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Check against delivery

LESSONS of IRAQ?

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There is at present much current debate about the aftermath of last year's armed action in Iraq and the glaring absence of the weapons of mass destruction, which were described to the world as the principal reason for the action and some of which were said to be ready for use within 45 minutes. I

First I should like to put the Iraq issue in perspective. The questions of weapons of mass destruction and terrorism are, indeed, important and I certainly have them in focus. However, we must not be so absorbed by these issues that we lose sight of other major global questions, which have not gone away, like the North/South issue and the threats to the global environment. Global warming is creeping upon us with less drama than Iraq.

Second, I would suggest that we try to use our analysis of the Iraqi experience to learn something for the future, notably

- about the role of the UN and the Security Council as the most authoritative instrument for multilateral action
- about the scope of the right of self-defense under the UN Charter
- about the role of the policy of containment
- about the role of international inspection
- about the acceptability of preemptive action and counter-proliferation
- about the role of intelligence in countering terrorism and illegal development of weapons of mass destruction, and perhaps
- about the need for some limitation on spin in government affairs

The Iraq action and the drama in the UN last year has been seen as a kind of crisis for the institutional global multilateralism that the UN represents.

That multilateralism had had a rich harvest time from the **end of the Cold War. Is this time over?**

The US rejected the comprehensive test ban treaty which had at last been negotiated and signed, rejected the verification mechanism that had been worked out for the convention against biological weapons, rejected the Kyoto protocol on global warming and rejected the International Criminal Court. It was understandable that many wondered whether the US readiness to go into Iraq regardless of the fact that a majority of the Security Council wanted more time for inspections signified an abandonment of the world organization.

We saw instead of the UN an “alliance of the willing” and we might soon see an invitation for the NATO alliance to keep the peace in Iraq just as we have seen the NATO alliance invited to Afghanistan.

Is there a switch from the multilateralism of the UN first to alliances of the willing and now to the willing alliance – NATO? There is little doubt about the capacity of NATO to share costs and casualties in big operations. However, choosing the Western military alliance rather than the global institution of the UN to act as global policeman or, at least, global peace-keeper, may raise some questions. Is this where we are heading?

The post World War II order: the United Nations

If for the time being no one knows in what direction world security patterns may be heading, like the crayfish that is moving backward at any rate **we know where we are coming from.** Let me make a few comments on that subject.

Despite the **Cold War** much was attained at the United Nations in many fields: vast areas of customary international law became **codified** and many new universal conventions were adopted, e.g. giving us a new law of the sea.

The **Declaration of Human Rights** and a great many conventions on genocide, on torture, on the rights of women have been adopted and often been supplemented by mechanisms of supervision.

I think the whole of this development is much **more than just impressive rhetoric.** The norms adopted are not rooted in any one religion but they are

clearly consistent with the ethics of all the great religions. In my view they provide us **a codex valid for the whole world – a kind of international integration of values.** To be sure this codex is violated but it is not unimportant that the values and norms are spread and formally recognized – not rejected.

The fast development through the UN and specialized agencies of law and organization in many specific fields has obviously **not had a parallel in the area of security** against armed attacks between states, nor against terror regimes and terrorism domestic oppression.

The Cold War

The blueprint of a new world security order that was laid down in the UN charter was **in important respects** unimplementable because in most security issues the world faced a military **stalemate** between East and West. The **collective security** was not supplied by the UN and the Security Council but by **NATO** and other alliances. This was true even for those countries, like my own, Sweden, which were not members.

The policy that was developed by President Truman and by his successors to hold the Soviet empire back without using armed force but with a readiness to rely on it if inevitable, was that of **containment.**

Some people seem to look with nostalgia to the stable situation, when the two superpowers were able to erase each other and the rest of us for good measure: the Mutually Assured Destruction – **MAD.** I do not feel nostalgic. It was a time when, by mistake or miscalculation the strategic nuclear weapons could have blown our civilization to pieces.

As the two sides nervously looked for some stability during their wrestling match they achieved a good deal in the field of **arms control.**

Even today I think one must judge these efforts have been rather successful. **Nuclear capability did spread** during the Cold War beyond the P 5 of the Security Council to Israel and India and South Africa.

