

## **The United Nations and the Sanctions Against Iraq**

- 5.1 The historical involvement of the international community, the League of Nations and the United Nations (UN) in the wider Middle East region was outlined in Chapter 2 of this report. As discussed in that Chapter, the Middle East became a focus for international rivalry with the demise of the Ottoman (Turkish) Empire, the period of the French and British Mandates, the UN partition plan for Palestine of 1947 and the post-war creation of the State of Israel in 1948.
- 5.2 Chapter 2 also outlined developments in the wider Arab-Israeli conflict after World War 2, the path of the multilateral tracks of the Oslo peace process from 1991 onwards and the 'shuttle diplomacy' efforts of the major powers, particularly the United States (US), until the present time.

### **The UN in the Middle East**

- 5.3 The UN officially came into existence in October 1945. Australia was one of the original 51 member states. In the post World War 2 environment, one of the earliest UN involvements in the Middle East region involved the former British-mandate Palestine.
- 5.4 By 1947, Britain had found the Palestine Mandate unworkable and, accordingly, submitted the problem to the UN. The UN General Assembly (UNGA) adopted Resolution 181 in November 1947, which provided for a 'Plan of Partition with Economic Union'. This laid down steps for bringing both Arab and Jewish peoples to independence, with special provisions for Jerusalem. No progress had been made towards implementing the plan before Britain relinquished the Mandate on 14 May

1948 and the Jewish leadership proclaimed the State of Israel. Open warfare immediately developed between Israel and the independent Arab states, whose forces entered 'Palestine' on the following day. As a result of the fighting, Israeli forces not only secured virtually all of the territory allotted to the Jewish people under the UN partition plan but also substantial additional areas:

Armistice agreements were signed by Israel with Egypt, Lebanon, Transjordan and Syria (but not Iraq) between February and July 1949. Israel surrendered areas of captured territory in southern Lebanon, northern Sinai and the Gaza Strip, but was left in control of over two-thirds of the territory of Palestine.<sup>1</sup>

- 5.5 On the question of Palestine alone, the General Assembly made 105 Resolutions and the Security Council made 139 Resolutions and Decisions between 1947 and 1975. The list published in 1976 by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People illustrates the attention focused by the UN on just one element of the Middle East conflict, albeit a major one.<sup>2</sup> To these must be added many more reports, resolutions and decisions for the period since 1975 in relation to all the other components of the Arab-Israeli conflict, as well as the deliberations at the UN since the Gulf War.
- 5.6 In the context of the overall Middle East conflict, some of the submissions received by the Committee expressed concern at a perceived lessening of the UN's role. Professor Saikal, for example, argued that, since the creation of the state of Israel in 1948, the UN's role had been little more than marginal, increasingly confined to humanitarian spheres. He considered that Australia should advocate a wider (impartial and meaningful) role for the UN in the region, including the elimination of Weapons of Mass Destruction (WMD), promotion of confidence-building initiatives and democratisation, as well as basic human rights.<sup>3</sup>
- 5.7 A similar view was expressed in a submission from the Council for the Advancement of Arab-British Understanding. The Council deeply regretted that the UN had been 'pushed aside' by US-led initiatives in the search for a solution to the Middle East conflict:

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1 *Britain and the Arab-Israeli Conflict*, Aspects of Britain series, HMSO, London, 1993, p. 8. See also Map 2, Appendix D of this report.

2 UNGA, Committee on the Exercise of the Inalienable Rights of the Palestinian People, 'Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, 1947-75', 5 March 1976.

3 Professor Amin Saikal, Centre for Arab and Islamic Studies, Australian National University, Submission, p. 486.

There can be no question that the UN is the appropriate forum for the resolution of such international disputes and that dispute resolution should be based on UN Security Council Resolutions and international law.<sup>4</sup>

- 5.8 Some analysts have concluded that the protracted conflict in the Middle East has ultimately contaminated the entire region, and has had a negative (uncooperative) effect on several Arab governments which are important to the national interest of the US:

In Arab and other Muslim eyes, the United States is already deeply embroiled in the region's problems through its unwavering support of Israel: the \$3.0 billion of America's money that goes there each year; the faithful backing in the UN Security Council; the acquiescence with most Israeli policies. The Arabs' belief that America is unbalanced in its attitude towards Israel is already hampering other policies in the area. It makes it harder, for instance, to persuade Iraq's neighbours to stop Saddam Hussein's smuggling, and it frustrates attempts to put American-Iranian relations on a less hostile footing.<sup>5</sup>

- 5.9 Since the above submissions were received, however, there has been an increased involvement of the international community in attempts to stop the violence, particularly in the Israeli-Palestinian conflict in the wake of the 'al-Aqsa' uprising. In Jerusalem at the end of his Middle East visit in June 2001, Secretary-General Kofi Annan expressed guarded optimism about the Israeli-Palestinian ceasefire, the findings of the Mitchell Commission report and the future of negotiations between the parties.<sup>6</sup>
- 5.10 Australia's consistent support for the UN's peacekeeping and observer operations in the Middle East was discussed in Chapter 4. However, in the view of the Australian Council for Overseas Aid (ACFOA), this tradition of service has been tarnished in recent years by a decrease in Australian support for the UN's multilateral human rights mechanisms in favour of bilateral strategies.<sup>7</sup> These issues are discussed in Chapter 7.

