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Iraq: "Desert Fox" and Policy Developments

This paper examines the build-up to and aftermath of Operation "Desert Fox", the four-day series of air strikes initiated by the US and UK on 16 December 1998. It describes the major developments since February 1998, including the US and British decision to provide support for the Iraqi opposition. It also analyses the current state of policy regarding UNSCOM and the sanctions regime and looks at the effect of the UN "Oil-for-Food" programme on the humanitarian situation in Iraq.

The events prior to February 1998 are covered in Research Paper 98/28 *The Iraq Crisis*, which also contains greater detail on the background to the UN sanctions regime.

Tim Youngs and Mark Oakes

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Summary of main points

Tension between Iraq and the international community over UN weapons inspectors continued during 1998 and early 1999. Under UN Security Council Resolution 687 Iraq is compelled to destroy its weapons of mass destruction (WMD) before the oil embargo and other sanctions can be lifted. In 1991 the UN Security Council established a Special Commission (UNSCOM) to investigate Iraq's development of chemical and biological weapons and missiles, while responsibility for the nuclear programme was handed to the International Atomic Energy Agency (IAEA).

In February 1998 a crisis over access for UNSCOM to presidential sites was resolved through the direct intervention of the UN Secretary-General, after the US and UK threatened Baghdad with military action. UNSCOM returned to Iraq the following month and soon reached agreement with Baghdad on a programme to conclude all outstanding issues within months. Iraq hoped that the programme would result in the lifting of the embargo, but by early August 1998 frustration at the lack of progress led Baghdad to suspend co-operation with the inspectors.

Despite condemnation by the Security Council and the offer of a comprehensive sanctions review, Iraq refused to back down, announcing in late October 1998 that it would halt all co-operation until the embargo was lifted. Washington and London responded by ordering air strikes against Iraq, but military action was averted by a last-minute decision from Baghdad to comply.

Inspectors returned in mid-November 1998, but disputes surfaced over access to documents. In a report to the Security Council in mid-December UNSCOM Executive Chairman, Richard Butler, concluded that Iraq had not provided the full co-operation it had promised. In response, on 16 December 1998 the US and UK initiated four days of air strikes against Iraq. International reaction to the use of force was mixed. Russia denounced the strikes and recalled its ambassadors to Washington and London in protest.

As of 10 February 1999, low-level conflict continues in the No-fly Zones over northern and southern Iraq. Baghdad has repeatedly challenged aircraft patrolling the zones, and British and US forces have responded with attacks on missile and radar sites. Two stray US missiles hit a residential area near Basra in late January, resulting in a number of Iraqi civilian casualties.

The future of UN policy towards Iraq is under discussion in the Security Council, with France and Russia eager to replace UNSCOM with a new system of monitoring Iraq that would allow the oil embargo to be lifted. The United Kingdom and United States hold the view that such a move would reward Iraq for its intransigence and leave insufficient safeguards to prevent Baghdad from reconstituting its programmes to develop weapons of mass destruction. To forge a fresh consensus on how to proceed, the Security Council established three panels to look at disarmament, humanitarian and other issues relating to Iraq. The panels are due to report back to the Council by 15 April 1999.

CONTENTS

I	Developments during 1998	9
	A. Crisis of February 1998	9
	B. Memorandum of Understanding	9
	C. Inspections Resume	10
	D. Iraq Suspends Co-operation with UNSCOM	11
	E. Resignation of Scott Ritter	11
	1. Allegations of Interference in the Work of UNSCOM	11
	2. Allegations of Links between UNSCOM and Israeli Intelligence	12
II	Sanctions and the Oil-For-Food Programme	14
	A. Background	14
	B. Suspension of the Sanctions Review	14
	C. Humanitarian Situation in Iraq	15
	D. Resignation of Denis Halliday	15
	E. Allegations of Misuse of Oil-for-Food Funds	16
III	Build-up to Military Action	18
	A. Iraq Ends Co-operation with UNSCOM	18
	B. Military Action Avoided	18
	C. UNSCOM Returns	19
IV	The State of Iraqi Compliance	20
	A. Access to Documents	20
	B. Chemical Weapons Programmes	21
	1. VX Nerve Agent	21

C.	Biological Weapons Programmes	22
D.	Missiles	23
E.	Nuclear Weapons Programme	23
F.	The "Butler Report"	24
V	Military Action	25
A.	Operation "Desert Fox"	25
B.	Legal Basis for Military Action	25
C.	Involvement of UK Forces	27
D.	Impact of the Air Strikes	29
1.	Battle Damage Assessment	29
2.	Impact on the Iraqi Regime	30
VI	International Reaction	32
A.	Reaction within the Security Council	32
B.	Regional Reaction	33
C.	Position of the United Kingdom	34
VII	Recent Developments	36
A.	Clashes in the No-fly Zones	36
B.	Expansion of the Rules of Engagement	37
VIII	Proposed Changes to UN Policy on Iraq	39
A.	Future Proposals for Sanctions	39
B.	An End to UNSCOM?	39
1.	UNSCOM Executive Chairman Richard Butler	39
2.	Allegations of Links between UNSCOM and US Intelligence	40
3.	Proposed Alternatives to UNSCOM	41
C.	UN Panels Established to Review Policy	42

IX	US and UK Support for the Iraqi Opposition	43
A.	Main Opposition Groups	44
	1. Iraqi National Congress (INC)	44
	2. Supreme Council for the Islamic Revolution in Iraq (SCIRI)	45
	3. Iraqi National Accord (INA)	45
	4. Movement for Constitutional Monarchy	46
	5. Kurdish Opposition Parties	46
B.	Possible Western Support	47
	Appendix 1 - List of Key Targets	49
	Appendix 2 - Memorandum of Understanding	50
	Appendix 3 - United Nations Security Council Resolution 1154	52
	Appendix 4 - United Nations Security Council Resolution 1205	53
	Appendix 5 - IAEA and UNSCOM Reports of December 1998	55
	Appendix 6 - Parliamentary material on Iraq	63

I Developments during 1998

A. Crisis of February 1998

Tension escalated during February 1998, following Iraq's denial of access by UN weapons inspectors to sites believed to be linked to the manufacture or storage of weapons of mass destruction (WMD). The main issue at stake was access to eight so-called presidential sites, which Iraq declared to be out of bounds to inspectors.¹

In response to Iraq's refusal to comply with the inspectors' requests, the United States and United Kingdom threatened Baghdad with a concerted campaign of military action unless full co-operation were resumed. British and American forces in the region were reinforced and brought to a high state of readiness.

Although the international community was adamant that Iraq should resume co-operation with the UN, several countries, including Russia and China, voiced strong opposition to military action, believing the crisis should be resolved by diplomatic means.

Public support for military action was also guarded among the Arab states that had formed an important part of the anti-Iraq coalition in 1990-91. Only two Arab countries, Kuwait and Oman, declared public support for air strikes. Kuwait offered the US and UK the use of bases on its territory and Oman offered its bases for logistical support for any action. The Bahraini Government declared it would not sanction air strikes from its territory, but privately agreed to permit the use of its bases for support operations.

B. Memorandum of Understanding

The crisis was resolved on 23 February 1998 when the UN Secretary-General, Kofi Annan, obtained an undertaking from the Iraqi Government to resume full co-operation with the UN Special Commission on Iraq (UNSCOM) and the International Atomic Energy Agency (IAEA). A Memorandum of Understanding was signed in Baghdad by the Secretary-General and the Iraqi Deputy Prime Minister, Tariq Aziz, in which the Government of Iraq reconfirmed "its acceptance of all relevant resolutions of the Security Council" and undertook "to accord UNSCOM and the IAEA immediate, unconditional and unrestricted access."² Under the terms of the Memorandum, a special group of senior diplomats was assigned to accompany UNSCOM and IAEA members during the inspection of the eight disputed presidential sites. The Memorandum also noted that the lifting of sanctions was of "paramount importance to the people and Government of Iraq"

¹ For more information on the crisis of February 1998 see Library Research Paper 98/28 *The Iraq Crisis*, 16 February 1998

² "Memorandum of Understanding between the United Nations and the Republic of Iraq", 23 February 1998 See Appendix 2 for the full text.

and the Secretary-General undertook to "bring this matter to the full attention of the... Security Council."

The UN Security Council endorsed the Memorandum of Understanding in Resolution 1154 of 2 March 1998 and warned that any violation of the agreement would have the "severest consequences for Iraq".³ Washington and London had pushed for a more explicit threat, but met with resistance from the other permanent members. There was also a dispute within the Council over the precise meaning of the term "severest consequences" with the United States maintaining that the Resolution provided the authority to act in the event of further Iraqi non-compliance. Russia insisted, however, that the resolution was "not an automatic green light to use force".⁴ The UN Secretary-General, Kofi Annan, also stated that the US should hold "some form of consultations with the other members [of the Security Council]" before any military action was launched.⁵

C. Inspections Resume

On 5 March 1998 UNSCOM inspectors returned to Iraq and carried out a number of inspections of sites, without hindrance. The UNSCOM Executive Chairman, Richard Butler, welcomed the "new degree of co-operation", and declared:

I am optimistic that during this calendar year we will make significant advances towards the end of the disarmament phase in the missile and chemical fields.⁶

However, question marks remained over access to the presidential sites, after the initial inspections found that all the rooms had been stripped bare of files, personnel and even furniture.⁷ The Iraqi Government claimed it had not agreed to any further inspections of the sites, whereas inspectors believed the initial visits had only served to establish the right of access prior to future visits.

In mid-June 1998 it was announced that agreement had been reached between Baghdad and UNSCOM over a two-month work schedule, laying out the remaining disarmament issues that needed to be addressed before all the files on Iraq's weapons programmes could be declared closed. The Iraqi deputy foreign minister, Tariq Aziz, expressed his approval of the agreement, saying:

In a sense it is a breakthrough. It is specific in its nature, very precise... We have always complained that Unscm did not specify exactly, precisely, what are, in their view, the few remaining issues before closing all the files.

³ See Appendix 3 for the full text of UN Security Council Resolution 1154 (1998)

⁴ *Financial Times*, 4 March 1998

⁵ *ibid*, 9 March 1998

⁶ *ibid*, 27 March 1998

⁷ *Daily Telegraph*, 18 April 1998

D. Iraq Suspends Co-operation with UNSCOM

In spite of the declarations of co-operation, relations between UNSCOM and Baghdad began to deteriorate during late June and July 1998, following allegations that Iraq had sought to conceal the extent of its programme to develop and weaponise VX nerve agent.⁸ Iraq claimed the allegations were fabricated by UNSCOM in an attempt to delay the lifting of sanctions and insisted it had provided all the necessary evidence on the weapons programmes.

Talks between Baghdad and UNSCOM on the next stage of the inspection process broke down in early August, despite indications from UNSCOM that work was almost complete on both the missile and chemical weapons files. On 4 August Tariq Aziz demanded that Richard Butler should report to the UN Security Council that the disarmament process was complete, but the UNSCOM chief executive refused, saying he did not have sufficient evidence to make such a declaration.

The following day Iraq announced it was suspending all co-operation with UNSCOM and the IAEA inspection teams and restricting monitoring activities to existing sites. In contrast to the rhetoric of the February 1998 crisis, the international response to the Iraqi decision was relatively muted. The UN Security Council declared the move to be "totally unacceptable", but London and Washington sought to play down the crisis, believing Iraq had created the dispute in order to provoke a split in the Security Council over how to respond.

E. Resignation of Scott Ritter

1. Allegations of Interference in the Work of UNSCOM

On 26 August 1998 UNSCOM inspector Scott Ritter resigned in protest at what he perceived to be a weakening of US and UK policy towards Iraq. Mr Ritter, a former intelligence officer with the US Marine Corps, joined UNSCOM in the autumn of 1991 and played a key role in developing a more proactive approach to UN arms inspection in Iraq.

In his resignation letter Mr Ritter accused the United States and the United Kingdom of putting pressure on UNSCOM to abandon planned intrusive inspections of controversial sites, so as to avoid a fresh confrontation with Iraq. He declared that Washington and London were pushing UNSCOM "towards something that would produce the illusion of arms control rather than our stated policy of disarming Iraq."⁹ He also accused the UN Secretary-General, Kofi Annan, of acting as a "sounding board" for Iraqi complaints and

⁸ For more detail on the issue of VX nerve agent see Section IV B below

⁹ *Sunday Telegraph*, 27 September 1998

claimed that the failure of the Security Council to punish Iraq for its decision of 5 August to suspend co-operation with UNSCOM constituted "a surrender to the Iraqi leadership":

The issue of immediate, unrestricted access is, in my opinion, the cornerstone of any viable inspection regime, and as such is an issue worth fighting for. Unfortunately, others do not share this opinion, including the Security Council and the United States.¹⁰

US Secretary of State Madeleine Albright dismissed the allegations and claimed Mr Ritter did not "have a clue" about the overall policy towards Iraq, arguing that the United States had in fact been the "strongest supporter of UNSCOM."¹¹ US officials admitted in private that Washington and London had sought to control the pace of confrontation with the aim of keeping other members of the Security Council on board. According to one administration official:

We're learning that this is a marathon race and we cannot threaten military action every time Saddam Hussein rattles his cage.¹²

In a number of interviews following his resignation Scott Ritter made a series of further allegations, saying he believed Kofi Annan had secretly promised Baghdad that intrusive inspections of the disputed "presidential sites" would take place only once within a four-month timeframe. If true, such a deal would have effectively created safe havens for the Iraqis to hide weapons and material.¹³

2. Allegations of Links between UNSCOM and Israeli Intelligence

Mr Ritter also revealed details of alleged links between UNSCOM and Israel's military intelligence service, Amam. He claimed that contact was established between the then UNSCOM Executive Chairman, Rolf Ekeus, and Amam in the spring of 1994. Information passed to UNSCOM allegedly included a tip-off that led to the discovery of Iraqi attempts to reconstitute its missile programme by smuggling gyroscopes for missile guidance through Jordan.

