

It must be observed that the disarmament of Iraq was the first undertaking of its kind since the victorious powers at Versailles 1919 tasked the Allied Control Commission with disarming Germany. In contrast to that preceding international venture, the disarmament of Iraq turned out to be a complete success. Thus the conclusions of the investigations carried out after the Iraq war 2003 were that the UN inspection system set up by the Security Council in its cease-fire resolution in April 1991 had accomplished its task in full. The fact that already in 1998 the UN Special Commission in cooperation with the IAEA Action Team, in spite of a multitude of challenges and threats over the years of operations, had succeeded to identify and eliminate all prohibited items as well as established a complex and fully functioning monitoring system should in my judgment have been a cause for international celebration. But no congratulations to the skillful and courageous inspectors have been forthcoming.

First a couple of elementary points which always risk to be overlooked.

The UN Security Council adopted 3 April 1991 resolution 687 through which a formal ceasefire was established between Iraq and Kuwait and the UN Member States cooperating with Kuwait in accordance with the war enabling resolution 678 of 29 November 1990. According to operative par 33 of resolution 687 the ceasefire would enter into effect upon the formal notification by Iraq to the UN of its acceptance of the provisions of the resolution. Such a notification took place 6 April and on 11 April the Security Council noted that a formal cease-fire in accordance with par 33 was effective. From this one can note that the cease-fire was established not between Iraq and the United Nations which is frequently stated (by Dr. Blix and others) but between Iraq on one side and Kuwait and the Coalition that supported Kuwait on the other. The implication of this was that the cease-fire, depending upon the acceptance by Iraq for its realization, had a (semi-) contractual character. Furthermore resolution 687 preambular par 3 affirmed the sovereignty, territorial integrity and political independence of Iraq. From the perspective of the weapons inspectors this was important, but not only understood by Security Council members.

With this in mind I have the impression that Attorney General Goldsmith like some of his American law colleagues in 2002-2003 could have meant that Iraq's inability to fully implement its obligations under the weapons paragraphs 8 to 13 of the resolution 687 constituted a material breach of the cease-fire (between Iraq and the Coalition) which could implicate the war-enabling resolution 678.

The Structure and Organization of the Inspection Regime

The UN Special Commission (UNSCOM) was established in April 1991 as a subsidiary organ of the Security Council (the first of its kind). I was appointed Executive Chairman of UNSCOM 15 April and took up the functions 24 April upon my arrival at the UN Headquarters in New York. UNSCOM was given the task, in short, to oversee through on-site inspections the elimination of chemical and biological weapons and the means of their delivery (missiles with a range above 150 kilometer) as well as to monitor Iraq's compliance with its responsibilities not to acquire prohibited items to which belonged all aspects of stocks, subsystems and research and production facilities.

As regards the implementation of the corresponding tasks for nuclear weapons and related capabilities the Security Council mandated the Director-General of the IAEA (then Blix). It is important to note that it was not the IAEA as such that was appointed for the task. It was the DG of the IAEA who should receive Iraq's declarations on its nuclear weapon capabilities and verify their correctness through on-site inspections with the support and assistance of Special Commission. As regards non-declared nuclear-related facilities it was the exclusive task of the Executive Chairman UNSCOM to designate such facilities for inspection. A special Action Team was set up within the premises of the IAEA in Vienna under the Director General to support the DG in the carrying out of his obligations. In reality the operations were run by the Action Team composed of inspectors and nuclear specialists recruited from governments and some from the IAEA. The Action Team was lead by a senior expert appointed by the DG. In that way the Security Council could obtain that the IAEA institutions with their governing council were kept out from the implementation. Furthermore the Security Council did not want to farm out the intrusive right of inspection of undeclared facilities with the implications of challenge against Iraq's sovereignty and territorial integrity to an institution outside its control. At the same time the IAEA was protected from from tough political controversies, confrontations in the field, secret activities and hidden lies. It was up to UNSCOM to take on this confrontational part of the mandate including dealing with non-declared assets and activities. UNSCOM therefore had its own nuclear weapons specialists as a part of its headquarters team.

