in the welfare of the Iraqi Kurds, and in the Arab American friendly relations would take into consideration the above developments before rushing to judgment.

I will be most grateful if your honor have this letter entered into record.

Please accept my highest considerations.

Sincerely

Dr. Abdul-Amir Al-Anbari
Ambassador of Iraq

cc/ The Honorable William S. Bloomfield
The Honorable Lee H. Hamilton
The Honorable Benjamin A. Gilman

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APPENDIX 2

I

100TH CONGRESS
2D SESSION

H. R. 5271

Condemning Iraqi use of chemical weapons and imposing sanctions against Iraq, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1988

Mr. LANTOS (for himself and Mr. PORTER) introduced the following bill; which was referred jointly to the Committees on Banking, Finance and Urban Affairs, Foreign Affairs, and Ways and Means

---

A BILL

Condemning Iraqi use of chemical weapons and imposing sanctions against Iraq, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Prevention of Genocide Act of 1988".

SEC. 2. FINDINGS.—The Congress finds—

(i) the Kurdish people constitute a distinct ethnic group of some twenty million, with an ancient history and a rich cultural heritage;

(ii) three to four million Kurds are citizens of Iraq, residing in the northern part of that country;

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(iii) the Iraqi army has undertaken a campaign to depopulate the Kurdish regions of Iraq by destroying all Kurdish villages in a large part of northern Iraq and by killing the civilian population;

(iv) conclusive evidence exists that the Iraqi Army has used and is continuing to use chemical weapons against Kurdish insurgents and unarmed Kurdish civilians;

(v) tens of thousands of Kurdish survivors of the Iraqi Army assaults have taken refuge in Turkey;

(vi) Iraq's use of chemical weapons is a gross violation of international law; and

(vii) Iraq's campaign against the Kurdish people appears to constitute an act of genocide, a crime abhorred by civilized people everywhere and banned under international law.

SEC. 3. (a) SANCTIONS AGAINST IRAQ.—The United States Executive Director or representative at all international financial institutions of which the United States is a member is instructed to vote against all loans to Iraq.

(b) The United States shall provide no assistance, shall make no sales of any kind of military equipment, shall provide no credits, and shall provide no guarantees of any credits to Iraq.

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(c) No item subject to export controls by any agency of the United States shall be sold or otherwise transferred to Iraq.

(d) No oil or petroleum products produced in Iraq shall be imported into the United States.

SEC. 4. WAIVER.—The President may waive the sanctions contained in section 3 if he determines and so certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the United States Senate that—

(i) Iraq is not committing genocide against the Kurdish population of Iraq; and

(ii) Iraq is not using chemical weapons banned by the 1925 Geneva Conventions and has provided reliable assurances that it will not use such weapons.

SEC. 5. COMMENDATION OF TURKEY.—The Congress commends the Government of Turkey for its humanitarian decision to host thousands of Kurdish people fleeing extermination in Iraq. The President is requested to convey to the Government of Turkey this commendation.

SEC. 6. ASSISTANCE TO KURDISH REFUGEES.—It is the sense of the Congress that the United States should provide assistance to Kurdish refugees in need of medical treatment and other humanitarian aid.

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SEC. 7. EFFECTIVE DATE.—This Act shall take effect on enactment.

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APPENDIX 3

100TH CONGRESS
2D SESSION

H. RES. 471

To condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the Administration to step up efforts to achieve an international ban on chemical weapons.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1988

Mr. BERMAN (for himself, Mr. CLARKE, Mr. PORTER, Mr. DEFAZIO, Mrs. COLLINS, Mr. ACKERMAN, Mrs. BOXER, Mr. GREEN, Mr. KLECZKA, Mr. CLAY, Mr. BLAZ, Mr. BROWN of California, Mr. MRAZEK, Mr. WEISS, Mr. LEWIS of Georgia, and Mr. DORNAN of California) submitted the following resolution; which was referred to the Committee on Foreign Affairs

---

RESOLUTION

To condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the Administration to step up efforts to achieve an international ban on chemical weapons.

Whereas the international community recognized the dangers of chemical warfare during World War One, in which at least 90,000 were killed and well over 1,000,000 wounded by chemical weapons;

Whereas the 1925 Geneva Protocol outlawed the use of chemical weapons;

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Whereas Iraq has been producing and stockpiling chemical weapons;

Whereas United Nations investigators concluded in 1984, 1986, and 1987 that Iraq had employed chemical weapons, and the United Nations Security Council has condemned the use of chemical weapons in the Iran-Iraq war;

Whereas Iraq's chemical weapons attack on March 16, in which hundreds of Kurdish civilians were killed on Iraqi soil, underscores the horror of these weapons and their impact on noncombatants;

Whereas the United States condemned that Iraqi attack as a "particularly grave violation" of international law; and

Whereas it has been reported that Iran may be producing chemical weapons, and Iran has warned that it might employ chemical weapons against Iraq: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the use of chemical weapons by Iraq and declares that such action violates international law;

(2) calls upon Iraq to halt immediately and permanently the use of all chemical weapons;

(3) commends the President for his prompt condemnation of Iraq's recent chemical weapons attack on civilians;

(4) urges the President to seek allied cooperation to further tighten controls on the export of chemical compounds to countries seeking to develop a chemical weapons capability;

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(5) expresses concern about possible Iranian production of chemical weapons and urges the President to make appropriate diplomatic efforts to prevent Iran from developing or using chemical weapons; and

(6) urges the President to intensify American efforts at the Geneva Conference on Disarmament and in bilateral discussions with the Soviet Union to reach at the earliest possible date an arms control agreement banning the use, production, development, stockpiling, transfer, and acquisition of chemical weapons.

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