

REPORT ON MATTERS RELEVANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON MATTERS RELEVANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002, PUBLIC LAW 107-243

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THE WHITE HOUSE,
Washington, January 20, 2003.

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

DEAR MR. SPEAKER: Pursuant to the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) and as part of my effort to keep the Congress fully informed, I am providing a report prepared by my Administration on matters relevant to that Resolution including on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council. Information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) is and will be included in this and subsequent reports.

Sincerely,

GEORGE W. BUSH.

REPORT TO CONGRESS ON MATTERS RELEVANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SCOPE

This report is made pursuant to the Authorization for the Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243). It reports on matters relevant to that Resolution including on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council. Information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) is included in this report. The report covers events up to December 15, 2002.

OVERVIEW

As long as Saddam Hussein remains in power and in defiance of United Nations Security Council (UNSC) resolutions, he threatens the well-being of the Iraqi people, the peace and security of the region, and vital U.S. interests. Before the United Nations General Assembly on September 12, the President challenged the U.N. to address Iraq's systematic violations of UNSC resolutions and to compel Iraq's disarmament of weapons of mass destruction (WMD).

In response to the President's address, on November 8, the UNSC unanimously adopted Resolution 1441, which declares that "Iraq has been and remains in material breach of its obligations under relevant resolutions," sets up "an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process," affords Iraq a "final opportunity to comply with its disarmament obligations," and recalls that the UNSC has repeatedly "warned Iraq that it will face serious consequences as a result of its continued violations of its obligations."

Under UNSCR 1441, weapons inspections resumed in Iraq on November 27, the first inspections since 1998, when Iraqi non-compliance made it impossible for them to carry out their duties. If it is not, however, the United Nations' burden to prove Iraq's non-compliance. On the contrary, the burden is on Iraq to provide verifiable evidence of its disarmament as required by numerous UNSC resolutions. As UNMOVIC Executive Director Hans Blix has said, "I have consistently taken the view that Iraq must either present existing proscribed items and programmes for elimination or provide credible evidence that they have been eliminated. It is not enough just to open doors to inspectors." Thus, the United Nations Monitoring Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency's (IAEA) Iraq Action Team cannot fulfill their disarmament mission unless

Iraq cooperates fully and immediately by bringing forward verifiable evidence of disarmament.

While we hope that Iraq will comply with UNSC resolutions requiring WMD disarmament, we are prepared, if necessary to lead a coalition to use force to rid Iraq of its WMD capabilities. In order to allow the President to retain as much flexibility as possible in dealing with this situation, we are continuing to build up our forces in the region.

We continue to support the Iraqi opposition as part of our program to back transition to a more representative government in Iraq. As part of that effort, the Iraqi National Congress (INC) and other groups continue to be funded for a variety of activities by the State Department, and continue to receive training under the drawdown authority of the Iraq Liberation Act (ILA).

We continue to help maintain No-Fly Zones over northern and southern Iraq to uphold vital UNSC resolutions and to ensure the safety of Iraq's persecuted ethnic and religious groups and Iraq's neighbors.

Ambassador Yuli Vorontsov, the Secretary General's high-level coordinator for Kuwait issues, presented his periodic report on Kuwaiti and third-country national prisoners and stolen Kuwaiti property in December. This report demonstrates Iraq's continuing failure to comply fully with its obligations under relevant UNSC resolutions. The Iraqi Government, in a departure from its standard practice of denying Ambassador Vorontsov entry to the country, has invited him to Baghdad in January for consultations.

The Iraqi regime continues to undermine the Oil for Food (OFF) program, which the Security Council designed to provide for the humanitarian needs of the Iraqi people and to keep Iraq's oil revenues out of Saddam Hussein's control. Baghdad smuggles large amounts of oil outside the program in order to obtain unregulated funds to support WMD programs, rebuild its military, reward regime supporters, and maintain Iraq's extensive security apparatus. The Iraqi regime has also on occasion ceased oil sales under the program and has repeatedly demanded illegal surcharges from oil lifters. The United States, with the United Kingdom, has been responsible for the institution of a retroactive pricing policy that has effectively curtailed Baghdad's ability to demand a surcharge, and maintains a naval presence in the Gulf to interdict oil smugglers (see below).

