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S. HRG. 104–280

U.S. POLICY TOWARD IRAN AND IRAQ

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
NEW EASTERN AND SOUTH ASIAN AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

MARCH 2 AND AUGUST 3, 1995

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U.S. POLICY TOWARD IRAN AND IRAQ

THURSDAY, MARCH 2, 1995

U.S. SENATE,
SUBCOMMITTEE ON NEAR EASTERN AND
SOUTH ASIAN AFFAIRS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 3:32 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Hank Brown (chairman of the subcommittee) presiding.

Present: Senators Brown and Feinstein

Also present: Senator McCain.

Senator BROWN. Good afternoon, ladies and gentlemen.

This will be the first of a series of hearings by the subcommittee on Near East and South Asia, in the 104th Congress.

The purpose of the hearings will be to focus on the areas under the subcommittee's jurisdiction, to look for problems, to look for opportunities, and to update the committee on current policies and possibilities for improvement in relations.

This hearing today, the first one, will focus on Iran and Iraq. One need go no further than the evening news to understand the significance of that area and the problems that we face.

NBC Nightly News, following reports by the New York Times, the Washington Post, and others, reported last night, "U.S. intelligence has discovered that in the last few days Iran has armed antiaircraft missile launchers on an island in the strait"—the strait they refer to is the Strait of Hormuz—"in addition to artillery, marines, and ground forces recently based on two other islands."

NBC News has learned of all this as part of an even bigger military buildup by Iran, including a base for Iran's three Russian-built submarines just outside the strait, the purchase of 10 missile patrol boats from China, and Chinese advanced Silk Worm missiles, with a range of 50 miles at four new locations.

The news, though, is not the only matter that has focused our attention on this area. Concern over peace in the Middle East and in that entire region has been increasingly influenced by terrorism and terrorist activities.

So it is our concern, both with briefings in public and in secret, to try and update the committee on the potential military problems and disturbances in that region, and to focus particularly on the problems of terrorism that play such a significant role.

We are fortunate to be joined today by a Senator who has been in the forefront of dealing with Middle East issues, and particularly

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terrorism, and has authored a number of pieces of legislation in this area, Senator McCain, the senior Senator from Arizona.

We appreciate you coming today.

Senator MCCAIN. Thank you, Mr. Chairman.

Senator BROWN. We will put your entire statement in the record, but we would appreciate hearing any remarks you would like to add.

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA

Senator MCCAIN. Thank you very much, Mr. Chairman.

I appreciate the opportunity to appear before the subcommittee, and I appreciate very much your involvement in these critical issues, not only now, but in the past many years, both here and in the other body.

I believe the administration's dual containment policy toward Iraq and Iran is generally the right approach.

Attempting to balance Iran and Iraq at a lower level of conflict than that which characterized the balance in the 1980's makes eminently good sense; however, there remains a major discrepancy, the Russia-Iran nuclear deal, with which the administration must come to grips if it is to make a credible attempt at containing the major threats to our interests in the Persian Gulf.

Because I have often disagreed with my friends in the administration on issues of foreign policy, I would like to first address that half of the policy which I find to have been the most effective, the administration's policy toward Iraq.

President Clinton's decisive response to Saddam Hussein's provocation this last fall is to be commended. Saddam should understand that, notwithstanding the debate in our country over foreign policy, aggression will be met with a swift and overpowering response, and that response will be largely supported by most Members of the Congress and the American people.

I and the majority of my colleagues on both sides of the aisle also agree with the President's strong enforcement of the cease-fire agreements.

Not only should Saddam note American solidarity on this issue, but our friends in France and Russia would also be wise to recognize the bipartisan nature of our sanctions policy.

Iraq has not yet complied with the terms of the relevant Security Council resolutions. Until Iraq fully discloses the history of its weapons program, and demonstrates a long-term commitment to permit full inspections, until it ends its support for international terrorists among them, Abu Nidal and the People's Mujaheddin, of Iran, until it cooperates to the greatest possible extent in returning Kuwaiti nationals and Kuwaiti property, and until it demonstrates a respect for human rights consistent with the values of the three great religions of the Middle East, we should stand firm on sanctions.

I cannot fathom, Mr. Chairman, French and Russian support for the narrowest possible reading of the U.N. cease-fire terms.

Do they really believe that Iraq, given its track record, will abide by the will of the Security Council once it is in control of its oil revenues? Will we be able to honestly assess Iraqi compliance once

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their debt payments are being met and international oil companies have access to the Iraqi oil supply?

The sanctions against Iraq were forged in the aftermath of the Persian Gulf war, when the images of Saddam Hussein's aggression were fresh in all our minds. Western and Arab nations had a common perception of the Iraqi threat.

It is unlikely that absent a brazen violation of the cease-fire agreements, we will be able to rebuild the consensus that underpins current sanctions.

Subtle Iraqi efforts to rebuild its conventional weapons capability or even weapons of mass destruction may not be compelling enough to create the same degree of consensus.

Our sanction policy should be aimed at compelling complete compliance with the terms of the cease fire and all relevant Security Council resolutions.

I was pleased by the job done by our representative to the U.N. in January when the sanctions came up for consideration in the Security Council. I encourage the administration to stand firm, even if it means casting a veto.

The history of U.S. policy toward Iraq, the international support for it, and the process for changing it allow the administration to pursue that policy with relatively little pain.

Iran, on the other hand, demands a very difficult policy decision upon which our entire effort at containing the threat may hinge.

I need not go, Mr. Chairman, over every troubling aspect of Iran's behavior to demonstrate the very significant threat the regime poses to the stability of the Middle East. It would not, in my view, be a constructive use of the committee's limited time.

There is broad consensus regarding the brutal undemocratic revolutionary nature of the Iranian regime.

Much of its behavior, however, impinges directly on the U.S. national security interests, and offers disturbing indications about its aim in acquiring an enhanced nuclear capability.

The press yesterday carried reports of a sharp increase in Iran's military presence in the Persian Gulf. Iran has increased its military strength on islands it controls in the Straits of Hormuz, in addition to Silk Worm missiles, and two Russian-built submarines already in the area.

Iran has brought in tanks, 3,300 additional troops, surface-to-air missiles, and artillery.

According to General Shalikashvili, "All of this can lead you to lots of conclusions, one of which they want to have the capability to interdict the traffic in the Straits of Hormuz."

This report comes amid a number of other well-known disturbing developments in Iran's military capabilities, which I am certain also give the general cause for concern.

Iran is importing hundreds of North Korean-made scud-C missiles. It is expected to acquire the Nodong North Korean missiles currently under development, and it is reportedly assembling its own shorter range missiles.

Iranian efforts to develop nuclear weapons are public and well-established. Successive CIA directors and Secretaries Perry and Christopher have all testified to the effect that Iran is engaged in an extensive effort to acquire nuclear weapons.

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Last month, Russia signed an agreement to provide Iran with a 1,000-megawatt light-water reactor. The Russians indicate that they may soon sign agreements to build as many three more reactors, another 1,000-megawatt reactor, and two 440-megawatt reactors.

While I will concede that the design of the light-water reactor, as far as I can tell, offers technical advantages which make it proliferation resistant, it cannot be considered proliferation proof.

In fact, it has been estimated that the light-water reactor going to Iran has a potential to produce enough plutonium to build 35 bombs for a year. And I fear that if the Iranians have the will, which I believe they do, they will circumvent their obligations under the NPT.

Moreover, in trying to discern Iranian motives, it seems imminently fair to ask what legitimate interest Iran, a nation that floats on a sea of oil and natural gas, has in the peaceful development of nuclear power.

The administration has assured me that its concerns about the sale are being raised with the Russians at the highest levels. We know from experience, however, that this administration puts a premium on maintaining a smooth relationship with Russia.

My speculation is that sympathy for Russia is represented at sufficiently high levels within the administration that concerns about Iran's nuclear potential may be secondary.

If administration officials hesitate to raise tensions over the deaths of 24,000 Chechens, they may be prepared to excuse Russian contributions to Iran's development of weapons of mass destruction as consistent with the Nuclear Non-Proliferation Treaty.

The Iran-Iraq Arms Non-Proliferation Act, which Vice President Gore and I sponsored 3 years ago, has its expressed purpose pressuring Iran's weapons suppliers.

Our "aim" was, as then-Senator Gore himself said, and I quote Vice President Gore, "To inhibit as much as possible the willingness * * * of governments to provide Iran and Iraq with a means to create weapons of mass destruction."

His statement of April 8, 1992, did not mention the NTPT. He did, however, say that "the sanctions package has got to lay out the choices for dealers in these technologies in very stark terms," and that "we need to raise the stakes high and * * * act without compunction if we catch violators."

Mr. Chairman, the law is clear. The Foreign Assistance Act of 1961, which the Iran-Iraq Act is meant to reinforce, explicitly prohibits assistance to "the government of any independent state of the former Soviet Union, that the President determines has knowingly transferred to another country any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction."

I worked extensively with then-Senator Gore in an effort to stem worldwide proliferation. I know he is committed to making nonproliferation a principal focus of our foreign policy.

It is my sincere hope that his relative influence is such that he can persuade the President to lay out the choices for the Russians in "very stark terms."

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I want to make clear that I prefer that the President work out this issue with Russia without congressional interference.

The Iran-Iraq Act gives the President the clear authority to waive the prohibitions on assistance to violators, but the President is required to make the decision to either enforce the sanctions or formally waive them.

This morning, Mr. Chairman, I received a response to a letter I wrote on February 9, 1995, to Assistant Secretary Lynn Davis, making this precise point.

The response states that, "Based on the information available at this time, we have concluded that sanctions against Russia are not currently mandated under any of the statutes referenced in the Iran-Iraq Act."

Mr. Chairman, the State Department's interpretation is just plain wrong. In preparation for this hearing, I asked the American law division of CRS for a legal analysis of the Iran-Iraq Act. That analysis supports my position.

I ask that this analysis be made a part of the record.

Senator BROWN. Without objection, so ordered.

[The information referred to follows:]

U.S. SENATE,
WASHINGTON, DC,
March 3, 1995.

HON. ROBERT H. PELLETREAU,
Assistant Secretary of State of Near Eastern Affairs, Department of State, Room 6242, 2201 C St. NW, Washington, DC

DEAR MR. SECRETARY: I was encouraged by your indication yesterday that, in light of the Congressional Research Service (CRS) legal analysis I presented yesterday to the Senate Subcommittee on Near Eastern and South Asian Affairs, you would review the State Department's response to my February 9, 1995, letter. I have attached a copy of the CRS analysis for your information.

My concern with the State Department's March 1, 1995, response is that it is contradictory with regard to the applicability of current law. Despite assurances that the Department "would evaluate the transfer in light of the relevant statutes," the further statement that "as a general matter, these statutes would not ordinarily be deemed to apply to a transfer of power reactors to an NPT party with full-scope safeguards such as Iran" confuses the issue.

To my knowledge the applicable provisions of the Foreign Assistance Act do not refer to the Nuclear Non-Proliferation Treaty. Furthermore, given our difficulties in Iraq and North Korea, and what appear to me to be obvious Iranian intentions, it is my view that Iran's NPT status is not a sufficient basis to determine whether the sale of the Russian nuclear reactor will contribute to its well-known quest for a nuclear weapon.

If it is the State Department's contention that because of Iran's NPT status, or because of some other factor, it is confident the reactor will not be used to manufacture nuclear weapons, then I would appreciate a statement to this effect. If, on the other hand, you believe, as numerous Administration statements indicate, that the reactor allows Iran to take steps up the proliferation ladder, then it is my opinion that the President must by law invoke sanctions against Russia or formally waive them.

I cannot imagine a Congressional approach to this problem which is more respectful of the President's foreign policy prerogatives. And, as I pointed out yesterday, if the President does not make this decision, he may very well face Congressional action which is much less respectful of his powers.

Thank you for your willingnes to review this matter.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

Enclosure

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March 1, 1995

TO: Honorable John McCain—Attention: Walter Lohman

FROM: American Law Division

SUBJECT: Whether Russia's Contract with Iran To Build Four Nuclear Reactors Violates Either the Iran-Iraq Arms Non-Proliferation Act of 1992 or the Nuclear Non-Proliferation Treaty

This is in response to your request regarding the interplay between Russia's reported assistance to Iran in obtaining nuclear reactors, the Iran-Iraq Arms Non-Proliferation Act of 1992, and the Nuclear Non-Proliferation Treaty. Russia has reportedly contracted to build up to four nuclear reactors for Iran, and concerns have been expressed that Iran might become able to extract plutonium from the nuclear material used in the reactors and use it to make nuclear weapons. More specifically, you asked (1) whether the assistance would constitute a violation of the Act and trigger its sanctions, and (2) whether the assistance would violate the Treaty. This memorandum responds to these questions in order.

IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

In 1992 Congress enacted into law the "Iran-Iraq Arms Non-Proliferation Act of 1992."[1] That Act, in sections not relevant to your inquiry, sets forth a range of mandatory and discretionary sanctions to be imposed on persons and foreign countries that "knowingly and materially" help either Iraq or Iran "acquire destabilizing numbers and types of advanced conventional weapons." In addition, Sections 1602 and 1603 of the Act provide as follows:

Sec. 1602. United States Policy

(a) In general.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weaponry.

(b) Sanctions.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, chapter 7 of the Arms Export Control Act, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery. (2) The President should also urgently seek the agreement of other nations to adopt and institute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) Public identification.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

Section 1603. Application to Iran of certain Iraqi sanctions

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586(G) of the Iraq Sanctions Act of 1980 (as contained in Public Law 101–513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

Section 1602, it seems clear, does not in itself create new sanctions to be imposed on Iran and Iraq but directs the President to impose the sanctions provided in other statutes in furtherance of the policy of preventing either country from developing or obtaining weapons of mass destruction, including nuclear weaponry. Section 1603, on the other hand, does appear to create new sanctions with respect to Iran that are triggered, *inter alia*, if that country is "acquiring, developing, or manufacturing * * * nuclear weapons * * *" That section bars the U.S. government from selling arms to Iran under the Arms Export Control Act, commercial dealers from selling any arms to Iran that are on the United States Munitions List, the export of dual-use items to Iran, and the export of any nuclear materials, equipment, or technology to Iran. The President is authorized to waive these prohibitions, but only

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[1] P.L. 102–484, Div. A, Title XVI (Oct. 23, 1992); 106 Stat. 2571; 50 U.S.C.A. 1701 note (West Supp. 1994).

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upon his certification, *inter alia*, that Iran is "not acquiring, developing, or manufacturing * * * nuclear weapons."

Section 1602 cites a number of statutes that contain sanctions regimes potentially applicable to persons and countries implicated in the proliferation of weapons of mass destruction. Only two, however, appear to impose sanctions on countries that provide assistance to other countries in the development of nuclear weaponry, as Russia is alleged to be doing in its contract with Iran: (1) The Foreign Assistance Act of 1961[2] authorizes assistance to the independent States of the former Soviet Union.[3] The Act directs the President, in providing assistance, to consider the extent to which the independent State is, *inter alia*, "not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies * * *"[4] More explicitly, the Act prohibits assistance

> for the government of any independent state that the President determines has, on or after the date of enactment of this chapter, knowingly transferred to another country——
>
> (A) * * *
>
> (B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapons.
>
> 22 U.S.C.A. 2295a(b)(3).

That prohibition on assistance may be waived if the President determines that "furnishing such assistance is important to the national interest of the United States."[5] In addition, and more generally, the Foreign Assistance Act prohibits the provision of any assistance under it (a) to a nuclear-weapon State that transfers a nuclear weapon to a non-nuclear-weapon State, (b) to any country which transfers nuclear reprocessing equipment, materials, or technology to another country, and (c) to any country that delivers nuclear enrichment equipment, materials, or technology to another country without IAEA safeguards.[6] (2) Similarly, the Arms Export Control Act of 1979[7] prohibits the provision of any economic or military assistance under it in the latter two instances, *i.e.*, to any country which transfers nuclear reprocessing equipment, materials or technology to another country or which delivers nuclear enrichment equipment, materials, or technology to another country without IAEA safeguards.

Whether Russia's contract with Iran to construct up to four nuclear reactors violates the Iran-Iraq Arms Non-Proliferation Act essentially is a question of whether Section 1603 is violated. The sanctions of the other statutes can come into play regardless of Section 1602. Under Section 1603, if the President cannot certify that Iran is not engaged in acquiring, developing, or manufacturing nuclear weaponry, the specified sanctions are triggered. Whether that certification can or ought to be made requires information well beyond what is available to us. But as a practical matter, it should be noted that the sanctions of Section 1603 are also triggered if Iran is not certified as not providing support for international terrorism and as making substantial improvement in its human rights record.

NUCLEAR NON-PROLIFERATION TREATY

The Nuclear Non-Proliferation Treaty,[8] to which both Iran and Russia are parties, imposes obligations designed to constrict the spread of nuclear weaponry. Nuclear weapon States such as Russia are barred by the Treaty from transferring nuclear weapons to the control of any other country and from "assist(ing), encourag(ing), or induc(ing) any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. * * *"[9] Non-nuclear weapon States such as Iran, in turn, are obligated by the Treaty not to receive nuclear weapons from any other State, not to manufacture or otherwise acquire nuclear weapons, and "not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."[10]

---

[2] 22 U.S.C.A. 2151 *et seq.*
[3] 22 U.S.C.A. 2295.
[4] 22 U.S.C.A. 2295a(a)(6)(C).
[5] *Id.*, § 2295a(c)(1).
[6] 22 U.S.C.A. 2429.
[7] 22 U.S.C.A. 2751 *et seq.*
[8] 21 UST 483 (1970).
[9] *Id.*, Art. I.
[10] *Id.*, Art. II.

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If the Treaty said no more, and if it were clear that Russia's contract with Iran was intended to facilitate Iran's development of nuclear weaponry, these provisions of the Treaty would seem to be violated. But the Treaty also affirms "the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes" and the right of all Parties "to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy."[11] The Treaty provides that any development and use of nuclear power by a non-nuclear-weapon State under the Treaty, and any transfer of nuclear materials and equipment, must be subject to the monitoring of the International Atomic Energy Agency (IAEA) in order to ensure there is no diversion to nuclear weaponry. But the Treaty does not preclude assistance by a nuclear weapon State to a non-nuclear-weapon State in the development and use of atomic energy for peaceful purposes.

In this instance, according to press accounts, both Russia and Iran assert that their contract contemplates nothing more than the development and use of nuclear energy for peaceful purposes, and the building and use of the reactors apparently will be done under the auspices of the IAEA. To the extent these claims are true, Russia's contract to build the reactors would not contravene the Treaty. A violation might exist or might arise in the future if Iran could be shown to be developing nuclear weaponry and to be acquiring the reactors for that purpose. But the press reports available to us about the reactor contract are insufficient to make that case.

I hope the above is responsive to your request. If we may be of additional assistance, please call on us.

DAVID M. ACKERMAN,
Legislative Attorney.

Senator MCCAIN. Assistant Secretary Sherman's letter has some kind words about my constructive approach to this issue, in that the Iran-Iraq Act completely preserves the foreign policy prerogatives of the President.

I believe my insistence that it be followed is equally constructive. If the President cannot bring himself, at the very least, to waive the sanctions, Congress may very well adopt an approach to this problem that is not nearly as respectful of the President's prerogatives.

Once again, Mr. Chairman, I believe we should call on the President of the United States to make a decision, inform the Russians that assistance will be terminated, or formally waive the relevant provisions of the law.

Thank you, Mr. Chairman for the opportunity to testify. I apologize for the length of my statement. This is a very important issue.

It is one that you and I have worked on for a long time, and I am deeply concerned about a precedent that we may be setting in allowing the Russians to sell this kind of equipment while the law of the land be ignored by the administration.

I thank you very much, Mr. Chairman.

Senator BROWN. Senator McCain, we appreciate your testimony. One recalls not only your own heroic service to this country in uniform, but the wisdom of your thoughts on foreign policy.

I particularly recall a speech that you made on the House floor warning of the policies of a previous administration on Lebanon, and tragically, the concerns ended up being well-founded and accurate.

One does not know whether or not to hope that you are wrong this time or not. I have a couple of questions that I hope you will be willing to share your thoughts on.

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[11] *Id.*, Art. IV.

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The Russians have criticized the American efforts in dealing with North Korea, and specifically have compared them to the Russian deal with Iran.

As a matter of fact, they have indicated at least their feeling is the technology involved in the arrangement with North Korea is better than what Iran would receive under the Russian arrangement. What are your thoughts? How do you evaluate their response?

Senator MCCAIN. I think there is validity to the Russian argument, Mr. Chairman. That was one of the reasons why I was so adamantly opposed to this deal we made with North Korea.

But I think it is important to point out that although the Russian light-water reactor requires a greater level of technical skill to operate, it is more difficult to extract and reprocess plutonium for it, it produces relatively less plutonium than those that are being provided to North Korea, and because it is necessary to shut it down in order to refuel it, extraction is more easily detectable.

They do, however, produce plutonium, and the plutonium can be reprocessed. And also, Mr. Chairman, one additional point, North Korea is in a very, very serious strategic position as far as a threat to U.S. interests in the region.

But I would make an argument that Iran is probably even in a more serious strategic position, particularly in light of many of their other activities—activities like General Shalikashvili revealed, their movement of military equipment and arms near the Straits of Hormuz, their continued sponsorship of international terrorism, et cetera, et cetera.

There is not a law requiring the United States to act in the event of this provision of reactors to North Korea. There is a law that requires the President of the United States either to impose some kind of sanctions or waive those provisions of that act.

I would urge you, Mr. Chairman, to try to get from the administration witnesses that follow their rationale for advising the President not to act.

Senator BROWN. Thank you. I have one other question. One of the items this committee will be considering will be the package of assistance to Russia.

Some have suggested that that assistance ought to be conditioned, or parts of it ought to be conditioned, on cancellation of the arrangement with Iran, or modification of the arrangement with Iran. What is your feeling on that?

Senator MCCAIN. Well, Mr. Chairman, I believe that there is one thing that is important here, the Nunn-Lugar funds come out of the defense account, and so this would not be impacted if the administration acts.

I think it is a very tough call, Mr. Chairman, as to what the President decides to do. Perhaps he has access to better information and guidance than I do. He certainly has a larger staff.

So it is not exactly clear to me what I would recommend that the President do, but I would recommend strongly that the President comply with the law that says that he either imposes sanctions or waives those provisions of that act.

One of the problems we have had in recent years is people ignoring acts of Congress. I think a clear case has been laid.

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At this particular junction, Mr. Chairman, if the President made the decision to waive the provisions of the act, because of national security reasons, I would not fight that.

I would certainly want to know the rationale for that decision on the part of the President. But he is the President of the United States. That is what we elected him to do.

And at least on the fact of it, I would respect the views of the President. What I find just so aggravating and very unpleasant is a failure to comply with the law.

Does that respond, Mr. Chairman? I hope——

Senator BROWN. It does. Senator Feinstein, I would defer to you on questions, but you may have an opening statement, too.

Senator FEINSTEIN. Thank you, Mr. Chairman. I apologize for being late. I could not help it.

I would like to welcome the distinguished Senator to this subcommittee. His work in the area is well known. I do have a statement, but perhaps I will just submit it for the record, if I might——

Senator BROWN. Without objection, so ordered.

Senator FEINSTEIN [continuing]. And move on and ask you your views on some of these things.

[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF SENATOR FEINSTEIN

Thank you, Mr. Chairman, for calling this important hearing today. I would like to thank all of our distinguished witnesses—those from the Administration, and those from the private sector—for appearing to testify today on U.S. policy toward Iraq and Iran. This has been a particularly thorny policy area since the Iraqi invasion of Kuwait in 1990. Two Administrations have struggled with it, and there is no sign that the problem will get easier in the near future.

Ever since the U.S.-led coalition expelled the Iraqi army from Kuwait in the early weeks of 1991, the international community has been locked in a tense stare-down with Saddam Hussein. The will of the nations of the world has been expressed in a series of United Nations Security Council resolutions, which spell out the conditions Iraq must meet if it is to have sanctions lifted and be reintegrated into the international community. These conditions have included:

- the destruction of Iraq's weapons of mass destruction programs, and extensive monitoring to ensure that the programs are not revived;
- Iraq's recognition of Kuwait's sovereignty and acceptance of the inviability of the U.N.-demarcated Iraqi-Kuwaiti border;
- an end to Iraq's repression of its own people;
- the return of or accounting for over 600 missing Kuwaitis, many of them believed held as POWs in Iraq; and,
- the return of or compensation for property damaged during the invasion and the war.

Iraq has made slow, grudging progress in some of these areas: the U.N. Special Commission on Iraq (UNSCOM) has largely destroyed Iraq's nuclear, chemical, and biological weapons programs, and Iraq has belatedly recognized Kuwait's independence and the Kuwaiti border. In other areas, Iraq has made no progress, and there has even been regression: today, for example, the Iraqi regime is as repressive toward its own people as it has ever been.

The Clinton Administration, like the Bush Administration before it, has remained firm it its resolve not to let Saddam Hussein off the hook. The United States has been the leader in maintaining strict sanctions against Iraq, despite all of Saddam's efforts to get them lifted through half-measures, deception, and virtual bribery. Today the Administration faces a new challenge, as calls are increasingly heard from our coalition allies to allow Iraq to resume selling its oil.

I look forward to discussing with our witnesses how the United States can meet this challenge and work with our allies to ensure Iraq's full compliance with all relevant U.N. Security Council resolutions. I also want to explore the extent to which U.S. policy should be tied to Saddam Hussein's continued rule and how our policies might change if he were to be removed from power. There are also questions about how our military posture in the Persian Gulf contributes to our efforts to contain

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Iraq, and what steps might be taken to respond to humanitarian suffering in Iraq that results from both sanctions and Saddam's brutality.

Iran presents an equally vexing policy puzzle. Successive administrations have tried various methods to change objectionable aspects of Iran's behavior, with little success. Today Iran continues to violate international norms by:

- actively pursuing weapons of mass destruction, including nuclear technology from Russia;
- menacing its weaker neighbors, such as the UAE, in Persian Gulf region;
- providing financial, logistical, and moral support to terrorist groups;
- opposing the Middle East peace process and calling for Israel's destruction;
- undermining moderate regimes in the region by supporting radical revolutionary movements in those countries; and,
- conducting widespread human rights abuses against the Iranian people.

Many thought, when President Rafsanjani succeeded the Ayatollah Khomeini as ruler of Iran, that he would lead Iran in a new, more moderate direction. But unfortunately, this does not appear to be the case. Iran appears as hostile to the United States and U.S. interests as ever, and prospects for improved relations seem slim.

Given this state of affairs, and Iran's ability to threaten our interests, a policy of containment is a prudent course. I am interested in hearing from our witnesses their thoughts on the effectiveness of our current efforts to contain Iran, how those efforts might be made more effective, how much cooperation we are getting from our allies on Iran, and what prospects, if any, there might be for an improved U.S.-Iranian relationship.

The United States has many vital interests and key allies in the Persian Gulf region. It is unfortunate that the two largest states in the region are so hostile toward the United States and have the capability to threaten our interests. But that being the case, there is no alternative but to pursue tough policies that protect our interests in the region, reduce the likelihood of direct threats to our interests, and maintain our ability to respond to challenges if necessary.

Thank you, Mr. Chairman.

Senator FEINSTEIN. If one regards a major threat to American interests in this area of the world to be Iran and Iraq, and believes that Iran's major aim is to become a nuclear power, and Iraq to begin once again its poison gas production and move up to pre-Gulf war strength as fast as possible, how do you view economic sanctions on each?

Now, Iraq has some, Iran has a different set of sanctions, but how do you view them? How do you feel they could be more effective? What do you think American policy should do to deter militarization, and really some abysmal treatment of people?

Senator MCCAIN. Senator Feinstein, you asked the question that we ask each other and I ask myself time after time after time. And I have arrived at several not completely compelling conclusions, but I would like to share them with you.

One of them is that we know that sanctions do not work unless they are generally supported by other members of the U.N. and the world community. As time goes by, they are more and more difficult to maintain.

And sometimes you could make a case that if sanctions are imposed and then fail, you really do more harm than good. The domestic support that someone like the Iranian rulers would gain, from thumbing their nose at the great satan, give them rationale for increased sponsorship for international terror, et cetera, et cetera.

And we know that the Iranians have engaged in that in the past, and certainly their recent military moves just in the last couple of days indicate their aggressive anti-Western, in general, nature, and anti-U.S. nature, in specific.

The other side of that coin is, that without acting, then we are simply allowing violation of solemn treaties and actions which are

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in violation of the commitments that they have made and that we have made to world peace.

So I think the best way to proceed is pretty much—if I had a model on a way to proceed, it would probably be the way we did in the Persian Gulf situation, where we were able to get our allies on board, and then the entire world community.

Now, that is easy for me to say, because there was a clear threat of active total aggression against an occupation of a small neighboring state. So it made it a lot easier to achieve.

But I believe that we are the world's leader. We must make our friends and allies aware of the danger, and at the very least, we ought to have the moral suasion to convince a country like Russia or a country like France that there is going to be some kind of retribution or deterioration of relations or something that would be a penalty in our relations with those countries, if they continue to do what they have sought to do, and the Russians, indeed, are doing.

I am sorry for the somewhat long and rambling answer, but I would suggest to you that economic sanctions are a tool that should be used as a last resort, but recognizing that they are not totally effective or even partially effective, unless we have other nations on board with us. And sometimes they can be nonproductive, to say the least.

So before we invoke sanctions, if the President decides, for example, that Russia is in violation of the treaty, then I would first look at what kind of assistance we are providing with Russia, and at the same time, I would move forward through international bodies, such as the U.N., to try to seek some kind of consensus.

Every Western nation, as well as ours, is dependent upon the world's oil supply, and I think we could make a compelling argument.

I apologize for the long answer, but you posed a question that I think is a dilemma for those who are interested in foreign policy. If Henry Kissinger were here, I am not sure he could give you a coherent answer to that question.

Senator FEINSTEIN. Let me follow that up with something, and that is the policy of dual containment. Our colleague, Senator Brown, and I participated in the hearing on Martin Indyk to be Ambassador to Israel, and when he was a National Security Council official, one of the things he put forward was a policy of dual containment of both Iran and Iraq, rather than taking a choice between the two, of containing them both, and being able to keep them both from emerging as major military powers.

How would you assess the effectiveness of this policy, and what criteria would you see as being useful in evaluating it? And how do you think our country should address a military imbalance that might develop between Iraq and Iran?

Senator MCCAIN. Senator Feinstein, before you came, I took the opportunity to praise the administration as far as what we are doing in relation to Iraq and total support for the dual-containment policy.

And I think it is overall, given the difficulties of the regimes we are dealing with, it has been a successful policy, and one that we should pursue.

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I believe that as far as Iraq is concerned, the President's rapid response to threats from Saddam in the form of our deployment not too long ago was a commendable and exemplary example of an exercise of Presidential leadership in our country.

So I strongly feel that our attitude and our firm maintenance of sanctions in the U.N. against Iraq is one that is very laudable.

Obviously, Iran is much more difficult. We did not have the kind of confrontation. Khomeini's picture was not on every milk carton in America, so it is much more difficult.

At the same time, if you looked at actual damage to U.S. interests, I could argue that Iran, in the long run, has caused more problems than Iraq ever did, because of their orchestration of the acts of international terror and their support for international terrorist organizations for many, many years.

Having said that, it is clear that we do not want to see either nation emerge in a militarily superior position, and I am sure that, at least sublimely, this has guided some of our attitudes toward Saddam Hussein, and him retaining some military capabilities.

It is a very difficult balancing act. I support it. And I would suggest to you that the thing that could unbalance it quicker than anything else, as far as Iran and Iraq are concerned, would be the acquisition of nuclear weapons by the Iranians, since clearly we do have control over the Iraqi ability, at least at the time, to obtain not only nuclear weapons, but weapons of mass destruction.

Senator FEINSTEIN. Senator, did you, before I came into the room, talk about your prior comments that the administration may be violating the Iraq-Iran Non-Proliferation Act?

Senator MCCAIN. In 1992, Senator Feinstein, then-Senator Gore and I had legislation passed which required the imposition of sanctions if there was the export of nuclear technology from one nation to Iran or Iraq.

Now, as we know, the Russians are engaged in that exercise. My point, Senator Feinstein, was, just before you came in, that the President should either move forward with the sanctions and cutoff of assistance to Russia, which I am not necessarily advocating, or say that our national security interests are such that we waive those portions of the law.

Now, as I was saying just before you came in, if the President of the United States decides that what Russia is doing, although serious and grave, is not sufficient rationale for us cutting off assistance to Russia, because of the obvious consequences of such an act, and it is an exacerbation of already deteriorating relations between our two countries, then I would accept that finding on its face.

I am saying let us comply with the law one way or the other. I am sorry to say that I just received correspondence this morning from the State Department saying that they are not required to do so.

And I wish that I had not received that answer, and I would hope that the administration's witnesses could perhaps elaborate on their rationale for believing that, because I think some kind of action needs to be taken to be in compliance with this legislation.

Senator FEINSTEIN. I have just one last question. Do you have any specific recommendations? I have been getting briefings from

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some of the Assistant Secretaries in the State Department on the area, and we always end up talking about terrorism and Iran's position as a kind of, not only safe refuge, not only training ground, but sort of a harbor of first and last resort.

Do you have any specific recommendations or thoughts with respect to their willingness to provide this kind of safe harbor and training, and what might be an effective deterrent to that?

Senator MCCAIN. The only thing I can say, Senator Feinstein, is that we must make the world understand that at one time it may be the World Trade Center that is bombed, but it also could be the Eiffel Tower, it could be the Brandenburg Gate.

It could be a number of places in the world. And we have to continue to expose, and this administration has done a good job of it, continue to expose every terrorist act, every bit of support for terrorist organizations that is carried out by the Iranians.

And at some point, if this kind of total outlaw behavior continues on the part of Iran, maybe we could move forward with more stringent sanctions against that country.

But what I greatly fear right now, Senator Feinstein, and this is not a direct response, but we have problems in Algeria, Egypt has significant problems, Turkey now is experiencing this problem with Islamic fundamentalists, and those are just fertile ground for the Iranians to sow the seeds of terror and destruction.

I would suggest to you that one of the top three threats to peace in the world today is Islamic fundamentalism and its encouragement by outlaw nations such as Iran, which entails the supplying of training and equipment of terrorist movements. I consider us lucky as a nation, as a world, that we have not sustained more damage than we have.

Senator FEINSTEIN. Thank you very much.

Senator MCCAIN. Thank you.

Senator BROWN. Thank you, Senator McCain.

Senator MCCAIN. Thank you very much, Mr. Chairman. I appreciate you allowing me so much time. Thank you, sir.

Senator BROWN. You have been very helpful. Let me thank all the witnesses.

First of all, I am sure everyone is aware that this was scheduled for 2 p.m. We were delayed for some time, because of proceedings on the floor, so I appreciate all of the witnesses being so patient.

We will ask our second panel to come forward, the Honorable Joseph Nye, who is the Assistant Secretary of Defense for International Security Affairs, and also the Honorable Robert Pelletreau, who is the Assistant Secretary of State for the Near Eastern Affairs, also a career officer of great distinction in our Foreign Service, and a former Ambassador.

We have copies of both of your statements, and will introduce them in the record, but we would ask you to summarize the portion of your testimony that you would care to before we go to questions.

STATEMENT OF ROBERT H. PELLETREAU, ASSISTANT SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS

Ambassador PELLETREAU. Thank you very much, Mr. Chairman, Senator Feinstein.

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To summarize the statement that I have submitted for the record, we continue to view Iran and Iraq as the chief threats to security in the Middle East, as well as to U.S. interests in the region.

Over the past 2 years, the administration has led the world in applying substantial pressure on both countries, with some measure of success.

We have expended enormous political, economic, and military resources to countering real and potential threats from Iran and Iraq. We do not, however, treat the two countries in the same fashion.

Each poses different challenges; therefore, the tools we use are different. This is what we mean by dual containment.

U.S. policy toward Iraq remains constant. We seek full compliance with all relevant U.S. Security Counsel resolutions passed after Iraq's invasion and occupation of Kuwait in 1990.

The United States has argued to the Security Council that the Council must be assured of Iraq's long-term peaceful intentions, which, to date, are demonstrably anything but peaceful.

We are absolutely opposed to modifying sanctions, until Iraq demonstrates overall compliance with its obligations under the resolution.

President Clinton recently dispatched Ambassador Albright to Security Council capitals to express his determination to maintain sanctions as long as Iraq falls short of full compliance.

As a result of U.S. leadership, a solid core within the Council concurs with our insistence on the standard of full compliance. We fully expect that the sanctions will remain intact when the Council again reviews the issue on March 13.

Iran continues to pursue policies that we find abhorrent, and are a threat to vital American interests. We are convinced that Iran will have no reason to change its behavior until the world community exacts a sufficiently high economic and political price.

Our policy, therefore, is aimed at pressuring Tehran to halt its pursuit of weapons of mass destruction, its sponsorship of terrorism and violence, designed to undermine the Middle East peace process, its attempts to destabilize countries of the region, and its record on human rights abuses.

The United States enforces the strictest unilateral trade regime against Iran in the world, as established by U.S. law and regulation. Iranian exports to the United States are banned, with some limited exceptions.

We also maintain a stiff and comprehensive embargo against U.S. exports to Iran of military and dual-use items. We deny any government export credits, loan guarantees, or export insurance for Iran, and we have led efforts to stop all lending to Iran from international financial institutions, such as the World Bank, since 1992.

Iran's behavior places it outside the realm of normal relations, and requires focused collective pressure, if we are to be successful in obtaining a change in Iranian action. There are no U.N. or multilateral sanctions directed against Iran, and there is no detectable international sentiment to apply any.

Thanks to U.S. leadership, nearly all of our industrialized partners cooperate in our effort to prevent Iran from acquiring arms and items controlled under multilateral nonproliferation regimes.

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Most nuclear suppliers, including our major allies, have assured us that they will not engage in any nuclear cooperation with Iran, even under safeguards. Russia and China remain exceptions, as they place more faith in the safeguards regimes than we do. We remain engaged with both governments on this issue.

Our concerns regarding Iran remain high, and we continue to look for means that will allow us to intensify pressure on Tehran.

The administration is engaged in a comprehensive interagency review of the tools available to us that will allow us to demonstrate our determination to send the clearest possible message to Iran that the American people reject Iran's policy of violence of terror.

Mr. Chairman, before we turn to questions, let me also briefly address concerns that U.S. efforts to contain these states may ultimately drive them together. We doubt this is a realistic prospect.

This is a historical enmity between these two societies that reaches back more than 1,000 years. Despite the occasional coincidence of views, their mutual enmity remains. The appalling toll of the Iran-Iraq war is still fresh in peoples' memories on both sides. POW's from each side are still being held by the other side.

As I have stated, the success of our policies toward both of these countries requires not only firm U.S. unilateral action, but the collaboration of other influential governments, and a willingness to stay the course of constant pressure on both regimes.

My colleague, Dr. Nye, will point out it is also essential that we maintain an effective military presence to be in a position to respond quickly in the event either Iraq or Iran actively threatens other countries in the region.

Thank you, Mr. Chairman.

Senator BROWN. Thank you.

[The prepared statement of Mr. Pelletreau follows:]

PREPARED STATEMENT OF MR. PELLETREAU

Mr. Chairman, distinguished members of the subcommittee, I welcome this opportunity to appear before the subcommittee to discuss U.S. policy toward Iraq and Iran. We continue to view these two governments as the chief threats to security in the Middle East as well as to U.S. interests in the region. Over the past two years the Administration has led the world in applying substantial pressure on both countries—with a great measure of success. Both countries have ranked at the top of our foreign policy agenda. We have devoted enormous political, economic and even military resources to achieve our goals toward Iran and Iraq. We do not, however, treat the two countries in the same fashion; each poses different challenges. Therefore, the tools we use are different. This is what we mean by dual containment.

U.S. policy toward Iraq remains constant: we seek full compliance with all relevant UN Security Council resolutions passed after Iraq's invasion and occupation of Kuwait in 1990. The U.S. has argued to the Security Council that the Council must be assured of Iraq's long-term peaceful intentions, which to date are demonstrably anything but peaceful. President Clinton recently dispatched Ambassador Albright to Security Council capitals to demonstrate his determination to maintain sanctions as long as Iraq remains out of compliance. We are absolutely opposed to modifying sanctions until Iraq demonstrates overall compliance with its obligations under the resolutions. As a result of Ambassador Albright's discussions, we have confirmed that a solid core within the Council concurs with us. We fully expect that the sanctions will remain intact when the Council again reviews the issue on March 13.

We believe Iraq still harbors the intention and the means to rebuild rapidly its weapons of mass destruction. The UN Special Commission has worked diligently to establish a regime for monitoring Iraq's weapons producing capability but official Iraqi cooperation has been begrudging. There remain worrisome gaps in UNSCOM's information base, particularly regarding Iraq's refusal to account for its very significant biological weapons program. On other requirements imposed by the Security

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Council resolutions, Iraq still comes up short. It has finally, after four years, recognized Kuwait's sovereignty, but it has failed to cooperate fully in its other obligations toward Kuwait such as accounting for Kuwaiti missing-in-action. Iraq has also failed to return vast amounts of Kuwaiti property—including military equipment—as called for in UN Security Council Resolution 687.

Iraq continues heinous and reprehensible repression of its own citizens, which is not only contrary to the demands of the Council in UNSCR 688, but is ultimately destabilizing to the region, as we saw during the massive Kurdish refugees flows in 1991.

The UN Special Rapporteur on Iraq, Max van der Stoel, has just released a report to the UN Human Rights commission outlining in gruesome detail the systematic torture and mutilation of political opponents, military deserters and petty criminals. Moreover, the report states that the Iraqi government has failed in its obligations as a signatory to the UN Charter and its various conventions to provide food and medicine for its own people. Iraq also uses terrorism to intimidate opposition figures at home and abroad.

Calls by some governments for modification of the sanctions regime rest on the perception that sanctions deny basic humanitarian requirements of the Iraqi people. While it is true that Iraqi people are suffering, it is false that sanctions are the cause. That responsibility falls squarely on Saddam Hussein's shoulders. The sanctions regime permits the importation of basic humanitarian goods such as food and medicine and contains a procedure for approval of materials and supplies for essential civilian needs.

We also note that the Security Council in 1991 adopted Resolutions 706 and 712 which provided for the sale of $1.6 billion worth of Iraqi oil which could be used to finance the purchase of food, medicine and humanitarian supplies. Baghdad refused to implement those resolutions. We strongly believe that monitoring is essential if we are to be assured that proceeds from any 706/712 sale are used as provided in the resolutions. The U.S. is prepared to explore ways within the sanctions regime to respond to the humanitarian plight of the Iraqi people.

Our policy toward Iran is to pressure Tehran to abandon specific policies that we find abhorrent and a threat to vital American interests, including its pursuit of weapons of mass destruction, its sponsorship of terrorism and violence designed to undermine the Middle East Peace process, its attempts to destabilize countries of the region, and its record of human rights abuses. It is apparent that Iran will not be convinced to change its behavior until the world community exacts a sufficiently high economic and political price.

President Clinton's efforts to ensure that the United States leads the world in pressuring Iran have never flagged, and Secretary Christopher is personally at the forefront of that campaign. Last summer, we secured a statement at the G–7 summit in Naples condemning Iran's support of terrorism. At the United Nations, our delegations have countered Iran's efforts to scuttle extension of the Nuclear Non-Proliferation Treaty and ensured the extension of the mandate of the UN Special Representative on Human Rights in Iran over Tehran's objections. Secretary Christopher places Iran high on our bilateral agenda in discussions with his counterparts in key capitals such as Moscow, Tokyo and Bonn. Two years ago, he created a specialized working group with the European Union and Canada, that continues to meet regularly on Iran. Moreover, the Secretary has used the bully pulpit of his office to ensure that there is no public misunderstanding about U.S. policy toward Iran. Following the wave of anti-Jewish and anti-Israeli bombings last summer, he condemned Iran's role as the foremost sponsor of state terrorism. At Harvard University in January, he reminded the world of Iran's crash program to build weapons of mass destruction and its efforts to kill the chances for Middle East peace.

There are no UN or other multilateral sanctions directed against Iran—and there is no detectable international sentiment to apply any. Nevertheless, the United States enforces the strictest unilateral trade regime against Iran of any country, as established by U.S. law and regulation. Iranian exports to the U.S. are banned, with limited exceptions such as those related to settling claims under the Algiers Accords and to refined petroleum products that might have been derived partly from Iranian crude oil. We also maintain a stiff and comprehensive embargo against U.S. exports to Iran of military and dual-use items. We deny any U.S.G. export credits, loan guarantees, or export insurance for Iran, and we have led efforts to stop all lending to Iran from international financial institutions such as the World Bank since 1992.

Implementation of our Iran policy also seeks the close cooperation of other governments. Thanks to U.S. leadership, nearly all of our industrialized partners cooperate in our effort to prevent Iran from acquiring arms and items controlled under multilateral non-proliferation regimes. In particular, most nuclear suppliers, including our major allies, have assured us that they will not engage in any nuclear coopera-

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tion with Iran, even under safeguards. Russia and China are notable exceptions. Even these two governments agree with the objective of denying Iran nuclear weapons, but they have not agreed as yet to forego civilian nuclear cooperation under normal IAEA safeguards.

Effective economic pressure on Iran in particular requires allied collaboration. We continue to view Iran's involvement in the use of terrorism and violence against the peace process, its pursuit of nuclear and other weapons of mass destruction, its miserable human rights record and its intimidation and subversion of its neighbors as ample reason to deny the Iranian government the kind of economic relationships that would be part of normal state-to-state relations. Our view is that Iran's behavior places it outside the realm of normal relations and requires focussed, collective pressure if we are to be successful in obtaining a change in Iranian actions.

We stress with our allies at the highest levels the importance we attach to coordinating the international community's approach to Iran, and to seeking pressure for change in Iranian policy. Although there are differences among industrialized countries on the best tactics to use, there is general agreement on the need to bring about a change in Iran's unacceptable behavior. We continue to work hard to persuade our allies not to extend new official credits, guarantees or aid to Iran. We have had successes:

—Tehran has not been able to obtain aid or significant new credits since 1993. And where our allies are actually considering Iranian requests for help, we have substantially diminished the pace and amount of that assistance.

—Our efforts with the allies blocked Iran's access to a multilateral Paris Club rescheduling of its official debt in 1993, and delayed subsequent bilateral reschedulings. The bilateral terms Iran obtained were less favorable than they would have been absent our efforts.

—Japan has still not released the second tranche of its development assistance loan to Iran, now pending for over a year. We appreciate Japan's continuing close consultations and cooperation with us on this issue.

—At the September 1994 summit in Washington, President Yeltsin agreed that Russia would not conclude any new arms contracts with Iran and only service their existing contracts.

—Our opposition to World Bank lending for Iran has prevented World Bank consideration of proposed loan packages for Iran. In 1993, for example, the U.S. forced the World Bank to shelve plans to provide funding for a $1 billion major offshore gas development and injection project.

Successfully containing Iran requires that we continually seek ways to increase pressure on Tehran. The Administration is looking at a range of ways to turn up the heat on Iran and to persuade our allies to join us. This includes approaches currently being discussed in Congress.

Any approach must serve the goal of changing Iranian behavior by raising the price for misbehavior. We must ask hard questions about actions whose practical effect is not to hurt Iran at all, but merely to ease the way for others to deepen their financial stakes in Iran, at the expense of U.S. companies and U.S. jobs, thus giving them greater incentive to resist U.S. calls for collective pressure.

The Administration is now engaged in a comprehensive interagency review of the tools available to us to intensify pressure on Iran and to demonstrate our determination to send the clearest possible message to Iran that the American people reject its policies of violence and terror. This review includes the possibility of proposing new legislation, and other steps on both the unilateral and multilateral levels. We will be prepared to discuss our strategy in the weeks ahead.

As a final point regarding U.S. policy toward Iraq and Iran, I wish to address concerns that U.S. efforts to contain these states may ultimately drive them together. This is a questionable prospect. The historical enmity between these two societies is more than 1,000 years old. Despite a certain coincidence of views on specific issues, their mutual enmity remains. The appalling human toll of the Iran-Iraq war is still fresh in people's memories on both sides. POWs from each side are still being held by the other. From time to time these two enemies will cooperate in limited ways. Iran and Iraq maintain diplomatic relations, occasionally exchange official visits, and conduct low-level trade. But, we do not expect this will lead to any meaningful, long-term alliance or overcome the long-standing mutual suspicion, mistrust and enmity that characterizes their relationship.

As I have stated, the success of our policies toward both of these countries requires not only firm US unilateral action, but the collaboration of other influential governments and a willingness to stay the course of constant pressure on both regimes. It must be recalled that our efforts have prevented Iraq from acquiring any new weapons system or upgrading their current arsenal since the end of the Gulf War four years ago. Iran, too, has had tremendous difficulty finding suppliers of

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arms—the amounts they have acquired have been nowhere near their desiderata. In effect, the threat levels in the Gulf now are significantly lower than where they were only a few years ago. Mr. Nye will point out that it is also essential that we maintain an effective military presence to be in a position to respond quickly in the event either Iraq or Iran actively threatens other countries in the region.

I look forward to receiving this Committee's views on the our current policies toward Iraq and Iran and in responding to any questions the members may have.

Thank you Mr. Chairman.

STATEMENT OF JOSEPH S. NYE, JR., ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Dr. NYE. Mr. Chairman, it is a pleasure to appear before you and Senator Feinstein. I should say that I will be brief in my oral presentation, so that we can turn to questions. You have my written statement.

Either Iraq or Iran, under their current hostile regimes, could pose a serious threat in the Gulf. Let me first deal with Iraq, and then I will turn to Iran.

On Iraq, it is worth noting that Iraq lost about half of its conventional military capability during the Gulf war, but it still possesses the largest military force in the region, and would be an immediate threat to the moderate Gulf countries, were it not for the continuing involvement of the U.S.-led coalition force.

Despite his humiliating defeat in 1991, Saddam Hussein continues to defy the international community. Baghdad has rebuilt much of its conventional military and industrial infrastructure.

If U.N. controls were removed, it would resume production of prohibited ballistic missiles and chemical and biological weapons within a year, and develop nuclear weapons in less than a decade.

As part of national policy toward Iraq, U.S. forces working with our coalition partners maintain security. No-fly and no-enhancement zones help sustain and protect the people of northern Iraq.

Enforced sanctions support the U.N. Special Commission to retaliate when necessary against Iraqi infractions. While much of this activity has received considerable attention, two areas, sanctions enforcement and support for UNSCOM, deserve to be better known.

The Department of Defense plays a role in sanctions enforcement by intercepting and diverting vessels in the Persian Gulf that attempt to export Iraqi petroleum and other products in violation of Security Council Resolution 661.

The last 6 months have seen an upsurge in Baghdad's efforts to evade these export sanctions. Despite the subterfuges being used to escape detection, some apparently involving Iran complicity, the U.S. Navy has caught and diverted at least 12 sanctions-busters since October.

The cost of being caught is not cheap. It includes the loss of the vessel's use for many months, legal penalties, and even confiscation of the vessel itself.

The Department of Defense has also played a major role in the activities of the U.N. Special Commission, which has the task of destroying Iraq's weapons for mass destruction, and ensuring that these programs cannot be reestablished in the future.

The DOD has furnished a large number of inspectors, advisory expertise, equipment, and other support to enable UNSCOM to

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carry out its missions, which are indispensable in ensuring that Iraq cannot again endanger the security of the Gulf.

The other principal threat to the Gulf is, of course, Iran. Iran harbors ambitions of establishing hegemony over the Persian Gulf, and exporting its unique brand of radical Shi'ism, not only in the Gulf, but throughout the Islamic world.

Iran has not hesitated to pursue these twin objectives through every means at its disposal, including subversion and terrorism. Tehran has been the most vocal and active opponent of the Middle East peace process, and is the sponsor of several groups most vehemently and violently opposed to it.

While Iran's overall conventional military capability is limited, recent purchases demonstrate its desire to develop an offensive capability in specific mission areas that endanger U.S. interests.

We are especially concerned about recent procurements of Russian KILO submarines and Chinese and North Korean missiles. We are also closely watching the Iranian military buildup on the disputed islands of Abu Musa and the Greater and Lesser Tumbs.

Iran is dedicated to developing weapons of mass destruction, including chemical, biological, and nuclear weapons. In another forum, I am prepared to discuss the details of these efforts.

I merely note that what we learned in Iraq is how a country can evade international controls to pursue clandestine weapons programs. This experience makes us skeptical about the ability of normal inspections to detect similar programs in Iran.

Although there are differences in our approaches pertaining to Iraq and Iran, our policy of engagement with members of the Gulf Cooperation Council, GCC, helps meet both these threats.

The United States pursues a three-tier cooperative approach with the GCC states, strengthening local self-defense capabilities, promoting GCC in inter-Arab cooperation, and enhancing the ability of the U.S. and coalition forces to return in a time of crisis.

This last tier has seen considerable progress in the last 4 years. We now have access or defense cooperation agreements with five of the six GCC members, providing the framework for pre-positioning peacetime and crisis access to facilities and combined exercises.

Pursuant to these agreements, we now have equipment for one army brigade, which is now pre-positioned to shore in Kuwait, another army-heavy brigade, and a marine expeditionary brigade, which is pre-positioned afloat, and further equipment ashore and afloat to support other army, navy, and air force units.

At this time, we have about 20,000 troops in the Gulf. Over the next several years, pre-positioning in the Gulf for army forces will grow to a full heavy division set.

In summary, Mr. Chairman, the United States has vital interests in the Gulf, in which Iraq and Iran present the principal threats.

The U.S. forces, in concert with those of coalition partners, are taking steps in accordance with a carefully constructed regional strategy to ensure that neither Iraq nor Iran can dominate the Gulf, endanger the sovereignty and security of our partners, or control the flow of oil on which both producers and consumers depend. Thank you.

Senator BROWN. Thank you, Mr. Secretary.

[The prepared statement of Dr. Nye follows:]

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PREPARED STATEMENT OF DR. NYE

Good afternoon, Mr. Chairman and members of the committee. It is a pleasure to be here today to discuss the threats to U.S. interests posed by Iraq and Iran and the U.S. Government's strategy for dealing with those threats.

The Persian Gulf is part of a complex area of the world in which the United States has a diverse range of important interests, asserted by successive Presidents over many decades. Iraq and Iran affect these interests not only in the Gulf itself, but also in the area beyond: the security of Israel and the moderate Arab states; the achievement of a just, comprehensive, peace between Arabs and Israelis; the protection of American citizens and property; free navigation through the Middle East's air- and waterways; and, of course, the free flow of reasonably-priced oil from the Persian Gulf to world markets.

The U.S. interest in the security of Persian Gulf oil supplies is too well known to require extensive discussion. The dependence of the industrialized world—and, for that matter, of the developing world as well—on petroleum from the Gulf cannot be overstated. Domination of the region's oil fields or the ability to control the flow of petroleum from the region could enable a potential adversary to blackmail the United States and its major trading partners and threaten the health of the global economy. Finally, the financial resources stemming from a hostile state's domination of Gulf oil supplies would provide a vastly expanded capability for it to pursue weapons of mass destruction and other dangerous and destabilizing programs.

Not only do Iraq and Iran pose direct military threats to the Gulf region individually, but their competition for regional hegemony, especially in the past fifteen years, has made it more attractive for each to seek dominance over their other neighbors through extortion and threats. One lesson of the eight-year-long Iran-Iraq War, in which more than a half million soldiers lost their lives, was that neither regional power could hope to gain its objectives through direct confrontation. Any policy that aimed at balancing one with the other, therefore, would merely raise the risks of the rivalry's spilling over into the very areas—the Arabian Peninsula and the waterways of the region—that the United States is most concerned to protect. The danger of such a spillover is heightened by the two countries' quest to obtain weapons of mass destruction and the means to deliver them. In short, the threats posed by Iraq and Iran would be aggravated, not alleviated, by relying entirely on a bipolar regional balance to keep the peace.

This realization, combined with the recognition that both regimes pursue policies hostile to our interests, led this Administration to adopt a strategy of seeking to contain both would-be hegemons. Before addressing the military aspects of this strategy, I would first emphasize that our policy of containing both Iraq and Iran, sometimes referred to as "dual containment," does not mean that we try to deal with both threats with identical means. Although there is some overlap in our strategy—for example, the presence of U.S. forces in the Gulf serves as a deterrent against adventurism by either Iraq or Iran—there are significant differences in our approaches to the two. One of the most obvious is that, while there is considerable international consensus on the need to contain Iraq, there is no comparable consensus on Iran. Thus, our strategy toward Iraq is bolstered by clear UN Security Council authority for a number of highly intrusive actions, such as the Special Commission's no-notice WMD inspections. By contrast, actions toward Iran must be more ad hoc and based on extensive bilateral negotiations with our allies and partners.

Although Iraq lost more than half its conventional military capability in the 1990–91 Gulf War, it still possesses the largest military forces in the region and would be an immediate threat to the moderate Gulf countries were it not for the continuing involvement in the region of U.S.-led coalition forces. Despite his humiliating defeat in 1991, Saddam Hussein continues to defy the international community and to flout the cease-fire terms under which his army escaped utter destruction. The most serious challenge came in early October 1994, when Iraq demonstrated for all to see that it still has both intentions and capabilities that threaten regional peace and stability. Baghdad has rebuilt much of its conventional military industrial infrastructure. If UN controls were removed, it could resume production of prohibited ballistic missiles and chemical and biological weapons within a year and develop a nuclear weapon in less than a decade.

As Ambassador Pelletreau has already said, the United States demands Iraqi compliance with all applicable UN Security Council resolutions and seeks the eventual emergence of an Iraqi government that does not threaten our interests in the Gulf, preserves Iraq's territorial integrity, and respects human rights. To these ends, US forces, working with the UN and our coalition partners, maintain the no-fly zone north of the 36th parallel and the no-fly and no-enhancement zones south of the 32nd, help sustain and protect the opposition-controlled region in the North,

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vigorously enforce sanctions, support the WMD-monitoring efforts of the UN Special Commission, and retaliate when necessary against Iraqi violations of the Gulf War cease-fire. While much of this activity has received considerable attention over the past four years, two areas—sanctions enforcement and support for UNSCOM—deserve to be better known.

The Department of Defense has played a key role in sanctions enforcement by conducting maritime interception operations in the Persian Gulf and, until last fall, in the Red Sea. Unlike the interception operations in the Red Sea, which were aimed primarily at preventing the importation of prohibited items into Iraq and have been moved ashore under the auspices of the British firm, Lloyd's Register, the interceptions in the Gulf are directed primarily at preventing the export of Iraqi petroleum and other products in violation of Security Council resolution 661.

The last six months have seen a major upsurge in Baghdad's efforts to evade these export sanctions. The Iraqis are selling petroleum products at bargain-basement prices—by some accounts as low as $5 a barrel—in an attempt to entice shippers to run the risk of an encounter with the Multi-national Interception Force, or MIF. Despite the elaborate subterfuges being used to evade detection, some apparently involving Iranian complicity, the Persian Gulf MIF has caught and diverted at least twelve sanctions-busters since October. And it is important to note that the cost of being caught breaking sanctions is not cheap; it can include the loss of the vessel's use for many months, criminal and civil penalties, and even confiscation of the vessel itself.

DoD has also played a major role in U.S. Government support for the activities of the UN Special Commission, which has the task of destroying Iraq's chemical and biological warfare and long-range missile programs, cooperating with the International Atomic Energy Agency to destroy the Iraqi nuclear weapons program, and establishing measures to ensure that these proscribed programs cannot be reestablished in the future. The Department of Defense, in accordance with Administration policy, has furnished a large number of inspectors, advisory expertise, equipment, and other support to enable UNSCOM to carry out these missions. UNSCOM's efforts are indispensable to ensuring that Iraq cannot again endanger the security of the Gulf. We therefore place a very high priority on their success.

Turning to the other principal threat in the Gulf, it is quite clear that Iran harbors ambitions of establishing Iranian hegemony over the Persian Gulf and exporting its unique brand of radical Shi'ism. Iran has not hesitated to pursue these twin objectives through every means at its disposal, including subversion and terrorism. We see such tactics applied toward the realization of Iranian ambitions not only within the Gulf but far beyond it, in places as distant as Egypt, Sudan, Algeria, Lebanon, the former Yugoslavia, and the newly independent Caucasian and Central Asian republics. Teheran has been the most vocal and active opponent of the Middle East peace process and is the sponsor of several of the groups most vehemently and violently opposed to it.

While Iran's overall conventional military capability is limited and will remain so throughout the 1990s, recent purchases demonstrate its desire to develop an offensive capability in specific mission areas that endanger U.S. interests. We are especially concerned about the recent sales of Russian KILO submarines and tactical aircraft and Chinese and North Korean missiles to an Iranian government that makes no secret of its desire to dominate maritime traffic in and out of the Persian Gulf. In this regard, we are also closely watching the Iranian military build-up on several islands whose ownership is disputed between Iran and the UAE, Abu Musa and Greater and Lesser Tunbs. Whatever the specific Iranian motivation for fortifying the islands, the creation by a hostile power of bases sitting astride the western approaches to the Strait of Hormuz is obviously a matter of serious concern for commercial traffic, our own naval presence, and the security of our Arab friends.

Moreover, Iran is also clearly dedicated to developing weapons of mass destruction, including chemical, biological, and nuclear weapons, a prospect that would have serious repercussions for regional stability and perhaps for our ability to protect our interests in the area. In another forum, I would be prepared to discuss the details of these efforts and the complex diplomacy that has gone into trying to curtail the sale by other countries of technologies that could abet Iran's development programs. I would merely note that we learned in Iraq that a country can pursue a clandestine program in violation of its commitments and international norms. This experience makes us skeptical about the ability of normal inspections to detect similar programs in Iran.

It should be clear, then, that U.S. strategy toward Iraq and Iran seeks to contain both, but that it does so in ways tailored to the conditions and the specific threat presented by each. Nevertheless, some aspects of our regional strategy are fully applicable to both countries. This is clearest in our policy of engagement with the

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members of the Gulf Cooperation Council (GCC)—Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman—a policy founded on the understanding that no country alone can defend the Gulf; it must be done collectively.

The United States pursues a three-tier cooperative approach with the GCC states, an approach that consists of strengthening local self-defense capabilities, promoting GCC and inter-Arab defense cooperation, and enhancing the ability of U.S. and coalition forces to return and fight effectively alongside local forces in a crisis.

As part of the first tier, the Department of Defense works closely with our Gulf partners to help them strike the proper balance between resources and requirements as they modernize their military establishments. We are encouraging them to take first responsibility for their own defense while making sure they avoid overcommitting themselves financially or buying forces they cannot maintain and operate. In attempting to enhance the GCC states' ability to defend themselves, the United States is fully aware of its responsibility to ensure that any weaponry provided is geared to the legitimate defense needs of responsible recipients. We strongly urge other arms-exporting countries to accept this responsibility as well, and in particular to refrain from providing destabilizing weapons to states with a clear record of irresponsible and aggressive behaviors, such as Iraq and Iran.

Even as we help the moderate Gulf countries enhance their individual capabilities, we are also working closely with all of them to overcome impediments to improved inter-Arab cooperation in defense of the Gulf. The United States has applauded the GCC's decision to expand its standing multilateral force, known as PENINSULA SHIELD, and to hold more multilateral exercises. We also believe that other, smaller-scale forms of military cooperation should be pursued and will continue to work with the GCC states to develop new approaches to promoting the common defense.

