CHAPTER-VI

Iraq And Weapons Inspection Imbroglio

The history of forced disarmament in general has been a sorry one. With the exception of Germany and Japan, who following World War II were subjected as defeated powers to successful military limitations, the efforts made by major powers since then in this respect have failed to achieve their desired objectives. Whether in the form of comprehensive or partial arms control or disarmament, conducted within or outside the framework of the United Nations, all members have inevitably been circumvented by the complexity of enforcing such measures and preventing states from finding ways of getting around the measures and manipulating them to their individual geo-political interests.

In recent times, no case has illustrated this so starkly as that of Iraq. The failure of the UN to enforce a coercive process of disarmament of Iraq following the Gulf War of 1991 has not only caused immeasurable suffering of the Iraqi people, but also led to a long period of tension and conflict between Iraq and the UN, or more specifically, between two of its powerful members, the United States and Britain. It has also generated a major split between the five permanent members of the UN Security

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Council. The process has now reached a worrisome impasse, setting Iraq, the US and Britain and for that matter, the UN, on a prolonged course of military confrontation, at the cost of making the region more unpredictable and volatile than has been the case historically, and imperilling the chances of creating a stable post-cold war world order.2

Disarming Iraq:

The impasse over lifting of sanction and the weapons inspection3 still continues. Despite a decade of hard work of inspecting every nook and corner of Iraq in search of weapons of mass destruction (WMD), the UN team has failed to give a certificate, so that sanction could be lifted. The team has solely blamed Iraqi President Saddam Hussein for not cooperating with the team and creating obstacles in their task of inspection. The military strikes in December 1998 by the USA and the UK finally ended any hope of returning of UN’s inspection team and thus has put the task in limbo and prolonged the suffering of Iraqis.

It has now become evidently clear that the USA and its allies have taken refuge in the Security Council resolution 687 for legitimizing all their misdeeds, which they are perpetuating from very beginning of the Gulf War. As per the Security Council resolution 687, the lifting of sanctions if linked to Iraq’s destruction of all its weapons of mass destruction-


nuclear, chemical and biological under international supervision and monitoring; and furthermore to pay the UN for costs and expenditures incurred by it due to the invasion. According to another resolution (715), under the supervision of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), Iraq is required to accept the installation of a UN Weapons Inspection Monitoring System in its territory to make sure that it would not cheat in the production of weapons in the future. Furthermore, Iraq is required to grant UN inspectors unconditional access to any place in the country for surprise inspection of its weapons facilities or weapons related documents. So lifting of sanctions is linked to a full compliance of all these conditions by Iraq.\(^4\) Besides, the USA has added its own condition by linking the lifting of sanctions to Saddam Hussein’s removal, which has nothing to do with any of the Security Council resolutions. By adding its own condition the USA has only contributed to complicating the already complex situation.

These resolutions are so punitive and humiliating that any slight attempt to evade them by Saddam Hussein had led air attacks and bombings by the US and its allies, several times. Now it has become almost a routine feature. The frequent air strikes have caused massive destruction to men and materials. For instance, on January 13, 1993 only a week before leaving his office, the US President Bush ordered more than a

hundred US and allied warplanes to attack Iraq in retaliation for its alleged
intrusion into Kuwait and for refusal to cooperate with the UNSCOM
headed by Rolf Ekeus who resigned in July 1997. And barely after 5
months, on June 20, 1993 President Clinton ordered a cruise missile
attack against the Iraqi Intelligence Service headquarters in Baghdad for
the alleged plot to assassinate Bush when he visited Kuwait. Citing
“compelling evidence that there was in fact a plot to assassinate former
President Bush”, President Clinton said that the attack was aimed at crippling
“Iraq’s capacity to support violence against the United States and other
nations”. Clinton further said the cruise missile barrage was intended
to “send a message to those who engaged in state-sponsored terrorism,
to deter further violence against our people and to affirm the expectation
of civilized behaviour among nations”. However, Seymour Hersh, a reputed
investigative Journalist is skeptical of the authenticity of the plot against
Bush.

Iraq while condemning the US missile attack, in which scores of
Iraqis were killed, said that story of plot to kill Bush was fabricated
by Kuwait’s vile rulers - working with the agencies of the US Administration.
It described the attack as “unjust and cowardly aggression against Iraq”.

5. Bush in a statement had said that it did not matter that bombing came just one
week before he leaves office. See, The Hindustan Times, New Delhi, January 15,
1993.
80-86.
Most interestingly the United States invoked the UN provision of self-defence to justify its attack, though there was no any direct threat to its security. It was nothing but misuse of Art. 51 of the UN charter which provides for individual or collective self-defence. The right to self-defence permitted to member states by Art. 51 of the UN Charter is only against actual armed attack. In 1986, President Reagan had similarly ordered an air strike against Libya for the terrorist bombing of a German discotheque in which a US serviceman had been killed.

These punitive measures by the US and the continued pressures of embargo consequently left before Saddam Hussein no other options but to agree to comply resolution 715. The decision taken in this regard on November 26, 1993 by the Iraqi government paved the way for the UN to start its weapons inspection and monitoring work as provided in the resolution 715. Subsequently, the UN inspection team entered Iraq and reportedly by 1994 they had established an elaborate monitoring system at 200 industrial and military installations throughout Iraq. It was hoped that the UN inspection team might submit a favourable report on the success of deployed monitoring system so as to enable to council to consider the lifting of sanctions. The two permanent Security Council members France and China also favoured early lifting of sanctions. But the USA and Britain were wehmentally opposed to any such move until Iraq had renounced its claims to Kuwait and recognized the Iraq-Kuwait border in accordance with the Security Council resolution 833.

