

IRAQ

A NEW APPROACH

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The papers in this collection grew out of discussions held at the Carnegie Endowment for International Peace from late April to late July of this year. The discussions included top regional and military experts, former inspectors with dozens of man-years' experience in Iraq, and individuals with intimate knowledge of the diplomatic situation at the United Nations. They hold a range of views on how to ensure that Iraq complies with its international commitments to eliminate its weapons of mass destruction. Not all of the participants agree with all the views expressed in these papers, which are the sole responsibility of the respective authors. The majority agree, however, that the new approach presented here is worthy of the most serious consideration and public debate both in the United States and abroad.

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ABBREVIATIONS AND ACRONYMS

AT-IAEA	International Atomic Energy Agency Action Team
BW	Biological weapons
CW	Chemical weapons
EMIS	Electromagnetic isotope separation
GCC	Gulf Cooperation Council
GRL	Goods Review List
HEU	Highly enriched uranium
IAEA	International Atomic Energy Agency
IFOR	NATO Implementation Force (Bosnia-Herzegovina)
IIF	Inspections Implementation Force
ISAF	International Security Assistance Force (Afghanistan)
KFOR	Kosovo Force
LIS	Laser isotopic separation
MOU	Memorandum of understanding
NATO	North Atlantic Treaty Organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OMV	Ongoing monitoring and verification
P-5	Permanent Five Members of the United Nations Security Council
PC-3	Petrochemical 3
SFOR	Stabilization Force (Bosnia-Herzegovina)
UAV	Unmanned aerial vehicles
UNMOVIC	United Nations Monitoring, Verification, and Inspection Commission
UNSCOM	United Nations Special Commission on Iraq
UNSCR	United Nations Security Council Resolution
UNTAET	United Nations Transitional Administration in East Timor
WMD	Weapons of mass destruction

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A NEW APPROACH

Coercive Inspections

Jessica Mathews

The summary proposal that follows draws heavily on the expertise of all those who participated in the Carnegie discussions on Iraq and on the individually authored papers. Further explanation and greater detail on virtually every point, especially the proposal's military aspects, can be found therein.

With rising emphasis in recent months, the president has made clear that the United States' number one concern in Iraq is its pursuit of weapons of mass destruction (WMD). No link has yet been found between Baghdad's assertively secular regime and radical Islamist terrorists. There is much else about the Iraqi government that is fiercely objectionable but nothing that presents an imminent threat to the region, the United States, or the world. Thus, the United States' primary goal is, and should be, to deal with the WMD threat.

In light of what is now a four-year-long absence of international inspectors from the country, it has been widely assumed that the United States has only two options regarding that threat: continue to do nothing to find and destroy Iraq's nuclear, chemical, biological, and missile programs, or pursue covert action or a full-scale military operation to overthrow Saddam Hussein. At best, the latter would be a unilateral initiative with grudging partners.

This paper proposes a third approach, a middle ground between an unacceptable status quo that allows Iraqi WMD programs to continue and the enormous costs and risks of an invasion. It proposes a new regime of coercive international inspections. A powerful, multinational military force, created by the UN Security Council, would enable UN and International Atomic Energy Agency (IAEA) inspection teams to carry out "comply or else" inspections. The "or else" is overthrow of the regime. The burden of choosing war is placed squarely on Saddam Hussein.

The middle-ground option is a radical change from the earlier international inspection effort in which the playing field was tilted steeply in Iraq's favor. It requires a military commitment sufficient to pose a credible threat to Iraq and would take a vigorous diplomatic initiative on Washington's part to launch. Long-term success would require *sustained* unity of purpose among the major powers. These difficulties make this approach attractive only

in comparison to the alternatives, but in that light, its virtues emerge sharply.

Inspections backed by a force authorized by the UN Security Council would carry unimpeachable legitimacy and command broad international support. The effort would therefore strengthen, rather than undermine, the cooperation the United States needs for long-term success in the war against terrorism. It would avoid a direct blow to the authority of the Security Council and the rule of law. It would avoid setting a dangerous precedent of a unilateral right to attack in “preventive self-defense.” Although not likely to be welcomed by Iraq’s neighbors, it would be their clear choice over war. Regional assistance (basing, over-flight rights, and so on) should therefore be more forthcoming. If successful, it would reduce Iraq’s WMD threat to negligible levels. If a failure, it would lay an operational and political basis for a transition to a war to oust Saddam. The United States would be seen to have worked through the United Nations with the rest of the world rather than alone, and Iraq’s intent would have been cleanly tested and found wanting. Baghdad would be isolated. In these circumstances, the risks to the region of a war to overthrow Iraq’s government—from domestic pressure on shaky governments (Pakistan) to governments misreading U.S. intentions (Iran) to heightened Arab and Islamic anger toward the United States—would be sharply diminished.

Compared to a war aimed at regime change, the approach greatly reduces the risk of Saddam’s using whatever WMD he has (probably against Israel) while a force aimed at his destruction is being assembled. On the political front, coercive inspections avoid the looming question of what regime would replace the current government. It would also avoid the risks of persistent instability in Iraq, its possible disintegration into Shia, Suni, and Kurdish regions, and the need to station tens of thousands of U.S. troops in the country for what could be a very long time.

A year ago, this approach would have been impossible. Since then, however, four factors have combined to make it achievable:

- ▶ greatly increased concern about WMD in the wake of September 11,
- ▶ Iraq’s continued lies and intransigence even after major reform of the UN sanctions regime,
- ▶ Russia’s embrace of the United States after the September 11 attacks, and
- ▶ the Bush administration’s threats of unilateral military action, which have opened a political space that did not exist before.

Together, these changes have restored a consensus among the Security Council’s five permanent members (P-5) regarding the need for action on Iraq’s WMD that has not existed for the past five years.

CORE PREMISES

Several key premises underlie the new approach.

- ▶ *Inspections can work.* In their first five years, the United Nations Special Commission on Iraq (UNSCOM), which was responsible for inspecting and disarming Iraq’s chemical, biological, and missile materials and capacities, and the IAEA Iraq Action Team, which did the same for Iraq’s nuclear ones, achieved substantial successes. With sufficient human and technological resources, time, and political support, inspections can reduce Iraq’s WMD threat, if not to zero, to a negligible level. (The term *inspections* encompasses a resumed discovery and disarmament phase and intrusive, ongoing monitoring and verification extending to dual-use facilities and the activities of key individuals.)
- ▶ *Saddam Hussein’s overwhelming priority is to stay in power.* He will never willingly give up pursuit of WMD, but he will do so if convinced that the only alternative is his certain destruction and that of his regime.
- ▶ *A credible and continuing military threat involving substantial forces on Iraq’s borders will be necessary both to get the inspectors back into Iraq and to enable them to do their job.* The

record from 1991 to the present makes clear that Iraq views UN WMD inspections as war by other means. There is no reason to expect this to change. Sanctions, inducements, negotiations, or periodic air strikes will not suffice to restore effective inspection. Negotiations in the present circumstances only serve Baghdad's goals of delay and diversion.

- ▶ *The UNSCOM/IAEA successes also critically depended on unity of purpose within the UN Security Council.* No amount of military force will be effective without unwavering political resolve behind it. Effective inspections cannot be reestablished until a way forward is found that the major powers and key regional states can support under the UN Charter.

NEGOTIATING COERCIVE INSPECTIONS

From roughly 1997 until recently, determined Iraqi diplomacy succeeded in dividing the P-5. Today, principally due to Iraq's behavior, Russia's new geopolitical stance, and U.S.-led reform of the sanctions regime, a limited consensus has reemerged. There is now agreement that Iraq has not met its obligations under UN Resolution 687 (which created the inspections regime) and that there is a need for the return of inspectors to Iraq. There is also support behind the new, yet-to-be tested inspection team known as the UN Monitoring, Verification, and Inspection Commission (UNMOVIC, created in December 1999 under Resolution 1284). Because three members of the P-5 abstained on the vote to create UNMOVIC, this development is particularly noteworthy. The May 2002 adoption of a revised sanctions plan was further evidence of a still fragile but real and evolving convergence of view on the Security Council.

Perhaps paradoxically, U.S. threats to act unilaterally against Iraq have the potential to strengthen this limited consensus. France, Russia, and China strongly share the view that only the Security Council can authorize the use of force—a

view to which Great Britain is also sympathetic. All four know that after eleven years of the United Nations' handling of the issue, a U.S. decision to act unilaterally against Iraq would be a tremendous blow to the authority of the institution and the Security Council in particular. They want to avoid any further marginalization of the Council since that would translate into a diminution of their individual influence. Thus, U.S. threats provide these four countries with a shared interest in finding a formula for the use of force against Iraq that would be effective, acceptable to the United States, and able to be authorized by the Council as a whole. *That formula could be found in a resolution authorizing multinational enforcement action to enable UNMOVIC to carry out its mandate.*

Achieving such an outcome would require a tremendous diplomatic effort on Washington's part. That, however, should not be seen as a serious deterrent. Achieving desired outcomes without resort to war is, in the first instance, what power is for. Launching the middle-ground approach would amount, in effect, to Washington and the rest of the P-5 re-seizing the diplomatic initiative from Baghdad.

The critical element will be that the United States makes clear that it forswears unilateral military action against Iraq for as long as international inspections are working. The United States would have to convince Iraq and others that this is not a perfunctory bow to international opinion preparatory to an invasion and that the United States' intent is to see inspections succeed, not a ruse to have them quickly fail. If Iraq is not convinced, it would have no reason to comply; indeed, quite the reverse because Baghdad would need whatever WMD it has to deter or fight a U.S. attack. *Given the past history, many countries will be deeply skeptical. To succeed, Washington will have to be steady, unequivocal, and unambiguous on this point.*

This does not mean that Washington need alter its declaratory policy favoring regime change in Iraq. Its stance would be that the United States continues to support regime change but will not take action to

force it while Iraq is in full compliance with international inspections. There would be nothing unusual in such a position. The United States has, for example, had a declaratory policy for regime change in Cuba for more than forty years.

Beyond the Security Council, U.S. diplomacy will need to recognize the significant differences in strategic interests among the states in the region. Some want a strong Iraq to offset Iran. Others fear a prosperous, pro-West Iraq producing oil to its full potential. Many fear and oppose U.S. military dominance in the region. Virtually all, however, agree that Iraq should be free of WMD, and they universally fear the instability that is likely to accompany a violent overthrow of the Iraqi government.

Moreover, notwithstanding the substantial U.S. presence required for enforced inspections and what will be widely felt to be an unfair double standard (acting against Iraq's WMD but not against Israel's), public opinion throughout the region would certainly be less aroused by multilateral inspections than by a unilateral U.S. invasion.

Thus, if faced with a choice between a war to achieve regime change and an armed, multilateral effort to eradicate Iraq's WMD, all the region's governments are likely to share a clear preference for the latter.

IMPLEMENTING COERCIVE INSPECTIONS

Under the coercive inspections plan, the Security Council would authorize the creation of an Inspections Implementation Force (IIF) to act as the enforcement arm for UNMOVIC and the IAEA task force. Under the new resolution, the inspections process is transformed from a game of cat and mouse punctuated by diversions and manufactured crises, in which conditions heavily favor Iraqi obstruction, into a last chance, "comply or else" operation. The inspection teams would return to Iraq accompanied by a military arm strong enough to force immediate entry into any site at any time with complete security for the inspection team. No terms

would be negotiated regarding the dates, duration, or modalities of inspection. If Iraq chose not to accept, or established a record of noncompliance, the U.S. regime-change option or, better, a UN authorization of "use of all necessary means" would come into play.

Overall control is vested in the civilian executive chairman of the inspection teams. He would determine what sites will be inspected, without interference from the Security Council, and whether military forces should accompany any particular inspection. Some inspections—for example, personnel interviews—may be better conducted without any accompanying force; others will require maximum insurance of prompt entry and protection. The size and composition of the accompanying force would be the decision of the IIF commander, and its employment would be under his command.

The IIF must be strong and mobile enough to support full inspection of any site, including so-called sensitive sites and those previously designated as off limits. "No-fly" and "no-drive" zones near to-be-inspected sites would be imposed with minimal advance notice to Baghdad. Violations of these bans would subject the opposing forces to attack. Robust operational and communications security would allow surprise inspections. In the event surprise fails and "spontaneous" gatherings of civilians attempt to impede inspections, rapid response riot control units must be available.

The IIF must be highly mobile, composed principally of air and armored cavalry units. It might include an armored cavalry regiment or equivalent on the Jordan–Iraq border, an air-mobile brigade in eastern Turkey, and two or more brigades and corps-sized infrastructure based in Saudi Arabia and Kuwait. Air support including fighter and fighter-bomber aircraft and continuous air and ground surveillance, provided by AWACS and JSTARS, will be required.

The IIF must have a highly sophisticated intelligence capability. Iraq has become quite experienced in concealment and in its ability to penetrate

and mislead inspection teams. It has had four unimpeded years to construct new underground sites, build mobile facilities, alter records, and so on. To overcome that advantage and ensure military success, the force must be equipped with the full range of reconnaissance, surveillance, listening, encryption, and photo interpretation capabilities.

The bulk of the force will be U.S. For critical political reasons, however, the IIF must be as multinational as possible and as small as practicable. Its design and composition should strive to make clear that the IIF is not a U.S. invasion force in disguise, but a UN enforcement force. Optimally, it would include, at a minimum, elements from all of the P-5, Turkey, Saudi Arabia, and Jordan, as well as others in the region.

Consistent with the IIF's mandate and UN origin, Washington will have to rigorously resist the temptation to use the force's access and the information it collects for purposes unrelated to its job. Nothing will more quickly sow division within the Security Council than excesses in this regard.

Operationally, on the civilian front, experts disagree as to whether UNMOVIC's mandate contains disabling weaknesses. Although some provisions could certainly be improved, it would be unwise to attempt to renegotiate Resolution 1284. Some of its weaknesses can be overcome in practice by tacit agreement (some have already been), some will be met by the vastly greater technological capabilities conferred by the IIF, and some can be corrected through the language of the IIF resolution. Four factors are critical:

- ▶ *Adequate time.* The inspection process must not be placed under any arbitrary deadline because that would provide Baghdad with an enormous incentive for delay. It is in everyone's interest to complete the disarmament phase of the job as quickly as possible, but timelines cannot be fixed in advance.
- ▶ *Experienced personnel.* UNMOVIC must not be forced to climb a learning curve as UNSCOM did but must be ready to operate with maxi-

mum effectiveness from the outset. To do so, it must be able to take full advantage of individuals with irreplaceable, on-the-ground experience.

- ▶ *Provision for two-way intelligence sharing with national governments.* UNSCOM experience proves that provision for intelligence sharing with national governments is indispensable. Inspectors need much information not available from open sources or commercial satellites and prompt, direct access to defectors. For their part, intelligence agencies will not provide a flow of information without feedback on its value and accuracy. It must be accepted by all governments that such interactions are necessary and that the dialogue between providers and users would be on a strictly confidential, bilateral basis, protected from other governments. The individual in charge of information collection and assessment on the inspection team should have an intelligence background and command the trust of those governments that provide the bulk of the intelligence.
- ▶ *Ability to track Iraqi procurement activities outside the country.* UNSCOM discovered covert transactions between Iraq and more than 500 companies from more than 40 countries between 1993 and 1998. Successful inspections would absolutely depend, therefore, on the team's authority to track procurement efforts both inside and outside Iraq, including at Iraqi embassies abroad. Accordingly, UNMOVIC should include a staff of specially trained customs experts, and inspections would need to include relevant ministries, commercial banks, and trading companies. As with military intelligence, tracking Iraqi procurement must not be used to collect unrelated commercial or technical intelligence or impede legal trade.

CONCLUSION

War should never be undertaken until the alternatives have been exhausted. In this case that moral imperative is buttressed by the very real

possibility that a war to overthrow Saddam Hussein, *even if successful in doing so*, could subtract more from U.S. security and long-term political interests than it adds.

Political chaos in Iraq or an equally bad successor regime committed to WMD to prevent an invasion from ever happening again, possibly horrible costs to Israel, greater enmity toward the United States among Arab and other Muslim publics, a severe blow to the authority of the United Nations and the Security Council, and a giant step by the United States toward—in Zbigniew Brzezinski’s phrase—political self-isolation are just some of the costs, in addition to potentially severe economic impacts and the loss of American and

innocent Iraqi lives, that must be weighed.

