

Between Peace and War: Multilateral Weapons Inspections in Iraq and Beyond

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Abstract

With heightened concern over the proliferation of WMD, multilateral weapons inspections under the auspices of the UN provide an increasingly important alternative to war. Borrowing insights from principal-agent theory, I analyze the Iraq inspections case of the 1990s to derive lessons for both theory and policy. I show that the Security Council (the principal) undermined UNSCOM (its agent) by providing insufficient resources, by displaying inadequate unity and resolve, and by directly subverting the inspections process. This suggests that those interested in applying theories of delegation to international security institutions should focus as much on "principal problems" as on traditional agency problems, and more generally that our tendency to blame IO agents for poor outcomes may be misplaced. For multilateral inspections to succeed, I recommend that concerned states plan for shorter interventions and endow inspectors with sufficient resources from the start, before political momentum is lost. I also suggest that more independent IOs are most likely to be successful at conducting intrusive inspections.

The proliferation of weapons of mass destruction (WMD), and specifically their possession by rogue regimes and terrorists, has emerged as a central security concern for the international community. In the aftermath of the September 11, 2001, attacks, the United States in particular has shown a willingness to threaten and use force when such threats—or their potential—are posed. In this context, successful multilateral weapons inspections, usually under the auspices of the United Nations (UN) or one of its agencies, seem to provide the most viable alternative to war. Opponents of the 2003 Iraq War, including France, Germany, Russia and China, stressed continued UN inspections as the best way to disarm Iraq without resort to military intervention. In 2006, the Security Council passed separate resolutions aimed at North Korea and Iran (Resolutions 1718 and 1737, respectively). Both impose sanctions and threaten further coercive measures if the target regimes do not suspend their nuclear activities, with compliance to be verified by International Atomic Energy Agency (IAEA) inspectors and confirmed by the Security Council.

In a very real sense, then, inspections conducted by international organizations (IOs) are the key factor standing between peace and war when it comes to the WMD challenge. And yet international relations scholars have devoted little attention to understanding the political dynamics of such efforts and the conditions under which they fail and succeed. I analyze the Iraq inspections regime of the 1990s to shed light on this puzzle and to develop more general propositions on the relationship between states and their IO agents in security affairs.

Following the defeat of Iraq by a United States-led coalition in the Gulf War, the Security Council imposed a comprehensive peace settlement with Resolution 687, passed in April of 1991. A major component of the postwar arrangement was an inspections and disarmament regime designed to rid Iraq of its WMD capabilities and to prevent their future development. To

perform this task, the Council delegated authority to a subsidiary body, the UN Special Commission (UNSCOM), which was active from 1991 until 1998.¹ These institutional relationships can be usefully understood as a chain of delegation: the international community relied on the Security Council to defang Iraq; the Council, in turn, relied on UNSCOM.

Despite considerable achievements in cleansing Iraq of its weapons (made fully evident only following the 2003 war), the inspections regime ultimately must be deemed a failure: Iraq was never certified as weapons-free by the UN and war was not averted. Why did the regime fail? Borrowing from principal-agent (P-A) theory, this paper explains this outcome—and the fits and starts of the inspections regime more generally—by analyzing the relationship between the Security Council and its UNSCOM agent. Focusing especially on the five permanent members (P5), I argue that most of the blame lies with the Council and identify three problems posed by its behavior. First, UNSCOM was not provided with sufficient resources from the outset. Second, the lack of political unity on the Council weakened UNSCOM’s credibility—in the end, fatally. And third, individual Council members engaged in actions that directly undermined the agreed-to mission of the inspections regime. In effect, they violated the delegation “contract” embodied in Resolution 687. Over time, these actions had the effect of diminishing UNSCOM’s legitimacy, strengthening Iraq’s resolve and defiance, and reducing international community support for the disarmament task.

Most treatments of the interwar inspections experience in Iraq—in the form of personal accounts and general histories—are unguided by broader theoretical concerns.² International

¹ UNSCOM was replaced by the UN Monitoring and Verification Commission (UNMOVIC). Because UNMOVIC was active for only a few months prior to the 2003 Iraq War, the main focus of this study is on the UNSCOM years.

² The most comprehensive general histories of UNSCOM are Graham Pearson, *The UNSCOM Saga* (New York: St. Martin’s Press, 1999); and Jean E. Krasno and James S. Sutterlin, *The United Nations and Iraq: Defanging the Viper* (Westport, CT: Praeger, 2003). Insider accounts include Tim Trevan, *Saddam’s Secrets: The Hunt for Iraq’s Hidden Weapons* (London: HaperCollins, 1999); Scott Ritter, *Endgame: Solving the Iraq Crisis* (New York: Simon

relations scholars writing on the era tend to focus on the sanctions and containment policies rather than the inspections.³ Viewed through the lens of political delegation, the UNSCOM case has important theory and policy implications. In terms of theory, it exposes a significant gap in P-A analysis, which tends to blame the agent for inefficient outcomes. I make a case for broadening our conception of P-A problems to include those arising from the principal side of the equation. Building on this reorientation, I also argue that situations of common agency, where multiple actors contract with a single agent, are an even greater threat to efficient delegation than the standard literature recognizes.⁴ As I show below, UNSCOM was a largely faithful and diligent agent; there were few problems of counterproductive preferences and hidden actions. On the contrary, it was divisions in the Security Council and a failure to support UNSCOM—that is, *principal problems* rather than agency problems—that led to the downfall of an inspections and disarmament regime that otherwise had the potential to succeed.

This article serves as a cautionary note for scholars interested in applying theories of delegation and agency—generally borrowed from economics and the study of American politics—to the question of why and how states delegate to international institutions. While such efforts have produced a burgeoning and productive literature,⁵ these models do not always travel

and Schuster, 1999); Ritter, *Iraq Confidential: The Untold Story of the Intelligence Conspiracy to Undermine the UN and Overthrow Saddam Hussein* (New York: Nation Books, 2005); Hans Blix, *Disarming Iraq* (New York: Pantheon Books, 2004); and Richard Butler, *The Greatest Threat: Iraq, Weapons of Mass Destruction and the Crisis of Global Security* (New York: Public Affairs, 2000).

³ Daniel L. Byman and Matthew C. Waxman, *Confronting Iraq: U.S. Policy and the Use of Force Since the Gulf War* (Santa Monica, CA: RAND, 2000); Anthony H. Cordesman and Ahmed S. Hashim, *Iraq: Sanctions and Beyond* (Boulder, CO: Westview Press, 1997); John Mueller and Karl Mueller, “Sanctions of Mass Destruction,” *Foreign Affairs*, Vol. 78, No. 3 (1999), pp. 43-53; and F. Gregory Gause III, “Getting It Backward on Iraq,” *Foreign Affairs*, Vol. 78, No. 3 (1999), pp. 54-65.

⁴ See Roderick Kiewiet and Mathew McCubbins, *The Logic of Delegation* (Chicago: University of Chicago Press, 1991), pp. 26-7; and Daniel Nielson and Michael Tierney, “Delegation to International Organizations: Agency Theory and World Bank Environmental Reforms,” *International Organization*, Vol. 57 (2003), pp. 241-276.

well to the anarchy of international politics, where contracts are less meaningful and where states interests almost inevitably diverge over time. This is especially true in the security realm.

Understanding the politics of coercive inspections regimes has crucial policy implications as well. The international community relies increasingly on inspections under the auspices of IOs—whether conducted by standing bodies such as the IAEA and the Organization for the Prohibition of Chemical Weapons, or by ad hoc groups such as UNSCOM and UNMOVIC. Multilateral nuclear inspections will assume an amplified role as more states assume Additional Protocol commitments under the nuclear nonproliferation regime, which place greater emphasis on intrusive verification. Diagnosing the problems that erode successful multilateral inspections and disarmament is thus critical from a normative and policy perspective.

The article proceeds by reviewing the principal-agent literature to demonstrate its anti-agent bias, and then provides a framework for understanding principal problems. The third section provides a case study of the 1990s inspections saga in Iraq, with a focus on Security Council-UNSCOM relations and how they influenced the success of the regime over time. In addition to the secondary literature, I rely on contemporaneous press accounts, memoirs of key actors, government and UN documents, and dozens of interviews with those involved in

⁵ The most comprehensive effort to apply theories of delegation to international relations is D. Hawkins and others, eds., *Delegation and Agency in International Organizations* (New York: Cambridge University Press, 2006). See also Roland Vaubel, “Principal-Agent Problems in International Organizations,” *Review of International Organizations*, Vol. 1, No. 2 (2006), pp. 125-38; Tamar Gutner, “Explaining the Gaps between Mandate and Performance: Agency Theory and World Bank Environmental Reform,” *Global Environmental Politics*, Vol. 5, No. 2 (2005), pp. 10-37; “Alexander Thompson, “Coercion through IOs: The Security Council and the Logic of Information Transmission,” *International Organization*, Vol. 60, No. 1 (2006), pp. 1-34; Nielson and Tierney “Delegation to International Organizations”; and Kenneth Abbott and Duncan Snidal, “Why States Act through Formal International Organizations,” *Journal of Conflict Resolution*, Vol. 42, No. 1 (1998), pp. 3-32. Scholars of EU institutions have been especially interested in delegation and agency. See Mark Pollack, *The Engines of European Integration* (New York: Oxford University Press, 2003); Giandomencio Majone. “Two Logics of Delegations: Agency and Fiduciary Relations in EU Governance,” *European Union Politics*, Vol. 2 (2001), pp. 103-121; and Jonas Tallberg, “Delegation to Supranational Institutions: Why, How, and with What Consequences?” *West European Politics*, Vol. 25, No. 1 (January 2002), pp. 23-46. Delegation is also a major component of the literature on international legalization. J. Goldstein and others, eds., *Legalization and World Politics* (Cambridge, Mass.: MIT Press, 2001).

policymaking and in UNSCOM.⁶ The final section outlines several propositions on the conditions under which principal problems are most likely to affect IO performance and discusses policy implications for UN-mandated inspections.

The Neglected Side of the Principal-Agent Problem

While principal-agent theorists have elaborated at great length on the risk of agents not performing their assigned tasks, problems emanating from the principal side of the equation have been largely ignored. I outline three potential sources of principal problems, which I label *principal shirking*, *principal drift*, and *principal subversion*. These problems are especially likely to arise in cases of collective principals, the most common scenario in international delegation, where member states of an IO agree as a group to delegate authority to the organization or a subsidiary body. They are also most likely to arise when international security issues are at stake.