Frustrated with being unsuccessful on the front of getting sanctions lifted, the mercurial and unpredictable Saddam on October 5, 1994 shot himself in the foot again by moving 80,000 Republican Guard troops to positions close to the Kuwaiti border presumably to pressurize the Security Council to end sanctions. It was the biggest troops movement ever since end of Gulf War arousing fears of a repeat of the August 1990 invasion of Kuwait, which had led to Gulf War. But as one could have easily guessed, his gamble backfired. President Clinton immediately responded by assembling a 34,000 member force in the Gulf region to repel him from any potential attack on Kuwait. In the face of a US threat of a preemptive attack, the Iraqi leader blinked and turned his troops back from the Kuwaiti border.11 Realising that he had blundered, Saddam Hussein made efforts to regain the sympathy of the Council members. As a conciliatory move he renounced Iraq’s claims over Kuwait and recognised the Iraqi-Kuwait border. But Saddam’s efforts did not yield desired results. He could not convince council’s members about desirability of lifting of sanctions against his country. The US categorically said that Iraq’s recognition of Kuwaiti sovereignty and border was not enough to achieve a lifting of UN sanctions against Baghdad. A State Department spokesman reacted: “border recognition would meet only one of a number of requirements to which Iraqi has not complied and would not in itself establish Iraq’s peaceful intentions which were called into question by

its provocation in October".\(^{12}\) Even Russia, France and China who were previously sympathetic to Saddam, joined the US and Britain in deciding to stick to the embargo.

However, moved by horrifying conditions in Iraq due to sanctions, Russia and France made the Security Council to pass Resolution 986 in April 1995, allowing Iraq to export $1 billion worth of oil (oil-for-food) to be renewed every three months. A quarter of those revenues, however, were to be used to compensate victims of the invasion and to finance the UN disarmament mission in Iraq.\(^{13}\) But this offer was too little to be accepted by Iraq which had already rejected the similar offer made by the Council in October 1991 as part of its resolution 715. The council once again made a similar offer in October 1995. But like in the past Saddam rejected the offer again. Saddam Hussein; however, could not stick to this position for long time. The impact of sanctions had now started showing its uglier face. The USA and Britain had also made it clear that they were not going to soften their position on sanctions. All these factors compelled Saddam to compromise with the situation and consequently on May 20, 1996 he decided to accept the UN offer of oil-for-food programme. Iraq agreed that it would sell oil worth $2 billion for a six-month period to be renewable by the Council. As noted above, under the formula, about 30 per cent of the money would go to

\(^{12}\) *The Hindustan Times*, November 10, 1994.

\(^{13}\) For text of the resolution and for the food-for-oil arrangement see, *UN Chronicle*, Vol. 33 No. 4, 1996, p. 71.
Kuwait to compensate victims of the invasion; about five percent would be used to cover the costs of UN operations in Iraq, and 15 per cent would be used for the kurds, and reminder half of the amount would be used by Iraq to buy food and medicines under UN supervision.

Howsoever humiliating might have been the deal, it certainly provided Iraq an opportunity to manage foods for hungry/dying masses and to restructure its economy which had been totally crippled due to prolonged sanctions and frequent US attacks which had destroyed its infrastructure completely including public utility services like water and electricity system deliberately in violation of the Fourth Geneva Convention of 1949 and its additional protocols of 1977. But even this minimum offer fell through until December 10 1996, as the Security Council had delayed its immediate implementation at the insistence of the US and Britain, following Saddam Hussein's intervention in early September 1996 in Northern Iraq. This time again the USA unilaterally without the approval of the Security Council launched 44 satellite guided Cruise and Tomahawk missiles at the Iraqi military command and control facilities in Southern Iraq in response to Hussein’s “Violence and aggression" against the kurd. It also, without the Security Council’s approval, extended the no fly zone in the South to the 32nd parallel which is close to the outskirts of Baghdad. This was a clear violation of Iraq’s sovereignty. These actions, however,

forced Iraq to withdraw from the kurdish North. The US and Britain subsequently permitted oil sales to go through in December only after they were satisfied with the monitoring mechanism put in place by the UN.

Although by April 1997, the IAEA reported that its Nuclear Monitoring Group had conducted 850 inspections in Iraq at more than 65 facilities, the UNSCOM had repeatedly complained of Iraq’s refusal to permit it to check any suspected weapons installations it had wanted to inspect unconditionally and therefore called for the continuation of sanctions. It became a never-ending hides and seek game between the UNSCOM and the Iraq. Surprisingly despite Iraq’s reported compliance of many of the Security Council’s resolutions, the Council insisted on continuing with the draconian sanctions. In fact Council should have reciprocated Iraq’s partial concessions in terms of easing sanctions.\textsuperscript{16} Thus refusal to ease sanctions, UNSCOM’s failure to submit a favourable report on Iraq’s weapons of mass destruction, and the US-British obsession to get rid of Saddam Hussein in the face of horrendous suffering by the Iraqis have led to recurring stand-off between the Security Council and Iraq.

The crisis over the UN weapons inspection took a dangerous turn with Richard Butler, the head of the UNSCOM, pulling out all UN weapons inspectors in response to the expulsion of the US inspectors from Iraqi

territory. On October 29, 1997, Iraq accused three American inspectors as being spies and gave them a week to leave Baghdad. Iraq, however, had stressed that other inspectors were free to remain and Butler could have easily continued the inspection process until the problems over the US presence were resolved. But Butler adopted confrontationist approach and decided to pull out all members of the UNSCOM. Iraq had accused UNSCOM of being a tool of the US and having too many Americans in key position and deliberately delaying completion of its weapons work. Infact long and comprehensive sanctions had suffocated the Iraqi economy and had thrown its health, education, and sanitation services into acute crisis and now Baghdad wanted UN to set a short time-frame for lifting sanctions. Iraq having fed up with the prolonged inspection process asked the United Nations not to use the US reconnaissance planes to supervise Iraqi compliance in eliminating weapons of mass destruction, even it threatened to shoot down U-2 spy planes flying over Iraq. Iraq charged that the US was utilising the U-2 spy plane to map out areas it wanted to bomb.17

In response to Iraq's continued non-cooperation with the US weapons inspectors, the Security Council on 13th November 1997 slapped a travel ban on Iraqi officials. The unanimous decision by the 15 member Security Council to impose the travel ban came after the United States and Britain agreed to delete paragraphs from the draft resolution threatening Iraq with military action or serious consequences. The resolution, however,

warned Iraq of unspecified “further measures” if it failed to rescind its October 29 order excluding Americans from the inspection team. But Russia, France, Egypt and other nations stressed that any further measures would have to be discussed by the Council again and that the vote did not authorise the use of force.18 The Council, however, condemned the continued violations by Iraq of its obligation under the resolutions and asked it to cooperate “fully and unconditionally” with arms inspectors. Interestingly such new sanction (travel ban) failed to gather support in the Security Council three weeks ago, but the real possibility of an American military strike, which few other nations were willing to back, appeared to have brought the Security Council together to condemn Iraq unanimously.