UNMOVIC/IAEA: Weapons of Mass Destruction

Iraq's continued defiance of the international community's will, as demonstrated by its failure to comply with relevant UNSC resolutions, caused a four-year absence of weapons inspectors and no progress in addressing Iraq's outstanding disarmament obligations. Iraq remains in violation of its obligations to end its programs to develop WMD and ballistic missiles with ranges exceeding 150 kilometers. Since 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; most analysts assess that Iraq is reconstituting its nuclear weapons program.

Following President Bush's address to the U.N. General Assembly and the unanimous passage of UNSC Resolution 1441, Iraq ac-

cepted the return of U.N. weapons inspectors, who resumed their work in Iraq on November 27. We continue to consult regularly with UNMOVIC's Dr. Hans Blix and IAEA's Dr. Mohamed Al Baradei, and Mr. Jacques Baute and their staffs to provide the best support possible. The President and other high officials have met with UNMOVIC and IAEA leadership and we maintain working-level and higher-level contacts. Both UNMOVIC and the IAEA reaffirmed their requests for United States Government assistance, particularly technical, logistical, and information support.

At the President's direction, we are actively providing intelligence, technical, and personnel and training support. Intelligence support has included briefings on Iraq's WMD programs, inspection concepts and strategies, counterintelligence information, and meeting specific requests from inspectors, such as the provision of maps. Technical support has included offers of aerial surveillance, lab equipment and services, sampling equipment, and communications equipment. We have offered training to the inspectors as well as suggested candidates for hire and provided others for temporary duty.

So far, however, there are no signs that the regime has taken the decision to make a strategic shift in its approach and to give up its WMD. Indeed, there are many troubling and serious signs that it has no intention to disarm at all.

The first day inspections resumed, air raid sirens sounded in Baghdad, apparently to warn that the inspectors had begun their work. Indeed, the first inspection was delayed by the actions of an Iraqi "minder."

Even more serious is Iraq's response to UNSCR 1441's requirement that Iraq make a "currently accurate, full, and complete" declaration of its weapons of mass destruction activities. Iraq's declaration was incomplete and inaccurate. The December 7, 2002 declaration was padded with reams of extraneous material, but failed to address scores of questions pending since 1998. It seeks to deceive when it says that Iraq has no ongoing WMD programs. Illustrative examples—but not a complete list—of Iraq's omissions identified as issues by UNSCOM include: 550 artillery munitions filled with mustard agent; 400 R-400 aerial bombs capable of delivering biological agent; tons of unaccounted for chemical weapons precursors; 30,000 empty chemical munitions; tens of thousands of liters of unaccounted biological agents.

The report also failed to deal with issues which have arisen since 1998, including: mobile biological weapons laboratories; missiles and associated facilities which violate the U.N.-mandated 150km range limit; unmanned aerial vehicle programs associated with WMD; and attempts to acquire uranium and the means to enrich it.

In short, we have not seen anything that indicates that the Iraqi regime has made a strategic decision to disarm. On the contrary, we believe that Iraq is actively working to disrupt, deny, and defeat inspection efforts.

Given the false Iraqi declaration, the inspectors should focus their efforts on auditing the gaps and inaccuracies of the Iraqi declaration using all the tools at their disposal including: the right to "immediate, unimpeded, unrestricted, and private access to all offi-

cial or other persons * * * inside or outside Iraq,” the right to “free and unrestricted use” of aerial reconnaissance vehicles; and the right to “immediate, unimpeded, unconditional, and unrestricted access” to any and all buildings, equipment, and records.

The United States stands ready to support the inspectors in this effort.

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

Saddam Hussein’s record of aggressive behavior necessitates the continued deployment of an increasingly capable force in the region in order to deter Baghdad and respond to its reconstitution of its WMD programs, respond to any movement against the Kurds in northern Iraq or the Shia in southern Iraq, and respond to any threat it might pose to its neighbors. We are continuing to build up our forces in the region to support our diplomatic effort to convince the Iraqi regime to disarm voluntarily and to ensure that the President has as much flexibility as possible in the event that Iraq must be disarmed by force.