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4 CAABU, Submission, p. 216.

5 *The Economist*, 26 May 2001, p. 9.

6 BBC news, [http://news.bbc.co.uk/1/hi/english/world/middle\\_east/](http://news.bbc.co.uk/1/hi/english/world/middle_east/) 17 June 2001.

7 ACFOA, Submission, p. 1582.

## UN Peacekeeping and Observer Operations

- 5.11 Multi-national operations in the Middle East from mid-1990 onwards (observer, peacekeeping and inspection missions sponsored by the UN or the US) which have included Australian support personnel, were discussed in Chapter 4 of this report. Earlier missions to which Australia contributed were: the UN Yemen Mission (UNYMO) from 1963 to 1964, the Second United Nations Emergency Force from 1974 to 1975, the UN Disengagement Observer Force (UNDOF) from 1974, the UN Iran-Iraq Military Observer Group (UNIIMOG) from 1988 to 1991, and the UN Special Coordinator for the Palestinian Territories (UNSCO) from 1984.<sup>8</sup>
- 5.12 One of the many issues which were raised in evidence related to the long-standing nature of many of the Middle East UN operations with which Australia is involved.<sup>9</sup> In response to questioning on whether such operations were open-ended, DFAT explained that the mandates for the various UN operations are kept under constant review, and that funding commitments are examined on an annual basis. However, DFAT acknowledged that very few of the operations in the Middle East have been short-term. Further, DFAT indicated that the situation would probably change for operations such as UNTSO, if truces eventually led to actual peace treaties.<sup>10</sup>

## International Monitoring Force to Protect Palestinians

- 5.13 In March 2001, seven nations sponsored a draft Security Council resolution calling for an unarmed UN Observer Force to protect Palestinians in the West Bank and Gaza.<sup>11</sup> Israel has consistently opposed such a plan for military and police observers in the occupied territories, and there were lengthy attempts within the Security Council to achieve a compromise proposal.
- 5.14 The Security Council's formal deliberations took place around the time of an Arab League summit meeting in Amman, which had been intended to show support for Palestinians in the conflict with Israel. Although the main focus of the summit became the UN's conflict with Iraq, the meeting did reiterate support for a UN-sponsored international observer force to

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8 Submissions, pp. 1663-64 and 2571-74 (Defence) and pp. 1635-36 (ACFOA).

9 For example, the Hon Roger Price MP, Transcript, p. 25.

10 DFAT, Transcript, p. 25.

11 Bangladesh, Colombia, Jamaica, Mali, Mauritius, Singapore and Tunisia.

protect Palestinian civilians. The US, however, eventually used its veto powers in the Security Council to defeat the resolution.<sup>12</sup>

## The Gulf War of 1990-91

- 5.15 Background to the Iraqi invasion and annexation of Kuwait in August 1990 was provided in Chapter 2 of this report.
- 5.16 For more than five months after the invasion of Kuwait, the military buildup in Saudi Arabia was paralleled by international diplomatic efforts to resolve the crisis peacefully. The Soviet Union immediately suspended sales of military equipment to Baghdad and condemned the invasion of Kuwait, as did the Arab League. The League subsequently voted to send troops to Saudi Arabia, and only Iraq, Libya, and the PLO voted against the proposal. On 17 January 1991, Operation Desert Storm began as allied aircraft and naval forces launched air and cruise missile attacks on Baghdad and other targets. As the ground campaign turned into a one-sided slaughter of Iraqi troops streaming north by road, then-President George Bush declared a cease-fire on 28 February 1991. The Coalition did not press its advantage, and President Saddam therefore emerged from the war with his power relatively intact.
- 5.17 Encouraged by the US strategy of urging Iraqis to rise against Saddam Hussein, Kurdish and Shi'ite minorities in the north and south of Iraq staged a series of uprisings towards the end of the Gulf War. Saddam Hussein's response in March 1991 was to launch fierce campaigns to crush the rebellions. As many as two million Kurds fled to sanctuaries in the mountainous border regions of Turkey and Iran, 'where squalid conditions, disease, hunger and cold claimed thousands of lives before the international community was able to launch a rescue effort'.<sup>13</sup>

## Imposition of Sanctions on Iraq

- 5.18 On 3 April 1991, the UN Security Council passed Resolution 687, which was the first in a series of resolutions imposing a number of obligations

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12 Reuters newswire, 'UN Council gets text on force for Palestinians', 21 March 2001; *The Sydney Morning Herald*, 27 March 2001, p. 10; <http://news.bbc.co.uk> 'No Agreement on Iraq', 28 March 2001; *The Canberra Times*, 29 March 2001, p. 7.