Amam also apparently indicated that the inspectors should pay closer attention to the Special Security Organisation (SSO) responsible for Saddam Hussein's personal security. It transpired that the SSO were tasked with a dual mission of protecting the Iraqi leader and concealing Iraq's weapons programmes from UNSCOM. The revelation prompted a change in strategy on the part of the inspectors from searching for concrete proof of Iraq's weapons programmes to concentrating on uncovering proof of Iraq's attempts to hide its

¹⁰ *Irish Times*, 28 August 1998

¹¹ *Associated Press*, 1 September 1998

¹² *Guardian*, 28 August 1998

¹³ For more detail on Scott Ritter's allegations see "Scott Ritter's Private War", Peter J. Boyer, *The New Yorker*, 9 November 1998

arsenal. The new strategy required access to high quality intelligence and Mr Ritter claimed that he and Mr Ekeus negotiated a deal whereby photographs, taken by US U-2 reconnaissance planes used to assist UNSCOM, were passed to the Israelis for analysis.

With the assistance of Israeli, British and US intelligence, UNSCOM sought to break through the Iraqi pattern of concealment, but were hampered, according to Mr Ritter, by growing obstructionism on the part of Baghdad and a lack of support in the Security Council for military action to enforce compliance.

II Sanctions and the Oil-For-Food Programme

A. Background

The sanctions imposed on Iraq under UN Security Council Resolution 661 of 1990 constitute the most wide-ranging regime of economic sanctions ever adopted by the United Nations. The embargo affects the import and export of all commodities and products including oil, weapons and other military equipment, but does not extend to supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs, which are subject to scrutiny by the Security Council's Resolution 661 Committee.

Nonetheless, concern over the deteriorating humanitarian situation in Iraq led the Security Council in 1991 to propose granting permission for Iraq to sell a certain proportion of its oil to finance the purchase of humanitarian supplies. Initially, Baghdad refused, claiming the plan was an infringement of Iraqi sovereignty, but following some modifications under Resolution 986 of 1995, Iraq eventually agreed to implementation of the so-called Oil-for-Food scheme in early 1996. 66 per cent of the revenue generated by the sale of oil every six months can be used for the purchase of humanitarian supplies, with the remainder allocated to the UN Compensation Fund and the running costs of both the programme and UNSCOM.

On 20 February 1998 the UN Security Council passed Resolution 1153, authorising an increase in the amount of oil Iraq could sell every six months from US\$2 billion to US\$5.2 billion, with US\$3.4 billion allocated to humanitarian supplies. In April 1998, however, experts reported that the low oil price and the poor state of the Iraqi oil industry were preventing Iraq from reaching the required capacity, leading the Security Council to authorise the import of oil industry spare parts and equipment under Resolution 1175 of 19 June 1998.

The British Government played an important role in drafting and co-sponsoring Resolution 1153 and hosted several meetings during 1998 to consider how the effectiveness of humanitarian aid to Iraq could be improved.¹⁴

B. Suspension of the Sanctions Review

On 9 September 1998 the UN Security Council adopted Resolution 1194, condemning the decision by Iraq of 5 August to suspend co-operation with UNSCOM and the IAEA. The Council also decided not to conduct the six-monthly review of sanctions scheduled for October 1998, or any further reviews, until Iraq rescinded its decision.

As a potential incentive to Baghdad, the Resolution offered the prospect of a comprehensive review of the state of Iraqi compliance if co-operation were resumed. Iraq

¹⁴ *FCO Daily Bulletin*, 17 April 1998

was initially keen on the idea of a review, believing it would accelerate the lifting of sanctions by demonstrating that most of the requirements had been met. However, it soon became clear that the United States had refused to include in the terms of the review any reference to paragraph 22 of Security Council Resolution 687, which stipulates that the oil embargo would be lifted once Iraq was declared free of WMD.¹⁵

Baghdad declared the terms of the review to be too restrictive and refused to co-operate. Iraqi Deputy Foreign Minister Tariq Aziz said on 28 September 1998:

The idea of a comprehensive review is not a reward to be given to Iraq and then Iraq has to make concessions before such a review takes place. When the review is conducted in an honest and professional manner, we hope that it will lead to the lifting of sanctions.¹⁶

C. Humanitarian Situation in Iraq

Disquiet over the humanitarian situation prompted growing calls during 1998 for an easing of the oil embargo against Iraq. Most commentators agree that the general Iraqi population has suffered a humanitarian crisis in recent years, although the full extent of that crisis is open to some discussion. Specialists with the World Health Organisation believe that the death rate among children under five has tripled since 1990,¹⁷ and a 1997 UNICEF report indicated that 27.5 per cent of children under five were malnourished.¹⁸ Precise figures are difficult to obtain and many reports are based on extrapolations from smaller surveys or rely on Iraqi sources for information, but most commentators agree that at least 200,000 people of all ages have died.¹⁹ Some reports place the figure close to one million deaths.²⁰

D. Resignation of Denis Halliday

In October 1998 the UN Assistant Secretary-General and Chief UN Relief Co-ordinator for Iraq, Denis Halliday, resigned in protest at the impact of sanctions on the Iraqi population. Following his resignation Mr Halliday, who took over the post with responsibility for Iraq in September 1997, said:

The sanctions were failing in the purposes they were set up for back in 1990-91. They weren't leading to disarmament and, second, the cost of sanctions was completely unacceptable - killing 6-7,000 children a month. Sustaining a level of malnutrition of about 30 per cent for children under five leads to physical and

¹⁵ *Financial Times*, 6 November 1998

¹⁶ *ibid*, 29 September 1998

¹⁷ *Independent*, 21 April 1998

¹⁸ *Reuters*, 29 May 1997

¹⁹ "Trouble in the Gulf: Pain and Promise", George A. Lopez and David Cortright, *Bulletin of the Atomic Scientists*, May/June 1998

²⁰ "Letters: Agony of the Innocents", *Bulletin of the Atomic Scientists*, September/October 1998

mental problems. It's incompatible with the UN Charter, with the Convention on Human Rights, with the Convention on the Rights of the Child and probably with many other international agreements. I just found that impossible to accept as the head of the UN in Iraq.²¹

In a speech at Harvard University on 5 November 1998 Mr Halliday said sanctions were causing significant disruption to Iraq society and family life. The devaluation of the Iraqi dinar had wiped out savings and fuelled corruption and begging.

He maintained that the current sanctions regime was not affecting the Iraqi leadership, which remained insulated from the humanitarian plight of the general population. Furthermore, hopes among some UN member states that sanctions would bring about positive political change in Iraq were, in his view, misguided. Instead, he asserted that sanctions had a counterproductive effect by isolating Iraq from the world and breeding political fanaticism and a deep-seated resentment of the West.

He concluded by stating his belief that to continue economic sanctions would be to "disregard the... very moral leadership and the credibility of the United Nations itself." He advocated the lifting of the current oil embargo, but insisted that disarmament monitoring and the control of international arms sales should remain in place.²²

E. Allegations of Misuse of Oil-for-Food Funds

The extent to which UN sanctions are directly responsible for the decline in public health in Iraq is disputed by some officials and commentators. Washington and London often make the point that the UN economic sanctions of 1990 do not prevent the import of medical or other humanitarian supplies. Paragraph 3 (c) of Security Council Resolution 661 states that the embargo does not include "supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait".²³ The US and British Governments have often claimed that Iraq is abusing the system to obtain non-essential luxury items. Foreign Secretary Robin Cook stated on 2 November 1998:

...there is a simple remedy for the dire situation of some children in Iraq. It lies in the hands of Saddam Hussein. He could use the oil that he is smuggling out to maintain his elite and his programmes of weapons of mass destruction and put it into the oil-for-food programme, on which he has continually failed to meet the targets. Those resources could be used to meet the needs of his people instead of the needs of his military machine.

²¹ *Middle East International*, 13 November 1998

²² "Why I resigned my UN post in protest of sanctions", Speech by Denis Halliday at Harvard University, Cambridge, Massachusetts, 5 November 1998

²³ *S/RES/661 (1990)*

We have closely monitored the food and medicines going into the country. They are exempt from sanctions. There have never been sanctions on medicine. At the same time as there are complaints that there are not sufficient antibiotics in Iraq to treat the children, Saddam Hussein has imported specialist surgical equipment to carry out cosmetic surgery on those around him. Those are his priorities, and he is to blame for the suffering of the children.²⁴

According to documents obtained from the UN Sanctions Committee set up under Security Council Resolution 661, items requested by Iraq include liposuction machines, a teeth-whitening laser and silicone breast implants.

There have also been reports of frequent sanctions busting. The two main routes are overland to Turkey and by sea through the Gulf, in violation of the UN maritime blockade. During 1997 it was estimated that as much as 150,000 tonnes of oil a month were passing through the sea route. It is claimed that smugglers are able to circumvent the blockade by using Iranian territorial waters, although Iran denies this is the case. The oil is then sold throughout the Gulf - often in the United Arab Emirates. The cheap price of contraband oil has made it highly attractive to a number of customers, with discounts of up to \$50 per barrel on the international market price.²⁵

It is believed that Baghdad uses the revenue from the illegal oil to finance its armed forces and intelligence services. Western intelligence agencies allegedly uncovered evidence in early 1998 that up to 200 four-wheel-drive vehicles were delivered to Iraq for use by the Special Republican Guard, which is responsible for the protection of President Saddam Hussein. During Operation "Desert Fox" in December 1998 US planes targeted an oil refinery near the southern city of Basra, on the basis that it was involved in producing oil in violation of the embargo.

²⁴ HC Deb 2 November 1998, c708

²⁵ *Jane's Intelligence Review Pointer*, April 1998

III Build-up to Military Action

A. Iraq Ends Co-operation with UNSCOM

UN Secretary-General Kofi Annan held direct talks with Iraqi officials during early October 1998 in an attempt to resolve the impasse over weapons inspections, but failed to make progress. On 31 October Iraq's ruling Ba'ath party and Revolutionary Command Council declared an end to all co-operation with UNSCOM and the restriction of the IAEA to monitoring activities only.

On 5 November the UN Security Council adopted Resolution 1205, condemning Iraq's decision as a "flagrant violation of resolution 687 [the so-called cease-fire resolution of 1991] and other relevant resolutions", and demanding that Iraq provide "immediate, complete and unconditional co-operation" with UNSCOM and the IAEA.²⁶ The possibility of a comprehensive review of sanctions was kept open to encourage Iraq to comply.

During the following week US and British ministers and officials toured the Gulf region for consultations with Arab governments, warning that force would be used if Iraq continued to refuse to co-operate. Tension in the region increased further on 11 November 1998 when it was announced that all UNSCOM personnel had been withdrawn from Iraq on the recommendation of the United States.

Mr Annan and Arab leaders urged Iraq to find a diplomatic solution to the crisis, and a statement by eight Arab states, including Egypt, Saudi Arabia and Syria, warned President Saddam Hussein that he would be "solely responsible" for the consequences of his non-compliance.²⁷

B. Military Action Avoided

On the afternoon of 14 November the American and British Governments authorised "substantial military action" against Iraq and an initial wave of strike aircraft was launched. Simultaneously, the Special Representative of the UN Secretary-General in Baghdad, Prakash Shah, was involved in a last-ditch attempt to find a diplomatic solution by providing Iraq with a face-saving formula. Although Kofi Annan could not personally attempt another mediation mission to Baghdad without Security Council authorisation, he insisted on sending a personal letter to the regime in Baghdad through his Special Representative, stating his conviction that "Iraq [should] be allowed to join the community of nations free of sanctions."²⁸

²⁶ *UNSCR 1205 (1998)*

²⁷ *Financial Times*, 13 November 1998

²⁸ *ibid*, 17 December 1998

Just hours before the first strikes were due, the response from Baghdad arrived, declaring that Iraq was willing to comply with UN demands. Upon receiving further clarification from Iraq that it agreed to comply unconditionally and to rescind its earlier decisions to halt co-operation, the US and UK called off the strikes, but warned that their forces would remain ready to act.

It is claimed that news of Iraq's decision to back down provoked a dispute within the US administration over how to proceed. The *Washington Post* alleged that Secretary of State Madeleine Albright, Defense Secretary William Cohen and Chairman of the Joint Chiefs of Staff General Hugh Shelton were in favour of proceeding with the planned strikes, but were overruled by President Clinton on the advice of his National Security Advisor, Samuel Berger.²⁹

President Clinton indicated on 15 November that, although the United States and United Kingdom had the military capability to degrade significantly Iraq's capacity to develop WMD, he recognised that air strikes would "mark the end of UNSCOM", leaving the UN with "no oversight, no insight, no involvement in what is going on within Iraq."³⁰

Nonetheless, both London and Washington declared that further Iraqi non-co-operation would provoke an immediate military response without warning or negotiation. Furthermore, both Governments expressed their eagerness to see the regime of President Saddam Hussein overthrown. Foreign Secretary Robin Cook said on 16 November:

I don't think there is anybody in the world who would disagree that it would be very helpful if Saddam Hussein had gone and that we had a different regime in Iraq which was rational and with whom we could negotiate sensibly on behalf of the world community.³¹

The Iraqi regime claimed in response that the US and UK were violating the UN Charter by interfering in the affairs of a sovereign state.³²

C. UNSCOM Returns

UNSCOM inspectors returned to Iraq on 17 November 1998, with the UNSCOM Executive Chairman, Richard Butler, declaring that full Iraqi co-operation would enable the inspectors to complete their work on chemical weapons inside two to three months, before long-term monitoring could be put in place. Work on biological weapons would take longer, but the IAEA indicated that it was close to completing inspection work on

²⁹ *Congressional Quarterly Weekly*, 21 November 1998

³⁰ *Financial Times*, 16 November 1998

³¹ *Times*, 17 November 1998

³² For more detail on US and UK support for Iraqi opposition groups, see Section IX below

nuclear weapons, prior to long-term monitoring.³³ The following section outlines what is known about the current state of Iraqi compliance.

IV The State of Iraqi Compliance

The issue of Iraq's compliance with UN Security Council Resolution 687 remains open to debate. Under Resolution 687, the UN Security Council:

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:
 - (a) all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;
 - (b) all ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;...

12. *Decides* that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above;

Most western experts are convinced that Iraq still possesses weapons of mass destruction, although the precise extent of the remaining programmes is far from clear. Furthermore, there is some confusion as to what would constitute complete compliance on the part of the Iraqi regime. Mr Butler acknowledged in June 1998 that it might never be possible to achieve 100 per cent verification of the destruction of Iraq's WMD programmes, potentially leaving a "black hole".

