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REPORT

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

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

Rapporteur: Baroness Nicholson of Winterbourne

CONTENTS

	Page
PROCEDURAL PAGE	4
MOTION FOR A RESOLUTION.....	5
EXPLANATORY STATEMENT	12

PROCEDURAL PAGE

At the sitting of 18 January 2001 the President of Parliament announced that the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on the situation in Iraq ten years after the Gulf War.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had appointed Baroness Nicholson of Winterbourne rapporteur at its meeting of 5 December 2000.

The committee held a public hearing at its meeting of 26 February 2001 and it considered the draft report at its meetings of 25 June 2001, 4 December 2001, 19 February 2002, 22/ 23 April 2002.

At the last meeting it adopted the motion for a resolution unanimously, with 12 abstentions.

The following were present for the vote: Elmar Brok, chairman; Geoffrey Van Orden and Christos Zacharakis, vice-chairmen; Baroness Nicholson of Winterbourne, rapporteur; Ole Andreasen, John Walls Cushman, Véronique De Keyser, Rosa M. Díez González, Andrew Nicholas Duff (for Pere Esteve), Olivier Dupuis (for Emma Bonino), James E.M. Elles (for Gerardo Galeote Quecedo), Giovanni Claudio Fava (for Magdalene Hoff), Glyn Ford, Michael Gahler, Jas Gawronski, Vitaliano Gemelli (for Franco Marini), Vasco Graça Moura (for Hugues Martin), Klaus Hänsch, Ulpu Iivari (for Catherine Lalumière), Joost Lagendijk, Armin Laschet, Nelly Maes (for Per Gahrton), Cecilia Malmström, Miguel Angel Martínez Martínez (for Raimon Obiols i Germà), Emmanouil Mastorakis (for Alexandros Baltas, pursuant to Rule 153(2)), Emilio Menéndez del Valle, Pasqualina Napoletano, Arie M. Oostlander, Elena Ornella Paciotti, (for Sami Naïr, pursuant to Rule 153(2)), Doris Pack (for Jürgen Schröder), Jacques F. Poos, José Ignacio Salafranca Sánchez-Neyra, Amalia Sartori, Elisabeth Schroedter, David Sumberg, Ilkka Suominen, Hannes Swoboda, Charles Tannock, Bob van den Bos, Luigi Vinci, Demetrio Volcic, Karl von Wogau, Jan Marinus Wiersma, Matti Wuori.

The report was tabled on 26 April 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the situation in Iraq eleven years after the Gulf War (2000/2329(INI))

The European Parliament,

- having regard to its resolutions on the situation in Iraq of 13 April 2000¹ and 6 July 2000²; on the Turkish bombardment on northern Iraq of 7 September 2000³ and on the progress achieved in the implementation of the common foreign and security policy of 30 November 2000⁴,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0157/2002),
- A. whereas the resumption of a democratic, secure and prosperous future for Iraq and her people is only possible if Iraq makes full use of the remarkable potential of the country in terms of her people, her oil and water resources and if she restores free and fair elections, full human rights observance for all, good governance and the rule of law; noting that only will then be possible for Iraq to resume her rightful place in the international community,
- B. having regard to the actual, original, direct aims of the sanctions, which were intended to prevent Iraq from rebuilding significant military capability, from threatening, or being in a position to threaten, other states and from obtaining access to weapons of mass destruction, which were aimed, furthermore, at obtaining the release by Iraq of the ca 600 Kuwaitis taken prisoner and ensuring that Iraq respected the sovereignty of Kuwait, and which, not least, indirectly encompassed the hope of an end to the bloody suppression of the Iraqi people by Saddam Hussein; whereas sanctions have not yet, achieved these objectives,
- C. whereas Iraq continues to pose a threat to regional stability and world security, in particular through the reconstitution of prohibited programmes for the development of weapons of mass destruction, including the reconstruction of dual-use chemical production facilities and missile production facilities, the maintenance of the industrial capacity that could quickly produce biological warfare agents, and continued efforts to acquire materials for its nuclear weapons programme,

¹ OJ C 40, 7.2.2001, p. 419.

² OJ C 121, 24.4.2001, p. 407.

³ OJ C 135, 7.5.2001, p. 287.

⁴ OJ C 228, 13.8.2001, p. 165.

