

The Progress of UN Disarmament in Iraq: An Assessment Report



**A Report of the
Sanctions and Security Project
of the Fourth Freedom Forum
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Joan B. Kroc Institute for International Peace Studies
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Policy Brief F7

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After more than two months of increasingly intensive inspection activity, UN weapons monitors in Iraq, by their own account, have achieved considerable progress in establishing the disarmament process mandated in Security Council Resolution 1441 (2002). During his 27 January update to the Security Council, UN inspections chief Dr. Hans Blix reported that "Iraq has on the whole cooperated rather well so far" with UN inspectors. "It would appear from our experience so far that Iraq has decided in principle to provide cooperation on process, notably access."¹ Although Baghdad has not fully disclosed its weapons activities as required by UN resolutions, and many unanswered questions remain, weapons inspectors have established an effective disarmament verification system in Iraq. They have asked for the "unified resolve" of the Security Council to support an ongoing inspection process.² In contrast with the experience of UN weapons monitors during the early 1990s, the inspectors with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) have received unfettered access to Iraqi facilities and have been able to conduct more than 350 on-site inspections. They are employing the world's most advanced technology for detecting nuclear, chemical, or biological weapons and are installing an ongoing monitoring system that will provide permanent surveillance of Iraq's weapons activities.

The early results of the intrusive inspections are unambiguous. To date no weapons of mass destruction have been discovered, and there has been no interference or obstruction by Iraqi officials with the UN inspection process. UNMOVIC chairman Blix told the Security Council on 9 January, "If we had found any 'smoking gun' we would have reported it to the Council . . . We have not submitted any such reports."³ IAEA director general Dr. Mohamed ElBaradei was more explicit in reporting that "no evidence of ongoing prohibited nuclear or nuclear-related activities has been detected."⁴ In his update on 27 January ElBaradei reiterated that "no prohibited nuclear activities have been identified during these inspections."⁵

While Iraq has given prompt access to UN inspectors so far, it has not provided a "full and complete" declaration of its weapons programs as required by paragraph three of Resolution 1441. Blix characterized the Iraqi declaration submitted on 7 December 2002 as "inadequate." Although 12,000 pages in length, the Iraqi declaration contained little new evidence, according to Blix. It failed to resolve many of the unanswered questions about Iraqi weapons capabilities that remained from the earlier UN weapons inspection process which took place from 1991 to 1998. During meetings in Baghdad on 19 and 20 January UN officials reached agreement with Iraq on a ten-point plan in which Iraq pledged greater cooperation in meeting UN demands. That agreement, if implemented, will help to clarify some of the discrepancies in the Iraqi weapons declaration.

This report provides an initial assessment of the renewed weapons inspection mission in Iraq. We examine some of the limitations of Iraq's December 2002 weapons

declaration. We analyze the importance of the unfettered access provided to UN inspectors and contrast this with the record of Iraqi interference and obstruction during the 1990s. We offer an overview of the advanced detection technologies now being utilized by UN monitors. We review a number of the high profile claims regarding Iraqi weapons capabilities, noting the discrepancies between such claims and what the inspectors have discovered so far. We conclude with an overall evaluation of the inspection process and the political and legal implications of the partial progress that is now being achieved. The report includes an appendix listing more than 350 UNMOVIC and IAEA inspections that occurred in Iraq between 27 November 2002 and 21 January 2003.

The Unanswered Questions

The record of the scientific and military accomplishments of the earlier UN weapons inspections effort is well documented. The UN Special Commission (UNSCOM) and the IAEA achieved "considerable disarmament results" during the 1990s, according to Blix, and successfully eliminated most of Iraq's weapons of mass destruction.⁶ "More weapons of mass destruction were destroyed under [the disarmament process] than were destroyed during the Gulf War."⁷ UN documents and the memoirs of former inspectors confirm that previous inspections dismantled Iraq's nuclear weapons infrastructure, accounted for all but two of Iraq's 819 Scud missiles, and destroyed all of the country's known biological and chemical weapons production facilities. According to ElBaradei, the IAEA "neutralized Iraq's nuclear weapons programme."⁸ UNSCOM reported in 1997 that "there are no indications that any weapons-useable [nuclear] materials remain in Iraq," and "no evidence in Iraq of prohibited materials, equipment, or activities."⁹ A September 2002 analysis by the International Institute for Strategic Studies in London concluded that "Iraq does not possess facilities to produce long-range missiles," and that UNSCOM eliminated most of Iraq's chemical weapons stockpiles and production capacity.¹⁰ An independent panel of experts established by the Security Council in 1999 came to much the same conclusion:

