retirement of experienced senior staff and several years of staff reductions which have impeded VBA's ability to resolve increasingly complex cases in a timely and accurate manner.

One measure of quality, the percentage of decisions appealed to the Board of Veterans Appeals (the Board) which are either reversed or remanded back to the regional offices for further work, is particularly disturbing. During fiscal year 1998, 17.2% of the appealed decisions were reversed outright by the Board. An additional 41.2% of the appeals were remanded for further action by the regional offices. Another measure of accuracy is the integrity of data relied upon by the VBA. During 1998, the VA Inspector General issued a report finding that data entered into the VBA computer system was being manipulated to make it appear that claims were processed more efficiently that was actually occurring.

Problems are not confined to the Compensation and Pension Service. In reviewing VA's compliance with statutory financial requirements, the General Accounting Office (GAO) noted that VA's home loan program was unable to perform routine accounting functions and had lost control over a number of loans which were transferred to an outside loan company for continued loan servicing. VA was not able to obtain an unqualified audit opinion as a result of these deficiencies. On February 24, 1999, VA's Inspector General reported that the $400 million vocational rehabilitation program was placed at high risk after the Quality Assurance Program for that services was discontinued in 1995.

Because of the fundamental importance of accurate and effective claims processing and adjudication by VA regional offices, and the need for effective oversight of regional office claims processing and adjudication by the Veterans' Benefits Administration, in July of 1997, I requested the GAO to review the quality assurance policies and practices of the VBA. On March 1, 1999, GAO issued its report which determined that further improvement is needed in claims-processing accuracy. In particular, GAO has determined that VBA's quality assurance activities do not meet the standards for independence and internal control.

To assure that VBA's internal quality assurance activities meet the recognized appropriate governmental standards for independence, I have introduced H.R. 1214, which provides for the establishment within VBA of a quality assurance division which comports with generally accepted government standards for performance audits. In addition, my Additional and Dissenting Views and Estimates submitted to the Budget Committee for VA's fiscal year 2000 budget requests additional funding for 250 full time employees for VBA. It is my intention that if additional staff funding is provided, some of the additional staff be used to adequately staff this program.

While VBA has made some improvements by developing an accuracy measurement which focuses on VA's core benefit work—rating claims for benefits—further improvements are needed in claims processing. Currently, there is no formal division within VBA devoted to providing the policy and program oversight necessary to assure quality and accuracy of claims processing The possible consequences of this for both veterans and taxpayers is troubling.

In fiscal year 2000, the VA will pay over $22 billion dollars in monetary benefits to veterans. Yet only nine full-time employees are allocated to STAR to oversee the quality of the claims adjudication process. Without a mandated program of quality assurance, which meets generally accepted governmental auditing standards for program performance audits, impartial and independent oversight of the quality of claims adjudication decisions will not be assured.

With the establishment of independent oversight of the quality of claims adjudication decisions, veterans can have more confidence in the decisions made by VA and the number of claims which are remanded because of the poor quality of claims adjudication will be reduced. With better initial decisions and fewer remands for re-adjudication, veterans will receive a quicker and a more accurate response. More claims will be adjudicated correctly the first time. This will not occur overnight, but without an independent oversight of the quality of claims adjudication decisions it may never exist.

The ''Veterans' Claims Adjudication Improvement Act of 1999'', H.R. 1214, will help address these problems. It changes the way decisions concerning claims for compensation and pension, education, vocational rehabilitation and counseling, home loan and insurance benefits will be reviewed and evaluated. Employees who are independent of decision makers will be devoted to identifying problems in the decision-making process. By identifying the kinds of errors made by VA personnel, VBA managers will be able to take appropriate action. Hopefully, remand rates can be significantly reduced and veterans will find that VA makes the right decision the first time the claim is presented.

We cannot expect any improvement in the timeliness of claims adjudication unless the barriers to quality decision making are identified and addressed in a systemic fashion. Our nation's veterans deserve to have their claims for VA benefits decided right the first time. By enacting H.R. 1214, Congress can help put the VA claims adjudication process on the right track. Our veterans deserve no less. I strongly urge my colleagues to support the ''Veterans' Claims Adjudication Improvement Act of 1999'' and for Congress to give this measure quick and favorable consideration.