A. Access to Documents

In an attempt to clarify a number of outstanding issues relating to chemical and biological weapons and missile programmes Mr Butler wrote to the Deputy Prime Minister of Iraq, Tariq Aziz, on 17, 18 and 19 November 1998, requesting access to a selection of documents. One of the documents, an airforce log book, was believed to provide vital information on the consumption of chemical munitions during the Iran-Iraq war of 1980-1988. Inspectors briefly examined the document during a search of an Iraqi Air Force base in July 1998, but were prevented from taking a copy. Another document, a memo to the Iraqi leadership written in 1991, was understood to detail the chemical and biological munitions that had survived the 1991 Gulf conflict.

³³ *Financial Times*, 16 November 1998

Iraq responded by claiming UNSCOM was deliberately making provocative demands to prolong the embargo. It stated that some of the requested documents did not exist but suggested that others be examined "in the presence of the personal representative" of the UN Secretary-General.

B. Chemical Weapons Programmes

Considerable progress has been made in verifying the full extent of Iraq's programme to develop chemical weapons, although several issues need clarification, primarily relating to mustard gas artillery shells, aerial bombs and VX nerve agent. According to the October 1998 UNSCOM report, the Commission was unable to verify that Iraq had unilaterally destroyed all mustard gas munitions as claimed, and nor was the Commission able to account fully for the five hundred R-400 aerial bombs Iraq claimed to have destroyed.³⁴

1. VX Nerve Agent

In June 1998 evidence emerged of Iraqi attempts to conceal the full extent of its programme to develop the nerve agent VX, which acts by blocking normal nerve function, paralysing the respiratory muscles. Iraqi officials denied the existence of the programme until early 1997 when Baghdad admitted it had tried to develop VX, but declared it had unilaterally disposed of the equipment used and destroyed the production facility. Furthermore, Iraq claimed the programme was at a developmental stage and strenuously denied that it had developed the capability to deploy VX in missiles.

UNSCOM carried out a series of inspections of the VX disposal site in early 1997 and samples were taken away for analysis at a laboratory in the United States. Initial results confirmed that traces of VX nerve agent were present at the site but further investigation was required to determine the extent of the programme. In April and May 1998 tests were conducted on missile warhead fragments, taken from another site, to verify Iraq's claim that it had not succeeded in mounting VX on missiles. According to Iraq, half the warheads in question had been filled with biological warfare agents and the other half had been filled with various alcohols.

In June 1998 the US laboratory reported the results of the tests on the "alcohol-filled" missile fragments to UNSCOM, finding VX degradation products, similar to the chemicals taken from the VX disposal site, in some of the samples. Iraq accused the United States of fabricating the results to prolong the inspection regime.

Further laboratory analyses were commissioned in the United States, Switzerland and France to test other samples from different fragments of the same warheads. The results

³⁴ "Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) of resolution 687 (1991)", *S/1998/920 (1998)*, 6 October 1998

of the second set of tests from the US laboratory showed no chemical-warfare-related chemicals, although other chemicals known as degradation products of a decontamination compound were identified in some of the samples.

The results of the tests conducted by French laboratories showed the presence of a degradation product of nerve agent, although the French experts noted that the product could also originate from other compounds such as detergents. According to UNSCOM, the Swiss laboratory did not find any chemical-warfare-related chemicals, although both the Swiss and French tests did discover chemicals known to be degradation products of a decontamination compound. The presence of such degradation products appears to conflict with Iraq's claim that the warheads had been in contact only with alcohols.

A group of international experts met on 22 and 23 October to consider the findings of the laboratory tests. The experts confirmed the conclusions of the US laboratory that the warhead fragments did display traces of VX nerve agent and reported its findings to the Security Council through Mr Butler.³⁵ The report concluded:

The existence of VX degradation products conflicts with Iraq's declarations that the unilaterally destroyed special warheads had never been filled with any chemical warfare agents.³⁶

Iraq disputed the evidence, claiming that the United States had deliberately tampered with the warhead fragments.

C. Biological Weapons Programmes

The main question mark over Iraq's WMD capability relates to biological weapons. Iraq admitted the existence of a biological weapons programme only in 1996, following the defection of General Hussein Kamel, Saddam Hussein's brother-in-law and former head of Iraq's Ministry of Industry and Military Industrialisation.

In July 1998 a meeting of international experts was held to assess Iraq's claim to have provided full disclosure of its biological weapons programme. Each component of the programme was examined, including weapons munitions, weapons agents and growth media. Iraq claimed to have deployed both anthrax and botulinum toxin on Al Hussein missiles (locally modified Scud missiles with greater range), but provided differing accounts of how many missile warheads had been filled with each agent. Iraq also declared it had developed the ability to deploy biological agents by means of aerial bombs, drop tanks and aerosol generators, but the international experts were unable to verify this. Furthermore, the meeting declared it was unable to verify the full extent of

³⁵ "Letter dated 26 October from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council Resolution 687 (1991) addressed to the President of the Security Council", *S/1998/995*, 26 October 1998.

³⁶ *ibid*

the development of biological agents and growth media and concluded that no further progress would be possible until Iraq provided more substantive information.

According to a British UNSCOM inspector:

We still don't know all the people involved in the BW [Biological Weapons] programme - we haven't even identified the head of the programme - and I for one believe we have only seen a slice of it. In all its other weapons programmes, Iraq has followed multiple routes with multiple teams. We can't prove it's the same with BW, but we're worried.³⁷

D. Missiles

UNSCOM believes it has accounted for 817 of the 819 Soviet-origin Scud missiles declared by Iraq, but due to the indigenous aspect of the missile programme it is unclear whether Iraq has been able to conceal a small number of domestically built missiles.³⁸ With regard to missile propulsion and guidance, the Commission considered that additional verification work would be necessary. During talks in Baghdad in early August 1998 the UNSCOM Executive Chairman detailed the areas in need of further clarification, but Iraq refused to accept the proposals.³⁹

E. Nuclear Weapons Programme

Since 1991 the IAEA has made considerable progress in verifying and destroying large parts of Iraq's nuclear weapons programme. As a result, the IAEA report of October 1998 was able to state:

The IAEA has found no indication of Iraq having achieved its programme goal of producing nuclear weapons, or of Iraq having retained a physical capability for the production of weapon-useable nuclear material or having clandestinely obtained such material.

However, the report also warned:

At the same time, the IAEA points out the limitations inherent in a countrywide verification process and consequently its inability to guarantee that all readily concealable items have been found. This situation is not helped by Iraq's lack of full transparency with respect to the provision of certain information regarding the extent of external assistance to Iraq's clandestine programme; the timing and

³⁷ *Independent*, 29 December 1998

³⁸ HC Deb 3 February 1999, c677w

³⁹ "Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) of resolution 687 (1991)", *S/1998/920 (1998)*, 6 October 1998

modalities of the abandonment of that programme; and certain documentation on weaponisation achievements.

Furthermore, the IAEA declared that Iraq's suspension of co-operation during 1998 meant the level of assurance it could give that prohibited activities were not taking place in Iraq was "significantly reduced". It seems likely that Iraq has retained the expertise to reconstitute a nuclear weapons programme and some experts believe that, once free of international supervision, it would be able to restart a full-scale nuclear weapons programme within a matter of months

F. The "Butler Report"

On 15 December 1998 the Executive Chairman of UNSCOM wrote to the UN Secretary-General with an update report on the state of Iraqi compliance since the resumption of co-operation in mid-November.⁴⁰

This report, which became known as the "Butler report", asserted that Iraq's claims to have fulfilled its disarmament obligations could not be accepted without further verification. It stated that the Iraqi Government had provided some clarifications sought by the Commission, but that in general Iraq had "not provided the full co-operation it promised on 14 November 1998." Moreover, the report concluded: "Iraq's conduct ensured that no progress was able to be made in either the fields of disarmament or accounting for its prohibited weapons programmes."

The report is included as Appendix 5.

⁴⁰ "Letter from the Executive Chairman of UNSCOM to the Secretary-General of the United Nations", 15 December 1998

V Military Action

A. Operation "Desert Fox"

On 16 December 1998 at around 2200 hours GMT American and British forces initiated military action against Iraq in response to the refusal of the Baghdad Government to comply with United Nations weapons inspectors. The operation ended on 19 December, just prior to the onset of the Islamic holy month of Ramadan, which lasted from 20 December until 19 January 1999.

In a televised address on 16 December President Clinton declared that the action, called Operation "Desert Fox", was "designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction and to degrade his ability to threaten his neighbours."⁴¹ Prime Minister Tony Blair also issued a statement on 16 December, saying:

There is no realistic alternative to military force. We are taking this military action with real regret but also with real determination. We have exhausted all other avenues. We act because we must.⁴²

However, the air strikes provoked a strong response from some countries, in particular Russia, which recalled its ambassadors from the US and UK in protest. China also criticised the action.

B. Legal Basis for Military Action

The legal basis for the use of force against Iraq is subject to discussion.

The scope for the use of force is closely circumscribed under international law and Article 2(4) of the UN charter states:

4. All members shall refrain in their international disputes from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

The exceptions to this are the use of force when mandated by a competent organ of the UN (usually the Security Council acting under Article 42 of the Charter) or the use of force in self-defence (under Article 51). Self-defence is itself subject to qualification.⁴³ Proportionality of response is also a key concept in determining the legality of the use of force.

⁴¹ *Financial Times*, 17 December 1998

⁴² "Statement by the Prime Minister, Mr Tony Blair, Downing Street, London", Wednesday 16 December from FCO web site at <http://www.fco.gov.uk>

⁴³ See for example I. Brownlie, *International Law and the Use of Force by States*, Oxford, 1963, p.113

At the time of the February 1998 crisis, the United States cited Iraq's breach of its obligations under the terms of the cease-fire agreed at the end of the Gulf War, and embodied in Security Council Resolution 687 of 1991, as the legal basis for the use of force. Paragraph 1 of the Resolution 687 states that the Security Council:

1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution including a formal cease-fire

The thirteen resolutions included UNSCR 678, which authorised the use of force to reverse Iraq's invasion of Kuwait.

The Resolution concludes with paragraphs 33 and 34 stating that the Security Council:

33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States co-operating with Kuwait in accordance with resolution 678 (1990)

34. Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.

The British Government position held that there was sufficient authority for military action under the existing Security Council Resolutions. On 5 February 1998 Mr Cook said:

The history and the statute book of the Security Council is full of resolutions which clearly set out what Saddam Hussein has to do...he clearly is not doing it, so the authority is there.⁴⁴

The Government indicated at that time that a further resolution declaring Iraq to be in "material breach" of the 1991 cease-fire terms, though not in its view legally necessary, would be desirable.⁴⁵ In particular, this would indicate the strength of opinion arrayed against Iraq.

Russia disagreed, arguing that a further resolution sanctioning the use of force was not simply desirable, but necessary.⁴⁶ It stated its belief that only the Security Council had the power to declare Iraq to be in "material breach" of the 1991 cease-fire terms. Russia believes that the sole Security Council Resolution relating to the use of force is Resolution 678 of 1990, authorising the use of "all necessary means" by the Allied coalition to reverse the invasion of Kuwait. Sergey Lavrov, the Russian Ambassador to

⁴⁴ *Financial Times*, 6 February 1998

⁴⁵ *ibid*

⁴⁶ For more detail on the argument that the use of force against Iraq is illegal, see Marc Weller, "The legality of the threat or use of force against Iraq", *Journal of Humanitarian Assistance*, at <http://www-jha.sps.cam.ac.uk/a/a527.htm>, 10 February 1998

the UN, said: "There is no authorisation to use force for matters that do not relate to the aggression that has been behind us for many years."⁴⁷

In the event, the need for a further resolution authorising military action was superseded by the signing of the Memorandum of Understanding on 23 February, in which Iraq agreed to comply with UN demands. This was endorsed by Security Council Resolution 1154 of 2 March 1998, which warned that any violation of the agreement "would have the severest consequences for Iraq".

Six months later, Iraq's decision to cease co-operation on 31 October 1998 led the Security Council to adopt Resolution 1205 of 5 November under Chapter VII of the Charter, condemning Iraq for a "flagrant violation of resolution 687 (1991) and other relevant resolutions" (resolution 687 being the cease-fire resolution of 1991).

On 17 December the Foreign Secretary, Robin Cook, affirmed that the British Government believed it had sufficient legal basis for military action:

...we are absolutely clear that we have thorough clear backing in UN resolutions... Last February Saddam was warned in the Security Council resolution that there would be the severest consequences if he broke his undertakings.⁴⁸

The action has been described as an attempt to degrade Iraq's capacity to develop and deliver weapons of mass destruction, which could be seen as a use of force consistent with the purposes of the United Nations, especially given the work of UNSCOM and the IAEA in Iraq.

C. Involvement of UK Forces

On 17 December 1998, the Prime Minister made a statement to the House regarding the involvement of UK forces in Operation "Desert Fox":

Yesterday, I authorised the participation of British forces in a substantial US-UK military strike against targets in Iraq. As the House knows, this attack began last night, to maximise surprise through the use of sea-launched cruise missiles and precision bombing by navy-based manned aircraft. The operation is now continuing and, as I speak, British Tornado aircraft are engaged in action. I spoke to their commander last night and congratulated him on the bravery and professionalism of his forces.⁴⁹

⁴⁷ *Financial Times*, 6 February 1998

⁴⁸ "Interview with Foreign Secretary Robin Cook", 18 December 1998, from FCO web site at <http://www.fco.gov.uk>

⁴⁹ HC Deb 17 December 1998, c1097

Between 17 and 19 December UK forces participated in 32 sorties, representing 15 per cent of the total missions flown. The aircraft used were twelve twin-seat, twin-engine Tornado GR1 fighter-bombers, of 12 Squadron, based at Ali al-Salem in Kuwait.⁵⁰ The Tornados were armed with Paveway II and Paveway III Laser Guided Bombs (LGBs). These bombs are aimed and guided by a Thermal Imaging Laser Designation (TIALD) system, which shines a laser at the target. The bomb homes in on its target by gliding down this cone of reflected laser energy provided either by a second aircraft or the bomber itself. The Paveway III, often referred to as the 'bunker-buster', is a 2000lb variant of Paveway II (1000lb), which utilises enhanced guidance features and has greater penetration capabilities.