In this case an alternative does exist. It blends the imperative for military threat against a regime that has learned how to divide and conquer the major powers with the legitimacy of UN sanction and multilateral action. Technically and operationally, it is less demanding than a war. Diplomatically, it requires a much greater effort for a greater gain. The message of an unswerving international determination to halt WMD proliferation will be heard far beyond Iraq. The only real question is can the major powers see their mutual interest, act together, and stay the course? Who is more determined—Iraq or the P-5?

A MILITARY FRAMEWORK FOR COERCIVE INSPECTIONS

Charles G. Boyd, Gen., USAF (Ret.)

The premise underlying the framework presented below distinguishes between Saddam Hussein with and without weapons of mass destruction (WMD)—nuclear, biological, or chemical. Without such weapons he is a problem for the Iraqi people; with them he is a problem—a huge one—for the rest of the world. Thus, the objective of the United Nations—and the United States—should be to disable rather than remove him, since that is the only course of action that can be sanctioned in international law and the only one likely to attract significant multilateral support. It may also have the added benefit of making Saddam's future removal easier for the Iraqi people.

The framework assumes that the United States can persuade the UN Security Council's permanent members (P-5) to accept the concept of *coercive* inspections by conditionally forswearing its own unilateral option of military invasion. The condition of the forswearing would be that Saddam complies with all relevant Security Council resolutions pertaining to WMD inspections as well as to the terms of the Gulf War cease-fire agreement (Resolution 687).

Yet a second assumption is that Saddam will never, under any conceivable circumstances, comply with any effective inspection terms unless he becomes convinced that the alternative is his certain destruction and that of his regime. A coercive U.N. inspection program must therefore be accompanied with

an unambiguous assurance that Iraqi obstruction of the inspection process would release the United States from its pledge not to invade. That assurance, to be credible and utterly clear, must be made in the form of a Security Council resolution, which builds on Resolution 687 and the UNMOVIC charter (Resolution 1284). It could, but need not, seek to commit all participants in the inspection program to participation in an invasion should Saddam invite it by obstructing the process. At that point, the United States could proceed unilaterally or with a coalition of the willing.

CONCEPT OF OPERATIONS

The basic concept of a coercive inspection program is one in which a robust military enforcement arm would be added to support UNMOVIC and IAEA, through adoption of the new Security Council resolution mentioned above. An Inspection Implementation Force (IIF) would consist of modern air and land forces sufficient to impose entry into or destruction upon any potential weapons site, or, with augmentation, transition into a credible invasion force.

The inspection program would consist of two phases: (1) initial disarmament or certification; and (2) ongoing monitoring and verification. For the purposes of this paper, the latter phase will not be developed other than to assume that once certification has been accomplished, force requirements

will be largely reduced, and most of the IIF may be withdrawn from each host country. Provisions for its rapid reconstitution would, however, be included in the resolution should Saddam choose to resume obstruction of the inspection process.

The initial disarmament phase would consist of locating and disassembling or destroying all WMD weapons, materials, and related facilities. It would continue until the UNMOVIC executive chairman certifies full Iraqi compliance with all relevant Security Council resolutions and Gulf War WMD provisions. No time limit should be placed on this phase, but with adequate team composition it should be accomplished in less than two years.

Once chartered, the executive chairman must have full authority to choose:

- ▶ All inspection details as to location, timing, and duration without further instructions from the Security Council;
- ▶ Whether and to what purpose U.N. military forces will accompany inspection teams;
- ▶ When the operations of Iraqi air and ground forces will be proscribed (corresponding to periods during which inspection operations are under way); and
- ▶ What reconnaissance targets are to be covered by the IIF forces in service of the inspection process (that is, reconnaissance tasking authority).

Choice of, and confidence in, the UNMOVIC executive chairman will be crucial to the success of the inspection program because he must be vested with considerable power and freedom to operate independently from Security Council day-to-day supervision and instructions. The Security Council should retain the power to remove the executive chairman if necessary but must determine not to interfere with his authority in the field.

Since this concept depends for its success on the use of powerful military forces to ensure inspectors can go where they wish and see what they want, the executive chairman must have the authority to determine when and to what purpose the IIF accom-

panies the inspectors. Some, perhaps a majority, of the inspections will be conducted under fairly benign circumstances in which a sizable accompanying military force will not be required and might even be an impediment to the atmosphere the inspectors are trying to create. Other inspection sites may be prized highly by both inspectors and the Iraqi government and require powerful forces with unmistakable intent to ensure immediate access. Still others may produce circumstances in which the executive chairman chooses to withdraw his inspectors and call for destruction of the site by on-call air power. These choices should be left to the executive chairman, always with an eye toward ensuring sufficient force to succeed in the task while providing complete security for the inspection team. The size and composition of these forces and method of employment should be left to the IIF commander.

When inspections are to be conducted in which the chief inspector requires accompanying force, the safety of the inspectors and the success of their mission must be assured by restricting all Iraqi military operations in the air and on the ground. “No-fly” and “no-drive” zones must be established throughout that region of the country in which the inspection is being conducted. No Iraqi ground forces would be allowed to assemble and move; no air forces—fixed wing or helicopter—would be allowed to fly. The IIF commander, through established notification procedures, would inform Iraq of the time, duration, and area throughout which Iraqi forces must stand down. Any violation of that prohibition would constitute a hostile act subjecting the offending Iraqi forces to attack and destruction, as well as the military installations from which they came. It would also constitute Iraqi noncompliance, in the clearest form, with conditions of the Security Council resolutions and would release the United States and its potential coalition partners from the pledge not to invade.

Intelligence, always key to military success, is equally so to the envisioned inspection program. Discovering illicit weapons programs and storage sites and overcoming very effective Iraqi concealment

techniques will require sophisticated planning and teamwork.

The kind of intelligence capability that only the United States can provide must be made available to the inspectors: satellite and U-2 imagery, Global Hawk, Predator, relevant electronic surveillance, and other covert capabilities. A military photo interpreter unit should also be provided by the IIF. The executive chairman would be able to define the intelligence requirements to be fulfilled by the IIF commander.

Operational and communications security must be of the highest order in this concept of operations. Whereas true surprise inspections were not routine throughout UNSCOM's history, they must now become the standard. To avoid the problem of Iraq moving illicit materials before the inspectors arrive and to reduce the problem of civilian mobs gathering "spontaneously" at the intended inspection site, the exact time and location of inspections must be utterly unknown to the Iraqis in advance.

Operational security will be enhanced by not requiring advance approval of inspections from New York. UNSCOM's frustration with Iraqi bugging of their rooms and facilities can be avoided this time with the help of top-rank security professionals. The IIF can also provide state-of-the-art encrypted communications capability as well as special equipment for conducting private, secure interviews with Iraqis.

INSPECTION IMPLEMENTATION FORCE: COMPOSITION AND TASK

The force in support of the inspection program must be carefully constructed to fulfill the following requirements:

- ▶ *Robust and responsive enough to support any size inspection team on any size inspection site, including those previously designated "sensitive" or offlimits, such as presidential palaces or even military bases.* When used, the force accompanying inspectors must constitute an utterly intimidating presence on any potential inspection site.

- ▶ *Small enough, and multinational enough, that it does not appear to be an invasion force looking for an excuse to invade.* The objective of removing Saddam's WMD but not Saddam himself must be credible—not only to Saddam but also to those whose support we seek in the region and the Security Council.
- ▶ *So composed that it can quickly become an invasion force if necessary.* This means an adequate amount of pre-positioned equipment and supplies such that, with the addition of troops, it can be turned into a fighting force. It also means a force composed in such a way that no critical tasks are left to the multinational players, in the event that some choose not to participate should an invasion be required.

The force required for enforcing the inspection program must be very mobile, principally involving air-mobile and armored cavalry units. It must also have very rapid response units trained and equipped for riot control, in the event that the element of surprise fails and Iraq is able to assemble a civilian crowd for disruptive purposes. A notional force suited to this mission would include an armored cavalry regiment or equivalent on the Jordan–Iraq border, an air-mobile brigade or two in eastern Turkey, and two or more brigades with corps-sized infrastructure, poised in northern Saudi Arabia and Kuwait, around which an augmentation force could be developed if necessary.

Air support would be critical, since the safety valve during inspection operations will be those aircraft enforcing the no-fly, no-drive zones. The IIF commander will decide what areas will be restricted from Iraqi use, and for what duration, in support of inspector activity. During those periods, continuous air and ground surveillance with AWACS, JSTARS, Predator, and Global Hawk will be required, as well as the lethal force provided by fighter and fighter bomber aircraft. Iraq is currently denied use of 60 percent of its airspace by forces of Southern and Northern Watch but not to the degree of denial envisioned in this concept of operations. IIF air forces

must be capable of sustaining no-fly, no-drive coverage for up to a 24-hour period over two-thirds of Iraqi territory. The force required to do that would be two to three times the current Northern and Southern Watch components in equipment and personnel.

Although the United States could deploy all of the constituent force elements for the duration of an effective inspection program, a more international solution would have far more political value. One of the most important ways to convey the Security Council's seriousness will be to collect implementation force elements from the states most concerned with and affected by Iraq's clandestine weapons programs, with of course the exception of Israel and Iran. A combined force with components from the P-5 as well as Turkey, Saudi Arabia, and Jordan would not only collect a significant array of military capabilities but would also signal powerful political resolve to Saddam's regime. Although most of the named states would be unable to contribute major military units, collective participation at any level will convey a strong international community commitment to countering proliferation. The cost of operating these forces should be defrayed by Iraq, under the provision of Article 9 of Resolution 1284.

COMMAND ARRANGEMENTS

Although any number of arrangements might suffice for the command of the implementation force, the Security Council should establish or authorize the simplest practical setup. Just as civilian authorities set objectives for U.S. forces (and U.S. officers are responsible for achieving those objectives), UNMOVIC's executive chairman would set tasks for the UN implementation force commander. That commander, on behalf of the United Nations, would command the resources, determine the appropriate levels of force, and exercise the latitude needed to accomplish authorized missions. One overall command can direct and integrate the operations of air and ground units, even if units are widely distributed to ensure regional security. Each

ground force component's responsibilities would normally be set by geographical boundaries, and each could include elements from several different nations. Air elements from different nations routinely work together in the region and could be integrated into a responsive command structure. Selecting commanders and staff members from the large collective body of those who have studied and experienced Iraqi military practices will further magnify the raw military potential of the combined force. The overall commander of the IIF should be from the nation committing the largest number of forces, presumably the United States.

With the Security Council defining the overall outcomes that the inspection program must accomplish to end sanctions and blunt Iraq's threat to its neighbors, and the executive chairman setting specific inspection objectives, the IIF will have the unique and critical role of compensating for the eventualities no policy body can foresee. The implementation force must therefore be extremely well equipped, well trained, and in a high state of readiness.

The notional force described above is intended for purposes of approximate scale only. Current military planners with sophisticated planning tools not available to this author can define force type and size with far greater precision. That will be the easy part of turning this concept of operation into a real plan.

Of greater difficulty will be forging the political solidarity necessary to confront the issue of Iraq's WMD in an effective manner. Two principles described earlier are indispensable to the success of this or any concept of effective weapons inspection in Iraq: (1) inspections must be conducted at the location, time, and duration of the inspector's choosing, and (2) any major incident or pattern of Iraqi obstruction of the inspection process will ensure a full-scale invasion to follow. Given that choice—and no other—Saddam Hussein will relent.

With the future of threat reduction depending on the precedent set in eradicating Iraq's illicit weapons, all nations should view the concept of coercive inspection backed by force as an investment in their future security.

INTELLIGENCE SUPPORT FOR WEAPONS INSPECTORS IN IRAQ

Rolf Ekeus

For a UN inspection organization there are two principal approaches to obtaining necessary data on Iraq's WMD program: One is on-site inspections carried out by its own inspection teams; the other is intelligence sharing by governments. Although the former is by far the most important, especially with regard to quantity, intelligence sharing has proven indispensable for a successful inspection regime. More than 30 governments provided UNSCOM with intelligence data, but more regular intelligence sharing was limited to fewer than five.

There are certain requirements to make such cooperation effective and feasible:

- ▶ Governments must have confidence in the competence of the leadership and arrangement of the UN inspection team. This requires professional handling and protection of data provided to the future inspection organization (UNMOVIC).
- ▶ The head of information collection and assessment in the inspection organization should be an expert with a background in intelligence. In UNSCOM, first a Canadian and then a British citizen were in charge of this work. Both had credibility in the eyes of the major potential contributor organizations because they had worked inside the military intelligence organizations of their respective home countries. The United States and the United Kingdom can be expected to provide significant intelligence, but it is necessary that the head of the information collection and assessment unit comes from the United Kingdom, Canada, Australia, or New Zealand, because their respective intelligence organizations cooperate broadly and are credible in the eyes of the United States. The senior American in the organization should preferably have a good standing with the U.S. intelligence community as well.
- ▶ The inspection organization cannot handle defectors in regard to their protection, families, identity, and so on, but it is important that some selected experienced inspection personnel be allowed to carry out debriefings and interviews directly. Those who have had in-country experience—in other words, the UN inspectors—are best placed to interview Iraqi defectors, who are notoriously imprecise about locations and dates. UN inspectors, knowledgeable about local geography and other circumstances, could be much more effective in debriefings than other personnel without such skills.
- ▶ Feedback is essential for effective work. Thus, the providing organization must be given the chance to get access to the inspection organization's assessment of the usefulness of its intelligence. This

can be done by information about inspection activities or internal analysis for which the shared intelligence has been used. Only then can the government in question evaluate the credibility of its sources. Therefore, a dialogue must be created between the user and provider of such sensitive information. However, the inspection organization must protect this dialogue from other governments: It must be a matter of a purely bilateral exchange of information.

- ▶ In UNSCOM's experience, a pre-condition for a government's cooperation about information on companies in its country that had, wittingly or unwittingly, supplied material to Iraq's WMD program was that all information about such companies—or access to their management or technical personnel—was absolutely confidential in relation to other governments, including allies.
- ▶ Starting in 1996, UNSCOM applied some in-country listening arrangements in support of inspections, which raised reasonable suspicions that Iraq was hiding material from the inspectors by moving sought-after equipment or components in the country to avoid detection. This type of asset is politically sensitive and must be handled with discretion under the personal direction of the head of the inspection organization. Such operations require close cooperation, including protected communications, with supporting governments. Here, there is a temptation for supporting governments to use the system for “extracurricular” purposes: This must be avoided at all costs. Some clumsy efforts in that direction were made during UNSCOM inspections. They brought some harm to UNSCOM's credibility and yielded nothing of value to the perpetrator.

OVERHEAD IMAGERY

No inspection regime would be effective without access to overhead imagery—satellite or other.

UNSCOM had an excellent and flexible system in its arrangement with the United States, which provided it with imagery taken from high-altitude reconnaissance flights. Under UNSCOM auspices, the United States was operating U-2s over Iraq from a base in Saudi Arabia. The U-2 flights were employed either with high-resolution cameras directed at sites, factories, and installations associated with the WMD project or with a “sweep-camera” that could cover large areas of Iraqi territory. The latter was useful for detection of new construction activities such as facilities above- and underground or work on roads, the electrical grid, or water supply installations. Linked to the potential of quick on-site inspections, the U-2 operations became a uniquely effective tool of inspection.

U-2 operations would work well for a new inspection regime, provided that the inspection regime is free to determine the objects for photography. Furthermore, as was the case for the UNSCOM–United States cooperation, the imagery must be the property of the inspection organization, and no sharing with other governments should be done without prior approval of the United States.

Because of the large quantity of imagery, a primary screening by the United States would be helpful, because the inspection organization would otherwise be forced to employ a number of additional staff for photo interpretation (UNSCOM had only two such staff members). Screening areas concerning images especially requires a large number of photo interpreters. To help with this task, Israeli photo interpreters assisted UNSCOM under arrangements worked out in cooperation with the U.S. government.

Considering the small but not insignificant risk of attack by Iraqi air defense on the U-2, arrangements must be made to protect the U-2. UNSCOM practices could be followed. Thus, 24 hours prior to the planned entry of the U-2 into Iraqi airspace, the Iraqi government should be notified concerning points of entry and exit. Of course no approval is expected, but Iraq must recognize

the notification before the entry into Iraqi airspace. The U-2 aircraft must carry UN insignia, and the pilot must carry UN inspector identification.

SATELLITE IMAGERY

Ideally, satellite imagery should be made available to the international organization. However, satellite imagery, due to secrecy rules, is under strict

governmental control, which makes its use restrictive and not available for the flexible needs of an international organization. With radically improved resolution quality, commercial satellite imagery can be of some use, but such imagery would require considerable capability for photo interpretation, which would also limit its usefulness for an international organization.