- D. whereas the Gulf Co-operation Council at the EU-GCC 12th joint council and ministerial meeting of 28 February 2002, expressed its commitment to the independence, territorial integrity and sovereignty of Kuwait, within internationally recognised borders, as well as for other countries in the region, including Iraq,
- E. whereas the European Union and the Gulf Co-operation Council joint statement expressed their deep concern at the serious humanitarian situation within Iraq and reiterated the absolute obligation of the Iraqi government to implement fully and immediately all UN Security Council resolutions, including resolution 1284; and to co-operate in all respects with the United Nations and subsidiary bodies, in order to allow for the suspension and in due course the lifting of sanctions,
- F. whereas the European Council regrettably did not make a statement at the summit in Barcelona on the situation of Iraq; firmly believing that it is essential the EU defines a common position in Iraq, reaffirming its view that a solution to the problems in relation to Iraq must be sought within the context of strictly applying the Charter of the United Nations and the existing UN Security Council resolutions,
- G. whereas the Iraqi government has continued, throughout the last eleven years, to increase its regime of terror that reaches into all levels of society, and to commit gross and massive human rights violations, including an active policy of persecution of the Kurdish, Turcoman and Assyrian populations in the North and of the Shia in the South; and particularly of the inhabitants of the Lower Mesopotamian Marshlands and of the complete destruction of their identity, ancient way of life and waterways; noting that there are no signs of changing that policy,
- H. whereas Saddam Hussein is deliberately fuelling the Israeli-Palestinian crisis by encouraging the very worst acts of Palestinian terrorism through direct and publicly announced payments to the families of suicide bombers,
- I. whereas drastic and significant deterioration of the situation and status of women, children, ethnic minorities and religious groups has taken place inside Iraq in the last decade, during which time political, religious, civil and family rights have been destroyed; noting the systematic violation of the Convention of the Rights of the Child and the military training of minors and associated practices,
- J. whereas the Iraqi government continually fails to co-operate with the United Nations and the international community in implementing post Iran/Iraq and Gulf war obligations, refusing in particular to accept untrammelled international inspections and monitoring missions regarding weapons of mass destruction; demanding that the resumption of the dialogue between United Nations Secretary General and Foreign Minister of Iraq, as initiated on 7 March, brings clear commitment by the Iraqi Government to implement all outstanding UN Security Council resolutions,
- K. whereas self-isolation and lack of co-operation with the international community, extreme militarisation and near-total state control has become an intolerable and painful burden on the Iraqi people and has gravely harmed the national economy,

- L. recalling that the regime of Saddam Hussein has managed over the years to systematically destroy the possibilities for Iraq's own food production in many different ways, amongst others by drying of marshes, so that the country became more and more dependent on importation of food,
- M. whereas there is strong evidence confirmed by UNEP and Security Council Permanent Members of protracted, large scale drainage operations of the South Iraqi marshlands over the last ten years that have resulted in the almost complete destruction of the millenia-old marshlands with the remaining 10% of the permanent wetland surface now aggressed, causing a genocidal and environmental disaster of global magnitude and impact; and whereas rehabilitation of part of the South Iraqi marshlands is still possible and in great need for environmental, agricultural, ecological and humanitarian reasons,
- N. recalling that following the policy of arabisation and ethnic cleansing in the regions of Kirkuk, Sinjar, Mandali, Jalawla et Mossoul in areas under the control of the Iraqi regime over 800 000 internally displaced persons of Kurdish, Turkmen or Assyro-Chaldeen identity are at present in the three Kurdish Northern provinces,
1. endorses the resolution adopted on 19 April 2002 by the United Nations Commission for Human Rights on the situation of Human Rights in Iraq; is equally dismayed that there has been no improvement in the situation; therefore strongly condemns the widespread and extremely grave violations of human rights and of international humanitarian law by the Government on a sustained basis by broad-based discrimination and terror; equally, strongly condemns the widespread use of the death penalty, the summary and arbitrary executions, the so-called clean-out of prisons, the use of torture and rape as instruments of coercion and policy-making, as well as the forced relocation of peoples; deeply deplores the significant number of missing persons;
 2. calls on the Iraqi government to fully respect its obligations under international human rights treaties and international humanitarian law, to co-operate with the United Nations to bring the actions of its military and security forces within the standards of international law, to establish independence of judiciary, to respect the rights of all ethnic and religious groups and to cease immediately the practices of forced deportation and relocation;
 3. takes note of the report submitted to the UN Commission on Human Rights by the United Nations Human Rights Special Rapporteur, confirming the critical need for dramatic improvement of human rights; recalls that it is of the utmost urgency to deploy special observers on human rights in the whole territory; notes and supports the exceptional efforts the Secretary General of the UN has made consistently on all matters affecting Iraq, and calls for the creation of an international commission to investigate disappearances throughout Iraq;
 4. insists that the Iraqi government cease immediately its support and encouragement for the murderous policy of suicide bombing and instead promote policies that will assist peaceful resolution of the Middle East situation;

