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IRAQ'S COMPLIANCE WITH UNITED NATIONS SECURITY COUNCIL RESOLUTIONS

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COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE UNITED NATIONS SECURITY COUNCIL, PURSUANT TO 50 U.S.C. 1541

JANUARY 24, 2002.—Referred to the Committee on International Relations and ordered to be printed

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THE WHITE HOUSE,
Washington, January 23, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) and as part of my effort to keep the Congress fully informed, I am providing a report prepared by my Administration on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council. The last report, consistent with Public Law 102–1, was transmitted on October 11, 2001.

Sincerely,

GEORGE W. BUSH.

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STATUS OF U.S. EFFORTS REGARDING IRAQ'S COMPLIANCE WITH UN SECURITY COUNCIL RESOLUTIONS

Overview

As long as Saddam Hussein remains in power, he will continue to threaten the well-being of the Iraqi people, the peace of the region, and vital U.S. interests. We are continuing our Iraq policy review to determine the best means of advancing our interests. We have already strengthened international consensus on the need to change the international community's approach to Iraq by unanimous passage of a Security Council resolution (UNSCR 1382) providing for the Security Council to adopt and implement the Goods Review List (GRL) as the basis of UN controls on Iraq on May 30, 2002. This approach would maintain UN controls to prevent Iraq from acquiring items to support Iraq's ballistic missile, conventional military or nuclear, chemical, or biological weapons programs. We are continuing consultations with other Security Council members to ensure adoption and implementation of the GRL during the next phase of the "Oil-for-Food" program. We are enforcing No-Fly Zones over northern and southern Iraq to carry out vital United Nations Security Council (UNSC) resolutions in an effort to help ensure the safety of citizens of specific ethnic and religious groups, and Iraq's neighbors. We are considering how best to achieve our objective of regime change.

We will continue to contain the threats posed by Iraq, but over the long term, the most effective and lasting way to end these threats is through a change of government in Baghdad. To this end, we support the Iraqi opposition as part of our program to support a transition to democracy in Iraq. As part of that effort, the Iraqi National Congress (INC) continues to be funded for a variety of activities by the State Department, and continues to receive training under the drawdown authority of the Iraq Liberation Act (ILA).

Iraq still rejects UNSC Resolution 1284, a binding resolution adopted under Chapter VII of the UN Charter, including its requirement that Iraq provide the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) with immediate, unconditional and unrestricted access to Iraq and its facilities, equipment, records, and personnel. Nonetheless, the UN is implementing those parts of the resolution which do not require Iraqi cooperation. In its quarterly report to the Council on December 6, 2001, UNMOVIC updated the UN Security Council on measures it is taking to prepare for inspections in Iraq. UNMOVIC Executive Chairman Dr. Hans Blix stated that UNMOVIC inspectors are prepared and ready to return to Iraq. To provide UNMOVIC the best support possible, we consult regularly with Dr. Blix and his staff. In its semi-annual report to the UN Security Council on October 5, 2001, the IAEA indicated

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it is similarly prepared to return to Iraq, but that the longer the suspension of resolution-related inspections lasts, the more difficult it will be and the more time will be required for the Agency to re-establish a level of knowledge comparable to that achieved at the end of 1998.

Ambassador Yuli Vorontsov, the Secretary General's high-level coordinator for Kuwait Issues, presented his semi-annual report on stolen Kuwaiti property on June 20, 2001, and on August 21, 2001, he submitted this periodic report to the Council on Kuwaiti and third-country national prisoners. Both of these reports demonstrate Iraq's continuing failure to comply fully with its obligations under relevant UNSCRs. The Iraqi Government continues to deny Ambassador Vorontsov entry to the country.

The "Oil-for-Food" program, which is designed to provide for the humanitarian needs for the Iraqi people as long as UN sanctions remain in place, continues to expand. Iraq exported $17.8 billion worth of oil in 2000 with the proceeds going to a UN-controlled escrow account. On November 29, the Security Council extended the current phase of the "Oil-for-Food" program for an additional 180 days. During this time, we will continue to work with Security Council members to agree on the details of a new resolution implementing our approach.

