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“Nuclear Agreement with Iran: Can’t Trust, Can We Verify?”

Mr. Chairman, members of the Committee, I thank you for the invitation to share some perspectives on the prospective Iran nuclear agreement.

My emphasis today, is on the past, but it is directly relevant to your consideration of the present and future.

The experience of the United Nations and the United States in dealing with the WMD programs of Iraq under Saddam Hussein is directly pertinent. No doubt Tehran will have observed this process closely and taken on board some lessons. I hope we do as well.

I had the opportunity to be the Deputy Executive Chairman of the UN weapons inspection organization for Iraq (UNSCOM) during the 1990's. I served as deputy to both UNSCOM Chairmen; Ambassador Rolf Ekeus of Sweden and Ambassador Richard Butler of Australia. UNSCOM was the disarmament group formed after the 1991 war in Kuwait to verify the disposition of Saddam's WMD and create a monitoring system to assure that Iraq did not reconstitute those programs. It was a long difficult process that ultimately ended unsuccessfully.

Later in 2004-5, I had the opportunity to lead the post-invasion effort to understand what Saddam did with WMD. The Iraq Survey Group (ISG) was directed by the CIA but with broad support from all parts of the US government. Enormous efforts were made to collect and record the inner workings of the Saddam regime. ISG mission had roughly 1600 people, including British and Australian members.

It was also costly. We lost five individuals killed and had six severely wounded. The knowledge we gained came with a price.

Nevertheless, we could not lose the unique opportunity to gather first hand information regarding the decisions and actions of Baghdad under Saddam. The goal was not to find WMD, though we certainly tried, but to find the truth regarding the Regime's decisions related to WMD. We sought to record for history and learn from this experience. We gathered millions of pages of documents. We inspected dozens of sites

and, most importantly, we debriefed the key players, including Saddam himself. They had a lot to say.

We learned how Saddam saw the world and how he calculated his decisions. We learned how he interacted with regional states, members of the UN Security Council, UN weapons inspectors, and the United States. We got a sense of the factors that Saddam evaluated which led him to have (and use) WMD at certain points and not have and not use WMD at other points. We learned his long-term strategy, his short-term tactics, how he viewed Iran, and how he viewed success.

The report of the Iraq Survey Group is voluminous and detailed (over 1500 pages). We included full copies of key documents. I determined that the entire report should be declassified and publicly released. Understandably, the intelligence community was not held in high esteem following the massive errors in Iraq WMD assessments. Everyone can see the data we saw and my goal was bring as much data as possible to light so we could learn from it.

We may discount this history, but I doubt Tehran will. They will have learned from Saddam's experience as Saddam certainly had views about the threat from Iran. They were not uninformed views I might add.

But let me focus on the role of UN weapons inspectors and point to some key underlying dynamics. Again, I am drawing from several years of experience as the Deputy Chairman of UNSCOM as well as leading the Iraq Survey Group which recorded from the Iraqis themselves, how they dealt with disarmament inspections linked to sanctions.

In the Iraq situation:

1. The inspection teams were given extraordinary authority by the UN Security Council (under Chapter 7). In UN Security Council Resolutions 687 and 715, the Council gave inspectors authority to designate any site for inspection, at any time, use any methods, and Iraq was required to comply. In essence, if Iraq did not cooperate with inspectors, that was equated with non-compliance with the disarmament resolution.

2. Sanctions would remain *ON* Iraq until and unless the inspectors reported that they could; a) verify Iraq's declarations of its WMD programs and, b) put in place a monitoring system that would detect efforts by Iraq to re-create those programs.
3. The *burden of proof was on Iraq* to show verifiably that it was compliant, *not on the inspectors* to show that they were not.
4. As time went on, the consensus in the Security Council eroded. Partially because the will among Council members to sustain sanctions that hurt the Iraqi population and not the leadership wavered. More importantly, some members, notably Russia, became supporters of Baghdad. Saddam shrewdly caused Russia's interests to align with his.
5. Ultimately, the system failed. In 1998, following seven years of contentious interactions between inspectors and Iraq, and, controversy within the Security Council concerning Iraq, the inspectors reported they could not do their job under the conditions Iraq permitted them to operate. The Security Council could neither paper over this dispute, nor agree how to respond. Washington, supported only by the UK, ordered a 4-day bombing campaign dubbed Desert Fox. The inspectors evacuated and were not permitted to return.

Let me recall a few of the key parts of our inspection/monitoring system—installed after long delays and grudging acceptance by Baghdad.

UNSCOM and its partner in this effort, the IAEA, had a headquarters building in Baghdad. At its height, over 100 inspectors were based full-time in Iraq. We had helicopters based in Iraq. We had various real-time sensors deployed at locations we selected. We had aerial surveillance by both helicopters and aircraft. The USAF flew U-2 missions and the French for a time provided Mirage surveillance imagery. We could interview anyone we identified related to the WMD programs. We could seize documents at facilities we inspected.

We mounted multiple surprise inspections simultaneously to try to break through defensive concealment measures by catching them off-guard. Remember, there was no higher priority threat for all of Iraq's intelligence services than the UN inspectors. Saddam thought they were

a threat to his survival, and only possibly a path to redemption from sanctions.

No site was off-limits. We inspected the Ministry of Defense, Intelligence headquarters, military sites, barracks, even (under great restrictions and much controversy), Saddam's palaces.

We inspected sites in daytime, but also at night, and on weekends. There were no sanctuaries in location or time.

