Well, thank you very much, Mr. Chairman, Senator,

for the invitation to appear. I have had several years of experience

working with UNSCOM both in Iraq at the low levels, high

levels, mid levels, as well as in the Council and in various capitals.

The highlight of the experience I think has been working with

some of the experts who have been my colleagues from around the

world, and they are first-rate. I just wanted to mention that.

At the end of the day, however, UNSCOM was really only partially

successful. We pressed as hard as we could to achieve what

was a very categorical mandate, which is full disarmament and a

monitoring system which will be able to provide assurances to the

world community that Iraq is not reconstituting the systems.

As you can imagine, over the years I have formed a few opinions

about the work and the circumstances under which we have had

to operate. Some of them are presentable, some of them are not.

But let me make a few points.

The first is that this is not arms control we are talking about.

In some sloppy conversations, people will compare what UNSCOM

has been doing with arms control. It is not. It is forced, coercive

disarmament. In arms control, generally you have a multiple of

parties who are engaged in a process which they have agreed to,

which they have agreed is in their own national interests. This is

a circumstance that UNSCOM is in where a war was fought and

the obligation was levied upon Iraq to get rid of these weapons. But

Iraq, as we have learned, steadfastly does not agree that that is in

its national interest.

My second point is just that, that what we have learned is just

how important these capabilities are seen by the regime in Iraq.

The experience has been that they saved them, in a sense, in the

war with Iran, a combination of long-range missiles and chemical

weapons. They used, by our accounting, over 100,000 chemical munitions

in the war with Iran. And Iraq argues, not without merit,

that in the second Gulf war, the fact that they had these weapons

affected the outcome. From the Iraqi perspective, they observed

that Baghdad was not occupied and they could attribute some of

that by their own internal logic to the possession of these weapons.

So, the message, which is not a happy one for nonproliferation advocates,

is that there is utility to these weapons. So, you have to

create some kind of disincentive, an enormous disincentive, to

cause somebody to get rid of them.

The third point I want to make is that UNSCOM, or any organization

which is charged with this responsibility, does not have any

of its own authority, power in Iraq. All of its authority and power

is derivative of the Security Council. Unless the Security Council

is united, forceful, and strong, whatever organization and whoever

leads it is not going to be able to do much in Iraq. And let me tell

you it is pretty lonely out there when you look back over your

shoulder and everybody is looking in the opposite direction.

The fourth point is that since 1990 the consensus that existed in

the Council on the disarmament issue with respect to Iraq has

tended to decay. It has not been a straight path, but it has tended

to decay. This I think is factual degradation. Other issues have

come up. There is concern about sanctions. There is concern about

oil prices. There are internal domestic politics among a number of

nations. What you have is a situation where there is a collective

against a single, very dedicated, unitary actor. And the dynamics

are such that it kind of favors a single, very dedicated, unitary

actor. Iraq’s statements, Iraq’s positions have been absolutely consistent

from 1991 onward. The Council, I dare say, has not been

quite as consistent.

So, I would just like to emphasize that whatever the new organization,

new chairman can do is going to be vitally dependent upon

the Security Council. He can do no more than the Security Council

will forcefully back up and Iraq will permit. That was true for

UNSCOM and it will be true for UNMOVIC and Dr. Blix. So far,

to this point in time, the Security Council has not been able to find

the right mix of carrots and sticks to enforce this element of its resolutions.

Finally, I want to make a comment about the long-term prospects

for credible monitoring. Some comment has been made about

the down side of having a partially effective or an ineffective monitoring

system, and I agree with that. We have done some studying

internally during the time that we were out of Iraq on what would

be required, and what is required to credibly monitor, according to

a performance criteria which says that the new chairman or any

chairman should be in a position that, if Iraq cooperates with the

system, he can make a judgment without Iraqi compliance. In other

words, if he spends 6 months collecting data and Iraq fully cooperates,

then he can make a judgment that Iraq is in major aspects

complying, which is very different from having a system which simply

says, well, during the last 6 months or the last period, we detected

no evidence of violation.

But if you are to do the former, which we had thought was what

was required, it requires a very extensive system, more extensive

than what UNSCOM was able to deploy, with immediate access in

all instances. That is going to be very tough to measure up to, and

the prospects of either Iraq agreeing to that and the Security Council

enforcing that I dare say in my opinion are dubious.

So, I think focusing the issue strictly on the new organization

and strictly on the new chairman is to let the Security Council off

the hook in a sense. Dr. Blix and the organization will do what

they want. If Dr. Blix is receiving from all members of the Council

guidance and suggestions, look, when you get into Iraq, you have

got to be tough, you have got to go to all these national security

organizations, you have got to inspect them, you have got to make

sure that any of these logical places where Iraq would retain these

weapons are clear, then I think you have got one set of circumstances.

But I am not sure he is getting that message.

Thank you very much.

I am grateful for the opportunity to appear before this Committee and discuss the

disarmament issues surrounding Iraq.