5. urges the Council and the Member States to take all necessary measures to bring those responsible of human rights abuses in Iraq before an ad hoc International Tribunal for Iraq which should be empowered to judge the Iraqi leadership and, as far as possible, before the International Criminal Court; while awaiting their functioning further proposes the setting-up of an Office For Inquiry on human rights violations, in order to prepare the necessary evidence and an official register of the numerous violations perpetrated by the Iraqi regime; calls on the EU to act accordingly for the Office without delay;
6. reiterates its previous resolutions and recognises therefore :
 - that the Iraqi government must comply, unconditionally and without delay, with the resolutions of the United Nations Security Council and submit to UNMOVIC inspections;
 - the importance of achieving a multilateral political solution in the region, under the aegis of the UN, as the only means of guaranteeing stability and peace in the region;
 - that the European Union must participate actively in the economic and social reconstruction of the country, provided that the Iraqi government fully implements democratic reform and respects human rights;
7. unequivocally rejects any military action that is not covered by United Nations resolutions;
8. reiterates its belief that the future prosperity and development of Iraq and of its people would be vastly facilitated by the establishment of democracy and the rule of law in the country, by regional co-operation and by improving its relations with the international community, in particular with the European Union; considers that improving regional co-operation in this area will also provide mechanisms to reduce illegal arms trade;
9. regrets the absence of an Iraqi civil society, including free media and independent social organisations, because of which direct confidence-building with the Iraqi population is hardly possible; calls for appropriate assistance to be provided to media units that explain as widely as possible the regional situation and for the same initiatives to be undertaken with the Diaspora in the region;
10. notes in this regard the improvement already achieved in the three governorates in the north of Iraq as regards development of civil society, which underlines the inherent capacity of the Iraqi people;
11. calls on the Council and the Commission to set up in the shortest time possible an active strategy including the following measures:
 - detecting and freezing illegal financial assets of the Iraqi leadership inside the European Union;
 - refusing access of Iraqi regime leading members to EU states;
 - monitoring closely, making information publicly available and denouncing actively and regularly the grave human rights violations;
 - strengthening democratisation measures in co-operation with the Iraqi exiled community,

- supporting the democratic experience of the Kurdish administration in Northern Iraq and projects for the development of civil society in this autonomous region; to make a complete assessment of Northern Iraq's needs, not only in the humanitarian field, but for health services, food production, economy, social needs, industry, education, freedom of expression and the press, and all relevant sectors of society, and to set up a help programme directed towards that region including a large demining campaign;
 - putting maximum pressure at all occasions on the Iraqi regime to reduce its repression towards its own population, at first by stopping the massive executions, arbitrary arrests, internal displacement campaigns and ethnic cleansing in the Kurdish region under its control;
 - ensuring the long-term, unceasing protection of the Iraqi population in particular the Kurdish and Shiite populations;
12. urges the Commission to explore all the existing possibilities which allow for a more active EU policy in favour of the Iraqi population, in particular by means of assistance to displaced and uprooted people, rehabilitation operations and human rights; considers that the present financial EU assistance within the framework of humanitarian aid (ECHO) should be reinforced if necessary by means of budgetary transfers, in order also to provide for victims of persecution and the relatives of missing persons; encourages the international community to explore similar initiatives for the Iraqi Diaspora now numbering millions of refugees sheltering in neighbouring states;
13. within the framework of the European Initiative for Democracy and Human Rights, urges the Commission to identify and finance relevant projects and actions that will imbue Iraqi exiles with human rights and democracy values and support their campaigns in favour of respect for human rights in Iraq;
14. urges the United Nations Security Council to lift with utmost urgency most restrictions on non-military and non dual-use trade and investments (generalised economic and trade sanctions), as long as it does not lead to an increase of military expenditure, while maintaining the arms embargo, in order to ameliorate the humanitarian crisis in basic needs; and to tighten controls on Iraq's ability to import weapons and weapons-related goods;
15. notes that the "oil for food" programme has been effective only in the three governates of north Iraq, where it has been directly managed by the United Nations; thereby concluding that the lack of effective implementation elsewhere in Iraq and the consequential shortages of food and medical supplies have been largely the responsibility of the Iraqi government;
16. insists, therefore, that the Iraqi government improves the submission of applications for contracts, facilitates the work of personnel of humanitarian NGOs, UN agencies and other international organisations in Iraq and increases its co-operation on the identification of minefields;

