

SADDAM'S IRAQ: SANCTIONS AND U.S. POLICY

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SOUTH ASIAN AFFAIRS
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WEDNESDAY, MARCH 22, 2000

U.S. SENATE,
SUBCOMMITTEE ON NEAR EASTERN
AND SOUTH ASIAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met at 10:22 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Sam Brownback (chairman of the subcommittee) presiding.

Present: Senators Brownback, Biden and Wellstone.

Senator BROWNBACK. The hearing will be called to order.

Thank you all for joining us today. Ambassador Walker, in particular, I want to thank you for being here. This will be your first appearance in front of the committee since your confirmation hearing. So, I am delighted to have you here.

Senator Wellstone will be joining us. He has another meeting but will be joining us in the hearing. I hope some other members will as well.

Before we get started, I hope, Ambassador Walker, that you have a chance and will take the opportunity to address a broad range of issues, although the hearing today is about Iraq. If I had my druthers, we would be discussing a wide range of issues here today and not just the question of Iraq, particularly issues like what is taking place in the peace process, specifically the discussions regarding the Syrian track.

Congress, I would note to you, clearly wants to be consulted before any agreement is reached that will involve significant U.S. dollars and/or the use of U.S. troops or observers in any sort of peace agreement. This is something that the Congress wants to know about before any fait accompli occurs.

Also, I hope you feel free to take the opportunity to discuss sanctions concessions on Iran, potentially on Libya. But today's hearing is about Iraq, and we will stay to that topic, but feel free to comment on these others because they are very pressing issues of interest and concern.

It has long been my belief that policy toward Iraq should be really a rather simple matter. One, Iraq must be disarmed completely. Two, failing total disarmament, Saddam Hussein should be removed from power. This administration has embraced to, a greater or lesser degree, both of these goals, and in both cases, I wonder really if the administration has lost sight of its objectives.

On the question of disarmament, there have been no weapons inspectors in Iraq for well over a year. We have no idea what Sad-

dam is up to. We can be pretty sure it is not good for us. In order to get inspectors back in, the United States has agreed to water down the inspection regime and weaken the sanctions regime. And even those concessions have not bought compliance from Saddam.

Now, to an observer, the situation is not too complicated. At the end of 1998, the United States launched a military operation against Iraq because Saddam was not cooperating with UNSCOM. A year later UNSCOM was disbanded by the Security Council with the help of the United States, and a kinder, gentler commission was created. Now, what changed? Not Saddam, that is for sure. What changed was the U.S.'s position and resolve.

The administration seems to be listening to those who blame sanctions for the suffering of the Iraqi people. We signed on to the U.N. Security Council Resolution 1284 which lifted any ceiling on Iraqi oil exports. Saddam now has more oil flowing than he did before the Gulf war and at a much better price I might add. In spite of that, we have agreed to soften the inspections regime and the sanctions regime, which to my mind will help neither the people of Iraq nor U.S. interests.

Now, I hope it is abundantly clear at this point in time that Saddam Hussein is the enemy of the Iraqi people. As well, he is an adversary of ours and of the United Nations. Let us face up to that fact once and for all. For the sake of the Iraqi people and for the interests of the American people and our allies, Saddam should be removed. It really is as simple as that.

I look forward to your statement. Ambassador Walker, I appreciate your expertise. I have appreciated the friendship and being able to work with you. I have to say, though, in my observation of what we are doing toward Iraq right now, it reminds me of the NCAA tournament and somebody ahead in the game, or even behind in the game, and sitting on the ball. We just are not pressing the issue forward at all. At all. I see nothing observable that we want to change regimes in Iraq anytime during the Clinton administration, that we are going to press for a different disarmament regime in Iraq anytime during the Clinton administration. It is as if we are just kind of running out the clock and we are behind in the game, which does not make much sense to do.

So, I hope you can persuade me differently, but my observation of this is not very hopeful. And I have not seen the implementation of the Iraq Liberation Act to any degree of which the Congress intended for that act to be implemented and pressed forward. This is a broad-based concern in the Congress, particularly in the Senate. It is a bipartisan concern. Senator Kerrey from Nebraska and I talk often about this issue of concern about what is taking place in Iraq and the signal that we have sent to our allies who are neighbors with Iraq in the region that, look, Saddam is just going to be there. Deal with it. I do not think that is the right signal for us to be sending to them, nor one that we should be sitting on our hands letting the clock run out on this administration in our policy of dealing toward Iraq.

So, hopefully you can tell me that there are more and better things that are on the horizon that are going to be happening dealing with Iraq and some of these other issues that we discussed at the outset. I look forward to your testimony.

But we have been joined by the ranking member of the committee. I am delighted to have him here and present. Senator Biden, the floor is yours.

Senator BIDEN. Thank you. Mr. Ambassador, if you have the answer to the chairman's questions, you will win the Nobel Peace Prize. We have to get you an answer in the administration too. What is the Congress willing to do?

I recall having a meeting with the newly organized and—how could I say—unified Iraqi opposition leadership that met in the United States, and all of us sat there with them. We were interested, a bunch of us—I do not know—8, 10, 12 Senators and talked about how we had to do more. I raised the following question.

I said, if we go ahead and implement the Iraqi Liberation Act with funding available to us and these folks who constitute the opposition—and they are varied in their backgrounds—if they begin to move and they are pinned down—I asked this particular leader of the group, who I will not mention now because it was a private meeting, I said, look out at each of these Senators. Ask how many are willing to vote to send American troops if you are pinned down. I said, I commit to you I will. I did not notice another hand raised in that meeting. Not one other hand.

So, it seems to me that we have a big problem. Saddam is the problem. Saddam is in place. Saddam is not going anywhere unless we do something relatively drastic. It is clear our allies are not prepared to do anything drastic. As a matter of fact, it is clear, on the part of the French and others, they would rather essentially normalize the relationship. So, we have got a big problem.

And any insight you can give us as to why we are not doing more—I too am confused as to what we seem to be in the administration—you seem to be taking the position which is essentially if you cannot fight them, join them. That is, our friends who say that the problem is the sanctions. I do not agree with that.

So, at any rate, I am anxious to hear your testimony, and I hope that we can generate enough backbone here in the Congress, as well as enough leadership in the administration, to come up with a consensus policy as to what we should do.

Senator BROWNBACK. And I am willing to work on that. I do note in that meeting, the Iraq opposition was not asking for U.S. troops. They were asking for us to implement that act—

Senator BIDEN. No. That is right. They were not.

Senator BROWNBACK [continuing]. And press forward with its implementation which, it strikes me, has been very slow to come. Now, maybe you have a different report for us today, Ambassador Walker, and I hope that is the case.

The floor is yours.

STATEMENT OF HON. EDWARD S. WALKER, ASSISTANT SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador WALKER. Mr. Chairman, thank you very much, Senator. Very nice to be here. I really do appreciate the opportunity to testify before the subcommittee and particularly as my first opportunity, Senator, since you were the one who chaired my confirmation hearing.

A couple of points on the items that you mentioned before. I think we are going to be in a much better position to talk about the Syrian track of the peace process after Sunday and after the meeting of the President with President Assad. Hopefully, we will have an opportunity to consult after that.

Clearly, the President understands and the Secretary understands fully the importance of having congressional consultations prior to the kinds of commitments that are being talked about. We have not reached the point yet where this has been pinned down. We will be shortly doing that, and at that point it is my expectation that we will begin consultations on the Hill.

The Iran subject is a complex one and I think would be better taken up in a forum in which we had more time to discuss it.

Senator BROWNBACK. I would be happy to provide that at a time when you can come back. I would enjoy and would appreciate your presentation of it today, but we will get a time where you are available and we will discuss it thoroughly.

Ambassador WALKER. Because it is a complex situation and we do not want to have misinterpretation of what we have done through the Secretary's statement. So, I think it is important to have that conversation.

I do welcome the opportunity to mention the Libya situation. It is very important that people understand that what we are doing with sending a consular delegation to Libya is strictly a consular matter. There are only two countries in the world where the United States passport is not authorized. One is Iraq and one is Libya. We have business interests in Libya. It is our intent to see if it is safe for Americans, and that is the sole purpose of the consular visit. If it is safe, then the Secretary will have to make a decision whether or not to authorize U.S. passports. That decision has not been made yet.

This has no relationship to subsequent steps. There are no subsequent steps in mind. We have a series of requirements of Libya that have been put down by the United Nations Security Council. We are adhering to those requirements relating to cooperation with the trial authorities, the Scottish authorities, relating to support for terrorism and relating to compensation for the families of the victims. There is no change in that policy, and we will continue along those lines.

So, I want to make sure that people understand that this is not a move to take Libya off the terrorist list or to change any of the sanctions that have been imposed by the Security Council.

Now, if I may, Senator, I would like to read a statement, and then I welcome the question and answer period when we can clarify some of the items that you have discussed already.

Iraq, under Saddam Hussein, remains dangerous, unreconstructed, and defiant. Saddam's record makes clear that he will remain a threat to regional peace and security as long as he remains in power. That is why the United States is committed to containing Saddam Hussein as long as he remains in power. But we are also committed to helping alleviate the suffering of the Iraqi people and to supporting Iraqis who seek a new government and a better future for Iraq.

We contain Saddam through U.N. sanctions which deny him the resources needed to reconstitute weapons of mass destruction, by enforcing no-fly zones in the north and south, and by maintaining a military presence in the region and a readiness to use force if necessary.

An effective disarmament and monitoring regime inside Iraq would strengthen containment by further limiting Iraq's efforts to rearm. Resolution 1284 reaffirms that Iraq has not fulfilled its obligations under previous Security Council resolutions to declare and destroy its weapons of mass destruction. The resolution establishes a new arms control organization, the United Nations Monitoring, Inspection and Verification Commission, or UNMOVIC, to replace UNSCOM. UNMOVIC retains UNSCOM's broad mandate and authorities. It has the right to conduct intrusive inspections into Iraq's past weapons of mass destruction programs, as well as to monitor and to prevent future developments of weapons of mass destruction. It has the right to immediate, unconditional, and unrestricted access to any and all sites, records, and facilities.

The United Nations is moving ahead with implementation of the Resolution 1284. The Secretary General has appointed Hans Blix of Sweden, a former director general of the International Atomic Energy Agency, as executive chairman of UNMOVIC, and he took up his duties on March 1. We have met several times with Dr. Blix since his appointment, and he has made clear that he is committed to putting in place a robust, technically proficient body which will accept nothing less than full Iraqi cooperation.

Sanctions are the most critical element of containment. In the absence of the sanctions regime and a comprehensive international system of controls, Saddam Hussein would have sole control over Iraq's oil revenues, estimated at \$20 billion over the coming year. In the absence of comprehensive international controls, even if a military embargo remained in place, it is inevitable that Saddam would once again threaten the region and ignore the needs of the Iraqi people.

But it is also essential that we address the humanitarian needs of the Iraqi people. Not only is it right for the international community to do all it can to assist the Iraqi people who are the pawns of Saddam Hussein, but doing so minimizes the risk of sanctions erosion and alleviates international pressures to ease or lift the controls which keep Iraq's revenue out of the hands of Saddam Hussein.

U.N. sanctions have never targeted the Iraqi people and have never limited the important food and medicine for the Iraqi people. In fact, it was the United States that pressed for the creation of the first oil-for-food program adopted in 1991. Baghdad rejected this program, and it was not until 1996 that it finally accepted oil-for-food.

Since the first oil-for-food supplies arrived in Iraq in 1997, the program has brought tremendous improvements in living conditions. Iraqi per capita intake has risen from 1,300 calories before the program began to over 2,000 calories now provided by a U.N. ration basket which is augmented by locally grown produce.

Food imports are now at about prewar levels. In the year before the program began, Iraq imported about \$50 million worth of medi-

cines. Since the program began, more than \$1 billion worth have been approved. Ninety percent of essential drug needs in hospitals are now being met. Over a billion dollars worth of goods for the water, sanitation, electrical, and agricultural sectors have been approved.

Saddam Hussein, however, has abused the program to the detriment of the Iraqi people in an attempt to get sanctions lifted without compliance. The Secretary General reported earlier this month that Iraq has still not implemented the supplementary feeding programs recommended for years by the United Nations for malnourished children under 5 and for school children.

To get the clearest picture of the oil-for-food program and its potential, it is helpful to compare its operation in northern Iraq where the United Nations controls distribution and in southern and central Iraq where Saddam controls the distribution of goods. A UNICEF report on child mortality in Iraq conducted last year revealed a disturbing rise in child mortality rates, more than double pre-war levels, in south and central Iraq, the parts of the country controlled by Saddam Hussein. But the report also revealed that child mortality rates in northern Iraq had dropped below pre-war levels. These numbers show that oil-for-food can work to meet the needs of the Iraqi people if the government can be prevented from interfering or can be compelled to manage the program efficiently with that priority in mind.

Even with the successes of the oil-for-food program, more can and should be done. That is why the U.S. supported Resolution 1284, adopted by the Security Council on December 17, which introduces further enhancements of the oil-for-food program. The resolution permits Iraq to sell as much oil as needed to meet humanitarian needs of the Iraqi people. I would interject at this point that every dollar that is sold in that program is controlled by the United Nations. It does not go to Saddam Hussein.

We do not believe there should be any limit on the funds spent on the Iraqi people. As it has in the past, the U.N. will continue to monitor the program to ensure that the regime spends these revenues only on humanitarian projects. The resolution also streamlines the contract approval process to facilitate the supply of legitimate goods and authorizes the use of oil-for-food funds to purchase local goods, such as wheat, to provide a boost to Iraq's agricultural sector.

For our part, we are examining our own national procedures for reviewing oil-for-food contracts to ensure that they are optimized to meet our priorities; that is, maximizing assistance to the Iraqi people while denying the regime access to goods it could use to reconstitute its weapons of mass destruction programs.

At the same time as we work in the United Nations to strengthen containment, we continue to support Iraqis who are supporting the removal of the current Baghdad regime and its replacement by a new government in Baghdad under which Iraq can resume its rightful place in the Arab and international communities. We continually tell the Iraqis that they alone must be the ones to determine the future of Iraq. We will assist them as we can, but we will not—indeed, should not—be the ones to decide who will be the next leader of Iraq.

Using congressionally appropriated funds, the State Department and the INC will sign an initial grant worth over a quarter a million dollars this week. The grant will enable the Iraqi National Congress [INC] to continue its efforts to reach out to constituents and to establish the infrastructure necessary to accomplish its objectives and to take advantage of other congressionally mandated programs.

As a government, we are also stepping up our efforts to gather evidence to support the indictment of the top Iraqi leadership for crimes against humanity, genocide, and war crimes. We are gathering evidence from U.S. Government files and we are supporting the work of NGO's that make important contributions to this effort. We expect the Iraqi opposition to make a major contribution to the campaign to bring the Baghdad regime to justice.

Thank you, Mr. Chairman. I welcome any questions that you may have.

[The prepared statement of Ambassador Walker follows:]

PREPARED STATEMENT OF HON. EDWARD S. WALKER, JR.

Mr. Chairman: I am pleased to appear before you today to discuss U.S. policy towards Iraq, a key foreign policy issue.

Iraq under Saddam Hussein remains dangerous, unreconstructed and defiant. Saddam's record makes clear that he will remain a threat to regional peace and security as long as he remains in power. He will not relinquish what remains of his WMD arsenal. He will not live in peace with his neighbors. He will not cease the repression of the Iraqi people. The regime of Saddam Hussein can not be rehabilitated or reintegrated as a responsible member of the community of nations. Experience makes this conclusion manifest. That is why the United States is committed to containing Saddam Hussein as long as he remains in power. But at the same time, we are also committed to working to alleviate the suffering of the Iraqi people who are forced to live under a regime they did not choose and do not want, and to supporting Iraqis who seek a new government and a better future for Iraq.

The first two elements of our policy, containment and the effort to alleviate conditions for the Iraqi people were strengthened considerably by the Security Council's adoption of resolution 1284 in December of last year. Let me begin by reviewing the elements of containment.

We contain Saddam through UN sanctions which deny him the resources needed to reconstitute weapons of mass destruction, by enforcing no-fly zones in the North and South, and by maintaining a military presence in the region and a readiness to use force if necessary.

We have enforced a no-fly zone over northern Iraq since 1991, and over southern Iraq since 1992. These zones were established to prevent Saddam Hussein from using his air force against the civilian populations of these areas, as he has done so brutally in the past. We have been highly successful in this effort. The zones also provide critical buffer zones to detect any Iraqi troop movements north or south. Iraqi propaganda denounces the no-fly zones as a pretext for ongoing military action against Iraqi forces, a charge which some others have repeated. Let me just state, once again, that the no-fly zones are protective, not offensive, in nature. Since December 1998, following Operation Desert Fox, Saddam Hussein has mounted a sustained challenge to our patrols. Iraqi forces have violated the no-fly zones over 600 times in 1999. Our forces are fully prepared and authorized to defend themselves and we have responded to these challenges with strikes on Iraq's integrated air defense system. Saddam Hussein will not deter us from our commitment to maintaining these zones which are a key element of containment.

An effective disarmament and monitoring regime inside Iraq would strengthen containment by further limiting Iraq's efforts to rearm. In the absence of inspectors on the ground, we must rely on national technical means which cannot provide the same level of assurance as monitoring on the ground. Resolution 1284 re-affirms that Iraq has not fulfilled its obligations under previous Security Council resolutions to declare and destroy its WMD. The resolution establishes a new arms-control organization, the UN Monitoring, Inspection and Verification Commission, or UNMOVIC, to replace UNSCOM. UNMOVIC retains UNSCOM's broad mandate and authorities. It has the right to conduct intrusive inspections into Iraq's past

WMD programs, as well as to monitor to prevent future development of WMD. It has the right to immediate, unconditional and unrestricted access to any and all sites, records and facilities.

The UN is moving ahead with implementation of the resolution 1284. The Secretary General has appointed Hans Blix of Sweden, former Director General of the International Atomic Energy Agency, as Executive Chairman of UNMOVIC, and he took up his duties on March 1. We have met several times with Dr. Blix since his appointment, and he has made clear that he is committed to putting in place a robust, technically-proficient body which will accept nothing less than full Iraqi cooperation. He has had extensive experience with the deceitfulness of Saddam's regime and the lengths it goes to in order to preserve its WMD programs.

The Secretary General, in consultation with Dr. Blix and Security Council members, has also named a 16-member College of Commissioners for UNMOVIC to provide advice and guidance to the Executive Chairman. They represent a technically expert group. Assistant Secretary for Non-Proliferation Affairs, Robert Einhorn, has been appointed as a Commissioner. Like UNSCOM's College of Commissioners, we expect that they will meet periodically so that Dr. Blix can draw on their collective expertise. Dr. Blix is now embarked on drawing up an organizational plan for UNMOVIC which is scheduled to be completed by April 15.

If weapons inspectors are allowed back into Iraq, the next step is for UNMOVIC and the IAEA to draw up the key remaining disarmament tasks to be completed by Iraq. If Iraq fulfills these tasks, and cooperates with weapons inspectors for 120 days after reinforced monitoring is fully operational, the Council could act to suspend sanctions temporarily, provided appropriate financial controls are in place, and bearing in mind the humanitarian purposes of the Council's decisions. The embargo on military imports would remain in place, and dual-use items would continue to require prior approval. If Iraqi cooperation ceased, sanctions would be re-imposed automatically. Renewal of the suspension would require a positive Council decision every 120 days.

The condition for lifting sanctions on Iraq—full compliance with UN Security Council resolutions—remains unchanged.

Containment has been strengthened by the adoption of the resolution. All members of the Security Council—even the four that abstained from the resolution—are committed to implementing the resolution, pressing Iraq to accept inspectors, and maintaining sanctions until Iraq complies with the terms of the resolution.

Sanctions are the most critical element of containment. In the absence of the sanctions regime and a comprehensive international system of controls, Saddam Hussein would have sole control over Iraq's oil revenues—estimated at \$20 billion over the coming year—to spend on priorities of his regime, whether it be to rebuild his WMD capacity, produce chemical or biological weapons, bolster his oppressive security apparatus, or to build opulent palaces. In the absence of comprehensive international controls—even if a military embargo remained in place—it is inevitable that Saddam would once again threaten the region and ignore the needs of the Iraqi people.

As long as sanctions remain in place, it is essential that we address the humanitarian needs of the Iraqi people. An effective oil-for-food program, which provides the Iraqi people with basic civilian and humanitarian goods while denying the regime access to the most dangerous dual-use goods, serves both humanitarian interests and regional security. Not only is it right for the international community to do all it can to assist the Iraqi people who are the pawns of Saddam Hussein, but doing so minimizes the risk of sanctions erosion and alleviates international pressure to ease or lift the controls which keep Iraq's revenue out of the hands of Saddam Hussein.

UN sanctions have never targeted the Iraqi people and have never limited the import of food and medicine for the Iraqi people. In fact, the United States was an original sponsor of the first oil-for-food program, adopted in 1991. Tragically, Baghdad rejected this program and it was not until 1996 that it finally accepted oil-for-food. Since the first oil-for-food supplies arrived in Iraq in 1997, the program has brought tremendous improvements in living conditions. Iraqi per capita intake has risen from 1,300 calories before the program began to over 2,000 calories now provided by a UN ration basket which is augmented by locally-grown produce. Food imports are now at about prewar levels. In the year before the program began, Iraq imported about \$50 million worth of medicines. Since the program began, more than \$1 billion worth have been approved. Ninety percent of essential drug needs in hospitals are now being met. Over a billion dollars worth of goods for the water, sanitation, electrical and agricultural sectors have been approved.

Saddam Hussein however, has abused the program to the detriment of the Iraqi people, in an attempt to get sanctions lifted without compliance. Since the first de-

livery of oil-for-food supplies in March 1997, the government of Iraq has failed to work with UN authorities to maximize the benefit to the Iraqi population. The needs of the most vulnerable groups, including children and the elderly, have been of particular concern. The Secretary General reported earlier this month that Iraq has still not implemented the supplementary feeding programs, recommended for years by the UN, for malnourished children under five and for school children. These programs have been very successful in the North, where oil-for-food is administered by the UN. By contrast, vaccination levels in Baghdad-controlled areas are worse than they were in 1994. Ordering remains slow and erratic, and the distribution of goods after they reach Iraq continues to be a problem. A major reason for this suffering is Saddam's cynical manipulation.

To get the clearest picture of the oil-for-food program and its potential, it is helpful to compare its operation in northern Iraq, where the UN controls distribution, and in southern and central Iraq, where Saddam controls the distribution of goods. A UNICEF report on child mortality in Iraq conducted last year revealed a disturbing rise in child mortality rates—more than double pre-war levels—in south-central Iraq, the parts of the country controlled by Saddam Hussein. But the report also revealed that child mortality rates in northern Iraq, where the UN controls distribution of the oil-for-food program, had dropped below pre-war levels. What these numbers show is that oil-for-food can work to meet the needs of the Iraqi people if the government can be prevented from interfering, or can be compelled to manage the program efficiently with that priority in mind.

Publicity surrounding the release of this survey last year led Baghdad to finally place orders for nutritional supplements—something the UN had long advocated. Early last year, the Secretary General reported that there were \$275 million worth of medicines sitting in Iraqi warehouses undistributed. As a result of the publicity generated by this report, stockpiles were eventually reduced. We hope that the Secretary-General's latest report will generate pressure on the regime to introduce supplementary feeding programs, improve distribution of supplies and rationalize the Government's ordering.

Even with the successes of the oil-for-food program, more can and should be done. That is why the U.S. supported resolution 1284, adopted by the Security Council on December 17, which introduces further enhancements of the oil-for-food program. The resolution permits Iraq to sell as much oil as needed to meet the humanitarian needs of the Iraqi people. We do not believe there should be any limit on the funds spent on the Iraqi people. As it has in the past, the UN will continue to monitor the program to ensure that the regime spends these revenues only on humanitarian projects. The resolution also streamlines the contract approval process to facilitate the supply of legitimate goods, and authorizes the use of oil-for-food funds to purchase local goods, such as wheat, to provide a boost to Iraq's agricultural sector.

For our part, we are examining our own national procedures for reviewing oil-for-food contracts, to ensure that they are optimized to meet our priorities: maximizing assistance to the Iraqi people while denying the regime access to goods it could use to reconstitute its WMD programs. The United States has been criticized by many for the numbers of holds we have placed on oil-for-food contracts. We recognize that some of this criticism reflects humanitarian concern, and we are reviewing our procedures with this concern in mind. However, we must also be objective, as well as compassionate, in assessing the big picture.

The regime of Saddam Hussein has used chemical weapons against its own people and its neighbors, it has developed biological weapons and had an active nuclear program. It has obstructed weapons inspectors for nine years in an effort to conceal these programs. This regime has the expertise and the will to produce weapons of mass destruction. We can not hand it the goods it needs to turn those intentions into reality. Particularly in the absence of weapons inspectors, we will continue to hold on dual-use goods which can be used in WMD development.

At the same time, it is critical that we do all we can to ensure that the Iraqi people receive the goods they need. Not only is it right for the international community to do all it can to assist the Iraqi people who are the pawns of Saddam Hussein, but doing so minimizes the risk of sanctions erosion and alleviates international pressure to ease or lift sanction in the absence of Iraqi compliance with UN Security Council resolutions.

At the same time as we work in the UN to strengthen containment, we continue to support Iraqis who are supporting the removal of the current Baghdad regime and its replacement by a new government in Baghdad under which Iraq can resume its rightful place in the Arab and international communities. We continually tell the Iraqis that they alone must be the ones to determine the future of Iraq; we will assist them as we can, but we will not, indeed should not, be the ones to decide who will be the next leader of Iraq.

Using funds appropriated by Congress, free Iraqis held a broad-based National Assembly in New York in October. At the conference, the Iraqi National Congress elected a new leadership. Frank Ricciardone has been working intensively with them to channel fresh U.S. support to the Iraqi opposition as they identify and plan specific operational goals and activities:

- Developing and broadcasting a vision for the restoration of civil society in Iraq and for Iraq's reintegration as a responsible member of the international community.
- Building the case for the prosecution of Saddam Hussein and key members of the regime for war crimes and crimes against humanity;
- Channeling training, information and material support, under the Iraq Liberation Act, to the forces of change inside Iraq.
- Channeling humanitarian assistance to Iraqis in need, in the face of Baghdad's obstruction and monitoring Saddam Hussein's performance in providing for the basic needs of the Iraqi people.
- Building stronger ties to and between the internal resistance and with regional states.

Using congressionally appropriated funds, the State Department and the INC will sign an initial grant worth over a quarter of a million dollars this week. The grant will enable the INC to continue its efforts to reach out to constituents and to establish the infrastructure necessary to accomplish its objectives and to take advantage of other congressionally mandated programs.

In particular, we hope and expect that the INC will soon have the organization and staffing needed to take full advantage of training and material support that we will be ready to provide under the Iraq Liberation Act. As you know, four INC members were invited to participate in a first military training course under the ILA in November at Hurlburt Air Force Base. The Iraqis participated side by side with colleagues from other Arab countries for the first time in many years. Now, the Defense Department is preparing a more extensive list of training options for free Iraqis. We anticipate that by late spring, many more Iraqis will be in line for training enjoyed by other allied and friendly officers in areas related to logistics, civil reconstruction, management, and public relations.

Another important area the INC will be working on is providing humanitarian assistance to Iraqis inside Iraq. This is an important area that dovetails with our own national goals and we look forward to working with them on it. The INC would develop an infrastructure to deliver critically needed humanitarian goods to segments of the Iraqi population that Saddam Hussein has ignored.

As a government, we are also stepping up our efforts to gather evidence to support the indictment of the top Iraqi leadership for crimes against humanity, genocide and war crimes. We are gathering evidence from U.S. Government files. We are also supporting the work of NGOs that make important contributions to this effort. We have already provided \$2 million in congressionally appropriated funds to four separate but related activities: making captured Iraqi documents available on the Internet; gathering videotape and imagery of Iraqi crimes against humanity; gathering witness statements to justify indictments of top Iraqi officials and helping to generate the international public on the crimes committed by the Baghdad regime. We expect the Iraqi Opposition to make a major contribution to the campaign to bring the Baghdad regime to justice.

This heightened attention by NGO's to crimes of the Iraqi leadership has already borne fruit, as we saw by the precipitous departure of an Iraqi regime leader from Austria last September and with Tariq Aziz' decision shortly thereafter not to participate in a forum in Italy. We have increased our diplomatic activity on the issue, discussing the possibilities of a UN tribunal or committee of experts with other UN members and ensuring that documents in U.S. control are available for use in any eventual legal action.

I cannot predict with any certainty when this brutal regime will be gone. But by maintaining sanctions, enforcing the no-fly zones, committing to use force if Saddam Hussein crosses our red lines, and supporting the opposition, we increase the pressure on the regime and we contain the threat it poses to the region and the Iraqi people.

I welcome any questions you may have.

Senator BROWBACK. Do you expect Saddam Hussein to be in power at the end of the Clinton administration?

Ambassador WALKER. I would say that we cannot predict what will happen in Iraq. The probabilities would lead in the direction

that he would still be in power by the end of the administration. That does not mean that we cannot use the intervening time to build up the capabilities of those who would seek to remove him.