The 11 sites targeted by the RAF comprised two command-and-control facilities, two Republican Guard bases, six air defence sites and one airfield. The airfield was at Talill, where Czech L29 jet trainers had been converted into unmanned aerial vehicles (UAVs) or 'drones' and fitted to spray chemical and biological weapons.⁵¹ At an MOD press conference on 19 December 1998, The Secretary of State for Defence, George Robertson, said that these "drones of death" had been fitted with "two under-wing weapon stores capable of carrying 300 litres of anthrax or other nerve agents."⁵²

UK forces in theatre have been strengthened since Operation "Desert Fox" by the arrival on 31 January 1999 of HMS *Invincible*. The aircraft carrier has a complement of Royal Navy FA2 Sea Harriers and Sea King Helicopters. The Sea Harriers are from the Royal Naval Air Station (RNAS) at Yeovilton, Somerset, and the Sea King helicopters from RNAS Culdrose in Cornwall. Accompanying HMS *Invincible* are the frigate HMS *Cumberland*, the destroyer HMS *Newcastle* and Royal Fleet Auxiliary (RFA) supply ships RFA *Bayleaf* and RFA *Fort Austin*.⁵³

According to UK officials, the reason for deploying HMS *Invincible* is to reinforce the UK military presence in the Gulf. However, there is evidence to suggest that the deployment represents a contingency plan in case Kuwait refuses permission for RAF Tornados to use its bases in any further airstrikes against Iraq. Relations between London and Kuwait have reportedly been strained due to the severe criticism of Kuwait within the Arab world following Operation "Desert Fox". The Kuwaiti Foreign Minister, Sheikh Sabah al-Ahmed al-Sabah, has said that Kuwait was "dragged into" Operation "Desert Fox" and that, "we need to be quiet, but at the same time we should tell others that Kuwait has nothing to do with the US and British strikes against Iraq."⁵⁴ A British diplomat has been reported as saying that:

⁵⁰ Other UK forces in theatre included: RAF - Six Tornado reconnaissance GR1s based at al-Kharj, in Saudi Arabia, 4 Jaguars at Incirlik, in Turkey, 1 VC10 tanker at Incirlik, in Turkey and 1 VC10 tanker in Bahrain. Navy: HMS *Boxer* - Type 22 frigate in Gulf, Royal Fleet Auxiliary *Brambleleaf* in Gulf.

⁵¹ *The Independent*, 23 December 1999

⁵² FCO web site at <http://www.fco.gov.uk>

⁵³ MOD Press Notice, MOD web site at <http://www.mod.uk>

⁵⁴ *The Daily Telegraph*, 23 December 1998

While the Kuwaitis have not said they will definitely refuse permission for the Tornados to fly, if there is a next time, there is an incredible diplomatic fall-out and we have to be prepared for them to say no.⁵⁵

The overall cost to the UK of Operation "Desert Fox" has been estimated by the MOD at approximately £3 million.⁵⁶

D. Impact of the Air Strikes

1. Battle Damage Assessment

According to the Ministry of Defence's Battle Damage Assessment (BDA) and Department of Defense statements, Operation "Desert Fox" did successfully achieve its military objectives. In a letter to all Members of Parliament, George Robertson stated that:

...we now know that of the 100 targets engaged 87% were either damaged or destroyed - a slight increase on our earlier assessment of 85%. We can be even more confident as a result of this new information that Saddam's ability to pursue his Weapons of Mass Destruction (WMD) programmes or otherwise threaten his neighbours and international order has been set back significantly.⁵⁷

According to the US Department of Defense, the 100 sites attacked were broken down into seven categories: command, control and communications facilities (20 targets), sites and units involved in Iraq's WMD industry and production programmes (12 targets), WMD Security (18 targets), the Republican Guard (9 targets), Economic (1 target - Basra pumping station involved in illegal oil exports), air defence systems (34 targets), and airfields (6 targets).⁵⁸ Apart from the oil installation at Basra, economic targets, such as electrical power supplies, water supplies and road and rail links were not part of the military objectives of Operation "Desert Fox", because their destruction, "would have harmed the Iraqi people."⁵⁹

The MOD assesses that the effect of Operation "Desert Fox" on Iraq's military programmes has been to set back the ballistic missile programme by between one and two years, that the WMD related work of the Iraqi Ministry of Industry and Military Industrialisation Headquarters in Baghdad has been disrupted for "several months at least", and that the bombing has "badly damaged, possibly destroyed outright," the L-29

⁵⁵ *ibid*

⁵⁶ HC Deb 3 Feb 1999, c 654w

⁵⁷ Dep 99/169, 18 January 1999

⁵⁸ *Washington Post*, 17 January 1999. See Appendix 1

⁵⁹ FCO Assistant Under Secretary (Home and Overseas), Dr Edgar Buckley, FCO/MOD press conference, 22 December 1998, FCO web site at <http://www.fco.gov.uk>

unmanned aerial vehicle (UAV) programme. The rebuilding of the Republican Guard infrastructure is estimated to take up to a year.⁶⁰

Both the US and UK Governments have emphasised that keeping any civilian casualties to a minimum was a major consideration during the target selection process for Operation "Desert Fox". Where there was a danger of civilian deaths, only precision-guided weapons were used. Mr Robertson has stated that, "Operation Desert Fox has been the most accurate bombing campaign in which we have ever been involved."⁶¹ Nevertheless, there were Iraqi reports of hospitals and schools being hit.

Critics have pointed to the apparent failure of the Operation to damage significantly Iraq's WMD production capability: only around ten percent of the targets were associated with the production of WMD. Moreover, according to Department of Defense data, of ten WMD production facilities that were hit, none was destroyed, only one was severely damaged, five suffered moderate damage and four received light damage.⁶² At a Pentagon briefing on 7 January, US Central Command (Centcom) commander, General Anthony Zinni, acknowledged the difficulty in eliminating or significantly degrading such capabilities due to the ease with which chemical and biological agents can be manufactured in dual-use facilities such as chemical or pharmaceutical plants.

2. Impact on the Iraqi Regime

According to the Department of Defense (DoD) the official mission goal of "Desert Fox" was:

To degrade Saddam Hussein's ability to make and to use weapons of mass destruction. To diminish Saddam Hussein's ability to wage war against his neighbours. To demonstrate to Saddam Hussein the consequences of violating international obligations⁶³

US Defense Secretary, William Cohen, stated at a DoD news briefing on 17 December 1998 that:

The goal is not to destabilise the regime. The goal, as I've indicated, is to decrease and diminish his capacity to threaten his neighbours and to either deliver weapons of mass destruction and hopefully to hit some of the facilities that would put him in a position to be making them.⁶⁴

However, a number of commentators have suggested that a key goal of Operation "Desert Fox" was indeed to destabilise the Iraqi regime. Of the 100 targets listed, nearly half were

⁶⁰ Dep 99/169, 18 January 1999

⁶¹ *ibid*

⁶² *Jane's Defence Weekly*, 6 January 1999

⁶³ Department of Defense web site at <http://www.defenselink.mil>

⁶⁴ Department of Defense web site at <http://www.defenselink.mil>

centred on Saddam Hussein's government machinery. These included: presidential sites, Ba'ath Party headquarters, various Iraqi intelligence and security headquarters, radio and television stations, and a communications and computer centre. At a press conference on 22 December 1998, Air Marshal John Day stated:

We have severely disrupted his (Saddam Hussein's) senior level command and control network. These targets are particularly important because Saddam is afraid of a coup by his officers and makes all the decisions himself. He therefore relies on an effective command and control system to pass his instructions to his commanders, and we assess that he will now be finding it far harder to control his military and his internal security forces as a result of the damage which we have inflicted.⁶⁵

On 7 January 1999 the US Central Command (Centcom) commander, General Anthony Zinni, revealed that the air strikes might have had an impact on Baghdad's grip on power. Apparently, Saddam has executed a number of high-ranking military and civilian officials and divided Iraq into four new military zones to quell any internal unrest.⁶⁶ General Zinni said:

I don't want to make any predictions, but we are seeing things that do indicate that his [Saddam's] grip on control...seems to be slipping away. If I were a member of Saddam's inner circle, I'd be worried.⁶⁷

The Chairman of the Joint Chiefs of Staff, General Hugh Shelton, also claimed the intensity of the air strikes had surprised Saddam Hussein and his regime:

We don't know how much he's wounded. We do see clear signs that he's doing things that are desperate. He could become more dangerous if he's wounded...and backed against a wall.⁶⁸

⁶⁵ FCO web site at <http://www.fco.gov.uk>

⁶⁶ For more information on the new command structure, see "In wake of "Desert Fox", Saddam moves to tighten his grip", *Jane's Intelligence Review*, February 1999

⁶⁷ *Jane's Defence Weekly*, 13 January 1999

⁶⁸ *Jane's Defence Weekly*, 13 January 1999

VI International Reaction

International reaction to the air strikes varied widely. Some states, such as Australia and Canada, voiced support, whilst others, including Russia and China, condemned the action as illegal and ineffectual. The new German Chancellor, Gerhard Schröder, called the strikes "the consequence of the obstinate refusal of Saddam Hussein to co-operate with UN weapons inspectors" and the Austrian Presidency of the European Union said Iraq bore full responsibility for the attacks.⁶⁹

UN Secretary-General Kofi Annan expressed dismay that a peaceful resolution to the crisis was not found:

This is a sad day for the United Nations and for the world...It is also a very sad day for me personally. Throughout this year I have done everything in my power to ensure peaceful compliance with Security Council resolutions, and so to avert the use of force... I deeply regret that today these efforts have proved insufficient.⁷⁰

However, he pledged that the United Nations would be ready to play its part in any future diplomacy.

A. Reaction within the Security Council

As the air strikes began on 16 December, the UN Security Council met in emergency session to discuss developments. Russia and China stated their opposition to military action. The Russian Ambassador to the UN "rejected outright" the justifications given by the US and UK and declared that no one country could act for the Council or "assume the role of a world policeman."⁷¹

The Chinese ambassador to the UN, Qin Huasun, said:

There is absolutely no excuse for attacks to use force against Iraq. The use of force not only has serious consequences for the implementation of the security council resolutions but also pose a threat to international peace as well as regional stability.⁷²

France was more guarded in its reaction, stating it deplored "the spiral which led to the American military strikes against Iraq and the serious humanitarian consequences they could have for the Iraqi population."⁷³

⁶⁹ *Reuters*, 17 December 1998

⁷⁰ BBC News web site at <http://news.bbc.co.uk>

⁷¹ *ibid*

⁷² *ibid*

⁷³ *ibid*

B. Regional Reaction

In the Arab world, initial reaction to the air strikes was mixed. The Gulf Arab states were largely silent, although Oman expressed concern and called for a peaceful resolution to the crisis. Kuwait and Turkey provided bases for the air strikes by British and US forces, and Bahrain and Saudi Arabia permitted support operations from their territory.

The Arab League Secretary-General, Esmat Abdel-Meguid, denounced the attack as "an act of aggression against an Arab country that was trying to implement and comply with UN Security Council Resolutions."⁷⁴ Iran declared the attack to be unacceptable and reported that one cruise missile had landed on its territory.

Popular anger at the air strikes led to demonstrations in a number of Arab capitals, including Cairo, Damascus and Rabat. In the Palestinian Authority demonstrators burned the US flag and denounced President Clinton as a coward. They also drew attention to the coincidence of the timing of the air strikes with developments in the impeachment process against Mr Clinton.

However, the apparent disquiet in the region at the impact of the air strikes and sanctions on the Iraqi population is tempered by a desire that Iraq not be allowed to benefit from divisions within the region. The first indication came with the decision of the Arab League to postpone a foreign ministerial meeting on the strikes planned for early January 1999. Baghdad hoped the strong Arab opposition to the strikes would translate into support for the regime of Saddam Hussein, but appears to have miscalculated. A senior Arab official explained:

Saddam misjudged Arab opinion when there were protests against the bombing of Baghdad in December. He thought Arabs were supporting him. But in fact they were just supporting the Iraqi people.⁷⁵

Arab leaders have made clear that, while they support efforts to provide relief for the Iraqi population, they are also determined to intensify Baghdad's diplomatic isolation. Moreover, in early January 1999 the Arab media demonstrated a growing inclination to see President Saddam Hussein removed from power.

As a result, Baghdad has seen a rapid deterioration in relations with its neighbours, exacerbated by a war of words between the Iraqi regime and the region's leaders and press. In late December the Egyptian President, Hosni Mubarak, expressed his opposition to the air strikes, but stated his belief that "the ruling regime [in Iraq] is the reason for all the problems...and Egypt, of course, does not support that regime."⁷⁶ He later declared:

⁷⁴ *Reuters*, 17 December 1998

⁷⁵ *Financial Times*, 15 January 1999

⁷⁶ *Reuters*, 28 December 1998

"It is high time the Iraqi regime took responsibility for the suffering it has brought Iraqis."⁷⁷

President Saddam Hussein responded on 5 January 1999 with a call on Arab people to rise up and overthrow their "charlatan" leaders:

Revolt and unseat those stooges, collaborators, throne dwarfs and cowards, revolt against those who boast of friendship with the United States, those who are guided by William Cohen [US Defence Secretary].⁷⁸

Members of the Iraqi parliament also accused Kuwait and Saudi Arabia of participating in the aggression against Iraq and recommended that the Iraqi Government withdraw recognition of Kuwait.⁷⁹

The delayed meeting of Arab League foreign ministers took place on 24 January 1999, but Iraq's call for outright condemnation of the joint US-British air strikes and an immediate end to sanctions failed to garner much support, prompting the Iraqi delegation to walk out in protest. The foreign ministers issued a final resolution, demanding that Iraq comply with all UN Security Council resolutions and formally recognise Kuwait before the sanctions could be lifted.⁸⁰

C. Position of the United Kingdom

The British Government declared that action was vital to prevent Iraq from continuing to develop prohibited weapons programmes. Prime Minister Tony Blair said in a statement to the House on 17 December 1998 that, faced with continued Iraqi obstruction, the international community was confronted with a stark choice:

Either we could let this process [of obstruction] continue further, with UNSCOM more and more emasculated, including its monitoring capability, Saddam correspondingly free to pursue his weapon-making ambitions...or, having tried every possible diplomatic avenue and shown endless patience despite all Saddam's deception, we could decide that, if UNSCOM could not do its work, we should tackle Saddam's remaining capability through direct action of our own. In the circumstances, there was only one responsible choice to make.

