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BACKGROUND

**NEW NUCLEAR INSPECTIONS IN IRAQ:
KEY ISSUES**

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After more than seven years of inspections, beginning in mid-1991 pursuant to the Gulf War cease-fire, United Nations weapons inspectors from the U.N. Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) hurriedly departed Iraq in December 1998, just days ahead of the U.S. military strikes known as Operation Desert Fox. For nearly four years thereafter, Saddam Hussein refused to allow the inspectors to return, claiming that Iraq had already given up all its weapons of mass destruction and that the inspectors had been spying on Iraq on behalf of the United States.

In his September 12, 2002 speech to the United Nations, President George Bush presented his case against Saddam Husseins regime. On the issue of Iraqs nuclear capabilities, Bush stated that

In 1995, after four years of deception, Iraq finally admitted it had a crash nuclear weapons program prior to the Gulf War. We know now, were it not for that war, the regime in Iraq would likely have possessed a nuclear weapon no later than 1993. Today, Iraq continues to withhold important information about its nuclear program weapons design, procurement logs, experiment data, an accounting of nuclear materials and the documentation of foreign assistance. Iraq employs capable nuclear scientists and technicians. It retains physical infrastructure needed to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon. Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year. And Iraqs state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

Despite all efforts to date, Bush continued, Saddam Hussein continues to develop weapons of mass destruction. The first time we may be completely certain he has nuclear weapons is when, God forbids, he uses one. President Bush detailed other crimes of Saddams regime, and emphasized that the purposes of the United States should not be doubted. The Security Council resolutions will be enforced the just demands of peace and security will be met or action will be unavoidable. And a regime that has lost its legitimacy will also lose its power.

President Bush's U.N. speech was an effort to garner support for the Administration's position that regime change in Iraq is the only reliable means of eliminating the threat posed by Saddam Hussein's efforts to acquire weapons of mass destruction. However, the United States has encountered difficulty in convincing many nations, including key allies, that new U.N. weapons inspections should not be given an opportunity before any military action is undertaken. This background paper provides an analysis of the history and complexities of weapons inspections in Iraq as context for the present controversy.

The government of Iraq announced on September 16 that it would allow the United Nations to resume weapons inspections. What, exactly, did Iraq agree to do?

On September 16, four days after President Bush's speech to the United Nations, Naji Sabri, the Iraqi Ministry of Foreign Affairs, wrote to U.N. Secretary-General Kofi Annan to notify him of Iraq's decision to allow the return of United Nations weapons inspectors to Iraq without conditions. However, the Sabri letter also characterized renewed inspections as the first step toward a comprehensive solution that includes the lifting of the sanctions imposed on Iraq.

Richard Butler, the former head of UNSCOM, commented that

This letter has a big black hole in it with respect to the conditions under which inspections will be conducted. [W]hat we really need to hear is that you can inspect without conditions, that you can go anywhere any time. It did not say that. That is a black hole. That is a significant omission. It is a very snaky letter.

To complicate matters further, Fahdil al-Janabi, chairman of the Iraqi Atomic Energy Commission, stated on September 17 that, in return [for allowing inspectors to return to Iraq], we ask the U.N. Security Council to secure lifting of the unjust embargo imposed on Iraq, a troubling echo of previous Iraqi insistences that U.N. sanctions be lifted prior to the resumption of inspections. Further, Arab League ambassador Ali Muhsen Hamid suggested on September 17 that Iraq would permit inspections only at military sites.

A White House statement on September 17 characterized Iraq's offer as a return to form. Time after time, without conditions has meant deception, delay, and disregard for the United Nations. The statement cited examples of the Iraqi regime's repeated pattern of accepting inspections without conditions and then demanding conditions, often at gunpoint. Indeed, on September 21 the Iraqi government issued a statement that [t]he American officials are trying, according to the media, to issue new, bad resolutions from the Security Council. Iraq declares that it will not cooperate with any new resolution that contradicts what has been agreed upon with the secretary general.

