

Shaping a New UN Draft Resolution on Iraq

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Brief Analysis

The United States and Britain are consulting with the other three permanent members of the UN Security Council (Russia, France, and China) before introducing a new draft resolution on Iraq. Much attention has been given to whether the resolution will explicitly authorize the use of force. At least as important will be whether the resolution reverses the long, slow erosion of Iraq's UN-mandated obligations. For all their seemingly tough language, recent Security Council resolutions on Iraq have been ambiguous at best about the issues on which Saddam Husayn has been allowed to cheat in the past.

Disarmament Is the Objective, Not Inspections

For all the focus on the return of UN inspectors, the original objective of UN action on Iraq should remain paramount -- that is, elimination of Iraq's weapons of mass destruction (WMD). Inspections are a means to this end, not an end in themselves. Those involved in the Iraq debate often lose sight of this basic fact.

The original 1991 ceasefire accord, set out in UN Resolution 687, presented inspections as one element in a process, and not necessarily the central element. At least as important was Iraq's "full, final, and complete disclosure" (FFCD) of WMD activities, which Baghdad had to present within fifteen days. The job of the UN inspectors was to verify this disclosure, observe the destruction of Iraq's military WMD programs, and initiate monitoring of dual-use programs. Yet, the ceasefire resolution did not envisage that inspectors would have to chase all over a country larger than California in order to find where WMD programs were hidden, a near-impossible task. Moreover, Iraq has never provided a true FFCD. It has submitted as many as nine FFCDs, each of which is a "far from complete disclosure," in the bitter words of former inspectors. The problems caused by incomplete Iraqi disclosures were documented by a panel of arms-control experts appointed in 1999 by UN Secretary General Kofi Annan; few of these experts hailed from countries that were close allies of the United States or Britain, and the panel was chaired by Brazil's UN ambassador Celso Amorim.

Any new resolution on Iraq should demand that Baghdad provide a credible FFCD, as required in the 1991 ceasefire resolution. Indeed, there would be little point in conducting inspections before Iraq has come clean. The burden of proof should not be on the inspectors to ferret out what Iraq has hidden; the burden should be on Iraq to explain discrepancies in its WMD disclosures. When Iraq expelled the inspectors in 1998, they had been unable to account for approximately forty-five chemical and biological missile warheads, thousands of chemical artillery shells, and

more than a ton of bacterial growth media for biological weapons (460 kilograms of casein and 80 kilograms of thioglycollate, both suitable for botulinum toxin; 520 kilograms of yeast extract, suitable for anthrax; and 1,100 kilograms of peptone, suitable for perfringens). In addition, Iraq has failed to account for various missile components, nor has it addressed questions concerning its reconstruction efforts at WMD facilities since 1998 (which are clearly discernible in satellite photos).

Requiring Baghdad to submit an FFCD within fifteen days -- the timetable set out in the 1991 ceasefire resolution -- would provide an early test of whether Iraq is in fact willing to give up its WMD. Since Saddam's game is to delay until the world loses interest, and since Iraq has a long history of making promises it does not keep, the Security Council should force such an early test. Unfortunately, the procedure set out in the more recent Resolution 1284 (drafted in 1999) slows the inspections process to the usual leisurely UN pace, with sixty days needed just to produce a work program for the inspectors. Under such a procedure, Saddam could claim that he was fulfilling his obligations for quite some time before inspectors were able to determine whether Iraq was actually going to permit unfettered inspections. Returning to the original FFCD requirements placed on Iraq in 1991 would bypass the long delays built into the subsequent, weaker resolutions. In short, offering a new resolution that restates Baghdad's obligation to provide a "full, final, and complete disclosure" would be a key indicator of the Security Council's desire to reverse the erosion of the disarmament process.

Clarifying Ambiguities about Inspections

Security Council Resolution 1284, which established the UN Monitoring, Verification, and Inspection Commission (UNMOVIC), is ambiguous, even inconsistent, as Russia has been arguing for the past two years (of course, Russia wants to resolve the ambiguities by reducing rather than increasing Saddam's obligations). The resolution promises everything to everybody. Take the contentious issue of access to what Iraq calls "presidential and sovereign sites," which cover 25 square miles in total. Under a 1998 memorandum of understanding between Saddam and Annan, such sites can be visited only with ample advance notice, with diplomats as observers and with tight restrictions on what visitors could do and where they could go. Such conditions would seem to be in obvious contradiction to 1284's stipulation that "Iraq shall allow UNMOVIC teams immediate, unconditional, and unrestricted access to all areas, facilities, equipment, records, and means of transport which they wish to inspect." But UNMOVIC director Hans Blix has argued that the 1998 memorandum is still in effect. As a result, Saddam can claim that he will allow inspectors to go anywhere, when he actually means that he will allow them to go anywhere under the restrictions established in the past -- a half-step at best. Hence, a key issue in the forthcoming draft resolution will be whether it clarifies the status of the 1998 Annan-Saddam memorandum.

Past failures to confront Saddam over his half-measures augur ill for the future. He can be expected to engage in more gambits similar to his recent announcement that inspectors may return. The more pressure he is under, the more Saddam will offer up in order to forestall military action. When his son-in-law Husayn Kamal defected in 1995, Iraqi officials panicked, since he had been in charge of the regime's WMD programs. Saddam himself was shocked to discover that Kamal had hidden reams of fascinating documents on his chicken farm concerning previously unknown chemical and biological weapons programs. Yet, the existence of such programs means that Saddam has many more tricks to pull in the event of an imminent U.S. attack. For example, he could offer up one of these previously unknown programs to UN inspectors; after all, his strategy has long been to have several programs proceeding simultaneously on parallel tracks, so sacrificing one of them could allow him to preserve other, more valuable ones. Alternatively, Saddam could surrender tons of seemingly relevant documents to UNMOVIC, which would take years to translate and digest.

Some may be tempted to dismiss the debate about drafting a new Security Council resolution, arguing that Saddam has already committed sufficient violations of existing resolutions to justify military force. But it would be a mistake

to be so categorical, because the Security Council debate offers an opportunity to remind the world about the degree to which Saddam has mocked the UN's authority. The United States would do well to keep hammering away at the basic demand of the 1991 ceasefire resolution: Iraq's full, final, and complete disclosure of all WMD activities. Until that is provided, Iraq should be regarded as being in material breach of the ceasefire.

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