I served as Deputy Executive Chairman of the UN Special Commission on Iraq

from 1993 until I resigned effective 1 March 2000. During the period from July 1999

to the arrival of Dr. Hans Blix as the new Chairman of the successor body to

UNSCOM, I was the acting Chairman. I had the pleasure of working with both

former Chairmen Rolf Ekeus and Richard Butler as well as some extraordinarily

talented experts from around the world. We attempted, in Iraq, to achieve the disarmament

and monitoring objectives established for UNSCOM by the Security Council.

It was a fascinating experience—sometimes rewarding, often frustrating, and ultimately,

incomplete. As you might imagine, I have formed some opinions about this

endeavor, which, now that UNSCOM is a discrete historical experience may be appropriate

to share.

UNSCOM was formed in 1991 as part of the cease-fire resolution ending the Gulf

War. The Security Council linked lifting of the oil embargo then in place on Iraq

to strict disarmament and monitoring obligations. I wish to emphasize that this is

not an arms control arrangement entered into by states party to an agreement they

judge in their national interest. Iraq was forced into this position. The disarmament

was to be coercive with UNSCOM and the IAEA to verify Iraq’s full compliance.

What has become apparent over the years is that Iraq considers some weapons of

mass destruction (WMD) capability to be vital to its national security. While

UNSCOM and the IAEA had some important success in reducing Iraq’s WMD capabilities—

despite Iraq’s obstructions and concealment efforts, ultimately, the carrots

and sticks which the Security Council applied were not commensurate with the task

of causing full compliance by Iraq.

Over time, a number of factors contributed to a diminished focus on the disarmament

and monitoring aspects of the relationship with Iraq. The key problem is

that the strong consensus amongst Security Council members to impose the embargo

and sanctions in 1990 when Iraq invaded Kuwait has progressively diminished.

There are many reasons for this including:

At the time of the imposition of the embargo and sanctions, expectations were

that the regime would not long endure. It did and so did sanctions with a progressively

greater impact on the civilian population.

As progress was made in disarmament, some members of the Council measured

the increasing impact of sanctions against the uncertainty of what WMD remained.

The national objectives and priorities of individual Council members have naturally

tended to diverge over time.

Concerns about a double standard were expressed, particularly after nuclear

tests in India and Pakistan.

Internal Council politics and bilateral relations.

Other factors contributed as well to this trend, but the key point is that a single

dedicated unitary actor, Iraq, has a certain advantage in facing a coalition which

will naturally have shifting priorities and objectives amongst its members.

UNSCOM found itself between Iraq and the Security Council with a strict and

categorical mandate. It was tasked to verify that *all* the proscribed weapons and capabilities

were gone and conduct full effective monitoring to assure no reconstitution

of those capabilities. Impatience on the part of the Council grew and manifested

itself in many ways—none helpful to UNSCOM. Political and military actions resulted

in the withdrawal of UNSCOM from Iraq in December 1998. A year later,

the Council, following an initiative of the United Kingdom, voted to replace

UNSCOM with a new body.

There has not been any UN inspection work going on in Iraq since December

1998. A question that is often asked is, ‘‘What do you think Iraq has been doing

in the interim?’’ Before addressing this, it is important to recall that before

UNSCOM withdrew, it reported that it was unable to perform its mandated tasks

under the conditions which Iraq permitted it to operate. The United States and

United Kingdom conducted military operations after UNSCOM reported that the

level of cooperation offered by Iraq was not sufficient to accomplish what the Security

Council required. In other words, when we had inspectors in Iraq, we did not

know fully what Iraq was up to.

During the period since UNSCOM withdrew, its experts continued to study the

data in its archives and continued to receive some limited new information. Nothing

would indicate that Iraq has undergone any radical change of heart with respect to

WMD capabilities. I cannot say definitively that Iraq has a residual missile force

with chemical or biological warheads. I cannot say definitively that Iraq has retained

concealed production capability for Chemical and Biological agent. Nor can

I say definitively that there is ongoing research and development in these areas.

I can say definitively that nothing has changed the assessments in UNSCOM reports

to the Security Council about the incomplete accounts provided by Iraq in each

of these areas. Moreover, the limited information that UNSCOM continued to obtain,

raised more not fewer, questions about Iraq’s compliance. Given Iraq’s past

performance, their clearly stated objectives and extant capabilities, even a moderately

prudent defense planner would have to assume such WMD capabilities exist

in Iraq today.

The future for the new organization, the UN Monitoring, Verification and Inspection

Commission (UNMOVIC), is unclear. The resolution creating UNMOVIC and

its tasks was adopted with four abstentions. Clearly some key members of the Council

had reservations. Dr. Hans Blix has courageously accepted the challenge of leading

this new organization. His task will not be easy as Iraq will perceive that the

Security Council’s unity on this issue is tenuous at best and thus may act with increased

defiance. The path to this new resolution detoured around some big issues

and there was strong debate about the relationship between disarmament, monitoring,

sanctions, and control of Iraqi oil receipts.