MULTILATERAL SUPPORT FOR A NEW REGIME

Joseph Cirincione

As the dominant military power on the planet, the United States alone can conduct a wide range of military operations against Iraq. But it does not have to act alone. There is now considerable support in the UN Security Council for enforcing a robust inspection regime to bring Iraq into compliance with UN resolutions. Such joint action offers considerable promise of success with few of the risks attendant large-scale unilateral military operations in the Gulf.

Since the mid-1990s, however, the Security Council has been deeply divided over Iraq and unable to take effective measures. The council-mandated disarmament process has been highly politicized, and the integrity of inspections compromised. Nonetheless, the Security Council remains the most important source of international legitimacy in dealing with questions of international peace and security.

In the absence of international support, unilateral military action against Iraq may well entail serious short-term and long-term problems for the United States and the international legal system the United States has helped create. In addition to global economic disruptions and regional instability, there will be serious consequences for the rule of law and international institutions, particularly the relevance of the UN Charter and the authority of the Security Council.

PAST DIVISIONS UNDERMINED INSPECTIONS

The history of UNSCOM demonstrates that strong political support from the Security Council for the inspection agency is not only a prerequisite for UNSCOM's success but also its lifeline. Serious divisions in the Security Council, particularly among its permanent members, constantly undermined UNSCOM's work in Iraq and eventually prevented it from implementing its mandate. As Iraq's influence grew in the council, UNSCOM's integrity was questioned, while attempts were made to shift the burden of proof to UNSCOM. Operation Desert Fox deepened the council's schism, as Anglo-American military action angered the other P-5 members. In the end, the credibility of UNSCOM was badly damaged by its special relationship with Washington and its reported involvement in espionage activities, which eventually cost it the council's support and precipitated its demise.

Divisions within the Security Council also overshadowed the future of the new inspections body, UNMOVIC. A paralyzed Security Council was not able to agree on a new omnibus resolution establishing a new inspections system for nearly one year. Even when the council finally adopted Resolution 1284 in December 1999, its division was manifested by the abstentions of three permanent members, seriously weakening UNMOVIC's mandate

at its inception. It is little surprise that Iraq quickly rejected the new mandatory resolution adopted under Chapter VII.

The council's continued divisions had negative effects on the sanctions regime too. As the humanitarian situation gravely deteriorated (as a result of Iraq's refusal to implement the council-mandated humanitarian program over five years), Russia, China, and France also became advocates of Iraq's humanitarian cause. Iraq finally accepted the oil-for-food program in 1996, but the program has accorded Iraq a powerful economic leverage in the council. Because the program allows Iraq to choose its trade partners, Baghdad has actively exploited the program to cultivate its influence in the council and mobilize its allies to change the council's policy by granting them lucrative trade deals. The Clinton administration's relatively hands-off policy toward Iraq in the wake of Desert Fox lent a hand to Iraq (albeit unwittingly). In the fall of 2000, a paralyzed sanctions committee was unable to act on Baghdad's bid to erode the sanctions, which allowed Baghdad to restore international air links.

NEW SUPPORT FOR UNMOVIC

Recently, however, council unity has gradually returned. There is now a strong consensus in the council on the need for the return of weapons inspectors to Iraq and unanimous support for UNMOVIC.

As the Bush administration brought Iraq back into focus, its initiative to revamp the sanctions regime in the spring of 2001 created a new dynamic in the Security Council. Washington's active diplomacy resulted in French and Chinese agreement to restructure the sanctions regime by adopting the Goods Review List (GRL). After September 11, Russia joined the U.S. effort to fight terrorism and the relationship between the two countries warmed considerably. As Washington threatened to take military action against Baghdad, Moscow stepped up its efforts to persuade Baghdad to accept weapons inspections, and in November 2001 Moscow joined

the consensus on Resolution 1382 (2002) in which the council expressed its intention to adopt the GRL within six months. This led to the adoption of resolution 1409 in May 2002—the most sweeping restructuring of the sanctions regime yet. Thus, the council was able to restore agreement on the most important humanitarian issue.

Although the council enjoys a new spirit of cooperation on Iraq, this does not mean that the P-5 is now completely united on Iraq issues. Russia, for example, remains eager to negotiate a “comprehensive” settlement, and some differences remain concerning the secretary-general's role.

REGIME CHANGE

Following Desert Fox, and claiming to have degraded Saddam's capacity to develop and deliver WMD, the Clinton administration quietly disengaged from Iraq. Desert Fox was not aimed at bringing Iraq back into compliance with Security Council resolutions but was an attempt to neutralize Iraq's WMD programs militarily. As a consequence, with the exception of the continued enforcement of the “no-fly” zones, U.S. military threats on Iraq diminished significantly. There was a corresponding increase in Iraqi recalcitrance.

The Bush administration's military threats have had a significant impact on Iraq's position on weapons inspections. A year ago, Iraq was adamant, rejecting Resolution 1284 and declaring its firm rejection of anything associated with the resolution, especially UNMOVIC and its executive chairman, Hans Blix. Iraq repeatedly stressed that it had completed its disarmament obligations and flatly rejected the possibility of weapons inspections. However, as the United States stepped up its threat to change the Iraqi regime by force, the Iraqi leadership resumed dialogue with Secretary-General Annan, hinting at the possibility of accepting inspections.

In his dialogue, the secretary-general has sought to focus on the return of weapons inspectors, but Iraq has claimed that no major disarmament issues remain, while attempting to shift the focus of dis-

cussions to the mechanism of lifting sanctions, no-fly zones, U.S. threats on its government, and the creation of a weapons of mass destruction (WMD)-free zone in the Middle East (alluding to Israel's nuclear weapons program). As long as there were no immediate military threats, the Iraqi leadership did not need its trump card—weapons inspections—to stave off U.S. strikes. In addition, from Iraq's perspective, the United Nations, along with the Arab League, is a useful policy tool to mobilize global and Arab opinion against the United States. The Iraqis thus try to use the secretary-general and weapons inspectors to serve as convenient buffers to U.S. military action. In a sense, they are “human shields” for the Iraqi leadership.

USE OF FORCE

Despite the council's unity regarding the new sanctions regime and the resumption of weapons inspectors, it remains sharply divided over the way forward on the issue of disarmament in Iraq, particularly the prospects for the use of force. Russia, China, and France, albeit to varying degrees, remain important allies for Baghdad. Even if Iraq continues to reject weapons inspections, they would not support U.S. military action—especially if Washington's declaratory objective is to overthrow the regime. Generally speaking, these nations can be expected to oppose to the use of force against Iraq to the greatest extent possible.

This is not limited to Iraq issues. Russia and China, and to a lesser extent France, are wary of the Bush administration's unilateral policies, especially regarding its perceived haste in resorting to military force. Russia and China are particularly averse to the use of force, as was demonstrated during the North Atlantic Treaty Organization's (NATO) military campaign in Kosovo. They also have serious concerns about the implications of the use of force for issues of their own concern, such as Chechnya, Taiwan, and Tibet. The three nations share the view that only the Security Council can authorize the use of force—a view to which Great

Britain is also sympathetic. Increasingly unsettled by U.S. power and its developing unilateralism, they would seek to check U.S. military action through the United Nations. Although U.S. primacy is indisputable outside the United Nations, within the Security Council the United States remains equal to these other nations as a veto-wielding permanent member.

These council members fear, however, that despite their strong opposition, the United States administration still prefers military solutions to these international security issues, sidestepping the United Nations, as in the case of Kosovo. The irony is that adamant opposition from other council members could drive the United States away from the Security Council, further marginalizing the council and the United Nations. Washington's unilateral resort to military force would certainly undermine the council's authority and credibility, and correspondingly, the power and prestige accorded to the other permanent members.

Russia, France, China, and the United Kingdom are well aware of this dilemma. This suggests that even though they oppose Washington's use of force to remove Saddam Hussein, they may realize that it is in their interest to work out a formula for the use of force against Iraq that is acceptable to the United States and that can be authorized by the council as a whole. It follows that if Washington seeks the Council's authorization for the use of force to “support inspections,” opposition from Russia, China, and France may not be insurmountable—although it may still require considerable diplomatic efforts.

THE CHALLENGE AHEAD

In light of the growing unity among the P-5 regarding Iraq issues, the United States could first pursue the goal of establishing an effective inspection regime through the current system established by Resolution 1284. The current process, including UNMOVIC's preparatory work and the secretary-general's effort to bring inspectors back to Iraq, enjoy broad international support.

There are several immediate options for improving the effectiveness of inspections and increasing the pressure on Iraq to accept inspections:

- ▶ *Measures under Article 41.* The United States could pursue vigorous and creative diplomacy to explore various UN-mandated measures that have not yet been tried. For example, a number of measures enumerated in the Article 41 of the UN Charter have not been applied, such as complete or partial interruption of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic relations. The council could also reinstate travel bans on ranking Iraqi officials. In addition, the United States could seriously pursue the establishment of an international tribunal on war crimes in Iraq. Confronted with the possibility of all-out U.S. invasion, other council members would be more willing to consider these measures. They will certainly increase pressure on the Government of Iraq to accept weapons inspections.
- ▶ *Use of force to support inspections.* The United States could seek Security Council authorization for the limited use of force to coerce Iraq into accepting weapons inspections. A new council resolution could contain a deadline for Iraqi compliance. This option offers an important diplomatic advantage for the United States by according international legitimacy to military action against Iraq. Negotiations in the council may require considerable time and effort and may also result in certain constraints on the use of force and rules of engagement. Nonetheless, the international community would accept the legitimacy of U.S. military action and even extend military assistance. This option would also provide incentives to other council members. It would preserve the council's unity and authority. Faced with the prospect of all-out U.S. invasion, even Iraq's staunch allies in the council may be swayed to agree to take decisive measures against Iraq, including use of force. They share

Washington's concern about Iraq's WMD programs, but they seek to control them through the United Nations.

- ▶ *Subcontracting inspections.* It might be possible to persuade other P-5 members to replace Resolution 1284 with a new inspections system fashioned after the "subcontract" model—that is, inspections would be conducted by a coalition of "willing" governments. UNMOVIC's current mandate would be implemented by groups of inspectors provided by like-minded governments. UNMOVIC could be totally disbanded or significantly reduced to a liaison office to the secretary-general. The concept of subcontracting is nothing new in UN peacekeeping operations. Since the Dayton Agreement in 1995, the United Nations has subcontracted peacekeeping operations to a coalition of governments in Bosnia-Herzegovina (IFOR/SFOR), Kosovo (KFOR), East Timor (UNTAET), and Afghanistan (ISAF). In these cases, peacekeeping forces are not traditional UN peacekeepers led by UN commanders; rather, they are multinational security operations authorized by the Security Council.

The subcontracted inspections model may have some merits—it would be more agile and coherent and much easier to achieve synergy between inspections and military operations. But it would require colossal diplomatic efforts to persuade Russia, France, and China to consent to this model. Although the council is united on the need for weapons inspections in Iraq, there remain serious differences as to how the United Nations should devise and implement an effective inspection system. Should Washington seek to reinforce the current inspections regime based on Resolution 1284, it would encounter a number of challenges in achieving the unity of the P-5. The council's current unanimous support for UNMOVIC did not come easily. Therefore, it remains an open question whether the council will support any attempt to alter the current inspections regime based on

Resolution 1284. Russia, France, and China would resist any dilution of UNMOVIC's UN character and object to reinstating a system similar to UNSCOM. Reestablishing a "Super UNSCOM" would require a new Security Council resolution.

COERCIVE INSPECTIONS: THE MIDDLE GROUND

A most viable approach would appear to be the use-of-force option. Without changing the current inspection system established by Resolution 1284, the Security Council could authorize the use of force specifically for the purpose of enforcing inspections. Because all the relevant resolutions of the Security Council regarding Iraq's disarmament obligations were adopted under Chapter VII, it would be a logical course of action for the Security Council to order enforcement action. As in the case of Operation Desert Storm, a coalition of like-minded countries would deploy armed forces and initiate military action so that UNMOVIC inspectors could carry out its mandate. Decisions on the modality of military operation, such as air cover, military escort, and limited occupation, could be left to a coalition of governments. Meanwhile, reaffirming the previous council resolutions, particularly Resolutions 687 and 1284, including its commitment regarding sanctions, would increase international legitimacy, the credibility of the Security Council, and hence the legitimacy and credibility of U.S. diplomacy.

Finally, a new diplomatic initiative should take into account the timeline of the current process initiated by the secretary-general. Should Iraq accept UNMOVIC inspections, this would trigger a new process centered on UNMOVIC and the IAEA. Obviously, such a process will generate a new dynamic in the council.

CONCLUSION

Although disarmament in Iraq requires a rigorous inspection system that at least threatens the use of force, the council's unity and international support are also critical in establishing effective inspections. Securing other P-5 members' agreement remains a major challenge for the United States. In the face of Baghdad's diplomatic offensives and shared interests with council members, Washington will have to commit to consistent and strenuous diplomatic engagement with other P-5 members to achieve and preserve council unity.

The P-5's recent positions on Iraq indicate positive developments and hint at useful clues to future action. First, the council is now united on the need for weapons inspections and unanimously supports UNMOVIC. Second, the U.S. threat to change the Iraq regime has engendered changes on the part of Russia, France, and China, signalling their willingness to agree to more decisive measures on Iraq. Third, Washington's vigorous diplomatic engagement with other P-5 members is required for obtaining international support for military action, and its sustained focus on Iraq is key to achieving P-5 unity in the Security Council. Finally, while a divided Security Council has limited the secretary-general's use of his good offices, a united council could allow him to play a supportive role by conveying a strong, unequivocal message to Iraq.

It should be obvious that it is always in Washington's interest to secure the council's support for its policy goals and the international legitimacy this confers. It now appears possible that the United States could develop an acceptable formula for multilateral military action to support inspections and secure council authorization for the limited use of force.

PERSUADING SADDAM WITHOUT DESTABILIZING THE GULF

Patrick Clawson

Iraqi President Saddam Hussein seems unlikely to cooperate with the inspections mandated by UN Security Council resolutions (UNSCR) in the absence of credible threats of the use of force. Comprehensive economic sanctions did not have that effect. Saddam showed that he could endure comprehensive sanctions longer than the international community could sustain them; in the end, it was the United Nations that substantially loosened the restrictions rather than Saddam who cooperated with UNSCR mandates. It also seems unlikely that Saddam would be induced to cooperate were there a “light at the end of the tunnel,” because it seems that his ambitions are so grand that he cannot be accommodated.

Indeed, the prospect of limited air strikes may be insufficient to secure Saddam’s cooperation. Saddam seems to have decided that such air strikes will be episodic rather than sustained and that the limitations the United States will impose on itself about what targets to hit will prevent the strikes from being regime-threatening. At the least, air strikes have to date not been sufficient to secure Iraqi cooperation with UNSCR mandates, which suggests that Iraqi cooperation may come only with a credible threat of regime overthrow.

Making the threat of regime overthrow credible will not be easy, given the heated rhetoric used by the last three U.S. presidents, which to date has not produced much. U.S. coup-promotion activ-

ity has not impressed Saddam. Nor has U.S. assistance to the Iraqi opposition led Saddam to feel sufficiently threatened so as to cooperate with UNSCR-mandated inspections. He may well question U.S. resolve to commit the forces necessary for his overthrow. In this environment, it seems unlikely that any U.S. declaratory policy, no matter how explicit or severe, will be sufficient to secure Saddam’s cooperation with the inspections.

Even if persuaded of U.S. resolve, Saddam may believe that regional states will be unwilling to provide the United States the access it would need to carry out regime-threatening military action. He would have good reason to believe that Turkey and the Arab Gulf monarchies prefer the status quo, with a weakened Iraqi regime and an implicit U.S. security guarantee in the event of Iraqi aggression, to the alternatives—either the “bad” alternative of a failed state in Iraq or the “good” alternative of a democratic pro-Western Iraq. (A federal democratic Iraq with a largely autonomous Kurdish region is a very bad precedent in Turkish eyes, whereas the Saudis would not like losing their position as the United States’ privileged partner in the Gulf, nor would they like seeing Iraq become an oil superpower displacing Saudi Arabia’s position as lynchpin of the world oil market.) Saddam may also believe that he can successfully pressure regional states not to give U.S. forces sufficient access to threaten his regime; after all, he has had great success with the

argument that Iraq will be in the region forever while the United States may leave.

If this analysis is correct, then securing continuing Iraqi cooperation with inspections will require a sustained U.S. presence in the region enforced by a U.S.-led military force of a size and character sufficient to threaten the overthrow of Saddam's regime. But such a force could threaten the stability of the Persian Gulf in at least two ways: by bringing into question the close security cooperation between the United States and regional states and by undermining the stability of the Gulf monarchies.