The third tier of our strategic approach to Persian Gulf security—enhancing the ability of U.S. and other coalition forces to deploy to the region quickly and fight alongside indigenous forces—has seen the greatest progress but remains one of the most essential. Before DESERT SHIELD, U.S. military forces enjoyed significant prepositioning rights in only one Gulf country. Since the war, we have signed defense cooperation agreements with four other GCC members. These agreements provide the framework for prepositioning, access to facilities, and combined exercises and are the underpinning for both our peacetime presence and our ability to return rapidly in a crisis.

The peacetime forward presence of U.S. naval, air, and land forces in the Gulf is an essential element of being able to return quickly in a crisis. It also provides an initial capability to deal immediately with any direct challenge and serves as the key symbol of our commitment to deter regional aggressors. Because we neither have nor seek permanent military bases in the Gulf or elsewhere in the Middle East, this peacetime presence is based, as it always has been, on a mix of temporarily deployed forces and capabilities, albeit one that is significantly larger than it was before 1990. We presently have about 18,000 U.S. military personnel in the Gulf region itself, with another 1,400 conducting Operation PROVIDE COMFORT in Turkey and northern Iraq. Even with a presence above the historic norm, however, forces in the region are not designed by themselves to meet a full-scale attack on our areas of vital interest, which would require the dispatch of substantial additional forces from outside the Gulf. We are therefore pursuing a number of enhancements, in cooperation with our partners in the Middle East, to make us better able to meet the challenge of rapidly deploying a force if necessary.

The most significant steps we have taken is to preposition heavy and bulky equipment so that units can fly in quickly, fall in on equipment already in place, and be ready to fight in days instead of weeks. Today we have equipment for one Army heavy brigade prepositioned ashore in Kuwait, one Army heavy brigade and one Marine Expeditionary Brigade prepositioned afloat, and further equipment ashore and afloat to support other Army, Navy, and Air Force units. The significance of these measures was demonstrated by the rapidity with which the United States was able to deploy substantial forces to the Gulf in October. Over the next several years, prepositioning in the Gulf region will continue to grow. For example, equipment prepositioned for Army forces will grow to a full heavy division, including three brigade sets.

To summarize, then, the United States has and will continue to have vital national interests in the security of the Persian Gulf region and in the free flow of oil at reasonable prices from the Gulf to world markets. Iraq and Iran present the two principal threats to these interests, albeit in different ways requiring different responses. Despite these differences, however, it has become clear that each countries' ambitions must be separately contained; they cannot be relied upon to contain one another without aggravating the already unstable balance in the region. And

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finally, U.S. forces, in concert with those of coalition partners, are taking steps in accordance with a carefully constructed regional strategy to ensure that neither Iraq nor Iran can dominate the Gulf, endanger the sovereignty and security of our partners, or control the flow of oil on which both the welfare of both producers and consumers depends.

Thank you, Mr. Chairman.

Senator BROWN. Senator Feinstein, do you want to go ahead?

Senator FEINSTEIN. Mr. Chairman, first of all, I have been very privileged to have Ambassador Pelletreau give me a briefing, and I had the experience of sitting next to Secretary Christopher at dinner last night, and I told him I thought you were one of the brightest, most knowledgeable, mature in judgment people I had met in Washington. Now, if that gets you sent to a small island in the Pacific, I apologize.

Ambassador PELLETREAU. That is a very high standard, Senator.

Senator FEINSTEIN. I want to thank you very much for spending the time with me.

I do not know Dr. Nye, but I was reading your remarks, and there is one part I wanted to ask you about. It is at the bottom of page 2.

You point out that, "Although there is some overlap in our strategy, the presence of U.S. forces in the Gulf serves as a deterrent against adventurism by either Iran or Iraq. There are significant differences in our approach."

And then you go on to say, "One of the most obvious is that, while there is considerable international consensus on the need to contain Iraq, there is no comparable consensus on Iran."

Could you go into that in a little more detail?

Dr. NYE. Yes, Senator. I think it refers to the fact that during the Gulf war we had a broad coalition, we had U.N. resolutions, and, indeed, Saddam Hussein himself dramatized his aggressive intent by crossing a border and essentially committing a very blatant act of aggression.

With Iran, you have a much more ambiguous situation. Iran, after all, has not committed any of those flagrant abuses, and we do find in the issue which Senator McCain was referring, for example, that Iran, under the nonproliferation treaty, would have a right to import the light-water reactors which are being discussed.

The problem is that assumes that Iran is a country in compliance with all its obligations. We believe that Iran is not in full compliance, we believe that Iran has a nuclear weapons program, which essentially is in violation of that, but it is not an assessment that is shared by all of the countries. This relies upon evidence which we cannot share in open session.

So in the case of Iraq, you have a country which committed a blatant aggression, crossed a border. We had a broad coalition, widespread support of the U.N. resolutions. In the case of Iran, we have a country where it is their intention which we suspect.

We think we have some evidence of why these intentions are, indeed, suspect, but not all other countries share that appraisal.

Senator FEINSTEIN. Are you saying then that our allies in Europe are not concerned by Iran's striving to achieve a major nuclear capacity?

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Dr. NYE. I think we have been able to persuade a number of our allies that there are matters of concern regarding Iran, and these countries are not now exporting nuclear technology to Iran.

For example, in the past, Germany had supplied the reactors at Sharer, but it has agreed not to complete those reactors which were left unfinished, and, again, damaged during the Iran-Iraq war.

But when it comes to nonnuclear technologies, and when it comes to other exports, we are not always able to persuade everyone of our view.

Senator FEINSTEIN. Now, as I understand it, we maintain a rather significant military presence in the area, and correct me, please if I am wrong, but an aircraft carrier battle group and 10,000 to 15,000 troops, over 100 aircraft, and significant amounts of pre-positioned equipment in several countries.

I trust that it is viewed that this kind of strength is necessary, and is, in fact, a deterrent. What would be, in your opinion, the impact of any significant reduction or removal of our forces?

Dr. NYE. Well, Senator, I think we had a good test of that last October. No one knows quite what was in Saddam Hussein's mind when he moved his forces south, but this is a man who has taken enormous risks in the past.

We know that sanctions were putting him in a very difficult position. It is quite credible that he intended to cross into Kuwait perhaps to create an incident which would allow negotiations which might have relieved him of U.N. sanctions.

In any case, the ability of the United States to quickly match up forces with the pre-positioned equipment in Kuwait showed an ability to deter him from crossing that border.

In that sense, we were able to not only bring in units of the 24th Infantry to match up with pre-positioned equipment, we were able to bring in air reinforcements and naval reinforcements. I think we showed the states in the Gulf that we can respond very quickly and with preponderant force.

So our belief is that it would be a grave mistake, when you have a region as critical to our interests as the Gulf, in which we have this deterrent capability now, to reduce those forces.

Senator FEINSTEIN. You do not think that the Gulf states then, in their Peninsula Shield Forces, can put together enough manpower and strength to handle it themselves.

Dr. NYE. Well, alas, the Gulf states, when you add together their populations and their GNP's, are about the size of something like New Jersey.

Now, I was born in New Jersey, so I have nothing against New Jersey, but I would not want to have to fight against Iraq. The Iraqis now have a dominant military position.

We have been encouraging the Gulf Cooperation Council states to work together, and they have made contributions—indeed, Kuwait has greatly improved its position since 1990.

When I was with the Secretary of Defense, we went up to visit these Kuwaiti positions in northern Kuwait last October, and they have made impressive progress, but we cannot rely on them alone to be able to front the adversary as powerful as the Iraqi military.

Senator FEINSTEIN. For either one of you—and Ambassador Pelletreau, we talked a little bit about the Strait of Hormuz and

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the Iranian submarines, and the fact that they have really been very good about permitting travel back and forth—but let me ask this question of either one of you.

What do you believe is Iran's intent in building up their military strength in the Gulf islands?

Dr. NYE. Well, I think if you look at what Iran has done, these islands have been disputed since the British withdrew in 1971. Iran has had forces on the islands for quite some time.

The difference is that since last October, when we introduced forces to meet the threat from Iraq, Iran felt it was a threat to them as well. So I think the buildup was probably in response to the American buildup.

I suspect that one of the reasons may be that this is also convenient for them in asserting their territorial claims.

So in other words, the immediate cause last October for the buildup may have been something to do with our additional forces in the region, but when we drew down the forces, I think it is interesting to note that the Iranians did not make a mutual drawdown or a reciprocal drawdown.

Ambassador PELLETREAU. And that view is reinforced by the fact that Iran has not responded to any of the various suggestions put forward by the United Arab Emirates for a peaceful resolution of their differences, and the question of sovereignty over Abu Musa.

The United Arab Emirates have suggested direct discussions, they have suggested taking the issue to the International Court of Justice, and Iran just stiffs them on it.

And that would reinforce the interpretation that they see this opportunity to put additional forces on the island as a way of reinforcing their claim.

Dr. NYE. I might just add that some of the forces, however, have been there for some time. I mean it is worth noticing that the hawk air defense battery has been there before.

It is not as though this is new. I mean there have been some changes, but one should not think that this is all of a sudden.

Senator FEINSTEIN. Is it true that Iraq is once again manufacturing poison gas?

Ambassador PELLETREAU. I have not seen any indications of that. In fact, it would be very difficult for them to relaunch such a program under the current monitoring regime that is being put into place.

Dr. NYE. I think, Senator, our concern is not that they are doing it now, when you have the UNSCOM in place and the inspections, but if you remove them, remove UNSCOM, and remove sanctions, that they could rapidly do this again.

Senator FEINSTEIN. OK.

Thank you, Senator.

Senator BROWN. Secretary Nye, obviously, the reports, if they are accurate, about the purchase of submarines by the Iranians, the acquisition of missiles, and the buildup of a variety of other forces around the Straits of Hormuz are significant.

What can you tell us about how accurate those reports are that have appeared in the press, and how significant they are for U.S. policy and operations in that part of the world?

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Dr. NYE. Well, since mid-October, as I mentioned to Senator Feinstein, Iran has moved several thousand troops to the islands of the southern Gulf.

They had had about 1,000 troops there before, and those units are from the revolutionary guards, the regular army, navy, marines, and air force.

They have also deployed two operational CSS3 Seersucker Antiship missiles, that is a newer version of the Silkworm, with a range of about 90 kilometers, and on the disputed island of Abu Musa and Greater and Lesser Tumbs, they have a Hawk missile battery, though, these are, indeed, old missiles. They are surface-to-air missiles, with about a 25-kilometer range.

We believe that these are a concern to shipping. We think it is also a concern in terms of a reading of Iranian's intentions, as Ambassador Pelletreau said.

We also believe that if worse came to worse, that our military capabilities are more than adequate to cope with them, but we prefer that they not be there.

As for the KILO submarines, I think we feel the same way. As you know, they have two KILO submarines, with a third one scheduled to be delivered.

Again, the threat of the KILO submarine is one which is a threat to shipping in the Gulf. It became a matter of conflict, it is not something that the American military could not deal with, but it is what you might call a nuisance, thereby, a concern.

So yes, we are concerned. I do not want to sound too alarmed, in the sense that in terms of our capabilities, these are not up to what we would call the state of our art.

But if it is short of that type of an all-out conflict, they do present a threat to other nations in the region, and to shipping in the Gulf. So yes, we are concerned; though, as I mentioned, if it came to a use of force, it would not be something that we could not cope with.

Senator BROWN. Obviously, the Straits are very strategic and play an important part in our ability to project force into the Gulf. The KILO submarines, as I understand it, are diesel.

Dr. NYE. Yes.

Senator BROWN. But this could imperil our ability to operate a carrier task force within the Gulf?

Dr. NYE. Our feeling is that we could basically cope with the KILO's, if it were an American-Iranian situation. And I would imagine we would want to do that before putting a carrier in the way of danger.

Senator BROWN. One of the concerns I think we have had with the potential of renewed hostilities along the Kuwaiti border is that while American troops are there, on the front line or close to the front lines, Kuwait may not have a significant portion of its own population trained in military affairs, nor apparently able to help defend their own country.

I do not want to diminish the Kuwaiti effort. At least, it is my understanding that they have made a very significant contribution to helping station troops there and helping to pay for their own defense.

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What kind of progress are they making, though, about committing their own people and training their own people for that endeavor?

Dr. NYE. When Secretary Perry and I visited Kuwait in October, we were very impressed by what we were shown. This is not the same country that essentially was taken by surprise in 1990.

The Kuwaiti forces were much better trained. They are in the process of purchasing much better equipment, and they have move their troops forward very rapidly. They would be the first line of defense.

In addition to that, Kuwait is exercising its troops with our troops. The units of the 24th division, which actually fell in on the pre-positioned equipment in October, had been in Kuwait exercising with the same Kuwaiti troops just 6 weeks before. So these were troops that had been working together very effectively.

Kuwait is paying for the pre-positioning of a heavy brigade. They are, indeed, paying for the military construction there and also the maintenance of the facilities.

So in that sense, we feel that Kuwait really has done a great deal to pull its socks up and to contribute to its own defense. But it is worth remembering that when all that is said and done, Kuwait is a very small country next to a very large overarmed and very hostile country.

Senator BROWN. Are the Kuwaiti troops primarily Kuwaiti citizens?

Dr. NYE. Yes, they are. It is quite interesting. We went out in the field and had MRE's with them, were introduced to them. It is a very diverse and interesting set of people.

We felt very impressed in our military officers there who had been working with them, training. As I said this was really quite a different Kuwait than the Kuwait of 1990.

Senator BROWN. Thank you.

Mr. Secretary, we saved the toughest questions for you. You have heard Senator McCain's concerns. I think it would be helpful to the committee if you could walk us through the administration's thinking on the issue, particularly with regard to why the law does not apply.

And if it does not apply, why does it not apply to our situation with regard to Iran and the transfer of technology dealing with the reactors?

Ambassador PELLETREAU. I would be pleased to do that. I think that we and Senator McCain have absolutely the same objective in mind, and the objective is to prevent Iran from becoming a nuclear weapons state.

In our response to Senator McCain, which he referred to, and which we would be pleased to provide a copy for the record——

Senator BROWN. Thank you.

Ambassador PELLETREAU [continuing]. We have made clear that we are respecting and following the law which he helped to pass. Let me just read a portion of our response to Senator McCain. "The Iran-Iraq Act states that it should be U.S. policy to seek agreement from other countries to oppose the transfer to Iran of any goods or technology that could materially contribute to Iran's acquisition of nuclear, chemical, biological, or advanced conventional weapons.

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Indeed, the administration has actively opposed nuclear cooperation with Iran by Russia and other nations, regardless of whether the cooperation would materially contribute to Iran's acquisition of nuclear weapons."

Then the letter goes on to say: "However, the detailed sanctions and waiver provisions of the Iran-Iraq Act apply solely to transfers of advanced conventional weapons. With respect to nuclear weapons and other weapons of mass destruction, the Iran-Iraq Act defers completely to other statutes. Based on the information available at this time, we have concluded that sanctions against Russia are not currently mandated under any of these statutes."

Now, this is the position that our lawyers have given us as the interpretation of the act. Out of our respect for Senator McCain, I would say we would like to study the additional analysis he has had prepared and take another look at this, in light of that analysis that he just referred to.

Senator BROWN. I appreciate your willingness to review that, and I hope you would share with us any conclusions that you come to in that area.

[The information referred to follows:]

U.S. DEPARTMENT OF STATE,
WASHINGTON, DC,
April 21, 1995.

SENATOR JOHN MCCAIN,
U.S. Senate, Washington, DC

DEAR SENATOR MCCAIN: Thank you for your letter to Assistant Secretary Robert Pelletreau noting your concern about the Russian agreement to sell light-water power reactors to Iran and the applicability of sanctions against Russia. As you know, the Administration shares your concern about Iran's nuclear ambitions, and we welcome your leadership in thwarting Iran's pursuit of weapons of mass destruction. I do not want our discussion of sanctions issues to obscure our basic agreement on the main objective of discouraging nuclear cooperation with Iran by any state.

In my letter to you of March 1, 1995, I emphasized that this Administration is committed to persuading Russia to abandon all nuclear cooperation with Iran. We have taken and will continue to take every opportunity to press this issue with the Russian leadership at the highest levels. This issue will be at the top of the agenda when President Clinton meets with President Yeltsin in May.

It is also important, however, to clarify any misunderstandings there may be as to the Administration's position on the related legal issues. We have studied the CRS legal analysis that you provided. It appears to be consistent with our position that the Iran-Iraq Arms Non-Proliferation Act of 1992 addresses three general categories of sanctions. First, as the CRS analysis correctly notes, the only new sanctions related to weapons of mass destruction (WMD) that were established in the Iran-Iraq Act are the restrictions in section 1603 on exports to Iran from the U.S.—not exports by other nations. These sanctions, therefore, are not relevant to the question of Russian nuclear cooperation with Iran. The Administration has fully implemented these restrictions on U.S. exports to Iran and does not believe that the waiver criteria (some of which are cited in the CRS analysis) can be met in the case of Iran. Second, with respect to other nations and persons that assist Iran or Iraq in acquiring WMD, section 1602 of the Iran-Iraq Act directs the President to impose the sanctions provided in other statutes. Third, the Act establishes sanctions against nations and persons that engage in transfers of destabilizing numbers and types of advanced conventional weapons.

The CRS legal analysis is consistent with our analysis that the first and third categories are not applicable in the Russia-Iran case, so we must look to the other statutes referred to in the second category for guidance. The CRS analysis is also correct in noting that only a few of these other statutes are relevant to the proposed exports from Russia to Iran. In particular, it cites section 498A(b) of the Foreign Assistance Act of 1961, which prohibits assistance to:

> * * * the government of any independent state [of the former Soviet Union] that the President determines has, on or after the date of enactment of this Chapter, knowingly transferred to another country * * * any material, equip-

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ment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapons.

CRS drew no conclusion as to the applicability of this provision to the proposed sale by Russia to Iran. However, you raised questions about the applicability of this provision in your testimony before the Senate Subcommittee on Near Eastern and South Asian Affairs on March 2, 1995.

The sanction in section 498A(b) would apply only if the President determined (1) that Russia "has knowingly transferred" material, equipment, or technology to Iran, (2) that the transferred items "would contribute significantly" to Iran's ability to manufacture nuclear weapons, and (3) that the items were to be used by Iran in the manufacture of nuclear weapons. To the best of our knowledge, Russia has not actually transferred relevant material, equipment, or technology to Iran. Until such a "transfer" is found to have taken place, there is no basis for considering the application of this sanction or its waiver. Let me emphasize, as I did in my earlier letter, that we are closely monitoring the activities of both Russia and Iran. We are continuing to examine the scope of the proposed Russian nuclear cooperation with Iran, and as appropriate, we will thoroughly evaluate the applicability of sanctions under section 498A(b) in accordance with all of the criteria established in that section.

The evaluation under section 498A(b) will not turn *per se* on whether the transferee is a party to the Nuclear Non-Proliferation Treaty (NPT), although it could be a factor in some situations. The transferee's compliance with the NPT and, more importantly, its compliance with full-scope safeguards would be a factor under some other sanctions laws, such as the Nuclear Proliferation Prevention Act of 1994 (Public Law 103–236)

The NPT is also an issue in another sense. CRS cites Article IV of the NPT as reaffirming the right of NPT parties to develop nuclear energy for peaceful purposes. CRS further states that "a violation [of the NPT] might exist or might arise in the future if Iran could be shown to be developing nuclear weaponry and to be acquiring the reactors for that purpose." Based on the information available to it, CRS was not prepared to conclude that such a violation currently exists. As I tried to convey in my earlier letter, U.S. sanctions laws are structured to penalize activities closely related to nuclear weapons development. These sanctions apply whether or not the activity is carried out by an NPT party. However, based on the language of the statutes cited in section 1602 of the Iran-Iraq Act of 1992 and the precedents established under those statutes, as a general matter, the provision of reactors for electricity generation under safeguards has not been viewed as sanctionable.

We share your view concerning Iran's lack of commitment to the NPT and therefore have mounted an extensive effort to persuade the world community not to engage in nuclear cooperation of any kind with Iran. We hope this letter is responsive to your specific concerns regarding U.S. sanctions laws. Please do not hesitate to contact us if we can be of any further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Senator BROWN. Just to try and be specific, a report to us on this quotes the statute, lines I know you are familiar with, but it says, "A government of any independent state, that the President determines has on or after the date of the enactment of this chapter, knowingly transfers to another country," and then under B, "any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapons of mass destruction," and they list a variety of examples.

Is it the thinking of the administration, at least currently, prior to your review, that the assistance with regard to nuclear technology does not involve technology that could contribute significantly?

Ambassador PELLETREAU. I think that what you are quoting from is from the Freedom Support Act and not the Iran-Iraq Act, as such.

Senator BROWN. Sure.

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Ambassador PELLETREAU. I think we need to analyze further what the relationship of the Freedom Support Act is to the Iran-Iraq Act. The Iran-Iraq Act, as such, in its sanctions and waiver provisions, applies only to advanced conventional weapons.

And how these other acts tie in is, frankly, a legal question that I do not feel I am on good grounds to give you an answer to right now.

Senator BROWN. I appreciate your frankness. At least, as I understand this particular statute, it deals with technology in the nuclear area, the chemical area, and the biological weapons area.

It would be helpful, at least for our deliberations, to focus on whether or not their transfer of nuclear technology does impact this area. Obviously, we would appreciate hearing any of your conclusions.

You have heard our discussion in reference to the Russian-Iran deal. The Russian criticism, at least as I understand it, is that our arrangement with North Korea is similar to the Russian arrangement with Iran.

They claim, in fact, that the technology in North Korea is better than what Iran would receive.

Now, my understanding is that there is a difference in the background of these two countries and in their previous nuclear capabilities, but I would appreciate your comments on Russia's response, and your thoughts about the validity of Russia's criticism.

Ambassador PELLETREAU. Well, we do believe that there are important distinctions between North Korea and Iran. Under our framework agreement with North Korea, they have agreed to abandon an existing nuclear weapons infrastructure, which is based on gas graphite reactors in exchange for light-water reactor technology. That is less efficient for plutonium production.

North Korea has agreed to limit its nuclear fuel cycle, and will neither reprocess spent fuel or plutonium, nor enrich uranium. Thus, the North Korean nuclear agreement results in a large net nonproliferation gain.

With respect to Iran, its nuclear infrastructure is now at a fairly rudimentary stage, and the provision of light-water power reactors to Iran would give Iran capabilities they do not currently have.

That would result in a large net nonproliferation loss. That is what we see as the essential difference. Acquisition of these reactors in the Iranian case would broaden Iran's nuclear infrastructure, and would provide training and potential technology that, over time, could form the foundation and be useful for a nuclear weapons program.

Dr. NYE. Senator, may I just add a point on that. I have been puzzled by why people make this comparison, and I think maybe they are fixing too much on the technology and not the circumstances.

Proliferation is a lot like a staircase, and if you think about the North Korean situation, you have had a country which basically was on the final step. It had 8,000 spent fuel rods out of a reactor which if they had been reprocessed within 6 months, could have given you enough material for six bombs.

By trading that and making them dismantle that and substitute for it two light-water reactors, we have essentially bought a decade,

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we sent them back down the staircase, if you want, or they agreed to go back down the staircase.

So, essentially, it is a very different proposition, that in the North Korean case, giving them these reactors was a way to move them back down the staircase, away from a clear and present danger.

Our concern about the Russian reactors to Iran is that because they are way down the staircase in the first place, we think it is moving them up a step or two.

But it is the diffusion of that technology to their general program, and its posh version that worries us. It is not at all comparable to the North Korean situation.

So I think when you use that metaphor about the staircase, and here is the country, North Korea, just about to stick its foot across the threshold to get six bombs, we set them back 10 years worth of steps. That is a net plus.

Senator BROWN. I appreciate your response. I must say I think you made a point that is appropriate and a valid distinction.

Let me ask you to respond to my concern. If I understand it correctly, North Korea has not exactly been a model of compliance with the NPT.

I also am advised that Iran has been subject to inspections, and apparently has undergone more than just preliminary inspections so that there is a distinct contrast between the two countries and their compliance with inspections.

Now, I am not suggesting that there is a difference in their levels of compliance that would presuppose actions on their part that are not fully identifiable by mere inspections.

Do you have any reaction to that? Is there a difference between the two countries and the attitude they have taken toward compliance, and does that, indeed, indicate North Korea has been an offender, while Iran has not?

Dr. NYE. I believe that North Korea violated its NPT obligations, and that by having a nuclear weapons program, it was in violation. And as I said, it had become very close to being able to make a number of bombs out of the material taken out of its reactor.

What I think is good about the agreement, the design, the framework agreement, is that it will not only dismantle what they have done, but bring them back into the NPT compliance position at some point, as we go along the process.

Iran is formally in compliance, in the sense that the inspectors of the IAEA have not found a violation. On the other hand, the inspectors have said, the IAEA has said, that it cannot ascertain what is going on in places that it has not inspected. So there is a difference of degree between North Korea and Iran.

Senator BROWN. I appreciate that.

Senator Feinstein.

Senator FEINSTEIN. I wanted for just a moment to talk scuds. You mentioned the treaty with North Korea. I suppose one has to accept that it is better to buy them out of a gas graphite reactor and confine them to a light-water reactor than it is to go to war with them.

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Having said that, they remain a major exporter of advanced conventional ballistic missiles to people who are not our allies. I must say, that causes me a lot of concern.

I am told that they sent several hundred improved scud-C's to Iran. Is that true?

Dr. NYE. Senator, I cannot verify the number, but yes, they have been sending scuds to Iran, and we also are concerned about their missile exports, and it is, indeed, something we are raising with them. So I share your concern.

Senator FEINSTEIN. And that they are expected to sell Iran several hundred Nodong I missile, with a range of 600 miles, is that true?

Dr. NYE. Well, the Nodong I is not yet in production itself.

Senator FEINSTEIN. When it is completed.

Dr. NYE. I do not know whether that number that you cite is correct, but it would be a matter of great concern to us if that were to go forward. And, again, it is something I think you will have to include—indeed, are now including in our dialog with the North Koreans.

Senator FEINSTEIN. Because it seems to me that one is less inclined to agree with the treaty on the nuclear reactors if they keep exporting these kinds of weapons of destruction to people who will use them, given the chance.

Dr. NYE. We feel the same way. The nuclear framework agreement dealt with one part of a very complex problem. Another is their missile exports. Yet another is their conventional posture on the peninsula.

They still have 1.1 million men under arms, two-thirds of them right along the demilitarized zone. That is another concern, which is why just earlier this week, the Defense Department released a key stations strategy report, which was reported in the Washington Post, I think, last Tuesday, which said we are not removing any troops from Korea, indeed, from East Asia, as a whole, because we feel that the framework agreement, while it has addressed part of the problem, has not been able to solve the whole problem. And, therefore, there is no reason to withdraw our troops until we resolve the whole problem.

So I think we would agree with your approach to this.

Senator FEINSTEIN. Ambassador Pelletreau, do you have any comments on that?

Ambassador PELLETREAU. Only that we have begun discussing with North Korea the question of its missile shipments, and the agreement that we have reached improves our ability to talk to the North Koreans seriously on this issue, and we will be doing that, and urging them not to make any further transfers, and focusing specifically on the Nodong, which has not been introduced to the region.

And we will make clear to them, as we have already, that there will not be able to be any improvement in our bilateral relations, unless the issue of such transfers is resolved.

Senator FEINSTEIN. Do Iran and Iraq have—well, other than the scuds—do they have any other missiles capable of a range of 600-plus miles?

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Dr. NYE. I do not think they have something capable of over 600 miles. The Iraqis had modified the scuds that they had imported. Let me just check. [Pause.]

I will get you the exact answer to that, Senator.

Senator FEINSTEIN. I would appreciate it.

[The information referred to follows:]

RANGE OF IRAQI AND IRANIAN BALLISTIC MISSILES

Dr. NYE. Neither Iran nor Iraq has ever possessed ballistic missiles with ranges exceeding 600 miles. The Al-Hijarah variant of the SCUD missile, which was the longest-range missile in Iraq's operational inventory before and during the Gulf War, had a range of 750 kilometers (460 miles). While the U.S. Government believes Iraq is still concealing some number of SCUD missiles to prevent the U.N. Special Commission from destroying them, any such missiles would have ranges of considerably less than 600 miles.

The longest range missile in the Iranian inventory is the SCUD–C, with a range of 600 kilometers (about 370 miles).

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

Senator BROWN. Secretary Nye, I appreciate that you came prepared to talk about the Middle East, and particularly Iran and Iraq, and we have cast you a bit afield here with the questions about North Korea.

There is one thing I would like to ask, if you could help me on it. We have talked about the benefit of the arrangement with North Korea, in that it may well move them away from crossing the nuclear threshold.

My impression is that we do not really have an inspection for 5 years with North Korea, though, that will guarantee that it has, indeed, moved them in back of that line, and that we do not have the special inspections until sometime later in that. Is that accurate?

Dr. NYE. There are two types of inspections to distinguish, Senator. One is inspection now of their compliance with the agreement. That we have. The second is the inspection——

Senator BROWN. On an immediate basis.

Dr. NYE. On an immediate basis. The second is an inspection of the suspect waste sites, where we believe they had taken the materials, the waste, from the reprocessing that they had done several years ago.

That is what waits for 5 years. The right of the IAEA to, or not the right, the ability of the IAEA to go in and see what is in those waste sites does not occur until just before the transfer of the first nuclear components. And that is probably about 5 years.

It is worth keeping those two types of inspections, because sometimes people say there is no inspection for 5 years. In fact, the most important inspection, which is what they are doing now, we get right away.

What we do not get is essentially the historical inspection, the one that tells us what they did in the past. Now, both are important, and both are provided for, but if you think in terms of clear and present danger, the more important inspection is the one that we get right away.

The historical inspection, which is to say "What did they do in the past?" we do not get that for about 5 years.

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Senator BROWN. Now, is there a further delay for special inspections?

Dr. NYE. That is the special inspection I am referring to. There are the special inspections, which the IAEA asked North Korea for, which were to look at these waste sites, where we believe they have the material from the reprocessing that was done, in contravention to their obligations. That special inspection will not occur for 5 years.

On the other hand, it is worth pointing out, that merely will answer a question about the past. It does not relate to the ability to verify compliance with the current agreement.

Senator BROWN. I appreciate that. I think it is helpful. I have one last question. Secretary Pelletreau, let me draw your attention to comments that have been made about Iraq.

The Los Angeles Times carried a report indicating there was evidence found by the U.N. of a biological weapons program that was much larger than we had previously thought, involving even the potential development of cholera, tuberculosis, and the plague.

In the paper, the U.N. official who reported on the weapons coverup was described as: "optimistic for the first time that Baghdad will be in full compliance this year," referring to the U.N.-sanctioned resolution, "and possibly this spring," in effect, optimistic that the trade restrictions would be taken off.

Share with us your thoughts on the kind of pressure that we are getting to end the trade restrictions, and any thoughts you might have as to our ability to maintain those restrictions.

Ambassador PELLETREAU. Well, the curious thing about the way the Iraqis treat Dr. Ekeus and the putting in place of the weapon monitoring regime, is that they promise full cooperation and say they have given us everything, or have given him everything relating to their past programs, until he comes up with something that they have not given him, and then they say, "oh yes, we forgot about that," and come clean on that.

And then you wait for the next thing to be uncovered, and then you find another little element of reverse amnesia here, that I think does not increase anybody's confidence in the way in which they are complying with the one aspect of the Security Council measures that calls for a monitoring regime to be put in place.

President Clinton sent Ambassador Albright to the Security Council capitals to reinforce with other governments his determination that the United States will stand firm on requiring full compliance with all the provisions of the Security Council resolutions, not just weapons monitoring, but accounting for the missing persons, and all the provisions of those resolutions, before we begin to consider the lifting of those sanctions, and we are a long way from that case now.

We found a good deal of support, in fact, solid support in the capitals that Ambassador Albright visited, so we are confident that, as we come up to the next review on March 13, the Security Council will again find Iraq not in compliance with the Security Council resolutions, and will extend the sanctions for an additional period.

Senator BROWN. Am I right in thinking that Russia is now, or at least has voiced a view that sanctions should not be renewed,

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and that France has questioned the renewal, and there are others as well?

Ambassador PELLETREAU. Up to this point, France and Russia have joined the rest of the Security Council in unanimously approving the continuation of sanctions, but both countries are suggesting that Iraq needs to be encouraged to comply with all the sanctions, and, therefore, that the Security Council should be making positive noises and taking positive recognition of what Iraq has done.

Well, quite frankly, there is so much that Iraq has not done, that this position does not strike us as justified at all.

The only reason that Iraq has recognized Kuwait's borders, which is one thing that it has done, is because the Security Council stayed firm on requiring that measure.

It is the view of the United States, firmly held and widely shared by members of the Security Council, that we need to see overall compliance by Iraq with all the measures required by the Security Council resolutions before we will begin looking to lifting those sanctions.

Dr. NYE. I might just add to what Ambassador Pelletreau said, Senator, that we believe that before the war, Iran had stockpiled anthrax and botulin toxins for weapons purposes. We do not believe that those capabilities were destroyed during the war.

We believe they still exist, yet they have not been properly declared to UNSCOM; therefore, we think it would be totally inappropriate to lift sanctions until that is cleared up, as well as until Iraq is in compliance with the other requirements under the U.N. resolutions. So this is just to echo and reinforce what Ambassador Pelletreau said.

And I think that that type of evidence, that they have not complied, which Ambassador Ekeus mentioned last week, may make those countries, which otherwise were arguing that it is time to begin to change their position on sanctions, think again.

Senator BROWN. Thank you.

Senator FEINSTEIN. Thank you, Mr. Chairman.

I would like to ask a couple of questions on northern Iraq. We have not discussed the Kurdish situation at all. For the last 4 years, the United States has led the coalition effort to protect the Kurdish population through Operation Provide Comfort, and the enforcement of the no-fly zone.

Is the United States and its allies prepared to continue protecting the Kurds in northern Iraq indefinitely? That is my first question.

Until we see a change of regime in Baghdad, what is the nature of the U.S. security commitment to northern Iraq? And specifically, what would the United States do if Iraqi forces launched a significant military operation north of the 36th parallel?

Ambassador PELLETREAU. We have provided humanitarian support to the Kurds in northern Iraq for 4 years. We are proposing to continue it in the next year. It is not an easy operation to sustain.

It requires the cooperation of Turkey. It requires considerable intrepid action by individuals who are in the humanitarian business as well as our small number of military personnel who are in northern Iraq.

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Senator FEINSTEIN. Ambassador, let me just interrupt you.

Ambassador PELLETREAU. Yes.

Senator FEINSTEIN. You said it depends on the cooperation of Turkey, and you said that we are committed through the next year to sustain it. I trust that means we sustain it regardless of what Turkey does.

Ambassador PELLETREAU. Turkey needs to vote to support it. It would be extremely difficult to sustain it if Turkey decided not to support of Provide Comfort. Maybe you can answer the military portion.

Dr. NYE. It would be very difficult to sustain without the Turkish bases. We spend about $100 million a year on Provide Comfort, but it depends very heavily on the use of Turkish bases. Provide Comfort is not very popular in Turkey.

Senator FEINSTEIN. It is not what?

Dr. NYE. It is not very popular in Turkey, because a number of Turks are concerned that infringes Turkey sovereignty, and makes their problem——

Senator FEINSTEIN. Could you pull the microphone a little closer to you?

Dr. NYE. A number of Turks believe that it is an infringement of sovereignty and threatens the problem they face in their own southeast, in terms of the Kurdish insurrection that they are facing there.

On the other hand, without Provide Comfort, if there were an attack in northern Iraq, this would probably mean even more Kurdish refugees fleeing into southeastern Turkey. So the Government of Turkey has been cooperative.

They voted an extension of Provide Comfort just recently, I believe it was in December, for 6 months. But we do have to have that extended, or that authorization extended, regularly, and it would be very difficult to continue the operation without it.

Senator FEINSTEIN. When we talked to Ambassador Pelletreau, I asked the question how many Kurds were there, and I thought you said 1.5 million, is that right?

Ambassador PELLETREAU. There are 3 million, all told.

Senator FEINSTEIN. Three million?

Ambassador PELLETREAU. Yes.

Senator FEINSTEIN. How do they separate, in numbers, into the factions?

Ambassador PELLETREAU. The two largest factions, PUK and KDP, are, I would say, roughly equivalent in size, and are much larger than the Islamic factions, that are more of splinter factions within northern Iraq; although, they are larger in other Kurdish areas, in other countries.

Senator FEINSTEIN. So the fighting between them could be major in its impact.

Ambassador PELLETREAU. It is major in its impact, Senator.

Senator FEINSTEIN. Then let me ask you this question. Is there any indication of who planted the car bomb that killed dozens of people last week?

Ambassador PELLETREAU. We do not have any definite indication at this time.

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Senator FEINSTEIN. Will the elections take place in May, as scheduled?

Ambassador PELLETREAU. Our best estimate is that the fighting will probably disrupt those elections and cause some delays.

Senator FEINSTEIN. So let me ask you this: What are the implications for the future of our efforts to really sustain a Kurdish minority?

Ambassador PELLETREAU. Our efforts are, first of all, in the humanitarian sphere. These would continue. And they have been making considerable progress since we began. When we began, there were Kurdish refugees in Turkey living out on barren mountains in the winter.

Now, those Kurds have moved back into traditional Kurdish areas, and they are reestablishing themselves in villages and on farms, so the population is becoming much more stabilized and settled again. So there is a lot of improvement in their situation.

But we have never supported the idea of an independent Kurdistan. We have always told the Kurdish leaders that their long-term future lies in greater autonomy and arrangements worked out with the Government of Iraq.

Senator FEINSTEIN. Now, with respect to that autonomy, what is the likelihood that either the KDP or the PUK could negotiate a deal of autonomy with Baghdad?

Ambassador PELLETREAU. There is a long history of Kurdish negotiation with the authority in Baghdad. At times, relative areas of autonomy have been worked out. I do not see that happening in the immediate term with this Iraqi Government.

This Iraqi Government has practiced a particularly vicious form of repression against the Kurds of the north by closing off the borders between the rest of the country and the Kurdish areas, and by refusing to send electricity north into those areas, or allowing any trade or commerce to go across those areas, and thereby making the Kurdish populations very dependent on this international humanitarian relief coming in.

But in the long term, it is quite conceivable that such negotiations could take place between Kurdish leaders and the government in Baghdad, whatever that government is.

Senator FEINSTEIN. Is it possible that this fighting, which, as you have pointed out, is so intense and so major in scale, could give Baghdad a military excuse to take action?

Ambassador PELLETREAU. I do not think anybody can be confident in predicting just what Baghdad or Saddam Hussein might or might not do.

We have pointed out to the Kurdish leaders the self-defeating aspects of this fighting between them, when there are larger problems a little further on the horizon that should be commanding their attention.

But some of this rivalry has been a clan rivalry that is traditional. Some of it is tied up with what kinds of fees and tolls they are able to extract from Turkish trucks or others in the region, and who is in a preferred position, and who occupies the dominant or preferred position in the major towns and cities in the Kurdish area.

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The fighting has been particularly intense, for example, in and around the town of Urbel, as to who will control that very significant town in the Kurdish area.

Senator FEINSTEIN. It is really just such a tragedy, because, you know, united we stand, divided we fall, and I think that is really true here. When people are fighting amongst themselves, it is very hard to rush to their defense against a greater enemy.

Ambassador PELLETREAU. It is a tragedy, and we have been active in trying to urge that they settle their differences peacefully and end any armed conflict between then.

Senator FEINSTEIN. Do you think there is a possibility of that, or do you believe it is——

Ambassador PELLETREAU. They seem to come closer, and they recognize the value of it, and then something sparks off more fighting. I think there is a possibility of it, and we will continue our efforts in that regard.

Senator FEINSTEIN. Good.

Ambassador PELLETREAU. But the animosities are also proving very resistant to deal with.

Senator FEINSTEIN. Thank you. It has been very helpful, and I really appreciate the comments of both of these gentlemen.

Thank you, Mr. Chairman.

Senator BROWN. I certainly echo your sentiments. This has been a very helpful session. I just have one last question, and I ask it, because I think clarity sometimes can be very helpful in dealing with this, although, I confess it is an effort to put words in your mouth, so you will want to be on guard.

You have indicated the United States is opposed to eliminating sanctions on Iraq when we reach the renewal date. Is the United States, without acceptable progress, ready to veto an effort to lift sanctions?

Ambassador PELLETREAU. We do not feel that a veto would be required, because a large majority, in our view, of the Security Council will continue to vote for maintaining the sanctions.

However, if it was required at a later date, if the support began to slip, the President has made clear that the United States would use its veto powers.

Senator BROWN. Thank you for very helpful testimony. We will go to our third panel now. And again, my thanks for the witnesses' patience in living with our schedule.

The third panel consists of Dr. Tony Cordesman, who is a professor at the National Security Studies at Georgetown University; Dr. Daniel Pipes, who is the editor of the Middle East Quarterly, in Philadelphia, PA; Mr. James Placke, who is the director of Middle East Research at the Cambridge Energy Research Associates, here in Washington; and Dr. Graham Fuller, who is the senior analyst with the Rand Corp., in Washington as well.

Gentlemen, we appreciate your patience. We appreciate your being here, and we look forward to your comments. I will, of course, enter your statements in the record, and invite each of you to summarize them as concisely as you feel you are able to. Dr. Cordesman, we will start with you.

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STATEMENT OF ANTHONY H. CORDESMAN, PROFESSOR, NATIONAL SECURITY STUDIES, GEORGETOWN UNIVERSITY

Dr. CORDESMAN. Thank you very much, Mr. Chairman.

I will submit the statement for the record, and just focus on a few key points. I think a great deal has already been said that I agree with. There are some things which I would add to it or points which I would raise that I think the committee might wish to look at further.

One point I would raise is that sometimes we think of these two regimes as the problem. In fact, Iraq has been a problem since the fall of the Hashimite dynasty.

This arms buildup has been going on since the late sixties. It is sometimes convenient to be nostalgic about the shah, and he was virtually no threat to the United States. But, we have to remember that the shah was caught violating U.S. export laws in seeking the nuclear weapons effort, creating serious problems between Iran and the United States. The shah also dragged us into a war where he manipulated the Kurds against Iraq until he found it convenient to betray them, and then left them to die, leaving us, incidentally, with a Kurdish ally we had supported in war and then had to abandon. It was also the shah who grabbed Abu Musa and the Tumbs, not the present religious regime.

I raise these points, because I do not believe that things are going to be much different when we get rid of this particular set of leaders in Iraq and Iran.

Very frankly, Iraq lacks a credible opposition. We could discuss this issue in some depth, but while the Iraqi National Congress is well-intended, it has very little power. The Kurds are not going to unite, and I think the Kurdish tragedy in Iraq is linked to a similar tragedy in Turkey and one in Iran. I am afraid things will get worse, not better. The Sunni elite, which now rules in Iraq, is a minority. It is a minority based on a few key clans and it cannot afford to reform or liberalize. After Saddam, it is likely to produce a lesser Saddam or someone in the military, and the problem will go on.

The situation in Iran is somewhat more unpredictable, and perhaps a little more favorable, but experts are notorious in their failure to predict the path of revolutions.

Iran is a state in which we have no idea what comes after Rafsanjani. It may well be someone worse, and many U.S. experts believe that Rafsanjani, instead of being a moderate, has been directly involved in some of the acts of terrorism that Iran has committed outside Iran.

Rafsanjani's ties to terrorism is an issue that can only be discussed in depth by U.S. experts in the intelligence community. But it is an issue of major importance, because when we talk about so-called moderates in Iran it is clear that if the key so-called moderate is one of the leaders of terrorism, then he is not a moderate.

And, the regime in Iran now has really virtually no opposition. You only have minor opposition elements, under former leaders and the shah's son, and a group of thugs called the People's Mujaheddin.

I remember these thugs from my days in Iran. They are a group that assassinated American officials. If you go back to the eighties,

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you find they were a group that started the war of terrorism that still goes on between that group and the Iranian Government. They backed the seizure of the U.S. Embassy. They served as a military front for Saddam Hussein. And yet, they are as close to an opposition on the outside as anything we can identify.

Now, if this is true, we face decades of potential involvement in the Gulf. There is no date certain in which we can expect to leave that region. There is no date certain at which we can expect dual containment to produce a better regime. In fact, what we may see, at best, is a brief attempt at cosmetic democracy, and "one vote, one man, one time," followed by yet another authoritarian leader and abuse.

I think the earlier witnesses have outlined what it takes by way of American military presence, and building up the southern Gulf states, to create a deterrent. I would, however, stress a few points that I think deserve more attention.

Successful as the UNSCOM effort has been, there is still a debate among U.S. experts as to whether there are roughly 100 missile bodies and assemblies in Iraq.

There are very serious questions about what has happened to Iraq's biological weapons capabilities, because while we are beginning full-scale inspection, we have not found anything, and whatever they had at the time of war is still there.

There also is very little doubt about the fact that Iraq retains its nuclear weapons design technology, that it had successful weapons designs, and that if it can get fissile material, it could create a nuclear weapon—perhaps not in months but in a relatively few years.

We have already discussed the problem of proliferation in Iran. I would add two dimensions to this discussion. One, if they can buy fissile material, they might be able to assemble at least a workable nuclear weapon in 12 to 24 months, and second, we should not underestimate the meaning of biological weapons. They have the lethality of small nuclear weapons, if they are properly designed. The issue is not simply nuclear proliferation, but biological proliferation.

That brings me to a point that I would hope the committee will pay careful attention to. In the past, we have relied either on arms control agreements as international agreements, or on legislation, which has basically only bound American companies, in terms of sanctions.

In spite of various proposals, every effort to create sanctions which would apply to foreign suppliers and foreign companies has never reached any legislative action in the U.S. Congress—largely because of the House of Representatives.

You should consider what that really means. If you look through the orders of battle in Iran and Iraq, you will not find any equipment that the United States supplied since the fall of the shah that has meant anything to the military capability of either country.

If you look at the list of dual-use items that went into their nuclear chemical, biological, and missile efforts, there have been some transfers of U.S. technology, but they have been minor in dual use. It has been the Europeans, China, and North Korea which have been the source of both arms and dual-use technology transfer.

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I may just very briefly go through the list of arms control agreements which are the alternative to controls and arms sales and technology transfer, there is good reason to question what meaning, if any, they have.

The Non-Proliferation Treaty does not allow intrusive inspection. Iraq was praised for its compliance with the Non-Proliferation Treaty by the IAEA only months before it invaded Kuwait.

Iranian compliance only means inspection of one small purposeful research reactor. Its only other "compliance" has been to allow visits, not inspections, of potential facilities.

Even if Iran fully complies with the NPT, it can go ahead and buy the reactors, it can go ahead and get dual-use technology, it can do everything except produce a nuclear weapon. And, under the treaty, unless it declares the facilities, there is no challenge inspection right.

In the case of the Biological Weapons Convention, it is a scrap of paper. There is no enforcement. It is meaningless.

Both Iran and Iraq signed agreements saying they would not use chemical weapons, when they signed the Geneva accords. Both used them anyway. The Chemical Weapons Convention has more teeth and more inspection capabilities than the BWC, but as Jan Nolan and others have pointed out, there is nothing that would prevent a nation from producing several hundred chemical weapons at a laboratory or a small batch level, arming missiles or bombs, and still being able to do this within the limits of the Chemical Weapons Convention.

If we look at the other agreements, the missile technology control regime, the conventional arms register, the ban on fissile material, all of these are toothless. They have no practical meaning in limiting the actions of countries like Iraq and Iran.

I would suggest to you that if the United States relies purely on attempting to persuade our allies to give up billions of dollars worth of markets in Iran and Iraq to underpin the military dimension of dual containment, we are all sitting here and we are wasting our time.

Thank you.

Senator BROWN. I am not sure I want to thank you for that, but that is the voice of realism, I suspect.

[The prepared statement of Dr. Cordesman follows:]

PREPARED STATEMENT OF DR. CORDESMAN ©

The day to day problems the US faces in dealing with Iran and Iran often blind us to the fact that our policy cannot be based on short term expectations that stable friendly regimes will emerge in these states, or that we have any current prospect of reducing our strategic commitment to Gulf security.

We are talking about a region with more than 50% of the world's proven oil reserves. It is a region where both the US Energy Information Agency and International Energy project that the United States, other developed nations, and the rest of the world will increase their dependence on oil imports well beyond the year 2020—as far into the future as they make forecasts.

We are talking about a region where the arms, problems with terrorism, search for weapons of mass destruction, and search for regional hegemony began long before the present regimes in Iran and Iraq. Iraq has presented constant problems for US policy since the fall of the monarchy in that country. For those who have forgotten, it was the Shah who first violated US export laws in seeking to develop nuclear weapons, who first grabbed Abu Musa and the Tumbs, and who dragged the US into

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a covert war in which we first backed the Kurds against Iraq and then betrayed them the moment the Shah found this to be convenient.

TODAY'S LEADERS MAY ONLY BE SLIGHTLY WORSE THAN TOMORROW'S

When we talk about "dual containment", we must beware of thinking solely in the short term and "demonizing" today's leaders while we build-up expectations about future regimes we have no reason to believe will be realistic.

Iraq lacks a credible moderate opposition. The Iraqi National Congress is a step in the right direction, but it has no power or influence, and is a weak group of exiles. The Kurdish factions are divided and are fighting each other. Iraq's Shi'ite majority is deeply divided, and the strongest anti-regime elements have been defeated in the field. The ruling Sunni elite can only preserve power by avoiding real democracy. The Ba'ath Party may have more pragmatic elements than those who surround Saddam Hussein, but it rules through fear and authoritarianism. The Iraqi Army has never demonstrated in the path that it is a source or moderation or competent rule, and there are few reasons to assume it will improve in the future.

We need to face the fact that Saddam Hussein may be uniquely bad in terms of his risk taking, his ambitions, and his ability to control Iraq, but that there is a virtual certainty that the successor to Saddam Hussein is "Saddam the Lesser". Even if we get the appearance of a movement towards democracy, it is likely to be "one man, one vote, one time" and only be a transitory step towards a new form of authoritarianism. It will also be authoritarianism in a revanchist state which will remain anti-Western, retain its past fears of Iran, retain its desire for regional hegemony, and present problems for the US, the West, and the Southern Gulf states.

The situation in Iran is more unpredictable, but not necessarily better. "Experts" have been notorious failures in predicting the path of deep-seated social and political revolutions. What they have failed to "demonize" they have tended to "sanctify"—praising extremists as "agrarian reformers," excusing violence and repression, and seeing hope in every possible "moderate" or new leader. History indicates, however, that revolution often take decades to play out a unique and unpredictable course, swing back and forth between moderation and extremism, and present continuing problems for their neighbors.

In the case of Iran, we face a situation where experts cannot agree on whether Rafsanjani, Iran's current leader, is an opportunist who has participated in Iran's acts of terrorism or a pragmatist. They cannot agree on the ambitions of Iran's current leaders, and they do not know what kind of leader will succeed Rafsanjani when he steps down from office. There are divisions over the seriousness of Iran's economic crisis, its military ambitions, and the extent to which its clerics are losing their hold on power.

Iran's outside political opposition consists of weak elements of legitimate moderates like those supporting the son of the Shah and thugs like the People's Mujaheddin—a group which began much of the current political terrorism in Iran, assassinated American officials, backed the seizure of the US Embassy, and serves as a military front for Saddam Hussein.

These trends do not mean that the US should not encourage better regimes in Iraq and Iran. They do mean that it is terribly naive to expect them to be better, and that we cannot base US policy on such expectations. Until we see very clear evidence to the contrary, we should seek to create a long term security structure in the Gulf that assumes one or more of the Northern Gulf states is hostile to its neighbors, the West, and the US—and not hope the fall of today's leader in either country will solve our problems in the region.

CONTINUING MILITARY THREATS FROM IRAQ AND IRAN

The US faces very real military problems in dealing with Iran and Iraq. These problems are limited today by the UN sanctions on Iraq and the destruction of much of its forces and weapons of mass destruction during the Gulf War. They are limited by Iran's economic crisis, by its loss of some 40% of its ground force equipment during the final battles of the Iran-Iraq War, by past controls on its access to new arms and technology, and by Iran's lack of access to parts and technical support for its Western supplied military equipment for nearly 15 years.

However, the US already must plan for the risks of terrorism and covert. Even today, it must plan for confrontations and low intensity warfare in a wide range of possible conflicts.

Military Problems With Iraq

Iraq is sill fighting a low level war with its own Shi'ites. It regularly challenges the UN no-fly zones. It has sent a number of small intelligence groups into Kuwait,

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and it positioned major armored forces near the Kuwaiti border last fall. About 40% of its army is currently positioned to attack across the Kurdish security zone in the north, and at least 60% of the Iraqi army could redeploy to the Iranian border within a week.

Iraq's current military weakness also gives it a strong incentive to fight irregular or unconventional forms of war. The use of third party terrorists, extremists, and proxies offers Iraq both a means of revenge and far more security than large-scale military action. So does playing a spoiler role at the political level, and financing political rivals to its enemies in the southern Gulf and rest of the Arab world.

Nevertheless, more overt types of military conflict are possible, and typical scenarios could include:

Clashes with Turkey or Iran over Iraqi efforts to attack its Kurds, or support of Kurds hostile to Iraq and Iran.

Mid-intensity conflict with the US over a major Iraqi attack on the Kurds in the Kurdish security zone.

War with the Kurds in the Kurdish security zone. Conflict with Iran over Iraqi treatment of the Shi'ites in Southern Iraq, and/or Iranian attacks on the Iraqi front group, the People's Mujaheddin.

Major clash resulting from refusal to allow UN inspection, over challenges to "no-fly zones", and incursions into Kuwait.

Military confrontation growing out of US or UN attacks in response to Iraqi support of terrorism or use of unconventional warfare.

Use of chemical or biological terrorism.

Use of mines or missiles against tanker traffic to Kuwait.

Unconventional attacks on—facilities and ships in Gulf.

Confrontation with Syria over Syrian peace agreement with Israel or some other factor.

This list shows how difficult it is to try to set bounds on a broad range of unpredictable cases, and the US cannot ignore the need to plan for a worst case: A large scale Iraqi combined operations attack with aircraft, armor, and artillery launched with limited warning.

In spite of a massive UN Coalition victory in the Gulf War, Iraq is still major power by regional standards. It is a nation with nearly 400,000 troops and a 350,000 man army. We are talking about some 2,200 tanks, 700 armored infantry fighting vehicles, 2,000 APCs, 230 self-propelled and 1,500 major towed artillery weapons, 250 multiple rocket launchers and FROG rockets, thousands of light surface-to-air missiles and anti-aircraft guns. It is a nation that still retains roughly 350 combat aircraft—including Su–24s and MiG–29s, large numbers of armed helicopters, and massive national surface-to-air missile defenses.

The US also needs to look beyond today and tomorrow. It already must plan its forces for the year 2000 and well beyond, and someday the UN sanctions will end. Someday Iraq will be able to rebuild its forces with new technology based on its interpretation of the lessons of the Gulf War.

Military Scenarios Involving Iran

Iran cannot launch a massive land attack without crossing through Iraq. Iran can, however, pose other kinds of threats to the Southern Gulf, and it is not possible to dismiss the risk of another round of fighting between Iran and Iraq. Iran use force, or threaten to use, in a wide range of contingencies. These contingencies include:

Civil war or military upheaval in Iraq, involving religious issues or where Iraq appears vulnerable.

An Iranian incursions into Iraq.

A Kurdish uprising or spillover of the Kurdish conflicts in Turkey or Iraq.

An Armenian military incursion into Iran, or an Armenian defeat of Azerbaijan which threatens its existence or takes on a religious character.

Ethnic/religious conflicts with secular governments in the Islamic republics of the former Soviet Union.

A coup in Bahrain, or Shi'ite uprising in Saudi Arabia or any other Gulf states.

A major crisis in oil prices, and struggle over oil quotas.

A major military encounter between Israel and the Shi'ites in Lebanon.

A religious coup in an accessible neighboring state, or conflict between an "Islamic" force and peace-keeping or secular forces.

A military challenge to Iranian control of the Tunbs and Abu Musa.

An air or naval clash in the Gulf over oil rights or shipping lanes.

A major clash between Israel and the Palestinians and/or Syria after the failure of the current peace settlement.

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Iran also illustrates the important role of technology transfer in reshaping the nature of future wars in the Middle East. Since the end of the Iran-Iraq War, Iran has hundreds of modern T–72 tanks and it is seeking hundreds more. It is acquiring self propelled artillery, and more modern armored fighting vehicles. It is building up a significant force of Su–24 strike aircraft, with better avionics and range-payload capabilities than the Russian medium bombers of the 1960s, and MiG–29s with advanced beyond visual-range combat capability. It has acquired SA–5 and SA–6 missiles to supplement its US supplied IHAWKs. It is acquiring advanced air-to-surface and air-to-air missiles, and more advanced radars and command, control, communications, computer, and intelligence (C4I/BM) systems.

Iran has acquired two relatively advanced conventional submarines with wire guided torpedoes and "smart" mines. It has acquired more advanced anti-ship missiles which can attack ships virtually anywhere in southern Gulf wars from relatively small ships, from land positions near the Straits of Hormuz, and from the islands in has seized in the lower Gulf. It now has large numbers of smart non-magnetic mines that include types that can be moored in shallower waters, and "bounding mines" that can risk from the bottom to attack ships in deep channels. Iran is also steadily receiving additional advanced versions of the Scud that can attack targets across the Gulf, and has ordered the Nodong missile, which has nearly twice the range of the Scud C and can reach targets deep into the Southern Gulf.

Further, Iran is already major power by regional standards. Iran currently has about 513,000 full time actives in its regular forces, plus 350,000 men in its reserves, and has 120,000 men in its Islamic Revolutionary Guards Corps (.i.Pasdaran Inquilab);, 90,000 in its Basiij (Popular Mobilization Army);, 45,000 in its internal security forces, and around 12,000 men in an Iranian trained and funded Kurdish Democratic Party militia. A combination of the regular and Revolutionary Guards forces would give Iran about 470,000 full time actives—a small fraction of Iran's potential manpower strength.

These Iranian manpower totals compare with about 650,000 full time actives for Iraq, 7,200 men for Bahrain, 14,000 for Kuwait, 36,700 for Oman, 9,500 for Qatar, 101,000 for Saudi Arabia, and 58,000 for the UAE. It is obvious that the southern Gulf states cannot match Iran even when Iran has mobilized only a small portion of its potential military manpower.

Iran seems to have an inventory of around 1,245 tanks—reflecting a rise of some 200 tanks over 1993 and 320–380 tanks over 1992. Iran seems to have about 1,000–1,250 operational armored personnel carriers and armored infantry fighting vehicles, and, and 2,000–2,500 medium and heavy artillery weapons and multiple rocket launchers.

The Iranian air force and air defense force have around 27,000 men, a total inventory of around 260–300 combat aircraft, and 30 Improved Hawk fire units (150+ launchers), 50–55 SA–2 and HQ–23 (CSA–1) launchers (Chinese-made equivalents of the SA–2), and 25 SA–6 launchers. The air force also had three Soviet-made long range SA–5 units with a total of 10–15 launchers—enough for six sites.

Iran's regular Navy, naval portion of the Islamic Revolutionary Guards Corps, and marines totaled around 38,000 men—with about 18,000 regulars and 20,000 Iranian Naval Revolutionary Guard forces. According to various estimates, Iran's operational inventory included 2 destroyers, 3 frigates, 10 missile combatants, 33 light patrol and coastal combatants, 5 mine warfare ships (less one training ship), 9 armed helicopters, 8 amphibious ships and craft. Iran had a small marine force and large numbers of naval revolutionary guards. Iran also had 5–7 Silkworm (HY–2) anti-ship missile sites to defend its ports and cover the Straits of Hormuz.

Weapons of Mass Destruction

Iraq and Iran are virtually certain to present a continuing and growing threat in terms of weapons of mass destruction. Both Iran and Iraq used chemical weapons during the Iran-Iraq War, and both have sought long range missiles and strike aircraft, and biological, chemical, and nuclear weapons.

Iraq has lost much of its capability as a result of UN efforts since the Gulf War. It does, however, retain the technical and design skills that allowed it to produce successful nuclear weapons designs, and has some "break out" capability if it can buy fissile material. It may have up to 100 missile bodies or major missile components, and retains modern long range strike aircraft like the Su–24. It produced chemical weapons at the laboratory level in the early 1980s, and can probably recover a limited chemical weapons production capability very quickly after UN controls are lifted. It may retain considerable biological warfare production capability—although it probably does not have significant stocks of such weapons.

Iran is acquiring long range ballistic missiles from North Korea, is experimenting with cruise missile designs, and has long sought weapons of mass destruction. Its

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nuclear weapons program began under the Shah, and strong indications of a biological weapons program surfaced in the early 1980s. It had a limited gas warfare production capability during the Iran-Iraq War, and it began to produce nerve agents in the early 1990s. It does not seem close to producing substantial amounts of fissile material, but could probably produce a functioning nuclear weapon in 12–24 months if it obtained access to fissile material from an outside source.

THE IMPLICATIONS FOR US POLICY

Given these military risks, we need to think of US policy in a much more sophisticated way than simply reiterating "dual containment". We need to accept both the complexity of the problem and the need for long term action.

This requires the US to pursue a policy with the following eight elements:

Recognition of the fact its dealing with two different countries and tailoring its policy accordingly.

Recognition of fact that three different kinds of policy or "containment" may be needed to deal with each country: Military, political, and economic.

Mobilization of Western, Russian, and Asian support to limit the flow of arms and dual use technology to Iran and Iraq.

Maintaining and improving the US military presence in the Gulf and improving US power projection capabilities into the region.

Strengthening the security and deterrent/defense capabilities of the moderate Southern Gulf states.

Creating effective anti-terrorist capabilities to deal with the fact that no form of containment is every fully successful.

Creating an effective anti and country proliferation policy to deal with Iraq and Iran's search for weapons of mass destruction that mixes arms control, controls on technology transfer, NBC defense capabilities, theater missile and air defense capabilities, and deterrent/retaliatory capabilities in ways that not only limit Iraq and Iran's capabilities, but deter their use of such capabilities.

Maintaining an energy policy to stabilize world oil and gas prices and supplies, and provide an effective emergency reserve to deal with sudden contingencies in the Gulf.

It is important to note that five of these eight elements deal with actions that are not normally seen as part of "dual containment," but that are critical to US success. Further, they require acceptance of the fact that the US must treat Iran and Iraq as separate cases and should not simply lump military, political, and economic containment into one set of policies.

Military Containment

Military containment is clearly the most important part of those aspects of US policy which are linked to "dual containment". We do not face a threat from Iraqi and Iranian economic growth and trade per se, but only from the extent to which any improvement in Iraq and Iran's economy is used to support military actions and to buy arms and weapons of mass destruction. In fact, we need to consider the risk that a rigid search for economic containment will simply create broad and lasting popular hostility in Iraq and Iran, bolster the regimes in some ways as they weaken it in others, and isolate us from our allies.

Military containment is also the aspect of containment where it is least necessary to differentiate between Iran and Iraq, and where it is remarkably difficult to argue against a containment policy. Arms and weapons of mass destruction do not moderate radical or unstable regimes. They do not build pragmatism and trust. These are areas where only fools and opportunists can argue for a change in US policy.