The Functioning of the Inspection Regime

Personally, during my six years tenure I had a good working relationship with the three UN Secretary-Generals although I could not but observe that UNSCOM, its operations and staff, was looked upon with suspicion in the overall UN secretariat context. As the UN as an organization is structured to help and assist its member States - even peace-keeping is in principle based upon invitation of the receiving States - ,UNSCOM's challenging and intrusive modus operandi did not fit into the culture of collaboration of the UN Secretariat. Accusations (unfortunately also by Blix) against the UNSCOM inspectors for acting in a "Rambo"-fashion are unfair, and worse, false. When I set up the new organization UNSCOM with the start in April 1991 I recruited a team of some of the world's most respected specialists in the field of chemical and biological weapons sciences. I was familiar with the majority of these specialists as I as chairman of the international negotiations in Geneva on the future convention on chemical weapons and as a leading actor on the control and verifications talks on the Biological Weapons convention, had worked with them over many years. They were laboratory chiefs and/or seasoned scientists in their field. These mostly middle-aged men and women were devoted to bringing their professional experience and scientific skills to the task of detecting and eliminating Iraq's prohibited capabilities in their field of expertise. The expertise on missile issues was not surprisingly limited to a few major states like US, Russia, UK, France and Germany (with its special knowledge and insights about the SCUD-missile, the foundation element for Iraq's missile system). All these seasoned specialists were responsible and mature but had no intention to capitulate for Iraq's threatening and evasive postures.

Little could be known about the quality of the UNMOVIC inspectors, who operated for a period of less than four months (!) inside Iraq compared to the slightly less than 8 years of UNSCOM inspections. As described UNSCOM inspectors were handpicked from the most outstanding national laboratories and negotiating teams, while UNMOVIC staff were provided by governments in accordance with normal UN procedures. The little time left for UNMOVIC's operations in Iraq meant that the activities rather had character of site visits than of in-depth inspections, the hallmark of the UNSCOM operations. UNMOVIC had not, as UNSCOM, access to the high altitude reconnaissance aircraft, the operations of which were directed by the Executive Chairman. The U2 operation made it possible for UNSCOM to obtain its own high resolution pin point pictures of

facilities of interest or with the use of sweep camera cover large areas of Iraqi territory for detection of construction activities. UNSCOM had stationed with its local headquarter in Baghdad helicopters (German and Chilean operated) which made it possible to access suspect facilities with hardly any warning time. In its Baghdad office UNSCOM had established a high quality laboratory which made immediate identification of chemical and biological sampling possible. Major production facilities with potential missile, chemical, biological and nuclear component capabilities were subject to constant remote camera surveillance with a central monitoring in the UNSCOM Baghdad office. These are just a few examples of the operational systems supporting the elite team of UNSCOM inspectors, presented with the aim of providing the reader of this paper with an understanding of the complexity of UNSCOM operations so clearly missing in the oral presentations to the Inquiry Commission.

To the overall picture must be added that Iraq during the first three years of the UN inspection activities refused to accept the establishment of the monitoring system which had been decided upon by the Security Council in the cease-fire resolution in April 1991, subsequently developed by UNSCOM and in detail approved upon in resolution 715 adopted in October 1991. Thus the monitoring system could not be fully operational until early 1995 due to Iraq's obstructions.

Intelligence

Intelligence is another topic of which my colleague (Hans Blix) has demonstrated scant or no understanding or insight as regards the work of UNSCOM. Already in April 1991 I approached in writing some 40 Member States to provide the Special Commission with the information they had available as regards prohibited items in Iraq and any other data with relevance for the implementation of the disarmament portion of the cease-fire resolution. Very little was forthcoming with the exception for a couple of significant pieces of data from the US. The most important of these was the identification of a building in central Baghdad where quantities of documentation concerning the nuclear weapons programme were hidden. The inspection of that building led to the famous parking lot incident where a number of inspectors were locked in for a four days period until I as Executive Chairman, helped by a strong backing of the Security Council, negotiated their release, together with the captured documents. The reason for mentioning this event, among many other threatening challenges, is the crisis that developed between UNSCOM and the US government, when the Chairman prohibited any communication between (American) team members at the parking lot and US authorities, maintaining that all reporting from inspections should exclusively be directed to the UNSCOM headquarter in the UN building in New York. This reflected the policy that all UNSCOM staff, including inspectors were prohibited from reporting to any national authority. All such communications should go through the Executive Chairman, which also from that moment on became the *modus operandi* for UNSCOM.

What is important in this context is that little actionable intelligence was forthcoming from governments after the document information that had led to the parking lot incident. Instead it was the fallout from the inspections which generated new information. Thus every inspection report prepared by the scientists and experts of the inspection field team became subject to close analysis by the weapons experts inside the UNSCOM headquarter in New York and by the special intelligence analysis group (Information Assessment Unit) at the UNSCOM headquarters. These findings could then be part of the operational planning for the following inspections. The composition of every inspection team was always carefully calibrated to correspond to the skills needed for the upcoming inspection. Thus it was not any "deus ex machina" that led to the remarkable success of the disarmament of Iraq as regards the biological weapons, a capability that the Iraqi government insistently had denied. In spring 1995 I could report to the Security Council that in spite of Iraq's denials UNSCOM's scientists (among them, David Kelly) had broken the BW secrets. In July Iraq reluctantly admitted to these findings. This did not prevent

governments, including the US to insist that it was the defection in August 1995 by Iraq's top official in the WMD field, general Hussein Kamal (Saddam's son-in-law), that was the cause of the surprising disclosures. The real order of events was important as it demonstrated again that a systematic inspection activity with smart scientists could detect what many thought was undetectable, a secret BW programme.