The escalating stand-off between Baghdad and the UN eased somewhat on November 16, 1997 with Iraq offering a plan to allow expelled US weapons inspectors to return. And finally on 19th of November in Moscow, Russian Foreign Minister Yevgeny Primakov, following a meeting between President Boris Yeltsin and Iraqi Deputy Prime Minister Tariq Aziz, announced compromised formula to allow the UN inspectors to return along with their American colleagues. According to this plan the UN inspection teams' search for chemical, nuclear and biological weapons should not be open ended but should reach a speedy conclusion so that the ending of the debilitating sanctions imposed on Iraq after the Gulf

War could be considered. Primkov's diplomatic foray had the backing of Washington which was hopeful that he could find a face-saving formula for Saddam Hussein to step back from the brink.

Although Primkov's intervention had temporarily defused the crisis but Clinton Administration was still skeptical of Hussein's willingness to abide by the Security Council resolution and felt that a strict inspection regime must continue. Russia called for an emergency meeting of UNSCOM in order to follow up on Primkov's pledge to Baghdad to expedite the work of the inspection teams and the eventual lifting of at least some of the sanctions. But the meeting did not leave the Russians or Iraqis anything to cheer about. The Russian argument was that the inspection had demonstrated Iraqi compliance with the Security Council orders to end nuclear weapons and missile development, thus justifying a partial lifting of the sanctions. But President Clinton had a contrary view. He said that not enough has been done and more verification were needed especially with regard to biological and chemical weapons.

The new crisis was simmering with the UNSCOM insistence on inspection of some areas, which Baghdad had claimed were out of bounds on the ground of national security. These so-called sensitive sites included 78 reported places of Saddam Hussein which Iraq's had described as "symbol of national sovereignty". Immediately after Iraqi refusal, the US

Defence Secretary William Cohen warned that unless Iraq allow the weapons inspectors to inspect these sites which it has defined as Presidential palaces and has declared off-limits, it could face stricter sanctions or as a last resort, a military attack. Iraq on the other hand accused the US of pushing UN arms inspectors into a fresh crisis by insisting on access to Presidential sites. However, Iraq had showed some of these controversial sites to foreign reporters and arms experts to prove its point that there was nothing to hide and its refusal was a principle of national honour. Meanwhile the USA deployed some 30 fighters and bombers in Bahrain to keep up the military presence. And to demonstrate its solidarity with the USA, Britain dispatched an air craft carrier to the Persian Gulf.

The ongoing stand-off involving Iraq, the United States and the United Nations took a fresh twist with Baghdad demanding lifting of the UN sanctions within six months, failing which it would seriously reconsider continuation of the two billion dollar oil-for-food deal it had agreed in 1996. Saddam Hussein infact believed that no matter what he did, the US and the UK would keep attaching new conditions each one extraneous to the Security Council resolution 687 of April 1991. He said that two allies would try to shift the goal posts to deprive Baghdad of its right under clause 22 of Resolution 687 to have the sanctions lifted fully.

Meanwhile on December 5, 1997 the Security Council unanimously voted to extend a plan enabling Iraq to sell limited amount of oil to by food and medicine for its people suffering under sanctions. The plan began a year ago and needed to be renewed on December 5, 1997. But this time the plan provoked more controversy than in the past. UN officials, Iraq and most Security Council members said that this programme was mal-functioning, was inefficient and had too many delays.\(^23\) And to great relief to Iraq, the difference between permanent members of the Security Council over ongoing sanctions against Iraq came to the fore again. During consultation for extension of oil-for-food programme Russia and France demanded a stronger commitment by the Council to increase the amount of oil Iraq can sell once the Secretary General make a recommendation. France also floated a proposal that the Council should put an end to the embargo and institute a new weapons monitoring programme. The proposal circulated on January 14, 1998 said that the oil embargo could no longer be defended as it hurts the people of Iraq and keeps them hostages of their authorities. "The embargo has become the wrong tool to achieve the goals of the Security Council" it said.\(^24\) China and Russia had also been expressing the view that the UNSCOM in its present form had outlived its usefulness.

With ultimatum and counter-ultimatum flying between Iraq and the US, the situation was once again hotting up, with an imminent threat of

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\(^23\) The Hindustan Times, December 6, 1997.

\(^24\) The Hindustan Times, January 15, 1998.
an unilateral military strike by American forces. The US Secretary of State Madeleine Albright on January 30, 1998 said that Saddam Hussein should realise that “we have all but exhausted the diplomatic options”. The Secretary flew to Europe to urge the French and the Russian Foreign Ministers of the need for unity in the UN Security Council on the issue of inspection of Iraqi sites. What Ms Albright was saying, in effect, was that if the threat of force did not induce Saddam Hussein to comply, the US and Britain were ready to use force, despite any hesitation on the part of Paris and Moscow. As tension intensified, the Iraqi government began register men of fighting age to train them as “volunteer army” to defend their country against the possible US attack. Men from their teens to their 70s were seen forming ragged lines, chanting anti-American slogans and learning how to stand at attention.

In the meanwhile, recognising the deprivation that international sanctions had inflicted on Iraqi people, on February 1, 1998 the UN Secretary General Kofi Annan recommended in a report to the Security Council that the present limits of $2 billion worth of Iraqi-oil sales every six months be raised to $5.2 billion for the next six month, in order to pay for more food and medicine and to repair Iraq's deteriorating infrastructure. "Under present conditions”. Annan warned “the rate of deterioration will continue to increase and, with it, the threat of a complete breakdown of the network. The humanitarian consequences of such

development could potentially dwarf all other difficulties endured by the Iraqi people". The Council with reluctant support of the United States, subsequently approved Annan’s recommendation to which Iraq reluctantly agreed.

