

GLOBAL INSIGHTS

Weapons of Mass Destruction and the United Nations



Jessica Tuchman Mathews

What Happened in Iraq? The Success Story of UN Inspections

This is an extraordinarily important moment for the United Nations. Before attention is lost in the controversies over the war itself and in the challenges of its aftermath, the UN must capture, clarify, and publicize the record of international inspections in Iraq: for itself, for member governments, and for the public. Was the process encompassing the UN Special Commission (UNSCOM), the International Atomic Energy Agency (IAEA), and the UN Monitoring, Verification and Inspection Commission (UNMOVIC) from 1991 to 2003 a success? Or was it the bumbling embarrassment, the “sham,” portrayed by top U.S. officials and still understood that way by the American public—and perhaps by the public elsewhere?

The bottom line is that it was in fact a rather striking international success that stands out in the record of recent decades. However, it is a success studded with weaknesses that need to be understood and corrected and one that, because it is not yet *recognized*, is not fully real. Without a concerted analytical effort, the record of what actually happened, and its very real promise for the future, could easily be lost.

In the surging controversy over British and U.S. intelligence failures in Iraq, a critical fact is still largely unnoticed: while the national intelligence services were getting it wrong, UN inspectors were getting the picture largely right.

In 1991–1998, UNSCOM and the IAEA—while facing unrelenting Iraqi opposition and obstruction—successfully discovered and eliminated most, if not all, of Iraq’s unconventional weapons and production facilities and destroyed or monitored the destruction of most of its chemical and biological weapons agents. Iraq’s most secret program—its biological weapons program—was discovered through painstaking

detective work and was reported to the Security Council four months before the defection of Saddam Hussein's son-in-law Hussein Kamel. UNSCOM also uncovered covert transactions between Iraq and more than five hundred companies from more than forty countries—a body of work that assumes fresh significance in the light of recent disclosures of the nuclear sales network of Pakistan's A. Q. Khan. Also, inspectors put in place a mechanism to track and block banned exports and imports.

In the months immediately preceding the war, UN inspectors' assessments of Iraq's programs were remarkably close to what has since been found—and far more accurate than U.S. or British prewar beliefs. UNMOVIC was permitted to operate for less than four months, and only for a matter of weeks at full strength. But to the best of present knowledge, the inspectors were in fact in the process of finding and beginning to dismantle what was there.

This record suggests a number of lessons—positive and negative. First, it appears that a package of international restraints—sanctions, the procurement investigations, and the export/import controls combined with core inspections—worked together in a way that is not yet understood, and that this package was considerably more effective than has been appreciated then or since.

Second, even though UNSCOM and the early IAEA inspections operated under a degree of Iraqi obstruction that the Security Council never should have tolerated, the UN inspections' greatest area of weakness lay in New York, not in Iraq. Iraq played a highly effective game of divide and conquer in the Security Council, setting the permanent members against each other until political support was so undermined that inspections were forced to a halt in 1998. The lesson is clear. Political unity in backing inspections is as important as technology and expertise on the ground, and the Security Council is not now set up to provide it. Inspections should not again be launched without more settled political support behind them. And the Security Council should never again allow rules of the game that tilt the playing field so steeply in favor of the miscreant and against its own agents.

Third, the relationship between international inspections and national intelligence agencies needs a thorough review. It is almost a waste of time to embark on such an undertaking if the international effort does not have the technology to protect itself against penetration by the intelligence agencies of the target country. There must be established means set up for two-way communication between the inspectorate and national intelligence agencies—means that will fully protect the information provided, protect against penetration and misuse by the governments providing information as well as by the target, and allow

feedback between intelligence providers and inspectors as discoveries are made and defectors come to light. If international inspections are to be undertaken again, there needs to be an established set of rules that do not need to be invented day by day and that allow a much more confident and easy flow of information.

Still pending in the Iraq case is the rather urgent question: How much of what inspectors knew did U.S. intelligence know, and if there was key material the United States did not learn, why not? For example, UNSCOM discovered in 1991 that Iraq's nerve gas weapons were no longer potent enough for battlefield use because Iraqi scientists were incapable of keeping the agent stable for very long. Why then was the United States treating these same weapons as a threat twelve years later? How much of the more than 30 million-page archive produced by the UN and IAEA inspectors was sifted by U.S. analysts before the war?