Concerning the little governmental intelligence provided to UNSCOM, the policy I established was that such pieces of information were handed over to the Information Assessment Unit which could put the data in the context of the overall picture. If the information were actionable my policy was that the providing government could be informed about the use of the info on the principle of "need to know", mostly to help the government to assess the quality of its own intelligence.

Inspectors' Access

Matters of access to sites for inspection were a constant source of tension and complications. According to resolution 707 (1991) Iraq should provide immediate, unconditional and unrestricted access to the items UNSCOM and the IAEA Action wanted to inspect. This was easier said than done. The unarmed inspectors could not force an entry if they were blocked by Iraqi military personnel. It remained for UNSCOM to notify the Security Council which could do not much more than at worst declare a material breach of the cease-fire and threaten military action. It goes without saying that only the US (and possibly the UK) at a couple of occasions appeared ready to intervene with bombing operations. But such an eventuality could not help UNSCOM to find the material or implement its search operation which for us were more important than military strikes against Iraq. In the context of such a bombing threat in 1996 I developed, together with the Iraqi prime minister Tariq Aziz, modalities for functioning access for inspectors, which guaranteed realization of inspections of what Iraq called sensitive sites (Presidential Palaces etc). The modalities implied some delay of access but without compromising control of the facility (entrance/exit and aerial helicopter surveillance). This was welcome by all the Security Council members with the exception of the US/UK.

During 1998, the last year of UNSCOM operations in Iraq, efforts by inspection teams to gain access to presidential palaces caused political tensions and ultimately contributed to the end of UNSCOM. As I had left the Commission already in 1997 I had no inside information about the suspicions which motivated the targeting of such Palaces. Considering the requirement of respect for Iraqi sovereignty I felt as Executive Chairman that inspections of Palaces should be undertaken only if concrete data strongly motivated inspection of such targets. Personally I had little belief that Saddam Hussein would have been attracted by the idea of keeping WMD sensitive material in his private residences. Events proved that this assumption was correct.

The End of UNSCOM and the Beginning and End of UNMOVIC

The clout of UNSCOM was based upon the unity of the Security Council in its support for disarmament and monitoring. However that unity started to deteriorate in 1998 as a consequence of Iraq's skillful playing upon the concerns as regards the effect of sanctions upon the living standard of the Iraqi population. Without a unity in the Council, Iraq was able to engineer the blocking of UNSCOM from the country after the 1998 bombing campaign by the US/UK. Instead of putting the heat on Iraq to readmit UNSCOM the Council turned against UNSCOM and dissolved the arguably most successful inspection regime in disarmament history. Instead the Council created UNMOVIC with the implicit understanding that this organization should focus more upon monitoring than investigation and thus be palatable to the Iraq regime. To me the most disturbing consequence of this action was that therewith the Security Council discarded a team of profound understanding of

Iraq's WMD capability and unsurpassed scientific skills in disarmament affairs acquired during 8 years of work inside Iraq. The new UNMOVIC team had to start from scratch in this respect. Ironically it was the British Government and its Foreign Secretary Robin Cook that enforced the dissolution of UNSCOM and its replacement with UNMOVIC and that in spite of American doubts and hesitations. As an observer of the establishment of UNMOVIC in the place of UNSCOM I can only note that UNMOVIC during its life span from December 1999 to the outbreak of the Iraq war in 2003 operated in Iraq during less than four months from 27 November 2002 to 18 March 2003. Compare that to 8 years of UNSCOM's sustained inspection activities! During the three years before their entry into Iraq UNMOVIC personnel had mostly been spending their time devoted to studies of UNSCOM's documentation and to the training of future inspectors. As pointed out the UNMOVIC operations in Iraq had rather character of site visits and not of genuine inspections. Thus no time was given to baseline inspections and time consuming environmental scrutiny, document analysis and interviews with site staff. No integrated operational air (helicopter) support was forthcoming. Site selection was not independent but, according to Blix, inspectors had to tick off lists of facilities provided by the CIA. No operational confidentiality was observed, but inspectors were accompanied by media and other interested individuals.