Though a new round of inspections without conditions might provide valuable information in a number of areas, almost no one believes that Iraq's latest offer represents anything other than the next move in Saddam's chess game with the United Nations and the United States.

Why are new inspections needed? Didn't the inspectors successfully dismantle Saddam's nuclear weapons program before their departure in December 1998?

A sizeable portion of Iraq's nuclear weapons facilities and equipment was dismantled or destroyed by U.N. inspectors between 1991 and 1998. However, substantial and significant issues remained unresolved when the inspectors left the country. Iraq has never surrendered to inspectors its two completed designs for a nuclear bomb, nuclear-bomb components such as explosive lenses and neutron initiators that it is known to have possessed, or almost any documentation of its efforts to enrich uranium to bomb-grade using gas centrifuges, devices which are small and readily concealed from reconnaissance. *(These issues, and their relevance to a potential Iraqi nuclear breakout, are detailed in a 1998 Nuclear Control Institute report Iraq and the Bomb: The Nuclear Threat Continues, available on NCIs*

website at <http://www.nci.org/i/ib21998.htm>) Moreover, almost nothing is known publicly about Iraqs nuclear progress since December 1998 toward acquiring nuclear weapons.

What evidence exists of a renewed effort by Saddam Hussein to acquire nuclear weapons?

Disturbing reports from Iraqi defectors suggest that over the last few years Saddam has reconstituted his team of nuclear scientists, reportedly recalling some of them from other assignments. In public speeches over the last year, Hussein has commended his nuclear team for their key role in defeating Iraqs enemies. Bush Administration officials assert that Iraq is aggressively pursuing nuclear weapons, but so far have offered little elaboration, let alone documentation, of this accusation. Most of the evidence of nuclear weapons development by Iraq that the Bush Administration has cited publicly is not new; in fact, much of it (such as the revelations by Saddams son-in-law Hussein Kamel, who defected in 1995) is several years old. The absence of any substantiation of Iraqs imminent acquisition of nuclear weapons makes claims of urgency for immediate military action questionable.

The most detail so far provided by the Administration appeared on September 17, when Defense Secretary Donald Rumsfeld testified before the House Armed Services Committee that Iraq has an active program to acquire and develop nuclear weapons. They have the knowledge of how to produce nuclear weapons, and designs for at least two different nuclear devices. They have a team of scientists, technicians and engineers in place, as well as the infrastructure needed to build a weapon. Very likely all they need to complete a weapon is fissile material---and they are, at this moment, seeking that material---both from foreign sources and the capability to produce it indigenously.

On September 24, British Prime Minister Tony Blair released a U.K. government dossier on Iraqs weapons of mass destruction. The report revealed little new information about Saddams nuclear weapons efforts, except for the claim that there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa since 1998. The U.K. report does not provide the amount of uranium, the African nations or groups involved, and most important, whether or not Iraq was actually able to acquire this uranium. The report also details Iraqi attempts to purchase dual-use technologies which would be useful in manufacturing and operating centrifuges for uranium enrichment, but does not say whether Iraq successfully acquired the technologies.

The reported seizure this summer of a large shipment of specialized aluminum tubes, ideal for housing centrifuge rotors and destined for Iraq, was mentioned in Blairs dossier. This attempted import has also been cited by the Bush Administration as evidence of a resurgent Iraqi effort to construct centrifuges. However, these tubes also have other industrial applications, and their attempted acquisition by Iraq does not make clear the degree of technical progress so far achieved by Iraq in centrifuge development. Moreover, even if Iraq had been successful in acquiring these tubes, construction of centrifuges and start-up of uranium enrichment would have taken at least several months or longer.

