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on the situation in Iraq ten years after the Gulf War
(2000/2329(INI))

Part 2: Explanatory statement

Committee on Foreign Affairs, Human Rights, Common Security and Defence
Policy

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The motion for a resolution will be published separately in Part 1

EXPLANATORY STATEMENT

I. BACKGROUND AND GENERAL OVERVIEW

1. The International Community, represented by the United Nations Security Council, imposed, following the Gulf War, a set of military and security obligations to Iraq (UN Security Council Resolution of 1991). At the same time, generalised economic, financial and trade sanctions were also imposed, in order to force Iraq to comply with these obligations.
2. These sanctions remain still today (10 years after the Gulf War), because Iraqi government refused to comply with the post-war conditions in particular the obligation to declare and destroy prohibited weapons of mass destruction.
3. As the Iraqi government used this embargo to justify not importing the necessary food and medicine, the United Nations proposed in 1991 the "oil for food" programme, with a view to reduce the perverse effects that the embargo created and to prevent from a misinterpretation of its reasons and objectives. The Iraqi government signed a Memorandum of Understanding with the UN accepting the terms of this programme only in May 1996. The first deliveries of food and medicines took place in March 1997.
4. The difficulties found in implementing the "oil for food programme" and the deterioration of the humanitarian situation in the country justified its adjustment in December 1999, expanding it and improving its management. Iraq was authorised to export as much oil as required to meet the humanitarian needs. It was also authorised to use the funds from this programme also for spare parts to repair Iraq's infrastructure. The funds raised from the sale of Iraqi oil could be used in purchasing food, medicine, health supplies, and sectors such as electricity, water sanitation, educational supplies, agriculture and in the north of Iraq, demining.
5. The implementation of generalised sanctions and the "oil for food programme" were accompanied by a significant deterioration, noted already by the end of the 80's, of the political and social situation regarding Human rights, the rule of law and democracy.
6. Last year, the European Parliament adopted the following resolutions on Iraq :
 - In April 2000¹, it requested for the clarification of the terms of UN Security Council Resolution 1284, in particular as regards the obligations for Iraqi government. It insisted on a real co-operation from Iraqi government with UN, in order to facilitate easing the embargo, and underlined the need to respect the Charter of the UN and in consequence to stop all military actions not authorised by the Security Council ;

¹ EP Resolution on situation in Iraq (PE 289.456 - 13.04.2000)

- In July 2000¹, while reiterating its position of April, it called upon the Security Council to commence a dialogue with a view to lifting the economic embargo, while maintaining a strict arms embargo; it expressed its belief that EU should try to bring about a lifting of the no-fly zone, together with the formal renunciation by the Iraqi Government of the use of military force in dealing with the demands for autonomy of the Kurdish people. The European Parliament also reiterated the need for UN, WHO and Red Cross to continue to duly monitor the distribution of goods and services;
 - In September 2000², the European Parliament, while condemning all Turkish incursions into Iraqi territory, reaffirmed that only political and peaceful settlement of the "Kurdish question" can contribute to the stabilisation and development of the region;
 - The EP resolution on the development of the EU Foreign Policy adopted on 30 November 2000³, insisted with the Council and the Member States to propose creating, in the framework of United Nations, an ad hoc International Tribunal for Iraq to inquiry on the Saddam Hussein responsibility regarding war crimes, crimes against humanity and genocide;
7. The Conference of Presidents of the Political Groups asked the Committee on Foreign Affairs to give its opinion on the proposal⁴ to send a parliamentary fact-finding delegation to Iraq, with a view to assess if the "oil for food programme" can be extended to improve living conditions. This Committee decided to prepare its opinion in the framework of this report, and to analyse also the feasibility for the Parliamentary delegation for the Mashreq Countries and the Gulf States to cover also the parliamentary contacts with the Iraqi parliament;
 8. The Committee on Foreign Affairs held, on 26 February 2001, a public hearing to examine the political and human rights situation in Iraq; the policy of sanctions and the adequacy of the "oil for food programme" to tackle the humanitarian needs; and possible measures to introduce changes in Iraq.
 9. During this hearing the experts invited have confirmed the perverse effect of the existing economic sanctions, which are penalising civil population, in particular the less favoured groups. The civilians became hostages of a government that uses the generalised embargo to maintain a political system based on oppression and terror. It was also underlined that around \$ 5 billion remain in the Iraqi government account of the "oil for food" programme, at the National Bank of Paris, that the government refuses to use for humanitarian purposes, as it should.
 10. During this hearing it was also underlined the importance of creating a climate for change in Iraq, so that Iraqi themselves can have a better opportunity to confront the regime.