17. urges the United Nations to make the decision to allocate part of the "oil for food" programme funds or find other funds to provide sustained and sufficient humanitarian relief to the 3 1/2 million Iraqi refugee population ; calls on the Gulf Cooperation Council to assist financially through the establishment of a special fund for UN administration;
18. considers that such relief should also be extended to displaced persons, to victims of terrorism and biological and chemical attacks and to their families, as well as to the families of missing persons; notes that in these cases the assistance could also be financed by using the revenues of Iraq's frozen assets;
19. calls upon Iraq to honour all obligations she entered into and to accede to all requests made to her at the Arab League Summit in Beirut regarding missing persons, confiscated property and compensations/war reparations; and furthermore insists that the Iraqi government accounts for the 605 missing Kuwaiti Prisoners of War as identified in February 2000;
20. expresses concern about the lack of respect for the environment by the Iraqi authorities and in particular the long-term consequences of use of chemical and other, non-classical weapons, and the massive drainage of the South Iraqi Marshes;
21. urges the United Nations Environmental Programme (UNEP) and other United Nations and international agencies to press for the rehabilitation of the Iraqi environment, including the badly damaged South Iraqi Marshlands; urges the neighbouring countries of the Tigris and Euphrates basin to facilitate such a rehabilitation; notes that priority should be given to the protection and rehabilitation of Huwaiza area which undertaking is immediately feasible and subsequently to the wider marsh areas; urges UNESCO to identify the marshlands as a potential World Heritage Site and plan accordingly;
22. invites the Arab League to make all possible efforts to find common ground in launching an effective regional co-operation policy in all relevant areas; notes in this regard the outcome of the Arab League Summit of 27/28 March 2002 in Beirut, particularly the recognition by the Iraqi representatives of the respect of full security, territorial integrity and sovereignty of Kuwait;
23. notes that on 5 April 2002 the UN Security Council decided, as recommended by the UN Secretary General, to maintain the United Nations Iraq-Kuwait Observation Mission (UNIKOM) which continues to monitor the Khawr'Abd Allah waterway, and the demilitarised zone, thereby contributing to the maintenance of calm and stability in the border area;
24. demands that an urgent assessment be made of the key factors that will contribute to a revival of civil society, democracy, the rule of law and good governance, in a future Iraq; calls for appropriate training and guidance to be given to professional and skilled Iraqis in the creation of a system of democracy and civil society for Iraq, to prepare those in exile for their eventual return; believes that the resultant report should provide the blue print for the rehabilitation of Iraq;

25. urges the Council to adopt a common position on the situation in Iraq that takes into account all the foregoing considerations; this should constitute the first step towards the adoption by the European Council of a joint strategy in respect of this whole region;
26. instructs the President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the United Nations and to the Iraqi Government and its Parliament.

EXPLANATORY STATEMENT

I. BACKGROUND AND GENERAL OVERVIEW

1. After the second Gulf War, 1990-91, the international community, represented by the United Nations Security Council (UNSC), imposed upon Iraq a series of military and security obligations (UNSCR 687). At the same time, economic, financial and trade sanctions were also imposed to oblige Iraq to comply.
2. These sanctions are still in force because the Iraqi government has failed to satisfy the conditions, in particular the requirement to declare and destroy weapons of mass destruction and to accept weapons inspections by UN experts on its territory.
3. The Iraqi government used the sanctions to justify not importing necessary food and medicine. Consequently in 1991 the UN Security Council offered an "oil for food" programme, to mitigate the sufferings of the Iraqi people. The Iraqi government signed a Memorandum of Understanding in 1996 accepting the UN terms. The first deliveries of food and medicine took place in March 1997.
4. In December 1999, following difficulties in implementing this programme and the deterioration of the humanitarian situation, the "oil for food" programme was expanded¹. The Iraqi government was authorised to export as much oil as was required to meet its humanitarian needs. Funds could also be used for spare parts to repair the country's infrastructure, such as the electricity power system, water sanitation, educational supplies, agriculture and, in the three governorates in the north of Iraq, for demining. These improvements were not sufficient, however, to cope with the unacceptable social and economic disruption at the beginning of the 21st century.
5. Throughout the period of Saddam Hussein's rule, there was a significant increase in abuse of human rights and violations of the rule of law and democratic principles.
6. In 2000, the European Parliament adopted a number of Resolutions that relate to Iraq:
 - In April² it asked for clarification of UN Security Council Resolution 1284 as regards the obligations of the Iraqi government. It insisted on Iraq's co-operation with the UN, in order to facilitate the easing of sanctions. It also stressed the need for respect for the UN Charter and the cessation of all military action not authorised by the UN Security Council.