The efforts to resolve the crisis through diplomacy continued even as the US appeared to be inching closer to a sustained and devastating air attack on Iraq, which somewhat mellowed down Baghdad’s position and as a result Iraq offered on February 4, 1998 to open eight so-called controversial Presidential sites for inspection by the UNSCOM, suspected of concealing weapons of mass destruction. But to a major setback to diplomatic efforts the US administration rejected the offer. White House spokesman M. Mc Curry said that the offer fell short of the US demand for “unfettered access”. Dismissing Iraqi proposal, the US Under Secretary of State Thomas Pickering reacted that “to be effective, inspections and monitoring can be limited neither by dictating the composition of the teams nor by restricting access to certain sites, nor by limiting the number of visits, nor limiting the visits to a certain period of times”. As a military strike by the US appeared to be imminent the UN Secretary General, Kofi Annan cancelled his proposed West Asia trip to concentrate on ever more urgent negotiations at the UN headquarters. He urged all parties to be more flexible in finding a peaceful solution.

In order to strengthen its case and to muster support for military attack, the Clinton administration, meanwhile, began publicizing that Iraq was still hiding scud missiles with chemical and biological warheads. The missiles which Pentagon believed were hidden at sites that Iraq had declared off the limits to the UN weapons inspectors, could represent a major threat to US forces in the region and to neighbouring nations because of Iraq’s covert chemical and biological weapons capabilities. Ignoring Russia’s plea to wait for a diplomatic solution, Bill Clinton on February 14, 1998 issued a fresh warning to Iraq saying that the United States could not walk away from its obligation to stop Baghdad from developing weapons of mass destruction as the Pentagon made a detailed plan to strike Iraq with cruise missiles and bombs. He said that diplomacy had almost run its course and he would launch a strike against Iraq unless Saddam Hussein agrees unconditionally to allow the UN inspectors free and unfettered access to its weapons sites.\(^\text{29}\) However, annoyed with the US threat to use force against Iraq, the Russian President Yeltsin warned that any attack on Iraq would affect Russia’s “vital interest” and could lead to a wider war. Moscow insisted that the crisis must be solved by peaceful methods but could not broker a negotiated settlement. France also insisted that all diplomatic avenues must be exhausted before force applied.

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\(^{29}\) The Hindustan Times, February 15, 1998.
Kofi Annan's Mission to Baghdad:

In the midst of sabre rattling, on February 20, 1998, persuaded by Third World countries, the Arab League and the Security Council, invited by Iraqi leadership with initial US opposition, Annan went to Iraq as a last ditch effort to find a diplomatic solution. Annan’s trip was seen by many as the last real chance for preventing a flare-up. Annan was quite optimistic about his last moment peace mission to Iraq. His optimism was equally shared by the Iraqi Deputy Prime Minister Tariq Aziz. However, Annan’s arrival was paralleled by Clinton’s television message beamed to Arab nations. Clinton said “nobody wants to use force. But if Saddam refuses to keep his commitments to the international community, we must be prepared to deal directly with the threat these weapons pose to the Iraqi people, to Iraq’s neighbours, and to rest of the world. Either Saddam acts or we will have to”. Clinton also said that the US had no quarrel with the Iraqi people and said it would try to avoid harming innocent people in the event of military action. 30

After several rounds of intensive talks with Iraqi team led by Tariq Aziz and meeting with Saddam Hussein, Annan clinched a deal with Iraq paving way for the full implementation of the UN Security Council resolutions and most likely preventing possible US military strikes against the Baghdad, which had become imminent. The Memorandum of Understanding signed by Aziz and Annan, stipulated that: (1) Iraq will

cooperate with UNSCOM, (2) UN member states will respect the sovereignty and territorial integrity of Iraq, (3) Iraq will allow UNSCOM and IAEA immediate, unconditional and unrestricted access in conformity with the Security Council resolutions 687 and 715, and (4) UNSCOM will intensify its efforts in order to complete its mandate so as to enable the Security Council to lift the sanctions. 

As far as was known, one of the face-saving concessions made to Saddam Hussein was the part of the agreement that stipulated that senior diplomats appointed by the Secretary General will accompany the UNSCOM experts as they inspect the restricted sites, including the eight so called controversial Presidential sites. The scheme provided for the selection of a pool of about a hundred ‘senior diplomats’ to be nominated by countries with mission in Baghdad or the surrounding region. No fewer than two such diplomats would be assigned to every arms inspection teams. The US officials however, expressed their concern that induction of diplomats into the inspection teams might adversely affect the professionalism of the monitoring process. But the UNSCOM chief Butler said that he had no objection since professional inspectors’ form UNSCOM and IAEA would lead the team.

While the deal was welcomed by Arab states, Russia, France and China, Clinton the US President was skeptical about it. Clinton made it clear that “what really matter is Iraq’s compliance, not its stated

commitments, not what Iraq says but what it does”. He said that if Baghdad did not keep its word this time, everyone would understand that the US and hopefully all of our allies would have the unilateral right to respond at a time, place and manner of our own choosing”.32 However, Iraqi Deputy Prime Minister Tariq Aziz pledged that Iraq would honour the arms inspection deal with the UN chief Kofi Annan. “It will keep its promises properly and seriously” Aziz said.

