

Iraq: Go to War? and The Nuclear Question¹

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The Issue

Should ‘we’ —the United Nations, a ‘coalition of the willing’, The United States and Britain, or the United States—make war against Iraq?

This one question will dominate the global agenda during the last four months of 2002.

It is posed only because the GW Bush administration has declared a firm intention to remove Saddam Hussein and institute a government to its liking—but without specifying a date.

Nuclear weapons are implicated in this question because US and British advocates of war have declared that Iraq is on the verge of building nuclear weapons. For example, British Prime Minister Tony Blair said Iraq was “coming to the point” of a nuclear weapons capability.²

Under a novel doctrine of preventive war, the GW Bush administration claims that it may initiate war, even absent any overt Iraqi actions using or threatening to use ‘weapons of mass destruction’, because (i) Iraq has hidden stores of biological and

¹ This is **Version 3**, 8 December 2002. Version 1 was written 1 October 2002, Version 2 posted 21 October 2002. For more details, see Version History at the end of this paper.

² On 3 September 2002. *The Independent* (London), 4 September 2002.

chemical weapons, and is working to acquire nuclear weapons and (ii) Iraq would use them, or threaten to use them, if it had them.

This is novel doctrine not because it is the first claim that ‘preventive war’ can be a just war. Michael Walzer has made a case for preventive war as justified in certain circumstances, under which the usual stricture of the ‘legalist paradigm’, that war is justified only against aggression, would be set on the shelf.³ It is novel because it takes *possession of*, or *striving to obtain*, biological, chemical, and nuclear weapons as a sufficient justification for preventive war.⁴

It is well understood that this late-2002 decision has come at the confluence of four pressing and difficult problems:

- Iraqi refusal to allow the UNSC’s UNMOVIC inspection teams to enter Iraq.
- The United States’ entanglement—as GW Bush’s response to the 9.11 attacks—in a global ‘war on terrorism’.
- A conflict-riddled moment in the Israeli-Palestinian imbroglio.
- The GW Bush administration’s determination to distance itself from joint negotiated global governance—on the environment, arms control, the International Criminal Court, for example—and instead rely on action chosen and undertaken by the United States alone. We call this ‘unilateralism’.

³ Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), p. 85. Walzer develops the ‘legalist paradigm’ under which “nothing but aggression can justify war.” But he then suggests, after reflecting on the Six Day War, a revision, acknowledging Israel’s 1967 assault as a case of “legitimate anticipation.” “... aggression can be made out not only in the absence of a military attack or invasion but in the (probable) absence of any immediate intention to launch such an attack or invasion. The general formula must go something like this: states may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence. Under such circumstances it can fairly be said that they have been forced to fight and that they are the victims of aggression.”

⁴ Of course, Israel took the existence of a nuclear reactor in Iraq as justification for its 1981 conventional attack on the reactor.

Mid-September 2002 saw Washington press its insistence on ‘regime change’, insistence (in Paris, Mexico City, and other capitals) on the necessary role of the UN Security Council, and Iraq’s declaration of readiness to accept unfettered inspections. By the latter part of October the United States was in negotiation with the other P5 states, endeavoring to craft an acceptable UNSC resolution. These steps focus the debate, but they do not end it.

What is most dangerous about this juncture is that fundamental expectations about the use of force in international affairs, shaped gradually since 1945, appear to be being set aside. This opens a door for claims, by whatever state, to choose force. And it is an assault on voice and dignity, signaling disrespect. The subtext is that the governments of 5.75 billion people are unable to manage their joint affairs. In their place, the GW Bush administration will decide what needs to be done.

Not surprisingly, world figures denounce the White House position. “What they are introducing is chaos in international affairs and we condemn that in the strongest terms,” in Nelson Mandela’s judgment. “We are really appalled by any country, whether it is a super-power or a poor country, that goes outside the United Nations and attacks independent countries. . . . No one must be allowed to take the law into their own hands. The message they are sending is that if you are afraid of a veto in the Security Council then you can do what you want.”⁵ Jacques Chirac, addressing French ambassadors at their annual conference, expressed concern at “the temptation to seek to legitimize the use of unilateral and preemptive force. . . . This goes counter to the French notion of collective security, a notion based on cooperation between states, the respect of law, and the authority of the Security Council.”⁶

Of course, the GW Bush administration denies that it is ‘unilateralist’, and insists it does consult, and will consult, its allies and friends. But no one in a world now well-practiced and well-

⁵ Reuters, *Irish Times*, 3 September 2002. Remarks to reporters, 2 September 2002.

⁶ *The Independent* (London), 30 August 2002. Remarks of 28 August 2002.


 schooled is fooled by the difference between ‘consult’ and ‘collaborate’. Collaboration requires finding *jointly acceptable paths* or, when good faith efforts to do so fail, finding the *least unacceptable paths* consistent with each government’s view of necessity. Consultation requires nothing. And the Bush principals come into public and say they will ‘consult’ the US Congress: but again, no one is fooled. There is a difference between *acknowledging Congressional authority under the Constitution* and ‘consulting’. And members of the House and Senate are now also well-practiced and well-schooled.

The US Congress should be a prime player, insisting on debate and restraint, but many members see themselves tied and gagged by the impending elections of 5 November. On 10 and 11 October 2002 the House and Senate authorized the president to war with Iraq if he chose. The vote in the House was 296 to 133, and in the Senate 77 to 23. Congress abdicates its Constitutional duty to decide, and instead grants the president two ill-defined grounds to begin war if he wishes, without limit of time:

SECTION 3

AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES

(A) AUTHORIZATION

The president is authorized to use the armed forces of the United States as he determines to be necessary and appropriate in order to:

- (1) defend the national security of the United States against the continuing threat posed by Iraq; and
- (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

Returning to the original question—war against Iraq?—how is it possible that the GW Bush administration takes a view so fundamentally different from that of almost all other governments?