13 *SBS World Guide*, op. cit., p. 359.

and constraints on Iraq.<sup>14</sup> These included, in particular, the requirements that the clandestine WMD program be declared and destroyed, that reparations be paid, that plundered items be restored to Kuwait, and that prisoner of war issues be resolved.<sup>15</sup>

- 5.19 Useful background information about the decade of sanctions and the role of the UN was published by the International Peace Academy in 2000.<sup>16</sup> The various Security Council resolutions on Iraq from 1990 onwards are listed in Appendix F.

## UNSCOM

- 5.20 Comprehensive sanctions against Iraq have been in place for a decade, since Iraq has not yet complied fully with the terms and conditions of the relevant Security Council resolutions. The UN inspection organisation initially set up to monitor Iraq's compliance with Security Council resolutions on the elimination of Iraq's WMD was the United Nations Special Commission on Iraq (UNSCOM). UNSCOM had a dual mandate derived from two Security Council Resolutions—687, previously mentioned—and 715 of October 1991. Evidence was given to the Committee by a former UNSCOM chemical weapons inspector, Dr Rod Barton, an Australian previously employed by Defence. He informed the Committee that the initial role of eliminating Iraq's WMD became firmly associated in the public mind with the inspection processes, due to the intransigence of Iraq's leadership. Nevertheless, Dr Barton considered UNSCOM's achievements to have been significant despite some negative perceptions of its role:

The popular view appears to be that UNSCOM in the end failed in its task and became an instrument of the US for its own purpose. Whilst there may be some truth in this, the achievements of UNSCOM should not be overlooked.<sup>17</sup>

- 5.21 In further evidence, Dr Barton informed the Committee that Iraq still retains capabilities in the missile, chemical and biological weapons fields,

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14 <http://www.un.org/documents/> provides an easily accessible source of General Assembly and Security Council resolutions.

15 DFAT, Submission, p. 967.

16 D Cortright and G A Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner Publishers, London, 2000.

17 Submission, pp. 139, 140. Dr Barton was formerly Director of Arms Control Studies in the Department of Defence before serving for several periods with UNSCOM and at the UN in New York from 1991 to 1999. See also DFAT, Transcript, p. 20.

although in his view these capabilities are only a small fraction of what they were before the Gulf War:

Largely through the work of UNSCOM, much of Iraq's capabilities in these fields have been eliminated. While it is not possible to be too definitive as to exactly what percentage of Iraq's capabilities have been eliminated, it is probably in the vicinity of 95 per cent, or more.<sup>18</sup>

5.22 The second aspect of UNSCOM's mandate (under Resolution 715) required monitoring operations to ensure that Iraq's weapons industries were not rebuilt. Dr Barton's assessment is that, as far as it is possible to judge, UNSCOM was successful (and largely unheralded) in its monitoring role, and that Iraq's cooperation with monitoring operations was significantly better than it had been with respect to UNSCOM's disarmament task.<sup>19</sup> The greatest successes for UNSCOM occurred in the nuclear weapons and ballistic missiles fields. Baghdad's uranium enrichment and other nuclear products facilities were identified and destroyed early in the inspection program.<sup>20</sup>

5.23 It is disturbing that there is no completely verified information about whether or not Iraq has continued to develop WMD in the period of more than two years since the UNSCOM inspectors were removed in December 1998. In DFAT's view:

Based on experience of the UNSCOM process and the evidence it gathered, it is difficult not to interpret the current refusal of Iraq to allow [its successor] UNMOVIC into Iraq as evidence of ongoing Iraqi interest in the acquisition of WMD capabilities.<sup>21</sup>

5.24 Nevertheless, Dr Barton believes it is probable that no major weapons activity has taken place since the UNSCOM inspectors departed, a view shared by Mr Scott Ritter, former chief weapons inspector for UNSCOM. In an article published last year, Mr Ritter indicated that, by the end of 1998, Iraq had been disarmed to a level unprecedented in modern history. He argued, however, that 'UNSCOM and the Security Council were unable—and in some cases unwilling—to acknowledge this accomplishment'.<sup>22</sup>

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18 Barton, Transcript, pp. 593-94.

19 Barton, Submission, p. 141. Cortright and Lopez, op. cit., p. 53.

20 The IAEA reported in 1998 that Iraq had satisfactorily completed a full, final and complete declaration of its clandestine nuclear programs (Cortright and Lopez, op. cit., p. 53).

21 DFAT, Submission, p. 969; see also Transcript, pp. 19-20.

22 Barton, Transcript, p. 594. Scott Ritter, *Arms Control Today*, 'The Case for Iraq's Qualitative Disarmament', June 2000, p. 10.