¹ UNSCR 1284 of 17 December 1999

² EP Resolution on the situation in Iraq, 13.4.2000 (PE 284.456)

- In July¹ it called on the UN Security Council to open a dialogue with the Iraqi government with the objective of lifting the economic embargo, while maintaining a strict arms embargo. It expressed the belief that the EU should aim for a lifting of the “no fly zone”, and that the Iraqi government should renounce the use of military force in dealing with demands for autonomy for the Iraqi Kurdistan. It also stressed the need for the UN agencies and the Red Cross to monitor the distribution of goods and services.
 - In September² it condemned Turkish incursions into Iraqi territory and reaffirmed that only a peaceful political settlement of the Kurdish issue could contribute to the stable development of the region.
 - In November³, in the Resolution on the progress achieved in the implementation of the common foreign and security policy, it insisted with the Council and Member States on the creation of an International Tribunal to enquire into the responsibility of Saddam Hussein for war crimes, genocide and crimes against humanity. This should be within a UN framework.
7. The Conference of Presidents of the Political Groups asked the Committee for Foreign Affairs, Human Rights and Common Security and Defence Policy to comment on the proposal to send a parliamentary delegation to Iraq. The recommendations addressed by the chairman of the Committee to the Conference of Presidents were, however, bypassed by the events of September 11, 2001. The rapporteur is of the opinion that an ad hoc delegation should not take place before the adoption this year of a clear position by the EP on the situation in Iraq and only if the conditions set up by the Committee last year are met (in particular regarding freedom of movement and security).
8. On 26 February 2001 the Committee on Foreign Affairs held a public hearing to examine
- the political and human rights situation in Iraq;
 - the sanctions policy;
 - the adequacy of the “oil for food” programme to tackle humanitarian needs;
 - possible measures to introduce changes in Iraq.
9. During this hearing experts confirmed the perverse effects of the economic sanctions, particularly harmful to the less advantaged among the civilian population. Iraqi civilians had become hostages to their government that manipulated rationing and distribution of "ration tickets" to sustain the system of oppression and terror.
10. Among the other matters underlined by the hearing were:
- the importance of creating a climate for change in Iraq, to enable Iraqis to build up a civil society able to confront the government;

¹ EP resolution on Iraq, 6.7.2000 (PE 292.932)

² EP resolution on the Turkish bombardment on Northern Iraq, 7.9.2000 (PE 293.752)

³ EP resolution on the progress achieved in the implementation of CFSP, 30.11.2000 (PE 298.881)

- the need for support for democratic opposition activity outside Iraq;
- the need to avoid a European Parliamentary delegation to Iraq being exploited by the Iraqi government as a gesture of sympathy and support;
- the fact that the impact of the “oil for food” programme was better in the three governorates in the north of Iraq, where it is administered by the UN.

II. POLITICAL AND ECONOMIC SITUATION

11. Iraq became an independent kingdom in 1932, and a republic in 1958. Mr Saddam Hussein was elected President of the Republic in 1979. He wields total control, with the support of the Arab Socialist Ba’th Party. The major political decisions are taken in the framework of the Council of the Revolution Command (CCR) chaired by Iraqi's President and composed of 9 members.
12. The President is elected for a seven-year term. The last election was in October 1995 when Mr Saddam Hussein received 99.9% of the vote. The parliament, al-Majlis al-Watani, has 250 members who are elected every four years. The last elections were in March 2000. The thirty seats for the Kurdish region have not always been filled.
13. At the 2000 elections only members of the National Progressive Front, based on the Arab Socialist Ba’th Party, and independents supporting the government were permitted to stand. There are also eight extra-parliamentary parties.
14. The three governorates in the North are ruled by two governments based on the two main Kurdish political parties. The Kurdish National Assembly has 115 members, 100 for Kurds, 5 for Assyrians and 10 for Turcomans who in fact boycotted the 1992 elections.
15. The Iran-Iraq war, instigated by Iraq (see UN Report of 1994), lasted from 1980 to 1988. Iraq annexed Kuwait in 1990 and was expelled by a US-led multinational force in February 1991.
16. Following the second Gulf War, the UN required Iraq to scrap all weapons of mass destruction and to allow UN verification inspections. Financial and trade sanctions were also imposed in order to force the implementation of such requirements.
17. Iraqi government water control projects have led to the exodus and loss of life support of the Marsh Arabs who have fled as refugees to Iran and Saudi Arabia, and had a net negative effect on the economic output of the area.
18. The oil sector used to provide 95% of foreign exchange earnings. Economic activity and revenue have been reduced following financial and trade sanctions. During the 1990s Iraq suffered from hyperinflation, high unemployment, a huge external debt and a degradation of all public services. Simultaneously there has been no relaxation of expense on military and internal security services.
19. Excessive state controls and militarisation have aggravated the economic situation and

produced a flourishing black market. Corruption is rife.