¹ EP Resolution on Iraq (PE 292.932 - 6.07.2000)

² EP Resolution on the Turkish bombardment on northern Iraq (PE 293.752 - 7.09.2000)

³ EP Resolution on CFSP (PE 298.881 - 30.11.2000)

⁴ EP Resolution of 07.07.2000 paragraph 2 (PE 292.932)

Support should be given to the opposition activity outside Iraq and the EP was requested to refrain from sending any delegation to Iraq, otherwise it would be used by the government as a victory of its policy including the suspension of the basic principles of democracy. The EP was also called upon the fact that the impact of the "oil for food programme" was much better in the regions where it was managed by UN directly (Iraqi Kurdistan), than in the areas where its implementation was done by the Iraqi government.

II. POLITICAL AND ECONOMIC SITUATION

11. Iraq became an independent State (Kingdom) in 1932 and a republican system was proclaimed in 1958. Saddam Hussein was elected President of the Republic for the first time in July 1979. He has assured the total leadership of the country with the support of the Hizb Baath Party (Socialist Arab Rebirth Party).
12. The people elect the President for a seven-year term (last election on 15 October 1995). The National Parliament (Majlis Watani) has 250 members elected for a 4-year term (last election on 27 March 2000). The 30 seats for the Kurdish region were initially vacant.
13. At the last parliamentary elections only the members of the National Progressive Front based on Hizb al Baath (Socialist Arab Rebirth Party) and non-partisans supporting the Bath government were allowed to run. There are around 8 extra-parliamentary parties.
14. The Kurd people of Iraq formed in the North a more or less recognised semi-independent state (autonomous province), Iraqi Kurdistan, whose President is, since 1992, Mr Abdul Massud Barzani. The Kurdish National Assembly has 115 members (100 for Kurds, 5 for Assyrians and 10 for Turkmen which boycotted the elections).
15. The territorial disputes with Iran last eight years (1980-1988) and were followed by the annexation of Kuwait (1990). The Iraqi troops were expelled from Kuwait by an US-led UN coalition Force in February 1991 (the Gulf War).
16. As a result of the Gulf War, the United Nations required Iraq to scrap all weapons of mass destruction and long-range missiles and to allow UN verification inspections. United Nations generalised economic, financial and trade sanctions were also imposed (1991), in order to force Iraq to comply with these post-war conditions.
17. Government water control projects decided in the recent years, in most of the marsh areas east of an Nasiriyah, obliged the Shi'a Muslims population, who have inhabited this region for centuries, to be displaced or to seek refugee in the neighbouring countries in refugee camps (South Arabia and Iran).
18. The oil sector has traditionally provided around 95% of foreign exchanges earning. The destruction due to the 2 consecutive wars (Iran and Kuwait) allied to the international economic, financial and trade sanctions reduced significantly economic activity and population's general revenue. In spite of this the Iraqi government focused its internal policy in maintaining large military and internal security forces.