While we hope that Iraq will comply voluntarily with UNSC resolutions concerning WMD disarmament, we are prepared, if necessary, to lead a “coalition of the willing” to use force to rid Iraq of its WMD capabilities. In this regard, we have received offers of support from many other nations, to include military assistance both during and after a possible conflict, as well as humanitarian and economic aid in helping to rebuild Iraq.

The Iraqi Opposition

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

The Iraqi opposition held a broad-based conference in London from December 14 to 17, 2002. The Administration was in close touch with a wide range of opposition groups as planning for this event moved forward, and during the conference itself. Over 340 Iraqi delegates attended and included representatives of almost all major Iraqi opposition groups. The conference produced a political statement and a statement on the post-Saddam transition period, and formed a 65-member Advisory Committee that plans to hold its initial meeting in early 2003.

In November, the INC signed a new grant agreement with the Department of State that will fund INC headquarters operations and satellite offices in Tehran, Prague and Damascus, increase funding for the INC’s satellite television broadcasting into Iraq, increase funding for the production and distribution of the INC’s newspaper, plan for the delivery of humanitarian relief to Iraqis in need, cover June and July expenses for the INC’s Information Collection Program, and manage assistance provided to the INC under the ILA. The grant will cover INC expenses from June 2002 to January 2003.

The President has directed the drawdown of the remaining \$92 million available in assistance under the ILA. In addition, the

United States has designated six new opposition groups as authorized recipients of drawdown assistance under the ILA, and removed one opposition party from the list.

Future of Iraq

Should it become necessary for the United States and coalition armed forces to take military action against Iraq, the United States, together with its coalition partners, will play a role in helping to meet the humanitarian, reconstruction, and administrative challenges facing the country in the immediate aftermath of a conflict. We will also be responsible for securing the elimination of WMD capabilities and stockpiles. We will work to transfer authority as soon as practical to the Iraqis themselves, initially in an advisory role, and to maximize the contributions of Non-Governmental Organizations, international organizations, and other members of the international community to these activities, as appropriate. The U.S. is fully committed to stay as long as necessary to fulfill these responsibilities, but is equally committed to leave as soon as the Iraqi people are in a position to carry out these responsibilities themselves.

Should there be a conflict with Iraq, there is a potential for adverse humanitarian consequences. The nature and significance of such consequences depend in large measure on the conduct of the Iraqi regime, which has in the past attacked its own people with chemical weapons. The United States is now engaging in contingency planning for humanitarian operations involving USAID, the Department of State, and numerous other United States Government agencies to assist those driven from their homes and to minimize disruption and damage to existing humanitarian infrastructure.

In an immediate post-conflict environment, the United States, with its coalition partners, would seek to help the Iraqi people to begin the reconstruction of their country. We are planning for this reconstruction to begin as quickly as possible, and to demonstrate to the Iraqi people an immediate improvement in their lives and the promise of a brighter post-Saddam future.

In addition, we have formed a "Future of Iraq" project, which helps expatriate Iraqis address post-regime change issues such as transitional justice, public health, democratic principles, public finance, education, environment and water, and the role of the military, free press, and civil society in a democratic Iraq. This program has made considerable progress, establishing several working groups to address these issues and many others. These working groups utilize the talents and experience of Iraqis living throughout the world and engaged in many fields of endeavor who wish to contribute to the restoration of the country in which they were born.

The United States is committed to working with the international community and Iraqis dedicated to building a broad-based, democratically-oriented government that respects the rights of its people, regardless of gender, ethnicity or religion, and which is committed to ensuring Iraq becomes a country at peace within itself, seeking peace with its neighbors, and respectful of its international responsibilities.

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. Hostile Iraqi actions against United States and United Kingdom aircraft continued after November 8 despite the passage of UNSC resolution 1441. Our aircrews will continue to respond in self-defense to threats against and attacks on our aircraft patrolling the No-Fly Zones. If Iraq were to cease its attacks on and threats to coalition aircraft, there would be no need for responses in self-defense by coalition forces.