The Conservatives and Liberal Democrats reaffirmed their full support for the use of military action by the British Government to force Iraq to comply. The Leader of the Opposition, William Hague, said on 17 December:

⁷⁷ *Financial Times*, 2 January 1999

⁷⁸ *ibid*, 6 January 1999

⁷⁹ *BBC Summary of World Broadcasts*, 11 January 1999 and 14 January 1999

⁸⁰ *Financial Times*, 25 January 1999

May I express, on behalf of the Opposition, our full support for the action that has been taken by the Government and the United States, while regretting that it has been made necessary by the persistent failure of the Iraqi leader to keep his word or honour international obligations?⁸¹

He also called for the removal of Saddam Hussein from power:

...we believe that the overall objective of our policy towards Iraq should be to remove Saddam from power rather than temporarily checking his ambitions. None of us wants an outcome that would mean that we find ourselves in the same position, faced, year by year, with the same threat and forced again to take the same action.⁸²

For the Liberal Democrats, Menzies Campbell asked:

Does the Prime Minister understand that he enjoys the Liberal Democrat support of the action that he has taken in deploying British forces against Saddam Hussein?⁸³

He also stressed the importance of minimising civilian casualties and called on the Prime Minister to "ensure he uses all his endeavours to persuade the United States of the importance of being even-handed throughout the middle east."⁸⁴

A number of Labour backbenchers, including Tony Benn, Tam Dalyell and George Galloway, expressed strong opposition to the use of force against Iraq, claiming that the US and UK do not have international support. Tony Benn said on the day after Operation "Desert Fox" began:

There are many people in the world, and I am one of them, who believe that what was done yesterday is deeply immoral and contrary to an ethical foreign policy, of which we boast.⁸⁵

Mr Blair said he respected the fact that Mr Benn took a different view and accepted that not all the international community would endorse the use of force. He stressed, however, that in his view it was unreasonable to agree that Iraq be prevented from developing weapons of mass destruction, but object to the use of force to achieve that aim.⁸⁶

⁸¹ HC Deb 17 December 1998, c1102

⁸² *ibid*, c1103

⁸³ *ibid*, c1104

⁸⁴ *ibid*

⁸⁵ *ibid*, c1110

⁸⁶ *ibid*, c1110-1111

VII Recent Developments

In the aftermath of the air strikes Iraq sought to demonstrate that it was unbowed by the US and British action. On 21 December 1998 the Iraqi Vice President, Taha Yasin Ramadan, declared Iraq was no longer willing to co-operate with the UN inspectors, saying: "all that has to do with inspection, monitoring, and weapons of mass destruction is now behind us."⁸⁷

A. Clashes in the No-fly Zones

During January and February 1999 Iraq mounted frequent challenges to US and British planes patrolling the no-fly zones, which were established by the United States, the United Kingdom and France for humanitarian reasons, to help protect the Kurdish and Shi'ite populations after the Gulf War.

The northern zone north of the 36th parallel was imposed in April 1991 as part of Operation "Provide Comfort" to provide humanitarian assistance to the Kurds. The operation, renamed "Northern Watch" in January 1997, involves approximately 45 aircraft from the United States, the United Kingdom and Turkey.

Monitoring of the southern zone, called Operation "Southern Watch", was established in August 1992 to protect the Shi'ite population of southern Iraq and originally covered the area south of the 32nd parallel. Following fresh incursions by Iraqi forces into the Kurdish area in 1996, the zone was extended northwards to the 33rd parallel. US and British aircraft currently patrol the southern zone, which covers approximately one-third of Iraq. France refused to participate in patrolling north of the 32nd parallel and halted all participation after Operation "Desert Fox".

Iraq rejects the zones, claiming they have no basis in UN Security Council Resolutions. An Iraqi spokesman said on 5 January 1999:

Imposing the so-called no-fly zones is illegal...it is a flagrant violation of international laws, norms and charters, particularly the UN Charter. Moreover, it is a flagrant violation of the Security Council resolutions [which] underline the need to respect Iraq's sovereignty, political independence and territorial integrity.⁸⁸

The precise legal basis of the zones is relatively ambiguous. British and American officials point to Security Council Resolution 688 of 5 April 1991, which demands that Iraq end repression of its population and appeals to all Member States to contribute to humanitarian relief efforts.⁸⁹ Russia maintains that the zones are not in fact backed by

⁸⁷ *BBC Summary of World Broadcasts*, 21 December 1998

⁸⁸ *ibid*, 7 January 1999

⁸⁹ *S/RES/688 (1991)*

specific resolutions, whereas London and Washington hold that the monitoring of the zones remains of vital importance as a "necessary humanitarian measure" to deter further internal repression by Baghdad.⁹⁰

In an attempt to gain a propaganda victory, Iraqi planes and surface-to-air missile (SAM) batteries have sought to lure British and US aircraft into SAM traps, but so far without success. In the fortnight after the air strikes, Iraqi planes violated the no-fly zones on over forty occasions. On 5 January US jets attacked Iraqi planes entering the southern zone. None of the Iraqi aircraft was shot down, as the engagement took place at maximum range, although one Iraqi plane reportedly crashed after taking evasive action or running out of fuel.⁹¹

B. Expansion of the Rules of Engagement

In late 1998 Washington and London permitted an expansion in the rules of engagement for forces patrolling the zones. In the past aircraft patrolling the zone were restricted to self-defence measures, if threatened by Iraqi SAMs, against the source of that threat, but now action may be taken in self-defence against any part of the air defence system. US National Security Adviser Samuel Berger explained:

... if there are violations of the no-fly zone, our response will be not simply against the particular source of the violation or source of the threat but our response, as appropriate, will be against any of the air defence systems that we think makes us vulnerable.

On 25 January a number of incursions by Iraqi aircraft led to attacks by US forces on two missile sites and an anti-aircraft battery in the north, and a missile site and a command and control centre near the southern city of Basra. During the latter attack, two US missiles malfunctioned and hit a civilian area near Basra. According to Iraqi officials, eleven civilians died and 59 were injured in the attack. President Saddam Hussein promised revenge and accused Arab states of being "accomplices of the devil" for allowing the US and UK to use their bases.

In late January 1999 Baghdad ordered cash rewards for members of the armed forces who succeeded in bringing down a British or US plane in the zones. 25 million dinars (approximately US\$14,000) will be awarded for each plane and 10 million dinars for a missile. The capture of an enemy pilot will earn \$5 million dinars.⁹²

⁹⁰ *Financial Times*, 2 February 1999

⁹¹ *Jane's Defence Weekly*, 13 January 1999

⁹² BBC News web site at <http://news.bbc.co.uk>

The United States reported on 3 February that Baghdad had withdrawn a number of SAM batteries from the No-fly Zones. US Defense Secretary William Cohen declared:

There is evidence he is pulling back. I think it's clear from his recent actions that he doesn't want to lose all his SAMs and doesn't want to place his troops in greater jeopardy...I think it's a wise, if belated, decision on his part to get back to where he belongs.

VIII Proposed Changes to UN Policy on Iraq

A. Future Proposals for Sanctions

In the aftermath of the air strikes in December 1998 a number of proposals were under consideration within the Security Council to improve the provision of humanitarian supplies to Iraq. The French and Russian Governments favour the introduction of a new monitoring system for Iraq's weapons programmes and an early lifting of sanctions, whereas Washington and London believe such a move would reward Iraq for its recent intransigence over UN weapons inspectors.

Instead, the US has proposed that the Oil-for-Food programme be expanded further, removing the ceiling on the amount of oil Iraq can sell, but retaining UN control over how the money is spent. Attempts to increase the amount of oil Iraq is permitted to export may be hampered by the poor state of repair of Iraq's oil industry, although the US has suggested that Iraq be allowed to use more of the revenue to finance spare parts and repairs. The US and UK also favour tightening the sanctions cordon around Iraq to prevent the regime in Baghdad from benefiting from the sale of contraband oil in violation of the embargo.

B. An End to UNSCOM?

The current system of monitoring Iraq, involving UNSCOM and the IAEA, is seen by France, Russia and China as deeply flawed.

1. UNSCOM Executive Chairman Richard Butler

One of the principal complaints against UNSCOM concerns the perceived lack of impartiality on the part of the Executive Chairman, Richard Butler. The French Foreign Minister, Hubert Vedrine, criticised the Chairman for informing the United States of his December report on Iraqi compliance before reporting to the Security Council. Vedrine accused the head of UNSCOM of a "tendency to substitute himself for the Security Council",⁹³ and declared that the UN inspection regime "cannot progress further... with the methods used by UNSCOM and by Mr. Butler."⁹⁴ The Russian Ambassador to the UN, Sergei Lavrov, said that UNSCOM's methods "have completely discredited themselves."⁹⁵

Some commentators believe that the UN Secretary-General is keen to replace Richard Butler with a candidate who is more acceptable to all five members of the Security Council,⁹⁶ although this was denied by Mr Annan's spokesman.⁹⁷ In the event Richard

⁹³ *Reuters*, 23 December 1998

⁹⁴ CNN web site at <http://www.cnn.com> , 10 January 1999

⁹⁵ *ibid*

⁹⁶ *Independent*, 28 August 1998 and *Washington Post*, 6 January 1999

Butler announced on 4 February 1999 that he would not seek to extend his contract beyond 30 June 1999, although in fact it seems unlikely he would have secured French or Russian support for his re-appointment.⁹⁸ He warned that media coverage of his decision was distracting attention from the real issue of disarming Iraq.

Baghdad is a vocal critic of the UNSCOM Executive Chairman, frequently accusing him of bias towards Washington. An official Iraqi newspaper dismissed the announcement that Richard Butler was standing down, saying he was "not the whole problem. He was just an instrument used by the United States to serve its aggressive ends."⁹⁹

2. Allegations of Links between UNSCOM and US Intelligence

The role of UNSCOM came under renewed scrutiny in early January 1999, following disclosures in the *Washington Post* that UNSCOM had directly assisted the United States in obtaining sensitive information on the regime of Saddam Hussein.¹⁰⁰ Apparently, US intelligence supplied UNSCOM with a sophisticated listening device that was installed in the Commission's headquarters in Baghdad in July 1998. The device eavesdropped on communications between high-ranking Iraqi officials and transferred information by satellite to the US National Security Agency for decoding. It is alleged that, while some details were passed to UNSCOM, other information about the Iraqi security apparatus was retained by the US and UK to assist with targeting for the December air strikes.¹⁰¹ Indeed, some commentators believe the US realised in early 1998 that UNSCOM was rapidly approaching the end of its useful life and decided to gather as much intelligence as possible about the Iraq before the inspectors withdrew.¹⁰²

Richard Butler acknowledged that over 40 states had assisted UNSCOM in penetrating Iraq's concealment of its weapons programmes, but denied that co-operation with the US or other states had compromised the neutrality of the UN mission:

We never accepted or used any of that assistance for any other purpose. Not for any member states' national purpose, only for our own purpose of seeking to bring about the disarmament of Iraq.¹⁰³

On 14 January 1999 British Foreign Office Minister, Derek Fatchett, echoed Richard Butler's comments:

Both the UK and US Governments have made clear that all information exchanges between themselves and UNSCOM have been strictly in pursuit of

⁹⁷ *Financial Times*, 7 January 1999

⁹⁸ *Daily Telegraph*, 9 January 1999

⁹⁹ *BBC Summary of World Broadcasts*, 5 February 1999

¹⁰⁰ *Washington Post*, 6 January 1999

¹⁰¹ *Independent*, 8 January 1999

¹⁰² *Independent on Sunday*, 10 January 1999

¹⁰³ *Financial Times*, 7 January 1999

UNSCOM's mandate to dismantle Iraq's Weapons of Mass Destruction capability.¹⁰⁴

However, the episode serves to highlight the problems faced by the UN in its attempts to tackle Iraq's sophisticated concealment programme with only limited resources. Since 1991 UNSCOM has evolved into the first intelligence-gathering mission in the history of the UN, and the gradually increasing reliance on national intelligence agencies for assistance has sat uneasily with the UN's commitment to neutrality and independence.

3. Proposed Alternatives to UNSCOM

France, Russia and China have declared their support for a modification or dismantling of the current UNSCOM/IAEA system. France, in particular, is seeking to take a lead in proposing a new monitoring system linked to the easing of sanctions. In late December 1998 the French Foreign Secretary, Hubert Vedrine, called for the establishment of a "new control tool" similar to the IAEA, noting that "this assumes a new structure and a new function, so it would not be the same as UNSCOM even if it kept the same name."¹⁰⁵ He also stated that any new system would have to be accompanied by a separate framework to ensure Iraq could not use oil revenues to reconstitute its weapons programme after the lifting of sanctions.¹⁰⁶

On 13 January France submitted a proposal to the Security Council, outlining how it believes UN policy towards Iraq should be adapted. The basic premise of the document is that the existing system is no longer viable. It states:

...it is high time for the Security Council to recognize that no additional progress on disarmament work can be reached by an illusory resumption of unchanged previous methods. Such an attempt would only create a new cycle of tensions, provocations and bombings, which would be detrimental to the Security Council and would have no positive effect on security and stability. Moreover, it is doubtful that Iraqi authorities, in such a case, will show the indispensable spirit of full cooperation.¹⁰⁷

The proposal consists of three strands. The first envisages the establishment of a new system to provide long-term monitoring of Iraq's prohibited weapons programmes. The emphasis would be placed on "preventative" rather than "retrospective" control, to monitor any future attempts by Iraq to reconstitute its WMD programmes.