BLAMING THE AGENTS

Political and economic principals delegate to institutional agents in order to solve collective decisionmaking problems, to capture gains from agent specialization and expertise, to credibly commit to policies, or to fill in incomplete contracts over time. There is a downside to delegation, however, in the form of the so-called principal-agent problem. Economists have classified such problems as occurring in two phases, each characterized by asymmetric

⁶ Interviews conducted by this author are cited with varying degrees of anonymity, depending on the subject's preferences. Other interviews are part of the UN Oral History Project, housed at the Yale University Library, which contains hundreds of pages of transcripts relevant to the Iraq inspections episode.

information. In the pre-contract phase, principals confront the issue of *adverse selection*: The principal does not know the precise preferences and skills of the agent and therefore does not know how effective the agent will be, how hard the agent will work, nor whether the agent shares the principal's goals. In the post-contract phase, the problem of agent opportunism arises in the form of *moral hazard*. Since the principal cannot perfectly monitor the agent's behavior, there exists some amount of hidden action. The agent may "shirk" by not working hard enough to fulfill its responsibilities or may "drift" by pursuing selfish goals. Because of these information asymmetries, in all cases "there will be some divergence between the agent's decisions and those decisions which would maximize the welfare of the principal."⁷ In sum, as one economist formulates it, the agent itself constitutes "the principal's problem."⁸

In almost all conceptualizations of P-A relationships in political science, the problem in question is also blamed on agents. Principals face agents who are lazy or, worse, bent on undermining the goals agreed to in the initial contract. Agents hide their true preferences and their behavior, making selection of agents and control over them—through ex ante institutional design and ongoing oversight and manipulation of incentives—a constant concern for principals. Kiewiet and McCubbins state the problem plainly: "Agents behave opportunistically, pursuing their own interests subject only to the constraints imposed by their relationship with the principal."⁹ For example, when Congress delegates to executive agencies, Epstein and O'Halloran warn that "bureaucrats may be motivated as much by a desire to pursue their own policy goals, inflate their budgets, and increase their scope of control as by their desire to follow

⁷ Michael Jensen and William Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs, and Ownership Structure," *Journal of Financial Economics*, No. 3 (1976), pp. 305-360.

⁸ Stephen A. Ross, "The Economic Theory of Agency: The Principal's Problem," *American Economic Review, Papers and Proceedings*, Vol. 63, No. 2 (1971), pp. 134-139.

⁹ Kiewiet and McCubbins, *The Logic of Delegation*, p. 5.

congressional intent.”¹⁰ This agent-centered view of the P-A problem explains the overriding focus in the American politics literature on issues of control.¹¹

As IR scholars become increasingly interested in P-A theory, they have largely echoed these concerns over agency losses that threaten the benefits of delegation. For example, some have argued that EU institutions have preferences that are more pro-integration than those of most states, leading to outcomes not anticipated or desired by governments.¹² Hawkins, Lake, Nielson and Tierney discuss at length the agency losses that arise from self-serving agent behavior—where the relevant agents are IOs—and the mechanisms of control used by state principals to defend against this threat. As they note, opportunistic behavior by agents is a key assumption driving P-A theory.¹³ Vaubel argues that IOs have “vested interests” that differ from those of states and may even deliberately mislead their principals.¹⁴ To the extent that standard P-A assumptions have been questioned in IR, it is usually for the purpose of showing that IO agents are even more out-of-control—and perhaps even dysfunctional—than standard approaches assume.¹⁵

¹⁰ David Epstein and Sharyn O’Halloran, *Delegating Powers* (Cambridge, UK: Cambridge University Press, 1999), p. 8.

¹¹ Mathew D. McCubbins and Thomas Schwartz, “Congressional Oversight Overlooked: Police Patrols versus Fire Alarms,” *American Journal of Political Science*, Vol. 2, No. 1 (1984), pp. 165-179; and Mathew McCubbins, Roger Noll and Barry Weingast, “Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,” *Virginia Law Review*, Vol. 75 (1989), pp. 431-482.

¹² Karen Alter, “Who Are the “Masters of the Treaty”?: European Governments and the European Court of Justice,” *International Organization*, Vol. 52, No. 1 (1998), pp. 121-147; and Pollack, *The Engines of European Integration*.

¹³ Hawkins and others, “States, International Organizations, and Principal-Agent Theory,” in Hawkins and others, *Delegation and Agency*, p. 24.

¹⁴ Vaubel, “Principal-Agent Problems,” pp. 126, 131.

¹⁵ Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (New York: Cornell University Press, 2004).

The P-A problem is rendered more complicated in situations involving common agency, where multiple principals (each contracting separately with the agent) or collective principals (with many members but a common contract) face a collective action problem among themselves. Figure 1 illustrates the distinction between these two types of principals. Common agency makes delegation more difficult to achieve,¹⁶ but once delegation takes place it is viewed as a problem only insofar as it complicates ongoing control and punishment of the agent.¹⁷ Principals face cycling and collective action problems as they decide whether and how to sanction the agent. As Nielson and Tierney argue in the context of states and IOs, “agency slippage has a tendency to increase with the number of actors doing the delegating.”¹⁸ Thus, for most P-A theorists, the presence of collective or multiple principals serves to aggravate the familiar P-A problems arising from the agent side of the relationship.

[Figure 1 here]

DELEGATION POLITICS UNDER ANARCHY

Work on delegation typically makes pro-efficiency assumptions. Principals are portrayed as seeking improved policy outcomes—or, at least, joint gains—by turning to agents. Terry Moe cautions against this in the U.S. domestic context, where he argues that bureaucratic design is

¹⁶ Mona Lyne, Daniel Nielson and Michael Tierney, “A Problem of Principals: Common Agency and Social Lending at the Multilateral Development Banks,” in D. Hawkins and others, eds., *Delegation and Agency* (see note 4), pp. 41-76; Lisa Martin “Distribution, Information and Delegation to International Organizations: The Case of IMF Conditionality,” in D. Hawkins and others, eds., *Delegation and Agency* (see note 4), pp. 140-64.

¹⁷ John Ferejohn and Charles Shipan, “Congressional Influence on Bureaucracy,” *Journal of Law, Economics and Organization* Vol. 6 (Special issue, April 1990), pp. 1-20; McCubbins, Noll and Weingast, “Structure and Process, Politics and Policy.”

¹⁸ Nielson and Tierney, “Delegation to International Organizations,” p. 248.

often driven not by considerations of efficiency and effectiveness but rather by the political calculations of powerful actors, including interest groups, the President, and Congress.¹⁹ This behavior continues after the creation stage, as political principals make decisions that undermine the agency's capacity to perform effectively and in line with their original purpose.

Thus, just as agents can undermine their principals' interests, principals can undermine agents who are faithfully pursuing agreed-to goals. Sociologists have taken this critique even farther. Charles Perrow argues that it is agents who must worry about opportunism and exploitation by principals, the latter often commanding a superior power position.²⁰ Existing agencies may be undermined over time as they become pawns in political battles among narrowly self-interested principals, as Perrow has argued with regard to homeland security.²¹ The result is bureaucracies that are utterly inefficient and, indeed, set up to fail.

I apply these insights to the complex politics of state delegation to international institutions. I go further by outlining in more detail the ways in which collective principals inhibit efficient outcomes by interfering with agents in the course of their relationship.

Most P-A scenarios at the international level involve a collective principal, where member states as a group delegate to an IO. I propose that such principals can create at least three types of problems for "innocent" agents.²² First, they can fail to provide adequate resources for the agent to effectively carry out its duties. Adequate resources are an important

¹⁹ Terry M. Moe, "The Politics of Bureaucratic Structure," in John Chubb and Paul Peterson, eds., *Can the Government Govern?* (Washington, DC: Brookings Institute, 1989). The same insight has been applied to the design of European Union regulatory agencies. R. Daniel Kelemen, "The Politics of 'Eurocratic' Structure and the New European Agencies," *West European Politics*, Vol. 25, No. 4 (2002), pp. 93-118.

²⁰ Charles Perrow, *Complex Organizations* (New York: Random House, 1986; Third Edition), chap. 7.

²¹ Charles Perrow, "Using Organizations: The Case of FEMA," *Homeland Security Affairs*, Vol. 1, No. 2 (2005).

²² There are possibilities in addition to those outlined here. For example, Gutner, "Explaining the Gaps between Mandate and Performance," shows that member states can undermine IOs by imposing incoherent mandates on them.

source of institutional autonomy, and the delegation literature in political science has long understood budget manipulation as a means for legislatures and other principals to adjust agency incentives toward compliant behavior. However, funding and staffing decisions can also be used to undermine the performance of *well-meaning* agents already engaged in productive behavior. I refer to this problem as *principal shirking*.

Second, when members of a collective principal lack unity, they can send contradictory and confusing signals about what they want. This creates uncertainty about policy goals and the future of the delegation contract, which in turn complicates long-term planning and investment decisions by the agent. Lack of unity can also make it difficult for agents to influence other actors—the targets of their regulation—since agent threats are rendered less credible and since targets, sensing disagreement, may be tempted to appeal directly to sympathetic principals. These appeals may take the form of “divide-and-conquer” strategies that pit principals against one another. I term this problem *principal drift*.

Third, individual members of a collective principal can directly undermine agent behavior. In most cases of common agency, an agent cannot please all of its principals. Thus even if the agent is faithfully pursuing collective interests, individual members may have an incentive to obstruct agent performance—an especially tempting strategy for powerful states. Such cases present the starkest example of a principal behaving opportunistically and selfishly, leaving agents to defend themselves from principal meddling as they pursue efficient policy outcomes. I label this the problem of *principal subversion*.

It is important to note that contracts agreed to by a collective principal are often fragile in IR, especially in the context of security institutions. Because each member state jealously guards its sovereignty and pursues its own interests over time, and because the contract is not

enforceable in any meaningful sense, there is a tendency in practice for collective principals to morph into multiple principals (see Figure 1), each developing a unique relationship with the agent and attempting to influence the agent in line with selfish interests. This tendency has the effect of exacerbating all three principal problems outlined above.

An Uneasy Partnership: The Security Council and UNSCOM in Iraq

I do not provide a comprehensive history of the inspections saga in Iraq. Rather, the case study focuses on the relationship between the Security Council and UNSCOM to illustrate how the Council's actions as a principal served to weaken the inspections regime over time. I argue that UNSCOM was indeed effective on paper and had the *potential* to achieve the goals set out in Resolution 687, to expose and destroy Iraq's weapons and to establish long-term monitoring. Once the process was launched, however, Security Council members failed to provide resources commensurate to the evolving task at hand; displayed disunity on key policy questions; and sometimes engaged in practices directly at odds with the mission as defined after the Gulf War. I focus especially on the role of the P5 since they are the constant and most influential actors on the Council.

THE POSTWAR DELEGATION CONTRACT

Following the Gulf War, UNSCOM was tasked by the Security Council with identifying and eliminating Iraq's proscribed weapons and their related means of support and delivery, and with establishing a long-term monitoring program. Section C of Resolution 687 (3 April 1991) identifies four types of weapons: nuclear, chemical, biological, and ballistic missiles with a range

greater than 150 kilometers. It requires Iraq to declare the locations and types of the proscribed weapons, to “unconditionally accept the destruction, removal, or rendering harmless, under international supervision” of such weapons, and to accept a system of ongoing monitoring and verification (OMV) to ensure that it remain WMD-free. To implement these requirements, the resolution calls for the establishment of the Special Commission and requires Iraq to cooperate with UNSCOM—and with the IAEA, which worked alongside but was formally subordinate to UNSCOM—by yielding all prohibited weapons.