SEARCHING FOR SANITY ON SANCTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. CONYERS. Mr. Speaker, I have been urging a solution to the Iraqi crisis which does not depend on the suffering of thousands of vulnerable and innocent people. To this end I support the easing of the economic sanctions on Iraq while simultaneously tightening the military embargo. The cost of our containment policy does not have to be the death of 5000 children a month, and in fact the American role in the embargo that causes such devastation undermines any containment we hope to achieve.

I would like to enter into the RECORD an excellent article from The Nation magazine which provides a fresh look at our Iraq policy. The article by Joy Gordon, ''Sanctions as Siege Warfare,'' presents a critique of the recent escalation in the use of sanctions to solve diplomatic crises. By detailing the latest statistics regarding suffering in Iraq, it contends that the imposition of sanctions conflicts with the United Nation's historic mission to alleviate worldwide suffering. It presents the case that the ''Iraqi experiment'' has in fact failed and that such a comprehensive sanctions regime is both unviable and beyond the administrative capabilities of the UN. The unwieldy, inefficient and inconsistent bureaucracy of the Oil-for-Food program has ensured that the UN can not even fulfill its own acknowledged prerogative to deliver urgent humanitarian aid. The program was intended as a transition, emergency operation, not a sustained effort to feed 23 million people over decades. This program is in addition to restrictions placed on ''dual use goods'' (a label which includes pencils and other items needed for schools), which the nation needs to rebuild its sanitation, health and agricultural infrastructures. Even after some limited reform, Oil-for-Food is still unable to meet the most basic needs of the people of Iraq. Some in Congress disagree with that, but I ask them where is their evidence? The World Health Organization, the United Nations Food and Agricultural Organization, UNICEF, and the Secretary General of the UN have all found otherwise.

The horror of this situation was brought to my attention most eloquently by Denis Halliday, who recently quit his job as the Assistant Secretary General of the United Nations and the director of Humanitarian Affairs in Iraq over this precise issue. The work that Halliday has undertaken along with Phyllis Bennis of the Institute for Policy Studies, has made an important contribution to bringing the indescribable human crisis in Iraq to America's attention. (I single out the United States because much of the world already knew how bad the situation in Iraq was.)

Gordon's article describes the centrality of the United States' role in perpetuating sanctions, and most significantly, the misguided justifications which underpin US policy. The US, in its self-declared role as ''world policeman,'' is turning increasingly to sanctions as a ''non-violent'' alternative to bombing campaigns. We should not allow starvation to become an alternative to diplomacy. In the long term, the implications for the general populace can be devastating. In Iraq, the interior had already been destroyed by nine years of conflict (nineteen, if one counts the Iran-Iraq war). The weak and young have suffered the most whilst those in power continue to live comfortably.

The supreme aim in Iraq, to remove Saddam Hussein, is itself unviable whilst the dictator remains bolstered by such powerful cadres and the people remain divided, mutually hostile and depoliticized. Gordon's article alludes to the fact that sanctions can only help achieve political objectives when tangible opposition movements and the apparatus for dissent already exist. This is why sanctions against South Africa were an effective tool for ending Apartheid; the African national Congress was an organized, credible, internal, popular democratic opposition. When such institutions do not exist, sanctions can be counter-productive as they have been in Iraq, perpetuating the state of crisis upon which dictatorships depend and fostering a legacy of bitterness towards the west.

It has often been said that you cannot achieve democracy by undemocratic means. I

would add as a corollary that you also cannot inspire respect for human rights by undermining them. The article below shows how the sanctions on Iraq have been as war-like as war itself, and I hope it helps to establish new criteria that will make our policy both more humane and more effective.

[From the Nation, Mar. 22, 1999]

SANCTIONS AS SIEGE WARFARE

(By Joy Gordon)

As the case of Iraq has shown, there's more than one way to destroy a nation.