Senator BROWNBACK. You stated this week you signed a contract with the INC for a quarter million dollars. Your total authorization in that program I believe is around \$97 million.

Ambassador WALKER. That is in the draw-down authority. This is the ESF moneys that the quarter million will come out, and the total authority there is, I believe, \$10 million, of which \$2 million goes to the war crimes effort and \$8 million goes to the INC.

Now, we have a general outline of the program that the INC will be putting forward to us. They will use this quarter of a million to help establish their offices and to get a complete program to us. But we have outlined the general elements of the program.

Senator BROWNBACK. How much money has the Clinton administration used this fiscal year to support the INC?

Ambassador WALKER. In support of the INC, there was money devoted to a supporting agency, and I do not have the figures on that, Senator. I do not know exactly how much went to the subcontractor which was helping them develop the meetings that we had in New York and so on. I will have to get you those figures.

[The following information was subsequently supplied:]

Over the course of 1999, as Iraqi opposition leaders greatly increased their efforts to strengthen opposition unity and political activity, the USG supported their efforts through grants and contracts with a conference planning contractor and with a public advocacy firm. The conference planner not only made all arrangements for the series of organizational and political meetings the INC conducted, but also organized their deliberations at the UN General Assembly and their subsequent National Assembly meeting in New York, the first such assembly of Iraqis since 1992. The conference planner also provided office space and office support in London for the INC's activities. Final figures for these support activities are still under review. The contractor has, in many cases, been able to negotiate significant savings against anticipated costs. We understand the total for all support costs during 1999 will be approximately \$3 million.

Separately, the INC has now been awarded a grant for \$267,784 in Economic Support Funds to set up its own headquarters structure and undertake various organizational and public advocacy tasks. We expect that this will be only the first of many proposals the INC will submit to support a program of transition toward democracy in Iraq.

Senator BROWNBACK. Is that the primary expense that you have had is the support of the meeting in New York?

Ambassador WALKER. Well, and working with the INC to make them grant worthy so that we could move on to direct programs with the INC, yes.

Senator BROWNBACK. Has any money been authorized to be used by the INC within Iraq?

Ambassador WALKER. At this point there has been no program developed for use within Iraq. That is the whole purpose of the quarter of a million and the program that we will be developing. In the course of that program, we hope to, over the course of the next year, help the INC develop its capabilities so that it can, one, establish an office in London and offices in the region; two, take care of its internal security procedures so that it can operate in Iraq safely; three, monitor the oil-for-food distribution program; four, establish a distribution network for humanitarian supplies; five, collect war crimes evidence; six, establish a Free Iraqi infor-

mation program, television, radio, magazines, which would reach inside Iraq and also be available outside Iraq; and finally, collect such other information as might be useful.

This is an immediate program that we hope will be able to help the INC develop its infrastructure and establish the foundation that could be then used for other things later on.

Senator BROWNBAC. And you do not mention lethal assistance to the INC in that listing. Is that correct?

Ambassador WALKER. I do not mention lethal assistance, nor am I discounting the possibility in the future. But it has been our experience that with several unfortunate situations in 1991 and 1996, that you need to have the foundation solidly built in order to move forward in any campaign that would have a hope of unseating Saddam Hussein.

Senator BROWNBAC. Any notions of how much time it will take to build that solid foundation? You have had the authorization and the approval from Congress for—what—a year and a half, 2 years now with the INC?

Ambassador WALKER. Right.

Senator BROWNBAC. It looks like you have not even got the footings.

Ambassador WALKER. Well, actually a lot has been done, Senator. It is not easy to set up a new organization from the ground up and to make it credit worthy or grant worthy in the U.S. Governmental terminology. We have a number of requirements of transparency, contracting capabilities, and so on that have to be met under congressional guidance that take time for any organization to develop. When I was Ambassador in Egypt, we tried to get several NGO's grant worthy under the AID programs and found that it was extremely difficult to do so, and it took time.

Now, the very process of doing this, however, assists them in developing their infrastructure, their capabilities so that they will be able, our expectation and hope is, to move quicker with our help in trying to develop the kind of program that I have outlined here before you.

Senator BROWNBAC. Mr. Ambassador, it strikes me that what is taking place is the thing that a number of us feared and that is that Saddam—and the administration is in complicity with this—is just waiting you out, that there is not a serious effort on the part of the administration to remove Saddam from power, that we have lost our inspection regime within Iraq. There has not been a serious inspection regime in place for a year within Iraq. And everybody is virtually satisfied with that situation presently and that there is no serious effort within the administration to do anything differently, to find a different group than the INC if you do not think that they can do that, to find a different means to really get at Saddam, to find a different sort of inspection regime. And all along, the clock is ticking and the rest of the world and others are starting to reengage Saddam.

Ambassador WALKER. Right.

Senator BROWNBAC. So, at the end of the day, we are left with him still in power, still in Baghdad, more oil revenues flowing than he had even prior to the war, and our neighbors and our allies in the region saying, well, we did not think you were going to get rid

of him, and I guess we will just have to deal with him. I do not know how one comes to a different conclusion than that, given what is in play today.

Ambassador WALKER. Mr. Chairman, I can see the point. I can tell you that we believe that we have been successful for 9 years in keeping this man under containment, that he has been unsuccessful in reestablishing the capability to threaten his neighbors, and it is our objective, very serious objective, to both strengthen the controls in that area, the sanctions, as well as to work with the INC and others in order to build the kind of a structure they would need to actually do something about Saddam Hussein.

Now, when I say that we are trying to strengthen the controls, I am talking about working to limit the flow of smuggling, the outflow of oil that is not coming under the U.N. control but is being smuggled out of Iraq and which does put hard currency in his pocket. Because, as I said before, the key here is to keep control over his money, as far as the sanctions go. So, that is an effort that we are engaging in now. We hope that we will be able to limit this loophole or this flow.

In the meantime, I had a meeting yesterday with Akhman Shalabi. We have an agreed proposal or an agreed agenda for work in the future. We are serious about it. We admit that it will take some time to put it together. But it is not our objective or our interest to see a slaphappy or a slapdash kind of program put together that costs people's lives. These are serious people, Mr. Chairman. They care about Iraq. They want to do something about it, and we want to help them do it.

Senator BROWNBACK. I know they are serious people. I have met with them as well. But it seems as if what you are presenting is that we are going to keep Saddam under house arrest and then he continues to buildup stronger, and we are really not building his opposition up.

I want to visit some other questions, but we will go ahead.

Senator BIDEN. I have no questions.

Senator BROWNBACK. Senator Wellstone.

Senator WELLSTONE. Thank you, Mr. Chairman. Let me ask your indulgence and the indulgence of Senator Biden. I had a Veterans Affairs Committee hearing, and I have some questions. But I thought in the first 5 minutes, if I could, or several minutes, I would like to lay out my framework, if that is OK. I rarely do this, but it is kind of a semi-formal statement. Then I will have some questions.

By the way, I know this is one of the toughest foreign policy challenges that we have. Let me just say that right away to you, Mr. Walker. I do not quarrel with anyone who believes that Saddam's leadership is a real threat to our interests, to the region, and frankly, maybe even more than anything, to those most directly affected, which is the Iraqi people themselves.

The subject matter today is sanctions and U.S. policy. This is an issue that I have raised before, and I would like to zero in on it, which is the unintended but devastating—devastating—impact of these sanctions on the Iraqi people.

Last week, the Secretary General of the United Nations delivered a report to the Security Council assessing Iraq's humanitarian

needs and saying that the U.N.'s efforts to ease the suffering of 20 million people in the country "has suffered considerably" as a result of the "holds" placed by the United States and Britain on contracts in the oil-for-food program, something I would like to talk to you about.

Saddam Hussein is also criticized in the report for spending too little money from oil sales on food for the population. No question about it.

The point is this. While Saddam has proven indifferent to Iraq's people, I do not think we can be similarly indifferent. I strongly believe that the administration should take some steps to better reconcile the enforcement of our disarmament objectives in Iraq with our obligation to minimize the harm to innocent Iraqi civilians and to ensure their most basic rights.

Now, the Secretary General's recent report to the Security Council—I know what you have said in your testimony, but just a little bit of contradictory testimony. The Security Council's own report last year on the deteriorating humanitarian situation, the comprehensive UNICEF survey on child health—some of this is devastating to read—and other relief agencies that are out in the field, the International Committee of the Red Cross, have all made it clear that a public health emergency exists in many areas of the country and that efforts under the oil-for-food program to alleviate these conditions have been woefully inadequate.

I think it is critical that we do something to address this public health emergency, and I think this requires restoring Iraq's civilian economic infrastructure—I did not say military—in order to bring child mortality rates and other public health indicators back as close as possible to the levels that existed before the embargo. So, let me just mention three initiatives, and I want to get your reaction.

First, that the Security Council and the Sanctions Committee push to implement immediately the recommendations of the report of the Council's humanitarian panel last March. In particular, I think what was important there was the preapproval of humanitarian items. I think that is critically important. Otherwise, this drags on and on and on. I would like to see that process expedited.

Second, to take all necessary steps to persuade the Security Council and the Sanctions Committee to take more seriously its obligation to monitor the humanitarian impact of the sanctions, especially on those people that are most vulnerable, and I have in mind the children and the elderly. We have made a commitment to do so. The Security Council and the Sanctions Committee ought to live up to that.

Then finally, to press the Security Council to establish an international criminal tribunal, which is mandated to investigate, indict, and prosecute Iraqi leaders and former officials against whom credible evidence exists of war crimes against humanity and genocide. That to me is the kind of targeted sanctions that make a great deal of sense, that go after the people who should be held accountable, as opposed to innocent people who are paying the price.

Now, finally, I just want to say that I want us to make every effort to continue and even tighten where possible the restrictions

and prohibitions on military imports to Iraq. I do not want to see any relaxation at all.

But it really troubles me what the effect of these sanctions have been on innocent people. I have looked at these reports. I think they are devastating. Our quarrel is not with the Iraqi people. The President has said that. The State Department has said that. I agree but I think the policy has had a devastating impact on these Iraqis who bear no responsibilities for the policies that we are trying to sanction and change.

So, I would argue, and I conclude this way, that under the U.N. Charter and the Universal Declaration of Human Rights not to destroy or undermine the right of people to not be hungry and have basic standards of health, we have got to do a much better job of balancing our legitimate nonproliferation concerns and those that I think represent a humanitarian commitment to the people there. I have a set of questions about what we are going to do about this humanitarian situation that I want to put to you in the next round.

I have become, over the last year, more and more uneasy. I have read these reports. I have had people who have gone to Iraq come back. There are all sorts of other arguments that it is further radicalizing the people. It is not undermining any support for him at all. I just think we need to reevaluate this, and I will put a set of questions to you on that.

[The prepared statement of Senator Wellstone follows:]

PREPARED STATEMENT OF SENATOR PAUL WELLSTONE

Thank you for holding this hearing, Mr. Chairman. I also want to welcome our first panel's witness, Ambassador Walker.

I wanted to be here this morning because I have said it before and I will say it again, Iraq is one of the toughest foreign policy challenges which falls within this subcommittee's purview. Saddam Hussein's leadership continues to pose a threat to our interests, our allies in the region, and especially to those most directly affected—the Iraqi people themselves.

Mr. Chairman, the subject of today's hearing is "Saddam's Iraq: Sanctions and U.S. Policy." That title zeroes in on an issue that I have raised before and would like to bring up here again: the unintended but devastating impact of these sanctions on the Iraqi people. Last week the Secretary General of the United Nations, Kofi Annan, delivered a report to the UN Security Council assessing Iraq's humanitarian needs and saying that the UN's efforts to ease the suffering of the 20 million people in that country "has suffered considerably" as a result of the "holds" placed by the United States and Britain on contracts in the oil-for-food program.

Saddam Hussein is also criticized in the report for spending too little of the money from oil sales on food for the population. While Saddam has proven to be indifferent to the suffering of Iraq's people, we cannot afford to be similarly indifferent. I strongly believe that the administration should take urgent steps to better reconcile enforcement of its disarmament objectives in Iraq with its obligation to minimize harm to innocent Iraqi civilians and to ensure protection of their most basic rights.

The Secretary General's recent report to the Security Council; the Security Council's own report last year on the deteriorating humanitarian situation; the comprehensive UNICEF survey on child health; and reports from other relief agencies in the field, including the International Committee of the Red Cross (ICRC)—all make clear that a public health emergency persists in many areas of the country, and that efforts under the oil-for-food program to alleviate these conditions have been woefully inadequate. I believe it is critical that we do what we can now to address directly this public health emergency. This requires restoring Iraq's civilian economic infrastructure in order to bring child mortality rates and other public health indicators back as close as possible to the levels that existed prior to the embargo. With this in mind, I strongly urge the administration to take the following initiatives:

First, in the Security Council and the Sanctions Committee, push to implement immediately the recommendations of the report of the Council's humanitarian panel

last March. I realize that many of these recommendations, such as preapproval of humanitarian items, are in Resolution 1284, but they are conditioned on further steps by the Council or the Committee. In this respect I am pleased to note that the Sanctions Committee has begun the pre-approval process for humanitarian items and urge the administration to ensure that these measures are implemented without further delay.

Second, take all necessary steps to persuade the Security Council and its Sanctions Committee to take more seriously its acknowledged obligation to monitor the humanitarian impact of the sanctions, especially on vulnerable sectors of the population such as children and the elderly. Greater transparency in the deliberations and decisions of the Sanctions Committee is also needed.

Third, press the Security Council to establish an international criminal tribunal mandated to investigate, indict, and prosecute Iraqi leaders and former officials against whom credible evidence exists of war crimes, crimes against humanity, and genocide. This represents the kind of targeted sanction that should be directed against those responsible for those Iraqi policies we want to change.

Finally, while we should make every effort to continue and even tighten where possible the strict prohibitions on military imports into Iraq, I believe it is time to relax and restructure the economic embargo. Such a restructuring would permit import of a broader range of non-military goods in order to allow the revival of the civilian economy. I do not believe the current approach is justifiable, or even sustainable, and urge the administration to work with its Security Council partners to establish a new regime. Some variation of a proposal made recently by Human Rights Watch, which would make Iraqi imports liable to inspection at all major ports of entry, seems to me worthy of consideration.

I realize there is no fail-safe means of containing Iraq's proliferation threat, or ensuring compliance with relevant Security Council obligations. There is no painless or cost-free way of addressing the Iraq government's unwillingness to abide by its disarmament commitments. The point is that the pain and cost should not continue to be borne primarily by millions of ordinary innocent Iraqis. The State Department, and the President, have both repeatedly said that our quarrel is not with the Iraqi people. I agree. But regrettably our Iraq policy has too often had its most devastating impact on those Iraqis who bear no responsibility for the policies that we are trying to sanction, and change. We have an obligation, under the UN Charter and the Universal Declaration of Human Rights, not to destroy or undermine the right of a people to an adequate standard of living, freedom from hunger, and the highest attainable standards of health. For this reason, I urge you to consider these recommendations, which try to strike a better balance between legitimate non-proliferation concerns and those involving our humanitarian obligations to the people of Iraq—and which may even be more effective in securing Iraq's eventual compliance than the current arrangement.

Senator BROWNBACK. Senator Biden.

Senator BIDEN. I have one question. The inspection regime is a pale shadow of what it was initially. We supported it I assume because there was not much of an alternative. What impact has our support for supporting the alternative—the 1284—not alternative to it, not that there was one. Maybe you can speak to that as well. But what impact has that had on our ability to maintain what sanctions remain on Saddam, any unity in that? Is there any correlation or connection between the administration's decision to vote for 1284 and sanctions?

Ambassador WALKER. Senator, there is a correlation in the sense if we can get monitors on the ground, it is a heck of a lot easier to ensure that the sanctions are working properly and that the items that are going into Iraq are going through the U.N. and national systems and are being controlled.

One of the problems we have, in the absence of having monitors on the ground, is that there is seepage in the system and there is smuggling going on. A monitoring agency would be extremely helpful in trying to limit this.

The 1284 calls for a replacement organization for UNSCOM, UNMOVIC. It has the same authorities of inspection, a no-knock

inspection concept, and ability under the parameters established by the Security Council in the resolution to do what UNSCOM did.

Now, Hans Blix is in the process of putting together procedures that will implement that. As everybody knows, procedures have a lot to do with the effectiveness of an organization. We have had a number of conversations with Blix. We believe he is moving in the right direction. We want to see the results of his consultations and his decisions, and he will be reporting shortly to the Secretary General. We will be able to evaluate at that time whether the procedures are everything that we think they should be.

There is nothing in the resolution that takes away the authorities available to the previous organization.

So, if Iraq accepts this inspection regime, I think we will be far ahead of the game.

With regard to the sanctions themselves, 1284 does not change the sanctions regime.

Senator BIDEN. No, I know that. My point is—let us get right to it. Had we voted the other way, what would have happened in terms of the maintenance of sanctions? Was there any deal? Was there any tradeoff here implicit that if you did not support what is 1284, which is not as robust—it has all the same verbiage, but you and I both know it is not nearly as robust as UNSCOM was. Was it anticipated that that would allow us to maintain support for the sanctions? Or had we not supported it, did we conclude it would make it more difficult to maintain consensus on sanctions?

Ambassador WALKER. I do not see the linkage there, Senator. I think the linkage comes in the question that Senator Wellstone raised. Where we are having a problem in maintaining the sanctions regime and we are having erosion is in the perception that it is sanctions that is responsible for the problems that the Iraqi people face. That is a perception that is widely held throughout the entire region. That is much more of a problem for us, and it is an unwarranted assumption.

Senator BIDEN. I understand. I guess maybe that is what is wrong with the U.N. We do not think about things.

It seems to me, having been up there recently, that you have a real problem maintaining sanctions. I assume you all were—were I in that position, I would be conniving enough to hope that I would come up with an inspection policy that was not as good as before, but a hell of a lot better than anything we have, anticipating he will not go along with it. And if he does go along with it initially, he will breach it again, which then gives us the moral credibility to argue that this guy is a bad guy. He is showing it time and again, and he is making weapons of mass destruction. He is trying to hide from us, and you cannot lift sanctions.

I realize there is no direct relationship, but I do not know why the hell you guys in the State Department do not speak English. I do not know why you do not speak frankly. But I am not going to try to help you anymore. You are on your own.

Ambassador WALKER. Senator, I think your conclusions are probably well placed. They are accurate. There is a very strong likelihood he will not accept this system. I would argue that if he did accept it, that he would be at a very severe disadvantage trying to

reconstruct his weapons of mass destruction program and we would be ahead of the game.

Senator BIDEN. I agree with that.

Ambassador WALKER. So, either way, I think there are advantages that can be derived from this.

Senator BIDEN. My closing question is this. If the Security Council members try to weaken 1284, in an attempt to gain his acquiescence, will the administration permit and vote for further compromises, or will it hold firm to the text as it now stands?

Ambassador WALKER. Senator, the position that we took before was a weak sanctions inspection regime is worse than no inspection regime, and I believe that we would take the same position now.

Senator BIDEN. That means we would not—

Ambassador WALKER. We would not support it.

Senator BIDEN. Thank you very much.

Senator BROWNBACk. Well, let me ask some questions along this line because I am very troubled about where we are with this. One of the main reasons UNSCOM had any successes at all, it seems to me, was its willingness to go to the mat, to be very confrontational and very direct and go where Saddam did not want them to go. Now we have got Mr. Blix, the new head of UNMOVIC, who has said he would like to work more cooperatively with Iraq.

Now, really, is it the administration's view that UNMOVIC can conduct effective inspections if cooperation with Saddam is a primary goal of inspections?

Ambassador WALKER. Senator, I do not think that if you are in a position where you are required to cooperate with Saddam that you are going to have an effective system. I think there has to be tension in that relationship for it to work. Otherwise, Saddam would simply walk away from any inspection regime. But we have yet to see what this regime will look like, how it will be structured or, for that matter, how Hans Blix will organize and run it.

It can be effective under the terms of the Security Council resolution. It can be effective. From our initial discussions with Blix, we think that he has the intention to make it effective. To say that he can do that by simply caving in to Saddam Hussein is not true. He cannot do that. It cannot be effective under those terms. So, yes, there has to be a confrontational aspect to this inspection regime.

Senator BROWNBACk. Well, Saddam Hussein has shown time and time again that he is going to confront and he is going to try to confuse and misdirect and not comply. Period.

Ambassador WALKER. Then we get in the situation, Mr. Chairman, that Senator Biden was talking about. First he has to accept the regime, which is not clear at this point.

Senator BROWNBACk. Let us say that we do and we confront. And one of the reasons we justified Operation Desert Fox was by saying that Iraq was not complying with U.N. weapons inspections. Are we going to be willing to use military action to force Iraq to allow inspectors to return?

Ambassador WALKER. Senator, I am not able to make a decision like that and I am not able to tell you one way or another what the military actions the United States might or might not be under those circumstances. It is certainly one of our options.

Senator BROWNBACK. Is it not even a probability, I mean, in the 70 to 80 percent range, that if we go to another inspections regime and we have any confrontational nature of it at all, we are going to be placed in the situation of having to determine to use military force to force Saddam to comply because of his past actions? We know that this is what he is going to do. You know, in all probability, you are going to face that the decision that you have to make that recommendation within the administration. Is that not part of the premise of what you are going into this with?

Ambassador WALKER. We are aware that there may be occasions in which we would want to consider the possibility of military force, and we have established certain red lines of his behavior. If he attacks the Kurds, for example, or if he rebuilds his weapons of mass destruction program, or if he attacks our forces, those are red lines.

Senator BROWNBACK. What if he does not comply with inspections?

Ambassador WALKER. If he does not comply with inspections, I simply have to say that again I do not have the authority to tell you whether or not we would use military force. That is a Presidential authority. It would depend on the situation at the time and on the recommendations of various elements of the U.S. Government. I do not exclude the possibility. That is all I can tell you.

Senator BROWNBACK. We have established the other red lines: attacking the Kurds, U.S. forces. We can establish the red line of not complying with inspections.

Ambassador WALKER. It has not been established by the administration one way or another at this point. We do not have an inspection regime in place. When we get an inspection regime in place, we can make a decision as to whether this is something that would require—all I can point to is our past action under the circumstances.

Senator BROWNBACK. Well, I would hope we would establish it as a red line.

Now, how long are we giving Saddam to accept this UNMOVIC inspection regime?

Ambassador WALKER. Well, I believe that Blix will have to report to the Secretary General within the next 2 weeks. After that, the clock starts ticking. There is no specific time set for acceptance or non-acceptance. In the past, Saddam Hussein has taken several years to accept things, such as the oil-for-food program. This will be a process that we will just simply have to see how it works out.

Senator BROWNBACK. Will we at least establish a time line that it be during this administration?

Ambassador WALKER. I cannot say that.

Senator BROWNBACK. Senator Wellstone, do you have other questions?

Senator WELLSTONE. Mr. Ambassador, Secretary Walker, you have got a number of different perspectives here that you are dealing with. I want to go back to the statement I made and put some questions to you.

I do not think there is an argument about Saddam Hussein and his cruelty, nor is there an argument about his failure to cooperate with any kind of arms control regime. Where there is an argument is, therefore, we can go ahead with these sanctions, which I think

have had a brutal impact on innocent people, and we can somehow claim some high moral ground. I do not see how we can.

Now, you have argued that this is a perception which you said was unwarranted. But from the Secretary General's report, to the Security Council's report, to the UNICEF survey on child health, to other relief agencies in the field, including the International Committee of the Red Cross, that is not what those reports say. They do not say it is a perception.

I would like to request of you. You have tried to make the case that we basically have restored Iraq's civilian infrastructure by way of child mortality rates or other public health indicators, that it is getting back to where it was before the embargo. I would like to know where the evidence comes from. Did you say that?

Ambassador WALKER. No, I did not say that, Senator.

Senator WELLSTONE. Well, if you did not, then I—

Ambassador WALKER. Let me correct the record.

Senator WELLSTONE. Why would you say that this is a perception that is unwarranted?

Ambassador WALKER. Let me correct that record. What I am talking about is the perception that the United States is responsible for this is unwarranted.

Senator WELLSTONE. OK.

Ambassador WALKER. We have been in favor of the oil-for-food program. We established it in the first place. It was Saddam Hussein who did not take advantage of it.

Senator WELLSTONE. So, you are not quarreling with these reports.

Ambassador WALKER. Absolutely not. We are appalled by these reports.

Senator WELLSTONE. Now, how would you respond to Kofi Annan's report which says that part of the reason that the U.N.'s effort to ease the suffering "has suffered considerably" as a result of the "holds" placed by the United States and Britain on the contracts in the oil-for-food program?

Ambassador WALKER. Let me start by saying that this is an unacceptable situation, the situation of the Iraqi people. The sanctions are not designed to come at their expense. They are designed to come at Saddam Hussein's expense.

Senator WELLSTONE. But they are not at his expense. He is doing fine.

Ambassador WALKER. No, no. I agree. Therefore, we have to do two things.

First, we have to implement Resolution 1284 which, first of all, takes the cap off of the oil exports, keeps the money under control, but it takes the cap off so that there will be more resources available to provide for the well-being of the Iraqi people.

Second, 1284—

Senator WELLSTONE. Can I interrupt you? On 1284, would this mean that there would be a preapproval process?

Ambassador WALKER. Yes.

Senator WELLSTONE. You would be in favor of that.

Ambassador WALKER. Resolution 1284 already has in it the expansion of lists of preapproved items. That list is being drawn up now by negotiation, and we expect it to be completed very shortly.

That will mean that many more items will be preapproved for automatic shipment to Iraq. It will not include dual-use items, obviously, but it will cover some of the most difficult situations.

Also, according to the Secretary General, the Iraqi oil industry requires additional resources and spare parts in order just to maintain itself. We agree with that position and we will be supporting the expansion of the number in items for spare parts and so on for the oil industry.

We are also examining our own procedures. We are increasing the number of staff that is available for reviewing those items which may be dual-use so that we can speed up the process. Resolution 1284 calls for a 2-day turnaround time. We do not meet that yet. We want to do that.

We are also looking at the nature of our own holds and where they make sense and where we can speed the decisions and the determinations up. In some cases, we simply do not have the amount of information we need. There is major contract hold now on an important electrical project which the Russians have, but we have not gotten the cooperation from the company yet getting the information there.

So, it is a complicated situation, but it is one we are very much aware of and trying to do our best to ensure that these sanctions hit Saddam where it hurts and they do not hit the people of Iraq.

Senator WELLSTONE. Well, I really am glad that we are undergoing this internal review because I think that again the impact of this has been just brutal and devastating on a lot of innocent people. I do not see him suffering, and I think this makes a great deal of sense. I think we all need to speak more about this. I am convinced that we must and I want to as a Senator.

Once this program list is completed, is it going to be implemented immediately, or is it going to be conditioned upon Iraq's approval of 1284?

Ambassador WALKER. No. There is no Iraqi role in this. Once it is completed, the Sanctions Committee has agreed, then it goes into effect immediately.

Senator WELLSTONE. I thank you. Thank you, Mr. Chairman.

Senator BROWNBACK. Mr. Ambassador, thank you for coming. I do want to emphasize that we have a number of topics that I would like to discuss at a future hearing with you, with the administration's lifting of a series of sanctions on Iran to its perspective on Libya. I have to tell you I read about those, and it looks like we have got a quid but no quo policy just of lifting these for hope of things to come, but nothing there of concrete. I hope we can have a thorough discussion of those.

I want to, once again, say to the administration, do not bring to us an Israel/Syria track discussion conclusion without pre-discussion of this with the Congress. If it is going to involve substantial sums of money from this country, use of our personnel or troops, weapons systems, observation systems, we need to know and we need to be talking about this thoroughly before any sort of agreement fait accompli is presented. We all want peace, but if you are asking us or just presenting us a final agreement, particularly some of the discussion of expense that I have heard, some of the discussion of personnel, we want to know about this much further

in advance before some agreement is struck. I hope at some time we can have you up to talk about that as well. But we will certainly get you here on Iran and on Libya in the near future.

Thank you, if I could say too, for patience in our questioning. A number of us have sharp thoughts and a great deal of frustration on dealing with Iraq, and I appreciate the manner in which you handled the questions that we put in front of you.

Senator BIDEN. Mr. Chairman, may I have 10 seconds or 30 seconds?

I would like to mildly demur in the statement the chairman just made about what you have to bring to us first. If by that we mean you should be consulting us privately and letting us know what the outlines of an agreement may be, that I agree with completely. And to the best of my knowledge, you have been doing that. You have been doing that with me anyway, and I suspect you have been doing that with other people.

If you mean that you have to present to us first the outlines of what the final deal would be and what part we would be willing to play before you get agreement between the Israelis and, in this case, the Syrians, then I think that is totally impractical. I do not know how you would do that. I do not know how that can be done.

We will have, obviously, a vigorous debate on, if the outlines as have been set to me, are roughly what is agreed to, hopefully, by Israel as part of an Israeli/Syrian agreement, which is not done yet, but if that were to be done and the outline of our participation, as has been sketched out to me and others, then it will. It will get my support, but I am sure it will get vigorous debate.