19. Over militarisation and over etatisation became a heavy burden to Iraqi national economy and aggravated the deep crisis generated by the war with Iran and the Gulf War. Spread of black-marketing and bribery is also noted. The deep economic crisis led to large-scale erosion of the social sector, with degradation of basic services such as medical care, food supply and education.
20. In November 1994 Iraq formally accepted the UN demarcated border with Kuwait, formally ending its claims. The dispute over water development plans by Turkey for the Tigris and Euphrates rivers still remain.
21. The Table below presents major indicators :

Area	Population (million)	Arable land	GDP per capital (purchasing power)	Inflation	Major export partners
437,072 km	22,675 ⁽¹⁾	12%	2.700	135%	Russia, France, Egypt, Vietnam

⁽¹⁾ 75% Arab; 15%-20% Kurdish; 5% Turkmen, Assyrian

III. HUMAN RIGHTS

22. Iraqi government continued along the last 10 years to commit gross human rights violations, including arbitrary arrests of political opponents, executions of prisoners and forced expulsions.
23. On April 2001 the United Nations Commission for Human Rights adopted a proposal for a Resolution presented on behalf of the European Union on the Iraqi situation (30 states in favour; 3 against - Libya, Algeria, Nigeria and 19 abstentions - among which China and Russia which are members of the permanent Security Council).
24. The Resolution of the UN Commission for Human Rights notes that there has been no improvement in the situation, condemning the widespread grave violations of human rights and humanitarian law. It indicates the areas where major improvements are of utmost urgency: judiciary, military and security forces action, abrogation of all laws prescribing cruel and inhuman punishment or treatment including mutilation, abrogation of laws impeding free expression, lease of the repression on ethnic groups (including their forced deportation, in particular Iraqi Kurds, Assyrian and Turkmen, and the population of the Southern marshes). The resolution also urges the Iraqi Government to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fates of remaining missing Kuwaiti persons and missing property, to facilitate the work of humanitarian personnel in Iraqi, and to co-operate with identification of mine fields.
25. Special attention should, on this subject, be raised to the lack of protection of women's and children's rights. Evidence was brought to the public of decapitation of women suspected of being hostile to the government and of systematic rape of women prisoners. According to the reports made available, abduction of women is also of actuality and it is usual that they are deprived of basic civil rights as freedom of movement, and family

rights.

26. On this respect, it has to be recalled the use of weapons of mass destruction against Kurd population in the eighties and the continuous aggressive policy towards this population, in particular the systematic attacks in Barzan region in the past and the disappearance of thousands of people.
27. During the Gulf War Iraqi government used as human shields to deter allied attacks, some of the thousands foreigners that had been taken hostage.
28. It has also to be underlined that the deliberated destruction of the ecosystem of the marshes in Southeast Iraq (the largest Middle East wetland) reflected an active policy of persecution to the Shias marsh dwellers and of destruction of their identity.
29. It is, therefore, of most actuality the European Parliament's request of last 30 November, for the Council and the Member States to propose creating, in the framework of the United Nations, an ad hoc International Tribunal for Iraq to inquire on Saddam Hussein and his supporters responsibility regarding war crimes, crimes against humanity and genocide.

IV DISARMEMENT AND IRAQI DEFENCE POLICY

30. UN Security Council Resolution 1284 of 7 December 1999 established a subsidiary body, the UN Monitoring Verification and Inspection Commission (UNMOVIC) to carry out weapons inspections, which had been decided in 1991 (UNSC Resolution 687). The United Nations proposed to suspend the sanctions for a 120-day period, upon Iraqi's co-operation with UNMOVIC. The Iraqi Government rejected such a proposal, insisting that no weapons inspectors would be permitted into the country.
31. On this respect the situation is that there have been no international inspections or monitoring regarding weapons of mass destruction for more than two years.
32. Indications were brought to the Committee on Foreign Affairs, at the hearing of February 26, that Iraqi Government is continuing his nuclear weapons programme and that if sanctions are lifted in general terms, it will get the nuclear weapon within 5 years.

V. THE ROLE OF THE "OIL FOR FOOD PROGRAMME" IN THE FRAMEWORK OF A SYSTEM OF GENERALISED SANCTIONS

33. The economic, financial and trade generalised sanctions were imposed with a view to oblige the Iraqi government to comply with the UN resolution regarding scrapping all weapons of mass destruction and long-range missiles, and to allow UN observers verification inspections.

