

The Ongoing Crisis with Iraq

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Addressing a Chronic Crisis

This paper focuses on six practical questions regarding the current prolonged crisis. However, important lessons of past efforts to ensure Iraqi compliance should be recalled: the large scale of the clandestine weapons of mass destruction (WMD) program; the Iraqi tendency to acknowledge only what has already been found by inspectors or revealed by defectors; remaining identified (or perceived) discrepancies in the past programs, notably in the chemical-biological area; and the mix of force and diplomacy that so far has proved necessary to influence Iraqi behavior. Since December 1998, several proposals have been presented to reestablish dialog and cooperation between the United Nations and Iraq. Each of these proposals presents a reformulated WMD monitoring and verification regime.

I: What Are the Conditions for a Way Out of the Ongoing Crisis?

A wait-and-see position is no longer tenable: Almost one year has passed since the last inspection in Iraq, and serious potential regional and global security consequences must be taken into account. The future of the verification regime is also at stake. Airstrikes, even if there are enough planes and missiles massed in the Gulf region to strike Iraq at any time, do not constitute a solution and have increasingly little international backing. Efforts to remove Saddam Hussein from power could take a long time to succeed, and even if successful cannot ensure an end to the ongoing crisis. Time plays in the hands of Saddam: Arab public opinion evolves; the coalition against Saddam is less cohesive; and the UN Security Council is divided. Iraqis have already told inspectors: "One day, you will leave, and we will still be there."

Any resolution of the current deadlock would require restoring unity among the five permanent members of the UN Security Council (the P-5), and resuming inspections in Iraq. It is increasingly obvious that the first imperative will not be attained unless an agreement is found concerning economic sanctions.

The second imperative follows from the generally shared assessment that an effective presence of inspectors on the ground remains the most effective way to provide assurance that Iraq does not retain, acquire, or rebuild proscribed weapons programs. It might be difficult to achieve even with P-5 agreement, because full cooperation from Iraq is needed (Iraq has promised full cooperation on a number of occasions, including several times in 1998, and always failed to provide it). Therefore, there should be not only a direct linkage between suspension of sanctions and resumption of inspections, but before sanctions are suspended inspectors should be back in Iraq with a clear mandate that includes the past programs. They should also obtain additional information on outstanding issues before sanctions are suspended, in order to test Iraq's willingness to cooperate.

II: Why Should Sanctions Be Suspended (and Eventually Lifted)?

When dealing with a despotic regime, sanctions are bound to fail. They are exploited to influence and divide international opinion, but the target regime is left intact and virtually immune to their effect while civilians are increasingly subjected to the regime. Who doubts that the price ordinary Iraqis would have to pay is a matter of little concern for the regime? Saddam Hussein is responsible for the death of 250,000 Iraqis during the Iran-Iraq war. He ordered the use of poison gas against Iraq's Kurdish civilians in Halabja. Some intelligence sources assess that he may have tested biological weapons on prisoners. He remains callously indifferent to the suffering of his own people; food and medicine allowed under the "oil-for-food" program reportedly remains in warehouses, undistributed.

The policy of refusing to lift sanctions until Iraq is in full compliance with all UNSC resolutions is increasingly questionable. Sanctions will not eliminate Iraq's outlawed weapons; at best, the programs will be temporarily delayed. The nexus between economic sanctions and the policy of eliminating the banned weapons programs is tenuous.

Three permanent members of the Security Council, each of them for different reasons, will disagree on a common resolution until an agreement is reached on sanctions. P-5 unity is the first indispensable key to resolving the current deadlock. All Permanent Members of the Security Council were agreed on the fundamental principle of disarming Iraq. A durable division of the permanent members on Iraq (while the ten non-permanent members have already reached an agreement on a draft resolution) would have wider consequences, calling into question the Security Council's ability to meet its first responsibility: the maintenance of international peace and stability.