The continuing American bombing of Iraq has drawn attention away from the international debate over economic sanctions against Baghdad and their toll on the Iraqi people. yet the crisis these policies have engendered in Iraq raises crucial questions about the United Nations' growing reliance on sanctions as a device of international governance. Can this modern-day equivalent of siege warfare be justified in ethical or political terms? It is a question that goes to the very heart of the UN's dual commitment to both peacekeeping and humanitarian principles.

The role of the UN in the Iraqi sanctions regime has been convoluted and contradictory from the start. Articles 41 and 42 of the UN Charter empower the Security Council to use economic tactics to keep international peace (although before sanctions were imposed on Iraq in 1990, the UN had imposed them only twice, against South Africa and Rhodesia). At the same time, the UN has an explicit commitment to the Universal Declaration of Human Rights and to the many other documents that espouse the right of every person to health, food, drinking water, education, shelter and safety. Indeed, the UN has a decades-long history of humanitarian work by its many agencies—the World Health Organization, UNICEF, UNESCO, the Food and Agriculture Organization, HABITAT and others. Thus the UN has found itself in the awkward position of authorizing a sanctions regime that is causing massive human suffering among those least responsible for Iraqi policy, while at the same time trying to meet humanitarian needs and protect those populations most harmed by sanctions—women, children, the poor, the elderly and the sick.

Although there is controversy over the precise extent of human damage, all sources agree that it is severe. Voices in the Wilderness, an antisanctions activist group based in Chicago, has used the figure of 1 million children dead from the sanctions; the Iraqi government claims 4,000–5,000 deaths per month of children under 5. Even US Secretary of State Madeleine Albright does not contest how great the human damage has been, but has said, ''It's worth the price.'' Richard Garfield, an epidemiologist at Columbia University who analyzes the health consequences of economic embargoes, calculates that 225,000 Iraqi children under 5 have died since 1990 because of these policies—a figure based on the best data available from UN agencies and other international sources. The Red Cross World Disasters Report says underweight births have gone from 4 percent in 1990 to 25 percent in 1998. While it is harder to calculate the impact of the economic devastation on adults, it is quite acute, particularly for women. In 1997 the Food and Agriculture Organization estimated that chronic malnutrition in the general Iraqi population was as high as 27 percent, with 16 percent of adult women under 26 undernourished and 70 percent of women anemic.

The Iraqi crisis shows how peculiarly unsuited the UN is to manage a sanctions regime. This is partly because it had imposed sanctions so rarely before and partly because of its longstanding commitment to alleviating poverty rather than causing it. The fact that the sanctions against Iraq are so extensive and so novel has forced the UN to generate from scratch an extraordinarily elaborate set of mechanisms to manage them, through which it attempts to reconcile its conflicting commitments.

From the beginning, the UN both predicted an impending humanitarian disaster and made moves to alleviate it. The UN began assessing the human damage immediately after the Persian Gulf War, when it made an initial, ill-fated proposal to allow Iraq to sell oil for food. The Security Council formed the ''661 committee,'' consisting of representatives of each nation in the Security Council, to monitor the sanctions against Iraq established in SC Resolution 661. At the same time, the committee was also responsible for granting humanitarian exemptions to the sanctions. The result was that it put in place procedures that in fact functioned as obstacles to any smooth influx of food and medicine. A cumbersome sanctions bureaucracy scrutinized and approved or denied every contract, the proposed quantity of goods, their price and their intended use.

To sell humanitarian goods to Iraq, a company would submit an application to its national mission at the UN, which would then turn it over to the 661 committee. But the 661 committee did not publish any criteria for approval, and its meetings were closed sessions at which neither Iraq nor the vendors were allowed to have representatives present to answer questions or offer information in support of the contract. The application process typically took months, sometimes as long as two years. And the committee's rulings were inconsistent—the same goods sold by the same company might on one occasion be deemed permissible humanitarian goods and on another be flatly denied without explanation.