ENDANGERING U.S.–REGIONAL TIES

Were they to agree to a sustained U.S. presence aimed at Iraq's regime, regional states would think they were doing the United States a considerable favor. In return, they would expect the United States to address some of their concerns; in particular, the Arab monarchies would expect U.S. pressure on Israel, and Turkey would anticipate military aid, better access to U.S. trade and finance, and assistance in its relations with the European Union. But many in the United States would regard a continuing U.S. deployment on Iraq's borders as a favor to the regional states, because those states would be the ones being protected from Saddam. There would likely be calls for the regional states to assist with other U.S. foreign policy objectives in return for the U.S. protection against Saddam, similar to the pressure on Saudi Arabia in the early 1990s to finance a variety of U.S. initiatives (from Somalia to the Korean peninsula) and to participate in peace talks with Israel. With the regional states expecting the United States to do them favors and at least some in the United States expecting the regional states to do the United States favors, the potential for disappointment and disagreement is great. This will not help U.S. relations with the regional states and could lead to a serious deterioration of relations.

Even setting aside the potential asymmetric expectations, it would hardly be surprising if regional states were reluctant to sign on to a continuing

threat against their neighbor Iraq. Constructing an alliance to threaten another state is no easy task. The North Atlantic Treaty Organization (NATO) was hard enough to hold together as a defensive alliance. Despite the close societal ties between the United States and Western Europe, it is by no means clear that NATO could have worked had it been an alliance designed to attack the Soviet bloc. Asking the Gulf Arab monarchies to sign up to an alliance for attacking Iraq is particularly difficult because of the strong historical and social links between those states and Iraq. It would be very difficult for Arab states to cooperate with former colonial powers in an attack on a fellow Arab state.

UNDERMINING THE STABILITY OF THE GULF MONARCHIES

Preserving monarchical rule in the Gulf Cooperation Council (GCC) states is not and should not be a long-term U.S. objective; monarchy is not a system the United States wishes to promote, and monarchies are not necessarily particularly stable. That said, at present, the alternative to the Gulf monarchies is probably worse: There is every reason to think that overthrow of the monarchies would be at the hands of anti-Western, anti-democratic Islamists. For that reason, the United States may well have a short-term interest in ensuring the stability of the Gulf monarchies, while encouraging them to move toward more transparent and accountable governments with legislatures that have more powers and are more freely selected.

The existing U.S. troop presence in the Gulf is unpopular with social conservatives and nationalists in the GCC states. How much political impact this generates is unclear. After all, the GCC states are not democracies, and the ruling families have traditionally conducted foreign and security policy without much reference to popular opinion. The redeployment of U.S. forces to desert bases, far from the sight of the civilian population, has lowered the profile of the U.S. presence. That said, a large-scale U.S. presence, especially if it were poised to

strike hard at Iraq, would sit badly with many in the GCC countries. That would provide an opportunity for the Islamist opposition to reach out to a larger audience with their violent anti-regime message. The ruling regimes have been intensely aware of the Islamist danger and have been prepared to take strong action to keep a lid on the opposition, so it seems quite unlikely that any of the GCC regimes would be overthrown in the wake of a larger U.S. military presence. However, if some GCC regime already faced serious internal problems—splits in the ruling family, serious socioeconomic problems, and so on—then the larger U.S. military presence could become a rallying point for anti-regime agitation.

Furthermore, there is a risk that GCC regimes might seek to redirect criticism about the U.S. presence into criticism of the United States instead of criticism of their own regimes for cooperating with the United States. This was certainly the strategy in the 1990s, with the result that radical anti-Western forces were able to win the recruits needed for repeated attacks on U.S. targets, from Khobar Towers to the USS *Cole* to the World Trade Center.

Besides the two destabilizing impacts of a sustained large U.S. military presence analyzed above, a third potential problem would be an Iranian perception that the United States is preparing for a strike against the Islamic Republic. Any military force suitable for threatening Saddam's regime would also provide a capability that could be used

against Iran, and any prudent military planner has to worry about capabilities as much as intentions. On top of which, the Bush administration's hostility to the Islamic Republic's hardliners and its evident interest in promoting democratic forces could lead the revolutionaries who control Iran's levers of power to worry that the United States would use its military force in the Gulf against Iran if the opportunity presented itself. Certainly in the last few months, there have been many serious Iranian analysts and policy makers who have assumed this is the U.S. intention. The risk is that a U.S. force designed to secure Iraqi cooperation could lead to acute tensions with Iran that could escalate into periodic military confrontations, along the lines of the U.S.–Iran naval clashes in 1988–1989—clashes that included the largest surface naval confrontation of the last half century.

WHAT TO DO?

It is by no means apparent how to press Saddam into permitting inspections without threatening the stability of the Persian Gulf. Perhaps the most realistic way to frame the issue is to say that restarting inspections will require a continuing substantial U.S. force presence of a sort that will complicate U.S. relations with Gulf countries and may threaten their internal stability, and then to allow the reader to judge whether that risk is worth taking.

CALCULATIONS OF IRAQ'S NEIGHBORS

Shibley Telhami

In designing a strategy to gain the support of Iraq's neighbors for limiting Iraq's nuclear potential, it is important to begin by separating the strategic calculations of governments in the region from their domestic political calculations.

At the strategic level, governments in the region generally favor preventing Iraq from becoming a nuclear power, especially under Saddam Hussein. Even Gulf states such as the United Arab Emirates, who fear Iran more than they fear Iraq and who worry about weakening Iraq too much, support measures to limit Iraq's nuclear capabilities, including reinstating international monitors. But some states, especially Iran and Syria, also worry about overwhelming U.S. power in the region. Their calculations are thus more complex: They do not want to see Iraq armed with nuclear weapons, but they also fear U.S. dominance—and in Syria's case, Israeli strategic dominance—especially U.S. occupation of Iraq. This leads to the following considerations: On the one hand, any option that would rule out a U.S. military campaign may get their support; on the other, trust in the United States is so low that there is the belief that uncertainty about Iraq's nuclear potential may be a major deterrent to U.S. war plans.

Even aside from public sentiments, one should not underestimate the strategic reluctance of other states in the Gulf, including Saudi Arabia, to support a U.S.-led war on Iraq for two reasons: (1) states

in the region fear the possible disintegration of Iraq or the continued instability emanating from Iraq; and (2) they fear possible U.S. military-political control of Iraq that would alter the strategic picture to their disadvantage. All this suggests that, strategically, states in the region could rally behind an international plan to prevent Iraq from acquiring nuclear capabilities, if they could be persuaded that this option is indeed intended as a genuine alternative to the war option and not part of a process designed to lay the groundwork for justifying a war.

On the domestic political level, no state in the region can ignore public sentiment in the era of the information revolution. Certainly one of the major barriers to getting the support of Arab governments for a war option is public pressure. Indeed, much of the public in the Arab world is sympathetic to Iraq's efforts in general. It is important then to understand how the public in the region, including the elites, views this issue. First, most people there do not understand that the policy to prevent Iraq from acquiring weapons of mass destruction (WMD) is based on UN resolutions. Instead, they see the policy as a strategy intended to prevent only Arab states from acquiring such weapons. Second, those who do understand the role of UN resolutions raise the question of "double standards" in applying those resolutions, always with examples from the Arab-Israeli conflict. Third, the sense of humiliation and helplessness is so pervasive in the region after the

violence on the Israeli–Palestinian front of the past several months that many wish for an Arab deterrent, even if possessed by Saddam Hussein. Fourth, while many wish for such an outcome, most do not believe that it is likely and see the entire focus on this issue as tactical, intended to justify keeping Iraq in a box or declaring war on it. This view has become even stronger in recent months, with the public in the region increasingly identifying U.S. interests with Israeli interests and perceiving the United States as dominating decisions at the United Nations. Fifth, there is continued empathy with the suffering of Iraq’s population and a prevailing assumption that the sanctions, not the Iraqi regime, are ultimately to blame for this suffering.

Even so, the public in the region is not likely to mobilize against steps by governments in the region to contain Iraq’s capabilities, such as support for the reinstatement of UN monitors, in the same way that it would likely mobilize in the event of war. The difficulty comes when Iraq defies measures to contain its programs. It is clear that Iraq could gain a great deal of sympathy, especially in the event of punitive measures for lack of compliance—something we have often witnessed in the past. In other words, Iraq could have the capacity to time its defiant actions for maximum sympathy, such as at times of high regional anger over U.S. policy toward the Palestinian–Israeli conflict. So any effective policy would have to be designed to reduce this possibility.

Taking these strategic and political calculations into account, an effective policy intended to gain the cooperation of Iraq’s neighbors in limiting Iraq’s nuclear potential would have to include several important elements:

- ▶ *Securing strong U.S. assurances that it intends the policy as an alternative to war and that if the policy*

succeeds, the war option will be off the table. But even if the implied threat of war in case peaceful measures fail is projected in the name of the United Nations, not the United States, there should be no illusion: Most actors in the region will continue to see U.S. moves as tactical, intended ultimately to justify the war option.

- ▶ *Making progress in the Palestinian–Israeli negotiations.* It is hard to imagine any successful policy toward Iraq, military or otherwise, as long as violence continues unchecked. A full settlement of this conflict is not a necessary condition; rather, a de-escalation of the violence and the onset of a genuine political process that projects hope will be important for securing regional cooperation for U.S. policy toward Iraq.
- ▶ *Providing incentives, in addition to threats, to Iraq.* This will be important in securing Iraqi cooperation, especially given the public sympathy with Iraq in the region. These incentives could include lifting economic sanctions completely and allowing for increasingly normal relations between Iraq and its neighbors. These measures would also go a long way toward addressing regional public concerns about the hardship in Iraq. But it is important to recognize the implications of such an approach: It entails that the priority of limiting Iraq’s WMD capabilities supersedes the objective of removing Saddam Hussein.
- ▶ *Beginning a forum for addressing WMD on a regional basis, focusing on strategic concerns about the uneven proliferation of weapons in the region.*
- ▶ *Differentiating among Iraq’s neighbors.* Not every state has the same concerns, even if most have much in common in their attitude toward Iraq.

THE RUSSIAN ELITE AND IRAQ: AN UNEXPECTED PICTURE

Rose Gottemoeller

Our interest is that Iraq should have a stable and predictable regime, friendly to Russia. And naturally, we do not want to see weapons of mass destruction produced there. We are convinced that the political resource for resolving problems with Iraq has not been exhausted. However, if the United States does not correct its unbearable urge to fight as soon as possible, that resource may never be used.

—Dmitry Rogozin, Chairman of the Committee on International Relations, State Duma of the Russian Federation¹

Rogozin's statement of Russia's current interest in Iraq is succinct and interesting because it does not stress the economic issues that are so often assumed to be the driving force behind Russian policy. Instead, he focuses on requirements for stability, predictability, and the absence of weapons of mass destruction (WMD). The United States clearly articulates similar requirements. So if Rogozin represents a view widely held among Russian elites, then there is a basis for cooperation between Russia and the United States in trying to address the Iraq problem.

The *if* is a big one, however, because it contains several elements. First is the obvious one: Do Russian political elites really share Rogozin's view that

stability, predictability, and an absence of WMD are at the heart of Russian interests in Iraq? The second is only slightly less obvious: Would Rogozin and the Russian elites ever go along with the notion of moving quickly to a military invasion of Iraq? And if they did go along, would they be willing to extend Russian military support to the invasion? Alternatively, would they press hard for a different solution, one that would emphasize diplomacy and a strengthened inspection regime?

This paper examines these questions to provide a sense of how Moscow might react to precipitate U.S. use of military force or to efforts to craft an alternative solution. The paper draws exclusively on sources in the Russian media and on that basis

1. Dmitry Rogozin Comments, *Izvestiya*, April 30, 2002.

forms a picture of likely public and elite opinion in Russia. It does not emphasize Western sources or the diplomatic record, except to the extent that it is reflected in Russian media commentary.

Before launching into an examination of recent comments on these issues in the Russian media, it is worth noting that since September President Putin has often taken pro-American steps that go against the flow of elite opinion in Russia. No matter what views are being expressed in the Duma, the press, or among the intelligentsia, therefore, Putin may decide to acquiesce to the Bush administration in whatever they do in Iraq. This acquiescence, however, might be a far cry from providing active support to a military operation. It might be more akin to the Russian attitude toward the U.S. withdrawal from the Anti-Ballistic Missile Treaty: Moscow would stress that the U.S. policy is a mistake, but not one to which the Russian Federation will respond either with anger or precipitate action of its own.

THE QUESTION OF RUSSIAN INTERESTS

On the question of how the elites define Russian interests in Iraq, the oil interest group seems to be running to type. For example, Konstantin Kagalovsky, board member of the Yukos oil company, inveighed against an invasion of Iraq “by our American friends.” He was not, however, focused only on the difficulties that this would cause for Russia—he noted that the consequences of such an attack would be deeply contrary for both “us and America.” At the same time, he cautioned against the “gift horse” that the United States was offering:

The Americans are telling us that it is very important for us that there be a different regime in Iraq, and that they will guarantee that that regime will make Iraqi debt payments to us... The Americans also promise that once a new Iraqi regime is in place, they will help

us get contracts in Iraq... Both of these positions are a raw deal, but now they are going to be supported in the Ministry of Foreign Affairs and other government agencies.²

Kagalovsky’s comments illustrate that elite positions in the oil industry are as would be expected: suspicious that the new advantages that the Americans are offering would be better than the promises that they already have in hand from the Iraqis. More interesting is his portrayal of the approach inside the Russian government: Although he and his industry are holding firm, the government agencies are moving toward the U.S. view. This conveys clearly that elite opinion in Moscow is by no means stuck on the Russian oil industry position.

It must be said, however, that of the commentators reviewed for this analysis, only Rogozin was so succinct in portraying Russian interests as rooted in stability, predictability, and the absence of WMD in Iraq. Indeed, the lack of widespread geostrategic analyses in the current media discussions was striking, but it may reflect no more than a temporary silence among those, such as Yevgeny Primakov, who have traditionally been the voice of a “Eurasian” policy for the Soviet Union and Russia. In other words, the current preeminence of Putin’s U.S.-leaning policy may have temporarily silenced those who would normally have been articulating more of a geostrategic view of Russian interests.

THE QUESTION OF SUPPORT FOR MILITARY ACTION

The lack of a Russian consensus on its interests in Iraq does not, however, imply ready Russian support for U.S. military action. On the contrary, Russian experts stress both that the United States will have to go it alone and that U.S. forces should not expect a repeat of the easy time that they had in toppling the Taliban from power in Afghanistan.

2. Konstantin Kagalovsky Interview, *Vremya MN* [Moscow News], April 17, 2002.

As Alexei Arbatov commented in an interview in May, “Using aerial bombardment alone in Iraq will not do the trick; the United States will need a ground operation. In Afghanistan, the ground operation was carried forward by the Northern Alliance, under the leadership of Russia and the USA. But in Iraq, no one will want to do this dirty work for the Americans.”³

One commentator went so far as to say that Iraq for the United States will be as Carthage was for Rome: an eventual victory but won only after a long war that significantly taxed the Roman Empire.⁴ This image of an imperial power about to enter a quagmire is one that a number of Russians seem to relish, perhaps based on their own experience in Chechnya. However, they do not specifically compare Iraq to Chechnya. Instead, they warn against “naïve” hopes, such as counting on “marionette-style fighters from the ranks of (Iraqi) dissidents.”⁵

Thus, the answer to the question of whether Russia would support a U.S. invasion of Iraq with its own military forces is a clear *no*: As far as Russia is concerned, the United States will have to go it alone. The more general question of whether Russia would go along with such an invasion has a more nuanced answer, however. Russian elites seem ready to stand aside and let the Americans go forward if they are determined to do so. As Georgy Mirsky put it, “Russia will not hinder the Americans.”⁶

In some sense, Russian commentators may be preparing their public for what they believe will be the likely response from the Kremlin: Putin’s acquiescence to a U.S. invasion of Iraq, similar to the case of the Anti-Ballistic Missile Treaty.

THE QUESTION OF AN ALTERNATIVE OPTION

A number of Russian commentators echo Rogozin’s view that political tools for addressing the crisis have not been exhausted.⁷ They note that Iraq has not so far refused dialogue with the United Nations. They also note that as soon as others walk away from diplomatic efforts, the Iraqi leader will be tempted to preempt the situation.⁸ This attitude indicates that Russia, if it should acquiesce to U.S. military action, will continue to press on the diplomatic front as well.

