

## Testimony Delivered by David A. Kay<sup>[1]</sup> before the Senate Committee on Governmental Affairs on March 1, 1998

For more than a decade the international community has sought unsuccessfully a long-term solution to an Iraq led by Saddam and armed with WMD. Indeed the start of any sensible long-term approach to Iraq is to understand why the United Nations arms inspections slid into irrelevance and more than 3 years ago came to an end.

UNSCOM's efforts to eliminate Saddam's WMD capacity, which effectively ended in 1998 when the inspectors left Iraq, were based on four assumptions, all of which turned out to be false. These were:

- Saddam's rule would not survive the disasters suffered by Iraq as a result of its invasion of Kuwait;
- Iraq's WMD capabilities were not extensive nor significantly indigenous;
- A post-Saddam Iraq would declare to UNSCOM all of Iraq's WMD capabilities;
- UNSCOM would be able to "destroy, remove or render harmless" Iraq's WMD capabilities leaving an Iraq that would not have WMD capability as an enduring legacy.

The reasoning of US Administration officials at the end of the Gulf War that no regime could survive a disaster as compelling as Iraq's defeat in the Gulf War was no doubt true for a democratic system. Saddam's endurance, however, stands as yet another stark reminder of the dangers of attempting to understand the world on the basis solely of our own values and experience. Saddam's Iraq was and is a brutal, totalitarian dictatorship that can survive as long as it maintains coercive power over its citizens. Once Saddam's survival became a fact then all hope of his voluntarily yielding up the very weapons that allow him to hope to dominate the region was lost.

What is much less well understood is the impact that the discovery of the gigantic scope and indigenous nature of Saddam's weapons program had on the prospects of being able to eliminate this program by inspection alone. We now know that the Iraqi efforts to build an arsenal of weapons of mass destruction:

- Spanned more than a decade;
- Cost more than \$20 Billion;
- Involved more than 40,000 Iraqis and succeed in mastering all the technical and most of the production steps necessary to acquire a devil's army of nuclear, chemical and biological weapons as well as the missiles necessary to deliver them over vast distances.

The capability to produce weapons of mass destruction arising from a national program on the scale of that of Iraq's cannot be eliminated by simply destroying "weapons" facilities. And would should credit the UN inspection process with destroying a substantial nuclear weapons establishment in Iraq that was largely unidentified at the time of the Gulf War and that had survived unscathed the coalition bombing campaign. The weapons secrets are now Iraqi secrets well understood by Iraq's technical elite, and the production capabilities necessary to turn these "secrets" into weapons are part and parcel of the domestic infrastructure of Iraq which will survive even the most draconian of sanctions regimes. Simply put, Iraq is not Libya, but very much like post-Versailles Germany in terms of its ability to maintain a weapons capability in the teeth of international inspections. As long as a government remains in Baghdad committed to acquiring WMD, then once that capability can be expected to become quickly a reality when sanctions are eased, or ended.

To compress a lot of bitter history: In December 1998, the United States conducted military attacks against Iraq after UNSCOM, reported that it could not achieve its mandated disarmament and monitoring tasks with the limited access and cooperation Iraq allowed. All UNSCOM activities in Iraq then cease. UNSCOM, the first UN effort to eliminate Iraq's WMD program passed out of existence and was replaced by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) through the adoption of Security Council resolution 1284 of 17 December 1999. UNMOVIC was to be more acceptable to Iraq, led by a Commissioner that Iraq and their sympathizers on the Security Council found more acceptable. Even under this more favorable inspection regime, however, Iraq has continued to refuse to admit UN inspectors.

In the nuclear area, the Committee has posed a set of critical questions:

How has the Iraqi nuclear changed from the Persian Gulf War and UNSCOM inspections to today? What impact has UN sanctions had on the weapon program? How has international opinion of the Iraqi nuclear threat changed during this time period?

The point of beginning to think about how one would describe Iraq's nuclear program today is to recognize the serious impediments that we all face in trying to understand that program. On-site inspections in Iraq were never easy and

by 1995-96 Iraq had put in place a major deception effort designed to mislead inspections as to the intent, scope and continuing activities in the nuclear area. When UNSCOM inspections managed, as they often did, to penetrate this web of deceptions, Iraq resorted to physical denial of access and threats of violence to neck down the scope of inspections. By 1997 effective, sustained inspections in Iraq had come to an end. The final ending of all inspections in 1998 was in fact an anti-climax. Lacking on-site inspections, with unfettered access to all of Iraq, for over three years has meant that it is impossible to be sure where their nuclear program stands today. It also means that even if inspections were to begin tomorrow it would be impossible to answer this question without a very long, sustained period of unfettered inspections. The baseline of Iraq's nuclear program is broken and it will be impossible to quickly re-establish that baseline.