In spite of well-known difficult circumstances UNSCOM and [the] IAEA have been effective in uncovering and destroying many elements of Iraq's proscribed weapons programmes. . . . The bulk of Iraq's proscribed weapons programmes has been eliminated.¹¹

According to former UNSCOM chair Rolf Ekéus, "Thanks to the work of the UN inspectors, not much was left of Iraq's once massive weapons program when inspections halted" in 1998.¹²

Although UNSCOM and IAEA achieved considerable success in eliminating Iraq's weapons capability, many unanswered questions remained when inspectors left the country in December 1998. The most serious concerns related to Iraq's vast chemical and biological weapons programs. UN inspectors were unable to account for thousands of chemical munitions and large stockpiles of precursor elements associated with the deadly nerve gas, VX. Many uncertainties also remained regarding germ-warfare bombs, anthrax, hundreds of kilograms of biological growth media, and aerial equipment that

could be used to spray deadly germs. Documentation was also lacking regarding indigenously produced ballistic missiles and the Iraqi nuclear program.

These unanswered questions involve serious weapons-related issues, but they do not indicate that Iraq actually possesses weapons of mass destruction. Blix noted in his 27 January update to the Security Council that the unresolved issues were professionally catalogued in two UN reports in 1999. "These reports do not contend that weapons of mass destruction remain in Iraq," Blix explained, "nor do they exclude that possibility." The reports show inconsistencies and question marks but provide no hard evidence that weapons of mass destruction actually exist. "UNMOVIC, for its part, is not presuming that there are proscribed items and activities in Iraq, but nor is it . . . presuming the opposite."¹³

The Iraqi weapons declaration submitted on 7 December 2002 failed to resolve the discrepancies and information gaps that remained from the earlier reports. According to Blix, the Iraqi declaration was "rich in volume but poor in new information" and "practically devoid of new evidence."¹⁴ Most of the documents in the 12,000-page submission were identical to those provided in previous Iraqi weapons declarations during the 1990s. IAEA officials concluded that the Iraqi declaration was "consistent with our existing understanding of Iraq's pre-1991 nuclear programme,"¹⁵ but that the documents "do not include any which are relevant to the questions and concerns outstanding since 1998."¹⁶ The 20 January agreement between the Iraqi government and UN officials may help to address some of these concerns, but whether Iraq will provide full disclosure on these issues remains to be seen.

The UNMOVIC and IAEA assessment of the Iraqi weapons declaration identified discrepancies concerning the quality and quantity of VX nerve agent, the number of special chemical munitions produced and reportedly destroyed by Iraq, the disposition of anthrax and bacterial growth media, and pre-1991 nuclear weapons design work.

Although the Iraqi weapons declaration was seriously deficient in many respects, the Baghdad government has provided some useful new information to UN officials in recent weeks. The IAEA reported on 27 January that "Iraqi authorities also have been cooperative in making available additional original documentation, in response to requests by IAEA inspectors."¹⁷ Blix's 27 January update included the following statement: "In the fields of missiles and biotechnology, the [December 7] declaration contains a good deal of new material and information covering the period 1998 and onward. This is welcome."¹⁸ Blix also noted that Iraq has now provided UNMOVIC with the so-called "Air Force document," an account of Iraqi bombing during the Iran-Iraq war that may shed light on discrepancies about the remaining balance of chemical bombs. Blix reported on 27 January that, in response to an UNMOVIC request, Iraq has provided a new document containing a ledger of 193 pages reportedly listing all imports by the Iraqi agency responsible for biological weapons development. This document could be an important tool for clarifying some of the uncertainties related to Iraq's past biological weapons program.¹⁹ Iraq has also declared its efforts to repair previously destroyed chemical processing equipment at a civilian chemical plant at Al Fallujah, which will enable UNMOVIC specialists to determine if the equipment poses a potential weapons threat.