Reasons to Make War

One way to approach the issue is to consider reasons advanced for doing so. Are they persuasive? Do they make a case, a strong case, a compelling case that war should be initiated?

The Bush arguments can be distilled to six, for one of which there is no evidence, and only one of which has a bearing on initiating war against Iraq. These categories are

- Iraq “harbors terrorists.”

We can dismiss the first of these, for if the evidence were stronger the pro-war faction in Washington would have laid it out by now.⁷

- Iraq a repressive regime.
- Saddam a thoroughly distasteful person, who has committed and authorized heinous crimes.

No one doubts that Iraq is repressive, and Saddam and his actions criminal, but that has not been taken as a *casus belli* elsewhere. The issue comes down to the weapons.

- Iraq has refused, and refuses, unrestricted UN weapons inspection, and may be undertaking chemical, biological, and nuclear weapon programs in contravention of UNSC mandates.

There is a powerful, compelling argument in favor of realizing unrestricted weapons inspections in Iraq. The first aim of US policy, and others’ policies, should be to achieve P5 unanimity on this point, on effective terms and conditions, and on the

⁷ The pro-war party has made two claims to link Iraq with al-Qaeda: that Mohammed Atta met with an Iraqi official in Prague, and that al-Qaeda elements have taken refuge in Iraq. But no convincing evidence of either claim has been produced, and on 21 October the press reported that Czech President Vaclav Havel had concluded, after careful inquiry, that the Atta claim was unsupported.

technical and political assessment by which Iraqi compliance or non-compliance will be determined. The second aim should be to support those inspections, and not undercut them.

One answer to the question ‘is Iraq in compliance?’ could be to say that UNMOVIC and the IAEA would speak to the *technical* issue whether efforts to inspect had been blocked or hindered, and the UN Security Council to the ensuing *political* issue. Washington would prefer to have it another way: that it would judge whether Iraq was compliant, and it alone would judge whether war should be carried to Baghdad. Its arguments for the procedural right to unilateral action are two: that failure of the P5 to agree to a position acceptable to Washington frees Washington to act as it judges necessary, and that the threat of Iraqi WMD *compels* prompt action.

- Nuclear weapons. Saddam may acquire them, given time.
- Chemical and biological weapons. Saddam may have them and may, given time, refine them and their means of delivery.

So we are brought to the first two ‘reasons’ for war, Iraq’s nuclear program, and the chemical and biological agents attributed to it. Is the case for *prompt* action made out? And is it war—using military force to break Saddam’s state and remove him from authority—which is the optimum means to respond, the optimum ‘prompt action’?

Being Clear About ‘Weapons of Mass Destruction’

The phrase ‘weapons of mass destruction’ is *conventional*, and a term of convenience. Its users usually encompass within it chemical, biological, nuclear, and radiological weapons. But these are each very different from each other. Even a somewhat smallish nuclear weapon can take the heart out of a city. But—unless contamination is widespread, or epidemic disease ensues—the effects of chemical, biological, and radiological weapons are on a smaller scale. Their horror lies in the unseen threat, the deaths and

scars which follow, often delayed effects. Their delivery is difficult, effects are likely to be limited geographically, and therefore—with the exceptions noted above—the number of persons killed or made ill is likely to be ‘small’. The dangerous exceptions, exemplified by anthrax and smallpox, have been widely discussed since 9.11; and we do not know whether, in the future, we will face designer pathogens. With those caveats, however, we can say there is *only one weapon of mass destruction*, a nuclear weapon.

It is not, of course, that chemical, biological, and radiological weapons can be ignored. Their use in a populated area would be a serious act of war. UNSC Resolution 687 calls for destruction of all chemical and biological weapons in Iraq and should be implemented.

On the other hand, possible possession of BW or CW agents has not been taken in the past as reason to invade Iraq, and there is no public claim that there is some change *in kind* about the putative repertoire of BW and CW agents Iraq may hold which requires prompt action.

The argument for prompt action, then, turns on the one true weapon of mass destruction, the nuclear weapon. But *the United States does not assert that Iraq has a nuclear weapon, or the fissile material from which to fabricate one*. The entire argument for prompt action is made on one of two hypotheses:

- 1 Iraq could acquire fissile material from another party
- 2 Iraq will enrich uranium, and will make enough ‘highly enriched uranium’ to build a usable nuclear weapon

The first of these possibilities cannot, of course, be dismissed, but as no state or movement has obtained a nuclear weapon by transfer, and as the amounts of fissile material known to have been trafficked are insufficient to build even a single bomb, the first ‘path’ requires a breakdown in controls on warheads or fissile material. Moreover, Iraq could have acquired a nuclear warhead or

fissile material by this path at any time in the last ten years, but prior to 2002 no state had taken that possibility as sufficiently serious to justify war against Iraq.

There remains the path of Iraq's processing uranium and accumulating sufficient ^{235}U to make a bomb. On the assumption of *some production* and therefore of *accumulation over time*, advocates of war insist that time is of the essence: there is a 'ticking bomb'. Of course, any state or movement's acquiring even a single nuclear weapon would enable it to secrete that weapon in a foreign city and detonate it, with terrible consequences, or threaten to detonate it, with unforeseeable political effects. While denying Iraq the possibility of reaching that point would not alter the fact that eight other states—the United States, Russia, France, China, Britain, Israel, India, and Pakistan—could also be the source of a nuclear weapon so deployed, *any* state having such a weapon creates dangers which would not exist if it had none. How imminent is this additional danger?

