

Improving the Humanitarian Situation in Iraq: Provisions of Existing UN Security Council Resolutions

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1 Inadequate Response by UN Security Council to Humanitarian Situation in Iraq

Economic, social and public health indicators, specifically mortality rates in the under-five demographic group and malnutrition rates, are commonly used by humanitarian organizations (including UN agencies) to portray the devastating effects of UN sanctions in post-Desert Storm Iraq. A recent, quantitative analysis concluded that, conservatively, between 106,000 and 227,000 Iraqi children under the age of five have died as a result of the conditions imposed by sanctions.² Moreover, the report of the Humanitarian Review Panel on Iraq, commissioned by the Security Council, states, “...it is the panel’s view that, under current conditions the humanitarian outlook will remain bleak and become more serious with time.”³ The report also presents alarming statistics on increases in infant mortality rates and the prevalence of chronic malnutrition. Coupled with recent acknowledgements of the inability of the “Oil-for-Food” Program to provide for the basic needs of the population, these assessments indicate the need for an urgent, far-reaching reappraisal of current UN humanitarian operations in Iraq.⁴

Existing UN Security Council resolutions pertaining to Iraq contain important provisions that could facilitate the exploration and implementation of more effective humanitarian relief mechanisms. The objective of this memorandum is to highlight some of the ‘modalities’ of current resolutions, as a means of stimulating a more proactive approach – designed to enhance the humanitarian dimension of UN relations with Iraq.

¹ The opinions and policy recommendations outlined in this paper are the sole responsibility of the author, and do not necessarily reflect the views of, or an endorsement of any policy position on the part of, the Massachusetts Institute of Technology.

² Richard Garfield, *Morbidity and Mortality among Iraqi Children from 1990 to 1998: Assessing the Impact of Economic Sanctions*, Occasional Paper Series (16:OP:3) of the Joan B. Kroc Institute for International Peace Studies and the Fourth Freedom Forum, Indiana (Goshen, Indiana: Fourth Freedom Forum, March 1999).

³ United Nations Security Council, *Report of the three Panels on Iraq established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100)* United Nations Security Council, Report # S/1999/356 (New York: United Nations, March 30, 1999) : Annex II, para. 45.

⁴ In the recent report to the Security Council which provides a 2-year review of the “Oil-for-Food” program, the Secretary General notes: “...[the programme] cannot – and was never meant to – meet all the humanitarian needs of the Iraqi people...” United Nations Security Council, *Review and Assessment of the Implementation of the Humanitarian Programme Established Pursuant to Security Council Resolution 986 (1995) (December 1996-November 1998)*, Report # S/1999/481 (New York: United Nations, April 28, 1999) : para. 115.

2 Provisions under Existing UN Security Council Resolutions

While several UN Security Council resolutions on Iraq contain some reference to the alleviation of humanitarian suffering, three, in particular, contain explicit provisions for the basic needs of the population under sanctions: resolution 666 (1990), resolution 687 (1991) and resolution 986 (1995).⁵ To date, these provisions have not been exercised to their fullest extent.

2.1 Resolution 666 (13 September 1990)

Paragraph 5 of UN Security Council resolution 666 of September 13th 1990, states:

“Decides that if the Committee [661 Committee], after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve humanitarian suffering, it will report promptly to the Council its decision as to how such need should be met;”

The Committee established under resolution 661 (6 August 1990) has before it both the report of the Humanitarian Review Panel, and the 2-year review of the “Oil-for-Food” Program – each of which unambiguously highlights the urgent humanitarian need.⁶ The 611 Committee, under resolution 666 (section above), is mandated to report to the Security Council **“its decision”** on how to meet the humanitarian need.

Recommendation / Action: The 661 Committee implicitly has the authority to **decide** what strategies should be put in place to improve the situation – a role which the Committee has not exercised with sufficient zealotry to date. The Committee should take a more active role, working in consultation with the Office of the Iraq Program, in developing alternatives to meet the humanitarian needs of the Iraqi people. Possible strategies include the initiation of a “cash component”; a “Gas-for-Food” program; expanded bilateral trade with Jordan etc. Such recommendations need not be restricted solely to improving existing mechanisms, but could look beyond the mandate of “Oil-for-Food”.

