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The UN Disarmament Process: French and American Lessons from Iraq

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A lot has changed in Iraq since March 2003: the United States and its allies have occupied the country, the Ba'athist regime is gone, and Saddam has been captured. Yet at least one thing remains the same: the UN inspectors still search for Saddam's weapons programs. Although no longer allowed to enter Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), the United Nations inspectorate for Iraq, released its quarterly report to the Security Council–the fifteenth of its kind—on December 3, 2003.

This report did not get much attention, particularly in contrast to the vast media scrutiny the UNMOVIC reports received in the lead-up to the war. This is because the real inspection work in Iraq is now carried out by a U.S.-led group, the Iraq Survey Group (ISG), that has no relationship to the United Nations. The U.S. government sees in the findings of the ISG, reported to Congress in October, proof that UN inspections failed to uncover or impede Iraq's WMD programs. In sharp contrast, the French see the UN disarmament mission to Iraq as a reason and as a the starting point for a more institutionalized system of weapons inspections. They have suggested the creation of a permanent body of international inspectors under the supervision of the United Nations.[1]

In short, the French muse about the value and need for UN inspections, while the Americans declare them useless and irrelevant. Do these different appreciations of UN inspections mean that the U.S. and France are now doomed to disagree about the best methods for preventing and reversing WMD proliferation? Some developments after the end of UN inspections already suggest that disagreement is not inevitable. Moreover, reconciling the French and American views on the experience in Iraq will be the key to building international consensus on current and future proliferation issues in Iran, North Korea, Syria and elsewhere.

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[1] Speech by French President Jacques Chirac to the opening of the United Nations General Assembly, September 23, 2003 available at http://www.elysee.fr/cgi-bin/auracom/aurweb/search/file?aur_file=discours/2003/NY030922E.html .

American and French Lessons from Iraq

Two sets of factors help explain why the French and American views moved away from the 1991 consensus that followed the Persian Gulf War and became the diplomatic struggle over the Iraq war in 2002-3. One has to do with the ambiguities and complexity of the UN mandate itself, which provided room for conflicting interpretations. The other is due to diverging assessments in both countries about how to deal with Iraqi resistance to inspections and the threat it posed to the international community.

The Security Council unanimously created a mandate for UN inspections in Iraq in April 1991. UN Security Council Resolution 687 imposed upon Iraq very extensive and complex obligations. First, Iraq was to be disarmed of all its nuclear, biological, chemical weapons and long range missiles. Then, to prevent the development of future weapons programs, dual-use facilities were to be placed under an ongoing monitoring and verification (OMV) mechanism. The burden of proof rested with Iraq to provide information about its weapons and weapons programs. Verification and enforcement were to be conducted by international inspectors from the International Atomic Energy Agency (IAEA) for the nuclear component and from the newly created UNSCOM, the UN Special Commission (UNSCOM), for the other components. The resolution granted both bodies intrusive access and investigation rights.

The resolution envisioned a disarmament process of only a few months, but the process continued for twelve years during which time the French and the American views on inspections grew progressively incompatible. This is because over its twelve years of implementation, this original scheme underwent some important and problematic changes. Inspectors were soon confronted with strong, well-organized Iraqi resistance to their activities. At first, the Security Council reacted forcefully, condemning Iraqi non-cooperation in several resolutions. But as Iraqi non-cooperation persisted, disagreements within the Council on the proper course of action appeared and resulted in a deadlock on how to react. UN weapons inspectors were thus left to implement their mandate in the face of Iraqi non-cooperation and without clear deadlines and standards against which to assess Iraqi conduct. They took upon themselves the burden of demonstrating the extent of Iraq's weapons programs, which they were never really able to do.

In December 1998, after a long series of conflicts with the Iraqi regime, UNSCOM and IAEA inspectors withdrew from the country in anticipation of an Anglo-American military operation against Iraq, Operation Desert Fox. Debate on the future of the UN disarmament mission to Iraq followed. Some countries, most vocally France, judged that achieving a complete inventory of Saddam's weapons program was simply out of reach and advocated implementation of an OMV mechanism to impede progress rather than eliminate the weapons altogether. Others, including the United States and the United Kingdom, still considered the disarmament objective to be crucial. In short, the U.S. government favored continued inspections, while the French government supported some variant of engagement.

Faced with these developments, France and the United States adopted very different standards for the success of inspections. France promoted a moderate standard, based on what former UNSCOM inspector Scott Ritter later called "qualitative disarmament" (containment as a sufficient goal; accepting a certain degree of uncertainty over Iraqi programs; partial

disarmament combined with OMV). In contrast, the United States pushed toward positive verification and "quantitative disarmament" (complete and proven disarmament), a much stricter standard.[2] It is because their standards were so different that the French and the American assessments of the inspectors' achievements diverged so strongly.

In November 2002, when the UNMOVIC weapons inspectors were finally sent back to Iraq under UNSC Resolution 1441, the French and American positions had both changed. The U.S. government was now hinting at the possibility of a preventive war on Iraq, while France was defending the inspections regime. The dividing line had thus shifted, but still the differences remained. In changing their views, both countries followed parallel tracks and both evolved towards a stricter position, largely as a consequence of 9/11.