Concerns arose as several developing countries attained higher technological levels. After the end of the Cold War these **concerns disappeared** for Argentina, Brazil, Algeria and perhaps a few others. On the other hand the

concerns came true regarding Pakistan, and, perhaps the DPRK and they could have come true for **Iraq**. Iran is still an open question.

The end of the Cold War

When the **Cold War ended** it was like coming into a **new world of hope and freedom**. The effects on international cooperation were enormous and the settlement of many conflicts became possible. The **Security Council** experienced its first spring time. Many peace keeping operations were agreed to. The veto was hardly used.

The Gulf War

During the 80s **Saddam Hussein** of Iraq waged a **war against Iran** and he had a good deal of support from Western states, which feared the fundamentalism of the Iranian rulers. Saddam **used chemical weapons** with horrible results on the waves of young boys that Iran sent forward and there was relatively little reaction in the West. As we know, he also used chemical weapons against his own Kurdish population at Hallabja.

Saddam continued the development of chemical weapons throughout the 80s but also of biological weapons and of methods of **enriching uranium** to make nuclear arms. He would have had a nuclear weapon ready some time in the early 1990s if he had not launched his attack against Kuwait 1990 and been stopped.

Perhaps to his surprise Saddam, who figured himself a modern Nebuchadnessar, discovered that US President Bush took the initiative **to stop his aggression and to contain him**.

The broad international action which was led by the US and was formed with endorsement of the UN Security Council was described by President Bush as evidence of **a new international order**.

Indeed, it was felt that the **security provisions of the UN Charter were at long last coming to important new life**. Article 51 of the Charter lays down the inherent right of individual and collective self-defense **if an armed attack occurs**. Here was a case of **naked aggression** and the Security Council endorsed the collective armed defense of Kuwait. Troops were

contributed from many countries and costs were shared. One might, of course, **ask** whether it was likely that such action would have been taken if a state in a less oil rich area had been invaded. **Not very likely** I fear. The new international order was a good precedent but not a reliable one.

The Gulf War ended in a **cease fire** and the military forces did not push up to Baghdad. Ten years after the war President Bush was criticized for this restraint and it was said that had Saddam been deposed and defeated in 1991 he would not have been a problem later. However, **a unique coalition** had been built up, including Syria and Egypt, breaking some of the deadlock in the Middle East. It is very questionable whether the new coalition would have survived a march on Baghdad. There was a global consensus **on** stopping aggression, **there was a consensus on containing Iraq** – but there was **not agreement on seeking regime change**, however repugnant the Saddam regime was.

The 1991 inspection regime

The resolution 687, which was adopted by the Security Council formalizing the cease fire, was intended to ensure that the regime of Saddam Hussein would at any rate not have WMDs. It was to be disarmed of WMDs through inspections and sanctions.

Clausewitz' famous expression that war is the continuation of diplomacy with other means could have been reversed to read that **UN inspection was a continuation of war with other means**. UNSCOM was created to ensure that all biological, chemical weapons and missiles of longer reach than 150 kilometers were to be declared and eliminated. The **IAEA** was to ensure that any nuclear weapons or infrastructure for their production be eliminated. We were both given on site **inspection rights** which far exceeded anything the world had seen at that time.

The **leverage** on Iraq to cooperate with the inspectors also seemed quite strong. No countries were allowed to buy any oil from Iraq until the Security Council authorized it and this would only occur when the inspectors had reported that the elimination of the prohibited items had taken place. The procedure foreseen for the elimination of weapons of mass destruction was

- **first a declaration** by Iraq of all that was prohibited,
- **then a verification** by the inspectors and **lastly**
- **destruction** or other elimination under the inspectors supervision. If this did not occur sanctions would remain.

A great deal of chemical weapons and missiles were declared. Iraq had used these weapons in the war with Iran, so they could not declare zero. However, it soon became clear that Iraq had **cheated**. No biological weapons program was declared and no uranium enrichment. Some of the developments in the **nuclear** field were discovered in dramatic inspections, after which the Iraqi side admitted that they had tried several methods of enrichment. The IAEA took all the fissile material and airlifted it out of Iraq to Russia by 1992.