2.2 Resolution 687 (3 April 1991)

In addressing the humanitarian situation in Iraq, paragraph 23 of UN Security Council resolution 687 (3 April 1991) states:

“Decides that ... the Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;”

Therefore, the 661 Committee is already **empowered** to approve exceptions to the import of goods originating in Iraq – not limited only to oil – to ensure adequate financial revenues to meet the humanitarian needs of the population. Clearly, the revenues under the “Oil-for-Food” are currently insufficient for Program implementation – this resolution provides for the expansion of the existing framework to include other commodities. In addition, resolution 986 (1995) in no way supercedes the authority designated to the 661 Committee in this regard.

Recommendation / Action: In conjunction with the provisions of resolution 666 noted in Section 2.1 above, the 661 Committee should approve the expansion of the existing activities of the Office of the Iraq Program to generate additional revenue. Specifically, this section of resolution 687 obviates the need for further Security Council approval (in the form of a resolution) to permit imports of other goods and commodities from Iraq.

⁵ While other resolutions do contain provisions for the alleviation of humanitarian suffering, only these three dominant resolutions will be assessed here.

⁶ See fn. 2 & 3 for complete reference to these reports.

2.3 Resolution 986 (14 April 1995)

The role of the Secretary General in implementing Security Council resolution 986 (14 April 1995) is outlined in paragraph 13:

“Requests the Secretary-General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;”

In his supplemental report of 1 February 1998 (S/1998/90), and in subsequent reports to the Security Council – notably the two-year review of the “Oil-for-Food” Program (S/1999/481), the Secretary General outlined several recommendations for improving implementation of resolution 986.⁷ Despite this, the Secretary General recognizes that current mechanisms are ineffective. Resolution 986 (section above) **authorizes** the Secretary General to enter into **“any necessary arrangements”** to ensure effective implementation of the Program.

Recommendation / Action: In conjunction with the Office of the Iraq Program and the 661 Committee, the Secretary General should take the lead in: (1) expanding the humanitarian program to include the sale of additional commodities by Iraq, (2) establishing a “cash component” for local implementation in the South/Center of Iraq, and (3) devising and implementing key initiatives to ameliorate the current humanitarian circumstances.

3 Conclusion

This memorandum highlights the provisions of existing UN Security Council resolutions that could be called upon to expand the scope of UN humanitarian operations in Iraq – without the need for additional authorization from the Council. The role of the 661 Committee and the Secretary General is clearly defined in these resolutions. The key here is that new resolutions are **not** required to make significant improvements in the short term – however, what **is** required is a radical review and expansion of the current “Oil-for-Food” Program.

The 661 Committee could, in consultation with the Office of the Iraq Program, suggest means of improving the current situation, and consequently, could decide how these recommendations are to be implemented (resolutions 666 & 687).

Continued efforts by the Secretary General to suggest improvements in the humanitarian situation in Iraq notwithstanding, interventions and recommendations to date have proven insufficient. The Secretary General should therefore expand the mandate of the Office of the Iraq Program, working in conjunction with the 661 Committee, to devise and implement new strategies to improve the situation in the short term. Furthermore, the Secretary General should initiate a more comprehensive approach to the provision of humanitarian assistance in the long-term. As an initial step, the Secretary General could authorize (under resolution 986) a Humanitarian Task Force on Iraq, with the specific objective of devising a more effective, future-orientated humanitarian program.

The **“bottom line”**: Both the 661 Committee and the Secretary General could assume a more proactive role in improving the humanitarian situation in Iraq.

⁷ United Nations Security Council, *Report of the Secretary-General Pursuant to Paragraph 7 of resolution 1143 (1997)*, Report # S/1998/90 (New York: United Nations, 1 February 1998); United Nations Security Council, *Review and Assessment of the Implementation of the Humanitarian Programme Established Pursuant to Security Council Resolution 986 (1995) (December 1996-November 1998)*, Report # S/1999/481 (New York: United Nations, April 28, 1999).