Dr. Khidir Hamza, an Iraqi nuclear scientist who defected in 1994, recently claimed that Iraq had some 400 locations where covert uranium-enrichment operations could be carried out, and that Iraq had prior to the Gulf War purchased 130 secret German technical documents on uranium centrifuge manufacture. When the inspectors took away the original centrifuge, we already had the know-how, Hamza claimed, saying that Iraqi scientists had carefully documented the complex assembly process demonstrated by a German engineer. I believe there are probably hundreds of copies [of that centrifuge] today. Though these claims are plausible, Dr. Hamza offered no evidence to support his assertions.

Administration officials have cited favorably a report issued in early September by the International Institute for Strategic Studies in London, which posited that if Iraq were to obtain fissile material from abroad --- steal it or buy it in some way --- we certainly believe he has the ability to put together a nuclear weapon very quickly, in a matter of months. Some media stories on this report featured headlines that Iraq was months away from the bomb, an

inaccurate interpretation of this finding, which was nothing new but rather a reiteration of what had been known for years about Iraqs technical progress in nuclear bomb design.

Paul Leventhal, then president of Nuclear Control Institute, testified before a Senate committee in November 1990, several weeks before Operation Desert Storm, that [t]he bottom-line question is whether Iraq now has enough material to build nuclear weapons. If Iraq does, it would be foolhardy to assume that it lacks the technical wherewithal to explode nuclear weapons with it. Leventhal warned that Iraqs highly enriched uranium (HEU) research reactor fuel was sufficient to build at least one and possibly more implosion-design nuclear bombs, and concluded that [I]f Iraq has the components of an implosion device---save the nuclear core---completed and ready to be assembled, Iraq could have a bomb within the one-to-three-week conversion time. Though the world did not know it at the time, General Hussein Kamel, Saddams son-in-law who later defected to the West, had three months earlier, in August 1990, ordered Iraqi nuclear scientists to launch a crash program to convert this HEU reactor fuel into fissile cores to fuel nuclear bombs. This operation was disrupted by coalition bombing of Iraqs nuclear facilities at Tuwaitha at the beginning of the Gulf War in January 1991, and Iraqs HEU fuel was recovered and removed from Iraq in 1992.

Does the Bush Administration support a new round of weapons inspections in Iraq?

Reports circulated earlier this year that senior Administration officials were deeply divided on this question, with Secretary Rumsfeld criticizing renewed inspections as a useless and dangerous delay, and Secretary Powell supporting inspections as an important element of working through multilateral channels to address the Iraqi threat. However, since Iraqs September 16 letter agreeing to renewed inspections, senior Administration officials have pursued a consistent strategy of distinguishing inspections from disarmament, insisting that the latter should be the only true goal in Iraq. Its about disarmament, not inspections, officials in Washington say. This rhetorical dichotomy, though clever, is false: the sole purpose of U.N. weapons inspections has always been to disarm Iraq fully of its weapons of mass destruction, as required by U.N. Security Council Resolution (UNSCR) 687 (April 3, 1991, the Gulf War cease fire). The essential question is whether renewed inspections can substantially assist in achieving that goal.

In Congressional testimony last week, both Rumsfeld and Powell expressed extreme skepticism that new inspections would yield significant results; cited numerous Iraqi violations of U.N. resolutions in areas other than weapons inspections as additional arguments for regime change; anticipated that the inspectors would inevitably be thwarted by Saddam at some point; and warned of the perils of allowing Iraq to buy time by stringing the inspectors along. Neither rejected out of hand a new round of inspections, but both made it clear that the United States reserved the right to take unilateral military action even before the inspection process is completed.

Is a new U.N. resolution required for inspections to proceed?

U.N. Security Council Resolution (UNSCR)1284 (December 17, 1999) is still in effect, and specifies criteria for weapons inspections by the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC, the successor agency to UNSCOM) and IAEA in Iraq. Under the terms of UNSCR 1284, UNMOVIC is responsible for CW, BW and missile inspections, and the IAEA retains its previous responsibility for nuclear inspections. Dr. Hans Blix, former director-general of the IAEA and currently director of UNMOVIC, has stated that he plans to move forward with inspections under the authority of the current resolution, unless and until new guidance is provided by the Security Council.