The Documents: Published Estimates

As it happens, five documents have appeared in short order which bear directly on the policy question of 'war with Iraq?' and an Iraqi nuclear weapon program. We will query these for their insight into the *probabilities* concerning the hypothesized Iraqi program. They are:

- 1** Carnegie Endowment for International Peace. "Iraq: A New Approach." August 2002.
[<http://www.ceip.org/files/pdf/Iraq.Report.pdf>]

This report is the work of a committee of private citizens. They propose 'coercive inspection' to carry out UNSC-mandated weapons inspections in Iraq, but sharply distinguished from the aim of 'regime change'.

- 2** International Institute for Strategic Studies. "Iraq's Weapons of Mass Destruction: A Net Assessment." 9

September 2002. [unavailable on the Web, but sold in hard copy: see <http://www.iiss.org/confPurchase.php?confID=3>]

This study, based wholly on publicly-available information, concludes with a judicious summary of likely prospects. It “does not attempt to make a case, either way, as to whether Saddam Hussein’s WMD arsenal is a *casus belli per se*.”

3 United States. “The National Security Strategy of the United States of America.” 20 September 2002. [<http://www.whitehouse.gov/nsc/nss.pdf>]

This text promotes US freedom of action in rather vague generalities. It does not assess Iraq’s WMD, but it does include discussion of WMD as a threat.

4 United Kingdom. “Iraq’s Weapons of Mass Destruction: The Assessment of the British Government.” 24 September 2002. [<http://www.number-10.gov.uk/output/Page6139.asp>]

Released on the morning of the Tuesday, 24 September 2002 House of Commons debate, this report embodies claims and judgments of Britain’s intelligence services, but does not offer sources other than those in the public realm.

5 United States. Central Intelligence Agency. “Iraq’s Weapons of Mass Destruction Program.” 4 October 2002. [http://www.cia.gov/cia/publications/iraq_wmd/Iraq_Oct_2002.htm]

This well-illustrated overview covers much the same ground as the British dossier.

Assuming sharing of intelligence between Britain and the United States, the most telling evidence in support of prompt war against Iraq should be reflected in the claims of the British and US governments. Britain's 24 September 2002 paper addresses the timeline explicitly:

Nuclear weapons: timelines

23. In early 2002, the JIC [Joint Intelligence Committee] assessed that UN sanctions on Iraq were hindering the import of crucial goods for the production of fissile material. The JIC judged that while sanctions remain effective Iraq would not be able to produce a nuclear weapon. If they were removed or prove ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously. However, we know that Iraq retains expertise and design data relating to nuclear weapons. We therefore judge that if Iraq obtained fissile material and other essential components from foreign sources the timeline for production of a nuclear weapon would be shortened and Iraq could produce a nuclear weapon in between one and two years.⁸

Nothing in the UK report suggests that the British government now considers sanctions ineffective, or has revised the estimates from early 2002 reported in ¶ 23. The report does include, however, some additional claims, which could bear on subsequent estimates. It states that

there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa⁹

but does not indicate whether Iraq was successful. [In his remarks to the Commons, Blair said Britain did not know the result.] Similarly, it reports

an accumulation of intelligence indicating that Iraq is making concerted covert efforts to acquire dual-use technology and materials with nuclear applications¹⁰

but is silent on success.

⁸ United Kingdom. "Iraq's Weapons of Mass Destruction: The Assessment of the British Government." 24 September 2002, ¶ 23, pp. 26-27.

⁹ *Ibid.*, ¶ 20, p. 25.

¹⁰ *Ibid.*

While the rhetoric in Washington speaks of allowing time for inspection to be tried of “days or weeks, not months or years” the highest-level British estimate is that there would be *at least a year before a nuclear weapon could be fabricated even if “fissile material and other essential components” were obtained from abroad*, and if sanctions remained effective a buffer period of *at least five years*. The British report is tough-minded, explaining past Iraqi actions at length and in detail, arguing its claims concerning possible Iraqi BW and CW capabilities and Iraqi missile intentions, but in its estimate of Iraq’s nuclear weapon prospects—the one crucial question—*it does not support the Bush administration’s insistence on immediate action*.

The corresponding section of the CIA report states that

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

- If Baghdad acquires sufficient weapons-grade fissile material from abroad, it could make a nuclear weapon within a year.□
- Without such material from abroad, Iraq probably would not be able to make a weapon until the last half of the decade.

In spite of the appearance of mutual agreement shown in both London and Washington on 24 September, a proper reading of the British and US papers reveals a sharp divide between British and US intelligence estimates, on the one hand, and White House insistence, on the other.¹¹ On the assumption Iraq obtained fissile material from abroad, the UK report says it will take Iraq at least one year, and the CIA report that Iraq “could” make a nuclear weapon “within a year.” *If fissile material were not supplied, the UK estimates Iraq would need at least five years to produce a weapon indigenously, and the CIA at least three*. That is the principal conclusion, since the likelihood of foreign supply of fissile material is vanishingly small. Conclusion: *in what matters,*

¹¹ The first version of this paper included the observation that “What we do not know, but would be very interesting and politically charged, is whether the US intelligence community shares Britain’s considered estimate of the time it would require Baghdad to build a nuclear weapon without help.” The 4 October CIA report opened that window.