Fourth, if inspections are to be undertaken again, governments and the public need to better understand the process. In the Iraqi case, inspections were widely perceived as a hopeless chase after easily hidden needles in a haystack and were therefore easily ridiculed and undermined. Before becoming head of the U.S. Iraq Survey Group, David Kay wrote, "When it comes to the United Nations weapons inspection in Iraq, looking for a smoking gun is a fool's mission. . . . Even the best inspectors have almost no chance of discovering hidden weapons sites such as these in a country the size of Iraq."¹ Yet the perception that inspections consist of running from place to place is not the reality. Lengthy interviews, relationship building with key individuals, story building from individual to individual, procurement investigations, and highly technical analysis—all of this is of the essence. Contrast Kay's earlier comment with one he made after his time in Iraq that suggests this reality. "If there are large stockpiles, they had to be produced by people, they had to be produced in facilities, and they would have left some indelible signs. Where are those people? Where are those facilities? Where are the documents, the importation and the other records of such large production? They have not been found."²

Fifth, cost needs to be evaluated—particularly cost for results achieved. UNSCOM's budget was U.S.\$25–30 million per year. UNMOVIC's was about the same for the four months it operated.³ We do not yet have a firm number, but the announced cost of U.S. inspections over the past year is about \$900 million.⁴ UNSCOM was definitely under-equipped, and the IAEA has been chronically underfunded for a decade; but even making a generous allowance for needed improvements, international inspections look like a high-productivity operation if properly designed and backed, as

compared to U.S. inspections and especially as compared to the quarter-trillion-dollar cost of the war and its aftermath.

For these reasons, among others, the following needs to be done now. First, the UN secretary-general should charter a detailed review of the inspections process—an after-action report. The relative value of site visits and analysis needs to be clarified. The various strengths and weaknesses of this pioneering international effort need to be fully understood, including its human resources, access to technology, relations with national intelligence agencies, vulnerability to penetration, and more. It is important to look ahead, but it would be an awful mistake at this moment to fail to look back. We are taught from childhood to learn from our mistakes. Successes have as much to teach.

Second, the United States should collaborate with the UN to produce a complete history and inventory of Iraq's weapons of mass destruction (WMD) and missile programs. To do so, UNMOVIC personnel should be working on the ground with the Iraq Survey Group. Both the United States and the UN deserve criticism for the failure to do so to date. The right people on the ground—a few dozen at most—could make a big difference. An UNMOVIC report released to the Security Council in early March makes clear that it has not been contacted by the Iraq Survey Group and is not in any way working with them.⁵ As the UN is reinserted in the political transition process in Iraq, one hopes that the relationship on this front too can be repaired.

Third, in this joint effort, particular attention should be paid to discovering which of the several international constraints on Iraq were effective (and to what degree) and to determining how they worked as a package.

Finally, an accurate story of the U.S. and British intelligence failures can never be pieced together without the various investigations having full access to the UN archive. None of the more than half-dozen investigations now under way in Washington are taking steps to do this. On its side, the UN should facilitate that access.

Learning from the Past, Building Institutions for the Future

Based on the results of these reviews, a number of institutional changes to combat the spread of WMD should be contemplated. Serious consideration should be given to the creation of a permanent UN inspections and monitoring body. Inspections are not a panacea. Indeed, no magic bullet will be found effective against proliferation. But inspections appear to be an invaluable component of a layered defense system.

Intelligence from a distance—no matter how good—can never do what a physical presence on the ground, armed with an international writ and unfettered access, can do.

A permanent, international, nonproliferation inspection capability would provide vital enforcement—hence seriousness—to the broader regime and fill the gaps between the various weapons treaties. Iraq, Libya, Iran, Pakistan, and North Korea all point to the need for such an established—not ad hoc—capability.

Because long-term monitoring is just as important as inspections, only a standing, permanent body can do the job. Training, and developing the expertise of, a broadly international corps of experts will have the added benefit of helping build a sense in these individuals' home governments of engagement in and shared responsibility for what must be the global responsibility of preventing proliferation. Success will never be achieved if nonproliferation is seen as the responsibility of one or a handful of like-minded states.

Creating a permanent inspectorate is one element of the broader need to increase the role and the responsibilities of the Security Council, following on its 1992 declaration that proliferation is a threat to international peace and security.

The political weaknesses of the Council have been amply demonstrated over the years in dealing with Iraq, but—with effort—political will can be built. That effort is worth making because no other entity, existing or imagined, commands the Security Council's universal legitimacy or its umbrella mandate for peace and security. Anyone who doubts its importance has only to look at how hard countries work to avoid being taken to the Security Council—North Korea and Iran notably among them.

How could the Security Council's role be built up, beyond the creation of the permanent inspectorate? A 1995 international study, chaired by former U.S. national security adviser McGeorge Bundy,⁶ urged that the Security Council create a special rapporteur on nonproliferation to report directly to the Council on trends and developments. The special rapporteur would in effect staff the Security Council and prod it on a constant basis; draw together all the threats stemming from weapons proliferation; deal with countries not members of the various arms control and disarmament treaties; and provide the staff basis for taking action. A standing position like this would lower the bar to action by making consideration of nonproliferation by the Council routine rather than extraordinary.