Even more naturally, the Russian elites would be positively disposed to a reasonable alternative to a full-scale U.S. invasion. The scope and definition of that alternative is not clear from the Russian media, except to emphasize a strong commitment to continued engagement at the negotiating table. However, the current Russian stance at the United Nations suggests that a use of force to support inspections might not be out of the question, if only to maintain the continued viability and legitimacy of the UN system.

Moreover, although they do not occupy the first rank of argument, the interests of Russian companies would not be disregarded. Russian media commentators convey the sense that they are simply waiting for the giant to falter. This would not be because they expect to gain in the old Cold War zero-sum sense, but because they believe it will create the conditions for a new political process. In this, Russian experts would hope to take a decisive role, especially to support the interests of Russian companies.⁹

3. Alexander Kuranov interview with Alexei Arbatov, *Nezavisimaya gazeta*, May 23, 2002. This view that the United States will not be able to engage in “push-button warfare” and will have to do its own dirty work is currently common in the Russian press. See, for example, Georgiy Mirsky Comments, *Izvestiya*, April 30, 2002; and Sergey Sergeev, “Baghdad Marsh,” *Vek*, May 17, 2002.

4. Sergei Norka, “Head to Head,” *Vek*, June 7, 2002.

5. Rogozin, *Izvestiya*.

6. Mirsky, *Izvestiya*.

7. See, for example, Vladimir Skosyrev, “Iraqi ‘Nut’ Difficult to Crack,” *Vremya MN*, April 30, 2002; Sergeev, “Baghdad Marsh”; and Norka, “Head to Head.”

8. See, for example, Vladimir Skosyrev, “To Get Soaked in Self-Defense,” *Vremya MN*, June 18, 2002.

9. This argument has already been present in the Russian press. See Skosyrev, “Iraqi ‘Nut’ Difficult to Crack.”

CONCLUSIONS: ENGAGING RUSSIA

To sum up, Russian elites will not be tied fast by Russian oil companies in regard to defining Russian national interests in Iraq. Likewise, they will not be driven to precipitate steps against the United States, in the United Nations or elsewhere. At the same time, they will likely urge, and strongly so, the continuation of a diplomatic-political process to resolve the crisis. This could include the option of armed support to inspections.

The flip side of their attitude in the political arena is that although they might acquiesce to a U.S. invasion of Iraq, Russian elites will be unwilling to lend military support to the United States. It is difficult to tell from existing media commentary, but this unwillingness may well extend to supporting roles that are now well established in Afghanistan, such as the sharing of intelligence data.

This summary leaves a number of questions unanswered. For example, what would be the Russian attitude toward other former Soviet states that chose to support a U.S. military operation? Would Russia object strongly to the U.S. use of military bases on former Soviet territory? What means would it use to pressure its neighbors against providing such support? Russian elites have not been speculating widely on such issues, although it seems likely that Russia would try to prevent widespread U.S. staging from countries that are its partners in the Commonwealth of Independent States.

Another set of questions revolves around what goals Russia would have for itself in a continuing political process. "Advantage for Russian companies" is a straightforward goal but too simple when juxtaposed against the very evident elite opinion that vic-

tory will not come easily and that the United States may in fact become bogged down in Iraq. In that case, Russia might have to step up to a more active role in solving the Iraq problem. What that role might comprise is difficult to see, given that Russia has not traditionally been good at engineering face-saving remedies for other parties at the negotiating table. At the moment, however, the Kremlin seems to be setting itself up for just such a role.

These two sets of questions highlight both problems and opportunities that may emerge in engaging Russia in a middle-ground option involving the use of force to support inspections. On the problem side, complex tensions are already arising between Moscow and Washington as Putin tries to walk a line between pushing for continued progress on the diplomatic front and acquiescing too quickly to a U.S. invasion. Those in Washington who are strong supporters of invasion might be tempted to conclude that Russia is not a reliable partner. Its role as an interlocutor might therefore be prematurely diminished.

On the opportunity side, the strong interest of Russia in a continued political-diplomatic process, when joined with the diversification of its policy away from simple oil company interests, means that Russian decision makers might be able and willing to play an active role in formulating a middle-ground option. Russian commentators already emphasize that Russia is urging Iraq to embark on a more flexible policy toward the West.¹⁰ If that role can be developed successfully, then Moscow could be very helpful. The dynamic between the problem and opportunity sides, however, will be decisive in determining whether this outcome is possible.

10. See, for example, Elena Suponina, "Baghdad Changes Color: Russia Forces Iraq to Be Like Everyone Else," *Vremya novosti*, May 21, 2002.

THE UNSCOM RECORD

Stephen Black

Following the Gulf War, as an integral part of the cease-fire agreement, the UN Security Council imposed on Iraq a total ban on weapons of mass destruction (WMD) and certain ballistic missile systems. The prohibition was implemented by the director general of the IAEA and a new organization, the UN Special Commission (UNSCOM). Under Resolution 687 (1991), Iraq was required to declare its WMD programs, including extant weapons and related facilities. UNSCOM and an Action Team (AT-IAEA) established by IAEA's director general were tasked with verifying Iraq's declarations, eliminating proscribed items and facilities, and instituting a system of ongoing compliance monitoring. The cease-fire resolution called for immediate on-site inspections of both declared capabilities and those sites designated by UNSCOM. In addition to facility access, a subsequent exchange of letters between the UN Secretary-General and the Government of Iraq secured for investigators a host of complementary rights and privileges: full freedom of movement into and within Iraq; full rights to request, record, and retain any relevant items or documents; right to conduct interviews; freedom to conduct both ground and aerial surveillance; right to collect and analyze samples of any kind; and right to install equipment for inspection and monitoring purposes. While Iraq was

permitted to have an observer present for interviews and aerial inspections, there were no substantive operational limits placed on UNSCOM and AT-IAEA.

Despite the complexity of the task, both UNSCOM and the Action Team remained small organizations throughout the 1990s. UNSCOM comprised 21 international arms control experts, administered by an executive chairman. Based in New York, the executive chairman led an office of about 50 headquarters staff and another 50 support staff at field offices in Bahrain and Baghdad. The Action Team was based in Vienna with about a dozen staff members. Headquarters personnel planned inspection missions, with additional mission staff seconded by supporting governments.

Even with an annual budget of only about \$30 million, UNSCOM managed to field more than 250 visiting inspection teams between 1991 and 1998 and maintained a permanent monitoring presence in Iraq for five years. The vast majority of the personnel and equipment utilized by the commission was provided at no cost by supporting governments.

On-site inspections were the principal means of verification used by UNSCOM and the Action Team. Teams of varying sizes—from three to more than 80 inspectors—conducted short-notice and no-

notice inspections of a range of Iraqi installations, including declared WMD stores; declared research, development, and production sites; dual-use facilities; and undeclared locations suspected of proscribed activities. On-site inspections included, among other things, simple factory tours, environmental sampling, materials and equipment inventories, physical surveys, and document and computer searches. Other teams confined their inspections to conference rooms where they interviewed Iraqi military personnel, weapons scientists and engineers, industrial managers, financial officers, and high government officials. The teams were supported by aerial inspections conducted by both commission helicopters and a U-2 reconnaissance aircraft.

Inspections were the principal source of information, but investigators also operated a host of sensor and monitoring systems to verify Iraqi compliance. As part of their search for undeclared WMD assets and to facilitate ongoing monitoring, UNSCOM and AT-IAEA installed and operated a network of remote monitoring video cameras, chemical air sampling systems, aircraft- and vehicle-mounted gamma ray detectors, helicopter and man-pack ground penetrating radar, and other specialized information collection systems. In addition to their own operations, UNSCOM and AT-IAEA requested and received sensitive national information from supporting governments. Other important sources of data were suppliers of equipment and materials to the Iraqi WMD programs, Iraqi defectors, and open-source information.

Contrary to the incomplete initial Iraqi declarations of April 1991, UNSCOM and AT-IAEA were able to uncover vast amounts of undeclared weapons, materials, and facilities. By using the full spectrum of inspection rights and information sources, the investigators either located or forced the disclosure of major aspects of Iraq's WMD infrastructure.

Iraq initially denied that it had conducted any nuclear activities outside of those already under IAEA safeguards and that all were in compliance with the Nuclear Nonproliferation Treaty. Inspec-

tions, however, revealed a massive, covert, multi-facility effort directed toward the production of nuclear weapons, several undeclared uranium enrichment projects, and a crash program to utilize safeguarded reactor fuel in a nuclear device.

While Iraqi ballistic missile activities were public knowledge, the full extent of the program was not. Investigations proved that Iraq had not disclosed all relevant missile systems and forced Iraq to declare more than 80 SCUD missiles, more than ten mobile missile launchers and related equipment, at least 45 chemical and biological weapons special warheads, successful programs to indigenously produce SCUD-type missile components, and efforts to continue proscribed missile research and development covertly.

The chemical weapons (CW) investigation similarly started with basic knowledge of the Iraqi program but with uncertainty about its scale and scope. As a result of inspections, Iraq increased its initial declarations by about 30,000 CW munitions (filled and unfilled); admitted a range of CW research and development efforts including the VX nerve agent, incapacitating agents, and binary munitions; and yielded for destruction hundreds of pieces of CW manufacturing equipment. The chemical team also oversaw the destruction of all declared CW munitions, agents, precursors, and research, development, and production facilities.

Discovery of the Iraqi biological weapons (BW) program was one of the commission's greatest successes. Despite long-running Iraqi denials, commission investigators proved the existence of an offensive Iraqi BW program. Under pressure from UNSCOM, Baghdad was forced to declare several BW production facilities; bulk production of BW agents, including anthrax and botulinum toxin; and production of BW munitions, including at least 25 SCUD warheads and more than 150 aerial bombs.

The successes achieved in investigating the Iraqi WMD programs belie a much larger difficulty encountered by the disarmament regime. Despite the requirements of the cease-fire agreement, in the spring of 1991 the Government of Iraq decided to

actively conceal important aspects of its proscribed programs, most notably its entire nuclear and biological weapons programs. The concealment policy evolved over the course of 1991 and eventually included releasing to inspectors only a portion of its WMD holdings. Iraq released the least modern, least effective weapons but retained sufficient records and documents to allow the restart of the WMD programs and as much of its WMD and missile research, development, and production infrastructure as possible, often under the cover of permitted dual-use activities.

Iraq's concealment policy and operations were coordinated by high-ranking officials and involved a number of intelligence and security organizations. The concealment process used a host of techniques to mislead and obstruct investigators, including rapid evacuation of designated inspection sites; unsupervised, unrecorded unilateral destruction of proscribed materials; denial of access to inspection sites; destruction of documents prior to inspection; and a pervasive system of surveillance capable of providing advanced knowledge of inspection sites and topics.

Although UNSCOM and AT-IAEA were able to confirm many Iraqi claims and in some cases

produce a technically coherent picture of past WMD activities, after almost eight years of intensive work they were never able to claim complete, or even sufficient, knowledge. When disarmament work was halted in 1998, the commission considered Iraq's ballistic missile, CW, and BW declarations to be incomplete and inaccurate. The myriad lingering questions and areas of uncertainty fall roughly into two categories. First, investigators are uncertain of the completeness of Iraqi declarations: It appears that Iraq has not declared all relevant activities and materials. Barring significant, good faith Iraqi cooperation, quantitative accounting for proscribed materials will remain incomplete. Similarly, Iraq's effort to conceal know-how, technical capabilities, and WMD-related infrastructure calls into question the investigator's qualitative knowledge of the weapons programs. Although a complete qualitative knowledge is not specifically necessary for disarmament accounting, it is a critical component of the long-term monitoring of Iraq's dual-use infrastructure. Iraq's policy of concealment and its known past efforts to retain proscribed items serve to magnify these uncertainties as they may represent just the tips of icebergs.

THE IAEA IRAQ ACTION TEAM RECORD: ACTIVITIES AND FINDINGS

Garry B. Dillon

The report of the IAEA director general to the Security Council on October 8, 1997, (S/1997/779) provides a comprehensive summary of the IAEA activities and findings regarding the investigation, destruction, removal, and rendering harmless of significant components of Iraq's clandestine nuclear weapons program. In this report the IAEA concluded, *inter alia*, that its mandated activities had resulted in a coherent picture of Iraq's program; that there were no indications of Iraq having achieved its program goal of producing a nuclear weapon; nor were there any indications that there remained in Iraq any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance.

These conclusions were recorded in conjunction with the recognition that some uncertainty is inevitable in any countrywide technical verification process that seeks to ensure the absence of readily concealable items or activities. At the time of reporting, it was the IAEA view that the few remaining uncertainties did not detract from its ability to implement effectively its plan for the ongoing monitoring and verification (OMV) of Iraq's compliance with its undertaking not to acquire or develop nuclear weapons or weapons-usable nuclear materials or their related activities and facilities. It was also the IAEA view that the investigation of

the remaining uncertainties, or any other matter that may come to light, was provided for and could be accomplished within the scope of the OMV plan. Nothing arose to change these views from October 1997 to December 1998.

ACTIVITIES OF THE IAEA IRAQ ACTION TEAM

The first IAEA inspection in response to its mandate under UN Security Council Resolution 687 commenced in Iraq on May 15, 1991. As of October 1997, the IAEA had completed a series of 30 inspection campaigns in Iraq involving some 500 site inspections and utilizing more than 5,000 person-days of inspector resources. During those campaigns the IAEA supervised the destruction of more than 50,000 square meters of factory floor space of nuclear program facilities, some 2,000 weapons-related items, and more than 600 metric tons of special alloys. The IAEA also arranged for and supervised the removal from Iraq of all weapons-usable nuclear material—essentially highly enriched uranium (HEU) research reactor fuel—and accounted for and placed under its control, all other known nuclear materials—some 500 tons of natural uranium in various chemical compounds and some 1.8 tons of low enriched (2.6 percent) ura-

niium dioxide. In addition to these activities, the IAEA began phasing in its OMV activities in November 1992 and commenced its continuous presence in Iraq through the establishment of the IAEA Nuclear Monitoring Group in August 1994.

The results of the inspections and discussions with Iraqi counterparts showed that by January 1991, through its Tuwaitha-based Atomic Energy Commission and later through the Nuclear Weapons Project (coded Petrochemical 3, or PC-3), Iraq

- ▶ had procured and domestically produced substantial amounts of natural uranium compounds at Al Qaim and had built and commissioned plants at Al Jesira to convert such compounds to supply materials for production-scale enrichment processes;
- ▶ had investigated several processes for the enrichment of uranium, including diffusion, electromagnetic isotope separation (EMIS) and centrifuge, as well as laboratory-scale work on laser isotopic separation (LIS) and chemical and ion-exchange separation processes;
- ▶ had built and was in the process of commissioning a 15kg HEU/EMIS plant at Al Tarmiya and was building a similar plant at Al Sharqat;
- ▶ had, with significant foreign assistance, developed and successfully tested a workable single-cylinder centrifuge and was building a centrifuge machine production facility at Al Furat;
- ▶ had produced more than one ton of natural uranium metal and was further developing purification, casting, and machining technologies;
- ▶ was equipping and commissioning a major facility at Al Atheer for the production of HEU-“fueled” nuclear weapons;
- ▶ had, in conjunction with Al Atheer, carried out a semi-empirical program at Al Qa Qaa for the

production of explosive lenses and was soon to “cast” the first full-scale explosive package;

- ▶ had, in the second half of 1990, embarked upon a “crash program” to extract the HEU material from the research reactor fuel to produce a single nuclear weapon;
- ▶ had irradiated in the Tuwaitha IRT-5000 research reactor domestically produced natural uranium targets and separated gram quantities of plutonium; and
- ▶ had undertaken three field experiments with radiation weapons containing radioactive materials produced by irradiating zirconium dioxide (actually its hafnium impurity) in the IRT research reactor.

Although Iraq had been close to the threshold of success in such areas as the production of HEU through the EMIS process, the production and pilot-cascading of single cylinder centrifuge machines,¹ and the fabrication of the explosive package for a nuclear weapon, by December 1998 the IAEA was satisfied that there were no indications of Iraq having:

- ▶ produced a nuclear weapon;
- ▶ produced more than a few grams of weapons-usable nuclear material (HEU or separated plutonium) through its indigenous processes;
- ▶ otherwise acquired weapons-usable nuclear material; or
- ▶ retained any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance.

Furthermore, all of the safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its crash program, had been verified and fully accounted for by the IAEA and removed from Iraq.