Military containment, however, means a very broad US effort to restrict major high technology arms transfers and open transfers of dual use technology that is focused on our European allies, Russia, and China. It means the US must focus on the actions of third countries, and do everything possible to limit the sale of advanced conventional weapons, nuclear materials and technology, chemical and biological weapons technology, and to the kind of "research" and "production" efforts that may have some limited civil value but whose nature and scale creates a significant doubt about the end use and purpose of such efforts. The US must clearly recognize that arms control measures that rely on Iraqi and Iranian integrity are little more than scraps of paper, and that putting sanctions on US companies will be meaningless if the US lacks the courage and will to force the issue in dealing with Europe, Russia, and the PRC.

Political Containment

The US should not abandon political containment, but it should realize that it is naive and self-defeating to hope that it can indefinitely isolating Iraq and Iraq until

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some miraculous change occurs in both regimes that makes that fully acceptable to the US. The US must also accept the fact that Iraq is not Iran.

In the case of Iraq, there is no reason to instantly abandon the UN sanctions, but there is good reason to stop concentrating on demonizing Saddam Hussein in the hope no lessor demons will follow. What is needed are meaningful criteria for easing sanctions that Iraq can credibly meet, and that can command world support. An all or nothing policy will ultimately do little more than impose hardship on the Iraqi people until US policy is discredited.

This does not, however, mean making life easy for Saddam Hussein. He is a uniquely dangerous and repellent man. It means tying any change in political and economic containment to very clear conditions in terms of Iraqi guarantees to protect its Kurds, to recognize its border with Kuwait, and to recognize the UN's right to continue to limit any transfer or build-up of new capabilities to use weapons of mass destruction. The world can recognize the need for such conditions, just as it can recognize the need for military containment. We can hope for long term support if we set such goals, where simply waiting for Saddam to go makes just about as much sense as waiting for Godot to arrive.

In the case of Iran, we have no international mechanisms similar to the UN sanctions, and many nations are already ignoring or beginning to ignore US policy. As a result, we need to focus firmly on military containment and use our limited leverage where it is effective. We need to actively educate and persuade the world that a halt to the Iranian military build-up, Iranian threats to the peace process, Iranian efforts to acquire weapons of mass destruction, and Iranian acts of terrorism are critical common policy objectives. We must act firmly and decisively to achieve these ends.

At the same time, we must stop demonizing the Iranian regime, stop talking about changing its overall character, and try to open a dialogue with whatever pragmatists we can find. We need to deal with the Iranian regime in the way we deal with the Soviet regime in an earlier process of containment. We should concede nothing and provide no "payment in advance" for hopes of moderation. We should, however talk and encourage others to do so. We should always offer Iran a next step as an incentive for acts of moderation and changes in its behavior. Isolating the Iranian revolution will not make Iran go away; a carefully structure dialogue with Iran may help make it easier to live with.

Economic Containment

If military containment must be pursued indefinitely, and political containment should be tied to clear criteria for improving relations, economic containment should be used as the "carrot" to try to influence both political behavior and political change.

In both the case of Iraq and Iran, the US should beware of exaggerating its long term influence. Both states can turn to Europe and Asia. The UN sanctions will end in the case of Iraq at some point in the next few years, and US efforts at the economic containment of Iran are already of only limited impact.

At the same time, the US should continue to tie the lifting of sanctions, loans, and trade to the actions of Iraq and Iran. It should always make it clear that there is a reward for pragmatic and moderate behavior. It should offer incremental rewards that allow Iraq and Iran to move step by step and which are not preconditioned upon impossible goals for total change in the regime's character and behavior.

The US must not allow itself to become systematically isolated from many of its Western European allies, Asia, or Russia. It must seek to integrate other allies into this process of tailored incentives, and it compromise when necessary. US policy must be the art of the possible, and not the posturing of the impractical.

We need a clear policy for Iraq that sets out what will happen if we lift or reduce sanctions. We need to define what we want our allies to do, and we need to plan a course of economic action that will reduce the risk that even a partial lifting of sanctions leads to the collapse of the ability to offer economic incentives and disincentives.

We need a policy for Iran that clearly links liberalization of our economic policies to the actions of the Iranian regime and that links changes in economic containment to changes in political containment. We should not simply offer Iran economic incentives in blind hope of improvements in Iranian behavior, although we should recognize that the US has only limited leverage in this case.

At the same time, the US should recognize that nothing it offers by way of "carrots" to the regimes in Iraq or Iran will make real friends, and that all aid to the state industries and sectors of Iraq and Iran not only aids the ruling regime but provides money that its fungible and can be used to support an arms race. The US

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must, therefore, make every effort to expose any link between outside aid and trade and Iraqi or Iranian efforts to bolster state authority, or buy arms and weapons of mass destruction.

Finally, the US must recognize that the most hopeful forces of change from within Iraq and Iran are the growth of a middle and commercial class whose wealth and power is tied to private enterprise, rather than the state bureaucracy or state industry. Wherever possible, the US should seek international consensus that economic incentives favor the private sector in Iraq and Iran, and not the state sector.

This will be a difficult policy in terms of our allies and US industry, but we should also have no illusions. For all the talk of profit in the Gulf, even a small war or major US force deployment would be far more costly than any trade or economic benefits we can expect over the coming decade, and we much be forceful in discouraging other nations from the kind of economic actions that increase the cost of deterrence and defense at our expense and that of the Southern Gulf states.

[Other material submitted by Dr. Cordesman for the record may be found in committee files.]

Senator BROWN. I thought I would go back and forth across the table, and go now to Dr. Graham Fuller. He is a senior analyst with the Rand Corp.

Dr. Fuller, thanks for joining us.

Dr. FULLER. It is my pleasure.

STATEMENT OF DR. GRAHAM FULLER, SENIOR ANALYST, THE RAND CORP.

Dr. FULLER. Sir, I would like to focus on two key areas, perhaps with a slightly different perspective. Now that I am out of government, and with my CIA background, I can look at things slightly less conventionally, and hopefully shed a little different light on some of these things.

I am not a great fan of the term "dual containment" for starters, simply because I think it is the solution to the problem. Clearly, both are bad guys, and if that what is intended by the term "dual containment," it is right on the mark.

But I think the problem with dual containment as a concept is that it sheds no light on the nature of the relationship or the character of either Iran or Iraq. The problems are different in both states, and the solutions, in my view, are quite different as to how we treat them.

But let me say on the Iraqi case, I think the State Department has done an outstanding job in keeping these sanctions on for much longer than I think anyone really thought could be possibly done, given the attitude of the French and the Russians, in particular.

But I think time is going to run out, Mr. Chairman, on this, despite our valiant efforts.

Within 6 months, 9 months, 1 year, or so, it is probable that we will no longer be able to hold the line against the French and Russian persistence in lifting at least the sanctions on oil sales.

When that happens, I would argue that Saddam is home free. He then has the economic wherewithal to strengthen his regime, eventually pay off the people that support him, and continue in various nuclear areas.

I do not think any agreement with Saddam is worth the paper that it is written on. In fact, it is written in sand.

I would like to draw your attention to one aspect, though, of our policy that I find baffling. There are some official explanations for

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it, but I nonetheless find baffling. We have yet, as a country, to publicly and explicitly declare that Saddam Hussein is the problem.

I have great respect for Dr. Cordesman's views on the fact that the problem goes beyond Saddam Hussein, but I would argue that if we could get Saddam out of there, we are dealing with a far more flexible problem.

I doubt that there is any successor to Saddam Hussein who would be, one, as bad, or two, as capable of maintaining control over that country as he has, with his iron grip, for a very long time. I think it would gradually be the beginning of the end of the broader regime.

So I would urge that we spend time focusing on Saddam Hussein, yes, personalize the problem. The President in the past has been concerned about personalizing the problem, I understand, because if we personalize it, and Saddam did not fall, this would be seen to be embarrassing to the administration.

I do not see why that has to be the case. I think we can explicitly say in advance that this is in the end the Iraqi peoples' own decision, it is their own call, it is their own action, we cannot force them to do this, but we are identifying publicly Saddam Hussein as the problem in any normalization of relations with Iraq in the future.

I would urge that we turn to our allies, none of whom have a specific grief with a Saddam Hussein himself. The French want to do business with Iraq. The Russians want to do business with Iraq.

Saddam's continued presence there means that there is this loose cannon rolling around on the deck while they try to do business, which means that at any point we can run in, we can clamp—different problems will emerge for them.

I would strongly urge, Mr. Chairman, that we go to the French and the Russians, and all our allies in the region, and say, look, let us agree, Saddam is the problem, and the primary problem.

We will all publicly identify him as such. We will explicitly call for him to step down. The Russians do not want him. The French do not want him. The Egyptians do not want him.

The Saudis do not want him. The Kuwaitis do not want him. The Iranians do not want him. The Jordanians do not want him. And the Palestinians have lost any faith that this man means anything to them at this particular juncture in their faith.

So I would urge that there could be a considerable international consensus, whether we want to sugar coat it and say let the French or the Saudis say that Saddam has served his people honorably, but the time has now come for him to step down. He is the problem, and not part of the solution.

I am not saying that Saddam would then panic, pack his bags, and leave immediately, but if we then stated that the U.N. would be willing to supervise his peaceful departure, ala Haiti, if you will, his peaceful departure, I would be very worried if I were Saddam Hussein, because for the first time, I would know that there are people of my huge support staff around me, hundreds of people, these people for the first time would see the likelihood that they could survive Saddam's departure.

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In the past, they have understood that the only way Saddam is going to go is going to be bloodshed, revolution, and assassination. This means they too will be murdered in their beds.

The offer to tell Saddam to step down peacefully and leave, and the U.N. will supervise this transition to somebody else within the regime, will suggest that most of Saddam's hangers on can survive that, can survive his departure. I would lose a lot of sleep if I were Saddam Hussein to think that could happen.

I have just a few remarks, Mr. Chairman, about Iran, and then I will conclude. Iran is a very different case than Iraq. I am afraid that there has been considerable hyperbole about the problem of Iran.

Iran is unquestionably one of the more unpleasant regimes in the Middle East. I have absolutely no grief for it, whatsoever. But it is different from Iraq, in the sense that this is not one bestial man at the top of the regime, who, if he is removed, everything else changes, as I would largely argue is the case in Iran.

We could eliminate the top 10 people in Iran and not see significant change in the policy. It is institutionalized. It is a relatively open regime, believe it or not.

You can criticize any leader in public and in writing in Iran, and you can get away with it. There is vigorous public debate in Iran about the wisdom of policies that they undertake.

Iran does not wish the United States well. It does not wish any of the regional states well. But Iran is not responsible for nine-tenths or 99 percent, I would argue, of the problems that exist with most fundamentalist movements in the region.

And this is important to recognize, because if we think that by eliminating the Iranian threat, we will then have eliminated the problem, we are badly mistaken.

Algeria and Egypt's agonies will not go away, and will not be significantly affected if Iran were to disappear from the face of the earth tomorrow. That is just a reality.

I am sorry that is the case. I wish Iran was the key to all of it, but it is not. There are much deeper problems that lie in the way.

I would, therefore, suggest, in our policy toward Iran, if we can have a dialog with the likes of China, for all its immense distasteful characteristics, and a dialog even with North Korea, that is even more distasteful, I would hope that we could begin some areas of constructive dialog with Iran, designed to modify its behavior.

I would strongly urge that we keep on economic sanctions, squeeze the regime where possible, but talk to them about areas for giving them some hopes of relieving their predicament.

They are their own worst enemy. The country is falling apart in many respects. It is paranoid. It is divided. Its policy are inconsistent.

I would argue it is largely a failure in virtually everything that it is undertaking, except for a lot of loud rhetoric and its policy in Lebanon, where its support for terror has been extraordinary and very effective. But apart from Lebanon, I would argue Iran's efforts in those areas have been relatively limited.

So maybe we should think then about continuing to hold open the prospect for dialog. I know the Department is ready for this. We should not have many preconditions on this.

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We should hold tight in our sanctions against them, until they are ready for it, but believe me, it is the hard-core elements in the Iranian regime that want to talk less than anybody else. They are terrified of a dialog.

Every time Iran is prepared to improve relations with Western Europe or even talk to us, the hardliners have moved to cut this off, because they know it represents a deep ideological threat to them, and opens the door for gradual evolution in the direction of moderation, maybe not wonderful moderation, but better than what we have right now.

So I would hope that we could have an open enough and a big enough policy that could begin to accommodate the subtleties of dealing with that regime on several different levels. Thank you.

Senator FEINSTEIN [presiding]. Thank you, Dr. Fuller.

[The prepared statement of Dr. Fuller follows:]

PREPARED STATEMENT OF DR. FULLER

I. DUAL CONTAINMENT

The concept offers no analytical illumination to our policy: Both regimes are bad; but they differ sharply in the problems they present to us, and differ sharply in how we should treat them.

Lumping them together thus serves no purpose, and can actually help drive them together tactically.

IRAQ is a one-man, thug-like, totalitarian dictatorship and closed society that presents a major military threat to its neighbors, and may invade them yet again; if Saddam can be removed, major changes are possible inside Iraq; it is still the greater threat to the Gulf states than is Iran.

IRAN is run by a broad variety of differing factions and personalities; it is relatively open as a society with vigorous debate over public policy that tolerates public verbal attack of all its leaders; it cannot invade its Gulf Arab neighbors except Iraq itself; much of the top leadership can be removed without necessarily affecting any policy changes in the regime.

Therefore let's abandon the concept of dual containment and focus on crafting separate, distinct, unlinked policies to each.

II. US POLICY TOWARDS IRAQ

Saddam is the problem; his departure is critical; his remaining in power represents a time bomb.

State Dept policy has superbly spun out the sanctions against Saddam, but time will run out; we need a *fall back policy*, rather than simply losing it all at some eventual Security Council meeting to those pressing to lift sanctions.

It is imperative we now personalize the struggle against Saddam: a variant of a "Haiti Solution." We should state that we can accept almost any other leader except Saddam in power; that we call for him to step down since he is the problem. (Believe it or not, nearly all Iraqis and most Middle Easterners believe we actually want Saddam in power to justify our own military presence in the region. Saddam cynically plays on this at home.)

We must enlist a broad international front of public diplomacy to *publicly* call for Saddam to step down. NO state actually wants Saddam in power; the French and the Russians can do much better business in Iraq if they don't have a loose cannon rolling around there. We can enlist France, Russia, Egypt, Jordan, Syria, Saudi Arabia, Turkey and Iran—all to call publicly for Saddam to step down for the good of his nation; the UN can offer to help escort him out of the country and preserve order.

An essential part of the scenario is that hundreds of top officials in Baghdad have long feared Saddam's departure by bullet or uprising because they fear they will be murdered in their beds along with Saddam. This scenario offers them a chance to stay in their positions for an indefinite period even when Saddam goes—with order being retained in Baghdad. (If I were Saddam I would lose sleep at the thought that most of my regime could now contemplate surviving my departure.) An Iraq without Saddam will not be able to maintain the same harsh police state system and policies as under Saddam.

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III. THE SITUATION IN IRAN

The Iranian regime is growing weaker:

—The regime is divided and paralyzed, unable to make coherent policy decisions due to ideological and personality conflict.

—Public cynicism is growing about the revolution, and clerical corruption; there is no Islamic model to talk about here.

—The economy is worsening: inflation, unemployment, lack of goods; failure of privatization program; parliament blocking reforms; factory shortages; drastically limited imports; lack of foreign investment; state monopolies and oligopolies stifling reform. The government has rejected both command economy and free market systems and has no alternative.

—The army is distancing itself from the regime; has refused to fire on its own citizens during disorders. Public criticism of the regime is on the rise; the regime has lost its moral authority.

—The clergy is sharply divided over its role in government, with much local clergy in sharp opposition to central government policies and clerical corruption.

—Serious sectarian violence has taken place between the Sunni minority and the Shi'ite establishment.

—Iran is its own worst enemy in foreign policy, unable to form a coherent policy, alienating nearly all states around it, leaving it in isolation.

IV. SCENARIOS FOR CHANGE IN IRAN

The hardliners may be growing stronger, but have no answers except law and order; they could take over in a deteriorating situation in one last effort to save the situation before the regime collapses.

A military coup could take place which would probably bring a more unified regime, less ideological, but still sympathetic to Islam, and quite nationalist—in all, easier to deal with but still very prickly.

There is almost no chance of a pro-Western coup taking over in the near future. The regime cannot be easily dislodged—it is vastly more institutionalized than Iraq.

The Mojahedin-e-Khalq should not be considered as a desirable alternative to the present regime, nor is it in a position to take power.

V. US POLICY TOWARDS IRAN

Iran's threat to the region—less than Iraq's—is in two areas:

—Iran presents an ideological challenge to the many dysfunctional states of the region; but this challenge is modest. There is hardly a single regime or crisis situation in the area that would notably improve with the disappearance of Iran from the scene—except for Lebanon where Iran's influence is considerable through local Shi'a.

—A potential nuclear threat exists well down the road. Iran is less advanced in this regard than Iraq. ANY Iranian regime will probably ultimately seek a nuclear capability because it is the sign of a state that matters in this world. Other regional states may well eventually seek some nuclear capacity consonant with their regional clout, such as Egypt and Algeria.

We need to be realistic about the limited nature of the Iranian threat. There are a lot of things going on in the Middle East that we don't like; Iran has little to do with most of the really tough problems—aside from a lot of rhetoric.

We do ourselves a disservice by hyping the Iran as the source of Islamist movements throughout the region. It is very convenient for many failing regimes to blame Iran for its problems—from Uzbekistan to Egypt and Algeria. By focusing on Iran we are ignoring the *much more dangerous* internal failings of these societies and the native sources of Islamist discontent that Iran does not significantly influence. It is a comforting pipe dream to think that by putting Iran in its box the Islamist problem in the region will become manageable. Most Sunni Islamists don't even like Iran. We are in for a long period of considerable instability in the region in which Islamist activists—with or without Iran—will play major political roles within each country.

The fundamental problems of the peace process lie within Palestinian and Israeli society; only if there is clear evidence that Iran is significantly contributing to terrorism directly in the West Bank should major concern be paid to Iran here. That said, there is no question that its rhetoric is distinctly unhelpful.

If we can deal with states like North Korea and China, we should be able to deal with Iran. Closer Western contact with Iran threatens the radicals—who do everything they can to block it. We should therefore push more vigorously for contacts between Iran and the West that erode the regime's control and ideological hold.

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Official dialog with Iran should be publicly pushed by Washington as a means of gradually bringing about change in Tehran. Washington is in fact willing to talk, but Tehran is fearful. Pressing the case will put pressure on Iran's radicals.

Tough economic pressures on Iran should may eventually lead them to talk. Most ideological posturing by Iran's radicals is in fact harmful to Iran's own interests; let this fact be made evident by criticizing Iranian policies, by seeking to talk about the source of Western grievances, but also by welcoming a dialog with the regime with the implicit offer of lifting the different sanctions in response to certain policy changes on its own part.

There can be no quick fix in Iran; covert means cannot change the Iranian regime—where such means might at least have a chance in Iraq. The West cannot induce or bring about leadership change in Iran except very slowly and incrementally through economic pressure on the one hand, and sparking more external contacts which marginalize the harder line elements—who love a closed, isolated Iran.

Even a future nationalist Iranian regime will be difficult to deal with—but no doubt better than the present ideological crew.

Senator FEINSTEIN. Dr. Pipes, we will go to you next.

Dr. PIPES. Thank you, Senator Feinstein.

STATEMENT OF DANIEL PIPES, EDITOR, MIDDLE EAST QUARTERLY, PHILADELPHIA, PA

Dr. PIPES. I took the liberty of titling my testimony, and I called it Two Cheers for Dual Containment, not three cheers, but two.

Yes, dual containment is a good policy, and yes, it is a good strategy; but no, it does not yet have tactical implementation. In this sense, it deserves two cheers, not three. So I differ from prior witnesses in my almost entirely enthusiastic approval of this policy.

The policy itself is simple, as any good policy must be. It implies that we not appease or cooperate with either Iraq or Iran, and that we actively and simultaneously oppose both.

There are three elements to this appraoch: that we are active—because the Persian Gulf is a key area to us; that it be simultaneous—that we not seek a balance of power; and that we oppose both regimes—convinced by now that there are no moderates in them, and that they cannot improve. So we must look to containment, seeking ultimately the fall of both these regimes.

This policy of dual containment did not emerge out of thin air in May 1993, but resulted from some 15 years of very difficult relations with both the Iranian and the Iraqi regimes.

I need not recite the litany of problems we have with both; just think back to wars, to hostages, to terrorism, and the anti-American rhetoric. The Clinton administration rightly concluded that a balance of power will not work, that we need something else. That something else became known as dual containment.

I might note that the two regimes have much in common. They are both authoritarian. They are both vehemently anti-American. They are both very aggressive, and they both have goals of being major powers in the world scene—the Iranian regime, via Islam; the Iraqi regime, via oil.

They are both weak. But they are not likely to improve as long as the current leadership is in power. I think they may collapse.

Dual containment must be seen in the context of alternate choices, and there are three: co-option, rollback, and containment.

Co-option means looking for improvement in behavior, looking for something better. Rollback implies that we will actually do something about eliminating these regimes. And containment is something in between.

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Co-option is a mistake. We have tried it, most notably via the Iran/contra effort. We tried to work with the mullahs. These efforts proved to be a failure. We tried it with the Iraqis in the late eighties. It was a failure, to say the least.

Rollback is an impossibility. When President Bush chose not to go forward from Kuwait into Iraq, he concluded rightly that the American people are not ready to eliminate these regimes and occupy these countries.

That leaves containment. Containment implies laying down clear markers, standing vigilant, while avoiding military confrontation, and hoping that internal problems will eventually cause the regimes in these two countries to fall. I believe that to be a reasonable expectation.

The Iranian and Iraqi populations alike have suffered terribly from their leaders' oppression at home and adventures abroad. Both peoples have much lower standards of living compared to 15 years ago. In Iraq's case, today's per capita income is about one-tenth what it was in 1980.

Widespread misery suggests that containment has a good chance of success. But containment, at the same time, is a difficult policy to sustain. It takes years or possibly even decades to work. It means foregoing attractive commercial opportunities. Most challenging, it requires a broad consensus among the industrial states. This government cannot alone make containment work.

Should Tehran and Baghdad secure financing and technology from alternate sources, U.S. efforts of containing have limited impact. That is precisely the problem.

The Europeans, the Russians, and the Japanese sell Tehran virtually everything it wishes, including dual-use machinery, Kirov-class submarines, and nuclear technology. They are also eager to begin trading with Iraq. In brief, the Europeans, Russians, and Japanese have made dual containment nearly impossible to implement.

Therefore, the key to this policy lies in convincing reluctant partners in Bonn, Moscow, and Tokyo to make it their policy, too. Given the mercantile orientation of these states, such an effort to persuade seems unlikely to succeed.

Fortunately, we can take at least some steps to remedy this. The Congress already in 1992 applied very stringent export restrictions to the American commerce, via the Iraq-Iran Non-Proliferation Act.

The time has now come for Congress to take steps to prohibit foreign subsidiaries of American-owned companies from engaging in commerce with Iran, for these subsidiaries take millions of dollars of oil from that country, and in so doing, undercut our diplomatic efforts to convince the allies and the Russians not to trade with Iran.

Now, in addition, the second thing we should do is make sure, via the Comprehensive Iran Sanctions Act of 1995, Senator D'Amato's initiative, that American oil companies and other companies not sell goods to Iran.

As you may know, we have restrictions on everything coming from Iran. Pistachios cannot come in this country, but we can sell fully equipped oil rigs and Americans can work on oil fields. The D'Amato bill will prohibit the latter.

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That is very important, because the Iranian oil fields are aged and are likely to decline significantly in production, and we and the British are essentially the only ones who have the means to help them bring that production up again.

So if we and the British choose not to make that technology available, the oil production will decline, and, of course, it is the major source of income for the Iranian regime.

This is the really key thing. While prohibiting American subsidiaries is a political and moral gesture not likely to have much practical effect, prohibiting American firms from selling to Iran will probably have a real and significant impact.

In conclusion, I must say that I am a Republican and not a great admirer of the Clinton administration, but I do see this as a major doctrinal innovation by the Clinton administration.

It is a key policy initiative that will endure. And contrasted to elsewhere in the world—Somalia, Haiti, Bosnia, North Korea—where this administration waffles and waivers, it has found an imaginative yet solid approach to the Persian Gulf, and has executed it consistently.

I congratulate the administration on its policy, and urge the Congress to take steps to enforce it in the one area, the area of operations, where it is needed. Thank you.

Senator FEINSTEIN. Thank you, doctor.

[The prepared statement of Dr. Pipes follows:]

PREPARED STATEMENT OF MR. PIPES

Dual containment toward Iran and Iraq makes excellent sense on two levels, those of policy and strategy; but it falls short in terms of tactics. That's why I give it two cheers, and not three. With your permission, I shall use my few minutes before this Committee to argue in favor of this approach policy and then to offer ideas on a way to improve it.

THE POLICY

Like any good policy, dual containment is simple: it holds that the United States government must not appease or cooperate with either Iran or Iraq, but must actively and simultaneously stand opposed to both those states.

Look closely at this sentence and you will find it contains three main elements: activeness, simultaneity, and opposition.

Activeness: We must deal with Iran and Iraq, for those two states dominate the Persian Gulf, a region absolutely critical to American interests by virtue of its containing three-quarters of the world's proven oil reserves.

Simultaneity: We must resist the temptation of working with one party against the other. To do so would leave us entangled with a monster largely of our own creation.

Opposition: We must counter the rulers in Tehran and Baghdad, for both states engage in reprehensible policies at home, in aggression abroad, and in strident anti-Americanism. Left to their own devices, Iranians and Iraqis are likely to try to conquer one another, impede the flow of oil, and develop weapons of mass destruction.

In sum, the importance of the Persian Gulf and the evil of these two states point the United States inescapably to the doctrine of dual containment.

BACKGROUND

Although dual containment was only articulated as a policy by Martin Indyk of the National Security Council staff in May 1993, it resulted from protracted troubles with Iran and Iraq dating back to 1979, the year when the Islamic Republic came into existence in Iran and Saddam Hussein became president of Iraq. Those troubles resulted in large part from U.S. efforts to work with one state or the other. Bitter experience, in other words, and not theory, have taught us that balance-of-power politics cannot work, and that something else must be tried. In Indyk's words, "we

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do not accept the argument that we should continue the old balance of power game."[1]

Even a quick survey of U.S. relations with Iran and Iraq since 1979 reveals the extraordinary volume of unpleasantries caused by two distant, medium-sized, and hitherto only moderately important states. Indeed, Iran and Iraq have posed a unique set of problems for Americans.

In the Iranian case, these have included:

Tehran hostage crisis, November 1979–April 1981, during which the Muslim Students Following the Line of the Imam held American hostages for a humiliating 444 days.

Failed rescue effort, April 1980, when two American aircraft collided in the Iranian desert, killing eight U.S. soldiers.

Continuing the war against Iraq, from June 1982 to August 1988.

Hostage-taking in Lebanon, 1982–92, beginning with the capture of David Dodge, president of the American University of Beirut. This led to the Iran/*contra* scandal of 1985–86, when guilt over the abandonment of hostages led the Reagan administration to try to make a deal with Tehran.

Terrorism against Americans abroad: Bombing of the U.S. embassy in Beirut, April 1983, killing 63; blowing up of U.S. Marine barracks in Beirut, October 1983, killing 281; assassination of American University of Beirut President Malcolm Kerr in 1984; hijacking of a Kuwait Air flight to Tehran, 1984, killing two; hijacking of a TWA flight to Beirut, 1985, killing one.

Terrorism in the United States: Killing of 'Ali Akbar Tabataba'i, 1980. Tehran may also have been involved in the World Trade Center explosion of February 1993.

Inspiring the "October Surprise" theory into U.S. politics, with hints that the two Reagan administrations were illegitimate, thereby poisoning American public life.

As for Iraq, problems have included:

Starting the war against Iran in September 1980 and continuing it until June 1982.

Acquisition of nonconventional weaponry—the famed super gun, biological and chemical agents, missiles, and nuclear bombs.

Iraqi air attack on American warship *U.S.S. Stark*, 1987, leaving thirty-seven sailors dead.

Invasion of Kuwait, August 1990, the most outrageous military aggression in a generation.

"Iraqgate," when appalling irregularities in U.S. government conduct *vis-à-vis* Iraq during 1988–90 came to light.

OBSERVATIONS

Much in common. For all their mutual animosity and the differences in their ideologies, their contrary methods and temperaments, the Iraqi and Iranian regimes have much in common. Both states impose totalitarian controls on their citizens, spout obsessive hate for the United States and Israel, and entertain ambitions of global power. Both wish to sabotage the Arab-Israeli peace process.

Even the details of their outlook bear uncanny resemblance. When Iran and Iraq went to war in September 1980, Khomeini portrayed Saddam as an American stooge who attacked Iran according to plans drawn up by U.S. strategists. Saddam retorted by alleging a Zionist-American-British conspiracy against his rule and dubbing this "the biggest conspiracy in modern history."[2] Each leader saw the other as acting on behalf of Washington.

The two states also aspire to similar goals—to become colossi on the world stage. It sometimes seems as though Khomeini looked around, and seeing nearly a billion Muslims, decided that Islam would best serve as his instrument to make him a world leader. Then Saddam looked around, noted the immense oil resources in his immediate region, and decided control of them would make him ruler of a world power. Both governments see the United States as the primary obstacle to their achievement of these ambitious goals.

A success story. It may be surprising to realize, but American policy in the Persian Gulf since 1977 has largely worked. The Red Army did not exploit the shah's fall to occupy Iran. The Iraq-Iran war did not provoke spiralling oil prices and a worldwide depression. Kuwait did not disappear, Iraqis are not starving by the thousands, nor are Iranian forces occupying Baghdad and on their way to taking over

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[1] Address to the Soref Symposium, The Washington Institute," 18 May 1993.
[2] "*Statement* made by President Saddam Hussein," Baghdad, 2 April 1990.

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the rest of the Middle East. Tehran did not fulfill its ambitious five-year plan to modernize the military, Saddam could not build nukes.

Yet most Americans would deem Washington's policy in the Persian Gulf region an abject failure. In part, this discrepancy has to do with the imperfect nature of the American accomplishment—disasters averted rather than visions attained. In part, it follows from Washington's secretive, triangular, and somewhat amoral tactics, methods that make many Americans queasy.

But we'd better get used to these deficiencies, for it would be hard to do better in a region dominated by two profoundly anti-American states. And this brings us back to the topic of dual containment.

DUAL CONTAINMENT

As with the Soviet opponent in decades past, Washington has three basic policy options vis-à-vis each of Iran and Iraq: co-opt, contain, or rollback.

Co-option implies encouraging the leaderships in Tehran, Baghdad, or both, in the hope of strengthening moderate trends and winning a reduction in bellicose behavior. Co-option offers an attractive course of action, but the record strongly suggests that attempts to moderate Iranian radicalism and Iraqi thuggishness will fail. The Iran/*contra* debacle exposed the severe limits of foreign influence on Tehran; Saddam's continued hold on power four years after the collapse of his military force proves the same for Iraq.

Nor we can expect that Iran and Iraq will balance each other. Iran today has much greater power than Iraq; its leaders might decide to resume the 1982–88 effort to conquer that country, and they could well succeed. Alternatively, the two regimes keep trying to make up; one day they may succeed, thereby presenting a more-or-less united front against the West.

Rollback can be dismissed out of hand: the American public simply does not have the will to prosecute military campaigns aimed at extirpating the regimes in Tehran and Baghdad, no matter how foul these are. President Bush understood this disinclination four years ago, when the road to Baghdad lay open; and if we lacked the will then, we lack it all the more so today.

This leaves containment. Containment implies laying down clear markers, standing vigilant while avoiding military confrontation, and hoping that internal problems will eventually cause the regimes in Iran and Iraq to fall—a reasonable expectation. The Iranian and Iraqi populations alike have suffered terribly from their leaders' repression at home and adventures abroad. Both countries suffer from much lower standards of living compared to fifteen years ago (in Iraq's case, income may have declined as much as 90 percent). Widespread misery suggests that containment has a good chance of success.

At the same time, we should not expect quick results, for both these governments are firmly ensconced. The Islamic Republic of Iran is an ideologically motivated state that has shown an ability to organize an efficient state apparatus and a readiness ruthlessly to suppress dissent. Although a Soviet-style implosion is possible, the regime has no real rivals and could last for many years. Saddam is only 57 years old, healthy, exceedingly well protected, and without domestic rivals. His ability in 1991 to withstand crushing military defeat and mass insurgency suggests that, despite all, substantial numbers of Iraqis support him.

Containment is a difficult policy to sustain. It takes years or even decades to work. It means foregoing attractive commercial opportunities. Most challenging, it requires a broad consensus among the industrial states; the U.S. government cannot alone make containment work. Should Tehran and Baghdad secure financing and technology from alternate sources, U.S. efforts at containment have limited impact.

And that's precisely the problem. The Europeans, Russians, and Japanese sell Tehran virtually everything it wishes, including dual-use machinery, Kirov-class submarines, and nuclear technology. They are also eager for the sanctions on Iraq to be lifted so that they can began trading there too. Whether their purpose is to make money or to pursue a strategy of co-option, the Europeans, Russians, and Japanese have made dual containment nearly impossible to implement. Therefore, the key to this policy lies in convincing reluctant partners in Bonn, Moscow, and Tokyo to make it their policy too. Given the mercantile orientation of those countries, such an effort to persuade seems unlikely to succeed.

Dual containment has a second weakness; how do we retain a role in the Persian Gulf in opposition to the region's powers? Iran and Iran inescapably dominate the region. In contrast, Saudi Arabia and the other oil monarchies are too weak a reed to rely on; Turkey and Israel are too far away. Here's why dual containment gets only two cheers; it lacks an enforcement mechanism. Nearly two years after its enunciation, this policy remains more a hope than an operational tool.

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THE FUTURE

Fortunately, we can take steps at least partially to remedy the first of these problems, the matter of foreign trade. The Congress already in 1992 applied very stringent export restrictions to American commerce via the Iran-Iraq Non-Proliferation Act. The time has now come for it to take the next step and pass the Comprehensive Iran Sanctions Act of 1995, introduced in January 1995 by Senator Alfonse D'Amato and calling for "a total trade embargo" between the United States and Iran. Today's news that Conoco has signed a contract of some $1 billion with the Tehran regime makes such a step all the more urgent.

This new legislation would have two main consequences: (1) It prohibits the foreign subsidiaries of American-owned companies (such as Conoco Iran N.V., a Netherlands-based subsidiary of Conoco) from engaging in commerce with Iran, for they take billions of dollars of oil from that country and in so doing undercut our diplomatic efforts to convince the allies and the Russians not to trade with Iran. Granted, such legislation is not likely to have much practical impact, for foreign subsidiaries do not fall under U.S. jurisdiction; but putting these laws on the books would do much to strengthen our moral and political position.

(2) The Act would restrict sales of American oil-field technology to Iran, thereby obstructing Iranian efforts to maintain or even expand the oil and gas production. Not only would the legislation prohibit American companies from making this technology available, but it would also provide a basis for pressuring Western European allies to withhold technology. Within a few years, the lack of this technology could reduce Iranian oil and gas production by one million barrels from what it would otherwise be.

Along these same lines, the Congress should press the Administration to toughen dual containment in another way: while the existing policy rejects the Saddam Hussein regime, it accepts the Islamic Republic of Iran as a permanent fixture. This is a mistake. There is no reason to accept the Islamic Republic; instead, we should always keep in mind the need to work toward a democratic Iran.

We also need to remedy dual containment's lack of an enforcement mechanism. U.S. forces in Saudi Arabia provide a partial remedy, as does building up the Saudi military. Closer cooperation with other Gulf monarchies, Kuwait especially, would be a good idea. But there's no hiding that these steps do not compensate for a powerful ally in the region. That's why the Persian Gulf promises to remain an exciting region.

CONCLUSION

Dual containment has worked over the past two years. Consider the contrast: Jimmy Carter had to cope with the fall of the shah, the U.S. embassy seizure, and Iraq's attack on Iran. Ronald Reagan had Iran's attack on Iraq, the Iran/*contra* scandal, and the *U.S.S. Stark* and *U.S.S. Vincennes* incidents. George Bush had the October Surprise, the Iraqi invasion of Kuwait, "Iraqgate," and Saddam's survival in power. But Bill Clinton has so far avoided serious trouble from Iran and Iraq.

That's not to say that we're home free. Saddam Hussein needs to be reminded of American will every so often through a timely show of force, but his provocations today neither threaten large numbers of lives nor disrupt oil supplies. As often as he acts up we can slap him down.

Iran poses more of a problem. Under Ali Akbar Hashemi-Rafsanjani, Tehran appears intent to dominate the Persian Gulf. Thus, Iranian troops landed in 1992 on three disputed islands of the Persian Gulf, Abu Musa and the Tumbs, expelled several hundred residents of the United Arab Emirates from there, and declared Iranian sovereignty over the islands; in recent months, the Iranians have significantly militarized these islands. Tehran has made moves to develop an oil and gas field predominantly in waters belonging to Qatar. In early 1993, a Tehran newspaper claimed that the independent country of Bahrain is in fact a part of Iran. Moscow's worrisome sale in January 1995 of nuclear reactors to Iran has become one of the most divisive issues in U.S.-Russian relations.

In conclusion, I urge you to see dual containment as the major doctrinal innovation of the Clinton administration. It is a credible policy that will endure. In contrast to elsewhere in the world—Somalia, Haiti, Bosnia, North Korea—where this administration waffles and waivers, it has found an imaginative yet solid approach to the Persian Gulf and has executed it consistently.

Senator FEINSTEIN. Mr. Placke, is that the correct way of pronouncing your name?

Mr. PLACKE. That is correct, Senator.

Senator FEINSTEIN. Thank you. Please proceed.

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Mr. PLACKE. Thank you very much.

STATEMENT OF MR. JAMES PLACKE, DIRECTOR FOR MIDDLE EAST RESEARCH, CAMBRIDGE ENERGY RESEARCH ASSOCIATES

Mr. PLACKE. You have my statement for the record.

Like my colleagues at the table, given the lateness of the hour, let me just make a couple of brief comments related to what I have already submitted. I have one framework comment about dual containment, and then a few remarks addressed specifically to the question of oil trade that may be of particular interest to the committee.

On dual containment overall, I think Dr. Pipe's comments are very much to the point. It is a policy that has worked well in terms of the implication of the title, that is, containing Iran and Iraq.

It has really been the least-cost policy option, I think, available to the United States, in the wake of the Iranian revolution and the Gulf war with Iraq.

Perhaps sometimes we expect or ask too much of it, because there is an implication often that it is really intended to do other things. It is intended to change the regime in Baghdad, or it is intended to influence policies of the regime in Tehran in ways that we would find to our advantage and more congenial.

It does not seem to have been able to accomplish either of those purposes, nor do I think it is likely to in the future, but that is not a reason to abandon it.

The main difficulty with containment is that it is a static policy and conditions do not remain static. That is an opening, in a way, to make a few points that I would like to call to the committee's attention specifically with regard to oil trade, since that is an aspect, an important aspect, of restraining both regimes from a financial point of view.

There has been some interest lately, in particular, in provisions embodied in the bill introduced in January by Senator D'Amato for expanding the U.S. restrictions on trade with Iran to be really comprehensive.

In fact, I think the bill would probably go beyond any other set of trade controls that the United States presently maintains against even Cuba and North Korea. If that were to be done, I am not optimistic that the stated purposes would be accomplished.

It is a relatively easy matter for large, integrated international oil companies to rearrange their purchasing and sales arrangements to minimize disruptions that would result from being denied access to a particular variety of crude oil. Without a multilateral approach—and I think this was mentioned quite relevantly by Senator McCain, the initial witness before the committee this afternoon, and it is also a point made in the very detailed examination that comes out of work already done by the General Accounting Office, to which I refer in my statement.

Without a multilateral approach, unilateral sanctions, such as would be contemplated under this legislation, are very likely to have little or no effect.

My own estimate is that in the case of Iran, it would have no effect of any lasting nature on Iranian oil exports or Iranian reve-

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nue. It would, however, adversely affect the competitive position of U.S. companies. And unless trade sanctions of that sort can be multilateralized, that would be their principal consequence, that and provoking a long-running dispute between the United States and other industrial countries over the extraterritorial application of U.S. law, which is one of the legislation's aspects.

On the other side of the coin, U.S. exports to Iran were virtually zero during the course of the Iran-Iraq war. With the conclusion of the war in 1988, exports very slowly built up to about $750 million in 1992, which was something on the order of 3½ percent of Iran's total imports.

Since 1992, in part because of the Iran-Iraq legislation already referred to, U.S. exports to Iran have been reduced by more than half. But perhaps more important than actions on the part of the United States, Iran simply does not have the money to import the volume of goods it had been buying before.

Dr. Pipes did make an observation about some of the content of that trade and its relevance to maintaining Iranian oil production, and on that I am afraid I would have to disagree.

I think his estimate of the proliferation of industrial technology in the oil sector is a bit outdated. Certainly, the oil companies of France, of Germany, of Italy, and of Spain would be entirely competent to do what is necessary to maintain and increase Iranian oil production. It has really been a failure of Iranian policy, and a conflict within the Iranian political hierarchy, over ideological, if not theological aspects that have prevented Iran from taking advantage of opportunities that are available to them. It is not the United States and the U.K. any longer, if they ever did, that really control oil sector technology to the extent of being able to withhold it.

Finally, on Iraq and oil, there has also been interest lately in the extent to which Iraq has successfully circumvented the U.N. oil embargo and has been able to export quantities of oil and oil products and increase its revenue, and thereby continue to maintain the ability the defy the international community.

To some extent, Iraq has been able, on a sustained basis, to export small amounts of both crude oil and oil products, but I think, in general, these have been greatly overstated.

First of all, there is about 70,000 barrels of oil a day that goes to Jordan, because there is no other source of supply for Jordan, and the Security Council has recognized this. It has not actually concurred in it, but it has been an accepted feature of the landscape since the end of Dessert Storm.

Beyond that, there is about—our best estimate is that there are 30,000 to 40,000 barrels of day of crude oil and oil products that are smuggled out of Iraq, really in all directions, with a great deal of variation from day to day, depending upon conditions on the borders and the political cooperation that Iraq may receive from those on the other side of the border.

That level of trade is significant to Iraq, given its financial circumstances, but hardly enough to change either the situation with regard to Iraq, or to constitute a threat to the sanctions.

This is not a Pollyanna-ish view. It is an effort to put it into proper perspective. At this point, I do not think the oil embargo is being challenged from Iraqi defiance. It is being challenged, as Gra-

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ham Fuller pointed out, from the attitudes of other members of the Security Council, in particular, Russia and France.

In the event that the day finally arrives when it is necessary to confront the possibility that the political support in the international community is no longer there to maintain the present embargo regime, I would pose a somewhat different approach than the one that Graham Fuller suggested, which is to make Saddam Hussein a particular target.

There may be an alternative. And the alternative, in my view, would be to devise, through the U.N., and the groundwork for this has already been laid in U.N. Resolutions 706 and 712, a mechanism to control Iraqi oil exports and revenues beyond the lifting of sanctions, so that a degree of leverage and influence, of a very concrete character, is maintained over Iraqi behavior in the future. Thank you.

Senator FEINSTEIN. Could you repeat that once again? I lost the last half of your sentence.

Mr. PLACKE. To establish a mechanism, through the U.N., to enable the U.N. to control either or both Iraqi oil exports, in terms of volume, or revenues realized from those oil sales, so that there would be an effective way to hold Iraq to account, and to control its behavior in the future. Thank you very much.

Senator FEINSTEIN. Thank you very much.

[The prepared statement of Mr. Placke follows:]

PREPARED STATEMENT OF MR. PLACKE

DUAL CONTAINMENT DEFINED

Dual containment of Iran and Iraq is a label applied by the Administration to policy toward the two most powerful states in the Persian Gulf region with which the United States currently also has antagonistic relations. The dual containment label is useful in indicating a break with the balance of power strategy followed until Iraq's 1990 invasion of Kuwait, in which the United States sought to balance Iran and Iraq against each other. The new, post-Gulf War strategy rests on a loose, U.S. led alliance between the Western allies and the six Gulf Cooperation Council states in opposition to regional dominance by either Iran or Iraq.

The dual containment label is less descriptive, however, when applied to U.S. objectives and tactics toward Iraq and Iran, which are distinct rather than identical as is sometimes inferred.

- Toward Iran, the United States seeks to use international exposure and moderate financial pressure, through curtailment of external financing, to effect changes in Iranian policies that threaten U.S. interests and regional peace.
- Toward Iraq, the U.S. advocates maintaining a multilateral U.N. trade embargo until Iraq fully complies with U.N. resolutions adopted during and following the occupation of Kuwait, while also noting that the Saddam Hussein regime would not be likely to survive under conditions of full compliance.

The difference between these twin policies is more than a matter of the degree of coercion. The real difference is between the objectives: U.S. policy aims at destabilizing the regime in Baghdad, while it aims at changing Tehran's policies but not the regime.

Policies, like circumstances, change, however, and change in the dual containment policy seems to be under way. Recently, Secretary of State Christopher has restated policy objectives toward Iran and Iraq as equivalent, i.e., "We must isolate Iraq and Iran until there is a change in their governments.* * *"[1] Recent incidents of international terrorism associated with Iran and concern about Iranian intentions to develop or obtain nuclear weaponry also have led to calls for severing all U.S. trade with Iran, including off-shore trade in Iranian oil by U.S. companies, as proposed

[1] "The Washington Times," January 18, 1995, interview by Trude Feldman.

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in S. 277, introduced in January by Senator D'Amato. The comments that follow assess the effects and prospects for dual containment.

CONTAINING IRAN

Iran is facing both political and economic challenges that are serious but almost certainly insufficient to bring about in the foreseeable future either the collapse of the clerical regime or a change in its policies that are objectionable to the United States:

- resort to international terrorism,
- opposition to the Middle East peace process,
- intimidation of its neighbors and menacing regional peace.

The crisis of political legitimacy that has seized the clerical regime since the death of Ayatollah Khomeini in 1989 has intensified, but the regime's grip on the levers of power seems strong enough not to be broken despite growing disillusionment among Iranians over its failure to deliver on Khomeini's promises. Similarly, mismanagement of the economy, combined with lower oil prices, has halted economic growth, generated inflation above 40 percent annually, undermined the currency and failed to provide either adequate services or economic opportunity for a rapidly growing population. Yet, oil income of about $14 billion annually is a basic prop to the regime.

EVALUATING U.S. POLICY

U.S. policy had both successes and failures in its effort to limit foreign financial support:

Successes

- General denial of lending by international financial institutions, e.g., the World Bank and regional development banks;
- Reduced availability of trade financing by some exporters to Iran;
- Recent indefinite deferral by Japan of the second of three development loans for construction of the Karun dam.

Failures

- Iran's rescheduling during 1994 of about $10 billion in foreign credits on which it had defaulted out of a total foreign indebtedness of about $28 billion;
- Continued trade financing by some of Iran's principle trading partners.

In gauging U.S. success, growing uncertainty about Iran's longer term credit worthiness has clearly been a factor also influencing lender decisions to tighten credit. Iranian payments on rescheduled debt will begin to fall due after initial 1–2 year grace periods and will absorb as much as $3 billion annually, or over 20 percent of present oil revenue, between 1997 and 2000. Already serious financial strains will be aggravated during this period.

Ineffective or damaging economic policies, low oil prices and a gloomy economic outlook are the main factors inhibiting prospective lenders to Iran, but U.S. intervention with governments and international financial institutions has contributed to Iran's financial constraints.

THE IMPACT OF TRADE SANCTIONS

In light of this analysis, how effective might the proposed ban on all U.S. trade with Iran be? There are several considerations.

—A 1987 Executive Order prohibiting all imports from Iran, with very narrow exceptions, remains in effect, and U.S. imports of Iranian goods are very near zero.

—U.S. exports to Iran slowly began to build following the end of the Iran-Iraq war in 1988, but a combination of Iranian financial constraints and the Iran-Iraq Non-proliferation Act of 1992, which tightened export controls for these countries, has led to a sharp decline in Iranian purchases of U.S. goods. United States exports to Iran dropped by more than half from a peak of $747.5 million in 1992 (3.5 percent of total Iranian imports) to $328.8 million for 1994, although the U.S. share of total Iranian imports fell less dramatically because of a general cut-back in Iranian purchases due to inadequate financing. The United States ranks behind Germany, Japan, Italy, the United Kingdom and France as a supplier to Iran, and these sources could largely substitute for remaining U.S. exports.[2]

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[2]These trade comparisons do not include Iranian military equipment purchases, such as from Russia and other states of the Former Soviet Union.

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—In recent years, U.S. companies and their off-shore subsidiaries, have purchased 20–25 percent of Iranian oil exports for use outside the United States. Banning such offshore trade would not seriously effect Iranian crude oil exports, which would then be marketed through non-American channels. Apart from some minor short-term dislocation—which could be minimized by advance preparation—there is not likely to be any lasting effect on Iranian oil exports or revenues from such a ban. There may, however, be longer lasting dislocations and loss of markets for some American-owned companies. The extraterritorial application of U.S. law involved in banning off-shore trade also would be likely, in this case as in others, to be protested and resisted by third countries.

—Whether Iran's principle industrial trading partners should give greater weight to U.S. advocacy of more restricted relations with Iran in light of a total U.S. trade ban is uncertain. Since trade and some trade financing is continuing despite U.S. briefings on Iranian support for terrorism and on Iran's potential threat to regional security, it is doubtful that this additional measure would be decisive.

In examining what might be done to bring more effective pressure to bear on Iran, two recent studies by the General Accounting Office (GAO) provide important insights.[3] Two points stand out:

- Unilateral embargoes frequently have little impact, whereas multilateral embargoes can have significant effects, e.g., the U.N. embargo on Iraq;
- The objectives to be accomplished by an embargo, both avowed and implied, should be clearly defined in order to assess its likely effectiveness.

In appraising measures which could impact on the policies of the Iranian regime, it is clear that the broader the international support for, and application of, measures such as a trade embargo the more likely they are to be effective. Therefore, orchestrating a multilateral effort, while difficult, is critical to the success of trade measures. It would also be important to communicate the purpose of such measures to the Iranian public to counter the likely perception of them as a foreign assault on Iran that would cause a nationalistic response exploitable by the clerical regime.

CONTAINING IRAQ

The complete trade embargo—except for food and medical supplies—imposed four and one-half years ago by the U.N. Security Council following Iraq's occupation of Kuwait has devastated the Iraqi economy, but it has failed to shake the Saddam Hussein regime's hold on power. Industrial production is estimated to be less than half of its pre-invasion level; the Iraqi currency has plummeted from its pre-war official rate of three dollars to the dinar to a recent trading range of 800–1000 dinars to the dollar, thus wiping out middle class dinar savings.

Rising Iraqi frustration with their status as a pariah state is indicated by the increased frequency, over the past year and a half, of reports of coup plotting. Those arrested and executed for plotting have also begun to come from groups closer to the center of power—including members of traditionally prominent Iraqi families, senior military officers and Saddam Hussein's own Takriti clan. Nonetheless the regime's pervasive internal security apparatus and a fear of the chaos which could follow displacement of the present regime have maintained the political status quo.

TACTICAL SUCCESS AND STRATEGIC SHORTFALL

There are two measures by which to gauge U.S. Policy toward Iraq:

- A stated U.S. purpose in insisting upon continuing the oil embargo and trade sanctions has been to exact full Iraqi compliance with all applicable U.N. resolutions. Considerable progress has been made on detecting and destroying Iraq's weapons of mass destruction (WMD) and on establishing a U.N.-operated system for monitoring facilities that could be used in the future for WMD production. Less progress has been made in areas that would affect the regime's political control, such as respect for human rights of disadvantaged groups, mainly ethnic Kurds in the north and Shia' Muslims in the south. The overall results of sustained insistence on Iraqi compliance must, however, be regarded as positive in terms of restricting Iraq's capacity for future aggression.
- A second objective of U.S. policy since the end of Operation Desert Storm has been to displace the Saddam Hussein regime in favor of a more democratically oriented successor—for which U.S. policy looks to the opposition Iraq National Congress. This, clearly, has not been accomplished. As suggested by the GAO's

[3] These reports are: ECONOMIC SANCTIONS: Effectiveness as Tools of Foreign Policy, February 1992, and INTERNATIONAL TRADE: Issues Regarding Imposition of an Oil Embargo Against Nigeria, November 1994.

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examination of the effectiveness of economic sanctions, such sweeping goals are not likely to be attainable by economic pressure alone—even in the case of Iraq where sanctions can be relatively fully enforced and where the international consensus supporting the embargo has been unusually well maintained.

Recent reports of large scale "oil embargo busting" are exaggerated, and the volume of actual Iraqi oil exports to earn badly needed foreign exchange has increased only marginally over the past several years. (See following table). Such exports are important, but not critical, to maintaining the present regime, and there is no apparent reliable indicator of the regime's survivability.

Meanwhile, the international consensus supporting continued sanctions has begun to fray due to a combination of incremental Iraqi compliance with the WMD provisions of U.N. resolutions, Iraqi inducements to key members of the Gulf War coalition, especially Russia and France, and rising international sympathy for the depravation experienced by the Iraqi public—even though the regime is doing less than it could to mitigate the distress.

Estimated Iraqi Oil Production, Consumption and Exports

[In thousands of barrels per day]

Crude oil production	600
Iraqi consumption	350
Exports:	
Crude to Jordan	70
Product to Jordan, Turkey, and Iran	20 to 30
Crude transshipped through Gulf and Iran	10
Total exports	**110**
Fuel oil reinjected[1]	140

[1] Iraqi refinery runs are estimated at about 500,000 barrels per day and produce about one-third high-sulfur fuel oil because the bulk of Iraq's upgrading units are out of service due to war damage and lack of catalysts and maintenance. The excess fuel oil of over 100,000 barrels per day is reinjected into oil reservoirs in northern Iraq.

Source: Cambridge Energy Research Associates.

PRERARING TO LIVE WITH SADDAM HUSSEIN

Unless the United States and its closes allies are prepared to undertake more direct and active opposition to the continued rule of Saddam Hussein, there may be little alternative but to prepare for relaxation of present U.N. sanctions in the 1995–96 period. Certainly, more can be exacted from Iraq including:

- More complete accounting for acquisition of WMD-related equipment and supplies, particularly in the biological warfare area;
- Accounting for the more than 600 missing Kuwaitis known to be held in Iraq at the end of the occupation;
- Return of Kuwaiti property Iraq still holds, including military equipment used in the movement of Iraqi forces toward Kuwait last October.

The United States continues an effort to condition removal of the oil embargo on a probation period for Iraq in which it would demonstrate its "peaceful intentions" and on Iraqi compliance with Security Council Resolution 688, concerning respect for the rights of repressed elements of the Iraqi population (Kurds and some Shia'). This effort may not, however, win adequate international support to be sustainable over coming months.

Other conditions for removal of the oil embargo may be attainable and could provide some restraint on the future conduct of an Iraqi regime. These include obliging Iraq to refrain from disturbing regional peace, with a U.N. mechanism in place to control Iraqi oil exports as a means to insure that such obligations are met.

Senator FEINSTEIN. Let me thank the four of you. I think your comments were very provocative.

And perhaps because you are last, Mr. Placke, let me begin with a question for you.

I am really rather troubled by our policy. I mean I see as a significant weakness in our policy permitting U.S. companies and

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their offshore subsidiaries to purchase oil in Iran for so-called offshore use.

It seems to me, I mean this is a country which has vilified Americans, who has killed Americans, who would kill more, given a chance, and yet American companies go in there, make money, and export that oil. They do not bring it back to the United States, but they can sell it anywhere else. What kind of a policy is that?

Mr. PLACKE. I think that is a moral judgment that certainly needs to be made. But in considering legislation designed to effect those kinds of trade control, if the purpose is to influence Iranian behavior, rather than to simply block American involvement with a country with which we have great differences and whose actions we consider threatening to American interests, as indeed they are, I think you would have to judge the likely consequences. The likely consequences, as far as Iran is concerned, would be a short period of inconvenience, but really nothing more serious than that.

Therefore, I think it would be advisable at least to examine the possibility of doing something that would be much more effective, and probably equally moral, and that is to try to develop an international consensus that would support the adoption of those kinds of controls. That would constitute effective action.

Senator FEINSTEIN. I cannot recall right now which one of you provided in your paper some of the goals that we ought to strive for with respect to Iran.

But it seems to me that the condition, perhaps, a change in policy, based on some tangible improvements, whether it be terrorism, or anything else, makes a great deal of sense.

But I think to permit this kind of exporting, and still letting Iran be a major harbor for terrorism, you said, "Well, this is limited in some ways," but I am not sure that is entirely right, based on some of the briefings that I had.

I do not think we should do business with terrorist countries. And I think we have to take a very strong stand. And if by governmental policy, a country permits terrorists to be trained, operate freely, and help subsidize them, we should have nothing to do with them, nor should American business. That is just my view. I would love you to comment, and feel free, anybody, please.

Dr. CORDESMAN. Senator, I think that what you have stated is necessary, for a variety of reasons. One question is: What is the end game to all of this? Where are we going to be in 3 or 5 years? We may be pursuing dual containment, but who else will?

If we do not define criteria in dealing with Iran that allow some kind of movement, and provide some way of using our economical and political leverage, we do not contain anything. We just lose the influence and power we have.

At the same time, I think we have to be very careful about defining our goals for any dialog. Iran has to be willing to at least tolerate the peace process with Israel. It has to halt a process of state-sponsored terrorism. It has to cease using violent means in dealing with its neighbors, when they offer the world court as an alternative.

I think we find ourselves on more uncertain ground in dealing with human rights, but we cannot ignore what Iran has done to the B'hai's and has done to other minorities within Iranian society.

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These are areas where I think some kind of precondition is necessary.

You do not necessarily abandon dual containment if you set conditions you believe are feasible and move toward them incrementally, demanding a clear quid pro quo for each improvement in economic and political relations with the United States. But, we never used "all or nothing" to define containment with the Soviet Union, and I think wisely. We always set conditions for moving forward, and over time, this gave us progress.

Senator FEINSTEIN. This would seem to me, and I would be interested in other comments, to make a great deal of sense. I am a newcomer to this committee and a relative newcomer to the Senate.

And I will be frank to say I did not know we were permitting American companies to go in there and export anywhere in the world they want to, because it seems to me that we are just hitting ourselves right in the face.

I think what Dr. Cordesman said about setting—if we are going to do this, here are some of the minimal conditions we must have present to be able to do it. And I would love to hear any other comments.

Dr. FULLER. Senator, I strongly endorse Dr. Cordesman's views on this. I think the question exactly is really: What are we trying to do? And in the end, we are trying to control behavior.

I think there are a number of moral positions that I would concur with you, would make me feel in many ways a lot better about it, but there is a very nasty world out there, and we deal with a lot of unpleasant regimes.

I would say Syria is at least as guilty of use of state terrorism as Iran has been, and yet we find a more important goal in dealing with Syria, vis-a-vis the peace process that caused this to come about.

So it is not really a black and white situation, but whether we can open the door to begin to exert the kind of influence we want on Iran.

There are lots of carrots and sticks involved here. The Iranians need all kinds of things. The regime is in very bad shape. It is weak. It is destitute.

I think they would have to be, in the end, responsible to some kind of carrots and sticks, and above all else, the hardliners desperately do not want to see this take place, which suggests to me there is some benefit in wanting to use whatever leverage we can by opening the door, rather than closing the door, as we have chosen to with Iraq, with North Korea, and, indeed, with China, both *of which are also highly distasteful regimes.*

Senator FEINSTEIN. This was just very interesting, at least for me. You are much more erudite than I am on these matters, Senator.

Senator BROWN [presiding]. We all know that is not true.

Senator FEINSTEIN. But I am looking at the list from the Petroleum Intelligence Weekly of companies that, in fact, do go into Iran and purchase oil exports.

And it just occurs to me that, you know, after all we have heard about what Iran is doing—I mean they are not trying to become

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a nuclear power to put up better lights—but to have our companies going in there, and bringing out oil, and selling it, is really not necessarily in our nation's interests, unless we get some improvements in basic Iranian policies that do serve our interests.

Dr. PIPES. May I address that, please?

Senator FEINSTEIN. I will defer to you. I have found this interesting.

Dr. PIPES. I would like to offer a different point of view. What my fellow panelists, Tony Cordesman and Graham Fuller, are suggesting is, in the end, a search for moderation from the Iranian regime. They urge steps that will induce the regime in Tehran to improve its behavior.

I would suggest that is not likely to happen. We therefore should give up on amelioration, on improvement, and on step-by-step changes in behavior.

Instead, we should look to a change of regime. It is a mistake to confine ourselves to step-by-step improvements. I endorse your earlier position, Senator Feinstein, which was essentially one of saying no, we are not going to do business with them.

We should not try and manipulate Tehran in small ways. If we do lose some business along the way, as Jim Placke has eloquently argued, so be it. We have larger goals.

The U.S. Government should try and induce the allies and other major powers to take these steps in tandem with us. We have done that successfully in the past, via the U.N. and via other mechanisms, and we should do it again this time.

Let us not try and improve them. Let us make it clear that this regime is anathema to us. There are no signs that it will improve. We do not expect it to improve. Let us look forward to a successor regime. Thank you, Senator.

Mr. PLACKE. I think that a very interesting point was just made by Dr. Pipes, and that is that there is a bit of ambiguity, in fact, about what American policy really is on Iran, as far as the whole containment aspect is concerned.

In his, I think, well-known "Foreign Affairs" article, National Security Adviser Tony Lake laid out the five elements of Iranian actions that we most object to, and those were reflected in Assistant Secretary Pelletreau's statement today. Secretary of State Christopher, since the beginning of the year on two occasions, has defined it differently and very much in terms of the definition that Dan just offered, which is that the purpose of U.S. policy is to change the regime in Tehran, and he said that very plainly.

There is a little ambiguity there about policy. But if you assume that we are moving in the direction of a policy directed toward changing the regime in Tehran, certainly, we will need to take much more stringent actions, and certainly severing all connections with Iran would be one of those actions to be considered.

Unfortunately, I tend to share Dan's rather gloomy assessment of the prospect for incremental influence on Iranian behavior.

If we go in that direction, again I would make a plea for taking a look at what the most effective course of action would be, in terms of that objective.

Going it alone, I submit, is not likely to be effective, because there is a big world out there with a lot of other people who are

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also talented, who are also on the cutting edge of technology, and who may not share our moral assessment of the situation.

Senator BROWN. Dr. Fuller, I have a bill that is coming to the floor I hope in the next month on term limits for Members of Congress. I do not know if we can add Saddam Hussein to that, but I thought your observation about that was intriguing.

I am intrigued by your feeling that things really would be different if that personality were not there. I throw it out, because my impression is that many societies have difficulty changing, and that Iraq has had dictatorships or something close to it for quite a while, going all the way back to the Sumerian society, so the Iraqi traditions do not appear to be terribly promising.

Are you really suggesting that if he were gone that we would see a significant change in the structure or the personality or the motivations for leadership of the country?

Dr. FULLER. Senator, I think your question is right on the mark. I could not be that Pollyanna-ish or that optimistic. I would say, though, that Iraq did have a fair go for a number of years, after it achieved its independence after World War I, in some sort of form of parliamentary government.