5.25 The extent to which Iraq pursued an extensive program of development of chemical, biological and nuclear weapons only became clear as the UNSCOM inspectors carried out on-site inspections and disarmament activities. Iraq denied the existence of most of its clandestine programs and went to elaborate lengths to subvert UNSCOM in its mandated tasks. In late 1998 Iraq, after a series of crises and incidents, refused to permit UNSCOM to continue its activities. The US, supported by Britain, responded to this failure of cooperation with force in the bombing operation referred to as 'Desert Fox' which was conducted from 16 to 19 December 1998.<sup>23</sup> Mr Ritter has written that the 72-hour aerial bombardment of Iraq was not authorised by the Security Council:

At that time [December 1998], the United States and the United Kingdom had used an UNSCOM report to the Security Council that laid out the record of Iraqi non-compliance with inspections as justification for the bombing—before the Security Council had any chance to deliberate on the report and without any authorisation from that body. The unfortunate fallout from this military action was that Iraq not only refused to allow the UNSCOM inspectors to return, but also rejected any future cooperation with the organisation.<sup>24</sup>

5.26 In an interview with Mr Richard Butler published by the *Middle East Quarterly* in March 2000, he expressed the view that UNSCOM was an extraordinary experiment, in many respects achieving outstanding disarmament results.<sup>25</sup>

5.27 Mr Ritter's views on UNSCOM differ in many respects from those of Mr Butler, his former director. Mr Ritter has advocated adopting 'qualitative' rather than 'quantitative' measures of Iraq's compliance with the relevant Security Council resolutions. In essence, his argument is that the absolute nature of the disarmament obligations required by Resolution 687 meant that anything less than 100 per cent disarmament precluded a finding of compliance, and hence the lifting of the comprehensive economic sanctions.<sup>26</sup>

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23 DFAT, Submission, p. 968.

24 Scott Ritter, 'The Case for Iraq's Qualitative Disarmament', *Arms Control Today*, June 2000, p. 1.

25 *Middle East Quarterly*, 'Why Saddam Husayn Loves the Bomb', Vol. vii, No. 1, Philadelphia, March 2000, p. 65. Richard Butler has been Diplomat-in-Residence at the Council on Foreign Affairs since mid-1999, when he left his position as Executive Chairman of UNSCOM.

26 Scott Ritter, op. cit., p. 2. In the article, he uses 'quantitative' disarmament to refer to 'accounting for every last weapon, component, or bit of related material' and 'qualitative' disarmament to refer to 'the elimination of a meaningful, viable capability to produce or employ WMD'.



## UNMOVIC

- 5.28 The successor to UNSCOM as the inspection and verification organisation for the UN is the Monitoring, Verification and Inspection Commission (UNMOVIC), which was established by Security Council Resolution 1284 of 17 December 1999. Once again, provision was made for the new weapons inspection and missile detection organisation to work in conjunction with the IAEA.<sup>27</sup> Dr Hans Blix was appointed Executive Chairman of UNMOVIC in March 2000, an appointment which was delayed for some months by divisions within the Security Council.
- 5.29 Mr Ritter has written that Resolution 1284 has actually reduced Iraq's incentive to cooperate with inspections, since it provides that the Security Council will only *suspend* sanctions once Baghdad has complied with inspections, rather than *lift* them as agreed in Resolution 687.<sup>28</sup>

### Staffing assistance to UNMOVIC

- 5.30 The Department of Defence (Defence) informed the Committee in June 2000 that provision of specialist staffing from Australia for the work of UNMOVIC was under consideration, pending resolution of the difficulties in obtaining cooperation from Iraq. These specialists would probably include personnel with chemical and biological weapons expertise and others with administrative skills. If selected, the Australian nominees would become UN employees recruited under Article 100 of the Charter of the UN.<sup>29</sup>
- 5.31 A contingent of this size would represent a significant and practical Australian contribution to the work of UNSCOM.

### Status of the monitoring and inspection program

- 5.32 At the time of writing, Iraq had still not accepted the authority of UNMOVIC, nor the right of the UN to continue sanctions. The deadlock has been exacerbated in recent times by lack of cohesion in applying the sanctions. Typical of many adverse commentaries on the sanctions was published by *Newsweek* in February this year:

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27 Under Resolution 1284, UNMOVIC and the IAEA had similar arrangements for cooperation as had been instituted under UNSCOM (see paragraphs 12 and 13 of Security Council Resolution 687 of 1991, and paragraph 3 of Resolution 1284).

28 Ritter, *op. cit.*, p. 1.

29 Defence, Transcript, pp. 60, 61. Following an invitation from Dr Blix, Defence offered the names of 42 Defence personnel as potential UNMOVIC staff.