1. Iraq’s capabilities with respect to machine manufacture and particularly cascading are prudently overstated.

IRAQ'S COOPERATION

Cooperation is very difficult to measure. An inspection authority is likely to be afforded cooperation until it requires information or access that the inspected party does not wish to provide. Unless the authority requires such information or access, it may conclude that it has received the ill-described “full cooperation,” although it may, from its own perspective, have asked all the wrong questions and visited all the wrong locations. It must also be recognized that the manner in which the inspection authority asks for information or access can greatly affect the response of the inspected party.

Iraq's cooperation with the IAEA has been variable, starting at a low level with Iraq's initial complete denial of its clandestine nuclear program, soon dipping lower with the denial of access to a military site where EMIS components were being concealed, and reaching its nadir during the two “stand-offs” occurring in inspection number six (September 22–30, 1991).²

It is distinctly feasible that the improvements in cooperation, which gradually followed these confrontations, resulted from Iraq's realization that it was impossible to continue to deny that its clandestine program was not specifically dedicated to nuclear weapons production. Iraq's cooperation was tested on many occasions with the IAEA's introduction of “capable site” inspections that involved visits to locations with no known association with Iraq's nuclear program but that the IAEA judged to have capabilities to support prohibited nuclear activities. Apart from a few politically motivated grumbles, Iraq provided the necessary cooperation to facilitate these inspections, which by December 1998 had involved more than 60 sites.

It is fair to summarize Iraqi cooperation as being essentially adequate from late 1991 until diffi-

culties reemerged in August 1998 with Iraq's refusal to cooperate with UNSCOM and eventually the IAEA. It is also fair to say that Iraq's motivation to cooperate was shattered by the statement that, regardless of Iraq's compliance, the embargo and the sanctions would not be lifted as long as President Saddam Hussein remained in power. Fortunately, as it would be regarded in some quarters, Iraq could be relied upon to make yet another public relations blunder and emerge as the “villains of the piece.”

FINANCIAL AND PERSONNEL RESOURCES

Like most such ventures, the UNSCOM–IAEA activities in Iraq received a surfeit of moral support and, after Iraq's “unfrozen assets” were exhausted, woefully inadequate financial resources. The IAEA Iraq Action Team was limited to a budget of no more than \$3 million per year, in addition to logistical services provided through UNSCOM. To complete its mandated activities, the Action Team drew on the inspection resources of the IAEA Department of Safeguards—for which the department received no compensation—and cost-free personnel resources from IAEA member states. For the future, the costs of full operation of the IAEA's OMV plan in 1998 were estimated to be in the range \$10 to 12 million per year, in addition to logistical services to be provided through the UN Monitoring, Verification, and Inspection Commission (UNMOVIC), and to require some 20 person-years of human resources. On an annual basis, the task was assessed to include but not be limited to 500 site inspections, 100 key personnel interviews, 100 capable site inspections, and 200 ground-based radiation surveys, to be comple-

2. Following the IAEA team's discovery of a cache of technical documents at the Al Niqabat Centre, the team was detained for five hours, after which the Iraqi counterpart removed, sanitized, and later returned the documents. The next day the Iraqi counterpart prevented the IAEA team from leaving the Al Khyrat complex with a second cache of documents, a standoff that lasted 96 hours.

mented by fixed and rotary wing aerial radiation surveys, in parallel with a wide-area monitoring plan involving vegetation, aquatic, deposition, and aerosol sampling and analysis.

It would be relatively easy to justify twice the effort, but it is far from clear that this would bring twice the assurance. For comparison, the IAEA's OMV plan translates to about 2,000 person-days of inspection per year, but the total person-days of inspection expended by the IAEA Department of Safeguards in 1998 was 10,500.

Another apposite, though perhaps oversimplified, comparison assumes that the real product of the IAEA Department of Safeguards is person-days of inspection, from which simple arithmetic would yield a unit cost of approximately \$10,000. Averaging ten person-days of inspection per year to have been spent in Iraq from 1980 to 1990 results in an undoubtedly overstated total "investment" of \$1,000,000 over the decade. During that same

period, Iraq is variously estimated to have spent up to \$5,000,000,000! These are scarcely the statistics of an even playing field.

CONCLUSION

Technical inspection authorities that are comprehensively and competently staffed, adequately funded, and supported by unwavering political support for their mandate can provide a satisfactory level of assurance of compliance.

This conclusion presupposes that the "complyee" is able to recognize some benefit from compliance. In a cease-fire context, the "carrot and stick" approach to motivation seems to be entirely appropriate. However, the carrot should represent a tangible benefit, not merely the withholding of the stick. Indeed, during 1998, Iraq repeatedly claimed that "the light at the end of the tunnel had gone out."

NEW INSPECTIONS IN IRAQ: WHAT CAN BE ACHIEVED?

Terence Taylor

The purpose of this brief paper is to lay out some issues for discussion in relation to the conduct of possible future inspections in Iraq. The UN Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency are doubtless taking account of the points raised in this paper (and others) in their planning. In offering some thoughts on ways to enhance the inspection process, this paper is not intended to imply that the inspection organizations are not already doing so.

MANDATE

UN Security Council Resolution 687 remains the basis for the obligations placed on Iraq with regard to cooperating with UN inspection teams. Any agreement on the return of inspectors should adhere as closely as possible to Resolution 687, which the Government of Iraq has repeatedly affirmed. Any dilution of the resolution's obligations would seriously impede inspections under the aegis of UNMOVIC and IAEA. The success or otherwise of the inspectors would depend heavily on the degree of cooperation offered by Iraq. As the experience of the previous inspection system demon-

strated, even limited cooperation can yield substantial results. However, the task of UNSCOM and the IAEA was further complicated by Iraq's elaborate deception and concealment plans. Eventually, by 1998, Iraq withdrew all cooperation once it was clear that the UN Security Council was becoming even more divided and that the threat of the use of substantial and destabilizing force had faded from the scene. This brief analysis will not deal with these external political and military issues. Nevertheless, it needs to be appreciated that a high degree of agreement in the Security Council and a perception in Baghdad of the possibility of the use of substantial military force were key elements that induced a limited but sufficient degree of cooperation to allow UNSCOM and the IAEA to achieve important successes.

INSPECTION PROCESS

Although the impact of external dynamics is critical to the inspection process, UNMOVIC and the IAEA should maximize their chances of success by exploiting as far as possible the internal dynamics of inspection procedures.

The views in this paper are those of the author and do not necessarily reflect those of the IISS or any other organizations.

Critical elements of this process include:

- ▶ *Reestablishing the baseline.* A fundamental initial step would be to confirm the current state of knowledge of UNMOVIC and the IAEA, drawing on the information available when inspectors were last in Iraq. In particular inspectors will need to confirm the location of key dual-use equipment that was tagged and monitored by the inspectors.¹ If all aspects of Resolutions 687 and 715 are to be met, a system of monitoring will have to be put in place to help ensure continuing compliance by Iraq with its obligations. This will require the re-opening of a verification and monitoring center in Iraq.
- ▶ *Addressing unresolved issues.* Uncovering the critical unresolved issues in relation to the weapons of mass destruction (WMD) and missile programs will be the most challenging aspect facing any future inspection organization. The Security Council has been unanimous on at least one issue, which is that Iraq has not divulged all that is required to meet its obligations under Resolution 687. At the request of Iraq, a series of Technical Evaluation Meetings, attended by a wide range of independent experts (not UNSCOM), was held from February to July 1998. After four sessions the experts concluded that Iraq had not met its obligations in particular in relation to the production of VX nerve agent, the disposal of missile warheads, and its biological weapons program.

It will be important to adopt a plan that deals with these two challenges simultaneously from the start. If the inspectors return, a most important period to exploit would be the very early part of the inspection process, when Iraq is likely to perceive that it is in its interest to demonstrate coop-

eration. This early period would provide the best opportunities to uncover inconsistencies and new information but would allow no time for a learning curve for the new inspectors.

The Iraqi side has a detailed knowledge of what was known to UNSCOM and the IAEA and is very experienced in receiving inspectors, handling visits to sites, and preparing for interviews. They will have learned from the earlier experience of the occasions when they inadvertently allowed UNSCOM and the IAEA to obtain access and information directly related to the WMD programs. If Iraq decides that it is in its interest to allow the inspectors to return, without a real intention of declaring and dismantling all aspects of the prohibited programs, it would most likely seek to introduce the maximum amount of predictability into all aspects of the inspection process and to minimize the degree of flexibility in procedures. In addition, future inspectors are likely to be faced with a carefully prepared and subtle concealment plan. The Iraqi regime has unrivaled experience in such activities and has had ample time to prepare.

MEASURING COOPERATION

A key factor in enhancing the capabilities of UNMOVIC and IAEA inspections in Iraq will be an understanding of how UNMOVIC commissioners and the IAEA can measure the extent of true cooperation by the Iraqi side. This is needed to convey to the UN Security Council a convincing assessment of Iraqi compliance with the relevant agreements. Aspects that would require some sort of criteria for measurement of cooperation could include:

- ▶ *Access.* The extent to which the Iraqi side allows prompt and unimpeded access to sites in re-

1. Under procedures agreed with Iraq, the inspectors placed serial numbers on key dual-use equipment (for example, fermentation equipment, flow meters, and the like). Under the terms of Resolution 715, UNSCOM and IAEA monitoring teams made regular inspection visits to ensure equipment was in place and was not being misused. Certain areas such as missile testing sites were placed under continuous video surveillance. Another important activity was environmental monitoring for levels of radioactivity to help monitor compliance with the nuclear aspects of Resolution 687.

response to requests in accordance with the mandate allowed under Resolution 687 is a most important criterion. Promptness in allowing access is as important as the degree of access allowed. In making an assessment, the degree of cooperation shown in the case of site inspections carried out without notice would be particularly important. There has been a history of the Iraqi side trying to politicize access to sites that they consider to be sensitive by attempting to impose delay or completely deny access. Such attempts in future should reflect negatively in any assessment. In 1996 (by a memorandum of understanding, or MOU, only) and in 1998 (under an MOU endorsed by Resolution 1154), special arrangements were made for access to sensitive sites. These included introducing additional independent experts and senior diplomats and inevitably led to delays and a serious degradation of the inspection process. These MOUs were developed for particular circumstances and need not set precedents for future UNMOVIC and IAEA activities.

- ▶ *Information.* There has been some backsliding on information and activities already admitted by the Iraqi government. For example, Iraqi Deputy Prime Minister Tariq Aziz has stated on CNN in May 2002 that while Iraq did produce biological weapons agents, they did not put them into weapons delivery systems. It is clear from UNSCOM documentation that evidence was found that the Iraqis had done so and had later admitted to it.² Such actions during any future inspection process would clearly constitute a serious breach of Iraq's obligations. Because the Security Council is on record agreeing that Iraq has not yet met all its obligations in regard to accurately declaring its WMD and prohibited missile programs, the extent and the promptness with which new information is given would

be vital measures of genuine cooperation. Some of the key matters that remained unresolved when inspections ended in 1998 included missiles and biological and chemical weapons. For example, the Iraqis cannot account for critical missile components, including warheads and rocket fuel, or explain the whereabouts of 17 tons of growth media for biological agents. Nor has Iraq given a satisfactory explanation of the disposal of 4,000 tons of precursor chemicals. These chemicals could be used to manufacture thousands of chemical weapons. Further, the United Nations does not know the whereabouts of many thousands of chemical munitions. Iraq would have to make substantial and early progress in handing over convincing explanations of these issues and others to demonstrate genuine cooperation.

- ▶ *Personnel.* While the focus in considering Iraqi weapons programs is often on weapons and equipment, information on the personnel directly engaged in the programs is equally important. In relation to future compliance, the activities and whereabouts of key personnel may even be more important. Under the previous inspection system, UN inspectors were denied access to key personnel on a number of occasions. Also not all the key personnel have been disclosed, particularly in relation to the biological weapons program. An important demonstration of cooperation would be the readiness of the Iraqi side to make such people promptly available for interviews when requested. Also the Iraqi side should be prepared to allow inspectors to conduct interviews at, for example, interviewees' normal place of work and not only in set-piece interviews.
- ▶ *Technical support of inspections.* An important support to inspectors under the previous system was aerial surveillance provided by high-

2. An example can be found in the UNSCOM Executive Chairman's report to the UN Security Council of October 10, 1995.

level aircraft (U-2) and helicopter-borne teams. There may now be additional or alternative means of providing such surveillance, for example, with unmanned aerial vehicles (UAV). Aerial support will also be needed to conduct the environmental monitoring. Another area requiring a clear understanding and agreement is in sample taking and analysis. The readiness of Iraq to make and comply with the necessary agreements to enable these and other essential support activities to take place would be an important indicator of genuine cooperation.

- ▶ *Security of personnel and information.* The previous inspection system was, from the beginning, subject to an aggressive Iraqi effort to steal information through illegally obtaining documents, electronic eavesdropping on inspectors in their accommodations and offices, and intercepting telephone and facsimile communications. These efforts were directed at all parts of the system from New York to the inspectors in the field. UNMOVIC and the IAEA are well aware of this experience and are no doubt planning the appropriate measures to assure the security of information and communications to prevent their operations from being compromised. If Iraq should be found to be conducting such activities against the inspection organizations in future, this should be viewed as a most serious breach of its obligations, signifying that Iraq is not cooperating seriously.

CONCLUDING POINTS

The challenge facing the new inspection organization, should it be deployed in Iraq, of having a complete grasp of all the background information should

not be underestimated. The Iraqi side will have the details at their fingertips. It is vitally important that UN member states provide UNMOVIC and the IAEA with any new information they might have on activities since the ending of inspections in 1998. Resolution 687 calls on all UN member states to assist in the effort to find and dismantle Iraqi WMD and prohibited missile programs including by supplying information. Returning inspectors would face a particular challenge in assuring the degree of continuing compliance since inspectors were withdrawn in 1998 in addition to satisfying outstanding issues on past weapons programs. For example, on the nuclear side, work on components for nuclear weapons (apart from the fissile material element) was extraordinarily difficult to uncover even in the period from 1991 to 1998. Rigorous and continuous compliance monitoring is essential for any serious assurance that Iraq is observing its obligations. Such monitoring can only be successful with proper cooperation by the Iraqi authorities. This in itself will be an important measure to assess Iraq's seriousness in meeting its obligations.

As stated earlier, although inspectors can enhance their capabilities with astute planning, retaining maximum flexibility to achieve some element of surprise, and making sure that full technical support can be provided (in particular overhead surveillance), the external dynamics will most likely be the determining factor. In particular, if the Security Council does not remain resilient and united in backing the inspection process and compelling Iraq to meet its obligations, all the efforts of UNMOVIC and the IAEA, no matter how imaginative they might be, will come to naught. Iraqi perceptions of the possible use of substantial force will also have a direct bearing on the degree of its cooperation.

ESTABLISHING NONCOMPLIANCE STANDARDS

David Albright

Any inspection system in Iraq must have a clear definition of when Iraq is not complying with its obligations under UN Security Council resolutions that mandate that it does not possess weapons of mass destruction (WMD) or the ballistic missiles to deliver them. Iraq has often violated its commitments under these resolutions during the last eleven years. Too often Iraqi noncompliance was tolerated, or Iraq was given repeated opportunities to comply. A future inspection system must include a set of “redlines” that demonstrate noncompliance and, if crossed, are sufficient justification for actions by members of the Security Council. The most important redlines are adequate cooperation and transparency.

The fundamental resolution governing Iraq verification requirements remains Resolution 687 adopted in April 1991. Under this resolution, Iraq is to “unconditionally accept the destruction, removal, or rendering harmless, under international supervision,” of all nuclear, chemical, and biological weapons–related assets, and longer-range ballistic missiles programs (ranges over 150 kilometers). Iraq is to accept the implementation of ongoing monitoring and verification to ensure that these programs are not reconstituted. With regard to its nuclear weapons program, Iraq is permanently prohibited from possessing separated plutonium or

highly enriched uranium or obtaining technology for producing such materials.

Resolution 687 and several subsequent Security Council resolutions have led to an extensive system of inspections and ongoing monitoring in Iraq. The IAEA Action Team, UNMOVIC, and its predecessor UNSCOM have had an extensive understanding of when Iraq did not comply, or, conversely, when it did comply, with its fundamental obligations. These concrete experiences provide a strong foundation for creating a set of standards to determine noncompliance under a future inspection regime.

The best judges of whether Iraq is complying with its obligations remain the IAEA Action Team and UNMOVIC. Each group should retain the authority to determine noncompliance in its respective area of responsibility. Although the Security Council is responsible for deciding a course of action in the event of noncompliance, the inspectors should make the fundamental decision about Iraqi compliance based on a set of technical verification measures and standards.