Although it would be naive to say that Annan’s brokered deal had syllogistically signalled a lasting peace in the region. But that should not detract any from Annan’s consummate diplomacy, he certainly deserved a cheer or two for nudging a bigoted Baghdad to the negotiating table, and staying what would have been a debilitating air strike on an enervated Iraqi populace. In other words, while the Secretary General’s successful mission appeared to had staved off an impending attack, the crisis in respect of Iraq was yet to be finally resolved. Annan’s diplomatic coup was all the more remarkable since the Iraqi leadership’s hospitality record for UN chiefs had always been anything but disarming. In 1991, just before the allied “Operation Desert Storm” was unleashed on Iraq, Javier Perez d Cuellar had flown to Baghdad to try and prevail upon President Saddam Hussein. But latter kept De Cuellar waiting for nail-biting six hours, offered him nothing, and sent him home a humiliated man. Contrary to his predecessor Annan’s diplomatic skill and style earned him the praise of

Iraqi leadership and cheers from the crowds in Baghdad.\textsuperscript{33}

Remarkably there was considerable goodwill for Annan in Iraq. The Iraqi government appreciated the fact that although the Secretary General had talked tough on the weapons inspection issue, he had also repeatedly stressed that any solution must take into account the "dignity of Iraq". Baghdad has all along been insisting that its sovereignty is being undermined by the UNSCOM. Furthermore, by sending a team of experts from Vienna to prepare a map of the eight Presidential sites and placing them under the direction of Staffan de Mistura - a former UN humanitarian coordinator in Baghdad and a man seen as sympathetic to Iraqi concerns about the human impact of sanctions - Annan had already conceded the need for no-UNSCOM inspection machinery.\textsuperscript{34} Annan also appointed two internationally respected diplomats to keep watchful eyes on the weapons inspectors to make sure that they would conduct their inspection of Presidential sites according to the procedure agreed to between Annan and Iraq. The one was Jayantha Dhanapala, as commissioner of the special team to accompany UNSCOM, the other was well known Indian diplomat Prakash Shah former Indian permanent representative to the UN as his special political envoy to help him coordinate the large UN operations in Iraq and keep an open communication with the leadership there.\textsuperscript{35} Annan

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\item \textsuperscript{33} "Instant Kofi", Editorial, \textit{The Times of India}, February 25, 1998.
\item \textsuperscript{34} Siddharth Varadarajan, "Iraq : Can Annan roll back the war clouds? \textit{The Times of India}, New Delhi, February 21, 1998.
\item \textsuperscript{35} Ramesh Chandran, "The Lonely Superpower", \textit{The Times of India}, March 13, 1998.
\end{itemize}
said in his letter appointing Shah that he would help prevent problems from developing into full fledged crisis threatening to international peace and security in the area. Thus successful Baghdad venture made Kofi Annan a diplomatic leader of substance - not a surrogate for the US but a substitute.

Even after successful Baghdad mission's of Annan the Security Council remained divided on how to deal with the crisis and this very fact brought great comfort to Iraqi officials. Despite several days of carefully calibrated war mongering, Washington was no where closer to winning international support for the use of force against Iraq. The US Secretary of State Ms Madeleine Albright shuttled between Europe and Arab capitals with hysterical message about the threat to peace posed by Saddam Hussein but few had heeded her. Apart from Israel and Kuwait no country in the region had shown any enthusiasm for the US line. And elsewhere in the world only Britain had decided to stand by "Big Brother". Russia, France and China, on the other hand, had stated their categorical opposition to the use of force. President Boris Yeltsin had even gone to the extant of warning that a US attack on Iraq might spark off a world war.

Whether they state or not "getting rid of Saddam Hussein" has always been one of the most important military objectives' in Iraq, inspite of the fact that American law forbids assassination of foreign leaders. 36

36. The executive order first signed in 1976 by President Gerald Ford prohibits the US government employees or any one acting on their behalf, from engaging or conspiring to engage in an assassination.
Those who steer America's foreign policy doctrine believe that as long as Saddam Hussein remains in power in Iraq, long term peace could not be ensured in the region. To achieve this objective America has employed various options from targeting Saddam to supporting opposition parties.\textsuperscript{37} During the Gulf War and its immediate aftermath, Baghdad was full of stories about how the President would never sleep in the same site twice or even had to sleep with ordinary folk and adopted all manner of surreptitious moves and stealthy diversions to elude American Jets and missiles.\textsuperscript{38} Recently increased aid to a fractured Iraqi opposition, was in news. It is revealing to note that Ahmed Chalabi of the Iraqi National Congress finds himself being courted by senior officials in Washington. Then there is motley group of Iraqi National Accord (INA) comprising exiled Iraqi military and political figures who have received substantial funding from US intelligence sources.\textsuperscript{39} However, toppling Hussein is simply incompatible with international law and cannot be a valid military, strategic diplomatic-objective. One could imagine the howls of protest that would go up if Libya's Gaddafi talks of setting a team to assassinate the US President.\textsuperscript{40}

What was more interesting that many senior US officials had proclaimed that they would prefer to deal with a successor regime in

\textsuperscript{37} For CIA plans to dislodge Iraqi President see "CIA Targets Saddam", editorial, \textit{The Hindustan Times}, March 2, 1998.
\textsuperscript{39} \textit{The Times of India}, March 13, 1998.
\textsuperscript{40} N.C. Menon, "View in a Cracked Mirror" \textit{The Hindustan Times}, March 9, 1998.
Iraq because Saddam Hussein was a dictator who oppressed his own people. Sen Bob Kerry, a Nebraska Democrat, also said that; "I think we have got to change the objective and say that our nation is going to be on the side of liberating the people of Iraq from their prisons or from the terror of his dictatorship". But the question is that what is guarantee that a new Iraqi leader will respect human rights and will have the milk of human kindness flowing through his veins. There is also no guarantee that the new regime would respect the international norms imposed on it and would not acquire the weapons of mass destruction. And most importantly, in any case is Saddam Hussein all that different from many deadly third world dictators, past and present, to whom the US has supported?

As agreed upon between UN Secretary General Kofi Annan and Iraq, the UN team led by controversial American Scott Ritter whom Iraq called a ‘spy’ began its task of inspecting the sites, which Iraq had placed off-limits. This was first inspection, since the crisis that had brought the nation to the brink of war in February. The UN team started their task of inspection of 8 controversial Presidential palaces in Baghdad on March 23, 1998, supervised by the UN special envoy Prakash Shah and the UN Under Secretary General for disarmament Jayantha Dhanapala. Inspite of some initial deadlock the UN team successfully completed the first search on April 3. Dhanapala expressed that the successful implementation of the accord in the first round would certainly help improve

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relations between Iraq and the United Nations. "The February 23 accord", Dhanapala said "has stood the test" of cooperating with the inspections of eight so called Presidential sites that were at the heart of the stand off with the UN. The work of the UNSCOM inspectors were completed ten days ahead of time and Dhanapala said, it was because things worked out better.\(^4\) The other diplomats who accompanied the inspection also praised Iraqi cooperation with the team. German diplomat Horst Holthoff described Iraqi cooperation as fantastic and absolutely positive. But the chief of the UNSCOM, Butler had a different view. He indicated that Iraq was still no closer to meeting to requirements for lifting of sanctions.