20. In November 1994 Iraq accepted the UN demarcated border with Kuwait, thereby formally ending its claims. Disputes with Turkey over water developments on the Tigris and Euphrates rivers persist.

21. The major indicators are¹:

Area	438,000 square kilometres
Population	23.02 million (1999)
Arable land	12%
Per capita GDP	US\$ 500 pa
Inflation	135% pa
Major export partners	Russia, France, Egypt, Vietnam

III. HUMAN RIGHTS

22. The Iraqi authorities have over the last eleven years committed gross human rights abuses, including arbitrary arrests of political opponents, the torture and execution of prisoners, and forced expulsions.

23. For 10 years, the UN Special Rapporteur for Human Rights was not allowed to visit the country and only recently was the current rapporteur, Mr Mavromatis, authorised to visit but for four days only. He presented the corresponding report to the UN Commission on Human Rights at the beginning of March this year. In it, he reiterates previous recommendations, stressing that the success of the resumption of dialogue on human rights is dependent on the Iraqi government's co-operation and successful implementation of recommendations already submitted; he equally underlines the urgent need to improve access to information, to introduce immediately a moratorium on executions, to reduce the legal cover of the death penalty and to improve prison conditions and the freedom of religion.

24. The Commission on Human Rights of the United Nations adopted a Resolution on the Iraqi situation, in April 2001, which was presented on behalf of the EU; 30 states voted in favour; three (Libya, Algeria and Nigeria) were against; nineteen (including Permanent Security Council members China and Russia) abstained. A similar initiative was taken by the member states of the European Union and other UN members in April 2002 and the Commission on Human Rights adopted on 19 April 2002 a new Resolution on the situation of human rights in Iraq²; 28 members voted in favour, 4 against (Algeria, Libya, Sudan and Syria) and 21 abstained.

25. This resolution recalls last year's resolution, reaffirms that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, and appeals to all concerned to

¹ EIU Country Report, 1st quarter 2000

² UN Resolution E/CN.4/2002.L26

fulfill their mutual obligations in the management of the "oil for food" programme (resolution 986/1995). It strongly condemns the widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, sustained by broad-based discrimination and widespread terror.

26. It equally strongly condemns suppression of civil freedoms, the widespread use of death penalty, the summary and arbitrary executions, the so-called clean-out of prisons, the use of torture and rape as instruments of coercion and policy-making, as well as the forced relocation of peoples; it deeply deplores the significant number of missing persons.
27. The UN Commission on Human Rights equally calls on the Iraqi government to fully respect its obligations under international human rights treaties and international humanitarian law, to co-operate with the UN to bring the actions of its military and security forces within the standards of international law, to establish independence of judiciary, to respect the rights of all ethnic and religious groups and to cease immediately the practices of forced deportation and relocation.
28. The rapporteur also notes that there should be particular attention paid to women's and children's rights. There was evidence of the systematic rape of women prisoners. Freedom of movement and family rights have also been denied.
29. In the 1980s the Iraqi government was guilty of employing weapons of mass destruction against the Kurdish population and of the disappearance of thousands of people. In the last two decades Iraq has breached the Geneva Convention on the use of chemical weapons a number of times both internally and externally.
30. During the 1990-91 Gulf War the Iraqi government used foreign hostages as human shields to deter Allied attacks.
31. The Iraqi statement made at the Arab League Summit in March 2002 gives rise to some hope that the conflict between Iraq and its neighbouring countries regarding prisoners of war, missing persons and confiscated property will have some positive evolution for Kuwait. The rapporteur notes that the Iraqi government's international and regional credibility will be enhanced by its capacity to solve this problem.
32. The persecution of the Shi'ite Marsh Arabs has been accompanied by the deliberate destruction of the wetlands ecosystem of the southern Marshlands.

33. This all made relevant and urgent the proposal of the European Parliament of November 2000 that an International Tribunal for Iraq investigate the responsibility of Saddam Hussein and his supporters for war crimes, genocide and crimes against humanity. As the International Criminal Court (which will finally come into force in July 2002) will not be competent to judge the abuses, violations and crimes perpetrated before July 2002 (art. 11 of its statute), it is necessary to establish an ad hoc International Tribunal for Iraq, either by United Nations Security Council Resolutions (under Chapter VII of the UN Charter), or pursuant to Treaties by the concerned and injured States. Until these tribunals become fully operational the EU should act without delay, in order to set up an Office for Inquiry on human rights violations with the task of preparing the necessary evidence and an official register.