UNMOVIC officials have expressed concern about the list provided by Iraq of personnel presently or formerly engaged in prohibited weapons activities. This list was mandated by paragraph 7 of Resolution 1441. The list submitted by Iraq in December consisted of 117 persons in the chemical sector, 120 in the biological sector, and 156 in the missile sector. According to chairman Blix, this was "an inadequate response."²⁰ The list did not include the names of more than 3,500 persons associated with past weapons activities, as identified in earlier Iraqi weapons declarations or known to UN officials from previous inspections.²¹ Blix noted in his briefing to the Security Council on 9 January that it is in Iraq's interest to provide the requested list of weapons-related personnel. As the UNMOVIC chairman noted, if Iraq can verify that former weapons officers have moved to nonprohibited areas of work, this would corroborate Baghdad's oft-repeated claim that it no longer has weapons of mass destruction. Under the ten-point agreement of 20 January, Iraq promised to provide additional names of weapons-related personnel as requested by UN officials. As of 27 January, 80 additional names were provided.²²

Open Doors

Iraq has given full access to UNMOVIC and IAEA inspectors to carry out their monitoring and verification work. According to UNMOVIC chairman Blix, "the most important point to make is that access has been provided to all sites we have wanted to inspect."²³ Blix reported that "prompt access . . . has been given to inspection teams." This "open doors policy," as Blix described it, is "an indispensable element of transparency and a process that aims at securing disarmament by peaceful means."²⁴ IAEA director ElBaradei likewise reported that "Iraqi authorities have consistently provided access without conditions and without delay."²⁵ ElBaradei reported on 27 January that "all inspection activities have been carried out without prior notification to Iraq, except where notification was needed to ensure the availability of required support."²⁶ The monitors have had unfettered access to all sites and complete freedom of movement, as required in Resolution 1441. Even Saddam Hussein's palaces, previously off limits to UN officials, have been inspected in recent weeks.

This open doors policy contrasts sharply with the behavior of Iraqi officials during the weapons inspections of the 1990s. During that earlier phase of UN weapons monitoring, Iraqi officials frequently obstructed and interfered with verification efforts and conducted a major concealment effort. Iraqi attempts to intimidate and obstruct the work of the inspectors during the 1990s have been thoroughly documented in the British government's intelligence dossier of September 2002 and in the memoirs published by former weapons inspectors.²⁷ Iraqi officials consistently denied access to sensitive sites, often resulting in tense confrontations or standoffs with UN inspectors. Tim Trevan, former UNSCOM special advisor, detailed the four-day deadlock in September 1991 when Iraqi officials refused to allow UN inspectors to take sensitive documents, leading to a tense standoff in a Baghdad parking lot. Trevan concluded, UN officials "knew that Iraq was not just taking centrally organised passive measures to conceal the truth about its weapons programmes but was actively seeking to undermine the effectiveness of the inspection process."²⁸ Equally disruptive were Iraqi concealment efforts, which were

systematically planned and administered by a specially formed Iraqi government office. According to the British dossier report, "Iraq has admitted to UNSCOM to having a large, effective system for hiding proscribed material including documentation, components, production equipment and possibly biological and chemical agents and weapons from the UN."²⁹ To date, UNMOVIC and IAEA inspectors have not faced anything even remotely resembling the systematic obstruction of the 1990s.

Of course the absence of obstruction and interference does not mean that Iraq is cooperating fully with UN inspections. Iraq has not been forthcoming in providing information to UN officials and it has not acted to resolve unanswered questions. It is possible that Iraqi authorities could be withholding information intentionally to deceive UN officials. Nonetheless, the change in the pattern of Iraqi behavior toward UN inspectors is significant. The Iraqi willingness to permit unfettered access and complete freedom of movement for UN inspectors is a departure from its previous behavior. It is a positive indication of Iraq's partial compliance with Resolution 1441.