On April 18, the Secretary-General produced a report outlining the precise structure of the Special Commission,²³ and his plan was approved the following day by the Security Council. In May, Rolf Ekeus, a highly respected Swedish diplomat, was chosen as the Executive Chairman, with Robert Galluci of the United States as his Deputy. Resolution 699 (17 June 1991) addresses financial issues in more detail. It mandates that Iraq should ultimately be held liable for all costs associated with the disarmament and inspections regime, but also decides “to encourage the maximum assistance, in cash and in kind, from all Member States to ensure that activities under Section C of resolution 687 (1991) are undertaken effectively and expeditiously.” Thus absent Iraq’s willingness or ability to fund UNSCOM’s activities, this responsibility lay with the UN membership.

Subsequent resolutions clarified Iraq’s responsibilities and provided details on UNSCOM’s mission and on its relationship to the Council and other member states. In response to initial Iraqi reluctance to accommodate inspectors, Resolution 707 (15 August 1991) demands that Iraq grant “immediate, unconditional and unrestricted” access to UN inspectors. Going beyond the explicit requirements of 687, Iraq is further called upon to halt even civilian nuclear

²³ UN Doc. S/22508, 18 April 1991.

activities. 707 also clarifies and extends Iraq's responsibilities to UNSCOM, requiring Baghdad to allow UNSCOM to fly throughout Iraq and to make airfields available for that purpose; to provide transportation, logistical and medical support to UNSCOM when needed; and to provide for UNSCOM's safety.

Finally, Resolution 715 (11 October 1991), in addition to endorsing a plan for OMV, further clarifies UNSCOM's role by describing it as a "subsidiary organ of the Security Council" and by reinforcing its authority to designate further sites and to conduct unannounced inspections. It again encourages "the maximum assistance, in cash and in kind, from all Member States to support the Special Commission." All of these resolutions—687, 699, 707 and 715—invoke Chapter VII of the UN Charter.

The inspections regime was thoughtfully planned and, by most accounts, was designed for success. UNSCOM was set up as "an efficient and effective executive body."²⁴ The Special Commission was explicitly subordinated to the Security Council and not to the Secretary-General or the UN membership as a whole; indeed, the Secretariat and the General Assembly were intentionally kept out of the loop, except for some administrative support from the former.²⁵ Among other implications, this meant that the Executive Chairman was unencumbered by the Secretariat's tortuous hiring and reporting procedures, and was not subject to oversight by the Assembly's budgetary committee. The Executive Chairman also had substantial discretion to run the Commission's operations to maximize effectiveness, without seeking constant approval from the Council or the Secretariat. For example, he could designate for inspections any location he chose and had the unusual authority to solicit intelligence from national governments. The

²⁴ Pearson, *The UNSCOM Saga*, p. 12.

²⁵ Krasno and Sutterlin, *The United Nations and Iraq*, p. 5.

Executive Chairman also had flexibility to select inspectors, mostly seconded by governments, according to their qualifications and the needs of particular missions. While there were sometimes problems with this process, discussed below, most UNSCOM staff felt it was an effective way to ensure specialist expertise appropriate to each mission.²⁶

In sum, UNSCOM was given “far-reaching authority” in ways that were “unprecedented for a multilateral verification organization or a body of the UN.”²⁷ On paper, the delegation contract presented a coherent mission and established an institutional agent with the necessary authority to carry it out. For most of its existence, UNSCOM was “perceived as highly credible in the Security Council” and in the international community more broadly.²⁸

PRINCIPAL SHIRKING: INSUFFICIENT RESOURCES

P-A scholars in economics and the study of domestic politics have written extensively on tactics used by principals to manipulate compensation and budgets in order to influence agents. For example, Congress may reduce funding—or threaten to do so—in order to control a maverick or slothful agency. By contrast, the case at hand involves principals withholding agent resources *when the agent is faithfully pursuing its contracted mission*. We expect a principal to punish bad behavior, not to withhold support for good behavior.

From the beginning, UNSCOM was highly dependent on UN member states for its resources. While Resolution 699 made Iraq financially responsible for the regime, it was years before a system was established to receive Iraqi funds for inspections purposes. The Secretary-

²⁶ Interview with a former UNSCOM Commissioner and Chief Inspector, January 12, 2006.

²⁷ Chantal de Jonge Oudraat, “UNSCOM: Between Iraq and a Hard Place,” *European Journal of International Law*, Vol. 13, No. 1 (2002), pp. 139-152.

²⁸ Gustavo Zlauvinen (Representative of the IAEA Director General to the UN, New York), in interview with the author, November 14, 2003. Interviews with diplomats from various UN missions further confirm this view.

General loaned UNSCOM \$2 million from his discretionary account to get the inspections process off the ground. As a further stop-gap, pursuant to Resolution 778 (1992), UNSCOM was partly funded through an escrow account comprised of Iraqi assets frozen by member states and deposited into the account.²⁹ To operate effectively, however, UNSCOM was compelled to rely on member states for additional grants and loans, and for various in-kind contributions, including aircraft, equipment, services and seconded personnel. In fact, this in-kind assistance amounted to about twice the Commission's cash expenditures,³⁰ which ranged between roughly \$25 and \$30 million per year for most of its existence, though this grew somewhat to about \$35 million by the late 1990s.

Certain in-kind contributions were especially valuable. In terms of hardware, helicopters supplied by Germany were the workhorses of UNSCOM and provided both transportation and overhead surveillance. A U-2 spy plane supplied by the United States was highly valuable since it offered much wider coverage and longer flight times than helicopters.³¹ Bahrain supplied office space and use of an airport for a regional UNSCOM headquarters. Some governments, especially the United States and the U.K., and to a lesser extent Russia, France, Australia and Israel, assisted UNSCOM by both providing and analyzing intelligence.

Nevertheless, basic funding was a constant concern for UNSCOM's first Executive Chairman, Ekeus. Voluntary contributions and advances from states had been envisioned as a

²⁹ For most governments, the first priority was to use these frozen assets to compensate banks that held unpaid Iraqi debts. This was viewed as a more politically important need than funding UNSCOM.

³⁰ <http://www.un.org/Depts/unscom/General/basicfacts.html#OFFICES>.

³¹ Moreover, the Iraqis knew when helicopters had flown over a site, whereas the U-2 could be used surreptitiously. Pearson, *The UNSCOM Saga*, p. 23. The U-2 imagery was also helpful because it could be shared directly with UNSCOM staff. This was generally not the case with satellite imagery, which was treated as more sensitive intelligence by governments. Yale-UN Oral History Project interview with Robert Galluci, February 3, 1998, pp. 27-28.

temporary solution until Iraqi financing could be arranged; this is certainly what the language of 687 and 699 implied. Two years after the war, however, Iraq still had not made any contributions to the Special Commission's expenses. In his fifth report to the Security Council, in June of 1993, Ekeus projected a budget shortfall of \$35 million for 1993 operations and points to the failure of the Council to establish a more reliable and long-term solution to its financing. He reports that "the problem of the financing of the Commission's operations remains a matter of great concern and further cash contributions by Governments are urgently required." Ekeus goes on to complain, rather bluntly, about the impact of these financial problems for UNSCOM's operations. "The Commission's expenditures have always been kept to the bare minimum and it has essentially been operated on a shoestring budget for lack of an appropriate funding mechanism. The uncertainty of the Commission's financial future currently has an impact on the ability to plan operations effectively."³² By the end of 1993, Ekeus warned the Council that he had available funds for only about three weeks of additional operations.³³

The situation did not improve. In his October 1994 report, Ekeus reminds member states of their obligation under Resolution 699 to provide "the maximum assistance" to UNSCOM and complains at length about the Commission's financial situation:

The monitoring and other activities of the Special Commission and of IAEA, undertaken pursuant to the relevant Council resolutions, are to be of indefinite duration and have to be planned on the assumption that there will be a sufficient, guaranteed, long-term source of funds to finance those activities. At the present time..., financial restraints under the legal

³² UN Doc. S/25977, 21 June 1993.

³³ UN Doc. S/26910, 21 December 1993.

and other arrangements now pertaining have come very close to delaying the acquisition of all items and supplies required to have the monitoring system "up and running". Quite apart from this consideration, the constant need to seek contributions in cash and in-kind from various Governments is proving to be a time-consuming and onerous responsibility for the executive management of the Commission, diverting resources that could otherwise be devoted to operations. At the end of 1994, the funds for financing the operations of the Commission and IAEA will be exhausted and, at the time of writing, there is no firm undertaking that those funds will be replenished. The Council needs to address the issue of both short- and long-term financing at an early date if it is to have an assured and effective monitoring system.³⁴

Especially during these early years, Ekeus' estimates for his budget requirements were well above the actual funding. In the absence of relief from the Council, he is compelled to revise his expectations: from well over \$50 million in 1993, Ekeus subsequently asks for \$35 million in 1994 and \$25 million in 1995. This occurs over a period where UNSCOM is becoming *more* active and ambitious, not less.

By early 1995, Ekeus is warning of the "incremental shut-down of the Commission's operations" if reliable, long-term—rather than ad hoc—funding is not secured."³⁵ The escrow account established under resolution 778 was nearly exhausted by the end of 1995, and few countries had made cash contributions to supplement it (the exceptions were Japan, Kuwait, Saudi Arabia and Qatar). None of the P5 provided cash contributions up to this point, though all

³⁴ UN Doc. S/1994/1138, 7 October 1994.

³⁵ UN Doc. S/1995/284, 10 April 1995.

but China had provided in-kind services or equipment.³⁶ By the spring of 1996, the Executive Chairman is forced to repeat a familiar refrain in his report to the Security Council: “If the financial situation is not addressed satisfactorily and soon, it will have serious implications for the Commission's ability to fulfill the mandate given to it by the Council.”³⁷

In an interview after his departure from UNSCOM, Ekeus reflects on the hardships of this period:

I spent so much time fund-raising. At one stage, we were down to two months’ money when I signed, I remember, say, ten new six-month contracts with people and I told my wife, “There were no banks.” I was the only one. I was with my name putting the little house we have in Sweden and other little things up...a sort of collateral, yes....It was scandalous. Pickering [the U.S. ambassador to the UN] at that time told me: “We will never let you down. In the end, we will come through.” But when we really came to them, we did not get any cash from the United States’ cash, its own money.³⁸

As important as the relatively meager overall level of resources, the precariousness of not having a guaranteed and steady source of funding limited UNSCOM’s ability to act independently and to conduct advanced planning.³⁹

³⁶ UN Doc. S/1995/864, 11 October 1995.