IV. REGIONAL SECURITY AND DISARMAMENT

34. UNSCR 1284 of December 1999 set up the Monitoring Verification and Inspection Commission (UNMOVIC) to carry out those weapons inspections decided on in UNSCR 687 of 1991. The UN proposed a suspension of sanctions for a 120 day period to test Iraq's cooperation with UNMOVIC. The Iraqi government rejected the proposal and insisted that no weapons inspectors would be allowed into the country.
35. Consequently there have been no international inspections and no monitoring regarding weapons of mass destruction since 1998.
36. At the Committee hearing of 26 February 2001 it was stated that the Iraqi government was continuing a nuclear weapons programme and that, if sanctions were lifted, it would be able to be in possession of nuclear weapons within five years.
37. On 7 March 2002, UN Secretary General discussed with Iraqi authorities the resumption of UN weapons inspections in Iraq, in the framework of the implementation of Security Council resolutions. On 12 April, however, the second meeting scheduled for 18 and 19 April was postponed, at the Iraqi government's request. The Iraqi authorities justified such a request by the fact that "they did not want anything to distract from the attention being given to the problems in the Middle East".

V. HUMANITARIAN SITUATION: THE "OIL FOR FOOD" PROGRAMME AND THE EU HUMANITARIAN ACTION (ECHO)

38. The economic, financial and trade sanctions were imposed with the objective of forcing the Iraqi government to comply with UNSCRs dealing with the scrapping of weapons of mass destruction and long-range missiles, and to let in UN observers.
39. This policy has probably prevented Iraq from rearming and attacking neighbouring countries. However the policy has also facilitated the Iraqi people being made hostages of a government that has intensified internal policing, based on arbitrary arrest, terror and repression. This is in sharp contrast to the ideals that originally motivated the Ba'ath Party.
40. The policy of sanctions has contributed to the deterioration of the Iraqi economy and its

infrastructure, leading to a pauperisation of the population that has, according to a 1996 Report, reached in some cases “pre-famine conditions”. Provision of food and public health have been particularly affected. The policy of sanctions has also led to degradation of the water and sanitation sectors and the reduction of agricultural irrigation.

41. The “oil for food” programme, first proposed by the UN in 1991, was accepted by the Iraqi government in 1996, to deal with the humanitarian problems arising from the embargo. Adjustments to the policy were made with UNSCR 1153 of 1998, UNSCR 1284 of 1999 and UNSCR 1330 of 2000 and UNSCR 1382 of 2001.
42. UNSCR 1284 of 1999 expanded the programme with a view to improving the situation of the Iraqi population:
 - by allowing Iraq to export as much oil as required to meet humanitarian needs;
 - by extending the list of permitted imports;
 - by acknowledging that funds could be used for the purchase of local goods.
43. The Iraqi government manages the programme in central and southern Iraq. About 13% of the revenue of oil sales is kept for the three autonomous governates in the north of Iraq, where the programme is managed by the UN. There are clear signs of an improved situation in this region in terms of nutrition, health and sanitation.
44. In his Reports to the UN Security Council in 2001, the Secretary General made an assessment on the situation and underlined the major difficulties linked to the implementation of the programme.
45. On 29 November 2001, (UNSCR 1382) the Security Council, convinced of the need to continue, as a temporary measure, to provide for the civilian needs of the Iraqi people until the fulfillment by the government of Iraq of the relevant resolutions notably 687 (1991) and 1284 (1999), allowed the Council for further action with regard to prohibitions, extended the provisions of the "oil for food" programme, while supporting continuing negotiations, in order to make the sanctions system more flexible and improve the implementation of the humanitarian programme. By the end of May 2002, it is expected that the obstacles raised by two members of the Security Council to render the sanctions system more flexible will be solved.
46. Last year, the Secretary General urged the Security Council and its Sanctions Committee to streamline their procedures and to be more flexible so as to allow the import into Iraq of a wider variety of medicines, health supplies, food supplies and other needs of the civilian population. He also underlined the need to reach arrangements with Iraq for the local procurement of foods and services, and the provision of a cash component for the stimulation of local production. The Secretary General also urged last year the UNSC Committee to agree on the extended list and on “dual use” products.
47. During the hearing of 26 February 2001, it was brought to the Committee’s attention that only US\$ 4.6 billion of the US\$ 7.8 billion (59%) available in 2000 for the humanitarian

programme had been used.