The Strategic Dossier

In September 2002 IISS issued what it called a strategic dossier containing a net assessment of Iraq's WMDs and probably reflecting British Government's internal evaluation. Later I was invited to make a peer review or an independent assessment of the conclusions contained in the dossier. My scrutiny was published by the IISS in May 2004. My judgment was that the dossier provided policymakers and the public with a sober, thoughtful and fact-based analysis of Iraq's potential WMD capability. However as regards the time frame from December 1998 to September 2002, when no inspections took place I noted that the technical expertise who had apparently drafted the narrative covering the period 1991-1998 had been replaced writers emphasizing political judgments and evaluations of intentions. Concerning the dossier's view on remaining prohibited items I was critical of the given number of ballistic missiles remaining "a dozen or so" contradicting UNSCOM's close to zero 1998. Concerning chemical weapons I expressed serious doubts about Iraq having any stored weapons after UNSCOM's systematic destruction operations 1992-94. Instead I pointed out that Iraq's practice since the war against Iran 1980-88 had been to use only freshly produced warfare agents brought directly to the battlefield in order there to be filled into ammunition, bombs and missiles. Similar doubts I had about biological weapons.

WMDs and the Last Minute Inspections

Therefore my overall conclusion was then and, in hindsight, now, that in the absence of an international weapons control mechanism Iraq could have used its dual use capability in chemistry (having civilian capability for production of pesticides), in biotechnology (having access to bio-protection capabilities, vaccine-production and fermentors) and in the missiles sphere (having shorter range surface to air missiles capable to be modified to surface to surface missiles) to acquire a modest WMD capability. The solution to that was, that as long the Saddam Hussein regime stayed in power, a monitoring system with experienced UNSCOM-type staff could keep Iraqi WMD-ambitions under control. However, fully aware that the WMD-concerns in Washington, London and perhaps elsewhere were so serious that such a solution was not possible, I joined, together with the Carnegie Endowment director Jessica Mathew and retired Pentagon Airforce General Charles Boyd, an initiative in 2002 which we called "Coercive Inspections" designed to deploy "a powerful multinational force, created by the Security Council which could operate in Iraq, thus enabling UN inspectors to carry out inspections". As an alternative to a full invasion of Iraq the initiative caught international attention and among the Security Council members France, Germany and Norway backed the initiative and the UN Secretary-General Kofi Annan gave

the proposal strong support. A few days before the actual start of the invasion of Iraq I and Boyd were invited to the White House (National Security Adviser Hadley) for a last minute detailed discussion with the NSC staff, but it became soon clear to us that the Administration had lost interest in our ideas.

Sanctions and Regime Change

The best selling point for inspections and access was the promise in the Security Council cease-fire resolution 687(1991) contained in op.par 22 and 23 to the effect that when the Council could agree that Iraq had carried out its obligations under the weapons part of the resolution, the sanctions prohibiting inter alia the oil imports from Iraq and the weapons export to Iraq should no longer be in force. Thus I had in 1995 succeeded to convince the Iraqi government to accept the implementation of UNSCOM's country wide monitoring system. When in spring 1997 it started to become clear that it was a matter rather of months than years before UNSCOM/IAEA could report the accomplishment of the WMD disarmament and the monitoring functionally in place, the US government intervened with a speech by Secretary of State Madeleine Albright. In a presentation at Georgetown University the Secretary declared that even if the disarmament provisions of the cease fire resolution would be reported as implemented, the lifting of sanctions could not come into question until Iraq's president Saddam Hussein been removed from power in Iraq. Understandably the reaction in Baghdad became strongly negative, and prime minister Tariq Aziz made it clear to me that from now on it would be close to impossible to convince the president of the value of cooperating with the UN inspectors. This move by the US was from our perspective destructive. To me it was clear that Washington at that time preferred the isolation of Iraq rather than its return to the international community.

The idea of regime change remained and no-one should have been surprised that Iraq to the end in 2003 refused cooperation with the Security Council. That is also the answer to the question put by many why Iraq did not come clean before the war about the fact that it no longer kept any prohibited items. Saddam knew that no matter what he would be forced out and killed.

Terrorism

Iraq under Saddam, a socialist non-sectarian State kept in principle its distance from Islamic fundamentalists, both of Sunni and Shiia brand. Its security and intelligence authorities had to keep a close eye especially on Iran-inspired and funded terrorist networks but also on other extreme terrorist inclined activities. It was therefore interesting when Tariq Aziz in 1995 asked me to approach the White House on his behalf and offer high quality information about activities and planning inside terrorist networks in exchange for a US accommodating attitude as regards the easing of the Security Council sanctions against Iraq. I presented the offer to Tony Lake, the US National Security Adviser. Not surprising did Lake refuse to enter into a deal. But one can only speculate of the preventive implications if Tariq's offer had been accepted.