

Toward Renewed Weapons Inspections in Iraq?

Nov 20, 2002



Brief Analysis

UN Security Council Resolution (UNSCR) 1441, adopted after weeks of diplomatic aerobics, authorized renewed weapons inspections in Iraq and outlined a timetable for the inspections process, with mandatory deadlines for Iraqi compliance. UNSCR 1441's popularity is remarkable: the United States, Russia, France, and Syria all like it, and even Iraq seems somewhat amenable to its terms. This popularity may stem from the possibility that each of these countries has a different understanding of the resolution's implications. If so, the disarmament effort may eventually reach a fork in the road, with two possible paths forward.

UNSCR 1441 emphasizes WMD for a simple reason: these weapons make Saddam Husayn a serious international threat, giving him tremendous clout in the Gulf and the Arab-Israeli conflict. Without these weapons, Saddam would be perceived in both the regional and global arenas as no more than a local thug. Therefore, it is the duty of the international community to focus on Iraq's WMD programs as the primary and most imminent threat (though the current regime's humanitarian violations and links to international terrorism should not be overlooked).

UNSCR 1441 emphasizes not only the process of inspections, but the substance -- that is, disarmament. Toward that end, the resolution clearly calls on Iraq to declare its relevant programs within thirty days (i.e., by December 8). This fixed time schedule is a fundamental element of UNSCR 1441, as it exerts pressure on Saddam to abide by the rules of the game. In all likelihood, Iraq will readily declare its more well-defined weapons-production facilities, since these facilities are already known to the UN. Yet, if the Iraqis decide to omit some items from their list of declared weapons, then they may in turn be hesitant to declare even well-known production facilities.

In any case, the mandatory declarations concerning chemical and biological programs will serve as an important test for Baghdad. Iraq is required to declare not only weapons programs, but all biological and chemical programs. Because there is no clear definition of what constitutes a relevant non-weapons program, this requirement could include everything from the production of detergents to documents about Iraq's research programs.

Responding to Iraqi Noncompliance

In the event that Iraq does not declare all of its non-weapons programs, a debate is likely to emerge in the Security Council about whether this constitutes a "material breach." Although implementation of the somewhat opaque material-breach clause may prove cumbersome, one must keep in mind that the essence of UNSCR 1441 is the declaration and disclosure of weapons. This clause reflects the Security Council's new approach to dealing with potential Iraqi infractions. The preamble to UNSCR 1441 is reminiscent of UNSCR 678, the war-enabling resolution of November 1990 that allowed coalition forces to liberate Kuwait. That resolution could be paired with UNSCR 687, the ceasefire resolution drafted after the 1990 Gulf War. Given that no peace treaty was signed after the Gulf War, this resolution is, technically speaking, still in effect today, and any material breach of this ceasefire could theoretically serve as a trigger for war.

In contrast, material breach under UNSCR 1441 is defined as Iraqi noncompliance with the new inspections regime. Moreover, because some Security Council members (mainly the Russians and the French) objected to the new

resolution's "trigger" clause, a compromise approach had to be crafted. In the event of an Iraqi violation, the Security Council would first convene to consider a response. UNSCR 1441 leaves open the possibility of drafting another new resolution in such a situation, but does not necessarily require such a measure. The possibility of a second resolution could lead to extended debate in the council, which could in turn become a mechanism to defeat the inspections established under UNSCR 1441, giving Iraq ample time and freedom to further its WMD programs.

Potential Obstacles

UNSCR 1441 imposes a coercive inspections regime on Iraq. Weapons inspectors are authorized to have immediate and unchecked access to all sites, including Saddam's alleged presidential headquarters. Inspectors are expected to report any Iraqi violations immediately. A tough inspections regime of this sort will exert tremendous pressure on Iraq. Given UNSCOM's success at disarming Iraq in the 1990s, a new team of inspectors could be quite effective, provided it is carefully selected and given the right powers. Recruiting credible and highly qualified inspectors will be essential for the new inspections regime. Moreover, U.S. leadership and guidance will be vital for the smooth operation of the inspections process.

Of course, many long-term obstacles remain. Saddam may choose to declare solely what he cannot hide from the inspectors. More likely than not, he has been working assiduously to acquire more WMD and to conceal relevant sites, old and new. Because the Iraqis had plenty of practice in dealing with inspections regimes during the 1990s, they know many of the inspectors' tricks for locating weapons facilities. Therefore, a new inspections team may confront different challenges if the Iraqi government fails to be fully cooperative. In other words, there will be no easy way to detect violations. For instance, 90 percent of the information provided by defectors is invalid because they tend to exaggerate or misstate their role. Therefore, even if the perfect Iraqi defector comes forward with valuable information, verifying this data would require significant time and effort. In general, the inspections process involves detailed investigation and cross-checking. UNSCOM needed four years to root out Iraqi WMD programs following the Gulf War, so it is highly unlikely that the new inspections regime will accomplish its goals in a short period of time.

After Inspections, What Next?

Once the new inspections reports reach the UN, Security Council members will need to consider their next course of action. The council's response will depend not only on Iraq's behavior, but also on the character of the inspectors' reports. Given Saddam's history of playing hide-and-seek games, some are likely to view the inspectors' findings as justification for war, while others will no doubt call for continued inspections instead. This scenario magnifies the pressure placed on the inspectors; although their mandate is merely to report the facts, they will inevitably be asked to provide their qualitative judgment of the effectiveness of the disarmament process. Determining the next step is up to the Security Council, but the council's judgment is sure to be influenced by the inspectors' assessments. If the UN takes the path of war, all parties should work closely with the inspectors to destroy Iraqi WMD facilities and to establish a systematic monitoring apparatus that will prevent future WMD development.

This Special Policy Forum Report was prepared by Merissa Khurma.

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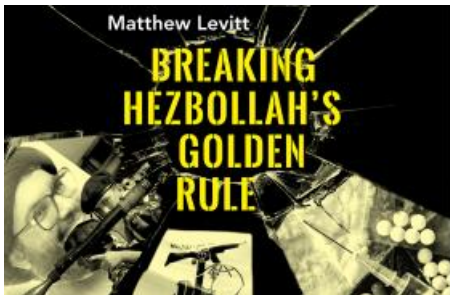
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