The second strand relates to the oil embargo. France believes that if an adequate system of monitoring Iraq's weapons programmes can be established, then the oil embargo can be

¹⁰⁴ HC Deb 14 January 1999, c255w

¹⁰⁵ *Guardian*, 22 December 1998

¹⁰⁶ *Reuters*, 10 January 1999

¹⁰⁷ A copy of the text was obtained by CNN and placed on the web site at <http://www.cnn.com> on 13 January 1999

lifted. It argues that the oil embargo is the "wrong tool" to achieve the aims of the Security Council as it encourages smuggling, which provides little benefit for the Iraqi population.

The third strand calls for economic and financial monitoring, whereby each oil contract would be monitored by the UN and all movements of oil would be controlled. The arms embargo against Iraq would remain in place, but other aspects of the sanctions regime could be eased if Iraq fulfils its international commitments, such as accounting for missing persons from the Gulf War.

Russia has called for UNSCOM to be disbanded and a new committee of experts established to undertake an assessment mission to Iraq aimed at resuming co-operation. The experts would report back to the Security Council, which would then establish a new arms control monitoring committee and lift the oil embargo.

Other possible options for a new monitoring system include handing over full responsibility for monitoring Iraq's nuclear weapons programme to the IAEA; transferring the monitoring of Iraq's chemical and biological weapons programmes to the Organisation for the Prevention of Chemical Weapons, the body responsible for monitoring the Chemical Weapons Convention; and putting the UN Department of Disarmament Affairs in charge of monitoring Iraq's missile development programme.¹⁰⁸

C. UN Panels Established to Review Policy

To resolve the impasse, the Security Council decided on 30 January to establish three separate panels to assess the state of current policy and make recommendations on how to proceed. The first panel will deal with disarmament and involve UNSCOM, the IAEA and the UN Secretariat. It will look at ways of "re-establishing an effective disarmament/ongoing monitoring and verification regime in Iraq."¹⁰⁹ The second panel will tackle humanitarian issues and involve the UN Office of the Iraq Programme, the Secretariat of the Resolution 661 Committee and the UN Secretariat. It will make recommendations on measures to improve the humanitarian situation in Iraq. The third panel is charged with the issue of prisoners of war and Kuwaiti property, relating to the invasion of Kuwait in 1990. All three panels are due to report back to the Security Council by 15 April 1999.

¹⁰⁸ *Jane's Defence Review*, 6 January 1999

¹⁰⁹ "Note by the President of the Security Council", *S/1999/100*, 30 January 1999

IX US and UK Support for the Iraqi Opposition

During 1998 the US and UK demonstrated a renewed desire to see President Saddam Hussein removed from power. Certainly, the US is eager to break the cycle of repeated confrontations that has characterised the past seven years. One reason is the cost of deploying forces to the region. The US military build-up in November 1998 cost an estimated £900 million.¹¹⁰

In May 1998 the US Congress approved funding for the establishment of Radio Free Iraq. The new station, which began broadcasting in late October 1998, aims to provide "accurate and objective news and responsible commentary...thus promoting democratic values."¹¹¹

On 31 October 1998 President Clinton signed into law the "Iraq Liberation Act" passed by Congress earlier in the month. The law allows, but does not require, the President to provide \$97 million worth of equipment and training to the Iraqi opposition and makes the overthrow of President Saddam Hussein an explicit aim of US foreign policy. It has, however, encountered a degree of scepticism from top US military officials.

Since the Gulf War the United States has made several failed attempts to assist the opposition, but has been hampered by divisions between rival groups. There are also doubts over the credibility of the opposition leaders, most of whom live in exile. To overcome these problems and help foster co-operation, the British Foreign Office has held a series of meetings with the main opposition groups. After a meeting in November 1998 Foreign Office Minister, Derek Fatchett, declared:

What we are trying to do is to ensure that there is a united political voice showing that there could be a different Iraq, a more open, more pluralistic, more democratic Iraq. I don't think there is anybody around who would not see that as a positive step forward.¹¹²

One frequently cited fear is that without strong central leadership Iraq would fall apart. The Kurds might seek to establish their own independent state in the north of the country, a move that would undoubtedly antagonise Turkey, which has its own restive Kurdish minority. There are also fears that Iran might encourage secession among the fellow Shi'ite population, which forms a majority in Iraq.¹¹³

¹¹⁰ *Guardian*, 16 November 1998

¹¹¹ *BBC Summary of World Broadcasts*, 30 October 1998

¹¹² "Edited Transcript of Interview given by FCO Minister of State", Derek Fatchett, London, 23 November 1998, from FCO web site at <http://www.fco.gov.uk>

¹¹³ Of the total Iraqi population of 22.22 million, there are approximately 11.9 million Shi'ites and 6.6 million Sunnis (including 3.5 million Kurds), *Statesman's Year-book 1998-1999*

The top US Commander in the Middle East, General Anthony Zinni, warned on 21 October 1998:

I don't see a lot of viability in any opposition group. Do we create internal tensions there that create an Afghanistan-like situation in the end? I don't think these things have been thought out...A weakened, fragmented Iraq...is more dangerous in the long run than a contained Saddam.¹¹⁴

However, initial scepticism was replaced by a cautious willingness among key figures in the Clinton administration to investigate ways of providing support in a coherent and effective manner. The administration insists it will only assist opposition groups that have declared a commitment to democratic values, human rights, Iraq's territorial integrity and peaceful relations with Iraq's neighbours.

The US National Security Advisor, Sandy Berger, stated in late December 1998 that the initial aim was to "marshal all of the opposition groups and get them to work in some concert."¹¹⁵ He warned, though, against expectations of quick results, recognising that any attempt to depose Saddam Hussein will be fraught with difficulty.

On 19 January 1999 the Clinton administration submitted a report to Congress, designating seven groups as eligible for US assistance. The groups selected were the Iraqi National Congress, the Supreme Council for the Islamic Revolution in Iraq, the Iraqi National Accord, the Kurdistan Democratic Party, the Patriotic Union of Kurdistan, the Islamic Movement of Iraqi Kurdistan and the Movement for Constitutional Monarchy.

A. Main Opposition Groups

1. Iraqi National Congress (INC)

In 1992 the main Iraqi opposition groups united to form the Iraqi National Congress (INC) under the leadership of Dr Ahmad Chalabi, a moderate Shi'ite. The INC became the main focus for US assistance to the Iraqi opposition, and between 1992 and 1997 the Central Intelligence Agency provided around US\$20 million in covert aid. With US help the INC established a political presence inside the Kurdish safe haven in northern Iraq, but hopes of establishing a more permanent enclave were shattered in 1996 when fighting between the two main Kurdish factions enabled Iraqi forces to enter the north, forcing the INC leadership to flee. Around 200 INC members were captured and executed by the Iraqi Government.

Dr Chalabi's failure to hold together the disparate groupings within the INC led to a loss of credibility and he struggled to regain Western support for his plans. He lobbied hard in the US Congress to gain support for the Iraq Liberation Act, which he welcomed as "a

¹¹⁴ *Congressional Quarterly Weekly*, 24 October 1998

¹¹⁵ *Financial Times*, 24 December 1998

major milestone in US support for the Iraqi people and the democratic Iraqi opposition."¹¹⁶

2. Supreme Council for the Islamic Revolution in Iraq (SCIRI)

The Supreme Council for the Islamic Revolution in Iraq (SCIRI) is a predominantly Shi'ite group based in Tehran. It has a number of affiliated factions responsible for training and arming resistance units in southern Iraq. Its leader, Ayatollah Mohammed Baqer al-Hakim, is a Shi'ite Moslem cleric, who is against outside intervention to oust Saddam Hussein. In December 1998 SCIRI declared its opposition to the US and British air strikes against Iraq.

Mr Hakim told the London-based newspaper *al-Hayat* on 21 January 1999 that SCIRI rejected the US offer of assistance, saying "we emphasize that we will not accept US aid for the sake of change in Iraq." He declared that the US handling of the Iraq issue was "erroneous, because the only ones responsible for change are the Iraqi people, including the real opposition forces."¹¹⁷

On 8 February 1999 an Arab newspaper reported an apparent assassination attempt against Saddam Hussein, in which the Iraqi President was injured. The report, which has not been corroborated, originated from a member of the Badr Corps troops of SCIRI.¹¹⁸

The US chose SCIRI because of its status as the main Shi'ite group, but a successful SCIRI-led overthrow of Saddam Hussein may result in a pro-Tehran administration in Baghdad. Such a development, as Neil Partrick notes, "would not be a favourable prospect for the US, the UK or their Gulf Arab allies."¹¹⁹

3. Iraqi National Accord (INA)

The Iraqi National Accord (INA), led by Ayad Alawi, consists of former Ba'ath party members and military officers who have broken with the regime of Saddam Hussein. Frustration at the lack of unity within the INC led Washington and London to increase support in 1995 for the INA, which claims to have the backing of serving officers in the Iraqi army.

The predominantly Sunni group established a base in Amman with the support of the late King Hussein of Jordan, but attempts to stage a coup against Saddam Hussein have been thwarted by the President's security forces, who executed dozens of INA sympathisers in 1996.

¹¹⁶ INC Statement, 20 January 1998 from INC web site at <http://www.inc.org.uk>

¹¹⁷ *BBC Summary of World Broadcasts*, 21 January 1999

¹¹⁸ *BBC Ceefax*, 8 February 1998

¹¹⁹ *RUSI Newsbrief*, December 1998, Vol.18, No.12

4. Movement for Constitutional Monarchy

The Movement for Constitutional Monarchy is a small group headed by Sharif Hussein, a claimant to the Iraqi throne. The monarchy in Iraq was overthrown by a military coup in 1958. The group declared its support for the joint US-British air strikes against Iraq in December 1998.

5. Kurdish Opposition Parties

The two main Kurdish opposition groups in Iraq are the Kurdistan Democratic Party (KDP) and its rival the Patriotic Union of Kurdistan (PUK), both demanding regional autonomy in northern Iraq. Traditionally, the KDP, headed by Massoud Barzani, has maintained close links with the Turkish government, although in 1996 it formed a temporary alliance with Baghdad in an attempt to destroy its rival, the PUK. The KDP has benefited immensely from the UN sanctions in place on Iraq and controls most of the cross-border trade out of northern Iraq, including the illegal flow of oil. The PUK, headed by Jalal Talabani, is based on the Iraqi border with Iran and is believed to have received support from Tehran.

Antagonism between the PUK and KDP is fuelled by disputes over money and resources and their leaders' strong personal dislike of one another. The 1996 alliance between the KDP and the regime in Baghdad enabled Saddam temporarily to re-impose his authority on northern Iraq and to crush the fledgling INC presence in the region.

It was reported during the summer of 1998 that the Clinton administration was seeking to unite the warring PUK and KDP factions to provide a strong regional base for opposition to Baghdad. The culmination of that effort came on 17 September 1998 when the leaders of the KDP and the PUK met in Washington to sign an accord establishing a regional power-sharing arrangement. The accord, brokered by the US, is intended to end the conflict between the two rival factions and to establish a regional parliament in northern Iraq, with elections due to take place in June 1999.¹²⁰ Both factions also agreed to share revenues from the lucrative border trade with Turkey more equitably.

In deference to Turkish concerns, the KDP and PUK pledged to prevent Kurdish PKK (Kurdistan Workers' Party) rebels, fighting for autonomy in south-east Turkey, from using northern Iraq as a base. Since the end of the Gulf War in 1991 Turkish armed forces have launched a series of major incursions into northern Iraq in an attempt to eliminate PKK bases and support network.

The KDP and PUK announced on 23 and 26 January 1999 respectively that they would not accept military assistance from the United States on the grounds that political change within Iraq should be brought about elements inside the country. The smaller Halabja-

¹²⁰ *Financial Times*, 28 September 1998

based group, the Islamic Movement of Iraqi Kurdistan (IMIK), which is led by Sheikh Ali Abdul Aziz, also expressed reservations about the US offer of assistance.

Nonetheless, it is possible that some covert assistance may be provided, but the groups have to distance themselves publicly from Washington to avoid being labelled as Western puppets.

B. Possible Western Support

Although London and Washington indicated their readiness to support the Iraqi opposition groups, there is some debate over the exact form the support might take. Should the West assist the opposition in creating a credible united platform capable of providing an alternative to the current regime in Baghdad, or should it go further by providing arms and equipment to enable the opposition to gain control of enclaves in Iraq?