48. The degradation of the humanitarian situation was confirmed to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy by the ECHO mission to Iraq (which took place from 25 January to 2 February 2002 and after waiting one year for the necessary visas). This EU Agency worked, after the Gulf War, solely in the three autonomously-run governorates in the north, supporting mine victims and displaced persons. With the implementation of the "oil for food" programme in 1997, ECHO shifted its territorial action to the governorates in the Center and the South (ECHO correspondent being based in Jordan).
49. The exchange of views held in the Committee on Foreign Affairs on this mission showed the urgent need for the Commission and the Council to take more positive action regarding Iraq in particular by:
 - reinforcing or/and enlarging EU assistance (ECHO, EIDHR etc.) to uprooted people, rehabilitation and actions in favour of human rights; it should pay special attention to the victims of persecution and the relatives of missing people;
 - increasing EU humanitarian support in the centre and south through budgetary transfers in order to reinforce the 2002 budget planned for Iraq for 2002;
 - promoting a detailed evaluation of plans to revive civil society including those in exile;
 - adoption by the Council of a common position on Iraq as a first step for an agreement, at a later stage and as long as the political situation will allow it, on a common strategy for Iraq.

VI. A NEW APPROACH ON THE EMBARGO

50. The sanctions policy should be revised to enable a revival of the Iraqi civilian economy while retaining restrictions on the import of all military goods and a rigorous monitoring of "dual use" goods. All goods should be inspected: at present only goods imported under the "oil for food" programme are inspected. The UN Security Council should allow for investment and development under international supervision. This new approach should benefit from the practice of "smart sanctions" applied to Milosevic's Yugoslavia where the civilian population was spared the mal effects of a generalised embargo implemented domestically by a government hostile to its people.

51. A proposal for a scheme of more flexible and “smarter sanctions” – UNSCR 1352 of June 2001 – was not yet accepted. The existing “oil for food” policy had therefore to be successively extended since Iraq continues to refuse to implement all UN Security Council resolutions. It is anticipated that an agreement will be reached at the Security Council on this issue by the end of May.
52. At the same time, the evolution of the talks between UN and Iraqi authorities on the inspection of weapons resumed on 7 March 2002 (and were immediately postponed at Iraq's request, without a new date) will also be a cornerstone in the decisions to take on the "oil for food" programme and on humanitarian assistance by the international community to Iraq.

VII. THE ROLE OF REGIONAL CO-OPERATION

53. Regional co-operation is an important instrument in resolving the current deadlock in the relations between Iraq and the international community as represented by the United Nations.
54. Regional cooperation is essential to reconcile the countries of the Gulf region and to establish an open political culture.
55. Regional cooperation is also required to help improve the environmental and humanitarian disaster of the southern Iraqi Marshlands. Not only are there international issues concerning water rights and water management but also there is the issue of how far the Marshlands can be rehabilitated and the marsh dwellers return to their historic way of life. The report recently adopted by UNEP should have a proper follow-up by the international community.
56. The rapporteur recalls the terms of the Joint Communiqué of the GCC-EU 12th Joint Council meeting on 28 February 2002 regarding Iraq, in particular where it reiterates the obligation of the Iraqi government to fully and immediately implement all UN Security Council resolutions, to co-operate with the UN in order to allow for the suspension and, in due course, the lifting of the sanctions. While it expresses its concern at the serious humanitarian situation, it also demands that Iraq resume co-operation with the Tripartite Commission and to extend all necessary co-operation to the International Committee of the Red Cross (including missing persons and return of property). The EU and the GCC also reaffirm their commitment to the independence, territorial integrity and sovereignty of Kuwait and other countries of the region, including Iraq, with their internationally recognised boundaries.
57. Furthermore, the Arab League Summit held on March 27 and 28 in Beirut, while requesting for the lifting of the economic embargo and rejecting any military attack on Iraq or any other Arab country, welcomes Iraq's commitment to respect Kuwaiti independence, its sovereignty and security and its territorial integrity, in order to prevent a similar situation to the one of 1990. It also reiterates the request to co-operation in the area of prisoners, missing persons and property restitution.

58. These two important political events mark the potential for opening up of a more flexible

approach and relationship towards Iraq, provided Iraq co-operates, which she has failed significantly to do in the past. It is up to the Iraq government to show to her neighbours and the international community her willingness to implement her international commitments.

59. Apart from the alleviation of the economic situation it is irresponsible not to plan for the restoration of civil society in a future Iraq. Up to 4 million Iraqis are in exile. Most will wish to return. They have skills and experience that will contribute to a future and a happier Iraq. In the past Iraq has had an excellent social infrastructure. The country is potentially immensely wealthy. Quite apart from the political arrangements all concerned with Iraq's future should be thinking about how that country can return to the community of nations as a free, progressive, open and prosperous society with a respect for human rights and the rule of law. Above all it is a political and moral imperative that the people of Iraq can be offered the chance of a hopeful and happier future.