But I want to make it clear I do not think you should be coming to the Congress ahead of time with the detail before in this incredibly delicate process of playing the third party role of trying to bring two folks together who have not spoken to each other for a long, long time. But again, I think it would be wise to inform the chairman—you probably have already—if you have not, of the general outlines of what you think it may look like. But I just want to make sure I am on the record as to understanding what I mean by what your consultation is.

Senator BROWNBACK. Well, and I appreciate that. I have not received any of the consultations as to what the outline is to be. What I have been reading in the press, my source of information on this, talks about some very large, substantial sums of money that would be within the power of the purse of this body that I think we need to be having a lot of discussion about.

Senator BIDEN. Mr. Chairman, I may be wrong, but I think the leadership of your party has been consulted, the senior members have. I may be mistaken.

Ambassador WALKER. Mr. Chairman, we take your advice seriously, and I will convey it back to the Department. I believe that we will be in a position to consult privately in a very, very short period of time.

Senator BROWNBACK. Again, thank you for your manner and thank you for your dedication. You have done a wonderful job as a public servant. We may not agree on some topics as they come up, but I certainly do not doubt your heart nor your ability as I

have seen it as an ambassador and as I see it now. We will continue the vigorous discussion. Thank you very much.

Ambassador WALKER. Thank you very much, Mr. Chairman.

Senator BROWNBACk. The second panel is Mr. Gary Milhollin. He is the director of the Wisconsin Project on Nuclear Arms Control. Mr. Paul Leventhal, president, Nuclear Control Institute in Washington, DC, and the final panel member, Mr. Charles Duelfer, former deputy executive chairman of UNSCOM out of New York. We will have the panelists seated and we will ask you to make your presentations in the order that we announced.

Gentlemen, we can accept your full transcript into the record. If you can make your presentations within a 5 minute or so area so that we could have plenty of time, ample time for questions, I think that would be the best to go by. So, we will run a 5-minute clock here to give you some idea. We will take ahead of time all of your full statements in the record, so we will have those as well.

Mr. Milhollin.

STATEMENT OF GARY MILHOLLIN, DIRECTOR, WISCONSIN PROJECT ON NUCLEAR ARMS CONTROL, WASHINGTON, DC

Mr. MILHOLLIN. Thank you very much.

Senator BROWNBACk. Thank you for being here today.

Mr. MILHOLLIN. I am pleased to testify before this distinguished subcommittee on Iraq.

I would like to submit three items for the record. I have already given them to your staff.

The first one is an article I recently published in the New Yorker magazine detailing Iraq's use of the oil-for-food program to buy components that can trigger a nuclear weapon.

The second is a table that my organization prepared after the inspectors left Iraq in 1998. It lists what remains unaccounted for in Saddam Hussein's mass destruction weapons programs. I can show you copies of it. It is a full page in the New York Times Week in Review section.

The other thing I would like to submit for the record is a chart¹ that my organization did back in 1993, also in the New York Times Week in Review, which showed Saddam's procurement network, and I will refer to it in my testimony.

Senator BROWNBACk. Those will be accepted in the record, without objection.

Mr. MILHOLLIN. As has already been stated, a year has now passed since inspectors have been in Iraq, and the question I think the world is looking at is what is going on. In many ways, we are back in the situation we were in before the Gulf war. I remember myself—I am beginning to feel old—I was tracking centrifuge components into Iraq before the Gulf war and testified many times before Congress on what Iraq had in the early 1990's. I find myself back here doing it again, and without inspectors, we are back in the same mode of discovery. That is, we are looking at procurement efforts. We are using national technical means. We are debriefing

¹The chart referred to entitled, "Who Armed Iraq? Answers the West Didn't Want to Hear," July 18, 1993, would be illegible, because of its size, if reproduced in this hearing format. The chart is retained in the committee's files and could possibly be viewed by accessing the New York Times Website.

defectors trying to put the puzzle together. The longer we do not have inspectors, the more difficult the puzzle is going to be.

I discovered recently that Saddam Hussein has been shopping for nuclear weapon components in Europe. In 1998, he tried to buy the special electronic switches that are used to detonate nuclear weapons. He ordered them as medical equipment. He ordered six machines that pulverize kidney stones inside human bodies and ordered 120 switches as spare parts. He ordered them from Germany, which turned the order over to the French, who denied the sale. The United States encouraged those governments to deny the sale privately.

Unfortunately, when the contract went to the U.N. and was referred to our people here for review, we did not catch it and so we did not block it. Therefore, it went through the Sanctions Committee.

I am told by Siemens, the German company that got the order, that Iraq only got eight switches. The State Department seems to think Iraq got a few more than that.

I am also told by the Sanctions Committee people that they are looking at the machines to see whether the Iraqis are pulverizing kidney stones or whether they are up to something else.

I think this episode shows that Saddam Hussein is still deadly serious about getting weapons of mass destruction. The procurement network, that I so laboriously tracked back in the early 1990's, has not gone away. Many of those firms are still there. The U.N. inspectors never figured out the procurement network completely, despite a lot of valiant effort.

So, it is there. We still have to contend with it, and the only barrier we have is the U.N. Sanctions Committee. That committee has to oversee billions of dollars worth of stuff, and it is inevitable that some things are going to get through. As we have just heard, there is a lot of criticism about contracts that the United States holds up. I personally think that we ought to err on the side of prudence, and when we think there is a dual-use item or something that can be used for the wrong thing, we should hold up the contract and just take the consequences.

Saddam Hussein is closer to the bomb than most people think. The U.N. inspectors believe he has a bomb design that works and that only lacks the high enriched uranium to fuel it. Also the U.N. inspectors believe it is small enough to go on a Scud.

The main recent development that we should be aware of in the procurement area is that now not all contracts will go through the Sanctions Committee. There will be categories of humanitarian and oil goods that nobody will check. That means that unscrupulous companies around the world could send Iraq things that will be useful for arms under the rubric of humanitarian goods and there will not be any way to know where these things have gone. Nobody is going to be checking the labels of all this equipment that is going to go as an exception to the Sanctions Committee review.

When you combine that with the increased oil revenues that Iraq is receiving, you can see that there is going to be a lot of pressure on the system and it is inevitable that things will go through that should not go through. Since we do not have inspectors in the country on the ground checking on what is coming in, we are essentially

losing control over the procurement issue. Because of the increase in revenues, because of the loopholes in the Sanctions Committee, and because of the volume of goods, we are just not going to be able to stop things that are going to be useful for arms.

Whether the new inspection system works is going to depend to a great extent on Mr. Blix. He has said that he will run a regime that is less confrontational. He does not seem inclined to keep the previous UNSCOM inspectors. He has, I think, an unsuccessful record in Iraq at the IAEA. The Iraqis ran a very large, aggressive nuclear weapon program before the war that his inspectors did not detect, and after the war, his agency was ready to close the books on the Iraqi nuclear program long before they understood it.

So, I think we can say that Mr. Blix has a rather—well, does not have a record that inspires great confidence in Iraq. He is not, I think, as effective as Rolf Ekeus would have been. Mr. Ekeus was our candidate. We, for some reason, caved on his candidacy in favor of Mr. Blix. They are both Swedish diplomats. The reason the Russians and the French wanted Mr. Blix was because they perceived he would be easier on Iraq. It is hard for me to see why our Government would have simply agreed to let the Russians and the French have their way on that appointment since there were really no objective reasons why Mr. Ekeus was not suitable.

The table in the 1998 New York Times that I have submitted lists the many things that Iraq still seems to be hiding in nuclear, chemical, biological, and the missile areas. I will not go over them here, but it is clear that if you just look at the numbers of things that Iraq is still hiding, it is apparent that the potential Iraq has for making all of these weapons is intact. In fact, we know that the Iraqis have not disbanded their weapon development teams. They have moved them from one site to another as a group, and there seems to be no intention whatsoever of giving up mass weapon destruction objectives.

The most recent press reports say that Iraq is rebuilding. It has rebuilt many of the sites we bombed, and our present policy really cannot prevent that. That is, we do not have a mechanism for preventing Saddam from rebuilding these sites or from developing all of these weapons in secret.

I would say that we are also losing the public debate on the effect of the sanctions. We are not aggressively promoting America's point of view in the world about who is responsible for the suffering of the Iraqi people. The other side is winning this public debate, and that is the fault of our Government. We should be more aggressive in persuading other countries that Saddam is the culprit and not the sanctions.

I would be happy to answer questions from the committee. I do not want to exceed my 5 minutes. I hope I have not. Thank you very much.

[The prepared statement of Mr. Milhollin follows:]

PREPARED STATEMENT OF GARY MILHOLLIN

I am pleased to appear before this distinguished subcommittee to discuss the situation in Iraq. I direct the Wisconsin Project on Nuclear Arms Control, a research project here in Washington that is devoted to tracking and slowing the spread of nuclear weapons.

I will begin by describing a recent Iraqi procurement attempt, and then try to assess the inspection system created under U.N. Resolution 1284. I will also try to provide an overview of the threat posed by Iraq to international security.

I would like to submit three items for the record. The first is an article I recently published in the *New Yorker* detailing Iraq's use of the oil-for-food program to buy components that can trigger nuclear weapons. The second is a table my organization prepared after the inspectors left Iraq in 1998, which lists what remains unaccounted for in Iraq's mass destruction weapon programs. The third is a chart on Saddam Hussein's procurement network that my organization prepared a few years ago but which is still relevant to the issues we face today.

WHAT HAS SADDAM HUSSEIN BEEN DOING RECENTLY?

More than one year has passed since U.N. inspectors left Iraq, and the world is wondering what Saddam Hussein is up to. The short answer is: he has been shopping for A-bomb components in Europe. Iraq is allowed to import medical equipment as an exception to the U.N. embargo, so in 1998 Iraq ordered a half-dozen "lithotripter" machines, ostensibly to rid its citizens of kidney stones, which the lithotripter pulverizes inside the body without surgery.

But each machine requires a high-precision electronic switch that has a second use: it triggers atomic bombs. Iraq wanted to buy 120 extra switches as "spare parts." Iraq placed the order with the Siemens company in Germany, which supplied the machines but forwarded the switches order to its supplier, Thomson-C.S.F., a French military-electronics company. The French government promptly barred the sale. Stephen Cooney, a Siemens spokesman, claims that Siemens provided only eight switches, one in each machine and two spares. Sources at the United Nations and in the U.S. government believe that the number supplied is higher.

The lesson from this episode is that Iraq is still trying to import what it needs to fuel its nuclear weapon program.

And Iraq is closer to getting the bomb than most people think. The U.N. inspectors have learned that Iraq's first bomb design, which weighed a ton and was a full meter in diameter, has been replaced by a smaller, more efficient model. From discussions with the Iraqis, the inspectors deduced that the new design weighs only about 600 kilograms and measures only 600 to 650 millimeters in diameter. That makes it small enough to fit on a 680 millimeter Scud-type missile. The inspectors believe that Iraq may still have nine Scuds hidden somewhere.

The inspectors have also determined that Iraq's bomb design will work. Iraq has mastered the key technique of creating an implosive shock wave, which squeezes a bomb's nuclear material enough to trigger a chain reaction. The inspectors have learned that the new Iraqi design also uses a "flying tamper," a refinement that "hammers" the nuclear material to squeeze it even harder, so bombs can be made smaller without diminishing their explosive force.

How did Iraq progress so far so quickly? The inspectors found an Iraqi document describing an offer of design help from an agent of Pakistan. Iraq says it didn't accept the offer, but the inspectors think it did. Pakistan's latest design also uses a flying tamper. Regardless of how the Iraqis managed to do it, Saddam Hussein now possesses an efficient nuclear bomb design. The only thing he lacks is enough weapon-grade uranium to fuel it—about sixteen kilograms per warhead.

RESOLUTION 1284 AND THE NEW INSPECTION SYSTEM

The lithotripter episode exposes one of the key weaknesses of the U.N. oil-for-food program. While its humanitarian objectives are laudable, the truth is that oil-for-food is really "oil-for-arms" as viewed from the Iraqi side. Iraq has been allowed to purchase humanitarian items such as medical equipment with money earned from oil exports so long as the funds were administered by the U.N. sanctions committee. But Iraq was able to disguise its purchase of the nuclear weapon triggers as medical equipment and the sanctions committee approved the export. The sale was restricted only by the national export controls applied by the supplier countries.

Under U.N. Resolution 1284, the sanctions committee loophole will now be expanded. The resolution lifts the ceiling on Iraqi oil exports, and it authorizes the committee to draw up lists of items including food, medical equipment, medical supplies, and agricultural equipment that will not have to go through the sanctions committee for approval. In January, the U.N. Secretary General was able to report that these lists had already been drawn up. In addition, the resolution sets up a group of experts charged with speedily approving contracts for parts and equipment necessary to enable Iraq to increase its oil exports.

The result of the liberalization is this: Iraqi oil revenues will rise, large quantities of goods will be imported without U.N. approval, and the sheer volume will overwhelm the tracking system that is currently in place, even if monitors do return to Iraq. Iraq is now slated to receive \$3.5 billion in authorized imports in the current phase of the oil-for-food plan, more than any small committee can keep tabs on.

Our chart in the New York Times, Week in Review from 1993 gives a good idea of who Iraq's suppliers were before the Gulf War. Most of these companies still exist, and Iraq still wants to buy what they produce. The pie chart illustrates the scope of the problem. U.N. inspectors never managed to fully expose or eradicate this procurement network, despite valiant efforts. There is every reason to think that this network is swinging back into action in the absence of inspections.

Resolution 1284 also promises in paragraph 33 the early lifting of sanctions if Iraq cooperates with U.N. inspectors for 120 days on the monitoring and disarmament tasks specified in the inspectors' work programs. Gone is the requirement for full disarmament. Instead there is the "checklist" approach that Iraq has been urging for years. The U.N. inspectors must provide Iraq with a list of things to do, and Iraq need only show some progress toward doing them in order to suspend the existing embargo. Iraq will *not* have to answer all the remaining questions about its weapon programs; it will only have to show that it "has cooperated in all respects" with the work program. What it means to "cooperate in all respects" is not defined by the resolution. It is clear, however, that "cooperation" does not mean "achieving disarmament."

Another weakness of the new resolution is its silence on who the new inspectors will be. The resolution never addressed the question whether former UNSCOM inspectors would serve in the new inspection body, called the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC). In January, Dr. Hans Blix was chosen to head UNMOVIC. After assuming his post earlier this month, Dr. Blix said that he would demand "unrestricted access" to Iraqi sites but would not "humiliate" Iraqi leaders with a procession of surprise inspections. He made it clear that the new agency would seek a more cordial relationship with Iraq. Dr. Blix also noted that he would rely on former UNSCOM inspectors in a transition period, but made no promise to give them permanent posts. Lastly, he said that the new inspectors would have to be full-time employees of the United Nations, rather than come on loan from their governments.

The United States should keep the pressure on Mr. Blix to retain the former UNSCOM inspectors on staff. These dedicated men and women not only undertook personal risk to carry out a hazardous duty, but in the process they developed a body of knowledge and experience that will be lacking in a new group of inspectors. Losing the UNSCOM inspectors will mean losing their invaluable familiarity with Iraq's weapon programs. The former inspectors should not be thrown over the side just to please Saddam Hussein.

Dr. Blix has a checkered history in Iraq. While Dr. Blix was head of the International Atomic Energy Agency, Iraq ran an ambitious nuclear weapon program under his inspectors' very noses. This activity included a breach of the international safeguards obligations that his agency was supposed to be enforcing. And after the Gulf War, Iraq was nearly given a clean nuclear bill of health by his timid inspectors in 1991. The IAEA and Dr. Blix were saved from humiliation only by an Iraqi defector, who provided the lead that caused the discovery of Iraq's giant uranium enrichment program. The record shows that Dr. Blix's agency made repeated errors in Iraq, and meekly relied on Iraqi disclosures when more assertiveness was clearly called for. Unless Dr. Blix is more effective at UNMOVIC than he was at the IAEA, the inspectors—whoever they will be—are unlikely to find anything in Iraq.

THREAT AND RESPONSE

Present U.S. efforts won't stop the Iraqi bomb. American jets are patrolling Iraq's no-fly zones and blowing up its air defenses, but these pinpricks won't hinder bomb-making at secret sites. The Iraqis have learned the art of camouflage very well. The United States and Britain are also trying to maintain the international trade embargo, but it is eroding because key countries don't support it and there are no inspectors to check on what comes into Iraqi ports. The United States has threatened to overthrow Saddam, but this threat is viewed as empty in the absence of a credible means to carry it out.

In effect, the world is reverting to the position it was in before the Gulf War. With no inspectors inside Iraq, Western intelligence agencies must try to sniff out Saddam Hussein's purchases from abroad, and to divine what his hidden arms factories are making with them. That method failed in the 1980's. Western intelligence never discovered the key component of Iraq's nuclear manufacturing effort: a string of

giant magnets that would have turned out critical masses of bomb fuel by 1995 if Saddam had not invaded Kuwait.

The world can ill afford another such debacle. An Iraqi bomb, or even the imminent threat of one, removes any hope of coaxing Iran off the nuclear weapon path. With Saddam building bombs next door, Iran can only speed up its drive for weapons of mass destruction. And once Iraq and Iran are able to target Israel with nuclear warheads, how can Israel feel secure enough to make the concessions necessary for peace in the Middle East?

The best chance of containing Saddam is still the same: to disarm him. And the best way to do that is to unite the U.N. Security Council behind meaningful inspections. But international cooperation in dealing with Iraq has practically ceased, despite the negotiation of Resolution 1284.

The cost of paralysis could be high. It is only a matter of time until Iraq's bomb factories start producing again, if they haven't already. The U.N. inspectors believe that Iraq is withholding drawings showing the latest stage of its nuclear weapon design, blueprints of individual nuclear weapon components, and drawings showing how to mate Iraq's nuclear warhead with a missile. Iraq claims that these things either do not exist or are no longer in its possession. In addition, Iraq has failed to turn over documents revealing how far it got in developing centrifuges to process uranium to weapon-grade, and has failed to provide 170 technical reports it received showing how to produce and operate the centrifuges. Iraq claims that all these documents were secretly destroyed. Nor has Iraq accounted for materials and equipment belonging to its most advanced nuclear weapon design team.

And the nuclear threat is not the only worry. Iraq is also hiding key parts of its chemical weapon program. Iraq has refused to account for at least 3.9 tons of VX, the deadliest form of nerve gas, and at least 600 tons of ingredients to make it. Iraq produced the gas but claims it was of low quality and that all of the ingredients to make it were either destroyed or consumed during production attempts. Also missing are up to 3,000 tons of other poison gas agents that Iraq admitted producing but said were used, destroyed or thrown away, and several hundred additional tons of agents the Iraqis could have produced with the 4,000 tons of missing ingredients they admit they had at their disposal. Iraq also admits producing or possessing 500 bombs with parachutes to deliver gas or germ payloads, roughly 550 artillery shells filled with mustard gas, 107,500 casings prepared for various chemical munitions, and 31,658 filled and empty chemical munitions—all of which Iraq claims to have destroyed or lost, a fact which inspectors have been unable to verify. Many key records are also missing. These include an Iraqi Air Force document showing how much poison gas was used against Iran, and thus how much Iraq had left after the Iran-Iraq war, as well as "cookbooks" showing how Iraq operated its poison gas plants.

The uncertainties surrounding Iraq's biological weapon program are greatest of all. The total amount of germ agent Iraq produced (anthrax, botulinum, gas gangrene, aflatoxin) has never been revealed to the inspectors, who know only that Iraq's production capacity far exceeded what it admitted producing. Iraq has simply alleged that its production facilities were not run at full capacity, a claim directly contradicted by its all-out drive to mass-produce germ warfare agents. Inspectors believe that Iraq retains at least 157 aerial bombs and 25 missile warheads filled with germ agents, retains spraying equipment to deliver germ agents by helicopter, and possessed enough growth media to generate three or four times the amount of anthrax it admits producing. Iraq either claims that these items were destroyed unilaterally, claims they were used for civilian purposes or simply refuses to explain what happened to them. Nor can inspectors account for the results of a known project to deliver germ agents by drop tanks or account for much of the equipment Iraq used to produce germ agents. Finally, Iraq contends that many essential records of its biological weapon program, such as log books of materials purchased, lists of imported ingredients, and lists of stored ingredients, simply "cannot be found."

Iraq also retains some of its delivery capability. Up to nine ballistic missiles, plus imported guidance components, remain unaccounted for. Iraq claims they were all secretly destroyed, but their remains were not found in the sites where Iraq claimed it dumped them. In addition, the inspectors cannot account for up to 150 tons of missile production materials, or for Iraq's stockpile of liquid rocket fuel. Because Iraq has been allowed to produce short-range missiles (less than 150 kilometers in range) under U.N. monitoring, it has manufacturing capability that it can convert to longer-range missiles now that monitoring has ceased.

Saddam Hussein has not been idle since December 1998. U.S. officials have been cited in the media as saying satellite photographs and U.S. intelligence reports have shown that Iraq has in the last year rebuilt many of the 100 military and industrial

sites damaged or destroyed by American and British air strikes in December 1998. Of those targets, 12 were reportedly missile factories or industrial sites involved in Iraq's weapons of mass destruction programs, at which officials said significant reconstruction had been seen—including the Al Taji missile complex.

For the moment, our government seems content to live with inaction. The present U.S. policy is to isolate Saddam diplomatically, maintain the existing trade sanctions, and give at least some help to Iraqi opposition forces—a strategy known as “containment plus.”

Unless U.S. foreign policy makers once again place a high priority on disarming Iraq and lead the international community in that direction, Saddam Hussein will achieve his mass destruction weapon aspirations in the relatively short-term. Despite a seven-year international effort to rid Iraq of these weapons, Iraq today retains a great potential for producing them. Experts have estimated that Iraq could resume manufacture of chemical and biological agents within months of a decision to do so. Similarly, Iraq could probably assemble a nuclear weapon within weeks of importing the fissile material necessary to fuel it. Five years is a reasonable estimate if Iraq itself is obliged to produce the fissile material. By refusing to cooperate with U.N. inspectors, and by foregoing billions of dollars in oil revenue rather than choosing to disarm, Iraq has shown that building mass destruction weapons remains one of its primary goals. Therefore, the United States should revisit its own Iraq policy before it is too late.

[From The New Yorker, “The Talk of the Town,” Dec. 13, 1999]

DEPT. OF MASS DESTRUCTION

SADDAM'S NUCLEAR SHOPPING SPREE.

Ever since the United Nations weapons inspectors were shut out of Iraq, a year ago, the world has been left to wonder what Saddam Hussein is up to. Well, now it can be told: he has been secretly trying to transform his desert dictatorship into a world-class center for the treatment of kidney stones.

Or so it would seem, to judge from his latest purchases on the international medical-equipment market. Although Iraq remains under a strict United Nations embargo, the embargo does not cover medical supplies. Last year, the Iraqi government ordered half a dozen lithotripters, which are state-of-the-art machines for getting rid of kidney stones. (The word “lithotripter” comes from the Greek for “stone breaker.”) A lithotripter uses a shock wave to pulverize these painful objects without surgery. Machines like the ones Iraq bought require a high-precision electronic switch that triggers a powerful burst of electricity. In addition to the lithotripters, Iraq wanted to buy a hundred and twenty extra switches. That is at least a hundred more than the machines would ever need.

Iraq's strange hankering for this particular “spare part” becomes less mysterious when one reflects that the switch in question has another use: it can trigger an atomic bomb. According to a knowledgeable U.N. inspector, each bomb of the type that Iraq is trying to build requires thirty-two switches. Thus, a hundred of them would outfit three bombs. It is hardly a coincidence that, as the former U.N. inspector Scott Ritter testified at a Senate hearing last year, the inspectors had “intelligence information which indicates that components necessary for three nuclear weapons exist” in Iraq. Saddam Hussein has been shopping for what he needs to make sure they work.

Iraq went to Siemens, the German electronics giant, to place the order. Before the Gulf War, Iraq acquired Siemens computers and other equipment useful for processing uranium to nuclear-weapons grade, and the company provided electrical equipment for one of Iraq's main missile sites. (Siemens has denied helping Iraq advance its nuclear program.) In this instance, Siemens forwarded the switches order to its supplier, Thomson-C.S.F., a French military-electronics company. The French government promptly barred the sale. Stephen Cooney, a Siemens spokesman, refuses to say whether Siemens nevertheless filled the switch order, or even whether the order was placed. If Siemens made the deal, Iraq got a powerful nuclear boost.

The Clinton Administration has been relatively quiet on Iraq lately. Although it maintains that it remains suspicious of Saddam, it claims to have no specific evidence that he has resumed his efforts to build weapons of mass destruction. The kidney-stone affair suggests otherwise.

The U.N. inspectors have learned that Iraq's first bomb design, which weighed a ton and was just over a yard in diameter, has been replaced by a smaller, more effi-

cient model. The inspectors have deduced that the new design weighs only about one thousand three hundred pounds and measures about twenty-five inches in diameter. That makes it small enough to fit on a Scud-type missile. The inspectors believe that Iraq may still have nine such missiles hidden somewhere.

The inspectors have also concluded that Iraq's bomb design will work. Iraq, they believe, has mastered the key technique of creating an implosive shock wave, which squeezes a bomb's nuclear material enough to trigger a chain reaction. The new design also uses a "flying tamper," a refinement that "hammers" the nuclear material to squeeze it even harder, so bombs can be made smaller without diminishing their explosive force.

How did Iraq progress so far so quickly? The inspectors found an Iraqi document describing an offer of design help—in exchange for money—from an agent of Pakistan. Iraq says it didn't accept the offer, but the inspectors think it did. Pakistan's latest design also uses a flying tamper. Regardless of how the Iraqis managed to do it, Saddam Hussein now possesses an efficient nuclear-bomb design. And, if he did succeed in getting hold of the necessary switches, then the only thing he lacks is enough weapons-grade uranium to fuel the warheads.

The fuel, unfortunately, is getting easier to find. United States officials report that on May 29th Bulgaria seized approximately a third of an ounce of weapons-grade uranium at its border. The hot cargo, accompanied by documents in Russian, was concealed in a lead container in a pump stowed in a car. A third of an ounce is not enough for a bomb (Iraq's design, for example, needs thirty-five pounds), but this seizure and others like it show that weapons-grade fuel is beginning to circulate in the black market. Unless the U.N. Security Council can agree on a plan to reinstate meaningful inspections, Saddam may be able to complete his nuclear shopping sooner rather than later.—GARY MILHOLLIN

[From the New York Times, "Week in Review," Dec. 20, 1998]

WHAT THE INSPECTORS CAN'T FIND AND WHY THEY CAN'T FIND IT

Arms inspectors have been trying for seven years to verify that Iraq has kept its promise to destroy its chemical, nuclear and biological warfare capacity, but say many pieces of the puzzle are still unaccounted for. This table was compiled by the Wisconsin Project on Nuclear Arms Control, a research group based in Washington that tracks the spread of weapons of mass destruction. The authors, Gary Milhollin and Kelly Nugent, based their work principally on reports from the United Nations Special Commission and the International Atomic Energy Agency, and statements by Richard Butler, the commission's chief inspector.

POISON GAS

Unaccounted for in Iraq:	How Inspectors Know:	What Iraq Said:
At least 3.9 tons of VX nerve gas	Iraq admits producing this amount in 1988 and 1990.	The gas was low quality and the effort to make it failed.
VX nerve gas put into warheads	U.S. and French tests found traces of nerve gas on warhead remnants.	The evidence was planted.
About 600 tons of ingredients for VX gas.	Out of 805 tons on hand, only 191 could be verified as destroyed.	Everything was destroyed or consumed in production.
Up to 3,000 tons of other poison gas agents.	Iraq admits producing agents in the 1980's.	They were used, thrown away or destroyed by U.S. bombs during the 1991 gulf war.
Several hundred additional tons of poison gas agents that Iraq may have produced.	Iraq had enough ingredients to make more poison gas than it admits producing.	All poison gas production has been declared.
4,000 tons of ingredients to make poison gas.	Iraq admits importing or producing them.	No records of what happened to them are available.
500 bombs with parachutes to deliver gas or germ payloads.	Iraq admits producing them	They were secretly destroyed.
About 550 artillery shells filled with mustard gas.	Iraq admits they existed	They were lost shortly after the gulf war.
107,500 casings for chemical arms	Iraq admits producing or importing them.	No records are available.
31,658 filled and empty chemical munitions.	Iraq admits producing or importing them.	They were thrown away, destroyed secretly or destroyed by U.S. bombs.

An Iraqi Air Force document showing how much poison gas was used against Iran, and thus how much Iraq has left.	A U.N. inspector held the document briefly in her hands before Iraq confiscated it.	Inspectors might be able to see it, but only in the presence of the Secretary General's personal envoy.
The results of a project to make binary artillery shells for sarin nerve gas.	Iraq admits it ran such a project and made experimental shells.	There are no records or physical traces of the program.
Production procedures for making poison gas.	Such procedures are needed for large-scale production.	No documents containing these procedures can be found.
Documents showing the overall size of the chemical weapons program.	Inspectors determined that specific documents are still missing.	No such documents can be found.

