

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Ms. PRYCE. Mr. Speaker, due to inclement weather in my district, I was unavoidably detained and not able to vote earlier this week. Had I been present, I would have voted "aye" on rollcall No. 866, "aye" on rollcall No. 867, "aye" on rollcall No. 868, "no" on rollcall No. 869, and "aye" on rollcall No. 870.

CORRESPONDENCE WITH ROLF EKEUS OF UNSCOM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. HAMILTON. Mr. Speaker, on November 1, 1995 I wrote to Mr. Rolf Ekeus, the Executive Chairman of the Office of the U.N. Special Commission [UNSCOM] in charge of weapons destruction and monitoring in Iraq. My basic question was: Why doesn't UNSCOM release the names of companies providing dual-use or military items to Iraq?

Mr. Ekeus' basic answer is that UNSCOM cannot carry out its weapons dismantlement tasks without the help of sovereign governments, sovereign governments—often because of ongoing legal cases—want to control the release of information about companies, and releasing the names of companies without the approval of sovereign governments will undermine the ability of UNSCOM to carry out its important mission.

I appreciate Mr. Ekeus' response, but I am still of the belief that sunshine is a powerful deterrent, and I will want to pursue this question further.

The text of the correspondence follows:

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, November 1, 1995.

Hon. ROLF EKEUS
Chairman, U.N. Special Commission on Iraq,
United Nations Headquarters, New York,
N.Y.

DEAR MR. CHAIRMAN: I write with respect to the question of companies that supplied or are supplying dual-use goods, services or technology to Iraq, and the use of those dual-use items in Iraq's programs to build weapons of mass destruction.

At the time of the creation of UNSCOM by UN Security Council Resolution 687 in April, 1991, it had been my impression, from both you and from U.S. officials, that the names of companies supplying dual-use items to Iraq eventually would be made public. Thus far, to my knowledge, no such list has been made public.

I continue to think that it is important to make a list of all such companies public, on the theory that sunshine is the best deterrent of such transfers of dual-use items in the future.

I would like to ask a number of questions:

1. Why has a list of companies supplying dual-use items to Iraq not been made public? When will a list of such companies be made public?

2. What is the policy of UNSCOM on the publication of such a list of companies?

Does UNSCOM set policy on disclosure of names of companies itself, or is it acting on instructions of the Security Council or members of the Security Council?

Is it the policy of UNSCOM to defer to individual governments on the publication of such information? If so, why?

3. Do you agree that the publication of such a list of companies would serve as an important deterrent on future dealings with Iraq in dual-use items?

What steps can be taken to bring about the publication of such a list?

What additional steps can be taken to deter future transfers of dual-use items to Iraq?

Thank you for your time and attention, and I look forward to your early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

UNITED NATIONS
SPECIAL COMMISSION,
December 14, 1995.

Hon. LEE H. HAMILTON,
Ranking Democratic Member, Committee on
International Relations; House of Rep-
resentatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: Thank you for your letter of 1 November 1995. I appreciate your letting me know of your concerns and inviting me to give my response. I regret the delay in this letter, but I was away from the United States much of November, principally in the Gulf region.

Your personal attention to our mission is highly appreciated and important as Iraq's insistent efforts in retaining and reacquiring weapons of mass destruction is and should remain of public concern.

Given the importance of foreign acquisition for Iraq's WMD programmes, the Special Commission gives priority to the task of securing as much information as possible on foreign suppliers to Iraq. It is especially important to map out Iraq's supplier network. In this respect, UNSCOM has so far been quite successful, thanks very much to the support from governments of those States from which supplier companies have been operating. Each case of export to Iraq of prohibited or dual-use items has to be carefully explored and investigated. Access to the companies concerned is crucial for the in-depth investigation. To get such access, UNSCOM has in practice to get the approval of the government concerned. Otherwise, governments would, no doubt, be upset were UNSCOM to initiate investigations without consent on their national territory. Our experience is that governments are cautious in providing access, and that without government support to the Commission's investigations, companies are at liberty to refuse talking to our experts. Over time, the Special Commission has learnt that a primary concern of governments appears to be the question of confidentiality. This requirement is applied almost on a universal basis. It means that if data like the name and iden-

tity of a company, and of the country of a supplier could be suspected to be published, the government would refuse access for investigation of the company concerned. Without government pressure, the supplier company would tend to be even more uncooperative. Thus, publication of data on supplier companies would have a devastating effect on the continuous and future efforts by the Special Commission to effectively block Iraq from retaining or reacquiring proscribed weapons.

These explanations should serve to set the background to the answer to your first question, namely that at the present, it is not advisable for the Special Commission to make public the names of foreign suppliers.

Concerning the policy of the Special Commission on the publication of names of suppliers, I can state that the data on suppliers are kept safely within the Headquarters in New York. Information concerning a supplier is, as a matter of policy, shared with the government of the supplier-country, with requests for further information (through interviews with visits and/or interrogation) of the company concerned.

This policy was originally formulated by the Special Commission and presented in briefings to the Security Council. A strong and vigorous support for the policy so defined has been the answer to these briefings.

I agree that the publication of a list on the names of supplier companies could serve as a deterrent on future dealings with Iraq in dual-use items. But such a publication would at the same time bring an end to practically all efforts of the Special Commission to get indispensable support and intelligence from the governments and information from the named companies. That would seriously compromise the task of the Special Commission to identify and eliminate all proscribed weapons in Iraq.

When our policy was originated, it was considered that publication of a list of names of companies could lead to certain presumptions which might very well be unjustified. Prior to the Gulf War, there was no ban on many of the dual-use items and chemicals exported to Iraq. Furthermore, Iraq frequently used agents and front companies to purchase items which were banned or controlled under certain multilateral export control systems, and resorted to false declarations as to destination and end-user. The supplier company, in such circumstances, could have been completely ignorant of the ultimate destination of the items concerned. It is because of these difficulties that the Special Commission reports the name of a company, which it identifies as the source of now proscribed items or materials in Iraq, only to the government in which that company is established. The government then, in most cases, assists in the investigation of the circumstances, of the export concerned and, where those circumstances so justify, undertakes prosecution of the offender. The Special Commission can support such prosecution through the supply of evidence in its possession and, in certain circumstances, through the provision of expert witnesses. Prosecution of a company, which is necessarily public, is surely the most powerful deterrent in convincing other companies not to engage in illegal trade. The Special Commission has every reason to believe that its policy has led to its gaining a much wider

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.