The leadership of UNSCOM judged that all these measures were necessary both to verify Iraq's declarations about its known WMD programs and to monitor against future violations. And the monitoring regime was created to operate in perpetuity.

Dealing with Iraq, was only half of the challenge facing the Chairmen of UNSCOM. At the other end of UNSCOM and IAEA's work was the UN Security Council. Inspectors reported to them collectively. This became a difficult balancing act.

The inspectors depended upon the backing of the Security Council and each Council member had individual interests. Many raised them with the Chairman. The Chairman of UNSCOM invariably had to balance their interests and views on Iraq with what the inspectors were experiencing on the ground. It was the intersection of physical science with political science.

There were long sessions in the Security Council where some members began challenging the inspector's reports. The inspectors were made an equal parties at the bar with Baghdad. Eventually, even the Secretary General, Kofi Annan, tried his hand at mediating between all parties. It was not a success.

The Chairman of the inspectors was in an untenable position. The Council empowered the inspectors to make a call about Iraq's fulfillment of their demands, but in the end there was not sufficient unambiguous evidence to dispel alternative arguments from those predisposed to see Baghdad relieved from sanctions.

Evidence collected by inspectors will almost always be ambiguous. Ultimately, access to evidence is largely controlled by the inspected party. If the inspectors somehow succeeded in arriving unexpectedly at a covert site, they would simply be blocked. Iraq would declare that it was a sensitive site that had nothing to do with WMD and refuse entry. Better for them to leave the world suspicious but not convinced. And in the end, *sometimes the sites were sensitive, but not related to WMD.*

As an example of the challenges faced by UN inspectors consider the area of biological weapons (BW). Saddam denied that he had any BW weapons for four years. Only in 1995 did Iraq admit that, in fact they did have a substantial program (and produced larger quantities of agent than the intelligence community had forecast).

But Iraq admitted this only when confronted with data that took inspectors years to accumulate. Even then, Baghdad only confessed as part of a trade. UNSCOM agreed to give them a relatively positive report on compliance with chemical weapons and ballistic missile provisions if they would officially acknowledge what was clear to the inspectors concerning BW. Iraq did so because they knew that the inspectors would not give them a clean bill until they admitted their BW activities—and they would not get out of sanctions until the inspectors reported.

During all the struggles of the inspectors in the 1990's we now know that Baghdad and Moscow were involved in many illicit transactions. Senior Iraqis, including Saddam acknowledged that they built relations with those who would help them. This included paying them as individuals and as a country. Russia challenged the inspectors, challenged their validity, and argued the Iraq case in the Council. Iraqis felt they got what they paid for.

All this played out from 1991 until 1998. We know now that Saddam had complied more completely than the inspectors could verify and certainly more than the US intelligence agencies later assessed in 2002.

The fact that Saddam ultimately revealed more of his WMD than we could verify is not success. That demonstrates that the dynamic still failed. To the credit of the Chairmen of UNSCOM, they did not give

reports that the Security Council wanted to hear unless the evidence supported them fully.

The system collapsed in December 1998. Saddam did not permit the return of inspections until after November of 2002--only after the upheaval of 9-11, the massive military build up to war, and, only after the Security Council unified again around the need for inspections.

The complexity of the current circumstances surrounding policy towards Iran goes far beyond their nuclear program. Committee members have a responsibility to look broadly in both the range of Iran actions and over the long haul.

I simply want to draw attention to the intricacies and the vulnerabilities of inspection systems. Too often in my experience, they served as a balancing entry for things the Security Council itself could not agree. In the event, the inspectors were subject to enormous political pressures. Indeed, the leadership positions of the inspector organization became politically sensitive. I can imagine the political machinations that will occur when current IAEA Director General Yukiya Amano's term expires in 2017.

Overall, I cannot imagine the circumstances in Iran playing out favorably for the inspection system. And I repeat, Tehran will have watched and learned from the Iraq experience.

From what has been revealed publicly, it does not seem that inspectors will have any more authority or access than the inspectors in Iraq. Indeed, they will have far less it seems.

Moreover, the power behind the inspectors is greatly reduced since sanctions remain *OFF* unless the inspectors report something negative. And, what will constitute a sufficiently negative report? Delayed access? Ambiguous data? Once commerce is flowing, it is generally understood, it will be very difficult to stop. Saddam knew this and worked this successfully through illicit trade. In the Iran case it will not even be illicit.

Further, unity in the Security Council is highly questionable. Moreover, I cannot imagine the Security Council delegating its decision authority to re-impose sanctions to the head of the IAEA. That would certainly make the position much more political. Any “snap-back” provision, while desirable in principle, may not be achievable in practice.

In the end, political leaders will make decisions about how to proceed with the Iran nuclear program and its other actions. I simply hope that there will not be false assumptions about inspection effectiveness. Illusions about the effectiveness should be dispelled. They will be messy at best, and provide false security at worst.

In the case of Iraq, it turned out that after 8 years of inspections Saddam had largely rid himself of militarily significant WMD capability. He did this to get out of sanctions. Often overlooked was that Saddam also acknowledged that he intended to reconstitute these programs when circumstances permitted, i.e. after he was free from sanctions. Saddam played a long game. That’s not something we are good at. We have a regular cycle of changing our leadership. Continuity between our leaders is inconsistent—indeed it is often challenged. Not so for regimes like Saddam’s in Iraq and the Supreme Leader in Iran.

Again, thank you for this opportunity to share some views from past experience.