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1

Introduction

A clear international norm has developed over the 90 years since World War I that two classes of weapons of mass destruction, chemical and biological weapons, are *totally* prohibited. The international agreements proscribing these weapons are the Geneva Protocol of 1925 prohibiting the use of chemical or biological weapons in war, the 1972 Biological and Toxin Weapons Convention (BTWC) prohibiting the development, production and stockpiling of such weapons, which entered into force in 1975, and the 1993 Chemical Weapons Convention (CWC) prohibiting the development, production, stockpiling and use of such weapons, which entered into force in 1997. Although there continues to be a clear political will by the majority of states to ensure that no state acquires such weapons, it has become apparent in the first years of the 21st century that a few states are still seeking such weapons of mass destruction. In addition to this, and especially since the anthrax letters in the United States in 2001, there is a growing concern that non-state actors and terrorists might seek to obtain and use biological or chemical weapons.

World attention has been focused to an increasing extent during the past two decades on the acquisition of weapons of mass destruction by Iraq because the extensive use of chemical weapons in the Iraq–Iran war from 1980 to 1988 was on the largest scale since chemical weapons were used in World War I in 1914–1918. Although there have been various books published on Iraq and its weapons of mass destruction, there have been few that have set out to provide an authoritative and comprehensive account of what happened in a definitive and unbiased way. Whilst international concern about weapons of mass destruction addresses nuclear, biological and chemical weapons and their means of delivery, this book focuses on biological and chemical weapons, the two classes of weapons that are totally prohibited. In my earlier book *The UNSCOM Saga Chemical and Biological Weapons Non-Proliferation* I set out to provide an authoritative and factual account which was not distorted by political and other controversies. In this book, my objective is the same – to provide an authoritative,

2 *The Search for Iraq's Weapons of Mass Destruction*

comprehensive and factual account of the search for chemical and biological weapons in Iraq over the past couple of decades and thus to draw the lessons for inspection, verification and non-proliferation of these weapons.

Consequently, in the initial chapters two and three and five to seven I set out in some detail the chronological developments (see Table 1.1) drawing heavily from the United Nations documents as I recognize that the language in these has been carefully considered and weighed. I have taken care throughout not to modify the words of the Security Council Resolutions and of the UNSCOM and UNMOVIC reports to the Security Council as these are both informative and important, and it would be unhelpful to add a gloss and thereby engender possible confusion. A conscious effort has been made not to be sidetracked into consideration of the political and other controversies which occurred during the period. In the

Table 1.1 Chronology of events

| Date | Event |
|---------------------------------------|---|
| 1980–1988 | Iran–Iraq war – UN Secretary-General investigations by groups of experts |
| 2 August 1990 | Invasion of Kuwait by Iraq |
| 16 January 1991– 28 February 1991 | Coalition action (Operation Desert Storm) against Iraq |
| 3 April 1991 | UN Security Council adoption of cease-fire Resolution 687 (1991) |
| April 1991– December 1999 | UNSCOM (United Nations Special Commission) active in New York |
| 14 May 1991– 15 December 1998 | UNSCOM operating in Iraq |
| 16 December 1998– 19 December 1998 | UK and US military action (Operation Desert Fox) against Iraq |
| January 1999–April 1999 | Amorim panels on Iraq |
| 17 December 1999 | UN Security Council adoption of Resolution 1284 (1999) establishing UNMOVIC (United Nations Monitoring, Verification and Inspection Commission) |
| March 2000–Present | UNMOVIC active in New York |
| 27 November 2002– 18 March 2003 | UNMOVIC operating in Iraq |
| 19 March 2003– 1 May 2003 | Coalition action (Operation Iraqi Freedom) against Iraq |
| June 2003–Spring 2005 | Iraq Survey Group (ISG) operating in Iraq |

final chapters I set out the analysis and lessons that the Iraqi experience provides for the strengthening of the regimes for the inspection, verification and non-proliferation of chemical and biological weapons. The overall chronology of the events over the past two decades are in Table 1.1 and shown graphically in Figure 1.1.