Administration officials have expressed strong dissatisfaction with inspections as previously implemented, and contend that the lengthy review periods specified in UNSCR 1284 are unacceptable. The Bush Administration is drafting, in conjunction with the United Kingdom, a new Security Council resolution which would include prompt and strict

enforcement measures to back the U.N. inspectors if Iraq again fails to comply. The resolution is expected to be submitted to the Security Council soon.

How will the United Nations carry out this new round of weapons inspections?

UNSCR 1284 created UNSCOM's successor agency, UNMOVIC, and required UNMOVIC and IAEA to draft lists of the key remaining disarmament tasks to be completed by Iraq pursuant to its disarmament obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance. The 1999 resolution emphasized that what is required of Iraq for the implementation of each task shall be clearly defined and precise. Four months after UNMOVIC and IAEA report to the Security Council that Iraq has completed the specified tasks and that the system for ongoing monitoring and verification is in operation, U.N. economic sanctions against Iraq are to be suspended. Every four months thereafter, the agencies are to report again, with sanctions to be reinstated if Iraq fails to continue full cooperation with the inspectors.

UNMOVIC and IAEA officials have scheduled meetings with Iraqi officials in Vienna during the week of September 30 to discuss logistical arrangements for the inspectors' return. Dr. Blix predicts that UNMOVIC could have its inspection teams on the ground in Iraq by October 15. An IAEA spokeswoman said that the Agency's Iraq Action Team is ready to return to Iraq as soon as we get the green light.

Besides actual nuclear, chemical, or biological weapons and missiles, what will the inspectors be looking for?

Under the terms of the UNSCR 687, Iraq was required to provide full, final and complete declarations (FFCDs) of its chemical, biological, nuclear and missile weapons and technologies. The declarations that Iraq submitted were neither full, nor final, nor complete.

As of early 1998, a few months before the inspectors departed and were not allowed to return, IAEA was largely satisfied with Iraq's nuclear declarations, reporting to the Security Council that

- IAEA's ongoing monitoring and verification activities carried out since October 1997 have not revealed indications of the existence in Iraq of prohibited equipment or materials or of the conduct of prohibited activities;
- Iraq has satisfactorily completed its undertaking to produce a consolidated version of its full, final and complete declaration of its clandestine nuclear programme; and
- Iraq's summary of the technical achievements of its nuclear weapons program is regarded by IAEA to be consistent with the technically coherent picture of Iraq's clandestine nuclear programme developed by IAEA in the course of its activities in Iraq. (S/1998/312, April 9, 1998).

However, these IAEA findings were contradicted by its own reports on the inspections in Iraq, including the Agency's October 1997 summary of its inspection results which detailed a large number of crucial unresolved issues. (S/1997/779, October 8, 1997)

In contrast, UNSCOM was far from satisfied with Iraq's CW, BW or missile FFCDs, particularly in the areas of biological weapons production and weaponization and long-range missile technology, and compiled a lengthy, detailed list of issues still to be resolved. (S/1998/1106, November 20, 1998). (*For a comparison of UNSCOM and IAEA inspections in Iraq, see Paul Leventhal and Steven Dolley, Iraq's Inspector Games, Washington Post, November 29, 1998, available on NCI's website at <http://www.nci.org/v-w-x/wp112998.htm>*)

U.N. resolutions prohibit Iraqi possession of chemical, biological and nuclear weapons and WMD technologies, long-range missiles and related technology, and also

requires that certain dual-use items---technologies with civilian applications that could also be used to produce weapons of mass destruction---be declared and monitored. Iraq is required to declare any acquisition of specified dual-use items, but suspended such reporting after the inspectors left in 1998. Last week Iraqi officials promised to provide UNMOVIC with backlogged reports on their dual-use technology imports. Verifying these declarations will be extremely difficult, as there are thousands of these items dispersed at numerous facilities throughout the country, and any undeclared items could be concealed.