³⁷ UN Doc. S/RES/258, 11 April 1996.

³⁸ Yale-UN Oral History interview with Rolf Ekeus, February 3, 1998, Washington, DC, p. 30 (“Ekeus interview”).

³⁹ Ruiz Fabri, *The UNSCOM Experience*, p. 155. See also Achilles Skordas. “La Commission Spéciale des Nations Unies (UNSCOM),” in Hélène Ruiz Fabri, Linos-Alexandre Sicilianos and Jean-Marc Sorel, eds., *L’Effectivité des Organisations Internationales* (Paris : A. Pedone, 2000), pp. 69-71.

Security Council Resolution 986 (14 April 1995) attempted to remedy this problem by providing that a small percentage (0.8) of revenues from the “oil-for-food” program—whereby Iraq was able to sell oil in return for food and medical supplies—be funneled toward the inspections. However, an implementation plan was not realized until late 1996, and oil-for-food funds became available to UNSCOM beginning in early 1997. This ensured revenue of about \$30 million per year—somewhat more as Iraq was allowed to export more oil—and largely solved the uncertainty surrounding UNSCOM’s financing. Fundraising was thus not a major preoccupation for Ekeus’ successor, Richard Butler.

However, as the financing became more stable, political concerns (addressed in more depth below) eroded the willingness of some governments to provide in-kind assistance. In the second half of the decade, Council members were notably less forthcoming, especially in the area of intelligence. The U.S. proved reluctant at times to help UNSCOM interpret U-2 photographs and Ekeus complained that the CIA did not always provide him with the results of analyses of intelligence collected by UNSCOM.⁴⁰ Governments became more wary of providing intelligence to UNSCOM; its multinational nature raised the possibility that this information would be improperly shared. American inspector Scott Ritter accuses the CIA of providing false information to UNSCOM, apparently as a result of bureaucratic infighting and a desire by some to undermine UNSCOM’s goals.⁴¹ In many cases, information was withheld that would have been useful to inspectors.⁴²

⁴⁰ Susan Wright, “The Hijacking of UNSCOM,” *Bulletin of the Atomic Scientists*, Vol. 55, No. 3 (1999), pp. 24.

⁴¹ Ritter, *Iraq Confidential*, pp. 83-85.

⁴² De Jonge, *UNSCOM*, p. 151.

In terms of personnel contributions, while UNSCOM typically acquired the expertise it requested, governments became less reliable over time. As one former UNSCOM official recalls, “Governments sometimes sent people who were useless—this happened all the time.” In some cases, people were sent “who would actually frustrate the process as well.” The same official recalls an incident in 1996 when UNSCOM asked for two experts from France and Russia and they “refused to come.” This occurred at a time when those governments were becoming disenchanted with the duration and intrusiveness of the inspections process.⁴³ Thus the downside of UNSCOM’s heavy reliance on in-kind assistance, in areas such as intelligence and staff, was that it was subject to the whim of member states; contributions could be withdrawn as easily as they could be offered.

With relatively meager resources, UNSCOM was a lean operation by necessity. Once up and running, UNSCOM had a staff of between 150 and 200 people at any given time, about three-quarters seconded by governments. One UNSCOM Commissioner characterizes it as a “shoestring operation.”⁴⁴ These resources must be judged against the size of the task. The scope of Resolution 687 imposed conditions on Iraq that were unprecedented in the history of the UN, and probably for any modern postwar settlement. Iraq was required to destroy its WMD and certain missile capabilities and to forego indefinitely the capacity to produce them. And while most experiences in international inspections involve one area, UNSCOM had multiple categories of weapons and the added disadvantage of operating in a coercive situation and a

⁴³ Interview with a former UNSCOM Commissioner and Chief Inspector, January 12, 2006. Another interviewee joked that it sometimes appeared as if governments were using UNSCOM as a way to temporarily shed unproductive employees, with the attitude: “Hey, let’s just send him to Baghdad for three months!” Interview with former senior UNSCOM official #1, November 13, 2003.

⁴⁴ Interview with a former UNSCOM Commissioner, June 15, 2005.

harsh climate. One commentator notes “a sense of disproportion between the breadth of the task and the weakness of the organ.”⁴⁵

A useful comparison can be made to the Iraq Survey Group, established by the United States to search for WMD following the 2003 war. While its budget is formally classified, media reports put it at about \$600 million per year⁴⁶—about 20 times that of UNSCOM. It was staffed with more than 1300 personnel and could also call upon U.S. military assets if necessary.

Among the problems facing UNSCOM was the Security Council’s unrealistic sense of how long-lived its operations would be. While in principle the regime was of indefinite duration (until Iraqi compliance was achieved, a target to be decided by the Council), the initial report by the Secretary-General on how UNSCOM should be structured referred to the Commission’s functions as “time-limited” and suggested that “the whole exercise will be carried out in the shortest possible time, with a progressive decrease in the number of technical experts and of members of the Special Commission as various operations are completed.”⁴⁷ There was a sense among member states and the secretariat staff that they were planning for a matter of months, not years,⁴⁸ and thus adequate investments and long-term projections were not made initially.

While these unrealistic timetable estimates might be excused, the Security Council never revisited whether the structure and resources of UNSCOM were appropriate for a long-term task. We usually think of recontracting as a tool for correcting agent behavior. In this case, a faithful

⁴⁵ Hélène Ruiz Fabri, “The UNSCOM Experience: Lessons from an Experiment,” *European Journal of International Law*, Vol. 13, No. 1 (2002), pp. 154.

⁴⁶ <<http://www.cbsnews.com/stories/2005/03/27/iraq/main683341.shtml>>

⁴⁷ UN Doc. S/22508, 18 April 1991

⁴⁸ Trevan, *Saddam’s Secrets*, p. 86. Formally, the Security Council established a 120-day timetable for the inspection and destruction of weapons, after which the situation was to be reviewed (*New York Times*, 20 April 1991, A1).

and hardworking agent needed recontracting for efficiency purposes but the principal was unwilling to deliver. This was partly due to the difficulty of generating a consensus, as the next subsection makes clear.

PRINCIPAL DRIFT: LACK OF POLITICAL UNITY

At the dawn of the UNSCOM era, there was considerable agreement in the Security Council, among permanent and nonpermanent members alike, that Iraq's possession of WMD represented a potential threat to international peace and should be kept in check. This unity reflected a certain momentum from the Gulf War and was buttressed by a new-found sense of purpose for the Security Council following the paralysis of the Cold War.

UNSCOM and Ekeus received strong backing from the Council initially. There was consensus behind the plan developed in 1991, which was truly a multilateral effort. Thomas Pickering, the U.S. Ambassador to the UN, describes the process of drafting resolution 687: "The effort was to try to work out all problems before introduction to the other members of the Council, and then, as we did with the Iraq resolution [678, authorizing force in the Gulf War], receive their proposals and ideas for change; try to incorporate as many as we could, and to build a consensus."⁴⁹ Following the conclusion of the Gulf War, as Krasno and Sutterlin characterize the situation, "The Security Council demonstrated that it had the unity, the will, and the capacity—for a while—to act against this threat."⁵⁰

Once the inspections began, this unity was fueled by Iraq's defiance. UNSCOM quickly discovered that Iraq was hiding documents and materials. Combined with the evasive and

⁴⁹ Yale-UN Oral History interview with Thomas Pickering, April 3, 2000, p. 5.

⁵⁰ Krasno and Sutterlin, *The United Nations and Iraq*, p. 9.

belligerent rhetoric of Iraqi officials, this served to solidify Security Council resolve at least through the end of 1992. This resolve was reflected in several early resolutions, including 707 and 715, harshly condemning Iraq and both reiterating and extending the ceasefire conditions. In March of 1992, Security Council members issued a statement admonishing Iraq with a single voice: “In the view of the Security Council, the Government of Iraq has not yet complied fully and unconditionally with those obligations, must do so and must immediately take the appropriate actions in this regard.”⁵¹ When Iraq tried to impose conditions on UNSCOM planes in early 1993, the Council responded with a January 8 statement warning “serious consequences” and then a bombing campaign by the U.S., U.K. and France. Saddam backed down and allowed the planes to fly unfettered. Thus during this early period, the Council showed a willingness to act in concert with each other and with UNSCOM.

Over time, there were two issues around which this unity began to fray. First, there was disagreement over the legitimacy of Iraq’s sovereignty concerns. This led to differences over the extent to which Iraq should be treated as a negotiating partner with reasonable concerns rather than an aggressor to be dictated to, as well as the extent to which the principle of “immediate, unconditional and unrestricted access” should be compromised in response to Iraqi sensitivities. Second, there was disagreement over the proper mixture of carrots and sticks to be employed in the face of Iraqi behavior. Some states preferred a lower bar of disarmament for sanctions to be lifted and, short of this, favored the temporary suspension of sanctions in return for “good behavior” (i.e., cooperation with UNSCOM) as a positive incentive. Others felt that threatening the use of force was more effective in the face of Iraqi intransigence. They interpreted resolution phrases like “serious consequences” as including military force and viewed Resolution 678,

⁵¹ UN Doc. S/23709, 12 March 1992.

authorizing the war, as still active. Oversimplifying somewhat, disunity on the Security Council tended to pit the more sympathetic French, Russians and Chinese against the more hawkish Americans and British.

DIVERGENCE BEGINS. The defection of Hussein Kamal to Jordan in August of 1995 was a watershed event. Kamal was a general and son-in-law of Saddam who, as head of Iraq's Military Industrialization Commission, had overseen all weapons programs. Anticipating that Kamal would reveal what he knew (which he did, though perhaps not as much as the Iraqis feared), Baghdad suddenly became very cooperative. Kamal's defection contributed directly and indirectly to the uncovering of important weapons programs, especially on the biological weapons front.⁵² On the other hand, by shedding light on the extent of Iraq's concealment efforts, the defection set UNSCOM on a collision course with Saddam's regime—and, as it turned out, with some on the Security Council.

UNSCOM's methods became more intrusive following Kamal's defection. Ministry offices and other nonmilitary sites were increasingly targeted, and Ekeus approved "special collection missions," to be headed by Ritter, who had a reputation for being relentless and undiplomatic. Uncovering Iraq's concealment program required increased use of technology to intercept communications, which in turn required more assistance from national intelligence agencies, especially for the purpose of decrypting the messages. The United States, Britain and Israel, in particular, were involved. The size of the task was also becoming clearer, as UNSCOM began to appreciate the extent of the arms programs and how much was unknown.

⁵² Kamal's main direct contribution was to confirm information that was already suspected, though he did provide some entirely new information. Indirectly, his defection caused Iraq to reveal considerable information in an effort to preempt his revelations and to appear cooperative. Interview with former senior UNSCOM official #1, November 13, 2003.

