

## **Sanctions Against Iraq A Violation of International Law**

1) Since 6 August 1990, Iraq has been subjected to the most comprehensive regime of sanctions ever imposed by the Security Council. Following the Gulf War, the Security Council adopted resolution 687 in which a number of obligations were imposed upon Iraq as a requirement for the establishment of a formal end to the military operations. Iraq accepted those obligations, which included the recognition of the sovereignty, territorial integrity and political independence of Kuwait and the borders demarcated by the U.N, and disarmament.

2) The Council also decided to review the sanctions regime every sixty days in the light of Iraq's implementation in order to "reduce " or "lift" the sanctions. The distinction between reducing and lifting of sanctions does not make sense unless the Council intended to ease the sanctions, both in scope and content, proportionally with the degree of implementation achieved until such times as they are lifted completely with the full implementation of the obligations imposed.

3) Despite the harsh nature of the obligations imposed by the Security Council, some of which were in fact unprecedented and transgressed the acceptable norms of international law, Iraq lived up to its commitments. For over nine years, Iraq has dedicated its efforts towards implementing those obligations with the result of fulfilling all substantive requirements set out by the Council.

4) However, until now, the Security Council has not taken any step to reduce or lift the comprehensive embargo imposed upon Iraq, despite the dire consequences resulting therefrom to the entire country and its population.

5) The Security Council continues until now to maintain a punitive approach against Iraq ignoring thereby the record of implementation. It is well-known that this approach is led by the United States of America and the United Kingdom in furtherance of their declared policy to change the political regime of Iraq. These two permanent members continue to interfere in the internal affairs of Iraq, thereby threatening the territorial integrity of the country. They imposed, without authorization from the Security Council, no fly-zones over Iraq (in the north since 1991, and in the south since 1992 which was extended in 1996) in the enforcement of which continuous acts of aggression have been committed. In December 1998, they launched a deliberate act of aggression against the whole country. All these acts are being perpetrated against Iraq while these two members continue to obstruct any move in the Council aimed at rendering justice to Iraq.

6) In maintaining this policy, these two permanent allege that Iraq has not fulfilled the substantive obligations under the Council's resolutions and

that it continues to be a threat to its neighbours. . In this connection, the central argument is based on the opinion of UNSCOM that the weapons obligations have not been fully completed. This position is totally discredited by a number of facts particularly those pertaining to the revelations of former UNSCOM employees which proved beyond doubt that that body acted as a tool of American policy, and that Iraq has in fact fulfilled the substantive requirements of the Council's resolutions on this point.

7) It is well-known that the sanctions under the Charter are envisaged as a means for the maintenance and restoration of the comprehensive embargo has become an end in itself for these two permanent members, regardless of the Charter and international law and their responsibilities thereunder.

8) The military operations of the coalition forces in 1991, the major part of which were conducted by the United States forces, brought, according to the report of the investigation team sent to Iraq in March 1991 under the leadership of Mr. Martti Ahtisaari, the then UN USG for Administration and Management, a form of devastation which has wrought near-apocalyptic results on the infrastructure of what had been until January 1991 a rather highly urbanized and mechanized society. Moreover, the prolongation of the embargo intensified the said results. Aside from the failure of the Security Council to fulfil its substantive and procedural duties under the Charter and international humanitarian law, ten well-established facts from the countless reports of the Specialized Agencies, Non-Governmental organizations, and the Security General of the United Nations demonstrate that the humanitarian situation in Iraq is, in a word, a "catastrophe".

9) After the Gulf War and under the effect of sanctions, it is estimated that Iraq's GDP may have fallen by nearly two-thirds in 1991, owing to an 85% decline in oil production and the devastation of the industrial and services sectors of the economy. Agricultural growth has since been erratic and manufacturing output has all but vanished. The material mortality rate increased from 50/100,000 live births in 1989 to 117/100,000 in 1997. The under-five child mortality rate increased from 30.2/1000 live births to 97.2/100 during the same period. The infant mortality rate rose from 64/1,000 births in 1990 to 129/1,000 in 1995. Low birth weight babies (less than 2.5 kg) rose from 4% in 1990 to around a quarter registered births in 1997m due mainly to maternal malnutrition. As many as 70% of Iraqi women are suffering from anemia. The dietary energy supply had fallen from 3.120 to 1.093 kilo calories per capita/per day by 1994-95. The prevalence of malnutrition in Iraqi children under five almost doubled from 1991 to 1996 (from 12% to 23%). Malnutrition problems stem from the massive deterioration in basic infrastructure, in particular in the water supply and waste disposal systems. Access to portable water is currently 50 % of the 1990 level in urban areas and only 33% of rural areas. In Central and Southern governorates 83% of school buildings needed rehabilitation, with

8,613 out of 10,334 schools having suffered serious damage. Some schools with a planned capacity of 700 pupils actually have 4500 enrolled in them. Substantive progress in reducing adult and female illiteracy has ceased and regressed to mid-1980 levels. The accelerating decline of power sector has had acute consequences for the humanitarian situation. The total remaining installed capacity today is about 7,500 mw, but inadequate maintenance and poor operating conditions have reduced the power actually generated to about half that figure at 3,500 mw. Aging equipment and the continuing effects of war damage have caused deterioration at nearly every level. The cumulative effects of sustained deprivation on the psycho-social cohesion of the Iraqi population are worth mentioning. There has been an increase in juvenile delinquency, anxiety about the future and lack of motivation, a rising sense of isolation bred by absence of contact with the outside world, the development of a parallel economy replete with profiteering and criminality, cultural and scientific impoverishment, and disruption of family life. The cumulative effect of the embargo and economic decline on the social fabric of Iraq is particularly evident.

10) as of this date, one and a half million Iraqis, mostly children, the frail and the elderly, have died as a direct result of the sanctions. Approximately five thousand children are dying every month. The devastating long-term effects of the radiation resulting from the depleted uranium weapons used by the American and British forces in Iraq are beginning to take their toll on the population, the genetically-deformed new born and the environment. The erosion of the vast numbers of DU shells, the burnt-out tanks and other armoured vehicles has now seeped into the sub-soil and the water table. The radiation has entered the food chain and the latest effects of their contamination will continue for generations and will be impossible to eradicate. All this constitutes a clear act of genocide, which is being perpetrated in the name of the United Nations.

11) The approach adopted against Iraq demonstrates the failure to follow the political and diplomatic means for the solution of international problems recognized by the Charter and international law. Instead a policy of aggression, destruction and revenge seem to have been employed by the forces controlling the mainstream of international relations at present in pursuit of unilateral interests rather than the collective interests of the international community. This approach, which is evidently espoused by the United States and the United Kingdom, is no longer a "hidden agenda" as it had been declared publicly on numerous occasions by American and British officials at the highest level. This policy kept the region in a state of tension and instability at the expense of restoring peace and security, in order to maintain a firm control over its oil resources. The rules and standards of international law and the Charter have been manipulated and often violated. They have also been completely ignored when they proved to be a troubling constraint.

12) The sanctions inflicted upon the people of Iraq for nine years now, though harsh and unprecedented in their damaging injustice, have failed to undermine the resolute steadfastness of the people of Iraq in their determination to realize justice under international law and the U.N Charter. It is in this spirit of moral determination and the rule of law that Iraq addresses itself to the collective wisdom and understanding of the Organization of African Unity, as well as the fraternal support of the Governments and peoples of its member States. In this regard, Iraq demands nothing more than the application of the resolutions of the Council legally and fairly, which requires the objective assessment of the record of implementation by Iraq. Iraq is firmly convinced that once this is done, the sanctions have no way of being continued to be imposed on the Iraqi people.