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Iraq: UN Security Council Considers the Humanitarian Panel's Report on Sanctions

A summary of Amnesty International's position and concerns

In January 1999, the Security Council decided to establish three separate technical panels on Iraq to review the situation and ongoing UN actions. The first panel examined disarmament and verification issues. The third panel investigated the issue of prisoners of war and Kuwaiti property. The second panel was asked to assess the current humanitarian situation in Iraq and make recommendations for improving it. This panel submitted its report to the Security Council on 30 March 1999.

Amnesty International does not take a position on the issue of sanctions as tools for influencing government behaviour. However, Amnesty International believes that the Security Council, as the body that has imposed sanctions on Iraq, has a responsibility to carry out periodic reviews of the impact of sanctions on the human rights of the Iraqi population. Now that a review has been carried out, Amnesty International believes the Security Council must take appropriate action on the recommendations of the panel it has commissioned on the humanitarian situation in Iraq with a view to ensuring that human rights considerations are fully taken into account.

The humanitarian panel's report concluded that "the gravity of the humanitarian situation of the Iraqi people is indisputable and cannot be overstated. Irrespective of alleged attempts by the Iraq authorities to exaggerate the significance of certain facts for political propaganda purposes, the data from different sources as well as qualitative assessments of bona fide observers and sheer common sense analysis of economic variables converge and corroborate this evaluation."

According to the report, infant mortality rates in Iraq are now among the highest in the world and only 41 percent of the population have regular access to clean water. The report also noted that population's dependence on humanitarian supplies has "increased government control over individual lives."

The report does not exempt the government of Iraq from responsibility for the ongoing humanitarian crisis. But it notes that, "Even if not all suffering in Iraq can be imputed to external factors, especially sanctions, the Iraqi people would not be undergoing such deprivations in the absence of the prolonged measures imposed by the Security Council and the effects of the war."

To meet pressing humanitarian needs, the panel concludes that additional revenue, more humanitarian assistance and better distribution are required. It recommends that the Security Council lift the ceiling of allowable oil exports and facilitate the provision of spare parts to enable Iraq to increase its export capacity, and allow private foreign investment in the oil industry and agriculture. To the Iraqi government, the panel recommends that it facilitate the timely distribution of humanitarian goods, address the needs of vulnerable groups, especially street children, the disabled, the elderly and the mentally ill, and ensure that those involuntarily displaced receive adequate humanitarian assistance.

Research by several international organizations, including UN agencies, indicates that the impact of sanctions on Iraq (whether directly or resulting from the manner in which the Iraqi Government has responded to the sanctions, or both) has resulted in violations of the right to life, among other rights, of civilians -- in particular children.

Amnesty International strongly supports the position of the UN Committee on Economic, Social and Cultural Rights, elaborated in General Comment No. 8 (E/C.12/1997/8), adopted on 8 December 1997, that "inhabitants of a given country do not forfeit their basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms relating to international peace and security." For this reason, the Committee stated, "In considering sanctions, it is essential to distinguish between the basic objective of applying political and economic pressure upon the governing elite of the country to persuade them to conform to international law, and the collateral infliction of suffering upon the most vulnerable groups within the targeted country." The Committee identified three obligations for the parties imposing sanctions. First, human rights "must be taken fully into account when designing an appropriate sanctions regime." Second, "effective monitoring...should be undertaken throughout the period that sanctions are in force." And finally, those imposing sanctions must take measures "to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country."

In light of the findings and recommendations of the Security Council's humanitarian panel, Amnesty International believes the Security Council should give urgent attention to the humanitarian situation in Iraq and take all necessary measures to protect the rights of the civilian population.

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