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

Saddam Hussein's record of aggressive behavior necessitates the deployment of a highly capable force in the region to deter Baghad and respond to any threat it might pose to its neighbors, the reconstitution of its weapons of mass destruction (WMD), or movement against the Kurds in northern Iraq. We will continue to maintain a strong posture and have established a rapid reinforcement capability to supplement our forces in the Gulf, if needed.

Operation NORTHERN WATCH and Operation SOUTHERN WATCH

Aircraft of the United States and coalition partners patrolling the No-Fly Zones over Iraq under Operations NORTHERN WATCH and SOUTHERN WATCH are routinely tracked by Iraqi radar, fired upon by anti-aircraft artillery, and attacked with surface-to-air missiles. Our aircrews continue to respond in self-defense to threats against and attacks on our aircraft patrolling the No-Fly Zones in accordance with Central Command's (CENTCOM) well-established response options.

Maritime Intercept Operations

The U.S.-led maritime Multinational Interception Force (MIF) continues to enforce UN sanctions in the Gulf. The United States continues to approach potential participants in the MIF to augment current partners. Canadian, Australian, and British forces are currently operating with U.S. forces.

In large part, member states of the Gulf Cooperation Council (GCC) continue to support the MIF. The UAE still accepts the vast majority of vessels diverted for violating UN sanctions against Iraq, but Kuwait, at a distant second, is rapidly building up its numbers. Other GCC nations are more hesitant to accept diverted vessels

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(Saudi Arabia, Qatar and Bahrain have accepted ships in the past, but now refuse), but all provide support in some form to the enforcement of UNSCRs against Iraq.

From September through November 2001, monthly totals of smuggled petroleum products through the Gulf averaged slightly less than those in the previous three-month period. Iran continues to deny use of its territorial waters to all but the largest of smuggling vessels from which significant fees can be obtained.

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

UNMOVIC/IAEA: Weapons of Mass Destruction

There have been no Council-mandated inspections in Iraq since December 15, 1998. Iraq's defiance of the international consensus, as expressed by UNSCR 1284, has meant that no progress has been made in addressing Iraq's outstanding disarmament obligations. Iraq remains in violation of its obligations to end its programs to develop weapons of mass destruction and long-range missiles.

UNMOVIC has largely completed the hiring of its core staff in New York and is continuing to hire people, including Americans, in an on-call or "roster" category. UNMOVIC has completed four training courses and plans to hold a fifth course in early 2002. The United States provides UNMOVIC with course instructors and facilities for hands-on training. We consult with Dr. Blix and his staff regularly to provide the best support possible. On December 6, 2001, UNMOVIC issued its latest report on steps it is taking to prepare for inspections in Iraq. Dr. Blix has said that UNMOVIC inspectors are prepared and ready to return to Iraq.

The United States also provides support to and holds regular consultations with the IAEA Iraq Action Team. In its semi-annual report to the UN Security Council on October 5, 2001, the IAEA indicated that it has maintained its readiness to resume verification and monitoring activities in Iraq, but that the longer the suspension of resolution-related inspections lasts, the more difficult it will be and the more time will be required for the Agency to re-establish a level of knowledge comparable to that achieved at the end of 1998.

Dual-Use Items

"Oil-for-Food" program revenues are designated for humanitarian purposes only, but we remain concerned that Iraq is abusing this program in an attempt to acquire goods and materials for its weapons programs. Currently, the United States, as a member of the UN Iraq Sanctions Committee, reviews all contracts under the "Oil-for-Food" program (unless the items are on a list pre-approved for expedited humanitarian export) to ensure that prohibited items are not exported to Iraq and dual-use items are not diverted to Iraqi weapons programs. However, on November 29, 2001, the United Nations Security Council unanimously adopted Resolution 1382. In this resolution, the Council agreed to adopt and implement a Good Review List (GRL) by May 30, 2002, subject to any refinements

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agreed to by the Council prior to that date. When implemented, the GRL will maintain UN controls on items deemed useful in supporting Iraq's ballistic missile, conventional military, and nuclear, chemical, and biological weapons programs. At the same time, this approach will lift economic sanctions on purely civilian trade with Iraq.