GERM WARFARE AGENTS

Unaccounted for in Iraq:	How Inspectors Know:	What Iraq Says:
At least 157 aerial bombs filled with germ agents.	Iraq admits filling this many	They were secretly destroyed.
At least 25 missile warheads containing germ agents (anthrax, aflatoxin and botulinum).	Iraq admits producing them	They were secretly destroyed.
Excess germ warfare agent	Iraq admits producing more of the agent than was used to fill munitions.	The excess was secretly destroyed.
Spraying equipment to deliver germ agents by helicopter.	Iraq admits it tested such equipment	Iraq refuses to explain what happened to it.
The results of a project to deliver germ agents by drop tanks.	Iraq admits the project existed, but inspectors cannot verify Iraq's account.	Everything has been accounted for.
Growth media to produce three or four times the amount of anthrax Iraq admits producing.	U.N. inspectors discovered that this much was imported.	Either the material was not imported or it went to a civilian lab.
Equipment to produce germ agents	Iraq provided an incomplete inventory	Everything has been accounted for.
Program to dry germ agents so they are easier to store and use.	Inspectors saw a document revealing the program's existence.	No such program existed.
Log book showing purchases for the germ warfare program.	Inspectors saw the log book in 1995 ...	The book cannot be found.
List of imported ingredients for germ agents.	Iraq admits the document exists	The document cannot be found.
List of ingredients for germ agents stored at Iraq's main germ facility.	Iraq admits the document exists	The document cannot be found.
The total amount of germ agents Iraq produced (anthrax, botulinum, gas gangrene, aflatoxin).	Production capacity far exceeds the amount Iraq admits producing.	Iraq did not use full capacity.

NUCLEAR WEAPONS

Unaccounted for in Iraq:	How Inspectors Know:	What Iraq Says:
Components for three to four implosion-type nuclear weapons, lacking only uranium fuel.	Intelligence gathered by the former U.N. inspector Scott Ritter.	Such weapons do not exist.
Drawings showing the latest stage of Iraq's nuclear weapon design.	Inspectors determined the drawings must exist.	Cannot explain why the drawings are missing.
Design drawings of individual nuclear weapon components, including the precise dimensions of explosive lenses.	Other drawings show that these drawings exist.	Iraq no longer has these drawings.
Drawings of how to mate a nuclear warhead to a missile.	Other drawings show that these drawings exist.	Iraq no longer has these drawings.
Documents detailing cooperation among various Iraqi nuclear weapon and missile groups.	The cooperation must have generated a paper trail.	No response.
Documents revealing how far Iraq got in developing centrifuges to process uranium to weapons grade.	Iraq tested one or two prototypes	The documents were secretly destroyed.
170 technical reports explaining how to produce and operate these centrifuges.	Iraq admits a German supplier provided them, and a few were found.	The documents were secretly destroyed.

Materials and equipment belonging to Iraq's most advanced nuclear weapon design team.	Inspectors have determined that important items are still missing.	Iraq has provided everything it can find.
Materials and equipment belonging to Iraq's most advanced nuclear weapon design team.	Inspectors have determined that important items are still missing.	Iraq has provided everything it can find.
Materials and equipment belonging to the group trying to process uranium to nuclear weapons grade.	Inspectors have determined that important items are still missing.	Iraq has provided everything it can find.
The name and whereabouts of a foreign national who offered to help Iraq's nuclear program.	Inspectors were informed that the offer was made.	Inspectors should consult an Iraqi expatriate who might provide a lead. (They did; it was a dead end.)
Documents proving Iraq's claim that it abandoned its secret nuclear-bomb program.	Inspectors determined that such a step must have been recorded.	No records can be found.

BALLISTIC MISSILES

Unaccounted for:	How Inspectors Know:	What Iraq Says:
Seven, locally-produced ballistic missiles.	Iraq admits it had them	They were secretly destroyed in 1991.
Two operational missiles that Iraq imported.	Iraq admits it had them	They were secretly destroyed in 1991.
Components for missile guidance that Iraq imported.	Iraq supplied an inventory but it was incomplete.	They were secretly destroyed.
Up to 150 tons of material for missile production.	Iraq admits it had it; destruction could not be verified.	It was secretly melted or dumped into rivers and canals.
Liquid fuel for long-range missiles	Iraq admits it had them	It was secretly destroyed and will not be discussed further.
Up to 50 Scud-type missile warheads, presumably for high explosives.	Iraq admits it had them	They were secretly destroyed.
Drawings showing how to put together a Scud missile.	Iraq needed such drawings to produce these missiles.	All available drawings were provided.

Senator BROWBACK. Thank you very much. I appreciate your being here to testify.

Mr. Leventhal, thank you for joining us today.

STATEMENT OF PAUL LEVENTHAL, PRESIDENT, NUCLEAR CONTROL INSTITUTE, WASHINGTON, DC

Mr. LEVENTHAL. Thank you, Mr. Chairman. I appreciate your invitation to testify before the subcommittee today. Our research director, Steven Dolley, participated in the preparation of this testimony.

I too have a number of items that I would like to submit for the record as part of my testimony. They include an article that Mr. Dolley and I wrote for the Outlook section of the Washington Post, end of 1998, comparing the UNSCOM inspections with the IAEA inspections in Iraq and pointing out that the UNSCOM formula was one that held Iraq accountable and did not accept a lack of evidence, an absence of evidence as evidence of absence while the IAEA took a very different tack, most of the time under Mr. Blix' leadership.

We also want to submit for the record a detailed analysis of what we believe still remains unaccounted for in Iraq in the way of nuclear weapons components, technology designs that have not been accounted for, and which the IAEA has not insisted be accounted for in terms of giving Iraq a clean bill of health or at least enough to allow Iraq supporters in the Security Council to say that the nu-

clear file should be closed and that sanctions should at least be partially lifted.

The other items we wish to submit for the record are exchange of correspondence we had with the current director general of IAEA, Mr. ElBaradei, on these unresolved issues, unanswered questions, as well as an exchange of correspondence with the State Department following the letter that we sent to President Clinton on these matters.

Senator BROWNBACK. They will be accepted in the record, without objection.

Mr. LEVENTHAL. Most of my testimony focuses on the nuclear program in Iraq because we feel that this has been neglected and misperceived largely because of IAEA determinations that all matters relevant to the nuclear weapons program have been destroyed, removed, or rendered harmless. We feel that this is an incorrect conclusion.

We distinguish between the facilities which were uncovered right after the Gulf war that were subsequently destroyed or put under monitoring. We compare that with what may be a very small, but dangerous remnant of the Iraqi nuclear weapons program, specifically the components that they were known to have been making, particularly the explosive lenses for the purpose of compressing the uranium core of a nuclear bomb. We believe that the IAEA at one point was misled by possibly fraudulent or forged documents suggesting to the IAEA that back in 1991 the Iraqis were not as far along with the development of that technology as others believed them to have been.

My testimony focuses on the role of Mr. Blix and the impact that will have on the new inspection agency, UNMOVIC, as the successor to UNSCOM. We have in Resolution 1284 something that we did not have before, which was a statement of Security Council intention to lift sanctions if 120 days after a work program has been established by the IAEA and UNMOVIC, the heads of those two agencies make a determination that Iraq has cooperated in all respects. We think, as Mr. Milhollin indicated, that Mr. Blix may not be well suited for the kind of confrontational approach that Ambassador Walker himself indicated is necessary.

We detail at some length the kinds of mistakes that the IAEA made going back almost 20 years prior to the startup of the Osirak reactor which Israel bombed in 1981 before it became operational, specifically because the IAEA had negotiated a safeguards arrangement with Iraq which would not have been adequate to detect the clandestine production of plutonium. An IAEA inspector, Mr. Roger Richter, who subsequently became a member of our board, resigned in protest from the IAEA to point out that Israel was perhaps justified in bombing that facility because of the weakness of the safeguards regime.

Then leading up to the Gulf war, I testified before Congress that Iraq could well be within weeks of acquiring nuclear weapons because of the safeguarded, bomb grade, highly enriched uranium it had in its civilian program, courtesy of Russian and French exporters, which could have been diverted in between inspections. The IAEA denied such a possibility, as did senior officials in the U.S.

State Department, by the way, but this was later confirmed when Saddam's son-in-law—

Senator BIDEN. What year was this? Excuse me. What year was this you are talking about?

Mr. LEVENTHAL. This was in 1990.

Senator BIDEN. In 1990. That is what I thought. Thank you.

Mr. LEVENTHAL. Before the Armed Services Committee, I submitted testimony suggesting that Iraq could be, at that time, within weeks—

Senator BIDEN. In 1990 the State Department denied it as well.

Mr. LEVENTHAL. That is right. It was not seen as credible that they would actually violate safeguards as a member of the NPT.

Senator BIDEN. Thank you for the clarification.

Mr. LEVENTHAL. In fact, when Saddam's son-in-law defected in 1995, he had been the head of what was disclosed to be a crash program where they actually had begun to saw off the ends of the fuel rods to remove the highly enriched uranium for the purpose of attempting to make at least one weapon, possibly two within the 6-month period between IAEA inspections.

So, we have a situation today where Iraq has not been cooperative to say the least, where the IAEA has been prepared, after several attempts to try to elicit information—once that information is not forthcoming, they acknowledge discrepancies but they come to conclusions suggesting that everything, in fact, has been destroyed, removed, or rendered harmless, and that Iraq has no significant nuclear capabilities left.

Because of the procurement activities described by Mr. Milhollin, because of the fact that Iraq's 200 nuclear Ph.D.'s are still there or are believed to be there—some of them may actually be traveling now, but the fact is that the entire human infrastructure of Iraq's nuclear weapons program has remained in place and the question is are there components—as Scott Ritter testified, they were being transported around the country at that time in an attempt to conceal them from the UNSCOM inspectors—if there is a basis, if there is a substantial basis to believe that those kinds of activities have taken place, that the weapons components have not been destroyed—and surely no evidence of their destruction, either documentary or material, has been presented to the IAEA—then one has to assume that things are on a knife's edge, that if Iraq is capable of clandestinely producing highly enriched uranium through a small centrifuge cascade or, perhaps more likely, attempting to smuggle plutonium or highly enriched uranium into the country from Russia or from safeguarded civilian facilities throughout the world which have IAEA safeguards attached to them, which are not very effective in an adversarial situation—in other words, a determined effort to remove material could well end up in Iraq. And the IAEA has acknowledged that they would have little chance of detecting the smuggling into Iraq of the kilogram quantities of either of those fissile materials which would be enough for several nuclear weapons.

Now, our position is that it is important to hold Mr. Blix accountable. I would even suggest that this committee invite Mr. Blix to come and explain how he is going to operate and how differently he is going to operate as the head of UNMOVIC than he did as the

head of the IAEA. I think it is important to try to pin him down and to make it clear to him that the Congress is not interested in a report 120 days after an inspection process has been put in place, that we have had full cooperation from the Iraqis, we have not been able to find anything, and therefore there is no basis for maintaining sanctions. I think a "shot across the bow" at this point in time, as UNMOVIC is being formed, would be all to the good.

In our conclusions, we have basically three conclusions in our testimony.

The IAEA should be directed to provide UNMOVIC and the College of Commissioners that has been formed a complete inventory of all nuclear bomb components, designs, and models for which there is documentation or intelligence but which the agency cannot account for.

And the Security Council should insist that all elements listed in this inventory be produced by Iraq or otherwise accounted for prior to any consideration of closing the nuclear file and lifting sanctions. This indeed was UNSCOM's approach with regard to missiles and chemical and biological weapons, and it should be the IAEA's approach to nuclear weapons as well. I am particularly concerned because Mr. Blix is now the head of UNMOVIC, and therefore it might reinforce the kind of cooperative approach that the IAEA has been taking in the past, a nonconfrontational approach.

UNMOVIC and the Security Council should make sure that the IAEA diligently and completely pursues all unanswered questions, and if the agency proves itself unable to do so, responsibility for nuclear inspections should be transferred to the Security Council which has the enforcement authority needed to follow through.

Finally, Dr. Blix should now pledge he will conduct business differently than he did at the IAEA and will not allow the absence of evidence to be viewed as evidence of absence of weapons of mass destruction.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Leventhal follows:]

PREPARED STATEMENT OF PAUL LEVENTHAL

INTRODUCTION

Thank you, Mr. Chairman, for your invitation to testify before the subcommittee today on U.S. sanctions policy toward Iraq. Steven Dolley, research director of the Nuclear Control Institute, participated in the preparation of this testimony.

I will focus primarily on issues related to the nuclear inspections that have been conducted in Iraq under the terms of U.N. Security Council Resolution (UNSCR) 687, the Gulf War cease-fire. From April 1991 until Iraq evicted all U.N. inspectors in December 1998, the International Atomic Energy Agency (IAEA) was responsible for conducting nuclear inspections in Iraq, with technical and intelligence support provided by the U.N. Special Commission on Iraq (UNSCOM). Under paragraph 3 of UNSCR 1284—the December 1999 resolution that establishes the UN Monitoring, Verification and Inspection Commission (UNMOVIC), the successor agency to UNSCOM—the IAEA "will maintain this role with the assistance and cooperation of UNMOVIC," when and if inspectors return to Iraq.

Over the last few years, public concern about Iraq's weapons of mass destruction has focused primarily on Saddam's chemical, biological and missile capabilities. This perception in large measure results from the IAEA's finding that "Iraq's known nuclear assets have been destroyed, removed or rendered harmless." This is not, in fact, the case. While it is true that Iraq's known nuclear facilities have been destroyed or were placed under monitoring (prior to December 1998), important questions about Iraq's nuclear-weapons program remain unanswered. Key nuclear-bomb

components and weapons designs that were known to exist were never surrendered by Iraq to UN inspectors.

Indeed, the threat from Iraq's nuclear capability could be greater than its chemical, biological and missile efforts. Vital elements of Iraq's nuclear-weapons program remain in place today. Over 200 nuclear PhDs continue their work on unknown projects, with no supervision by UN inspectors for more than a year. Iraq operates a worldwide network to procure foreign technology, and most trucks entering Iraq from Turkey are not even stopped for inspection.

Little is known about Iraq's efforts to enrich uranium for bombs using centrifuges, and the possibility remains that a small centrifuge cascade for this purpose is hidden somewhere in Iraq. Iraq was permitted by the IAEA to retain possession of 1.7 metric tons of uranium enriched to 2.6% U-235, as well as some 13 tons of natural uranium stocks. This uranium, if used as feed material for centrifuges, could produce over 115 kilograms of bomb-grade highly enriched uranium, enough to make at least four nuclear bombs. Although the IAEA recently conducted a routine investigation to confirm that these uranium stocks had not been removed, such inspections are required only once a year, raising the possibility that Iraq could seek to enrich these materials to weapons grade between inspections.

The greatest danger is that Iraq will acquire, or has already acquired, fissile material on the black market. The IAEA has acknowledged "very little confidence" it would be able to detect the smuggling of the kilogram quantities of plutonium or highly enriched uranium needed to make a few bombs. Given that Iraq has already developed the other components for nuclear weapons, the situation is on a knife's edge. If Iraq obtains fissile material, it would be at most a few months—perhaps as little as weeks or days—away from possessing nuclear bombs.

There is an eerie familiarity to all this. Prior to the Gulf War, Saddam Hussein used the threat of chemical and biological weapons to deflect attention away from a hidden nuclear threat. "I swear to God," he proclaimed in March 1990, "we will let our fire eat half of Israel if it tries to wage anything against Iraq. We don't need an atomic bomb, because we have binary chemicals." Policymakers must not allow themselves to be distracted again from denying Saddam his ultimate prize: nuclear weapons.

Iraq's current position is that it will not permit weapons inspections to resume unless and until economic sanctions are completely lifted. If Saddam allows nuclear inspections in Iraq to resume at some point in the future, I am concerned that Iraqi dissembling and obstructionism will again wear down the IAEA, that the Agency will be willing to accept less than complete disclosure by Iraq, and that certification of Iraqi compliance by the IAEA will once again be used by Iraq's supporters in the Security Council as the basis for attempting to close the nuclear file and for at least a partial lifting of sanctions.

I will examine some important unanswered questions about Iraq's nuclear program; explore why the IAEA has proven unable to conduct thorough nuclear inspections in Iraq; and discuss the impact of the appointment of Dr. Hans Blix, former Director-General of the IAEA, on UNMOVIC, of which he is now Executive Chairman.

IRAQ'S NUCLEAR-BOMB PROGRAM: IMPORTANT QUESTIONS REMAIN UNANSWERED

Since 1991, U.S. policy has been consistent in requiring Iraq to cooperate fully with U.N. inspections. On November 15, 1998, prior to Operation Desert Fox, President Clinton declared that "Iraq must resolve all outstanding issues raised by UNSCOM and the IAEA," including giving inspectors "unfettered access" to all sites and "turn[ing] over *all* relevant documents." [emphasis added] State Department spokesman James Foley recently reaffirmed this policy.

When you look at the range of foreign policy challenges we face, you've got to put that [Iraq's WMD capability] at the very top, especially when you consider a number of factors, including past use of chemical weapons by Iraq; the massive chemical, biological and nuclear weapons programs unearthed or uncovered by UNSCOM during its years of activity; and, indeed, the continuing cleanup activity, improvements at some of the sites that are capable of producing such weapons. We see no reason for giving Saddam Hussein the benefit of the doubt. We have to remain extraordinarily vigilant on this, and we will. Of course, our preferred way of dealing with this problem is to get the inspectors back and doing their job. [State Department Press Briefing, February 1, 2000]

Significant issues regarding Saddam's nuclear-weapons program remain unresolved. A number of these issues were raised by the IAEA in its October 1997 consolidated inspection report, but were never resolved in subsequent IAEA reports. A

summary of these issues, prepared by Steven Dolley, Nuclear Control Institute's research director, is attached to this testimony, as is Mr. Dolley's full report, for inclusion in the hearing record. In June 1998, NCI raised these unresolved issues in a letter to IAEA Director-General ElBaradei. In his reply, ElBaradei assured us in general terms of the IAEA's vigilance, but explicitly refused to address the specific issues we raised. This correspondence with ElBaradei is also submitted for the hearing record, as is an exchange of correspondence between the Nuclear Control Institute and the State Department on these unresolved issues.

The IAEA apparently believes that the burden of proof is on the inspectors, not on Iraq, and demonstrates an almost naive confidence in an absence of evidence to contradict unsubstantiated Iraqi claims. ElBaradei acknowledged "a few outstanding questions and concerns" but insisted that these provided no impediment to switching from investigative inspections to less intrusive environmental monitoring because "the Agency has no evidence that Iraq is actually withholding information in these areas." The unfortunate result of the IAEA's accommodation of Iraq, in sharp contrast to UNSCOM's confrontational approach, is the widespread perception that Iraq's chemical, biological and missile capabilities constitute the only remaining threat.

Before Iraq put a halt to all weapons inspections in December 1998, the IAEA had failed to get Iraq to resolve these outstanding issues—and yet helped to make the case in the U.N. Security Council for closing the nuclear file by declaring that "Iraq's known nuclear weapons assets have been destroyed, removed or rendered harmless," as IAEA Director General Mohammed ElBaradei reported to the Security Council on October 13, 1998. This language directly tracks the terms of compliance required of Iraq in UNSCR 687 in order for economic sanctions to be lifted.

Although there is evidence that Iraq manufactured and tested a number of nuclear-weapon components, including the high-explosive "lenses" needed to compress the uranium core and trigger a nuclear explosion, none of these components, or evidence of their destruction, have been surrendered to IAEA inspectors. In January 1999, Gary Dillon, then head of the IAEA Action Team, asserted that documents newly provided by the Iraqis demonstrated that there had not been as significant progress in developing explosive lenses as earlier evidence had indicated. Dillon claimed that a January 1991 progress report by Iraqi scientists, provided by Iraq to the IAEA in 1998, showed that no final decisions had been made on key lens design issues. However, Dillon admitted that forensic analysis conducted by IAEA to determine the authenticity of the Iraqi document had proven "uncertain." Thus, the "new" Iraqi document may well have been a forgery, and the question of the existence of complete sets of weapons components is far from resolved.

Nor has Iraq provided the IAEA with its bomb design or a scale model, despite repeated requests. Iraq also has refused IAEA requests for full details of its foreign nuclear-procurement activities and for an official government order terminating work on its nuclear weapons program. Meanwhile, to the best of our knowledge, Saddam's nuclear team of more than 200 PhDs remains on hand. Even before December 1998, the IAEA acknowledged that these scientists are not closely monitored and increasingly difficult to track.

Ambassador Rolf Ekeus, former head of UNSCOM, suggested in June 1997 that UNSCOM suspected that Iraq was still hiding nuclear components.

. . . Iraq produced components, so to say, elements for the nuclear warhead. Where are the remnants of that? They can't evaporate. And there, Iraq's explanation is that (they) melted away. And we are still very skeptical about that. We feel that Iraq is still trying to protect them. . . . We know that they have existed. But we doubt they have been destroyed. But we are searching. [Remarks at the Carnegie Endowment for International Peace, June 10, 1997]

These questions are not merely of historical interest, but directly affect Iraq's current ability to produce nuclear weapons. The prudent assumption for the IAEA should be that Iraq's nuclear weaponization program continues, and that Iraq may now lack only the fissile material. Even the possibility that Iraq has already procured this material cannot be ruled out because of the serious nuclear-security lapses in the former Soviet Union and the abundance of such material in inadequately safeguarded civilian nuclear programs worldwide.

The ominous implications of missing components and surplus scientists were revealed by Scott Ritter after he resigned in August 1998 as head of UNSCOM's Concealment Investigation Unit. Ritter said, in testimony before the Senate Foreign Relations Committee, that UNSCOM "had received sensitive information of some credibility, which indicated that Iraq had the components to assemble three implosion-type [nuclear] devices, minus the fissile material." If Iraq procured a small

amount of plutonium or highly enriched uranium, he testified, it could have operable nuclear weapons in a matter of “days or weeks.”

The IAEA promptly disputed the validity of Ritter’s information. IAEA Director General Mohammed ElBaradei reported to the U.N. Security Council on October 13, 1998 that “all available, credible information . . . provides no indication that Iraq has assembled nuclear weapons with or without fissile cores,” adding that “Iraq’s known nuclear weapons related assets have been destroyed, removed or rendered harmless.”

IAEA NUCLEAR INSPECTIONS IN IRAQ: A CULTURAL PROBLEM

As noted, there were sharp differences between UNSCOM and the IAEA on how to conduct inspections. UNSCOM was more confrontational, refusing to accept Iraqi obfuscations and demanding evidence of destroyed weapons—what former UNSCOM chief Rolf Ekeus once called “the arms-control equivalent of war.” The IAEA has been more accommodating, giving Iraqi nuclear officials the benefit of the doubt when they failed to provide evidence that all nuclear weapons components have been destroyed and all prohibited activities terminated. Ekeus has acknowledged “a certain culture problem” resulting from UNSCOM’s “more aggressive approach, and the IAEA’s more cooperative approach.” As noted, the result is a widespread and dangerous perception that Iraq’s nuclear threat is history, while Iraq is generally perceived to be concealing other weapons of mass destruction because UNSCOM consistently refused to accept unverified claims of their elimination.

Iraq learned early on that it could conceal a nuclear weapons program by cooperating with the IAEA. Khidhir Hamza, a senior Iraqi scientist who defected to the United States in 1994, wrote in the *Bulletin of the Atomic Scientists* that Saddam Hussein approved a deception-by-cooperation scheme in 1974. “Iraq was careful to avoid raising IAEA suspicions; an elaborate strategy was gradually developed to deceive and manipulate the agency,” Hamza said.

The strategy worked. Iraq, as a signer of the 1968 Nuclear Non-Proliferation Treaty, was subject to IAEA inspections on all nuclear facilities. But IAEA’s inspectors had failed to detect the Iraqi-style “Manhattan Project,” which was discovered after the Gulf War by IAEA teams at sites identified by UNSCOM.

The IAEA’s track record of missing evidence of Iraq’s nuclear weapons program predates the Gulf War. In 1981, Israeli air strikes destroyed Iraq’s nearly complete Osirak research reactor because Tel Aviv feared Iraq’s plutonium-production capacity if the plant was allowed to start up. After the attack, IAEA inspector Roger Richter resigned from the agency to defend Israel’s action. He had helped negotiate the IAEA’s “safeguards” arrangement for the reactor and later told Congress that the agency had failed to win sufficient access to detect plutonium production for weapons.

In August 1990, only weeks after Iraq invaded Kuwait, IAEA safeguards director Jon Jennekens praised Iraqi cooperation with the IAEA as “exemplary,” and said Iraq’s nuclear experts “have made every effort to demonstrate that Iraq is a solid citizen” under the Non-Proliferation Treaty.

In 1991, after the Gulf War, the U.N. awarded the nuclear-inspection portfolio in Iraq to the IAEA rather than UNSCOM, following a concerted lobbying campaign by the IAEA, supported by the United States and France. The principal argument was political: With only a few years remaining before the Non-Proliferation Treaty had to be extended, it would be extremely damaging for the treaty’s survival if the agency were downgraded in any way.

Its turf battle won, the IAEA continued to see things Iraq’s way. In September 1992, after destruction of the nuclear-weapons plants found in the war’s aftermath, Mauricio Zifferero, head of the IAEA’s “Action Team” in Iraq, declared Iraq’s nuclear program to be “at zero now . . . totally dormant.” Zifferero explained that the Iraqis “have stated many times to us that they have decided at the higher political levels to stop these activities. This we have verified.”

But it eventually became clear that Iraq had concealed evidence of its continuing nuclear bomb program. In 1995, Saddam Hussein’s son-in-law, Gen. Hussein Kamel, fled to Jordan and revealed that he had led a “crash program” just before the Gulf War to build a crude nuclear weapon out of IAEA-safeguarded, civilian nuclear fuel, as well as a program after the war to refine the design of nuclear warheads to fit Scud missiles. Iraqi officials insisted that Kamel’s work was unauthorized, and they led IAEA officials to a large cache of documents at Kamel’s farm that, the Iraqis said, proved Kamel had directed the projects without their knowledge.

But the Kamel revelations refuted an IAEA claim, made by then-Director General Hans Blix in 1993, that “the Iraqis never touched the nuclear highly enriched uranium which was under our safeguards.” In fact, they had cut the ends off of some

fuel rods and were preparing to remove the material from French- and Russian-supplied research reactors for use in weapons when the allied bombing campaign interrupted the project. The IAEA accepted a technically flawed claim by Iraqi officials that the bomb project would have been delayed by the need to further enrich the bomb-grade fuel for use in weapons, but defector Hamza later made clear that Iraq could have made direct use of the material in a bomb within a few months.

HANS BLIX AND THE NEW INSPECTION REGIME

Given the urgency of finding out whether Iraq is secretly rebuilding nuclear, chemical and biological weapons, or the missiles for delivering them, it is ironic that the United Nations' new chief inspector in Iraq is Hans Blix, who headed the IAEA from 1982 to 1998. He was in charge when the IAEA totally missed Saddam Hussein's nuclear weapons program before the Gulf War and accepted unsubstantiated Iraqi disarmament claims after the war. The United States originally supported Ambassador Ekeus to head up UNMOVIC, but fell in line behind Dr. Blix after France and Russia, Iraq's original nuclear suppliers, opposed Ekeus with strong backing from China and Iraq. Given his record, it is fair to ask how good a job Dr. Blix can be expected to do.

Dr. Blix's 16-year record at the IAEA offers mixed signals. He was an intelligent manager and skillful diplomat, but often failed to stand up to national nuclear interests in the agency's Board of Governors. The Board always had statutory authority to impose far more intrusive inspections on national nuclear programs than it did, but Dr. Blix did not urge the Board to do so until after the humiliation of Iraq's hidden nuclear-weapons program. An improved IAEA safeguards system for which Dr. Blix takes credit, in place since 1997, is still far from universal or foolproof.

In 1987, Dr. Blix failed to blow the whistle when North Korea refused to enter into an inspection agreement with the IAEA within the required 18-month period after North Korea ratified the NPT in 1985. The Soviet Union had prevailed on the United States in the Board of Governors not to make an issue of it, and Dr. Blix followed suit. North Korea did not permit nuclear inspections until 1992, by which time U.S. intelligence agencies concluded that the North Koreans had begun extracting plutonium for weapons from its uninspected plants. The high marks Dr. Blix received for his agency's subsequent inspections in North Korea were, in fact, attributable to technical assistance received from U.S. and other nuclear weapons experts.

Under pressure from the IAEA board, Dr. Blix also failed to draw attention to large measurement uncertainties in commercial plutonium processing plants which make it impossible for IAEA inspectors to determine with confidence that none of this fuel is being siphoned off for nuclear weapons. At first he refused to acknowledge what U.S. weapons designers had told the IAEA—that plutonium separated in these plants from the spent fuel of electrical generating nuclear reactors could be made into weapons. Dr. Blix's pliant stance on plutonium has made possible a commercial industry that already has processed more plutonium for civilian fuel than the superpowers have produced for weapons.

As I have detailed in my testimony, the IAEA under Dr. Blix's tenure was forced to backtrack on rosy conclusions about Iraq's nuclear program. Dr. Blix brings to his new post considerable managerial and diplomatic skills, but a flawed record on Iraq. His reluctance to stand up to the IAEA Board of Governors also raises questions as to whether he will be able to withstand strong pressures from within the Security Council to give Iraq a clean bill of health and lift economic sanctions.