*the estimates of the UK JIC and the US CIA do not support the Bush administration's claim of imminence.*¹²

Perhaps this sheds light, too, on statements of the Republican war-party which conflate nuclear weapons with others, talking of Iraqi programs of “weapons of mass destruction” but then of the effects of nuclear weapons.

The Carnegie Endowment Report: ‘Coercive Inspections’

Jessica Mathews sets out the ‘core premises’ of the CEIP proposal: that “inspections can work,” that Saddam Hussein’s “overwhelming priority is to stay in power,” that a “credible and continuing military threat involving substantial forces on Iraq’s borders will be necessary” to get the inspectors in and able to work, and that there must be “unwavering political resolve”—especially among the P5—to support inspections. She envisages the bulk of military force being provided by the United States, but draws this clear line:

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. ... 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 ...¹³

This gambit is both smart and politically possible. Smart: because it centers on what matters most, ensuring that any WMD program in Iraq is found out and dismantled. Politically possible: because that purpose is already the agreed purpose of the

¹² Similarly, Maj. Gen. Aharon Farkash, chief of Israeli military intelligence, confirms the longer estimate. *The New York Times* reports that he “disputed an assessment by Prime Minister Tony Blair of Britain that Iraq was 18 months away from nuclear capability. In an interview on [5 October 2002] with the Israeli Channel Two television, he said army intelligence had concluded that Iraq’s time frame was more like four years, and he said Iran’s nuclear threat was as great as Iraq’s.” 7 October 2002.

¹³ Jessica Mathews, “Coercive Inspections,” Carnegie Endowment for International Peace, “Iraq: A New Approach,” pp. 7-12, pp. 9-10. August 2002.

P5—though with different degrees of intensity and conviction—and because Washington would incur incalculable political costs if it chose war despite ongoing, effective inspections.

On the other hand, it is badly named—except for rhetorical effect in Washington—because the inspections would not be coercive, if Iraq were to cooperate. We might better call these ‘protected inspections.’

What Else Should We Bear in Mind in Judging Whether to Start This War?

In addition to the main arguments concerning Iraqi ‘weapons of mass destruction’ there are several other considerations we should bear in mind:

1• *Time also enhances remote sensing capabilities.*

The conventional argument is that time serves Saddam. And it does. But it is typically forgotten that the remote sensing capabilities of the United States, Britain, France, and other countries are being continuously enhanced. Moreover, defectors only come forward with the passage of time. Time therefore also gives the military and intelligence services of capable countries more ways, and more refined ways, to detect illicit Iraqi weapons activity.

2• *If a war led Saddam to attack Israel, Israel could use nuclear weapons in response.*¹⁴

There is a second dangerous state in the Middle East: Israel. Armed with nuclear weapons, and with a government led by Ariel Sharon, intent on pursuing his own vision of Israel’s security by the use of force, Israel must have asked—and certainly would

¹⁴ This point was also made by speakers in the 24 September 2002 House of Commons debate on Iraq.

ask—what provocation would be sufficient to bring one or more Israeli nuclear weapons into play.

Israeli officials have said explicitly, in September 2002, that if Israel is attacked Israel will be free to respond. They have not said by what means they would respond.

3• *Israeli officials have urged the United States to make war against Iraq.*¹⁵

¹⁵ Three Israeli officials were reported to have made statements to this effect in mid-August, though one—Foreign Minister Shimon Peres—hedged his call for action by insisting he was *not* urging the US to war. On 18 August the Israeli government sought to back away from its public agitation for war. The subject is delicate, and it is therefore useful to quote actual language of the reports.

Sharon. 16 August 2002. AFP, citing *Haaretz*: “Israeli Prime Minister Ariel Sharon has urged the United States not to delay its threatened strike on Iraq any further. Postponing a military operation against Iraqi President Saddam Hussein’s regime ‘will not create a more convenient environment for action in the future,’ the Israeli daily *Haaretz* quoted Sharon as saying Friday [16 August 2002] in a message sent to the US administration.”

<http://www.arabia.com/afp/news/mideast/article/english/0,10846,267538,00.html>

Peres. 15 August 2002. CNN: “Attacking Iraq now would be ‘quite dangerous, but postponing it would be more dangerous,’ Israeli Foreign Minister Shimon Peres said Thursday [15 August 2002]. ‘The problem today is not if but when,’ Peres said, ‘and if they think we wait, [Iraqi President] Saddam [Hussein] will change, and if he will change, it ... will be for the worse; he will have more weapons.’”

<http://www.cnn.com/2002/WORLD/meast/08/15/peres.iraq/>

Ranaan Gissin. 16 August 2002. CBS: “Israel is urging U.S. officials not to delay a military strike against Iraq’s Saddam Hussein, an aide to Prime Minister Ariel Sharon said Friday. ... ‘Any postponement of an attack on Iraq at this stage will serve no purpose,’ [Ranaan] Gissin said. ‘It will only give him (Saddam) more of an opportunity to accelerate his program of weapons of mass destruction.’”

<http://www.cbsnews.com/stories/2002/08/18/world/main519037.shtml>

Sharon’s office denies he urged war. 18 August 2002. South African Broadcasting Company report, relying in part on AFP: “Ariel Sharon, the Israeli Prime Minister, has denied that Israel is urging the US to attack Iraq, a source from the prime minister’s office said. ‘We are not pressing the United States to bring forward an attack on Iraq,’ Sharon told today’s weekly cabinet meeting, according to this source.”

http://www.sabcnews.com/world/the_middle_east/0,1009,41059,00.html

It is unusual for one country to call on another to start a war, but Israeli officials have done that. Is there any relationship between the Bush Administration's insistence on the propriety and *necessity* of war against Iraq and Israel's pressing the United States to make war? Has the Israeli government said, for example, that if it found evidence of an advanced Iraqi nuclear weapons program, but the United States did not act, that it would use its nuclear capability to preempt any attack by Iraq against Israel?