The first and foremost measure of compliance is Iraqi cooperation. Although Iraq can legitimately resist certain requests by inspectors, the inspection authorities have extensive experience in judging whether Iraq is cooperating with core requirements.

A lack of cooperation, as judged by either inspection agency, should be sufficient by itself to find that Iraq is in noncompliance with its obligations.

Efforts by Iraq to impose unilaterally limitations on the inspectors should be viewed as noncooperation. The inspection agencies and the Security Council must maintain their right to determine the rules and obligations of the verification process.

Another equally important indicator of compliance is transparency. Inspectors should be able to verify Iraqi compliance with minimal effort. To that end, Iraq should take steps to make its industrial activities, its decision-making processes, its facilities, and its imports visible to the inspectors. The inspection agencies should not have to create elaborate ruses to obtain information from Iraq, as was too often the route forced on UNSCOM. In addition, the inspectors should not have to find a “smoking gun” to prove noncompliance. If inspectors detect a pattern of evasion or camouflaging activities and receive no satisfactory explanation of such behavior, they should conclude that Iraq is in noncompliance with its obligations.

Iraq has accepted a wide range of specific verification requirements that provide the methods for the inspectors to determine technically that Iraq is free of WMD and in compliance with relevant Security Council resolutions. Iraq must, for example, permit inspectors regular and no-notice access to designated sites, submit full and complete declarations, answer questions from inspectors, produce

personnel for questioning and discussion, permit monitoring of sites, equipment, and individuals, and allow environmental monitoring. Iraq can never be expected to provide one hundred percent compliance with all such requirements. A local authority may temporarily deny access to a site, despite the wishes of the central Iraqi government. Iraqis may slight a declaration. They may overlook questions, view them as too difficult to answer, or be just lazy. However, a pattern of not fulfilling these requirements is sufficient to conclude that Iraq has not complied with its obligations. In addition, the inspectors must gain sufficient insight and knowledge through these activities to conclude that Iraq is complying with its obligations.

Too often in the past, the international community viewed the Iraqi inspection process as a “cat-and-mouse game” in which inspectors were expected to demonstrate that Iraq was hiding banned activities or otherwise not in compliance with its obligations. Through dramatic unannounced inspections, the use of information from intelligence agencies or defectors, or old-fashioned detective work, inspectors often did uncover a prodigious amount of secret Iraqi WMD activities. But such an approach was not sustainable and cannot be a basis for an inspection process in the future. The international community, and in particular the Security Council, must understand that the burden of proof is on Iraq to demonstrate compliance.

TRACKING IRAQI PROCUREMENT

Fouad El-Khatib

A credible mechanism to detect potential illegal procurement attempts by Iraq represents a key element of a comprehensive monitoring strategy in nonproliferation. Such a mechanism is required to deter Baghdad's regime from acquiring goods and technologies necessary for the development of a weapons of mass destruction (WMD) force.

ASSESSMENT OF THE SITUATION

Seeking to Develop Indigenous Capabilities

The embargo imposed on Saddam Hussein's regime during the Iran–Iraq War and the UN sanctions after Iraq's invasion of Kuwait and Operation Desert Storm have constituted a double-edged sword. On one hand, they slowed down Iraq's acquisition of WMD. On the other, they pushed Iraq to pursue actively the development of an indigenous capability. Those indigenous efforts were and are still premised on low reliability, low technology, relatively low safety, and particularly pragmatic experimentation.

Regardless of international sanctions, from 1993 and at least until 1998, Iraq covertly negotiated transactions with more than 500 companies from more than 40 countries around the globe, scattered

from the Western world to Eastern Europe and Asia. Competitive deals, some worth several million dollars, were negotiated with the support of small trading companies established in the Middle East or within Iraq—the so-called local market. They covered a wide variety of goods and technologies to restore, upgrade, and expand the country's industrial and military assets. Traders did not foresee any problem in procuring specific raw materials or machinery from well-known foreign companies. Some contracts were to be fulfilled with foreign currency payments, and some through barter terms involving Iraqi oil products. Not all the transactions were finalized: Some were terminated in their early stages; others were to be implemented after the lifting of the embargo. Nonetheless, some contracts were actually implemented and resulted in the delivery of goods to Iraq. All of those transactions were undertaken in violation of UN sanctions, through a highly centralized procurement network with a constantly evolving pattern involving various ministries.

Since 1998, numerous press reports mentioned Iraq's continuing illegal procurement attempts from foreign countries of goods subject to monitoring by weapons inspectors.

Difficulty Enforcing Export-Import Legislation

Outside of Iraq, the effectiveness of export-import controls as a tool for limiting the spread of WMD-related technologies is being called into question by economic globalization and a complex array of international developments.

Today more countries are beginning to show greater awareness, willingness, and interest in international cooperation on nonproliferation and export controls. At the state level and on a legal basis, institutions necessary for effective export control systems are more or less established. However, many governments often face a daunting task in implementing those controls. They lack resources and, at times, the will to enforce national legislation to comply with international standards. Also there remain a number of countries that are faced with government corruption and political or economic instability—all of which have relegated export control issues to a very low priority. Some of these countries may serve as transit points to leak dual-use technologies and equipment to countries or groups of concern. In those cases, local customs authorities are poorly trained and ill equipped to identify sensitive material or technologies, which hinders effective implementation and enforcement of export laws. In addition, most of the proscribed procurement from foreign companies may be undertaken following legal and international routes with appropriate low-signature measures to conceal the true end-use objective.

Despite Iraq's efforts to produce everything indigenously, a conservative assessment would conclude that today Iraqi engineers and scientists certainly still depend on foreign expertise, imported critical components, spare parts and materials, especially in the nuclear, missile, and chemical fields and to a lesser extent in the biological field. Such a reality tends to moderate the clear and present danger and suspicions about what actually could have been achieved by Iraq since 1998. Nevertheless, all experts agree that vigilance is necessary. Technical breakout scenarios identified by UNSCOM are still

possible, as dual-use technologies and knowledge are spreading worldwide more freely and easily. Moreover, implementation without hampering civilian application remains ethically confusing due to the dual-use aspects of research, industrial equipment, and material.

TRACKING IRAQI PROCUREMENT: WHAT COULD BE DONE?

There is no silver bullet solution to impair illegal or undeclared procurement attempts. However, determined implementation of a mix of internationally endorsed measures could contribute to deterring Baghdad from pursuing such objectives while remaining credible vis-à-vis the international community. Those measures embrace new national legislation and improved information strategies, appropriate support and allocation of resources to UNMOVIC and the IAEA Action Team, and planning of intrusive export-import focused multidisciplinary inspections.

Legislation and Information Strategies

As additional political signs of cooperation, the Iraqi government could pass legislation on reporting of proscribed rearmament efforts to an international authority, including procurement-related attempts, to be both legal and praiseworthy. It could amend its constitution to reflect its resolve not to procure, develop, acquire, or use any WMD. Baghdad could also accede to the Chemical Weapons Convention.

Important UN-sponsored information dissemination efforts could be engaged to increase awareness about WMD proliferation risks and export-import regulations, especially in industry circles. The international community should also engage in improving the education and training of customs control agents worldwide.

Mechanisms for updating lists of controlled items should be streamlined into timely responses to challenges posed by newer techniques, processes, and materials being developed as substitutes to controlled items.

In the medium term, severe international penalties for export control violations should be elaborated and imposed when WMD-related items are involved. Personal responsibilities should be involved.

Quality and Quantity of the Resources Made Available to UNMOVIC

Tracking illegal procurement cannot be undertaken without external, fresh, and reliable information to assist in verifying the compliance of Iraq and the completeness of its import declarations. Aside from access to open-source information, requests for intelligence materials should be renewed and stressed to supporting governments.

Currently few customs experts work in UNMOVIC. Those who do mainly review Iraq's requests for imports to identify dual-use goods from prohibited items in the UN Security Council Resolution 1051 list or the GRL of goods.¹ Instead of hiring private contractors for trade controls at border posts, training a pool of UNMOVIC customs experts to conduct on-site inspections in conjunction with multidisciplinary teams should be strongly promoted.

Operations Undertaken by Weapons Inspectors

The minimum UNMOVIC can and should do is what UNSCOM and the IAEA Action Team already did. It is recommended that strong multidisciplinary operational planning for the purpose of intrusive monitoring of procurement attempts be well thought out.

Beyond traditional on-site inspections of declared or undeclared industrial sites by internationally mandated bodies, access to all premises on Iraqi territory should be implemented as stated in UN Security Council Resolution 687 to deter Iraqi citizens from undertaking trade or financial operations related to illegal procurement activities. Inspecting the follow-

ing bottlenecks could contribute to identifying undeclared end-users or proscribed activity:

- ▶ Border posts on roads but also rail and civilian and military air and maritime ports and routes could be randomly checked by technical inspections teams combined with highly competent customs experts. On-site monitoring could be complemented by unmanned aerial vehicle (UAV) aerial surveillance of unusual routes.
- ▶ The structural compartmentalization of the Iraqi programs tends to preserve the secrecy surrounding potential illegal procurements. Nevertheless, a highly centralized and hierarchical paper processing system at ministry levels is its Achilles' heel. Intrusive challenge inspections of commercial departments in various ministries and commercial banks could unveil suspect trading activities.
- ▶ Diplomatic premises abroad could also be subject to challenge inspection upon strong evidence or suspicion of financial assistance and attempts to use immunity to cover up illegal transactions.²

Continual monitoring or unannounced spot inspections of government-owned or private trading companies could be rewarded with catches of whole procurement networks of proscribed activities. But it should be noted that once a company's illegal activity has been unveiled, it has often been disbanded and a new one created elsewhere. Such efforts would be a high-value, low-probability "fish and catch game," especially in the absence of reliable current intelligence information.

Conversely, what should such monitoring *not* be? Monitoring procurement activities should not be designed to be limited to monitoring a specific site, some specific Iraqi program, or any specific declaration process. It should be designed to catch proscribed procurement activities, undertaken by Iraq, whether they are undertaken inside or outside the

1. The Goods Review List (GRL) is a list of import items subject to ongoing monitoring.

2. Closer analysis by legal advisers of articles 22, 24, and 36 of the Vienna Convention on Diplomatic Relations (1961) is necessary to ascertain the legality of such an option within the framework of UN Security Council Resolutions 687 and 1284.

country. It should not, however, impede nonprohibited procurement activities. Tracking Iraqi procurement should not be about military, technical, or commercial intelligence. International inspectors should take into consideration Iraq's legitimate concerns and protect confidential business and security information of the Government of Iraq not relevant to applicable UN Security Council resolutions. Notwithstanding, all efforts should be made to uphold the dignity of individuals faced with such highly intrusive measures. This should by no means restrict access to sites or relevant information of interest pertaining to importation of material and technologies related to proscribed programs.

CONCLUSIONS: WHAT CAN WE EXPECT?

First, despite UN sanctions, Iraq has demonstrated over the last few years its intention to import dual-use goods and monitored items to enhance indigenous industrial capacities. It has also demonstrated its ability to smuggle proscribed items. Second, in many countries, the enforcement of international

export controls standards is still flawed and subject to relatively easy deception measures.

Whatever happens in Iraq, several of the proposed measures can be initiated without being too costly. Their implementation would reinforce the international efforts by setting new standards, improving awareness and expertise of the potential actors.

When monitoring resumes, the first six months might offer the maximum opportunities for discoveries; meanwhile Iraq's level of cooperation would be expected to score high. However, during this period, the newly trained inspectors will be under the burden of re-baselining all their data on old and possible new sites, as well as establishing programs to monitor such sites. Most inspectors will be obtaining their first real field experience, while being under extreme political pressure to provide quick results. After a year, one can expect the inspectors to become familiar with the country and its facilities, but the level of cooperation on the Iraqi side might progressively decrease. Beyond initial discoveries, the deterrent factor of the proposed measures will remain.

THE LEGAL BASIS FOR UN WEAPONS INSPECTIONS

David Cortright

The UN arms inspection effort in Iraq is the most comprehensive, most intrusive weapons monitoring program ever established. The successful completion of the program is crucial to the security of the region and the world and may serve as a precedent for future disarmament efforts. This paper explores the legal basis for that effort. It begins by examining the main provisions of the two primary UN Security Council resolutions mandating the disarmament of Iraq. This is followed by a comparative analysis of the two resolutions, which reveals a number of ambiguities and contradictions in the existing legal framework. The paper addresses these ambiguities and concludes with options for a diplomatic strategy to induce Iraqi acceptance of renewed weapons inspections.

RESOLUTION 687: THE FUNDAMENTAL MANDATE

When the Government of Iraq signed the Gulf War cease-fire agreement in 1991, it thereby accepted the terms of UN Security Council Resolution 687. Section C of that resolution specifies Iraq's disarmament obligations and establishes UN mechanisms for

implementing this disarmament mandate. By agreeing to Resolution 687, Iraq accepted unconditionally “the destruction, removal, or rendering harmless, under international supervision” of all its weapons of mass destruction (WMD), including:

All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto. . . .

All ballistic missiles with a range greater than one hundred and fifty kilometers, and related major parts and repair and production facilities. . . .

Nuclear weapons or nuclear-weapons-usable materials or any subsystems or components or any research, development, support or manufacturing facilities related to the above.¹

To implement this resolution, Iraq was directed to submit within fifteen days a “declaration” on the locations, amounts, and types of all specified weapons.² Resolution 707 (1991) reiterated this

1. United Nations, *Security Council Resolution 687, S/RES/687* (1991), April 3, 1991, par. 8 and 12.

2. United Nations, *Security Council Resolution 687*, par. 9(a).

demand in calling for Iraq to submit a “full, final, and complete disclosure” of its weapons activities and capabilities.³ During the 1990s Iraq submitted nearly two-dozen such disclosures to UN officials. All of these disclosures were subsequently shown to be false.⁴

Resolution 687 directed the secretary-general to form the UN Special Commission (UNSCOM) to carry out on-site inspections of Iraq’s biological, chemical, and missile capabilities, based on Iraq’s declarations. Iraq was directed to yield possession to UNSCOM of all specified weapons and related items and to destroy all specified missile capabilities and launchers under UNSCOM supervision.

Resolution 687 further ordered that “Iraq shall not acquire or develop nuclear weapons.” It directed the IAEA to carry out on-site inspections of Iraq’s nuclear capabilities, with the assistance and cooperation of UNSCOM. The IAEA was also directed to implement a plan for the future ongoing monitoring and verification of Iraq’s compliance with the prohibition on nuclear weapons activities.⁵

Resolution 687 noted that the disarmament actions to be taken by Iraq “represent steps toward the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery.” Four preambulatory paragraphs in the resolution made reference to the objective of establishing a Middle East zone free from WMD.⁶

In Section F of Resolution 687, the Security Council decided that, upon council agreement that Iraq has met the requirements of the disarmament mandate, the prohibitions against importing Iraqi oil and against financial transactions with Iraq “shall have no further force or effect.”⁷

Subsequent Security Council actions sought to

implement the work of UN weapons inspectors, as follows:

- ▶ Resolution 699 (1991) approved the operational plans for UNSCOM and IAEA, as submitted by the secretary-general in documents S/22614 and S/22615. The implementation plans envisioned three stages for the inspection process: (1) the gathering and assessment of information; (2) the disposal of weapons and other specified facilities; and (3) ongoing monitoring and verification. The plans approved in Resolution 699 covered the first two stages.
- ▶ Resolution 707 (1991) condemned Iraq’s violations of its commitment to comply with the UN disarmament mandate and demanded “full, final, and complete disclosure” of all aspects of its WMD programs. The resolution provided UNSCOM and IAEA complete air surveillance rights and demanded that they be allowed “immediate, unconditional, and unrestricted access to any and all” sites they wished to inspect.
- ▶ Resolution 715 (1991) approved the operational plans for ongoing monitoring and verification developed by UNSCOM and IAEA, as submitted by the secretary-general in documents S/22871/Rev.1 and S/22872/Rev.1. The operation plans approved in Resolutions 699 and 715 gave UNSCOM and the IAEA unprecedented and extraordinary powers to conduct intrusive inspections.
- ▶ A list of import items subject to ongoing monitoring was approved in Resolution 1051 (1996) and was revised as the Goods Review List in Resolution 1409 (2002).

3. United Nations, *Security Council Resolution 707*, S/RES/707 (1991), August 15, 1991, par. 3(i).

4. Chantal de Jonge Oudraat, “UNSCOM: Between Iraq and Hard Place?” *European Journal of International Law*, vol. 13, no. 1 (2002), p. 142.