In addition, during this period all fifteen members of the committee had to approve exemptions by consensus; thus any nation could effectively exercise veto power or cause repeated delays of weeks or months simply by asking for more information. As a result, it was expensive and exasperating even to apply to sell food and medicine to Iraq. On small British company that sold medical supplies described the process: First, to talk to an Iraqi buyer, public or private, the seller had to apply for a license to negotiate, which could take three to four weeks. Once buyer and seller came to an agreement, the seller had to apply for a supply license, which could take up to twenty weeks. In the meantime, Iraq's currency would have devalued substantially, so the buyer might not be able to afford quantity of goods or might need more time to raise the additional hard currency. But that would require a change in the terms of the application, and any change in the application meant the whole process began again. Thus the red tape undermined Iraq's ability to import even those urgent humanitarian goods permitted under the sanctions.

While food and medicine were theoretically permitted during this time, ''dual use'' goods were flatly prohibited. Under the terms of the sanctions, ''dual use'' items are those that have civilian uses but also may be used by the military or more generally to rebuild the Iraqi economy. Dual-use goods include pesticides and fertilizer, spare part for crop-dusting helicopters, chlorine for water purification, computers, trucks, telecommunications equipment and equipment to rebuild the electrical grid. Anything that might go toward rebuilding the infrastructure, or toward economic poverty generally, is labeled ''dual use.'' Yet Iraq's infrastructure had been devastated by massive bombing during the Gulf War, which destroyed or caused extensive damage to water treatment plants, dams, generators and power plants, pipes and electrical systems for irrigation and desalinization of agricultural land, textile factories, silos, flour mills, bakeries and countless other buildings and resources. While Iraq was in principle allowed to import food and medical supplies, it was prohibited from buying the ''dual use'' equipment needed to grow and distribute food, to treat and distribute potable water, and to generate and distribute electricity for irrigating crops, refrigerating food and operating hospital equipment. The damage to water treatment plants and water distribution networks caused, among other things, a cholera epidemic and increases in waterborne diseases, infant diarrhea, dehydration and infant mortality.

Although bureaucratic obstacles effectively prevented much humanitarian material from reaching Iraq, the UN did grant humanitarian exemptions and heeded some criticisms based on humanitarian concerns. At the urging of the UN Secretary General, the 661 committee streamlined many of its procedures. But the basic policies remained intact—humanitarian goods required prior approval, and the ban on dual-use goods remained in place. And when the UN's interest in security and humanitarian concerns came into conflict, the interest in security still trumped.

In 1996 the Security Council and Iraq agreed to an Oil for Food program (OFF), which provides a mechanism for the purchase of goods except where the 661 committee has a specific objection, and then monitors their distribution and use. Under OFF, Iraq was initially authorized to sell $2 billion of oil in any six-month period (the limit was later increased to $5.3 billion). The extensive presence of UN humanitarian agencies in Iraq (as well as UNSCOM) is funded by the oil sales themselves. There are more than 400 international UN staff in Iraq and another 1,300 Iraqis on the UN staff. In the northern sector of the country the UN has taken over an entire range of governmental functions on behalf of (and with the agreement of) the Iraqi government—including food distribution, agriculture, nutrition programs, distribution of medical supplies, dam repair, renovation of schools, installation of water pumps and the provision of printing equipment for school textbooks.

In the central and southern governorates, the mandate of the UN agencies is only to assist and monitor the government in such functions. Even so, UN staff determine whether resources are adequate to meet ''essential needs'' in a given area, and they document and confirm the equitable distribution of food, distribution and storage of medical supplies, and the use of water and sanitation supplies. Iraq submits proposals for every purchase with oil funds—every gear, pipe, chemical, valve, piece of plywood, steel bar and rubber tube, for a country of 22 million people, on which it proposes to spend the $2.9 billion expected to come from the current phase of Oil for Food. For each of these items, Iraq is required to specify not only the exact use but the particular end user—which grain silo will be using each of the conveyor belts Iraq wishes to purchase. Although the UN bureaucracy now processes these contracts quickly, there are still substantial delays when the seller fails to provide enough details in the application or when its nation's UN mission is slow to submit the paperwork.