Some commentators, such as Richard Perle, support INC plans for the establishment of enclaves in the north, south and west of Iraq, backed by Western air support. The "liberated" enclaves would then be declared free of sanctions in an attempt to induce defections from the Iraqi armed forces.¹²¹

Others, such as François Heisbourg, believe such a plan would risk a repetition of the Bay of Pigs incident, when lightly armed Cuban irregulars, backed by the United States, attempted to incite an uprising against the regime of Fidel Castro. Without US military assistance during the landing the irregulars were swiftly defeated, but there was much debate subsequently as to whether US air power might have tipped the balance.¹²²

During a briefing on 8 January 1999 the US Centcom commander, General Zinni, appeared to indicate that Washington would be prepared to intervene with air power if Baghdad deployed substantial armoured forces into southern Iraq to crush another rebellion:

The first thing, if it [the offensive] were major, that assumes he [Saddam] would have to bring additional forces in. He would be in violation of the no-drive zone. If they were air forces, he'd be in violation of the no-fly zone.¹²³

The no-drive zone relates to a warning given by the United States in 1994 when Iraqi forces were moved south to threaten the Kuwaiti border. Washington told Baghdad that

¹²¹ "International Institute for Strategic Studies/John Train Strategic Debate", 3 February 1999, from IISS web site at <http://www.isn.ethz.ch/iiss>

¹²² *ibid*

¹²³ *Independent on Sunday*, 10 January 1999

certain movements by ground forces in specified directions would trigger US intervention.¹²⁴

Nonetheless, General Zinni remains sceptical of the merits of arming the opposition, warning that such a move "could be very dangerous". During evidence to the Senate Armed Services Committee, Zinni said:

I've seen the effect of regime changes that didn't quite come about the way we would have liked. And the last thing we need is another rogue state.¹²⁵

The attitude in the Gulf region towards British and US assistance is difficult to gauge. Certainly, some of the opposition groups are wary that association with the West could tarnish their image in Iraq, and many of the Gulf states are anxious to dissociate themselves publicly from any interference in Iraq's internal affairs. US officials claim the private attitude among Arab leaders towards removing Saddam Hussein is more favourable as long as it is achieved quietly and efficiently.¹²⁶

¹²⁴ *Financial Times*, 21 December 1998

¹²⁵ *Washington Post*, 29 January 1999

¹²⁶ *ibid*, 29 January 1999

Appendix 1 - List of Key Targets

Command and Control: 18 of 20 targets hit

Abu Rajash, Jabul Makhul,
 Radwanayah, Republican (Baghdad),
 Sijood palaces
 Ba'ath party headquarters
 Iraq Intelligence Service headquarters
 Ministry of Defence
 Ministry of Industry
 Presidential Secretariat Building
 State radio and television

WMD Industry and Production: 12 of 12 targets hit

Biological Research Centre (Baghdad University)
 Ibn al Haytham missile R&D centre
 Karama electronics plant
 Al Kindi missile R&D facility (Mosul)
 Shahiyat liquid engine R&D, T&E facility
 Zaafaranyah fabrication facility (Nidda)

WMD Security: 18 of 18 targets hit

Directorate of General Security headquarters
 Special Security Organisation (SSO) headquarters
 Special Republican Guards (SRG) headquarters
 SSO Communications/Computer Centre
 SSO/SRG barracks (Abu Ghraib, Radwinyah, Baghdad, Tikrit)

Republican Guards: 9 of 9 targets hit

Economic: 1 of 1 targets hit

Basra refinery distribution manifold

Airfields: 5 of 6 targets hit

Air Defences: 24 of 34 targets hit

Sources: US Central Command, Department of Defense

Appendix 2 - Memorandum of Understanding

Memorandum of Understanding
Between
the United Nations and the Republic of Iraq

1. The Government of Iraq reconfirms its acceptance of all relevant resolutions of the Security Council, including resolutions 687 (1991) and 715 (1991). The Government of Iraq further reiterates its undertaking to cooperate fully with the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA).

2. The United Nations reiterates the commitment of all Member States to respect the sovereignty and territorial integrity of Iraq.

3. The Government of Iraq undertakes to accord to UNSCOM and IAEA immediate, unconditional and unrestricted access in conformity with the resolutions referred to in paragraph 1. In the performance of its mandate under the Security Council resolutions, UNSCOM undertakes to respect the legitimate concerns of Iraq relating to national security, sovereignty and dignity.

4. The United Nations and the Government of Iraq agree that the following special procedures shall apply to the initial and subsequent entries for the performance of the tasks mandated at the eight Presidential Sites in Iraq as defined in the annex to the present Memorandum:

(a) A Special Group shall be established for this purpose by the Secretary-General in consultation with the Executive Chairman of UNSCOM and the Director General of IAEA. This Group shall comprise senior diplomats appointed by the Secretary-General and experts drawn from UNSCOM and IAEA. The Group shall be headed by a Commissioner appointed by the Secretary-General.

(b) In carrying out its work, the Special Group shall operate under the established procedures of UNSCOM and IAEA, and specific detailed procedures which will be developed given the special nature of the Presidential Sites, in accordance with the relevant resolutions of the Security Council.

(c) The report of the Special Group on its activities and findings shall be submitted by the Executive Chairman of UNSCOM to the Security Council through the Secretary-General.

5. The United Nations and the Government of Iraq further agree that all other areas, facilities, equipment, records and means of transportation shall be subject to UNSCOM procedures hitherto established.

6. Noting the progress achieved by UNSCOM in various disarmament areas, and the need to intensify efforts in order to complete its mandate, the United Nations and the Government of Iraq agree to improve cooperation, and efficiency, effectiveness and transparency of work, so as to enable UNSCOM to report to the Council expeditiously under paragraph 22 of resolution 687 (1991). To achieve this goal, the Government of Iraq and UNSCOM will implement the recommendations directed at them as contained in the report of the emergency session of UNSCOM held on 21 November 1997.

7. The lifting of sanctions is obviously of paramount importance to the people and Government of Iraq and the Secretary-General undertook to bring this matter to the full attention of the members of the Security Council.

Signed this 23rd day of February 1998 in Baghdad in two originals in English.

For the United Nations For the Republic of Iraq

Kofi A. Annan

Tariq Aziz

Secretary-General

Deputy Prime Minister

Annex
to the Memorandum of Understanding
between the United Nations and the Republic of Iraq
of 23 February 1998

The eight Presidential Sites subject to the regime agreed upon in the present Memorandum of Understanding are the following:

1. The Republican Palace Presidential Site (Baghdad).
2. Radwaniyah Presidential Site (Baghdad).
3. Sijood Presidential Site (Baghdad).
4. Tikrit Presidential Site.
5. Tharthar Presidential Site.
6. Jabal Makhul Presidential Site.
7. Mosul Presidential Site.
8. Basrah Presidential Site.

The perimeter of the area of each site is recorded in the survey of the "Presidential sites" in Iraq implemented by the United Nations Technical Mission designated by the Secretary-General, as attached to the letter dated 21 February 1998 addressed by the Secretary-General to the Deputy Prime Minister of Iraq.

Appendix 3 - United Nations Security Council Resolution 1154

United Nations

2 March 1998

Resolution 1154 (1998)

Adopted by the Security Council at its 3858th meeting,
on 2 March 1998

The Security Council,

Recalling all its previous relevant resolutions, which constitute the governing standard of Iraqi compliance,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and the other relevant resolutions,

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq, Kuwait and the neighbouring States,

Acting under Chapter VII of the Charter of the United Nations,

1. Commends the initiative by the Secretary-General to secure commitments from the Government of Iraq on compliance with its obligations under the relevant resolutions, and in this regard endorses the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 (S/1998/166) and looks forward to its early and full implementation;

2. Requests the Secretary-General to report to the Council as soon as possible with regard to the finalization of procedures for Presidential sites in consultation with the Executive Chairman of the United Nations Special Commission and the Director General of the International Atomic Energy Agency (IAEA);

3. Stresses that compliance by the Government of Iraq with its obligations, repeated again in the memorandum of understanding, to accord immediate, unconditional and unrestricted access to the Special Commission and the IAEA in conformity with the relevant resolutions is necessary for the implementation of resolution 687 (1991), but that any violation would have severest consequences for Iraq;

4. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

5. Decides, in accordance with its responsibility under the Charter, to remain actively seized of the matter, in order to ensure implementation of this resolution, and to secure peace and security in the area.

Appendix 4 - United Nations Security Council Resolution 1205

UNITED NATIONS

5 November 1998

Resolution 1205 (1998)

Adopted by the Security Council at its 3939th meeting,
on 5 November 1998

The Security Council,

Recalling all its previous relevant resolutions on the situation in Iraq, in particular its resolution 1154 (1998) of 2 March 1998 and 1194 (1998) of 9 September 1998,

Noting with alarm the decision of Iraq on 31 October 1998 to cease cooperation with the United Nations Special Commission, and its continued restrictions on the work of the International Atomic Energy Agency (IAEA),

Noting the letters from the Deputy Executive Chairman of the Special Commission of 31 October 1998 (S/1998/1023) and from the Executive Chairman of the Special Commission of 2 November 1998 (S/1998/1032) to the President of the Security Council, which reported to the Council the decision by Iraq and described the implications of that decision for the work of the Special Commission, and noting also the letter from the Director General of the IAEA of 3 November 1998 (S/1998/1033, annex) which described the implications of the decision for the work of the IAEA,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

Recalling that the effective operation of the Special Commission and the IAEA is essential for the implementation of resolution 687 (1991),

Reaffirming its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and its decision of 5 August 1998 and demonstrated that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA consistent with the Memorandum of Understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 (S/1998/166), endorsed by the Council in resolution 1154 (1998),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the decision by Iraq of 31 October 1998 to cease cooperation with the Special Commission as a flagrant violation of resolution 687 (1991) and other relevant resolutions;

2. Demands that Iraq rescind immediately and unconditionally the decision of 31 October 1998, as well as the decision of 5 August 1998, to suspend cooperation with the Special Commission and to maintain restrictions on the work of the IAEA, and that Iraq provide immediate, complete and unconditional cooperation with the Special Commission and the IAEA;
3. Reaffirms its full support for the Special Commission and the IAEA in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;
4. Expresses its full support for the Secretary-General in his efforts to seek full implementation of the Memorandum of Understanding of 23 February 1998;
5. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;
6. Decides, in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter.

Appendix 5 - IAEA and UNSCOM Reports of December 1998

United Nations

S/1998/1172

15 December 1998

Letter dated 15 December 1998
from the Secretary-General
Addressed to the President of the Security Council

I have the honour to submit for your consideration reports from the Director General of the International Atomic Energy Agency (IAEA) dated 14 December 1998, and the Executive Director of the United Nations Special Commission (UNSCOM) dated 15 December 1998, concerning their work in Iraq, as called for in the letter to me from the President of the Security Council dated 30 October 1995.

The reports cover the period since 17 November 1998.

The report from IAEA states that Iraq "has provided the necessary level of cooperation to enable the above-enumerated activities to be completed efficiently and effectively."

The report from UNSCOM includes material that relates to issues prior to 17 November 1998. With regard to the period since then, the report presents a mixed picture and concludes that UNSCOM did not enjoy full cooperation from Iraq.

In the light of the findings and conclusions contained in the reports, taken together, the Council may wish to consider three possible options:

1. That the experience over the period since 17 November 1998 does not provide a sufficient basis to move forward with a comprehensive review at this time.
2. That Iraq has not provided full cooperation but that it should be permitted additional time to demonstrate its commitment to do so.
3. That the Council may wish to proceed with a comprehensive review on the premise that it is sufficiently important to know precisely what has been achieved in the area of disarmament over the entire period since 1991.

I stand ready to assist the Council in whatever manner it deems best.

(Signed Kofi A. ANNAN)

Annex I

Letter dated 14 December 1998
from the Director General of the International Atomic Energy Agency
addressed to the Secretary-General

Further to your letter of 25 November I wish to report that, since its return to Iraq on 17 November, the IAEA Nuclear Monitoring Group has, to date, carried out the following activities.

28 inspections at previously inspected sites - initially following an intensified programme to restore continuity of knowledge of the status of Iraq's relevant assets.

11 inspections at new sites - jointly with UNSCOM, as part of an ongoing intensified programme of inspections at "capable sites", including four repeat inspections

113 visits to locations for the collection of environmental monitoring samples 15 road vehicle based radiation surveys

3 interviews of personnel known to have been formerly employed in key positions within Iraq's clandestine nuclear programme

5 discussion sessions with the Iraqi counterpart to clarify technical matters related to Iraq's clandestine nuclear programme

2 site visits, each of several days duration, to maintain and extensively update IAEA video surveillance systems

1 site visit of several days' duration to install and commission a meteorological data collection station in connection with the IAEA wide area environmental monitoring programme.

The Iraqi counterpart has provided the necessary level of cooperation to enable the above-enumerated activities to be completed efficiently and effectively.

In addition, an IAEA team visited Iraq from 9 to 13 December to discuss with the Iraqi counterpart the status of the few remaining questions and concerns related to Iraq's clandestine nuclear programme. During the discussions the Iraqi counterpart expressed its intention to continue to cooperate with the IAEA in the resolution of those matters.

(Signed) Mohamed EL BARADEI

Annex II

Letter dated 15 December 1998
from the Executive Chairman of the Special Commission
established by the Secretary-General pursuant to paragraph 9 (b) (i)
of Security Council resolution 687 (1991)
addressed to the Secretary -General

I refer to the Press Statement by the President of the Security Council SC/6596) of 15 November 1998, in which the Council noted, on the basis of communications of 14 November 1998 received from the Deputy Prime Minister of Iraq and the Ambassador of Iraq, "that Iraq has decided, clearly and unconditionally, to cooperate fully with the Special Commission and the International Atomic Energy Agency (IAEA), that this decision constitutes a rescinding of the decisions of 5 August and 31 October and that Iraq's cooperation with the Special Commission and the IAEA will allow the return of inspectors to resume all their activities on an immediate, unconditional and unrestricted basis, in accordance with the relevant resolutions and with the Memorandum of Understanding of 23 February 1998."

In the same Statement, "Council members reaffirmed their readiness to proceed with a comprehensive review, once the Secretary-General has confirmed, on the basis of reports from the Special Commission and the IAEA, that Iraq has returned to full cooperation, on the basis of resolution 1194 (1998) and the Council President's letter of 30 October to the Secretary-General."

The present letter provides the report called for from the Special Commission. It is guided, in particular, by the provision in the Press Statement to the effect that: "Council members underlined that their confidence in Iraq's intentions needs to be established by unconditional and Sustained cooperation with the Special Commission and the IAEA in exercising the full range of the activities provided for in their mandates in accordance with the relevant resolutions and the Memorandum of Understanding of 23 February 1998."

Before providing an account of the Commission's experience during the past month, I believe it is essential to provide, briefly, some background contextual material which, in addition, provides explanation for the range of activities which the Commission chose to follow since 17 November 1998.

From the inception of the Commission's work in Iraq, in 1991, Iraq's cooperation has been limited. Iraq acknowledges that, in that year, it decided to limit disclosure for the Purpose of retaining certain prohibited weapons capabilities. Three main Iraqi policies ensued:

- (a) its disclosure statements have never been complete;
- (b) contrary to the requirement that destruction of prohibited capabilities be conducted under international supervision, Iraq undertook extensive, unilateral, secret destruction: and
- (c) it also pursued a practice of concealment of proscribed items, including weapons.

This situation, created by Iraq, in particular through the inadequacy of its disclosures, has meant that the Commission has been obliged to undertake a kind and degree of forensic work which was never intended to be the case, The work of the verification of Iraq's disclosure should have been far easier and been able to be undertaken far more quickly than has proven to be the case.

In addition, these circumstances have meant that, in spite of the years that have passed and the extensive work that has been undertaken, it has not been possible to verify Iraq's claims with respect to the nature and magnitude of its proscribed weapons programme and their current disposition.