Based on Iraq's activities before 1998 and sketchy insights available from defectors and exposure of continued Iraqi attempts to acquire nuclear related capabilities, one can say a few things with confidence:

- Iraq's pre-war nuclear accomplishments have ensured that if can acquire fissionable nuclear material from any outside source it will be able to fabricate at least a crude, improvised nuclear device in months not years. For Iraq, just like every other aspirant to nuclear status, the key obstacle is the acquisition of fissile material. Iraq had a viable weapon design and the capacity to produce all the elements of a weapon. If Iraq has to rely on its own efforts to produce nuclear material then one can do little better than the public estimate by German intelligence authorities last year in which, citing major Iraqi procurement efforts that the Germans had knowledge of, that Iraq could, in the worst case, have a nuclear weapon in 3-6 years.
- Iraq will have dispersed and shielded with elaborate deception arrangements its nuclear activities.
- Iraq understands the methods used by inspectors and will be ready to frustrate all efforts to get close to activities they are determined to shield.
- Iraq has not abandoned its efforts to acquire WMD. A recent defector has stated that an explicit order to reconstitute the nuclear teams was promulgated in August 1998; at the time Iraq ceased cooperation with UN-led inspections. There should be no doubt that Iraq, under Saddam, continues to seek nuclear weapons capability and that given the time it will devote the resources and technical manpower necessary to reach that goal.
- Economic sanctions now longer significantly restrict the financial resources that Iraq can devote to WMD programs and over the last five years have been of declining value in restricting the flow of goods and technology.

The attitude of states in the region and even many of our European allies toward Iraq's WMD program is harder to understand. By 1996 the real aim of the inspections, the elimination of Iraq's WMD weapons and production capacity and the establishment of a long-term monitoring process began to slide away in the face of resolute Iraqi defiance and the desire of the Russians and the French for short-term economic gain. We should also credit a successful Iraqi propaganda campaign that has gone largely unanswered and has convinced many in the Gulf and in our own country that the US is responsible for keeping on economic sanctions that have devastated Iraq women and children.

Major states in the region, certainly including Egypt, Saudi Arabia and the UAE, are no longer willing to let an automatic anti-Saddam reflex define their policy in the Gulf. Even states, such as Kuwait and Bahrain, which are much more dependent upon the US for their security, are resisting US leadership when it threatens military confrontation. Equally important, Iran is no longer the marginalized state that it was in 1990-91 and has learned to skillfully play each crisis to benefit its long-term goal of removing US influence from the Gulf.

We are left with "allies" that lack sufficient military power to stand up to a rearmed Iraq, and that are increasingly unwilling to provide the US with the political support and operational bases that would allow the US to deal with Iraq even in its present weakened state. This same splintering of alliance ties can be seen in the non-regional allies that were a key part of Gulf coalition structure. The French are no longer willing partners, and the Russians can no longer be coerced or bribed into silent cooperation. If there were ever a psychological campaign that either was not fought or misfired, it has been the US effort to make the states of the Gulf and our European and Asian allies understand how much more dangerous the future is about to become as Iraq rebuilds its nuclear, chemical and biological weapons, the Iranians further accelerate their own efforts and the rest of the region scrambles for political and military protection.

What choices are we left with? Few and mostly bad is the simple answer. The easy nostrums – support the opposition, containment as we did with the Soviets, or the Secretary General's 1998 statement "I can do business with

Saddam” – seem expensive, risky and, at best, only partial answers.

The re-introduction of UN inspectors, now called UNMOVIC not UNSCOM, into Iraq may well result in constraining Iraq’s WMD ambitions, but freeing them of all restraint. UNMOVIC is a product of a successful effort to remove UNSCOM from Iraq and replace it with an inspection regime more acceptable to Iraq. The Iraqi complaints concerning UNSCOM related to its insistence on unrestricted access to anything in Iraq it deemed relevant to determining the scope of Iraq’s WMD program and an equal insistence that they would not acceptable any time limit on how long it might take to accomplish this objective. If UNMOVIC were to compromise on either of these, we might end up with Iraq begin declared free of WMD, when in fact all that would be certain is that UNMOVIC could not find any evidence of WMD.

The best hope of the opposition was in the chaos at the end of the Gulf War. This opportunity, however, was lost when the US decided to stand aside and let Saddam freely slaughter many brave Iraqis. In the intervening years US policy toward the opposition has grown to resemble nothing so much as the mating ritual of the female Black Widow – promising but quickly lethal to the male. I do not believe that it is true that supporting forces of democratic change is something that Americans are genetically unable to do. It is clear, however, that we generally have been so inept at it that it is likely to deplete the gene pool of promising opponents to tyrants before we are successful.

Containment has a nice ring and the virtue of a clear success in the fall of the Soviet Union. On the other hand, one can only despair that those who urge containment of Saddam as an appropriate policy have not examined the preconditions of the Cold War case to see if they exist in the Gulf. The US maintained for 40 years more than a million troops in Europe as part of its effort to contain the Soviets and invested vast resources in the social, political and economic reconstruction of Europe into a bastion of democratic values. In the Gulf there is no simple overriding fear of Saddam that will dominate all politics the way the Soviet threat did. For example, the Iranians who have every reason to fear the Iraqis will not see a US presence that contains Saddam as serving their interest. Many holders of traditional tribal societal and fundamentalist religious values worry more about the threat of democratic and modern influences that flow from US presence than they will the threat from Iraq. Some of the states in the region are more fearful of a rapid democratic modernization of their societies than they are of Saddam.

Iraq is of a class of problems where all the easy answers seem to have been in the past and all the near terms options are not answers. But that is the future in the Middle East. If it is of any comfort, we should all acknowledge there were never any easy answers in the past. Unless we take immediate steps to address the issue of obtaining fundamental political change in Iraq, we will soon again face a rearmed and embolden Saddam.

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