In the 1980s in the war between Iraq and Iran, the world gradually became aware that Iraq had produced and was using chemical weapons against Iran. Initial international reaction was somewhat muted despite investigations carried out on behalf of the United Nations Secretary-General but as the war went on, and the use of chemical weapons became more widespread, concern began to be expressed internationally and steps were taken by like-minded states to harmonize their export controls of the chemicals and equipment needed to produce such weapons. The images of the use of chemical weapons against the people of Iran and, in particular, those of the attack against the population of Hallabjah galvanized the international community into paying attention and certainly contributed to the impetus needed to complete the negotiations of the Chemical Weapons Convention.

On 2 August 1990, Iraq invaded Kuwait and the coalition force made up of military personnel from 32 nations which then faced Iraq had to address the real prospect that chemical or biological weapons might be used against them when they sought to eject Iraqi troops from Kuwait. Fortunately, Iraq chose not to use such weapons at least in part due to President George H W Bush making it very clear that use of chemical or biological weapons would not be tolerated. This was spelt out in his letter of 5 January 1991 to

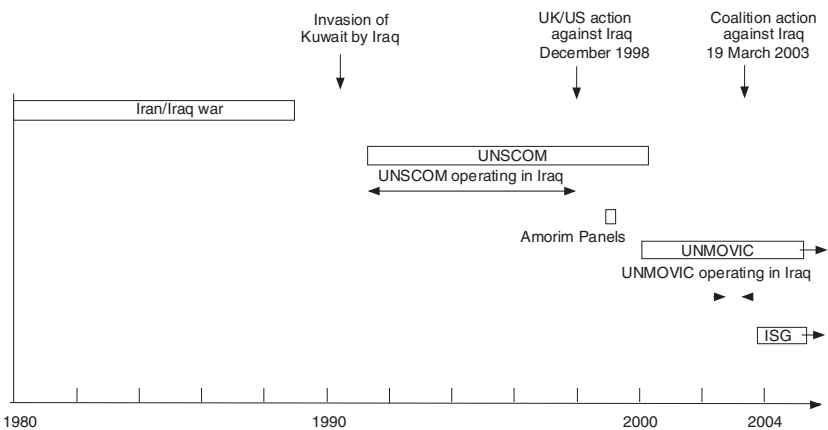


Figure 1.1 Chronology of events 1980 to 2005

Saddam Hussein, which was offered to Tariq Aziz, then Foreign Minister of Iraq, by James Baker, then Secretary of State for the United States, in which he said that '*the United States will not tolerate the use of chemical or biological weapons or the destruction of Kuwait's oil fields and installations. Further, you will be held directly responsible for terrorist actions against any member of the coalition. The American people would demand the strongest possible response. You and your country will pay a terrible price if you order unconscionable acts of this sort.*' [Emphasis added].

Following the conflict in early 1991 when the coalition force liberated Kuwait, the United Nations Security Council adopted the 'cease-fire' resolution SCR 687 (1991) on 3 April 1991 which *inter alia* specified that within 15 days Iraq should declare its possession of all nuclear, chemical and biological weapons, all ballistic missiles with a range of greater than 150 km and provide details of the types, amounts and locations of these. Iraq was required to accept unconditionally the destruction, removal or rendering harmless of such weapons and missiles and all related facilities. The resolution also required that within 120 days the Secretary-General should submit a plan for future ongoing monitoring and verification to ensure that Iraq complies with its undertaking never to use, develop, construct or acquire any such weapons, missiles or facilities.

A Special Commission (UNSCOM) was also to be established as part of the resolution which (together with the International Atomic Energy Agency (IAEA)) would carry out immediate on-site inspections of Iraq's capabilities and of other sites designated by UNSCOM, would dispose of Iraq's proscribed weapons, missiles and facilities and would monitor Iraq's compliance with its undertaking never to reacquire such weapons, missiles or facilities. The experience gained by UNSCOM since it was established on 19 April 1991 in respect of the non-proliferation of such weapons has been unique. UNSCOM successfully carried out its remit during the next seven years in spite of the continuing refusal of Iraq to cooperate fully. However, the end of 1998 saw the suspension of the UNSCOM operations in Iraq and the on-site monitoring and verification regime effectively in abeyance. Iraq's increasingly declamatory statements appeared to have successfully diverted the attention of the Secretary-General and at least some of the permanent members of the Security Council away from the inescapable fact that Iraq consistently and steadfastly *defied* the Security Council ever since the cease-fire resolution, SCR 687 (1991), was adopted in April 1991.