4• *War could destroy evidence of WMD programs.*

If the United States initiates war against Iraq, the world would want to know the actual state of Iraqi WMD programs. But attacking WMD facilities could destroy that very evidence. For example, the press reports a US ten-ton bomb containing "incendiary chemicals that burn at more than 1000 degrees, instantly destroying chemical or biological agents."¹⁶

5• *A war scenario should anticipate ongoing guerrilla harassment.*

Perhaps war against Iraq would lead to the collapse of the regime, with no ongoing aftereffects. But it is also possible that Saddam Hussein would take the precaution of creating knots of men and materials sufficient to conduct harrying operations long after the 'war' was ended. Such capabilities could be used during the war as part of the urban guerrilla defense which Iraq has already spoken about openly. But loyalists of overturned regimes have maintained their loyalty after defeats in past wars, and it does not seem unreasonable to expect that some of those tied most closely to Saddam would attempt to maintain an organization even after 'defeat'.

¹⁶ Dave Montgomery, *San Jose Mercury News*, 29 September 2002.

6• *War could bring calls for US use of a nuclear ‘bunker-buster’, or a nuclear weapon to vaporize BW or CW facilities.*

If the United States believed that its efforts to subdue Iraq were being frustrated by deep-lying command or WMD facilities, it could be tempted to use nuclear weapons against them. A future scenario of that sort is laid out in the US Nuclear Posture Review issued at the beginning of 2002. It might be necessary to improvise with weapons already in the inventory.

If the US leadership were anxious to break the threshold against use of nuclear weapons, use against BW or CW facilities might also offer itself as an attractive option.

Comparative Wars

There’s good reason why earlier American wars are introduced into this debate: all citizens, leaders and led, need comparisons to gauge their positions. Vietnam—quagmire—has been adduced. Paul Krugman points out that after a quick no-casualties high-tech naval victory in Manila Bay in the Spanish-American War, the United States found itself in a “dirty war against the Filipino resistance, one in which hundreds of thousands of civilians died.”¹⁷ And of course Afghanistan 2001-2002 is being cited as evidence war will be quick and sweet.

But another recent American war has slipped from memory: Panama. GHW Bush unleashed the US military against the Panamanian strongman Manuel Noriega; this was a war in waiting, a war Bush wanted to undertake given the right excuse, provided by Panamanian mistreatment of a US officer; and the forthcoming Canal handover was no doubt part of the calculus. The ‘war’ was over in a matter of days. Still, Bush’s preoccupation with Noriega never added up. And while Noriega came to languish in a Florida jail, an early example of justice by seizure, the real shame of the Panama campaign is the hundreds of innocent Panamanian citizens killed, but whose deaths were drowned out by the loud trumpets of victory.

¹⁷ Paul Krugman, “White Man’s Burden,” *The New York Times*, 24 September 2002.



What, Then, Is the Conclusion for Policy?

The point of the CEIP proposal for ‘coercive inspection’ is to create an alternative which all of the P5 could accept and which enables Iraq to avoid war by submitting to UNSC-mandated inspections. This is a strong track to follow. As offered by Jessica Mathews it seems, however, to rely heavily on the United States to provide the coercive threat. While that may be designed to make the proposal marginally palatable to the Bush administration, is it the best policy from the vantage of the Security Council as a whole?

On the other hand, what of any one of the P5 who should hold back from insisting on effective inspection? and refused to authorize a UNSC resolution directing ‘coercive inspection’? The effect of doing so would be to undermine the Security Council as guardian of “the primary responsibility for the maintenance of international peace and security.”

Should a UNSC mandate set in place an *automatic* authorization of war if inspections were thwarted? That cannot be, because there is no way to specify in advance what would constitute a *sufficient* impediment to inspections to say that “inspection had failed.” Assume that the Security Council would put great weight on any judgment by the head of UNMOVIC that inspection had failed, would it be right for the Security Council to abdicate responsibility to judge the character and quality of that failure, before authorizing war?

So this is the formula which should, in my judgment, be put before the Security Council:

- inspections, the inspectors guaranteed by a protective force;
- a sufficient force to compel Iraq to admit those inspectors to any facility, at the inspectors’ discretion;

- the absolute guarantee, as set out in Jessica Mathews' paper, that this process would not be used as a cover for 'regime change';

- a prior commitment by the P5 to supply that force required to achieve the inspections;

- as long as that is so, no consideration of authorizing 'war' against Iraq by the United States.

- sufficient time for the inspectors to do their work: and their estimates point to a year, not Washington's month, as the time required for a serious probe.

What Are the Implications for Denuclearization?

This episode—the Bush call for war on Iraq, and others' efforts to forestall it—has lessons for denuclearization. They include

- the specter of nuclear attack arouses fear, which can be exploited by a government for extraneous purposes.

- effective verification is the key to assurance;

- access and transparency are the keys to verification;

- the belief that inspection can be defeated by concealment leads to a dead end, because it implies that no skill and imagination in inspection can reduce to an 'acceptable' level the *risk* that significant weapons can be hidden; but governance of small, dangerous objects and substances requires that an acceptably low risk be achieved

- if an inspection is resisted, force may be required to carry it out

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- denuclearization and a ZNW regime will require that no major state reject, or interfere with, a system of robust assurances.