It was fairly real. I mean there were lots of different groups, and there were discussions, and there was balance of powers among—it was not ideal, but it was pretty good. And by today's standard, it was extraordinarily good, by today's standard in Iraq.

I really do not think there could be anybody worse than Saddam. I focus on the personality, because I think the regime really reflects this individual in a way that the Iranian regime does not reflect any individual.

I would suggest that if Saddam were to go, this personally crafted institution of repression and power would begin to weaken. Sure, there might be some other people—by the way, I think we would automatically have to disbar his sons and his uncles, who were also some of the worst guys.

But beyond that, I would be willing really to take my chances and suggest that a successor is not going to have the same grip on the power instruments, probably less competent.

It takes years, after all, to build this kind of thing, and you begin to move toward a period of uncertainty in Iraq that I think could begin to improve things.

Even an authoritarian regime that is not exactly to our liking, I suggest, might be less militantly aggressive, and quite as determined as this particular individual would be. And there are a lot of Iraqis who are educated, cultivated people who want to see something better, and have a past that they can hark back to.

So I would not be—I mean we cannot have total perfection, move from black to white, but I would offer—I disagree with Dan Pipes here, I think the world does change, but incrementally, and there is an awful lot of slightly better options I can think of than Saddam Hussein, considerably better options, without arriving at Jeffersonian democracy tomorrow.

Senator BROWN. We would kind of like to try it ourselves, I think.

Dr. Cordesman, do you have some thoughts in this area?

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Dr. CORDESMAN. I think that, frankly, Saddam Hussein is a unique figure in some ways. I doubt if any successor would have the power he has.

I hate to use the word "charisma," because having seen him and having watched Iraqi TV, his charisma does not translate, at least in my case, to other cultures. But he does have a unique mixture of presence and power. He has built up a series of coalitions and instruments of repression, which are unique in recent Iraqi history.

What I am afraid of, however, is it is not just his family, it is not even just a tribal group, or the extended clan of which he is part that will succeed him. We are talking about an elite within the Suni groups, which is fairly broad. It may not be as broadly based as the power elites that you see in Iran, but it is nevertheless, broadly based, and the alternatives to maintaining Sunni repression could bring a Shiite majority to power. I do not believe the Sunis will permit this, not the Sunni elite, and not the army.

This raises the questions of the Kurds. And while other governments might tolerate more autonomy for the Kurds, I do not see any Sunni regime ever sacrificing control over water or control over oil or control over power.

The other question I guess we have to ask is: Is Iraq going to be a revanchist state? And I think the answer is probably yes.

The Iraqi reaction to the sanctions, to the war, is not going to be one of suddenly welcoming smooth relations with the United States after the death of Saddam Hussein.

And if we get an Iraqi regime that perhaps is quieter, less visible, more systematic in its military buildup and its proliferation in its threats to its neighbors, it may be just as much of a threat.

Consider for a moment what a more patient Saddam Hussein might have accomplished by just waiting a few years until Iraq had nuclear weapons. One has to worry about better leaders sometimes.

Senator BROWN. We are sure that all of these observations do not apply to the United States. We thank you very much for your patience and for what I think has been very, very helpful testimony.

The record is going to remain open for 3 days, and there may be additional questions that are submitted. We would encourage you all, if you have additional thoughts, to share them with us.

[The information referred to may be found in the appendix:]

Senator FEINSTEIN. And I would like to add my thoughts and say thank you. I am left with sort of one overwhelming feeling.

Here you have two nations. And you are right: There is so much that is right. There is so much that is historical. There is so much that could be.

And it seems to be caught up in these currents of devastation of each other, and of the rest of the world around them. And on a much more macro view, one has to wonder what contains this, what can really make a difference in the long term. And if any of you want to write some more on that subject, I would sure like to read it.

I just want to say thank you very, very much. It has been very interesting.

Senator BROWN. We are adjourned.

[Whereupon, at 6:20 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

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U.S. SANCTIONS AND IRAQI COMPLIANCE

THURSDAY, AUGUST 3, 1995

U.S. SENATE,
SUBCOMMITTEE ON NEAR EASTERN AND
SOUTH ASIAN AFFAIRS OF THE
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Hank Brown (chairman of the subcommittee) presiding.

Present: Senators Brown and Pell.

Senator BROWN. Ladies and gentlemen, our distinguished witnesses, I would like to welcome all of you to this important hearing.

Five years ago, the Army of Iraq invaded Kuwait and set off a chain of events that caused the United States to once again set forth on an effort to liberate a conquered country. At the loss of a few American lives and American treasure, independence was restored. We are now involved in the process of evaluating whether or not the embargo on Iraq should be lifted.

Vigorous efforts have been made by Iraq to lift that embargo, focusing on the United Nations. We are honored today to have our Ambassador to the United Nations here to join us. She is no stranger to visiting Congress or testifying before committees. But we are honored that she would come and join us today.

Madam Ambassador, will you start us out. We will of course include in the record any statement, but you ought to feel free to make any remarks you would like.

STATEMENT OF MADELEINE K. ALBRIGHT, U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

Ambassador ALBRIGHT. Good morning, and thank you very much, Mr. Chairman, for having this hearing. We really welcome the chance to discuss with you our policy toward Iraq, with particular attention to the aspects of that policy that are carried out through the United Nations.

As you know, the United States has been determined in the aftermath of the Persian Gulf war to prevent Iraq from once again developing weapons of mass destruction or threatening its neighbors with aggression. In this effort, the tool of sanctions imposed by the U.N. Security Council has been of singular value.

Over the past year, we have worked hard to maintain support for our view that sanctions should remain in place until Iraq is in overall compliance with all relevant Security Council resolutions.

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This effort has been successful. In March, May, and again in July, the sanctions were extended without controversy or change. Iraqi officials have said publicly that if the sanctions are not lifted in September, Iraq will cease to cooperate with UNSCOM, the U.N. mission there.

Just yesterday, on the fifth anniversary of the invasion of Kuwait, Reuters reports that an Iraqi state-run newspaper editorialized that if sanctions do not end, Iraq is prepared to "rattle the world and the region many more times." The same editorial said "Kuwaiti rulers forget that the embargo will be lifted sooner or later and then neither America nor anyone else will protect them."

Such statements are harmful both to the interests of the Iraqi people and to the world at large. The reintegration of Iraq into the world community is a goal we all share. But there is only one path to that objective, and that path requires full cooperation with UNSCOM and with the requirements of the Security Council.

Bagdad must understand that it is not involved in a negotiation. It is under an obligation brought on by its own transgressions.

The United States is insisting, as is a majority of Security Council members, that Iraq comply not only with its obligations concerning weapons of mass destruction, but with other obligations established under Council resolutions. These include the return of stolen property, accounting for those missing in action, ending support for terrorism, and stopping repression against the Iraqi people.

For 4 years, Iraqi officials have sought alternative to full compliance. They have delayed and obfuscated. They have demanded concessions in return for small steps. They have threatened and bullied UNSCOM and their neighbors. And they have lied. These tactics have not worked. And in the interest of stability and justice, they must not be allowed to work.

It was, as I said, 5 years ago this week that Iraq invaded Kuwait. Hundreds of thousands of American soldiers put their lives at risk to reverse that aggression. We should not and we will not allow Saddam Hussein to regain in the Security Council what he forfeited through his own ruthlessness and miscalculation on the battlefield.

Experience tells us that Saddam Hussein's Iraq will respond constructively only to a policy of firmness. Last fall, when Iraqi troops once again threatened Kuwait, President Clinton responded immediately, forcefully, and effectively. As a result, Bagdad not only pulled back its troops, but agreed at long last to recognize formally its legal border with Kuwait.

The central question of course is whether Iraq is in fact complying with the terms of the relevant Security Council resolutions. The answer is that Iraqi compliance has been grudging, slow, sporadic, and insufficient. During the next few minutes, with the help of the National Intelligence Council, I would like to review with you the facts and the evidence that supports them.

Mr. Andrew Liepman of the CIA is here to assist in answering any questions you may have. And we will be showing some boards that show some photographs. First, with respect to the weapons of mass destruction, on July 3, the Security Council was notified by UNSCOM that Iraq had finally admitted that it had indeed possessed an offensive biological warfare program. The Iraqis said that

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the program was conceived in 1985, that production began in 1989, and that the biological warfare agents produced were destroyed the following year.

The Iraqis have now undertaken to draft a more complete report on their biological warfare program. If past Iraqi efforts are any precedent, we can expect that the explanation and verification process will take a considerable amount of time.

In the area of chemical weapons, for example, Iraqi deception and sloppiness caused delays measured not in weeks or months, but years. The sad fact is that no initial Iraqi weapons declaration has been truthful.

In this case, Iraq has claimed, we believe falsely, that the biological warfare agents produced were never weaponized. In addition, we believe that the Iraqis began their biological warfare program much earlier than they have admitted, and that more biological agents were manufactured and many more facilities and people were involved than Iraq has revealed.

In the weeks ahead, Iraq will have to cooperate with UNSCOM in showing the location of its biological warfare facilities and the equipment used in production. UNSCOM will also need a full explanation of the disposition of the more than 17 tons of biological growth media that remain unaccounted for and of the ways and means by which the produced biological agents were allegedly destroyed.

Remember that until 5 weeks ago, Iraq denied outright the existence of an offensive biological warfare program. We cannot count on Iraqi officials to volunteer accurate information. And let us not forget that in this context, the importance of obtaining complete, accurate, and verifiable data is critical.

The Iraqis have admitted to producing more than 500,000 liters of anthrax and botulinum toxin at the Al Hakam facility. Anthrax, in doses of a millionth of a gram, is fatal within 5 to 7 days, nearly 100 percent of the time. Botulinum is 100,000 times more toxic than the chemical warfare agent sarin that was used by terrorist in the Japanese subway tragedy earlier this year.

Although limitations on delivery capability would limit potency, it is at least theoretically true that the amount of biological warfare agents Iraq admitted producing is more than enough to kill every man, woman, and child on Earth.

Lest there be doubt about its intentions, Iraq continues to devote money and manpower to rebuilding its infrastructure for its weapons of mass destruction and conventional weapons programs.

Here is a before and after photo of the Al Kindi missile research and development facility. This facility was damaged during the war, but has been largely rebuilt and even expanded since then. The facility has been under U.N. supervision. But if U.N. inspectors were forced to leave, it could easily be converted to support prohibited weapons programs.

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Next is a drawing of the Habbaniyah II facility, which, before Desert Storm, precursor chemicals for chemical warfare agents. The Iraqis have rebuilt the main production building and the chlorine plant. They have also added production lines containing dual-use equipment that could, in the absence of UNSCOM, easily be converted to purposes related to chemical warfare.

The Security Council has required that Iraq return to Kuwait the military equipment it stole during the invasion. Iraq's claims to have complied with this requirement is laughable.

Bagdad says that it retains only a few pieces of damaged Kuwaiti combat equipment. But the truth, as this chart shows, is that Iraq has integrated a variety of this equipment into its own military.

Selected Kuwaiti Equipment in Iraqi Military Units

Type of equipment	Number
BMP–2 infantry fighting vehicle	206
M–113 armored personnel carrier	58
M901 improved TOW vehicle	54
TOW missiles:	
Improved TOW missile	1,950
Standard TOW missile	1,800
Soviet LUNA (Frog–7) launcher	12
LUNA (Frog) missiles	120
Amoun (Skyguard) air defense system	5
Mercedes Lorry (tank transporter)	100

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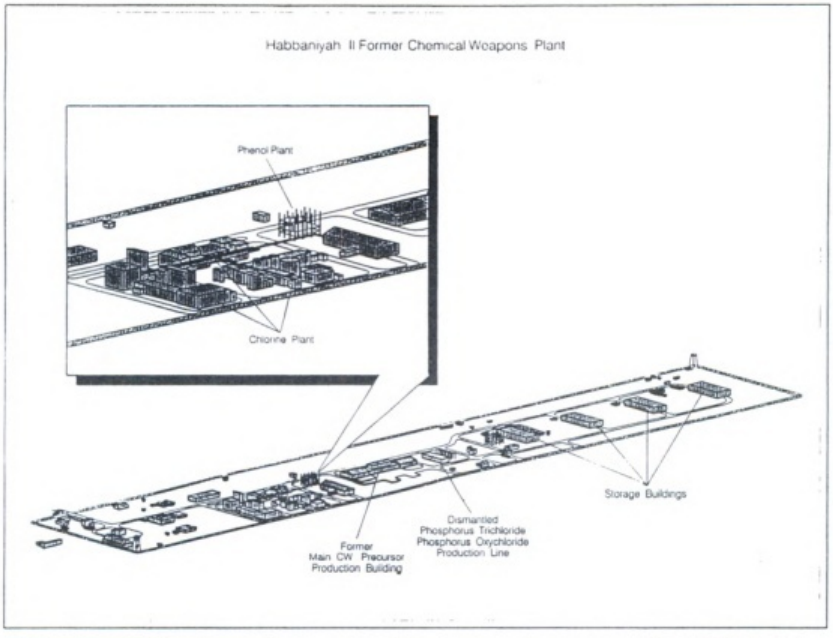
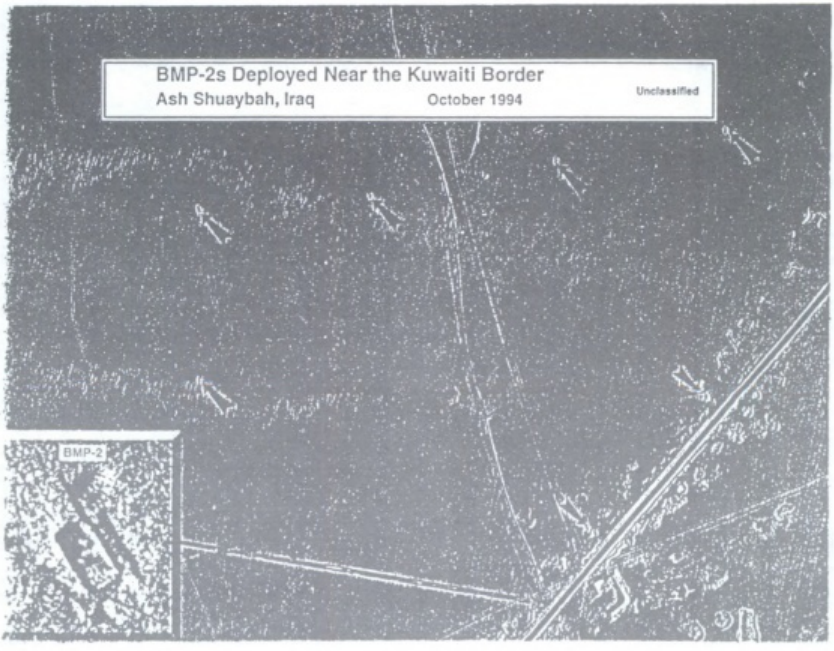


For example, Iraq claims that it has only four of the BMP–2 infantry fighting vehicles that it stole from Kuwait. We estimate it has more than 200. Here is a photo showing BMP–2's deployed last October near the Kuwaiti border.



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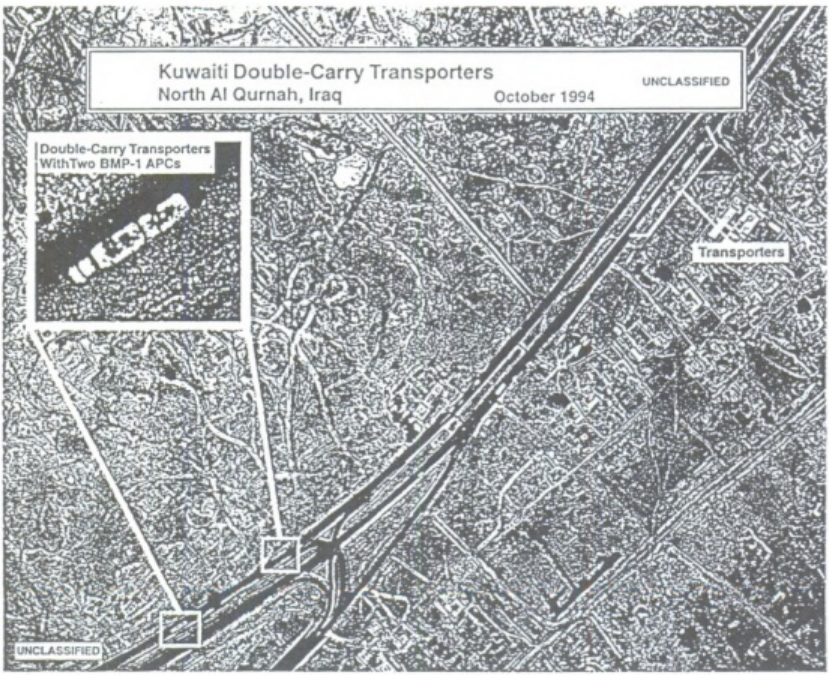
Prior to the invasion of Kuwait, Iraq only had single-carry, heavy-lift transporters in its inventory. During the invasion, they stole about 100 Kuwaiti transporters, capable of carrying two APC's each, and used them—as this photo shows—to move equipment toward Kuwait last fall.



Much of what Iraq actually has returned is not Kuwaiti at all, but rather derelict Iranian equipment, such as this, captured during the Iran-Iraq war, complete with painted-over pictures of the Ayatollah Khomeini and documents written in Farsi.

Security Council Resolution 688 requires that the Government of Iraq cease its brutal repression of the Iraqi people. Here, as elsewhere, the record of Iraqi compliance is dismal.

The Special Rapporteur of the U.N. Commission on Human Rights, Max van der Stoel, reports that repression continues, including political killings, mass executions, and state-sponsored terrorism.

In the north, Saddam's economic blockade of the three Kurdish provinces is now in its third year, and Bagdad's shut-off of electrical power to Dahuk Province is in its second year.

In the south, government attacks against Shia communities have been accompanied over the past 2 years by the draining of the southern marshes. As this photo illustrates, the environmental damage has been devastating. Tragically, the unique and ancient culture of the marsh Arabs now verges on extinction.

Because of a desire to minimize the harmful impact of economic sanctions on the people of Iraq, the Security Council approved Resolution 986 this past April. The resolution simplifies procedures for

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Iraq to sell a limited amount of oil to purchase humanitarian goods for its people.

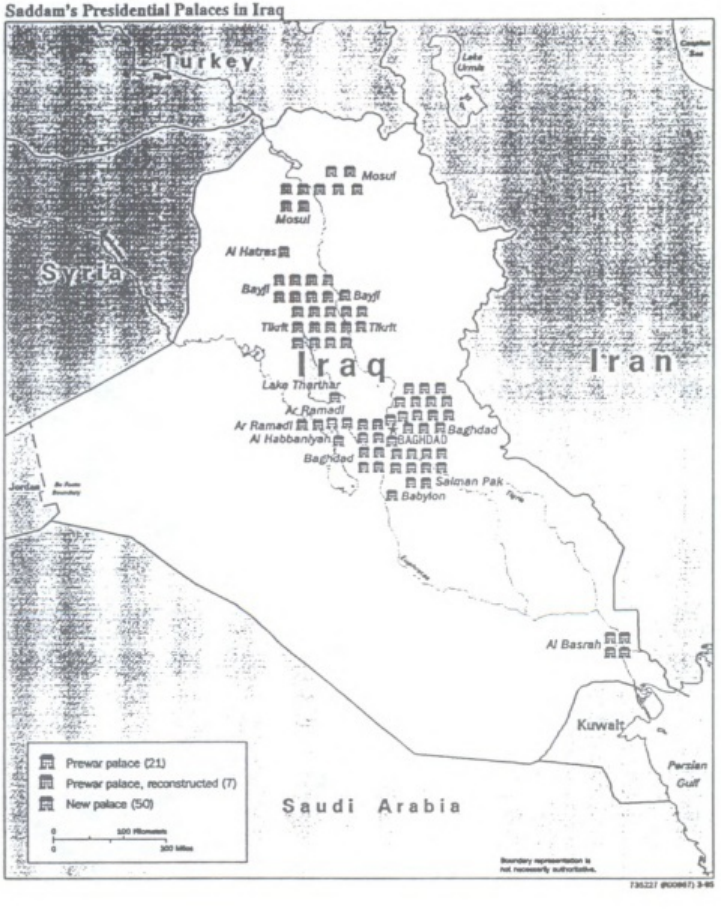
Unfortunately, and despite the pleas of Council members, Saddam Hussein has rejected this resolution, claiming that the sanctions are cruel and must be lifted.

Saddam's complaints about the unfairness of the treatment he has received remind me of the story about the schoolboy who came home with his face damaged and his clothes torn. When his mother asked him how the fight started he said, "It started when the other guy hit me back."

The sad fact is that neither war nor sanctions nor diplomatic isolation have altered Saddam's "putting people last" priorities. He continues to devote much of his government's energy and resources to rebuilding the Iraqi military and his own palaces.

This drawing marks the location of 50 new palaces or luxury residences built since the end of Desert Storm, at a cost of over $1.5 billion. There are now 78 such palaces or residences in Iraq for use by Saddam, his family, or close supporters.

Saddam's Presidential Palaces in Iraq



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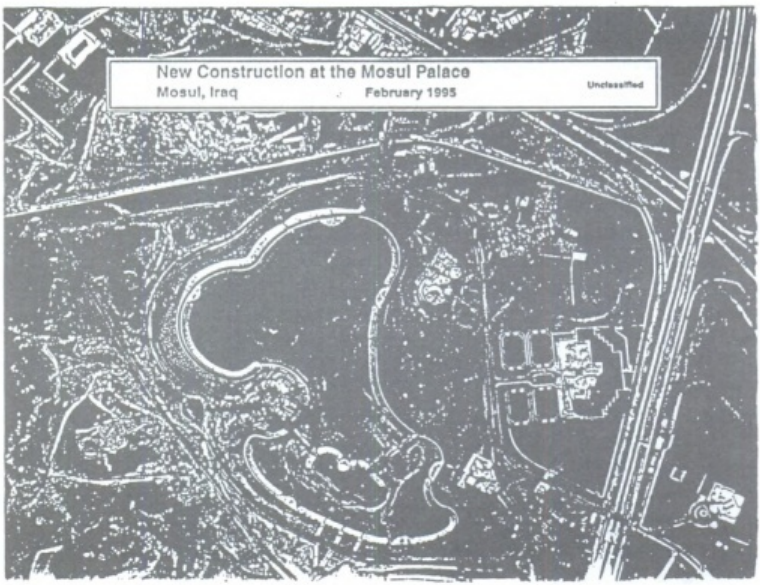
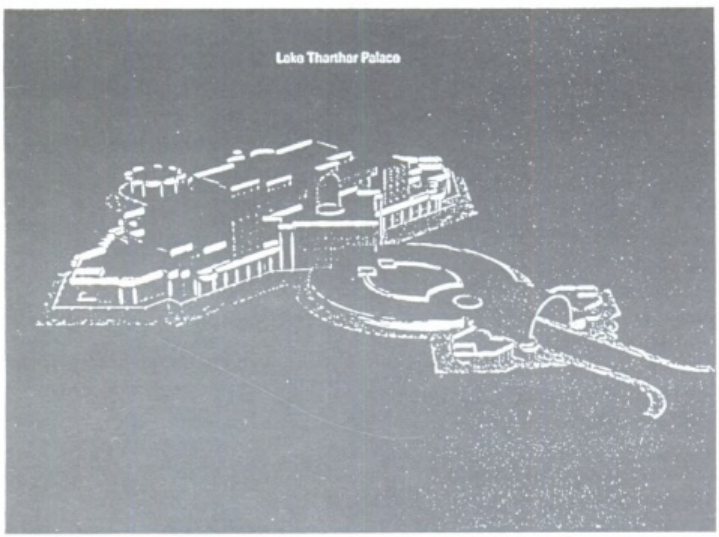
As an example, the Mosul palace complex includes two areas, one with five palaces and two offices or apartment buildings; the other, shown here, with three completed palaces and a fourth under construction on a newly excavated, manmade lake.



One of the most elaborate palaces in Iraq is in the Lake Tharthar complex. Its 300,000 square feet are about 5 times the size of the White House and 1½ times the size of Versailles. The estimated cost is $180 million to $240 million.



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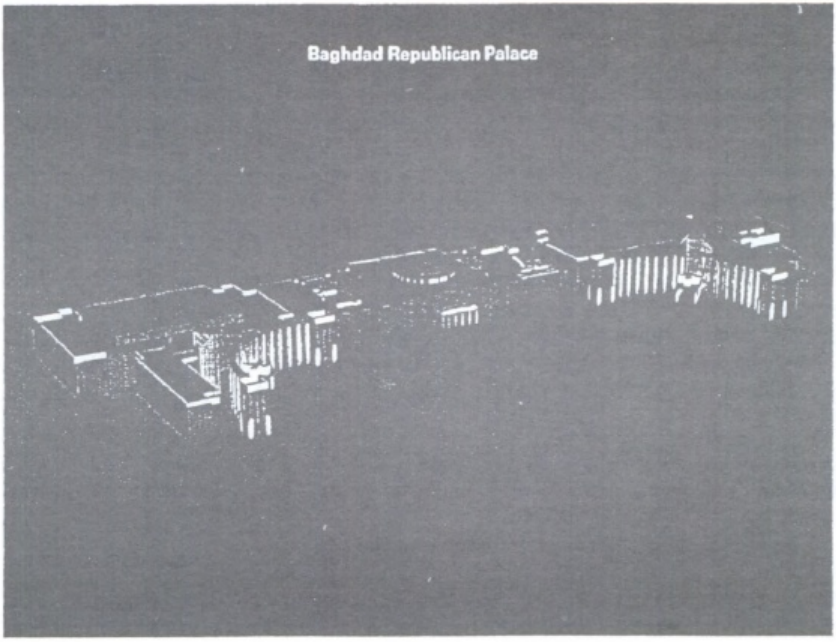
An additional $230 million to $310 million has been spent since the war adding new wings with elaborate archways to the Bagdad Republican Palace, the official palace of the regime.



In addition to squandering scarce public resources, Saddam and his family capitalize on their official position for personal profit, often at the expense of their own citizens.

For example, members of Saddam's family, particularly his son Uday, control extensive business interests in Iraq. Some family members exploit the economic distortions caused by U.N. sanctions by importing goods into Iraq for resale and exorbitant prices. Saddam's relatives also are involved in illicit oil exports from Iraq, and use the proceeds, in part, to line their own pocket. Finally, relief supplies donated by the international community also have ended up for sale in stores reserved for the elite friends of the regime.

In closing, Mr. Chairman, I would like to stress several points. First, U.N. sanctions against Iraq have accomplished much. Iraq's capacity to produce weapons of mass destruction has been dismantled. Weapons have been destroyed. The border with Kuwait has been recognized, and there are clear constraints on what Iraq can do to intimidate its neighbors. The effectiveness of sanctions is directly attributable to their multilateral nature. Here the value of the United Nations and the importance of international cooperation and defense of common interests is clear.

Second, the continued effectiveness of sanctions cannot be taken for granted. We have indicated that we would use the veto if necessary to prevent sanctions from being lifted prematurely. But to

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be most effective, sanctions must be enforced, and that is much harder to do unilaterally.

This is a major reason we have argued so strongly, in the context of Bosnia and elsewhere, that the integrity of U.N. sanctions must be respected. If the United States acts unilaterally to lift the sanctions regime against Bosnia, it is likely that other nations will at some point do the same with respect to Iraq, creating a real risk that the checks now in place against the resurgence of Saddam Hussein's ambition will weaken or collapse.

Third, the value of our interests of sharing appropriate but sensitive information with U.N. bodies has been demonstrated clearly in this case. And those who ridicule U.N. organizations should recognize that UNSCOM has performed its complex tasks extremely well despite difficult and sometimes dangerous conditions.

America's position on Iraq sanctions has been consistent, principled, and based on a realistic and hard-won understanding of the nature of the Iraqi regime. Our policy will not change until and unless Iraq does everything the U.N. Security Council says it must.

As President Clinton stated in his most recent report to Congress on this subject:

> Iraq is still a threat to regional peace and security. I continue to be determined to see Iraq comply fully with all its obligations under the U.N. Security Council resolutions. I will oppose any relaxation of sanctions until Iraq demonstrates its overall compliance with the relevant resolutions.

Those are the words of President Clinton.

I should add that the administration appreciates the strong and bipartisan support it has had from Congress with respect to our policy toward Iraq. This has been and will remain an essential ingredient to that policy's success.

Thank you once again for the opportunity to be here today and to share this information with you. And I look forward to any questions that you might have.

[The prepared statement of Ambassador Albright follows:]

PREPARED STATEMENT OF AMBASSADOR ALBRIGHT

Good afternoon, Mr. Chairman, and members of the subcommittee.

I welcome this timely opportunity to discuss with you United States policy towards Iraq, with particular attention to the aspects of that policy that are carried out through the United Nations.

As members of the subcommittee know, the United States has been determined, in the aftermath of the Persian Gulf War, to prevent Iraq from once again developing weapons of mass destruction or threatening its neighbors with aggression. In this effort, the tool of economic and weapons sanctions, imposed by the UN Security Council, has been of singular value.

Over the past year, we have worked hard to gain and maintain support for our view that sanctions should remain in place until Iraq is in overall compliance with all relevant Council resolutions. This effort has been successful. In March, May, and again in July the sanctions were extended without controversy or change.

Iraqi officials have said publicly in recent days that, if the sanctions are not lifted in September, when they next come up for review, Iraq will cease to cooperate with the United Nations Special Commission, or UNSCOM, which is the body established to monitor Iraqi compliance. Such statements are harmful both to the interests of the Iraqi people and to the world at large.

The re-integration of Iraq into the world community is a goal we all share, but there is only one path to that objective—and that path requires full cooperation with UNSCOM and full compliance with the requirements of the Council. The regime in Baghdad must understand that it is not involved in a negotiation; it is under an obligation brought on by its own transgressions.

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The United States is insisting, as is a majority of Security Council members, that before there is serious discussion of lifting sanctions, Iraq must comply not only with its obligations concerning weapons of mass destruction, but with other obligations established under council resolutions. These include the return of stolen property, accounting for those missing in action, and ending support for terrorism and repression against the Iraqi people.

In his speech on July 17, Saddam Hussein characterized the UN sanctions as "cruel, harsh and repressive" and said they were causing "great suffering" among the Iraqi people. Unfortunately, the sincerity of this statement of concern is belied by Saddam's refusal to accept the terms of Security Council Resolution 986, which would permit Iraq to sell up to $1 billion of oil every three months in order to purchase humanitarian supplies. It is belied, as well, by the "putting people last" spending priorities of the Iraqi government, by Saddam's campaign of terror against minorities in the north and south, and by the barbaric treatment given Iraqis suspected of disloyalty to the regime.

For four years, Iraqi officials have sought alternatives to full compliance with Council resolutions. They have delayed and obfuscated. They have demanded concessions in return for small steps. They have threatened and bullied UNSCOM. They have lied. Last fall, they even attempted to intimidate the Council through threatening military maneuvers directed towards Kuwait.

These tactics have not worked; and in the interests of stability and justice, they must not be allowed to work.

Last month's decision by the Iraqi government to release two American citizens who had been detained since March was welcome, but irrelevant to the sanctions issue. The two Americans should not have been jailed in the first place. We congratulate Representative Bill Richardson for his successful effort to gain their release, but his was strictly a humanitarian endeavor. There was no message of any kind from the Administration and no authorization to negotiate. The Richardson trip did not represent the opening of a new channel of communication between Iraq's government and our own, and it has not and will not influence our policy with respect to sanctions.

Let me describe now, more specifically, what that policy is and why we feel so strongly about it.

We are insisting that Iraq meet fully all obligations established by the Security Council because we remain highly distrustful of the Iraqi regime, and because that regime remains a potential threat to a region of great strategic importance to us and to the world. It was five years ago this week that Iraq invaded Kuwait. Hundreds of thousands of American soldiers put their lives at risk to halt and reverse that act of blatant aggression. We should not allow Saddam Hussein to regain in the Security Council what he forfeited through his own ambition and miscalculation on the battlefield.

It should be obvious that a premature return to business as usual with this regime would entail grave and unacceptable risks. If past is prologue, we could expect the Iraqi government to resume the development and production of weapons of mass destruction as rapidly as possible; we could expect it to test repeatedly the limits of what could be gained through the intimidation of its neighbors; we could expect a halt to progress in resolving humanitarian and financial issues arising out of Iraq's invasion of Kuwait; and we could expect continued brutal repression of the Iraqi people.

Accordingly, we are determined to maintain sanctions until we are convinced by Iraq's behavior that it no longer constitutes a threat to peace and stability in the Persian Gulf. Iraq can demonstrate that by proving—through its compliance with the Resolutions—that it is no longer an outlaw state. Only when its peaceful intentions are proven will there be grounds for modifying the sanctions regime.

Experience tells us that Saddam Hussein's Iraq will respond constructively only to a policy of firmness and steady resolve. Last fall, when Iraqi troops once again threatened Kuwait, President Clinton responded immediately, forcefully and effectively. As a result, Baghdad not only pulled back its troops; but it agreed, at long last, to recognize formally its legal border with Kuwait.

The central question, of course, is whether Iraq is, in fact, complying with the terms of the relevant Security Council resolutions. The answer, unfortunately, is that Iraqi compliance has been grudging, slow, sporadic and insufficient.

During the next few minutes, with the help of the National Intelligence Council, I would like to review with you the facts and the evidence that supports them. Mr. Andrew Liepman of the CIA is here to assist in answering any questions you may have.

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WEAPONS OF MASS DESTRUCTION (WMD)—BIOLOGICAL WARFARE

First, with respect to weapons of mass destruction.

On July 3, the Security Council was notified by UNSCOM Chairman Ekeus that Iraq had finally admitted that it had, indeed, possessed an offensive biological warfare program. The Iraqis said that the program was conceived in 1985 and that the production of biological warfare agents began at the Al Hakam facility in 1989 and continued until 1990. They claimed that the biological warfare agents produced were destroyed in October 1990 in view of the imminence of hostilities.

The Iraqis have now undertaken to draft a complete report on their biological warfare program. We understand that an initial draft has been prepared, and that it is—as we speak—being reviewed in Baghdad by UNSCOM. If past efforts by Iraq are any precedent, we can expect the process of explanation and verification to consume a considerable amount of time. In the area of chemical weapons, for example, Iraqi obfuscation, deception and sloppiness caused a delay measured not in days or months, but years. The sad fact is that no initial Iraqi weapons declaration has been truthful.

There are, moreover, ample grounds for continued skepticism.

Iraq claims—we believe falsely—that the biological warfare agents produced were never weaponized. We believe that the Iraqis began their biological warfare program much earlier than they have admitted, and that more biological agents were manufactured and many more facilities and people involved than Iraq has revealed.

Iraq has not acknowledged to the UN anywhere near the number of people normally associated with a research effort of this size. Iraq will have to cooperate with UNSCOM in showing the location of its biological warfare facilities and the equipment used in production. UNSCOM will also need a full explanation of the disposition of the more than 17 tons of biological growth media that remain unaccounted for and of the ways and means by which the produced biological agents were allegedly destroyed.

We should not forget that, until five weeks ago, Iraq denied outright the existence of an offensive biological warfare program. The story changed only after irrefutable evidence was made available to UNSCOM and members of the Security Council that such a program had existed. In other words, Iraq only admitted what we already knew. We cannot count on Iraqi officials to volunteer accurate information and, in this context, the importance of obtaining complete, accurate and verifiable data is critical.

Consider that the Iraqis have admitted to producing more than 500,000 liters of anthrax and botulinum toxin at the Al Hakam facility. Anthrax, in doses of a millionth of a gram, is fatal within five to seven days, nearly 100 percent of the time. Botulinum is 100,000 times more toxic than the chemical warfare agent sarin that was used by terrorists in the Japanese subway tragedy earlier this year. Although weather conditions and limitations on delivery capability would limit potency, it is at least theoretically true that the amount of biological warfare agents Iraq admitted producing is more than enough to kill every man, woman and child on earth.

OTHER WEAPONS OF MASS DESTRUCTION

Discrepancies between the Intelligence Community's assessments of the scale of Iraqi WMD efforts and Iraqi declarations to the UN lead us to believe that Iraq is still hiding equipment and materials belonging to its other WMD programs. For example, the U.S. Intelligence Community estimates that as many as several dozen Scud missiles remain unaccounted for.

We are concerned, moreover, that if the oil embargo is lifted unconditionally, Baghdad could well order the departure of UN inspectors. Under those circumstances, Iraq could then rebuild its weapons of mass destruction programs, a process that would take:

- less than a year for Iraq's biological weapons program;
- two to three years for its chemical warfare (CW) program; and
- five to seven years, with foreign help, for a first nuclear device.

Lest there be doubt about its intentions, Iraq continues to devote money and manpower to rebuilding its infrastructure for its weapons of mass destruction and conventional weapons programs. The Al Kindi missile research and development facility, for example, supported many Iraqi weapons programs before the war. The facility was damaged heavily during Operation Desert Storm but has been largely rebuilt and even expanded since then. The facility has been under UN supervision, but if UN inspectors were forced to leave, it could easily be converted to support prohibited weapons programs.

The Habbaniyah II facility produced CW agent precursor chemicals before Desert Storm. The Iraqis have rebuilt the main production building and the chlorine plant

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and have added a phenol production line as well as a ferric chloride line. These production lines contain dual-use equipment that, in the absence of UNSCOM, could easily be converted to CW agent or precursor chemical production.

RETURN OF CAPTURED KUWAITI MILITARY EQUIPMENT

The Security Council has required that Iraq return to Kuwait the military equipment it stole during the invasion. Iraq's claim to have complied with this requirement is laughable.

Baghdad says that it retains only a few pieces of damaged Kuwaiti combat equipment; the truth is that Iraq has integrated a variety of this equipment into its own military.

- For example, Iraq claims that it has only four of the BMP–2 infantry fighting vehicles that it stole from Kuwait; we estimate it has more than 200.
- Prior to the invasion of Kuwait, Iraq only had single-carry heavy-lift transporters in its inventory. They stole about 100 Kuwaiti transporters capable of carrying two APCs each. The Iraqis even used them to move pieces of equipment—including the stolen Kuwaiti BMP–2's—that were used to threaten the emirate last October.
- Much of what Iraq actually has returned is not Kuwaiti at all, but rather derelict Iranian equipment, captured during the Iran-Iraq war, complete with documents written in Farsi and painted-over pictures of the Ayatollah Khomeini.

TERRORISM

Iraq has also continued to use terror as an instrument of state policy.

- We believe Iraqi security services were behind a highly suspicious auto accident last summer that resulted in the death of the son of the late spiritual leader of Iraqi Shia.
- In April 1994, Iraqi intelligence officers murdered Talib al-Suhayl, an Iraqi oppositionist in Beirut. The officers were arrested and still being held by Lebanese authorities.
- Iraq also remains in contact with terrorist groups such as the Abu Nidal Organization and the Palestine Liberation Front.

REPRESSION OF THE IRAQI PEOPLE

Security Council Resolution 688 requires that the Government of Iraq cease its brutal repression of the Iraqi people. Here, as elsewhere, the record of Iraqi compliance is dismal.

The Special Rapporteur of the UN Commission on Human Rights, Max van der Stoel, reports that repression continues, including political killings, mass executions and state-sponsored terrorism.

- In the north, Saddam's economic blockade of the three Kurdish provinces is now in its third year, and Baghdad's shut-off of electrical power to Dahuk province is in its second year.
- In the south, at least 700 hamlets have been destroyed by government forces since 1991. More have been destroyed this year. Government attacks against Shia communities have been accompanied over the' past two years by the draining of the southern marshes. This has produced catastrophic results for local animal species and for the marsh Arabs whose unique and ancient culture now verges on extinction.

The Special Rapporteur has asserted that the Government of Iraq has engaged in war crimes and crimes against humanity, and may have committed violations of the 1948 Genocide Convention. The Special Rapporteur continues to call on the Government of Iraq to permit the stationing of monitors inside the country to improve the flow of information and to provide independent reporting of alleged human rights abuses. We continue to support Mr. van der Stoel's work and his call for monitors.

COPING WITH SANCTIONS—PALACES FIRST; PEOPLE LAST

In April, the Security Council approved Resolution 986, to simplify procedures for Iraq to sell a limited amount of oil to purchase humanitarian goods for its people. Iraq has rejected this resolution, demonstrating again that Saddam Hussein desires not to ease his people's suffering, but to use that suffering to gain sympathy for getting sanctions lifted.

Neither war nor sanctions nor diplomatic isolation have altered Saddam's priorities; he continues to devote considerable resources to rebuilding the Iraqi military and his own palaces.

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- Iraq has built 50 new palaces or luxury residences since the end of Desert Storm at a cost of over $1.5 billion. There are now 78 such palaces or residences in Iraq for use by Saddam, his family, or close supporters.
- For example, the Mosul palace complex includes two areas; one with five palaces and two offices or apartment buildings; the other with three completed palaces and a fourth under construction on a newly excavated, man-made lake. The estimated postwar cost of expanding this complex is between $170–$230 million.
- One of the largest and most elaborate palaces in Iraq is in the Lake Tharthar complex; its estimated size of about 300,000 square feet is about five times the size of the White House and one and one-half the size of Versailles. Other buildings on the compound, including residences and service and security facilities, add at least another 150,000 square feet to the complex. The estimated cost of this complex is $180–$240 million.
- An additional $230–$310 million has been spent since the end of the war adding new wings with elaborate archways to the Baghdad Republican Palace, a building which serves as the official palace and symbol of the regime.

In addition to diverting scarce resources away from needed purchases of humanitarian goods, Saddam and his family capitalize on their official positions in Iraq for personal profit, often at the expense of their own citizens.

For example, members of Saddam's family, particularly his son Uday, control extensive business interests in Iraq. Some family members exploit the economic distortions caused by UN sanctions by importing goods into Iraq for resale at exorbitant prices. Saddam's relatives also are involved in illicit oil exports from Iraq and use the proceeds, in part, to line their own pockets. Finally, relief supplies donated by the international community also have ended up for sale in stores reserved for the elite friends of the regime.

A LOOK AHEAD

In closing, Mr. Chairman, I would like to stress several points.

First, UN sanctions against Iraq have accomplished much. Iraq's capacity to produce weapons of mass destruction has been dismantled; weapons have been destroyed; the border with Kuwait has been recognized; there are clear constraints on what Iraq can do to intimidate its neighbors. The effectiveness of sanctions is directly attributable to their multilateral nature. Here, the value of the United Nations, and the importance of international cooperation in defense of common interests, is clear.

Second, the continued effectiveness of sanctions cannot be taken for granted. We have indicated that we would use the veto, if necessary, to prevent sanctions from being lifted prematurely. But to be most effective, sanctions must be enforced, and that is much harder to do unilaterally. This is a major reason we have argued so strongly, in the context of Bosnia and elsewhere, that the integrity of UN sanctions must be respected.

Third, the value to our interests of sharing appropriate, but sensitive, information with United Nations bodies has been demonstrated clearly in this case. And those who lapse into derisive generalities about the quality and capabilities of UN organizations should recognize that UNSCOM has performed its complex tasks extremely well despite difficult and at times dangerous conditions.

America's position on Iraq sanctions has been consistent, principled and grounded in a realistic and hard-won understanding of the nature of the Iraqi regime.

Our policy will not change until and unless Iraq does everything the UN Security Council says it must. As President Clinton stated in his most recent report to Congress on this subject:

> Iraq is still a threat to regional peace and security * * * I continued to be determined to see Iraq comply fully with all its obligations under the UNSC resolutions. I will oppose any relaxation of sanctions until Iraq demonstrates its overall compliance with the relevant resolutions. Iraq should adopt democratic processes, respect human rights, treat its people equitably and adhere to basic norms of international behavior.

I should add that the Administration appreciates the strong and bipartisan support it has had from Congress with respect to our policy towards Iraq. This has been, and will remain, an essential ingredient to that policy's success.

Thank you once again for the opportunity to be here today. I look forward to any questions you might have.

Senator BROWN. Ambassador Albright, that was a very helpful introduction. We are joined by the distinguished Senator from Rhode Island.

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Senator, do you have an opening statement or questions you would like to ask?

Senator PELL. I do. I have a brief one. Thank you for the opportunity. I congratulate and commend you for calling this hearing. Ms. Albright has done a wonderful job as she always does.

I also welcome with her an alumnus of the committee, Jamie Rubin, who worked for many years on this side of the dais. Now he is on the other side, but as always, working for America's best interest.

Now, I think that for some years the Gulf region has had critical implications for U.S. foreign and domestic policy. We have seen Iraq develop into a rogue state, culminating in the effort to grab Kuwait, complicating our efforts to maintain stability. And both the Bush and Clinton administrations have done a very good job of developing a broad-based coalition to counter Iraqi aggression.

U.N. sanctions play a vital role in this regard. While we must be aware of the negative effects of the sanctions on innocent Iraqi citizens, we must also balance our humanitarian concerns against the need to keep Saddam Hussein in check. I have some concern regarding our policy beyond the sanctions regime. I am not sure we have given sufficient thought to what should happen after sanctions are lifted—whether the old policy and planning branch at the State Department is seized with this idea, or whether adequate thought has been given to it.

I was struck with Ambassador Albright's statement about the building of the palaces, wondering if there is any analogy to any other historical situation. The nearest one I can think of is when the Bavarians built several temples and palaces just out of sheer doggedness and desire to do it. I would be interested when we get into the question period if you can give a reason why should a man want so many palaces.

Senator BROWN. Why do not we go ahead with questions right now. Senator, do you want to start us off, perhaps with that one?

Senator PELL. Then that would be my question. Why would an individual want a half a dozen palaces?

Ambassador ALBRIGHT. Well, I have decided over the years that it is practically impossible to figure out what goes on in Saddam Hussein's brain. But our speculation on this is the following:

First of all, clearly it is a sign of megalomania. But part of it has to do also with his need to keep satisfied the small group of people around him that are his supporters. And that some of it has to do—at least this is speculation—of making sure that his supporters, one, are happy, well-fed and prosperous, but, two, also that they have places to be that are closely linked to Saddam Hussein himself and that it is a way to watch over them.

The pathetic part about this is not only the huge amounts of money that have been spent and the crocodile tears he sheds for his own people while he spends this kind of money on himself and his coterie, but also what it is doing to despoil the area.

There are lots of pictures actually of these palaces, and I have shown them to other Security Council members, and we can provide more to you at any point. But some have been built close to the Gardens of Babylon. We can see some destruction of archeological sites. And there is just a wanton way of dealing not only with

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his people but with his history. And I think, again, the only explanation is that we are dealing with somebody who has an overwhelming sense of his own importance, and the necessity of trying to make sure that his own people—a group—frankly, which we think is somewhat shrinking—of his supporters happy.

Senator PELL. And then I have one other question. The chairman of the committee, Senator Helms, and I for a good many years have been interested in the fate of the Kurds. I am curious if you feel that we can lift the sanctions eventually, what will be the fate of the Kurds? Will there be any way of assuring their safekeeping when we pull out?

Ambassador ALBRIGHT. Well, we have been obviously very concerned about the Kurds also. And Provide Comfort has been one of the methods that the international community has used for making sure that the Kurdish people, and people in the north generally, have humanitarian supplies.

One of the things—and I think this goes to your point, Senator Pell—is wondering what happens afterward. We obviously are looking at a variety of scenarios. What we would most like to see is a government in Iraq which not only abides by all Security Council resolutions, but is democratically elected and respects the cultural differences of the variety of people that live within Iraq.

We do believe in the territorial integrity of Iraq. We do not think that it should be subdivided in any way. But we do think that as in a number of countries, what needs to happen is that there needs to be a sense of cultural autonomy and a respect for the different cultures of other groups living within Iraq.

So it would be our hope and our purpose to make sure that local government, et cetera, for the Kurds is able to be maintained.

Senator PELL. As I believe you know, this committee has under its control 18 tons of documents with considerable evidence of human rights abuse. In this regard, what is the policy of the Government with regard to war crimes and pursuing the use of these documents?

Ambassador ALBRIGHT. On the issue of war crimes, it is an issue that we have been very concerned about. As you know, we have dealt generally with the question of how we deal with war crimes. We have been instrumental in making sure that war crimes tribunals have been set up for Bosnia and Rwanda.

What we have been supporting is the formation of an international commission to study alleged war crimes, crimes against humanity and possibly genocide. And we think a commission is the most workable and most useful way to deal with this.

The U.N. Special Rapporteur, Mr. van der Stoel, has said repeatedly that an international body with a broader mandate than his own—he is the one who studies the human rights problems there—should study the available evidence of Iraqi atrocities against the Kurds. And he has also noted the similarities between the Iraqi military's past treatment of the Kurds and its ongoing treatment of the Shia in the southern marshes.

So we are urging our Security Council allies to adopt our position on Iraqi war crimes, and we will continue to do so.

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I must say, though, parenthetically, that there are those who object to this way of dealing with it. But we do think that this is the best way to pursue it.

Senator PELL. Thank you very much.

Senator BROWN. Ambassador Albright, I appreciated very much your bringing up the question of sanctions against Bosnia. I think it is clearly an important issue when trying to keep in force these important sanctions against Iraq until compliance. Hearing your view is most helpful.

Our sanctions against Bosnia involve not only an embargo by the United States that prevents the shipment of weapons that could be helpful to defend them, but also a commitment—a rather active commitment—to enforce the sanctions. That is, to make sure not only that do we not send weapons, but that others do not send weapons. In the sanctions against Iraq, we have undertaken a mission that is not unsimilar to that. But many of our trading partners and members of the United Nations participate in those sanctions not through providing enforcement, but through simple compliance. That is, not shipping to Iraq or trading with them.

Why is there not an alternative that bridges the gap between Congress and the executive branch one that permits us to maintain our embargo against sending weapons to the former Yugoslavia—but not actively engage in enforcing the sanctions? Would that option still give us an ability to keep our leverage on sanctions in Iraq?

Ambassador ALBRIGHT. Mr. Chairman, on Bosnia itself, actually the United States no longer enforces the arms embargo. The money was denied to us to enforce the arms embargo against Bosnia. The Nunn-Mitchell language did that.

So while others do enforce it, we ourselves are not spending money to enforce the embargo on Bosnia. We do enforce sanctions versus Serbia, but not on Bosnia itself. And frankly, it did cause us some problem within the Security Council with our allies on that subject.

The thing I have to tell you, Mr. Chairman, because I do it on a daily basis in New York, is that the sanctions regimes generally I think are a most-important and new tool of the international community to deal with rogue states or recalcitrant members of the community. They are very complicated. They are very much a work in progress. They depend on cooperation and they depend on a similar view of what is going on in whatever country.

Also, they work against what unfortunately is a natural desire among some countries trade. Therefore, any time that somebody who does not agree with the approach can find a chink in what we are doing, they will seize it. And that is why we have argued so loudly against the unilateral lifting of the Bosnian embargo, despite the fact that we ourselves are playing a less than robust role in enforcing it.

Because of this issue—and I have to tell you that I have been among the loudest arguing for it, because I know what it is like on a daily basis in New York to argue for maintaining the sanctions on Iraq, which I hope that you all see and the others see as essential to isolating a rogue state with a leader who is bound and deter-

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mined to continue repressing his own people and exploiting terrorism.

Senator BROWN. You have mentioned the need for the Iraqis to fully account for their biological weapons and weapons of mass destruction and the unmet need also in terms of returning weapons to Kuwait. What other actions need to be taken by the Iraqi Government for the sanctions to be lifted?

Ambassador ALBRIGHT. There are a series of them, and they were outlined. The weapons of mass destruction part is obviously essential. They have not finished dealing with that. We have not been able to close the files on missile development and chemical weapons, plus what I mentioned to you on the biological. So there are still parts that have to be dealt with there.

Then they have to return the stolen property. They have to account for the missing Kuwaitis. And there are numbers on that. They have to stop exporting terrorism. And they have to stop repressing their own people in the north and the south.

That is the package. And we believe that they have to abide by all those Security Council resolutions in order to get the sanctions lifted.

The differences between us and some of the people that would lift earlier have to do with whether it is appropriate to unpack that package and give them some relief if hypothetically they are able now to do all the accounting on the weapons of mass destruction. And that is the debate that goes on in the Security Council.

We, however, believe strongly that as the Council resolutions were worded, it has a lot to do with their peaceful intentions. And we think that their credibility and peaceful intentions are measured by their abiding by all the Security Council resolutions.

Senator BROWN. Well, you have done an outstanding job representing our country. Particularly on this issue, you have shown your ability. Because I think all of us are aware that it has not been an easy task with it.

Lately, we have seen some movement on the part of the Iraqi Government. At least the press has heralded the release not only of the Americans that were held, but the release of other prisoners. Is that genuine? Do you see real movement at this point? Is there a change of attitude?

Ambassador ALBRIGHT. Well, what is very interesting is there is always kind of a charm offensive that goes on just as we are about to enter one of these review periods. We are obviously very pleased that they released the Americans. They had done nothing wrong. The United Nations admitted that it had been a mistake. Through the good offices of Congressman Richardson who went on a personal humanitarian mission, they did in fact release them, and we are very pleased.

What happened recently was that Saddam Hussein declared an amnesty. But we have yet to see what that means and whether their people will actually turn themselves in, whether they will be pardoned. And so we are really looking for deeds and not words on that subject.

There has been some movement, as I mentioned. As a result of our firmness, they did recognize Kuwait, which had not happened before. And we noted that in the Security Council.

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They have in fact now admitted that they had a biological weapons program. And we think that that is a movement forward.

The strange part about it is that they never admit to anything until we kind of have the goods on them. And therefore, they think they can negotiate their way out of abiding by the Security Council resolutions, and we think that this is nonnegotiable.

So there is some progress. We think that the progress comes exactly because we are being firm. And that is a point that I make to the other members of the Security Council—that because we have been insistent on them fulfilling what they are supposed to, they do it.

There are obviously—we have different commercial interests, some of us on the Council—but I think there is a little bit of a different philosophy among some countries who think, well, let us reward them a bit for what they have done, versus what we think, which is that it is our toughness that has made them stick with it.

Senator BROWN. Madam Ambassador, thank you very much. We have a vote on, and we will return shortly. Madam Ambassador, I know you are on a tight schedule. If you have to go ahead, the committee would understand.

Ambassador ALBRIGHT. I will hang on. Thank you.

[A brief recess was taken.]

Senator PELL [presiding]. In the absence of Senator Brown, it seems advisable to reconvene the subcommittee and take advantage of benefiting from some of Ambassador Albright's wisdom. I think also another point I would like to make is that this hearing really highlights the tremendous benefit that the United States and the world at large receives from the United Nations, which is the underpinning of this hearing.

Basically, it seems odd to me that we have to fight back attacks against the United Nations on the Senate floor, even as we hear compelling testimony on the United Nations' value off the floor. And I would hope that they would prove contagious, these ideas that Ambassador Albright has.

There is another point that comes to mind, and that is that in your testimony you mentioned that Saddam's support is shrinking. That would indeed be good news. How true is that? Would you enlarge on that a little bit?

Ambassador ALBRIGHT. If I might comment on your first comment, I do think that the United Nations is incredibly useful for the United States in a number of policies that we find very important. And there is no better example of this than the Iraq issue, where having the multilateral sanctions makes an incredible difference, because it shows the will of the community. Also, the UNSCOM itself, which is the U.N. Commission, has been performing in a brilliant way under very difficult conditions, and shows, again, the possibility of a Commission which is neutral, because it is an international Commission, doing the job and research and having the objectivity or the recognized objectivity to follow through.

Also, the whole question that has come up about the value of sharing sensitive information with the United Nations, clearly it is to our advantage to have them have available the kind of informa-

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tion we have in order to make sure that what we consider such a vital policy is well carried out.

So, in addition to all the other things that we think that the United Nations is good for, I think that the Iraq issue is truly one that is an example of how important it is to us.

On the issue of Saddam Hussein, I think that the question—it is a complicated one, because I think that we do not wish to make it seem as if he is in dire straits. Nevertheless, what has been going on is the following:

There has been a severe economic deterioration as a result of the sanctions. And there has been spiraling inflation, increased corruption and crime, and there is a sign that the deteriorating economic situation is affecting even the Republican Guard, the military elite that has been traditionally coddled by Saddam, many of whom go to these fabulous palaces. There is also shrinking support for the regime from some of its traditional bases of power.

There has been a recent revolt by elements of a Republican Guard armored brigade that received some attention. The revolt was led by members of the Dylaym tribe, one of the largest Sunni tribes in Iraq, and traditionally one of the regime's strongest supporters. The revolt was suppressed very quickly, but the damage done in relations between this tribe and the regime will endure.

We have learned of the formation of a new paramilitary force in Iraq known as Saddam's Commandos, or Saddam's Fedayeen. Apparently, he is losing confidence in the Army and the Republican Guard and the other security services, and so it is our calculation that he may have founded this group as yet another layer of protection against revolts from within.

There also are reports that increasing responsibility for security matters is being given to Saddam's son, Uday, another indication that Saddam is less trustful of the people around him. Nevertheless, there is no question that fear and repression still do keep Saddam in power, and it is in no way possible for us to predict how much longer this kind of a brutal regime will exist.

There is no question from having watched Saddam that he is very careful and clever about protecting himself and in creating propaganda within his own country about what is happening. He is blaming us for the humanitarian problems, when my response always is that he should look in the mirror. He is responsible for the humanitarian problems.

I think that he has got some problems, but it is very hard to say that he is in dire straits.

Senator PELL. But is his political base of support shrinking?

Ambassador ALBRIGHT. It is according to the information we have. It is shrinking. But it is still—he operates through repression and terror, and that is not shrinking.

Senator PELL. Through repression and terror, and in some cases he achieves victory as well?

Ambassador ALBRIGHT. Yes.

Senator PELL. It would seem unfair to me that the people of Iraqi Kurdistan, who have liberated themselves from Saddam's rule, really live under two embargoes—not one, but two—the first imposed by the United Nations on the whole of Iraq and the second imposed by Saddam Hussein against the Kurdish provinces. I am

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just wondering if it is possible to lift the embargo at least on Iraqi Kurdistan. It seems unfair that these people, the innocent victims, are the ones who really suffer from the double embargo.

Ambassador ALBRIGHT. We can understand your concern about this, because we share it. But I think that the issue here is that they do get humanitarian assistance through Provide Comfort. And we know the importance of that delivery system. However, it would be my supposition that it would be difficult to do that kind of a partial lift without endangering the entire sanctions regime.

Senator PELL. What if the sanctions succeeded in bringing down Saddam's regime? What sort of regime would we be prepared to deal with as a successor? Do we have an opposition in mind?

Ambassador ALBRIGHT. We do support an Iraqi opposition, which is the Iraqi National Congress. We support them politically and diplomatically. We believe that they are dedicated to a democratically based government in Iraq. And that is the kind of regime we would look forward to having in Iraq. Though it is very hard at this moment to determine what a post-Saddam regime would look like.

Senator PELL. I see the chairman of the subcommittee is here. I am just filling in for you.

Senator BROWN [presiding]. Senator, I appreciate it very much. Please go ahead if you have other questions.

Senator PELL. You go ahead.

Senator BROWN. I just had one question to follow up. You appreciate as keenly as anyone in Government the heartfelt concern that we are denying the Bosnians the right to defend themselves. I know you feel that keenly as well.

Is there any compromise in our sanctions on Bosnia or our sanctions on the former Yugoslavia that comes to mind that would not jeopardize our efforts to have Iraq comply with their commitment?

Ambassador ALBRIGHT. I think we all have the same frustration and sense of horror at what is going on. And you have correctly stated my views on that subject. I think the issue here is—and I will have to take a few minutes to go through this—is that we do not have troops on the ground. Our allies and friends do have troops on the ground. They believe that those troops would be threatened if the embargo were lifted. And they have said point-blank that they would withdraw if the embargo were lifted unilaterally.

And the problem then becomes that we will be left with the position of being the support system for the Bosnians in order to train, arm, and assist them. Because UNPROFOR would have left and the other nations would have felt no responsibility for a unilateral lifting of the arms embargo.

If we were able to lift it multilaterally, then I think we would have an ability for not only us to help them, but the others to help them. And I frankly did my very best to try to get it lifted multilaterally some months ago. And the reason for not succeeding was exactly the problem that the others have the troops on the ground and they wanted to stay.

I do not see any kind of partial lifting of any kind as a way of doing this. It is a problem. The other part, Mr. Chairman, is that—and you probably know this—is that the Russian Duma has said that if we lift the arms embargo unilaterally that they will unilat-

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erally lift the embargo against Serbia. Therefore, we will just be working, both sides, in a unilateral way to add weapons to the area.

I know it is frustrating. I feel it myself. But I think that there is no way to have a partial adjustment of this.

Senator BROWN. Ambassador Albright, your comments are very helpful to us, and we appreciate them. We are very proud of the fine work you are doing at the United Nations.

Ambassador ALBRIGHT. Thank you very much, Mr. Chairman. And I appreciate very much the opportunity to be able to present this Iraq story to you. I think people need to know what Iraq has done. People need to know the role that the United Nations has performed in this particular complicated area and the way that the United Nations is useful to the United States on issues of policy that it is important to get multilateral support for.

If there ever was an example of the usefulness of the international community acting together firmly and using the United Nations in a way to underline and emphasize what we consider important, this is a very important case. And so I appreciate very much the opportunity to appear before you.

Thank you.

Senator BROWN. Thank you.

Our second panel includes Mrs. Francke, who is the director of the Iraq Foundation here in Washington; Dr. Phebe Marr, who is a senior fellow for the Institute for National Strategic Studies and the National Defense University; Omar Duwaik, who is president of Reema International; and Dr. Patrick Clawson, who is a senior fellow for the Institute of National Strategic Studies.

We want to welcome all of you here. We appreciate very much your taking the time to share your thoughts with us today. We will obviously include in the record your full statements. We would ask you to summarize your comments to 5 minutes, if you would, initially.

I think we will start off on my right with Mr. Duwaik. Please go ahead.

STATEMENT OF OMAR DUWAIK, PRESIDENT, REEMA INTERNATIONAL, DENVER, CO

Mr. DUWAIK. Mr. Chairman, thank you for this opportunity. As an American of Arab heritage, I am deeply concerned about the effects of the U.N. sanctions against Iraq. A continuation of these sanctions are unnecessarily placing at risk the interests of the United States and those of our allies and friends in the region, causing untold pain and suffering of millions of innocent people, and potentially endangering the Middle East peace process. For these reasons, the United States should ease the sanctions against Iraq before it is too late.

In this testimony, I would first like to point out that the major threat in the region comes from Iran, not Iraq, yet Iraq is continually being ruined to the benefit of Iran. Then, I would like to review the original intention for the sanctions, and how the U.S. interests and security and the Middle East process could be affected by this continuation of these sanctions. Finally, I propose to exam-

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ine U.N. Resolution 986 and other resolutions, and how to resolve the current impasse. As to all of the above, I shall be brief.

In his recently published book, former President Nixon said:

> Because it launched the Persian Gulf war, Iraq gets more attention in the West, but Iran is by far the greater long-term threat. Iran's threat is both military and religious. Iran is the major sponsor of terrorism in the Middle East, it is Iran that has been financing Hammas to ruin the peace processes in the Middle East. It is Iran that has been financing many terrorist organizations.