Maritime Intercept Operations

The U.S.-led maritime Multinational Interception Force (MIF) continues to enforce U.N. 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 United Arab Emirates and Kuwait accept the vast majority of vessels diverted for violating U.N. sanctions against Iraq. Kuwait has also increased its ability to offload smuggled oil from smuggling vessels by contracting a bunkering tanker, further indicative of its continued support. Oman accepts the infrequent vessels diverted off its coasts. Other GCC nations are more hesitant to accept diverted vessels, but all provide support in some form to the enforcement of UNSC resolutions against Iraq.

Monthly totals of smuggled petroleum products through the Gulf are declining. Indicative of this fact is the dramatic decrease in the amount of illegal oil loaded in Khawr az Zubayr onto smuggling vessels. Overall, loading in 2002 when compared to 2001 was down 55 percent. This significant downward trend indicates a declining willingness of smugglers to invest in this trade and represents a critical measure of MIF effectiveness.

The MIF continues to serve as a critical deterrent to the smuggling of prohibited items and products into and out of Iraq. We will continue to reassess the adequacy of MIF force levels as conditions develop.

Dual-Use Items

On May 14, 2002, the UNSC voted unanimously to adopt a new export control system on Iraq. Resolution 1409, and the "Goods Review List" (GRL) it establishes, are the centerpiece of the U.N. effort to revise U.N. sanctions against Iraq. The resolution has two critical elements: (1) It makes clear that there is no change in the prohibition on providing to Iraq weapons or the means to produce them, and clearly restates that Iraq has not met its obligations and must not be allowed to rearm; and (2) It effectively lifts U.N. controls on purely civilian goods, and focuses U.N. controls on items Iraq could use to rearm. UNMOVIC and the IAEA, the two U.N. inspection bodies already assigned to monitor Iraq, use the GRL to

examine proposed exports to Iraq. They examine all purchase contracts to see if they contain GRL items, and advise the U.N. Office of Iraq Programs (OIP) accordingly. UNMOVIC and the IAEA have the authority to approve all non-GRL items, and forward to the U.N. Sanctions Committee for further review and prompt approval or denial all items that they deem to be covered by the GRL.

While the GRL improved the movement of humanitarian goods, it became clear that Baghdad has found and continues to exploit weaknesses in the list. Accordingly, in considering the renewal of the OFF program in the Security Council in November and early December, the United States sought changes and was working to address key deficiencies in the GRL as of the date of this report. We will continue to monitor and to prevent intensive Iraqi efforts to circumvent the list in order to obtain dual-use items to support prohibited weapons programs.

The U.N.'s "Oil-for-Food" Program

We continue to support the international community's efforts to provide for the humanitarian needs of the Iraqi people through the OFF program. Under U.N. control, the proceeds of Iraqi oil sales are used to purchase humanitarian goods and maintain oil infrastructure, to fund U.N. Compensation Commission awards against Iraq arising out of its invasion and occupation of Kuwait, and to meet U.N. administrative costs. From the inception of the program in 1996 through December 4, 2002, revenue from oil sales totaled roughly \$60 billion. During the most recent accounting period, May 30 to December 4, Iraq exported \$5.64 billion worth of oil, according to U.N. data.

According to U.N. data from the inception of the OFF program through December 4, 2002, contracts for humanitarian goods worth over \$40.3 billion have been approved.

The OFF program maintains a separate program for northern Iraq, administered directly by the U.N. in consultation with the local authorities, and funded by 13 percent of OFF oil sales proceeds, which are set aside for the three governorates of 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 a vast improvement, and of the population living in the areas where the U.N. does not administer the program.

As noted by the U.N. in a September 25, 2002 report, the Government of Iraq is not committed to using all the funds available through OFF to improve the health and welfare of the Iraqi people. The U.N. report cites the Iraqi Government's failure to purchase humanitarian goods worth \$1.76 billion from the available funds in the U.N.'s escrow account. Iraq's month-long unilateral cut-off of oil exports in April 2002, which it attributed to its support for the Palestinians' political cause, is the latest in a series of political moves that affect principally the Iraqi people. Baghdad's periodic oil cut-offs, its smuggling outside OFF and its demand for illegal surcharges all negatively affect funding of the OFF program. In addition, Iraqi contracting delays, cuts in food, medicine, educational and other humanitarian sector allocations, government attempts to impede or shut down humanitarian Non-Governmental Organiza-

tions (NGO) operations in northern Iraq, and Baghdad's delays in the issuance of visas for U.N. personnel reveal the Iraqi regime's attempts to undermine the effectiveness of the OFF program.