34. This policy of sanctions has probably prevented from Iraqi re-arming and attacking neighbouring countries. However, by using a policy of generalised sanctions, the international community facilitated civil population to become hostage of Iraqi government and subject to an internal political system based on arbitrary, terror, and repression, contrary to the socialist principles that gave the power to the Bath party.
35. In fact, the implementation of generalised sanctions to Iraq contributed to the deterioration of the economy and of the country's infrastructure, leading to generalised pauperisation of the population which, according to UNICEF report of 1996, reached in some cases "pre-famine conditions". The crisis has been especially deep in the area of food deprivation and public health. Degradation of the water and sanitation sector and electric power sectors, already destroyed during the war, as well as reduction of agriculture irrigation are also presented as a result of the system of generalised sanctions.
36. The "oil for food" programme (proposed by the UN in 1991) was finally accepted by the Iraqi government in 1996, as an instrument to cope with the humanitarian problems linked to the embargo. It was readjusted in 1998 (Resolution 1153), 1999 (Resolution 1284) and 2000 (Resolution 1330).
37. The adjustments decided in 1999 (UNSC Resolution 1284) expanded its areas of intervention and improved its management by:
- allowing Iraq to export as much oil as required to meet humanitarian needs;
 - fixing a large list of "green products" (those not requiring formal approval by UN sanctions committee);
 - accepting that funds could be also used for purchasing local goods.
38. In the centre and south of the country the Iraqi government manages the programme. Around 13% of the revenue of oil sale are kept for north Iraqi Kurdistan (3 autonomous northern areas) where the humanitarian programme is managed by the UN; clear signs of improvement, over the period before 1990, in terms of nutrition, health and sanitation can be noticed today in this region, what is not the case in the areas where it is managed by the Iraqi government (hearing of 26 February 2001).
39. In its report to the UN Security Council of May 2001¹, the Secretary General makes an assessment of the situation regarding:
- *revenue generation* : 3,253.8 million euros as at 30 April 2001, bringing the total value of oil sales since inception to US \$ 37,333.9 million and 4,833.4 million euros;
 - *processing and approval of application* : need for the Iraqi government to put an end to the inordinate delays in the submitted applications (no single application had been presented in the sectors of health, education, water and sanitation as of 14.05.2001); applications for the sector of electricity, housing, transport/telecommunications food

¹ S/2001/505 of 18 May 2001

handling, were under the agreed allocation, while the value of submitted applications for the food basket had exceeded 85% of the new allocations;

- *sanctions committee*: concern about the increasing high level of holds which attained at 14 May 2001 US \$ 3.7 billion (17.8% of the value of the applications circulated to the Committee). New enlarged "green lists" of products were proposed for fast track approval of contract applications;

- *Observation and monitoring activities covering humanitarian supplies and oil spare parts and equipment*: the new team of specialised observers conducted an increased number of assessments on the effectiveness of the programme, its implementation and its impact on the humanitarian situation.

40. The Secretary General also notes with great concern that despite the increase in the implementation of the exports under the programme, the total revenue of oil exports in the coming months should be lower than expected - \$ 3.5 billion against the \$ 5.5 required for the approved distribution plan. On 4 June, Iraqi government suspended the sale of oil to the international market, as a retaliation against the fact that UN Security Council decided, on the first June, to prolong the existing "oil for food programme" for 1 month, while negotiations are not concluded among UN members, regarding new arrangements for the sale or supply of commodities and products to Iraq (easing the embargo).
41. The UN Secretary General appealed the Security Council and its sanctions Committee to streamline their current cumbersome approval procedures and allow greater latitude, so that a wider variety of medicine, health supplies, food stuffs as well as materials and supplies for essential civilian needs can be procured and supplied more expeditiously. He also underlined the need to reach the necessary arrangements with Iraq for local procurement of foods and services and provision of a cash component which can stimulate local production.
42. The UN Secretary General also urged the UN Security Council Committee to agree with its secretariat, on the "green list" of procurements and "dual use" products, with a view to reduce the increasing level of holds.
43. During the hearing held by the Committee on Foreign Affairs on 26 February, it was brought to the Committee that from the \$ 7.8 billion available in 2000 for the humanitarian programme, only \$ 4.6 billion were used (54%). The amount not used added to the Iraqi's government account at the Banque Nationale de Paris, where around \$ 5 billion of non-used revenues accumulated in the last years.