UNSCR 1051 established a joint UNSCOM/IAEA unit to monitor Iraq's authorized imports of WMD- and missile-related items (WMD/missile-related goods are also known as "1051"-listed goods). UNSCR 1051 also established lists of items subject to review in all four weapons categories—ballistic missile, nuclear, chemical and biological. As noted in the last report, these lists were updated by UNMOVIC and the IAEA. Under UN Security Council resolution 1284, UNMOVIC has assumed this responsibility from UNSCOM, with the added requirement to identify if, in their estimation, a contract contains a 1051-listed good. UNMOVIC and the IAEA have continued to perform this duty during this reporting period. Under UNSCR 1382, UNMOVIC and the IAEA would be charged with screening all "Oil-for-Food" contracts for GRL-listed items. Under this approach, the GRL includes the 1051 lists and items that Iraq could use to support its conventional military. Since weapons inspectors left Iraq in December 1998, the UN Office of the Iraq Programme is the principal organization allowed to observe goods going into Iraq under the "Oil-for-Food" program. Various UN agencies have provided end-use verification to varying low degrees. In the absence of weapons inspectors and other experts on the ground in Iraq, the United States has placed holds on a number of prohibited or dual-use contracts that otherwise likely would have been approved if UNMOVIC/IAEA monitoring were available.

The UN's "Oil-for-Food" Program

We support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the "Oil-for-Food" program. Under UN control, the proceeds of Iraqi oil sales are used to purchase humanitarian goods, fund UN Compensation Commission awards against Iraq arising out of its invasion and occupation of Kuwait, and to meet UN administrative costs. As of November 30, 2001, Iraq had exported more than $5.2 billion worth of oil during the tenth six-month phase of the "Oil-for-Food" program, which began on July 4, 2001. According to UN data since the start of the "Oil-for-Food" program, 19,795 contracts for humanitarian goods worth over $29 billion have been approved through October 31, 2001. To streamline the approval process for humanitarian goods, we have agreed with the UN on a fast-track approval process for some goods. However, as purchases under the program have moved from basic humanitarian supplies to more expensive infrastructure projects, the number and value of U.S. "holds" on contracts have increased. The Security Council's commitment in recently adopted resolution 1382 to implement the Goods Review List and related procedures on May 30, 2002, will help eliminate holds (contracts would either be approved or submitted to the sanctions committee members for approval or denial), while ensuring that the Iraqi regime has less access to the goods most important to its re-armament efforts.

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The "Oil-for-Food" program maintains a separate program for northern Iraq, administered directly by the UN in consultation with the local authorities. This program, which the United States strongly supports, ensures that when Iraq contracts for the purchase of humanitarian goods, 13 percent of the funds generated under the "Oil-for-Food" program are spent on items for northern Iraq.

Humanitarian efforts in northern Iraq have led to a marked contrast between the health of the population of the north, where indicators show an improvement, and of the population living in the areas where the UN does not administer the program.

International humanitarian programs, including most importantly the "Oil-for-Food" program, have steadily improved the life of the average Iraqi and led to improvements in health care, water, sanitation, agriculture, education, and other areas, while denying Saddam Hussein control over most of Iraq's oil revenues.

However, as noted most recently in a November 19 UN report, the Government of Iraq is not committed to using the funds available through the "Oil-for-Food" program to improve the health and welfare of the Iraqi people. Approximately $2.0 billion remains unobligated in the "Oil-for-Food" escrow account, as of November 19, 2001. In addition, Iraqi contracting delays, cuts in food, medicine, educational and other humanitarian sector allocations, government attempts to impede or shut down humanitarian NGO operations in northern Iraq, and Baghdad's delays in the issuance of visas for UN personnel demonstrate that the Iraqi regime is trying to undermine the effectiveness of the program.

We will continue to work with the UN Secretariat, other members of the Security Council, and others in the international community to ensure that the implementation of UNSCR 1284, and other relevant UNSCRs, better enables the humanitarian needs of the Iraqi people to be met while denying political or military benefits to the Baghdad regime.

Flight Control Regime

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

Northern Iraq: Kurdish Reconciliation

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) continue their efforts to implement the September 17, 1998, reconciliation agreement. They work together effectively in a number of areas, including joint efforts to bring the needs of their region to the attention of the UN and the international community, and within the larger Iraqi national democratic opposition movement. The situation in northern Iraq is not

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settled, however, and we continue to look for ways to encourage the parties to make greater progress toward resolving their differences.