The unilateral destruction of weapons in 1991 and the weapons 'unaccounted for'

Mr. **Hussein Kamel**, the son in law of Saddam Hussein, defected to Jordan in 1995. He had been the head of the Military Industrial Commission. He revealed much about the programs and as a result of his defection the Iraqi government handed over a vast amount of documents from which much was learnt about the programmes and some installations were identified and destroyed. However, to my knowledge **no weapons** were found as a result of these revelations.

Indeed, Hussein Kamel is reported to have stated in his debriefings in Amman **that he gave an order in the summer of 1991 that chemical and biological weapons should be destroyed** – without any inspectors being present. **Why did they not want to have inspectors present?** We do not know but it was, of course, always **suspected** that they wanted to be alone in order to be able to claim that that they had destroyed more than they did and to hide the rest for future use.

We know that much was destroyed, because examination of the ground showed has shown this. **But neither UNSCOM nor UNMOVIC has been able to tell whether anything was taken away and hidden.** It is a most important point because **whenever** Iraq has maintained that a quantity of weapons was destroyed unilaterally without being able to provide any documentation or other evidence such quantity has been registered as **“unaccounted for”**.

It is like a suspect claiming that he had **thrown his pistol in the sea**. He might have done so and no longer possess it, but **if he lies** he might have hidden it somewhere. It would evidently be rash to conclude that he did keep it and hide it and it would be naïve to conclude that he no longer had it.

Neither UNSCOM nor UNMOVIC **ever asserted** that items, which had not been accounted for must exist. This was true also for anthrax, where we had strong suspicions – but not conclusive evidence – that Iraq might have hidden a supply. We took the view rather that so long as an issue was not cleared up by some credible evidence what had happened to the items one **could not have confidence that they were destroyed**.

I specifically and explicitly cautioned the Security Council that when we reported some quantity of weapon as **“unaccounted for” it did not necessarily mean that it existed**. This warning was often ignored even at the highest level in the US administration. That is to say: the worst case scenario was taken to be a fact.

Thus, we did not exclude that there remained stocks somewhere. We had carried out some 700 inspections all over Iraq and never found any weapons stocks. Indeed, we had been to many sites suggested to us by intelligence without finding any wmds. Should this not have suggested to military planners that the country was not exactly full of wmd stores?

Another feature that should have raised some doubts in the minds of analysts was that **UNSCOM and the IAEA had not identified and destroyed any prohibited weapons after the early years – up to and around 1994**. After that time only infrastructure, some growth media and chemical precursors were destroyed – until we ordered the destruction of the Al Samound 2 missiles. **Indeed**, I think neither UNSCOM nor UNMOVIC ever found any arms that had been **hidden**.

UNSCOM destroyed large quantities of chemical weapons, which were not among those that Iraq had destroyed unilaterally in 1991, but they were at sites, which had been declared and thus could not be characterized as hidden.

What was then all the controversy between the inspectors and Iraq about in the 90s? All the hide and seek? The cat and mouse?

Much was about Iraq **denying access** to sites or delaying access or making it difficult or refusing to hand over documents.

Much was about Iraq's **declarations being inconsistent** between themselves or with facts known to the inspectors. This naturally raised suspicions that prohibited items were still not declared.

One might say that Iraq lost its credibility in 1991 and it never regained it. The nuclear program had not been declared, nor the biological.

In retrospect perhaps one can say that Iraq had a point when it complained that it **could not prove the negative**. If they had had something they could have put it on the table, but if they did not have anything left, how could they prove that? Well, the best they could do, would be to make the negative **probable**.

I told them that it was **even more difficult for the inspectors** to prove the negative. Iraq, after all, had the budgets, the annual reports, letters of credit and many other documents. When they denied there were any more documents, we said they could bring witnesses from the past. In the end they gave us list of witnesses. That was at the end of February and early March 2003 and it was too late.

If, as now seems certain, there were no stocks of weapons at the many sites which UNSCOM tried to inspect up to 1998, **why did Iraq behave as it did?** The sanctions had crippled the country. Why were they not desperate to cooperate?