Today, transatlantic disagreements are best reflected in the gap between the French and American assessments of the United Nations' experience with the disarmament of Iraq. The American lesson from twelve years of off-and-on inspections in Iraq is that the United Nations failed. The UN inspectors were trapped in a "cat and mouse" game that created the illusion that something was being done, while Saddam was actually leading the game and deceiving the international community. In contrast, France stresses the fact that, in the long run, the inspections allowed the international community to dismantle an important part of Saddam's weapons programs and, at the very least, prevented him from making any important progress. In the French view, whenever the inspectors were provided with adequate resources and could rely on the Security Council's support, the inspections worked.

A Franco-American Consensus on the UN Disarmament Process

The prospect for transatlantic agreement, and thus progress, on the role of the inspections in non-proliferation will depend on finding consensus on three issues that flow in part from the experience of inspections in Iraq: the possibility of verification in non-proliferation regimes, the role of future UN inspections in Iraq, and the UN's role in non-proliferation and disarmament beyond Iraq.

On the first issue, the view in certain European circles is that problems in Iraq gave the U.S. government a pretext to reject all kinds of inspections regimes, such as the verification protocol to the Biological Weapons Convention and the Comprehensive Test Ban Treaty. This view is excessive. Only some extreme elements in the administration insist that because UN inspections failed in Iraq in spite of a very intrusive mandate there must necessarily be a general flaw with all types of verification. The dominant view is more moderate and pragmatic, considering verification and inspections as only one tool among others to deal with proliferation. Other tools include appropriate use of national intelligence assets, national criminalization of proliferating activities, bilateral cooperation, and coercive enforcement through Security Council sanctions or through preventive military action.

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[2] Scott Ritter, "Le cas du désarmement qualitative irakien," *Pensée* 2002 no. 330, pp. 116-128.

On the other hand, the French position on non-proliferation is also not as extreme as is sometimes believed in the United States. The French understand and support the idea of a set of tools to be used alternatively or together. In the debates over the future of the UN disarmament regime for Iraq in 1999, they were very willing to recognize that inspections might not be an appropriate tool when confronted with an unfavorable political context. They also increasingly and explicitly share the American concern about the need to ensure and even enforce compliance with existing agreements before creating new ones. There is thus enough room for compromise and agreement on these issues, as on the Proliferation Security Initiative or the extension of threat reduction programs beyond Russia. Disagreements on the issue of preventive war as a last resort should not prevent consensus on other issues.

The prospect for consensus on the second issue, future UN inspections in Iraq, is much lower. Since the end of major combat operations in Iraq, France has very clearly and consistently expressed its support for sending the UN weapons inspectors back into the country. The Bush administration has just as clearly and consistently refused. The support officially granted to the French position by the Russian and even the British governments cannot be ignored by Washington. Yet, to recreate a transatlantic dialogue, France and the United States would have to overcome their strong disagreements over the past, a condition that has not yet been met. A compromise could be reached by waiting for the Iraq Survey Group to finish its inventory of Saddam's past weapons programs and then by creating a limited mandate for UN weapons inspectors to monitor future developments in Iraq and prevent weapons programs from ever being restarted. The latter goal is certainly shared by the United States. Especially as the 2004 presidential election nears, the current administration might be convinced by the prospect of sharing with its partners the costs and responsibility for this necessary task.

The prospect for consensus on the final issue—the future role for the UN on disarmament issues—is very difficult to predict. Some signs are favorable but the global picture is still mixed. The United States has expressed interest in providing the Security Council with new tools for dealing with the proliferation of WMD. It has suggested the adoption of a non-proliferation resolution that would provide for criminalization on the national level of proliferation. It could also easily agree to the creation of a Security Council committee responsible for monitoring the implementation of this resolution, as was suggested by the British government. It will be much more difficult for the current administration to agree to an operational role for the UN on these issues, i.e. on future UN weapons inspections in other countries. This is what the French initiative in favor of a permanent body of UN inspectors would mean.

If France hopes to ever convince the United States of the value of a permanent corps of UN inspectors, it must address at least some the American concerns. Presenting UN inspections as a universal remedy for all of its dysfunctions and flaws in the existing disarmament regimes would only be met with skepticism not only from the United States but from many UN members. The French effort should thus rather be to demonstrate how UN disarmament inspections address a need and how they would bring an added value compared to other available tools. Moreover, more damage could be done to the credibility of UN inspections and of the Security Council itself if inspections only appear to be another way of deferring decisions on compliance and enforcement—the Americans' main complaint about the French method for dealing with Iraq.

The UN experience with disarmament in Iraq has been exceptional in many ways. The disarmament regime imposed in 1991 was and still is unique. It would certainly be a loss if the expertise developed by the UN in this field simply vanished. There is room for a transatlantic consensus on these issues. French and American strategic interests in non-proliferation are at base very similar. Yet both partners still need to acknowledge this and take more definite steps to reconcile their understandings of the past and to address each others' concerns for the future.