Meanwhile a new row cropped up between the United States and Iraq following a discovery on June 24, 1998 by US army laboratory that Iraqi missile warheads had carried traces of deadly nerve gas VX. The examination was done at the request of the United Nations' Commission charged with elimination of Iraqi weapons of mass destruction. Iraq, however, rejected the results contending that it had never filled any kind of munitions with VX gas. It also indicated that the US might have fabricated the results or the testing might have been defective and demanded its examination in a neutral country. It also said that the samples were taken individually without giving Baghdad equivalent samples as agreed upon for comparison and discussion.\(^4\) As a result of so called discovery of VX gas, the UN Security Council which was already due to meet on June 25 to consider

\(^4\) The Hindustan Times, April 5, 1998.
American demand for extension of sanctions against Iraq, decided to continue curbs against Iraq.\textsuperscript{44}

Before final showdown of December 1998, another important irritant had developed on Baghdad's refusal to accept the "Road map" for accelerated inspection offered by chief weapons inspector Richard Butler. Butler's plan had spelled out specific measures including release of additional documents - that Iraq must take before the UNSCOM could certify that Iraq has destroyed all illegal weapons. Butler had presented his inspection plan, which he called, a "road map to disarmament" to the Security Council in a two day briefing which ended on June 24, 1998. This new plan had generated immense opposition in Iraq. Iraqi Deputy Prime Minister Tariq Aziz accused Butler of playing "tricks and games" at the bidding of the United States.\textsuperscript{45} Earlier Foreign Minister Saeed Sahhaf had noted that although Iraq had complied with UN resolutions, UNSCOM would not recommend lifting of sanctions. He said that the UN inspectors kept insisting on the same non-starter approach of casting doubts, building their understanding on assumptions, suspicions and not on facts and figures.

The ongoing friction between Iraq and UNSCOM flared up on August 5, 1998 when Iraq finally declared that it was ending its cooperation with UN inspectors and demanded the dismissal of Butler and restructuring of the commission on the ground that it was riddled with American and

\textsuperscript{44} On VX gas controversy see Patrick Cockburn "How Saddam Kept deadly gas secret" \textit{The Hindustan Times}, July 7. 1998.

\textsuperscript{45} \textit{The Hindustan Times}, August 6, 1998.
Israeli spies, and that Butler was working for American political objectives and therefore deliberately prolonging the work of UNSCOM and the UN sanctions against Iraq. In retaliation to Iraqi non-cooperation the Security Council on September 9, passed an unanimous resolution depriving Iraq of any hope of lifting sanctions until it resumes cooperation with UNSCOM. The council also decided not to review the sanctions issue periodically, which it used to do after every six months. It was also decided by UNSCOM that it would withdraw its weapons inspectors from Iraq. This move came amid reports that the US was preparing to launch a military strike against Iraq in a bid to force Baghdad to back down from its August five decision to freeze all cooperation with the UN inspectors. Meanwhile, Russia called for a diplomatic solution to the crisis, saying Washington should work with the UN rather than go it alone with military strikes. The UN Secretary General, in order to defuse the crisis urged Saddam Hussein to take a “wise decision” and resume cooperation with inspectors before it is too late. With the reported movement of powerful force of US bombers, warships and troops, the war had become almost near to break out. Clinton announced that inaction in the face of continuing provocation by Baghdad would permanently damage the credibility of the UN.46

However, acting in its old fashion Iraq once again blinked on November 14, and offered an unconditional cooperation with UNSCOM when the US strikes had become imminent. Consequently military action

was averted and the UN weapons inspectors had resumed their monitoring of suspected arms sites on November 18. But this was not all end of drama and within few days a new controversy was generated over some secret documents relating to Iraq’s prohibited weapons programme. These documents were demanded by Butler but was soon rejected by Iraqi government saying that many were already destroyed and that all other documents like personal diaries were either irrelevant or had already been reviewed by arms inspectors. Fresh clouds had started hovering over the Gulf region after UNSCOM charged with dismantling Iraq’s base of weapons of mass destruction withdrew from Iraq on December 16 alleging non-cooperation from Iraqis. Chief weapons inspector Butler in a special report to the Security Council accused about Iraqi non-cooperation over the inspection restored on November 14. He said that Iraq did not provide the full cooperation, which it had promised. Butler’s negative report days before a crucial review of UN sanctions on Iraq had drawn sharp reaction from Britain and US. They termed it as a very serious matter and threatened to launch sudden air strikes to quell Baghdad’s defiance. Butler’s report, which was eagerly awaited by Washington, marked a turning point in the whole UN process of disarming Iraq of its weapons of mass destruction. It’s damning condemnation of Iraq for its lack of cooperation and disclosure of information about its WMD provided the trigger for the US, supported strongly by UK, to launch a massive air campaign against Iraq little more than one month later.47

47. Amin Saikal no. 2, p. 292.
**Operation Desert Fox:**

Military action was averted in November 1998, but only narrowly. American and British forces were just minutes away from air strikes against Iraq when Baghdad signalled its willingness to yield to UN Security Council demand and allowed the unconditional resumption of weapons inspection. However, Iraqi acquiescence proved short-lived. On December 15, 1998 a critical report by the UNSCOM said that its work continued to be blocked by Baghdad. In response, Washington and London launched military strikes against Iraqi targets. The intense campaign lasting 4 days began on December 17 and ended on December 20 on the first day of Ramadan. The US President Bill Clinton said that he ordered the strikes on the military and security targets for Iraq’s defiance of the UNSCOM. He said “Saddam Hussein must not be allowed to threaten his neighbours with nuclear weapons, poison gas or biological weapons”. The campaign was called ‘Operation Desert Fox” which reportedly caused a large scale physical destruction and death of scores of civilian.