The UN economic sanctions on Iraq have become unworkable, riddled by smuggling and other illicit commerce. Some good US allies have broken ranks with Washington on the sanctions issue. Turkey and Jordan cannot get along without the trade in Iraqi oil. ... European countries, notably France and Russia, are eager to resume all-out trade with Iraq, and even Britain, Washington's closest ally, wants to revise the sanctions regime. Old enemies of Saddam—like Syria, Iran, Egypt and some of the Gulf states—are opening up or expanding trade with Baghdad.<sup>30</sup>

- 5.33 In Mr Ritter's view, the best chance of ending the deadlock with Iraq would involve redefining Iraq's obligations by replacing Resolution 1284 with one which provides more realistic qualitative benchmarks:

If the Security Council redefines Iraq's disarmament obligations along more meaningful—and politically and technically viable—qualitative [emphasis added] standards, UNMOVIC should be able to reconstitute UNSCOM's monitoring program and rapidly come to closure on all outstanding disarmament issues. If such a disarmament program is linked with the lifting of economic sanctions upon a finding of compliance, Iraq will almost certainly agree to cooperate.<sup>31</sup>

- 5.34 Given the polarisation that occurred within the Security Council on the inspections of Iraq's weapons capabilities, there were several features built into UNMOVIC's charter that were not required of its predecessor. One of these features is the requirement that inspectors be trained in cultural awareness of Iraq as well as being qualified technically.<sup>32</sup>

## US and British leadership in maintaining sanctions

- 5.35 Britain and the US have been the firmest supporters of the sanctions. Moreover, according to Professor Saikal the US has constantly interfered in the work of the UN in the management of the sanctions regime, leading to divisions in the Security Council and, ultimately, the failure of UNSCOM. He argued also that, despite the excessive length of time during which the sanctions have been maintained, there has been no

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30 *Newsweek*, 'Bush vs Iraq: The Rematch', 27 February 2001, p. 68. See also Sir Alan Munro, 'Iraq and the Sanctions Ten Years On', *Middle East International*, 9 March 2001, p.25 and Richard Butler, *Middle East Quarterly*, Vol. vii, No. 1, March 2000, p. 72.

31 Ritter, op. cit., pp. 2. See also p. 10 of the same article.

32 Paragraph 6 of Security Council Resolution 1284.

lessening of President Saddam Hussein's power and, conversely, an increasing humanitarian problem.<sup>33</sup>

- 5.36 In May 2001, Britain proposed a draft resolution lifting sanctions on civilian goods entering Iraq, although no change was proposed to the UN financial controls over Iraq's oil revenues or the prevention of smuggling operations. Iraq rejected the proposal, and a statement in June 2001 from the British Permanent Representative in the Council explained that the draft resolution had been designed to allow all but a very limited range of items to be imported by Iraq, namely those which have potential military use. The statement also indicated that the draft resolution would provide flexibility to Iraq in accessing the UN escrow account into which oil revenues are paid.<sup>34</sup>
- 5.37 In July 2001, the Security Council deferred indefinitely further discussion on the US and British proposal, reportedly as a result of the continuing Russian opposition to the draft resolution. This outcome has opened the way for Iraq to resume oil exports, which were terminated by Iraq in June 2001 in protest at the continuation of the sanctions.<sup>35</sup>

## The 'Oil-for-Food' Program

- 5.38 In an attempt to alleviate the impact of the sanctions on the civilian population of Iraq, the Security Council established the 'Oil-for-Food' Program under Resolution 986 of 14 April 1995. Under the Program, Iraq is permitted to export oil under processes monitored and controlled by the UN. Proceeds from the sale of oil were intended to be used by Iraq to purchase approved humanitarian goods and services. As DFAT highlighted in evidence, despite the provisions of the 'Oil-for-Food' Program, there is no doubt that the Iraqi economy—which has largely been driven by government expenditure based on oil revenues—has been severely affected by sanctions. In addition:

The most vulnerable members of the populations have suffered where the Iraqi government has failed to distribute adequately the benefits of the 'Oil-for-Food' Program to the neediest members of the community.<sup>36</sup>

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33 A Saikal, Submission, p. 486.

34 Statement by the British Permanent Representative in the UN Security Council, 27 June 2001.

35 *The Canberra Times*, 23 May 2001, p. 6 and 5 July 2001, p. 9.

36 DFAT, Submission, p. 968.

5.39 The same point was made, even more forcefully, by a range of contributors to the Committee's deliberations on the subject of the economic sanctions regime. These organisations and individuals included the Australian Council for Overseas Aid (ACFOA), the Australian Arabic Communities Council (AACC), Dr Rod Barton, the Medical Association for the Prevention of War Australia (MAPWA), the Arab Australian Action Network (AAAN) and The Religious Society of Friends. As MAPWA observed:

The appalling conditions in Iraq since the imposition of sanctions have been well documented, including by UN bodies, and are generally not disputed, even by the governments of the two countries which insist on maintaining the sanctions—the US and the UK. ... There is little doubt from UNICEF [United Nations Children's Fund] mortality statistics, that over half a million children have died as a direct result of the sanctions. ...