What is clear, however, is that UNMOVIC and Dr. Blix will not be able to achieve

any more than what the Security Council strongly and unanimously supports and

which Iraq permits. The degree to which all (or, indeed, any) members of the Security

Council encourage Dr. Blix to conduct intrusive and rigorous inspection work

is uncertain. If he did, prospects for early confrontation with Iraq would be high and

the Council would rapidly have to deal with yet another wrenching debate.

There is another side of the equation. From Iraq’s perspective, what are the carrots

and sticks intended to prod them into accepting the full implementation of rigorous

disarmament and monitoring work? The greatest incentive for Iraq is the

prospect of sanctions being lifted and gaining control over their own oil revenues.

While it could be argued that the suspension of sanctions might be agreed in the

Council, Iraq’s own control of its revenues remains an unlikely prospect. On the disincentive

side, Iraq certainly perceives that it is highly unlikely that the Council

would support military action. Nor is it likely to believe that the United States

would unilaterally conduct a major military campaign on its own if Iraq simply continues

its status quo refusal to cooperate and comply.

Lastly, I wish to make a point on full compliance. UNSCOM attempted extensive

and intrusive disarmament and monitoring inspections. Yet, it still could not verify

the absence of prohibited WMD programs in Iraq. During the period since

UNSCOM’s withdrawal from Iraq, study was given to the requirements for a more

effective monitoring system with a specific performance criterion. This was a system

sufficient to allow a Chairman to make a credible *judgment* about Iraqi compliance

with the Council mandates—not simply report that no evidence of violations had

been detected. The later could be done with a minimal system and could well allow

Iraq to cooperate but not comply resulting in a dangerous outcome of virtual disarmament

and monitoring.

A few important points were evident from the UNSCOM work. One is that a very

extensive and intrusive system with strict requirements for immediate access to all

sites is essential. Second, Iraq must cooperate fully, consistently, and immediately

in all ways. Thirdly, if Iraq does not cooperate fully, then the Security Council must

interpret non-cooperation as non-compliance and have the will to act accordingly.

The Security Council cannot divide over UNMOVIC’s conclusions or second guess

its decisions on inspection targets.

Unfortunately, the experience of UNSCOM does not suggest that the Security

Council will sustain the strong unified will necessary to allow its subsidiary disarmament

organ to achieve the strict mandate. Ultimately, it was much easier to

change UNSCOM than Iraq. Perhaps it simply is asking too much for an international

body with evolving priorities and interests to ensure the long term coercive

disarmament of a nation that clearly has contrary incentives. Historically, the most

proximate comparison to the UNSCOM experience, in my view, was the disarmament

mechanism of the Versailles treaty. The so-called Inter-Alllied Control

Commissions persisted for seven years, but ultimately ceased work in Germany having

only been partially and temporarily successful.

Mr. Duelfer, given the meanderings of the Security Council on

weapons inspections or their lack of desire for confrontation with

Iraq, do you think we really have any chance of an effective inspection

regime under this new organization?

Frankly, no. The process leading up to this new

resolution was one where many members of the Council were argu-

ing over various elements of it, and I think Iraq got a clear message,

that there is not strong consensus in the Council on this. Iraq

is serious. They play for keeps. They can detect weakness, and if

they do not believe that the Council is serious, they are not going

to comply.

The question from the other perspective is what is in it for the

Iraqis. If you are in Baghdad trying to decide, well, should I let all

these inspectors come marching around my country, poking around

all of the organizations we consider very sensitive, what is in it for

me? Well, not much from their perspective. So, frankly, I am not

optimistic that a serious and effective monitoring system is likely

to happen.

I am certainly not in a position to know or, in fact,

to comment on that. That is something between Dr. Blix and the

Security Council. I think they have their own private communications.

I think the public comments which have been

made by various ambassadors have not been of a nature that they

are encouraging a more intrusive system. They are looking more at

the other side of the equation, how they can encourage Iraq to cooperate.

I do not want to be accused of opining above my

pay grade.

What is the objective here? Is it disarmament,

forced disarmament? It is not arms control. I separate myself from

these two gentlemen——

But I think one of the issues is, are we now engaged

in something which is merely a tactic? In which case,

UNMOVIC, Blix, and all are just part of a larger process where

somebody has got their eye on the ball and it is not the disarmament

ball. It is something else. I think that that is in fact the

process we are engaged in right now.

But nevertheless, we have chosen to play this game out in the

Security Council as a stadium. I am not sure that is a great stadium

to play in, frankly, from what I have seen. But nevertheless,

if you do that, you accept a lot of constraints. You have got a lot

constraints because these characters all have different national objectives.

What I am trying to say is over time the consensus on disarmament,

forced disarmament, in Iraq is—you know, they are not

with the United States. I do not know where the United States is.

I feel I know more about the Iraqi policy than I do about the American

policy, frankly.