With respect to this latter point, two comments are apposite,

First, Iraq's current claims that it has fulfilled all of its disarmament obligations in each weapons area; ceased concealment policies and actions; and that it has neither proscribed weapons nor the ability to make them, cannot be accepted without further verification.

Secondly, documents or records available in Iraq in which relevant details of its proscribed programmes and actions are reported: production records; records of disposition of weapons; and, records of claimed destruction, relevant policy decisions and decisions on termination of concealment, would be invaluable in helping to close remaining gaps and achieve acceptable confidence in Iraqi declarations. The Security Council recognised these two aspects in resolution 707 (1991) when it demanded Iraq to provide immediate and unconditional access to, inter alia, records, and, demanded that Iraq cease attempts to conceal prohibited materials.

In response to the Commission's requests for relevant documents, Iraq has repeatedly claimed that they no longer exist or cannot be located, a claim which very often has been shown to be false, either because inspection activities have in fact located precisely such documents or because Iraq has reversed its stated position and then produced relevant documents. The Commission briefed the Council on its assessment of the existence and importance of documents in June 1998. The Commission has assessed since the "chicken farm" event of 1995 that only selected categories of documents were provided and that other categories were retained by Iraq. It remains the Commission's strong view that, under the present circumstances, relevant documentation must exist in Iraq and that provision of such documentation is the best hope for revealing the full picture, as required by the relevant resolutions.

On 17 November 1998, the Commission began to resume its work in Iraq across the full range of its activities. Accordingly, that work was focussed on four main areas, pursuant to the Commission's mandate: requests for information through access to documents and interviews of Iraqi personnel; monitoring inspections; inspection of capable sites; and, disarmament inspections relating to proscribed weapons and activities.

The following is a summary of the Commission's experience in each category, from 17 November 1998 to date:

Requests for access to information through documentation and interviews of Iraqi personnel

On a number of occasions, the Security Council has demanded that Iraq allow immediate, unconditional and unrestricted access to documents and records relevant to the Commission's activities. On 17 November 1998, the Commission requested Iraq to provide certain documentation related to the chemical weapons and missile areas. The purpose of this request was to increase the Commission's level of verification in these areas. It comprised a selection of 12 particular sets of documents and a request for access to the relevant archives of Iraq's Ministry of Defense and Military Industrialization Corporation and other Government departments.

Iraq provided documents in response to one of the Commission's requests.

It gave some 64 pages related to Missile Unit 223. These pages are currently under translation and examination. A preliminary assessment indicates that they do not contain the information sought by the Commission.

The Commission reiterated its request for the document found by an inspection team at the Headquarters of the Iraqi Air Force in July 1998. The Security Council has asked Iraq to return the document to the Commission. This document details Iraq's consumption of special munitions in the 1980s, and therefore, is directly related to verification of the material balance of Iraq's chemical munitions. Iraq refused to return the sealed envelope with the document to the Commission and stated that it is ready only to "consider" with the Commission's experts the relevant portions of this document in the presence of the Special Representative of the Secretary General.

Iraq stated that the remainder Of the requested documents either do not exist, could not be found or are not relevant to Commission's activities.

With respect to archives, Iraq did not respond to the suggestion made by the Commission. It did not deny the existence of the archives, but stated that the Ministry of Defense and Military Industrialization Corporation had been inspected by the Commission. The teams did not find any relevant archives at the above-mentioned sites during the inspections.

During the reporting period a biological Inspection team requested Iraq's authorities to provide access to a number of specific documents. One document had already been seen by the Commission in 1995. These documents were not given to the inspection team.

On 19 November 1998, Iraq was requested to provide explanations and clarifications on outstanding disarmament issues in the chemical weapons and missile areas. Furthermore, Iraq was requested to allow the removal for analysis of a number of missile engine components produced by Iraq.

In the chemical weapons area, Iraq provided, as requested, a report on its analysis of the samples from the special missile warhead fragments. On the issue on VX, Iraq for the first time claimed that the contamination of the warhead fragments had been the result of a deliberate act of tampering with the samples taken to the United States. Iraq made this statement despite the conclusions drawn by three international expert teams, which confirmed that all analytical results were valid and conclusive.

In the missile area, Iraq provided some clarifications sought by the Commission. On other requests, Iraq, in essence, reiterated its known Positions, which did not advance the verification process.

With respect to the Commission's request to allow the removal of missile engine components, Iraq has reused to do so stating that this request is not justified on "technical or scientific grounds".

On 18 November 1998, the Commission requested Iraq to provide new substantial information on its biological weapons activities that would enable the Commission to achieve an enhanced level of verification and to rectify inconsistencies in Iraq's current declarations. No new information or documents have been presented by Iraq in response to this request.

Inspection teams - resident and non-resident - encountered several problems with the questioning of personnel on site. The National Monitoring Directorate (NMD) representatives repeatedly intervened when a biological team attempted to question Ph.D. and MSc students stating that UNSCOM was not allowed to interview students at university sites even though declarable research has taken place at such sites. NMD routinely interrupted and prompted site personnel when answering questions.

Monitoring inspections

In statistical terms, the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation. Problems arose which indicated that the limitations Iraq had imposed on the monitoring system, on 5 August 1998, have not been fully rescinded. Specific instances are given below.

During the reporting period, the Commission requested, on several occasions, access to specific data collected by Iraq during its tests of indigenously produced missiles and rocket engines. Prior to 5 August 1998, Iraq had provided such data. In response to the Commission's recent requests, Iraq stated that it is meeting its obligations with respect to the Provision of data on its testing activity and denied access to the particular information requested by the Commission. In relation to the Commission's most recent requests, on 6 December, Iraq stated it would reconsider its decision. It has not yet provided the data requested.

During a chemical monitoring inspection on 5 December, the National Monitoring Directorate (NMD) representatives placed unacceptable conditions on the photography of bombs, citing national security concerns. No photographs were taken.

During the reporting period, undeclared dual-capable items and materials subject to chemical and biological monitoring, were also discovered.

On 11 December the chemical monitoring group was told by the NMD representative that they would not be able to conduct an inspection at a specific monitoring site on that day because it was a Friday. The inspection group was not able to inspect the inside of the site. This incident underlined the position stated earlier that Iraq would facilitate entry to buildings "during, the working days of the work, except Fridays".

Inspections of capable sites

Identification of the nature of activities at locations where undeclared dual-use capabilities may exist is an important aspect of monitoring activity. During the reporting period, teams conducted no-notice inspections at a number of sites that had not been declared by Iraq. Access to these sites was provided and inspections took place with one exception which was at a facility occupied by the People's Mojahedin Organization of Iran (PMOI). The site of this facility was declared as being not under the authority of Iraq. Discussions over access were left to the Commission and that organization. A dialogue has begun on this matter and the PMOI has accepted, in principle, that its sites are subject to access by the Commission.

Disarmament inspections

During the recent period, a series of inspections were conducted which served both the purpose of searching for material related to prohibited programmes and investigation of possible ongoing prohibited activities. The team conducting these missions went to six locations. At the first two sites, (Taji military facility and a special security organization cable office), Iraq declared the sites to be sensitive, but offered no objections nor claimed any conditions on access.

The next site, designated for inspection on the basis of solid evidence presented to UNSCOM of the presence of proscribed materials, was declared by Iraq to be a Ba'ath Party Headquarters.

Iraq initially declared it to be sensitive and therefore subject to special procedures issued by the former Executive Chairman, Ambassador Ekeus, to his inspectors in 1996. The Chief Inspector was instructed to conduct his inspections according to the requirements he assessed he needed for a credible and timely inspection. Experience since 1996 had proven that the limited access procedures of 1996 did not allow effective inspections subsequent discussions between the Executive Chairman and the Deputy Prime Minister had addressed this point (as reported to the Security Council in a letter dated 17 December 1997 (5/1997/987)) and new modalities had been agreed. Protracted discussions between the Chief Inspector and his Iraqi counterpart failed to yield satisfactory access. During the discussions, Iraq had introduced various new requirements, including a formal letter of request, indicating what was being sought at the site.

At a fourth site, while Iraq declared it to be sensitive, arrangements were ultimately agreed for the inspection. Iraq stated that this had been the former Headquarters of the Special Security Organization, claiming that it had now been moved to a new location. The building had been emptied of any relevant materials. Iraq would not disclose where those materials were now held.

A fifth site appeared to be a private residence and, with the permission of the residents, two female Inspectors made a brief walk through to confirm the nature of the site.

The final site, the management offices of the Military Industrialization Corporation (MIC), was also declared sensitive by Iraq. However, agreement on access by a small team was achieved. This site, too, had been prepared to avoid any disclosure of relevant materials and the team assessed Iraq had expected their arrival.

In light of the clear evidence that Iraq had taken advance actions at certain of the locations planned for inspection in order to defeat the purposes of inspection, the Executive Chairman decided not to conduct the full range of inspections the team had planned. No inspection of presidential sites took place.

National Implementation Measures

Both the Special Commission's and the IAEA's Plans for ongoing monitoring and verification, which were approved by Security Council resolution 715 (1991), provide that Iraq shall adopt the measures necessary to implement its obligations under section C of resolution 687 (1991), resolution 707 (1991) and the Plans. In particular, Iraq is required to adopt legislation prohibiting all natural and legal persons under its jurisdiction from undertaking anywhere any activity prohibited by the relevant resolutions and the Plans, and to enact penal legislation to enforce the aforesaid prohibitions. Such legislation was required by the Plans to have been enacted within 30

days of their adoption by the Security Council on October 1991. To date, the legislation has not been enacted.

This is an issue on which Iraq's cooperation has been sought since 1991. It would have been an indication of full cooperation had Iraq taken action on this issue in the period under review.

Conclusion

As is evident from this report, Iraq did not provide the full cooperation it promised on 14 November 1998.

In addition, during the period under review, Iraq initiated new forms of restrictions upon the Commission's work. Amongst the Commission's many concerns about this retrograde step is what such further restrictions might mean for the effectiveness of long-term monitoring activities.

In spite of the opportunity presented by the circumstances of the last month, including the prospect of a comprehensive review, Iraq's conduct ensured that no progress was able to be made in either the fields of disarmament or accounting for its prohibited weapons programmes.

Finally, in the light of this experience, that is, the absence of full cooperation by Iraq, it must regrettably be recorded against that the commission is not able to conduct the substantive disarmament work mandated to it by the Security Council and, thus, to give the Council the assurances it requires with respect to Iraq's prohibited weapons programmes.

(Signed) Richard BUTLER

Appendix 6 - Parliamentary material on Iraq

DISPLAY DATE :: 26.01.99
 REFERENCE :: 324 c145-7
 SESSION :: 98/99
 MEMBER :: Dalyell/Tam
 DESCRIPTION :: Military Action Against Iraq (Parliamentary Approval).
 Motion for leave to introduce a Bill. Presentation and
 first reading (Bill 35 1998/99). To be read a second time
 16 April 1999.
 LEGISLATION :: Military Action Against Iraq (Parliamentary Approval) Bill
 1998/99

DISPLAY DATE :: 25.01.1999
 REFERENCE :: 324 c115-22
 SESSION :: 98/99
 CORPORATE AUTHOR :: Foreign and Commonwealth Office
 MEMBER :: Dalyell/Tam;Lloyd/Tony
 DESCRIPTION :: Adjournment debate on sanctions against Iraq.

DISPLAY DATE :: 17.12.1998
 REFERENCE :: 322 c1097-111
 SESSION :: 98/99
 CORPORATE AUTHOR :: Prime Minister
 MEMBER :: Blair/Tony
 DESCRIPTION :: Statement on Iraq. (Includes ref to report by Richard Butler)

DISPLAY DATE :: 17.12.1998
 REFERENCE :: 322 c1112-93
 SESSION :: 98/99
 CORPORATE AUTHOR :: Foreign and Commonwealth Office
 MEMBER :: Cook/Robin;Howard/Michael;Maples/John;Robertson/George
 DESCRIPTION :: Debate on a motion for the adjournment on Iraq.

DISPLAY DATE :: 25.11.1998
 REFERENCE :: 321 c144-56
 SESSION :: 98/99
 CORPORATE AUTHOR :: Foreign and Commonwealth Office
 MEMBER :: Galloway/George;Fatchett/Derek
 DESCRIPTION :: Wednesday adjournment debate on the crisis in the Gulf.

DISPLAY DATE :: 16.11.1998
REFERENCE :: 319 c607-23
SESSION :: 97/98
CORPORATE AUTHOR :: Prime Minister
MEMBER :: Blair/Tony
DESCRIPTION :: Statement on latest developments in Iraq.

DISPLAY DATE :: 03.11.1998
REFERENCE :: 318 c703-13
SESSION :: 97/98
CORPORATE AUTHOR :: Foreign and Commonwealth Office
MEMBER :: Cook/Robin
DESCRIPTION :: Statement on the latest developments in Iraq.

DISPLAY DATE :: 18.03.1998
REFERENCE :: 308 c1262-70
SESSION :: 97/98
CORPORATE AUTHOR :: Foreign and Commonwealth Office
MEMBER :: Dalyell/Tam;Fatchett/Derek
DESCRIPTION :: Wednesday adjournment debate on relations with Iran and
Iraq.

DISPLAY DATE :: 24.02.1998
REFERENCE :: 307 c173-87
SESSION :: 97/98
CORPORATE AUTHOR :: Prime Minister
MEMBER :: Blair/Tony
DESCRIPTION :: Statement on Iraq. (Inc ref to text of agreement signed by
United Nations Secretary General and Deputy Prime Minister
of Iraq - copies in Library).

DISPLAY DATE :: 17.02.1998
REFERENCE :: 306 c901-91;306 c899-989
SESSION :: 97/98
CORPORATE AUTHOR :: Foreign and Commonwealth Office;Ministry of Defence
MEMBER :: Cook/Robin;Howard/Michael;Young/George;Robertson/George
DESCRIPTION :: Debate on a motion condemning the continuing refusal of
Iraq to comply with its obligations under the
post-ceasefire UN Security Council resolutions by allowing
UNSCOM to carry out without restrictions the required
inspections of its chemical, biological and nuclear weapons
programmes, and... supporting government resolve to use all
necessary means to achieve an outcome consistent with the
resolutions. Motion agreed on division (493 to 25).