According to Israel's Prime Minister Rabin:

> Iran's tactics are ominously similar to those of the Soviet Union. This is an insidious form of aggression. It allows the aggressor to take over its victim without risking international condemnation. Thus, it is clear that Iran, not Iraq, is the major threat to U.S. interests. In fact, Iraq is a natural ally and buffer that can stop the tide of Iranian Muslim extremism.

The so-called dual containment policy against Iraq and Iran is not working. While the U.N. sanctions against Iraq are succeeding in not only containing but also ruining Iraq. Iran is arming itself and getting stronger. The best way to contain Iran's extremist threat in the gulf is to keep Iraq strong and united through a strong central government.

What about the U.S. intention in the Middle East? The U.S. original intention was to contain Iraq, to turn back its aggression against Kuwait, and to destroy its ability to threaten U.S. interests in the region. The intention was not to inflict untold hardship and suffering upon millions of innocent people and destroy the unity or the institution of Iraq. It was not the intention to impose indefinite and unconditional sanctions on Iraq which could cause it to collapse into chaos, becoming another Afghanistan, Somalia, or Bosnia.

The sanctions against Iraq have been in place for too long, almost 5 years. It is clear that the sanctions are having undesirable effects. They are crippling the economy of Iraq, starving its people, depriving them of the basic needs of health and education, causing children to drop out of school, and forcing hospital officials to turn away patients. Would you believe, Mr. Chairman, that some operations are being operated without anesthetics?

The educational, health, legal, and social systems, as well as all other aspects of life in Iraq are systematically being damaged. The Iraqi people have been subjected to famine, disease, epidemics, poverty, and death. The irony is while the Iraqi institution is rapidly getting weaker, Iran is getting stronger. And my question is, is this really in the U.S. interest?

Former Ambassador and Deputy Assistant Secretary of State Michael Sterner said:

> It cannot be in the interest of the United States to be seeking for its own sake the systematic destruction of the Iraqi economy, a breakdown of civil society, and the creation of the critical vacuum that encourages domestic unrest and perhaps foreign intervention. The destruction of the Iraqi institution may prompt the fall of another Iraq to the Kurdish militants, who may cause instability in Turkey, which has a sizeable Kurdish population. This is a grave security matter to Turkey, a staunch U.S. ally.

A continuation of sanctions may also lead to the fall of southern Iraq to the Shi'ite militants, who are more loyal to Iran and its religious leaders than Iraq. A weak Iraq will not be able to stop Muslim militants and fundamentalists from dominating southern Iraq.

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The dominance of Muslim militants of southern Iraq will threaten the stability of Kuwait, the very country which we went to war to protect, as well as the stability of the gulf region, including that of the oil-rich eastern province of Saudi Arabia.

The threat, Mr. Chairman, is not limited just to the gulf region. The Middle East peace process can also be affected. Hizbollah, or Party of God, in southern Lebanon along with Hammas in Israel are both being supported, armed, and financed by Iran. Both Hizbollah and Hammas are constantly sending suicide missions into Israel in an effort to ruin the Middle East peace process between Arabs and Israel. In the event Iran dominates Iraq or southern Iraq directly, or indirectly through their surrogates, such dominance would provide an extremely dangerous link, land link I may add, between the militants of Iran, Syria, and Hizbollah in Lebanon and the Hammas in Israel. This would threaten the interests, stability, and security of both Israel and Jordan, and in all likelihood would harm the peace process in the Middle East.

On the other hand, the Iraqi leaders seem to be willing and eager to join the Middle East peace process. Easing the sanctions against Iraq and bringing Iraq into the Middle East peace process would further isolate Iran from reaching and supporting the terrorist organization Israel and Lebanon, and could add more pressure on Syria to become more flexible in its negotiations with Israel.

Mr. Chairman, the circumstances and events that are currently underway in Iraq are somewhat similar to those prevailing in Iran prior to the removal of the shah and the takeover of the U.S. Embassy in Iran. The continuing Iraqi poverty, lack of food and health and education caused by 5 years of continuous sanctions are creating a fertile ground for the spread of religious fanaticism.

[The prepared statement of Mr. Duwaik follows:]

Prepared Statement of Mr. Duwaik

INTRODUCTION

Last year, the Iraqi government slashed food rations by as much as half. This is in addition to the dangerously low level of food and medicine supply to begin with. Schools continue to close and children do not have access to books, paper, or pencils. A U.N. report issued at the end of May stated that 23% of children under the age of 5 suffer from malnutrition and that water treatment has collapsed in much of the country. Consequently, diseases like malaria and tuberculosis are spreading rapidly. A UNICEF study stated that about 3.6 million Iraqis, mostly children and pregnant women, were at-risk.

1. As an American of Arab heritage, I am deeply concerned about the effects of the U.N. sanctions against Iraq. In a nutshell, the continuation of these sanctions are, unnecessarily, placing at risk the interests of the United States, and those of our allies and friends in the region, causing untold pain and suffering of millions of innocent people, and potentially endangering the Middle East peace process. For these reasons, the U.S. should ease the sanctions against Iraq before it is too late.

2. In this testimony, I would first like to point out that the major threat in the region comes from Iran, not Iraq. Yet, Iraq is continually being ruined to the benefit of Iran. Then, I would like to review the original intention for the sanctions, and how the U.S. interest and security and the Middle East process could be affected by the continuation of these sanctions. Finally, I propose to examine U.N. Resolution 986 and other resolutions, and how to resolve the current impasse. As to all of the above, I shall be brief.

IRAN NOT IRAQ IS THE THREAT

3. The State Department admits that the threat from Iraq has always been a military one. This threat, however, has been virtually eliminated. With U.N. monitors

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in Iraq, along with naval and air monitoring, Iraq's military threat can be contained indefinitely. Former U.S. Ambassador and deputy assistant Secretary of State, Michael Sterner, said,

> *It is hardly conceivable that, with the enormous needs the country has in all sectors, with the embargo continuing on all categories of arms, with the U.N.'s disarmament monitoring system in place, and with the knowledge that the Security Council can easily clamp down on oil exports if Iraq violates any of the above terms, Saddam or any other ruler would be able to divert the kinds of sums into arms production or acquisition that would significantly increase risks to Iraq's neighbors or their defenders.*

4. On the other hand, a far greater threat to U.S. interest and security comes from Iran. With a population of about 60 million, 10% of the world's oil reserves, a relatively modern technological infrastructure, massive purchases of military hardware, and the determination to develop its own nuclear technology, Iran can easily become the supreme power in the region. In his recently published book, former President Nixon said,

> *Because it launched the Persian Gulf War, Iraq gets more attention in the West, but Iran is by far the greater long term threat. Iraq's threat is only military. Its secular philosophy has no appeal beyond its border. Iran's threat is both military and religious.*

5. According to the former President:

> *Iran has undertaken a diabolically subtle strategy to export its brand of extremist Muslim fundamentalism without disrupting its economic relations with the West * * * Iran is the major sponsor of terrorism in the Middle East * * * It has extended its ideological reach into Central Asia * * * It is Iran that has been financing Hammas to ruin the peace process between Israel and the Arabs. It is Iran that has been financing many terrorist organizations.*

6. In quoting Israel's Prime Minister Rabin, the former President said,

> *"Iran's tactics are ominously similar to those of the Soviet Union's infamous Comintern * * *" As the Israeli Prime Minister explained, "this is an insidious form of aggression. It allows the aggressor to take over its victim without risking international condemnation."*

7. Today, Muslim fundamentalists and fanatics throughout the world can be loyal to Iran without being accused of being traitors to their own countries. According to CIA reports, Iranian-supported terrorists have killed more Americans than all other terrorist organizations.

8. Thus, it is clear that Iran, not Iraq, is the major threat to U.S. interests. In fact, Iraq is a natural ally and buffer that can stop the tide of Iranian Muslim extremism. The so-called "dual containment" policy against Iraq and Iran is not working. While the U.N. sanctions against Iraq are succeeding in not only containing, but also ruining Iraq, Iran is arming itself and getting stronger. The best way to contain Iran's extremist threats in the Gulf is to keep Iraq strong. Iraq's strength lies in a strong central government. The best way to keep Iraq relatively strong is by easing the sanctions now. If the U.S. does not act promptly, it may become too late, or too costly to salvage U.S. interests in the region.

U.S. INITIAL INTENTION

9. The U.S. original intention was to contain Iraq, to turn back its aggression against Kuwait and destroy its ability to threaten U.S. interests in the region. The intention was not to inflict untold hardship and suffering upon millions of innocent people and destroy the unity or institution of Iraq.

10. The United States and other members of the Security Council have repeatedly expressed their commitment and support to the unity, sovereignty and territorial integrity of Iraq, but the continuation of sanctions is having the opposite effect.

11. Laith Kubba, a founding member of the opposition Iraqi National Congress, who is in favor of easing the sanctions against Iraq, stated that

> *it was not the intention of the U.N., in August 1990, to impose indefinite and unconditional sanctions on Iraq which could cause it to collapse into chaos, becoming another Afghanistan, Somalia, or Bosnia. But if the current economic and social disintegration continues, internal forces will be unleashed in bloody conflicts and a total breakdown of law and order which no internal or external force will be able to control. If this scenario is allowed to develop, historians and analysts will be left to apportion the responsibility for the outcome well into the future. The worsening conditions inside Iraq provide fertile ground for potential extremists, the effects of which cannot be limited to the borders of Iraq. Iraq as a nation is withering away * * * The costs of maintaining sanctions are Iraq's future as a country and the on-going suffering of its population.*

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12. In 1991, the U.N. reported that 3.6 million Iraqis were at risk; including 1.58 million children under the age of 15 and 220,000 pregnant women. One of every five children was dropping out of school because of the lack of basic educational needs. Since then, the situation has been rapidly deteriorating, and the number of people at risk has dramatically increased. While some policy makers have been saying for years the removal of the Iraqi leaders is in sight, the sufferings of innocent people in Iraq have reached epidemic proportions. This is happening in a country that once was the richest, most advanced and developed in the Middle East. While this horrific catastrophe is occurring, the civilized world is idly watching. We have a moral obligation to stop this catastrophe.

13. 1n an attempt to squeeze the Iraqi government elite, a country and its innocent population are being destroyed for the benefit of Iran.

14. The sanctions against Iraq have been in place for too long, almost five years. It is abundantly clear that the sanctions are having undesirable effects—they are crippling the economy of Iraq, starving its people, depriving them of the basic needs of health and education, including causing children to drop out of schools, and forcing hospitals officials to turn away patients. The educational, health, legal, and social systems as well as all other aspects of life in Iraq are systematically being damaged. The Iraqi people have been subjected to famine, disease, epidemics, poverty and death. The irony is: while the Iraqi institution is rapidly getting weaker, Iran is getting stronger.

U.S. INTERESTS AND SECURITY

15. As the U.N. sanctions continue to ruin the Iraqi central authority, factional in-fighting will accelerate the deterioration of the Iraqi institution, and may invite greedy foreign intervention. Former Ambassador, Michael Sterner said,

> *it cannot be in the interest of the United States to be seeking, for its own sake, the systematic destruction of the Iraqi economy, a breakdown of civil society, and the creation of a political vacuum that encourages domestic unrest and perhaps foreign intervention.*

16. "The process of social disintegration that is already underway", said Ambassador Sterner, "can only strengthen these divisive tendencies and make Iraq, over the long term, a less governable country—under any regime", even after the departure of the current Iraqi leaders.

17. The destruction of the Iraqi institution may prompt the fall of Northern Iraq to the Kurdish militants. Sooner or later, those militants may cause instability in Turkey, which has a sizable Kurdish population. This is a grave security matter to Turkey, a staunch U.S. ally.

18. The continuation of sanctions may also lead to the fall of Southern Iraq to the Shiite militants, who are more loyal to Iran and its religious leaders than Iraq. Further, in their attempt to fight the Iraqi central authority, the Shiite militants may receive unlimited support from Iran, making it impossible to break away from the sphere of influence of Iran. A weak Iraq will not be able to stop Muslim militants and fundamentalists from dominating Southern Iraq.

19. As the sanctions continue to erode the central authority, Iraq will be so weak, or Iran will be relatively so strong that it will be too late to prevent Iraq from falling victim to Iran's insidious aggression. This could eventually allow Iran to control the Shiites-dominated-southern part of Iraq.

20. Some may argue that the U.S. will not allow Iran to take over Iraq. However, Iran will not have to take over Iraq or Southern Iraq through a traditional invasion. Iran will achieve its goal through, what Israeli Prime Minister Rabin calls "insidious aggression." As we sit here today, militant fundamentalists are spreading their extremism unchecked in Southern Iraq and throughout the Gulf region.

21. The threat of Muslim militants' dominance of Southern Iraq is real. Those who doubt the potential of such dominance are reminded of the circumstances and events that preceded the removal of the Shah of Iran, and more recently of the unrest in Bahrain. Who would have thought a year ago that Hizbolla, the surrogates of Iran, would be conducting terrorist activities in a small peaceful country such as Bahrain?

22. The dominance of Muslim militants of Southern Iraq will threaten the stability of Kuwait, the very country which we went to war to protect, as well as the stability of the Gulf region including that of the oil rich Eastern Province of Saudi Arabia. It is critical to consider such potential dominance in reformulating the U.S. policy in the region before it is too late.

23. With 60% of the world crude oil reserves in the region, Iran's dominance and influence can threaten the U.S. national interest and security.

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MIDDLE EAST PEACE PROCESS

24. Hizbollah or Party of God, in Southern Lebanon, along with Hammas in Israel, are being supported, armed and financed by Iran. Both Hizbollah and Hammas are constantly sending suicide missions into Israel. They are terrorizing civilians and causing instability in an effort to ruin the Middle East peace process between Arabs and Israel.

25. In the event Iran dominates Iraq, or Southern Iraq, directly or indirectly through their surrogates, such dominance would provide an extremely dangerous land link between the militants of Iran, Syria, and Hizbollah in Lebanon and the Hammas in Israel. This, undoubtedly, would threaten the interests, stability and security of both Israel and Jordan, and in all likelihood would harm irreparably the peace process in the Middle East.

On the other hand, the Iraqi leaders seem to be willing and eager to join the Middle East peace process. Tareq Aziz, the Deputy Prime Minister of Iraq, once said the Iraqis have no intention of being "more Palestinian than the Palestinians." The Iraqi officials have repeatedly met with Israeli officials, who expressed their satisfaction with the open-mindedness of the Iraqis. Recent statements from Iraq indicate clearly that Iraq is willing to recognize and work with Israel. Easing the sanctions, and bringing Iraq into the Middle East peace process would further isolate Iran from reaching and supporting the terrorist organizations in Israel and Lebanon, and could add more pressure on Syria to become more flexible in its negotiations with Israel.

SHAH OF IRAN

26. The circumstances and events that are currently under way in Iraq are somewhat similar to those prevailing in Iran prior to the removal of the Shah, and the take over of the U.S. Embassy in Iran. The continuing Iraqi poverty, lack of food and dearth of education, caused by five years of continuous sanctions, are creating a fertile ground for the spread of religious fanaticism in Iraq.

27. The U.S. never had the intention of removing the Shah, and allowing a "Khomeini Regime" of fanatics to be created in Iran, but events often escalate beyond control. Those who did not foresee the coming of Muslim militants in Iran then, do not now seem to believe that the sanctions are creating such a fertile ground for the rise of another "Khomeini" type regime in Iraq.

Some U.S. officials are mesmerized, or as Ambassador Sterner put it "fixated by a vendetta against a single personality." Without taking into consideration the fact that events have a way of getting out of control, these officials are unnecessarily punishing millions of innocent people, and missing the fact that the long-term U.S. interest and security, and those of our allies, are at risk by the greater threat of Iranian exported Muslim extremism.

U.N. RESOLUTION 986

28. Some say that the U.S. has done everything within reason to help alleviate the suffering of the Iraqi people. This includes the sponsorship of U.N. Resolution 986 by the U.S. and others, which would allow Iraq to sell enough crude oil to provide food, medicine and medical supplies for its population. They also say that since the Iraqi leaders have refused to accept such Resolution, there is little the U.S. could do.

29. On the other hand, the Iraqis claim that they are rejecting the deal because of unacceptable certain terms and conditions of the Resolution. In other words, the Iraqis seem willing to accept U.N. Resolution 986 if only certain terms are modified.

30. Chief among the terms and conditions is the allocation, from the sale proceeds of the crude oil of up to $150 million, to purchase humanitarian supplies for Northern Iraq. The Iraqi objection is not to the allocation per se, but rather to the method of distributing said supplies to the North.

31. U.N. Resolution 986 appears to require the distribution of the humanitarian supplies to Northern Iraq through the U.N. agencies in the region. Iraq, however, would like to have the distribution be made by the Iraqi central authority.

32. Iraq quite reasonably believe that the direct distribution of the subject supplies by the U.N. agencies would enhance the separatist movement led by the Kurd militants in the north. Iraq claims that if the U.S. and other allies are genuinely interested in Iraq's unity, they should assign the responsibility for the distribution to the Iraqi central authority.

33. In the mountainous areas not accessible to the Iraqi authority, or where the Iraqi distribution centers have been damaged, the Iraqi government seems willing to deliver the allocated supplies to U.N. agencies for distribution.

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34. In either event, the U.S. should give the Iraqi government a chance to perform. According to U.N. Resolution 986 the Security Council will be receiving quarterly reports from the U.N. General Secretary about the progress made concerning the implementation of the Resolution. The Council may then decide the status of further sales.

OTHER U.N. RESOLUTIONS

35. A critical resolution is U.N. Resolution 687 which ties the lifting of sanctions to only two requirements: Iraq's compliance with the resolution's disarmament provisions, and the establishment of a mechanism to pay off claims against Iraq.

36. The other important resolution is the one concerning the demand that Iraq repudiate its claim to Kuwait. Iraq accepted this Resolution, and the U.N. agreed that Iraq did satisfy this requirement last November 10, 1994 when Iraq recognized "the sovereignty of the State of Kuwait, its territorial integrity and political independence." Further, Iraq accepted the new U.N.-drawn borders with Kuwait. According to the Iraqis, the acceptance of this resolution has been the most difficult of all, which acceptance, according to the Iraqis, would make the former king of Iraq turn in his grave.

37. By accepting the toughest resolutions, there is no doubt that Iraq will, sooner or later, comply with any remaining resolutions. However, Iraq needs to be given the incentive and opportunity to perform. Unfortunately, the U.S. position toward the lifting of sanctions is unclear.

38. American officials insist that "all relevant U.N. resolutions" must be implemented before lifting the sanctions. This includes the implementation of U.N. Resolution 688 which "demands an end to the repression of the civilian population."

39. According to Ambassador Sterner, the insistence "that sanctions cannot be lifted until the Iraqi government 'stops mistreating its people'—as U.S. Permanent Representative to the U.N. Madeleine Albright frequently puts it—is simply an effort to guarantee a continuation of the present impasse indefinitely."

40. To punish millions of innocent people, and idly watch the destruction of their country, under the hope of bringing a change in behavior, is simply unreasonable. Ambassador Sterner said,

> *[a]lthough no clear guidelines have been established as to what specific changes in policy would be required, American officials make it clear they do not think Saddam can fully comply with Resolution 688 and remain in power. The U.S. position is, therefore, a barely-veiled determination to maintain sanctions against Iraq until the regime is overthrown, regardless of what Iraq does or does not do to comply with U.N. resolutions.*

41. "What incentive can there be for Baghdad," wrote Ambassador Sterner, "to comply with these resolutions when it knows, as it surely does, that Washington is going to maintain its veto over a lifting of sanctions until the regime collapsed."

42. The U.N. resolutions were drafted by the U.S. in broad and general terms. What's needed is for the U.S. to define the steps needed for lifting the sanctions systematically in precise and measurable terms. The steps and associated incentives must be clear, and based on Iraq's international obligations, not internal affairs. This is not to say that internal affairs are not important. The ultimate removal of all sanctions can be tied to the implementation of U.N. Resolution 688. But, the systematic process of easing the sanctions should commence immediately before it is too little and too late.

43. Therefore, it is in the best interests and in furtherance of the security of the United States, Israel, Turkey, and our Arab allies to ease the sanctions against Iraq. Even the opposition groups to the Iraqi government are asking to remove the sanctions against Iraq. The U.S. should be prepared, for its own sake, the sake of its friends and allies, and for the sake of millions of innocent people, to keep Iraq united and to see its economic life restored through the systematic easing of sanctions, even if it means doing so while the current Iraqi leaders are still in power. Does that mean we have to like the current Iraqi leaders? Of course not. All we are suggesting is that we should not "cut off our nose to spite our face." The U.S. should be prepared to forgo efforts to restructure the Iraqi political system through sanctions, otherwise there will soon be no country to inherit for any successor regime.

44. Further, the U.S. should take the lead in lifting the sanctions in order to offer a helping hand to the innocent people in Iraq. Americans should take the lead here; not France, Russia or Germany. America was founded on the principle that all are entitled to life, liberty, and the pursuit of happiness. We sent our loved ones to Somalia to fight the war lords in order to alleviate the suffering and starvation of innocent people. The people of Iraq are not asking us to send our loved ones to save them from their leaders. They are simply asking that the sanctions be removed.

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In my view, Mr. Chairman, I hope the U.S. would listen to the cries of these innocent people. Thank you.

[Other material submitted by Mr. Duwaik may be found in committee files.]

Senator BROWN. Mr. Duwaik, you have raised some very important questions that we will want to pursue and follow up with questions. Let me go on so we can get the other witnesses to have their 5 minutes, and we will come back. Dr. Marr, thank you for joining us.

STATEMENT OF PHEBE MARR, SENIOR FELLOW, INSTITUTE FOR NATIONAL STRATEGIC STUDIES, NATIONAL DEFENSE UNIVERSITY, WASHINGTON, DC

Dr. MARR. Thank you very much, Mr. Chairman, for inviting me. I would like to say at the start that the views expressed here are my own, and not those of the U.S. Government. I am going to try to be brief.

I would like to begin by saying that sanctions are an instrument; they are not a policy, although they are sometimes thought of that way. Before considering sanctions and their efficacy I think it is necessary to ask what purposes they are supposed to achieve. There are three broad questions I would like to address here: What are the goals of the sanctions? How effective have the sanctions been in achieving these goals? What would be the effects of lifting or easing sanctions, or, alternatively maintaining them indefinitely?

First, in my view, the sanctions have three broad goals. The first of these, of course, is compliance with U.N. resolutions. Second, the sanctions regime is also a robust policy of containment for Iraq. And third, in the minds of some sanctions—or more accurately, the desire for their removal—may provide an incentive for a change of leadership. If these are the aims, how effective have sanctions been?

I am not going to dwell on this point because I think Ambassador Albright has given a very fine account of where we stand. Let me just summarize by saying that sanctions have been our main leverage in achieving compliance with U.N. resolutions. However, as the Ambassador has pointed out, after 5 years we have still not achieved complete compliance. Although there has been some compliance, we still have a ways to go—on weapons of mass destruction, return of missing Kuwaitis and stolen property, demonstration of peaceful intentions, and, of course, compliance with Resolution 688 about repression of the Iraqi population.

Second, what about the impact of sanctions on containing Saddam's capacity to threaten his neighbors? This, too, has been positive. As we know, the war reduced Saddam's forces. Nevertheless he still has quite a large military force, in fact one of the largest armies in the Middle East—about 400,000 men. However, the sanctions have seriously impaired his ability to replace his equipment and get spare parts to build back this capacity. There should be no doubt that, should the sanctions especially the oil embargo, be eased, that would be one of the first things that he would do.

Sanctions have had a mixed effect on logistics. The Iraqis have done a rather remarkable job in rebuilding bridges, roads, rail lines, and even electrical power.

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Sanctions have had a very serious impact on the economy. We all have statistics, but here are a few. Per capita income has fallen to 1960's levels, food rations now cover about 50 percent of the recommended daily intake of calories, and health and medical supplies are seriously affected. And, of course, the morale of the population is very low.

Last, in terms of replacing the regime, sanctions have thus far failed. Nevertheless, as has been indicated, they have weakened the regime. In my view, the continuance of sanctions is helpful in weakening the regime, but more would have to be done if replacement of the regime is the aim. In fact, a replacement is not likely, at least in the near term.

As we see, lifting sanctions would probably have an adverse effect on all three aims; however, continuing the sanctions indefinitely is also going to have costs. Let me just mention what they are.

The first is going to come when Ambassador Ekeus gives us a final report on Saddam's compliance with U.N. resolutions on the weapons of mass destruction. This may generate a split in the alliance. We have already heard from Ambassador Albright how important it is to keep this alliance together. U.S. diplomacy has done a remarkable job in this regard, but it is not going to be easy in the future.

Second, as we have also heard, the maintenance of sanctions indefinitely is going to provide an increasing humanitarian dilemma for the United States and its allies. As we continue some form of sanctions, we are going to have to find a way to address that dilemma.

Third, continuation of the sanctions over a considerable period of time will erode the social cohesion and possibly the territorial integrity of the country. We need to monitor this situation carefully.

Now, let me skip to the final portion of my statement and say that there are no easy solutions to this dilemma. I see three broad policy options that the United States can follow in the near term. First we can attempt to maintain the current sanctions regime until all resolutions, including 688, are met. In my view, since Saddam cannot meet 688 and remain in power this is tantamount to an indefinite extension of sanctions. But as I have indicated, if he complies with the U.N. resolutions on weapons of mass destruction, we are going to face a lot of pressure to ease the oil embargo, but not necessarily the trade sanctions.

The second main option we face is easing sanctions, perhaps in conjunction with our allies. There are various ways in which this could be done. Sanctions, for example, could be suspended, not removed, allowing for their reimposition any time Iraq's behavior justifies this. We could insist that reparations be paid to Kuwait, or rather the victims of Saddam's aggression against Kuwait. This would reduce his income by at least 30 percent. Another 10-percent reduction could be accomplished by his paying for the efforts of the United Nations in Iraq. And I would also hope that we would insist on gradual repayment of Iraq's debts to Europe, which would further reduce the amount of Iraq's discretionary income. We should monitor the distribution of this income in Iraq, if possible.

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And we can maintain tough import restrictions, especially on military and dual-use technology, together with serious international controls to monitor them. Of course, these steps can be combined with a credible military deterrent, which is already taking shape in the gulf.

This option also has its costs and risks, however. It inevitably will put some income in Saddam's hands, and, as I have indicated, he will use it to rebuild his conventional military.

[The prepared statement of Dr. Marr follows:]

PREPARED STATEMENT OF DR. MARR*

Sanctions have now been in effect in Iraq for five years this month, longer than anyone expected. What is loosely referred to as sanctions includes not only an embargo on Iraq's oil exports, but restrictions on imports to Iraq except for food, medicine and civilian supplies deemed essential by the Sanctions Committee. Sanctions are sometimes thought of as a policy, but they are not; they are an instrument of policy. Before considering sanctions and their efficacy, it is necessary to define the purposes to be attained by the sanctions regime. In this statement, I would like to address three broad questions:

a) What are the goals that sanctions are designed to accomplish?

b) How effective have they been in achieving them?

c) What would be the positive/negative effects of lifting or easing sanctions, or alternatively of maintaining them indefinitely?

I. THE GOALS OF THE SANCTIONS REGIME

I would like to suggest that the sanctions regime has three broad goals.

A. The first of these is compliance with U.N. resolutions agreed to as part of the cease fire arrangements. The most important of these is UNSC Resolution 687, paragraph 22 of which specifies that the oil embargo shall be lifted when the U.N. is satisfied that Iraq's weapons of mass destruction (WMD), and ballistic missiles beyond a range of 150 kms, have been dismantled, and that a monitoring system to assure that there can be no new WMD production, is in place and functioning. Additional requirements in this and other resolutions specify that Iraq recognize Kuwait's sovereignty, and a border modified since the Gulf war by a U.N. commission; return or account for over 600 Kuwaitis abducted during Iraq's occupation, and return of property stolen from Kuwait. A second resolution, 688, requires Iraq to cease repressing its population.

B. The sanctions regime also constitutes a robust containment policy designed to weaken Iraq's military machine, and to diminish its capacity to threaten its neighbors, especially the weaker GCC states. By drastically reducing Iraq's income and foreign exchange earnings, and restricting imports to food and medicine, sanctions are designed, in part, to keep Iraq's conventional military strength at a modest level; to hamper its ability to repair its military industrial complex; to weaken its economic base, and to sap its morale. It should be noted, that other constraints also contribute to this aim, namely the two No Fly Zones which prohibit Iraqi aircraft from flying north of the 36 parallel and south of the 32 parallel, restrictions which limit movement of the Republican Guard units south of the 32 parallel, and the diplomatic isolation which has been imposed on Iraq.

C. In the view of some policy makers, sanctions (or more accurately the desire for their removal) may provide an incentive for a change of leadership. By reducing funds available to Saddam Hussein for distribution to his supporters; by diminishing his support among the middle class which he needs to run the state; and by causing him to lose "face" with his population, his power base is weakened. (His loss of sovereignty over the north of his country; the restrictions on his military movements in the south; and his failure to receive diplomatic recognition from most of the global powers that matter, all reinforce this function). It should be noted that there may be some tensions in these aims. If compliance is the chief goal, this implies a willingness to accept the regime when compliance is achieved. If removal of

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*The views expressed here are those of the author and do not represent the position of the National Defense University, the Department of Defense or the U.S. Government. Dr. Marr is a Senior Fellow at the Institute for National Strategic Studies at the National Defense University. She is the author of *The Modern History of Iraq* (Westview, 1985) and numerous scholarly articles on Iraq and Middle East politics.

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the regime is the goal, compliance may be irrelevant or insufficient. For this reason U.S. statements of these goals have been left somewhat ambiguous.

II. EFFECTIVENESS OF SANCTIONS

If these are the aims, how effective have sanctions been in achieving them? And what if the leverage of sanctions is removed or lessened?

A. On Compliance With U.N. Resolutions

Sanctions have been our main leverage in achieving Saddam's compliance with U.N. resolutions. All evidence suggests that unless he is compelled to do so, Saddam Hussein is unlikely to comply with any resolution. While some have advocated "encouragement" of compliance, past performance suggests that the regime will "pocket" the benefits it receives temporarily, and then renege on its commitments when opportunity presents itself. The intransigence of the regime in meeting its cease fire obligations, and in concealing evidence sought by the U.N. Special Committee on WMD to complete its job—at extraordinary cost to the Iraqi population—speaks for itself. It is four and a half years since the cease fire agreement was signed, and Saddam has still not complied with all of the provisions of resolution 687 on which the oil embargo is based. What, briefly, is the record on compliance?

1. Kuwaiti Sovereignty

In November, 1994, three years after the invasion of Kuwait, Iraq finally recognized the sovereignty of Kuwait and the border modification drawn up by the U.N. Recognition of this border, which gave territory including part of Iraq's port, Umm Qasr, and part of the Rumailah oil field to Kuwait may be problematic in the future. Most Iraqis, even those opposed to Saddam, are resentful of this change and the manner in which it was undertaken. To guard against violations, a DMZ has been instituted (10 kms on the Iraqi side; 5 kms on the Kuwaiti), monitored by an international force UNIKOM.

2. Weapons of Mass Destruction

Iraq has now made significant but not yet sufficient progress on compliance with the requirements on WMD, thanks mainly to sanctions. This progress includes:

a) dismantling of nuclear weapons facilities

b) identification and destruction of Iraq's ballistic missiles with a range over 150 kms and the missile production facilities

c) destruction of Iraq's CW weapons and production facilities

d) the establishment of an intrusive monitoring system to assure that these facilities are not started up again

e) admission by Iraq of a biological weapons program and some information on its status. Before UNSCOM can sign off on this program, more information is required, and all of it needs to be verified, a process which could take months.

Iraq's compliance with the WMD provisions, once certified by UNSCOM in a report to the UNSC, could trigger a serious split in the UNSC vote to continue the sanctions regime. The language of paragraph 22 of resolution 687 indicates that the oil embargo "shall have no further force or effect" once these provisions are met. Several key UNSC members (France, Russia and China) have indicated that they will vote for lifting the embargo under these circumstances, although they are likely to hedge this provision with numerous restrictions. While the U.S. has the option to veto such action, the costs of keeping the oil embargo in force will rise in terms of alliance cohesion. Nevertheless, this time has not yet arrived and given Iraqi intransigence, it may not arrive for some time.

Non-Compliance.—There are other requirements that Iraq has not yet complied with, the most important of which are:

a) the return of, or an accounting for, over 600 Kuwaitis taken by force during the Iraqi occupation

b) the return of property seized from Kuwait

c) ceasing to repress the population of Iraq, a provision embodied in resolution 688

d) demonstrating "peaceful intentions", a stipulation cited in the introduction to resolution 687

e) ceasing support for international terrorism.

There have been some indications that Iraq would be willing to move on the missing Kuwaitis and to return or provide some compensation for the missing Kuwaiti property in the future. There has been no compliance with resolution 688, nor is there likely to be in the future. Saddam's record on human rights is so abysmal that it needs no elaboration here. His lack of peaceful intentions has been amply demonstrated in repeated challenges to inspection teams and continues right up to the

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present, as demonstrated by his mobilization of forces on the Kuwaiti border in October, 1994, and by threats to discontinue cooperation with UNSCOM if his demands are not met. Terrorist attacks against foreigners (President Bush in April, 1993) and against Iraqi dissidents continues. In 1994 he offered a reward of $10,000 for killing foreigners in northern Iraq.

It is questionable whether most allies would vote to continue the oil embargo to achieve enforcement of Resolution 688 since it falls outside the provisions of Resolution 687 specifically related to the embargo.

There should be no question of easing sanctions on Iraq before the U.S. and the international community is fully satisfied on compliance with all U.N. provisions on WMD. Saddam should also be compelled to given an accounting of the missing Kuwaitis, and compensation for property stolen from Kuwait. There is no evidence to suggest that easing sanctions, or extending "encouragement" will produce compliance on these resolutions. To the contrary, even after compliance, the behavior of the regime suggests the need for constant vigilance to make certain that these resolutions are enforced.

Continuing sanctions until Saddam ceases repressing his people is a contradiction in terms. This repression varies in intensity over time, depending on domestic political circumstances, but Saddam cannot survive politically in an open system. If the absence of repression in Iraq is the aim of policy, more must be done to secure his removal, and even then there is no guarantee that a successor regime will not maintain some forms of repression.

B. On Containment

The impact of sanctions on containing Saddam's capacity to threaten his neighbors has been positive with respect to the following.

1. Military Forces

In the military arena, Saddam still has a sizable force left over from the Gulf war. He has about 350,000 to 400,000 men, organized in six corps and 30 divisions, one of the largest in the Middle East. He has about 2,200 tanks; 2,500 APCs; 1,650 artillery pieces and about 300 combat aircraft, many of them aging. Most of Iraq's ground based air defenses, command and control centers, and SAMs and AAA survived the war, but again, many are aging. Iraq has virtually no naval capacity. While Iraq has rebuilt and repaired some of its prewar military machine, much of this has been due to cannibalization of existing equipment and drawing on inventories of spare parts left over from the Iran-Iraq war.

Sanctions have had a serious effect in degrading Iraq's military by preventing replacement of obsolescent equipment and in purchasing spare parts. Tanks frequently break down. Mobility has been hard hit since tires are one of the scarcest items in Iraq today. Most severely effected has been morale, particularly in the regular army where conscripts are poorly fed and housed, but even in the Republican Guard where the treatment is supposedly better. Desertion has become a serious problem. The best indication of this has been the institution of unusually cruel punishments even for Iraq—amputation of an ear and branding on the forehead.

2. Logistics

In logistics, the Iraqis have done a remarkable job in repairing damage from the war, despite sanctions. Roads, bridges, ports and transportation networks have been repaired and in some cases expanded. The electricity grid has also been put back in service, and the water supply and telecommunications network restored, although not to previous standards. Here, too, cannibalization of equipment has been the rule.

3. The Economy

Economically sanctions have severely hampered Iraq's industry, including its military industry, which has been repaired, but cannot function without spare parts. Some things—like small arms, construction materials, and refined oil products—Iraq can produce. But lack of finance as well as trade restrictions have crippled industry where output is less than half of prewar production.

By any measure, sanctions have taken a serious toll on the economy. Inflation is rampant. The dinar, worth about $3.00 before the Gulf war, has fluctuated between 800 to 1,000 dinars to the dollar, and recently hit a high of 1,750. Per capital income has fallen to 1960s levels. While imported goods are available in shops, they are beyond the reach of all but a small group of wealthy and the regime. In Tikrit, Saddam's home town and his strongest base of support, special stores make such goods available to his supporters. This anecdote illustrates another impact of sanctions, maldistribution of food, goods and services. This year the situation appears to have worsened, with food prices up 800% in 1994. Wages have only risen about

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200%. Food rations, which cover about half the food requirements of the population, were reduced last October. Rations now cover about 50% of the recommended daily intake of calories. Above all, health standards and hospital care has declined, due to shortages of medicine and medical supplies. A British medical team which returned from Iraq in April, 1994, found the medical situation worse, with malnutrition growing.

4. Morale

Not surprisingly morale among the population is low. The middle class has been stripped of its savings and frequently sells of furniture and other items to cover food and necessities. Absenteeism among civil servants is rampant because they are working two and three jobs to make ends meet. In one sense, sanctions have made the population even more dependent on the government, not only for the life sustaining rations, but because they have time only for the business of daily survival. However, the situation has improved conditions for some groups, such as farmers, who produce scarce food, and merchants who can trade in the open market. Naturally, those favored by the regime are making huge profits.

Given these conditions—military, economic, and psychological—it is clear that sanctions have played a critical role in containing Iraq's aggression and degrading its ability to threaten its neighbors. Iraq has sufficient military effectiveness to maintain control over domestic insurgency, and could probably retake the north in one or two weeks if it were unopposed by the West, but it would probably face mass desertions if the army were ordered to confront any Western forces. However, they can still threaten Kuwait and Saudi Arabia without a substantial Western military presence in the Gulf.

The middle class in Baghdad is alienated by the maldistribution of wealth; by the drastic reduction in its living standards; and by the prospects of a bleak future, even if sanctions are eased. Many would leave if they could. A former high ranking civil servant who, until recently worked for the regime but has since left the country, summed it up when he claimed: "This regime has systematically destroyed every institution created by the educated population over the last 50 years."

Effects of Lifting Sanctions on Containment.—There is little doubt that a lifting of the oil export embargo would have a negative effect on containing Iraq. The income accruing to the government would be spent to strengthen both the security services and the conventional military capabilities of the armed forces. There is good reason to believe that the regime would also attempt to get around the monitoring of WMD provisions as well, if it could. However, few are advocating a complete lifting of the embargo. A modification of the sanctions regime, together with other deterrent measures, could continue to provide a measure of containment, even if not as robust as at present. For example:

- Sanctions could be suspended, not removed, allowing for their reimposition in case of infringement of restrictions imposed on Iraq's rearming.
- Oil revenues flowing into Iraq could be limited by insisting that 30% of this income be set aside for reparations to be paid to victims of Iraq's aggression against Kuwait, as well as the additional amount needed to finance U.N. operations in Iraq. That would reduce Iraq's oil income by about 40%.
- Monitoring the distribution of this income, once in Iraq, is more difficult but should be attempted.
- Tough import restrictions on military and dual use technology, together with serious international controls to monitor the process, could impede military rebuilding.
- This can be combined with the credible military deterrence which is now taking shape in the Gulf.

Nevertheless, it must be admitted that once oil starts flowing from Iraq once again, even in modest amounts, Iraq will commence to rebuild its military. The best the West will be able to do is to slow that process and built a credible deterrence against its use.

C. On the Regime's Replacement

Sanctions have thus far failed to replace the regime, although they have played a role in weakening it. Whether their continuance could accomplish this goal is highly problematic. The most one can say is that continuation of sanctions is probably a contributary, but not a sufficient, condition, for a change of leadership if this is the goal of policy. What is the balance sheet thus far?

The loss of income; the hardship inflicted on most social groups in society; and the intransigence of the regime in refusing to make the concessions necessary to remove sanctions has alienated much of the population from the regime. Alienation

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has become widespread, reaching even into the inner circles of government, if reports are accurate. And signs of disaffection are increasing.

The result has been a shrinking of the regime's power base. All of the key levers of power reside in Saddam's family. His half brothers, his cousins, and his sons hold the key positions in the security apparatus and the military. However, the family is growing larger and more difficult to manage. Disputes over power, resources and policy have split different clans and different generations. As resources dwindle and no end to the sanctions appears in sight, disputes have become more open. In the last month and a half, two key family members have been banished from the cabinet. First Saddam's half brother, Wathban, was dismissed as Minister of Interior; then his distant cousin, Ali Hasan al-Majid, was sacked as Minister of Defense. His sons, Udayy and Qusayy, appear to be assuming more authority.

With fewer resources, it is more and more difficult to buy the loyalty of various groups, while the gross corruption and maldistribution of wealth among family members and supporters has alienated even high ranking loyalists. Signs of disaffection are increasing, the most important of which was the recent uprising by the Dulaimi tribe in Ramadi, previously a bastion of support for the regimen. While Saddam is drawing the wagons round and relying on his family, he is slowly losing support throughout the country.

Kurdish Opposition.—In the north, the Kurds have long opposed the regime, and have carved out an enclave where Saddam's forces do not have control. Irregular Kurdish militias have recently challenged some Iraqi army units in skirmishes around Irbil. While the units which were attacked were weak, there were numerous desertions and much of an entire division had to be reinforced. However, factional fighting between Kurdish parties has spoiled the chance of a unified opposition in the north. The Iraq National Congress, an umbrella opposition group consisting of the two main Kurdish parties (the KDP and the PUK), a variety of smaller secular groups and individuals ranging from the Communists to former Bathists, and the Supreme Assembly for the Islamic Revolution in Iraq [SAIRI] (currently headquartered in Tehran), functions inside the Kurdish enclave in the north. Its main hope is to make contact with dissidents inside Baghdad; to provide a haven for deserters, and eventually to garner sufficient military force to challenge the regime from the periphery. While the INC has made some progress in spreading its message inside Iraq; in collecting valuable intelligence on the regime; and in encouraging some defections, it is too weak to unseat or replace the regime and, as far as can be told, has little support inside Baghdad, especially in the military. One reason for this is the lack of appeal to a predominantly sunni center of a group that is mainly Kurdish and shi'ah in composition.

Shi'ah Opposition.—The shi'ah south of the country is also alienated, but can field no organized opposition, aside from various dissidents who have been operating in the marsh area between Amara and Basra along the Iranian border. Much of this marsh area has now been drained by the government, denying the dissidents a refuge. While many of these dissidents are army deserters, a good number are affiliated with underground shi'ah politico-religious groups: notably, the Da'wah (Call), an indigenous Iraqi religious party, and the SAIRI, which operates mainly—though not wholly—from across the border in Iran. Neither group has enough clout to unseat the regime and, from the U.S. standpoint, would not be the most desirable replacement.

Opposition in the Center.—The most significant development in the last year has been intensifying disaffection in the center of the country, from which the regime draws its support. There has been evidence of increased plotting, disaffection, and even attempted coups, although the latter are difficult to substantiate. The chief perpetrators have been clan and tribal networks of individuals who occupy high positions in the military and security services. Trouble has always resulted in arrests and executions, which have, in turn, alienated the rest of the tribal groups involved. To give some idea of the scope of these efforts once can cite the coup attempt by the Jabburis in June, 1993; the execution of Suhail al-Tamimi, of the Tamim tribe in Beirut, April, 1994; the arrest of the Durris (relatives of the current Vice President); the failed plot of Wafiq al-Samarra'i in March, 1994, and the Dulaimi plot of December, 1994, and the Dulaimi uprising and attempted Republican Guard mutiny in May, 1995. As executions and purges proceed, the ranks of the loyalists in these key institutions are being thinned. As an offset to the military, Saddam has recently formed a new militia, the Fedayyin (Commandos) of Saddam, and put it under the control of his sons, Udayy and Qusayy.

Notwithstanding this disaffection, there is no evidence that the regime is on the verge of replacement, or that sanctions alone can accomplish that function. Replacement of Saddam Hussein is a formidable task. Several well known factors mitigate against his overthrow. The first is well justified fear of the brutal punishment for

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faihure, which extends, not just to the individual, but often to family members as well. Even more important is the difficulty of executing the act, given the extraordinary security precautions taken by Saddam and his entourage. Certainly the kind of planning which would make for a successful coup and a smoother post-Saddam transition is virtually impossible. Third, and perhaps most important, is the fear of the alternatives to the current situation. For most of those who are now part of the Baghdad establishment, and from whose ranks the replacement is most likely to come, there is a great fear of instability, retribution, and a descent into chaos. Until that psychology can be turned around, there is little positive action to be expected from the Center. Rather, sanctions may merely further erode the social and institutional structure of the country, making it more difficult to stabilize the situation once the regime does pass from the scene.

Effects of Lifting Sanctions on Regime Replacement.—While sanctions alone probably cannot remove Saddam, their lifting would tend to prolong Saddam's longevity. It would, of course, be seen as a political victory, inside Iraq and the region. Many of those now opposed to him would see his survival as assured and begin to accommodate. Much of the oil income he received would be spent on improving his security, shoring up his support, and buying off discontent from key elements of his population. The hard pressed middle class, rather than attempting a replacement, would probably heave a sigh of relief, and turn to recouping their financial and social losses. If the country were opened up, many might leave.

Nonetheless, if sanctions are merely eased and import restrictions remain, life will remain difficult for Iraq for many years to come. Long term investment in Iraq with Saddam in power is unlikely, particularly if a post sanctions regime is structured to inhibit it. Rather than a return to the boom days of the late 1970s, the middle class will find its future constricted, though somewhat improved. Continued discontent and alienation, particularly from the younger generation, can be expected to act as a constraint on the regime, although it will be less severe than heretofore.

III. THE EFFECTS AND COSTS OF MAINTAINING SANCTIONS

What are the likely effects and costs of maintaining sanctions?

Positive Effects.—A continuation of the oil embargo and trade restrictions on Iraq will have some positive effects, as outlined above. Continuance of the current sanctions regime is necessary to get full compliance with the remainder of resolution 687, including the provisions on Kuwaiti missing personnel and material. There is no disagreement among UNSC members that sanctions must remain until there is satisfaction on the WMD provisions. The difficulty will come in agreeing how long—if at all—they should remain after that point, and whether they should include 688. Sanctions also constitute an extraordinarily robust policy of containment. Lastly, sanctions will erode support for the regime and reduce its ability to reward supporters, permitting opposition elements inside the country to strengthen their efforts. But the evidence today suggests that the capacity of Saddam to detect opposition; to punish perpetrators, and to maintain himself and his family in power, still greatly outweighs the capacity of the opposition to thwart him. His replacement will probably owe more to opportunity, which is totally unpredictable, than sanctions.

Negative Effects.—These positive effects must be against the costs of maintaining sanctions which will mount as time goes by.

Split in the Coalition.—The first will be a split in the alliance now arrayed against Saddam. The French, Russians and Chinese have already indicated a willingness to field a resolution to ease sanctions, at the point at which UNSCOM delivers its report on WMD, which the U.S. has indicated it might veto. These countries do not share the U.S. enthusiasm for a regime replacement in Baghdad, fearing the chaos and instability that would follow Saddam's overthrow. It is clear that they are also compelled by strong commercial reasons, (a desire to recoup debts and to do business in Iraq) as well as a wish to play a stronger role in the Gulf to balance and offset what they regard as Anglo-Saxon—and especially U.S. dominance. The question here is how serious this split is likely to be. U.S. diplomacy has been able to keep the coalition together on this issue far longer than was originally thought possible. Moreover, the U.S. and its European allies are likely to be deeply embroiled in Bosnia over the coming months and may be unwilling to generate another rift in the NATO alliance. And it will not be easy to defend to European publics a challenge to the U.S. on this issue on behalf of a regime, and a leader, universally despised.

Regional Imbalance.—The erosion of Iraq's military is creating an imbalance in the region which, if continued over time, could impair Iraq's ability to defend itself, particularly against an intrusion of influence from Iran (in the south), and Turkey, in the north. In the north, a power vacuum already exists, with deleterious effects

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for a NATO ally, Turkey. The PKK has developed a foothold in the north of Iraq which it has used to attack Turkey, with subsequent military incursions by Turkey into Iraq, further destabilizing the situation in the Kurdish enclave. Meanwhile, Iran has intruded its influence into the Kurdish area, supporting various Kurdish groups, including a growing Islamic party. In the south, Iran retains the ability to support attacks across the border by Iraqi shi'ah dissidents where they could spread radical Islamic influence into a no-man's land at the head of the Gulf.

Humanitarian Concerns.—Most important of all are the costs to Iraqi society. The toll on food and medical supplies is probably sustainable over the next few years, although at a high costs to the vulnerable elements of the population, but maintenance of sanctions could create a humanitarian dilemma for the U.S. and its allies. While starvation is not likely, malnutrition could rise, and, as we have seen, the regime will callously exploit it for its own purposes.

Erosion of Iraq's Territorial Integrity.—An equally serious consequence of a continuation of sanctions may be the gradual erosion of the social cohesion and territorial integrity of the country. While Iraq will not break up into three parts—sunni, shi'ah and Kurd—as is often supposed, the ability of the central government to maintain law and order is gradually eroding. In Ba'thist Iraq, there are no civic institutions to take up the slack; all have been emasculated by the government. Indeed, as the government weakens, the population is falling back on traditional institutions, such as family, tribe and religion. However, tribes cannot replace the regime and do not have the capacity to establish a replacement government. Only the military, or elements of the Ba'th Party, still have that capacity, and, as indicated, these groups are progressively being weakened and destabilized first by Saddam's own policies, and second by the effect of sanctions.

The north of Iraq provides a good example of this process and a cautionary tale about where Iraq could be headed. The Kurdish enclave, protected by the West through Operation Provide Comfort, has not be able to field a cohesive government, even though the Kurds—unlike the population in the rest of Iraq—had two political parties with well established constituencies, and well recognized leaders. A promising election, held in 1992, produced a powersharing arrangement between the two leaders, Masud Barzani and Jalal Talabani, a parliament and a nascent administration. This government has subsequently collapse due to feuding between the two leaders and their parties, mainly over power and resources. Party fighting has divided the north and cost thousands of lives. If these conflicts are not reconciled the power vacuum in the north will continue.

The center of Iraq has a long way to go to reach this state. The threshold of collapse is not imminent. The Ba'th, and its predecessors, have created a real state in Iraq, and its substantial middle class is committed to its preservation, intact. One should not underestimate the strength of Iraqi nationalism amongst this group, a sentiment which keeps Saddam in power. But the long term danger in maintaining sanctions is that the effort to weaken the regime and encourage its removal will be outstripped by the social and political forces of decay, which will leave a truncated central government, ruling over less and less of the country, but nevertheless hanging on. When the collapse of the government comes, it may not prove possible to put Iraq back together, a strategic result that runs directly counter to U.S. policy.

IV. POLICY OPTIONS FOR IRAQ

In conclusion, I would like, briefly to outline three broad policy options in Iraq, with respect to sanctions.

A. Continue the Current Sanctions Regime

We can attempt to maintain the current sanctions regime indefinitely. Certainly, this regime should be kept as long as it takes to get Saddam's compliance with all of resolution 687. But if Saddam finally does comply with paragraph 22 of 687, the U.S. is likely to lose critical support from some of its allies, raising the cost of the policy in other areas of concern to it. The U.S. may then use the veto to prolong the life of sanctions. In that case, it is likely to find a gradual leakage of sanctions which will provide Saddam with enough income to keep him going possibly for years. In this scenario, the U.S. will face rising problems a) with increased isolation on this issue in the UNSC; b) with potential humanitarian problems in Iraq; c) with more serious social and political erosion of Iraq's territorial integrity.

B. Ease Sanctions After Compliance With 687

After compliance with Resolution 687, the U.S., in conjunction with its allies, can ease the sanctions regime in a manner which would

- allow for its reimposition if there is compliance lapse in Baghdad

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- control the amount and flow of revenues to Baghdad through demanding payment of reparations to Kuwait and payment of U.N. monitoring and other operations
- monitor as closely as possible the distribution of funds
- keep the import embargo, especially on military and dual use technology.

This option also has its costs. It will, inevitably, lead to some rebuilding of Iraq's conventional military and it will probably help Saddam and his regime survive, making eventual recognition of that fact necessary in the U.S. (This need not mean diplomatic recognition, however.) However, it could alleviate the humanitarian crisis, and it would forestall the social and political erosion referred to above. If this option should be adopted, the U.S. should attempt a dual track policy. While continuing to quarantine Saddam, and his regime, the U.S. should try to drive a wedge between Saddam and his supporters. This would mean selectively opening the country and increased contacts with the Iraqi middle class on whom the future of the country will ultimately rest. To the greatest extent possible, Iraq should be compelled to provide access to Western NGOs and the media to act as eyes and ears against human rights abuses. And of course, relentless pressure should be kept on the regime to improve its human rights record, although one can only be skeptical about the results. Future relief on trade sanctions, recognition of the regime, and other benefits should hinge on improve compliance with Resolution 688.

C. Intensify Efforts to Remove the Regime

A third option is to seek a replacement of the regime. If this is the real aim of policy, more realism is necessary. A more serious effort must be made in addition to sanctions. One step that would help would be a message of hope to those inside Iraq that promises some relief on sanctions and an end to isolation if there is a change in government. Even this, however, will probably be insufficient, given the level of distrust of the U.S. in Baghdad. Without some accompanying military action (for which a substantial provocation in Baghdad would be necessary) the success of such an effort is questionable. Even if a change should occur, the U.S. needs to be prepared for some high costs. Instability, bloodshed, retribution, and further deterioration of the polity is likely before the situation stabilizes itself. This may provide ample opportunity for meddling from abroad. And in the end, the administration that emerges may only be a marginal improvement. What is at issue here, is the cost and effort the U.S. would have to put into achieving this end. If the U.S. is not prepared to invest substantial efforts to this end, (and there is no evidence thus far that it is) it should scale back its expectations. While sanctions may help, there is no evidence that they can accomplish this task on their own.

Senator BROWN. Dr. Marr, let me apologize for interrupting you, but we are well beyond our 5 minutes, and you have raised several very pertinent and important points, and perhaps we can come back to them in the questions. Mrs. Francke, we appreciate you coming today.

STATEMENT OF REND RAHIM FRANCKE, DIRECTOR, IRAQ FOUNDATION, WASHINGTON, DC

Mrs. FRANCKE. Thank you, Mr. Chairman. I would like to say that I speak here as an Iraqi American who is very personally deeply involved in the situation in Iraq, and I have a Janus-like outlook on the situation because I look at it both as an Iraqi and as a naturalized American citizen.

I want to focus my statement on two aspects of sanctions, their impact inside Iraq, which has already been touched upon, and their value as a policy tool.

The humanitarian situation in Iraq is really dire. There is widespread malnutrition and hunger, and the availability of medicines and medical care is severely diminished. There is an alarming rise in disease and destitution. Employees are leaving their jobs because they cannot afford to travel to work. And children are, in fact, leaving school in order to beg. The economy suffers from hyperinflation, and the dinar has totally collapsed. It was worth $3

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before the war. The dinar is now worth less than a fraction of a cent.

These conditions are a result of sanctions, but also of the misuse of scarce funds by the regime of Saddam Hussein, and his rejection since 1991 of Security Council Resolutions 706, 712, and 986, a rejection which is of truly staggering criminality toward the Iraqi people. Over the past 4 years the Iraqi regime has spent billions of dollars on the military structure. A report a few days ago in the Iraqi newspaper Babel, which is owned by Saddam's son Udayy, cites the repair this summer, since May, of over 1,000 pieces of military hardware, including tanks, rocket launchers, artillery pieces, and helicopters, at a cost which the newspaper puts at $500 million. And the paper has the audacity to claim that this enormous expenditure will not affect Iraq's financial resources.

The regime has spent hundreds of millions of dollars on a campaign of human and environmental genocide in the southern marshes. In addition to the new palaces, Saddam is busy building the world's largest mosque to his greater glory, at an incalculable cost. All this is money that might have been spent on the humanitarian needs of the Iraqi people. In the meantime, Saddam's family and their henchmen are amassing fortunes through their control of trade, agriculture, and exports.

The scarcity of funds at the disposal of the Iraqi regime has had far-reaching political consequences, as well. Before the gulf war the regime bought loyalty with liberal financial rewards, and created a supportive web of common financial interests. The other side of this policy was severe retribution for those who would not be coopted. But now, with limited financial resources, the regime is unable to maintain the balance between reward and punishment which has now tipped severely toward the punishment side, and few people have a vested interest in the regime's survival.

As mentioned earlier, the traditional pillars of the regime's support are eroded. That includes the army, the Republican Guard, and the Sunni clans of central Iraq who dominated the Republican Guard units and the security services. As far back as late 1993, Saddam Hussein began to strike down one after another of these Sunni clans for their active or suspected disloyalty. The rebellion referred to by Ambassador Albright of the powerful Sunni clan, the Dulaim, last May was only the latest and most important manifestation of this.

Its importance, in my view, is threefold. The Dulaim had a central position in the power structure at all levels. Their rebellion was fought openly, and for several days, against the regime. They were not plotting only, they were fighting in the open. And they are strategically situated in the west of the country. If you look at a map of Iraq, it is easy to see that Saddam has lost control of the south, the north, and now probably of the west. His fortress now is only Baghdad, and his only loyal troops are the paramilitary, including the Special Guard under the authority of his younger son.

But what sanctions have failed to do is to address the real problem in Iraq, which is the policies and practices of the Iraqi regime. The sanctions have been narrowly pegged, at the insistence of the Iraqi regime, to paragraph 22 of Resolution 687 which requires a dismantling of the weapons of Iraq. And this was despite the fact

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that Resolution 687 clearly cites Iraq's policies and practices, and the need to be assured of Iraq's peaceful intention. Yet there has been no change in the belligerent and duplicitous nature of Saddam Hussein's regime. Even compliance with paragraph 22 has been rung out by UNSCOM team despite intransigence and concealment.

Any grudging compliance undertaken by Saddam is a tactical maneuver, a temporary measure to have the sanctions lifted. It does not touch the core of the Iraqi regime's long-term policy and attitudes. And there will not be any change in these policies and practices and attitudes under this current regime.

I would like to mention here that recent reports about Iraq suggest that the Iraqi Government may withdraw its recognition of the state of Kuwait unless sanctions are lifted this summer. This has been a statement given out by Iraqi officials. At the UNSC there is increasing pressure to lift sanctions. Many countries, including U.S. allies, are impatient to profit from Iraq's oil and trade. Because sanctions are so narrowly linked to paragraph 22, they are simply not sustainable. And yet if the regime is rehabilitated it will inevitably and sooner or later revert to its true program of aggression and defiance. It is not what the regime can do now that we should worry about, but what Saddam is likely to do in 2, 3, or 5 years time.

[The prepared statement of Mrs. Francke follows:]

PREPARED STATEMENT OF MRS. FRANCKE*

IMPACT OF SANCTIONS IN IRAQ

In the past year, reports on the humanitarian situation in Iraq by the World Health Organization and other international agencies have cited shortages of medicines and medical supplies, of basic foodstuffs, water purification and sanitation equipment, and have raised the alarm over the health of children and other vulnerable groups. Originally, the staple rations that the government distributed covered about 50% of caloric needs. In early 1995, the rations were cut back to about 40% of needs. While there is food in the market outside the rationing system, hyper-inflation has placed such goods vastly beyond the reach of all but a narrow circle of elite. The salary of a government employee can barely purchase two days worth of supplementary food. The Iraqi dinar has collapsed from one third of a dinar to every dollar before the Gulf war to 1900 dinars to the dollar today.

While in the first years of the embargo economic hardship was felt only by the poor, it has by now engulfed the salaried middle classes and the traditionally affluent professional classes. Only Saddam Hussein's family and entourage have remained unscathed, amassing wealth by holding monopolies over trade, oil exports and industrial production. The general destitution has created a nation of refugees. The street of Amman, Jordan, are crowded with Iraqi beggars, young and old, illiterate and educated.

Iraqi government policies have intensified the hardships. Millions of Iraqis, for example, are not eligible for ration cards, including 3.5 million Iraqi Kurds and others living in the north, and hundreds of thousands in southern Iraq who don't qualify for political reasons. The UN Special Rapporteur on Human Rights in Iraq, Max van der Stoel has reported and documented this discrimination. Moreover, the Iraqi government has hoarded medical and food supplies and prevented their distribution. In January 1995, a group of French NGOs released a report highly critical of the Iraqi government's distribution policies and management of its limited resources. Simply put, the Iraqi regime is using food and medicine as a political tool. We know now that Saddam Hussein has spent money on palaces; he is building what is advertised as the world's largest mosque; there is money for equipping military and paramilitary organizations; and there is money for a campaign of human and environmental genocide in the marshes. The worst humanitarian crime that Saddam Hus-

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sein has committed against the Iraqi people is his refusal, since September 1991, of Security Council Resolutions 706, 712, and 986, which would have provided food and medicine for Iraqis.

The impact of sanctions on the Iraqi regime has also been severe. The regime of Saddam Hussein was built and propped on its wealth. It systematically used financial reward as the flip side of persecution, using the policy of carrot and stick. As sanctions erode its financial base, there is less and less money to buy support, and fewer people who benefit enough financially to make it worth their while to offer loyalty. Sanctions continue to shrink the circle of people who have a vested interest in supporting the regime. This is certainly true of the bureaucracy, of Ba'th party aparatchiks, of officers in the regular army divisions and even of officers in Republican Guard units. This erosion of the regime's pillars of support was bloodily manifested in May this year, when Republican Guard officers from the major Sunni tribe of Duleim broke into open rebellion against the government. During the clashes that took place in northern Iraq in March this year between forces of the Iraqi opposition and units of the Iraqi army, soldiers and officers who surrendered to the opposition were suffering from chronic undernourishment, poor equipment and bad morale. Under such conditions, loyalty has become restricted to the paramilitary groups whose fate is linked to the regime and who report directly to Saddam Hussein's two sons.

The other way in which sanctions undermine the regime is through isolation and loss of credibility. Saddam Hussein has long been promising Iraqis that he could and would lift the sanctions. When he assumed the post of prime minister in May 1994 it was explicitly with that objective in mind. Yet he has failed to deliver. The diplomatic isolation that stems from sanctions has meant that the regime cannot wear the cloak of international legitimacy and approval. Iraqis may continue to fear the regime, but there are few left who respect it.

SANCTIONS AS POLICY

There are two problems with sanctions against Iraq as they are presently construed and implemented: First, they are unsustainable within the parameters set for them by the UN Security Council; second, they are inadequate as a policy towards the Iraqi regime.

The sanctions regime has a narrowly technical and myopic focus. It deals with symptoms of aggression and not with its root causes. The Iraqi government has succeeded in steering the UN Security Council towards accepting the narrowest possible linkage between sanctions and one single paragraph, paragraph 22, of one resolution, Resolution 687, out of more than 20 resolutions with hundreds of paragraphs on Iraq. The Iraqi regime has insisted on this limited linkage because it knows that compliance with this single paragraph is a cosmetic adjustment worth making to have the sanctions lifted. Compliance with the demands of paragraph 22 is at worst a temporary setback for the Iraqi regime's core political and military program, and represents no direct challenge to its hold on power or its long term objectives.

Resolution 687 states that Iraq needs to demonstrate its peaceful intentions, and refers to the policies and practices of the Iraqi regime as a measure of these peaceful intentions. Yet in the four years since this resolution was adopted and five years since the imposition of sanctions, there is not the slightest indication that the Iraqi regime has changed any of its policies, practices or intentions. There has been no reorientation, reform or re-evaluation by the Iraqi regime, either of its international or its domestic policies. Any compliance wrung out of Iraq will continue to be only with the letter, and not with the spirit, of UN resolutions and international law.