In contrast to the civilian population, the government of Iraq remains relatively unaffected by the sanctions, except that its position is likely to be strengthened by the ability to focus attention on an external enemy.<sup>37</sup>

5.40 If the object of any sanctions is to change the behaviour of political leaders, then the sanctions applied to Iraq have clearly not succeeded. In the search for possible alternative strategies to sanctions Australia has, according to DFAT, concluded that (short of military measures) there is no more effective means currently available to the international community. Arguments for lifting sanctions, in DFAT's view, ignore several realities:

- There are no longer any impediments to Iraq exporting oil to the limit of its capacity, or to import medicines and foodstuffs, or to address infrastructure weaknesses; and
- It is a leap of faith to believe that lifting sanctions would see the Iraqi regime giving priority to addressing the humanitarian needs of the civilian population ahead of resuming WMD programs.<sup>38</sup>

5.41 DFAT informed the Committee that, in the context of the 'Oil-for-Food' Program, the UN has taken account of serious international concerns about the humanitarian impact of the sanctions. The measures agreed to by the UN included, for example, more liberal application of the controls

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37 MAPWA, Submission, p. 503.

38 DFAT, Transcript, pp. 19, 20.

applied by the Sanctions Committee.<sup>39</sup> Understandably, no relaxation of the international sanctions against arms sales to Iraq, and other military prohibitions, has ever been envisaged.

### Iraq's ban on oil exports

5.42 On 5 June 2001, Iraq suspended oil exports of around 2.2 million barrels per day in protest at the UN's retention of comprehensive sanctions and extension of the 'Oil-for-Food' Program by one month in order to consider US-British proposals to revise the sanctions regime. Iraq has steadfastly rejected continuation of the economic sanctions and hence any UN demands for cooperation with UNMOVIC. Iraq's Trade Minister was reported as announcing during a visit to the UAE that Iraq's oil exports would not resume until the US-British proposals were defeated.<sup>40</sup>

### Halliday and von Sponek

5.43 Until his resignation in October 1998, Denis Halliday was head of the 'Oil-for-Food' Program in Baghdad for a period of 13 months, and was UN Assistant Secretary-General. He resigned in protest against what he saw as the terrible suffering of the Iraqi civilian population as a direct result of the economic sanctions:

We are in the process of destroying an entire society. It is as simple and terrible as that. It is illegal and immoral. ... Saddam Hussein himself has undermined the human rights, the political rights of the Iraqi people, but the Security Council has taken away the remaining rights such as food, housing, education, opportunities for employment, and well-being. It is a tremendous irony. ... [E]very military attack, every bombing run in the no-fly zones, every extension of the sanctions regime, strengthens Saddam Hussein—both in the country because it diminishes the people, and outside the country in the Arab and Islamic world.<sup>41</sup>

5.44 The Committee met with Mr Halliday during his visit to Australia in April 2000. His successor as head of the 'Oil-for-Food' Program was Hans von Sponek, who also resigned the position (in February 2000) for reasons similar to those expressed by Mr Halliday.

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39 The range of measures implemented by the UN were listed in DFAT's supplementary Submission 61a (pp. 2447-48). The Sanctions Committee for Iraq was established by Security Council Resolution 661 of 1990.

40 AP newswire, 'Iraq Continues Freeze on Oil Exports', 17 June 2001.

41 Cited by MAPWA, Submission, pp. 503-04, which reprinted several published articles written by Denis Halliday in 1999 (Submission, pp. 512-15 and 534-42).

- 5.45 During a news conference at the end of a 10-day visit to Iraq in June 2001, Mr Halliday and Mr von Sponek reiterated their call for an end to the Iraq sanctions on the grounds that the embargos conflict with the UN's charter and are incompatible with both the Universal Declaration of Human Rights and the Geneva Convention.<sup>42</sup>

## **'Smart Sanctions'**

- 5.46 It is certainly arguable that, without the sanctions, Saddam Hussein would not have given even the grudging cooperation with UNSCOM that he did, nor would UNSCOM have achieved the degree of success that it did. Dr Barton, for example, concluded that it was the promise of lifting the sanctions that coerced Iraq's cooperation and that, in the end, it was the belief that sanctions would never be lifted that ended whatever cooperation had been achieved. UNMOVIC has still not been granted access by Iraq.<sup>43</sup>
- 5.47 The difficulties with the 'Oil-for-Food' Program and the worsening humanitarian disaster in Iraq have created a need for the international community to consider alternatives to the comprehensive economic sanctions. The operations of the Sanctions Committee have not been without problems in terms of delays in approving supply contracts, notwithstanding the removal of food, medical supplies and other essential items from the scrutiny of that Committee.<sup>44</sup> The Uniting Church in Australia, among others, expressed reservations about the efficiency of the Sanctions Committee as well as the Iraqi authorities, and questioned the validity of some of the 'dual-use' items on the proscribed list.<sup>45</sup>
- 5.48 The term 'smart sanctions' as an alternative to the present regime has gained some currency in recent times, although its precise meaning has not been defined. DFAT explained that Canada has presented a discussion paper on the broad role of sanctions and options for their modification. The UN Secretary-General has spoken about the possibility of 'smart sanctions', which have been taken to mean penalties and embargoes targeted more directly towards the leading members of a

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42 AP newswire, 'Former UN Officers say Genocidal Iraqi Embargo Must End', 17 June 2001.