CONCLUSION

Given past differences between the IAEA and UNSCOM, the IAEA should be directed to provide UNMOVIC and the College of Commissioners with a complete inventory of all nuclear-bomb components, designs and models for which there is documentation or intelligence but which the agency cannot account for. The Security Council should insist that all elements listed in this inventory be produced by Iraq or otherwise accounted for prior to any consideration of "closing the nuclear file." This was UNSCOM's approach with regard to missiles and chemical and biological weapons, and it should be the IAEA's approach to nuclear weapons, as well. The burden of proof should be on Iraq, not on the inspectors. The United States should continue to oppose closing the Iraqi nuclear file and the lifting of economic sanctions until all outstanding questions on Iraq's nuclear-weapons program are resolved.

UNMOVIC and the Security Council should make sure that the IAEA diligently and completely pursues all unanswered questions. If the Agency proves unable to do so, responsibility for nuclear inspections should be transferred to the Security Council, which has the enforcement authority needed to follow through.

Finally, Dr. Blix should now pledge he will conduct business differently than he did at the IAEA, and will not allow the absence of evidence to be viewed as evidence of absence of weapons of mass destruction in Iraq. This is particularly important given the provision (paragraph 33) of UNSCR 1284, expressing the Security Council's intention to lift economic sanctions if the heads of both UNMOVIC and the IAEA certify that Iraq "has cooperated in all respects" with the two agencies for a period of 120 days after monitoring and verification programs have been reestablished.

[Attachments.]

[Attachment 1]

IRAQ'S NUCLEAR WEAPONS PROGRAM: UNRESOLVED ISSUES

Steven Dolley—Nuclear Control Institute—May 12, 1998

Supporting documentation, including citations from IAEA inspection reports, is located on the NCI website at <http://www.nci.org/nci/iraq511.htm>

Weapons Design

- Many important weapons-design drawings and reports are still missing.
- The status of R&D on advanced weapons designs (boosted, thermonuclear) remains unclear.
- Documentation of research on explosive lenses remains incomplete. Some key design drawings are still missing.
- The extent of outside assistance offered to or received by Iraq, including a reported offer of an actual nuclear weapon design, remains unresolved.

Centrifuge R&D

- Almost all centrifuge design documents and drawings are missing.
- Information is incomplete and drawings are missing related to Iraq's super-critical centrifuge R&D program.
- Significant inconsistencies exist between Iraqi and foreign testimony on the amount of foreign assistance and components provided to the centrifuge program.

Missing Components and Equipment

- Not all "Group 4" nuclear weaponization equipment has been located or accounted for.
- Some uranium-conversion components remain unaccounted for.
- A plutonium-beryllium neutron source, potentially useful as a neutron initiator for a nuclear bomb, is still missing.

Uranium Stocks and Enrichment Program

- Large stockpiles of natural uranium remain in Iraq.
- Historical uranium MUF's for Iraq's uranium conversion and enrichment are large. Over three tons of uranium remains unaccounted for.
- The credibility of low (20%) historical capacity for EMTS (calutron) uranium enrichment reported by Iraq is open to question.

Iraqi Reporting to the IAEA

- The completeness of Iraq's FFCD (Full, Final and Complete Declaration) is questionable. No information is publicly available on this report.
- The completeness of Iraq's report on the technical achievements of its weaponization program is unknown. No information is publicly available on this report.
- Many documents seized by Iraq during the "parking lot stand-off" in September 1991 were never returned to the IAEA and remain unaccounted for, including key centrifuge documents.
- It is not publicly known whether all the documents from the Haider House cache have been translated and fully analyzed.

Iraqi Concealment Activities

- Iraq now officially denies that a governmental committee to minimize impact of NPT violations ever existed, even though Iraq itself first revealed the committee to the IAEA.

- Reports on Iraqi nuclear team's interactions with IAEA inspectors are incomplete.
- It is not publicly known whether Iraq's report on their post-war concealment activities has been completed and reviewed.
- Iraq has not enacted a criminal law to punish violations of UN resolutions.

Post-war Nuclear Program Activities

- Conversion of former weapons program facilities has not been fully documented.
- Documentation of ongoing activities at former weapons facilities remains incomplete.
- Information is inconsistent on the date of termination of weapons activity at the Al Atheer weapons facility.
- No evidence of any Iraqi decree to halt the nuclear weapons program.
- Extent of Iraq's post-war foreign procurement network has not been documented.

[Attachment 2]

NCI WARNS THAT SADDAM MAY HAVE ACTIVE NUCLEAR WEAPONS PROGRAM

WASHINGTON.—The Nuclear Control Institute (NCI) warned today that contrary to the widespread belief that Iraq's nuclear weapons program no longer poses an immediate threat, evidence collected by United Nations inspectors in fact points to an active, advanced program that poses a clear and present danger.

"Any diplomatic solution to avert another war in Iraq should not bargain away nuclear inspections as the price of winning Saddam's cooperation with UN inspections of suspected ballistic missile, chemical and biological weapons sites," said NCI President Paul Leventhal. France, Russia and China have pressed such a proposal.

"Nor should UN inspectors from the Vienna-based International Atomic Energy Agency (IAEA) be permitted to curtail their investigations because of 'diminishing returns' and switch to less aggressive monitoring efforts," Leventhal said. "Instead of cutting back, the IAEA should be re-doubling its efforts."

In 1990, just prior to the Gulf War, NCI had warned that Iraq might be only weeks away from having a bomb because it could divert bomb-grade uranium fuel from its civilian research reactors between visits by IAEA inspectors. NCI's warning went unheeded at the time, only to be proven correct when Saddam's son-in-law defected in 1995 and disclosed he had ordered a "crash program" to produce a bomb by this means until allied bombing halted the effort.

"It should be remembered," Leventhal said, "that in 1990 Saddam successfully engaged in a grand deception to draw the world's attention away from his nuclear program by drawing attention to his chemical and biological weapons. After the Gulf War, a vast Iraqi Manhattan Project was unearthed, and most of it has been destroyed. Today, we must be concerned that Saddam is again trying to divert attention from a small but deadly remnant of his nuclear program—the actual weapons components that never have been found and his scientists who remain in place."

In support of NCI's current concerns about Iraq's nuclear threat, the Institute held a press conference to release a report, "Iraq and the Bomb: The Nuclear Threat Continues," prepared by NCI Research Director Steven Dolley. The NCI report finds that the IAEA's own detailed reporting to the UN Security Council should raise concerns that Iraqi nuclear scientists have continued to advance their earlier work on nuclear weapons and to lie about their activities to UN inspectors.

The NCI report cites IAEA documents to show that Iraq's nuclear scientists are still in place, that key nuclear-weapon components remain unaccounted for, that major gaps still exist in the information Iraq has provided about its post-war nuclear weapon design work, and that the clandestine procurement program for nuclear equipment and materials has continued.

According to the report, "After examining the evidence, it is prudent to assume that there is a small, well-concealed nuclear weapons program in Iraq, possibly with fully developed components suitable for rapid assembly into one or more workable weapons if the requisite fissile material (highly enriched uranium or plutonium) were acquired. If Iraq has been able to smuggle in the needed material from, say, Russia or another former Soviet Republic without being detected, the nuclear threat could be quite real and even eclipse the CBW threat."

The report also noted major gaps in information available to UN inspectors about Iraq's program to enrich uranium to weapons grade with centrifuges, and concluded

it was possible, albeit less likely, that Iraq has succeeded in concealing a small plant for producing its own bomb material.

"The danger of Iraq having nuclear weapons or being very close to having them is still quite real," Leventhal said. "Nuclear weapons remains Saddam's number one prize. Whether war or diplomacy is used to solve the crisis over inspections, the United States and its allies must make elimination Saddam's nuclear capability our number one strategic objective."

The NCI report, and the most recent IAEA documents, can be downloaded from NCI's website: <http://www.nci.org/nci/sadb.htm>

IRAQ AND THE BOMB: THE NUCLEAR THREAT CONTINUES
(Steven Dolley, Research Director, Nuclear Control Institute)
February 19, 1998

NUCLEAR INSPECTIONS IN IRAQ: TIME TO "CLOSE THE NUCLEAR FILE"?

As the United States prepares to resume bombing of Iraq because of Iraq's continuing ballistic-missile and chemical-biological weapons (CBW) programs, pressure is building to close the book on the United Nation's investigation of Iraq's nuclear weapons program. This pressure was catalyzed by the International Atomic Energy Agency's (IAEA's) October 1997 report to the Security Council, which concluded that there were no remaining "significant discrepancies" between the IAEA Action Team's findings during nearly seven years of inspections and Iraq's most recent "full, final and complete declaration" of its nuclear program.

At the same time, IAEA stated that it could not guarantee the completeness of this declaration, because "[s]ome uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. *The extent to which such uncertainty is acceptable is a policy judgment.*"¹ [emphasis added]

IAEA reported that, though it was not excluding the option of further inspections if new information were received, IAEA's "activities regarding the investigations of Iraq's clandestine nuclear programme have reached a point of diminishing returns and the IAEA is focusing most of its resources on the implementation and technical strengthening of its plan for the ongoing monitoring and verification of Iraq's compliance with its obligations under the relevant Security Council resolutions."²

Based on these IAEA statements, Russia, China, and France are urging the U.N. Special Commission on Iraq (UNSCOM) and the IAEA to "close the nuclear file" on the investigation of Iraq's "historical" nuclear weapons program.³ Under the terms of Resolution 687, the cease-fire resolution ending the Gulf War, IAEA is charged, "through the Secretary-General, with the assistance and cooperation of the Special Commission," with the mission of conducting "immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission . . ."⁴ In practice, UNSCOM has taken responsibility for assessing intelligence and other information pointing to new locations for inspections, while IAEA has carried out those inspections and monitored declared facilities and equipment.

Russia and China now want UNSCOM to certify, as a first step toward lifting international sanctions, that Iraq is in compliance with Resolution 687's requirement that all elements of Iraq's nuclear-weapons program have been removed, destroyed or rendered harmless. The IAEA mission then would shift to ongoing monitoring and verification ("OMV"), relying primarily on periodic routine inspections of declared facilities and equipment, remote monitoring of Iraqi facilities, and environmental sampling designed to detect prohibited activities, such as uranium enrichment.

However, after a January 22 briefing by UNSCOM head Richard Butler, United States Ambassador to the United Nations Bill Richardson stated that "We don't see any reason to close the nuclear file because there are significant gaps in our judg-

¹ IAEA, *Fourth Consolidated Report of the Director General of the International Atomic Energy Agency under Paragraph 16 of Security Council Resolution 1051 (1996)*, October 8, 1997 [hereafter "S/1997/779"], pp. 21-22.

² S/1997/779, p. 22.

³ John Goshko, "3 Powers at U.N. Disagree on Iraq's Nuclear Status," *Washington Post*, January 23, 1998. p. A34.

⁴ U.N. Security Council Resolution 687 (adopted April 8, 1991), paragraph 13.

ment. There are still patterns of concealment, insufficient information provided by Iraq and generally a lack of cooperation.”⁵ Nonetheless, most reporting and analysis of the current Iraqi threat focuses on CBW and missiles.

The popular perception being conveyed in the news media is that the Iraqi nuclear threat is a thing of the past.⁶ Although the missile and CBW threats are quite real, there is no basis to conclude that the nuclear threat is any less urgent, given the likelihood of a small, concealed weaponization program that could be rapidly activated by the acquisition of relatively small amounts of fissile materials—highly enriched uranium or plutonium.

It is difficult to reconcile IAEA’s desire to move from investigative inspections to a long-term monitoring posture with its conclusion in the same report that several sets of important issues regarding the Iraqi nuclear-weapons program remain unresolved, including:

- the extent of Iraq’s post-war nuclear procurement system;
- the sources and nature of outside assistance;
- a written report promised by Iraq but not yet provided to the IAEA, summarizing progress made toward acquiring the bomb;
- the true role of General Kamel, Saddam’s son-in-law and former head of Iraq’s nuclear program, who the Iraqis claim acted alone to conceal a large cache of nuclear-program documentation at his farmhouse, prior to his defection in 1995; and
- the purpose of an Iraqi government committee established after the Gulf War to “reduce the effect of NPT violation to the minimum.”⁷

An IAEA technical team that visited Iraq in December 1997 failed to achieve satisfactory resolution of any of these issues, nor did UNSCOM head Richard Butler during his visit to Baghdad in January 1998.⁸

Also troubling was the public confirmation in June 1997 by outgoing UNSCOM head Rolf Ekeus that Iraq had produced nuclear-weapon components and that they have never been found; nor has the claimed destruction of them ever been verified.

Iraq produced components, so to say, elements for the nuclear warhead. Where are the remnants of that? They can’t evaporate . . . We feel that Iraq is still trying to protect them. And that is part of our . . . efforts . . . to find these remnants. They may not exist. We know that they have existed. But we doubt they have been destroyed. But we are searching.⁹

This paper assesses what has been learned about Iraq’s nuclear-weapons program over the course of nearly seven years of IAEA inspections, considers the outstanding questions that remain to be answered, and evaluates the danger that Iraq retains a weaponization program and could produce nuclear weapons in short order.

WHAT WE DO KNOW ABOUT IRAQ’S NUCLEAR WEAPONS PROGRAM

1. Iraq produced a workable design for a nuclear weapon

Iraq claims to have begun its weaponization research in 1987, and by the start of the Gulf War had completed a fifth revision of a detailed design for an implosion-type bomb fueled by highly enriched uranium (HEU). In September 1991, IAEA inspectors seized Iraqi weaponization documents, including a 1990 progress report on bomb-design work by Group 4 of “PC-3,” Iraq’s code name for the weaponization division of its Manhattan Project.

⁵ Quoted in Robert Reid “U.N.-Iraq,” AP wire service story, January 22, 1998.

⁶ For example, a recent article cited unnamed “Western analysts” to support the claim that Iraq’s “nuclear program has been proved to be dismantled.” Daniel Pearl, “A Primer on the Weapons-Inspection Snag in Iraq,” *Wall Street Journal*, February 11, 1998, p. A19. In another article, a chart on “Deadly Technologies,” detailing “verifiable weapon capabilities in selected Mideast countries,” lists Iraq in the chemical, biological, and advanced missile technology categories, but *not* in the “developing or existing nuclear” category. Neil King, “Iraq is One of Many With a Doomsday Arsenal,” *Wall Street Journal*, February 18, 1998, p. A14.

⁷ S/1997/779, p. 20, paragraph 75.

⁸ IAEA, “Appendix: Report on the International Atomic Energy Agency technical team visit to Iraq, 19 to 21 December 1997,” S/1998/38, January 15, 1998; UNSCOM, “Report on the Visit to Baghdad from 19 January to 21 January 1998 by the Executive Chairman of the Special Commission Established by the Security Council under Paragraph 9(b)(I) of Security Council Resolution 687 (1991),” S/1998/58, January 22, 1998.

⁹ Rolf Ekeus, statement at the Carnegie Endowment for International Peace, June 10, 1997, quoted in “Could Iraq Build an Atomic Bomb Today If It Were Able to Buy Fissile Material?,” Nuclear Control Institute. November 26, 1997.

A U.N. official who examined the Iraqi design work in 1992 said he was sure that a bomb built to their specifications would work.¹⁰ Weaponization work proceeded well beyond the design stage. Iraq was developing a 32-point electronic firing system to trigger the bomb. Extensive tests of high-explosive lenses were carried out, some of them using depleted uranium as a non-fissile dummy core.¹¹ Iraqi scientists also did test castings of small-scale natural uranium spheres as research toward developing the bomb's spherical, highly enriched uranium core. Iraqi nuclear scientists claimed they dissolved the products of these experiments in acid to prevent their examination by inspectors.¹²

David Kay, former head of the IAEA Action Team in Iraq, concluded that such non-nuclear experimentation might eliminate the need for a full-scale nuclear explosive test.

The Iraqis had already validated their design work by testing various weapons components. . . . As long as you are not interested in developing the latest cutting edge multi-stage fusion device, it is no longer necessary to test weapons by taking a bomb out and setting it off. Weapons are tested at the component level, with inert material, and with computers.¹³

In fact, Kay found that many of the computer codes used by the Iraqis in their weapon-design work were publicly available and "much, much better" than codes used by U.S. and British weapons designers in the 1960s.¹⁴

Another, simpler weapon-design option—a gun-type assembly—was also available to Iraq, though it was not the main focus of their research. The gun design fires one piece of HEU into another to create a critical mass. According to Kay, it "is an easy design that almost anyone could do with a little thought and reading . . ." Kay concluded that the Iraqis already knew enough to make an effective gun-type weapon, and even possessed tungsten-carbide piping suitable for manufacture of such a bomb.¹⁵ This design is so straightforward that Manhattan Project scientists did not test it before it was used to destroy Hiroshima.¹⁶

A report prepared by five former U.S. nuclear weapons designers concluded that a technically skilled team of terrorists could construct a crude but workable nuclear bomb if they acquired access to plutonium or HEU. The report estimated that the team's preparation, prior to its acquisition of fissile material, would require "a considerable number of weeks (or, more probably, months) . . .,"¹⁷ casting significant doubt on estimates that Iraq was several years away from completion of a workable nuclear weapon design.

Iraq had also made significant progress on the fabrication of key nuclear-weapon components. IAEA inspectors discovered that Iraq had fabricated high-explosive lenses and the molds to manufacture them, electronic firing systems, test castings of uranium bomb cores, and various neutron-initiator devices.¹⁸ With the exception of a few crude neutron initiators, no weapons components have been located.

2. Iraq began to divert its safeguarded HEU to a nuclear-weapons "crash program"

In August 1995, a strange series of events led to a major breakthrough in documenting Iraq's weapons of mass destruction. General Hussein Kamel, a son-in-law of Saddam Hussein and former head of the nuclear-weapons program, defected and was debriefed by the United Nations. He revealed many secrets of the Iraqi nuclear program, including previously unknown orders he had issued to prepare to divert Iraq's safeguarded HEU research reactor fuel into a crash weaponization program in late 1990. Kamel later returned to Iraq and was promptly murdered.

U.N. inspectors were taken by Iraqi officials to General Kamel's farmhouse, where they were shown an enormous cache of documentation related to Iraq's weapons of mass destruction program. Iraqi officials insisted that General Kamel had been solely responsible for concealing this and other information from UNSCOM and the

¹⁰Quoted in Gary Milhollin, "Building Saddam Hussein's Bomb," *New York Times Magazine*, March 8, 1992, p. 33.

¹¹Glenn Zorpette, "How Iraq Reverse-Engineered the Bomb," *IEEE Spectrum*, April 1992, p. 23.

¹²S/1997/779, p. 30.

¹³David Kay, "Iraqi Inspections: Lessons Learned," *Eye on Supply*, Winter 1993, p. 89.

¹⁴Ibid.

¹⁵David Kay, quoted in Zorpette, 1992, op cit., p. 65.

¹⁶The July 1945 "Trinity" test at Los Alamos used the more complicated implosion design, and the fissile material was plutonium. This design was used in the "Fat Man" bomb that destroyed Nagasaki.

¹⁷J. Carson Mark, et al., "Can Terrorists Build Nuclear Weapons?," in *Preventing Nuclear Terrorism*. Report and Papers of the International Task Force on Prevention of Nuclear Terrorism, Ed. Paul Leventhal & Yonah Alexander, 1987, p. 59.

¹⁸S/1997/779, pp. 56-62.

IAEA. Since 1995, the Iraqis have repeatedly characterized Kamel as the rogue head of a covert weapons program, the details of which he had concealed from the Iraqi leadership.

During two IAEA inspections in late 1995, Iraqi officials revealed further details of the crash program, which had been established in August 1990. The Iraqis planned to dissolve their research reactor fuel elements at a secret facility at the Tuwaitha site in order to separate the weapons-usable HEU. In January 1991, the facility was complete. Iraq later acknowledged that the technicians had begun cutting off the ends of fuel elements and were awaiting authorization from General Kamel to commence HEU separation when Gulf War bombing seriously damaged the facility. The HEU recovery equipment was covertly moved to another, secret nuclear facility at Tarmiya.

Significantly, the IAEA found that the most recent documents surrendered by Iraq on the crash program were dated June 1991, which “might indicate that the ‘crash programme’ was not abandoned until it became evident to Iraq that the reactor fuel was to be removed from the country (the first shipment took place in November 1991).”¹⁹

In late 1990, the Nuclear Control Institute had warned of the possibility of a crash Iraqi program to divert its safeguarded civilian nuclear fuel for use in weapons—ironically, about three months after the Iraqi leadership decided to proceed down this path.²⁰ Concerns about Iraq’s safeguarded HEU stocks were dismissed at the time by many analysts, who estimated that Iraq was up to 15 years away from the bomb.²¹ In a study prepared for NCI in May 1991, Dr. J. Carson Mark, former head of the theoretical division at the Los Alamos National Laboratory concluded that, if Iraq had used only its declared, safeguarded HEU, fabrication of two “metal implosion systems” each with a yield “in the kiloton range would probably be possible.”²²

Prior to the Gulf War, the IAEA was particularly cavalier about the Iraqi HEU risk. In August 1990, only weeks after the invasion of Kuwait, IAEA safeguards director Jon Jennekens praised Iraq’s cooperation with IAEA as “exemplary,” and said “the IAEA is not concerned that, if Iraq were to be put under great military or diplomatic pressure, the Iraqi leadership would seize its store of HEU and build a nuclear device. ‘Such a calculation doesn’t make practical sense,’ Jennekens said.” Jennekens extolled Iraq’s nuclear experts, who, he said, “have made every effort to demonstrate that Iraq is a solid citizen” under the NPT.²³

Even as late as 1993, IAEA Director-General Hans Blix made a point of emphasizing that

the Iraqis never touched the nuclear highly-enriched uranium which was under our safeguards, which in some ways indicate also that the safeguard had an effect. Had they touched anything—(inaudible)—immediately discovered, and these would have been reported, and they would have evoked a governmental opinion and governmental action. They didn’t want to do that. So they never touched the material which was under safeguard . . .²⁴

NCI asked Blix to retract his statement because Iraq had been found to have secretly moved the HEU in January 1991 and not reported its location to IAEA for

¹⁹S/1997/779, p. 53.

²⁰Paul Leventhal, “Is Iraq Evading the Nuclear Police?,” *New York Times*, December 28, 1990, op-ed page. See also “Present Assessments Understate Iraq’s Nuclear Weapons Potential,” Statement of Paul Leventhal, Nuclear Control Institute, presented to the Senate Armed Services Committee, November 30, 1990.

²¹“How Long to Saddam’s Bomb? Some Experts Say . . .,” *Proliferation Watch*, Volume 1, Number 5, November/December 1990, p. 19. A chart shows twenty different estimates of how long it would take Iraq to acquire a “nuclear device” or “nuclear weapon.” The estimate by NCI of less than six months was the shortest.

The Bush Administration attempted to walk a fine line on the issue of Iraqi nuclear weapons. On the one hand, they tried to drum up support for Operation Desert Storm by emphasizing Iraq’s nuclear-weapons aspirations. However, they did not want to undercut domestic support for sending U.S. forces into harm’s way by suggesting that Iraq might be able to attack these troops with nuclear bombs. As a result, administration officials downplayed the risk of a “crude bomb” made from diverted HEU, but contended that the risk of Iraq acquiring nuclear weapons within one to five years was significant. Patrick Tyler, “Specialists See Iraq Unlikely to Build A-Bomb in Near Future,” *Washington Post*, November 8, 1990, p. A62.

²²Dr. J. Carson Mark, “Some Remarks on Iraq’s Possible Nuclear Weapon Capability in Light of Some of the Known Facts Concerning Nuclear Weapons,” Nuclear Control Institute, May 16, 1991, p. 27.

²³Quoted in Mark Hibbs & Ann MacLachlan, “No Bomb-Quantity of HEU in Iraq, IAEA Safeguards Report Indicates,” *Nuclear Fuel*, August 20, 1990, p. 8.

²⁴Hans Blix, press conference at the National Press Club, Washington, DC, May 20, 1993, transcript, p. 8.

several months, in violation of its safeguards agreement. Moreover, the Iraqis had cut the ends off some HEU fuel elements—in preparation, as Iraq later admitted,²⁵ for HEU recovery operations. The IAEA refused to back down on this point until after General Kamel's 1995 revelation of the crash program.

At the time that the crash program was discovered, Iraq claimed that it had planned to build a 50-centrifuge cascade to re-enrich the 80% enriched HEU of Russian origin, but had barely begun construction by January 1991. The IAEA, in public statements, used this claim to support its argument that the crash program would not have achieved its goals by April 1991, when the next IAEA inspection had been scheduled to take place.²⁶

However, Iraq's claim was puzzling because there was sufficient HEU in the fresh 80% enriched and lightly irradiated 93% enriched fuel for a single weapon, and Iraq would have gained very little by further enriching the 13.7 kg of fresh 80% enriched fuel. Dr. Edwin Lyman, NCI's scientific director, analyzed the crash program and calculated that re-enrichment would not have been necessary at all, because "23.3 kg of 93% equivalent HEU would be available with relatively simple chemical processing . . ." ²⁷

The IAEA now appears to agree that re-enrichment of the fresh 80% enriched fuel would not have been necessary for the crash program to succeed, stating in the October 1997 report that Iraq "more logically" would have re-enriched only the HEU from the *irradiated* 80% enriched and 36% enriched fuel, *not* that recovered from the fresh fuel; and that re-enrichment would have reduced the time required to produce "a second weapon," suggesting that sufficient HEU for a *first* weapon could have been recovered without re-enrichment.²⁸ Once direct-use material such as HEU is available, the "conversion time" required to make it into nuclear-weapons components is estimated by IAEA to be on the "order of weeks (1-3)" in the case of oxide, and on the "order of days (7-10)" in the case of metal.²⁹

3. Iraq's clandestine nuclear procurement network continued to operate after the Gulf War

Iraq continues to import dual-use technologies with nuclear relevance. As of April 1997, according to IAEA,

Iraq is still able to import technological equipment, recent examples of which include a plasma spray machine, a general purpose CNC milling machine and personal computer components having 1996-generation micro-processors. These items were imported through trans-shipment, via neighbouring countries, thus avoiding the identification of Iraq as the end-user.³⁰

Resolution 687 does not prohibit dual-use technology imports by Iraq, provided they are declared and subject to monitoring by IAEA. The IAEA has found that Iraq continues to engage in deceptive procurement practices, apparently in violation of the laws of various exporting nations, but the IAEA does not name the nations in the report.

Iraq promised IAEA that it would provide a written description of its post-war procurement system, but thus far has failed to do so.³¹ In a November 24 briefing for the Security Council, IAEA downplays the matter, reporting that "[t]he information so far provided by Iraq is incomplete, but the provision of the missing information should be a simple administrative matter. This is not a matter of major significance."³²

Iraq received at least some outside offers of nuclear weapons assistance after the end of the Gulf War. The material obtained by IAEA at General Kamel's farmhouse documents the participation of Mukhabarat, the Iraqi intelligence service, in inter-

²⁵ S/1997/779, p. 50.

²⁶ IAEA Statement, "Expanded Response to the Points Raised in the IHT Article 'Who Says Iraq Isn't Making a Bomb,' Leventhal and Lyman, 2 November 1995," November 16, 1995. This statement was apparently written by Gary Dillon, now the head of the IAEA Action Team.

²⁷ Dr. Edwin S. Lyman, "Iraq: How Close to a Nuclear Weapon?," Nuclear Control Institute, November 14, 1995, p. 4. See also Paul Leventhal and Edwin Lyman, "Who Says Iraq Isn't Making a Bomb?," *International Herald Tribune*, November 2, 1995, op-ed page.

²⁸ S/1997/779, p. 3.

²⁹ International Atomic Energy Agency, *IAEA Safeguards Glossary: 1987 Edition*, 1987, p. 24, Table II.

³⁰ IAEA, *Third Consolidated Report of the Director General of the International Atomic Energy Agency under Paragraph 16 of U.N. SC Resolution 1051 (1996)*, S/1997/297, April 11, 1997, p. 4.

³¹ S/1997/779, p. 20.

³² IAEA, "Notes of the International Atomic Energy Agency Briefing to the Security Council on 24 November 1997," S/1997/950. December 3, 1997, p. 6.

national procurement operations. The Iraqis initially denied, and then attempted to minimize, Mukhabarat's role in procurement.

IAEA reported that "[t]he Mukhabarat files also contained some information regarding unsolicited offers of assistance to Iraq's clandestine nuclear programme that were judged [by the Iraqis] to warrant further investigation." IAEA requested information on "all significant offers of assistance to its clandestine nuclear programme." A series of lame excuses followed: "Subsequent discussions on this topic were usually met with statements . . . that the person responsible for that file was various 'on vacation' or 'on sick leave' or otherwise unavailable. When the matter was addressed during the July 1997 visit, by the technical team, the team was advised that, for no apparent reasons, the file had been destroyed."

Eventually Iraq provided IAEA with correspondence indicating "that the Mukhabarat were confident that the source of the information [the unsolicited offer of assistance] was valid and worth pursuing" and that the Iraqi Atomic Energy Commission (IAEC) requested that Mukhabarat "endeavour to obtain samples from the source."³³ The IAEA report does not say whether the correspondence or other evidence indicates what these "samples" were, or whether they were obtained by Mukhabarat from the source.