The intricacy of the process for obtaining purchase and contract approval pales in comparison to the thoroughness with which each item is observed and documented once it arrives in Iraq. At the border, inspection

agents under contract to the UN document the arrival of every item, verify quantity and quality, and conduct lab tests to confirm that the goods conform to the contract. Once the goods have crossed the borders, UN observers then confirm the transit of all goods, their storage and equitable distribution, and they document the end use. Finally, UN staff review the documentation of the hundreds of UN observers. All this is paid for by 2.2 percent of the Iraqi oil sales—as of November 1998, $207 million. Precisely because the system of verification is so thorough, the Security Council has been willing to grant permission for some dual-use goods to enter the country. The 661 committee has allowed purchases, for example, of chlorine gas for water purification and spare parts for crop-dusting helicopters because UN personnel were in Iraq to verify the location and use of each canister of chlorine and the installation of each helicopter part and the destruction of the old parts.

Relative to other UN programs around the world, those in Iraq are highly elaborate and expensive. Yet they do not come close to meeting the country's needs, according to the Secretary General's report of last fall. Although the quantity of chlorinated water is greater now, the water distribution system has deteriorated so much that by the time it arrives in people's homes, the water is not consistently potable. The emergency parts for electrical generators that do arrive merely slow down the deterioration of the electrical system, the power cuts are expected to be worse next year than this year. There are 210 million square meters of minefields, and the UN's three mine-detector dog teams (a total of six dogs) can barely make a dent.

It does not seem that the strcture of the UN sanctions on Iraq could be duplicated in other situations. The expense of an elaborate bureaucracy, which closely monitors virtually all the goods Iraq has been permitted to purchase, is possible only because Iraq is paying for it. And that, in turn, is possible only because Iraq's wealth is so vast, and so easily converted to cash. Were it not for Iraq's wealth and the Security Council's success in tapping it, monitoring the sanctions regime and its humanitarian exemptions would cost far more than the UN could ever afford. Since most sanctioned countries—Yugoslavia, for example—don't have resources that can be tapped in the way Iraqi oil has been, it is hard to imagine that there could be many more sanctions-and-exemptions regimes of this scale.

While the sanctions against Iraq are in many ways anomalous, they nevertheless provide a graphic demonstration of how such extreme sanctions are implemented and justified. Just as the Gulf War offered a testing ground for new alliances and new weapons in the post-cold war world, the sanctions against Iraq have been an experiment in nonmilitary devices of international governance. Both the United States and the UN are exhibiting a growing reliance on economic sanctions to achieve their aims around the world, even if in areas outside Iraq the sanctions regimes are somewhat less ambitious.

Although the UN had imposed sanctions only twice between 1945 and 1990, it has done so eleven times since then. But even this is very little in comparison with the frequency of US sanctions. Between 1945 and 1990 sanctions were imposed worldwide in 104 instances; in two-thirds of these, the United States was either a key player or the sanctions were unilateral actions by the United States with no participation from other countries. Since 1990 the United States' use of sanctions has increased by an order of magnitude. As of 1998, it imposed economic sanctions against more than twenty countries.

Even as it has been using sanctions on its own behalf, the United States has spearheaded many of the Security Council's recent sanctions efforts. While it would be incorrect to treat the Security Council as simply a naked tool of US hegemony (as much as Jesse Helms would like that to happen), the United States does have disproportionate influence both because of the veto power it holds as one of the five permanent members and because of its economic influence globally. And its leverage has only increased in recent years as Russia's willingness to exercise its veto power has been tempered by its dependence on the West for massive capital investment.

In 1990, sanctions appeared to be a nearly ideal device for international governance. They seemed to entail inconvenience and some political disruption but not casualties. Unlike the situation in Somalia, sanctions in Iraq did not involve troops. Because sanctions seemed to incur less human damage than bombing campaigns, peace and human rights movements found them attractive as well. Indeed, many of those opposing the Gulf War in 1990 urged the use of sanctions instead.

But what Iraq shows us is that it is now possible for sanctions to cause far more than inconvenience or international embarrassment. In the absence of a Soviet bloc as an alternative source of trade, it is now possible to construct a comprehensive sanctions regime that can absolutely break the back of any nation with a weak or import-dependent economy. Iraq has also demonstrated, quite graphically, that sanctions can cause fully as much human suffering as even a massive bombing campaign. Iraqi casualties from the Gulf War were in the range of 10,000 to 50,000. Casualties attributed to sanctions are anywhere from ten to thirty times that—and that's only counting the deaths of young children.