Bill Clinton declared the strikes on Iraq a success and said, “I am confident we have achieved our mission. We have inflicted significant damage on Saddam’s weapons of mass destruction programmes, on the command structures that direct and protect that capability and on his military and security infrastructure....So long as Saddam remains in power,


he will remain a threat to his people, his region and the world”.\textsuperscript{50} He further warned that the US and Britain would strike Iraq again if Saddam Hussein made any move to rebuild its weapons programme or threatened his neighbours.

Throughout the four day campaign, there were wakes of strikes against targets selected after careful study - command centres, missile factories and airfields. Also hit was an oil refinery in the southern Iraqi city of Basra which was allegedly being used to make clandestine oil exports in order to avoid UN sanctions. A special target was the headquarters and bases of the Republican Guard - the elite force that helped Saddam Hussein to maintain his grip on power. The idea basically was to demolish that support so as to encourage dissidents to be bolder in their challenge to the Iraqi regime. The missiles also hit half a dozen of Saddam’s Presidential palaces. The headquarters of the reigning Baath party was also attacked and badly damaged. The building was targeted because Baghdad had refused to allow UN weapons inspectors to inspect it. The Pentagon announced that 100 Iraqi targets were struck with about 450 sea and air launched cruise missiles as well as 650 air sorties. The damage assessment this time was more optimistic - out of 74 targets whose damage had been surveyed by spy plane or satellite photographs, 28 had been destroyed or severely damaged, and others had been partially destroyed. But that still left 18 of 74 targets with little or no damage.\textsuperscript{51}

\textsuperscript{50} Quoted in Kalpana Chittaranjan, “Iraq’s Nuclear Weapons Programme”, \textit{Strategic Analysis}, June 1999, p. 418.

The massive military campaign had sparked widespread condemnations. Recalling his US Ambassador in protest, Russian President Boris Yeltsin charged that “the United States and Britain have crudely violated the UN character and generally accepted principle of international law”. Yeltsin said that “the air strikes should be considered a blow to the whole system of international security. The central link of which is the United Nations and is Security Council.” China had charged that the US did not receive permission from the Security Council for the military strike and had acted unilaterally, and presumably in violation of the UN charter. French President Jacques Chirac called for a “Fundamental review” of the UN approach to Baghdad to try to put an end to eight years of tensions between Iraq and the international community.

The UN Secretary General Kofi Annan, who was able to broker a last minute peace accord in February 1998 when similar war clouds had been looming, did not get a chance this time. Annan described it a “sad day” for the UN. It was reported in the Observer that the aerial blitz by the United States and Britain on Iraq was against the wishes of Annan who wanted to give Baghdad more time before any military action was initiated. When a major divergence occurred between Annan and Anglo-American coalition leaders on their approach to tackle the Iraqi crisis, an American Security Council delegate reportedly “tore” up Annan’s letter suggesting Iraq be given more time before any military action. Annan

had also favoured a phased lifting of sanctions, probably through a comprehensive review of the Iraqi regime.\(^5\)

More interestingly in the USA the timing of the strike against Iraq had assumed more importance than the actual strike, with many Republican leaders accusing President Clinton of exploiting the crisis to divert attention from his impeachment imbroglio. Since Clinton had ordered the attack on Iraq just 24 hours before the full house was scheduled to debate his impeachment. Republican conservatives erupted a vociferous protest. They charged that the President was playing for time since he knew that Congress would not debate such wrenching issue when the nation was at war.\(^5\) However, in an opinion poll a two third majority of American people had supported the strike on Iraq and did not believed that Clinton had launched it to save his own skin.

To what extent the United States and Britain were successful in their mission to "degrade and diminish" Iraq's military capabilities may be a matter of debate but the most unfortunate part of this campaign was that the UNSCOM itself became one of the victims of the four day bombing. The UNSCOM can no longer now hope to return and carry on its task normally. Iraq in unequivocal terms declared that UNSCOM under present leadership would not be welcomed and inspectors entry into her country would be conditional on lifting of sanctions. The air assault finally destroyed the prospects of the UNSCOM operations in


Iraq, which after all did eliminate more banned weapons in Iraq than were destroyed during the six weeks of Desert Storm and four days of Desert Fox. The inspection regime had kept Saddam Hussein contained and gradually whittling down his military power. At present since no party is ready to budge from their stand the region seems to have entered into another stand-off between Iraq on one hand and the US and UN on the other hand.

During Operation Desert Fox, the way the Security Council was misused to carry on the wishes of one of its members and the manner in which other members were ignored put a very serious question mark before the UN. The recent revelation that the US had used the UNSCOM to spy on the most secret communications of the Iraqi regime by using intelligence devices to undermine it has severely questioned the credibility of the organisation. The question is who gave deadbeat America, which has consistently failed to pay over 1.5 billion dollar in UN dues, the right to assume the role of global gendarme and go over the head of the world body to enforce its will by firing missiles worth an estimated 170 million dollars a day at a nation that has already been brought to its knees by some of the most stringent sanctions ever levied?

The role of the UNSCOM chief Richard Butler also needs a careful scrutiny because his way of handling the situation is also responsible for crisis in Iraq. Some members of the Security Council had for long

55. *The Hindustan Times*, December. 21, 1998..
been critical for Butler of being closer to Washington than the world body for which he was working. Baghdad had been passionate in accusing Butler of lacking integrity and impartiality and Secretary General Kofi Annan had occasion to deplore his confrontational approach. Throughout his tenure, he stumbled from one crisis to another with the Iraqis. He was never trusted by Baghdad, which accused him of doing Washington’s bidding and turning UNSCOM into a nest of American and Israeli spies. By his own admission, Butler has functioned as little more than amanuensis to US officials. It has also now become amply clear that his decision to withdraw UN inspectors from Iraq - a move criticised by the Security Council - was taken solely on the advice of Peter Burleigh, the deputy US ambassador to the UN. Butler was also wrong in handing over an important report to the US and not to the Secretary General of the UN. Ritter has even claimed that what Butler did in the report was a ‘set up’ between him and Washington to justify the latter’s bombing campaign.\(^{56}\)