An even more troubling incident that occurred in October 1990 was discussed during the IAEA technical team's visit to Iraq in late December 1997. A "foreign national" (name and nationality not revealed in the IAEA report) offered to provide "nuclear weapon design drawings" as well as technical and procurement assistance. The Iraqis claimed that they did not follow up on this or any other offers of outside assistance after the Gulf War because they feared sting operations. IAEA said it had found no evidence to contradict these claims or to provide a basis for further investigation of them.³⁴

4. Iraq had made progress on a ballistic-missile delivery system for a nuclear warhead

The Iraqis planned to deliver their nuclear weapon by means of a Scud missile modified to increase its range and payload. Former UNSCOM head Rolf Ekeus pointed out that Iraq's long-range missile program "is a fundamentally nuclear program . . . definitely not for conventional explosives," with the goal of using missiles to deliver chemical and biological weapons as "secondary" to the nuclear mission.³⁵ But delivery-system R&D apparently lagged behind warhead-design work, and it is not clear that the main barrier of payload weight had been overcome by the time of the Gulf War.³⁶ Since the war, Iraqi long-range missile R&D, and covert procurement of missile parts has continued, in violation of Resolution 687.³⁷

It is important to note that nuclear weapons can be delivered by numerous means, with missiles being the most technically difficult modality. A study by the U.S. Office of Technology Assessment concluded that

Delivery vehicles may be based on very simple or very complex technologies. Under the appropriate circumstances, for instance, trucks, small boats, civil aircraft, larger cargo planes, or ships could be used to deliver or threaten to deliver at least a few weapons to nearby or more distant targets. Any organization that can smuggle large quantities of illegal drugs could probably also deliver weapons of mass destruction via similar means, and the source of the delivery might not be known. Such low technology means might be chosen even if higher technology alternatives existed.³⁸

A recent review of Iraq's nuclear program suggests that Hussein "might have considered trying to get such a [nuclear] bomb to Israel, possibly by boat, for detonation in the roadstead of Haifa Harbour. This is a premise that is circulating in present-

³³ S/1997/950, pp. 4-5. The IAEA report does not give the dates of this exchange of correspondence, nor does it specify whether the exchange occurred before or after the Gulf War.

³⁴ IAEA "Report on the International Atomic Energy Agency Technical Team Visit to Iraq, 19 to 21 December 1997," S/1998/38, January 15, 1998, p. 4 & p. 7.

³⁵ Rolf Ekeus, quoted in "Could Iraq Build an Atomic Bomb Today . . ." op cit.

³⁶ During the crash program, Iraq concluded that the weight of the nuclear payload had to be reduced to less than one ton if it was to be delivered successfully by the Al Abid satellite launch rocket then under development. S/1997/779. p. 60.

³⁷ Jeffrey Smith, "Iraq Buying Missile Parts Covertly," *Washington Post*, October 14, 1995, p. A1; "Jordan Seizes Missile Parts Meant for Shipment to Iraq," *Washington Post*, December 8, 1995, p. A44.

³⁸ U.S. Office of Technology Assessment (OTA), *Technologies Underlying Weapons of Mass Destruction*, December 1993, p. 197.

day Beirut and is thought to have originally been debated by Iranian Pasdaran terrorists.”³⁹

WHAT WE DON'T KNOW ABOUT IRAQ'S NUCLEAR WEAPONS PROGRAM

1. Weapons design documentation

In June 1997, Rolf Ekeus, then the chief executive officer of UNSCOM, stated that

The problem is maybe in that we [UNSCOM] by nature are suspicious concerning the weapon design. It is clear that the Iraqi specialists managed to acquire a considerable understanding of weapons design, warhead design. And there are those of our specialists inside the Commission who insist that there we have a major problem—namely that if Iraq would one way or the other manage to buy somewhere outside especially HEU in enough quantities it would be possible for Iraq to work to create a viable weapon. I'm now talking implosion technology. . . .⁴⁰

The IAEA's ability to put together the pieces of the Iraqi nuclear puzzle is hampered by Iraq's refusal to provide IAEA with a comprehensive report on progress achieved in the nuclear weapons program. According to the IAEA, only one “significant weaponization report [was] directly obtained and retained in the custody [of] an IAEA inspection team,” and much documentation on weaponization is still missing. For example, an Iraqi computer print-out of former PC-3 equipment doesn't include listings of Group 4 weaponization, or centrifuge program, equipment and materials.

The Iraqis also make the dubious claim that they cannot locate any additional documents on weaponization—for instance, the main register of nuclear-weapon design drawings.⁴¹ According to David Kay, “it's like your dog chewed your homework excuse. This doesn't happen in a nuclear weapons program. It tells you they're still trying to hide something.” Kay emphasized that locating and analyzing the final Iraqi weapon design is critical to discovering how close Iraq got to the bomb.⁴²

2. Nuclear weapons components

As noted above, no Iraqi nuclear-weapon components (except basic neutron initiators) have ever been located. This does not mean that no such components were ever fabricated. Iraq has admitted that it fabricated explosive lenses, neutron initiators, test firing systems, and dummy uranium cores. As Rolf Ekeus stated last year, UNSCOM believes that there are more components to be found.⁴³

In November 1997, U.S. Secretary of State Madeleine Albright stated that, regarding inspections in Iraq, “[t]here are four categories of weapons of mass destruction that concern us. In the nuclear field that file is the closest to being closed. But *we are concerned there are still some components there.*”⁴⁴ [emphasis added]

According to a recent trade press report,⁴⁵ IAEA was informed in 1995, after the seizure of documents at General Kamel's farmhouse, that in late 1990, Iraq had constructed a full-scale model of its nuclear bomb design, fabricated to scale using metal components. The report cites “sources inside the Iraqi nuclear program but not directly involved in key aspects of the weaponization effort,” and says that IAEA and UNSCOM hold radically opinions about the significance of the model. IAEA reportedly believes that Iraq is still three to four years away from acquiring the ability to manufacture an effective nuclear weapon, whereas UNSCOM believes Iraq could build a bomb in less than a year.⁴⁶

³⁹ Al J. Ventor, “How Saddam Almost Built His Bomb,” *Jane's Intelligence Review*, December 1997.

⁴⁰ Rolf Ekeus, quoted in “Could Iraq Build an Atomic Bomb Today . . .”, op cit.

⁴¹ S/1997/779, pp. 8-10.

⁴² David Kay, quoted in “Investigation shows that it's possible that Saddam Hussein is close to having a nuclear weapon,” *NBC Nightly News*, December 4, 1997, NBC News Transcripts.

⁴³ Rolf Ekeus, presentation at the Carnegie Endowment, June 1997, op cit.

⁴⁴ Madeleine Albright, *CBS “Face the Nation,”* Host, Bob Schieffer, November 9, 1997, CBS transcript, p. 4. Secretary Albright did not elaborate on her comment, so it is not clear what she meant by the term “components.”

⁴⁵ Mark Hibbs, “IAEA and UNSCOM Puzzled Over Iraqi Mockup of Nuclear Bomb,” *Nucleonics Week*, February 12, 1998, p. 16.

⁴⁶ *Ibid.* Hibbs reported that IAEA based its assessment on advice from U.S. nuclear-weapons experts, whereas UNSCOM relied on non-U.S. experts. Robert Kelley, a U.S. expert who did advise IAEA, contends that, due to “internal bickering and jockeying for status” within the weapons program, Iraq was “technologically at least five years away” from acquiring nuclear weapons after the Gulf War. “Former Inspector says Iraq Had No Nukes,” United Press wire service story, December 5, 1997.

Gary Dillon, head of the IAEA Action Team, acknowledged that an Iraqi informant had claimed such a model existed, "but it was a claim without any basis for follow-up." IAEA has found no evidence to support the existence of such a model, and has not discussed the matter with UNSCOM, according to Dillon.⁴⁷

IAEA has examined Iraqi documents indicating "that a significant decision had been taken regarding the dimensions of the explosive lens of choice,"⁴⁸ but providing no indication of development of other weapon components. Iraq rejected an IAEA suggestion "that this decision [on an explosive lens] strongly indicated that similar decisions had been taking regarding the design of the weapon internals."⁴⁹ Thus, Iraq admitted the lens decision, but denied that such decisions had been made about any other components. Even after receiving the information about a full-scale model weapon, the IAEA reported it "has no information that contradicts Iraq's statement that it had never identified nuclear-weapon design options beyond those preliminary concepts . . ."⁵⁰ If it was constructed, the scale model provides a basis for further challenging Iraq's claim to have made only minimal progress on weapons design.

3. Centrifuges

For all their evasiveness, the Iraqis have been perhaps the least forthcoming on the matter of centrifuges. IAEA reported that, as of October 1997, Iraq has made available almost no documentation on its centrifuge uranium enrichment program. Only a few of the centrifuge drawings that Iraq obtained from German technical experts have been made available to IAEA by Iraq, and they "contain only minor details." IAEA concluded that it could not rule out the possibility that centrifuge components and documentation are still being withheld by Iraq.⁵¹ Nor has IAEA been able to dismiss conclusively the possibility that a pilot centrifuge cascade existed (or still exists) undetected somewhere in Iraq.

Some important centrifuge documentation may have briefly been in IAEA custody at one point in 1991. Former inspector David Kay wrote that one in four of the documents seized by Iraqis from IAEA inspectors on September 22, 1991, the day before the notorious parking lot standoff, were never returned. Based on hurried initial assessments before the material was repossessed by the Iraqis, the inspectors concluded that the documents probably discussed key aspects of centrifuge program.⁵² It should be noted that IAEA has not recovered any documents from Iraq dealing with "super-critical" centrifuges, despite admissions from German centrifuge experts that they provided Iraq with design information on such centrifuges.⁵³

Concerns about Iraq's progress on centrifuge enrichment are magnified by the IAEA's inability to account for over a ton of uranium from projects at the Tuwaitha nuclear research facility.⁵⁴ If Iraq has managed to conceal ton quantities of uranium from the IAEA, it could retain a substantial amount of feedstock to reactivate its centrifuge program.

4. The international procurement network

Even after seven years of IAEA investigations, almost no information on Iraqi procurement has been publicly released, making it impossible to judge how much IAEA has discovered and how much remains undisclosed by Iraq. As former UNSCOM chief Rolf Ekeus recounted,

When our inspectors found machines, equipment and weapons components that had been imported by Iraq, it became necessary for UNSCOM to approach the relevant supplier companies to investigate the complete extent of their dealings with Iraq. Most of the companies were reluctant to talk to our investigators, and only insistent requests to respective governments for support could give us direct, or sometimes indirect, access to the company. For that reason, assurances of protection from public exposure had to be given in order to encourage the companies and their governments to accept our investigation of their dealings with Iraqi authorities.⁵⁵

⁴⁷ Gary Dillon, IAEA Action Team, personal communication with Paul Leventhal, February 13, 1998.

⁴⁸ S/1998/38, p. 6.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ S/1997/779, pp. 39-41.

⁵² Quoted in Zorpette, 1992, *op cit.*, p. 63.

⁵³ S/1997/779, p. 40.

⁵⁴ S/1997/779, Table 1.1, p. 34.

⁵⁵ Rolf Ekeus, "Ambassador Rolf Ekeus: Leaving Behind the UNSCOM Legacy in Iraq," *Arms Control Today*, June/July 1997, p. 5.

Given the increasing difficulty of locating key documents as time passes, it is unlikely that a complete picture of Iraq's pre-war procurement network will ever emerge.⁵⁶ Even more troubling, as noted above, Iraq's international procurement network is known to have continued operation after end of the Gulf War. UNSCOM and IAEA are tasked to fully account for, and assist the Security Council in shutting down, any ongoing procurement of prohibited materials and technology. But information on continuing procurements is still far from complete.

IRAQI NUCLEAR BREAKOUT: A CLEAR AND PRESENT DANGER

In assessing the nuclear threat from Iraq, it is important to underscore that the human infrastructure of Iraq's nuclear-weapons program remains in place. As David Kay put it, "I don't think the program by any means is dead. The heart of a program is not equipment. The heart of a program is scientific and technical information and knowledge. The same 10 to 15,000 people that worked on the program before the war are still working."⁵⁷

Iraq's nuclear team was not disbanded, and the nuclear scientists "are essentially prisoners" of Saddam's regime.⁵⁸ These scientists are interviewed periodically by IAEA, but the IAEA does not keep the scientists under surveillance.⁵⁹ It remains unclear how closely their movements and their work are monitored by intelligence agencies. According to Paul Stokes, a deputy leader of the IAEA Action Team, there is significant evidence from defectors and other intelligence sources that these scientists continue their work at undeclared sites in Iraq.⁶⁰ Iraqi nuclear scientists often taunt the inspectors. One looked a U.N. inspector in the eye and said, "We are waiting for you to leave."⁶¹

A major concern is that Iraq is capable of building a workable nuclear bomb if the requisite nuclear material could be obtained. Despite some differences with UNSCOM over weaponization, IAEA concluded its October 1997 report by noting that "Iraqi programme documentation records substantial progress in many important areas of nuclear weapon development, making it prudent to assume that Iraq has developed the capability to design and fabricate a basic fission weapon, based on implosion technology and fueled by highly enriched uranium."⁶²

As a result, preventing Iraq from acquiring plutonium or highly enriched uranium is given as a top priority by the IAEA: "Iraq's direct acquisition of weapons-usable nuclear material or nuclear weapon-related technology . . . will continue to be a matter of major concern to IAEA, and high priority will continue to be given to the investigation of any indication of such acquisition."⁶³ But the IAEA all but concedes its inability to detect the presence of smuggled fissile material inside Iraq: "Iraq's direct acquisition of weapon-usable nuclear material would also present a severe technical challenge to the OMV [ongoing monitoring and verification] measures and great reliance must be placed on international controls."⁶⁴ Unfortunately, international controls on fissile materials are far from adequate, and national controls in Russia and other former republics of the Soviet Union, are extremely weak. With some 294 tons of separated plutonium and some 20 tons of highly enriched uranium projected to be in civilian commerce in the year 2000,⁶⁵ relying on the NPT and

⁵⁶There is some reason to believe that IAEA discovered the "mother lode" of procurement documents in the summer of 1991, but were forced to relinquish them to the Iraqis. On August 24, 1991, IAEA inspectors "came upon a room lined with bookshelves that held the secrets they were looking for: a series of three-ring binders containing key foreign suppliers' catalogues, each painstakingly translated into Arabic; copies of correspondence with those suppliers; and records detailing purchasing history for virtually every piece of major equipment in the bomb program." The Iraqis would not allow the inspectors to remove these documents. Later, while the inspectors were outside the facility, they saw smoke rising from the building's stacks, suggesting that documents were being burned. Jeffrey Smith & Glenn Frankel, "Saddam's Nuclear-Weapons Dream: A Lingering Nightmare," *Washington Post*, October 13, 1991, pp. A1, A44-45.

⁵⁷David Kay, quoted by *NBC Nightly News*, op cit.

⁵⁸David Albright, Institute for Science and International Security, quoted in Mark Hibbs, "France Expected to Help Russia Terminate IAEA Investigation in Iraq," *NuclearFuel*, January 12, 1998, p. 4.

⁵⁹Gary Dillon, head of the IAEA Action Team, personal communication with Paul Leventhal, February 13, 1998.

⁶⁰Ventor, 1997, op cit.

⁶¹Quoted in Milhollin, 1992, p. 30.

⁶²S/1997/779, pp. 61-62.

⁶³S/1998/38, p. 8.

⁶⁴S/1997/779, p. 22.

⁶⁵David Albright, Frans Berkhout, & William Walker, *Plutonium and Highly Enriched Uranium 1996: World Inventories, Capabilities and Policies*, 1997, Table 6.8, p. 184, and p. 253. See also "The Plutonium Threat," Nuclear Control Institute, March 1997.

IAEA safeguards as the primary means of preventing Iraq from getting the bomb is a dangerous gamble—one that failed in 1990.⁶⁶

Another option for Iraq would be to reconstitute its covert uranium enrichment program based on centrifuge technology. There is evidence that, since the end of the Gulf War, Iraq has attempted to acquire hydrofluoric acid, used to convert natural uranium into uranium hexafluoride for enrichment.⁶⁷ Based on performance achieved by the Iraqis with their prototype centrifuge, IAEA conservatively estimated that the potential output of a 1,000 centrifuge cascade would be about ten kilograms of weapons-grade highly enriched uranium annually. Had construction been completed, Iraq's Al Furat centrifuge manufacture facility would have been capable of manufacturing up to five thousand centrifuges a year, enough to supply an enrichment facility that could produce fifty kilograms of HEU per year.⁶⁸ IAEA has started to implement its OMV program, but it is by no means certain that the IAEA could detect a small, well-hidden centrifuge facility. Former IAEA Action Team inspectors Jay Davis and David Kay concluded that, "[b]ecause of the centrifuges' small size, cascades of even 1000 or more—enough to produce material for several bombs a year—are relatively easily concealed."⁶⁹

CONCLUSIONS AND RECOMMENDATIONS

After examining the evidence, it is prudent to assume that there is a small, well-concealed nuclear weapons program in Iraq, possibly with fully developed components suitable for rapid assembly into one or more workable weapons if the requisite fissile material (highly enriched uranium or plutonium) were acquired. If Iraq has been able to smuggle in the needed material from, say, Russia or another former Soviet republic without being detected, the nuclear threat could be quite real and even eclipse the CBW threat.

As a P-5 member of the Security Council, the United States should provide a counterweight against pressure by Russia on UNSCOM to close the nuclear file, and on the IAEA Action Team to limit its investigation. Nor should the halting of nuclear inspections be seized upon as an acceptable last-minute compromise by those anxious to find a diplomatic solution to avert U.S. military strikes against Iraq.

The IAEA has had a bad track record when it comes to Iraq, and should be extra cautious about suspending its investigation. In September 1992, the late Mauricio Zifferero, then head of the IAEA Action Team, said that Iraqi nuclear program "is at zero now," and that the Iraqis "have stated many times to us that they have decided at the higher political level to stop these activities. This we have verified. We're completing our investigation of the program and find no evidence of the program being continued."⁷⁰ Zifferero further claimed that the Iraqi nuclear weapon program "is totally dormant."⁷¹

Even in its most recent reports, IAEA seems to place an almost naive confidence in the absence of evidence contradicting unsubstantiated Iraqi claims. When doubt exists, the presumption should be that investigation and active inspection need to continue. The number of significant discoveries since Zifferero's overconfident 1992 declaration should lead us to greet IAEA statements that inspections have reached a point of "diminishing returns" with skepticism.

The unclear division of nuclear responsibilities between IAEA and UNSCOM has resulted in tension and disagreement. After leaving UNSCOM, Rolf Ekeus mentioned that there "was also a certain culture problem with our [UNSCOM's] more aggressive approach, and the IAEA has a more cooperative approach . . ."⁷² Better coordination and consultation between the two agencies will be required if the remaining questions about Iraq's nuclear weapons program are to be answered.

One historical note relevant to the current crisis comes from David Kay, who wrote that Hussein "used the chemical weapon threat mainly as a distraction for Israeli intelligence, to draw them away from the nuclear program. So we need to

⁶⁶ As noted Iraq had begun to divert safeguarded HEU, and then proceeded to hide it, without the IAEA's knowledge, in direct violation of IAEA safeguards. For an analysis of specific problems with the IAEA safeguards system, see Paul Leventhal, "IAEA Safeguards Shortcomings—A Critique," Nuclear Control Institute, September 12, 1994, and Marvin Miller, "Are IAEA Safeguards on Plutonium Bulk-Handling Facilities Effective?," Nuclear Control Institute, August 1990.

⁶⁷ Vantor, 1997, op cit.

⁶⁸ S/1997/779, pp. 41-42.

⁶⁹ Davis & Kaye, 1992, op cit., p. 25.

⁷⁰ "Iraqi Nuclear Program 'at Zero,' U.N. Aide Says," *Washington Post*, September 3, 1992, p. A39.

⁷¹ Caryle Murphy, "Long-Term Monitoring Seen for Iraq," *Washington Post*, September 8, 1992, p. A16.

⁷² Rolf Ekeus, remarks at the Carnegie Endowment, June 1997, op cit.

be looking at the whole picture.”⁷³ We cannot dismiss the possibility that Saddam Hussein might be pursuing a similar diversionary strategy today with his CBW and missile shell game.

Another series of air strikes, or even a prolonged bombing campaign, are unlikely to destroy all of Iraq’s capability to produce and use weapons of mass destruction. The United States seems prepared to use military force to force Iraqi acquiescence in meaningful inspections, including access to presidential sites. Such acquiescence should include full and complete resolution of the five unresolved nuclear-program issue areas specified by IAEA and noted above. Saddam Hussein would be likely to read the closing of the nuclear file as a sign of weakness on the part of the United Nations, making reconstitution of his nuclear weapons program all the more likely and making resolution of questions related to missiles and CBW more difficult.

U.N. inspectors must also keep close track of Iraq’s dual-use technology base. IAEA has set up a process to deal with Iraqi requests to release or relocate dual-use equipment from the nuclear program, or to change use of monitored buildings. So far, 27 out of 29 such requests have been approved. Once released to the Iraqis, subsequent inspection of these technologies and buildings is uncertain at best; IAEA requires only that monitoring occur “at a frequency commensurate with their significance.”⁷⁴

Finally, tighter controls must be implemented across the board on commerce in plutonium and highly enriched uranium. When he stepped down as UNSCOM chief last year, Ambassador Rolf Ekeus warned that “[t]he present nuclear threat from Iraq is, in my judgment, linked to the possible import by Baghdad of highly enriched uranium (HEU). . . . The lack of HEU, together with the effective brake that has been applied to the country’s missile programs, constitute the real bottleneck for Iraq for the acquisition of a nuclear weapon.”⁷⁵

Unless nuclear nations stop producing materials by the ton that can be used by the pound to build nuclear bombs, the risk of diversion to the nuclear-weapon program of Saddam Hussein, and of other would-be nuclear powers, will remain high.

[Attachment 3]

NUCLEAR CONTROL INSTITUTE,
1000 CONNECTICUT AVE., NW, SUITE 804,
Washington, DC, June 24, 1998.

MOHAMED ELBARADEI,
*Director-General,
International Atomic Energy Agency,
Vienna, Austria.*

DEAR DIRECTOR-GENERAL ELBARADEI: We are writing to convey our letter to the editor, published in the Washington Post on June 22, in response to your June 1 op-ed article, “Iraq’s Nuclear File: Still Open.” The letter expresses our concern that the IAEA’s proposed shift to more passive environmental monitoring is premature until a number of outstanding questions about Iraq’s nuclear weapons program—originally raised by the IAEA in the fourth consolidated report (S/1997/779, 8 October 1997)—are answered first.

We wish to underscore our proposal that you direct IAEA Iraq Action Team Director Gary Dillon to address each of these questions in his July report to the Security Council.

These unresolved issues are not merely historical artifacts of a “past program,” as you suggest in your article, but directly concern whether Saddam Hussein’s regime could produce nuclear weapons today. Among the most significant are the following:

1. Though Iraq is known to have manufactured and tested a number of nuclear-weapon components, none have been surrendered to IAEA inspectors.
2. Iraq has never provided the IAEA with its bomb design and related research, despite repeated requests.
3. The IAEA is no longer pursuing an intelligence report that Iraq fabricated a full-scale bomb model, or “mock-up,” and the Agency did not even bother to

⁷³ David Kay, 1993, op cit., p. 98.

⁷⁴ S/1997/779, p. 11.

⁷⁵ Quoted in “Ambassador Rolf Ekeus: Leaving Behind the UNSCOM Legacy in Iraq,” *Arms Control Today*, June/July 1997, p. 4.

share this information with UNSCOM, according to what Mr. Dillon related to NCI on this matter.

4. Iraq continued to received outside assistance, and to procure technology for its nuclear program, after the Gulf War. The extent to which those activities continue today remains unclear.

5. Iraq has not provided proof that it issued orders to terminate its nuclear weapons program, a matter specifically referenced by the Security Council in May.

The IAEA's fifth consolidated report (S/1998/312,9 April 1998) is distressing in that it fails to address most of these issues and concludes that Iraq's most recent accounting of its nuclear program is "full, final and complete."

The discovery this week by UNSCOM inspectors of evidence that Iraq weaponized shells with VX nerve gas, despite Iraq's repeated insistence that it had never done so, demonstrates that Iraq continues to misrepresent the extent of its efforts to produce and conceal weapons of mass destruction. In the face of such evidence, and given the long history of Iraq's concealment, obstructionism and misrepresentation with regard to its nuclear program, the IAEA should not take Iraq at its word, even when there is no immediate evidence to the contrary.

In May, the Security Council stated that all questions and concerns about Iraq's nuclear program must be resolved before the IAEA can switch to an ongoing monitoring and verification posture. The Agency's credibility is at stake in pursuing this difficult assignment in a manner that protects global security and strengthens the international nuclear non-proliferation regime.

Thank you for your attention to this urgent matter. We would welcome the opportunity to discuss these issues with you.

Sincerely,

PAUL LEVENTHAL, *President*.
STEVEN DOLLEY, *Research Director*.

[Enclosures.]

[From the Washington Post, June 22, 1998]

LETTERS TO THE EDITOR

UNANSWERED QUESTIONS IN IRAQ

It is reassuring to hear from Mohammed ElBaradei, director general of the International Atomic Energy Agency [IAEA], that his agency doesn't want to "close the nuclear file" on Iraq ["Iraq's Nuclear File: Still Open," op-ed, June 1]. Nonetheless, Mr. ElBaradei wants to change the IAEA's posture in Iraq from investigative inspections to primarily passive environmental monitoring, thereby making it easier for Iraqi scientists to conceal what the IAEA is looking for. Any such move is premature until a number of outstanding questions about the Iraqi "Manhattan Project," raised by the IAEA itself in a report last October, are resolved.

For example, Iraq never surrendered its bomb-design documents. Iraq has admitted fabrication of nuclear-bomb components for testing but never turned them over (contrary to Mr. ElBaradei's claim that the IAEA has neutralized "all weapon-related items that came to knowledge"). The equipment used to make these components has not been accounted for fully. Iraq has imported such equipment since the Gulf war, but continues to withhold details about its postwar procurement network. How can we accept Mr. ElBaradei's statement that the IAEA has "neutralized" Iraq's bomb program if the IAEA still does not know all of Iraq's foreign suppliers?

Mr. ElBaradei refers to scientists and engineers who "worked" in Iraq's clandestine nuclear program even though they all remain in Iraq and, by the IAEA's admission, are difficult to monitor as they are transferred to the "private sector" (whatever that means in Iraq). He acknowledges the "technical challenge" to IAEA monitoring if Iraq were to acquire weapons-usable nuclear material from abroad—politely admitting that these scientists could construct a workable nuclear bomb undetected if they acquired plutonium or bomb-grade uranium on the black market. This warning was contained in the IAEA's report to the Security Council last October, but was oddly-absent from the most recent report, which reinforced the call by China, France and Russia to close the Iraqi nuclear file.

At U.S. insistence, the Security Council in May made the right decision that all unanswered questions about Iraq's nuclear program must be resolved before any shift from inspections to monitoring takes place. Mr. ElBaradei should ask the IAEA board of governors to support the Security Council's position and to direct the leader

of the IAEA Action Team in Iraq, Gary Dillon, to make finding answers to the unresolved questions his top priority.

STEVEN DOLLEY,
PAUL LEVENTHAL,
Washington.

INTERNATIONAL ATOMIC ENERGY AGENCY,
THE DIRECTOR GENERAL,
Sent by fax: 25 June 1998.

Mr. PAUL LEVENTHAL,
President,
Nuclear Control Institute,
1000 Connecticut Ave., NW, Suite 804,
Washington, DC.

DEAR MR. LEVENTHAL:

Thank you for your fax of June 24 1998. As you might have presumed I had already seen your "letter to the editor" in the Washington Post and had, together with Mr. Garry Dillon, considered your concerns.

Firstly, you should be aware that in the context of its verification activities the IAEA does not take any member state "at its word". Verification is based on evidence and not upon trust and nowhere is that principle more vigorously applied than in Iraq. The IAEA has never accepted Iraq's declarations at face value and has always sought verification through, for example, Iraqi documentation, supplier state information and as necessary excavation of burial sites involved in Iraq's unilateral destruction activities.

Secondly, your reference to "more passive environmental monitoring" is incorrect. The IAEA's ongoing monitoring and verification (OMV) activities in Iraq are far from passive. They are very wide-ranging, are highly intrusive and benefit from the same unlimited rights of access that are associated with our "disarmament" activities in Iraq. OMV employs all of the technologies used in the disarmament activities and wide-area environmental monitoring is but one of those technologies. Implementation of the OMV not only addresses the obvious need to monitor Iraq's use of its known assets but also gives at least equal stress to the vital need to continue to search actively for clandestine assets through the follow-up of available information, the pre-emptive inspection of hitherto un-inspected sites and through a comprehensive wide-area monitoring programme. The risk from Iraq lies not in the past, but in the present and the future. Protection from such risks is the function of OMV.