To put this in perspective, it is worth remembering that Resolution 687 requires disclosure by Iraq of its weapons of mass destruction within a period of 15 days and compliance with Security Council resolutions within 120 days. Instead, four years later the weapons inspection teams are still wrestling with Iraqi government officials for disclosure of the weapons program. For example, under the full glare of weapons inspections, the Iraqi regime is still witholding vital information on 17 tons of biological weapons growth media. Over 600 captured Kuwaitis remain unaccounted for.

Moreover, what the UNSCOM teams have accomplished has been wrested despite intransigence and concealment on the part of the Iraqi government. What does this protracted, tortured and costly process imply? That Saddam Hussein will do as little as he can possibly get away with, and only the minimum that will ensure the lifting of sanctions. Any concessions he has made have been purely tactical, and not a matter of revised policy. The fundamental and enduring posture of the Iraqi regime is defiance and belligerence: The Iraqi press and media, the speeches of Saddam Hus-

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sein and lesser officials, convey the same aggressive attitude as they did prior to the Gulf war. On numerous occasions in the past few months Iraqi officials have threatened to end their so-called cooperation with the UNSCOM teams, and as recently as last week there were threats to withdraw recognition of Kuwait and its borders.

In the meantime, there is increasing pressure at the Security Council for lifting sanctions. Given the narrow linkage of the sanctions regime to paragraph 22 of Resolution 687, many Security Council members, motivated by the promise of lucrative business, argue that Iraq has complied substantially, and the time is approaching when sanctions need to be eased or lifted. Eventually, Iraq will be sufficiently in compliance for these countries to push the matter forward and force the United States into difficult choices. Once sanctions are lifted, oil revenues and foreign contracts will assure the Iraqi regime of renewed impunity. Saddam Hussein may bide his time, but he will undoubtedly revert to militarization and aggressive behavior.

The second problem concerns the role of sanctions in US policy towards Iraq, summarized in the doctrine of dual containment. Given the nature of the Iraqi regime, sanctions can be a useful component of a multifaceted and integrated policy, a tool for holding the situation under control while other measures are put in place, but they cannot be the sum total of policy and become an end in themselves. Unfortunately, for the past four years, sanctions have been used by the United States as a substitute for a real policy. They have been used as a measure to freeze the situation in Iraq but they have also provided an excuse to avoid examining seriously what US policy should be, what a desirable denouement for the Iraqi problem would look like, or how the United States can contribute to a positive outcome.

Sanctions provided an excellent opportunity for the United States to develop and implement a strategy that could have brought about positive change in Iraq. All the ingredients were, and still are, available: an isolated, discredited and impoverished regime, a rebellious population, a decaying and dissident army, an opposition movement with a democratic outlook and, in the north of the country, a territory freed from Saddam Hussein's yoke with the help of the U.S. and its allies. The Iraqi people looked upon the international community, with the United States in the lead, for assistance and support. However, the United States has failed to fill this leadership role and lacked any vision of what it could contribute.

The United States has paid lip service to the Iraqi opposition movement, but diplomatic, political and material support has been negligible. There has been no effective distinction made between the Iraqi people and the government of Saddam Hussein. There is no explicit indication that, should there be change in Iraq towards moderate and responsible government, Iraqis would benefit from United States cooperation and assistance. In the liberated Kurdish region the U.S. has tolerated a double embargo imposed by the Security Council and by the regime in Baghdad, and ignored pleas for even minimal easing of sanctions to help the Kurds and other inhabitants. The best demonstration of U.S. inaction has been its reluctance until recently to assume a leadership role in mediating between conflicted Kurdish factions and put in place measures that would ensure a sustainable peace. This U.S. disengagement has had a disastrous impact on the northern region and on U.S. regional interests. It has exacerbated the security threat to Turkey and prompted calls for a return of Saddam's hegemony in the north. Worse, it has allowed Iran to step into the breach and assume authoritative role in the northern region.

A policy of containment towards Iraq based exclusively on sanctions is neither viable nor adequate. If sanctions are sustainable, they are too brutal and indiscriminate to be used without a defined political purpose and a coherent strategy. Their toll in human suffering, particularly among the innocent, renders them morally questionable. Conversely, the sustainability of sanctions is doubtful. With the second highest oil reserves in the world, Iraq is too rich and strategically located to become another Cuba. Many countries in the Security Council and many U.S. allies are clamoring for a resumption of trade with Iraq. The U.S. must formulate a strategy that goes beyond sanctions, or agree to live with Saddam Hussein.

Senator BROWN. Mrs. Francke, you fascinated the committee. We will want to come back with questions.

Dr. Clawson, go ahead.

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STATEMENT OF PATRICK CLAWSON, SENIOR FELLOW, INSTITUTE FOR NATIONAL STRATEGIC STUDIES/NATIONAL DEFENSE UNIVERSITY, WASHINGTON, DC

Dr. CLAWSON. Thank you for the opportunity to appear here today. Let me emphasize I am speaking in my personal capacity, and my views do not necessarily represent that of the U.S. Government. I provided a written statement which provides background information.

Let me address just two issues here. The first is, how bad are the leaks from the sanctions? Iraq is importing about $1 billion a year worth of goods, and there are two schools of thought where Saddam gets most of the money to pay for those imports. One school says that he is exporting oil. Another school says that he is primarily borrowing money abroad. Personally, I am of the oil export school. I think that Saddam is succeeding in exporting closer to 200,000 barrels a day of oil. He is certainly exporting, we can all agree, at least 100,000 barrels a day of oil.

The largest single importer of Iraqi oil is the Government of Jordan. The Government of Jordan reported for 1992 that its imports of Iraqi oil were $395 million. This was reported to the International Monetary Fund. Since then, Amman has not reported what are the value of its oil imports from Iraq, but it would not surprise me if they were staying at about the same level.

Furthermore, there is also import of Iraqi oil by countries such as Iran, as well as a certain amount of smuggling by sea into Turkey.

The U.S. Government, by the way, has not actively objected to Jordan's import of oil from Iraq, on the theory that this might endanger Jordan's participation in the Arab-Israeli peace process, and that ensuring such participation is more important than restricting Saddam's lifeline.

Let me pass to a second question, which is, how could we maintain pressure on Saddam if the export restrictions are lifted. If I may start out by a comment, there is a lot of loose talk about the lifting of sanctions. In fact, no country, no government has proposed informally or formally that all of the U.N. sanctions on Saddam be lifted. The discussion has instead been only about the lifting of the restrictions on Iraqi exports, which are what are referred to in paragraph 22 of the cease-fire regulation 687.

In fact, paragraph 21, an entirely different paragraph, sets out entirely different procedures for lifting the restrictions on Saddam's imports, and no one to date has discussed changing in any way the restrictions on Saddam's imports.

If, as Iraq and at various times the Russian and French Governments have discussed, paragraph 22's procedures for the lifting of the restrictions on Iraq's exports are followed, we would still have all of the restrictions on Iraq's imports and, indeed, we would need to have a reinforced regime to make sure that those restrictions were effective, because if Saddam suddenly has got $6 billion, $10 billion a year in income, there is going to be a lot of merchants who are going to be tempted to sell him stuff, and I propose in my statement six different steps that we could take in order to toughen the restrictions on Iraq's imports in this event, and I think it is worthwhile considering now what we might do in this situation.

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We do not want to signal to Saddam that the export restrictions are going to be lifted soon, but we do want to be prepared in case something like that were to happen to keep the pressure on Saddam, and I think that we could do it.

Just briefly, what are those measures? Well, the first is to ensure that there is full payment of the compensation required under the Security Council resolutions often referred to loosely as reparations. In fact, what this is is compensation for the damages that the Iraqis caused to a lot of people with their invasion of Kuwait, and, indeed, that effort, that includes compensation to several hundred thousand poverty stricken south Asian and Egyptian workers who had to flee Iraq very quickly in August 1990.

Iraq is obligated to pay 30 percent of all its oil export money into a special account for this compensation. To date, Iraq has not paid one single penny of what should be $500 million due on the oil exports to Jordan. We need to have a better procedure in effect, and that brings me to my second point. We need an effective monitoring arrangement on Iraq's oil income.

Saddam is likely to object to this violently, and that raises an interesting prospect. It is possible that the U.N. Security Council will vote to lift sanctions, but that the situation on the ground will be entirely unchanged, because Saddam will not agree to monitoring arrangements. Therefore for many months after the export restrictions lifted, there may in fact be no exports taking place.

I suggest a number of other measures in my paper to more effectively monitor these restrictions on Iraq's imports, and would submit those for your consideration.

[The prepared statement of Dr. Clawson follows:]

PREPARED STATEMENT OF DR. CLAWSON*

It would be unfortunate to give the impression that any consideration is being given to lifting the sanctions on Iraq, since Saddam must do much more before he is in compliance with the relevant U.N. Security Council Resolutions. At the same time, it is worth considering how the sanctions are working and what are the options. This paper considers three issues about the sanctions: Can they be expected to lead to Saddam's overthrow? How bad are the leaks? And what can be done to keep firm pressure on Saddam if the oil export restrictions are lifted, as discussed at times by France and Russia?

THE EFFECT OF SANCTIONS ON THE ECONOMY AND ON SADDAM'S HOLD ON POWER

The Iraqi economy is crumbling. Sanctions are certainly a major reason, but the inappropriate policies of Saddam Hussein are another factor. The importance of Saddam's bad policies can be seen by contrasting the first two years of sanctions with the next three, because those two periods are characterized by sharp differences in economic performance and in economic policy, while the sanctions remained more or less constant.

When sanctions were first imposed in August 1990, Saddam for once adopted a smart approach: he dissolved restrictions by the dozen, telling merchants they were free to trade as they wished, while introducing a safety net for the poor (distribution of a bare-bones food basket). The result was that the economy did as well as could be expected in the face of the severe shocks of the sanctions and the war. The private sector was adjusting to the lack of oil income: price increases forced consumers to change their consumption pattern towards more basic and more locally-produced

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goods while simultaneously encouraging more production of such basic local goods. The situation was not good, in that income was less than half the pre-Kuwait-invasion level, but goods were available in the stores and people had enough to survive on. From mid-1991 through end-1992, the food rations were increased several times. The low-cost rations rose to 1,800 calories per person per day—not generous but enough on which to get by.

Since mid-1992, Saddam has become progressively more involved personally with the economy, and economic policies have steadily gotten worse. The change started with the shooting of merchants for speculation in July 1992. Since then, Saddam has steadily destroyed investor confidence, with such impressively short-sighted steps as abolishing the 25 dinar currency notes (those notes had been accepted by Jordanian businessmen as payment for shipments to Iraq; when Saddam declared the notes worthless, the businessmen who had been supplying Iraq were the ones who lost). In early 1994, he attended a series of cabinet meetings which were devoted almost entirely to economic issues. The policies introduced since then have a consistent thrust: state-managed populism. Examples include: increasing government salaries by more than 100 percent per year, more than doubling prices paid to farmers each year while hardly touching food prices, and imposing draconian penalties for violating price controls that have been extended to more and more goods.

As Saddam has become more involved in economic decision-making, the performance of the economy has declined. The rations have been cut several times, most especially a 36 percent reduction in September 1994. In mid-1994, inflation, according to a report that got the Planning Minister fired, was 24,000 percent a year. The Iraqi dinar has fallen on the black market from about 50 in early 1993 to about 250 in early 1994 and about 1,500 in mid 1995. The average civil servant makes $3.33 a month (5,000 dinars), after the July 1995 salary increases.

To a considerable extent, Saddam has been successful at blaming the U.S. for the economic problems. However, he seems to be worried about discontent stemming from the economic situation. He seems to have concluded that the principal problem is the gap between the ostentatious consumption of the rich and the new poverty of the ex-middle class. That ex-middle class worries that Iraq may go the way of Cuba, visitors to Baghdad report. Saddam's reaction has been to curtail ostentatious consumption of what have become luxuries. For instance, in July 1994, Revolutionary Command Council Decree 82 ordered closed all discotheques and nightclubs and banned the serving of alcohol in public. Ordinary Baghdadis are outraged not at drinking, which is quite popular, but at the rich who are able to guzzle Johnny Walker Black Label scotch. Similarly, in June 1994, imports of over 300 items were banned, covering luxuries from car alarms to calculators, furniture to perfume. At the same time, Baath Party and district People's Councils (thugs) were given the power to jail unauthorized foreign exchange dealers—although in fact such dealers had been short on the streets since February 1994.

By committing himself so heavily to economic policy measures, Saddam is taking a great risk. He is putting his prestige on the line. Perhaps Saddam also sees an opportunity for himself. By having taken personal command over economic policy, he could reap the political benefit when economic conditions improved if sanctions are progressively phased out. But Saddam is vulnerable if the economy which he now commands worsens.

However, history suggests that Saddam can survive economic difficulties. The Iraqi economy has been going steadily downhill since he consolidated power in 1979, as shown by the figure. The decline has been truly spectacular; indeed, it is easily the worst experienced by any country in this century. And still Saddam is in power. Saddam does not worry much about popular discontent, because he relies on terror to prevent popular uprisings. Even in the unlikely event that generals decided to overthrow Saddam because of economic problems, a coup is hard to organize: Saddam has too efficient a secret police and is too ruthless at liquidating potential coup-makers.

In short, it would be inappropriate to assume that sanctions will lead to Saddam Hussein's replacement in the near term. Of course, a coup could occur at any moment. Changes of government in Iraq have long come by coup, and there, are undoubtedly ambitious generals and dissatisfied politicians, including some from Saddam's family and clan. Nevertheless, there is little reason to believe that sanctions would be the major factor contributing to such a coup.

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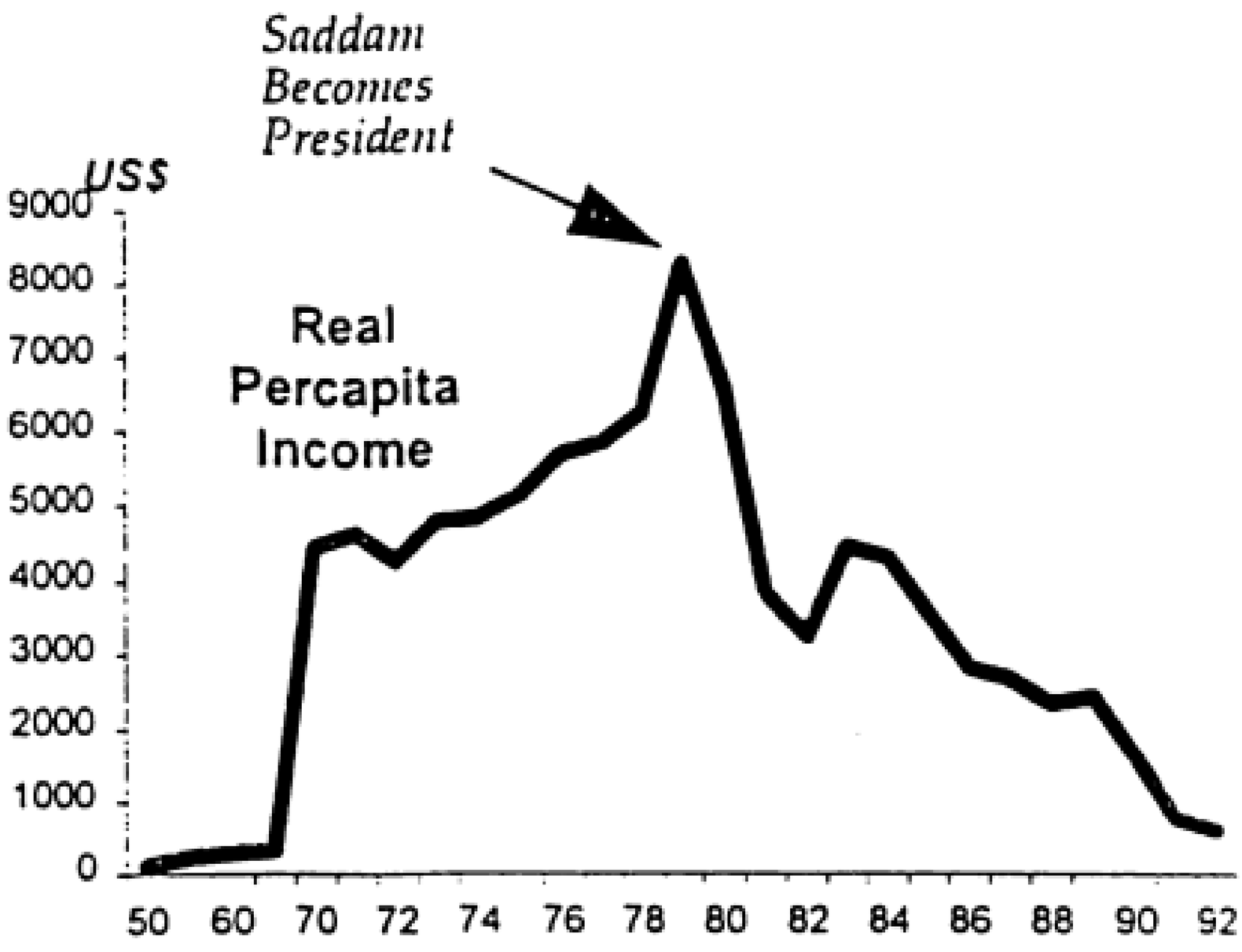

Farced Mohamedi (based on al-Nasrawi, *The Economy of Iraq*, 1994).

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CURRENT STATE OF THE SANCTIONS

Between the government and the private sector, Iraqis spend about $1 billion a year in foreign exchange. Most of that is spent in ways permitted under the sanctions—that is, for humanitarian goods—although some goes for luxury imports, and the government uses some for clandestine purposes. These unauthorized shipments are not the big problem in sanctions enforcement now. Instead, the main issue is, how does Iraq get the one billion dollars in the first place?

Most of Iraq's foreign exchange earnings come from evading the spirit or the letter of the sanctions. Iraq exports at least 100,000 barrels per day (b/d) of oil. Some credible oil industry reports say that Iraq exports 200,000 b/d. That higher level would explain the difference between what oil Iraq produces (at least 600,000 b/d) and what it consumes (no more than 400,000 b/d (the alternative explanation is that Iraq pumps back into the ground excess heavy oil products, after refining the oil to get the light oil products it needs—some of that is happening, but it is unclear how much). The destination of exports are:

Jordan: 60,000–80,000 b/d. Amman acknowledges these oil shipments, for which it claims to have the permission of the Sanctions Committee. Originally, Jordan said the shipments were to repay Iraqi debts, but given the amount of debts Jordan reported, the debt should have been repaid by December 1992. The U.S. and its allies have not been prepared to make an issue of the matter with the Jordanian government, on the grounds that Washington did not want to annoy Amman during the peace negotiations with Israel. In other words, Jordan has been given tacit permission to violate the sanctions as a reward for participating in the peace process.

Turkey: 10,000–30,000 b/d. Oil is smuggled into Turkey by truckers, because taxes there drive up the price to 10 times what it costs in Iraq. Ankara loses tax revenue from the smuggled oil, which is a significant incentive for the Turkish government to enforce the U.N. oil export ban. The problem is that the economic incentives are so large that the smuggling is hard to stop.

Iran: 10,000–30,000 b/d. There is little financial incentive for smuggling to Iran, given that oil products are as subsidized at about the same rate in both Iran and Iraq. Therefore, it seems likely that oil trade between the two countries is not so much by the private sector as by the governments. Indeed, oil industry sources have reported various deals between Tehran and Baghdad, including the construction of a small pipeline (which leaked and was disassembled under strong U.S. government pressure) and an oil-for-arms swap.

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Shipments by sea: 10,000–60,000 b/d. There are persistent reports of Iraqi oil leaving the Iraqi port of Umm Qasr in small tankers and then masquerading as Iranian oil. Some dealers in other Gulf countries offer for sale oil that appears to have come from Iraq. This route is the easiest logistically of all the exports routes now available to Baghdad. In light of the danger of sanctions leakage this way, the U.S. Navy has stepped up its efforts to identify such shipments.

Even at the heavily discounted price Iraq gets for its oil (perhaps $10 a barrel on average), the 100,000 b/d to 200,000 b/d earn Baghdad between $350 million and $700 million a year.

Iraq also exports $100 million to $300 million in non-oil exports, such as alcohol smuggled to neighboring dry countries (Iran, Kuwait, Saudi Arabia). This trade, which violates the U.N. sanctions, is generally smuggling without permission of the destination country. However, there are reports of co-operation by Iranian officials with some exports.

Besides exports, Iraq taps $100 million to $500 million in resources that some would argue are permitted by the U.N. sanctions. That includes foreign humanitarian assistance, which is allowed. It also includes loans, which have a dubious status under the sanctions. Baghdad is said to be securing loans by pledging its assets frozen abroad or by pledging oil export receipts once the oil flow restarts. Those analysts who think that Iraq is exporting small amounts of oil generally believe that Iraq is raising large amounts from such loans. That is, there is a school which believes Iraq is paying for its imports primarily with oil exports and another school which believes Baghdad is using primarily loans raised against future oil receipts.

Some of the sanctions leakage is inevitable no matter how much the governments concerned try to stop it. As the U.S. has learned on its border with Mexico, there is no way to stop all shipments of contraband. However, were there the political interest, a variety of steps could be taken to toughen the sanctions on Iraq. Some of those options are discussed at the end of this statement. The most obvious option would be to end the oil exports to Jordan, which are organized and sanctioned by the government in Amman. Those shipments earn Baghdad $300–400 million a year, as Jordan admits. This is Saddam's single largest source of foreign exchange. I am unaware of any evidence that the U.S. Government has raised this matter forcibly with Amman, evidently on the theory that to do so would endanger the peace process.

Much concern has been expressed about the impact of the sanctions on ordinary Iraqis. At the urging of the U.S., the U.N. has repeatedly offered Saddam arrangements to relieve the humanitarian suffering, within the overall framework of the sanctions regime. Already in August/September 1991, the Council offered in Resolutions 706 and 712 to allow the sale of $1.6 billion in Iraqi oil to finance humanitarian imports. In 1992, the Security Council offered to allow the use of $400 million in frozen Iraqi assets (from petroleum en route on 6 August 1990) for the same end. In 1993, the Security Council tried another tack, permitting the sale of the oil stuck in the pipeline from Iraq to Turkey, as well as the sale of oil from a flushing of that pipeline that would keep it in good operational shape. For the fourth time in five years, the Security Council tried again in 1995, with a resolution renewing the authorization for the sale of Iraqi oil to finance humanitarian imports. Each time, Saddam has refused the offer, usually after his diplomats offered reasons to hope that Iraq would accept.

Saddam has consistently obstructed implementation of these Security Council resolutions, because he insists on having near total discretion to use funds as he sees fit. The host of technical objections Saddam has raised about these resolutions, and especially about any monitoring of whether resources are used for humanitarian purposes, have shown that the suffering of Iraqis matters less to him than it does to the international community and that Saddam uses that suffering as a tool to pry loose the lid nailed on top of his noxious activities. As Patrick Tyler wrote in *The New York Times* (1 December 1991), "If [Saddam's] last weapon is the sacrifice of millions of Iraqis to the horrors of starvation and disease until the Western alliance is shocked into saying 'Enough!' and relaxing sanctions, then Mr. Hussein will not hesitate to reach for this weapon."

Saddam claims he has a good record on providing humanitarian assistance to ordinary Iraqis. To be sure, his regime spends around $700 million a year on rationed foods, which for less than 10 cents a month per family provide a diet of perhaps 1,300 calories a day. But this food is used to reinforce the regime's control and to drive home to the people that they quite literally depend upon Saddam for their daily bread.

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KEEPING THE PRESSURE ON SADDAM NO MATTER WHAT HAPPENS TO THE OIL EXPORT RESTRICTIONS

The issue debated at the bimonthly Security Council reviews of the sanctions is not, Lift sanctions or maintain them? No country has ever proposed lifting the sanctions. What has been discussed is the **export restrictions**, which are but one part of the sanctions. The ceasefire resolution (687) states in its Paragraph 22 that the export restrictions can be lifted once Iraq complies with the arms control requirements. That paragraph has led to disagreement in the Security Council about what Iraq must do before it can resume exports. However, there is no disagreement about Paragraph 21 of the same resolution. That paragraph is about the ban on shipments to Iraq of anything other than humanitarian goods. It says that the Security Council shall decide whether to lift the **import restrictions** "in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council." In other words, the conditions for lifting the restrictions on shipments to Iraq are tougher than the conditions for lifting the restrictions on Iraqi exports. I am not aware of any country that to date has maintained Iraq is close to fulfilling the conditions for lifting the restraints on Iraq's imports.

If the export restrictions were lifted, Saddam would suddenly have billions of dollars with which to pay for imports. That would tempt merchants, and some governments, to trade with Iraq irrespective of the U.N. ban on shipments of anything other than humanitarian goods. In this situation, the restraints on Iraq's imports could become a dead letter unless new procedures were implemented.

The U.S. may wish to insist that the enforcement of the import restrictions be strengthened before any change is made in the export restrictions. Some steps that could be taken would be:

- More inspection in Turkey, Jordan, Iran, and by sea. Security Council Resolutions 661, 665, 670 and 700, regarding sanctions, mandate the concerned states to submit reports so as to facilitate implementation of the sanctions. The Sanctions Committee is authorized to require states to supply "such information as may be sought by the Committee" regarding the "**effective** implementation" [emphasis added] of the sanctions, and it threatens sanctions against states evading the sanctions on Iraq. In practice, no such reports on implementation have been submitted since 1991, other than periodic statistics from Jordan. The U.S. could use its de facto veto in the Sanctions Committee to block all shipments to Iraq via countries lagging in preparing such reports and to insist the Committee require reports from states suspected of collaborating with sanctions-busters. The U.S. could also insist that the Sanctions Committee regularly analyze the reports and submit recommendations to the Security Council and to the concerned countries about how to improve the enforcement of the sanctions (at present the Committee issues implementation reports that pedantically repeat its mandate and then say no violations have been reported). The purpose of these actions would be to require that Iraq's neighbors and the Gulf states implement tougher measures to prevent sanctions leakage.
- Use of the U.S. veto in the sanctions committee to limit Iraq to goods that are truly humanitarian. In 1994, the Sanctions Committee received over 5,000 requests for permission to ship $6 billion to $7 billion worth of goods to Iraq. While it turned down most of the requests, it granted permission for $1.8 billion worth in 1993 (the last year for which I have data). It is hard to accept that all such requests are in fact humanitarian. Many of the licenses now remain unused because Iraq lacks the money to pay. Were Saddam to have more resources, he would import more dubiously humanitarian goods. The U.S. has been careful than most other Sanctions Committee members about examining whether goods were truly humanitarian. In the event that the oil export restrictions are lifted, Washington could step up its vigilance to reduce the amount licensed for shipment to Iraq.
- Pressure on Iraq to allow respected international humanitarian groups to operate freely in Iraq before the U.N. allows shipment of any goods that Saddam can divert. A good example of present practice is what has happened to some of Iraq's ambulances. Ambulances would seem to be obviously humanitarian and therefore eligible for shipment to Iraq. Taking advantage of this situation, Saddam and his son Udday have converted ambulances into their luxury transport vehicles and into mobile headquarters in which to hide when allied air strikes threaten (which led to reports Udday had been injured when he showed up in Amman in an ambulance). The U.S., which made available to the Sanctions Committee declassified intelligence information about the di-

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version of ambulances, blocked two requests for shipments of ambulances to Iraq. In light of the Iraqi record of diverting goods from humanitarian ends, the U.S. could use its de facto veto in the Sanctions Committee to require distribution of relief by agencies at least slightly independent from Saddam, which would reduce his opportunity to paint himself falsely as the sustainer of the poor.

- Insistence that the Kurds in the northern autonomous region and the Shiites in the south be given a share of any funds generated, rather than depending upon Saddam's goodwill to deliver to them their share of humanitarian goods. Baghdad has paid little attention to Security Council Resolution 688 calling for U.N. access to all parts of Iraq. In 1992, Saddam successfully pressured the U.N. to modify the "Memorandum of Understanding" (MOU) governing U.N. humanitarian activities in Iraq in order to severely restrict access outside of Baghdad, which had been allowed under the April and December 1991 MOUs. Since March 1993, the Iraqi government has required all personnel under the MOU to renew their visas each month, which has given Saddam a tight rein over humanitarian activities. The U.S. could use its de facto veto in the Sanctions Committee to block increased Iraqi imports unless there is evidence that the goods are in fact being used for humanitarian purposes by being equitably distributed to all Iraqis. If foodstuffs and the like are being withheld from Kurds and Shiites to compel their political obeisance to Saddam, then these commodities are Saddam's weapons, not humanitarian goods.
- Full payment of the compensation required under Security Council resolutions. As set out in the ceasefire resolution (687) and subsequent Security Council decisions, Iraq is obligated to pay 30 percent of oil receipts into a compensation fund. In fact, Iraq has not paid one cent of the about $500 million due on the oil shipped to Jordan since the Gulf War. Those who have suffered from the lack of payment are primarily the poverty-stricken South Asian and Egyptian workers who had to flee Iraq when Saddam threatened them in August 1990. That is because under the procedures established by the fund's administrators, compensation is to be paid first to the tens of thousands of expatriate workers, starting with the smallest claims. These poverty-stricken workers are overlooked by Saddam's propaganda against the compensation requirement, which focuses on the amounts due the Kuwaiti government. In fact, the Kuwaiti government would not receive any payment for many years under the U.N. procedures, because Iraq owes so much in damages to individuals. The U.S. government could insist on full payment of the 30 percent compensation. It could also insist that, as set forth in Resolution 688, the cost of U.N. operations in Iraq be paid for from an additional charge on the oil exports.
- Effective monitoring arrangements on Iraq's oil income. The reparations provisions will remain a dead letter unless there is strict accounting of how much Iraq is earning from its oil exports. Saddam cannot be trusted to provide such information on his own. The U.S. could insist that any Security Council resolution lifting the oil export restrictions require strict physical and financial monitoring of oil exports. Saddam is likely to object violently, based on his determined resistance to such monitoring for the limited oil sales authorized by the Security Council in 1991 and again in 1995. In 1991, the Norwegian oil firm, Statoil, was selected by the Secretary General as the monitoring agency, and detailed technical negotiations were held between Statoil and Iraq, only to founder on Saddam's political objections. To show Saddam that he cannot evade his responsibility for full accountability, strict procedures were written in to the next Security Council Resolution (986, in April 1995) authorizing limited oil sales for humanitarian purposes. The procedures set forth in Resolution 986, or even tougher procedures, could be incorporated into any resolution ending the oil export restrictions.

In conclusion, the U.S. has a variety of options to strengthen restrictions on Saddam's imports even if the oil export restrictions are lifted. These options bear close examination now, so that the U.S. government could be in a position to keep up the pressure on Saddam irrespective of the fate of the oil export restrictions. Neither restrictions on his exports nor limits on his imports can lead to Saddam's overthrow, but it would be a great shame to let the easing of sanctions be done in such a way as to reinforce his rule, particularly at a time when the poor economic situation has contributed to political turmoil.

Senator BROWN. Very helpful comments, particularly your noting the difference between the restrictions on imports and exports. It opens up some avenues that are helpful in the thinking about

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Bosnia, whether that relates to the situation or not. At least it does in some people's minds, or should.

I wanted to go back a little bit to the question that we had with regard to what all of this does with regard to the relationship to Iran, its ascendancy, or comparison.

Mr. Duwaik, you know this part of the world well. How do you compare the current capabilities of Iran with Iraq, and how has it changed over the last 5, 6 years?

Mr. DUWAIK. Well, it has changed substantially. Where the sanctions have been crippling the economy of Iraq, at the same time Iran is determined on its nuclear program. It is arming itself to the teeth and is getting stronger and stronger by the day, and my concern in the long run, if the sanctions continue, we are creating the ingredients for the rise of another Khomeini regime in southern Iraq, and by then it will be too late to make any changes.

The lack of education, the poverty, the corruption, these are the ingredients that existed, the circumstances that existed in Iran prior to the fall of the shah, and unfortunately the U.S. officials are saying we will not allow southern Iraq to fall to the militants.

What I am saying, the officials who did not foresee the fall of Iran to the Khomeini-type regime in the late 1970's now do not believe that southern Iraq would fall to the influence of Iran.

Senator BROWN. Do you see a potential Shiite takeover in southern Iraq rather than an invasion by Iran?

Mr. DUWAIK. Iran does not have to invade. As the Israeli Prime Minister Rabin said, Iran has insidious aggression. They have their own surrogates. They do not have to invade Iraq and face international condemnation. They do it through insidious means.

Who would have thought a year ago, or less than a year ago, Hizbollah was operating in a small country like Bahrain, causing unrest and conducting terrorist activities? No one thought that at the time. These same people now are not considering the potential fall of southern Iraq to the militants, and that is what is my concern, would provide a land link between the militants of Iran and Hizbollah and Syria and Hammas, and that could become very dangerous to stop.

Senator BROWN. Dr. Marr, you had mentioned U.N. Resolution 688, and implied that full compliance with that resolution would endanger the regime's ability to control the country.

Dr. MARR. I do not know what may have given you that impression. First of all, it is my belief that Saddam cannot comply with 688, that is to say, cease repressing his population, and remain in power. If we intend to keep sanctions on—or try to keep sanctions on—I think that will separate us from our allies. If we limit his compliance to Resolution 687, the allies will stick with us. If we try to extend it to 688, it appears to me that we will lose our allies because this would mean keeping sanctions on indefinitely.

I think keeping the current sanctions on indefinitely, if we are able to do it, will erode the social cohesion of the country. I am trying to suggest that there are costs to this policy. Somewhere down the line we may have to consider easing sanctions a bit while keeping very tough constraints on Iraq in other ways. These could include import restrictions, paying reparations, maybe "suspending" sanctions in a way that would allow them to be reimposed if he

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continues to repress his people. However, there is a problem of erosion of the social structure and even the government structure in Iraq if they stay on too long.

Senator BROWN. What is the impact on the price of oil the sanctions are having? That is a complex question. It may not be something you are prepared to respond to.

Mr. DUWAIK. It depends how it was done. If it is done selectively and discreetly it may not have a crisis, but if it is done openly, in the open market, the chances are it will have an adverse effect.

Senator BROWN. Obviously depending on whether you are in the oil business or not, "adverse" varies with your consumer supplier, but what kind of effect in terms of the price do you see?

Mr. DUWAIK. It is a question of quantities, of supply and demand, how much they will be allowed to sell and what prices, and their limitation. Are there enough buyers? Then they have to reduce the prices. It is a supply and demand question.

Dr. CLAWSON. If I may, Senator, also there is a question of Saudi Arabian reaction. If the Saudi Arabian Government were to maintain its current level of production, and Iraqi oil were returned to the market suddenly, we could well see a drop in the price of world markets to in the range of $10 a barrel. However, that would seem unlikely. It is much more likely that what would happen would be that the Saudis would curtail their production and sustain the price at a higher level, so that while there may be a sharp drop, there would probably be a pretty quick recovery as other countries, especially Saudi Arabia, were to adjust their production levels.

This, of course, is a prospect that worries the Saudi Government, because they see therefore to some extent the return of Iraq to the market as a transfer of income from Saudi Arabia to Iraq, because the Saudis would probably have to reduce their production in order to sustain the world market price.

Senator BROWN. I take it the cartel has not announced a policy at this point.

Dr. CLAWSON. They spend a great deal of time worrying about the issue, but like many of us, they do not want to cross a bridge until they come to it, especially a bridge that is going to be very painful to cross.

Mrs. FRANCKE. Senator Brown, may I just intervene here? If we cast our minds back the crisis in 1990, at the beginning of 1990, really arose over the question of oil quotas and oil prices and how much Iraq would export, and what I envisage in this context is that if Iraq were to export oil again we would go back to the 1990 situation, because we still have the same regime in Iraq, and they would not be in a mood to compromise, and they will feel that everybody has to sacrifice so that they could get the maximum benefit, and so I am concerned that once the oil export is permitted, we will go back to the confrontational situation that triggered the whole 1990 episode in the first place.

Senator BROWN. For consumers that might not be all bad.

Mrs. FRANCKE. But for the security of the gulf region it could be a disaster.

Senator BROWN. Are there any assessments out with regard to their ability to export, and I do not mean by that—obviously, they have the resources, very substantial resources that could not only

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export or provide what they had before but perhaps even greater amounts. What about the infrastructure? Is the infrastructure in such a state so that they could resume exports?

Dr. MARR. I would say not immediately. They have done as much as they can to repair facilities, but they need spare parts. Sanctions are really hurting them in getting spare parts. I have seen estimates indicating within a year or two they could export about 2 million barrels a day.

They would need a lot of long-term investment to get up to the 6 million barrels a day that they say they would like to export. One of the things that I would like to urge the committee to keep in mind, should we get to a post-sanctions period, is to find ways in which one could limit long-term investment in Iraq, such as we are doing in Iran. I think it would take quite a bit of investment and several years before Iraq could produce substantial oil exports.

Senator BROWN. Mrs. Francke.

Mrs. FRANCKE. Ms. Marr rightly said 6 million barrels a day, which is a target that the Iraqi Government would work up to. This is almost double the level that Iraq was exporting prior to the war, and this is where I see a tremendous potential for conflict between Iraq and the Gulf States. In other words, the ambitions of Iraq are again going to be a cause for friction and possibly conflict in the region.

Six million barrels a day is going to be robbing the other members of the oil-producing cartel of significant shares, but that is what the Iraqi Government would like.

Can I just say one thing, though? I am very concerned about the direction that our discussion is taking, because we seem to be talking about how to lift the sanctions, what measures we could take, what are the mechanisms, and I would very much like to say that perhaps before we go ahead and think about that we could talk about alternative policies and whether this is our only course of action. I do not know if this is something that you would like to discuss, Mr. Chairman.

Senator BROWN. We would very much appreciate any suggestions you have.

Mrs. FRANCKE. My greatest concern, and I am sorry I did not get to this, is the fact that we really have had very little policy and strategy, particularly on the part of the United States, other than the keeping of sanctions on Iraq. There seems to be a policy vacuum over the last 4 years, and in a sense sanctions have provided an excuse for lack of strategy, lack of political thinking, and for inaction.

I do believe the United States should lead on this, and should create the kind of policy and strategy that would view sanctions as a tool and as an instrument, but transcend them toward an entire package, of mechanism, tools and instruments, and so on, and strategies.

As I say, I do believe the circumstances have been very ripe in Iraq for a significant change, but I do not see it happening through sanctions, and certainly once sanctions are lifted, any change in Iraq is going to be out of the question.

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I am very distressed at the absence of a U.S. leadership role on the issue of Iraq, and I feel that that should be a matter of discussion more thoroughly within both Congress and the administration.

Senator BROWN. Thank you. We have gone beyond the time we scheduled for this hearing. The testimony has been excellent and most helpful. I want to encourage all of you, if you would be kind enough, to submit for inclusion in the record any additional comments you would make.

Each one of you have raised very important points, and I assure you the committee is going to be taking a further look at this, and greatly appreciate your comments here today.

[Whereupon, at 12:05 p.m., the subcommittee adjourned, to reconvene at 2:10 p.m., the same day.]

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IRAQI ATROCITIES AGAINST THE KURDS

THURSDAY, AUGUST 3, 1995

U.S. SENATE,
SUBCOMMITTEE ON NEAR EASTERN AND
SOUTH ASIAN AFFAIRS OF THE
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:10 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Hank Brown (chairman of the subcommittee) presiding.

Present: Senators Brown, Thomas, and Feinstein.

Senator BROWN. I want to welcome all of you to our hearing this afternoon. There has been enormous concern not only in the United States but worldwide for the atrocities that have been committed against the Kurds in Iraqi. The purpose of our review this afternoon is to get a better grasp of the dimensions of those atrocities and to get firsthand reports from those who have been there as to what has gone on, and, of course, ultimately, to outline future courses of action for the United States.

Senator Feinstein, do you have an opening statement you would like to make?

Senator FEINSTEIN. No, I do not. I think you have said it very well.

Senator BROWN. Thank you. I would ask, at this point, the people who have been called as witnesses to those atrocities, to come forward. We have a number of people who are victims. At this point we would like you to come forward and join us here at the table.

We appreciate all of you taking the time to join us. We are also appreciative of the sacrifice you have made by coming forward. And I want to start on my left, your right, if you would.

VOICE. [Speaking in Kurdish.]

VOICE 1. Just for clarification, I will be translating for him from Kurdish into English.

Senator FEINSTEIN. Could you pull your microphone close by so we can hear you?

VOICE [through interpreter]. First of all, I would like to thank Mr. Chairman and this committee, and through them the whole U.S. Congress, for allowing us this opportunity to testify before you. Saddam's repression of our Kurdish people is very clear. For example, as to the atrocity of Halacha when he bombarded the city with chemical weapons killing 5,000 people. But the real repression that I have seen with my own eyes when he sprayed the villages with chemical weapons. Those villages were Ikmallah, Geraguteh, Hiseh, Titau.

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Those chemicals killed every living being, including humans, animals, and even, in cases, plants. So they hanged the uncle of my wife, whose name was Hudda Haruri, with seven of his cousins. They allowed us only 10 minutes to see him before he was hanged. We waited by the prison door until they brought the bodies out stacked on a cart, transporting their bodies to the other side of the prison.

My own personal experience goes back to the time when I was only 9 years old, and the Government Army bombarded our village. At that time my arm was broken, as a result of that bombardment, in three places. And until today my hand is still crippled. My brother, Abdul Qadir, was also killed as a result of bombing.

Understanding in all laws of other countries that handicapped people are not to be subject to arrest and further torture, but when I was only 15 years old I was arrested and transported to one of worst Iraq torture prisons, the prison of Kirkuk. I was subjected to torture three times, including the use of electricity, hanging from ceiling fans upside down, the needle pricks, and beatings by wire cables. My whole body was bleeding, and they continued torturing me like that for 48 days. They were feeding us only bread and water, and we were 35 people crammed into one room.

After I was released, I was, because of fear of being rearrested, I left my residence and headed out into the mountains. As a result, Iraqi regime arrested both my parents and imprisoned them in southern Iraq for 2 years. After they were released from southern Iraq, they came up north and they joined me in living with me in the cave for another year until 1988 when we fled the chemical bombardments of the area. We headed toward the Turkish border.

Then, with my whole family, I could not help everybody to reach the border, numbering 14 people. I was not sure who to help, who to bring along, and who to leave behind. I decided to leave my 1-month-old daughter, Birivan, to leave her by Iraq. Under those conditions it was three times that I would decide to leave my daughter behind, go away, and been unable to leave her behind, come back and pick her up again. That daughter, Birivan, is now living with me in Nashville, TN.

I hope that today that you will allow your hearts to be big enough to enclose some of our suffering so that hopefully Saddam Hussein will be brought to justice under international law and the Council of Human Rights. Thank you very much, and I thank the Congress of the United States.

Senator BROWN. Thank you very much. We will come to questions in a little bit.

VOICE 2. Mr. Chairman, I want to thank you and the committee to give me this opportunity to give you my personal testimony regarding one of the most ruthless persons in the world. I am here today to give you testimony to Saddam Hussein's atrocities specifically aimed against the Barzanis. I would like to being by presenting the committee a brief overview of what transpired after the defeat of 1974 and 1975 Kurdish rebellion in Iraq.

In effect, the 1975 Algiers agreement between Saddam Hussein and Shah of Iran forced Mulem Stephor Barzani to halt the armed struggle for Kurdish autonomy in Iraq. Although the Baghdad Government, Mr. Chairman, promised amnesty and no retaliatory

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measures would be taken against Kurdish population, among them tens of thousands of Barzanis and other Kurds were expelled from the homes in the mountains of Murgashur and Barzan and other parts of the Kurdistan, and sent to camps in southern Iraqi desert.

In 1978, most were returned to Kurdish area in the north, but forced to relocate to new villages which in reality were no more then refugee camps next to Iraqi military garrisons. The Barzani deportees were lodged in Krushtapa, a small town of 3 kilometers from south of Arbil. Arbil is the biggest city in the Kurdistan area. Some other Barzanis were also scattered amongst the camps in Diana, Harir, and Biharka.

After the Hajj Umran onslaught on July 22, 1983, by the Iranians deep into Iraqi territory, the Iraqi army suffered heavy casualties. Unable to dislodge the Iranians from their positions, Iraqi took its revenge on the Kurds by unleashing its wrath on 8,000 Barzani Kurds living under its own protection. Only on July 30, 1983, Iraqi forces surrounded the Krushtapa and Diana camps and rounded up all men between the ages of 12 and 80, whether they were blind, mentally handicapped, nonpolitical, or children, all Barzani males were rounded up and taken from their mothers, wives, sisters, and to unknown destination. Others, including the three sons of Kurdish legendary Mulla Mustafa Barzani were arrested and executed in the same year in September.

Inside the camps, the families which were left behind, their water and electricity supplies cut off, were condemned to extreme dehydration. Since the disappearance of their men, no information as to their fate has reached the families. Women were forced to support their children by begging and whatever other means available. In fact, one of the most massive instance of disappearance known in Iraq is that 8,000 Barzani tribesmen. Even today, in 1995, the fate of 8,000 Barzanis who were rounded up at gunpoint from resettlement camps remain unknown.

The sinister nature of the operation itself indifference on the part of the world public opinion and the Kurds own inability to act have all resulted in conspiracy of silence by which the Iraqi Ba'athist regime's criminal act has remained concealed from the public eye.

In my own personal account, I have own loss, my uncles, cousins, and childhood friends to Saddam's brutality. Although I managed to escape Saddam's tyranny, but my agony to my family members living under his control haunts me every day. I recently came back from a trip to Iraqi Kurdistan which I visited remaining family members. My aunt survived the Krustapa Camp. She told me the following story.

In the early morning of July of 1983, I woke up for a 4 o'clock morning prayer when I saw the Iraqi soldiers surrounding our camps. I was horrified by a ring of armored vehicles and soldiers firing their guns with hatred. I saw them attacking houses, kicking down doors, and swearing angrily at the people. I immediately ran out to wake up my husband when I heard the front door got slammed and Iraqi soldier out of the house. In the state of confusion my husband was hit over the head by end of the rifle and knocked unconscious.

As we dragged out of the house my children crying and screaming, the soldiers ordered all the males over age of 12 move aside. My son, Ihsan, was dragged away by soldiers. I begged the soldiers to free him since he was only 9 years old. The soldiers kicked me and told me to shut up, and proceeded to take him away, as well as my other two sons of 16 and 20. Since that horrible day, I have not seen my husband or my sons.

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As you can see, the victims of this crime were defenseless civilian Kurds under the constant surveillance of security and military authorities of Iraqi Government. It is both absurd and illogical to hold these human beings, including children, accountable for military setbacks suffered by Iraqi Army on a battle away from the camps where these men were settled. Indeed, the Iraqi Ba'athist government of Saddam Hussein abandoned the pretention of solving the Kurdish problem by means other than a policy toward assimilation and terror.

Iraq's political system under Saddam Hussein supports nothing short but systematic discrimination and racist policy for the entire Kurdish population. The consequences of such a policy as the case of disappearance of 8,000 Barzanis indicates are genocidal in every sense of term. This gruesome act by Iraqi Government which is not totally unknown to the international community has elicited no interest or concern outside he Kurdish community itself. The international community, including the United States, must feel nothing but guilt and shame if the United States continues to be silent.

This disappearance of these innocent and defenseless human beings merits of thorough investigation by an international tribunal to hold Saddam Hussein and his government responsible for its genocidal action. I ask this committee to take the lead in supporting and precipitating an endeavor of holding the Iraqi Government accountable for its inhumane policy.

Thank you very much.

Senator BROWN. Thank you.

VOICE 3. Good afternoon, ladies and gentlemen.

Between the years of 1993, my husband and I were living in the southern part of Iraq. One day my husband decided to visit his family in the north of Iraq. We did. After coming back from the visit a few days after that, I was alone at home. The doorbell rang. Looking through the window—kitchen window, that is—I saw ladies, the back of scarved ladies. Thinking they are a friend of mine, I turned around the corner to open the inner door in order to get out and open the front gate.

I was surprised and shocked by men, armed men, forcing themselves inside the house, pushing me backward, covering my mouth, preventing me from screaming. They were followed by these ladies. They locked the door, and they asked me to say anything. As long as I cooperate with them, they would not harm me. And I said yes.

They started asking me about the visit to the north and what was it about, and I said it was just a visit with relatives. They beat me up, and they kept again saying what was it about? And I said, well, just a visit to relatives. And one of them but a big piece of cloth in my mouth, and the other held my hands to the back, and the other parted my legs.

Senator FEINSTEIN. Just do the best you can. Pretend you are talking to somebody that knows you very well. That might make it a little easier.

VOICE 3. The others kept kicking me between my legs. When I bent from the pain, the other one who was holding my hands from the back kicked me from behind. I tried to stand up. Again, the first one kicked me between my legs from the front. He pulled the

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piece of cloth from my mouth, and he said, listen, all we want from you is cooperation. I said I will. They said we want information about your husband and his family. I said sure. They said everything is political, whatever he is doing, and I said he has nothing in politics. He is not a politician, and any one of his family is not a politician.

They kicked me again, just like the first time they did. Then afterward they said we—again, he said we want information about your husband, because when you went to the north there was something going on there and you were dressed up in such and such clothes, and there was a meeting. I said no, we went to visit his family.

Whenever I would say something negative, like no, did not, has not, I was beaten up. Finally, they had, one of them—through all this time the ladies were looking through the window. Their eyes were looking outside.

So they said, listen, these are two bottles. We want you to use it on your nose, put it in the water. I said I will. They said be sure, because we want you to do that. I said yes, I will. Then the other one, he came back and he showed me a tape recorder. He said listen to this.

When I listened to this, when I heard a voice of my husband, and he said this is your husband's voice, I said no, it was his brother. I was again tortured the same way. The other guy, when he saw me, I was denying that is my husband, he had a door key in his hand which he inserted in my chest, and I felt like fainting from the pain. The minute I bent frontward, They kicked me from behind.

I collapsed on the floor. They put water on my face. They were like to wake me up again, and they said that is it, we are not going to do anything to you. Just cooperate with us and you are not to tell anybody what happened to you until the marks disappear from your face. And after that, if somebody—just in case somebody comes to your house and saw your face, you say that you fell down the stairs. I said yes.

After that, after 3 months, I had to go to a doctor, and I was operated on between my legs because of those beatings.

Then, just a day before I came to the States, I saw one of my relatives who was beaten up the same—well, it was not the same way. They broke his nose and three ribs and pierced his chest. And again, he said, I have been beaten up for the same reason. They asked me to spy on your husband and his family, and I could not tell anybody, any one of his brothers or sisters or family. I am telling you that just because you are leaving, you are not going to tell anybody here. But if you have a chance in the States to tell this, tell it. That is why I am here.

Senator BROWN. Thank you.

Obviously, the statements you have given are quite compelling themselves, so we have no additional questions. But we appreciate your sharing what are some very painful experiences with us. We hope also that if you have other things you want to add to the record, you will submit them. We will include them in the record. Thank you very much.

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While we are in the process of having the second panel come up we are going to have a brief video presentation. [Begin videotape.]

VOICE. Approximately 25 million Kurds occupy lands in northern parts of Iraq, Turkey, Syria, Iran, and the CIS. Until the gulf war, the Kurds of Iraq lived under the Iraqi regime of Saddam Hussein. This film is a brief expose of the human rights abuses of Saddam Hussein's regime against the Kurds of Iraq. The text of this film is taken directly from the U.S. State Department "Report on Human Rights Practices in Iraq for 1994, and from a June 1995 report by the United Nations Chief Weapons Inspector in Iraq.

The Iraqi Government's abysmal record on human rights did not improve in 1994, and worsened in several areas. Systematic violations continued in all categories, including mass executions of political opponents, widespread use of torture, extreme repression of ethnic groups, disappearances, denial of due process, and arbitrary detention. Tens of thousands of political killings and disappearances remain unresolved from previous years.

Although the government is party to international conventions against torture, and the Constitution prohibits the practice, the security services routinely torture detainees. The Special Rapporteur continues to note the government's, "systematic use of physical and psychological torture." According to former detainees, torture techniques include electric shocks administered to the genitals and other sensitive areas, beatings, burnings with hot irons, suspension from ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, and threats to rape or harm relatives. The tormenters killed many torture victims and mutilated their bodies before delivering them to the victim's families.

In 1994, additional information came to light concerning the so-called Anfal campaign of 1988 in which tens of thousands of Kurds reportedly lost their lives. The campaign is the most prominent example of political killing. During the campaign, government forces arrested thousands of Kurds who have never been seen again. They are presumed to have died in custody.

Based on forensic evidence and government documents seized by the Kurds in 1991, Middle East Watch and Physicians for Human Rights estimate that between 70,000 and 100,000 Kurds were killed, and up to 4,000 villages destroyed during the Anfal campaign. The evidence suggests that governmental efforts to eliminate Kurdish communities were widespread, systematically planned, and ruthlessly implemented. The Special Rapporteur noted that persons continued to disappear.

Middle East Watch estimated that apart from the tens of thousands of persons who have disappeared and are presumed dead, another 10,000 to 12,000 persons are being held without charge in prisons and detention centers. The Special Rapporteur reported that he continued to receive accounts of mass graves in southern Iraq. Observers believe these graves contain the remains of persons killed in the Anfal campaign.

In his February report, the Special Rapporteur concluded that the government's policies against the Kurds, in particular against the Barzani tribe, both raise issues of crimes against humanity and violations of the 1948 Genocide Convention. New information came to light regarding the Barzani arrests of 1983 in which security forces detained thousands of Barzani. None of these detainees were ever seen again. The Special Rapporteur observed in February that the regimes treatment of the Barzani tribe may constitute violations of the Genocide Convention.

The Special Rapporteur has commented on the high incidence of rape committed by the Iraqi armed forces and security forces. He noted that an unusually high percentage of the northern population is female due to the disappearance of tens of thousands of Kurdish men in the Anfal campaign. The Special Rapporteur has reported that the widows, daughters, and mothers of Anfal victims are economically dependent on their relatives. Other reports suggest that economic destitution has forced many women into prostitution.

The Special Rapporteur and several human rights groups have collected a substantial body of evidence pointing to the government's continuing disregard for the rights and welfare of children.

The most flagrant example of current discrimination against the Kurds is the government's ongoing internal embargo on the north, which includes necessities such as food, medicine, and other humanitarian supplies. Since August 1993 the embargo has also included massive electric power cutoffs in specific areas, causing the spoilage of medicine, breakdowns in local water purification systems, and the loss of certain hospital services.

The government continued to pursue its discriminatory resettlement policies, including demolition of villages and forced relocation of Kurds, Turkomans, and other minorities. Middle East Watch reported that the government was continuing to force

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Kurdish residents of Mosul to move to Kurdish-controlled areas in the north. Several hundred thousand Kurds remain unsettled in northern Iraq because political circumstances do not permit them to return to their home.

Land mines in northern Iraq continue to kill or maim civilians. Many of the mines were laid during the Iraq-Iran war, but the Army has failed to clear them. Mines appear to have been haphazardly planted in civilian areas. The Special Rapporteur has repeatedly reminded the government of its obligations under the Land Mines Protocol, of which Iraq is a party, to protect civilians from the effects of mines.

Citizens in Iraq do not have the right to change their government. The only free and open local elections have been held in Kurdish-controlled areas in northern Iraq. In May 1992, political parties in the north participated in elections to choose representatives to a regional parliament. The Kurdish elections also produced a de facto local government, administrators who manage the affairs of the security zone and adjacent areas. Except in northern areas under the protection of international forces, the citizens of Iraq may not legally assemble or organize for any political purpose other than to express support for the Iraqi regime.

Throughout 1994, the government threatened, harassed, and assaulted employees of the United Nations and nongovernmental organizations. The U.S. Government announced in April it had information indicating that the Government of Iraq had offered monetary bounties to anyone who assassinates U.N. and other international relief workers. A German journalist named Libby Schmidt covering the relief effort and her Kurdish bodyguard were shot to death execution style. U.N. guards and journalists were critically injured in bomb and shooting attacks, and two Swedish journalists were injured in Accra on March 14 when a bomb exploded under their automobile.

Regarding the Kurds, the Special Rapporteur reported in February that he also holds the government responsible for, "serious breaches of the 1925 Geneva protocol on the prohibition of poisonous gases and bacteriological methods of warfare." He observed that these breaches may demonstrate the government liable under the 1948 Genocide Convention.

The Iraqi Government also continued to provide safe haven and logistical and military support to several terrorist groups and individuals. These include the Mujahaddin e Khalk which is opposed to the Government of Iran, elements of the Abu Nidal organization based on Lebanon, Abu Abbas Palestine Liberation Front, and the notorious bomb maker Abu Ibrahim. Both Abbas and Ibrahim enjoyed personal sanctuary in Iraq.

The U.N. Chief Weapons Inspector Rolph Akius reported in June of 1995 that Iraq refused to account for 17 tons of material that could make enough biological weapons to, "kill the world four times over."

From human rights organizations, at the end of 1994 Middle East Watch was preparing a charge of genocide that it hopes governments will bring against the Government of Iraq before the International Court of Justice in The Hague. Middle East Watch reported that its case was based on a thorough review of evidence that came from mass graves, government documents, and interviews with eyewitnesses.

Conclusions: From the United Nations: According to the Special Rapporteur, the activities of the Iraqi Government, "left essentially no Iraqi Kurd untouched." He concluded that, "serious violations of human rights committed against the civilian population of Iraq, both in times of war and peace, involved crimes against humanity committed under and pursuant to the commands of Saddam Hussein and Al Hassan al-Majid."

From the U.S. State Department, based on interviews with victims and eyewitnesses, the U.S. Government had concluded that the Iraqi regime engaged in war crimes, local killings, torture, rape, pillage, hostage taking, unlawful deportation, possibly crimes against humanity, and genocide.

[End videotape.]

Senator BROWN. The text of that video came directly from the U.S. State Department Human Rights Report and the U.N. Special Commissioner's Report. I think it would be appropriate to remind everyone here that it was under Senator Pell's specific and personal direction that the staff of this committee went to the extraordinary means of bringing out literally thousands of Iraqi documents that detailed the genocide that we have just seen reference to, and the killings. Senator Pell, I think this country owes you a bit of thanks for your leadership on this issue.

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Senator PELL. Thank you very much. We have a lot of work to still do. I think there are something like 17 tons of documents, and under your direction I hope the committee can utilize it before too long.

I want to thank Dr. Karim for his help in this regard. I know we all feel equally strong about these horrors we have seen.

Senator BROWN. Civilization is meaningless if atrocities like this are allowed to continue.

We are joined by a very distinguished panel, and let us start off with Mrs. Porter, who is president of the Human Rights Alliance.

STATEMENT OF KATHRYN CAMERON PORTER, PRESIDENT, HUMAN RIGHTS ALLIANCE, FAIRFAX, VA

Ms. PORTER. Thank you, Senator. Thank you, Senator Pell, for your interest in starting all this.

I want to say that by holding this hearing you are giving hope to literally millions of people, particularly those Kurds not just in Iraq, but who are part of the diaspora that have fled Iraq and the other Kurdish regions in the world. This testimony that I am about to give pains me, because it puts me in a position of criticizing two people who I consider friends, Mr. Barzani and Mr. Tolubani.

I have recently returned from Kurdistan where I was part of a mission designed to bring those two men together. As you know, Senators, I have been very active on behalf of the Kurds, and we all know what we have just heard on this tape. We know that many Kurds have fled the regional areas in Kurdistan to find safety in what is known today as Iraqi Kurdistan. We know the horror of the chemical weapons used against the innocent, and the exodus that we all watched helplessly on television.

In the refugee camps today in Iraqi Kurdistan there are people from Iran, Iraq, Syria, and Turkey, in addition to the Iraqi Kurds. And today their situation is increasingly grim. As I mentioned, I have just come back. I came back Saturday night, and my greatest fears have been confirmed. The mission of my trip was to bring together the leaders of the two warring factions, Mr. Barzani of the KDP and Mr. Tolubani of the PUK. It is horrendous for people who care about the Kurds, as we do in this room, to watch Kurd fighting Kurd. It is ludicrous, it is a folly, it is a great tragedy of our time.

I am happy to report that we were able to find some agreement between the two, that they both agreed to some confidence-building measures which I hope will lead the U.S.-led initiative to find a lasting peace. And while that is positive, my report is not an optimistic one. The pain of the people is palpable. During my mission I met with many men and women and children and students, and I can tell you that there is real terror there. There is terror from the continued shelling, from both PUK, the KDP, and from Saddam Hussein's forces. I myself was shelled by Saddam's forces and by the KDP at the same time. And I went into the street to see what was happening. It blew the windows out where I was, and I know that Mr. Barzani knew that I was in the town of Arbil, since I had just left his headquarters a short time before. He knew where I was going, and I believe that it was deliberate.

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When I went out on the street I saw people in pandemonium, I saw dead people, I held the face of a young boy who was being operated on as the peshmirga held him down because there was no anesthetic. He was fearful that his legs were being amputated. I saw a home where a young 18-year-old boy sat making his mother's—helping her make bread, and during that time of helping his mother, a shell fell and he died. And I can tell you story after story of my own personal life during this past trip. And I hope you will let me take just a little bit more time to finish this. I will submit my formal statement for the record, which will detail all of this.

The economic situation there is worsening drastically. The people are joining the peshmirga, now, because they have no other means of making ends meet. They are not joining the peshmirga out of a sense of idealism, they are joining out of the sense that they need to feed their families. People are definitely hungry. There is a loss of hope. Students feel that the only possibility for them to have a future is to leave Kurdistan, and the soul of the Kurdish experience is withering as we sit here and talk about it.

The source of the conflict continues to be outside pressure and interference. We cannot talk about Iraqi Kurdistan in isolation. I saw first-hand a direct relationship between the KDP, Mr. Barzani's forces, Ankara, and Baghdad. It is real. The violation of the embargo of oil flowing into Turkey creates the reason the conflict continues. Mr. Barzani imposes a tariff which goes into his coffers. The UK is forced to balance this equation by a relationship with Iran, a country that will gain most by the continued conflict in Kurdistan.

It is common knowledge even in our own State Department that the last incursion of Turkey into northern Iraq was ostensibly to pursue the PKK, but in reality was an opportunity to deposit heavy weapons, including four to six Kartusha weapons launchers, along with ammunition, to the KDP forces. It is a relevant question to ask if the United States is paying for these weapons in addition to our tax dollars supporting the Turkish aggression against the Kurds in the southeast.

I met with representatives of the seven minor parties in Kurdistan, and through this continuing conflict these parties have found some cohesion and I think may offer a partial way out for the Kurds. They have initiated their own mediation, and they are gaining strength. And I have to report also that the PKK, which has been so demonized by the United States and by Turkey, the PKK, in the horror of this continuing conflict between the Kurds, has emerged as a moderate force. It is quite interesting to watch.

But the people who are unaffiliated with parties, who are unaffiliated with either side or the PKK, are fed up with the leadership that they find in Mr. Tolubani and Mr. Barzani. Now, I believe very clearly that the United States has a role in bringing about a lasting peace, and I believe that this new initiative is sincere, as opposed to one that was initiated earlier in the year. But our inaction in Iraqi Kurdistan has allowed this conflict to continue. By ignoring the flagrant violation of Turkey and the U.N. embargo against Iraq, we are perpetuating the suffering of innocent people that we saw on this videotape.