WMD Disarmament Aside, What Is the Bush Group After?

Assume, for the purposes of this section, that there is genuine concern among the Bush camp that Iraq is pursuing WMD programs which will threaten others and which must be dealt with promptly.

Are there other motives? What has led the Bush group to place such great weight on waging war against Iraq, and doing so now?

Among the possibilities, in rank order of likelihood or significance, are that

1• *Better Republican Party chances in the off-term election of 5 November 2002, and in the elections of November 2004.*

The ‘War on Terrorism’ has been cast in exaggerated language, and claims for government powers have been justified by citing the ‘war’. The Republican Party portrays itself as the party of ‘homeland security’. War against Saddam Hussein would reinforce this image of Republicans as the party of security for the only audience that really matters, the domestic audience.

2• *Showing off Power.*

The Bush group, by this account, wants to make clear that no one can cross it. US power is preeminent. A regime which refuses to accede to that power will be destroyed.

And it also shows that multilateral, voluntary restraint—the essence of the post-1945 global society—does not bind the United States.

3• *Oil.*

Some critics say it's all about oil. The Bush-Cheney focus on energy, perhaps a conviction that denial of Middle East oil would take the US economy into depression, makes war a small price to pay for guaranteed flows.

This consideration may matter to some around Bush, but it is far less significant than [1•] and [2•].

4• *Settling Scores.*

Many have observed that the victor in the Gulf War was defeated for reelection, while ten years later Saddam Hussein remains in power. Is the Cheney-Rumsfeld focus on Iraq driven by desire to 'finish the job'? And GW Bush has reminded the US public, personalizing this struggle, that Saddam Hussein tried to "kill my dad."

This view exaggerates Bush's importance in forming US policy.

Affirming Politics

In the good sense, and in the proper sense, politics is the negotiation of projects which better outcomes for those collaborating in good faith. What's at test in late 2002 is the capacity of the P5 to practice politics, both among themselves and on a broader, more widely representative, stage. What's at risk, as French leaders have pointed out, is the developed notion of collective security. If the Bush-Cheney-Rumsfeld exercises are anti-political, their abandonment of collective security on any terms other than their own must not inhibit the collaborative practice of collective security by those governments which champion it.

Nor is it clear—even as collective security initiatives might be prepared—that the barrel of diplomatic, intelligence, and commercial options has been exhausted. On the contrary, the capacities of those states concerned about Iraq are unprecedented. And Washington has surely not given the world an account, on behalf of prompt action, which the world finds persuasive.

Addendum: The ‘Presidential Sites’

After reporting to the UN Security Council about the just-completed negotiations with an Iraqi delegation, UNMOVIC head Hans Blix included the question of ‘presidential sites’ among the “loose ends” about which greater clarity would be useful. The issue is whether inspections can go forward on the basis of the Memorandum of Understanding of February 1998, or greater precision be required as a condition of resumed inspections. The United States in 2002, pressing the Security Council for a sterner set of conditions, now portrays the ‘presidential sites’ exception as a fundamental weakness in the inspection regime.

It was not always so. Security Council Resolution 1154 (2 March 1998) records that the Council “endorses” the 23 February 1998 MoU. On 4 April 1998 UNSCOM completed an initial set of inspections of the ‘presidential sites’.

The Special Group inspection mission, held March 25-April 4, included 20 diplomatic observers and 88 UNSCOM personnel. Despite previous Iraqi objections to the role of U.S. personnel in UNSCOM inspections, an American ambassador, Ryan Crocker, was assigned to the diplomatic contingent of the Special Group and an American official, Charles Duelfer, deputy chairman of the Commission, led the UNSCOM component.¹⁸

Hans Blix summarises the special procedures of the MoU in this language:

[The] Memorandum of Understanding ... confirmed that even eight defined ‘presidential sites’ were subject to ‘entries’ by the inspecting authority. However, in deference to the dignity of the state of Iraq, it laid down some special procedures for such entries, including the presence of a group of diplomatic representatives. So-called ‘sensitive sites’ are also subject to inspection, but special procedures may be used. The bottom line

¹⁸ Erik Leklem, “UNSCOM Completes First Inspections at ‘Presidential Sites’”. *Arms Control Today*, March 1998.

is thus that there may be special procedures in the case of some sites but there are no sanctuaries.¹⁹

In his 3 October 2002 press conference, Blix explained that the procedures for ‘presidential sites’ required some time—presumably to enlist an appropriate group of diplomatic observers. In practice, then, immediate inspection of a ‘presidential site’ might be prevented by the need to effect the special procedures.

The MoU itself states that:

4. The United Nations and the Government of Iraq agree that the following special procedures shall apply to the initial and subsequent entries for the performance of the tasks mandated at the eight Presidential Sites in Iraq as defined in the annex to the present Memorandum:

a) A Special Group shall be established for this purpose by the Secretary-General in consultation with the Executive Chairman of UNSCOM and the Director General of IAEA. This Group shall comprise senior diplomats appointed by the Secretary-General and experts drawn from UNSCOM and IAEA. The Group shall be headed by a Commissioner appointed by the Secretary-General.

b) In carrying out its work, the Special Group shall operate under the established procedures of UNSCOM and IAEA, and specific detailed procedures which will be developed given the special nature of the Presidential Sites, in accordance with the relevant resolutions of the Security Council.

c) The report of the Special Group on its activities and findings shall be submitted by the Executive Chairman of UNSCOM to the Security Council through the Secretary-General.

but does not include a text of the “specific detailed procedures” developed under 4(b). They are set out in Security Council document S/1998/208, dated 9 March 1998.