III: What Are the Main Components of a Compromise among the P-5?

For seven years, the regime concerning Iraq was composed of two major elements: sanctions and verification. In 1999, the regime was limited to sanctions. The main thrust of a P-5 compromise should be to emphasize verification, and to suspend economic sanctions (however, the arms embargo and sanctions related to dual-use items would continue). The main problem is probably less to convince any of the P-5 that a settlement should be found concerning economic sanctions (even if there could still be reservations on this point in some capitals) in order to restore verification, than to find a common language consensual and clear enough to avoid further misunderstandings (and therefore unnecessary crises) in the actual implementation of international inspections in Iraq.

In addition to P-5 agreement on sanctions implementation language, it would also be necessary to agree on the following points:

- To keep the past programs on the agenda in the four fields (nuclear, biological, and chemical weapons, and ballistic missiles). It is also fundamental to ensure that any long-term monitoring is comprehensive and intrusive (with unannounced inspections of previously uninspected locations, and of any new sites to detect signs of banned activities).
- UNSCOM or its successor body should have comprehensive investigative rights and good coordination between the biological, chemical and ballistic missiles teams.
- Iraq claims that it has fulfilled all of its disarmament obligations, ceased concealment policies, and has neither proscribed weapons nor the ability to make them. Iraq also declares that unless UNSCOM can demonstrate that Iraq retains prohibited items, the commission must declare full implementation. This is contrary to the system decided by the UN Security

Council, which imposed upon Iraq the obligation of full disclosure. The outstanding issues of the past programs are the following:

Chemical weapons: Iraq claims since August 1998 that all outstanding chemical disarmament issues have been resolved, in contrast to UNSCOM's findings. Satisfactory resolution is required with regard to: the consumption of special munitions during the Iran/Iraq war; evidence of 550 artillery shells filled with mustard gas declared to have been lost; accounting for 500 R400 bombs; production and weaponization of the VX agent; the material balance of CW production equipment.

Biological weapons: There are strong grounds for suspicion in this field. Iraq denied it had any BW military program until July 1995. No satisfactory "Full, Final, and Complete Disclosure" (FFCD) has ever been produced by Iraq, although since 1995 Baghdad has submitted three of them. This conclusion has been shared by independent experts twice (in March and in September 1997). It is assumed that Iraq may have produced large quantities of anthrax, botulinus toxin, and aflatoxin. Iraq's statements on the material balance of growth media was revised in December 1998, following documentary evidence of imports for the biological warfare program. Iraq possesses the capability and knowledge to produce biological warfare agents quickly and in volume. Iraq declined to furnish the Commission with any further information on its biological warfare program in 1998, and it will probably be very tough to make progress in this field unless additional defectors leave Iraq and reveal information.

Ballistic missiles: Discrepancies remain between the available evidence of the storage and movement of special missile warheads, and Iraq's declarations of July 1998 on their storage and unilateral destruction.

Nuclear Program: The IAEA has been able to develop a technically coherent picture of Iraq's clandestine nuclear program. Questions remain with regard to two areas: weaponization (i.e., exact knowledge concerning weapon design) and centrifuges (i.e., are there centrifuges hidden in Iraq?). Uncertainty due to lack of some technical documentation, external assistance, and Iraq's abandonment of its nuclear weapons program does not impede full implementation of the IAEA's ongoing monitoring and verification (OMV) plan, if inspectors are able to come back to Iraq. However, the IAEA investigative right should also be reaffirmed. The IAEA was already focusing most of its resources in 1998 on the implementation of its activities under the ongoing monitoring and verification plan. Within this framework, it is essential to exercise the IAEA right to investigate any aspect of Iraq's clandestine nuclear program.

IV: What Is the Current Situation in Iraq after One Year without International Inspections?

In brief, it is very difficult to tell. The resumption of inspections in Iraq, if they occur, would not only follow a one-year interruption (UNSCOM has carried out no work in Iraq since 16 December 1998), but also an almost permanent crisis between UNSCOM and the regime in 1998 (peaking in February, in August, and again in October).