Attitudes among the P5 began to diverge. The French and Russians in particular showed a desire to weaken the inspections regime. France coveted oil investments and contracts in Iraq for its companies, and thus did not want to sever its economic ties for too long. The French view of Saddam differed fundamentally from the United States'. As one analyst explains, "Unlike the Americans, the French believed that negotiations with Saddam Hussein were possible. They believed that the only exit strategy in Iraq was to allow Iraq to reintegrate into the international community and to offer Iraq a 'light at the end of the tunnel.'"⁵³ Paris was also more "relaxed" than Washington about the threat of Iraqi WMD.⁵⁴ Russia was owed money by Iraq—more than \$8 billion—for weapons sales and could recoup its debt only once the sanctions regime was ended. Partly because of this desire to return to normal commercial relations, and partly due to humanitarian concerns, the French and the Russians viewed a partial lifting of sanctions as a legitimate "carrot" strategy in returning for cooperation, even absent a clean bill of health. Once it became clear that disarmament would take years, France and Russia grew eager to return to the pre-war status quo.⁵⁵ Along with China (which had been a major supplier to Iraq of military equipment), these countries took the lead in "softening the Council's resolve" during this period.⁵⁶ As one former UNSCOM official put it, France, Russia and China "started to get more

⁵³ De Jonge Oudraat, *UNSCOM*, p. 146.

⁵⁴ Dominique Moisi, "Iraq," in Richard Haas, ed., *Transatlantic Tensions* (Washington, DC : Brookings Institution), pp. 133.

⁵⁵ Ritter, *Endgame*, pp. 154-156.

⁵⁶ Krasno and Sutterlin, *The United Nations and Iraq*, p. 17.

involved politically” at this point.⁵⁷ Another insists, “I’m sure the Iraqis were having secret discussions with Russia and France.”⁵⁸

It was clear by 1996 that the coalition allies had widely divergent views on how to address the situation. Security Council members began to interfere more in UNSCOM’s work, especially once Ekeus left his post in May of 1997.⁵⁹ It should be noted that Iraq was often aware of disagreements among the members even when they were not publicly aired. In closed sessions of the Council, for example, word of what transpired was often leaked—by member-state delegates sympathetic to Iraq or by Secretariat officials present at the meeting—to Iraq.⁶⁰ Once unity began to unravel, UNSCOM lost its leverage with Iraq and, worse, Saddam was able to drive a wedge through the P5.

SENSITIVE SITE MODALITIES. Another spate of obstructions occurred in 1996, justified by Iraq in terms of sovereignty and national security concerns. UNSCOM’s more intrusive approach led them to very sensitive areas of Saddam’s security apparatus and even to his personal staff.⁶¹ This ignited further hostility from the Iraqi side and led to a series of standoffs beginning in March 1996 and repeated in June, August and November.⁶²

In the June episode, Iraq blocked access to a number of “sensitive sites” closely linked to the regime. In some case these were Special Republican Guard offices and in other cases they

⁵⁷ Interview with a former senior staff member of UNSCOM, New York, November 14, 2003.

⁵⁸ Interview with a former UNSCOM Commissioner and Chief Inspector, January 12, 2006.

⁵⁹ Yale-UN Oral History interview with Sergey Lavrov, April 18, 2001, p. 4. Lavrov was the Russian ambassador to the UN.

⁶⁰ Rolf Ekeus recounts that he learned this from Tariq Aziz, Iraq’s Deputy Prime Minister and Foreign Minister, who informed him that “we know every word which is spoken in the closed session of the Security Council.” Yale-UN Oral History interview with Rolf Ekeus, February 3, 1998, pp. 20-21.

⁶¹ Trevan, *Saddam’s Secrets*, p. 358. See also Ritter, *Iraq Confidential*, pp. 128-129.

⁶² Pearson, *The UNSCOM Saga*, pp. 34-35.

contained palaces. UNSCOM had followed the trail of Iraq's concealment apparatus to these locations, while the Iraqis claimed they were unrelated to any weapons programs and were symbolic of Iraq's right to sovereignty even in the face of intrusive inspections. Rather than categorically backing Ekeus, the Security Council instructed him to travel to Baghdad to negotiate renewed access. The result was a signed agreement whereby Iraq promised unconditional and immediate access, but it was accompanied by an informal document containing what came to be known as the "sensitive site modalities"—guidelines, agreed to by Ekeus and Tariq Aziz, for how UNSCOM was to proceed in the inspection of such locations. Among other procedures, the modalities called for UNSCOM to be accompanied by a senior official from Baghdad as it conducted its inspections. As a practical matter, this arrangement meant that UNSCOM had to wait once it arrived at a site, sometimes for hours (depending on how far the site was from the capital). In effect, then, the visits were not unannounced and any incriminating materials could be destroyed, hidden or spirited away.

The Council accepted this arrangement between Ekeus and Aziz, though with reluctance on the part of the Americans and British.⁶³ Ekeus was compelled to pursue a significant compromise with Iraq. As Tim Trevan notes, "Rolf Ekeus would only be able to talk the Iraqis into allowing access if he were bearing a tough message on behalf of the whole UN Security Council."⁶⁴ One former UNSCOM official goes farther, arguing that the modalities were fundamentally political and designed to please certain Security Council members by weakening UNSCOM position vis-à-vis Iraq.⁶⁵ Without unified backing, UNSCOM's leadership had few

⁶³ Pascal Teixeira da Silva, "Weapons of Mass Destruction: The Iraqi Case," in David Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), p. 207.

⁶⁴ Trevan, *Saddam's Secrets*, p. 190.

⁶⁵ Interview with a former UNSCOM Commissioner and Chief Inspector, January 12, 2006.

cards to play. The upside of the modalities outcome was that a period of relative cooperation on Iraq's part followed.

It was clear by this point that the strong Security Council backing UNSCOM had enjoyed in the early 1990s would no longer be forthcoming in the face of Iraqi defiance. As Trevan characterizes the new reality, “[T]he Council no longer had the stomach for making dramas out of each instance of denied access. Iraq was allowed to get off with verbal admonitions and little more.”⁶⁶ Charles Duelfer, Deputy Executive Chairman of UNSCOM, reflects on the significance of the sensitive site modalities: “In my view, that undermined, that was the last time there was going to be a consensus on the use of force against Iraq to enforce this, and I think to me it was an inflection point...I think the Iraqis then saw that there were definitely going to be limits on what the Council would permit. I think as a matter of practice, the modalities did not allow the full type of inspections we needed, and they didn't work, and I think in practice that was it.”⁶⁷ The issue of the presidential sites illustrates how Council disunity allowed Iraq to politicize the inspections. Ewan Buchanan, a high-ranking UNSCOM staffer in charge of external relations, describes the result: “Increasingly, the work of the 31st floor [where the offices of the Executive Chairman and his advisors were located] was not about disarmament or about weapons, it was all about politics. Sadly, the whole issue of the presidential sites did detract from us getting on with our real business.”⁶⁸

Exacerbating the Council's disunity was the reality that Resolution 687 was subject to various interpretations. Paragraph 22 calls for an end to sanctions only once Iraq has “completed

⁶⁶ Trevan, *Saddam's Secrets*, p. 359.

⁶⁷ Yale-UN Oral History interview with Charles Duelfer, October 2, 2000, p. 23.

⁶⁸ Yale-UN Oral History interview with Ewan Buchanan, July 18, 2001, New York, pp. 37-8.

all actions” related to disarmament and monitoring. Paragraph 21, on the other hand, raises the possibility that the SC could “reduce or lift” trade prohibitions “in light of the policies and practices of the Government of Iraq.” This last phrase is vague. Could cooperation by Iraq be rewarded through reduced or suspended sanctions, or was complete disarmament required? In the face of this incomplete contract, only the Security Council had the authority to provide clarification through further resolutions—and only a *unified* collective principal would have been able to do so.

France had floated a proposal in 1993 and again in 1994 to offer Iraq carrots, in the form of easing the sanctions regime, in return for its *partial* fulfillment of its disarmament obligations. The logic was that progress and cooperation should be recognized.⁶⁹ More generally, France, Russia and China wanted the Security Council to “emphasize the advantages of compliance for Iraq” (*New York Times*, 27 February 1998, p. A8). The U.S. and U.K. opposed this approach in favor of maintaining pressure on Iraq and demanding a weapons-free certification in return for any sanctions relief. Saddam reacted strategically to exploit these divisions. As one Iraq expert characterizes his reaction, “Saddam perceived the feckless behavior of France and Russia and the ever-weaker responses of the Security Council to his provocations as a window of opportunity for him to further divide the international community and have sanctions eased or lifted.”⁷⁰

RESOLUTION 1134. Another spike in Iraqi interference occurred in the fall of 1997. Iraq pointed weapons at UNSCOM helicopters and in September prevented UNSCOM teams from inspecting three sensitive locations, labeled “presidential sites” by Iraq and ruled off limits to inspectors. In effect, Iraq was attempting to expand the sensitive sites agreement worked out

⁶⁹ Teixeira da Silva 2004, “Weapons of Mass Destruction,” p. 209.

⁷⁰ Amatzia Baram, *Building Toward Crisis: Saddam Husayn’s Strategy for Survival* (Washington, DC: Washington Institute for Near East Policy, 1998), p. 74.

with Ekeus to include thousands of additional buildings that they argued should be subject to the modalities. Butler refused to accept this and, in any case, argued that he was not bound by Ekeus' arrangement with Aziz from the previous year since it was not an official agreement between UNSCOM and Iraq.⁷¹

When Butler appealed to the Security Council, the United States and U.K. responded by drafting a strongly worded resolution condemning Iraq's obstruction and threatening further consequences. They immediately faced opposition in the Council and were compelled to soften the language somewhat. The final draft describes Iraq's obstruction as a "flagrant violation" of previous resolutions and demands that Iraq "cooperate fully with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance,...so that the Special Commission may fully discharge its mandate." This is language represents a defense of UNSCOM's original mandate and goals. In the event of any further obstruction, the resolution threatens international travel restrictions on any Iraqi official known to have participated in noncompliance. Finally, the resolution suspends the periodic sanctions reviews pending improved cooperation.

When Resolution 1134 was put to a vote on October 23, 1997, it passed with only ten affirmative votes and five abstentions. Importantly, three of the abstainers were permanent members France, Russia and China—formally breaking with their counterparts for the first time since the Gulf War.

While the resolution's proponents felt that strong condemnation was appropriate, the dissenters felt the resolution would serve to aggravate tensions with Iraq.⁷² The contrasting

⁷¹ Butler, *The Greatest Threat*, pp. 88-91.