The Progress of Disarmament

The "prompt access" granted by Iraqi officials has enabled UN monitors to conduct hundreds of on-site inspections in their first two months of activity. According to Blix, "a steadily increasing number of industrial, administrative, military, scientific and research sites are again being opened for inspections under the authority of the Security Council." As a result of this accelerating inspection effort, "transparency is increasing."³⁰ From 27 November 2002 through late January 2003 UNMOVIC officials conducted 300 inspections of more than 230 sites. During the same time period, IAEA officials conducted 139 inspections at some 106 locations.

A substantial institutional and scientific infrastructure for UN monitoring has been established in Iraq in recent weeks. There are presently more than 100 UNMOVIC inspectors and fifty-eight support staff in Iraq. The total UNMOVIC staff consists of more than 260 people from 60 countries. The full roster of trained UNMOVIC inspectors available for assignment in Iraq is expected to total 350 qualified experts.³¹ A headquarters facility has been established in Baghdad, and a provisional regional office was set up in Mosul in January, with another regional office scheduled to open soon in Basrah. Eight helicopters have been delivered to UNMOVIC, and monitoring flights are now regularly conducted throughout the country. UNMOVIC helicopters have enabled inspectors to "freeze" large sites by providing surveillance of the movement of traffic in and around such areas. U-2 reconnaissance, which was critical for UNSCOM, may also soon be available to UNMOVIC. The governments of Switzerland, New Zealand, Germany and Cyprus have contributed services, equipment and technical specialists to assist the inspection process. Chemical screening and processing facilities have been established. UN chemical experts are now able to screen samples at the Baghdad headquarters and in the field using portable units. A modular chemical laboratory will arrive in Iraq by the end of January. Improved facilities for biological sampling and analysis are being established as well.

The resumption of on-site monitoring has already provided substantial security benefits. The presence of more than one hundred highly trained weapons specialists, conducting dozens of on-site inspections every week, equipped with the world's most advanced monitoring technology, enables UN officials to detect any militarily significant weapons activity. Under these conditions, according to IAEA director ElBaradei, UN "verification activities serve . . . as an important deterrent to the resumption of such activities by Iraq."³² With UN officials scouring the country to search for weapons activity, it would be extremely difficult for the Baghdad government to develop or use prohibited weapons without being detected. The continuing monitoring effort thus provides an important security guarantee against the threat of weapons of mass destruction.

UN inspectors are now installing an Ongoing Monitoring and Verification (OMV) system. The OMV program involves the installation of an elaborate array of radiological, biological, and chemical sensors, cameras, seismographs, and other detection systems at numerous locations throughout Iraq. This is supplemented by no-notice inspections in which UN monitors verify the disarmament of designated locations. The OMV system is designed to provide monitoring of potential weapons sites on a permanent basis. Once this system is in place, UN monitors will have a sophisticated capability to detect nuclear, chemical, or biological weapons activity. The OMV system will provide a further degree of assurance against any potential Iraqi weapons activity.

Technical monitoring tools are an essential requirement for an ongoing monitoring system. IAEA chief ElBaradei reported on 27 January that UN inspectors "have resumed the monitoring of Iraq's rivers, canals and lakes to detect the presence of certain radioisotopes." A wide range of environmental samples and surface swipes are being collected from locations across Iraq and taken to IAEA laboratories for analysis. IAEA officials have also "re-instituted routine car-bourne and hand-held gamma surveys for the detection of undeclared nuclear material."³³ Additional capabilities are now being installed, according to ElBaradei: "The IAEA will soon re-introduce containment and surveillance systems for the monitoring of critical dual-use equipment and activities associated with such equipment. The systems will provide not only for the application of seals and the installation of cameras, but the remote transmission of data in near-real-time mode from those cameras."³⁴

If the goal is assuring Iraq's disarmament, that objective is now being met. Never before has the international community been able to mount such a comprehensive weapons verification and monitoring effort. In August 2002 U.S. vice president Dick Cheney described the previous UN monitoring effort as the "most intrusive system of arms control in history."³⁵ The new verification system is equally intrusive and is employing more sophisticated detection technology. Through the efforts of the renewed inspection regime, the UN Security Council is in the process of achieving its declared objective of assuring that Iraq does not possess and cannot develop weapons of mass destruction. If the inspections are able to continue in the months ahead, it is likely that they will be able to assure Iraq's effective disarmament.