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Mr. Barzani is throwing the fate of his people to the wind. His greed is preventing a peace, and all Kurds must not be punished for his intransigence. The United States must not walk away from this mediation effort.

I believe that it is our responsibility to prevent U.S. weapons and tax dollars from allowing these horrors to continue. To turn our heads the other way is to condone the atrocities and to condemn an ancient people to annihilation. The time for words has passed. The Kurdish people need our action, and the time is now.

Thank you.

[The prepared statement of Ms. Porter follows:]

PREPARED STATEMENT OF MS. PORTER

In recent history, we know that thousands of Kurds have fled the regional areas in an effort to find safety in what today is known as Iraqi Kurdistan. We know of horrors, the chemical weapons used against the innocent, and the exodus we all watched helplessly on television. In the refugee camps, there are people from Iraq, Iran, Syria and especially Turkey. Today, the situation is increasingly grim.

I have recently returned from a trip to Iraqi Kurdistan which has confirmed my greatest fears. The mission of my trip was to bring the leaders of the two warring factions, Mr. Masoud Barzani of the Kurdistan Democratic Party (KDP) and Mr. Jalal Talabani of Patriotic Union of Kurdistan (PUK), together to create a lasting peace. We were able to establish some agreement on confidence building measures which will help the US lead peace initiative to move forward. I am happy to report something positive.

But my report is not an optimistic one. The pain of the people is palpable. During my mission, I met with many people from all walks of life, both leaders and everyday folks, including women and men, children and students. What I saw were people without hope resorting to drastic measures in a last ditch effort to address their pain.

People are living their lives in terror of being shelled. Shelling occurs almost daily not only from both sides, but also from Iraq and Saddam Hussein. During my trip, even I was shelled by Saddam and the KDP simultaneously while in Arbil. I am told that the make of the missiles can be discerned from the sounds they make flying through the air. During this particular attack, I witnessed pandemonium break out in the streets and senseless loss of life and limb by innocent bystanders. Two persons were killed as a result of this one attack: a sixteen year old boy who was in a house facing the street where one bomb landed and a 26 year old man who was blown apart on the street where he had been selling watermelons. I held another victim of the shelling, yet another young boy, down on a table in a hospital while surgery was performed on him as a result of his wounds with no anesthetic available to ease his pain.

I was struck by the surreal juxtaposition of people trying to live their daily lives surrounded by war. In one home where I visited, I saw blood on the counter right next to large bowl of bread dough being readied for the next meal. The dead fall in the streets, and women and children must step around the bodies until someone can remove them. Many female students talked to me about how rape and intimidation were increasingly used against them with no one for them to turn to for help. Instead, they were ridiculed and humiliated by society for the crimes committed against them.

And the economic situation created by the years of fighting, and political embargoes, leaves many Kurds no choice. Businesses have closed; food, electricity, water and other resources are scarce. Commercial movement and economic life is almost paralyzed and there is risk of another famine. Men are left little choice but to join Peshmerga—for salary, not ideals.

But most devastating for the Kurdish peoples is the loss of hope. There is no medicine for the sick, no food for the hungry, no schoolbooks for the students. The future of the Kurdish people, its young people, are all almost in universal agreement: their only opportunities lie outside of their homeland and they are leaving their land in order to have a future. The soul of the Kurdish experiment is withering as we sit here and talk.

The source of the conflict continues to be outside pressure and interference. It is impossible to consider the Kurdish issues in isolation. There is a direct relationship of the KDP to Ankara and Baghdad. Violations of the embargo on oil flowing into

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Turkey creates the reason for the conflict to continue. The PUK is then forced to balance the equation by a relationship with Iran, a country which has the most to gain by a continuation of fighting between the Kurds.

It is common knowledge, even in our own State Department, that the last incursion by Turkey into Northern Iraq was ostensibly to deter the Kurdistan Worker's Party (PKK), an armed opposition group in Turkey, from mounting operations into Turkey, but in reality was an opportunity to deposit heavy weapons and armaments for the KDP. These weapons include 4 to 6 Katousha weapons launchers along with ammunition. It is a relevant question to ask whether the US is paying for these weapons in addition to our taxes supporting annihilation of the Kurds in the Southeast of Turkey through US manufactured and supplied military materiel to Turkey. *See Report on Allegations of Human Rights Abuses by the Turkish Military And on the Situation in Cyprus*, June 1, 1995, Department of State, page 19. PUK is forced to balance the equation by pursuing a relationship with Iran.

There are seven minor parties in Kurdistan and this conflict has brought them together. They have initiated their own mediation and seem to be gaining strength. However, the PKK, demonized by Turkey and the US State Department, has become the moderate voice for an increasing number of average people who are unaffiliated with any party and who decry the foolish antics of their leaders.

The United States has a role in bringing about lasting peace and saving the Kurdish soul. Our inaction has allowed the conflict to continue. By ignoring the flagrant violation by Turkey of the UN embargo against Iraq, we are perpetuating the suffering of innocent people. The Iraqis and Kurdish leaders are throwing the fate of their people to the wind. Greed is preventing peace, and all Kurds must not be punished for their intransigence.

It is our responsibility to prevent US weapons and tax dollars from allowing these horrors to continue. To turn our heads the other way is condone the atrocities and to condemn an ancient people to annihilation. The time for words is past—the Kurdish people need our action—and the time is now.

Senator BROWN. Mrs. Porter, thank you.

Dr. Karim is the president of the Kurdish National Congress of North America. Doctor, thank you for joining us.

STATEMENT OF NAJMALDIN O. KARIM, PRESIDENT, KURDISH NATIONAL CONGRESS OF NORTH AMERICA, GREENBELT, MD

Dr. KARIM. Thank you, Mr. Chairman. First, let me address my personal gratitude and that of the American Kurdish community, and by extension the Kurdish people, for holding these important hearings. It is a pleasure to see Senator Pell here. You have done so much for our people. Actually, the Kurdish people now hear the Voice of America in Kurdish, thanks to your effort and that of your colleagues, Senator.

I will submit my testimony for the record, but I will try to be brief and to the point. United States, I was involved in the mediation effort between the KDP and PUK, like Mrs. Porter has been, and actually we have done some work together on this also. But last year we brought the two parties to Paris, and they met at the personal invitation of the President of France. And I am mentioning this to show what our Government is doing. That is the U.S. Government. Osir Tabon, in his opening statement, mentioned what actions our Government needs to take.

Following the Operation Provide Comfort and the heroic efforts of the U.S. military and the allied forces in resettling millions of refugees and following the liberation of major Kurdish cities with the exception of the city of Kirkuk, Kurdistan looked promising, and even a model for the rest of the region. Elections were held in 1992, a free parliament was elected, and a government was formed. Unfortunately, this new experiment did not receive proper support

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from the U.S. Government. I mean the administration by that. To this date it has not been recognized even as a local administration.

This new experiment was further fought by the Governments of Iran, Turkey, and Syria, who have had many trilateral meetings to plan how to undermine this experiment. The Iraqi Government embargo and international embargo continue on in the region. The economic situation was so acute that all feuds between the political powers in Iraqi Kurdistan started to emerge. Having said this, we still put the ultimate responsibility for peace in Kurdistan, on the political leaders there, and particularly the leaders of the two political parties, the KDP and the PUK.

Fighting broke out between the two political parties off and on for the past 2 years. People's hopes have dashed, more people have become homeless, civilians are the main victims of this war. Human rights abuses documented by Amnesty International are occurring at the hands of the political parties in power. This Kurdish fratricide has led to low morale among the population. Widespread dissatisfaction exists, but the fear of Saddam Hussein remains the most.

Mr. Chairman, the U.S. policy in regards to the Kurds is not in existence. The Kurds are dealt with in the context of the countries they fall in. We believe that this is the wrong policy in the long run. We have vital interests in the area, and our dual-containment policy will not succeed if the Kurdish factor is not put into the equation. We believe that the United States should actively involve itself to solve the current Kurdish conflict between the political powers in Iraqi Kurdistan. U.S. involvement in this regard has been at least indifferent until 3 weeks ago, when hopeful signs of active involvement emerged.

We believe that the U.S. interest will be served by having peace in Iraqi Kurdistan which will avert any further deal with Saddam Hussein. A weakened and divided Kurdish leadership is more likely to deal with Saddam Hussein, which is not in the Kurdish or U.S. interest. Furthermore, a weakened and divided Kurdish leadership is more likely to fall under Iranian influence with catastrophic consequences to the future of the Kurds and the U.S. interests in the region.

Finally, unified Kurdish front will ensure and hasten the removal of Saddam Hussein, and can play an important role in bringing other elements of the democratic opposition in Iraq together. To achieve these goals, we recommend the following actions:

Active U.S. involvement in resolving the current conflict in Iraqi Kurdistan with direct pressure on the sides in the conflict, and perhaps publicly putting pressure on the leadership to come to terms. In Kurdistan, public pressure from the United States works, and encourages the population to put pressure on the leadership.

Encourage building of democratic institution and exchange programs between the United States and Kurdistan through NED and USIA.

Help build the economic infrastructure in Kurdistan. This will help U.S. taxpayers which is given today as a handout. It will help gather opposition against Saddam Hussein. An economically viable Kurdistan is more likely to resist regional influence.

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Ease the international embargo in Iraqi Kurdistan, and allow medical and economic aid to go through.

Help disarm the militias and form a local police force.

Help to revive the educational system to stop the outflux of talent from Kurdistan.

Report human rights violations, and identify the parties responsible, and condition economic aid to Kurdistan to respect for human rights and democracy.

Encourage and assist with new elections in Kurdistan, with technical help and election monitors.

The Kurdish people should be encouraged through VOA editorials and other means to express themselves politically, and to have the right to dissent without fear of persecution by their own leaders.

To alleviate the Turkish fear of Iraqi Kurdish identity—to alleviate the Turkish fear of Iraqi Kurdish entity—the U.S. Government should try to mediate a political solution for the Kurdish problem in Turkey. Turkey is a vital link to Iraqi Kurdistan and can play a constructive role with the Kurds and the United States in the region. We believe that recent announcements by virtually all the main political Kurdish groups in Turkey for unconditional cease-fire and respect for territorial integrity of Turkey and a peaceful solution to the Kurdish problem should be taken seriously and seized upon.

To have a coherent and constructive policy, the U.S. State Department should have a Kurdish desk officer to deal directly with the Kurdish issue. The Kurds are real factors in today's Middle East politics that cannot, and should not be ignored any longer.

In conclusion, Mr. Chairman, I appeal to you and Members of Congress to remind President Clinton and Vice President Gore and Secretary of State Christopher to implement their own promises to the Kurdish leadership in May 1993 that the United States will push for war crimes acts against Saddam Hussein and the Ba'ath regime for genocide against the Kurds. I also appeal to you that the United States should remain engaged in the region, despite recent setbacks and insanity of the Kurdish leadership. What is at stake here are billions of lives and the U.S. interest, not a few so-called leaders.

The U.S. and international experiment in Iraqi Kurdistan remains an example of success when force is used to save human life, regardless of the international borders.

Thank you, United States.

[The prepared statement of Dr. Karim follows:]

Prepared Statement of Dr. Karim

Mr. Chairman, Members of the Committee: First let me begin by expressing my personal gratitude and that of the American Kurdish community and by extension, the Kurdish people for holding this important hearing on Saddam Hussein's atrocities against the Iraqi Kurds.

For nearly half a century, the U.S. policy in the Middle East has focused on the Arab-Israeli conflict, totally ignoring another important element in the Middle East, the Kurds who, by the virtue of the shear number have become an important factor in the politics of the region. The Kurds, numbering between 25–30 million are now divided between four countries with another million now scattered in the former Soviet Republics. I will not go into the details of the Kurdish history and their unfortunate fate, but it is important to remember that the last division of Kurdistan fol-

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lowed the Treaty of Lusanne of 1923 following the demise of the Ottoman Empire. The Treaty of Sevres in 1921 clearly called for the formation of an independent Kurdish state.

Following this division into the newly formed states of Iraq, Turkey, Syria, and the already existing state of Iran, the Kurds have been in constant revolt against the central authorities of these newly formed states and a source of instability in the region during their struggle to attain their political and national freedom.

Mr. Chairman, our focus today is on Iraqi atrocities thanks to the dictator Saddam Hussein and his ruthlessness that the Kurdish people attracted international attention. One however cannot speak of the Iraqi Kurds without mentioning to the regional factors especially of the countries of Turkey, Syria, and Iran, and their policies towards the Kurds.

The first time the world caught a glimpse of Saddam Hussein's genocide against the Kurds was in March of 1988 when Iranian authorities for their own interests took the international media to film the city of Halabja which had been gassed by Saddam Hussein days earlier. There laid 5,000 dead civilians, and the population of 75,000 had fled to nearby Iran. However, the Baath regime have had a well designed campaign of exterminating the Kurds in Iraq at about 20 years ago when they assumed power for the first time.

Mr. Chairman I was 14 years old in 1963 in the city of Kirkuk when Iraqi government military bulldozed 3,000 Kurdish homes leaving their inhabitants to seek shelter with others. After assuming power for the second time in 1968 the Baath regime this time under the leadership of Saddam Hussein was more experienced and had learned from its past mistakes and had designed plans to implement its policies in an incremental way.

While signing an autonomy agreement with the Kurdish leadership in March of 1970, Saddam embarked on ploys to assassinate the Kurdish leadership. His first mass deportation of the Kurds was in 1971 when 60,000 Faili Kurds from Baghdad were deported to Iran and all of their possessions were confiscated. In the meantime, Arabs were brought from southern and western parts of the country and formed a belt around the important oil cities of Kirkuk, Khanaqin, and Sinjar while the Kurdish inhabitants of these areas were being deported to other parts of Iraq, by the year 1974 it was not possible for a Kurd in Kirkuk to buy or sell property. After his failure to deal with the Kurdish resistance in 1975, Saddam Hussein made significant concessions yielding Iraqi territory to the Shah of Iran in return for his help in ending the Kurdish resistance. It was after this and with the knowledge of the U.S. administration approval or at least silence that the agreement of March 6, 1975 was signed between Iraq and Iran and massive Kurdish deportation began. More than a million Kurds were deported to southern and western deserts deprived of food, medicine, education, and sanitation, many died of starvation and diseases. Following emergence of armed Kurdish resistance in 1976, the Iraqi government in cooperation with the government of Turkey and Iran, declared 25 kilometers deep inside Iraq along the Turkish-Iraqi, and Iraqi-Iran borders a forbidden area where no live objects will be allowed, including not only human beings, but live stocks, birds, and water springs were filled with concrete. The villages were destroyed, inhabitants were taken away and disappeared.

The third wave of village destruction and a massive evacuation which many international experts including Human Rights Watch call a genocide was in the latter stages of the Iraq-Iran War when the Iraqi regime embarked on what is known as the Anfal campaign which was divided into six and the final stages. This began in late 1987 when the villages were hit with chemical weapons, the government infantry rounded up the wounded survivors and trucked them away to concentration camps for registration then took them away never to be seen again. This process was continued from region to region in Kurdistan under direction of Ali Hassan Majid, "former governor of Kuwait," who had direct authorization from Saddam Hussein himself. This process of mass killing of civilians and destruction of villages continued well through 1989 and early 1990, at the end, over 4,000 villages were destroyed. Towns of 25,000–75,000 were leveled to the ground. Survivors were put in concentration camps with nothing to do, no medical care, no schools, no education. According to Human Rights Watch-Middle East, 182,000 people are unaccounted for today and presumed dead. There are thousands of widows and orphans waiting for their husbands and fathers to somehow reappear. We know they won't. Over 300,000 people from the governorate of Kirkuk, Diyarbakir, Khanaqin, and Sinjar are refugees in other liberated areas of Kurdistan without any decent shelter. They lack health care, proper housing, food and education. In 1991 Ali Hassan Al Majid complained that only 100,000 people have disappeared and the figure of 182,000 was an exaggeration.

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Mr. Chairman of the Senate Foreign Relations Committee is to be commended in its efforts to bring over 20 metric tons of captured Iraqi documents to safety. These documents have been thoroughly reviewed and researched by Human Rights Watch Middle East which should also be commended for their extraordinary work for two and a half years and last but not least, the U.S. military which was instrumental in transporting these documents from Kurdistan to the U.S.A. and their continued protection of the Kurdish people from Saddam's atrocities have our gratitude and appreciation as the savior of the Kurdish people. God Bless them. I would also like to recognize Physicians for Human Rights and all those who were involved in discovering Saddam's crimes against humanity. We cannot escape talking about what has happened in Iraqi Kurdistan since 1991.

Following the Operation Provide Comfort and the heroic efforts of the U.S. military and allied forces in resettling millions of refugees and following liberation of major Kurdish cities with the exception of Kirkuk, Kurdistan looked promising and even a model for the rest of the region. Elections were held in 1992, free parliament was elected and a government was formed. Unfortunately this new experiment did not receive proper support from the U.S. government. To this day, it has not been recognized even as a local administration. This new experiment was fought by the governments of Iran, Turkey, and Syria, who has had many trilateral meetings to plan how to undermine this experiment. Iraqi government embargo and international embargo continued on the region. The economic situation was so acute that the old feuds between political powers in Iraqi Kurdistan started to emerge having said the ultimate responsibility of peace in Kurdistan fall on the Kurdish leadership.

Fighting broke out between the two political parties off and on for the past two years. People's hopes have dashed. More people have become homeless, civilians are the main victims. Human rights abuses documented by Amnesty International are occurring in the hands of the political parties in power. This Kurdish fratricide has lead to low morale among the population. Widespread dissatisfaction exists, but the fear of Saddam Hussein's might frightens them more.

Mr. Chairman, the U.S. policy in regards to the Kurds is not in existence. The Kurds are dealt with in the context of the countries they fall in. We believe this is a wrong policy in the long run. We have vital interest in the area and our dual containment policy will not succeed if the Kurdish factor is not put into the equation. We believe that the U.S. should actively involve itself to solve the current Kurdish conflict between the political powers in Iraqi Kurdistan. U.S. involvement in this regard has been at best indifferent until a few weeks ago when hopeful signs of active U.S. involvement emerged.

We believe that the U.S. interest will be saved by having peace in Iraqi Kurdistan which will avert any future deal with Saddam's regime. A weakened and divided Kurdish leadership is more likely to deal with Saddam Hussein which is not in the Kurdish or U.S. interest. Furthermore, weakened and divided Kurdish leadership is more likely to fall under Iranian influence with catastrophic consequences to the future of the Kurds and U.S. interest in the region.

Finally, a unified Kurdish front will ensure and hasten the removal of Saddam Hussein and can play an important role in bringing other elements of democratic opposition in Iraq together. To achieve these goals we recommend the following actions:

1. Active U.S. involvement in resolving the current conflict in Iraqi Kurdistan with direct pressure on the sides in the conflict and perhaps publicly putting pressure on the leadership to come to terms. In Kurdistan public pressure from the U.S. works and encourages the population to put pressure on the leadership.
2. Encourage building of democratic institutions and exchange programs through N.E.D., U.S.I.A. etc.
3. Help build the economic infrastructure in Kurdistan, this will help the U.S. Tax payer's money which is given as a hand out now, and will help gather opposition against Saddam Hussein. An economically viable Kurdistan is more likely to resist regional influence.
4. Ease the international embargo on Iraqi Kurdistan and allow medical, and economic aid to go through.
5. Help to disarm the militia and form a police force.
6. Help to revive the educational system to stop the outflux of talent from Kurdistan.
7. Report human rights violations and identify the parties responsible and condition economic aid to respect for human rights and democracy.
8. Encourage and assist with new elections in Kurdistan with technical help and election monitors.
9. The Kurdish people should be encouraged through VOA editorials to express themselves politically, and to have the right of dissent without fear of persecution.

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10. To alleviate Turkish fear of Iraqi Kurdish entity. The U.S. government should try to mediate a political solution for the Kurdish problem in Turkey. Turkey is a vital link to Iraqi-Kurdistan and can play a constructive role with the Kurds and the U.S. in the region. We believe recent announcements by virtually all the main Kurdish political groups in Turkey for unconditional cease-fire, respect for territorial integrity of Turkey, and a peaceful solution to the Kurdish problem should be taken seriously and seized upon.

11. To have coherent and constructive policy, the U.S. State Department should have a Kurdish desk officer to deal directly with the Kurdish issue. The Kurds are real factors in today's Middle East politics that cannot and should not be ignored any longer.

In conclusion Mr. Chairman, I appeal to you and members of Congress to remind President Clinton, Vice President Gore, and Secretary Christopher to implement their own promises to the Kurdish leadership in May of 1993 that the U.S. will push for war crimes acts against Saddam Hussein and the Baath leadership for genocide against the Kurds.

I also appeal to you that the U.S. should remain engaged in the region despite the recent setbacks and insanity of the Kurdish leadership. What is at stake here are millions of lives and the U.S. interest, not a few so called leaders.

The U.S. and international experiment in Iraqi-Kurdistan remain an example of success when force is used to save human lives regardless of international borders.

Thank you.

Senator BROWN. Thank you.

Ken Roth is the executive director of the Human Rights Watch in New York. Ken, thanks for joining us.

STATEMENT OF KENNETH ROTH, EXECUTIVE DIRECTOR, HUMAN RIGHTS WATCH, NEW YORK, NY

Mr. ROTH. Thank you for having me, Mr. Chairman. Thank you also to the members of the committee for your interest in the fate of the Kurdish people who, despite the horrendous crimes they have suffered, have all too often been neglected.

I would also like, if I could Mr. Chairman, to reiterate your words of special thanks to Senator Pell whose long attention to the fate of the Kurds has made a tremendous difference in bringing forth the promise that perhaps we will hold Saddam Hussein's regime accountable for the crime of genocide that it committed.

Senator PELL. Thank you very much. I know the chairman of the full committee, Senator Helms, feels equally strongly on this question, and thank you for your kind resolution. And please forgive me, I have another commitment.

Mr. ROTH. There have been three cases of genocide in the past decade. In two of those cases, in Rwanda and in the former Yugoslavia, there have now been international tribunals established to make sure that the instigators will be brought to justice. Unfortunately, in the case of the Kurds of Iraq there is no international tribunal today. Indeed, even if one were established, say, to deal with the crimes committed in Kuwait it is particularly unlikely that the international community would be willing to extend its jurisdiction back to 1988, when the crimes of the genocidal Anfal campaign were committed.

For that reason, Human Rights Watch, through its Middle East division, as you saw on the videotape that was just shown, has dedicated itself to ensuring some form of accountability, in particular, a case of genocide to be brought against the Iraqi Government before the International Court of Justice, the so-called World Court, in The Hague. In pursuit of that goal we have launched the

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most extensive investigation we, as an institution, have ever undertaken in our 16 years of existence.

At the time of the Anfal campaign in 1988, little was known of the crimes that were being committed. We knew that there were large-scale military operations conducted by the Iraqi Army in the north. We knew that thousands of villages had been destroyed. We knew that chemical weapons had been used. The refugees who fled into Turkey told us that. We knew that tens of thousands of people had disappeared, but we hoped for the best. We hoped that they were being detained, perhaps in camps in southern Iraq.

When the gulf war ended and the Kurdish uprising began, our worst fears were realized. It suddenly became possible for Human Rights Watch to send investigators into Iraqi Kurdistan, and what we found, based on the testimonies of some 350 survivors; based on our exhumation of mass graves of execution victims; based on a collection of soil samples which demonstrated that chemical weapons indeed had been used in at least 40 separate cases; and based on our review, document-by-document, of some 18 tons of former Iraqi secret police documents which, with the help of this committee, we were able to have transported from Iraq to the United States for systematic review, we now know that there indeed was a centrally coordinated campaign against the Kurdish people led by Ali Hassan al-Majid, who until just recently was the Iraqi Defense Minister—at the time he was the secretary of the Ba'ath Party Northern Bureau—and that this campaign, this so-called Anfal, amounted to genocide.

It began with the declaration of prohibited zones in the rural areas populated exclusively by Kurds. With the October 1987 census, the Kurds of that region were given one last chance, to what was deemed, "return to the national ranks;" that is, they could move from their homes into government resettlement camps on the plains under government control. Those who refused became subject to a June 1987 decree banning all human or animal existence within the prohibited zones and authorizing the execution of anyone who remained.

This order was then fulfilled beginning in February 1988 and extending through September 1988 as the Iraqi Army swept from the southwest to the northeast, repeatedly using chemical weapons to sweep out Kurdish villagers, rounding them up. Those who were not executed on sight were taken through a series of detention camps where women, children, and the elderly were often housed under horrendous conditions, and virtually all the men were brought, group by group, into the desert and executed.

Was this genocide? This is a term that we at Human Rights Watch do not use lightly. It is worth noting that not every Kurd was targeted in Iraq. There were many Kurds who were already living in Iraqi Government-controlled areas who were simply subjected to the normal horrendous repression of the Saddam Hussein Government, but who were not systematically wiped out. But what we did find was that there was a concerted effort to kill every Kurd who remained in the rural zones, the zones that were the so-called prohibited areas that had been declared by the Iraqi Government.

All the Kurds in these areas were killed, not simply the combatants. The fact that a Kurd might be loyal to the regime was no de-

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fense, as we have seen, for example, on an audio tape in which Ali Hassan al-Majid made clear that even the Kurdish battalions who were cooperating with the Iraqi Government would be killed, as would their relatives, if they remained in the prohibited zones. And although the campaign of Anfal was usually described in ethnically neutral terms, the amnesty that formally ended it in September 1988 was declared as an amnesty for the Kurds, indicating the ethnic intent that was at the base of that campaign.

It is important that this case of genocide be brought before the World Court for several reasons. First, the court can order an accounting by the Iraqi Government of those who have disappeared. There are now 80,000 to 100,000 Kurds whose whereabouts we simply do not know, whose families still hope for the best. The families deserve at least an accounting from the Iraqi Government as to what happened to their loved ones.

Second, the finding of genocide, a formal finding, will provide further legal basis for the continuation of the no-fly zone over northern Iraq, which is all that stands between the Kurds today and the resumption of possible genocide should the Iraqi Government retake that area.

Finally, although the World Court is not a criminal tribunal, it can order trials to take place, so that any jurisdiction that would be able to secure custody of those who were the architects of the Anfal genocide could ensure that those people are ultimately brought to justice, that they have their day in court.

Let me simply conclude by noting that as genocide multiplies in our time, it is important not to let this horrendous case of genocide pass simply because it is several years old. There may be commercial interests at stake that make certain governments hesitate. There may be expenses involved in bringing a case of genocide. There may be fears of terrorist retaliation. In our view at Human Rights Watch, none of that should stand in the way of making sure that Saddam Hussein's Government is brought to account before a formal international tribunal for its commission of one of the most heinous crimes known to humanity.

Thank you very much.

[The prepared statement of Mr. Roth follows:]

PREPARED STATEMENT OF MR. ROTH

Thank you, Mr. Chairman, for holding this hearing on the Iraqi government's genocide against the Kurds of rural Iraq. I appreciate being invited to testify. My name is Kenneth Roth and I am the Executive Director of Human Rights Watch. Since 1989, Human Rights Watch/Middle East (formerly know as Middle East Watch) has carried out independent monitoring of human rights conditions in the Middle East and North Africa, conducting investigations, publishing reports and, where possible, actively supporting the work of local human rights monitors. Throughout this period, we have closely examined and regularly reported on human rights conditions in Iraq. A special focus of much of our work has been an effort to collect evidence of the Iraqi government's genocidal *Anfal* campaign of 1988 against the Kurds, in which at least 50,000 and possibly as many as 100,000 men, women and children were systematically slaughtered because they were Kurds.

In discussing the *Anfal*, allow me to begin by thanking the Senate Foreign Relations Committee for its indispensable assistance in facilitating the transportation to the United States of some eighteen tons of Iraqi government documents that had been seized by the Kurds of northern Iraq following the Gulf War. The Committee also played an important role in arranging for one million dollars to be appropriated to the Department of Defense for its cataloguing of the documents. As you are aware, Human Rights Watch was asked by the Kurdish parties to examine these

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documents for the purpose of collecting evidence of the *Anfal* campaign. From October 1992 to September 1994, we systematically reviewed each of these documents.

Simultaneously, Human Rights Watch launched an extensive investigative effort in northern Iraq, where we collected more than 350 testimonies from survivors of and eyewitnesses to the *Anfal* campaign as well as forensic material that included soil samples bearing traces of chemical weapons and skeletons of execution victims exhumed from clandestine mass graves. The combined effort constituted the most exhaustive and wide-ranging investigation ever undertaken by Human Rights Watch. We published the results in *Iraq's Crime of Genocide: The Anfal Campaign against the Kurds* (Yale University Press, 1995), and *Bureaucracy of Repression: The Iraqi Government in Its Own Words* (Middle East Watch, 1994).

One purpose of this extraordinary undertaking is to ensure that the Iraqi government is brought to account before a court of law. While international criminal tribunals have been established for two other recent cases of genocide—in Rwanda and the former Yugoslavia—the unlikelihood as a political matter that such a tribunal will be established for Iraq (particularly one with jurisdiction dating back to 1988) renders a case brought before the International Court of Justice in the Hague (the ICJ or the "World Court") the most viable option. Human Rights Watch is in the process of trying to assemble a coalition of governments willing to bring a genocide case before the ICJ under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the "Genocide Convention"). The Convention prohibits, among other things, killing "with the intent to destroy, in whole or in part," an ethnic group. Although the United States's extensive reservations to the Genocide Convention preclude it from being an appropriate plaintiff, its political support will be critical to forging the necessary coalition of states to bring a genocide case.

Although a case before the ICJ is a civil rather than a criminal proceeding, it would be of tremendous importance for several reasons:

- First, the ICJ, upon finding genocide, would be likely to compel disclosure by the Iraqi government of information about the fate of the tens of thousands who disappeared in government hands—an essential step for enabling the relatives of the victims to reconcile themselves to the loss of their loved ones. Monetary damages might also be ordered for surviving relatives.
- Second, an ICJ finding of genocide would bolster arguments that the international community has an obligation to continue to protect the Kurds from the possibility of resumed slaughter by maintaining the protective cover provided by the no-fly zone over northern Iraq.
- Finally, a ruling that genocide was committed would likely trigger an order that the instigators face prosecution. This would send a strong message to all governments that genocide will not be tolerated by the international community and that violators will be punished.

OVERVIEW

The Kurds are a transboundary ethnic group whose people live in the territories of several states, including Iraq, Iran, Turkey, Syria. and several former Soviet republics. The Kurds have their own language, cultural traditions, history and ethnic cohesiveness which qualifies them as an ethnic group within the meaning of Article II of the Genocide Convention. While the majority of the approximately four and a half million Iraqi Kurds were living in towns or government-built resettlement camps at the time of the genocide, small villages in many ways still constituted the social and economic center of Kurdish life, with a significant part of the population leading a traditional rural lifestyle and engaging in agricultural and pastoral occupations.

The genocide campaign came as the culmination of a long effort to solve what the Iraqi government saw as its Kurdish problem. Although the government and Kurdish leaders have negotiated varying degrees of autonomy for the Kurds over the years, such negotiations never resulted in a stable solution. In March 1974, the government unilaterally decreed a Kurdish "autonomy" law, which artificially defined a Kurdish region that excluded important Kurdish population centers in oil-producing areas, especially Kirkuk. The government thereafter turned to increasingly repressive techniques for maintaining control of the Kurds.

The situation worsened in the 1980s, as the government struggled to deal with the consequences of its war with Iran. As the war dragged on, Iraq suffered humiliating defeats, including penetration by Iranian forces into Iraqi territory, including Iraqi Kurdistan. During the war, Iraq undertook several measures in Iraqi Kurdistan under the guise of strengthening military security, including forced relocations, the destruction of villages and the creation of "prohibited zones," that is, vast rural areas in the Kurdish region that no one was permitted to enter. In July

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1983, in apparent reprisal for what Baghdad viewed as collaboration by one of the Kurdish rebel parties with Iran, the Iraqi military raided several civilian resettlement camps and captured between five and eight thousand adult males of the Barzani tribe. They were driven away in buses and have never been seen again. Saddam Hussein declared shortly afterwards that the Barzanis had "betrayed the country" and that "we meted out a stern punishment to them, and they went to hell."

By 1987, Iraq was ready to negotiate a ceasefire with Iran. The winding down of the international conflict gave Iraq the opportunity to redeploy military forces to the Kurdish areas. In 1988, Iraq conceived and executed a campaign, known as the *Anfal*, which referred to an eight-stage military offensive moving progressively from the southeastern part of the Kurdish region of northern Iraq to the northwestern corner during the period of 6½ months between February 23 and September 4, 1988. This campaign, under the leadership of the secretary of the Ba'ath Party's Northern Bureau, Ali Hassan al-Majid (who served as Iraq's minister of defense until last month), was directed against Kurdish guerrilla organizations present in the region as well as *all* non-combatants resident in those parts of the countryside that had previously been declared "prohibited zones" by the government.

The mode of operation generally consisted of the use of chemical weapons against Kurdish villages, followed by the arrest and detention at military centers of the rural population and the total destruction of their villages. The majority of detained Kurds were disappeared; Human Rights Watch has evidence that most, if not all, were executed by firing squads and buried in mass graves in the western desert. Surviving detainees, mostly the old, and some of the women and children, were sent to resettlement camps after a general amnesty was declared on September 6, 1988. There were no trials or even a pretense of due process.

The key points of the *Anfal* campaign and related events include:

- In March 1987, Iraq's Revolutionary Command Council issued Decree No. 160, conferring extraordinary powers on al-Majid to deal with the Kurds. Within weeks, he ordered a program of military attacks on villages, including with chemical weapons; the forced relocation of the rural population; and the wholesale destruction of villages.
- In April 1987, the Iraqi air force mounted chemical weapons attacks against the Kurdish villages of Balisan and Sheikh Wasan in the government's first known use of chemical weapons against its own civilians. Several hundred civilians died as a result of these first chemical weapons attacks and their aftermath. The survivors were rounded up, detained and relocated. Adult men and teenage boys were detained and disappeared without a trace.
- During the spring of 1987, over 700 villages were obliterated and their occupants forced to relocate to government-built resettlement camps. The government suspended the legal rights of residents in the remaining villages, designating these "prohibited zones." In June, the government issued orders banning all human and animal life in the prohibited villages, and ordered the detention, interrogation and execution of all persons between the ages of 15 and 70 present in the villages.
- On October 17, 1987, the government required all nationals, including Kurds, to register in a national census, and announced that all those who failed to register would lose their Iraqi nationality and would be considered army deserters. For the Kurds living in the "prohibited zones," the census offered the last opportunity to "return to the national ranks," by permanently leaving their homes and fields, and registering as residents of a resettlement camp.
- In February–March 1988, the Iraqi military carried out the First *Anfal* campaign, attacking the villages of Sergalou and Bergalou, where the Patriotic Union of Kurdistan had its headquarters, as well as 25–30 other villages in the environs. Kurdish resistance held out for three weeks, but in the face of chemical weapons attacks by the Iraqi forces, the villages fell one by one and many of their inhabitants fled toward the border with Iran. Hundreds died during the siege of the villages and the aftermath, from chemical and conventional weapons and from the rigors of trying to escape across the mountains to Iran; others disappeared in government custody. Army crews later leveled the villages with dynamite and bulldozers.
- On March 16, 1988, the Iraqi air force attacked the town of Halabja with chemical weapons. The names of at least 3,200 individuals who died in this attack have been compiled on the basis of survivors' testimonies; the actual death toll may be as high as 5,000.
- In March–April 1988, the Iraqi military carried out the Second *Anfal* campaign. On the operation's first day, some eighty civilians died in a chemical weapons attack on the village of Sayw Senan. Troops then converged on the area, forcing

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thousands to flee their homes. Men between the ages of 15 and 70 were arrested and disappeared, as were large numbers of women and children. Once the Qara Dagh area had fallen to government forces, all the villages were razed to the ground.

- In April 1988, the Iraqi army swept through the Germian plain as part of the Third *Anfal* campaign, rounding up the villagers and removing them to a military camp in Kirkuk. From there they were sent to their deaths. Following the campaign, army engineers destroyed all the villages of Germian.
- The Fourth *Anfal* campaign was carried out at the beginning of May 1988. All the villages in the area of Koysinjaq were destroyed, and thousands of men, women and children perished. A chemical weapons attack on the village of Goktapa took hundreds of lives.
- From May until August 1988, the Iraqi military carried out the Fifth, Sixth and Seventh *Anfal* campaigns in the valleys north of Erbil.
- The Final *Anfal* began on August 25, 1988, well after the August 8 ceasefire in the war with Iran, and continued until September 4. Following a series of chemical attacks on villages in the Badinan area, the army moved in, rounding up all those who failed to cross the border to safety in Turkey. Thousands of men were disappeared following their detention in military camps, while women and children were dumped on the open plains near the town of Erbil.
- The *Anfal* ended with a general amnesty "for all Iraqi Kurds," declared on September 6. Persons who were thereafter found in the "prohibited zones" were relocated to resettlement camps, while many of those in detention were disappeared.

LEGAL ANALYSIS AND EVIDENCE

Under Article IX of the Genocide Convention, any party to the agreement may bring a claim against another party before the International Court of Justice, which has mandatory jurisdiction. Precisely because of the absence of authoritative judicial interpretation, the prospective Kurdish case presents both an opportunity and an obligation to articulate a practical interpretation of the Genocide Convention that will operationalize its object and purpose.

A case brought against Iraq in the ICJ would show that Iraq acted with "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" by "killing members of the group." The Iraqi government's intent can be assessed in light of the reasonably foreseeable consequences of its actions. It was reasonably foreseeable that establishing "prohibited zones" in northern Iraq that coincided almost perfectly with all areas of northern Iraq that were inhabited by rural Kurds, and then ordering the execution of all persons who remained in those "prohibited zones," would result in the murder of a substantial part of the ethnic and national group of rural Kurds. The Iraqi government thus can be said to have intended to kill a substantial portion of the Kurdish population because they were Kurds.

Although the "prohibited zones" did not include all Iraqi Kurds, they were drawn in a way that their population was completely Kurdish. No Arab villages fell within the "prohibited zones," and no Arab villages were destroyed by the Iraqi regime in northern Iraq. The vast majority of Kurdish villages outside the "prohibited zones" (in the plains, along the main roads and close to the towns) were also destroyed.

In the spring of 1987, after Ali Hassan al-Majid became the head of the Ba'ath Party's Northern Bureau and was therefore in charge of the government's policy toward the Kurds, he ordered the destruction of all villages under government control. A few months later, and less than a year before the start of the *Anfal* campaign, the Northern Bureau issued shoot-on-sight directives for the "prohibited zones." These were reflected in two standing orders issued by the Northern Bureau in June 1987, which were enforced in the months before *Anfal*, during *Anfal*, and for at least a year after *Anfal*, as well as subsequent reports of the arrest and execution of persons accused of being in the "prohibited zones."

On June 3, 1987, the Northern Bureau issued directive 28/3650, banning "all human and animal life" in the "prohibited zones." The directive permits persons from the "prohibited zones" to "return to the national ranks," a euphemism for relocation to areas under government control, in particular resettlement camps. Those who refused to leave their homes and fields were liable to be killed, as the directive specified that "the armed forces must kill any human being or animal present within these areas."

On June 20, 1987, the Northern Bureau issued directive 4008, reconfirming the ban on all human and animal life in the "prohibited zones," and ordering the detention, interrogation and execution of all persons between the ages of 15 and 70 ar-

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rested there. The ethnic focus was apparent: it was as if the Nazis had order the slaughter of "all animal and human life" in the Warsaw Ghetto.

Iraq's population census, held on October 17, 1987, was a decisive element in the definition of the target group to be marked for destruction. Superficially, the census appears not to discriminate between Arabs and Kurds (the only two ethnicities which the government recognized in the census). But in fact, a mechanism of a deadly discriminatory character had been built into it. The issue was not how one registered—Kurds were under no pressure to deny their ethnicity—but *whether* one registered. The census provided the last opportunity to "return to the national ranks." Clear instructions were issued by Ali Hassan al-Majid at the time of the census that those who did not present themselves to be counted would cease to be Iraqis. But the only way in which people could be included in the census was if they physically left their homes in the "prohibited zones" and moved to government-controlled areas, registering themselves as residents in one of the government-controlled resettlement camps. "Returning to the national ranks" did not allow continued residence in the "prohibited zones."

In other words, the census, while non-prejudicial in form, was ethnically discriminatory in its application, because the special requirement of dislocation to register for the census was applied only to areas that were almost exclusively Kurdish. It is the residents of these areas who did not move, virtually all Kurds of rural Kurdistan, who were then marked for extinction.

Once the "prohibited zones" were corralled off; the government began to refer to the resident Kurdish population as "saboteurs," "traitors," and "agents," regardless of whether they were combatants. For example, on April 19, 1988, at the height of the *Anfal* campaign, the Northern Bureau decreed that families who arrived from the "prohibited zones" should be "treated the same way as the saboteurs." This demonstrates that all rural Kurds from the "prohibited zones" were branded, indiscriminately, as persons to be executed, and that it was their ethnicity—membership in the group of rural Kurds—that sealed their fate. In fact, as both the Iraqi state files and the testimonies collected by Human Rights Watch make clear, the vast majority of the residents were noncombatants, and there were many villages that were rarely or only occasionally visited by the guerrillas. The government simply demarcated the areas over which it had lost control, and then defined and treated all persons present in those areas—virtually all Kurds—in like manner without distinction.

It is significant that the government treated the Kurds in the "prohibited zones" as coterminous with the *peshmerga* insurgents: it indicated that the government considered the population's refusal to leave its ancestral lands and "return to the national ranks" to be an act of collaboration (probably with the insurgency, possibly with Iran). This collaboration was seen as constituting a betrayal, a sabotaging of the Iraqi cause which, as embodied in the ideology of the ruling Ba'ath Socialist Party, was a pan-Arab cause. This was especially true at a time when Iraq, supported financially and logistically by most Arab countries, was fighting a war against Iran. In official discourse, national boundaries dissolved and age-old ethnic identities were recycled for use in state propaganda: "the Kurds" were allying themselves with "the enemy Persians" against "the Arabs."

The treatment of those who were actually or nominally loyal to the government shows that the government's policy discriminated not on the basis of loyalty but of ethnicity. Even pro-government tribes and/or members of the pro-government Kurdish militia, the National Defense Battalions (derisively referred to as *jahsh*, or donkey foal, by the Kurds), were warned that they and their families would not be spared if they chose to remain in their villages in the "prohibited zones." In a 1987 meeting recorded on audiotape, Ali Hassan Al-Majid is heard to say:

> I told the *mustashars* [the Kurdish tribal leaders of the Battalions] that they might say that they like their villages and that they won't leave. I said I cannot let your village stay because I will attack it with chemical weapons. Then you and your family will die. You must leave right now.

And, indeed, as shown by Iraqi state documents and testimony taken by Human Rights Watch, the government destroyed many of the villages inhabited by the *jahsh* before, during and after *Anfal*.

The vast majority of the Kurds in the "prohibited zones" chose not to register in the 1987 census. Witnesses reported to Human Rights Watch that very few Kurds agreed voluntarily to leave their homes and fields in exchange for an uncertain existence in a resettlement camp in the years before *Anfal*. Those who chose not to resettle or register were deemed to be beyond the protection of the law, and could be killed without legal sanction. For example, the Ba'ath Party in the town of Shaqlawa issued directives in September 1987 to "strip the families who joined the saboteurs with all their family members of their Iraqi citizenship." The arbitrary inclusion of family members again indicates the important role of ethnicity. Rural

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Kurds who were living in the "prohibited zones" at the time of *Anfal* but managed to slip out from under the army's control and reach the towns and resettlement camps were hunted down by the security services and met the same fate as their kinfolk captured in the "prohibited zones."

During *Anfal*, the army made no distinction between villagers and guerrillas, rounding up everyone who was caught in its dragnet, and trucking them to execution sites in Iraq's western desert. Human Rights Watch has interviewed seven near-victims of these mass executions who were able to escape miraculously from the pits in which their relatives, neighbors and friends were buried. Iraqi government documents in the hands of Human Rights Watch, while remaining silent on the issue of mass executions, do report the arrest and detention of large groups of villagers by name during the *Anfal* campaign, including several of the execution survivors interviewed by Human Rights Watch. The Iraqi government has yet to account for the fate of the thousands of persons it admits having detained in 1988.

While the Iraqi government has described *Anfal* in ethnically neutral terms as a military campaign against Kurdish rebels, its intentions were occasionally revealed in official state discourse. This was the case with the September 1988 amnesty, which was announced after Iraqi troops regained full control over all the "prohibited zones," thereby completing the *Anfal* campaign. The state-controlled newspapers of September 6 announced in banner headlines "a general and comprehensive amnesty *for all Iraqi Kurds.*" Here the government confirmed in words what it had already proven in deed: that the targets were not the Kurdish rebels but the Kurds as such. Those who evaded capture until after the amnesty announcement were spared, while many of the Kurds captured inside the "prohibited zones" prior to the amnesty continued to be executed after September 6.

Ali Hassan al-Majid, the architect of *Anfal*, later expressed regret over the government's decision to amnesty the Kurds. In a 1989 speech he said:

> When the amnesty was announced, I was about to get mad. But as a responsible party member I said OK. I said probably we will find some good ones among them, since they are our people too. But we didn't find any, never.

With this blanket denial that there are any "good ones" among the Kurds, al-Majid re-confirmed that, in any meaningful terms, the government's focus was on ethnicity, not loyalty.

The mass killing of rural Kurds may have ended in September 1988, but those who surrendered during the amnesty were never allowed to return to their land and homes. Captured Iraqi state documents show that these people were thereafter treated as second-class citizens, deprived of any rights. They were consigned to resettlement camps or dumped in the open air; they were not permitted to change their new, enforced residences, or to work the fields around them; and they were especially forbidden from returning to their villages, the ruins of which lay in the areas that continued to be designated "prohibited zones" and therefore continued to be off-limits to every living soul. For the agriculture-dependent Kurds, this denied them their means of subsistence as long as the government exercised central control over them, i.e., until the 1991 uprising.

In closing, we wish to restate that the stores of documentary, testimonial and forensic evidence in the possession of Human Rights Watch provide incontrovertible proof that in 1988 the Iraqi state killed tens of thousands of Kurdish men, women and children *because they were Kurds*. Our goal is to ensure that the Iraqi government is brought to account for its heinous crime of genocide.

Senator BROWN. Thank you.

Mr. Layton is next. He is executive director of Servant Group International.

STATEMENT OF DOUGLAS LAYTON, EXECUTIVE DIRECTOR, SERVANT GROUP INTERNATIONAL, MOUNT JULIET, TN

Mr. LAYTON. I would like to thank you, Senator Brown, and your committee for calling this very important hearing and for allowing me to testify today.

The Geneva Convention of 1948 defined genocide, among other things, as "acts committed with the intent to destroy in whole or in part a national ethnic, racial, or religious group." The Kurds are a unique and distinct people group who most scholars believe are descended from the ancient Medes. They are not Arabs, they are

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not Persians, they are not Turks. In all, the Kurds number approximately 25 million, about 4 million of whom live in northern Iraq. Iraqi Kurds are passionately pro-Western, pro-American, and pro-democratic.

Saddam's first major attempt to eliminate all or part of this ethnic group began in 1983 when his armies kidnapped 8,000 male members of the Barzani tribe between the ages of 15 and 75. None of them has ever been seen again, and Saddam has repeatedly stated that he "sent the Barzani men to hell." It is presumed that they are all dead. The preponderant majority of those kidnapped and presumably killed were not military personnel. I have personally interviewed scores of Barzani widows and orphans who to this day have no idea where their fathers and husbands are.

People speak of forcing Saddam to account for missing Kuwaitis. He should also account for missing Kurds. Saddam not only went unpunished, but was subsequently given increased aid by Western nations, including our own, that reportedly lasted up until weeks before the gulf war. It was supposed by many at the time that aid to Saddam would moderate his conduct. This proved to be a false assumption, for in 1988 he dropped chemical bombs on the city of Halabja, killing nearly 5,000 men, women, and children.

Saddam was not punished for murdering 8,000 Barzanis, nor was he punished for murdering 5,000 Kurds at Halabja. He was free to begin his Anfal campaign ordering more mass murders, the razing of thousands of villages, and further chemical attacks against vast areas of Iraqi Kurdistan. The clear aim was to kill everyone.

What about the Kurds who were not immediately killed? What happened to them? What happened to the children? U.S. News and World Report published an article in March 1989 on what typically happened to the children captured by Saddam. It said in part: "President Saddam Hussein over the last 4 years has tortured and killed hundreds, possibly thousands of children to silence dissident parents. An amnesty report details a case of a 5-month-old baby denied milk, starved until parents, 'confessed,' and of 300 Kurdish hostages swept into prison and a hell of whippings, electric shock, torture, and sexual abuse—testimonies of which we have heard this day—29 were executed without trial in 1987. The rest have simply disappeared."

Today, much of the world would like to overlook Saddam's crimes and return to business as usual with Iraq, yet we have more evidence than ever of Saddam's guilt against the Kurds. Saddam may have to be tried in absentia if he chooses not to answer the charges, but at least he will be branded for what he is, and those who wish to do business with him will be branded for what they are.

During my last trip to Iraq in May, I acquired evidence of atrocities that Saddam Hussein is currently committing against the Kurds, including photographs of victims who have been tortured to death by Saddam's agents. I conducted scores of interviews with families who have been stripped of their belongings and forcibly evicted from their home. The Kurds who have testified here today, and millions of others like them, are asking America if they have a future. If Turkey does not approve the continuation of Operation

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Provide Comfort in December of this year, what will happen to the Kurds?

If Saddam is charged with the crime of genocide, at least there will be a legal basis to protect the Kurds beyond the provisions that already exist. It is inconceivable that the world would allow this man to regain control of northern Iraq and begin this horrible genocide once again. But this is exactly what many of us fear is happening. People speak of Saddam coming clean on his weapons of mass destruction and fulfilling relevant U.N. Security Council resolutions, but this does not change the fact that he is guilty of heinous crimes against the Kurds, and continues to murder Kurds today.

In conclusion, do the people of America still care about this issue? I have been asked to present these petitions to the members of this committee. They are signed by thousands of concerned Americans, including the heads of 60 State Baptist organizations representing more than a half a million people, and are accompanied by endorsements of the National Association of Evangelicals representing 47 denominations with a membership of 50,000 churches, and other organizations such as the Christian Israel Public Action Campaign. Most significant to me, however, are the signatures of the Kurdish Americans who plead with this body not to allow the Kurds to be turned over once again to a genocidal maniac.

When Hitler was asked how he thought he might get away with the final solution, he replied that the world had done nothing about the Armenians, and they would do nothing about the Jews. The question is what will we do today about the Kurds? As a committed Christian, I have asked myself what must God think about all of this, and the scripture that comes to my mind is in Proverbs, chapter 24, verse 11. It says, "Rescue those being led away to death, hold back those staggering toward slaughter. If you say, but we knew nothing about this, does He who weighs the heart not perceive it? Does He who guards your life not know it? Will not He repay a person according to what he has done?"

Thank you very much.

[The prepared statement of Mr. Layton follows:]

PREPARED STATEMENT OF MR. LAYTON

I have traveled to northern Iraq on seven different occasions since the Gulf War. During my last visit in May I conducted hundreds of interviews with survivors of what is commonly known as the Anfal campaigns, military operations resulting in the murder of more than 100,000 Kurds. Atrocities were committed against the Kurdish people that I and many others believe constitute an act of genocide.

In December of 1946, the General Assembly of the United Nations, *by unanimous vote* declared genocide to be a crime under international law. A subsequent Geneva Convention in 1948 defined genocide, among other things, as "acts committed with the intent to destroy in whole or in part a national, ethnic, racial, or religious group."

The Kurds are a unique and distinct people group who most scholars believe are descended from the ancient Medes. They are not Arabs, Persians, or Turks. In all, the Kurds number approximately 25 million, about four million of whom live in northern Iraq. Iraqi Kurds are passionately pro-Western, pro-American, and pro-democratic.

Saddam's first major attempt to eliminate all or part of this ethnic group began in 1983 when his armies kidnapped 8,000 male members of the Barzani tribe between the ages of 15 and 75. None of them has ever been seen again. Saddam has repeatedly stated that he "sent the Barzani men to hell" and it is presumed that

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they are all dead. The preponderant majority of those kidnapped and presumably killed were not military personnel.

I have personally interviewed scores of Barzani widows and orphans who to this day have no idea where their fathers and husbands are. When they asked the Iraqi soldiers why their men were being taken, they were offered only one reason. The men were Barzanis.

Saddam not only went unpunished but was subsequently given increased aid by Western nations—including our own—that reportedly lasted up until weeks before the Gulf War. It was supposed by many at the time that aid to Saddam would moderate his conduct. This proved to be a false assumption.

In 1988, he dropped chemical bombs on the city of Halabja, killing nearly 5,000 men, women, and children in a few moments of time. The majority of those who died were—again—not soldiers but civilians whose only crime was to be Kurdish.

Saddam was not punished for murdering 8,000 Barzanis, nor was he punished for murdering 5,000 Kurds at Halabja. He was free to begin his Anfal campaign, ordering more mass murders, the razing of thousands of villages, and further chemical attacks against vast areas of Iraqi Kurdistan.

I interviewed one man who was one of the few fortunate enough to have a gas mask during the onslaught. He personally survived seven chemical attacks. He described for me how Saddam's military used chemicals that settled in the valley on some occasions and other chemicals and cluster bombs in the hills. **The clear aim was to kill everyone.**

What about the Kurds who were not immediately killed? What happened to them? What happened to the children? U.S. News and World Report published an article in March 1989 on what typically happened to the children captured by Saddam Hussein. It said, in part:

> "Once it was fabled Mesopotamia, legendary sight of the Garden of Eden, a land so sweet that it enticed nomads to stop wandering and become the world's first farmers. The cradle of civilization, nestled between the Tigris and Euphrates rivers. Now they torture and murder babies in a cradle that has become the crucible of Iraq. More in horror than anger, Amnesty International last week reported that the government of President Saddam Hussein over the last four years has tortured and killed hundreds, possibly thousands of children to silence dissident parents. Amnesty's report details the cases of a five-month-old baby denied milk, starved until parents 'confessed,' and of 300 Kurdish child hostages swept into prison and a hell of whippings, electric-shock torture and sexual abuse * * * Twenty-nine were executed without trial during 1987; the rest have simply disappeared. Saddam's butchery, in more than 20 years of power, has made of Iraq a secretive, sealed society where fear is palpable and terror is an instrument of the state. The only sin is disloyalty; the only punishment is death. And now the sins of the fathers and mothers have been visited on the innocent children."

At last, in September of 1988, Congress took action to punish Saddam for his crimes and voted to cut military and economic aid to Iraq and embargo Saddam's oil sales. But the administration did not act upon Congress's wishes, and the legislation did not take effect. Three more years of murdering and torture would have to pass before the Gulf War brought about the embargo that is now in place.

Today, much of the world would like to overlook Saddam's crimes and return to business as usual with Iraq. Yet we have more evidence than ever before of Saddam's guilt against the Kurds.

During the Gulf War eighteen and a half tons of documents proving his atrocities were captured from Saddam's secret police. They were brought to the United States at great expense and risk of human life.

They have now been carefully examined and translated, and it has become obvious that a viable case of crimes against humanity, war crimes, and genocide can be stated. There are documents and video tapes of the executions. There are audio recordings ordering the murder of tens of thousands of Kurds. Many of them to be buried alive. There are written orders by Ali Hassan al Majid who at the behest of Saddam ordered the army to "leave neither man nor beast alive." Some of the documents indicate that at least 2,400 Kurds were used as human guinea pigs to test chemical weapons.

Many believe the time has now come for the vast evidence under the control of the Senate Foreign Relations Committee to be used for the purpose for which it was obtained: charging Saddam with genocide. Other international tribunals such as those in Bosnia are being conducted with far less evidence than there is against Saddam.

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Saddam may have to be tried in absentia if he chooses not to answer the charges. But at least he will be branded for what he is and those who wish to do business with him will be branded for what they are.

We must also realize that Saddam's genocide is ongoing.

During my trip to Iraq in May, I acquired evidence of atrocities that Saddam Hussein is *currently* committing against the Kurds, including photographs of victims who have been recently tortured to death by Saddam's agents, and conducted scores of interviews with families who have recently been stripped of their belongings and forcibly evicted from their homes. These are not victims of the 1988 Anfal or the 1983 massacre of the Barzani tribe. They are victims of the past few months and years.

The Kurds who have testified here today and millions of others like them are asking America if they have a future.

The status of Operation Provide Comfort must be reviewed every six months by the Turks who have not always been friends of the Kurds of northern Iraq and who have great animosity toward the Kurds of their own land. If Turkey does not approve the continuation of Operation Provide Comfort in December of this year, what will happen to the Kurds?

If Saddam is charged with the crime of genocide, at least there will be a legal basis to protect the Kurds beyond the provisions that already exist and are so tenuous.

It is inconceivable that the world would allow this man to regain control of northern Iraq to begin this horrible genocide once again.

But this is exactly what many of us fear is happening. People speak of Saddam's coming clean on his weapons of mass destruction and fulfilling relevant U.N. Security Council resolutions. This does not change the fact that he has been and may again become the world's most dangerous man and that he is guilty of heinous crimes against the Kurds and continues to murder Kurds today.

I have been asked to present these petitions to the members of this committee. They are signed by thousands of concerned Americans, including the heads of sixty state Baptist organizations representing more than a half million people, and are accompanied by endorsements of the National Association of Evangelicals, representing forty-seven denominations with a membership of 50,000 churches and other organizations such as the Christian's Israel Public Action Campaign. Most significant to me are the signatures of the Kurdish Americans who plead with this body not to allow the Kurds to be turned over once again to a genocidal maniac.

Americans do care. They do not want to see Saddam Hussein returned to a place of normalcy in the world of nations. If this happens we will have lost our 100 Hours War after all.

As far as Saddam is concerned, the war never ended. He has not only repeatedly threatened America with acts of terrorism but has vowed to use both conventional and banned weapons against us.

UN Security Council resolution 687 section 32 demanded that Saddam not "support any act of international terrorism or allow any organization directed toward commission of such acts to operate within its territory." But, numerous such organizations do operate from Iraqi territory and one of the men charged in the World Trade Center bombing now reportedly lives in Baghdad. He and another of the men on trial for this act of terrorism traveled to the United States on valid Iraqi passports and many believe that Saddam was at least partially responsible for the bombing. Saddam has successfully terrorized his own people and numerous neighbors; he may soon successfully terrorize Americans if he has not done so already.

Terrorists threats not withstanding, it is in the national interests of the United States to continue to protect the Kurds of northern Iraq and seek to bring Saddam to justice. We will either have to deal with this situation while we have a degree of control and an established presence in the region or deal with it later when we do not. Where does the world think that four million Kurds will go if given back into the hands of Saddam? They would no doubt die in large numbers again. Wide scale instability in the near east could ensue among the regions and nations where they live.

How long will the Kurds be pro-Western, pro-American, and pro-democratic if they have no sense that someone cares about justice in their case? We cannot blame Kurds for becoming radical in regions where we have little influence if we do not promote their democratic tendencies in areas where we have great influence.

At the end of the Gulf War the Kurds rose up against Saddam Hussein in response to a call from President Bush. They were successful in regaining much of their land. Then, in spite of U.N. Security Council resolutions forbidding him to do so, Saddam was allowed to fly his helicopters against the Kurds. The uprising was quickly crushed and more than a million Kurds had to flee to the barren wastelands

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of eastern Turkey where they faced what turned out to be the worst winter in forty years. I have been in relief work for twenty-three years and know this terrain well. The snow-covered mountains are far too difficult to mount effective relief operations in.

A thousand Kurds a day began to die. It was in the wake of this tragic event that the United States and its allies established the current no-fly zone and offered the Kurds protection under Operation Provide Comfort. The Kurds returned from the mountains believing the promise of America to protect them from Saddam.

They are not depending on America's allies. They are depending on America. They were promised by the most powerful nation on earth that they would be protected until "their safety was secure." Their safety is not secure while Saddam Hussein controls Iraq. Until now the United States has been good to its word.

Non-governmental organizations have rebuilt many Kurdish villages, drilled new wells, replenished flocks, and helped restore food supplies to some extent. Due to the international embargo, however, there is no employment for the people, their children are malnourished, and hospitals are functioning at 25% of their capacity. Although there is still great suffering, life is better than it was under Saddam's regime. Under Baghdad's rule the next knock on your door could begin a lonely journey to a desert grave.

Many are blaming the U.N. sanctions for the suffering of the Iraqi people. But I have personally seen thousands of trucks crossing the Turkish border with diesel from Saddam. It is estimated that Saddam is selling as much as 150,000 barrels a day through Turkey, Jordan, and Syria. Madeleine Albright recently testified that Saddam is using the profits to build palaces valued at more than five hundred millions dollars. I have personally been in one of Saddam's former palace complexes worth an estimated two billion dollars. He is not suffering. He is purposely starving his own people in order to evoke international sympathy.

Saddam can, under the auspices of the United Nations resolutions currently in place, sell as much oil as he requires to feed and give medical aid to his people. However, Saddam does not feed and give medical aid to his people, especially the Kurds. The Kurds therefore suffer from two embargoes: the U.N. embargo and an unspoken one imposed by Saddam Hussein.

After the Gulf War, the Kurds in May of 1992 held what international observers claim was a genuine and free election. I was present during that election and witnessed for myself the passion with which the Kurdish people embraced democracy when they were finally allowed freedom from the dictator who had repeatedly tried to exterminate them as a people.

What was their reward? They were placed under a double embargo and punished along with Saddam. Why?? Twenty-three senators wrote the president some time ago asking him to seek the lifting of the embargo against the Kurds while maintaining it against Saddam. I quote from that letter. "The dual embargo * * * reinforces the aims of the Saddam Hussein regime and unfairly punishes the Kurds for the crimes of the Iraqi leadership." The letter was signed by senators on both sides of the aisle, liberal and conservative alike.

But no action has ever been taken. Why? People speak of regional desires that a quasi-independent Kurdish entity not be allowed to survive. The Kurds are worrying about surviving at all. Their democratic experiment is languishing on the rocks of neglect. If a group of people wish to stand on their own and want to be democratic, is it not in the best interests of the United States to allow them to do so? The Kurds of Iraq have not asked for independence. They have asked to be allowed to remain who they are * * * Kurds.

Many have bemoaned the Kurd's fighting among themselves on several occasions since the 1992 elections. What does everyone expect? If we do not give them the means to succeed, they will fail. The meager aid sent to northern Iraq has been like a loaf of bread thrown into a concentration camp. The inmates will undoubtedly fight over it. If a people elect a democratic government and after four years this government still cannot help them in any tangible way, eventually the people will tire of democracy.

I recently interviewed the president of the Kurdish Democratic Party, Mr. Massoud Barzani as well as the prime minister of Iraqi Kurdistan, Mr. Kosrat who have been on opposite sides of the recent fighting among the Kurds. Both of them told me that the double embargo had precipitated the infighting and that if it were lifted the impetus for the fighting would no longer exist. The men of Kurdistan have no other means of survival but to be a member of one military faction or another. Many Kurds have told me that given the choice, they would throw down their weapons and return to their farms and businesses. This embargo is making beggars of a once proud people and is destroying one of the few democratic movements in the Middle East.