The issue of access to ‘presidential sites’ was one of several points around which negotiation of a UN Security Council resolution turned. Having met on 4 October with US Secretary of State Colin Powell,²⁰ Blix was reported by *The New York Times* as

¹⁹ Hans Blix, Executive Chairman of UNMOVIC, lecture to the Second Training Course of UNMOVIC, Paris, 7 November 2000.

²⁰ Also present were National Security Adviser Condoleezza Rice, Deputy Secretary of Defense Paul Wolfowitz, and I. Lewis Libby, chief of staff of Vice-President Dick Cheney. Todd S. Purdum and David Firestone, “Chief U.N. Inspector Backs U.S. On Tough Rules for Iraq Access,” *The New York Times*, 5 October 2002. Presence of



saying there was “very broad support” in the Security Council for a new resolution with—in the *Times*’ words—“tough terms for inspections.” According to the *Times*,

He also endorsed the threat of consequences if Iraq fails to disarm, saying, “I think it is clear that there has to be constant pressure” to make Baghdad comply.

But it is not clear, from the *Times* account itself, that Blix “Backs U.S. On Tough Rules for Iraq Access,” as the *Times* headlined. Deep in the *Times* article they write that

While embracing the administration’s desire that Iraq make an up-front declaration of the weapons it possesses, Mr. Blix made no mention of other more controversial proposals the administration has sought, including armed escorts for inspectors, the right of the permanent members of the Security Council to send their own inspectors with him and nominate their own targets for inspection. That would be departures from past practice.

In short, the *Times* headline could as well have read “Blix Silent on Key U.S. Demands for Tough Rules for Iraq Access.”

Against the backdrop of ongoing negotiations, Iraq’s UN Ambassador, Muhammad al-Duri, told the ABC program “This Week” that

I don’t think that will be a huge problem between us and the inspectors. Certainly, we can accommodate ourselves with the U.N. to have free access to presidential sites.

but was not more specific.

representatives of Bush, Rumsfeld, and Cheney could be interpreted as a way of showing a single face to Blix and his colleague IAEA Director-General Mohammed el-Baradei, or it may have been a way for Rumsfeld and Cheney to assure themselves that Powell did not depart from an agreed position.

*Addendum 2: Note on UNSC Resolution 1441, 8
November 2002*

Negotiations led the UN Security Council to adopt—unanimously—Resolution 1441. It establishes revised terms for UNMOVIC and IAEA inspection of Iraq. But world attention sprang from the declared US intention to go to war.

We can summarize the antecedents briefly. GW Bush's political bureau included advocates of steps to remove Saddam Hussein. By mid-2001 they were actively promoting their cause within government. After 9.11 various reasons to do so were offered: that Iraq aided terrorism, was making—and trying to make—horror weapons, and practiced a cruel regime against its people. By August 2002 the intensity and clarity of Bush administration statements began to firm on 'weapons of mass destruction' and 'regime change'. Iraq would oust Saddam Hussein, or the United States would do so by force. While insisting consistently that it could make war alone, Washington also consulted other countries, but found little enthusiasm for its 'preemptive' project, and produced for the public no evidence either of an ongoing 'terrorist' connection or 'weapons of mass destruction.' At this juncture the issue was moved into the UN Security Council by Permanent Members who sought to turn the US plan aside. France insisted—most importantly—that the questions 'is there an Iraqi WMD program?' and 'if there is, what should be done?' were questions for the Security Council, where it held a vote and a veto, not questions for Washington alone. The White House, having won a resolution from the US Congress 'authorizing' war, now wanted a UNSC resolution—if there was to be one—which did not constrain it, and which could be read as permitting war.

France successfully resisted 'automaticity'. There is no explicit statement in 1441 that UNSC action would be required to permit war, but without that understanding the vote would not have been unanimous. In the United States, however, 1441 is not portrayed by the White House and its commentators as a victory for restraint, but as a demonstration of Washington's winning a 'tough' resolution on inspections, one which Iraq would surely



violate, the violations justifying war. The United States continued to take ostentatious preparations to attack, affirming its credibility.

This recitation of a familiar history points to several phrases from Resolution 1441 as especially significant, bearing on forthcoming policy choices:

• **Material breach**

The United States prepares to make three justifications of a right to war against Iraq unilaterally. One is that material breach by Iraq of UNSC resolutions requires they be enforced, and a second that material breach breaks the terms of the cease-fire suspending the Gulf War and reawakens war authorization. A third is that the US action is in self-defense. Washington won two references to ‘material breach’ in UNSC 1441:

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolutions 687 (1991) ...
4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach ...

• **Return to the Security Council**

France called initially for ‘two resolutions’. One would define the new terms for inspection. A second would be required to authorize enforcement action.

Resolution 1441 returns non-compliant action by Iraq to the Security Council:

4. *Decides* ... shall constitute a further material breach of Iraq’s obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;
11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply

with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

- “serious consequences”

§13 uses euphemism to threaten Iraq with armed enforcement—war—if it fails to comply:

13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

Three other provisions promise dispute. One invests inspectors with “immediate, unimpeded, unconditional, and unrestricted access” in Iraq. A second bars threats or acts against states “taking action to uphold any Council resolution.” A third grants UNMOVIC and IAEA authority “at their discretion” to conduct interviews of Iraqi informants outside Iraq and to “facilitate” travel of family members as well. In the first month since Resolution 1441 was enacted the United States has made a point of all these provisions. It has called for speeded-up inspections and interrogation of Iraqi personnel. It complains about Iraqi ‘firing’ on US and British aircraft enforcing ‘no-fly zones’.