Thirdly, the IAEA's fifth consolidated progress report did not conclude that "Iraq's most recent accounting of its nuclear programme is 'full, final and complete.'" The progress report simply records that Iraq had satisfactorily completed the purely editorial task of producing a consolidated version of its FFCD which incorporated into one document all of the additions and revisions that had been made to Iraq's September 1996 version of the declaration resulting from its discussions with the IAEA Action Team. However, paragraph 79 of the IAEA's fourth consolidated progress report did contain the following statement.

"There are no indications of significant discrepancies between the technically coherent picture which has evolved of Iraq's past programme and the information contained in Iraq's FFCD-F issued on 7 September 1996 as supplemented by the written revisions and additions provided by Iraq since that time. However, taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside this technically coherent picture, no absolute assurances can be given with regard to the completeness of Iraq's FFCD. Some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement."

I do not propose to address the five specific points that you raised save to say that some of them remain to be "work in progress" and are already scheduled to be raised again when Mr. Dillon meets with the Iraqi counterpart in Baghdad next week.

In conclusion, please be assured that the IAEA is not unaware of your fundamental concerns as evidenced by the attached abstracts from our October 1997 and April 1998 progress reports to the Security Council.

Yours sincerely,

MOHAMED ELBARADEI.

ABSTRACTS FROM THE FOURTH CONSOLIDATED SIX-MONTHLY PROGRESS REPORT OF THE DIRECTOR GENERAL OF THE IAEA—S/1997/779 DATED 8 OCTOBER 1997

THE SCOPE AND STATUS OF IRAQ'S CLANDESTINE NUCLEAR PROGRAMME

71. The results of the IAEA's on-site inspection of Iraq's nuclear capabilities have, over time produced a picture of a very well funded programme aimed at the indigenous development and exploitation of technologies for the production of weapons-usable nuclear material and the development and production of nuclear weapons, with a target date of 1991 for the first weapon.

72. The programme, which is described in greater detail in Attachment 1 to this report, comprised:

- indigenous production and overt and covert procurement of natural uranium compounds, in this regard:

All known indigenous facilities capable of production of amounts of uranium compounds useful to a reconstituted nuclear programme have been destroyed along with their principal equipment.

All known procured uranium compounds are in the custody of the IAEA.

All known practically recoverable amounts of indigenously produced uranium compounds are in the custody of the IAEA.

- industrial-scale facilities for the production of pure uranium compounds suitable for fuel fabrication or isotopic enrichment. In this regard:

All known facilities for the industrial-scale production of pure uranium compounds suitable for fuel fabrication or isotopic enrichment have been destroyed, along with their principal equipment.

- research and development of the full range of enrichment technologies culminating in the industrial-scale exploitation of EMIS and substantial progress towards similar exploitation of gas centrifuge enrichment technology. In this regard:

All known single-use equipment used in the research and development of enrichment technologies has been destroyed, removed or rendered harmless.

All known dual-use equipment used in the research and development of enrichment technologies is subjected to ongoing monitoring and verification.

All known facilities and equipment for the enrichment of uranium through EMIS technologies have been destroyed along with their principal equipment.

- design and feasibility studies for an indigenous plutonium production reactor. In this regard:

IAEA inspections have revealed no indications that Iraq's plans for an indigenous plutonium production reactor proceeded beyond a feasibility study.

- research and development of irradiated fuel reprocessing technology. In this regard:

The facility used for research and development of irradiated fuel reprocessing technology was destroyed in the bombardment of Tuwaitha and the process-dedicated equipment has been destroyed or rendered harmless.

- research and development of weaponisation capabilities for implosion-based nuclear weapons. In this regard:

The principal buildings of the Al Atheer nuclear weapons development and production plant have been destroyed and all known purpose-specific equipment has been destroyed, removed or rendered harmless.

- a "crash programme" aimed at diverting safeguarded research reactor fuel and recovering the HEU for use in a nuclear weapon. In this regard:

The entire inventory of research reactor fuel was verified and accounted for by the IAEA and maintained under IAEA custody until it was removed from Iraq.

SUMMARY

77. Although certain documentary evidence is missing and some gaps in knowledge remain, the following can be stated with regard to Iraq's clandestine programme:

- There are no indications to suggest that Iraq was successful in its attempt to produce nuclear weapons. Iraq's explanation of its progress towards the finalisation of a workable design for its nuclear weapons is considered to be consistent with the resources and time scale indicated by the available programme documentation. However, no documentation or other evidence is available to show the actual status of the weapon design when the programme was interrupted.
- Iraq was at, or close to, the threshold of success in such areas as the production of HEU through the EMIS process, the production and pilot cascading of single-cylinder subcritical gas centrifuge machines, and the fabrication of the explosive package for a nuclear weapon.
- There are no indications to suggest that Iraq had produced more than a few grams of weapons-usable nuclear material (HEU or separated plutonium) through its indigenous processes, all of which has been removed from Iraq.
- There are no indications that Iraq otherwise acquired weapons-usable nuclear material.
- All of the safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its "crash programmes," was verified and fully accounted for by the IAEA and removed from Iraq.
- There are no indications that there remains in Iraq any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance.

78. Iraq's description of its development of the single-cylinder sub-critical gas centrifuge appears to be consistent with the resources and time scale indicated by the available documentation and the status of the related facilities. Although little documentation is available, it is clear that Iraq had intentions to exploit the information in its possession regarding multi-cylinder super-critical centrifuge machines. It will be necessary to gain access to Iraq's foreign source of information in order to have the opportunity to verify Iraq's explanation that only limited exploratory design work had been undertaken.

79. There are no indications of significant discrepancies between the technically coherent picture which has evolved of Iraq's past programme and the information contained in Iraq's FFCD-F issued on 7 September 1996 as supplemented by the written revisions and additions provided by Iraq since that time. However, taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside this technically coherent picture, no absolute assurances can be given with regard to the completeness of Iraq's FFCD. Some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement.

80. Most of the IAEA activities involving the destruction, removal and rendering harmless of the components of Iraq's nuclear weapons programme which to date have been revealed and destroyed, were completed by the end of 1992 (See Attachment 3). Since that time, only a relatively small number of items of proscribed equipment and materials have been identified and disposed of, most of which were handed over to the IAEA by Iraq since the events of August 1995. While no indications of the presence of further proscribed equipment or materials in Iraq have been found, the IAEA, despite its extensive inspection activities, cannot, for the reasons described in the previous paragraph, provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapons-related documentation.

81. The IAEA's ongoing monitoring and verification (OMV) plan was phased-in during the period from November 1992 to August 1994, at which time it was considered to be operational. Taking into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme the OMV plan is predicated on the assumption that Iraq retains the capability to exploit, for nuclear weapons purposes, any [relevant] materials or technology to which it may gain access in the future.

82. Implementation of the OMV plan has not resulted in the detection of any indications of ongoing proscribed activities or the presence in Iraq of proscribed equipment or materials, apart from the items referred to in paragraph 80 above. It should be recognised, however, that OMV measures cannot guarantee detection of readily

concealable or disguisable proscribed activities, such as computer-based weaponisation studies or small-scale centrifuge cascade development. Iraq's direct acquisition of weapons-usable nuclear material would also present a severe technical challenge to the OMV measures and great reliance must be placed on international controls.

83. As indicated in the foregoing, the IAEA's activities regarding the investigation of Iraq's clandestine nuclear programme have reached a point of diminishing returns and the IAEA is focusing most of its resources on the implementation and technical strengthening of its plan for the ongoing monitoring and verification of Iraq's compliance with its obligations under the relevant Security Council resolutions. The IAEA is not "closing the books" on its investigation of Iraq's clandestine nuclear programme and will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular, through the follow-up of any new information developed by the IAEA or provided by Member States and assessed by the IAEA to warrant further investigation, and to destroy, remove or render harmless any proscribed items discovered through such investigations.

ABSTRACTS FROM THE FIFTH CONSOLIDATED SIX-MONTHLY PROGRESS REPORT OF THE DIRECTOR GENERAL OF THE IAEA—S/1998/312 DATED 9 APRIL 1998

19. The December 1997 discussions resulted in: the provision by Iraq of information regarding its post-war procurement procedures; Iraq's assistance in the identification of the foreign principals involved in the offer of assistance to Iraq's clandestine nuclear programme under assessment by the IAEA; Iraq's statement that it had no objection to the IAEA's use of fixed-wing aircraft for technical monitoring purposes; Iraq's undertaking to attempt to locate the reports of its Nuclear Team referred to in paragraph 18 above; Iraq's agreement to produce a summary of the technical achievements of its clandestine nuclear programme; and Iraq's agreement to issue a consolidated version of its FFCD.

20. At the same time, the Iraqi counterpart reaffirmed: that following the Gulf War, the late Lt. General Hussein Kamel had taken actions related to Iraq's clandestine nuclear programme that were independent, unauthorised and without the knowledge of the Government of Iraq; that Iraq had not followed up any offers of assistance to its clandestine nuclear programme other than the declared foreign assistance to its centrifuge programme; and that the so-called "high Governmental Committee", initially described by the Iraqi counterpart to have been established in June 1991 and headed by Deputy Prime Minister Tariq Aziz, had not, in fact, been an established entity. As previously reported the IAEA has no independently verifiable information through which to confirm or confute the above statements.

27. The Leader of the IAEA Iraq Action Team met with Deputy Prime Minister Tariq Aziz and took the opportunity to explain that the IAEA's interest in the so-called "high Governmental Committee" and the actions attributed to the late Lt. General Hussein Kamel, centred on the IAEA's attempt to locate documentary evidence supporting Iraq's declaration that it had abandoned its clandestine nuclear programme. It was further explained that the IAEA had hoped to locate an Iraqi Government decree formally abandoning the programme but had been advised that no such decree existed. The matter was followed up in a written request to Mr. Tariq Aziz to determine whether any official Iraqi document existed to record a Government-level decision to abandon the clandestine nuclear programme.

28. The opportunity was also taken to explain that a shift of focus to ongoing monitoring and verification activities would not result in a non-intrusive inspection regime. It was made clear that the technical activities employed by the IAEA in its inspections of Iraq's clandestine nuclear programme were essentially the same as those employed in the IAEA's OMV activities. . . .

36. As previously reported, the IAEA is focusing most of its resources on the implementation and strengthening of the technical content of its activities under the OMV Plan. The IAEA will, however, continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular, through the follow up of any new information developed by the IAEA or provided by Member States and to destroy, remove or render harmless any prohibited items discovered through such investigations.

NUCLEAR CONTROL INSTITUTE,
1000 CONNECTICUT AVE., NW, SUITE 804,
Washington, DC, July 1, 1998.

MOHAMED ELBARADEI,
Director General,
International Atomic Energy Agency,
Vienna, Austria.

DEAR DIRECTOR GENERAL ELBARADEI:

Thank you for your prompt reply to our letter of June 24. We appreciate your personal commitment to addressing outstanding issues regarding Iraq's nuclear weapons program.

We certainly agree with the Agency's statement in the October 1997 consolidated report that "[s]ome uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities." We welcome your emphasis of this point in your Washington Post article, and expect, therefore, that the Agency will resume highlighting such uncertainties (especially the significance if Iraq were to acquire weapons-usable nuclear material) in its reports and public statements on Iraq, in order to avoid the misleading impression of a "clean bill of health."

You emphasized in your letter that "the IAEA does not take any member state 'at its word.'" It is unfortunate, therefore, that there are several instances in the Agency's inspection reports where Iraq's claims on important issues—such as missing reports and components—are left unchallenged "in the absence of contrary evidence." We submit that the Agency should persist in challenging and investigating all such claims, even when it lacks immediate leads.

Of course, we are aware that the Agency retains inspection rights under the terms of the ongoing monitoring and verification (OMV) plan. Our concern is that, if the Agency certifies the requirements of Resolution 687 have been met, such inspections will be difficult if not impossible to implement. It is prudent to assume that Saddam Hussein's only interest in permitting nuclear and other U.N. inspections is the prospect that economic sanctions will be lifted. If and when sanctions are removed, Iraqi cooperation is likely to evaporate, leaving remaining questions about the nuclear-weapons program unresolved and making it easier for Iraq to reconstitute this program.

The five unanswered questions about Iraq's nuclear-weapon program enumerated in our letter are significant and have direct relevance to Iraq's near-term ability to make nuclear weapons. Therefore, all should be answered or highlighted as being unanswered in Mr. Dillon's forthcoming report. Assuming Iraq possesses a workable design and components, it would need only a few kilograms of plutonium or highly enriched uranium to "go nuclear."

We do not agree with the Agency's view that the acceptability of uncertainty on these issues is a "policy judgement." Given the gravity of the danger if Iraq were to possess nuclear weapons, we urge that Mr. Dillon be directed to identify all outstanding issues and elaborate on their significance to this danger in the Agency's next status report to the Security Council in July.

Thank you for your continuing attention to these urgent matters. We hope we might have the opportunity to meet with you and Mr. Dillon to discuss these concerns when you next visit the United States.

Sincerely,

PAUL LEVENTHAL, *President.*
STEVEN DOLLEY, *Research Director.*

[Attachment 4]

NUCLEAR CONTROL INSTITUTE,
1000 CONNECTICUT AVE. NW, SUITE 804,
Washington, DC, May 3, 1999.

FOR IMMEDIATE RELEASE
CONTACT: Steven Dolley

STATE DEPARTMENT DISCLOSES IT IS PURSUING REPORTS OF IRAQI NUCLEAR-BOMB
COMPONENTS

In an exchange of correspondence released today by the Nuclear Control Institute (NCI), the U.S. State Department disclosed that it was "engaged" with United Nations inspection agencies in investigating intelligence reports that Iraq possesses complete sets of nuclear-bomb components, minus the fissile material. In its response, NCI criticized the International Atomic Energy Agency (IAEA) for minimizing Iraq's weaponization progress based upon highly questionable Iraqi documents that may well be forgeries.

In a letter to NCI, John Barker, deputy assistant secretary for nonproliferation controls at the State Department, stated that "the IAEA has highlighted the lack of information about weaponization as one of the areas where it has continuing uncertainties and where there is a lack of complete and verifiable information." The U.S. Government, Barker emphasized, maintains its "firm position that there can be no consideration of lifting UN sanctions on Iraq until Iraq fully complies with its obligations." Barker also characterized intelligence reports that Iraq possesses three complete sets of nuclear-bomb components, lacking only fissile material, as "unconfirmed" but "serious allegations, and we have engaged UNSCOM and the IAEA to follow up on them."

In NCI's reply, Paul Leventhal and Steven Dolley, NCI's president and research director, praised State's commitment to investigate weaponization, but criticized the IAEA's failure to follow up. "We cannot agree with your suggestion that the IAEA currently shares the U.S. Government's concern about unresolved weaponization issues," they wrote. "Since early 1998, the Agency has been largely silent on this matter. On those rare occasions when the weaponization issue is raised in IAEA reports, it is mentioned only briefly, and only in the context of downplaying their significance."

Of particular concern to NCI is the IAEA's failure to refute intelligence reports about Iraq's efforts to conceal complete sets of bomb components, first made public last September by former UNSCOM chief inspector Scott Ritter. IAEA Director-General ElBaradei reported to the Security Council on October 13, 1998 that "all available, credible information . . . provides no indication that Iraq has assembled nuclear weapons with or without fissile cores." That same report offered a sweeping assurance that "Iraq's known nuclear weapons related assets have been destroyed, removed or rendered harmless."

In their letter, Leventhal and Dolley pointed out that IAEA attempts to dismiss this intelligence rely on dubious evidence. They recounted a meeting this winter at which an IAEA official responsible for inspections in Iraq "asserted that new documents provided by the Iraqis demonstrated that their progress on the development of explosive lenses had not been as significant as earlier evidence had suggested. However, when questioned, the official admitted that forensic tests to determine the authenticity of these new documents had proven 'uncertain.' Thus, the new Iraqi documents may well be forgeries, and the question of the existence of complete sets of weapons components is far from resolved. Nonetheless, the IAEA is ready to move on to a monitoring posture."

Leventhal and Dolley proposed that the Security Council direct the IAEA to account for the destruction of "all nuclear-bomb components, designs and models" before revising sanctions or moving to an ongoing monitoring and verification (OMV) posture. They warned in their letter that although the Department's objective for future monitoring activities is "to 'retain all the authorities, privileges, and immunities of current disarmament inspections,' the Iraqis will regard a shift to OMV differently, and the result will be a weakening, if not evisceration, of the inspection regime."

The text of the two letters and other information on Iraq's nuclear weapons program are available on NCI's website, "Saddam and the Bomb," at <http://www.nci.org/sadb.htm>

NUCLEAR CONTROL INSTITUTE,
1000 CONNECTICUT AVE., NW, SUITE 804,
Washington, DC, November 19, 1998.

WILLIAM JEFFERSON CLINTON,
President,
The White House,
1600 Pennsylvania Ave., NW,
Washington, DC.

DEAR MR. PRESIDENT:

We are writing with regard to serious, outstanding questions about Iraq's nuclear weapons program. In your November 15 statement, announcing the settlement that secured the return of the U.N. Special Commission (UNSCOM) and International Atomic Energy Agency (IAEA) inspectors, you declared that "Iraq must resolve all outstanding issues raised by UNSCOM and the IAEA," including giving inspectors "unfettered access" to all sites and "turn[ing] over all relevant documents."

We are concerned that the IAEA has failed to get Iraq to resolve all outstanding issues and yet helps to make the case in the U.N. Security Council for "closing the nuclear file" by declaring that "Iraq's known nuclear weapons assets have been destroyed, removed or rendered harmless," as IAEA Director General Mohammed ElBaradei reported to the Security Council on October 13.

The IAEA apparently believes that the burden of proof is on the inspectors, not on Iraq, and demonstrates an almost naive confidence in an absence of evidence to contradict unsubstantiated Iraqi claims. ElBaradei acknowledged "a few outstanding questions and concerns" but insisted that these provided no impediment to switching from investigative inspections to less intrusive monitoring because "the Agency has no evidence that Iraq is actually withholding information in these areas."

The unfortunate result of the IAEA's accommodation of Iraq, in sharp contrast to UNSCOM's confrontational approach, is the widespread perception that Iraq's chemical, biological and missile capabilities constitute the only remaining threat. This is a dangerous misperception, especially in light of the recent revelation by U.S. Marine Major (Ret.) Scott Ritter, former head of UNSCOM's Concealment Investigation Unit, that UNSCOM had credible information indicating that "Iraq had the components to assemble three implosion-type (nuclear) devices, minus the fissile material." If Iraq were to procure a small amount of plutonium or highly enriched uranium, Ritter told a Congressional hearing, Iraq could have operable nuclear weapons in a matter of "days or weeks." U.S. government intelligence officials have been quoted as regarding Ritter's information as "plausible but uncorroborated."

Significant issues regarding Saddam's nuclear-weapons program remain unresolved. A number of these issues were raised by the IAEA in its October 1997 consolidated inspection report, but were never resolved in subsequent IAEA reports. A summary of these issues, prepared by the Nuclear Control Institute, is attached. In June, we raised our concerns in a letter IAEA Director-General ElBaradei. In his reply, he assured us in general terms of the IAEA's vigilance, but he explicitly refused to address the specific questions we raised. A copy of our correspondence with ElBaradei is also attached.

It is now clear that Iraq undertook a "crash program" to develop a large, crude bomb and had begun preparations to remove bomb-grade uranium from IAEA-safeguarded, civilian fuel rods for use in weapons when the allied bombing campaign of the Gulf War halted the project. After the Gulf War, Iraq continued work on a smaller, more advanced weapon that could be delivered by Scud missiles and on developing components for it.

Although there is evidence that Iraq manufactured and tested a number of components, including the high-explosive "lenses" needed to compress the uranium core to trigger a nuclear explosion, none of these components or evidence of their destruction have been surrendered to IAEA inspectors. Nor has Iraq provided the IAEA with its bomb design or a scale model, despite repeated requests. Iraq also has refused IAEA requests for full details of its foreign nuclear-procurement activities and for an official government order terminating work on its nuclear weapons program. Meanwhile, Saddam's nuclear team of more than 200 Ph.Ds remains on hand. The IAEA acknowledges they are not closely monitored and increasingly difficult to track as the scientists are supposedly being transferred back to the "private sector."

Under these circumstances, the IAEA should be directed by the U.N. Security Council to provide a complete inventory of all nuclear-bomb components, designs and models for which there is documentation or intelligence but which the agency cannot account for. The United States, as the current President of the Security Council, should insist that all elements listed in this inventory be produced by Iraq

or otherwise accounted for prior to any consideration of "closing the nuclear file." This has been UNSCOM's approach with regard missiles and chemical and biological weapons, and it should be the IAEA's approach to nuclear weapons, as well. The burden of proof should be on Iraq, not on the inspectors.

We also urge a complete assessment by the U.S. intelligence community of information obtained by Major Ritter on Iraqi concealment of nuclear-weapons components. He has said this intelligence was provided by a "northern European" government from three Iraqi defectors, one of whom was privy to high-level discussions of concealment activities by Saddam's hitherto unknown Special Security Organization, an elite unit assigned to protect him and his weapons of mass destruction. Ritter considered the information solid because it corresponded with details of how this unit was trucking missile and other weapon components from one depot to another, which he had obtained from independent sources. Through the use of U-2 imaging, Ritter was able to pinpoint the locations of five of seven buildings from rough outlines of the structures provided by one of the defectors.

Rolf Ekeus, former head of UNSCOM, suggested in June 1997 that UNSCOM suspected that Iraq was hiding nuclear components.

. . . Iraq produced components, so to say, elements for the nuclear warhead. Where are the remnants of that? They can't evaporate. And there, Iraq's explanation is that (they) melted away. And we are still very skeptical about that. We feel that Iraq is still trying to protect them. . . . We know that they have existed. But we doubt they have been destroyed. But we are searching. [Remarks at the Carnegie Endowment for International Peace, June 10, 1997]

These questions are not merely of historical interest, but directly affect Iraq's current ability to produce nuclear weapons. The prudent assumption for the IAEA should be that Iraq's nuclear weaponization program continues, and that Iraq may now lack only the fissile material. Even the possibility that Iraq has already procured this material cannot be ruled out because of the serious nuclear-security lapses in the former Soviet Union and the abundance of such material in inadequately safeguarded civilian nuclear programs worldwide.

We believe that the threat of an Iraqi nuclear breakout remains real. We strongly urge you to commit the United States to oppose the closing of the Iraqi nuclear file and the lifting of economic sanctions until all outstanding questions on Iraq's nuclear-weapons program are resolved. We appreciate your attention to this important matter.

Sincerely,

PAUL LEVENTHAL, *President*.
STEVEN DOLLEY, *Research Director*.

[Attachments.]

U.S. DEPARTMENT OF STATE,
Washington, DC, April 6, 1999.

PAUL LEVENTHAL, *President*,
STEVEN DOLLEY, *Research Director*,
Nuclear Control Institute,
1000 Connecticut Ave., NW, Suite 804,
Washington, DC.

DEAR MR. LEVENTHAL AND MR. DOLLEY:

Thank you for your November 19, 1998 letter to the President expressing your concerns regarding Iraq's nuclear weapons program. Ensuring Iraqi compliance with all UN Security Council Resolutions is a top priority for the United States. Currently, Iraq's illegal refusal to comply with its clear obligations under UNSCRs are preventing UNSCOM and IAEA inspectors from inspecting WMD-related sites in Iraq, or from carrying out other parts of their mandate. We and our international partners are determined to see those inspections resumed, effectively and unconditionally. On January 30, 1999 the Security Council agreed to set up panels to assess three critical aspects of the Iraq situation: disarmament; humanitarian concerns; and issues relating to Kuwait. We support this undertaking, while maintaining our firm position that there can be no consideration of lifting UN sanctions on Iraq until Iraq fully complies with its obligations.

On nuclear issues, we agree with IAEA Director General ElBaradei's observation in his February 8, 1999 report to the UNSC President that there are "no indications that Iraq had retained the physical capability (facilities and hardware) to be able to produce weapon-usable nuclear material in amounts of any practical significance

. . . [but that] ‘no indication’ of prohibited items or activities was not the same as their ‘non existence.’” We and the IAEA also agree that there are still unanswered questions in several areas of Iraq’s nuclear weapons program, including: lack of information about external assistance, lack of technical documentation, and Iraq’s stated inability to provide documentation showing the timing and modalities of the abandonment of its nuclear weapons program. The IAEA has highlighted the lack of information about weaponization as one of several areas where it has continuing uncertainties and where there is a lack of complete and verifiable information.

UNSC Resolution 715 requires the establishment of an Ongoing Monitoring and Verification regime (OMV) to ensure that Iraq cannot ever reconstitute its WMD capability. There is no such thing as “closing the nuclear file.” That’s an Iraqi term, introduced into the diplomatic dialogue in an effort to obscure the obvious fact that any future OMV regime put in place after the conclusion of the “disarmament phase” of inspections would still need to retain all the authorities, privileges, and immunities of current disarmament inspections. Iraq is also required to pass legislation outlawing activities prohibited by UNSCR 687, such as building or procuring WMD. Iraq has acknowledged its responsibility in this regard under the IAEA’s OMV plan, but has not yet taken the steps necessary to enact these laws.

Regarding allegations about Iraq’s nuclear program by Mr. Ritter, we have evaluated his claims but we cannot corroborate allegations that Iraq possesses the components for three nuclear weapons minus the fissile material. These are serious allegations and we have engaged UNSCOM and the IAEA to follow up on them.

U.S. policy on Iraq is to ensure Iraqi compliance with all relevant UN Security Council resolutions, including the elimination of Iraq’s weapons of mass destruction, to contain Iraq and prevent it from threatening its neighbors, and to work for the day when a new Iraqi government rejoins the family of nations as a responsible and law-abiding member.

Sincerely,

JOHN BARKER,
*Deputy Assistant Secretary for
Nonproliferation Controls.*

NUCLEAR CONTROL INSTITUTE,
1000 CONNECTICUT AVE., NW, SUITE 804,
Washington, DC, April 30, 1999.

JOHN BARKER,
*Deputy Assistant Secretary for Nonproliferation Controls,
U.S. Department of State,
Washington, DC.*

DEAR MR. BARKER:

Thank you for your letter of April 6, in response to our November 19, 1998 letter to the President regarding Iraq’s nuclear weapons program.

We were gratified to hear that the United States will insist upon maintaining sanctions “until Iraq fully complies with its obligations.” We believe that such compliance must include complete resolution of outstanding questions regarding the nuclear program. However, proposals now being discussed in the Security Council move prematurely to an ongoing monitoring and verification (OMV) posture, and to removal of most sanctions. U.S. leadership is needed to hold the line on inspections as well as sanctions if Iraq is to be prevented from reconstituting its WMD programs. Even if the stated objective of OMV is “to retain all the authorities, privileges and immunities of current disarmament inspections,” the Iraqis will regard a shift to OMV differently, and the result will be a weakening, if not evisceration, of the inspection regime.

We were also interested to learn that the State Department has “engaged UNSCOM and the IAEA to follow up on” Scott Ritter’s intelligence information regarding the existence of complete sets of nuclear-bomb components in Iraq. The controversy surrounding Major Ritter’s resignation has overshadowed his valuable contributions to the disarmament of Iraq, and the continued importance of unmasking the concealment mechanisms used by Iraq to retain its WMD and related technologies. We ask that you keep us informed of the progress of your follow-up with UNSCOM and the IAEA.

Your letter stated that “the IAEA has highlighted the lack of information about weaponization as one of several areas where it has continuing uncertainties and where there is a lack of complete and verifiable information.” We agree that vital information on Iraq’s progress in weaponization is sorely lacking. An NCI study re-

leased last year (a copy of which is enclosed) highlights several unanswered questions about Iraq's nuclear bomb program, most of which remain unresolved today.

Of particular concern, Iraq failed to provide credible evidence to the IAEA of the destruction of nuclear-weapons components Iraq had previously manufactured, including the high-explosive "lenses" needed to compress a uranium or plutonium core to trigger a nuclear explosion. Nor has Iraq provided IAEA inspectors with its bomb design or a scale model, despite repeated requests. The IAEA itself raised these issues in its October 1997 consolidated report on inspections in Iraq. [S/1997/779, 8 October 1997]

We cannot agree with your suggestion that the IAEA currently shares the U.S. Government's concern about unresolved weaponization issues. Since early 1998, the Agency has been largely silent on this matter. On those rare occasions when the weaponization issue is raised in IAEA reports, it is mentioned only briefly, and only in the context of downplaying their significance.

For example, the IAEA's October 1998 report—its most recent published discussion of the weaponization issue—acknowledged in passing "Iraq's stated inability to provide relevant engineering design drawings of the nuclear weapon and its principal components, or details of models," but then dismissed these concerns in a sweeping conclusion that "the uncertainties resulting from the above questions and concerns would not, of themselves, prevent the full implementation of the IAEA OMV plan." [S/1998/927, 7 October 1998] Further, these outstanding issues contradict the blanket assurances issued by IAEA Director-General ElBaradei on October 13, 1998, that "Iraq's known nuclear weapons related assets have been destroyed, removed or rendered harmless."

The IAEA's apparent lack of concern has also been reflected in discussions NCI has had with an Agency official responsible for inspections in Iraq. In January 1999, we informed him that NCI had compiled a two-page list of unresolved nuclear issues. His reply: "If you use a bigger typeface, you'll have three pages." He expressed no interest in following up on these issues.