Following Security Council Resolutions in late 1998 condemning Iraq's decision to halt all UNSCOM disarmament work (SCR 1194 (1998) of 9 September) and to halt all monitoring (SCR 1205 (1998) of 5 November), the Security Council in January 1999 set up three panels chaired by the then President of the Security Council, Ambassador Celso Amorim of Brazil, to consider options which would lead to the full implementation of all relevant Security Council Resolutions regarding Iraq. The first panel

on the disarmament and the current and future monitoring and verification issues was required to make recommendations to the Security Council as to how to reestablish an effective disarmament/ongoing monitoring and verification (OMV) regime in Iraq. The second panel was to consider humanitarian issues and the third prisoners of war and Kuwaiti property; all three panels were required to make their recommendations by 15 April 1999.

On 27 March 1999, the final report of the disarmament panel was submitted to the Security Council. The report noted that the panel had concentrated on the technical feasibility of a reinforced OMV system capable of addressing, through integration, the remaining unresolved disarmament issues and concluded that such a reinforced OMV system, which should include intrusive inspections and investigations of past activities, was viable. However, the panel pointed out that even the best system would be useless if it were to remain a blueprint on paper only. To be effective, any system has to be deployed on the ground, which was impossible without Iraqi acceptance. The panel noted that how this acceptance would be obtained was the fundamental question before the Security Council.

The report was presented to the Security Council on 7 April 1999. It, however, became clear that there was no meeting of minds among the five permanent members (known as the P5) of the Security Council with the United Kingdom and United States having one view and China, France and Russia another as to how to move the matter forward. Discussions continued in the Security Council during the next eight months based on alternative draft resolutions eventually culminating in SCR 1284 (1999) adopted in December 1999 by a vote of 11 for the resolution with four abstentions (China, France, Malaysia and Russia). This resolution established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) which retained UNSCOM's mandate, rights, privileges, facilities and immunities.

UNMOVIC was set up in early spring 2000 with the appointment of the Executive Chairman, the College of Commissioners and the drawing up of the organizational plan which was approved by the Security Council on 13 April 2000. Recruitment and training of UNMOVIC staff as well as planning and preparations for the resumption of inspections in Iraq then continued over the next two years with discussions eventually commencing with Iraq in March 2002. The result of these discussions led to Iraq's statement on 16 September 2002 that inspectors could return to Iraq without conditions. The Security Council unanimously adopted SCR 1441 (2002) on 8 November 2002 which provided for a strengthened inspection regime. Inspections resumed in Iraq on 27 November 2002 just over four years since their suspension in November 1998. On 7 December 2002 Iraq submitted a declaration of some 12,000 pages that was required by SCR 1441 (2002) to be a 'currently accurate, full and complete declaration of all

aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles and other means of delivery.'

UNMOVIC inspections and monitoring ceased on 18 March 2003 when the UN Secretary-General withdrew all UN staff from Iraq. Military action in Iraq commenced on the following day, 19 March 2003. During the period from 27 November 2002 until 18 March 2003, UNMOVIC carried out 731 inspections of 441 sites, 88 of which had not been inspected before. 22 per cent of these inspections were chemical, 28 per cent biological and 20 per cent multidisciplinary with the balance of 30 per cent being missile.

Following the war in Iraq, the Iraq Survey Group (ISG) was set up in June 2003 with some 1,300 to 1,400 personnel drawn largely from the United States as well as some from Australia and the United Kingdom. An interim progress report was given to the US Congress on 2 October 2003 which said that the ISG had discovered dozens of WMD-related programme activities and significant amounts of equipment that Iraq had concealed from the United Nations during UNMOVIC inspections in Iraq. Early in 2004, David Kay, the deputy head of the ISG resigned for personal reasons and provided testimony before the US Senate Armed Services Committee in which he stated that he believed that 'we were almost all wrong' in regard to the assessments of Iraq's WMD programmes and that what is needed 'is to begin the fundamental analysis of how we got here, what led us here, and what we need to do in order to ensure that we are equipped with the best possible intelligence as we face these issues in the future.' The ISG issued a Comprehensive Report of almost 1,000 pages dated 30 September 2004 which sets out to describe the Iraqi WMD programmes not in isolation, but in the context of the aims and objectives of the regime that created and used them.