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In conclusion:

When Hitler was asked how he thought he would get away with the final solution, he replied that the world had done nothing about the massacre of the Armenians and it would do nothing about the Jews. The question is, what will we do about the Kurds?

It has been oft noted that "if you kill one man, you go to prison. If you kill ten you are put into a mental institution. But if you kill thousands they invite you to Geneva for negotiations."

Many countries in the world are inviting Saddam to negotiate his rehabilitation. If Saddam can be rehabilitated * * * then Adolf Hitler could have been too.

I believe it is time to invite Saddam Hussein to face his crimes.

As a committed Christian I have asked myself, "What must God think about all this?"

The scripture that comes to mind is Proverbs 24:11 and 12:

> "Rescue those being led away to death; hold back those staggering toward slaughter. If you say, 'But we knew nothing about this,' does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he has done?"

Senator BROWN. Mr. Alan Makovsky, a senior fellow at the Washington Institute for Near East Policy. Thank you for joining us, Alan.

STATEMENT OF ALAN MAKOVSKY, SENIOR FELLOW, WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Mr. MAKOVSKY. Thank you very much, Mr. Chairman. I have a longer version of testimony that I would like to submit for the record, with your permission, of course, Mr. Chairman.

Senator BROWN. It will be included in the record, as will the separate remarks of Senator Pell.

[The prepared statement of Senator Pell follows:]

OPENING STATEMENT OF SENATOR PELL

I want—for the second time today—to thank Senator Brown for calling a very important hearing.

I, along with the distinguished Chairman of the full Committee Senator Helms, have tried very hard to call attention to the persecution of the Kurds, including introducing the first-ever sanctions bill against Iraq in 1987 for its use of poison gas against the Kurds.

Since then, there has been mounting evidence of Iraq's brutality against the Kurds. This Committee—particularly through the vigorous efforts of former Staff Member Peter Galbraith—participated in the effort to retrieve more than 18 tons of Iraqi Secret Police documents captured by the Kurds in 1991. Human Rights Watch has done a superb job of analyzing those documents to mount a compelling case that Iraq has engaged in genocide against the Kurds.

This is a story that *must* be told. As some of my colleagues may know, the issue of genocide has a particularly strong resonance for me. Just after World War II, my father, Herbert Claiborne Pell, played a significant role in seeing that genocide would be considered a war crime. Although he met stiff resistance, my father ultimately succeeded and I learned much from his tenacity and commitment to principle. The world must oppose genocide wherever and whenever it occurs; Iraq must be held accountable for its atrocities against the Kurds. We simply cannot afford to let this opportunity pass by.

We also must move beyond the tendency to view the genocide issue only within the context of history—that is to say the events of the *Anfal* campaign. Saddam's ill treatment of the Kurds continues, now in the form of an Iraqi blockade of the Kurdish provinces. Since there also in a U.N. embargo on all of Iraq, the Kurds are forced to live under the unbearable economic weight of a dual embargo. This does not seem fair to me, and I hope we can continue to explore ways to relieve some of the harsh conditions in Iraqi Kurdistan.

I look forward to today's discussion.

Mr. MAKOVSKY. Thank you. Preparatorily, I would like to congratulate the subcommittee on holding this hearing on this very

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important topic that has been surprisingly and disappointingly too often neglected. I am honored to have been invited to testify.

Four main points: First, Mr. Chairman, regarding the title of today's hearing, Iraqi atrocities against the Kurds, I would like to add my name to those who support formation of an international commission to study allegations of Iraqi war crimes, crimes against humanity, and genocide against the Iraqi Kurdish population. Indeed, working for the establishment of such a commission should be a primary element of U.S. policy toward Iraq. An international commission could lay out the evidence before the world so that the criminal nature of the Saddam Hussein regime would be transparent for all. This would be appropriate from a policy point of view as well as a moral one. It would bolster the case for continuing ongoing sanctions against the Iraqi regime, and for continuing Operation Provide Comfort. But most of all, it would give the Kurds their minimum due, recognition of the atrocities they suffered while the world stood by in near total silence.

Based on my own observations while I had the privilege to serve as State Department political adviser on Operation Provide Comfort 3 years ago, long after the chemical attacks and the Anfal campaign had ended, I have no doubt such crimes were committed. A seemingly endless string of destroyed villages in northern Iraq is but one living testimony. We heard many more such testimonies eloquently today, and I would just like to call to your attention, if there are any doubters left, the new impressively documented book by Mr. Roth's organization, Human Rights Watch, called Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds, and I will say no more about that other than to commend the Foreign Relations Committee for the well-known role that it played under Senator Pell's chairmanship in procuring the documents that made the Human Rights Watch study possible.

Second, I would like to make the general point about our Iraq policy that the issue of human rights should be kept at the forefront. The justification for the existence of Operation Provide Comfort, indeed, for our opposition to the Saddam Hussein regime, is, after all, fundamentally a moral one. This administration deserves credit for raising the profile of the human rights issue by explicitly linking the lifting of sanctions to Iraqi compliance with all relevant U.N. Security Council resolutions passed in the wake of the Iraqi invasion of Kuwait, and by openly criticizing ongoing Iraqi repression of its own citizens. This has been understood by many to understand that the United States will require as a condition for ending sanctions Iraqi compliance with Security Council Resolution 688, which condemns: "the repression of the Iraqi civilian population, including those in the Kurdish populated areas, the consequences of which threaten international peace and security in the region. It demands that Iraq immediately end this repression."

Mr. Chairman, U.N. Security Council Resolution 688 stands as a benchmark for any Iraqi regime, even a post-Saddam Hussein regime, and it is a warning that Iraq must be a state in which all its citizens, Arabs, Kurds, Turkomans, and others, live a life free of repression. We do not want to see any repetition of what the Kurds and other Iraqis have already endured. Accordingly, I would urge that the U.S. Government avail itself of every opportunity,

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when discussing its Iraq policy, to emphasize its commitment to Iraqi compliance with human rights requirements, and particularly with U.N. Security Council Resolution 688 as a condition for easing sanctions.

I note in this regard that the well-respected Assistant Secretary of State for Near East Affairs, Robert Pelletreau, whom I hold in very high regard, by the way, testifying before the House International Relations Committee, did not include any reference to repression of Iraqi citizens, human rights, the Kurds, or U.N. Security Council Resolution 688, when listing areas of Iraqi noncompliance with U.N. resolutions, at least according to the version of his testimony rendered by Federal News Service. I am sure this oversight was simply that—an oversight—rather than indicative of any change in U.S. policy. Still it illustrates my point that policy spokesmen should keep human rights at the forefront of our Iraqi policy concern.

Third, I would call for continued congressional and executive branch support for Operation Provide Comfort, one of the great humanitarian success stories in history. Tens of thousands of Kurds were saved from starvation by Operation Provide Comfort. And the presence of U.S., British, and French aircraft operating from a Turkish airbase, and patrolling the skies above the 36th parallel is a powerful deterrent to Iraqi forces which may otherwise well have tried to reconquer the liberated areas of northern Iraq.

In this regard, I want to take unhappy note of the internecine fighting among the northern Iraqi Kurdish militias now ensuing. This is tragic, and one can only condemn it, as one can only condemn the fact that the two Kurdish factions thus far have been resistant to the laudable efforts of the administration to effect a reconciliation. I am sure that the administration's patience is not inexhaustible, and the Kurdish factions should be aware of that.

Nevertheless, we should not lose sight of the broader human issues involved. Only several thousand of a population of 3 million in northern Iraq are involved in the fighting. By most accounts, most of the population is deeply angry with what they see as a self-serving grab by Iraqi Kurdish leaders for money and territory. To the vast majority of northern Iraqis, our humanitarian mission remains as relevant today as ever.

Fourth, and last, I would like to suggest, as several of the others have, that there is something that can be done to boost the economic situation of all northern Iraqis; namely, to ease application of the U.N. sanctions on the liberated north. It is simply illogical for U.N. sanctions that are intended to put pressure on the regime of Saddam Hussein to be applied virtually equally to those who have successfully thrown off his yoke. Contrary to the assumption of some, easing the U.N. sanctions as applied to northern Iraq would not take a Security Council decision; merely a more liberal application of the Iraqi sanctions regime as implemented by the U.N. Sanctions Committee.

Such action would serve several purposes. In addition to ameliorating the material condition of the Iraqi Kurds, let me just quickly mention three others. It would ease the financial burden on the international community, upon whom the Kurds are now partially dependent for material support. Second, and perhaps from a policy

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perspective most important, it would boost our anti-Saddam policy by sending a powerful message to all Iraqis that those liberated from Saddam Hussein will lead better lives than those who are not. Third, by enlarging the economic pie in northern Iraq, one of the causes of the current fighting could well dissipate. That, in turn, would free Iraqi Kurdish fighters to provide security on the Turkish border, as they undertook to do 3 years ago, and thus diminish the threat that our ally Turkey faces from the terrorist PKK.

Mr. Chairman, you deserve credit for being out front on this issue when you joined 22 of your colleagues last year in urging President Clinton to end the double embargo by partially lifting U.N. sanctions against northern Iraq. That issue is, if anything, more relevant today.

Mr. Chairman, I am aware of the traditional arguments that have been made against easing the double embargo. I have addressed these in my written testimony, and of course I would be willing to go into that here in the Q and A.

Thank you very much, Mr. Chairman.

Senator BROWN. Thank you, and thanks to this panel. It has been outstanding, and very, very helpful on this issue.

The Senator from California.

Senator FEINSTEIN. Thank you very much.

If I read the press correctly, the United States has suggested that there be a cease-fire between the civil warring factions in the north, and that preliminary talks between second-rank leaders are about to begin in Lisbon, followed by a meeting by Barzani and Talabani later. Does that corroborate with your information?

Ms. PORTER. Yes, it does. And as I mentioned when I spoke, I believe that it is a good-faith effort. However, there has been an escalation of fighting again within the last few days with shelling again on Arbil and a major offensive that has been started by the KDP side, and that is in counterpoint to what the United States demanded, that there be no fighting after the 28th, and that has been violated. So I am not sure how the administration is viewing this latest resumption of fighting.

Senator FEINSTEIN. It seems difficult for me to know what else the United States can do. Someone earlier said we should offer to mediate. The United States has done that. The United States has called for a cease-fire. The United States is, I think, prepared to be a kind of honest broker to help the situation get solved. Let me ask the panel, what else would you have the United States do, if the Kurdish people cannot send a message to their own leaders to stop it?

Ms. PORTER. Just knowing that the United States is interested is very helpful in this situation. To have the fact that this hearing is being held is very helpful to the situation. I have to go back again to what I found to be a very real connection between Ankara, Salah Hadeem, Mr. Barzani's headquarters, and Baghdad. It is real. Oil is flowing from Iraq through the Barzani headquarters, Barzani territory, into Turkey. That is a financial incentive for Mr. Barzani to continue fighting. If we were to cut that road off on which the trucks transport the oil, we would have done something very positive.

Senator FEINSTEIN. Let me just stop you right there.

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Mr. Chairman, what if you and I address a letter to the administration on that specific point?

Senator BROWN. I think it is an excellent suggestion.

Senator FEINSTEIN. Perhaps the staff will prepare it and we will send it, a point of inquiry, and express our trouble with the idea that here is a humanitarian problem—the oil is really being siphoned off and the profits of it being put into one pot.

Ms. PORTER. Those moneys were going to the government for the Iraqi National Congress, which was the government for all of the Kurds, and it is now being pocketed by Mr. Barzani.

I should say that this is balanced by Mr. Toluboni's relationship with the Iranians, so it is not all one or the other, it is equally devastating on both sides.

Senator FEINSTEIN. Dr. Karim.

Dr. KARIM. Senator Feinstein, I would just like to make a comment. I think what the problem is, like I mentioned earlier, in the last 3 weeks the State Department has been more active. But sometimes it is too little, too late. Last year I personally went to the State Department when this meeting was being held in Paris, actually at the personal retreat of President Mitterrand. The Kurdish sides were brought together. We asked the State Department to come and help in this effort. They were very indifferent. They sent a secretary from the Embassy in Paris who was there for like 2 hours and left. And then they did not pursue the effort. We tried with them.

And then even this year, when the fighting broke out early in March we were at the State Department. At that time they had not even called the two sides into the State Department to tell them you had better stop this or else. They have to talk to them like that. This is the United States. This is a big country. They listen to them. But if you go by please do not fight or sit back and try to reason with these people, it is not going to work. The United States has to tell them you have to do this or else, and I think they are beginning to do that. It is a hopeful sign.

Senator FEINSTEIN. Or else what? One of the things that I do not think we should do is make threats that we are not prepared to deliver on. What would the "or else" be?

Dr. KARIM. Well, the people who are responsible for this, for example, they probably have intelligence and information on who is responsible for what, who is being belligerent in this issue and all that. Telling who it is, I think that will have a lot of effect among the Kurdish population, and none of the sides, none of the two sides or leaders want that because they are afraid of something like that.

And in all truth, the United States is protecting Kurdistan, and if you could still do things outside the influence of these two parties by encouraging—the people are very dissatisfied. I think if the people know that there is encouragement and help from outside to raise their voice and to do something, they will do that and put pressure on the leadership to stop fighting.

Senator FEINSTEIN. Any other thoughts on this point?

Mr. MAKOVSKY. I just wanted to say, respectfully, on the issue of the flow of oil that I think it is a very complex issue. The oil was flowing long before this internecine fighting started back in

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the better days of the Kurdish administration. There is a variety of interests out there which caused the oil to flow. Turkey's interests are certainly not greater than the others. As a matter of fact, they are less, and I do not think the Turks were particularly interested in having this oil flow. Prior to the breakout of the fighting between the Kurds, the funds from the oil were going to the central treasury in the Kurdish administrative area.

Senator FEINSTEIN. Mr. Layton?

Mr. LAYTON. I think it is important, too, in discussing this issue to look at the foundational problems for the internecine fighting. I was present in Iraq in the election in 1992, and I witnessed myself the passion with which the Kurdish people embraced democracy having been set free from Saddam. But they were immediately caught under the grip of not only the embargo of the world against Iraq but a double embargo that Saddam employed against them. If we elected people in America and after 4 years they could not do anything for us, they could not feed us or meet our medical requirements—which are now less than 25 percent of current medical needs in Kurdistan—we would be angry, too. There would be fighting in our streets.

Senator FEINSTEIN. I think from the perspective of the United States it might be hard to lift the aid embargo with the two sides fighting, and with the example that you mention, Ms. Porter, of the revenues from the oil being siphoned off from one of the sides and probably not getting to the people, and I think the United States would not want to make a bad situation worse. But on the other hand, I think our Government should play a role in being an honest broker, in pulling the two sides together, in saying knock it off. I mean, after all, it is only the people that are suffering, and we have got to recognize that and do something about it.

So, Mr. Chairman, would I be out of line if I suggested that we indicate our concerns along these lines in a communication from both of us, and perhaps sit down with the administration and discuss it a little further?

Senator BROWN. That would be very constructive and helpful. It does raise a key question. If there are real rewards for the fighting to end and the Kurds to join together and continued penalties if they do not, that itself provides some incentive.

Ms. PORTER. If I could be so bold as to raise an issue, during my mediation efforts Mr. Barzani agreed to the possibility of putting the proceeds from the flow of oil into an escrow account at the same time Mr. Toluboni would withdraw from Arbil and demilitarize, as part of a long list of confidence building measures that they agreed to which I mentioned. I think if we were to do that immediately and we were to have a small team of people on the ground as people who could verify what was happening or not happening, it could even be done by NGO's.

Just having a U.S. presence that is viewed as a neutral presence rather than a presence that is somehow beholden or more likely to follow the interests of, say, Turkey, it could be extremely constructive. I volunteered to go and spend 3 months there just keeping a checklist of who was doing what.

They really need someone to come in and treat them like a couple of rebellious teenage boys, and I have raised five teenagers, so

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I can talk to this in those terms. Sometimes if you sat down with them, and you just verified their facts, and you just call them on some of the things they are saying, then it takes all the air out of their bluster and you are able to make progress.

Senator FEINSTEIN. I think you have an excellent idea.

Ms. PORTER. That is exactly the situation there.

Senator FEINSTEIN. In other words, you are saying we should show a greater interest in bringing the parties together and monitoring the situation by verifying fact in a much more forceful posture in that direction.

Ms. PORTER. It would be very helpful.

Senator BROWN. I sincerely hope it is not as bad as raising five teenage boys, though. [Laughter.]

Ms. PORTER. It is almost as bad. Imagine five teenage boys with the kind of weapons they have in their hands. That is what you have got.

Senator BROWN. Mr. Roth, you mentioned the genocide that has gone on and is going on. Do we have an account of how many people were killed by this genocide?

Mr. ROTH. No one knows for sure. The estimates range from 50,000 to 100,000, some go higher. There have been local efforts by the Kurds to collect names, go door by door and see who is missing, but it is the kind of thing, given the scope and disruption that resulted from the Anfal campaign, which we are never going to know precisely. Certainly, though, the Iraqi Government can shed useful light on the matter.

What we have found from the documents that we have reviewed is that Iraqi officials were meticulous recordkeepers, as one often finds in genocidal situations. If we get a more complete set of documents, not simply the ones from the key areas of northern Iraq where the Kurds were able to capture the documents, but a more central set of documents, we may get a better idea, since I do think such documents exist within the Iraqi Government. But at this stage, all we can do is guess on an order of magnitude. It is impossible to come up with more precise numbers.

Senator BROWN. A couple of additional questions: If relations between Iraq and the Western world are normalized—that is, at the point sanctions are lifted—what is the fate of the area now, of northern Iraq that is a safe harbor, albeit not very safe?

Mr. ROTH. One of the reasons we are so anxious for a genocide case to go forward is because it would highlight what is at stake for the Kurds, so that even if the embargo is lifted, if there is a rush for Iraqi oil contracts as we are likely to see from France, Russia, and other U.S. allies, at the very least the stakes for the Kurdish people would be clear. In that light, I would hope that the international community would be able to maintain the no-fly zone. That would depend upon Turkey's willingness to continue to permit the use of its air base, it would depend on the willingness of Washington, London, and Paris in particular to continue to devote the military resources to the maintenance of that zone. But I do not see the threat of genocide receding simply because Baghdad may be able to normalize relations with certain parts of the world. After all, the Anfal took place at a moment when Iraqi relations wiith the West were good.

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Senator BROWN. Are we looking at the potential resumption of control of that area, though, by the Government of Iraq?

Mr. ROTH. Excuse me, would you mind repeating the question?

Senator BROWN. Are we looking at the resumption of day-to-day control of that area by the Government of Iraq?

Mr. ROTH. Well, no, but that would certainly be a risk. At this stage the lines are pretty much drawn, and because of the no-fly zone, because of the allies' continued vigilance, there is not an immediate prospect of Baghdad taking control of that area. But I have every reason to believe that Baghdad would like to resume control if Western vigilance were to recede. And I think, and I believe quite firmly, that there is a possibility of a renewed genocide, that Saddam did not finish the task. He killed the Kurds in part, and at this stage I have ever reason to believe that further mass slaughter would be in the cards if he were to see the green light were there to retake the territory in northern Iraq.

Senator BROWN. What kind of treatment have the Kurds within Iraqi control received.

Mr. ROTH. Some of my colleagues may want to answer this, as well, but the large numbers of Kurds who had been moved out of the prohibited zones prior to the initiation of the Anfal have been dumped on the plain just south of the Kurdish controlled areas, in areas that are not economically viable, where there is not adequate housing, and where they have basically been left out in the cold. So this is the fate of the people who survived Anfal. Of course, there are Kurds throughout Iraq, but the ones who had been displaced prior to Anfal have a very sad existence, and are subject to ordinary severe Iraqi repression, but not the kind of mass ethnic killing that we saw during the Anfal.

Dr. KARIM. Senator, as far as the Kurd who live under control of the regime now, their situation is just as bad as it was before Kuwait was invaded and following U.S. intervention. In places like Kirkuk and Hanopin and Singar, which are areas which is the majority of Kurds, they are being detained, they are being deported, their homes and properties are being confiscated.

Actually, even to some pro-regime people who stayed there, and after the uprising they were not killed or something did not happen to them by the Kurds when the uprising was there, those, for example, the ones who cooperated with the security forces, now the government is detaining them, and actually has executed some of them, and says, how come the Kurds did not kill you when they took over these cities?

So it is just to show you how bad it is. They are deporting the people, they are Arabizing the area. They are very strictly controlled, just as bad as it was before. But there are no monitors, so therefore people really do not know, especially the international community.

Mr. LAYTON. When I was in Iraq in May I saw evidence about what was happening to the Kurds under the control of Saddam, and found that in Kirkuk and Mosul, cities that are Kurdish, at least half of them, is that there are three to four families a day being evicted from their homes. The general procedure has been that heads of households have been arrested first, held incommunicado, families have been subject to the extortion of money, and

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then totally afraid of what is going to happen for the future, they are told that they should leave their possessions and houses and move north. I interviewed dozens as these people as they arrived in Arbil.

Senator BROWN. Do you see an effort to drive them into the Kurdish area?

Mr. LAYTON. Yes, sir.

Senator BROWN. To drive them out of Iraq into the Kurdish area?

Mr. LAYTON. Absolutely.

Senator BROWN. Is it widespread?

Mr. LAYTON. It is, as I said, about three to four families a day in Arbil and three to four families a day arriving in Duhuk. But what is ominous to me is that Saddam has begun to register the Kurdish families in Mosul and Kirkuk, and many feel this kind of operation will become widespread.

Senator BROWN. Thank you.

I want to thank the panel again. This has been very helpful. It obviously highlights for us, and I hope for the world, one of the great tragedies of this century.

Thank you.

[Whereupon, at 3:50 p.m., the hearing adjourned, to reconvene subject to the call of the Chair.]

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APPENDIX

RESPONSES OF AMBASSADOR PELLETREAU TO QUESTIONS ASKED BY SENATOR HELMS

SAUDI ARABIA—U.S. COMMERCIAL CLAIM

Question. Mr. Ambassador, I know you are familiar with the $43.4 million commercial claim of Gibbs & Hill, Inc. against the Government of the Kingdom of Saudi Arabia. As you know, it has been almost 2 years since the Saudi Arabian Embassy committed to our Government to successfully resolve this claim. We have also been advised on numerous occasions that Saudi Ambassador Prince Bandar has check writing authority on behalf of his Government for the full amount of the claim.

Why is it then that this final unpaid claim, included in the claims process initiated by the Congress, remains unpaid?

Answer. The Gibbs & Hill claim arose in the early 1980's out of a dispute between Gibbs & Hill company and its client, the Royal Commission for Jubail and Yanbu, over $17.9 million in contested bills for additional water and power engineering services. In 1990, Saudi Arabia's Board of Grievances rendered a decision unfavorable to Gibbs & Hill. Gibbs & Hill's appeal to Saudi Arabian judicial authorities was denied early the following year.

Gibbs & Hill's successor company, Hill International, sought extrajudicial redress from the Saudi Arabian government. Although this claim was not on the original list of unresolved claims included in the special claims process required under Section 9140 of the 1993 Defense Appropriations Act, the Secretary of Defense, at the express request of Hill International's counsel, included the case in the June 30, 1993 report to Congress.

In November 1993, following initial rejection by the Saudi Embassy and pursuant to a Department request, Saudi Ambassador Bandar agreed to reconsider the case. By that time, the Embassy of Saudi Arabia had fully settled thirteen of the fourteen disputes on the original list, with the exception of the Harbert-Howard case. In the late Spring 1994, Ambassador Bandar again informed the Administration that the Saudi government found no basis for reconsideration of the claim.

On September 23, 1994, however, Hill International Chairman Richter and Senator Lautenberg met with Ambassador Bandar and they related that the Ambassador appeared to have been favorably impressed with the merits of the claim and had suggested follow-up. At the time, Mr. Richter stated that the original claim plus interest and legal fees came to $43.5 million.

On December 23, Ambassador Bandar wrote Mr. Richter that the Embassy saw no further basis for review of the case. Since then, Mr. Richter and many Members of Congress have expressed their distress that this case remains unresolved.

On January 13, I wrote Ambassador Bandar expressing disappointment with his December 23rd letter to Mr. Richter and requested that he review the case again as an early priority on his return to Washington. I also raised this dispute with others at the Saudi Embassy.

On January 26 in Riyadh, U.S. Ambassador to Saudi Arabia Raymond Mabus and I raised the Gibbs & Hill dispute with Foreign Minister Saud, who agreed to look into the matter. When Foreign Minister Saud visited Washington on March 2, he informed me that he would instruct the Saudi Embassy to meet with Mr. Richter to explore ways of reopening the legal review in Saudi Arabia.

Question. You have reported to several Senators and Members of Congress last week that the Saudi Foreign Minister suggested a meeting between the principals of Gibbs & Hill and representatives of the Saudi Embassy.

Do you agree that this matter will only be resolved when Ambassador Bandar sits down with the principals of Gibbs & Hill and formally agrees to a settlement?

What does the State Department intend to do to see that this claim is resolved to the satisfaction of Gibbs & Hill and those interested Senators and Members of Congress?

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Answer. Although it is our understanding that Ambassador Bandar has authority to settle claims, this dispute is particularly difficult for the Government of Saudi Arabia since it was already reviewed and dismissed by the Saudi judicial system. We do not know what will be required for a formal settlement to take place.

I assure you that I, the Department and the U.S. Embassy in Riyadh, will continue to play a facilitative role on behalf of Hill International with the objective of seeing this matter settled in a fair and timely manner.

RESPONSES OF AMBASSADOR PELLETREAU TO QUESTIONS ASKED BY SENATOR FEINSTEIN

U.N. SANCTIONS AGAINST IRAQ

Question. There have been increasing reports of attempts by Iraq to evade U.N. sanctions by developing a network of smugglers who are willing to buy Iraqi oil on the cheap and sell it for profit elsewhere. *The New York Times* suggested last month that Iraq was selling as much as 200,000 barrels per day, and the Administration estimated 80–100,000 barrels per day. What is your assessment of these reports? What are the main routes through which this oil is shipped: Turkey, Iran, Jordan, small ships in the Persian Gulf? What has the U.S. said to Turkey about its reported practice of allowing trucks carrying humanitarian goods to Iraq to return to Turkey with spare fuel tanks full of Iraqi oil? What more can be done to plug up these leaks in the sanctions regime?

Answer. No sanctions regime is airtight, but we are convinced that the amount of oil smuggled out of Iraq provides no significant relief from sanctions. We estimate that Iraq exports 80,000–110,000 barrels per day, less that five percent of the pre-sanctions volume. Most of this petroleum, approximately 70,000 barrels per day, is imported by Jordan for its domestic consumption. The Security Council has taken note of this arrangement and Jordan's dependence on Iraq for petroleum.

The remainder is exported in small quantities overland to Turkey and Iran, and in small vessels via the Gulf. We have pointed out to the Turkish government that the import of Iraqi oil is a sanctions violation. We note that the Turkish government has taken steps to limit the amount of fuel carried on Turkish-origin trucks engaged in cross-border humanitarian traffic. We have notified the Sanctions Committee of evidence of Iranian involvement in smuggling exports of Iraqi oil and dates. Iran has consistently denied its involvement in illegal Iraqi oil exports.

The volume of Iraqi oil smuggled through the Gulf has dropped significantly in recent months, due largely to the diversion of sanctions-busting vessels to friendly ports by ships of the Multinational Interdiction Force.

We continue to bring reports of smuggling to the attention of appropriate governments.

Question. One of the intended effects of sanctions, I believe, is to weaken support for the regime among the Iraqi people. Yet it is now four years since the Gulf War, and there is no sign that Saddam Hussein is in danger of being toppled. Is it your sense that Saddam Hussein is stronger or weaker than he was a year ago? What signs, if any, are there that sanctions have resulted in a higher level of popular disenchantment with the regime? Have there been incidents of attempted coups that you would attribute to dissatisfaction with sanctions within the military?

Answer. The intent of the Security Council sanctions is to compel Iraq's compliance with Council resolutions, no more and no less.

The severe economic deterioration in Iraq has led to spiraling inflation and increased corruption and crime, according to reports from travelers, diplomats, and Iraqis living outside the country. In desperation, the regime has resorted to drastic punishments, including disfigurement and execution, to deter growing lawlessness.

Of greater significance to Saddam's overall security is the pattern of shrinking support for the regime from its traditional bases of power. We have seen reports of intensifying conflict between Saddam's extended family clan and other prominent families. There were reports of a coup plot last month involving the former deputy chief of Iraqi military intelligence, and another late last year involving military and others from the al-Dulaim tribe.

While a pattern of shrinking loyalty to the regime is evident, fear and repression still keep Saddam in power. Rising discontent places greater strain on Saddam's security apparatus. It is not possible to predict how much longer Saddam's brutal regime will last, though it is apparent he is being tested on many fronts.

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U.S. POLICY TOWARD SADDAM HUSSEIN

Question. Some analysts suggest that the United States' undeclared policy is that sanctions against Iraq can never be lifted as long as Saddam Hussein remains in power. Is that U.S. policy? Should it be? Would that be a sustainable position to adapt in the U.N. Security Council? Can you envision the United States ever accepting Saddam Hussein's rehabilitation?

Answer. Our policy is that Iraq must comply fully with all relevant Security Council resolutions. Full compliance is the only way that Iraq can show the peaceful intentions the Security Council called for in UNSCR 687. Nonetheless, discussions aimed at modifying the sanctions regime would be premature until Iraq is in overall compliance with all relevant Council resolutions.

Regarding our future relations with Iraq, the Administration has made clear that we are prepared to deal with a democratic, pluralistic government in Baghdad which will comply with all relevant Security Council resolutions and which can live in peace with its neighbors and respect the rights of its people. It is difficult to imagine such an Iraq so long as Saddam remains in power.

Question. It has also been suggested that not enough is being done to create incentives for the Iraqi people to force a change in their government. Should the United States be doing more to differentiate our policy toward a potential successor regime from our policy toward Saddam Hussein? Should the U.S. announce that it would be prepared to review various aspects of its policy toward Iraq in a post-Saddam era? If so, which aspects? What demands should the U.S. make of a successor regime? What Iraqi opposition groups, if any, deserve U.S. support and encouragement?

Answer. We support the opposition Iraqi National Congress (INC), which is committed to the development of a democratic, pluralistic alternative to the current regime, keeping the country united within its current borders. We believe it is the right of the Iraqi people exclusively to choose freely the form their future government takes.

We would expect a freely-elected government in Iraq to be able to comply with the relevant Security Council resolutions, thus making it possible for us to examine ways of helping Iraq out of its difficult circumstances.

HUMAN RIGHTS IN IRAQ

Question. I think Saddam Hussein's reputation on human rights is well-known and well-deserved. But recent reports by Max van der Stoel, the U.N. Special Rapporteur on human rights in Iraq, indicate that Saddam Hussein has now resorted to chopping off the ears and branding the foreheads of military deserters. What is your assessment of these reports? Do they indicate a new level of brutality by Saddam Hussein's regime? Is so, does that suggest that Saddam is feeling more desperate and more threatened by potential opponents? Is desertion becoming an increasing problem for the Iraqi military?

Answer. In the fall of 1994 the Iraqi authorities issued decrees legalizing new forms of corporal punishment, including the amputation of ears and feet and the branding of foreheads for certain economic crimes and for desertion from the military. Large numbers of persons reportedly have died from such punishments. Several doctors who refused to carry out the amputations reportedly have themselves been executed.

The U.S. Government has repeatedly condemned these practices at the UN. The Voice of America criticized the new forms of torture in a December 4, 1994 broadcast editorial. We also raised the practices in our 1995 Country Reports on Human Rights. Both the UN General Assembly and the UN Human Rights Commission have condemned the mutilations in recent resolutions on the human rights situation in Iraq. We will continue to raise the subject in appropriate international fora.

We believe the practices have contributed to growing civil unrest inside Iraq. According to the opposition press, the regime's use of ear amputations sparked a large anti-regime demonstration in Mosul on September 8, 1994.

Clearly, these mutilations are reflective of a larger pattern of persistent, widespread human rights violations and state-sponsored terrorism on the part of the Government of Iraq. As has always been the case, Saddam rules through intimidation and fear. He is using intimidation to quell political dissent and staunch increasing defections from the military.

Question. Last year, Saddam Hussein's army launched a brutal campaign against the Marsh Arabs of southern Iraq. The result was a massive humanitarian and environmental disaster as Saddam drained marshes, burned villages, and destroyed a centuries-old way of life in an effort to root out opponents of the regime. To what extent is this humanitarian disaster still going on? What is the current extent of

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Baghdad's authority in southern Iraq? Why was the no-fly zone, which the U.S. and our allies enforce over southern Iraq, unable to prevent the campaign against the Marsh Arabs? What additional measures could the U.S. or others take to improve the human rights situation throughout Iraq? Have the ideas of U.N. human rights monitors and war crimes tribunals been completely scrapped?

Answer. The Iraqi military continues to wage a relentless campaign to destroy the marshes. The regime's activities, which appear to be directed mainly at civilian populations, include burning, draining, and razing operations, as well as artillery shelling. These operations have created a substantial refugee flow into Iran and have almost totally destroyed the area's fragile and unique ecosystem. The regime appears to be in secure control of the marshes, although Iran-based insurgents have launched sporadic cross-border raids in recent weeks.

Operation Southern Watch, the coalition mission that enforces the no-fly zone south of 32nd north latitude, was designed to prevent the Iraqis from conducting air attacks on the civilian population. It has succeeded in doing so. The problem now is that the Iraqis are waging an entirely land-based campaign, which has effectively displaced most marsh inhabitants and destroyed their living environment.

The USG continues to be concerned about the plight of the marsh Arab population, as we are concerned about Iraqi citizens throughout the country. However, Saddam has made it virtually impossible for the international community to assist the marsh Arabs. Saddam will not allow UN personnel access to the marshes and other areas of the south, and we have good evidence that the regime prevents humanitarian assistance from reaching the people there.

Consequently, most U.S. aid has gone to northern Iraq, where we are allowed access and can monitor distribution to make sure that relief reaches targeted populations. However, we also have transferred about 157 million dollars into the UN 778 escrow account, which is used to fund UN activities, including humanitarian programs, throughout Iraq.

We support the work of Special Rapporteur van der Stoel, and have repeatedly called on the Government of Iraq to allow access to van der Stoel and to human rights monitors. As van der Stoel repeatedly has said, it is particularly important that monitors be allowed to visit the marsh areas, where the international community has generally been prohibited access.

With respect to the issue of war crimes, the U.S. supports the formation of an international commission to study alleged Iraqi war crimes, crimes against humanity, and possible genocide. We believe such a commission remains workable and relevant in light of the substantial new documentation available.

The UN Special Rapporteur, the U.S. Department of the Army, and Human Rights Watch, as well as any other human rights organizations, have done much work in compiling and analyzing information about Iraqi violations of international humanitarian law. However, Iraqi atrocities have not been addressed with specificity in a comprehensive and official manner by the international community.

UN Special Rapporteur van der Stoel has said repeatedly that an international body with a broader mandate than his own should study the available evidence of Iraqi atrocities against the Kurds. He also has noted the similarities between the Iraqi military's past treatment of the Kurds and its ongoing treatment of the Shi'a in the southern marshes.

We have urged our Security Council allies and others to adopt our position on Iraqi war crimes, thus far without a positive result. However, we will continue to look for ways to garner greater international support for a war crimes commission.

Question. It seems to me that Iraq's efforts to advertise the impact sanctions have had on ordinary Iraqis could be helping to weaken the international community's resolve on maintaining the sanctions. To what extent has concern for the suffering of the Iraqi people helped to build support for lifting sanctions? Even if Iraq continues to refuse to implement Resolutions 706 and 712, what steps could the U.S. and the international community take to ease the suffering of the Iraqi people without lifting sanctions?

Answer. The UN Security Council resolutions regarding Iraq do not prohibit the shipment of food or medicine to that country. Between January and August of 1994, the UN Sanctions Committee received notifications of $2 billion worth of food and $175 million worth of medicine to be shipped to Iraq. During the same period, the Committee approved shipments of $2 billion worth of other items deemed to be for essential civilian needs. Meanwhile, the regime asked the Sanctions Committee for permission to import luxury goods such as liquor, video recorders, leather jackets, brass beds, and expensive automobiles. The regime also actively diverted humanitarian assistance to its own supporters and the Iraqi military.

Clearly, Saddam's failure to provide food and medicine to his own people, and the consequent deteriorating conditions for ordinary Iraqis, are of concern to the United

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States and to the international community. The Administration plays a leadership role in organizing and providing humanitarian relief for the people of Iraq. We work closely with the United Nations, other donor countries, and non-governmental organizations to that end.

However, the Government of Iraq's refusal to implement UNSC resolutions 706 and 712, combined with its failure to comply with resolution 688 requiring it to cease repression of its own people and allow adequate access to international relief workers, complicates the ability of the international community to render direct humanitarian assistance to the Iraqi people.

Several foreign leaders expressed concern about the plight of the Iraqi people to Ambassador Albright during her tour of Security Council capitals. Ambassador Albright assured her interlocutors that assisting the Iraqi people through implementation of Resolutions 706 and 712 is a high priority of the Administration. We are presently consulting with our Security Council partners on a possible reformulation of these two resolutions.

It is possible that Iraq will refuse once again to assist its own people through the mechanism provided by the Security Council. In that case the international community will still have the opportunity to contribute to UN humanitarian programs in Iraq via the UNSCR 778 escrow account. This account is used to fund UN activities, including humanitarian programs, throughout Iraq. The USG has thus far transferred approximately $150 million in Iraqi frozen oil assets into the account. We have encouraged other governments to fund humanitarian programs through the escrow account, and will continue to do so.

We will persist in our demand that the Government of Iraq comply with the relevant UN Security Council resolutions so that humanitarian assistance can reach all segments of the society, instead of only the supporters of Saddam Hussein. Our bilateral assistance program in the north will continue, given our access to the north and our ability to ensure that relief reaches vulnerable populations. We also will continue to make every effort, given the numerous practical constraints, to assist the populations in southern and central Iraq through UN humanitarian programs. Finally, we will continue to explore with our allies and Security Council partners the most effective means to compel the Government of Iraq to cooperate on humanitarian and human rights issues.

U.S. EFFORTS TO CONTAIN IRAN

Question. While there are no formal U.N. sanctions against Iran, as there are against Iraq, the United States imposes its own economic sanctions, including a prohibition of foreign aid and credits to Iran, a ban on the import of products of Iranian origin, and a freezing of Iranian assets held in the United States. How effective are these policies at producing changes in Iran's behavior? Would these policies be more effective if the sanctions were tighter? What positive incentives are we providing Iran to change its behavior?

Answer. There are no U.N. sanctions of any kind in place against Iran. Several non-U.N. multilateral non-proliferation regimes (the Missile Technology Control Regime, the Chemical Weapons Convention, etc.) deny Iran a range of weapons and sensitive dual use items. We are working at senior levels to establish a successor to the COCOM regime, and one of the goals of this new regime will be to improve and broaden international controls on the transfer of sensitive dual-use items to countries like Iran.

In addition to our obligations under these multilateral regimes, the current U.S. unilateral sanctions against Iran bar:

- the export of all weapons, as well as all sensitive dual-use goods to Iran (with possible narrow exceptions which protect the sanctity of contracts entered into by U.S. companies before the passage of the Iran-Iraq Nonproliferation Act in 1992); and
- the import of Iranian-origin goods (with exceptions providing for shipments in connection with payments to U.S. claimants of awards granted by the U.S.-Iran Claims Tribunal at the Hague, and for such items as mail, publications and personal effects).

Because of fifteen years of inaccurate Iranian government assertions, the subject of so-called "frozen" Iranian assets is sometimes misunderstood in the U.S. press. As a result of the 1981 Algiers Accords, almost all Iranian assets "frozen" during the 1979–1981 hostage crisis were released. Today, when Iranian officials speak of "frozen" assets, they are usually referring to claims Iran is pursuing before the Iran-U.S. Claims Tribunal in The Hague. Iran claims it is owed billions of dollars under these cases. The USG is vigorously disputing Iran's claims.

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Pressure must be multilateral in order to be effective against Iran. The multilateral export control regimes have proven effective in restricting Iran's access to many of the items it seeks for its military. Our efforts to restrict and delay Iran's access to new official financing have also had their effect. These efforts are contributing to Iran's serious financial difficulties, and the Iranian rial's loss of three-quarters of its value over the past year. Because of its economic problems, Iran had to cut its 1994 arms purchases to well below projected levels.

Only pressure of this kind will give the Iranian leadership a reason to change its policies. Clearly, we want more support from our allies, but the complaints from Tehran show that we are having an impact.

U.S. unilateral sanctions, in the few cases where they control products unique to the United States, help to reduce Iran's capability to harm the interests of the international community. Where products or services are not unique to the U.S., unilateral sanctions against Iran still serve to symbolize the seriousness of U.S. concern with Iran's unacceptable policies.

If U.S. unilateral sanctions were tightened even further, the direct economic impact on Iran would be marginal. New unilateral sanctions could, however, send an important symbolic message.

In our view, the most effective way to bring about a change in Iran's behavior is to bring more multilateral pressure to bear on Iran. We work at the highest levels to convince our allies to support this effort.

We believe the Iranian leadership must come to realize that it is in Iran's own interest to change its behavior. Our emphasis on sustained multilateral pressure is aimed at sending this message to Tehran.

Question. Japan recently delayed a $450 million loan to Iran for a dam project, in part at urging from the U.S. However, in general our European and Asian allies have been much more willing to trade with and extend credit to Iran, despite pressure from the U.S. Does the Japanese decision represent a change in Tokyo's Iran policy, or a one-time departure from the standard practice of extending credit to Iran? How much support do we get from our allies for our economic sanctions against Iran? How effective can these sanctions be without support from our allies?

Answer. At present, U.S. exporters are permitted to sell a range of non-sensitive goods to Iran, and accordingly we have not, to date, asked our allies to end their own non-sensitive exports to Iran. However, we have urged our allies—at the highest levels—not to provide official credits or guarantees for their exports. The U.S. does not extend official credits or guarantees to Iran.

Japan has informed us that it has not changed its Iran policy. Tokyo has postponed its final decision on whether to proceed with the second tranche of its soft loan for the Karun river dam project in Iran. We appreciate Tokyo's consulting with us on this important issue, and continue to urge Japan not to proceed with the loan.

Our allies agree with us that Iran's policies are unacceptable. Many of our allies, however, differ from us in their approach to influencing Iran's behavior, and pursue policies of constructive engagement with Iran. In our view, Iran will not change its behavior unless there is multilateral pressure brought to bear on Tehran.

Our efforts to restrict and delay Iran's access to new official financing have had their effect. These efforts are contributing to Iran's serious financial difficulties, and the Iranian rial's loss of three-quarters of its value over the past year. Only pressure of this kind will give the Iranian leadership a reason to change their policies. Clearly, we want more support from our allies, but the complaints from Tehran show that we are having an impact.

Our efforts with the allies are concentrated on restricting Iran's access to credit. Our G–7 partners agree with us that Iran should not have access to weapons or sensitive dual-use goods. They support our efforts to establish a successor to the COCOM regime. However, there is little support among the allies for multilateral restrictions on non-sensitive goods.

Question. Some analysts have suggested that we are not doing enough to contain Iran, and that tougher economic policies are needed to bring about a change in Iran's behavior. Despite our sanctions against Iran, U.S. oil companies are the single largest purchaser of Iranian oil, which is legal as long as the oil is sold abroad and not directly imported to the U.S. How do these purchases bolster the regime? What message does it send to our allies when the United States urges them not to extend credit to Iran, while U.S. firms are buying Iranian oil? If U.S. firms were banned from buying Iranian oil, would another buyer simply take their place? Is it possible to maintain an effective unilateral embargo on Iranian oil?

Answer. At present, American companies and their foreign subsidiaries buy up to 25% of Iran's oil exports, and ship the oil to refineries in Europe and east Asia. These purchases provide Iran with several billion dollars in income annually.

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Some allies have pointed to the activities of U.S. firms to justify their own economic policies toward Iran, but in most cases there is a fundamental difference: many of our allies subsidize their companies' dealings with Iran; the U.S. does not. In effect, Iran is relieved of part of the cost of importing goods from Europe and Japan, and that cost is absorbed instead by European and Japanese taxpayers. The U.S. does not provide this support to American exports to Iran. As for the lifting of Iranian oil exports, both the U.S. and our allies presently permit oil companies to purchase Iranian crude, but the U.S. does not allow Iranian crude to be shipped to the U.S. Iranian oil is lifted by companies from around the world, including Europe, Japan, and the U.S. The oil is sold in Europe and east Asia.

If U.S. firms were banned from purchasing Iranian oil, Iran would have little difficulty in finding other buyers. Thus, aside from short-term adjustment costs which Iran might incur, such a ban would not have a direct economic effect on Iran. American oil companies say a unilateral ban would impose significant short-term costs on them in readjusting their supply contracts. Such a ban would, however, send a symbolic message as to the depth of our objections to Iran's unacceptable policies.

IRAN'S ECONOMIC DIFFICULTIES AND REGIME STABILITY

Question. The low price of oil and Iran's enormous foreign debt have helped to produce extremely difficult economic conditions in Iran. Inflation and unemployment run high, and there have been food riots in a number of Iranian cities. How serious a problem do Iran's economic difficulties pose for Tehran in accomplishing its regional ambitions? How much of a problem do they create for domestic tranquility? Are there signs that the government is concerned about the effect of these economic problems on its stability?

Answer. It is difficult to assess with certainty the causes of civil disturbances in Iran in recent years. For example, in 1994 there were disturbances in the north-central Iranian city of Qazvin. There have been widely conflicting reports on the incident. We believe the disorder stemmed from Farsi-speaking Qazvinis' frustration at being denied administrative separation from Zanjan province, in which Azeri-speakers predominate. Disturbances in other cities in 1993 generally stemmed from discontent with economic reformers' attempts to reduce government subsidies for basic food items. Rafsanjani has retreated from much of his economic liberalization program, and has restored most food subsidies.

Iran's economic problems do limit its capabilities in important ways. To cite one example, we believe Iran had to reduce its purchases of military equipment significantly in 1994 because of the government's financial problems. The U.S. continues working to maintain and increase the pressure on the vulnerable sectors of Iran's economy.

Over the past fifteen years urban Iranians have experienced a steady, gradual erosion of economic conditions as a result of revolutionary turmoil, the costly war with Iraq, low oil prices, and economic mismanagement. Western analysts know considerably less about conditions in rural areas.

The regime has demonstrated that it can contain the localized and uncoordinated outbreaks of unrest which are brought on by gradual economic decline. It is impossible to predict, however, how Iranians might react to a more precipitous drop in living standards.

The Iranian government realizes the potential of economic discontent to threaten its power base. To contain this threat, it continues to invest considerable resources in subsidies and other benefits aimed at assuring the loyalty of its traditional power base among the urban poor, the rural population, the security forces, veterans and their families, and the religious establishment.

Question. There has been growing speculation about the durability of the Rafsanjani government. Rafsanjani's economic reforms have been stymied by Iran's more conservative spiritual leadership. What is the long-term survivability of the Rafsanjani regime? How serious is the split between Rafsanjani and the religious leadership? What are the implications of this split for the future direction of Iran? Is there likely to be any change in Iran's orientation toward the West in the foreseeable future? Is there a pragmatic (versus an extremist) faction in the Iranian government? What, if anything, should the United States do to encourage this pragmatic element?

Answer. Rafsanjani's second term as President expires in 1997. Some of his supporters have urged a change in the Iranian constitution to permit a third term, but Rafsanjani appears for now to have concluded that there is insufficient political support for such a change. Although it is still too early to even determine who the candidates will be, Parliament Speaker Nateq-Nuri appears to be positioning himself to run. Nateq-Nuri is a cleric who has opposed most of Rafsanjani's economic re-

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forms. He has also supported efforts to reduce the influence in Iran of western popular culture.

The regime has retained the support of key constituencies like the urban poor and the security forces, and has proven its survivability despite war with Iraq, the mass assassination of its leadership in the early 1980's, Khomeini's death in 1989, and economic difficulties. Barring some unforeseen change in circumstances, it appears the clerical regime is likely to remain in place, at least for the near term.

In Iran it is generally not permitted to question openly the basic legitimacy of the Islamic republic system, and the regime continues to jail many who cross that line. Within these bounds, however, considerable public debate does take place. Strident arguments for and against Rafsanjani's policies are aired every day in the Iranian parliament and press. However, factions and alliances shift from issue to issue, and there are no formal political parties. For example, many who oppose Rafsanjani's economic reforms support him on other issues.

Despite these political debates, strong personal ties forged in religious schools and the Shah's prisons bind together Iran's clerical elite. The regime's political class tends to put aside its intramural differences whenever it faces a threat from outside its ranks.

Iran continues efforts to broaden its economic and political contacts with Europe and Japan. But when it comes to the United States, no one of significance on Iran's political scene appears to believe Iran needs direct dialogue with the United States. The consensus among Iranian politicians is against rapproachement with Washington unless it can be on Tehran's terms.

Because alliances on Iran's political scene typically shift from issue to issue, it is difficult to speak meaningfully of "pragmatic" and "extremist" camps among the Iranian leadership. For example, there are sharp divisions between Rafsanjani's economic reformers and those who wish to retain extensive state control of the economy. Many, including some of our allies, call Rafsanjani a "pragmatist" because of this. However, Rafsanjani and his so-called extremist opponents are in agreement on the issues that are of most concern to the United States—such as Iran's support for violent opposition to the peace process, and Tehran's nuclear program.

Iranian politicians' fortunes depend almost exclusively on factors internal to Iran; foreign powers have a very limited ability to understand, much less intervene in, the intricacies of Iran's factional rivalries. In our view, the most effective way to change Iran's behavior is to convince all factions of the leadership that the U.S. and its allies are committed to a steady, long-term policy of holding Iran accountable for the actions of its government and pressuring Iran to change its unacceptable behavior.

HUMAN RIGHTS IN IRAN

Question. A longstanding complaint of the United States has been the dismal human rights record of the Iranian government in the treatment of its own people. The State Department's recent Human Rights report labeled Iran as a major abuser of human rights. Is there any way for an outside actor to influence the Iranian government's treatment of religious and ethnic minorities, women, and political opponents? Does the United States lack any kind of leverage in this area because our relationship with Iran is so poor across the board?

Answer. The United States has consistently taken a firm stand on the unacceptable human rights record of the Iranian Government. In our annual human rights report and in various international fora, the United States has urged Iran to respect the human rights of all its citizens, including ethnic and religious minorities. For example, the United States has repeatedly supported strong resolutions in the United Nations General Assembly and the UN Human Rights Commission (UNHRC) to draw attention to Iran's abuses.

We can best influence Iran's human rights practices by maintaining our vigilance in the United Nations and elsewhere in holding Iran accountable, and by sending a clear signal that Iran cannot expect to continue its unacceptable behavior, including its human rights practices, without paying a political and economic price. The U.S. remains in the forefront of efforts to bring international pressure to bear on Tehran.

RESPONSES OF DR. NYE TO QUESTIONS ASKED BY THE COMMITTEE

STATUS OF IRAQI NUCLEAR AND CHEMICAL WARFARE PROGRAMS

Question. For well over a year, the Administration has reported to Congress that Iraq is out of the nuclear weapons business for the near term. This view squares with Mr. Ekeus's view that "Iraq has no capability to produce a nuclear bomb."

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After much stalling by Baghdad, Iraq's chemical weapons program also appears to be destroyed. What is meant when the Administration says that Iraq is out of the nuclear weapons business for the near term? How quickly and under what circumstances could Iraq conceivably regenerate its nuclear and chemical weapons programs? What could be done indigenously, and what would require imported technology?

Answer. When we say we believe Iraq is out of the nuclear weapons business for the near term, we mean that Iraq does not now have an active nuclear weapons program. However, it does retain a substantial base of personnel with the skills necessary to pursue such a program. Furthermore, the Iraqis have not been adequately responsive on a number of open questions about their past nuclear activities. These gaps in information could hamper the International Atomic Energy Agency's ability to monitor and verify the Iraqi program as required by Security Council Resolution 687.

Iraq could attempt to regenerate covert nuclear and chemical weapons programs if they could generate hard currency through the sale of oil to finance the purchase of the necessary materiel. However, we believe such efforts would be severely hampered, and probably effectively blocked, as long as UNSCOM and the IAEA maintain robust monitoring and verification and import control programs in place. If UN controls were removed, Iraq could resume production of chemical weapons within a year and develop a nuclear weapon in less than a decade.

This estimate assumes the Iraqis could covertly import specific components, tools, and materials that cannot be produced indigenously. It does not assume an external supply of fissile material or foreign technical assistance. If foreign advice were obtained, the period to develop a weapon would be considerably shortened.

IRAN'S NUCLEAR AMBITIONS

Question. Based on Iranian statements, a potential Iranian nuclear weapons program can certainly be seen as a threat to Israel. Since early this year, Israeli officials have hinted that Israel might attack Iranian nuclear facilities if Iran comes close to acquiring a nuclear weapon. Would the United States support such a strike, and if so, under what circumstances? Would the United States itself consider military action against Iranian nuclear facilities? What specific steps is the United States taking to slow Iran's nuclear program?

Answer. Although the United States will not rule out the use of military force to protect vital National interests, we will not comment on support or non-support for the use of force by one country against another in the region, and would prefer peaceful resolution of the matter. The United States uses diplomacy to convince would-be suppliers of nuclear technology to Iran to forgo such activities due to Iran's intentions to develop nuclear weapons. To date such diplomatic actions have been effective. Many potential suppliers are refraining from providing nuclear related assistance to Tehran.

Question. There is also evidence that Iran is building a nerve gas-producing poison-gas complex that would be a cornerstone in Iran's chemical weapons program. How advanced is Iran's chemical warfare capability at this stage? What kind of threat does this capability pose to U.S. interests in the region? Are the indications that Iran is developing chemical weapons with Iraq in mind? With Israel in mind?

Answer. Despite having officially denied its existence as recently as 17 February 1995, the Iranians have had a CW program since the mid-1980s. Initiated in response to Iraqi use of CW during the Iran-Iraq war, the Iranian CW program continued unabated following the end of that conflict and has developed into a program of significant scope. It appears that the program is designed largely to provide Iran with an increased battlefield capability against neighboring Persian Gulf states and to deter intervention by outside powers such as the U.S. and Israel. The existence of Iran's CW program threatens U.S. interests in primarily two ways. First, it strengthens Iran's regional influence and increases the likelihood that it would be successful in a military conflict with another Persian Gulf state. Second, it heightens the risk for U.S. forces deployed in the region and complicates U.S. operational planning.

IRAN'S CONVENTIONAL MILITARY BUILD-UP

Question. Iran has been locked in a dispute with the UAE over these islands for over three years, and Iran has a long history of trying to dominate its smaller neighbors in the Persian Gulf. What do you believe is Iran's intent by building up its forces in the Gulf islands? Are they sending a message to the UAE or to other Gulf states? Is there a message intended for the United States? How is the U.S. responding?

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Answer. Iran's intent in building up its military presence on the disputed Gulf islands is possibly to provide a fait accompli to both the UAE/GCC and the West that the islands will be Iranian forever. It is meant as a strong signal to the GCC and the West that Iranian claims of sovereignty are not negotiable and that Tehran will not be intimidated into relinquishing control. Iranian Foreign Minister Velayati recently stated that Iran "would never give up its vital interests and will never compromise on its territorial integrity. These islands are Iranian and will stay so * * * [Iran would] defend the islands with all its strength and determination." Iran's claim on the islands reinforce its already strong position in the Gulf and thereby supports its objective of playing a part in security arrangements for the strategic waterway. The unprecedented amount of military forces on the islands and the bellicose statements from the Iranian government indicate that Iran will not be willing to make any concessions and will continue to reject calls for adjudication of the dispute by the International Court of Justice or any other body. By the same token, the defensive posture of Iranian forces demonstrates Tehran's desire to avoid a military confrontation on the islands that it knows it cannot win. However, the increased forces on the islands will likely continue as long as the U.S. maintains a major presence in the region.

The U.S. is closely watching the Iranian military buildup on the disputed Islands, because the potential exists for an accidental incident against shipping or aircraft. U.S. Forces, in concert with those of coalition partners, are taking steps in accordance with a carefully constructed regional strategy to ensure that neither Iraq nor Iran can dominate the Gulf, endanger the sovereignty and security of our partners or control the flow of oil on which both producers and consumers depend.

Question. Iran is clearly interested in acquiring sophisticated aircraft, tanks and missile systems from Russia and China. Several hundred Russian T–72 tanks and 2 Russian kilo-class submarines have already been delivered. Yet Iran is facing a severe economic crisis because oil prices have remained depressed for many months. The government suffers from high inflation and unemployment, a rapidly growing population of 60 million, and enormous foreign debt. Could these economic hardships mitigate against Iran's ability to acquire the weapons systems it has set its sights on?

Answer. Yes. Iran's economy is suffering severe problems. At best, hard currency earnings are expected to grow only slightly over the next few years, but debt payments rescheduled in 1994 will increase sharply to around $5 billion annually during the 1996–1999 period . Consequently, financial constraints are expected to grow. Military purchases will continue to be made, but in smaller quantities and over a longer period of time than Iran would prefer.

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Answer. Possibly. Countries will be more inclined to acquiesce to U.S. efforts to restrict foreign sources of funding to Iran to the extent Iran is in financial straits and unable to make payments in full and on time.

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Answer. The main economic incentives that the U.S. can offer are a resumption of full economic relations and the termination of U.S. efforts to restrict Iran's access to foreign sources of financing. These incentives have always been on the table and have not been sufficient to change Iran's policy. These incentives may look more attractive to Iran as its economy worsens, but it is doubtful that Iran is ready to change its fundamental policy goals for the foreseeable future.

Question. Iran is clearly interested in acquiring sophisticated aircraft, tanks and missile systems from Russia and China. Several hundred Russian T–72 tanks and 2 Russian kilo-class submarines have already been delivered. Yet Iran is facing a severe economic crisis because oil prices have remained depressed for many months. The government suffers from high inflation and unemployment, a rapidly growing population of 60 million, and enormous foreign debt. Should the economic screws be tightened to prevent Iran from buying anything?

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Answer. Tightening the screws would place greater pressure on Iran and increase the costs to it of its current policies. It would also be more difficult for Iran to purchase the military related items it desires. However, it is also possible that tightening the screws could help lead to the fall of the current government and it's replacement by a more extremist government that would pursue policies even more inimical to U.S. interests.

IRAQI CONVENTIONAL THREAT

Question. Despite the convincing defeat it suffered in the Gulf War, the Iraqi military today retains significant conventional capability. One report estimates that Iraq has 2,200 tanks, 2,500 armored personnel carriers, 1,650 artillery pieces, and some 300 combat aircraft. How much of a threat does Iraq's conventional capability pose to U.S. allies and U.S. interests in the Persian Gulf? Is Iraq able to smuggle in weapons to rebuild its military, or are these largely surviving stocks from before the war? Will the UNSCOM monitoring regime be responsible for preventing Iraq from importing conventional weapons, as well as weapons of mass destruction components? What effect would lifting the ban on Iraqi oil sales have on Iran's ability to acquire conventional weapons?

Answer. Despite its losses in the Gulf War and the continuing U.N. sanctions, Iraq still possesses the largest forces in the region and poses a potential threat, albeit much reduced from the pre-war period, to U.S. security partners in the Gulf.

The present Iraqi force is equipped almost entirely with weaponry already in the Iraqi inventory before 1991 augmented by a sizable quantity of armored vehicles and other arms stolen from Kuwait during the occupation. We are fairly confident that no significant amounts of military supplies have been smuggled into Iraq since the institution of sanctions.

UNSCOM's charter from the Security Council extends only to nuclear, chemical, biological, and ballistic missile programs. There is no provision in UNSCOM's ongoing monitoring and verification regime for monitoring acquisitions that are not potentially related to one of these four areas.

Lifting the ban on Iraqi oil sales would have no effect on Iraq's legal ability to acquire conventional weapons; paragraph 24 of U.N. Security Council Resolution 687 requires that, until the Security Council decides otherwise, no country may supply Iraq with arms or related materiel or technology, including spare parts and support services. Nevertheless, we believe a substantial portion of the hard currency generated as a result of lifting the oil export sanctions would be devoted by Baghdad to circumventing the arms sanctions and undertaking a major modernization of its conventional forces.

STATUS OF IRAQI BIOLOGICAL WARFARE PROGRAM

Question. Just this week, Rolf Ekeus, the Executive Chairman of the U.N. Special Commission on Iraq (UNSCOM) revealed that Iraq has covered up evidence of its massive biological weapons program. According to Ekeus, in the 1980s Iraq imported literally tons of bacteria for the purpose of producing biological weapons including cholera, tuberculosis, and the bubonic plague. Is Mr. Ekeus's assessment consistent with the Administration's knowledge of Iraq's biological weapons program? How successful has UNSCOM been in destroying Iraq's biological weapons capability? How difficult would it be for Iraq to reactivate its biological weapons program once sanctions are lifted?

Answer. What Chairman Ekeus actually reported was not that Iraq had imported tons of bacteria, but that it had imported some 30 tons of culture media in which bacteria are grown, a quantity that far exceeds any reasonable requirement for peaceful medical research and clearly points to the existence of an offensive biological warfare (BW) program. Although the specific information is new, it is entirely consistent with other information pointing to the existence of such a program.

However, since the Iraqi government has refused to admit that it had such a program, it is difficult to say that UNSCOM has been successful in destroying it. While we have no proof that Baghdad is conducting BW development work at present, the lack of information about its pre-war program leaves us unsure to what extent a dormant program might have been preserved and raises the possibility that may have developed and be hiding quantities of biological agent.

Iraq has developed an indigenous capability to produce the supporting equipment and infrastructure necessary to reconstitute its BW capability, and would be able to do so at any time were it not for the robust monitoring capabilities UNSCOM is establishing at Iraqi facilities that are capable of conducting BW research. If UNSCOM monitoring were withdrawn, however, the Iraqi BW program could be reactivated almost immediately.

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UNSCOM INQUIRIES INTO IRAQI BIOLOGICAL WARFARE

Question. Mr. Ekeus has complained on numerous occasions about a lack of Iraqi cooperation with UNSCOM's efforts to destroy Iraq's biological weapons program. Over many months, we have consistently heard reports about Iraqi officials lying to U.N. officials about the extent of their biological weapons program, and then offering up lame excuses when their deception is revealed. Do you believe that Iraq has yet come clean about the extent of its biological weapons program? What does Iraq's record of deception in this area tell us about its willingness to cooperate with the international community and comply with all the relevant U.N. Security Council resolutions? To what extent has the Administration used this evidence to shore up support in the international community for maintaining sanctions against Iraq?

Answer. It is clear that Iraq has not come clean about the extent of its biological weapons program. Indeed, it continues to deny, in the face of overwhelming evidence, that such a program ever existed. As the Administration has consistently pointed out to other members of the international community, especially members of the U.N. Security Council, Iraq's record of deception in this area is further proof of Baghdad's unwillingness to comply with international norms and totally refutes any argument that the Saddam Hussein regime has the peaceful intentions demanded by Security Council Resolution 687. Indeed, we believe Chairman Ekeus's disclosure of Iraqi recalcitrance on this issue has played a major role in solidifying international resolve for keeping export sanctions in place.

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