Butler’s report which triggered the US-British massive air campaign against Iraq, can also be contested on the ground that Iraq’s attitude towards UNSCOM should have been judged against 300 successful inspection undertaken by the latter since it resumed operation on November 18 rather than 5 instances of non-cooperation listed by Butler in his report. It has become evidently clear that it was Butler who complicated the problem with a deliberately biased report and by assuming a political role for the UN Security Council itself, instead of abiding with the task assigned.

to him of certifying Iraq’s compliance with UN resolutions. Although Butler cannot be entirely blamed for the downfall of UNSCOM, but his confrontational approach and oversights almost certainly played a critical role in bringing about the commission’s early demise.57

It is also pertinent to examine here whether Butler’s report was a suitable and sufficient ground to carry on a massive air strike without the recommendation of the UN Security Council? The United States has recently been arguing that it has the right to take military action against Iraq without further Security Council authorization on the ground that “existing resolutions” particularly Resolution 678 of November 1990 already provide such authorization, although only one of the other four permanent members of the Security Council the UK, has supported this point of view. However, it is important to note that any action in response to a violation of a provision of a Security Council resolution comes within the authority of the Security Council, not of Washington and London. But in this case other three members of the council were not consulted at all.58 Even if we accept the authorization under resolution 678, it was only the Security Council which was authorised to take action against Iraq. Neither any single member of the Security Council or any group of members of the World organization acting outside the framework of the body was authorised to take such action. The fact that one member

57. Amin Saikal, Ibid., p. 292.
of the United Nations may be in violation of an agreement, a Security Council resolution or any other legally binding rules does not make it legal for other members to carry out an armed attack against it. The manner in which the Security Council was made to feel so sorry, shows nothing but the utter helplessness of the world body. If the things move in the same direction, in fact the world will doubt the role of UN as a peace keeping organization.

Although the US-UK December 1998 military campaign technically lasted for four days but the bombing missions by American planes have never really stopped. Almost on daily basis the US and British planes still continue to operate from their base in Kuwait or Turkey or from aircraft carriers to pound Iraqi missiles and anti-aircraft installations in which civilian casualties also take place. The ostensible reason for the raids is to protect American pilots operating in the “no fly zone” from any attack from Iraqi defence establishment, but the claim of acting in self-defence is “only part of the story”. Infact, the US is really engaged in is a “low grade war fashioned by the military and administration”. With the objective of destabilizing Saddam Hussein. The non-fly zone imposed by Washington above the 36th and below the 33rd parallel to the north and south of Iraq itself is one of the most blatant violations of national sovereignty anywhere in the world. It makes a mockery of the UN Charter. What is most surprising, however, is that the rest of the world has shown

little interest in these brazen acts of aggression. Neither the UN nor any other organisation has considered it necessary to focus attention on what is clearly a violation of a sovereign country's territory. As the continued raids on Iraq confirm, the US, has become a law unto itself, arrogantly following the rule of "might is right".

After almost one year of stand-off the USA and UK succeeded in the Security Council when it adopted Resolution 1284 at its 4084 meeting, against Iraq on December 17, 1999. This new resolution provides for establishment of UN Verification and Inspection Commission (UNMOVIC) and oversee the destruction of weapons of mass destruction, which will have unrestricted access to any and all areas, facilities, equipments, records and means of transport. The resolution also provides retaining of the International Atomic Energy Agency (IAEA) to monitor Iraq's nuclear weapons programme. Hans Blix, a former Swedish Foreign Minister and former Director General of the IAEA, has been appointed to head the new UN weapons inspection team. The major task before Blix will be to create a work programme, and then draw up a list of key remaining questions about Iraq's disarmament that Baghdad must answer before the council would consider suspending sanctions.\(^{60}\)

Although the new UN weapons inspection team has not yet started its work, many express doubts over its success. Mere replacement of one team with another one with new name and more power will not help

\(^{60}\) The Pioneer, January 29, 2000.
unless those questions are addressed which led to demise of UNSCOM. What is now required is a bold constructive approach that would take the regime of weapons inspection out of the hands of the Security Council's permanent members and disentangle its objectives and operations from US political goals. The new UN weapons inspection regime should be allowed to work independently under the direct supervision and control of the UN Secretary General. The inspection process should be conducted in such a way as not to enable any particular country to gain dominance. One of UNSCOM's biggest problems was its lack of a clearly defined end game. It is never easy to declare a completely satisfactory end to any process of weapons inspection, especially those dealing with biological weapons, which can be hidden away in small quantities from any regime of inspection. Ultimately, subjective judgement would have to be applied and an arbitrary line of some kind drawn as the only way of termination of the process. Without a clearly defined end game, the goalpost can easily be changed, as the US did in respect of Iraq.  

The US double standard and selective approach in the field of disarmament and arms control has always been a matter of intensive debate. If Washington is genuinely interested about eliminating Iraq's WMD capabilities, then it must not be discriminatory in its approach. It should work for the transformation of the entire Middle East region into a 'zone

61. Amin Saikal. n. 2, p. 293.
free of WMD'. It is only in this way that a genuine regime of arms control could be established in the area and that Iraq could be persuaded to give up its programmes of WMD altogether. Otherwise, irrespective of whether Saddam Hussein or some one else is in power in Baghdad, there would always be many other Arab and Iranian nationalists who would share his conviction for as long as Israel remains armed with WMD.

Though the idea of establishment of UNSCOM to disarm Iraq of its WMD was novel and pioneering but from very beginning the US wanted to use it to promote its own political agenda rather than allow it to achieve the goals for which it was established. And this was at the heart of the whole arms inspection imbroglio in Iraq. Washington was more interested in destroying Saddam’s regime than eliminating Iraq’s WMD. And UNSCOM early fell into trap due to its vulnerable position on account of its financial dependence, composition and highly specialised method of operation. And most importantly the approach and style of functioning of UNSCOM’s Chief Butler proved to be more suicidal. A combination of these issues was in the end largely responsible for the discrediting and demise of UNSCOM. Yet the problem of Iraq continues to remain unresolved. It is yet to be seen whether newly established UNMOVIC will succeed or will go UNSCOM’s way.