Moreover, though granted the authority to verify dual-use items, the IAEA did not do so in anything approaching a comprehensive fashion. Prior to its departure from Iraq in December 1998, IAEA set up a process to deal with Iraqi requests to release or relocate dual-use equipment from the nuclear program, or to change use of monitored buildings. As of early 1998, 27 out of 29 such requests had been approved by IAEA. Once released to the Iraqis, subsequent inspection of these technologies and buildings was uncertain at best. IAEA required only that monitoring occur at a frequency commensurate with their significance, a criterion never clearly defined. Of course, no U.N. monitoring of any dual-use technologies in Iraq has taken place since December 1998.

In what ways has Saddam Hussein attempted to subvert weapons inspections in the past?

From 1991 through 1998, U.N. weapons inspectors were subjected to constant harassment, interference, and non-cooperation in Iraq. In fact, Iraq engaged in an extensive, well-funded, systematic program of concealment and misinformation. Inspectors were almost never allowed to access a site without considerable delay by Iraqi officials. In September 1991, several IAEA inspectors were held hostage for three days in a Baghdad parking lot because they refused to surrender incriminating documents they had seized. Inspectors also had shots fired over their heads by Iraqi troops, were driven deliberately through violent mobs, had their living quarters bugged and their communications monitored, and were generally subjected to non-stop harassment.

Even Iraq's cooperation was non-cooperative. Inspectors were never allowed to interview weapons scientists without Iraqi government handlers present and rolling videotape. The Iraqis would frequently claim that key documentation or technologies had been lost, destroyed during the Gulf War, unilaterally destroyed by the Iraqis with no documentation, transferred to another facility, or had never existed at all. These tactics were intended to wear down the inspectors by dragging out the process and forcing them to waste time and resources investigating specious cover stories. As former UNSCOM chief Richard Butler wrote in his memoirs, All these efforts at deceptionthe false declarations, the unilateral destruction, the concealment of weapons and weapons makingforced the staff of UNSCOM to become detectives. The arms inspections had to become intrusive, even, at times, aggressively so.

Nonetheless, a great deal was discovered about Iraq's nuclear weapons program, and many crucial technologies and facilities were removed or destroyed. Some of these discoveries were prompted by tips from defectors such as Hussein Kamel, but others were the result of careful investigation. The inspectors' greatest successes came when they did not permit Iraq to shift the burden of proof, but instead held fast and insisted that Iraq provide documentation of its unsubstantiated claims. Further, investigation of Iraq's many lies and cover stories, coupled with intelligence information, provided considerable insight into the organization and tactics of Saddam's concealment program.

How long will U.N. weapons inspections continue in Iraq?

Dr. Blix has stated that UNMOVIC will need at least a year to reach definitive conclusions. This timeframe is consistent with the terms of UNSCR 1284. However, this estimate assumes complete and uninterrupted cooperation from Iraq, which is extremely unlikely. IAEA representatives have stated that their nuclear inspection teams could be on the ground in Iraq as soon as October 15, with full inspections beginning within six weeks, but have not

provided a public estimate of the amount of time they would require to complete their mission.

FURTHER INFORMATION

Saddam and the Bomb, Nuclear Control Institute

<http://www.nci.org/sadb.htm> *Nuclear Control Institute website on Iraq's nuclear weapons program.*

International Atomic Energy Agency (IAEA) Iraq Action Team

<http://www.iaea.org/worldatom/Programmes/ActionTeam/index.html>

Includes IAEA reports on its inspection in Iraq.

U.N. Monitoring, Verification and Inspection Commission (UNMOVIC)

<http://www.unmovic.org>

Includes UNMOVIC quarterly reports.

U.N. Special Commission on Iraq (UNSCOM)

<http://www.un.org/Depts/unscom/unscmdoc.htm>

Includes UNSCOM inspection reports, U.N. resolutions on Iraq.