43 R Barton, Submission, p. 143.

44 DFAT, Transcript, p. 5.

45 Uniting Church, Transcript, pp. 96-98, 101-02.

regime, in addition to military prohibitions, thereby lessening unwanted impacts on civilian populations.<sup>46</sup>

5.49 The NGO community, both in Australia and internationally, is aware of the debate but has not reached any firm conclusions about the value of 'smart' sanctions, in the absence of specific detail.<sup>47</sup> With international support for UN sanctions dwindling, many organisations and commentators would agree that a review of the purpose and effectiveness of sanctions is necessary, and indeed overdue.<sup>48</sup> Any such review would include examining options for ensuring their impact fell on leaderships rather than on wider populations. Denis Halliday and others have suggested developing sanctions that target leaderships by controlling finances, imposing aviation restrictions and preventing travel, for example.<sup>49</sup>

5.50 In his evidence, Dr Barton presented the view that, while the theory of targeted or 'smart' sanctions sounded reasonable, in practice they would not be effective if they reduced controls over Iraq's imports:

The Iraqi Government already sees an erosion of sanctions through leakage, and any apparent formal easing of sanctions would only encourage Iraq to continue with its present policy of rejecting UN resolutions. Secondly, the dual-use nature of much of the technology Iraq could import through an easing of sanctions could easily be misused by Iraq to add to its weapons capability, especially if there were no monitoring.<sup>50</sup>

5.51 Sanctions can only be as effective as the overall policy they are designed to support and the structures within which they are implemented. The strategic targeting of sanctions is becoming a crucial element of international policy, as Kofi Annan stated in his 1998 Africa report:

... 'better targeting of sanctions is necessary to help ensure that they will achieve their intended purpose'.<sup>51</sup>

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46 DFAT, Transcript, pp. 20-21.

47 ACFOA, Transcript, p. 382; World Vision Australia, Transcript, p. 164; National Council of Churches in Australia, Transcript, p. 271.

48 For example, Sir Alan Munro—former British Ambassador to Saudi Arabia at the time of the Gulf War—*Middle East International*, 'Iraq and Sanctions Ten Years On', 9 March 2001, pp. 24-25.

49 Denis Halliday, 'Iraq and the UN's Weapon of Mass Destruction', *Current History*, Vol. 98, No. 624, February 1999, p. 67. Cortright and Lopez, op. cit., pp. 239 and 244-47.

50 R Barton, Transcript, p. 594.

51 Kofi Annan, 'The Causes of Conflict', paragraph 25, cited in *The Sanctions Decade*, op. cit., p. 223.

- 5.52 The continuation of comprehensive economic sanctions clearly presents a dilemma for the UN. On the one hand, the most vulnerable elements of the Iraqi population have borne the brunt of the sanctions. On the other hand, sanctions are apparently the only lever the UN can use to force Iraq to abandon its WMD ambitions, which were only too evident in the past.<sup>52</sup>
- 5.53 In a resolution on Iraq last year, the Security Council invited the Secretary-General to appoint a panel of independent experts to prepare a report on the humanitarian situation in Iraq within the framework of the existing sanctions regime.<sup>53</sup> The report was due in November last year, but the Committee understands that no progress has been possible, due to Iraq's refusal to cooperate by issuing the necessary visas.

## Australia's Response

- 5.54 Australia is one of a number of countries which have expressed serious concerns about humanitarian impacts resulting from the sanctions. Nevertheless, DFAT gave evidence to the effect that, as a responsible member of the UN, Australia is bound to support implementation of Security Council decisions, including those relating to economic sanctions.<sup>54</sup>
- 5.55 In his submission, Professor Saikal argued that Australia should advocate a wider role for the UN in the Middle East region, and should actively seek an end to the sanctions in such a way as to maximise the benefits to the Iraqi people while diminishing the capacity of Saddam Hussein to rebuild Iraq's military power.
- 5.56 It is widely suspected that Israel possesses all kinds of WMD including nuclear weapons. On this point, Professor Saikal has argued that, to leave Israel's capabilities intact while at the same time insisting on eliminating those of Iraq (or any other Middle Eastern country), is to apply a double standard—one for Israel and the other for the Arab states and Iran.<sup>55</sup>
- 5.57 The Security Council resolutions which created UNSCOM also called for the establishment of a regional WMD-free zone in the Middle East, which would include banning missile delivery systems and a global ban on

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52 DFAT, Transcript, p. 359; Barton, Transcript, p. 594; Reuters newswire, 'Iraq, Iran Sanctions Could Ease in 2001', 22 December 2000. Iraq used chemical weapons against Iranian soldiers and Kurdish minorities during the Iran-Iraq war, with covert support from the West.