5. United Nations, *Security Council Resolution 687*, par. 12 and 13.

6. United Nations, *Security Council Resolution 687*, par. 14.

7. United Nations, *Security Council Resolution 687*, par. 22.

RESOLUTION 1284: RENEWING THE MANDATE

Following the departure of UNSCOM from Iraq in December 1998, the Security Council adopted Resolution 1284 in December 1999 creating a new weapons inspection body, the UN Monitoring, Verification, and Inspection Commission. The resolution also developed a new plan for the fulfillment of the UN disarmament mandate.

The adoption of Resolution 1284 reflected two contrasting developments, as articulated in the preambulatory paragraphs: Iraq's partial progress toward the implementation of the disarmament provisions of Resolution 687, and Iraq's failure to implement those provisions fully.⁸

The weapons inspection provisions of Resolution 1284 assumed that much of the work of disarming Iraq had already been achieved, and that the disarmament mandate could be completed through a series of tasks that UNMOVIC would identify and then accomplish within a year. The resolution envisioned the following timeline for the completion of weapons inspections:

- ▶ sixty days after entering Iraq UNMOVIC and IAEA will submit for Security Council approval a work program for implementing a reinforced system of ongoing monitoring and verification and accomplishing “key remaining disarmament tasks”; and
- ▶ one hundred twenty days after the ongoing system of monitoring and verification is fully operational, if Iraq is cooperating in all respects, the Security Council would suspend sanctions for renewable periods of 120 days.

COMPARING 1284 AND 687

An analysis of Resolution 1284, in comparison to Resolution 687, reveals the following:

- ▶ The new arrangements under Resolution 1284 reaffirm all the terms of the UN disarmament mandate. UNMOVIC is granted all the powers and responsibilities that were given to UNSCOM in Resolution 687. The role of IAEA as stated in Resolution 687 is reaffirmed. The Government of Iraq is required to fulfill all the obligations imposed upon it in Resolution 687 and “shall allow UNMOVIC teams immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records, and means of transport which they wish to inspect.”⁹
- ▶ Resolution 1284 introduces new disarmament requirements without specifying what those obligations would entail. Paragraph 2 of the resolution declares that UNMOVIC will establish and operate a “reinforced system of ongoing monitoring and verification.” No definition of the term *reinforced* is provided, either in the resolution or the approved UNMOVIC work plan. The resolution calls upon UNMOVIC to “identify . . . additional sites” to be covered by such a system. According to the Government of Iraq, the number of sites previously monitored was more than 500. The new language thus suggests “a certain direction toward expanding the number of sites.”¹⁰ The operational plan for UNMOVIC approved by the Security Council in April 2000 offers no specific guidance on the operation of a reinforced system of ongoing monitoring and verification.¹¹ The requirements for such a sys-

8. See preambulatory paragraph 9 in United Nations, *Security Council Resolution 1284*, S/RES/1284 (1999), December 17, 1999.

9. United Nations, *Security Council Resolution 1284*, S/RES/1284 (1999), December 17, 1999, par. 4.

10. Iraqi Ministry of Foreign Affairs, “Analysis of Security Council Resolution 1284,” December 1999, available at <<http://www.iraqwatch.org/government/iraq/for-ministry/iraq-mfa-res1284.htm>>.

11. United Nations, *Note by the Secretary-General Transmitting the Organizational Plan for the United Nations Monitoring, Verification, and Inspection Commission Prepared by the Executive Chairman*, S/2000/292, April 6, 2000, par. 14–16.

tem are important because the suspension of sanctions is contingent upon satisfactory reports that this system is fully operational.

- ▶ Resolution 1284 places the burden for specifying Iraq's disarmament obligations on UNMOVIC rather than on the Baghdad government. Paragraph 7 of Resolution 1284 requires UNMOVIC and the IAEA to develop work programs for implementing "the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations" under Resolution 687. The same paragraph further decides that "what is required of Iraq for the implementation of each task shall be clearly defined and precise."¹² This language is very different from that of previous measures, which required Iraq to submit a "declaration" (Resolution 687) or a "full, final, and complete disclosure" (Resolution 707) of all of its weapons capabilities.
- ▶ The operational and staffing plans for UNMOVIC differ from those of UNSCOM. Paragraph 5 of Resolution 1284 makes UNMOVIC accountable to the secretary-general. The executive chairman of UNMOVIC is instructed to report to the Security Council through the secretary-general. By contrast, the chairman of UNSCOM reported directly to the Security Council. Paragraph 6 of Resolution 1284 specifies that UNMOVIC staff will be international civil servants subject to Article 100 of the UN Charter.¹³ Staff members of UNSCOM were provided by, paid for, and accountable to their individual governments. Under the provisions of Resolution 1284, UNMOVIC staff members are part of the UN Secretariat and are not to be

held accountable to or influenced by any single UN member state.

- ▶ Resolution 1284 states that UNMOVIC shall take over all assets and archives of UNSCOM and that it shall assume UNSCOM's part in agreements previously negotiated with the Government of Iraq.¹⁴ UNMOVIC thereby inherited two previous agreements, one negotiated by UNSCOM Chairman Rolf Ekeus in June 1996 and the other by Secretary-General Kofi Annan in February 1998, that specify modalities and procedures for inspecting so-called sensitive sites.¹⁵ Presumably these agreements still hold.
- ▶ Section D of Resolution 1284 alters the procedures for the lifting of sanctions as an inducement for Iraqi cooperation. In place of the language of paragraph 22 of Resolution 687, which declares that upon completion of the specified disarmament tasks, "sanctions shall have no further force or effect," Resolution 1284 states merely that the Security Council "expresses its intention" to suspend sanctions for 120 days if the chairmen of UNMOVIC and IAEA report that Iraq has cooperated "in all respects."¹⁶ Continuing this suspension would require an affirmative vote by the Security Council every 120 days. This gives any permanent member of the council the power to terminate the suspension.¹⁷
- ▶ The suspension of sanctions outlined in Resolution 1284 is subject to "the elaboration of effective financial and other operational measures" to ensure that Iraq does not acquire prohibited items referred to in paragraph 24 of Resolution 687, namely weapons and military-related goods.¹⁸

12. United Nations, *Security Council Resolution 1284*, par. 7.

13. United Nations, *Security Council Resolution 1284*, par. 5 and 6.

14. United Nations, *Security Council Resolution 1284*, par. 11.

15. de Jonge Oudraat, "UNSCOM: Between Iraq and Hard Place?" p. 143.

16. United Nations, *Security Council Resolution 1284*, par. 33.

17. United Nations, *Security Council Resolution 1284*, par. 35.

18. United Nations, *Security Council Resolution 1284*, par. 33.

Resolution 1284 expresses the Security Council's intention to approve arrangements for such measures before it decides to suspend sanctions.¹⁹

- ▶ The previous language of Resolution 687 concerning a Middle East zone free from WMD is mentioned only once in a preambulatory paragraph and is not included in the text of Resolution 1284, thereby weakening the legal commitment to this objective.

ADDRESSING AMBIGUITIES: UNMOVIC'S MANDATE

As noted, the legal foundation for insisting upon comprehensive, intrusive inspections in Iraq remains solid. Resolution 1284 does not weaken the disarmament mandate established in Resolution 687. However, there is an apparent contradiction between the acknowledgement in the preamble to Resolution 1284 of "the progress made by Iraq toward compliance" and the provisions in paragraph 2 of that resolution calling for a "reinforced" system of monitoring and the inspection of "additional sites." Further ambiguity is introduced by the language of paragraph 7 of Resolution 1284, which places the burden for defining the "remaining disarmament tasks" on UNMOVIC rather than the Government of Iraq. This seems to imply, contrary to available evidence, that Iraq has provided adequate disclosures in the past and that the responsibility for completing the disarmament process rests primarily with UNMOVIC.

A contradiction also exists between the requirement of paragraph 4 of Resolution 1284 that UNMOVIC be allowed "immediate, unconditional, and unrestricted access to any and all areas" and the provisions of paragraph 11 that UNMOVIC "shall assume" UNSCOM's part in the legal agreements previously negotiated with the Government of Iraq. The February 1998 memorandum of un-

derstanding between the UN secretary-general and the Government of Iraq, which was approved by the Security Council in Resolution 1154 (1998), established modalities for independent experts and senior diplomats to accompany inspectors at sensitive sites. As noted by Terence Taylor, the former chief inspector of UNSCOM, these procedures slowed and degraded UNSCOM inspections. Nonetheless, paragraph 11 of Resolution 1284 indicates that UNMOVIC is bound by this agreement.

It is safe to conclude from the above that UNMOVIC faces a more restrictive legal framework and operating environment than UNSCOM did. The new agency may not be "UNSCOM Lite," as some have suggested, but it faces unique obligations and restrictions. These are the result of the political differences within the Security Council that produced the sometimes contradictory language of Resolution 1284. They also reflect the results of UNSCOM's nearly eight years of experience and the significant progress that was achieved in eliminating most of Iraq's WMD. Because the political climate has changed and much of the work of disarming Iraq has already been accomplished, it seems clear that UNMOVIC will be required to operate under a more limited mandate than its predecessor.

UNCERTAINTY OVER THE LIFTING OF SANCTIONS

Another major contradiction concerns the terms and conditions for the lifting of sanctions against Iraq. On the one hand, Resolution 1284 offers specific benchmarks and a timetable for the easing of sanctions pressure (120 days after the reinforced ongoing monitoring and verification system is fully operational). But the resolution also significantly weakens the commitment to lifting sanctions. The resolution merely expresses the Security Council's "intention" to suspend rather than its obligation

19. United Nations, *Security Council Resolution 1284*, par. 36.

to do so. Resolution 1284 employs the term *suspend* rather than *lift*, and it requires that the suspension must be renewed by an affirmative Security Council vote every 120 days.

The ambiguities in this area have direct bearing on the diplomatic prospects for inducing Iraqi acceptance of renewed weapons inspections. Without a clear commitment to the lifting of sanctions in return for compliance, it will be difficult to persuade the Baghdad government to permit the return of weapons inspectors. According to former UNSCOM chair Rolf Ekeus, “the language of suspension injects an element of instability and insecurity. That is probably the major reason why Iraq has been withholding its approval of the resolution.”²⁰

Uncertainty about the lifting of sanctions is reinforced by the position of U.S. government officials, who have stated their intention to maintain sanctions as long as Saddam Hussein remains in power. In a March 1997 speech at Georgetown University, Secretary of State Madeleine Albright declared that the United States does not accept the view that sanctions should be removed when Iraq fulfills its obligations to the United Nations.²¹ In November 1997 President Bill Clinton remarked that “sanctions will be there until the end of time, or as long as [Hussein] lasts.”²² In light of these and other statements from U.S. officials, the Iraqi government could reasonably conclude that the United States would oppose any lifting of sanctions, regardless of whether or not it complies with weapons monitoring. The U.S. government position of maintaining permanent sanctions against Saddam Hussein goes beyond the legal mandate of UN policy and is not authorized in Security Council resolutions. It is a major obstacle to the prospects for inducing Iraqi cooperation with UN weapons inspections.

A further obstacle to the suspension or lifting of sanctions is the absence of a Security Council plan to establish an ongoing arms embargo against Iraq, as required by Resolution 1284. Paragraph 33 of that resolution makes any suspension of sanctions subject to the “elaboration of effective financial and other operational measures” to ensure that Iraq does not acquire prohibited weapons. Nothing has been done to consider or develop such arrangements, however. This is a significant omission because the “effective financial measures” referred to in the resolution are bound to be complicated, especially in light of a provision of paragraph 36 referring to “payment” for authorized civilian exports and imports. This is an oblique reference to the UN escrow account, which currently controls all revenues from approved oil sales and provides payment for the import of civilian goods into Iraq. Reference to the matter of “payment” raises the contentious issue of whether and how oil revenues are to be returned to Iraqi government control. The Security Council has not yet considered whether or how this is to be done, with what degree of continuing UN monitoring or control. Until this matter is addressed and decided, according to the language of paragraphs 33 and 36 of Resolution 1284, the council cannot suspend sanctions.

INDUCING IRAQI COMPLIANCE

To resolve ambiguities in the conditions for lifting sanctions and to provide an incentive for Iraqi cooperation, the Security Council should clarify and restate the original commitment in Resolution 687 that sanctions will be lifted when the UN disarmament mandate is fully implemented. This would provide a carrot to accompany the many sticks that have been applied or threatened to gain Iraqi com-

20. “Shifting Priorities: UNMOVIC and the Future of Inspections in Iraq, An Interview with Ambassador Rolf Ekeus,” *Arms Control Today*, March 2002, p. 5.

21. Madeleine K. Albright, “Preserving Principle and Safeguarding Stability: United States Policy Toward Iraq,” speech delivered at Georgetown University, Washington, D.C., March 26, 1997.

22. Quoted in Barbara Crossette, “For Iraq: A Doghouse with Many Rooms,” *New York Times*, November 23, 1997, p. A4.

pliance. Inducement strategies have been successful in other settings, notably North Korea, as means of persuading targeted regimes to accept nonproliferation and disarmament objectives.²³ Experience has shown that incentives are most effective in these settings when they are strictly conditioned on compliance and when they are accompanied by cred-

ible coercive pressures. Any inducements offered to Iraq must be linked to clear and unequivocal compliance by the Baghdad regime.²⁴ The lifting of sanctions must be subject to certification by UNMOVIC and the IAEA that Iraq's capabilities for developing WMD have been fully eliminated.

23. For a thorough analysis of the North Korea case, see Leon V. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton, N.J.: Princeton University Press, 1998).

24. For a fuller discussion of the strengths and weaknesses of inducement strategies, see David Cortright, ed., *The Price of Peace: Incentives and International Conflict Prevention* (Lanham, Md.: Rowman and Littlefield, 1997), a report of the Carnegie Commission on Preventing Deadly Conflict.

GLOSSARY

AT-IAEA For *International Atomic Energy Agency Action Team in Iraq*. The agency established the IAEA Iraq Action Team on April 15, 1991, to carry out its work with the assistance and cooperation of the *UN Special Commission* (UNSCOM).

BW For *biological weapons* or *biological warfare*.

Chapter VII of the UN Charter, Article 41 This article authorizes UN member states' employment of coercive measures short of the use of armed force to give effect to decisions of the Security Council. Such measures may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication and the severance of diplomatic relations.

Chapter VII of the UN Charter, Article 42 This article enables the Security Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations," if the members of the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate.

CW For *chemical weapons* or *chemical warfare*.

EMIS For *electromagnetic isotope separation*. A uranium enrichment process used to produce weapons-grade uranium.

GCC For *Gulf Cooperation Council*. This regional grouping comprises Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

GRL For *Goods Review List*. This is the centerpiece of the UN effort to revise UN sanctions on Iraq to ensure the rapid and unimpeded flow of civilian goods to the Iraqi people while maintaining critical controls on militarily useful items. The GRL is a pre-agreed upon list of items that require additional scrutiny—so-called dual-use items that may have both a legitimate civilian use and a potential military use in a prohibited nuclear, chemical, biological, ballistic missile, or conventional military program. Any and all civilian items not on the GRL can be imported by Iraq with a minimum of delay.

HEU For *highly enriched uranium*. Uranium, in which the percentage of uranium-235 nuclei has been increased from the natural level of 0.7 percent to some level greater than 20 percent, usually around 90 percent, is called HEU.

IAEA For *International Atomic Energy Agency*. This agency serves as the world's central intergovernmental forum for scientific and technical cooperation in the nuclear field and as the international inspectorate for the application of nuclear safeguards and verification measures covering civilian nuclear programs.

IIF For *Inspection Implementation Force*. This force would act as the enforcement arm of the *UN Monitoring, Verification, and Inspection Commission* (UNMOVIC) and the *International Atomic Energy Agency* (IAEA) task force under a coercive inspections plan.

NPT For *Treaty on the Non-Proliferation of Nuclear Weapons*.

OMV For *ongoing monitoring and verification*.

P-5 The five permanent members of the UN Security Council that hold veto powers: China, France, Russia, United Kingdom, and United States.

UAV For *unmanned aerial vehicle*. These powered aerial vehicles are sustained in flight by aerodynamic lift over most of their flight path and guided without an onboard crew. They may be expendable or recoverable and can fly autonomously or are piloted remotely.

UNSCR For *United Nations Security Council Resolution*.

UNSCOM For *United Nations Special Commission on Iraq*.

UNMOVIC For *United Nations Monitoring, Verification, and Inspection Commission*.

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