In this book I examine how, during the past two decades, the concepts of inspection, verification and non-proliferation have been developed in the search for weapons of mass destruction in Iraq. Inspection relates to on-site activities in Iraq carried out by the various UN specialist teams, verification to the validation of what is declared by Iraq, of what is discovered through the inspections in Iraq or provided from other sources, and non-proliferation relates to the activities undertaken to prevent the spread of capabilities which could be used for activities prohibited under the Geneva Protocol of 1925, the BTWC and the CWC. I focus on chemical and biological weapons in four phases: the Iraq-Iran war, UNSCOM, UNMOVIC and the ISG. The book starts with successive chapters addressing the use of chemical weapons in the Iran/Iraq war; the events leading up to SCR 687 (1991) which established UNSCOM and the activities of UNSCOM; an analysis of UNSCOM; the Amorim Panel leading to the SCR 1284 (1999) and the establishment of UNMOVIC; the activities of UNMOVIC; and the developments leading to war in March 2003 and the subsequent work of

the ISG. I provide a detailed, comprehensive and largely factual account, to the extent possible, of the activities in the four phases.

I summarize the Iraqi chemical and biological weapons programmes and analyze the reasons why no stockpiles of these weapons have been found in Iraq. It is concluded that an *aggressor* state has no fundamental reason to have a stockpile as its interest is not in *retaliation* but rather in being able to launch an attack *at a time of its choosing*. In addition, the absence of a stockpile is likely to minimize the risk that unequivocal evidence of non-compliance will be found and presented to the Security Council. The aim of an *aggressor* state is likely to be to embed and conceal a weapons capability within its legitimate industry and it may well choose to use *other* chemical or biological materials than those traditionally regarded as agents by states whose interest was in a retaliatory capability.

I then consider how effective the various inspection, verification and non-proliferation regimes have been in Iraq recognizing that these regimes were *imposed* on Iraq – and thus were *uncooperative* regimes – rather than *permissive* regimes that have been arrived at and agreed by international consensus. This leads to drawing lessons for inspection, verification and non-proliferation in *uncooperative* regimes for states of concern as well as for the international *permissive* regimes – such as those of the 1925 Geneva Protocol, the BTWC and the CWC – for the prohibition of chemical and biological weapons. Future possible roles for UNMOVIC and its expertise and capabilities are identified and discussed in a subsequent chapter. The role that is selected will depend on achieving consensus in the Security Council but there is no doubt that the capability currently vested in UNMOVIC should be maintained in order to promote international peace and security.

Inspection, verification and non-proliferation are vital elements in the context of a web of reassurance that the total prohibition of chemical and biological weapons is being enforced and that the potential proliferation of such weapons is being effectively countered. This web of reassurance comprises comprehensive arms control totally banning chemical and biological weapons, broad export monitoring and controls making acquisition of such weapons harder, broad band defensive measures against chemical and biological weapons reducing their effectiveness, and determined national and international responses ranging from diplomatic action, through sanctions to armed intervention. No single measure would suffice. Together these measures are mutually reinforcing and should lead a would-be proliferator to judge that acquisition of chemical or biological weapons is not worthwhile.

Overall, my aim in writing this book is to ensure that the experience gained from the search for WMD in Iraq is set in its context and thus that the conclusions drawn from that experience are soundly based and available to all those concerned with strengthening the norm that chemical and

biological weapons are totally prohibited. My objective is to ensure that the achievements of the various inspection and verification regimes are used to maximum benefit in the future strengthening of the regimes totally prohibiting chemical and biological weapons as well as of measures to counter chemical and biological proliferation and thereby promote international security, trade and prosperity.

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