Technology Improves Efficiency of Today's Inspections

A distinctive feature of the current inspection regime is that UN inspectors in Iraq are equipped with more advanced verification and detection technologies than their predecessors in the 1990s. Inspectors are now able to use an array of devices including hand-held sensors and high-speed communications technologies to analyze data and receive encrypted intelligence in a fraction of the time required only five years ago. According to Blix: "The rapid expansion of the need for international inspection and the development of technology have led to the employment of powerful new means of verification:

Satellite imagery provides important overview and is . . . now becoming available commercially.

On-site videos and sensors may provide continuous surveillance and may even transmit images automatically reducing the need for inspector presence.

Environmental sampling of air, soil or water and subsequent analysis for relevant chemical, biological or nuclear substances are becoming ever more powerful means of inquiry."³⁶

In the 1990s UNSCOM and IAEA inspectors installed 140 surveillance cameras at twenty-nine sites and thirty sensors at twenty-three sites. They also applied 1,929 labels and seals on 1,832 facilities and pieces of equipment at 161 sites. Improved technology now available to UN inspectors will increase the effectiveness of the cameras, sensors, and seals presently being installed at hundreds of sites in Iraq. With more advanced cameras and communications equipment, UNMOVIC and IAEA inspectors can send and receive data more efficiently than their predecessors.

The following is an overview of some of the equipment now available to UN inspectors:

Auroral Large Imaging System. These tamperproof and weatherproof cameras are now digital, requiring no film or videotape and less maintenance. Many of the new cameras are smaller than a shoebox and are capable of sending encrypted satellite images directly to IAEA headquarters in Vienna for detailed analysis. They will be essential to the ongoing monitoring process in Iraq.

Analytical equipment. New technology available in the field enables inspectors to perform chemical and biological analyses on site rather than sending swabs and samples back to laboratories thousands of miles away. According to Ewen Buchanan, chief spokesman for UNMOVIC, "a lot of equipment that might've required a whole room has been shrunk and is more usable in the field."³⁷ DNA fingerprinting, chemical analysis kits, radiation sensors, and radars are much smaller and in some cases can fit inside an inspector's protective clothing.³⁸ New

devices are on hand to detect the alloys used in uranium enrichment and to check for weaponized chemical or germ traces in air ducts and waterways.

Some of the handheld devices now available include:

- Alex alloy detector, to register the presence of hardened metal alloys used in nuclear weapons applications.
- Hanaa (Hand-held Advanced Nucleic Acid Analyzer), which can detect anthrax or plague in less than fifteen minutes.
- Fieldspec digital spectrometer and dose meter. Connected to a desktop or notebook PC, the unit gives the user a spectrum display for qualitative and quantitative in-situ analysis.³⁹
- Ranger handheld weatherproof, portable radionuclide detectors designed to meet nuclear spectroscopy requirements in demanding field conditions and environments.⁴⁰

Ground Penetrating Radar. Improvements in radar allow the inspectors to detect materials buried up to 100 feet underground.⁴¹ Inspectors are using Geophysical Survey Systems, Inc.'s equipment to detect the presence of underground facilities.⁴² The GSSI underground radar allows inspectors to retrieve and process data more efficiently than in the past.⁴³

Enhanced Computer networks. Inspectors are able to receive encrypted intelligence in the field and send confidential data to each other and to their colleagues outside Iraq with ease. Sandia National Laboratories equipped UNSCOM inspectors with a classified network just before they pulled out of Iraq in 1998.

This array of technology provides for an empowered system of inspections that can detect traces of material and date their movement. This capability provides an effective cross-check on both declared and undeclared information provided by the Iraqi government. The ability of UNMOVIC teams to install continued monitoring equipment enhances the prospect that future violations of the ban on Iraq's weapons programs can be detected.

Clarifying Claims

The British government dossier of September 2002 acknowledged that "without UN weapons inspectors it is very difficult . . . to be sure about the true nature of Iraq's facilities."⁴⁴ Yet U.S. and UK officials have used intelligence estimates to make public claims about purported Iraqi weapons of mass destruction. The renewed UN weapons verification efforts have now provided sufficiently detailed information to test the validity of some of these claims.