Further time and evidence may bring clarity. For the time being one can only speculate:

- Saddam Hussein might well have been **ambivalent** on cooperation with inspections. He would often hear that **sanctions would be lifted only if he himself disappeared**. This did not give him much incentive to cooperate.
- Maybe the regime rather **liked to be suspected** of having some WMDs despite the declarations that there were none. It could **inspire some fear** in neighbours and the world. It could have been like hanging on your door a sign saying "**Beware of Dog**" without having one...

- With regard to particular types of sites, **a sense of humiliation** might have contributed to the resistance, certainly regarding presidential sites, but perhaps also regarding ministries.
- Iraq knew that the UN inspection teams comprised **inspectors who had direct contact with their home countries' intelligence**. These inspectors could be expected to report to their military or intelligence authorities about all sites to which they had been. For instance, to what extent there were conventional weapons and what **sites could be interesting targets** for future bombing. This might not have made Iraq more positive to inspection.
- It is also known that UNSCOM inspections carried electronic equipment to **eavesdrop** on Iraqi security to find out where their leaders were.

As a footnote let me add that **I tried to eliminate the disincentives I saw to cooperation**. I declared at an early stage that the inspections were to be effective and correct but we were **not coming to humiliate, provoke or harass** the Iraqi side. I cannot be 100 % sure that none of our inspectors reported to their home countries, but I do not think they did and we certainly carried no equipment for eavesdropping.

UNMOVIC had a much better climate of cooperation with Iraq than UNSCOM. I have no doubt that the military pressure on Iraq was a major element of the explanation. Indeed, **without the military pressure** Iraq would hardly have agreed to renewed inspection. Nevertheless, the circumstance that our inspectors all had had training, that we were really independent of individual member states and acted for the whole Security Council in a professional and non-provocative way, I think contributed to avoiding clashes.

We now know that the **policy of containment**, consisting of inspection, sanctions and military pressure, actually “had kept Saddam in his box” during the 90s. Iraq was a surprising case of how the UN and member states **succeeded in disarmament without really knowing it!**

In early 2001 it seemed that the new Bush administration was ready to continue the policy of **containment** vis-à-vis Iraq but **after 9/11** US views began to change and in the end the US and UK abandoned the policy of

containment and **went for counter-proliferation** by means of armed invasion ,trusting their own intelligence more than the inspectors who had reported

- That they had **not found any “smoking gun”**, and who never asserted that there **were** prohibited items – except in the missile field – only that such items **might exist** and that there were many question marks
- That the **yellow cake** contract with Niger was a forgery
- That the **aluminum tubes** probably were for rockets and not for centrifuges for enrichment
- That they had inspected a number of sites recommended by intelligence and **in no case found** any weapons of mass destruction
- That the **decontamination trucks** the US thought it had identified as evidence of presence of chemical weapons could be **water trucks**.

It is easy to agree that there was **uncertainty** about Iraqi weapons of mass destruction in March 2003. However, **certainty**, not uncertainty, was the justification advanced for the armed action. The governments undertaking the armed action put **exclamation marks where there should have been question marks**. It is understandable that governments have to simplify to explain policies to the public and that they have to take decisions on less than 100 % data. Yet, as consumers of policies, especially those touching peace and war, I think we want our governments to keep some distance from the ways of the advertising world. We would like to be told about the **real world**, not to be shown a virtual one

Let me present some concluding thoughts:

Preemptive action

After the armed action against Iraq in March 2003 we have not yet come to anything like a global or Western consensus on the question to what extent it may be reasonable to accept a right to unilaterally decided and launched **preemptive military strikes**. President Bush has said that when a threat is “**imminent**” it is too late and Condoleeza Rice has said that one cannot wait until the **mushroom cloud is there**. Are we to conclude that the US would have considered itself justified to bomb the Pakistani uranium enrichment

plant at Kahuta before the Pakistani nuclear tests? If so, would India, too, have been entitled to do so?

It is thus argued that article 51 of the UN charter, which confirms the inherent right of self-defense when an **"armed attack" occurs**, is too severe in these times of risks of use of weapons of mass destruction.