The Human Rights Situation in Iraq

The human rights situation in Iraq continues to fall severely short of international norms. UNSCR 688 expressly notes that the consequences of the regime's repression of its own people constitute a threat to international peace and security in the region. It demands immediate access for international humanitarian aid organizations to all Iraqis in need in all parts of Iraq. Yet, for more than 9 years the Iraqi Government has refused to allow the UN Human Rights Commission's Special Rapporteur for Iraq to visit the country. UN human rights monitors have never been allowed in. On December 19, 2001, the UN General Assembly passed a resolution that strongly condemned "the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

Human rights NGOs and other interested voices continue to call for creation of an international tribunal to address the war crimes and crimes against humanity of the Iraqi leadership. United States Government policy supports this view: the leadership of the Iraqi regime should be indicted and prosecuted by an international criminal tribunal or by a national court that can properly exercise jurisdiction over them.

The Iraqi leadership's abuse of resources for personal enrichment and attempts to manipulate the "Oil-for-Food" program continued unabated. The government fails to use revenues earned via the "Oil-for-Food" or from illicit trade for the greatest benefit to the people of Iraq.

In the north, outside the Kurdish-controlled areas, we continue to receive reports of the regime continuing its ethnic cleansing policy of forcibly expelling ethnic Kurds and Turkomans for Kirkuk and other cities, and transferring Arabs into their places. Saddam's security apparatus continues to repress Shias.

The Iraqi Opposition

We continue to support the Iraqi opposition, helping Iraqis inside and outside Iraq to become a more effective voice for the aspirations of the people, and working to build support for the forces of change inside the country. They are working toward the day when Iraq has government worthy of its people—a government prepared to live in peace with its people and its neighbors.

Since October, we have been making short-term extensions to our cooperative agreement with the Iraqi National Congress (INC), as we negotiate a new agreement with them. The funding in the current grant has allowed the INC to continue operations at its headquarters and satellite offices, begin satellite television broadcasting into Iraq, continue production and distribution of its newspaper, undertake outreach programs to further develop its organization, deploy teams to advocate the interests of the Iraqi people at international fora, plan for the delivery of humanitarian relief to Iraqis in need, collect information on the Iraqi regime, and manage assist-

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ance provided under the Iraq Liberation Act (ILA). The grant extension for January 2002 does not include funding for the INC's collection of information on the Iraqi regime (due to ongoing financial management and internal control weaknesses that must be resolved before funding for the program can resume) and the INC's DC and London offices that exist to facilitate training drawndown under the ILA (because the INC has refused since November to sign up new trainees for courses). We plan to reach a new agreement with the INC shortly, to provide them with further funding to continue such activities.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC) was established and operates pursuant to UNSCRs 687 (1991) and 692 (1991). It continues to process claims and pay compensation for losses and damages suffered by individuals, corporations, governments and international organizations, as a direct result of Iraq's unlawful invasion and occupation of Kuwait. To date, the UNCC has issued approximately 2.6 million awards worth about $35.79 billion, and has already paid $13.7 billion of those awards. Of the former amount, the United States Government has been awarded approximately $665.3 million from the UNCC for payment to U.S. claimants. Awards and the costs of the UNCC's operation are paid from the Compensation Fund, which is funded through the allocation to it of a certain percentage of the proceeds from authorized oil sales under Security Council resolution 986 (1995) and subsequent extensions. The allotment has generally been set at 30 percent. However, for the six-month phase of the "Oil-for-Food" program beginning December 6, 2000, there was a reduction in that allotment to 25 percent. The reduction has been extended with each subsequent rollover, including the latest one starting on November 29, 2001, as embodied in UNSCR 1382. The reduction is designed to make funds available for specific programs intended to meet pressing humanitarian needs of the Iraqi people.

Conclusion

Iraq remains a serious threat to international peace and security. The Iraqi regime's record on human rights continues to be abysmal. The United States remains determined to see Iraq comply fully with all of its obligations under UNSC resolutions while at the same time endeavoring to see that the humanitarian needs of the Iraqi population are addressed. The United States will continue to encourage and support those Iraqis working for the day when Iraq rejoins the family of nations as a responsible and law-abiding member under a new government that serves its people, rather than represses them.

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