Beyond strengthening the Council, nonproliferation needs a unifying strategic concept. Universal compliance fits the bill. "Compliance"

means more than signatures on treaties or declarations of fine intent—it means actual performance. Attention has been focused for too long on universal membership in treaties without sufficient drive for compliance and without sufficient attention to enforcement. “Universal” means that all states must comply with the norms and terms that apply to them. This includes states suspected of violating safeguard agreements, or abetting proliferation through technology transfers, and equally to nuclear weapons states that are not living up to commitments they have made.

The effort to build a strengthened international nonproliferation regime will be in vain, for example, if the United States fails to eventually ratify the Comprehensive Test Ban Treaty (CTBT) and if it chooses to develop new types of nuclear weapons. The violation of the *spirit* of Article VI inherent in doing so is simply too egregious to be tolerated by non-nuclear states that are being asked to take major steps to move the world in the opposite direction.

The focus on universality has two other crucial aspects. First, it shifts the focus away from the bipolarity of haves and have-nots. In truth, we face a global nuclear proliferation threat that can only be met on a global basis. Also, it provides a means for dealing with the “three-state problem”—India, Pakistan, and Israel. The Nuclear Nonproliferation Treaty (NPT) does not have to be torn apart to find a place for these states within the universal compliance framework. They, like all others, will have their responsibilities to meet.

There are literally dozens of individual policies that would need to be adopted to turn this overarching framework into an effective reality. As one example, the IAEA should adopt a rule that prohibits a state that the agency cannot certify to be in full compliance with its transparency and safeguard obligations from receiving foreign assistance for nuclear activities. Equally, the rule would specify that members of the IAEA should adopt national legislation making it illegal for any entity on their territory to facilitate such forbidden assistance.

Such a rule would impede the acquisition of nuclear weapons capabilities by states that the IAEA detected were engaged in dubious activities. It would raise the costs and risks of cheating on transparency and safeguard obligations, and it would extend the burden of compliance not just to recipients of technology and know-how but to providers as well. Finally, the rule would apply to states such as India, Israel, and Pakistan that are not subject to all IAEA transparency and safeguard obligations.

In the event that a state ignores these prohibitions and continues a supply relationship with a noncompliant state, including indirectly by allowing entities on its territory to do so, the IAEA would be required to refer the matter to the Security Council for enforcement.

Conclusion

Crises such as those we have lived through in the past few years and months have a silver lining. They jolt the system and create a moment when political will is fluid and can be reshaped.

Admittedly, there are great barriers to change on every front. But it is far too soon to apply the familiar calculus and conclude that nothing can be done to radically strengthen the nonproliferation system. This is a moment when change *is* possible. With sufficient leadership—from the United States, but not just from the United States—exactly that can be achieved. 🌐

Notes

Jessica Tuchman Mathews is president of the Carnegie Endowment for International Peace and coauthor with Joseph Cirincione and George Perkovich of “WMD in Iraq: Evidence and Implications,” available online at www.ceip.org/files/Publications/IraqReport3.asp?from=pubdate.

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1. David Kay, “It Was Never About a Smoking Gun,” *Washington Post*, 19 January 2003, sec. B, p. 3.

2. Remarks by David Kay at the Carnegie Endowment for International Peace/Century Foundation/Georgetown University Forum, “Combating Weapons of Mass Destruction,” 5 February 2004.

3. United Nations Special Commission on Iraq, “Basic Facts,” available online at www.un.org/Depts/unscom/General/basicfacts.html (accessed 24 March 2004). According to officials, UNMOVIC budgeted approximately \$80 million for its first full year of operations, of which about \$20 million were start-up costs that could be spread over several years.

4. On 3 November 2003, Congress approved the Bush administration’s \$87 billion supplemental, which included \$600 million for the Iraq Survey Group (ISG). This was in addition to the reported \$300 million previously appropriated for the ISG. James Rissen and Judith Miller, “Officials Say Bush Seeks \$600 Million to Hunt Iraq Arms,” *New York Times*, 2 October 2003, sec. A, p. 1; Helen Dewar, “Senate Approves Spending for Iraq,” *Washington Post*, 4 November 2003, sec. A, p. 1; Douglas Jehl, “U.S. to Shift Some Experts from Arms to Antiterror,” *New York Times*, 27 November 2003, sec. A, p. 15.

5. United Nations Monitoring, Verification, and Inspections Commission, *16th Quarterly Report to the United Nations Security Council*, 27 February 2004, available online at www.un.org/Docs/journal/asp/ws.asp?m=S/2004/160 (accessed 24 March 2004).

6. *Confronting the Proliferation Danger: The Role of the UN Security Council*, A Report of the UNA-USA Project on the Security Council and Non-proliferation, 1995.