⁷² Teixeira da Silva, "Weapons of Mass Destruction," p. 211.

statements made that day in the Security Council provide a window onto the sources of disagreement more generally.⁷³ The U.K. representative pointed to “repeated Iraqi failures” and argued that “the Council should react robustly to continued Iraqi flouting of Security Council resolutions.” He went on to praise UNSCOM’s efforts:

The United Kingdom congratulates the Executive Chairman and his staff for the progress which has been made. In the light of Iraqi behavior, it is nonsense to suggest that Iraq deserves to share the credit. The progress which has been achieved is due solely to the dedication of numerous international experts drawn from many Member States, for whom Iraqi harassment, obstruction, lies and half-truths have been and continue to be daily fare. The Special Commission and its staff will continue to have our full support.

The U.S. ambassador reminded his colleagues that “UNSCOM operates as an arm of the Security Council and gets its mandate solely from Security Council Resolutions. When Baghdad challenges UNSCOM, it challenges the Council.” He criticized those who argue that the Council “ought to reward Iraq because it is, in their view, cooperating with UNSCOM to a greater degree now than it has in the past,” and proposed a more absolute metric: “Cooperation is not a matter of degree. Either Iraq is in compliance with its obligations or it is in breach of those obligations.”

On the other side of the debate, the Chinese ambassador emphasized progress in the inspections and noted that “in most cases, Iraq has cooperated with UNSCOM.” While recognizing the importance of disarmament, he also argued that “the sovereignty, independence and territorial integrity, as well as the reasonable security concerns, of Iraq should also be

⁷³ UN Doc. S/PV.3826.

respected.” Similarly, the Russian stressed UNSCOM’s and the IAEA’s progress and characterized Iraqi obstruction as “isolated incidents.” He preferred to see the glass as half full: “There is an obvious lack of balance in this draft. Ignored in it are various substantial elements of the fulfillment by Iraq of relevant provisions of resolution 687.” The French representative agreed that the resolution lacked “proportionality” by raising the specter of additional sanctions.

These fundamental divisions, which had festered below the surface, were now exposed. Iraq had succeeded in publicly splitting the Security Council. According to Butler, with the abstentions on Resolution 1134, “the signal went out to Iraq that the tide had turned, that permanent member unity had broken....They could bring their war with UNSCOM to its final and concluding stage....A period unfolded, which we can now recognize as the concluding period of the Iraq-UNSCOM conflict.”⁷⁴

THE MEMORANDUM OF UNDERSTANDING. Iraq was emboldened by conflict on the Council. In late October 1997, Aziz announced that Iraq would not cooperate with Americans—who, with the British, were threatening military action—and expelled all U.S. nationals working for UNSCOM in Iraq. Aziz also demanded the cessation of U-2 flights. Butler responded by withdrawing almost all UNSCOM personnel and effectively suspending UNSCOM’s operations.⁷⁵ In November, Russia intervened diplomatically on a unilateral basis. An envoy from Moscow managed to convince Saddam to once again grant access to the inspectors. Presumably, Russia was able to achieve this short-term victory by promising to advocate on Iraq’s behalf in the Security Council to weaken the inspections and sanctions regimes.⁷⁶

⁷⁴ Yale-UN Oral History interview with Richard Butler, July 25, 2001, New York City, p. 20.

⁷⁵ Krasno and Sutterlin, *The United Nation and Iraq*, p. 122; and de Jonge Oudraat, *UNSCOM*, p. 143.

⁷⁶ Trevan, *Saddam’s Secrets*, p. 362.

In December, Iraq informed Butler that it was *incumbent upon UNSCOM* to provide any evidence on Iraqi weapons, and that Iraq would then verify the accuracy of this information. In other words, the relationship would be reversed, with UNSCOM—not Iraq—placed in the spotlight.⁷⁷

By January, the situation deteriorated once again when Ritter attempted to inspect a sensitive site suspected of holding clues to Iraq's concealment program. Iraq had declared the location to be “presidential and sovereign”—a new category invented by the Iraqis—and therefore off-limits. After failing to resolve the issue in a meeting with Aziz (who argued that the disarmament files should be closed and that the regime should shift to its OMV stage), Butler reported back the Security Council on January 22 that UNSCOM was being barred from eight “presidential sites” identified by Iraq—some of which were very large complexes with hundreds of buildings. Moreover, Butler explained to the Council, the demeanor of Iraq's representatives had changed. While previous discussions had been businesslike, Iraqi officials were now denigrating and blaming UNSCOM for the fact that inspections had not ended and sanctions remained in force.⁷⁸

The situation was only resolved through intervention, for the first time, of the UN Secretary-General. There was strong support from the French, Russians and Chinese for Kofi Annan's involvement and, more generally, for the idea that Iraq's concerns should be taken seriously. Though not enthusiastic,⁷⁹ the Clinton administration relented. Annan traveled to Baghdad in February 1998 and negotiated a “memorandum of understanding” (MOU) with Iraq

⁷⁷ Pearson, *The UNSCOM Saga*, p. 44.

⁷⁸ UN Doc. S/1998/58, 22 January 1998.

⁷⁹ Teixeira da Silva, “Weapons of Mass Destruction,” p. 211.

that reaffirmed the principle of immediate and unconditional access.⁸⁰ With regard to the presidential sites, the understanding provided that UNSCOM be accompanied by a group of diplomatic escorts—named the Special Group—headed by a Special Commissioner, to be appointed by the Secretary-General, as a way of protecting Iraqi sovereignty against overzealous inspectors. Since this procedure required arrangements in advance, the element of surprise was again lost.

Nevertheless, the Security Council approved the agreement with Resolution 1154 and expressed support for Annan's apparent success. Even the United States eventually touted the agreement, after initially questioning its value, but only supported the resolution after inserting a clause threatening "severest consequences" if Iraq reneged as a way of giving it some teeth (*New York Times*, 27 February 1998, p. A8). Clinton argued that this language gave the United States the authority to use force in the event of Iraqi violations of the MOU, though France, Russia, China and Annan himself went on record as opposing the notion of "automatic" strikes (*The Australian*, 11 March 1998, p. 10).

By contrast, most UNSCOM staff viewed the MOU as a victory for Iraq and a blow to UNSCOM. Beyond the humiliation of being monitored by diplomats with no technical expertise, the inspectors saw the entire episode as a strategic victory for Iraq in its ongoing efforts to undermine UNSCOM's authority. Charles Duelfer explains:

Well, one of the Iraqi objectives was to get around UNSCOM. So long as the Council said, 'UNSCOM is our actor in this, then you, Iraq are not going to come to us except via UNSCOM,' we had a lot of authority. But as Iraq became more and more successful in going around UNSCOM,

⁸⁰ S/1998/166, 27 February 1998.

going directly to Council members, and looking for second judgments, other judgments, they were making progress on that. They had sought for quite some time to involve the Secretary-General as a way of, again, getting around UNSCOM. UNSCOM and Iraq were not equal parties in the process initially set up in 1991. UNSCOM was superior to Iraq. What Iraq was successful in doing over time was maneuvering themselves into a position where Iraq and UNSCOM were equal parties at the bar, the bar being the Security Council....The Council allowed them to do that.⁸¹

Ritter concurs with Duelfer's assessment that, by treating the situation as a dispute between two equal parties, Iraq and UNSCOM, Annan's intervention had the effect of undermining the latter and even questioning the legitimacy of its position. "I viewed what Kofi Annan was doing in February as basically the good offices of the Secretary-General working against UNSCOM at the behest of Iraq."⁸² Insofar as UNSCOM's Executive Chairman was not the only recognized interlocutor, the body had lost its leverage with Saddam.⁸³ Thus while Annan's spokesman declared triumphantly that "We have a deal,"⁸⁴ UNSCOM staff wondered why "deals" were being struck at all with a flagrantly defiant Iraq.

The experience of the presidential sites, and the sensitive sites more generally, epitomized the victory of politics over objective, effective inspections. The elaborate process imposed on UNSCOM made surprise—and therefore any real progress in uncovering concealed weapons—impossible. At the same time, the very idea of negotiated modalities and interventions by third parties (Russian diplomats, the Secretary-General) legitimated Iraq's

⁸¹ Duelfer interview, p. 25.

⁸² Yale-UN Oral History interview with Scott Ritter, October 27, 1998, p. 41.

⁸³ Trevan, *Saddam's Secrets*, pp. 360, 366.

⁸⁴ United Nations, "Daily Highlights," 22 February 1998.

complaints against the inspections regime and weakened UNSCOM's authority. In his report to the Security Council of 19 April 1993, Ekeus had warned presciently of an Iraqi strategy "to assert for itself the right to interpret how the resolutions should be implemented."⁸⁵ In effect, the sensitive site modalities and the MOU implied that Iraq had won the battle to have a say in how UNSCOM's mandate would be interpreted. By certifying this shift, Resolution 1154 left the agent in a weaker bargaining position vis-à-vis its target, Iraq.

INSPECTIONS DISSOLVED. By early 1998, Butler reports that he felt that the French and Russian were working against him in some respects, and that their positions "had begun to distinctly favor Iraq."⁸⁶ France, Russia and China began to openly urge Butler to produce a "final report" so that UNSCOM could focus on ongoing monitoring rather than inspections (*Financial Times*, 15 June 1998, p. 4). By contrast, U.S. ambassador Bill Richardson stressed "the reality that [Iraq] had a way to go before it would resume selling oil, and even further to go before the broader trade embargo would be lifted completely" (*New York Times*, 17 June 1998, p. A8). In the summer of 1998, Russia, repeating an Iraqi mantra, pushed for the Council to declare the nuclear file closed and direct the IAEA and UNSCOM to shift their resources to the OMV stage. France and China supported this proposal. The United States and the U.K. were opposed on the grounds that there were still outstanding inspections issues.⁸⁷ One former UNSCOM official recalls that in mid-1998, the French and Russians "started really complaining about UNSCOM. They wanted sanctions lifted, so they shot the messenger [i.e., UNSCOM]."⁸⁸

⁸⁵ UN Doc. S/25620.

⁸⁶ Butler, *The Greatest Threat*, p. 2.

⁸⁷ Teixeira da Silva, *The UN Security Council*, pp. 210-211.

⁸⁸ Interview with former senior UNSCOM official #2, New York, November 14, 2003.

In the wake of the failed Russian proposal to close the nuclear file, Iraq insisted in early August that no more disarmament could take place, that the Executive Chairman declare Iraq officially WMD-free, triggering the end of sanctions, and that UNSCOM's activities from that point forward be limited to monitoring.⁸⁹ Butler refused and Iraq formally suspended cooperation with UNSCOM on August 5.