If, indeed, a right to preemptive action were to be recognized as consistent with article 51 there would be a **need a discussion** about the parameters of such a right.

In 1981 **Israel attacked and destroyed the Iraqi research reactor OSIRAK** and was condemned by a unanimous Security Council – including the US – for not having first exhausted other means to solve the concerns it had.

I would submit that the **more distant** the danger appears and the more **hypothetical** it is, the less justification there would be for preemptive action. If there is uncertainty, support by the Security Council could give legitimacy.

In the case of **Iraq last year** the concern **was shared** with the Security Council and the majority of the Council found the grounds for armed action insufficient **at the time**. However, hardly any member of the council excluded endorsing armed action **later**, if further inspections were frustrated or revealed violations and the case became stronger.

We were **not faced with the Cold War** kind of controversy in the Security Council. All members wanted assurance that Iraq did not have WMDs. The question and controversy was about **how to proceed to attain this assurance**. The states which took armed action ignored the views of the majority --- with the somewhat curious argument that they were **upholding the authority** of the Council.

However, the argument was not persuasive and the net result turned out to be a **loss of legitimacy** for the action. This might be a lesson to take home. **The UN** may not be the only multilateral church in the global village, but it remains the most important and the **legitimacy** it can confer is far greater than any ad hoc alliances of willing states or even of regional organizations.

Preemptive action and intelligence

A word also about **preemptive action's dependence upon intelligence**. As a preemptive action is a response to an action that has **not** taken place but is claimed will take place, **how can we know that it will take place?**

Much reliance is placed on **intelligence**? Clearly the action in Iraq has not strengthened our confidence that intelligence is very reliable. It was not the first time. The Clinton administration destroyed an innocent **chemical factory outside Khartoum** on erroneous intelligence after the terrorist bombings of the US embassies in Nairobi and Dar es Salaam.

Security Council resolutions as a justification for the armed action.

The UK does not appear to have argued that there was a right to preemptive action but rather to have claimed that Iraq had failed to fulfil many resolutions by the Security Council and that this entitled members to abandon the ceasefire confirmed in resolution 697 of 1991 and to use force.

However, does this entitle **any member** of the Council to hold that it is released from the ceasefire authorized by the Council and can go to armed action? I would rather have concluded that the **Council – but not individual members** – would be in a position to declare the ceasefire lapsed.

International inspection and intelligence

How would the world have looked upon international inspection if UNMOVIC and the IAEA had simply endorsed the various US and UK claims about weapons? Not very favourably, I think.

One lesson from Iraq has been that **professional international inspection**, independent of individual member states, proved to be more reliable than national intelligence. Reporting to the whole Security Council it was not carried away by any national thinking. I submit this speaks in favour of the further and expanded use of international inspection.

However, I also submit that **cooperation between national intelligence and international inspection** is needed for the best result. UN inspection authorities do not have huge systems for the monitoring of global electronic

communications, nor do they have agents in ports. But they do have the great advantage that they are not the agents of any nation and are entitled to go anywhere on the ground. They can both **confirm suspicions** and **dispel** erroneous suspicions and unjustified allegations.

International inspection supported by – but **not remote controlled** by – national authorities, including intelligence, can be an increasingly important **instrument** in the struggle of the international community against the further spread of weapons of mass destruction and for disarmament – whether in North Korea, Libya or other places.

The war operations are over. The justification for the war – the existence of weapons of mass destruction – was without foundation. The military operation was successful but the diagnosis was wrong. Saddam was dangerous to his own people but not a great and certainly not an immediate danger to his neighbours and the world.

The balance sheet has different elements:

There has been the loss of many lives and much property and the losses continue.

The economic costs of the war are huge.

The states which we would have expected to support and strengthen some basic principles of the UN order, in my view, set a precedent of ignoring or undermining this order by acting too impatiently and without the support of the Security Council.

As a result their own credibility has suffered and the authority of the UN Security Council has been damaged – and this at a time when there was no cold war paralyzing it but opportunities to strengthen it.

On the other side: there is a great relief that Saddam Hussein and his regime is eliminated. Few regimes have had more blood on their hands.

An evolution toward democracy would be a great gain, but is uncertain.