Although the OFF program is designated for humanitarian purposes only, we remain concerned that Iraq is abusing this program in an attempt to acquire goods and materials for its prohibited weapons programs. On March 6, 2002, the United States briefed the U.N. Sanctions Committee on Iraq's diversion of trucks designated for humanitarian use to its military programs. We will continue to work with the U.N. Secretariat, other members of the Security Council, and others in the international community to ensure that the implementation of UNSC resolution 1284, and other relevant UNSC resolutions, better meets the humanitarian needs of the Iraqi people 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 on new procedures for international flights. In the absence of an agreement, we continue to press for adherence to existing Sanctions Committee procedures that 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 and the Patriotic Union of Kurdistan continue their efforts to implement the September 17, 1998, reconciliation agreement (the "Washington 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 U.N. and the international community, and within the larger Iraqi national democratic opposition movement. On October 4, they convened the first joint session of their regional assembly since 1994.

The Human Rights Situation in Iraq

The human rights situation in Iraq continues to fall severely short of international norms. UNSC resolution 688 expressly notes that the consequences of the regime's repression of the civilian population in many parts of Iraq constitute a threat to international peace and security in the region. It also demands immediate access by international humanitarian aid organizations to all Iraqis in need in all parts of Iraq. Yet, the Iraqi regime has allowed only one brief visit by the U.N. Human Rights Commission's Special Rapporteur for Iraq. U.N. human rights monitors have never been allowed in. On April 18, 2001, the United Nations Commission on Human Rights strongly condemned "the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

Human rights NGOs and other interested voices continue to call for creation of an international tribunal to address the war crimes and crimes against humanity of the Iraqi leadership. There are a number of possible mechanisms that might be appropriate, and the international community, the military coalition in case of war, and the Iraqi people must address these issues as soon as hostilities come to an end.

In the north, outside the Kurdish-controlled areas, we continue to receive reports that the Iraqi regime maintains its ethnic cleansing policy by forcibly expelling ethnic Kurds and Turkomans from Kirkuk and other cities, and transferring Arabs into their places. Additionally, Saddam's security apparatus continues to repress Shias throughout the country.

The United Nations Compensation Commission

The United Nations Compensation Commission (UNCC) was established by and operates pursuant to UNSC Resolutions 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. As of 12 December, the UNCC has issued approximately 2.6 million awards worth about \$43.7 billion, and has already paid over \$16 billion of those awards. Of the former amount, U.S. claimants have been awarded approximately \$700 million, of which approximately \$250 million has already been paid. Awards and the costs of the UNCC's operation are paid from the Compensation Fund, which is funded through the allocation to it of 25 percent (reduced from 30 percent originally) of the proceeds from authorized Iraqi oil sales under UNSC resolution 986 (1995) and subsequent extension.

CONCLUSION

Iraq remains a serious and growing threat to international peace and security. For more than a decade, the Iraqi regime has deceived and defied the will of the international community and numerous UNSC resolutions by, among other things, continuing to seek and develop WMD and prohibited long-range missiles, brutalizing the Iraqi people, supporting international terrorism, and committing gross human rights violations. The United States has participated in international efforts at containment, sanctions, inspections, and selected military action against Iraq, and, despite these measures, Iraq continues to violate its international obligations. As President Bush stated in his October 7th speech, "the time for denying, deceiving and delaying has come to an end. Saddam Hussein must disarm himself, or, for the sake of peace, we will lead a coalition to disarm him." As the President stated to the United Nations General Assembly on September 12, "The Security Council resolutions will be enforced—the just demands of peace and security will be met—or action will be unavoidable. And a regime that has lost its legitimacy will also lose its power."