VI. A NEW APPROACH ON THE EMBARGO

44. During the public hearing held by the Committee on Foreign Affairs, on 26 February 2001, it was underlined that the present approach of generalised economic sanctions, adversely affect the health and well being of the population, in particular of women and

children, because of the perverse utilisation made by Iraqi Government of the "oil for food" programme.

45. A revision of the embargo should be envisaged, so as to enable the rehabilitation of the country's civilian economy, while retaining comprehensive import restrictions for all military goods and a rigorous monitoring of "dual use" goods. The control of border should be enlarged to all goods, in order to monitor their end use (under the actual arrangement only those goods imported under the "oil for food" programme are inspected). The UN Security Council should allow for investment and development activities under international supervision. This new approach should use the experience obtained with the "smart sanctions" scheme imposed to FRY during Milosevic government (where civil population was better spared from a general and non-discriminative embargo).
46. The Arab Summit promoted by the Arab League in Amman last March 23, failed to agree a common position on Iraq, in spite of the efforts made to reach a compromise whereby Iraq would have reaffirmed its recognition of Kuwait's borders and settled the issue of Kuwaiti prisoners of war and in return the Amman declaration would give a clear support for lifting all the United Nations sanctions imposed to Iraq.
47. According to some of its participants, Iraq was not co-operative at this summit and it was clear that its Government does not want the sanctions to be lifted as the actual system arranges the existing repressive and arbitrary policy.
48. The final "communiqué" issued at the end of this summit asks King Abdullah of Jordan to undertake further consultations and contacts to improve relations between Iraq and Kuwait, in order to reach Arab solidarity.
49. The proposal made in May to the members of the UN Security Council for a new scheme of "smart sanctions" did not pass at the Security Council of June 1⁽¹⁾, and, as above referred, the Security Council extended "the oil for food programme" till July 3, while awaiting for the results of the ongoing negotiations among the Security Council members.
50. The arrangements under negotiation (and expected to enter into force on July 4), view to ease the existing sanctions scheme, replacing it by a general authorisation of imports of goods except military and "dual use" goods, in order to improve significantly the flow of commodities. Controls on oil smuggling and military purchases, and the existing financing and financial system (escrow account) should also be reinforced and improved.
51. The information made available indicates that Iraq rejects the new approach outright as it insists on all sanctions to be lifted and continues to refuse to allow UN weapons inspections into the country. If the new arrangements in exam at the UN Security Council enter into force at the beginning of July, as expected, one can hope that the humanitarian situation will improve. However, the expected improvement of economic living

¹. Resolution 1352 (2001)

conditions, does not mean that they will go hand in hand with the improvement of democracy the respect of the rule of law and of human rights.

VII THE ROLE OF REGIONAL COOPERATION

52. The increase of regional co-operation can be an important instrument to cope with the existing deadlock in the relations between Iraq and the international community represented at the United Nations.
53. Promoting regional co-operation is an essential instrument to bring the countries of the Gulf Region to reconciliation and to establish a political democratic culture in the region.
54. The Amman Declaration adopted during the recent Arab Summit urged the Arab countries to take the necessary steps towards the Arab great free trade zone.
55. Another area where regional co-operation could play an important role is the environmental and economic rehabilitation and restoration of the Marshlands.
56. The first step could be made by starting a common scheme to the riparian countries to the Tigris (Iraq, Syria and Turkey) on water management, based on the principle of an integrated programme for the benefit of all communities.