53 Security Council Resolution 1302, 8 June 2000, paragraph 18. DFAT, Transcript, p. 359.

54 DFAT, Transcript, p. 19.

55 A Saikal, Submission, pp. 486-87.



chemical weapons.<sup>56</sup> There is little evidence of effective pressure being applied to Israel to declare or remove its (undeclared) nuclear weapons capacity. Until the problem of WMD is clearly recognised as a regional and global one, rather than one particularly specific to Iraq, the sanctions will be seen by many in the Arab world as evidence of bias and a source of increased tension in the Middle East.<sup>57</sup>

- 5.58 International pressure for removal or modification of the economic sanctions against Iraq appears to be growing, led in the Security Council by France, China and Russia. Much of the criticism, including from US allies such as Turkey, crystallised in response to the bombing raids by US and British warplanes in February 2001 against allegedly non-military targets in Iraq following incidents in the southern 'no-fly' zone. The bombing attacks were described as 'understandable' by the Australian Government at the time.<sup>58</sup>
- 5.59 Dr Barton informed the Committee that, in his view, the wording of Resolution 1284 is ambiguous in relation to the triggers for suspending the sanctions against Iraq. Part of the text refers to cooperation 'in all respects' *ie* full cooperation, while another paragraph refers to 'assessment of the progress made' by Iraq, implying that consideration would be given to suspending the sanctions as long as some progress was made.<sup>59</sup>
- 5.60 Australia is not a member of the Security Council. However, as a responsible member of the international community, Australia has participated in multilateral discussions on Iraq's disarmament, including deliberations at the United Nations. Hence, Australia could be pro-active in supporting a UN-administered process of WMD disarmament in the Middle East.

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56 Resolution 687 (1991), paragraph 14.

57 See, for example evidence from A Saikal (Submission, pp 485-87) and MAPWA (Submission, pp. 504-05)

58 Munro, *op. cit.*, p.24; Reuters newswire, 18 February 2001 (story no. 1827); AFP newswire, 19 February 2001 (story no. 3210); *The Age*, 19 February 2001, p. 9.

59 R Barton, Submission, p. 143. See paragraphs 33 and 34 of Resolution 1284.

**Recommendation 10**

- 5.61 **The Committee recommends that, under the auspices of the United Nations, the Australian Government urge the international community to accelerate its review of the sanctions regime currently applied to Iraq. Such a review should include seeking modifications which would target more effectively the Iraqi leadership and would therefore minimise the impact on the civilian population.**

**Recommendation 11**

- 5.62 **The Committee recommends that the Australian Government use its participation in multilateral discussions at the United Nations to ensure the international community considers 'qualitative' as well as 'quantitative' compliance measures in any revision or replacement of Security Council Resolution 1284.**

**Recommendation 12**

- 5.63 **The Committee recommends that the Australian Government support consideration by the international community of practical mechanisms to give effect to the establishment of a Weapons of Mass Destruction-free zone in the wider Middle East region, as originally envisaged in Security Council Resolution 687 of 1991 (paragraph 14).**

**US Policy of Supporting an Iraqi 'Opposition'**

- 5.64 In office, President Clinton stated repeatedly that the sanctions would remain in force until Saddam Hussein was no longer in power. The Iraq Liberation Act of 1998, passed by Congress and signed by President Clinton, set aside US\$97.0 million to develop an Iraqi political opposition. However, the President gave the measure only lukewarm support, and very little of the money allocated has actually been spent. The group which has been the main beneficiary is based in London—the Iraqi National Congress—and is described by some commentators as lacking

any social base in Iraq. Other potential opposition groups have been dismissed as disparate and ineffective.<sup>60</sup>

- 5.65 The new Bush administration's intentions in relation to the Iraq Liberation Act have not yet been made clear. However, very little credence is given to the viability of the various exiled and fragmented groups as a political opposition to Saddam Hussein.<sup>61</sup>

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60 Anthony Arnove, 'Iraq Under Siege: Ten Years On', *Monthly Review*, December 2000, p. 15; Reuters newswire, 'Iraqi Opposition says Sending in Agents this Month', 7 February 2001; Nicholas Lemann, *The New Yorker*, 22 January 2001, p. 34; *The Australian Financial Review*, 'Aid for Hussein's Opponents Queried', 20 March 2001.

61 Reuters newswire, 'Ten Years after Gulf War, Saddam Remains Defiant', 12 January 2001.



## **SECTION TWO**

### **Economic and Social Issues**