This ought to raise serious ethical concerns, since sanctions (like their low-tech predecessor, siege warfare) historically have caused the most extreme and direct suffering to those who are the weakest, the most vulnerable and the least political. At the same time, those who are affected last and least are the military and political leadership, who are generally insulated from anything except inconvenience and the discomfort of seeing ''the fearful spectacle of the civilian dead,'' to use Michael Walzer's phrase. However devastating their effects on the economy and the civilian population may be, sanctions are rarely successful in achieving changes in governmental policy or conduct. Sanctions, like siege warfare, have generally been perceived by civilian populations as the hostile and damaging act of a foreign power. Sanctions, like siege warfare, have generally resulted in a renewed sense of national cohesion, not domestic pressure for political change. The most generous scholarship on this issue holds that in the twentieth century, sanctions achieved their stated political goals only about one-third of the time. But even that figure is disputed by those who point out that in most of these cases there were other factors as well; a more critical estimate places the success rate at less than 5 percent. In the other ''success'' cases—such as South Africa, which is often cited to show that ''sanctions can work''—there were major factors other than sanctions. Many have suggested that the end of apartheid was due to internal political movements as much as to international sanctions. South Africa was also atypical in that those most affected by the sanctions also supported them. If not sanctions, then what? Is bombing preferable to sanctions as a device to ''punish rogues'' and enforce international law? Without the sanctions option, it is sometimes argued, the militarists will just say there is no longer an alternative to bombing. But the Iraq situation demonstrates that sanctions are not merely a ''problematic'' or ''less than ideal'' form of political pressure. Rather, they are an indirect form of warfare. Not only are they politically counterproductive, but sanctions directed toward the economy generally (as opposed to, say, seizing personal assets of leaders) are inherently antihumanitarian.

Denis Halliday, the former Assistant Secretary General of the UN, resigned in protest last fall, saying that he no longer wished ''to be identified with a United Nations that is . . . maintaining a sanctions programme . . . which kills and maims people through chronic malnutrition . . . and continues this programme knowingly.'' His conclusion seems very like US Supreme Court Justice Harry Blackmun's position on the death penalty in his 1994 dissent in Callins v. Collins: For the death penalty to be constitutional, it must be applied equally in like cases; but at the same time, the sentencing judge must have the option of granting mercy based upon the circumstances. These two requirements, Blackmum reasoned, are irreconcilable, and no amount of ''tinkering'' will somehow make the contradiction dissolve. Likewise, no amount of tinkering will make sanctions anything other than a violent and inhumane form of international governance. It is hard to articulate any greater good that can justify the deliberate, systematic imposition of measures that are known to increase chronic malnutrition, infant mortality and the many varieties of human damage that impoverishment inflicts.

SENSE OF HOUSE REGARDING HUMAN RIGHTS IN CUBA

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for H. Res. 99. If you follow Cuban policy at all, I know you will agree with me that it is disappointing to see this Administration yield to this hemisphere's last remaining dictator, Fidel Castro. Not long ago, President Clinton announced a new proposal to loosen the trade embargo on the Government of Cuba. The embargo was codified because of the murder of unarmed American citizens. I believe that Castro has done nothing to warrant any reevaluation of the sanctions imposed on his regime. Now, almost three years later, the President has taken steps that not only breathe new life into the brutal Castro dictatorship, but he is trying to circumvent U.S. law.

Now, we learn that the Clinton Administration has decided to hold our American pastime hostage. If the President gets his way, the Baltimore Orioles will face a Cuban National team in Havana on March 28th of this year. It is appalling to me that the President is using baseball to push friendly relations with the Cuban dictatorship. This will be the first Major League Baseball visit to Havana since 1959, and it couldn't come at a worse time. A Cuban court has just convicted the island's four top opposition leaders for sedition.

Vladimiro Roca Antunez, Martha Beatriz Roque Cabello, Felix Bonne Carcases, and Rene Gomez Manzano were arrested in 1997 after petitioning the regime for immediate reforms and publishing a pamphlet entitled ''The