In response to these events and Iraq's continuing refusal to cooperate, the Security Council passed a resolution (1194, of 9 September 1998). In so doing, however, they managed only boilerplate language declaring Iraq's behavior "unacceptable"; they did not describe it as constituting a breach of previous resolutions and threatened no consequences. In other respects, as well, the resolution represented a victory for Iraq. The Council prescribes a "comprehensive review" of Iraq's compliance, requiring UNSCOM to report to the Council on the state of each weapons file (nuclear, chemical, biological and missile), to provide an estimate of what remained to be done and a timeframe for its completion, and to provide evidence of Iraq's non-fulfillment of its commitments. Iraq would then be invited to provide its own "separate account" of its compliance. In effect, the burden of proof had been reversed. From UNSCOM's perspective, having to defend its work and the legitimacy of its claims went even beyond the humiliation of the MOU episode. As *The Washington Post* (22 November 1998, p. A1) described the initiative when it began two month's later, "Iraq's defenders in the U.N. Security Council are preparing an inquiry that will dissect and perhaps limit UNSCOM's work."

Iraq continued to deny all access to UNSCOM in October 1998. Requests for inspections and for documents were increasingly denied, tagged equipment was removed without

⁸⁹ Krasno and Sutterlin, *The United Nations and Iraq*, pp. 110, 134; Trevan, *Saddam's Secret*, pp. 369-370. See also the subsequent report by Butler to the Security Council, UN Doc. S/1998/719, 5 August 1998.

explanation, and on several occasions UN personnel were threatened with physical harm.⁹⁰ Iraq combined anti-UNSCOM rhetoric with unprecedented personal attacks aimed at Butler. These arguments found fertile ground among some on the Council who believed Butler was too uncompromising. On October 31, 1998, Iraq announced that it was once again ceasing all cooperation, and on November 11 Butler reported to the Security Council and the Secretary-General that he was withdrawing his entire UNSCOM team from Iraq.⁹¹ On the same day the United States began deploying additional forces to the region and Clinton threatened military action if Saddam continued to defy the UN.

During this phase, the P5 disagreed over whether the use of force was a proper response to Iraq's behavior. The United States pointed to language in Resolution 1154 threatening "severest consequences," while France, Russia and China argued that there was no automatic trigger, that is, that the SC would have to explicitly approve of the use of force (*The Australian*, 11 March 1998, p. 10). When Butler reported to the Council on December 15, he concluded that, in light of Iraq's failure to cooperate, "the commission is not able to conduct the substantive disarmament work mandated to it by the Security Council."⁹² This report was used to justify a substantial bombing campaign—Operation Desert Fox—by the United States and the U.K., which commenced on December 16 and lasted four days. UNSCOM never returned to Iraq and was formally disbanded in December 1999.

By the time of Desert Fox, the Council was not consistently acting as a single, collective principal. UNSCOM instead found itself trying to please multiple principals, each with a

⁹⁰ Krasno and Sutterlin, *The United Nations and Iraq*, pp. 73-73.

⁹¹ UN Doc. S/1998/1059.

⁹² UN Doc. S/1998/1172.

different idea of how to approach disarmament and sanctions. While the United States and U.K. clung to the initial postwar contract, Russia, France and China came to view UNSCOM's original mandate and goals as outdated and undesirable. As a unitary actor with much at stake, Iraq had certain strategic advantages in playing Council members off each other and making direct appeals to the international community. Without a unified principal backing it up, and without meaningful resources and political tools of its own, UNSCOM was left impotent.

PRINCIPAL SUBVERSION: REGIME CHANGE AND SPYING

While Russia, France and China were largely responsible for sowing disunity on the Council and changing their positions on the inspections over time, the United States—and to a lesser extent, Britain—engaged in two specific policies that undermined the central mission and legitimacy of UNSCOM. First, starting in 1997 the United States shifted toward a policy of regime change in Iraq, casting doubt on whether Iraq had anything to gain by subjecting itself to inspections. Second, the United States appears to have used UNSCOM for unilateral spying efforts. Once this information leaked out, it provided Iraq with ammunition to criticize the neutrality of UNSCOM and rendered the international community less supportive of UN-based disarmament.

Even before the United States engaged in public rhetoric about policy change, the Americans and British showed inconsistency on the question of what conditions Iraq had to satisfy for sanctions to be lifted. At times, the bar seemed insurmountable. Tariz Aziz used the ambiguity of the British/U.S. position to criticize the inspections regime. In a letter to the Security Council in October 1997, Aziz complains that UNSCOM's policies constitute “a deliberate political approach aimed at maintaining the embargo on Iraq.” He points specifically to the absence of a light at the end of the inspections tunnel: “There is no clear prospect for the

date on which the Special Commission will present its report stating the completion of its tasks in accordance with Section C of resolution 687 (1991), and accordingly there is no clear prospect for the implementation of paragraph 22 of that resolution.”⁹³

Sir David Hannay, the U.K. ambassador to the UN at the time, explains the undermining influence of this ambiguity: “And then I have to say that in my view, the ambiguity that both the British and, to a much greater extent, the United States allowed to play over whether or not they would actually suspend the sanctions regime if Iraq did fulfill all of its obligations was unhelpful. It definitely influenced a number of people on the Council to feel that their support was being taken for granted, and that they were being harnessed to a policy which they didn’t believe was the right one for the United Nations, i.e., getting rid of Saddam Hussein.”⁹⁴

On March 12, 1997, Secretary of State Madeleine Albright poured fuel on the fire by arguing in a speech at Georgetown University that sanctions would likely remain in force as long as Saddam was in power. This was widely interpreted as reflecting an implicit policy of regime change. From UNSCOM’s perspective, it was a disaster: How could Saddam be convinced to cooperate if the most powerful member of the SC was intent on removing him, regardless of the status of his WMD? As Butler recalls,

[A]t a certain point during my term, Madeleine Albright actually made a statement, when she had become Secretary of State, she made a statement to the effect that what was substantially at issue was the removal of Saddam. And I think she came fairly quickly to recognize that that had been a bit of a mistake. I actually raised it with senior Americans saying that that had been a very unhelpful remark, and she subsequently tried to clarify it. But in the way of political propaganda, the way it operates,

⁹³ FS/1997/789, 13 October 1997.

⁹⁴ Yale-UN Oral History interview with Sir David Hannay, September 21, 2001, p. 26.

the Iraqis had just simply pocketed her remarks, and repeated them and repeated them, because it served their purposes, and damage was done.⁹⁵

As another high-ranking UNSCOM official recalls, “Albright handed [the Iraqis] the excuse not to cooperate.”⁹⁶

The regime change approach was formalized with the Iraq Liberation Act of September 19, 1998, which stated that U.S. policy should aim at replacing Saddam Hussein and promoting democracy in Iraq. So while UNSCOM was hard at work trying to disarm Iraq, the United States was very publicly focused on another objective: removing Saddam.

Iraq used this fact to expose differences on the Council and to undermine the legitimacy of the inspections regime. In his October 1997 letter, Aziz argues that, “It is also known that the United States in particular, together with Britain, were doing their utmost, by word and by deed, to topple the national government of Iraq and to eliminate its national leadership.”⁹⁷ In the words of Ritter, “The inherent inconsistency of the US position in Iraq, which held that economic sanctions would not be lifted until Saddam Hussein was removed from power, with the letter of Security Council resolutions calling for the lifting of sanctions once disarmament had been achieved, was deftly pointed out by the Iraqis.”⁹⁸ Moreover, since it was not obvious that a failure to reach a mutually acceptable arrangement with inspectors would leave Iraq worse off, Iraq’s bargaining position vis-à-vis UNSCOM was greatly strengthened, leading to further

⁹⁵ Yale-UN Oral History interview with Richard Butler, July 25, 2001, New York, p. 6. Even Butler, who was generally sympathetic toward U.S. policy, was concerned that it was driven too much by hostility to Saddam rather than by an objective consideration of the disarmament process. *Ibid.*, p. 6.

⁹⁶ Interview with a former UNSCOM Commissioner and Chief Inspector, January 12, 2006.

⁹⁷ S/1997/789, 13 October 1997.

⁹⁸ Ritter, *Endgame*, pp. 32-33.

intransigence. As one UNSCOM official complained, the U.S. policy shift “changed the relationship with Iraq dramatically. Iraq had no incentive to cooperate. The whole relationship collapsed with UNSCOM.”⁹⁹

Compounding these unhelpful U.S. policies was the spying scandal of the late 1990s. Since almost all UNSCOM inspectors were seconded from governments, there was always a possibility that some would report back to their capitals what they had learned while serving in Iraq. As long as this information was inspections-related, it was not viewed as a serious breach of UNSCOM’s independence, especially if it allowed governments to better calibrate the intelligence they offered in return.¹⁰⁰ Especially in the early 1990s, UNSCOM had based its designation of undeclared sites largely on intelligence provided by national governments. This was especially important given Iraq’s refusal to comprehensively declare its WMD programs.

Later in the decade, once UNSCOM began to confront Iraq’s elaborate concealment system, it sought increased assistance from experts in espionage, especially from the U.S., British and Israeli intelligence communities. This included CIA and MI6 officers serving on inspections teams in Iraq (*The Independent*, 25 January 1999, p. 1). Thereafter, Iraq began to accuse the United States of planting spies in UNSCOM inspection teams. Following a meeting with Annan in November 1997, Aziz complained to the media that, “The special commission, which is supposed to be an impartial body of the United Nations, is dominated by Americans who are implementing the policy of their government. This is unacceptable.”¹⁰¹ Small instances could be seized upon by Iraq. For example, in October of 1998 a U.S. arms inspector was

⁹⁹ Interview with a former senior staff member of UNSCOM, New York, November 14, 2003.

¹⁰⁰ Duelfer interview, pp. 48-9. As one IAEA official with experience in Iraq notes, “When you deal with national intelligence services, it has to be ‘two-way.’ You need that interaction, even though you’re losing some control.” Interview with Gustavo Zlauvinen.

¹⁰¹ <<http://www.cnn.com/WORLD/9711/10/iraq.2p/index.html>>.

expelled from Iraq by UNSCOM for using a private camera at an Iraqi missile site, which was a clear violation of UNSCOM rules (all UNSCOM cameras were labeled and tracked) (Agence France-Presse, 22 October 1998). Spying was a difficult issue for UNSCOM since it was dependent on states for inspectors and for information and technical help. Some dialogue with and assistance from national intelligence agencies was necessary, and UNSCOM was largely at the mercy of governments to ensure that lines were not crossed.

Ekeus concedes that some governments sent spies in the guise of inspectors but argues that they were typically identified by him and the Chief Inspectors as such and did not accomplish any “serious spying.” Nevertheless, the infiltration of spies undermined UNSCOM’s appearance of neutrality, so central to its legitimacy. “It was...stupid because it harmed UNSCOM,” Ekeus complains. “It made it possible for Russia and others to attack UNSCOM. That was not in the UN interest, I think.”¹⁰² Butler admits that during his tenure he worked with the United States to install listening devices in Iraqi buildings and that they could have been used to collect information unrelated to the disarmament task.¹⁰³ He argues that the system did not work well and was quickly removed, but admits that such activities were unwise insofar as they created the appearance of bias and gave credibility to Iraq’s claims.