In September 2002 U.S. and British officials raised concerns about unsuccessful Iraqi attempts to import high-strength aluminum tubes, alleging that these tubes could be

used for the enrichment of uranium. The British government dossier claimed that Iraq had made repeated attempts to obtain aluminum tubes with "potential application in the construction of gas centrifuges used to enrich uranium."⁴⁵ The U.S. government also reported in September 2002 that Iraq tried to obtain aluminum tubes intended for uranium enrichment and nuclear weapons development.⁴⁶ According to the preliminary assessment of the IAEA, however, these aluminum tubes were not intended for nuclear weapons development but for the reverse engineering of 81-millimeter rockets. According to IAEA director ElBaradei, the IAEA's analysis indicated that "the specifications of the aluminum tubes sought by Iraq in 2001 and 2002 appeared to be consistent with reverse engineering of rockets."⁴⁷ In his 27 January update ElBaradei confirmed that these aluminum tubes, unless modified, "would not be suitable for manufacturing centrifuges."⁴⁸

Another claim about Iraqi weapons was the concern expressed by President Bush regarding new construction at nuclear facilities. In a 7 October speech Bush asserted that satellite photos of construction activity at Iraqi nuclear facilities indicated that Iraq was developing nuclear weapons.⁴⁹ IAEA inspectors visited these sites to find the alleged proof and detected no evidence of prohibited nuclear weapons activity. ElBaradei noted that the sites had been inspected when he reported to the Council in January that no nuclear weapons related activity had been detected in Iraq. "The IAEA has found no signs of nuclear activity at any of these sites."⁵⁰

In the case of Iraq's suspected nuclear weapons program, the British government's dossier presented a more alarming prognosis than a CIA report issued a month later. The British report asserted that if [sanctions] "were removed or prove ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously."⁵¹ Less than a month later the CIA report, which received much less attention, noted that "Saddam probably does not yet have any nuclear weapons" and that Iraq would be "unlikely to produce indigenously enough weapons-grade material for a deliverable nuclear weapon until the last half of this decade."⁵² After conducting dozens of inspections, ElBaradei assessed the Iraqi nuclear threat as less urgent than previous intelligence estimates have suggested, stating that "Iraq has not concealed a near-complete nuclear weapons development program."⁵³

U.S. officials have claimed that Iraq attempted to import uranium after 1991. To date no evidence to support this allegation has been presented. IAEA officials have attempted to investigate the reports, but they have been hampered by a lack of information. Presumably U.S. or other officials with intelligence about such matters would share it with IAEA inspectors. ElBaradei reported on 27 January that "we do not have enough information" about this matter and "would appreciate receiving more."⁵⁴

U.S. officials have expressed concerns about the need to conduct private interviews with Iraqi scientists, claiming that this is necessary to obtain required evidence. IAEA officials report, however, that they have had no difficulty obtaining useful information from Iraqi scientists. According to ElBaradei, "the inspectors have conducted a great number of interviews of Iraqi scientists, managers and technicians—primarily in the workplace in the course of unannounced inspections—as a valuable source of information about present and past programmes and activities. The information

gained has been helpful in assessing the completeness and accuracy of Iraq's declarations."⁵⁵

Estimates regarding Iraq's biological weapons program have been downgraded after recent on-site inspections. The British government dossier report cited the Al Dawra site used for the production of biological weapons in the 1990s as a "facility of concern" and a possible site for a "resurgent biological warfare programme."⁵⁶ Al Dawra was near the top of the list of sites for UNMOVIC to inspect when UN monitors returned to Iraq. On 29 November a UN inspection team spent four hours at the site before concluding that the former animal vaccine plant is in serious disrepair and no longer capable of producing anything. The *New York Times* said that "reporters who were allowed to wander through the plant after the inspectors left found the place largely in ruins. Apparently, it had been abandoned by the Iraqis after 1996, when the weapons inspectors took heavy cutting equipment to the fermenters, containers and pressurized tubing and valves used in the toxin production."⁵⁷

Into the Breach

If the accelerating pace of UN weapons inspections continues for several more months without the discovery of any prohibited weapons activity, or with the discovery and destruction of materials found, this would very likely indicate that Iraq's weapons capabilities are minimal, nonexistent, or under control. An absence of evidence would not prove that no prohibited weapons exist, but as a practical matter it would indicate that any remaining weapons capability is minimal and unlikely to pose a major threat to security. The absence of evidence would make it equally difficult to prove the contrary case, that Iraq still possesses prohibited weapons of mass destruction. If months of rigorous UN inspections do not find proof of a major weapons capability, it would be difficult to argue that such a capability exists.