What of US theories justifying ‘preemptive’ war against Iraq? The ‘self-defence’ argument is empty wordplay, absent any evidence of Iraqi intent to attack the United States. Defence of another country? Again, intent. The Charter, of course, assigns to the Security Council “the principal responsibility for the maintenance of international peace and security.” The Charter acknowledges an “inherent right of individual or collective self-defence” but under specific conditions and without relinquishing the supremacy of the Security Council:

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

In short, the “right of self-defence” is not a trump card which can be played at will.

Does the United States have the right to decide to enforce UNSC resolutions? Not if Article 48 §1 of the Charter is taken literally, for it specifies that enforcement shall be carried out “as the Security Council may determine”:

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

What, then, of the theory that the Gulf War is ongoing, and that the United States may elect unilaterally to resume hostilities? A legalistic case might be made out, but it would have all the odor of lawyer’s trickery. Why? Because this is 2002, not 1991, and the contemporary views of the members of the Security Council must be taken into account, given the situation as they see it and their assessment of the intelligence available to them. The stances taken by France, Russia, and China in negotiating Resolution 1441, as far as those are known, gives no reason to believe they would agree to unilateral US warmaking which ignored their rights in the Security Council.

And the Bush group could make war unilaterally—nonetheless.

Why does this matter so much? An effective non-proliferation regime—one which is fully sanctioned—has many requirements in common with a nuclear abolition regime. The ultimate guarantee is regime cooperation, on-site inspection,

professional assessment, and reasoned analysis of the evidence; and, should inspection fail, collective force. US actions vis-à-vis Iraq in 2002 begin from the assumptions that, first, inspection won't work and, second, foreign countries—states other than the United States—lack the 'will' or 'moral stamina' to achieve control of 'weapons of mass destruction'. If the UNMOVIC and IAEA inspections, and consequent Security Council consideration, are not permitted to run their course, the question of their efficacy will be moot; and there will doubtless be claims that they 'failed'. Such an outcome would serve the interests of those who insist that nuclear weapons in the hands of the 'responsible' powers, and that alone, enables policing of a dangerous world. A militarily unchallenged superpower could come to believe, in the wrong hands, that raw power, rather than a just negotiated global political regime, best ensures future security.

*Addendum 3: Text of UNSC Resolution 1441, 8
November 2002*

United Nations S/RES/1441 (2002)

Security Council

Distr.: General
8 November 2002

02-68226 (E) *0268226*

Resolution 1441 (2002)

**Adopted by the Security Council at its 4644th meeting, on 8
November 2002**



The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

Recognizing the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security,

Recalling that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area,

Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

Deploring the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA),

failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998,

Deploring the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

Deploring also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

Noting that the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step

toward rectifying Iraq's continued failure to comply with relevant Council resolutions,

Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States,

Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard, *Determined* to secure full compliance with its decisions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);
2. *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council;
3. *Decides* that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and

nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, subcomponents, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material;

4. *Decides* that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;

5. *Decides* that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;

6. *Endorses* the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;

7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the

following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
- All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;
- UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
- UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;
- Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;
- UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;
- UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
- UNMOVIC and the IAEA shall have the right at their sole discretion



verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof; and

– UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage;

8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;

9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;

11. *Directs* the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. *Recalls*, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

14. *Decides* to remain seized of the matter.

Annex Text of Blix/El-Baradei letter

**United Nations Monitoring, Verification and Inspection Commission
The Executive Chairman**

**International Atomic Energy Agency
The Director General**

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council.

In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past.

As we noted, however, eight presidential sites have been the subject of special

procedures under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

H.E. General Amir H. Al-Saadi
Advisor
Presidential Office
Baghdad
Iraq

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request.

UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews.

The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises.

The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a

day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel.

UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications.

Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the

necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past.

As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez- Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.



Yours sincerely,

<i>(Signed)</i>	<i>(Signed)</i>
Hans Blix	Mohamed ElBaradei
Executive Chairman	Director General
United Nations Monitoring, Verification and Inspection Commission	International Atomic Energy Agency



Version History

Version 1 was written on 1 October 2002 and posted on the Web a few days later. An early draft of Version 1 was circulated at the 8th ISODARCO-Beijing Seminar on Arms Control, Beijing, 18 October 2002. It is on the Web at

<http://www.learnworld.org/TX.024=2002.10.01.Iraq.pdf>

Version 2 contains the full text of Version 1, with some cosmetic changes and minor revisions to acknowledge the passage of time. In addition, it includes brief new discussions of the 4 October 2002 CIA report and its significance; in an extended footnote, the language of Israeli official urgings for war on Iraq; and an additional Addendum on the 'presidential sites'. Version 2 was completed on 21 October 2002 and promptly posted on the Web at

<http://www.learnworld.org/TX.024=2002.10.21.Iraq.pdf>

Version 2.1, 26 October 2002, reflects cosmetic changes and corrections.

Version 2.2, 5 November 2002, adds the reported judgment of Israeli Maj. Gen. Aharon Farkash.

Version 3, 8 December 2002, adds Addendum 2 on UN Security Council Resolution 1441 concerning weapon inspections in Iraq by UNMOVIC and IAEA, and Addendum 3, the texts of Resolution 1441 and an associated 8 October 2002 letter to Iraq from the heads of UNMOVIC and IAEA. It is posted at

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