As more information on spying trickled out, Iraq used this to further divide an already disunited Council.¹⁰⁴ UNSCOM’s most precious asset was its perceived neutrality, which formed the basis of its legitimacy and influence. Without this, its ability to function and to stand up to Iraq was undermined. “Originally UNSCOM was designed as an impartial organization of

¹⁰² Yale-UN Oral History interviews with Ekeus, February 27, 1998, p. 40, and April 28, 2000, p. 31.

¹⁰³ Butler, *The Greatest Threat*, p. 182.

¹⁰⁴ Krasno and Sutterlin, *The United Nations and Iraq*, p. 105.

experts pursuing an international effort to disarm Iraq under Security Council Resolution 687,” writes one arms control expert. “But under strong U.S. influence, it underwent a political transformation into a cover for U.S. espionage.”¹⁰⁵ To some extent, in other words, UNSCOM had become a pawn of U.S. policy.

The full extent of U.S. spying through UNSCOM was not known until after inspectors left Iraq. Scott Ritter gave credibility to Iraqi accusations in his 1999 book *Endgame*, in which he reports that CIA operatives were involved in UNSCOM and that he had doubts that their activities were confined to weapons intelligence. He suggests, for instance, that the CIA may have used UNSCOM to help plan a coup against Saddam. On Iraq’s accusations that UNSCOM had become a tool of western intelligence, he states, “I began to understand the Iraqi point of view.”¹⁰⁶

An article in the *Washington Post* (2 March 1999, p. A1), based on anonymous interviews with U.S. officials, filled in additional details. According to the article, the United States “infiltrated agents and espionage equipment for three years into United Nations arms control teams in Iraq to eavesdrop on the Iraqi military without the knowledge of the UN agency....U.S. government officials said they considered the risk of discrediting an international arms control system by infiltrating it for their own eavesdropping. They said the stakes were so high in the conflict with Iraq, and the probability of discovery so low, that they deemed the risks worth running.” In other words, the United States made a unilateral decision to place its interests above the Security Council-defined mission.

¹⁰⁵ Wright, “The Hijacking of UNSCOM,” p. 24.

¹⁰⁶ Ritter, *Endgame*, p. 144; see also pp. 135-137.

Implications and Conclusions

Uncertainty regarding state capabilities and intentions is a primary cause of international conflict,¹⁰⁷ and nowhere is this more true than in the area of WMD proliferation. Recent and ongoing crises with Iraq, Iran and North Korea illustrate the political difficulties of resolving such challenges. In such cases, multilateral organizations can play a key role in providing information that can be used to avert war. States suspected of developing weapons are far more likely to admit impartial IO inspectors than national ones, and multilateral monitoring and disarmament are often the only credible path for convincing the international community that a threat does not exist.

The Iraq experience of the 1990s provides fertile ground for understanding the politics of UN-based inspections. By all accounts, UNSCOM achieved considerable success in disarming Iraq and was on its way to establishing a comprehensive network of ongoing monitoring and verification. A panel of experts established by the Security Council to assess the situation following UNSCOM's departure concluded that, "although important elements still have to be resolved, the bulk of Iraq's proscribed weapons programmes has been eliminated."¹⁰⁸ By the end of the inspections period, little was unknown about Iraq's WMD capabilities.

Nevertheless, UNSCOM had a list of unanswered questions and could not report with certainty that Iraq no longer posed a threat. The eventual result was war. While most of the blame for the failure of inspections lies with Iraq's leadership, Security Council members also

¹⁰⁷ The classic statements are Robert Jervis, "Cooperation Under the Security Dilemma," *World Politics*, Vol. 30, No. 2 (1978), pp. 167-214; James Fearon, "Rationalist Explanations for War," *International Organization*, Vol. 49 (1995), pp. 379-414.

¹⁰⁸ S/1999/356, 30 March 1999.

share substantial blame. Under difficult circumstances, UNSCOM diligently sought the truth about Iraq's weapons and was a largely faithful agent. However, the Security Council, as the political principal, failed to provide adequate support—political and material—for the disarmament task. At no time did UNSCOM have the benefit of both sufficient resources and unity of purpose; at times, it faced explicit efforts to undermine its work. These problems were aggravated by the P5 veto, which rendered UNSCOM victim to the lowest-common-denominator preferences of its collective principal. Saddam reacted strategically to the weak position of the inspectors and employed divide-and-conquer strategies to aggravate infighting on the Council.

UNSCOM might have succeeded if the early resolve and unity of the Council had been matched by sufficient resources. Figure 2 graphs the number of times Iraq directly obstructed the activities of the inspectors from 1991 to 1998. The frequency of these obstructions is high early in the period, but drops as the Security Council responds swiftly and with determination, in some cases with widely backed use of force. By the time of Hussein Kamal's defection in 1995, Iraqi compliance is very good and little overt obstruction is taking place. However, at precisely the same time, the unity of the Council is beginning to dissolve; Russia and France are losing their patience and begin to defy the United States and U.K. One conclusion is that there was a window of opportunity, from 1991 until about 1994, during which the inspections process might have succeeded if UNSCOM had been endowed with sufficient resources.

[Figure 2 here]

This episode has potentially important policy implications as the international community increasingly relies on IO agents to perform disarmament and inspections tasks related to WMD.

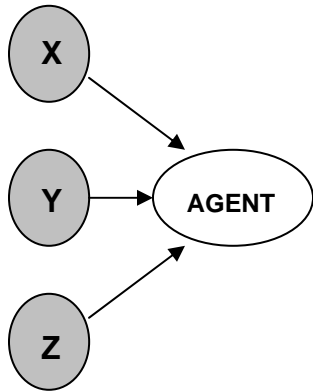
The Iraq case implies three main lessons for implementing multilateral inspections in the face of “principal problems.” First, time is the enemy of peaceful verification and disarmament. Imposed inspections are subject to the same backsliding tendencies of other forms of coercion,¹⁰⁹ and the resolve and unity of the international community are likely to dissipate over time. Second, inspectors must be provided sufficient resources to accomplish their task. In particular, concerned states should seize the day—expertise, funding and equipment must be supplied early, before momentum is attenuated. Finally, more independent IOs are likely to be more successful. This lesson was first applied to UNMOVIC, which was granted stable funding from the beginning and had a permanent staff of inspectors (not on loan from governments). Standing bodies like the IAEA might be better equipped than their ad hoc counterparts to withstand the types of political pressures evident in the UNSCOM case. For example, before the 2003 Iraq War, Mohamed ElBaradei appeared more willing to stand up to governments in calling for more time and criticizing the rush to war than his UNMOVIC counterpart, Hans Blix.

Can the UN succeed in averting war through successful multilateral weapons inspections? The benefits are clear, but this will only work under certain conditions. Coercive verification and disarmament require clear objectives and sustained resources, something collective principals, such as the Security Council or the IAEA Board of Governors, have difficulty supplying over time. The international community must be unified in its policy preferences—in terms of the ultimate objectives, as well as the definition and consequences of noncooperation by the target—and its resolve, and should plan for short but intensive inspections programs.

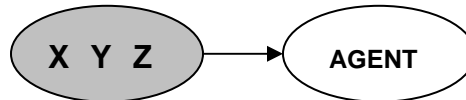
¹⁰⁹ Daniel Drezner, “Bargaining, Enforcement, and Multilateral Sanctions: When is Cooperation Counterproductive?” *International Organization*, Vol. 54, No. 1 (2000), pp. 73-102.

Figure 1. Common Agency: Two Types of Complex Principals

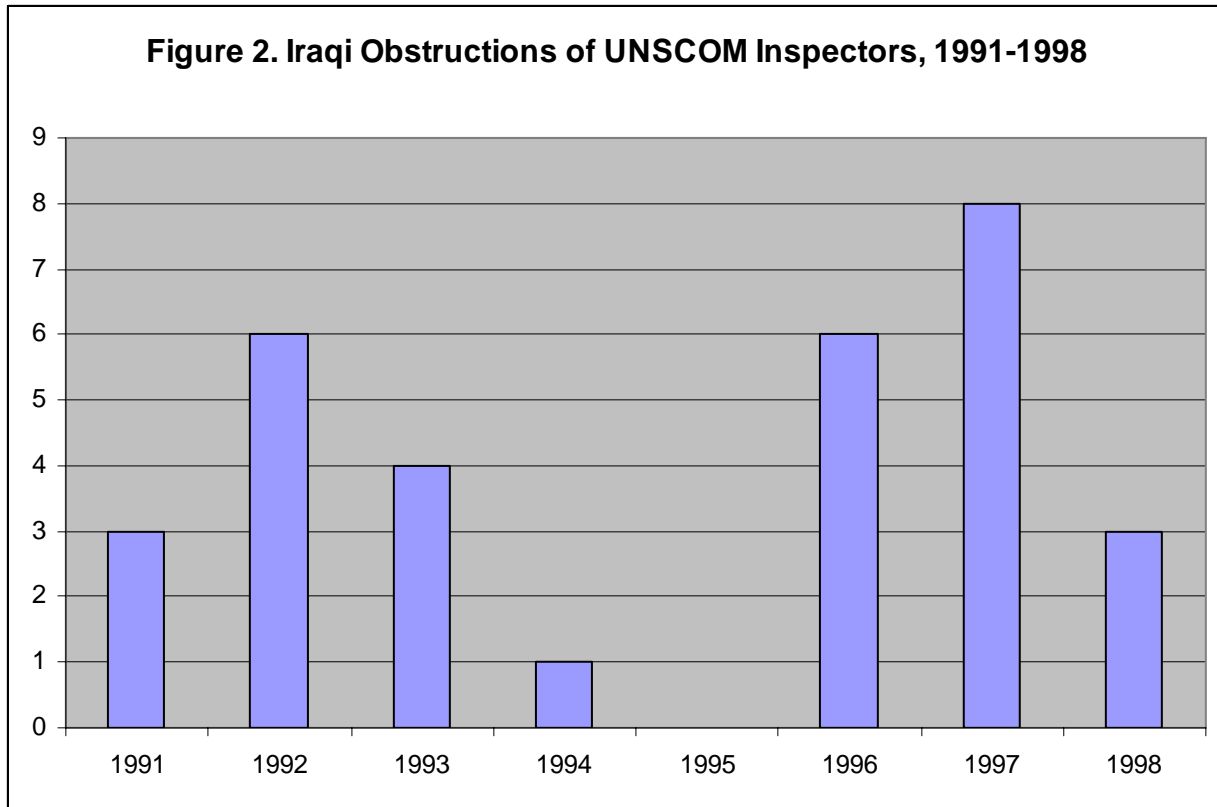
**Multiple Principals
(many contracts)**



**Collective Principal
(single contract)**



Note: This figure is modeled on Figure 1 in Nielson and Tierney, "Delegation to International Organizations."



Source: Pearson, *The UNSCOM Saga*.