While Iraq has cooperated with UN inspections through its open doors policy, Iraq has been and remains in "material breach" of its obligations to the Security Council because of its failure to provide a "full and complete" declaration of its weapons activities. Iraq submitted several weapons declarations in the 1990s, to fulfill the requirement in Resolution 707 (1991) to provide "full, final and complete" disclosures. None of these declarations was full or complete. The December 2002 weapons declaration followed the same pattern, failing to resolve unanswered questions about Iraq's weapons capabilities. Until Iraq provides satisfactory answers to these questions, UN officials will be unable to certify Iraq's disarmament.

This does not mean that there has been no progress toward disarmament, however. If Baghdad fulfills its pledges in the 20 January agreement, and if its open doors policy continues, with UN monitors thoroughly inspecting Iraqi facilities and territory, the resulting situation is likely to become less ambiguous legally and politically over time. While some discrepancies in Iraq's weapons declaration are likely to remain unresolved, the overall UN disarmament mission will be able to achieve continuing progress toward the ultimate goal of eliminating the threat from Iraqi weapons of mass destruction.

The 20 January agreement between Iraqi officials and UN inspectors may indicate further cooperation aimed at resolving some of the unanswered questions about Iraq's weapons capabilities. Although Iraqi officials agreed to the ten-point plan only under the threat of military attack, implementation of the agreement could result in further progress toward the completion of the UN disarmament mandate. The ten-point agreement included Iraqi pledges to:

- Create a team to investigate the discovery of 122-millimeter chemical shells and to search for similar capabilities at other sites,
- Supplement the list provided to UN inspectors of personnel presently or formerly associated with Iraq's weapons programs,
- Encourage scientists to accept private interviews with UN inspectors,
- Enact national legislation prohibiting the development of proscribed weapons, and
- Conduct technical discussions with UN inspectors to clarify issues related to aluminum tubes, the import of uranium, and the use of high explosives.

Iraqi officials also agreed to provide additional documentation to UN inspectors and to respond to other questions raised in connection with its 7 December weapons declaration. The 20 January agreement was a step toward greater Iraqi cooperation with the UN disarmament mission.

Iraq's failure to provide an adequate weapons declaration does not provide a legal or political basis for taking military action. Indeed there is nothing in Resolution 1441 that authorizes the use of military force. The resolution finds Iraq in "material breach" because of its failure to provide adequate weapons declarations to the Council, but it does not mandate any particular action or consequences as a result of this finding. The resolution states that, in the event of "further material breach," the Council will meet to determine the "serious consequences" Iraq should face as a result. The diplomatic understanding among members of the Council in adopting the resolution was that a finding of "further material breach" would come only if Iraq interfered with the ongoing UN weapons inspections process. U.S. and British officials agreed to this interpretation in the political maneuvering that led the adoption of Resolution 1441. An inadequate weapons declaration alone would not constitute "further material breach." There would also have to be obstruction of the ongoing monitoring effort, which to date has not occurred.