In another meeting early this year, the same official asserted that new documents provided by the Iraqis demonstrated that their progress on the development of explosive lenses had not been as significant as earlier evidence had suggested. However, when questioned, the official admitted that forensic tests to determine the authenticity of these new documents had proven "inconclusive." Thus, the new Iraqi documents may well be forgeries, and the question of the existence of complete sets of weapons components is far from resolved. Nonetheless, the IAEA is ready to move on to a monitoring posture.

In an interview aired April 27 on PBS' documentary program "Frontline," Dr. Khidir Hamza, head of the Iraqi weaponization program until his defection in 1994, stated that, if Iraq were to acquire plutonium or highly enriched uranium, it could have nuclear bombs in two to six months. This illustrates, contrary to the IAEA's perspective, that the question of weaponization is much more than a point of historical curiosity.

Resolution of weaponization issues should be a top priority of U.S. Government policy regarding inspections in Iraq. NCI recommends that, prior to any revision of the inspection or sanctions regimes, the Security Council direct the IAEA to provide a definitive report, including a complete inventory of all nuclear-bomb components, designs and models for which there is documentation or intelligence but which the agency cannot account for. The Security Council should insist that all items listed in this inventory be turned over by Iraq, or their destruction be documented, prior to any consideration of switching to OMV. All documents should be shown by forensic examination to be authentic. This has been the U.N. Special Commission (UNSCOM) approach with regard to missiles and chemical and biological weapons.

We thank you for your attention to this important matter, and would welcome the opportunity to discuss these issues with you further.

Sincerely,

PAUL LEVENTHAL, *President*.
STEVEN DOLLEY, *Research Director*.

Senator BROWNBACK. Thank you and thank you for the specific recommendations. I do think it is a good point about the recommendation to Dr. Blix now to—we are watching and we need to have a robust, aggressive inspection regime system in place.

Mr. Charles Duelfer, the former deputy executive chairman of UNSCOM, we are very pleased to be able to have you here in the committee.

**STATEMENT OF CHARLES DUELFER, FORMER DEPUTY
EXECUTIVE CHAIRMAN, UNSCOM, NEW YORK, NY**

Mr. DUELFER. Well, thank you very much, Mr. Chairman, Senator, for the invitation to appear. I have had several years of experience working with UNSCOM both in Iraq at the low levels, high levels, mid levels, as well as in the Council and in various capitals. The highlight of the experience I think has been working with some of the experts who have been my colleagues from around the world, and they are first-rate. I just wanted to mention that.

At the end of the day, however, UNSCOM was really only partially successful. We pressed as hard as we could to achieve what was a very categorical mandate, which is full disarmament and a monitoring system which will be able to provide assurances to the world community that Iraq is not reconstituting the systems.

As you can imagine, over the years I have formed a few opinions about the work and the circumstances under which we have had to operate. Some of them are presentable, some of them are not. But let me make a few points.

The first is that this is not arms control we are talking about. In some sloppy conversations, people will compare what UNSCOM has been doing with arms control. It is not. It is forced, coercive disarmament. In arms control, generally you have a multiple of parties who are engaged in a process which they have agreed to, which they have agreed is in their own national interests. This is a circumstance that UNSCOM is in where a war was fought and the obligation was levied upon Iraq to get rid of these weapons. But Iraq, as we have learned, steadfastly does not agree that that is in its national interest.

My second point is just that, that what we have learned is just how important these capabilities are seen by the regime in Iraq. The experience has been that they saved them, in a sense, in the war with Iran, a combination of long-range missiles and chemical weapons. They used, by our accounting, over 100,000 chemical munitions in the war with Iran. And Iraq argues, not without merit, that in the second Gulf war, the fact that they had these weapons affected the outcome. From the Iraqi perspective, they observed that Baghdad was not occupied and they could attribute some of that by their own internal logic to the possession of these weapons. So, the message, which is not a happy one for nonproliferation advocates, is that there is utility to these weapons. So, you have to create some kind of disincentive, an enormous disincentive, to cause somebody to get rid of them.

The third point I want to make is that UNSCOM, or any organization which is charged with this responsibility, does not have any of its own authority, power in Iraq. All of its authority and power is derivative of the Security Council. Unless the Security Council is united, forceful, and strong, whatever organization and whoever leads it is not going to be able to do much in Iraq. And let me tell you it is pretty lonely out there when you look back over your shoulder and everybody is looking in the opposite direction.

The fourth point is that since 1990 the consensus that existed in the Council on the disarmament issue with respect to Iraq has tended to decay. It has not been a straight path, but it has tended to decay. This I think is factual degradation. Other issues have

come up. There is concern about sanctions. There is concern about oil prices. There are internal domestic politics among a number of nations. What you have is a situation where there is a collective against a single, very dedicated, unitary actor. And the dynamics are such that it kind of favors a single, very dedicated, unitary actor. Iraq's statements, Iraq's positions have been absolutely consistent from 1991 onward. The Council, I dare say, has not been quite as consistent.

So, I would just like to emphasize that whatever the new organization, new chairman can do is going to be vitally dependent upon the Security Council. He can do no more than the Security Council will forcefully back up and Iraq will permit. That was true for UNSCOM and it will be true for UNMOVIC and Dr. Blix. So far, to this point in time, the Security Council has not been able to find the right mix of carrots and sticks to enforce this element of its resolutions.

Finally, I want to make a comment about the long-term prospects for credible monitoring. Some comment has been made about the down side of having a partially effective or an ineffective monitoring system, and I agree with that. We have done some studying internally during the time that we were out of Iraq on what would be required, and what is required to credibly monitor, according to a performance criteria which says that the new chairman or any chairman should be in a position that, if Iraq cooperates with the system, he can make a judgment without Iraqi compliance. In other words, if he spends 6 months collecting data and Iraq fully cooperates, then he can make a judgment that Iraq is in major aspects complying, which is very different from having a system which simply says, well, during the last 6 months or the last period, we detected no evidence of violation.

But if you are to do the former, which we had thought was what was required, it requires a very extensive system, more extensive than what UNSCOM was able to deploy, with immediate access in all instances. That is going to be very tough to measure up to, and the prospects of either Iraq agreeing to that and the Security Council enforcing that I dare say in my opinion are dubious.

So, I think focusing the issue strictly on the new organization and strictly on the new chairman is to let the Security Council off the hook in a sense. Dr. Blix and the organization will do what they want. If Dr. Blix is receiving from all members of the Council guidance and suggestions, look, when you get into Iraq, you have got to be tough, you have got to go to all these national security organizations, you have got to inspect them, you have got to make sure that any of these logical places where Iraq would retain these weapons are clear, then I think you have got one set of circumstances. But I am not sure he is getting that message.

Thank you very much.

[The prepared statement of Mr. Duelfer follows:]

PREPARED STATEMENT OF CHARLES DUELFER

I am grateful for the opportunity to appear before this Committee and discuss the disarmament issues surrounding Iraq.

I served as Deputy Executive Chairman of the UN Special Commission on Iraq from 1993 until I resigned effective 1 March 2000. During the period from July 1999 to the arrival of Dr. Hans Blix as the new Chairman of the successor body to

UNSCOM, I was the acting Chairman. I had the pleasure of working with both former Chairmen Rolf Ekeus and Richard Butler as well as some extraordinarily talented experts from around the world. We attempted, in Iraq, to achieve the disarmament and monitoring objectives established for UNSCOM by the Security Council. It was a fascinating experience—sometimes rewarding, often frustrating, and ultimately, incomplete. As you might imagine, I have formed some opinions about this endeavor, which, now that UNSCOM is a discrete historical experience may be appropriate to share.

UNSCOM was formed in 1991 as part of the cease-fire resolution ending the Gulf War. The Security Council linked lifting of the oil embargo then in place on Iraq to strict disarmament and monitoring obligations. I wish to emphasize that this is not an arms control arrangement entered into by states party to an agreement they judge in their national interest. Iraq was forced into this position. The disarmament was to be coercive with UNSCOM and the IAEA to verify Iraq's full compliance. What has become apparent over the years is that Iraq considers some weapons of mass destruction (WMD) capability to be vital to its national security. While UNSCOM and the IAEA had some important success in reducing Iraq's WMD capabilities—despite Iraq's obstructions and concealment efforts, ultimately, the carrots and sticks which the Security Council applied were not commensurate with the task of causing full compliance by Iraq.

Over time, a number of factors contributed to a diminished focus on the disarmament and monitoring aspects of the relationship with Iraq. The key problem is that the strong consensus amongst Security Council members to impose the embargo and sanctions in 1990 when Iraq invaded Kuwait has progressively diminished. There are many reasons for this including:

- At the time of the imposition of the embargo and sanctions, expectations were that the regime would not long endure. It did and so did sanctions with a progressively greater impact on the civilian population.
- As progress was made in disarmament, some members of the Council measured the increasing impact of sanctions against the uncertainty of what WMD remained.
- The national objectives and priorities of individual Council members have naturally tended to diverge over time.
- Concerns about a double standard were expressed, particularly after nuclear tests in India and Pakistan.
- Internal Council politics and bilateral relations.

Other factors contributed as well to this trend, but the key point is that a single dedicated unitary actor, Iraq, has a certain advantage in facing a coalition which will naturally have shifting priorities and objectives amongst its members.

UNSCOM found itself between Iraq and the Security Council with a strict and categorical mandate. It was tasked to verify that *all* the proscribed weapons and capabilities were gone and conduct full effective monitoring to assure no reconstitution of those capabilities. Impatience on the part of the Council grew and manifested itself in many ways—none helpful to UNSCOM. Political and military actions resulted in the withdrawal of UNSCOM from Iraq in December 1998. A year later, the Council, following an initiative of the United Kingdom, voted to replace UNSCOM with a new body.

There has not been any UN inspection work going on in Iraq since December 1998. A question that is often asked is, "What do you think Iraq has been doing in the interim?" Before addressing this, it is important to recall that before UNSCOM withdrew, it reported that it was unable to perform its mandated tasks under the conditions which Iraq permitted it to operate. The United States and United Kingdom conducted military operations after UNSCOM reported that the level of cooperation offered by Iraq was not sufficient to accomplish what the Security Council required. In other words, when we had inspectors in Iraq, we did not know fully what Iraq was up to.

During the period since UNSCOM withdrew, its experts continued to study the data in its archives and continued to receive some limited new information. Nothing would indicate that Iraq has undergone any radical change of heart with respect to WMD capabilities. I can not say definitively that Iraq has a residual missile force with chemical or biological warheads. I can not say definitively that Iraq has retained concealed production capability for Chemical and Biological agent. Nor can I say definitively that there is ongoing research and development in these areas.

I can say definitively that nothing has changed the assessments in UNSCOM reports to the Security Council about the incomplete accounts provided by Iraq in each of these areas. Moreover, the limited information that UNSCOM continued to obtain, raised more not fewer, questions about Iraq's compliance. Given Iraq's past

performance, their clearly stated objectives and extant capabilities, even a moderately prudent defense planner would have to assume such WMD capabilities exist in Iraq today.

The future for the new organization, the UN Monitoring, Verification and Inspection Commission (UNMOVIC), is unclear. The resolution creating UNMOVIC and its tasks was adopted with four abstentions. Clearly some key members of the Council had reservations. Dr. Hans Blix has courageously accepted the challenge of leading this new organization. His task will not be easy as Iraq will perceive that the Security Council's unity on this issue is tenuous at best and thus may act with increased defiance. The path to this new resolution detoured around some big issues and there was strong debate about the relationship between disarmament, monitoring, sanctions, and control of Iraqi oil receipts.

What is clear, however, is that UNMOVIC and Dr. Blix will not be able to achieve any more than what the Security Council strongly and unanimously supports and which Iraq permits. The degree to which all (or, indeed, any) members of the Security Council encourage Dr. Blix to conduct intrusive and rigorous inspection work is uncertain. If he did, prospects for early confrontation with Iraq would be high and the Council would rapidly have to deal with yet another wrenching debate.

There is another side of the equation. From Iraq's perspective, what are the carrots and sticks intended to prod them into accepting the full implementation of rigorous disarmament and monitoring work? The greatest incentive for Iraq is the prospect of sanctions being lifted and gaining control over their own oil revenues. While it could be argued that the suspension of sanctions might be agreed in the Council, Iraq's own control of its revenues remains an unlikely prospect. On the disincentive side, Iraq certainly perceives that it is highly unlikely that the Council would support military action. Nor is it likely to believe that the United States would unilaterally conduct a major military campaign on its own if Iraq simply continues its status quo refusal to cooperate and comply.

Lastly, I wish to make a point on full compliance. UNSCOM attempted extensive and intrusive disarmament and monitoring inspections. Yet, it still could not verify the absence of prohibited WMD programs in Iraq. During the period since UNSCOM's withdrawal from Iraq, study was given to the requirements for a more effective monitoring system with a specific performance criterion. This was a system sufficient to allow a Chairman to make a credible *judgment* about Iraqi compliance with the Council mandates—not simply report that no evidence of violations had been detected. The later could be done with a minimal system and could well allow Iraq to cooperate but not comply resulting in a dangerous outcome of virtual disarmament and monitoring.

A few important points were evident from the UNSCOM work. One is that a very extensive and intrusive system with strict requirements for immediate access to all sites is essential. Second, Iraq must cooperate fully, consistently, and immediately in all ways. Thirdly, if Iraq does not cooperate fully, then the Security Council must interpret non-cooperation as non-compliance and have the will to act accordingly. The Security Council cannot divide over UNMOVIC's conclusions or second guess its decisions on inspection targets.

Unfortunately, the experience of UNSCOM does not suggest that the Security Council will sustain the strong unified will necessary to allow its subsidiary disarmament organ to achieve the strict mandate. Ultimately, it was much easier to change UNSCOM than Iraq. Perhaps it simply is asking too much for an international body with evolving priorities and interests to ensure the long term coercive disarmament of a nation that clearly has contrary incentives. Historically, the most proximate comparison to the UNSCOM experience, in my view, was the disarmament mechanism of the Versailles treaty. The so-called Inter-Allied Control Commissions persisted for seven years, but ultimately ceased work in Germany having only been partially and temporarily successful.

Senator BROWBACK. Thank you. I think that is a very good thought, that the Security Council is going to determine a lot of what takes place.

Mr. Duelfer, given the meanderings of the Security Council on weapons inspections or their lack of desire for confrontation with Iraq, do you think we really have any chance of an effective inspection regime under this new organization?

Mr. DUELFER. Frankly, no. The process leading up to this new resolution was one where many members of the Council were argu-

ing over various elements of it, and I think Iraq got a clear message, that there is not strong consensus in the Council on this. Iraq is serious. They play for keeps. They can detect weakness, and if they do not believe that the Council is serious, they are not going to comply.

The question from the other perspective is what is in it for the Iraqis. If you are in Baghdad trying to decide, well, should I let all these inspectors come marching around my country, poking around all of the organizations we consider very sensitive, what is in it for me? Well, not much from their perspective. So, frankly, I am not optimistic that a serious and effective monitoring system is likely to happen.

Senator BROWBACK. Do we know from the internal discussions in the Security Council that there is this sort of advice to Dr. Blix going on right now about do not be too confrontational or do be confrontational? Do we know what sort of discussions are taking place?

Mr. DUELFER. I am certainly not in a position to know or, in fact, to comment on that. That is something between Dr. Blix and the Security Council. I think they have their own private communications.

Senator BROWBACK. Are any signals being sent out from anybody on the Security Council in the discussions?

Mr. DUELFER. I think the public comments which have been made by various ambassadors have not been of a nature that they are encouraging a more intrusive system. They are looking more at the other side of the equation, how they can encourage Iraq to cooperate.

Senator BROWBACK. Mr. Leventhal—or Mr. Milhollin, if you care to comment—if the United States is not strongly committed to a clear, aggressive, robust inspection regime, is it likely that one will occur?

Mr. LEVENTHAL. I think not and I think the fact that Mr. Blix' principal sponsors on the Security Council were the Russians and the French and that they had strongly opposed Ambassador Ekeus' nomination, which the U.S. had supported, bodes ill, which is one of the reasons I thought it might be a useful exercise to try to bring Mr. Blix to Washington and at least let him know what the congressional sentiment is.

It may well be that the administration feels that the risk of further military confrontation is simply not worth it in response to the inevitable refusal by Saddam to cooperate. So, our administration seems to be ratcheting down while what is really needed is a ratcheting up, particularly since there have been no inspections now for more than a year.

Senator BROWBACK. Mr. Milhollin, any comment on that?

Mr. MILHOLLIN. I was particularly struck by Senator Biden's question, which I consider to be an excellent question; that is, if we agree to this—I think we have to be honest—watered down inspection system, what are we getting for it? Are we at least getting other countries' promises to abide by the embargo in their own domestic export decisions?

My impression is that we are not getting anything. We have conceded on the question of whether Blix or Ekeus should be the exec-

utive chairman, and we have conceded on the standards in the new resolution. And we are losing the overall public debate on whether the sanctions are morally justified. It just seems to me that we do not have a clear game plan. We do not have a comprehensive view of where we want things to go, and we do not have a strategy for getting there. We just seem to be reacting to events and then caving in when the pressure gets too great on one issue or the next.

For me, this is a very disturbing thing, and I wish our Government were more dedicated and more effective in this area, and I think if we continue on this path, we will just see a slow diminution of interest here and we will see less influence in the Security Council and we will see, if not a precipitous, at least a gradual erosion of the embargo. More stuff will be going in. We will pick it up now and then. We will complain about it, but nobody will really care. And the exporters will all get the message that nobody really cares. And so, it will all just pretty much fizzle out. That is what I am worried about.

Senator BROWNBACK. Senator Biden.

Senator BIDEN. What would you do?

Mr. MILHOLLIN. Well, I think at a minimum we could try to win the public debate on the validity of the embargo. That is, we seem to be conceding that the suffering of the Iraqi people is the fault of the embargo.

Senator BIDEN. Why do you say that? How do you reach that conclusion?

Mr. MILHOLLIN. Well, I do not see the United States coming out and saying, look—

Senator BIDEN. Every time the Secretary speaks, every time the President speaks they say that.

Mr. MILHOLLIN. But where are the specific examples? Where is the data? Where is the evidence? I see the statements, yes. I see the statements.

Senator BIDEN. I do not disagree with anything any of you said except none of you have a damn solution. You do not have any idea of what you are talking as to what to do from here. You are right in the criticism. I think the criticism is dead right. We made a fundamental mistake that everybody underestimated when George Bush stopped us going into Baghdad. One of the things no one figured was that it would be read as a conclusion that possession of or the possibility of possessing nuclear weapons would hold off the giant. And that is the reason why he did not occupy Baghdad is because we had these weapons, thereby emboldening them to hang onto them closer. So, a fundamental mistake. It is easy to Monday morning quarterback now and say it, but a fundamental mistake made. And we continue to make mistakes as we go along.

But the bottom line to me is how do you hold this together. You say, for example, Mr. Leventhal, that we seem to conclude a further military confrontation is not worth it. How the hell do you draw that conclusion? If you conclude that, there is not a consensus in America or the Congress or the President can come and go unilaterally into Iraq, you are right.

But you make basically irresponsible statements in a very responsible presentation. Every factual thing you have said—I cannot

think of a single factual point you have made that I have disagreed with.

Now you are sitting there and here you go. Vote around the Security Council. They turned down our guy. OK. You do not have the votes for our guy. You have got to have enough votes to get this done. Now what we do is we nix Blix. No pun intended. I am not attempting to be humorous here. We say no, we are not going with Blix. Now we have no inspection regime. None. We do not get any vote for any inspection regime.

My question is, is that better than none?

Mr. MILHOLLIN. That is better.

Senator BIDEN. Well, let us just say that. So, it would be better not to have anything. Is that what you are saying?

Mr. LEVENTHAL. Well, I think the U.S. Government feels that right now.

Senator BIDEN. What do you feel? I can figure out what they figure out, but what do you think? What do you think is better?

Mr. LEVENTHAL. Well, I think that at the very least, since this new process is underway, that the sort of requirements that we laid out in our conclusion here be actually done.

Senator BIDEN. No, no. That is not my question. My question is— it comes time to vote. You think Blix is weak. I think he is weak. We are in agreement. Now you are sitting there with the Ambassador to the United Nations, recommend. He turns to you, recommend. How do I vote? How do you vote?

Mr. LEVENTHAL. I would ask Blix to—

Senator BIDEN. Oh, Blix, come on. You know no matter what Blix says, this man here is right. Come on. Let us stop kidding each other. We are all grown-ups here. If the Security Council is not willing to go to the mat and if our allies are not willing to suit up again and go in and go to Baghdad, we are just playing games. You know it and I know it. And you are playing a game here with me, with all due respect.

How do you vote?

Mr. LEVENTHAL. I just wanted to clarify what I stated was an observation that the U.S. Government apparently was not prepared at this point in time to risk military intervention over the issue of inspections, and I think Ambassador Walker's testimony where he said the red line did not include cooperation with inspections supports that.

What I stated in my conclusion is that the best way to proceed at this point is to hold Blix and the IAEA accountable for a very detailed report on what is still outstanding as unanswered questions and what are the answers to those questions.

Senator BIDEN. By the way, the IAEA, when Blix was doing it, did not have nearly the authority allegedly available here. Do you support the new protocol for the IAEA?

Mr. LEVENTHAL. The new inspection protocol?

Senator BIDEN. Yes. Do you support that?

Mr. LEVENTHAL. It is clearly an advance but it is by no means foolproof.

Senator BIDEN. I did not say it was. You are sounding like a State Department guy. Come on.

Mr. LEVENTHAL. I support any improvement in this regard.

Senator BIDEN. Do you support the increase? Do you support the change in the protocol, increasing inspection regimes? Which most of my conservative friends in Congress do not support, by the way.

Mr. LEVENTHAL. Are you speaking of Iraq now?

Senator BIDEN. I am speaking of IAEA.

Mr. LEVENTHAL. Right and its general upgrading of—

Senator BIDEN. Yes, 93 plus 2.

Mr. LEVENTHAL. The lessons learned from Iraq.

Senator BIDEN. Yes.

Mr. LEVENTHAL. Understand, Senator, that is a voluntary undertaking on the part of member states of the IAEA and it is by no means assured that it will be universally applied.

Senator BIDEN. I am not saying that. I am asking you would you like to see it universally applied? Would you like to see it part of the IAEA's authority?

Mr. LEVENTHAL. I would like to see the IAEA go a lot further in terms of inspections by pointing out that the ability to safeguard facilities that process plutonium and highly enriched uranium is limited and can be defeated in an adversarial situation. I would like to see the IAEA provide support for putting an end to commerce in fissile materials that could end up some day in Iraq or Iran on a smuggling basis. So, my feeling about the IAEA upgrade in inspections is that it does not get to the heart of the problem, which is the inability of the Agency to effectively account for tons of fissile material that are being introduced into civilian commerce and subject to possible diversion and theft.

Senator BIDEN. And you think it should be able to. Right?

Mr. LEVENTHAL. Absolutely.

Senator BIDEN. Now, you are a very wise observer of this place. Do you think that we could get that through here? Do you think we could get that passed here?

Mr. LEVENTHAL. Well, I did the initial work on the Nuclear Non-Proliferation Act, so I have a sense of what is possible and what is not possible legislatively. I think the most important thing is to expose the vulnerabilities—

Senator BIDEN. Now, come on. Answer my question, please. Do you think that it is possible to amend the treaty along the lines you suggested and get it passed here in the U.S. Senate? What do you think?

Mr. LEVENTHAL. Well, our position is that the Non-Proliferation Treaty already makes possible the outlawing of commerce in plutonium and highly enriched uranium. What is lacking is the political will.

Senator BIDEN. You really should have a job at the State Department, sir. I am an admirer of yours. I think what you say is good. You are just as duplicitous as they are, though, in not answering the questions.

Mr. Milhollin, do you have an answer?

Mr. MILHOLLIN. Yes.

Senator BIDEN. What do you think?

Mr. MILHOLLIN. I would be happy to answer your question straightforwardly, at least according to your definition. I think I would have voted against Blix. I think it is intolerable that two of our, quote, friends, the Russians and the French, would object to

one Swedish diplomat and then not object to another one and expect us to go along with it—

Senator BIDEN. But you know they are not our friends in this. Come on.

Mr. MILHOLLIN. Well, that is true, they are not our friends.

But there is no objective basis for—

Senator BIDEN. I agree there is not. There never is.

Mr. MILHOLLIN. So, I would have just said no.

Senator BIDEN. Just said no and no inspection. Right? I am not disagreeing with you. I want to know.

Mr. MILHOLLIN. No inspections—a Potemkin inspection system is more dangerous than no inspection—

Senator BIDEN. I am not disagreeing with you. I just want to know.

Mr. MILHOLLIN. And I would have insisted on having a Ekeus.

Senator BIDEN. Right. You would have insisted on a Ekeus and you would have not gotten Ekeus. There is no possibility you would have gotten Ekeus. There is no indication anything in past is prologue. There is no indication you would ever be given Ekeus. In foreign policy decisions made by governments on the Security Council, it never is based upon a Ekeus to be made. It is based upon national self-interest. Their self-interest, they view, is different than ours. They would vote no.

I tend to agree with you. No inspection would be better than this one. But that is all I am trying to get you to say.

Mr. MILHOLLIN. That is the position I would have taken.

Senator BIDEN. Good.

Mr. MILHOLLIN. I also think that the 93 plus 2 is good. I applaud the IAEA's slow steps toward a more aggressive inspection regime.

One thing the IAEA could do is—and it has the authority to do—is simply unilaterally disclose the amounts of fissile material that it is safeguarding everywhere in the world. If it had done that in Iraq, we would have discovered that there were bomb quantities of material being safeguarded there. Nobody knew that until the war started. The IAEA did not disclose it because there was less than a bomb quantity at each different material balance location. So, even though you had enough in the country to make a bomb, the fact that it was spread across several different places made it unnecessary for the IAEA to go there every 3 weeks to find out whether it was still where it was supposed to be.

Senator BIDEN. Got you.

Mr. MILHOLLIN. So, there is a lot they could do on their own.

Senator BIDEN. Gentlemen, I truly appreciate your input on this. I do not mean to be argumentative with you. The part that bothers me about all of this is that what we all pretend is there is an answer. You guys have no more of an answer than that table is going to get up and fly. We have cited the problem. Now what do we do?

Senator BROWNBAC. I am hearing something different from them than you are then, Senator Biden. I think there is a lot of agreement that is here, but what I hear them saying is that if the United States does not show resolve and clear resolve and intensity on this—and perhaps maybe the most troubling thing that has come out today is Ambassador Walker's statement that there is not a bright line on the weapons inspection issue because the United

States is going to have to show that sort of intensity if we are going to have a weapons inspection system because otherwise it really will be a pretend type of system. It is incumbent upon us, I think, in the Congress to say we do want something that is clear that we will do and let us establish that line if we are going to have a weapons inspection system.

And then Blix is it, whether we want him or not. He is it. Now let us say that the United States will back it up and let us buck him up.

Senator BIDEN. Well, Mr. Chairman, I really do not—

Senator BROWNBACk. That is a good part of, I think, the solution.

Senator BIDEN. By the way, I think you are right. I do not disagree with that. But my experience, after 28 years doing this, is big nations cannot bluff. Big nations cannot bluff.

I am ready to introduce a resolution with you that if they, in fact, refuse the inspections, you and I will introduce a resolution calling for the use of force by the United States of America if we have to do it alone to go after Saddam Hussein.

Senator BROWNBACk. I think that is a good notion.

Senator BIDEN. Good, because absent that, the rest of this is malarkey, guys. You know it and I know it. Stop playing your intellectual games.

Senator BROWNBACk. Mr. Duelfer, what do you think of that, of the U.S. Congress speaking that way?

Mr. DUELFER. I do not want to be accused of opining above my pay grade.

Senator BIDEN. You are much smarter than that in my observation.

Mr. DUELFER. What is the objective here? Is it disarmament, forced disarmament? It is not arms control. I separate myself from these two gentlemen—

Senator BROWNBACk. I agree. It is forced disarmament is what we have been after all along.

Mr. DUELFER. But I think one of the issues is, are we now engaged in something which is merely a tactic? In which case, UNMOVIC, Blix, and all are just part of a larger process where somebody has got their eye on the ball and it is not the disarmament ball. It is something else. I think that that is in fact the process we are engaged in right now.

But nevertheless, we have chosen to play this game out in the Security Council as a stadium. I am not sure that is a great stadium to play in, frankly, from what I have seen. But nevertheless, if you do that, you accept a lot of constraints. You have got a lot of constraints because these characters all have different national objectives. What I am trying to say is over time the consensus on disarmament, forced disarmament, in Iraq is—you know, they are not with the United States. I do not know where the United States is. I feel I know more about the Iraqi policy than I do about the American policy, frankly.

Senator BROWNBACk. My concern is I am not sure where we are either on it. Perhaps that is where something of a statement through Congress and to the President might help at least clarify that point over which we have some control and is a better stadium to play in.

Gentlemen, thank you all for joining us today.

Senator BIDEN. Thanks a lot, fellows.

Senator BROWNBACK. I appreciate very much your input.

The hearing is adjourned.

[Whereupon, at 12:07 p.m., the subcommittee was adjourned.]