On some sites, there have been no inspections for more than one year. The UNSC does not know how the previously monitored equipment has been used in its absence, as all monitoring cameras have been blacked out or destroyed by bombing. Soon after the inspectors were withdrawn

from Iraq in December 1998, the cameras monitoring the fermenters in some plants (al-Dawrah and Mouth Disease Vaccine Plant in particular) showed the Iraqis removing tagged equipment. By now, undiscovered growth media could be used in these fermenters.

UNSCOM's Executive Chairman stated in April 1999 that Iraq has progressed in its efforts to test indigenously produced or modified missiles, in particular the Samoud system, which has a declared range of 149km. Satellites reportedly detected in July 1999 recent additional work on ballistic missiles sites (al-Kindi and Ibn al-Haytham). Iraq may also have bought Russian satellite data concerning its neighbors, which could be used by Saddam Hussein for ballistic missile targeting.

V: What Should the IAEA Do under the Safeguards Agreement with Iraq?

Implementation of IAEA routine inspections according to the 1972 safeguards agreement and Iraq's obligations under the NPT is another important issue. One inspection per year has to be performed according to the safeguards agreement signed by Iraq with the IAEA. The last inspection has taken place precisely a year ago.

Whether the IAEA should send inspectors to Iraq in the current circumstances before an agreement is reached on the wider subject (implementation of the UNSC resolutions) is debatable. On one hand, in the current circumstances Iraq might take advantage of the presence on its territory of an IAEA inspection team. But on the other hand, the IAEA does have an obligation to fulfill in Iraq, which retains 1.7 tons of LEU, unsafeguarded since December 1998, and Iraq has the obligation to accept the inspection. Iraq has always claimed that there has not been any particular problem with the IAEA, and the inspection would also be a test of Iraq's acceptance of international monitoring.

In addition, Iraq has not signed the IAEA's "93+2" additional protocol. It is true that Security Council Resolutions 687 and 715 are far more stringent than the provisions contained in the new protocol. However, the situation since December 1998 has frozen cooperation with the IAEA and downgraded the efficiency of international control to a much lower level than could be expected from thorough implementation of 93+2. If the Long Term Monitoring Program in Iraq is implemented, any discontinuation of the Program in Iraq would require signature and ratification of the additional protocol. If it is not, signature and ratification should at least be obtained from Iraq and provisions implemented in a thorough fashion.

However, even if implemented effectively, IAEA verification and monitoring would still leave the chemical, biological, and ballistic missile programs unchecked. Iraq is not signatory to the CWC. It is a signatory to the BWC, but so far this convention has no verification provisions. Finally, the Iraqi ballistic missile R&D program never ceased, and the bombing in December 1998 only temporarily reduced these capabilities.

VI: What Are the Other Policy Options?

It is fair to acknowledge that even with P-5 unity, Iraq could still resist (and most probably will), but it will be more difficult to do so with concerted pressure by all the five permanent members, and the norm of disarming Iraq of missiles and WMD would be stated clearly again.

If there is no compromise among the P-5 at the UNSC, the remaining option is to continue the current policy. But it increasingly lacks international support and will also be increasingly unsatisfactory for all members of the international community interested in nonproliferation, prominent among them the United States.

The Narrow Road Ahead

Compliance with arms control agreements and norms can be maintained either through cooperation or confrontation. It is hardly surprising that confrontation is inevitable when a state has decided to embark on a clandestine program. But confrontational approaches—particularly military ones—always run great risks of provoking noncompliance in the long run, and in the case of Iraq confrontation increasingly lacks support. On the other hand, cooperative approaches require consultation and confidence, eroded by seven years of Iraqi lies, concealment tactics, and continuous defiance. The road ahead in Iraq is therefore a very narrow one.