The determination of whether Iraq is in further material breach is a matter to be decided by the full Security Council, not a single government. Under the terms of Resolution 1441 it is up to the Security Council to meet and decide whether Iraq is in further violation of its obligations. It is also up to the Council to consider the nature of the "serious consequences" that Iraq should face in the event of defiance. If the Council were to find Iraq in further material breach, there are a range of robust, nonmilitary options for applying "serious consequences" in response to Iraqi defiance. These options include the following:

- Imposing additional targeted sanctions, including travel and financial restrictions, on senior Iraqi government officials associated with prohibited weapons activities;
- Strengthening the continuing arms embargo and military sanctions on Iraq through the creation of an effective monitoring system and the installation of advanced detection technology on Iraq's borders;
- Tightening controls on the marketing of Iraqi oil by restricting and imposing reporting requirements on companies purchasing Iraqi crude;
- Imposing UN financial controls on oil exports through the Iraq-Syria pipeline; and
- Strengthening collective deterrence against potential Iraqi aggression or actual development of prohibited weapons.⁵⁸

Conclusion: More Time for Monitoring Makes Sense

While the inadequacies of the Iraqi weapons declaration remain a matter of concern, the 20 January agreement indicates that a number of critical pieces of missing information may become available in the coming weeks. The issues of concern about the Iraqi weapons declaration do not pose an immediate threat to U.S., regional, or international security. There is no indication that any of the reported omissions or discrepancies involves the capability to develop nuclear weapons. Nor is there confirmed evidence that Iraq has functional long-range missiles. The concerns about chemical or biological capabilities involve mostly precursor elements and growth media. The missile warheads at issue date from the 1980s. There is no evidence from the assessment of UN inspectors so far that Iraq has rebuilt its weapons of mass destruction. On the contrary, UNMOVIC and IAEA officials report that they have found no evidence yet of actual weapons of mass destruction.

In light of the realities and trends sketched in this report, and despite the inadequacies of Iraq's weapons declaration, the renewed UN weapons inspection effort in Iraq can be judged a partial success to date. UN monitors are visiting a steadily increasing number of potential weapons and documentation sites. UNMOVIC and IAEA officials report that they will need more time to fulfill the mandate established by Resolution 1441. IAEA chief ElBaradei stated on 27 January that the "unified resolve" of the Security Council has been a "vital ingredient" of the disarmament mission. He expressed the hope that "the Council would continue its unified and unequivocal support for the inspection process in Iraq."⁵⁹

As this report indicates, allowing time for the further progress of inspections is likely to yield significant security benefits. The IAEA reported on 27 January, that it "expects to be able, within the next few months, barring exceptional circumstances and provided there is sustained proactive cooperation by Iraq, to provide credible assurance that Iraq has no nuclear weapons programme. In the meantime, the presence in Iraq of inspections with broad investigative and monitoring authority serves as a deterrent to, and

insurance against, the resumption by Iraq of proscribed nuclear activities."⁶⁰ If the current inspection regime is able to continue, and if it has not only the cooperation of Iraq but the full support of the United States and other members of the Security Council, significant progress can be achieved in the coming months toward the goal of the effective disarmament of Iraq.

Link to Appendix:
UNMOVIC and IAEA Inspections in Iraq:
27 November 2002–23 January 2003
http://www.fourthfreedom.org/pdf/inspections_chart1.pdf

Notes

- ¹ Dr. Hans Blix, United Nations, United Nations Monitoring, Verification and Inspection Commission, *The Security Council, 27 January 2003: An Update on Inspection*, 27 January 2003. Available online at the *United Nations*, <<http://www.un.org/Depts/unmovic/Bx27.htm>> (27 January 2003).
- ² International Atomic Energy Agency, IAEA Director General Dr. Mohamed ElBaradei, *The Status of Nuclear Inspections in Iraq*, Statement to the United Nations Security Council, 27 January 2003. Available online at the *International Atomic Energy Agency*, <<http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n003.shtml>> (27 January 2003).
- ³ Dr. Hans Blix, United Nations, United Nations Monitoring, Verification and Inspection Commission, *Notes for Briefing the Security Council*, 9 January 2003. Available online at the *United Nations* <<http://www.un.org/Depts/unmovic/bx9jan.htm>> (15 January 2003).
- ⁴ International Atomic Energy Agency, *Status of the Agency's Verification Activities in Iraq as of 8 January 2003*, 9 January 2003. Available online at the *International Atomic Energy Agency* <<http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n002.shtml>> (15 January 2003), para. 16.
- ⁵ International Atomic Energy Agency, *The Status of Nuclear Inspections in Iraq*.
- ⁶ United Nations, *The Security Council, 27 January 2003: An Update on Inspection*.
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